

A Legal Analysis of Consumer Protection in the E-commerce Sector in Bangladesh

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Abstract

The rapid expansion of e-commerce in Bangladesh has transformed consumer behaviour, while also raising urgent questions about legal safeguards in the digital marketplace. This article offers a legal analysis of the current consumer protection framework in Bangladesh, with a specific focus on its applicability and adequacy in the context of online transactions. The study adopts a doctrinal methodology, relying on secondary sources such as national legislation, case law, policy documents, and international best practices to critically assess existing legal provisions. Findings reveal that the Consumer Rights Protection Act (CRPA) 2009, which governs consumer protection in Bangladesh, is largely outdated in the face of emerging challenges posed by digital commerce. Key issues include the absence of data protection provisions, insufficient regulation of cross-border e-commerce, weak enforcement mechanisms, and limited institutional coordination. The analysis further highlights how legal ambiguity and administrative inefficiencies erode consumer trust and hinder sustainable e-commerce growth. The study argues that meaningful reform of consumer protection laws, aligned with digital realities and international standards, is essential. Strengthening the legal framework can empower consumers, ensure fair digital trade practices, and support long-term economic resilience. The article offers targeted recommendations aimed at legal modernisation and institutional capacity-building.

Keywords : Consumer protection, e-commerce, legal analysis, online, fraudulent, digital marketplace etc.



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1. INTRODUCTION

E-commerce encompasses the buying and selling goods or services through the Internet or other electronic systems, utilizing digital means to initiate and complete commercial transactions. According to Kalakota and Whinston (1997),

"Electronic commerce is buying and selling of goods and services or transmitting funds or data, over an electronic network, primarily the internet."

The rise of the digital era has transformed how people shop, making e-commerce a booming industry worldwide. Bangladesh is no exception, as the number of internet users in the country has grown exponentially in the past decade. In January 2024, Bangladesh had 77.36 million internet users, representing an internet penetration rate of 44.5 percent of the total population (Kemp, 2024). The growth of e-commerce has presented numerous benefits to consumers, such as convenience and access to a wider range of products. However, it has also given rise to new challenges for consumer protection, as fraudulent activities and inadequate safety measures have become common in the sector (Sameh, 2021). The concept of e-commerce was emerged properly in Bangladesh in 2012 with the growth of the internet and increase in the use of mobile devices. However, the growth of e-commerce in Bangladesh was initially slow due to a lack of infrastructure, low internet penetration, and limited access to electronic payment systems (Sameh, 2021). In recent years, the growth of e-commerce in Bangladesh has accelerated due to the government's initiatives to promote a digital economy, the rapid growth of mobile internet penetration, and the increase in online payment systems (Sameh, 2021). This rise in internet penetration has led to a surge in e-commerce activity with the market size expected to reach US\$6,800.00m in 2024 (Statista, n.d.). However, the lack of proper legal frameworks and regulations for e-commerce has created a gap in consumer protection, leaving consumers vulnerable to fraudulent and unethical business practices.

From a Bangladeshi perspective, the Consumer Rights Protection Act (CRPA) 2009, while foundational, is increasingly proving inadequate and largely outdated in addressing the complexities of online transactions. Key consequences of this legislative gap include a notable absence of data protection provisions, insufficient regulation of burgeoning cross-border e-commerce, and

weak enforcement mechanisms that struggle to keep pace with fraudulent activities. These systemic issues, coupled with limited institutional coordination, erode consumer trust and pose a substantial impediment to the sustainable development of the e-commerce sector. Therefore, a comprehensive legal analysis of Bangladesh's current consumer protection landscape is not only timely but critically significant, aiming to identify these legislative and enforcement shortcomings and propose reforms essential for empowering consumers, ensuring fair digital trade practices, and bolstering long-term economic resilience in the digital age.

Inadequate consumer protection measures in e-commerce are not unique to Bangladesh. The global nature of e-commerce has led to various challenges in protecting consumer rights, including cross-border transactions, lack of standardisation, and difficulty enforcing legal remedies. The global nature of e-commerce means that inadequate consumer protection in one region can have ripple effects, hindering cross-border trade and eroding international trust. Therefore, aligning Bangladesh's legal framework with international standards is not merely a domestic concern but a strategic imperative for sustainable digital economic growth. Consumer rights are the legal and ethical principles that protect the interests of consumers in the marketplace. These rights may include the right to safety, the right to be informed, the right to choose, the right to be heard, and the right to redress. The United Nations Guidelines for Consumer Protection (1999) define consumer rights as *"the right to satisfaction of basic needs, the right to safety, the right to be informed, the right to choose, the right to be heard, the right to redress, and the right to consumer education"* (United Nations Guidelines for Consumer Protection, 2015 revision). These principles ensure that consumers are treated fairly, can make informed decisions, and have avenues for addressing grievances, thereby fostering trust and fairness in the marketplace.

The United Nations Conference on Trade and Development (UNCTAD) estimated that 50% of global consumers do not have effective consumer protection when buying online (UNCTAD, 2020). Therefore, the need for a comprehensive legal framework for consumer protection in e-commerce is crucial in Bangladesh as well as in other countries around the world. This article discusses the current legal framework for consumer protection in Bangladesh's e-commerce sector and analyzes how it can be improved to better safeguard

consumers' rights. The article will provide a detailed analysis of the relevant laws and regulations and examine their effectiveness in ensuring fair and transparent e-commerce practices.

2. OBJECTIVES AND RESEARCH METHODOLOGY

The primary objective of this study is to examine the effectiveness of the existing legal framework in protecting consumer rights within the rapidly evolving e-commerce sector in Bangladesh. The broader aim is to assess whether the current laws are responsive to digital commerce challenges and to identify legal and institutional gaps that hinder enforcement. Specific objectives include:

- To analyze the scope and limitations of the Consumer Rights Protection Act, 2009 in addressing e-commerce-related issues
- To evaluate the role of relevant regulatory bodies in ensuring consumer protection in the digital marketplace
- To draw comparative insights from selected international jurisdictions to identify best practices adaptable to the Bangladeshi context
- To propose legal and policy reforms to strengthen consumer protection in e-commerce

This study followed a doctrinal legal research approach, based solely on secondary sources. The analysis draws upon relevant statutes and rules in Bangladesh, including the Consumer Rights Protection Act, 2009 and other applicable laws. It also examines policy reports, case law, government notifications, and comparative legal materials from jurisdictions with developed e-commerce frameworks, such as the European Union, India, and the United Kingdom.

