

An Analysis on the Various Aspects of Consumer Protection in India

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ABSTRACT

Looking at the growing interdependence of the economy of the world and taking into consideration of the international character of many business practices, it is nowadays important to notice that the consumer rights protection and promotion is becoming a very high necessity. Consumers, all over the world are demanding value for their precious money in the form of quality goods and better services in true sense. Modern technological developments and innovations have no doubt made a great impact on the quality, accessibility, availability and safety of goods and services; but the fact of life is that the consumers are still victims of unscrupulous and exploitative practices prevailing since many years. Consumers exploitation assumes numerous forms like adulteration of food, spurious drugs, dubious hire purchase plans, high prices, poor quality, deficient services, deceptive advertisements, hazardous products, black marketing and so on and so forth. Therefore, in this paper I'll try to focus mainly on the consumer protection issues from various aspects and perspectives and also I'll try to provide some remedial or suggestive measures which will be helpful for the promotion and protection of consumer protection and rights.

Key Words: interdependence, economy, business practices, consumer protection, exploitation, exploitative practices, technological development etc.

“A customer is the most important visitor on our premises; he is not dependent on us. We are dependent on him. He is not an interruption in our work. He is the purpose of it. He is not an outsider in our business. He is part of it. We are not doing him a favor by serving him. He is doing us a favor by giving us an opportunity to do so.”

..... Mahatma Gandhi

I. INTRODUCTION

The contemporary era is marked as the era of consumers. No country can knowingly or unknowingly disregard the interest of the consumers. This can be argued on the basis of fast enactment of consumer protection laws in almost all part of the world. Apart from the consumer protection laws in developed world, we could find the accelerated rate of lawmaking for consumers in developing countries like Thailand, Sri Lanka, Korea, Mongolia, Philippines, Mauritius, China, Taiwan, Nepal, Indonesia, Malaysia and other countries. India is not an exception to this rule. The Consumer Protection Act, 1986 is one of the examples that is to be treated as a milestone in the history of socioeconomic legislation to protect the interests of the consumers in India. The legislation to

protect and advance the interest of consumers in India was finally materialized after in-depth study of consumer protection laws operating in other countries and in consultation with representatives of consumers, trade and industrial segments of India and abroad. In order to better serve the interests of the consumer and to settle their disputes, Consumer Council and other authoritative mechanism are also being established.¹

The growing interdependence of the world economy and international character of many business practices have contributed to the development of universal emphasis on consumer rights protection and promotion. Consumers, clients and customers world over, are demanding value for money in the form of quality goods and better services. Modern technological developments have no doubt made a great impact on the quality, availability and safety of goods and services. But the fact of life is that the consumers are still victims of unscrupulous and exploitative practices. Exploitation of consumers assumes numerous forms such as adulteration of food, spurious drugs, dubious hire purchase plans, high prices, poor quality, deficient services, deceptive

advertisements, hazardous products, black marketing and many more. In addition, with revolution in information technology newer kinds of challenges are thrown on the consumer like cyber crimes, plastic money etc., which affect the consumer in even bigger way. 'Consumer is sovereign' and 'customer is the king' are nothing more than myths in the present scenario particularly in the developing societies. However, it has been realized and rightly so that the Consumer protection is a socio- economic programme to be pursued by the government as well as the business as the satisfaction of the consumers is in the interest of both. In this context, the government, however, has a primary responsibility to protect the consumers' interests and rights through appropriate policy measures, legal structure and administrative framework.²

II. HISTORICAL PERSPECTIVES OF CONSUMER PROTECTION IN INDIA

Consumer Protection has its deep roots in the rich soil of Indian civilization, which dates back to 3200 B.C. In ancient India, human values were cherished and

ethical practices were considered of great importance. However, the rulers felt that the welfare of their subjects was the primary area of concern. They showed keen interest in regulating not only the social conditions but also the economic life of the people, establishing many trade restrictions to protect the interests of buyers.³

Manu Smriti describes the social, political and economic conditions of ancient society. Manu, the ancient law giver, also wrote about ethical trade practices. He prescribed a code of conduct to traders and specified punishments to those who committed certain crimes against buyers.⁴

