



## Act in protecting the right of consumers in India

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**Abstract:** An effective, efficient and fair implementation of the consumer protection Act is sine qua non for promoting the culture of good governance and thereby ensuring the better promotion and protection of the rights of the consumers. If the rights of the consumers in relation to the quality of goods and services are assured and taken care of then there will be no cause for complaints. This situation would certainly create an atmosphere wherein the clients, customers and consumers would feel satisfied with the things needed most to them. It is also equally necessary for the consumer of goods/services to be aware of the mechanisms available for redressal in case of grievances. Consumer redressal has also been built into the Consumer Protection Act. There are various fora like the lokadalats, district consumer forum, state consumer forum and the National consumer Disputes Redressal Authority where aggrieved consumers can apply for redressal of grievances. While the government has been initiating various schemes and programmes for the protection of the consumer, it is necessary that the consumer takes the onus to make use of all the protection mechanisms and asserts some self-care in buying goods/ availing of services. It is only by exercising their rights that the consumer can be in the driving seat

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### Introduction:

Consumers are an important part of business growth and the economy as a whole. Consumer protection laws focus on regulating the quality of products and services and protecting consumer interests to help them make informed decisions. In view of the rapid changes in industry and commerce around the world, the (Indian) Consumer Protection Act, 1986 was amended with a new broader law that came into effect in 2020 and new rules and regulations.

What are the applicable laws governing consumer rights protection in India?

In India, consumer rights protection is governed primarily by the Consumer Protection Act, 2019 (Consumer Protection Act), and the laws and regulations enacted under it. Some of the laws and regulations enacted under the Consumer Protection Act include the Consumer Protection Act (E-Commerce), 2020, Consumer Protection Rules (Mediation), 2020, Consumer Protection Laws (Consumer Dispute Resolution Commissions), 2020 and Consumer Protection (General) Acts, 2020. Apart from the Consumer Protection Act, there are various other laws and regulations enacted regarding the protection of consumer interests that cover specific issues such as food, drugs and cosmetics.

In India, consumer movement is as a 'public power' arose out of a need to protect and advance consumer interests against unfair and unethical trading practices.

The rampant food shortages, inventory, black market, food addiction and edible oil spurred consumer goods on an organized scale during the 1960's. Until the 1970s, consumer organizations were heavily involved in essay writing and exhibition. They form groups of buyers to check for badness in grocery stores and overcrowding. Recently, India has seen an increase in the number of consumer groups.

The consumer movement arose as a result of consumer dissatisfaction as more and more bad practices were perpetrated by retailers. There was no official program available to consumers to protect them from market exploitation. For a long time, when the consumer was unhappy with the product of a particular product or store, he usually avoided buying that product, or stopped buying in that store. It was thought that it was the responsibility of consumers to be careful when purchasing goods or services. It has taken many years for organizations in India, and around the world, to raise awareness. As a result of all these efforts, the organization has succeeded in putting pressure on business firms and governments to correct business practices that may be unethical and contrary to the interests of consumers as a whole. A major step taken in 1986 by the Indian government was the enactment of the Consumer Protection Act 1986.

To protect consumer on legal terms, Court of Law i.e. Consumer Court has laid down certain acts to protect the consumers on legal grounds. This Legal Protection

keeps intact the right of the consumer which when acted will provide them justice against any dissatisfaction created by the sellers/business/manufacture.

This legal Indian framework by Consumer Court also consists of large number of regulations that are maintained strictly for the protection of consumers. Some of these regulations are followed as stated below

The Consumer Protection Act, implemented in 1986, gives easy and fast compensation to consumer grievances. It safeguards and encourages consumers to speak against insufficiency and flaws in goods and services. If traders and manufacturers practice any illegal trade, this act protects their rights as a consumer. The primary motivation of this forum is to bestow aid to both the parties and eliminate lengthy lawsuits.

This Protection Act covers all goods and services of all public, private, or cooperative sectors, except those exempted by the central government. The act provides a platform for a consumer where they can file their complaint, and the forum takes action against the concerned supplier and compensation is granted to the consumer for the hassle he/she has encountered.

Consumer Rights and Responsibilities:

#### The Rights of the Consumer

- **Right to Safety-** Before buying, a consumer can insist on the quality and guarantee of the goods. They should ideally purchase a certified product like ISI or AGMARK.
- **Right to Choose-** Consumer should have the right to choose from a variety of goods and in a competitive price.
- **Right to be informed-** The buyers should be informed with all the necessary details of the product, make her/him act wise, and change the buying decision.
- **Right to Consumer Education-** Consumer should be aware of his/her rights and avoid exploitation. Ignorance can cost them more.
- **Right to be heard-** This means the consumer will get due attention to express their grievances at a suitable forum.
- **Right to seek compensation-** The defines that the consumer has the right to seek redress against unfair and inhumane practices or exploitation of the consumer.

#### The Responsibilities of the Consumer

- **Responsibility to be aware** – A consumer has to be mindful of the safety and quality of products and services before purchasing.
- **Responsibility to think independently**– Consumer should be well concerned about what they want and need and therefore make independent choices.