3. OVERVIEW OF THE E-COMMERCE MARKET IN BANGLADESH

Bangladesh has seen a rapid growth in the e-commerce sector in recent years. The growth in internet usage has led to an increase in e-commerce transactions, with a recent study estimating the value of the e-commerce market in Bangladesh to be USD 6,800.00m in 2024(Statista, n.d.), with a projected growth rate of 25% annually (Daily Star, 2021). The market is dominated by

online marketplaces, such as Daraz, Ajkerdeal, and Bagdoom, which offer a range of products and services to consumers. These platforms provide consumers with access to a vast array of products from different sellers, making online shopping more convenient and cost-effective. They also offer various payment options, including cash on delivery, mobile banking, and credit card payments, which have contributed to the growth of the e-commerce sector in Bangladesh. However, the e-commerce sector in Bangladesh is not without its challenges. One significant challenge is the inadequate logistics infrastructure, which results in delays and disruptions in the delivery of products. This issue is exacerbated by poor road networks and traffic congestion in urban areas (Asian Development Bank, 2018). Moreover, there is a lack of trust among consumers due to the prevalence of fake products and fraudulent sellers. This lack of trust has resulted in consumers being hesitant to shop online and has hampered the growth of the e-commerce sector. In addition to logistical and trust issues, low levels of digital literacy among consumers also pose a significant challenge to the e-commerce sector in Bangladesh. Many consumers are not familiar with online shopping processes which can lead to confusion and frustration when navigating e-commerce platforms. Addressing these challenges is critical to the growth and sustainability of the e-commerce sector in Bangladesh.

Challenges exacerbated as the e-commerce sector has witnessed a surge in consumer complaints in recent years, exposing serious gaps in legal oversight and enforcement. According to the Directorate of National Consumer Rights Protection (DNCRP), between July 2017 and September 2022, over 30,000 complaints were lodged against 47 e-commerce companies and various Facebook-based businesses, with more than 56% of these cases still unresolved (The Financial Express, 2022).

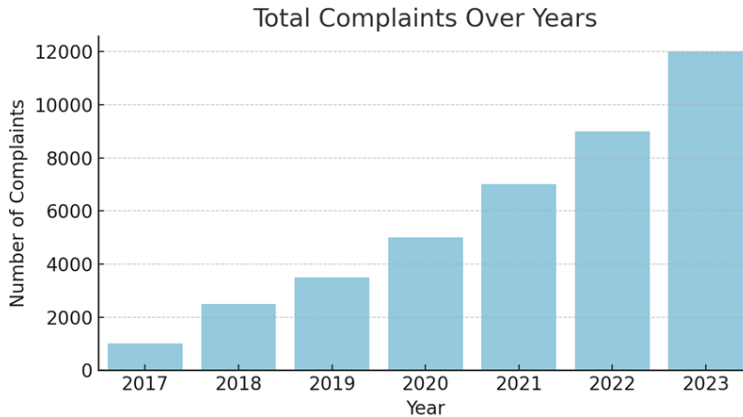


Figure 1: Total Complaints Over the Years (2017–2023)

(A year-wise breakdown of the number of complaints lodged against e-commerce platforms, highlighting a significant upward trend.)

As Figure 1 illustrates, the volume of consumer complaints has grown steadily each year, indicating rising dissatisfaction and possibly increased consumer awareness.

In 2023 alone, over 12,000 complaints were recorded against online businesses, many involving fraud, non-delivery, false advertising, and failure to process refunds (RSIS International, 2023). Table 1 below summarizes the scale and resolution status of complaints lodged against major e-commerce and F-commerce platforms in Bangladesh over recent years.

Table 1: Summary of Major E-commerce Complaint Statistics (2017–2023)

Platform	Complaints Lodged	Resolved (%)
Evaly	10000	41.0
E-orange	6000	0.5
Dhamaka Shopping	323	18.0
F-Commerce Vendors	4200	30.0
Total (All platforms)	30000	44.0

This table presents complaint volume and resolution rates across major platforms, illustrating the systemic weaknesses in Bangladesh's consumer redress mechanisms. Among the most notorious offenders were platforms like Evaly, Eorange, and Dhamaka Shopping. Evaly alone was the subject of over 10,000 complaints, with only 41% resolved, while E-orange resolved just 33 out of more than 6,000 cases (The Financial Express, 2022). Similarly, Dhamaka Shopping faced 323 complaints and had an even lower settlement rate of around 18% (The Daily Star, 2021). These statistics reflect a systemic failure in consumer grievance redressal mechanisms and points towards the urgent need for regulatory reform.

A particularly alarming trend is the rise of fraud in Facebook-based commerce, or F-commerce. During Ramadan and Eid in 2023, over 4,200 complaints were submitted to the DNCRP, with nearly 70% tied to F-commerce vendors (New Age, 2023). Complaints ranged from deceptive advertisements and counterfeit goods to refusal to offer refunds or replacements (New Age, 2023). Many of these businesses operate without proper registration or legal accountability, further complicating enforcement efforts. In terms of enforcement, the DNCRP has undertaken more than 41,000 drives since its establishment in 2010, resulting in penalties for approximately 97,000 businesses and fines totaling around Tk 680 million (Prothom Alo, 2023). In 2021, the agency fined 17 well-known platforms including Daraz, AjkerDeal, and Foodpanda for misleading advertisements and delivery failures, imposing total fines of around Tk 600,000 (The Daily Star, 2021). Yet, these efforts have not fully restored consumer confidence, largely due to delayed justice and a lack of follow-through.

