

**RELEVANCE OF THE UGANDA NATIONAL BUREAU OF STANDARDS ACT (UNBS  
ACT) AS A CONSUMER PROTECTION MECHANISM**

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### **Declaration**

I, MUKISA MARTHA NANTEZA do hereby declare that the work presented in this dissertation arises out of my own research, save where acknowledged and I certify that it has never been submitted or examined in any university as an academic requirement for any award.

Sign



**MUKISA MARTHA NANTEZA**

Date

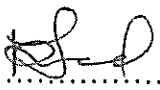
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### Approval

This dissertation has been submitted with the approval of Mrs. Yawe Proscovia as the university supervisor.

Signed

Date of Approval

..... (Supervisor)

20/5/2016  
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### **Dedication**

First I give praise and thanks to the Almighty GOD for giving me the strength and the capacity to complete this work successfully. For all He has done to me, for His blessings, guidance, wisdom, knowledge, favours and endless blessings throughout my life and this far.

### **Acknowledgement**

I am deeply indebted to my supervisor Mrs. Yawe Proscovia for her overwhelming support and supervision in the compilation of this research.

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Lastly but not least, I owe my gratitude to my classmates and fellow students in the law faculty of KIU, and to all my friends for they have provided me with courage to keep going with my studies despite the challenges.

### **List of legislations**

The Constitution of the Republic of Uganda 1995

Contract Act of 2010 of Uganda

Sale of Goods Act, Cap 82

The Weights and Measures Act, Cap 103

The Uganda National Bureau of Standards Act, Cap 327

National Drug Policy and Authority Act Cap 206

Food and Drugs Act Cap 278

The Public Health Act Cap 281

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### **Abstract**

This research is investigating the extent of the UNBS Act in the protection of consumer rights in Uganda. Due to the various abuses of the rights of the consumer in Uganda, there is nowhere to run for remedy. This is because despite concerted efforts to have a law in place to protect Ugandan consumers in the last ten years, the government is yet to give it the attention it deserves probably because of its investor-centric approach to commercial issues.

The fate of consumers in Uganda is similar to those in many countries if a survey released on World Consumer Rights Day (March 15, 2013) is to be believed. A survey of consumer protection legislation conducted by Consumers International (CI) in 58 countries has revealed a concerning lack of government attention with regard to consumer rights. According to Consumer International, consumers rights include; the right to derive satisfaction from the product consumed, the right to safety, the right to be informed, the right to choose, and the right to be heard and to seek redress (if aggrieved) as well as the right to be educated about a product before consumption.

However, these rights are often trampled upon, partly because of a lack of policy and the appropriate legal framework. This research therefore investigated on the various provisions related to consumer protection and most especially the UNBS Act and still finds that the government needs to create proper consumer protection legislation.

## **CHAPTER ONE**

### **INTRODUCTION TO THE STUDY**

#### **1.0 Introduction**

This chapter presents the introduction to the study, it includes the background of the study, the statement of the problem, the purpose of the study, the objectives and research questions, scope of the study, significance of the study, literature and methodology of the study and finally the organization of the thesis.

#### **1.1 Background to the study**

Consumer protection is a group of laws and organizations designed to ensure the rights of consumers as well as fair trade, competition and accurate information in the marketplace. The laws are designed to prevent businesses that engage in fraud or specified unfair practices from gaining an advantage over competitors. They may also provide additional protection for those most vulnerable in society.

Consumer protection laws are a form of government regulation, which aim to protect the rights of consumers. For example, a government may require businesses to disclose detailed information about products particularly in areas where safety or public health is an issue, such as food. Consumer protection is linked to the idea of consumer rights, and to the formation of consumer organizations, which help consumers make better choices in the marketplace and get help with consumer complaints<sup>1</sup>.

Consumer protection laws are federal and state statutes governing sales and credit practices involving consumer goods. Such statutes prohibit and regulate deceptive or Unconscionable advertising and sales practices, product quality, credit financing and reporting, debt collection, leases, and other aspects of consumer transactions.

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<sup>1</sup>West Encyclopedia of American Law. Consumer. Answers.com. n.d.. Retrieved on January 31, 2010



The goal of consumer protection laws is to place consumers, who are average citizens engaging in business deals such as buying goods or borrowing money, on an even part with companies or citizens who regularly engage in business.

Historically, consumer transactions purchases of goods or services for personal, family, or household use were presumed fair because it was assumed that buyers and sellers bargained from equal positions.

Starting in the 1960s, legislators began to respond to complaints by consumer advocates that consumers were inherently disadvantaged, particularly when bargaining with large corporations and industries. Several types of agencies and statutes, both state and federal, now work to protect consumers<sup>2</sup>.

Walter R. Brag (2002), in "The literature in any field forms the foundation upon which all future work will be built", without knowing the past we cannot do some new work in a subject, it is very necessary that we should know the past of that subject.

According to JOHN W. BEST (2007), in his book 'Research in Education', "Practically all human knowledge can be found in books and literature, unlike other animals that must start new with each generation, man built upon the accumulated and recorded knowledge of the past." Survey of related literature equips the investigator with adequate information regarding the field in general and the problem in particular. It provides the investigator with an up to date information in the concerned field. The findings of earlier experiments encourage the new workers to embark upon useful project in education, on the basis of earlier experience, avoiding the past mistakes or defects. It will be useful to see as what has already been done concerning the problem at hand. Moreover research conducted in the respective fields have not been published owing to the lack of publishing facilities. Thus there is a scarcity of Indian literature as well researches in related field.

Underlying the proposed Consumer Protection Act is the need to combat unfair practices, deceptive practices with a view to protecting the consumer. A central feature of this effort is to

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<sup>2</sup>Craft. 1991. "State Consumer Protection Enforcement: Recent Trends and Developments." Antitrust Law Journal 59.

gauge whether an unfair practice inflicts substantial injury to consumers. To balance this, it is necessary to consider whether the practice is not outweighed by any countervailing considerations and that it could not have been reasonably avoided. The standard of gauging whether a practice is deceptive is whether it tends to or is capable of deceiving the consumer is the final purchaser of a good or service.<sup>3</sup>

Uganda Bureau of Standard sector is one among the fastest growing economic sectors in Uganda recording 21.9% growth in 2009<sup>4</sup>. The survival and growth of this sector has been made possible by the Policy, Laws and Regulations enacted.