- **Responsibility to speak out-** Buyer should be fearless to speak out their grievances and tell traders what they exactly want
- **Responsibility to complain-** It is the consumer's responsibility to express and file a complaint about their dissatisfaction with goods or services in a sincere and fair manner.
- **Responsibility to be an Ethical Consumer-** They should be fair and not engage themselves with any deceptive practice.

#### How to File a Complaint?

- Within two years of purchasing the product or services, the complaint should be filled.
- In the complaint, the consumer should mention the details of the problem. This can be an exchange or replacement of the product, compensation for mental or physical torture. However, the declaration needs to be reasonable.
- All the relevant receipts, bills should be kept and attached to the complaint letter.
- A written complaint should be then sent to the consumer forum via email, registered post, fax or hand-delivered. Acknowledgement is important and should not be forgotten to receive.
- The complaint can be in any preferred language.
- The hiring of a lawyer not required.
- All the documents sent and received should be kept.

#### Consumer Protection Act, 1986

Globally, there was significant progress and expansion in the consumer goods industry by the 1980s. This attracted a variety of consumer goods to the market but also affected consumer sovereignty due to asymmetric information and control held by traders and manufacturers. There was limited oversight over their advertisements over television, newspaper, or magazines. However, the services provided by these manufacturers were not up to the mark. Consumer items were manufactured by a variety of firms which was adding up to the tally of adulterated and sub-standard articles in the Indian market.

In order to counter these issues, the Government has been introducing a series of provisions for providing protection to consumers such as the Indian Contract Act 1872, Sale of Goods Act 1930, Standards of Weight and Measures Act 1976, etc. These measures provided some relief to the consumer but there was scope for further reform to address adulterated and sub-standard goods. This is what the Consumer Protection Act of 1986 sought to resolve. While it was

successful in addressing critical issues, it still had some drawbacks as well:

- Lack of provisions related to online transactions or teleshopping
- Many varieties of deceptive or unfair practices were not added in this Act
- Lack of provision related to product liability
- Lack of provisions related to unfair contracts
- Lack of provisions for e-commerce websites
- No provision for an Alternative Dispute Redressal Mechanism

### **Consumer Rights**

Even though businessmen know their social responsibilities towards society, many businessmen exploit the consumers by way of unfair trade practices, fraud, etc. Therefore, the government of India provides some rights to consumers under the Consumer Protection Act to protect their interests. These rights are Right to Safety, Right to Information, Right to make Choice, Right to be Heard, Right to Seek Redressal and Right to Consumer Education.

#### **1. Right to Safety**

Right to Safety states that a consumer has the right to be protected against the marketing of hazardous goods and services to their life and property. It is essential for consumers for their secure and safe life and consists of concern for the present requirement and long-term interests of the consumers. Sometimes, a manufacturing defect in the goods like gas cylinders, electrical appliances, etc., may cause loss to the consumer's life, health, and property. Hence, the right to safety protects the customers from the sale of hazardous goods and services.

#### **2. Right to Information**

Right to Information states that a consumer has the right to be informed about the quantity, quality, purity, price, and standard of goods and services. The basic aim of this right is to protect consumers from any abusive and unfair trade practices. The right says that a producer must supply all the relevant information for consumers at a suitable place. Because of the right to information, the legal framework of India states that it is compulsory for the manufacturers to provide the relevant information on the package and label of the product.

#### **3. Right to make Choice/Right to Choose/Right to be Assured**

Right to Choose states that a consumer has the right to choose the goods and services of their choice or liking. In simple terms, it means that the consumers are given an assurance of ability, availability, and access to different products and services at a competitive price. A competitive price here means a fair price. The retailers, manufacturers, or traders

cannot force the consumers to purchase a specific brand only, the consumers can choose any brand they find suitable from their point of view.

#### **4. Right to be Heard/Right to Representation**

Right to be Heard states that a consumer has the right to be heard or advocate his/her interest or represent himself/herself. In simple terms, if a consumer has been exploited by a business or has a complaint regarding a business, good, or service, then he/she has the right to be heard and assured that his/her interest would be taken into consideration. For the fulfilment of this right, it is essential for the companies to have a complaint cell, so they can attend to the complaints of customers. Besides, the Right to be Heard also includes the right to representation in the government and other bodies making policies related to consumer protection.

#### **5. Right to Seek Redressal**

Right to Seek Redressal states that a consumer has the right to seek redressal and get compensation against exploitation or any other unfair trade practices. In simple terms, this right aims at assuring justice to the consumer against exploitation. The compensation can be in form of money, replacement of goods, or repair of defective goods according to the satisfaction of the consumer. For the accomplishment of this right, the government has set up various **redressal forums** at the state level and national levels.

#### **6. Right to Consumer Education**

Right to Consumer Education states that a consumer has the right to acquire the required knowledge and skills to be an informed consumer. Literate consumers can easily attain required information, know their rights, and take actions, but illiterate consumers cannot. Therefore, this right assures that illiterate consumers can seek information regarding their rights, existing acts, and agencies set up for their protection. For the same reason, the government of India has made it compulsory to add consumer education to the school curriculum and various university courses. To make consumers aware of their rights, the government is also using media and putting its money to good use.