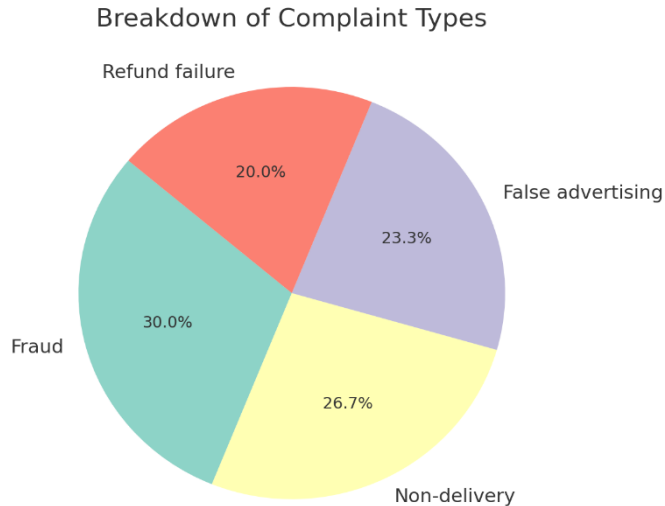


Figure 2: Breakdown of Complaint Types

Figure 2 provides a breakdown of the types of complaints received, further revealing the multifaceted nature of consumer grievances. The visuals above make it evident that consumer dissatisfaction in Bangladesh's e-commerce ecosystem is not only widespread but also persistent. The steady rise in complaint volumes, coupled with a low-resolution rate and the dominance of fraud-related issues, underscores the urgency for stronger legal enforcement and platform accountability.

One of the most pressing issues is the enormous volume of unpaid refunds. As of mid-2024, nearly Tk 127 crore owed to consumers by e-commerce platforms remained stuck in payment gateways despite government efforts to implement an escrow system (The Daily Star, 2024). The failure to release these funds reflects poor coordination between regulatory bodies and payment service providers. Several challenges impede enforcement. Many e-commerce platforms craft their terms and conditions in complex legal English, making it difficult for ordinary consumers to understand their rights. These opaque agreements often protect platforms from liability, making it harder for regulators to act effectively (Prothom Alo, 2023). Compounding the issue is the

lack of a dedicated legal framework for e-commerce-specific consumer rights, leaving regulators to rely on outdated legislation that was not designed for digital transactions (RSIS International, 2023). Collectively, the data reveals that despite isolated enforcement actions, Bangladesh has made little meaningful progress in curbing widespread violations of consumer rights in the e-commerce sector. The scale of unresolved complaints, delayed refunds, and regulatory inaction highlights a systemic failure that demands urgent and comprehensive legal and institutional reform.

4. THE IMPACT OF E-COMMERCE ON THE NATIONAL ECONOMY OF BANGLADESH

The e-commerce sector in Bangladesh has had a significant impact on the country's economy in recent years. It has created new employment opportunities, boosted exports and increased economic growth. One of the major benefits of e-commerce in Bangladesh is that it has created new job opportunities for people. Many e-commerce companies have set up operations in the country which has led to an increase in demand for skilled workers. According to a report by the Bangladesh Association of Software and Information Services (BASIS), the e-commerce industry has created around 50,000 jobs in the country (CUTS International, 2024). This has had a positive impact on the overall employment rate of the country (*Bangladesh - eCommerce*, 2022). Another benefit of e-commerce is that it has provided a platform for small and medium-sized enterprises (SMEs) to expand their businesses. E-commerce has enabled SMEs to reach customers beyond their local areas and expand their customer base. According to a report by the International Trade Centre (ITC), e-commerce has the potential to help SMEs in Bangladesh to increase their exports by 15-20% (International Trade Centre, 2020). E-commerce has also helped to increase economic growth in Bangladesh. With the rise of online shopping, the e-commerce sector has become an important contributor to the country's Gross Domestic Product (GDP). According to a report by the Asian Development Bank (ADB), the e-commerce sector is expected to contribute up to 3% of Bangladesh's GDP by 2025 (Asian Development Bank, 2018). Overall, the e-commerce sector in Bangladesh has been a positive development for the country's economy. It has created new jobs, provided opportunities for SMEs to expand and contributed to economic growth. As the sector continues to grow, it is expected to have an even greater impact on the country's economy.

E-commerce Market Size in Bangladesh

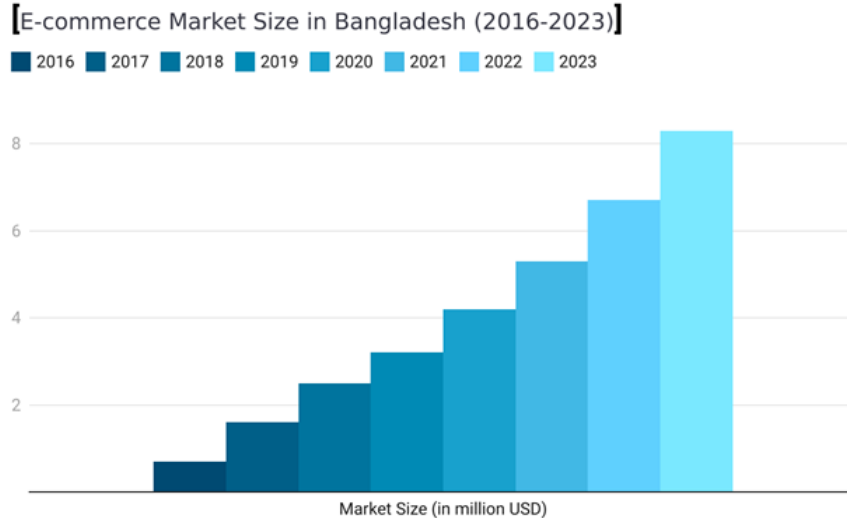


Figure 3: E-Commerce Market Size in Bangladesh (2016 - 2023). (Statista, n.d.)

The chart shows the E-commerce market size in Bangladesh from 2016 to 2023 in millions of US dollars. The chart displays the market size in a grouped column chart format, with each year's data represented by two adjacent columns, one for the online retail market size and the other for the online travel market size. The vertical axis represents the market size in millions of US dollars, while the horizontal axis represents the years from 2016 to 2023. The chart indicates that the online retail market size has been consistently higher than the online travel market size in Bangladesh throughout the period. The market size for both online retail and travel has been increasing every year with significant growth projected for both markets in the future.