Written subsequent to *Manu Smriti*, Kautilya's *Arthashastra* is considered to be a treatise and a prominent source, describing various theories of statecraft and the rights and duties of subjects in ancient society. Though its primary concern is with matters of practical administration, consumer protection occupies a prominent place in *Arthashastra*. It describes the role of the State in regulating trade and its duty to prevent crimes against consumers.⁵

In the medieval period, consumer protection continued to be of prime concern of the rulers. During Muslim rule, a large number of units of weights were used in

India. During the Sultanate period, the prices used were determined by local conditions. During the rule of Alauddin Khalji, strict controls were established in the market place. In those days, there was unending supply of grain to the city and grain-carriers sold at prices fixed by the Sultan. There was a mechanism for price-enforcement in the market. Similarly, shop-keepers were punished for under weighing their goods.⁶

In the modern period, the British system replaced the age old traditional legal system of India. However, one of the outstanding achievements of British rule in India was “the formation of a unified nationwide modern legal system.” During the British period, the Indian legal system was totally revolutionized and the English legal system was introduced to administer justice. However, it is important to note that the traditions and customs of the Indian legal system were not ignored. Some of the laws which were passed during the British regime concerning consumer interests are: the Indian Contract Act of 1872, the Sale of Goods Act of 1930, the Indian Penal Code of 1860, the Drugs and Cosmetics Act of 1940, the Usurious Loans Act of 1918, and the Agriculture Procedure (Grading and Marketing Act) of 1937. These laws

provided specific legal protection for consumers.⁷

Consumer protection legislation enacted after India’s independence from Britain include: the Essential Commodities Act of 1955, the Prevention of Food Adulteration Act of 1954 and the Standard of Weights and Measures Act of 1976. A benefit of these Acts is that they do not require the consumer to prove *mens rea*. Rather, “the offenses are of strict liability, and not dependent on any particular intention or knowledge.” Criminal law in the field of consumer protection has acquired much significance, as consumers are less inclined to go to civil court for small claims. It has been said that “the functional value of criminal law in the field of consumer protection is a high one and it has a respectable pedigree.” Another view is that there has been an attempt to look at consumer protection as “a public interest issue rather than as a private issue” to be left to individuals for settlement in court.⁸

The Indian legal system experienced a revolution with the enactment of the Consumer Protection Act of 1986 [“CPA”], which was specifically designed to protect consumer interests. The CPA was passed with avowed objectives. It is intended to

provide justice which is “less formal, [and involves] less paper work, less delay and less [expense]”. The CPA has received wide recognition in India as poor man’s legislation, ensuring easy access to justice.⁹

III. PROTECTION OF CONSUMER IN INDIA

The government of India has been vigilant against the wicked tendencies of traders damaging and dubbing the interests of common consumers. The following legislations give sufficient light on the efforts of the government to save the consumers from malpractices in different trades:-

1. The Code of Criminal Procedure, 1973:-¹⁰

Nevertheless, the criminal laws of the country do protect the consumer in some degree or so. In this regard section 153 of the code empowers a station- house officer of a police station without warrant to enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing, used or kept and whenever there is reason to believe that in such place

weights, measures or instruments for weighing or false.

2. Indian Penal Code,1860 (Section 272 to 276):-¹¹

Initially sections 272 to 276 prohibited adulteration of food or drink intended for sale, sale of noxious food or drink, adulteration of drugs, sale of adulterated drugs and sale of drug as a different drug or preparation and provided punishments in order to deter the criminal, dealing with adulteration of food or drinks, sale of adulterated articles, sale of drugs by representing that they are different drugs or preparation what they in fact are.

3. The Dangerous Drugs Act, 1930:-¹²

This Act was brought into check the misuse of habit forming drugs like morphine and opium. Morphine and Opium might not become the articles of common consumption, hence the use of these intoxicants was prohibited and restricted and brought beyond the scope of consumers.

4. The Drugs and Cosmetics Act, 1940:-¹³

In order to give effect to the recommendations of the Drugs enquiry Committee, in so far as they relate to matters with which the Central Government is

primarily concerned, the Bill was introduced in the Legislative Assembly in 1937, as to regulating the import of drugs into India. The Act was passed to regulate the import, manufacture, distribution and sale of drugs. Under this Act, license to manufacture or sell any of the articles mentioned in the Act, was made obligatory, so that common consumers may not be bluffed and be supplied proper drugs and cosmetics.