In 1997 the Government of the United Republic of Uganda through its Ministry of Communications and Transport made and enacted the National Uganda Bureau of Standards Act Policy for the period of 1997 throughout 2020 with the aim and vision of ensuring the accelerated development of an efficient Uganda Bureau of Standards Act network that can provide an info-communication infrastructure and universal access to Uganda Bureau of Standards Act service by all sectors of national economy and segment of the population<sup>5</sup>.

Different laws have also been enacted to guide this sector in Uganda, these include the Communications Act<sup>6</sup> which paved way to the Government to liberalize the communications sector, this was followed by the enactment of the Uganda Communications Regulatory Authority Act<sup>7</sup> which among other things established the UNBS Regulatory Authority as an independent authority for the regulation and licensing of postal, broadcasting and electronic communications industries in the United Republic of Uganda. This was then followed by the enactment of the Universal Communications Service Access Act<sup>8</sup> which established the Universal Communications Service Access Fund for enabling accessibility and participation by communications operators in provision of communication services with a view of promoting social, education and economic development of the rural and urban served area and to provide

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<sup>3</sup> Ibid

<sup>4</sup> Behitsa, M.M. and Diyamett, B.D., **Uganda ICT, Sector performance Review 2009/2010: Towards Evidence-based ICT Policy and Regulation**, Volume Two, Policy Paper 11, 2010

<sup>5</sup> United Republic of Uganda **National Uganda Bureau Of Standards Act Policy**, 1997

<sup>6</sup> Act No 18 of 1993 of the United Republic of Uganda

<sup>7</sup> Act No 12 of 2003 of the United Republic of Uganda

<sup>8</sup> Act No.11 of 2006 of the United Republic of Uganda



for availability of communication services by establishing a legal framework for universal service providers to meet the communications needs of consumers.

However some of these legislations have been amended and replaced by the Electronic and Postal Communications Act<sup>9</sup> which among other things aims at keeping abreast with developments in the electronic communications industry; provide for a comprehensive regulatory regime for electronic and postal communications service providers, provides for duties of electronic communications and postal licensees, agents and customers, provide for offences relating to electronic communications and postal communications and provide for transitional provisions, consequential amendments and other related matters.

As far as regulations are concerned, there are some regulations which have been enacted as well; these include the Uganda National Bureau Of Standards Act Cap 327 also referred to as UNBS Act (Licensing) Regulation, 2005, UNBS(Installation and maintenance) Regulation, 2005, the UNBS(Importation and Distribution) Regulations, 2005, and the UNBS (Quality of service) Regulations 2005.

The enactment of the policy, laws and regulations mentioned above did not only aim at liberalizing the Uganda bureau of standards act sector in Uganda but also focused on protecting the consumers in the Uganda Bureau Of Standards Act sector, for example the Uganda National Bureau Of Standards Policy vision was and still is to accelerate access to present day Uganda Bureau Of Standards technologies by all sectors of the economy and all segment of the Population including universal services. This research therefore aims to establishing the relevance of Uganda National Bureau of Standards Act (UNBS Act) as a consumer protection mechanism in Uganda.

## **1.2 Statement of the problem**

Uganda has pursued an ambitious, fast-tracked trade sector liberalisation since the late 1990s, which has been a benefit for the private sector and the economy as a whole. Unfortunately, this has not been accompanied with commensurate legal and regulatory instruments for consumer protection despite the will and existence of the UNBS Act.

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<sup>9</sup> Act No 3 of 2010 of the United Republic of Uganda

In utility sectors such as telecommunication, electricity and water, privatised and/or liberalised later under World Bank-funded privatisation programmes, the need for consumer protection was recognised and so regulations for the purpose were embedded in laws establishing sector specific regulators.

On the contrary, the general trade sector in Uganda remains critically unregulated and yet it is and continues to expand largely because unscrupulous traders find it easy to enter and exit and can do anything to make money in the absence of regulation.

Unrestrained decentralisation has rendered trade licensing, which previously provided local authorities with a mechanism to regulate trade practice, to be effectively transformed into a revenue generation instrument by authorities especially urban, like Kampala Capital City Authority.

Uganda Bureau of Standards sector has played a marginal role in the growth of national economies of many countries in Uganda. It has encouraged investment in the sector and availability of Uganda Bureau of Standards services which attract many consumers. Due to this rapid growth the enactment of the laws, policy and regulations was a necessary measure. However as shown in the example above the Uganda Bureau Of Standards laws, policy and regulations left some lacuna as far as the protection of Uganda Bureau Of Standards consumers is concerned hence the aim of this research.

### **1.3 Purpose of the study**

The purpose of this study is to examine the relevance of Uganda National Bureau of Standards Act (UNBS Act) as a consumer protection mechanism in Uganda.

### **1.4 Research objectives**

- I. To examine the extent of the UNBS Act in the protection of consumer rights in Uganda.
- II. To establish the challenges affecting the UNBS Act in the protection of consumer rights in Uganda.
- III. To establish any other statutory provisions governing consumer protection in Uganda.

### **1.5 Research questions**

- I. What is the extent of the UNBS Act in the protection of consumer rights in Uganda?

- II. What are the challenges affecting the UNBS Act in the protection of consumer rights in Uganda?
- III. What other statutory provisions are governing consumer protections in Uganda?

## **1.6 Scope of the study**

### **1.6.1 Geographical Scope**

The research was carried out in Uganda, it will focus on ordinary consumers in Kampala and it aimed at analyzing the extent of the UNBS Act towards protecting consumers from unnecessary and expired products and services, the legal framework government consumer protection and the challenges affecting the UNBS Act in consumer protections.

### **1.6.2 Content Scope**

The study aimed at establishing the rights of ordinary consumers as stated in the UNBS Act, and also showed the challenges affecting the law and why many consumers in developing countries have been affected negatively by the lack of a standard consumer protection Act, loopholes in the law and how the consumer can be protected.

### **1.6.3 Time Scope**

The research covered approximately one semester including the field work and the contents of the literature review.

## **1.7 Significance of the study**

The need for a Consumer Protection Act is helpful to every consumer and therefore this research is expected to be relevant to every business and all consumers worldwide.

The effects of the laws and the recommendations to the government will help consumers analyze their potential and rights before contracting with various producers or manufacturers.

It is through the proposed consumer protection bill that, the people will freely enter into contract and make choices.



## 1.8 Methodology of the study

In order to achieve the objectives of the study successfully, both qualitative and quantitative methods were used. The researcher majorly used document review to gather the relevant information. Various documentation concerning consumer protection were utilized including the UNBS Act and the ordinary consumer protection rights in Uganda.