5. LITERATURE REVIEW

Consumer protection in the e-commerce sector is a multidimensional concept that involves various stakeholders, such as consumers, e-commerce businesses, regulators, and policymakers. The conceptual framework of consumer protection in e-commerce includes legal provisions, regulatory mechanisms, industry standards, and consumer education (Jain et al., 2021). A robust legal framework is essential for ensuring consumer protection in the e-commerce

sector. Consumer rights are fundamental rights that protect consumers from unfair trade practices, fraud, and deception. The importance of consumer rights in the e-commerce sector cannot be overstated as online transactions are often complex and involve numerous risks for consumers. The five basic consumer rights are the right to safety, the right to information, the right to choice, the right to be heard, and the right to redress (Ullah, 2022). E-commerce businesses must respect these rights and ensure that consumers are protected from harm.

The legal framework for consumer protection in Bangladesh is complex and fragmented with various laws and regulations governing different aspects of consumer protection. The main laws governing consumer protection in Bangladesh are the Consumer Rights Protection Act, 2009 and the Electronic Transactions Act, 2006 (Mia & Mallick, 2021). However, the implementation of these laws is often weak, and consumers face numerous challenges when seeking redress for violations of their rights.

Table 2: Common Types of E-commerce Fraud in Bangladesh

Fraud Type	Description
Identity theft	Theft of personal information such as name, address, date of birth, social security number and other sensitive data to fraudulently impersonate someone else. This may be done to apply for credit, open bank accounts, or make purchases using someone else's identity. (NortonLifeLock, 2022).
Chargeback fraud	When a customer disputes a legitimate transaction in order to fraudulently receive a refund while still retaining the goods or services purchased (Mastercard, 2021).
Phishing and social engineering	Using fake websites, emails, or other communication methods to trick people into divulging personal or financial information (IBM, 2023).

Friendly fraud	When a customer disputes a legitimate transaction without malicious intent, usually due to a misunderstanding of the terms and conditions of a purchase (Mastercard, 2021).
Affiliate fraud	When an affiliate marketer uses illegitimate methods to generate fraudulent sales and receive commission, such as using fake or misleading advertising (FTC, 2022).
Account takeover	When a criminal gains access to someone else's online accounts, usually by stealing login credentials, to make fraudulent purchases or transactions (FTC, 2022).
Synthetic identity theft	Creation of a new identity using a combination of real and fake information to open new accounts or make fraudulent purchases (Experian, 2023).
Triangulation fraud	A scheme where a criminal sets up a fake e-commerce site, using it to gather credit card details and other sensitive information. The criminal then uses this information to purchase goods or services from legitimate sites and ship them to a third party for resale (FTC, 2022).

The e-commerce sector in Bangladesh has seen significant growth in recent years. The sector is dominated by online marketplaces, such as Daraz, Ajkerdeal, and Bagdoom, which offer a range of products and services to consumers. However, the sector is also characterized by challenges such as inadequate logistics infrastructure, lack of consumer trust, and low digital literacy among consumers (Hossain, 2018).

Consumers in the e-commerce sector in Bangladesh face numerous challenges, including fraud, fake products, unreliable delivery systems, and inadequate after-sales services (Hossain, 2018). The lack of consumer protection mechanisms and weak enforcement of existing laws exacerbate these challenges. The existing legal provisions for consumer protection in the e-commerce sector in Bangladesh are scattered across multiple laws and regulations. The Consumer Rights Protection Act, 2009 provides for the protection of consumer rights, including the right to information, the right to

choice, and the right to redress. However, the Act does not specifically address e-commerce transactions. The Electronic Transactions Act, 2006 provides some provisions for e-commerce transactions, but their implementation remains weak (Hossain, 2018). The lack of a comprehensive legal framework for consumer protection in the e-commerce sector in Bangladesh poses significant challenges for consumers.

6. PREVALENCE OF FRAUDULENT ACTIVITIES IN THE E-COMMERCE SECTOR

The prevalence of fraudulent activities is another significant challenge for consumer protection in Bangladesh. The sale of counterfeit products, delivery of damaged or defective goods and misleading advertisements are some of the fraudulent activities that consumers face in the digital space and e-commerce sector. A total of 19,623 complaints against 50 e-commerce companies, involving approximately Tk 600 crore, are currently pending with the Directorate of National Consumer Rights Protection (DNCRP), leaving customers uncertain about the recovery of their money (Halder, 2023).

Many consumers are not aware of their rights and the legal framework for protecting those rights. This lack of awareness makes it easier for fraudulent activities to persist. For instance, consumers may not realize that they have the right to return a product if it is damaged or defective, or that they can file a complaint against a business that engages in misleading advertisements.

7. LEGAL FRAMEWORK FOR CONSUMER PROTECTION IN BANGLADESH

The legal framework for consumer protection in Bangladesh is governed by several laws, including the Consumer Rights Protection Act 2009 and several other laws. The Consumer Rights Protection Act 2009 provides for the establishment of the Directorate of National Consumer Rights Protection, responsible for protecting consumers' rights and interests. The Act also sets out a range of consumer rights, including the right to safety, the right to be informed, the right to choose, and the right to be heard.

In addition to the CRP Act of 2009, several other laws in Bangladesh provide support and protection for consumer rights, albeit not exclusively for e-commerce consumers. Nonetheless, some provisions of these laws are currently in use to safeguard the rights of e-commerce consumers. These laws include

The Sale of Goods Act of 1930, the Control of Essential Commodities Act of 1956, the Essential Articles (Price Control and Anti-Hoarding) Act of 1953, The Contract Act of 1872, Penal Code 1860, Special Powers Act of 1974, and the Information and Communication Technology Act of 2006.

The Constitution of the People's Republic of Bangladesh

The Constitution of the People's Republic of Bangladesh, while not explicitly mentioning "consumer rights," lays down a robust framework for safeguarding fundamental rights, implicitly supporting consumer protection. Articles such as Article 32, guarantee the right to life and personal liberty (Constitution of the People's Republic of Bangladesh, art. 32), ensure the provision of safe products and services, shielding consumers from hazardous goods. Additionally, Article 27 ensures equality before the law (Constitution of the People's Republic of Bangladesh, art. 27), granting consumers equal protection and recourse against unfair practices. Article 31 further reinforces protection from exploitation (Constitution of the People's Republic of Bangladesh, art. 31), covering consumer safeguards against fraudulent activities. Furthermore, Article 18 mandates the state to prioritize public health, thereby indirectly ensuring access to safe and healthy consumer products and services. Article 15 asserts that the right to food security is a fundamental principle of public policy. It emphasizes the state's responsibility to ensure that citizens have access to adequate food and nutrition, which is essential for their well-being and survival. This provision indirectly supports consumer rights by advocating for safe and sufficient food supplies. These constitutional provisions collectively form a foundation for protecting consumer rights within Bangladesh's legal framework.