Penalty for manufacture, sale etc. of drugs in contravention of Chapter IV (Manufacture, Sale and Distribution of Drugs) is provided in Sections 27 and 30. The Magistrate can impose enhanced penalties under Section 36.

5. The Drugs Control Act, 1950:-¹⁴

This Act empowered the Government to control sales, supply and distribution of drugs and to fix the maximum price which may be charged for the drugs. The object of this Act is to ensure that certain essential imported drugs and medicines may be sold at reasonable price.

6. The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 :-¹⁵

This Act prohibited advertisements of drugs for certain diseases like blindness,

heart disease, paralysis, etc. for saving the common consumers being duped and damaged in their health and life.

7. The Prevention of Food Adulteration Act, 1954:-¹⁶

This Act protects the consumers from hazards of food adulteration. It prohibits the manufacturers from selling or storing to sell or distribute any adulterated food, misbranded food, selling food without license, selling food which is prohibited for sale which are apt to spread diseases. Health authorities are given ample powers to check food adulteration in various fields.

This Act provides for prohibition of import of certain articles of food that no person shall import into India (i) any adulterated food; (ii) any misbranded food; (iii) any article food for the import of which a licence is prescribed, except in accordance with the conditions of the licence ; and (iv) any article food in contravention of any other provision of this Act, or any rule made there under.

8. The Essential Commodities Act, 1954:-¹⁷

This Act provides for control of production, supply and distribution of essential commodities like coal, petroleum,

sugar, cement, kerosene oil, food grains, vegetable oils, drugs, soaps, matches, etc. Under the Act, the State governments have been delegated powers to ensure that the dealers display on their shops or business houses price lists, stock position and issue cash memos. Also deterrent measures have been provided against economic offenders.

9. The Trade and Merchandise Marks Act, 1958:-¹⁸

This is an Act, to provide for the registration and better protection of trademarks and for the prevention of the use of fraudulent marks on merchandise. The object of the Act is to protect trade interests and prevents deception of consumers by misuse or abuse of trade marks.

10. The Monopolies and Restrictive Trade Practices Act, 1969:-¹⁹

The M.R.T.P. Act tries to checkmate the manipulative capacity of monopoly trades in several ways. It protects the interests of the consumers in an indirect way from an adverse market. An institution under the name, the Monopolies and Restrictive Trade Practices Commission has been created by the Act.

Some elaborate provisions regarding the control of prices and to regulate distribution and supply of goods are made in the

Act. The commission is given wide powers to investigate and make orders for modification or cancellation of restrictive trade agreements, having effect of the increasing of cost of production, distribution and supply of goods, increasing prices, reducing competition or deteriorating the quality of any goods or performances of any services. This Act gives a discretion to the Monopolies and Restrictive Trade practices commission to hear an individual consumer aggrieved by any restrictive or unfair trade practice. The Act sought to confer an important right on an individual consumer and a voluntary consumers Association to file a complaint before the commission and of being heard by it on receipt of a complaint in this behalf the commission is required under the provisions of the Act, to institute regular inquiry into any restrictive or unfair trade practice alleged by such individual consumer or voluntary consumers association.

11. The Standard of Weight and Measures Act, 1976:-²⁰

This Act prohibits the manufacturers any use of non-standard weight and measures. This Act along with standard of weights and

measures(packaged commodities) Rules, 1977, made it compulsory that the names and addresses of the manufacturer or packer, name of the commodity, net quantity, month and year of manufacture and sale price of the commodity to specified on the package.

12. The Prevention of Black-Marketing and Maintenance of Essential Supplies Act, 1980:-²¹

This Act seeks to check black marketing of essential supply of goods by traders. It provides for severe punishments in case of violation of the provisions of the Act. It provides for detention of black marketing and maintenance of supplies of commodities essential to the community.

13. The Consumer Protection Act, 1986:-²²

This Act sought to provide better protection of the interests of consumers and for that purpose, made provisions for the establishment of consumer councils and other authorities for the settlement of consumer disputes and for matters connected therewith.