## 1.9 Literature review

The literature on the broad topic of consumer protection is abundant. Yet, there are only a handful of comprehensive studies on the topic of consumer protection.

Klein, (2008)<sup>10</sup>. "**Consumer Protection**". He suggests that in order to safeguard consumer interest, eight consumer rights are defined by United Nations Consumer Bill of Rights should be met which include: Right to Safety - safeguarding against goods that are hazardous to life and property, Right to Information - consumers have the right to be informed regarding the price, quality, quantity, etc., of the products they buy, Right to Choice - consumers should be provided with a wide variety of goods to choose from, Right to be Heard - the right of consumers to have their complaints heard, Right to Satisfaction of Basic Needs - this right demands that people have access to basic, essential goods and services: adequate food, clothing, shelter, health care, education, public utilities, water, and sanitation, Right to Redress - consumers have the right to seek redress regarding their complaints, Right to Consumer Education - the right of consumers to be educated about their rights, Right to a Healthy Environment - this is the right to live and work in an environment that is non-threatening to the well-being of present and future generations.

According to Barowalia's study '**Commentary on Consumer Protection Act, 1986**' he explained each and every provision of the act in detail and incorporated the rules framed by the central and state governments from time to time. The law laid down by the Supreme Court, National Commission and State Commissions have been incorporated at the appropriate places in the book, and is a very comprehensive commentary on the Consumer Protection Act.<sup>11</sup>

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<sup>10</sup>Klein, Daniel B. (2008). "Consumer Protection". In David R. Henderson (ed.).

<sup>11</sup> J.N. Barowalia, op. cit (3).

Singh's (1997) '**Law of Consumer Protection: Principles and Practice**' a study of Consumer Protection Act, as a new instrument of social justice. The basic concepts and definitions have been examined in general terms in the context of established legal principles and also their applied version. The book deals with different kinds of consumer goods and services and analyses them subject wise on the basis of decisions delivered by the National Commission and State Commissions. Some practical notes have also been provided for guidance: how different District Forums are to be approached for the purpose of filing complaints and appeals and for getting the orders executed<sup>12</sup>.

Aggarwal's studied '**Consumer Protection Law and Practice**' on consumer protection contains the latest judgements of the Supreme Court, National Commission and State Commissions. The contemporary legislations and case laws in other parts of the world, especially in the United States and the United Kingdom, have also been referred to appropriately. This book also contains the latest amendments to the Consumer Protection Act. While explaining the provisions, the author has not shield away from expressing his own view points.<sup>13</sup>

P.K. Mujumdar (1997) in his book '**Law of Consumer Protection in India**', has referred to a large number of rulings of the Supreme Court, the High Courts, the National Commission and the State Commissions. It is a practical guide to the District Forums, Bench and Bar, Chartered Accountants, Company Secretaries, various Consumer Organisations, Government Offices, students and public at large. It contains an extensive coverage of case laws from various Journals published in India on consumer disputes viz, Consumer Protection Reporter, Consumer Protection Journal, Consumer Protection Cases, Consumer Protection and Trade Practices Journal,<sup>14</sup> etc.

Gurbax Singh's (1993) book '**Law of Consumer Protection**' traces the development of consumer protection movement and the history of consumer legislations in different countries of the Western World and briefly summarises the objects of consumer laws and the importance of consumer guidance. It includes model petition of complaint and appeal, etc. for the guidance of consumers. It also provides comprehensive information on all aspects of the consumer protection

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<sup>12</sup> Avtar Singh, *Law of Consumer Protection: Principles and Practices*, Lucknow: Eastern Book Company, 1997.

<sup>13</sup> V.K. Aggarwal, op. cit (4).

<sup>14</sup> P.K. Majumdar, *Law Consumer Protection in India*, New Delhi: Orient Publishing Company, 1997.



and is of great assistance, value and utility to the Consumer Organizations, individual consumers as well as to the legal profession. Though this pioneer work has filled a void in the legal literature relating to consumer protection, it does not deal with the concept of consumer awareness as such.<sup>5</sup> B.K. Das and S.S. Rao (1999) have authored a book on consumer protection. This book 'A Commentary on Consumer Protection Act, 1986' covers the relevant Central and State Consumer Protection Rules for knocking the doors of consumer redressal agencies. The book shows that the consumers very often suffer due to the poor, inefficient and negligent services which the public utility services are rendering.<sup>15</sup>

Sukhdev Aggarwal's (2003) book '**Commentary on the Consumer Protection Act, 1986**' containing comprehensive information on all topics of the Consumer Protection Act becomes helpful not only to the members for the legal profession, but also to the general public and the voluntary consumer organizations'. O.P. Garg's book '**The Consumer Protection Act, 1986**' deals with the subject of consumer protection in a historical retrospect and shows stage by stage the development of law relating to consumer movement in the country. The book is quite helpful to both the consumers and the producers.<sup>16</sup>

D.N. Saraf (1995) has also authored a book '**Law of Consumer Protection in India**' on consumer protection and it deals with different kinds of consumer goods and services. This book helps in educating the consumers and producers and contains an extensive coverage of case laws from various Journals published in India.<sup>9</sup> Gurjeet Singh's<sup>10</sup> (1996) book '**The law of Consumer Protection in India: Justice within Reach**', covers all aspects of consumer protection and it is bound to be of great assistance, value and utility to consumer organisations, individual consumers as well as to the legal profession<sup>17</sup>.

In addition to the commentaries on Consumer Protection Act, 1986, a few studies have been carried out on consumer awareness. One such study was made in the city of Baroda by Chandra and Patel. The study shows that the awareness among students about consumer protection laws was found to be generally low. However, the awareness among the second and third year students was found to be on an almost equal footing but higher than the first year students. The

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<sup>15</sup> Gurbax Singh, **Law of Consumer Protection**, Jaipur: Bharat Law Publications, 1993.

<sup>16</sup> Sukhdev Aggarwal, **Commentary on the Consumer Protection Act, 1986**, Delhi: Bright Law House, 2003.

<sup>17</sup> D.N. Saraf, **Law of Consumer Protection in India**, Bombay: N.M. Tripathi, 1995.

study also points out that even the students with legal educational background were found to be unaware of consumer rights but the legal awareness among under graduate students was far inadequate and extra efforts were needed to increase the awareness<sup>18</sup>.