Consumer Rights Protection Act 2009

The Consumers' Right Protection Act, 2009 (CRPA) was enacted to safeguard consumers' rights, curb anti-consumer practices, and establish mechanisms for consumer protection, particularly in the emerging e-commerce sector. The Act defines consumer rights, outlines anti-consumer practices and sets up institutions to enforce these rights. The CRPA defines a consumer as an individual purchasing goods or services for personal use, excluding those intended for manufacture or resale (CRPA, 2009, s. 2(19)), thereby delineating its applicability in the e-commerce domain. The Act enumerates various anti-consumer practices, such as price gouging, selling adulterated goods, deceptive

advertising, and non-delivery of promised goods or services (CRPA, 2009, s. 2 (20)), crucial for addressing issues prevalent in e-commerce. The CRPA establishes the National Consumers' Right Protection Council (CRPA, 2009, s. 5) and the Directorate of National Consumers' Right Protection (CRPA, 2009, s. 18), responsible for policy formulation, enforcement, and consumer education to ensure comprehensive protection. Offences under this Act are to be adjudicated by either a Magistrate of the first class or a Metropolitan Magistrate. The CRPA offers a structured process for consumers to lodge complaints against sellers engaging in anti-consumer practices.

In the e-commerce context, the analysis of the Consumers' Right Protection Act (CRPA) reveals both strengths and limitations.

Strengths

Comprehensive Consumer Rights Framework: The CRPA establishes a clear definition of consumer rights including the right to safety, information, choice, redress, and education (Chowdhury, 2021). These rights empower consumers and promote awareness about their entitlements in the marketplace (Lawyersnjurists, n.d.).

Establishment of Regulatory Bodies: The Act led to the creation of the National Consumer Rights Protection Council and the Directorate of National Consumer Rights Protection (DNCRP). These bodies are tasked with enforcing consumer rights and addressing grievances, providing a structured approach to consumer protection (Hossain, 2021).

Prohibition of Unfair Practices: The CRPA explicitly prohibits various anti-consumer practices such as adulteration, hoarding, black marketing, and misleading advertisements. Specific penalties for violations are outlined, including imprisonment and fines which serve as deterrents against malpractice (Hossain, 2021).

Legal Remedies: The Act provides avenues for both civil and criminal remedies for consumers. It allows consumers to lodge complaints with the DNCRP which can investigate and take action against violators (Hossain, 2021). This legal framework enhances consumer confidence in seeking redress.

Promotion of Public Health: By addressing issues related to food safety and quality, the CRPA aligns with constitutional provisions (Articles 15 and 18) that

emphasize public health and nutrition as fundamental rights, thereby reinforcing the state's responsibility towards consumer welfare (Chowdhury, 2021).

Limitations

Limited Access to Justice: A significant drawback of the CRPA is that it restricts consumers from directly initiating legal proceedings against violators. Complaints must first be approved by the Director General of the DNCRP which can delay justice and discourage consumers from pursuing their rights (Rahman & Hossain, 2020). This bureaucratic hurdle undermines the effectiveness of the law.

Lack of Awareness: There is a widespread lack of awareness among consumers regarding their rights under the CRPA. Many consumers are unaware of how to file complaints or seek assistance which limits the law's impact on protecting consumer interests (Rahman & Hossain, 2020).

Inadequate Enforcement Mechanisms: While the CRPA establishes regulatory bodies, enforcement remains inconsistent. Limited resources and capacity within these agencies can hinder effective monitoring and compliance with consumer protection standards (Rahman & Hossain, 2020).

Absence of Quasi-Judicial Mechanisms: The Act does not provide for a quasi-judicial mechanism for dispute resolution which is common in international consumer protection frameworks. This absence limits options for consumers seeking resolution outside formal court settings (Rahman & Hossain, 2022).

Penalties are Insufficient: Although the CRPA outlines various penalties for violations, critics argue that they are not stringent enough to deter repeat offenders effectively. For instance, while there are provisions for imprisonment and fines, the severity may not match the gravity of certain offences like food adulteration. In summary, while the CRPA serves as the cornerstone legislation for consumer protection in Bangladesh, particularly in the realm of e-commerce, concerted efforts are required to ensure its continued effectiveness and relevance in the rapidly evolving digital landscape.

The Sale of Goods Act, 1930

The Sale of Goods Act, 1930 in Bangladesh serves as a comprehensive regulatory framework governing the sale of goods, defining key terms and elucidating the

formation of sale contracts, whether immediate, installment-based, or delayed, and regardless of being written, oral, or implied. The Act entitles buyers to accept or reject goods if quantities are incorrect and addresses issues like remote delivery risks, granting specific buyer rights. Remedies for contract breaches including price litigation, damages, specific performance and warranty breaches, are detailed in Chapter VI of the Act. While e-commerce consumers in Bangladesh can seek recourse under this Act if deceived, the breach must fall within its scope. An amendment incorporating "online buyers" into Section 2(1) could enhance e-commerce consumer protections under this statute.

Control of Essential Commodities Act, 1956

The Control of Essential Commodities Act, 1956, grants the government authority to regulate the production, treatment, storage, transportation, supply, distribution, purchase, use, and consumption of specific commodities as well as their trade and commerce. This legislation empowers the government to oversee and manage the production, supply, and distribution of essential goods. While indirectly relevant laws such as the Trademark Act of 1940, the Standards of Weights and Measures Ordinance of 1982, the Price and Distribution of Essential Commodities Ordinance of 1970 and the Bangladesh Telecommunication Act of 2001 impact online purchasing, there exists no specific law protecting the rights of e-commerce consumers in Bangladesh. However, if e-commerce consumers fall victim to fraud within the ambit of the Control of Essential Commodities Act of 1956, they may file complaints under this law. Nonetheless, for legal action to proceed, the offense must align with this Act's provisions. To enhance protections for e-commerce consumers, the incorporation of "essential commodities for e-commerce consumers" within Section 2 of the Control of Essential Commodities Act, 1956, would afford greater safeguards to these consumers.