This Act seeks to promote and protect the rights of consumers such as :

- (a) The right to be protected against marketing of goods which are hazardous to life and property.
- (b) The right to be informed about the quality, quantity, potency, purity, standard and price of goods to protect the consumer against unfair trade practice;
- (c) The right to be assured, whenever possible; access to variety of goods at competitive prices;
- (d) The right to be heard and to be assured that consumers' interests will receive due consideration at appropriate forums;
- (e) The right to seek redressal against unfair trade practices or unscrupulous exploitation of consumers; and
- (f) Right to consumer education.

These objects are sought to be protected and promoted by the Consumer Protection Councils established at the Central and State levels. It provides speedy and simple redressal to consumer disputes; quasi-judicial machinery is set up at the District, State and Central levels. These quasi-judicial bodies observe the principles of natural justice and have been empowered to give reliefs to a specific nature and to award, whenever appropriate, compensation

to consumers penalties for non-compliance of the orders given by the quasi-judicial bodies have also been provided.

In 2002 this Act is amended and introduced a new definition in Sec.2(O)(o) i.e. spurious goods and services which means such goods and services which are claimed to be genuine but they are actually not so.

14. The Competition Act, 2002:-²³

This Act is replaced in the place of the Monopolies and Restrictive Trade Practices Act, 1969 and some other legislation. The main objective behind this Act is to develop competition between the traders for the welfare of the consumers.

15. The Food Safety and Standards Act, 2006:-²⁴

This Act is enacted by the policy makers to ensure availability of safe and wholesome food for human consumption. The Parliament after holding that it is expedient in the Public Interest that the Union should take under its control the food industry. This Act applies to every undertaking, whether public or private, carrying out any activity, relating to any stage of manufacture, processing, storage, transportation and distribution of food, whether for profit or not. It also applies to

any of the food services, catering services and sale of food and food ingredients.

16. The Legal Metrology Act, 2009:-²⁵

Weighing or measuring the product in course of trade is an age old practice. But since last few decades the State has undertaken to regularize the standard of weights and measures used to sell or distribute the goods by weights, measure or number. This Act further bolsters the consumer interest by mandating the sellers to strictly abide by the rules and regulations of metrology.

17. CONSTITUTION OF INDIA:-²⁶

In addition to the above Acts which are specifically deals with consumer protection there are some other provisions in the Indian Constitution which assists Consumers to protect their rights. Article 38, 39, 39-B, 42 and 47, 14, 249, 261 of the Constitution may be looked into for the assistance of Consumers.

Even though the Indian Government has enacted various legislations for the welfare of the consumers, they are ignorant people and unaware of the rights and privileges provided to them by the various provisions. So they would not be in a position to combat the evil for the eradication of which the law came into

existence. Also there are certain other problems in the society which leads to deceive the ignorant consumers.

When compared to the Western and European Countries, where the Consumerism had its origin primarily, in India the percentage of utilization of the respective provisions of the Act and various Laws are found to be minimal and Government is spending huge amount for the system built-up of the Consumer Grievances Redressal but due to monitoring lapses of the implementing machinery resulting in clouds in smooth process of awareness built-up and its utilization.

IV. RIGHTS AND RESPONSIBILITIES OF THE CONSUMERS²⁷

It is recognized theory of the jurisprudence that rights and duties are correlated and there can be no right without duty and vice versa. Rights are the product of our demands where duties are the outcome of our conscience. They can not exist alone because they are interdependent. Right can not be enjoyed until and unless someone have corresponding duty to

perform and on the other hand duty can not performed except analogous right will be available. Though sometime there can be some absolute duties depending upon one's conscience. The consumer law is also the integral part of jurisprudence hence consumer rights should also be matched with some parallel duties/responsibilities for its absolute implementation.

➤ RIGHTS OF THE CONSUMER:²⁸

Consumer rights are now an integral part of our lives like a consumerist way of life. They have been well documented and much talked about. We have all made use of them at some point in our daily lives. Market resources and influences are growing by the day and so is the awareness of one's consumer rights. These rights are well-defined and there are agencies like the government, consumer courts and voluntary organisations that work towards safeguarding them. In the 20th century, the presence and influence of the market grew dramatically in consumer's life. We began to purchase things from the market for a price. Soon, mass production and industrial production came into being, giving the consumer world an entirely new dimension. Consumers should, not only to get value for

their money but also to save him from the losses and inconvenience occurred due to market manipulations, know his rights as a consumer. They are as follows:

❖ **Rights under Consumer Protection Act, 1986:**²⁹

1. Right to safety: It is Right to safety against such goods and services as are hazards to health, life and property of the consumer. For example, spurious and sub-standard drugs ; appliances made of low quality of raw material, such as, electric press, pressure cooker, etc. and low quality food products like bread, milk, jam, butter etc. Consumers have the right to safety against loss caused by such products.