Another study was conducted by D.A.R. Subramanyam (1982) to elicit the opinion of educated consumers in Guntur district of Andhra Pradesh. It was found that a large majority of persons became aware of the terms, such as 'consumer', 'consumer protection', and consumer movement quite late and that too through newspapers and magazines. About a quarter of the respondents came to know about these terms during their casual discussions with their friends.<sup>19</sup>

Kiran Singh (1992) conducted a study on consumer awareness in Hisar district and it was found that consumer awareness about consumer protection legislations, was lacking among both the rural and urban population. The study reveals that almost all people in rural areas and nearly 90 percent of the urban population had never heard of any consumer protection legislation.<sup>20</sup>

Raghubir Singh, (1989) in his study conducted in the Union territory of Chandigarh, found that 51.6 percent of the consumers were fully aware of the existence of a District Forum in the city, while a good number of consumers 28.1 percent were not at all aware of it. Of these who were aware, 50 percent were found to be members of some consumer organisations. However the rest of the respondents said that although they felt the need, they did not have time to approach the District Forum. In their opinion, it was useless to become a member of consumer organisation<sup>21</sup>.

Parkashvir (1993) has carried out a study on regulations of unfair trade practices in India. He conducted, inter alia, a survey of consumer opinion about the effectiveness of various District Forums set up under the Act. The survey revealed that very few consumers 11.7 percent viewed them as very effective, whereas 13.8 percent of them had found the forum quite effective. Also, the number of consumers approaching the District Forums for the redressal of their grievances was found to be more than those approaching the Monopolies and Restrictive Trade Practices

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<sup>18</sup> Arvindra Chandra and Janki Patel, "A Study of Legal Awareness of Undergraduate students of Faculty of Home Science Baroda". **Consumer Confrontation**, Vol. 14, (No. 5), September-October 1994, pp. 37-39.

<sup>19</sup> D.A.R. Subramanyam, "Need for Consumer Organisation", *Indian Journal of Marketing*, vol. 12, (No. 5), October 1982, p. 17.

<sup>20</sup> Ibid

<sup>21</sup> Raghubir Singh, **Marketing and Consumer Behaviour**, New Delhi: Deep and Deep Publications. 1989 pp. 65-72.



Commission. Although, the study is not directly related to the research problem under study by the researcher, yet it is useful for comparative analysis.

G. Savarkar, (1996) in his study conducted in Marathwada has found that a majority of the respondents 51.33 percent were totally ignorant of the Consumer Protection Act's measures, 49.12 percent of the respondents were unaware of the District Forum's set up under the Act and 54.38 percent of the respondents did not know how to file a complaint. It was also found that 36.84 percent respondents did not insist on a purchase receipt. He conducted that the main reasons, why dissatisfied consumers did not file complaints before any District Forum, were the lack of awareness about the Consumer Protection Act's measures and the absence of the purchase document.<sup>22</sup> The study is useful as literature on consumer awareness, but for the present study, it has its limitations for being limited to the consumers of Marathawada only.

G. Bhashyam, in his study has examined the working of District Forums in Andhra Pradesh and the extent of consumer awareness about the provisions of the Consumer Protection Act. The study further reveals that among the urban respondents, 82 percent were aware about the provisions of the Consumer Protection Act and the remaining 18 percent did not have any awareness about the consumer protection legislation. Among the rural consumers, 68 percent of the respondents were found to be aware about the Act and 32 percent were not. Moreover, 78 percent of the 175 urban respondents, and 77 percent of the 225 rural respondents, were found to be aware of their rights as consumers. Income wise analysis of the respondents shows that the respondents from very low income group got to know about the Consumer Protection Act from the television, people from middle income and the high income groups got the relevant information from newspapers and magazines. Among the illiterate groups, 50 percent people come to know about the Act through the radio and from neighbours and friends.<sup>23</sup> For the present study, it has its limitations for being limited to Consumers of Andhra Pradesh only.

E.A. Lizzy, (1993) in his study on the efficacy of the consumer redressal agencies in Kerala, found that the literacy levels were correlated to the filing of complaints in the District Forums. The study revealed that the number of complaints received by the redressal agencies was high,

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<sup>22</sup> G. Savarkar, "Consumer Awareness: A Survey analysis," *Indian Journal of Marketing*, vol. 25, (Nos 10-12) October-December, 1996, pp. 13-21.

<sup>23</sup> S. Bhashyam, *Consumer Protection in India: A study of select District Forums in Andhra Pradesh*, unpublished Ph.D. thesis, Department of Commerce, Osmania University, Hyderabad, 2000.

where the literacy rate was high or almost equal to the state average literacy rate of 89.81 percent.<sup>24</sup> Although, the study is confined to the redressal agencies of Kerala State, yet it is useful for our study for making a comparative analysis.

Rabi Narayan Kar (1995) has made a comparative study of the working of Delhi and Dhenkanal District Forums. He found that the rate of case disposal was tardy and the backlog of the cases was on the increase, particularly in Delhi. He suggested, inter alia, wider participation of consumer associations in the forums and imparting of consumer education by the government. The study is confined to the District Forums of Delhi and Dhenkanal district.<sup>25</sup> For the present study, it has its limitations for being limited to Delhi and Dhenkanal.

Anil Kumar Dyani, (1989) in his study found that product discontentment among consumers was quite high; that only five out of ten dissatisfied consumers filed complaints and out of these only three were provided any relief. Where virtually no relief was provided, the consumer did not pursue the complaint any further and none at all went to the courts. Dhyani's study also revealed that consumer awareness regarding consumer protection laws was disappointingly low. The study is confined to the two North Western Urban towns of Uttar Pradesh.<sup>20</sup> For the present study, it has its limitations.

Sunita Zalpuri Kaul, (2000) in her study focused on the contribution of these consumer courts to the development of consumer law. The output in terms of redressal decisions delivered by the authorities under the act has far exceeded the expectations. Dinesh Lal Bajracharya, (1998) in his study observed that Consumers in India were more organized than in Nepal and hence the number of consumer organisations here was much larger. Moreover, Nepalese Consumers were not aware enough to get united for class action. His study also revealed that the factors discouraging consumers from remedial action were mainly of a legal nature and pertaining to consumer's self-constraining behaviour. Prominent among these were consumer's indifferent attitude 74 percent, lack of faith in legislative measures 73.6 percent, avoiding involvement in disputes 72.8 percent, lack of time 68 percent and consumer lethargy 56.6 percent. The study although not directly related to the problem probed by the researcher, yet it is useful otherwise.

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<sup>24</sup> E.A. Lizzy. "Consumer Redressal Agencies : How Effective: Kerala Experiment" **Economic and Political Weekly**, August 7-14, 1993, pp. 18-21.