The Essential Articles (Price Control and Anti-Hoarding) Act, 1953

The Essential Articles (Price Control and Anti-Hoarding) Act, 1953, governs the supply and distribution of essential commodities, regulating trade and commerce in these goods. It empowers the government to establish maximum prices for such commodities through notifications, prohibiting their sale, acquisition, and related activities at prices exceeding these set limits. As the Act extends to essential commodities purchased by consumers on online platforms,

it can assist in regulating and safeguarding e-commerce consumers if a seller commits an offense under its purview. However, for legal repercussions to occur, the offense must align with this Act's provisions. To bolster protections for e-commerce consumers, the inclusion of "essential commodities for online consumers" in Section 2 of the Essential Articles (Price Control and Anti-Hoarding) Act, 1953, would be advantageous.

The Contract Act, 1872

The Contract Act of 1872 delineates the definitions of "Agreement" and "Contract" and offers guidelines for their formation and enforcement. It defines an agreement as any promise or combination of promises constituting consideration for each other, while a contract, enforceable by law, arises from such agreements. The Act elucidates the process of contract formation, stipulating instances where contracts may become voidable or void. Moreover, it details contractual performance procedures and provides remedies including compensation for losses or damages incurred due to breaches. Parties are also granted the right to terminate contracts and seek compensation. Additionally, Chapter VIII of the Act expounds on the concept of contract indemnity, ensuring comprehensive coverage of contractual obligations and remedies.

Penal Code, 1860

Sections 264-267 of the Penal Code, 1860, address crimes concerning weights and measures. Individuals knowingly using inaccurate weighing instruments with the intent to deceive face imprisonment for up to one year, a fine, or both under this Code. Section 272 prohibits the sale of adulterated food or drink, including offenses such as selling harmful substances, adulterating drugs and misrepresenting drugs or preparations. Additionally, the Penal Code, 1860, criminalizes the use of fraudulent trade or property marks, ensuring stringent measures against deceptive practices in commerce.

The Special Powers Act, 1974

The Special Powers Act, 1974 provides definitions for terms such as "black market" and "hoarding". It prohibits activities such as hoarding or trading in the black market, smuggling, adulteration and the sale of adulterated food, drink, pharmaceuticals, or cosmetics, among others. Such offences are considered to be serious under this Act.

Regulatory bodies for consumer protection in the digital marketplace

In Bangladesh, the role of regulatory bodies in ensuring consumer protection in the digital marketplace is crucial, yet it faces significant challenges. The Directorate of National Consumer Rights Protection (DNCRP), under the Ministry of Commerce, is the primary body responsible for overseeing consumer rights and addressing grievances related to e-commerce. Established by the Consumer Rights Protection Act of 2009, the DNCRP's mandate includes investigating consumer complaints, initiating legal actions against fraudulent businesses and promoting consumer rights awareness (Consumer Rights Protection Act, 2009).

Despite its critical role, the DNCRP struggles with several operational and structural challenges that hinder its effectiveness. A primary issue is the overwhelming volume of complaints which has significantly increased with the expansion of e-commerce. The DNCRP reported receiving thousands of complaints annually which strains its limited resources and manpower, leading to delays in complaint processing and enforcement actions ((Parvez, 2019). Furthermore, the rapid evolution of e-commerce practices often outpaces the existing regulatory frameworks, leaving gaps in consumer protection. The rise of social media marketplaces, for example, has introduced new consumer protection challenges that are not adequately addressed by the current laws (RSIS International, 2023).

To enhance the effectiveness of the DNCRP and ensure robust consumer protection in the digital marketplace, scholars and policymakers have called for updates to the legislative framework and stronger institutional capacities. Proposed measures include revising the Consumer Rights Protection Act to explicitly cover online transactions and establishing a dedicated e-commerce regulatory authority (Rahman M.A, 2007). Additionally, increasing the DNCRP's funding, providing specialized training for its staff and upgrading its technological capabilities are essential steps to improve its responsiveness and efficiency (The Financial Express, 2011). In conclusion, while the DNCRP plays a vital role in protecting consumers in Bangladesh's digital marketplace, its current effectiveness is limited by outdated legal provisions, resource constraints, and the fast-paced evolution of e-commerce. Strengthening this regulatory body and updating the legal framework are imperative to ensure comprehensive consumer protection in the digital economy.

8. COMPARISON OF CONSUMER PROTECTION LAWS IN BANGLADESH WITH INTERNATIONAL STANDARDS

Consumer protection laws are crucial for ensuring fair trade practices and protecting consumers from harm in the e-commerce sector. In Bangladesh, the legal framework for consumer protection in the e-commerce sector is fragmented and weak with various laws and regulations governing different aspects of consumer protection. To determine the effectiveness of the legal framework in Bangladesh, it is essential to compare it with international standards. International standards for consumer protection are set by organizations such as the United Nations Conference on Trade and Development (UNCTAD), the International Consumer Protection and Enforcement Network (ICPEN) and the Organisation for Economic Co-operation and Development (OECD).

The United Nations Guidelines for Consumer Protection, adopted by the General Assembly in 1985, provide a comprehensive framework for consumer protection. The guidelines cover areas such as safety, information, education, and redress, and emphasize the need for effective enforcement mechanisms (OECD, 2016). Bangladesh's legal framework for consumer protection in the e-commerce sector falls short in several areas including the lack of comprehensive legislation, weak enforcement mechanisms, and inadequate consumer education. The International Consumer Protection Enforcement Network (ICPEN) also provides guidance on consumer protection in the e-commerce sector. The ICPEN has developed a set of guidelines for online business operators, covering areas such as advertising and marketing, payment and delivery, and dispute resolution (*Industry Guidance, ICPEN, n.d.*). Bangladesh's legal framework does not provide comprehensive guidelines for e-commerce businesses on fair trade practices, and the enforcement mechanisms are weak. The Organisation for Economic Co-operation and Development (OECD) has also developed guidelines for consumer protection in e-commerce. The guidelines cover areas such as disclosure of information, security and privacy, and dispute resolution.