2. Right to be Informed/ Right to Representation: Consumer has also the right that he should be provided all those information on the basis of which he decides to buy goods or services. This information relates to quality, purity, potency, standard, date of manufacture, method of use, etc. of the commodity. Thus, producer is required to provide all these information in a proper manner, so that consumer is not cheated.

3. Right to choose: Consumer has the full right to buy goods or services of his choice

from among the different goods or services available in the market. In other words, no seller can influence his choice in an unfair manner. If any seller does so, it will be deemed as interference in his right to choice.

4. Right to be heard: Consumer has the right that his complaint be heard. Under this Right the consumer can file complaint against all those things which prejudicial to his interest. First there rights mentioned above (Right to Safety; Right to be Informed; Right to choose) have relevance only if the consumer has right to file his complaint against them. These days, several large and small organisations have set up Consumer service cells with a view to providing the right to be heard to the consumer. The function of the cell is to hear the complaints of the consumers and to take adequate measures to redress them. Many newspapers like The Economic Times have weekly special columns to entertain the complaints of the consumers.

5. Right to Seek redress: This provides compensation to consumer against unfair trade practice of the seller. For instance, if the quantity and the quality of the product do not confirm to the promise of the seller, the buyer has the right to claim

compensation, such as free repair of the product, taking back of the products, changing of the product by the seller

6. Right to consumer education: Consumer education refers to educate the consumer constantly with regards to their rights. In other words, consumers must be aware of the rights they enjoy against the loss they suffer on account of goods and services purchased by them. Government has taken several measures to educate the consumers. For instance, Ministry of civil supplies publishes a quarterly magazine under the title “UPBHOKTA JAGRAN”. Doodarshan telecasts programme titles “SANRAKSHAN UPBHOKTA KA”.

❖ **Rights under United Nation:**³⁰

In addition to this six rights enumerated under Consumer Protection Act, 1986 the United Nations Organisation also provided following rights of Consumers:

1. Right to Basic Needs: The Basic need means those goods and services which are necessary for the dignified living of people. It includes adequate food, clothing, shelter, energy, sanitation, health, care, education

and transportation. All consumers have the right fulfill these basic needs.

2. Right to Healthy Environment: This right provides consumers the protection against environment pollution so that the quality of life enhanced. Not only this, it also gives stress that the need to protect the environment is for future generations as well.

3. Promotion and protection of consumers’ economic interests:

Government policies should seek to enable consumers to obtain optimum benefit from their economic resources. They should also seek to achieve the goals of satisfactory production and performance standards, adequate distribution methods, fair business practices, informative marketing and effective protection against practices which could adversely affect the economic interests of consumers and the exercise of choice in the market place.

4. Standards for the safety and quality of consumer goods and services:

Governments should, as appropriate, formulate or promote the elaboration and implementation of standards, voluntary and other, at the national and international levels

for the safety and quality of goods and services and give them appropriate publicity.

5. Distribution facilities for essential consumer goods and services:

Governments should, where appropriate, consider:

a. Adopting or maintaining policies to ensure the efficient distribution of goods and services to consumers; where appropriate, specific policies should be considered to ensure the distribution of essential goods and services where this distribution is endangered, as could be the case particularly in rural areas.

b. Encouraging the establishment of consumer cooperatives and related trading activities, as well as information about them, especially in rural areas.

6. Measures enabling consumers to obtain redress:

Governments should establish or maintain legal and/or administrative measures to enable consumers or, as appropriate, relevant organizations to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Such procedures should take particular account of the needs of low-income consumers.

7. Education and information programmes:

Governments should develop

or encourage the development of general consumer education and information programmes, including information on the environmental impacts of consumer choices and behaviour and the possible implications, including benefits and costs, of changes in consumption, bearing in mind the cultural traditions of the people concerned. The aim of such programmes should be to enable people to act as discriminating consumers, capable of making an informed choice of goods and services, and conscious of their rights and responsibilities.