<sup>25</sup> Rabi Narayan Kar, **Working of the District Forums: A comparative study of Delhi and Dhenkanal District Consumer Disputes Redressal Forums**", unpublished Ph.D. thesis, Department of Commerce, Delhi University, Delhi 1995.



In her study, Sharmila Thakur (1992) observed that executives recognized business failings in the area of advertisements, complaint processing and pricing, but felt that government intervention was necessary in order to protect consumers. Students seemed to be more concerned about consumer problems like inadequate product, information and adulteration besides complaint redressal; however, they were not favourably inclined towards the idea of government regulation in business. Instead, they seemed to prefer self-regulation, thus upholding the marketing concept.<sup>26</sup> The study is not directly related to the problem of the researcher.

Gurjeet Singh, (1995) in his study suggested that the significance of social litigation vis-à-vis consumer protection has to be visualized, appreciated and encouraged. Only then the dream of consumer protection will become a reality for the ordinary Indian consumer. Deepa Sharma's (2005) study has analysed the mechanism of grievance redressal of consumers as provided under the Consumer Protection Act in providing relief to the consumers against defective goods, deficient services, unfair trade practices, restrictive trade practices and overcharging, etc. Narinder Kumar and Neena Batra (1990) have conducted a survey on consumer rights awareness and actions in small cities. The study indicates that consumers are well aware of their rights, but only a few consumers exercise them. This is not because consumers are lethargic or inactive or impotent, but the real cause for not availing their rights is the unsatisfactory response of their voice. Besides several commentaries and studies on consumer protection, some articles have been carried out on consumer awareness.

G.N. Sahu (1981) in his article explains that consumerism concerns the entire society as everybody is a consumer of some kind or the other of goods/services. According to him, the problems of consumers in India are: over charge, under weight, adulteration, imitation, defective packing and bad services by fraudulent, deceptive, unethical and unscrupulous businessmen. The problems are accentuated by the illiteracy, ignorance and lack of awareness of the majority of Indian consumers about their rights. Consumers can be relieved of this menacing problem, if both the government and general public join hands with all sincerity.<sup>27</sup>

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<sup>26</sup> Sharmila Thakur, **Product Dissonance, Consumer Opinion of Indian Marketing and Comparison of Consumer Laws of some Countries**, unpublished Ph.D. thesis, Department of commerce, Garhwal University Srinagar, Garhwal (U.P.), 1992.

<sup>27</sup> G.N. Sahu, "Consumer Problems in India", **Indian Journal of Marketing**, vol. XI, (No. 9), May 1981, pp. 3-8.

Neelam Singh's (2001) article deals with the consumer protection in the developing and developed countries. In the developed countries the role of media is widespread and extremely effective and potent tool of consumer protection through consumer education. On the contrary, the developing countries, where a large chunk of consumers belong to low income bracket are facing the problems of non availability of essential commodities and price escalation and hence need egalitarian consumerism to overcome the consumer grievances.<sup>28</sup> Gurjeet Singh (1996) in his article stresses that Media can play a vital role in moulding public opinion and so it can be used as a potent tool for consumer education. In another article K. Srinivasan explains consumerism in India and according to him, every consumer in his own interest has to realise his role and importance in the right perspective. In a competitive economic environment, the consumer has to exercise his choice either in favour or against the goods and services.

Jag Parvesh Chandra (1993) highlights that consumer in reality is not the 'King' because he is mostly at the mercy of market forces and advertising hype. H.K. Awasthi's (1999) article describes the complete procedure of the Consumer Protection Act and he stresses that consumer guidance is vital for the protection of the consumers. The Consumer Protection Act is a milestone in the history of socio-economic legislations in India.

A.K. Saxena (1978) in his article analyses and comparing the Indian and Western Consumerism concludes that major causes for consumerism in India are: soaring prices, poor and sub standard products and service performance, inadequate production, gross adulteration, arbitrary weight and measures, deceptive advertising and publicity campaign.

P.D. Bhajantari (1998) in his article explains that consumer protection is nothing but to provide safeguard against the basic rights of consumers. He suggests for consumer protection, a four pronged strategy to be adopted. He stresses that government is ambivalent due to its confused role as a protector of democracy and vote catcher.<sup>45</sup>

D.A.R. Subramanyam and M.S. Narayan (1990) make an effort in their article to identify the efforts and loopholes in the administrative machinery, weaknesses of co-operatives and appraise the efforts of some of the voluntary organisations and suggest ways and means to strengthen them.

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<sup>28</sup> Gurjeet Singh, "Role of Media in Consumer Education" *Upabhokta Jagaran*, vol. 20, December 1996, pp. 45-50.



H.C. Chaudhry (1982) in his article offers a penetrating insight into the issues involved in the consumer protection movement. He explains that the government, business and society shall find it useful in enlightening themselves of the emerging forces emanating from the buying side of business and understanding the social, political, economic and psychological aspects of Indian consumer movement. Suryanarain T. Sastry's (1992) article deals with the role of voluntary organisations in creating consumer awareness. An individual consumer always remains in weak position in market against the organized seller. The voluntary consumer organisations play a vital role in educating the consumers by providing them timely and adequate information about various goods and services. They act as liaison with the government as well as with the manufacturers.

Harish S. Oza (1987) in his article reveals that the philosophy of marketing is based on consumer and consumer is not only the heart of marketing, but also the controller of marketing functions. However, the idea of consumer supremacy and consumer sovereignty is definitely fallacious in free market economy. He emphasizes that in reality consumer may be 'king' of corporate activities, but his 'kingdom' remains on paper only.

It is clear from the review of literature that consumer protection is an upcoming area for research, but it has not received adequate academic attention presently. No serious attempt has been made to examine consumer awareness, working of District Forums and the behaviour of the consumers in Haryana. This is a field where no significant study has been made so far and there exists a gap in the body of literature. The present study is a modest attempt to fill this gap in the literature and add to the knowledge.

## CHAPTER TWO

### UNBS MANDATE IN THE PROTECTION OF CONSUMER RIGHTS

#### 2.0 Introduction

This chapter presents the role and extent of the UNBS Act in the protection of consumer rights in Uganda.

#### 2.1 UNBS Activities and Services

UNBS offers technical support services to the private sector (traders and manufacturers) as well as the public sector. Trade support services are aimed at promoting import and export trade, as well as domestic trade. Industry support services are aimed at promoting the quality and competitiveness of locally manufactured goods, both for export and local consumption.