Bangladesh's legal framework for consumer protection in e-commerce falls below international standards set by UNCTAD, ICPEN, and OECD. Fragmented legislation, weak enforcement mechanisms, and inadequate consumer education pose significant challenges for consumer protection. To

safeguard consumer rights effectively in the e-commerce sector, Bangladesh must establish a comprehensive and robust legal framework aligned with international standards.

For Bangladesh to address its shortcomings in consumer protection it can look towards countries with advanced digital economies who have developed strong, adaptive consumer protection frameworks to ensure fair trade, transparency, and accountability. These frameworks are informed by core principles such as the right to information, the right to redress, secure transactions and platform accountability. The following outlines best practices from the European Union, the United States, India, and Singapore, all of which offer valuable models for emerging economies like Bangladesh.

European Union (EU)

The EU's consumer protection model is one of the most comprehensive in the world, particularly in the digital sphere. The Consumer Rights Directive (2011/83/EU) harmonizes key aspects of consumer rights across all member states. Key provisions include:

- Mandatory pre-contractual information such as seller identity, total cost, and terms of delivery
- A 14-day right of withdrawal for online purchases, allowing consumers to return goods without justification
- Automatic refunds if goods are not delivered within 30 days
- Obligations on sellers to use clear, plain language in contracts
- Enforcement through the Consumer Protection Cooperation (CPC) Network which enables cross-border regulatory coordination

Moreover, the EU's General Data Protection Regulation (GDPR) ensures that consumers' personal data collected during e-commerce transactions is protected, reinforcing trust in digital services (European Commission, 2019).

United States (US)

The US follows a sector-specific approach to consumer protection with multiple agencies involved, but the Federal Trade Commission (FTC) plays the most

prominent role in regulating online commerce. The FTC's best practices include:

- Monitoring and prosecuting unfair and deceptive trade practices under Section 5 of the FTC Act
- Issuing guidance to online businesses on advertising transparency, proper disclosures, and data security
- Requiring truth-in-advertising, full price disclosure, and visible refund policies
- Running consumer complaint portals like ReportFraud.ftc.gov for redress and public awareness
- Enforcement through high-profile legal action against companies violating consumer rights, deterring abuse in the sector

Additionally, US-based platforms like Amazon are held to strict liability for consumer safety including in cases involving third-party sellers (FTC, 2023).

India

India has significantly modernized its consumer protection laws to align with the realities of a growing digital economy. The Consumer Protection Act, 2019, along with the Consumer Protection (E-Commerce) Rules, 2020, introduced several digital-first reforms, such as:

- Mandatory disclosure of seller details and contract terms by platforms
- Obligations on platforms to maintain a grievance redressal mechanism, including a designated grievance officer
- Prohibition of manipulative pricing and false reviews
- Empowerment of consumers through a three-tier dispute resolution system (district, state, and national commissions)
- Provision for product liability even in digital transactions

These measures have helped institutionalize trust in e-commerce and strengthened the accountability of both marketplaces and sellers (Ministry of Consumer Affairs, 2020).

Singapore

Singapore's model of consumer protection combines robust legislation with targeted regulatory oversight. The Consumer Protection (Fair Trading) Act (CPFTA), last amended in 2019, extends protection to e-commerce buyers through:

- Prohibiting unfair trade practices, including false claims, bait-and-switch tactics and non-delivery
- Enabling consumers to seek civil remedies through the Small Claims Tribunals
- Holding online marketplaces accountable for listing non-compliant sellers
- Collaborating with the Competition and Consumer Commission of Singapore (CCCS) to monitor online retail platforms
- Encouraging voluntary compliance by businesses through educational programs and a published blacklist of errant sellers

These practices contribute to Singapore's high level of consumer trust in online retail, even on third-party platforms (MTI Singapore, 2019).

Lessons for Bangladesh

The comparative analysis of consumer protection frameworks in the EU, USA, India, and Singapore highlights actionable reforms that Bangladesh can adopt to strengthen its e-commerce legal regime. First, Bangladesh must enact a dedicated legal instrument for e-commerce consumer protection either as a new law or through an amended version of the Consumer Rights Protection Act, 2009. This should include clear obligations for online platforms, seller verification, disclosure requirements, refund and return policies, and specific liability clauses. Second, institutional capacity must be strengthened. Just as India has introduced grievance redressal mechanisms with designated officers and Singapore empowers its Competition and Consumer Commission, Bangladesh should equip its Directorate of National Consumers' Right Protection (DNCRP) with digital monitoring units, complaint portals, and enforcement powers. Third, cross-agency coordination is essential. Drawing from the EU's CPC network and the FTC's interagency model, Bangladesh

should facilitate collaboration between regulatory bodies such as the Bangladesh Telecommunication Regulatory Commission (BTRC), DNCRP, and law enforcement to address fraud, data breaches, and cross-border trade issues. Lastly, consumer awareness and digital literacy campaigns must be scaled, focusing on rights, redressal options, and safe e-commerce practices, ensuring inclusivity for rural and first-time users.

9. CHALLENGES IN CONSUMER PROTECTION

The landscape of consumer protection in Bangladesh, particularly within the e-commerce sector, is fraught with significant challenges that directly impact consumers' experiences and rights. These challenges manifest in various forms, affecting the safety, trust, and overall satisfaction of consumers engaging in online transactions. Some of the most alarming challenges are stated below:

Prevalence of Fraudulent Activities

One of the most pressing issues is the rampant occurrence of fraudulent activities. Consumers frequently encounter counterfeit products, misleading advertisements, and unreliable sellers. For instance, a staggering total of 19,623 complaints against 50 e-commerce companies are currently pending with the Directorate of National Consumer Rights Protection (DNCRP), involving approximately Tk 600 crore (Halder, 2023). This backlog not only reflects the scale of consumer dissatisfaction but also raises concerns about the effectiveness of existing legal frameworks to address these grievances (Halder, 2023). The lack of timely resolution leaves consumers uncertain about recovering their money and diminishes their trust in the e-commerce ecosystem.