8. Promotion of sustainable consumption:

Sustainable consumption includes meeting the needs of present and future generations for goods and services in ways that are economically, socially and environmentally sustainable.

➤ RESPONSIBILITIES OF THE CONSUMER:³¹

While we all like to know about our rights and make full use of them, consumer responsibility is an area which is still not demarcated. The consumers have a number of rights regarding the purchase of things, but at the same time they have some responsibilities too. It means that the consumer should keep a few things in mind

while purchasing goods or availing services.

They are as follows:

1. Consumer should exercise his right:

Consumers have many rights with regard to the goods and services. They must be aware of their rights while buying. These rights are: Right to safety, Right to be informed, Right to representation, Right to seek redressal, Right to consumer education, etc.

2. Cautious consumer/ Do not buy blindly:

The consumers should make full use of their reason while buying things. They should not take the seller's word as final truth. In other words, while buying consumer must get information regarding the quality, quantity, price, utility etc. of goods and services.

3. Filing complaint for the redressal of genuine grievances: It is the responsibility of a consumer to

approach the officer concerned there is some complaint about the goods purchased. A late complaint may find that the period of guarantee/warranty has lapsed. Sometimes, consumers ignore the deception of businessmen. This tendency encourages corrupt business practices.

4. Consumer must be quality conscious/Do not compromise on quality:

The consumers should never compromise on the quality of goods. Therefore, they should not buy inferior stuff out of greed for less prices. If the consumers behave like this, there cannot be any protection for them from any quarter. It is also the responsibility of the consumers only to buy goods with the **ISI, Agmark, Woolmark, FPO, Hallmark** etc. printed on them. All these symbols are indicative of the good quality of the goods.

5. Advertisements often exaggerate/Beware of false

advertisement: The seller informs the consumer about their things through the medium of advertisement. The sellers exaggerate the quality of their goods. Therefore, it is the responsibility of the consumers to recognise the truth of advertisement.

6. Do not forget to get Receipt and

Guarantee/warranty card: One should always get a receipt or bill for the things purchased. In case a guarantee/warranty card is also offered by seller, it should also be taken. In case the goods purchased are of inferior quality or some defects appears and bothers the customers, these documents will be of great help in settling all kinds of dispute with the seller.

7. Do not buy in hurry: The first important responsibility of consumers is that they should not buy in hurry. It means that the consumers should make an estimate of the things they want to buy their along with their quantity required by them. They should also take in consideration the place from where to buy the things.

V. REMEDIES AVAILABLE TO AGGRIEVED CONSUMER³²

The Consumer Protection Act seeks to provide a speedy and simple redressal to consumer grievances. The Consumer Protection Act has specified consumer rights given above. It provides for the setting up of a three tier quasi-judicial machinery. This machinery has been authorised to provide time bound relief to consumers. Remedies available to an aggrieved consumer are:

1. Removal of defects in goods.
2. Payment of compensation by seller for any loss borne by the consumer.
3. Return of price by the seller.
4. Replacement of defective goods with new goods of similar description.

The Consumer Protection Act makes provision for the setting up of the following authorities:

➤ **District forum**³³

The State Governments are required to establish District Forum in each district.

The important features of District Forum are as under:

1. Each District Forum consists of a chairman and two members appointed by the State Government. It has the powers of a civil court for enquiring into any complaint.
2. A District Forum can receive consumer complaints where the value of goods or services and the compensation claimed is less than Rs. Five lakh.
3. The consumer can file complaint against the manufacturer for the malpractices.
4. On receiving the complaint, the District Forum shall refer the complaint to the opposite party concerned (i.e. seller, manufacturer or the organization who is responsible for malpractice), and send the sample of goods for testing in a laboratory.
5. If the other party is responsible for the default or some unfair trade practices, the

District Forum can issue an order to them directing them to either resolve the defect or replace the goods, or return the price, or pay compensation to the consumer for loss or injury etc.

An appeal against the order of the District Forum can be filed to the State Commission within 30 days.

➤ **State commission**³⁴

It is set up by the State Government and its jurisdiction is restricted to the boundaries of the state concerned. The Consumer Protection Act lays down the working of a State Commission as under:

1. The State Commission shall consist of a President who either has been a Judge of a High Court and two other members. All the three shall be appointed by the State Government.
2. Only those complaints can be filed where the value of goods or services and compensation claims comes in between Rs. 5 lakh and Rs. 20 lakh. The appeal against the order of any District Forum can also be filed before the State Commission.