#### **Consumers' Responsibilities**

In order to protect the interests of consumers, government and non-government organisations have made various efforts. But, these efforts can be helpful and can stop exploitation only when the consumers themselves will understand their responsibilities and move forward to safeguard their interests. Some of the responsibilities of consumers are as follows:

##### ***1. A consumer must exercise his/her right***

The Consumer Protection Act grants various rights to the consumer, such as right to seek redressal, right to

safety, right to be heard, right to choose, etc. But these rights can prove to be useful only when the consumer exercises these rights. In other words, a consumer must choose the product according to his/her taste and preferences, must file a complaint if the quality of the product is not satisfactory, and must be aware of his/her rights and exercise them when required.

#### **2. A consumer must be cautious**

It is the responsibility of the consumer not to blindly trust the words of the seller. He/she must first attain full information on the quantity, price, quality, standard, etc., of the product or service. By being cautious, the consumer can most of the time avoid exploitation or unfair practices.

#### **3. A consumer must be quality-conscious**

If the consumers stop compromising on the quality of products, then only the problems of adulterated products, duplicate products, and substandard products can be resolved. Therefore, while purchasing goods or services, a consumer must look for quality marks, like ISI marks, Agmark, etc.

#### **4. A consumer should file complaints for the redressal of genuine grievances**

Usually, when a consumer receives a defective good or service, he/she tends to ignore the loss suffered. However, this attitude of the consumers of not filing a complaint encourages the businessmen to practise unfair trade practices to supply bad quality or defective goods and services. It is the responsibility of the consumer to file a complaint even when the loss is small. The awareness towards filing a complaint for any unfair practice will then make the seller conscious to supply good quality, non-defective goods and services. However, the consumers must complain with a genuine grievance and should not exaggerate the defect or loss of goods.

#### **5. A consumer must insist on a cash memo**

Consumers usually do not ask for a cash memo after making a purchase of goods and services, and the cash memo is compulsory as evidence of purchase while filing a complaint. A seller is bound to give a cash memo to the buyer even if he/she does not ask for it. However, a consumer must ask the seller for a cash memo to file a complaint and get compensation.

#### **6. A consumer should not get carried away by advertisements**

Advertisements of products or services tend to exaggerate their features and quality. While making a purchase for goods and services, a consumer must compare the actual use of that good with the use told or shown in the advertisement. And if there is any change in the actual use and described use or discrepancy, then the consumer must bring this to the notice of the sponsor of the advertisement, so they can stop the exaggerated qualities.

#### **7. A consumer should use the products safely**

Before using a product or service, a consumer has the responsibility to first read its user manual, learn about the risks associated with them, and use the goods safely.

#### **8. A consumer must be honest**

While making a deal with the seller, a consumer should be honest and not engage in any illegal trade, and should also discourage black marketing, hoarding, etc.

#### **9. Save Environment**

A consumer is also responsible for keeping the environment safe. He/she can do so by avoiding contributing to pollution, waste, and littering.

#### **10. Form Consumer Organisation**

Consumers should also form consumer organisations or societies to play an active role in the education and protection of their interests.

**Conclusion** It may be concluded that even though several laws meant to protect consumers against such unfair trade practices, false and misleading advertisements continue to exploit the consumers. If the hour is better laws in keeping with the times, better enforcement, corrective advertisements, better self-regulations by industry independent regulator to regulate health and children-related advertisements. Outdated laws, poor enforcement of them are some of the lacunas in order to control advertising. However, consumer awareness through consumer education and actions by the government, consumer activists, and associations are needed the most to make consumer protection movement a success in the country. Positively, TV programmes have begun to discuss the problems of consumer protection and consumer's movement and a separate cell for consumer protection has been formed in the Ministry of Food and Supplies. Therefore, the domestic products should be of high quality to attract the interest and build the trust of consumers, and the government should enact certain standards for the quality assurance of not only the domestic but also the imported products. As is evident, CPA 2019 has made several changes to the erstwhile CPA 1986. CPA 2019 has widened the reach of consumer protection regime in India. The changes made vide CPA 2019 seem to further empower consumers by leveraging responsibilities not only on their counterparts, i.e., the sellers, manufacturers, service providers, but also the endorsers of such products. It also attempts to address the issues that were not comprehensively touched upon by CPA 1986, such interests of consumers as a class, etc. CPA 2019 has also attempted to ease and fasten the process of consumer disputes resolution by increasing the pecuniary jurisdiction of the commissions, attaching mediation cells, increasing the members of the commissions, imposing higher penalties etc. The

ramifications of CPA 2019 cannot be precisely gauged beforehand, as many new concepts have been introduced. However, what can definitely be said is that everyone involved in a transaction, other than the consumer, will have to be more careful, and cautious than ever before. There is still a long road ahead to ensure effective consumer justice. It is hoped that the new Consumer Protection Act 2019 overcome the shortcomings of the existing law and the consumer forums will act expeditiously to end the heavy backlog of cases pending before them, so as to give a boost to the consumer movement in India.

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