Inadequate Legal Framework

While the Consumer Rights Protection Act of 2009 provides a foundational structure for consumer rights, it does not adequately address the unique challenges posed by e-commerce transactions. The Act outlines essential consumer rights such as the right to safety and information, but lacks specific provisions tailored to online shopping scenarios. For example, it does not explicitly cover issues like digital fraud or inadequate delivery services which are prevalent in today's e-commerce landscape. This gap leaves consumers vulnerable and without clear recourse when faced with online-specific challenges.

Weak Enforcement Mechanisms

Another critical challenge is the weak enforcement of consumer protection laws. Regulatory bodies like the DNCRP are often overwhelmed by the volume of complaints and lack sufficient resources to handle them effectively. The bureaucratic processes involved in filing complaints can deter consumers from seeking redress. Moreover, many consumers remain unaware of their rights and the mechanisms available for protection, making them more susceptible to exploitation by unscrupulous sellers.

Low Digital Literacy

Low levels of digital literacy among consumers further exacerbate these challenges. Many individuals lack familiarity with online shopping processes which can lead to confusion when navigating e-commerce platforms. This lack of understanding can result in poor purchasing decisions and increased vulnerability to scams. Educational initiatives aimed at improving digital literacy are essential to empower consumers to make informed choices and recognize their rights.

Trust Deficit in E-Commerce

The cumulative effect of these challenges contributes to a significant trust deficit in the e-commerce sector. Consumers often hesitate to shop online due to fears of fraud or receiving substandard products. This hesitation stifles growth within the sector and limits opportunities for legitimate businesses that adhere to ethical practices.

10. ADDRESSING THE CHALLENGES

To address the challenges in consumer protection in Bangladesh, several measures can be taken.

A. Legislative Reforms

Update Existing Legal Frameworks

The Consumer Rights Protection Act (CRPA), 2009 must be amended to specifically include e-commerce transactions. This includes mandatory provisions for clear product descriptions, pricing transparency, delivery terms, return/refund policies and digital contract enforcement. A dedicated E-Commerce Consumer Protection Act should also be considered to regulate platform accountability, third-party seller

responsibilities, and consumer data use. The Act should define clear responsibilities for e-commerce platforms regarding consumer data protection, transaction transparency and dispute resolution.

Enact Comprehensive Data Protection Legislation

Introduce a robust Data Protection and Privacy Act, aligned with global frameworks such as the EU's GDPR, to ensure consumers' personal and financial data is safeguarded during online transactions.

Mandate Platform Liability and Transparency

Legal reforms must require e-commerce platforms to publish seller information, allow consumer reviews, and provide mechanisms to verify vendor authenticity, similar to India's Consumer Protection (E-Commerce) Rules, 2020.

B. Institutional and Enforcement Mechanisms

Establish a Dedicated E-commerce Consumer Protection Agency

Create an autonomous Digital Consumer Protection Authority with regulatory, oversight, and dispute resolution powers specific to online commerce. This body should coordinate with BTRC, DNCRP, and the Competition Commission.

Implement a Centralized and Accessible Complaint System

Introduce an integrated online complaint portal and mobile app for consumers to lodge grievances against e-commerce platforms, track their status, and access redress mechanisms in real-time. Implement advanced technological tools for complaint management and data analysis to improve the efficiency and effectiveness of the DNCRP's operations.

Strengthen Judicial Redress Mechanisms

Establish specialized consumer tribunals or small claims courts to handle digital trade disputes efficiently. This can reduce case backlogs and increase access to justice.

Escrow and Refund Enforcement

Ensure strict enforcement of escrow-based payment systems for all online platforms, and create binding legal deadlines for refund processing in the event of delivery failure or fraud.

Increase Funding and Resources

Ensure increased governmental funding and resources for the DNCRP to enhance its capacity to handle the growing number of complaints and complex issues arising from digital transactions.

C. Consumer Awareness and Empowerment

Launch Targeted Awareness Campaigns

Collaborate with consumer rights organizations and digital platforms to run nationwide awareness initiatives educating consumers about online fraud, terms and conditions, and complaint channels.

Promote Digital Literacy

Develop and deliver consumer education programs especially targeting rural, first-time, and young internet users on safe online shopping practices, rights, and data protection.

Integrate E-commerce Rights in Curricula

Include basic consumer rights, digital transactions, and data safety topics in secondary school and university-level curricula to foster early awareness.

D. Integration of International Best Practices

Adopt Global Benchmarks in Regulation

Align domestic policies with OECD Guidelines, UNCTAD's recommendations, and regional standards such as the EU's Consumer Rights Directive and India's E-Commerce Rules to ensure legal adequacy and comparability.

Encourage Platform Self-Regulation and Certification

Introduce voluntary certification programs for platforms that follow ethical business practices, similar to Singapore's fair trade certification models. Encourage industry codes of conduct, consumer ombudsperson systems, and independent review mechanisms.

Promote Regional Cooperation on Digital Trade

Facilitate collaboration with SAARC and ASEAN member states on cross-border e-commerce regulation, dispute handling, and fraud detection.

Capacity Building of the Staff

Arrange and execute regular training programs for DNCRP staff on the latest e-commerce trends, digital fraud prevention techniques, and international best practices in consumer protection.

11. CONCLUSION

Consumer protection stands as a cornerstone for the sustainable development of Bangladesh's burgeoning e-commerce sector. While the legal framework for consumer protection exists, its effective enforcement is imperative to foster fair and transparent practices in e-commerce. This article has meticulously examined the current legal landscape and identified pertinent challenges hindering consumer protection. Addressing these challenges is paramount to sustaining the growth of Bangladesh's e-commerce sector while safeguarding consumers from fraudulent activities and online risks. Achieving robust consumer protection in Bangladesh's e-commerce realm demands a concerted effort from government, businesses, and consumers alike. Strengthening the legal framework, enhancing consumer awareness, and promoting self-regulation among businesses are pivotal steps toward bolstering consumer protection. Through collaborative endeavours, we can propel Bangladesh's e-commerce sector forward, ensuring its vitality while upholding the rights and interests of consumers. Moreover, this study has comprehensively met its stated objectives by critically analysing the limitations of Bangladesh's legal and regulatory mechanisms in safeguarding consumer rights in e-commerce. The proposed reforms—spanning legislative, institutional, and educational interventions—are directly informed by this analysis and aim to address the systemic gaps identified throughout the study.

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