In addition, UNBS carries out regulatory activities of enforcing mandatory standards. Within its mandate of standardisation, UNBS activities and services offered include: Development of standards, Laboratory testing, Products certification, management systems certification, Exports inspection and certification, Imports inspection and certification, Pre-delivery inspection of goods and equipment (tenders, etc), Factory inspection, Calibration services and National measurement reference standards, legal metrology, Training and consultancy services, Information on standards and standards sales, marketing and accreditation<sup>29</sup>.

#### 2.2 Gaps in the UNBS mandate that exporters have to contend with

Inadequate Standards Policies and Regulatory Framework, Uganda's body of legislation pertaining to technical regulations, standards and conformity assessment is in a state of transition with many areas covered by inadequate legislation. Other areas like Quality Assurance and Consumer Protection, Product liability and Competition are at various points in the national legislative process<sup>30</sup>. Even where specific policies, laws and regulations are relevant and or appropriate, their enforcement is often weak.

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<sup>29</sup> UNBS website Uganda

<sup>30</sup> Law society Journals and articles from [www.lawsocietyuganda.com](http://www.lawsocietyuganda.com)



**Inadequate Institutional Capacities for the Standards and Quality Infrastructure,** The capacities of public and private sector agencies that render service in the standards and quality infrastructure are inadequate and need to be strengthened. In addition, the infrastructure inventory is not known and as a result, facilities and equipment utilization is not optimized. The apparent gaps are in the following areas; accredited laboratories, human resource development, inspection services, certification and accreditation services, related support services and geographical reach.

**Limited coordination and collaboration among standards agencies,** Despite the existence of numerous institutions with both legislative and executive powers to implement standards and technical regulations; many of these have overlapping and sometimes conflicting mandates; and unethical practices. Besides, coordination and collaboration of these standardization activities is presently very weak and more often informal especially in the sharing of information.

**Low public awareness, participation and compliance,** One of the major constraints that the regulators in standardization face is low level of public awareness, market Information and advocacy on safe and quality goods and services. This is partly due to the high cost of undertaking information, education and communication awareness campaigns. As a result, consumers are unknowingly exposed to cheap, unsafe and substandard goods and services that are in many cases hazardous to their lives and lead to illnesses or at times death.

**Limited skilled human resources,** The current trained personnel in standardization system are still insufficient to support implementation of standards, technical regulations and provide the required testing and calibration services

**Limited participation in regional and international standards setting fora,** A number of factors limit Uganda's participation in regional and international standardization fora. These include; limited financial and technological capacity to participate in order to influence the development of international standards.

**Proliferation of global private standards,** As Uganda seeks to expand and further diversify its exports, it is increasingly faced with more stringent private standards especially those related to food safety, plant and animal health as well as in respect of other commodities and services

What is the strategic vision of your organization over the next three years? Is this strategic vision aligned to the national development priorities (sectoral and market) of your country and how?

The UNBS Vision is “To be a leading institution of international repute in the provision of standardization services” and this is aligned with the National Standards and Quality Policy (still in draft) which focuses on developing and sustaining a national standardization system, which is robust and able to achieve the requirements for high quality goods and services. The Vision of the National Standards and Quality Policy is “Economic and social transformation through sustainable standardization.”The Mission is “To improve Uganda’s competitiveness in the domestic, regional and international markets through production, trade and consumption of quality goods and services”<sup>31</sup>.

### **2.3 UNBS relationship with other organizations**

In what areas (e.g. sectors, service areas) is there the most potential for enhancing/strengthening cooperation between the NSB and TPO? What are possible areas of collaboration related to i) Preparation and dissemination of information, ii) Capacity-building and Advisory Services, iii) Obtaining and Demonstrating Compliance? UNBS through the Uganda National Export Strategy 2008-2012 has established links with the Uganda Export Promotions Board (UEPB) which have enabled UNBS to take a lead in the activities below: To build capacity through training of more quality managers.

To achieve international accreditation for Uganda testing laboratories To have a data bank on global product quality requirements To encourage the application of GMP, GHP, HAACP, ISO 22000, ISO 9001 in the industry. Formal relationships and perhaps MOUs should be established to ensure; Information sharing between TPO and NSB □ Capacity building and advisory services to the TPO and exporters What are the needs in order to get: Endorsement (e.g. by the Ministry); and Resources (financial, human, and institutional).

The Government of Uganda recognizes the need to undertake measures aimed at strengthening an enabling environment for the private sector most especially the MSMEs to be more competitive in the domestic, regional and international markets.

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<sup>31</sup> UNBS Report 2012

Strategic policy linkages and synergies have been explicitly emphasized, and their exploitation and enhancement shall be key in ensuring the availability of Information about the regulatory and market requirements for their product or service, availability of Services to determine compliance of the product or service with requirements, and advisory support in redesigning the product or service until it does comply.

## **CHAPTER THREE**

### **CONSUMER PROTECTION LEGISLATION IN UGANDA**

#### **3.0 Introduction**

This chapter presents various legislations aimed at protecting consumer protection in Uganda. Consumer protection refers to the protection afforded to a consumer not only against fraud and dishonesty in commercial dealings but also oppressive bargains and qualitatively deficient goods and services. Consumer protection is an ancient law yet little has been done in this regard in Uganda

#### **3.1 Contract Act of 2010 of Uganda**

The Contract Act is not a law of contract specific to Uganda but only states that the English common law will apply to Uganda subject to modifications to make it locally suitable. The Contract Act<sup>32</sup> amended in 2010 from the previous one suits local circumstances and also incorporates developments in the law of contract generally through it still affects consumers. This is so in a situation where a consumer is cheated and he or she takes the matter of court, the Ugandan courts will use the English common law relating to contracts but simply modify it to suit the particular case.

Other countries in Europe and America such as the United Kingdom have enacted a number of laws to protect its consumers; these include the Unfair Contracts Act and the Consumer Protection Act. There is therefore a need to enact a consumer protection law in Uganda to cater for the numerous problems that Ugandan consumers encounter in the market daily.

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<sup>32</sup> Contract Act of Uganda 2010



### 3.2 Sale of Goods Act, Cap 82

The Sale of Goods Act provides for basic principles of general contract law and focuses on transactions involving the sale of goods. The Sale of Goods Act addresses the unequal status among parties to contracts by enacting exceptions to the general rule of freedom of contract. Under the doctrine of caveat emptor (buyer beware), it cautions consumers to rely on their own resources and devices when contracting.