3. The State Commission is required to refer the complaint to the opposite party concerned and send the sample of goods for retesting in a laboratory, if necessary.

4. The State Commission after being satisfied that the goods were defective can issue the same order as can be issued by the District Forum.

Any person who is aggrieved by the order of the State Commission can appeal against such order to the National Commission within 30 days.

➤ **National commission**³⁵

It is set up by the Central Government. The salient features and provisions of the Act pertaining to the National Commission are as under:

1. It shall include a President who is or has been a Judge of the Supreme Court and four other members appointed by the Central Government.
2. The identical complaints as can be filed in the District Forum and State Commission can be filed in the National Commission too. Appeal against the order of State

Commission can also be filed before the National Commission.

3. The National Commission shall have the same powers as that of a Civil Court in dealing with cases and follow the procedure prescribed by the Central Government.

4. It has the authority to issue orders for safety provisions and pay compensation for loss or injury cause.

An appeal against the order of the National Commission can be filled to the Supreme Court within 30 days.

VI. SOME OTHER ASPECTS OF CONSUMER PROTECTION

1. CONSUMER PROTECTION METHODS³⁶

Consumer protection measures/methods can be understood by dividing them into two categories:

➤ **Self-Regulation:-** In this part, two types of association come to the rescue of customers and business community namely consumer-

associations and business associations.

❖ **Consumer Associations:-** It is a fact that every one of us is a consumer and it is therefore important that we should unite together to protect our interests. The consumer associations are ideal set up to come together to provide collective resistance against all kinds of associations. The main function of consumer associations are : (1) To educate consumers. (2) To protect the consumers. Many consumer associations are playing an important role in the direction of consumer protection. Some of them are : Consumer Welfare Society, (Charkhi Dadri), Consumer Education Society, Bhiwani (Haryana), Etc.

❖ **Business Associations:** Another part of self- regulation is Business associations. Self regulations by business community through fair-deal to reseller and consumers does wonders. It can create healthy atmosphere in the society especially in relation to consumer protection

➤ **Government Interventions or legislative measure:** As we all know that consumers constitutes the largest unorganised public body in the country and protection of their interests and rights is of vital importance in a well regulated and independent mechanism to provide quality goods, services and utilities to the satisfaction of consumer. The government has enacted more than 50 Acts/ laws which can be interpreted in favour of consumers. This enactments have empowered the government to control production, supply, price, distribution and quality of a large no. of goods and services. Most of these types of power or practices are mentioned in a number of business laws aimed at regulating trade and providing justice to consumers and protecting their rights and interests.

2. ROLE OF SOME OTHER ORGANIZATIONS³⁷

Role of other Organizations In our country judiciary plays a very vital role. Under the Act there is a provision of three-

tier quasi-judicial mechanism to redress the grievances of consumers in a simple, speedy and inexpensive way but apart from the quasi-judicial and judicial remedy following medium/ body can also play decisive role in the process of consumer education, awareness, conciliation and mitigation of consumer dispute.

➤ **Role of Consumer Protection Council:**

After the amendment of Consumer Protection Act 1986 in the year 2002 Consumer Protection Council became also converted into a three tier system mechanism which provides the establishment of a **Central Consumer Protection Council**, by the Central Government, **State Consumer Protection Councils** by the state Governments and the **District Consumer Protection Councils** by the state Governments. The councils are established to fulfill the original intention of the legislature behind the enactment of the Act; it is to safeguard the interest of the consumers at large within their respective jurisdiction. The main **enshrined objectives** of the councils are as follows:

1. To protect the rights of consumer;
2. To promote the rights of consumer.

➤ **Role of Consumer Co-Ordinating Council:**

The name of the highest body of Consumer Association is Consumer Co-ordinating Council. This body has started many programmes for consumer protection. The main objectives of this council are:

- (a) To establish co-ordination among consumers for their welfare;
- (b) To educate the consumers aiming to protect them from unfairness; and
- (c) To train activists working for consumer protection.