Under the Act<sup>33</sup>, there is also an implied condition that the goods will be fit for the purpose for which they are purchased “where the buyer makes known to the seller the particular purpose for which the goods are required”. Another implied condition is that the goods will be merchantable or commercially viable.

The Act<sup>34</sup> has a number of weaknesses, for example Section 54 of the Sale of Goods Act permits parties to contract out of the provisions of the Act by stipulating that “where any right, duty or liability would arise under a contract of sale by implication of law, it may be negative or varied by express agreement or the course of dealing between the parties, or by usage if the usage be such as to bind both parties to the contract. In practice, most vendors and suppliers make consumers accept the exclusion or limitation of the protective provisions embodied in the Act.

Section 5 of the Sale of Goods Act<sup>35</sup>, requires that a contract for the sale of goods of the value of two hundred shillings or more has to be in writing if it is to be enforceable. This provision is also very limiting first, because in Uganda today, two hundred shillings does not buy anything of value. Secondly, most of the contracts for Sale of Goods in Uganda are not in writing. Therefore, a consumer who buys defective goods may fail to enforce the breach in a court of law because the contract of sale was not in writing.

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<sup>33</sup> Sale of Goods Act, Cap 82

<sup>34</sup> Ibid

<sup>35</sup> Cap 82

### **3.3 The Weights and Measures Act, Cap 103**

The main function of this Act is to provide for and to regulate the use of weighting and measuring equipment. It seeks to ensure that a consumer of goods should be given the right quantity of goods and to achieve this by laying down detailed procedures of how weighting or measuring equipment is certified as fit for use in trade. The Act<sup>36</sup> also makes it an offence to sell or expose for sale under weight goods.

There is one noted weakness about the Weights and Measures Act as amended is its heavy reliance on penal sanctions to enforce compliance. Moreover the offences created throughout the Act attract very paltry fines ranging between five hundred shillings and two thousand shillings. These fines have never been revised upwards.

A consumer who has bought underweight goods as a result of a trader using false equipments is not interested in seeing the trader go to jail. A consumer's need is just to get compensated or to be given the right quantity of goods that he or she had paid for. This Act should be amended so as to provide for more up to date ways of appeasing a cheated consumer, for example compensation or being given the right amount of goods.

### **3.4 The Uganda National Bureau of Standards Act, Cap 327**

This Act<sup>37</sup> establishes the Uganda National Bureau of Standards (UNBS). The main functions of UNBS are to formulate, determine, modify, endorse and enforce standards for commodities and codes of practice. Other functions of UNBS which are of specific relevance to consumer protection are to enforce standards in protection of the public against harmful ingredients, dangerous components and shoddy material, to provide for testing of locally manufactured or imported commodities to determine whether such commodities conform to the standard specifications.

The Uganda National Bureau of Standards Act does not have clear avenues for redressing of consumer complaints. For instance, there is no provision in the Act that boldly states the UNBS may receive complaints from the consuming public in case a consumer is cheated or has bought substandard products.

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<sup>36</sup> Weight and Measures Act of Uganda Cap 103

<sup>37</sup> The Uganda National Bureau of Standards Act, Cap 327



### **3.5 National Drug Policy and Authority Act, Cap 206**

This is the basic law regulating drug use in Uganda, regulation of the consumption of drugs is very important because there is no person who can do without drugs. Besides, drugs, if not used properly, they can lead to devastating consequences. Under the Act<sup>38</sup>, National Drug Authority is established to regulate importation, exportation and sale of pharmaceuticals in Uganda and to approve the National List of Essential Drugs.

### **3.6 Control of Drug Supply**

Under the National Drug Authority Act, no person will import or sell any drugs unless it appears on the National Drug Formulary. The National Drug Authority Act is a legislation that generally went a long way in ensuring that drug users or consumers are protected. Some of the main challenges to the National Drug Authority Act relate to its implementation or enforcement. One of the most glaring lacunae in the Act however is the lack of regulation of herbal medicines.

A large number of consumers in Uganda use herbal medicines. It has been discovered that some herbalists mix herbs with conventional drugs to treat some ailments, for example, some of them mix herbs with anti-malaria drugs such as chloquine and the concoction is used to treat malaria. This poses a serious health risk to the consumer. These practices however continue unabated and are not investigated mainly because the National Drug Authority Act does not provide any mechanism for regulating herbal medicines and their use.

### **3.7 Food and Drugs Act**

This Act<sup>39</sup> makes provision for the prevention of adulteration of foods and drugs. The Act prohibits the sale for human consumption food or drugs rendered injurious to health. Any person found selling adulterated food or drugs commits an offence and is liable on conviction to a fine of two thousand shillings or imprisonment not exceeding three months.

The Act makes it an offence for any person to display food with a label that falsely describes the food or is calculated to mislead as to its nature, substance or quality. The Act<sup>40</sup> establishes a Food Hygiene Advisory Committee with a Chairperson and members appointed by the minister.

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<sup>38</sup> National Drug Policy and Authority Act, Cap 206

<sup>39</sup> Cap 278

<sup>40</sup> Ibid

However, the Act does not clearly spell out the functions of this committee but merely says that the minister may from time to time refer to the committee for consideration and advice on any questions relating to the Act as it applies to food.

Like the Weights and Measures Act, this Act has good provisions which if implemented, would curb the sale of adulterated food and drinks. However, the Act also lacks effective provisions that would ensure compliance and also relies on penal sanctions to enforce compliance and these are very low. The Food Hygiene Advisory Committee established under the Act is not active. Perhaps if this committee was active, it would have innovated better methods of food hygiene and also halted sale of expired and adulterated food on the market.

Some of the major challenges to enforcing the Food and Drugs Act are poverty, lack of informed consumers, lack of adequate administration and enforcement, etc. in a situation where the majority of consumers are very poor, what matters to the majority of the consumers is availability of food as opposed to the quality of food.

### **3.8 The Public Health Act**

The Public Health Act<sup>41</sup> is intended to make provision for securing and maintaining health. It covers a wide range of public health and consumer matters such as sanitation, housing, prevention of infectious diseases, protection of foodstuffs, public water supplies, meat, milk and food articles.

### **3.9 The Judiciary**

The judiciary is left with an important role to play in providing remedial or reactive protection to consumers and can also provide preventive or proactive protection where for instance, an injunction is granted to restrain an impending infringement of consumer's rights.

The courts are often institutions of last resort after such remedies as negotiation, reconciliation, mediation or arbitration between consumers and suppliers or providers have failed or when administrative tribunals fail to provide relief.

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<sup>41</sup> Cap 281

Its therefore noted that the lower courts are more accessible in terms of geographical access, are less costly in terms of filling fees and representation and are relatively faster in dispensing of cases than in the higher courts.

Consumer protection in the judicial process is also compromised by the scarcity of a clear and comprehensive regime of substantive law as well as by technical procedural and evidentiary rules which also makes it difficult for consumers to represent their own interests. Since the majority of consumers may be illiterate in law, some degree of strict liability should be imposed on sellers.



## **CHAPTER FOUR**

### **CHALLENGES OF THE INTRODUCTION OF A CONSUMER PROTECTION LAW IN UGANDA**

#### **4.0 Introduction**

Modern law means law well fitted to meet the current and foreseeable future needs. A new era has arrived, time has run out for businesses that supply poor quality products and those which come together to fix prices or rig markets or take unfair advantage of a dominant market position, to create an industrial economy that can stand the test of international competitiveness, a framework for the establishment of local industries with the backing of foreign investment has to be introduced, therefore the need for consumer protection law.

#### **4.1 Competitive economy**

The predominant objective of a consumer protection law in Uganda is basically to manage competition in the country's economy. The government should aim at pursuing policies to facilitate productive and creative activity in the economy in the most competitive and efficient way possible for the benefit of everyone, that is by maximizing output and contribution to prosperity at minimum cost rather than simply efficiency in the popular cost.

This entails freedom for managers and others controlling companies, cooperatives, joint ventures and partnerships, ensuring that to maximize wealth and welfare they are enabled to maximize their proper function in managing resources. It is not for the law to substitute for business judgments involved but to provide optimal conditions for their proper exercise.

The limited company form has proved over the last 150 years an outstandingly successful means for organizing productive activity, deploying and protecting investment and allocating risks. Its critically important that the success should be preserved and indeed enhanced in the modern context, there is clearly room for improvement.

## **4.2 Opening up of the economy**

New approaches have been introduced to enable the country achieve a more competitive economy. Some of these are liberalization, prevention of injury rather than protectionism of industry and deregulation. Government of Uganda is committed to putting in place a policy and regulatory environment that supports the operations of a modern competitive private sector.

This means delivering changes that reduce time and money that businesses spend on regulatory activity and that give businesses minimum flexibility to take advantage of competitive opportunities.

Government's purpose of doing this is to improve the potential of Uganda business to prosper and grow so that they can deliver more jobs and higher standards of living to Ugandans. The reforms will open the Ugandan economy to competitive international levels in terms of skilled manpower and information technology.

## **4.3 Freedom and abuse**

This does not mean that the law should merely facilitate and secure freedom for management and controllers of business entities. There is a tradeoff between freedom and abuse and between freedom and efficiency. Abuse damages efficiency and the credibility of business and of productive system. The law stakeholders seek to ensure that appropriate high standards of conduct are maintained.

Such standards are important components in promoting competitiveness and efficiency. They give rise to demands on management which must be recognized both internally from shareholders, partners and externally, ensuring that business activity responds also, to the maximum extent it efficiently can to widen the economy, environmental and social needs.

Consideration has to be given to the fact that specialized legislation such as employment laws, health and safety laws, consumer protection and environmental laws etc have a bearing on the relations between members or partners, creditors and directors. The law should have a place in securing business entities are operated in a way that wide ranges of interests are met.

#### **4.4 Comprehensive and coherent reform**

The purpose of this review is to produce a coherent framework through a comprehensive reform process. Comprehensive reform is in fact essential to produce a competitive and efficient outcome. The present laws have many strengths and benefits but fail in terms of responsiveness to the shape of modern business and in the accessibility of the language in which they are expressed relevant provisions sometimes being hard to find and understand and expensive to administer<sup>42</sup>.

Anti-abuse provisions may take the form of an unduly wide prohibition, sometimes introduced for broad or now superseded reasons, overlaid with complex exemptions, to which are attached a further layer of conditions and safeguards. The purpose may be reasonably clear in theory but may bear little relationship to modern commercial reality particularly in the context of the wide range of purposes to which the law is put.

Under the company law provisions for example, elaborate prescriptive structures such as capital maintenance doctrine, have built up on the back of theories which may now have only limited relevance.

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<sup>42</sup> UNBS reports and articles ([www.unbsuganda.com](http://www.unbsuganda.com))



## **CHAPTER FIVE**

### **CONCLUSION AND RECOMMENDATIONS**

#### **5.1 Conclusion**

The UNBS has the responsibility to protect the rights of consumers in Uganda through the UNBS Act. The UNBS Act has a duty relevant to consumer protection in Uganda which is to enforce standards in protection of the public against harmful ingredients, dangerous substances and shoddy material in any consumable goods sold in Uganda and also to provide for testing of locally manufactured or imported commodities in the effort of determining whether such commodities conform to the standards specifications in Uganda and the entire world.

The Consumer Protection Act is also protects the right to be protected against marketing of goods and services which are hazardous to life and property, the right to be informed about the quality, quantity, potency, purity, standards and price of goods and services and the right to be assured, whenever needed of access to an authority of goods and services at competitive prices.

The act also is to focus on the right to be heard and to be assured that the consumer's interests will receive due consideration at appropriate forums and also seek redress against unfair trade practices or unscrupulous exploitation.

Therefore; from the several analyses in this report, one can conclude that there is an urgent need to enact a consumer protection law that boldly lays down the rights of consumers, the obligations of the suppliers and the remedies open to aggrieved consumers. There is also urgent need for the establishment of small claims courts or tribunals to quickly to quickly handle consumer complaints.

## 5.2 Recommendations

The UNBS Act has managed to protect consumers against certain substances and harm whereas much effort is still needed so that counterfeit goods or commodities that pose danger to the country are further eliminated for good.

The consumer protection legislation should apply except where the law applicable is inconsistent with the act on the provisions relating to, the sale or rental of real estate, banking, utilities or the sale of insurance and when the owner or publisher of a publication or printed matter in which an advertisement appears.

The defense, promotion, enforcement of consumer rights under consumer legislation should be exercised or conducted through individual or collective, mediation, negotiation, arbitration or litigation.

A person shouldn't publish an advertisement containing an offer to sell a product unless that offer is genuine and bonafide efforts have to be made by that person to sell the advertised product.

It should be the duty of every supplier of goods, technology or services to provide consumers with true, adequate, clear and prompt information on the goods and services offered, so that they can make a better and informed choice.



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