➤ **Role of Non-Governmental Organizations:**

In addition to the government there are about 500 non-governmental organizations (N.G.Os) who are giving effort in order to safeguard the interest of consumer. These organizations perform the following functions:

1. Accelerating consumer awareness/Educating consumers: The first priority of consumer organization is to accelerate consumer's awareness towards their rights. To accomplish this task which they have to perform are:

- (a) To publish Brochures, Journals;
- (b) To arrange seminars, conferences and workshops;
- (c) To educate consumers to help themselves;
- (d) To provide special education to women about consumerism; and
- (e) To can voluntary complaints for the guidance of consumers.

2. Helping educational institutions: These organisations tell the educational institutions the way to prepare courses of study keeping in view the interest of consumers;

3. Promoting network of consumer association: Consumer organisations are trying to grow their numbers. They want to cover all regions so that consumers of all regions get benefited by their services;

4. Extending support to government: Consumer organisations by informing government agencies about adulteration, artificiality, inferior quality products etc. This helps government to conduct proceedings in time.

➤ **Role of Press/Media:**

Whenever any revolution or a campaign is run for Public Awareness, News papers and journals play a very

significant role. Since, the enactment of the Consumer Protection Act and even before that, newspapers and magazines have been responding to the needs of consumers. Apart from publishing reports, editorials etc., newspapers have also tried for the rescue of harassed consumers. The Indian Express was one of the first newspapers to start a consumer complaint column. The role of media can be summarized as under:

1. To publish articles: The media is the now a day called the fourth pillar of the democracy particularly in India. Media, including electronics and print media have been playing spending role by publishing article, news and opinions relating to consumer laws;

2. To make available columns: Some print media already started publicity of Consumer rights and responsibilities. Its creating more awareness by keeping some place as the special column for the consumer related matters/problems;

3. To show live telecasts: Television and Internet etc, are the modern mode of communication and as a responsible and accountable medium of information they are doing right job by keeping some slot for the programme relating to Consumer's rights and protection of those rights in India;

4. To publish consumer complaints:

Media is also doing wonderful and noble job by publishing consumer related problems and complaints before the filing of any consumer dispute before the proper authority. They are also informing and making them beware regarding their rights in relation to any consumer laws.

➤ **Role of Educational Institutions:**

The importance of consumer protection is being realised at various levels of education Viz. School, College, University. At the school level institutions like C.B.S.E. have prepared syllabus in which central guiding points of consumer protection have been highlighted. Similarly at University level INDIRA GANDHI NATIONAL OPEN UNIVERSITY(IGNOU) has prepared a special course for under graduate and post-graduate students. An education institution, apart from above, can do the following task to protect rights of the consumer.

1. To educate the consumers about the consumer rights;
2. To provide consumer awareness;
3. To motivate the students against the violation of the consumers' rights;

4. To organised seminars and workshop and assimilate the knowledge about the consumer related laws.

3. FUTURE PROSPECTS OF CONSUMER PROTECTION³⁸

The Consumer Protection Act has aroused enormous expectation amongst the masses for redressal of their grievances. These expectations can be realised only when the redressal machinery laid down in the Act is made functional. However, the place of establishment of redressal machinery under the Act has been slow. The State Governments did not evince sufficient interest in establishing District Forums and the State Commissions. In fact, the District Forum is the fulcrum of the entire Consumer Disputes Redressal Machinery because a large number of cases are to be covered within the jurisdiction for the District forum. The appeals against the orders of the District Forum are to go to the State Commission and against the orders of the State Commission to the National Commission.

The working of the State Commissions and the National Commission will remain diluted unless the District Forums are set up in all the Districts as

envisaged in the Act. These delays and defaults on the part of the State Government brought to the attention of the Supreme Court in a **Common Cause v. Union of India**, where the Court issued directions that all States and Union Territories to constitute all the District Forums and the State Commissions within six weeks. It appears that the State Government has paid scant regard to this statutory obligation. This is the most unfortunate state of affairs, for they betrayed total lack of concern for the constitution and functioning of the District Forums and State Commissions. There is no reason as to why the State Government could not establish necessary redressal machinery in accordance with the requirements of the Act. Such delay is highly undesirable and inexplicable and may shake the confidence of the public in such legislation.

➤ **The Future Consumer Dilemmas³⁹**

Future consumers will have to make sense of varied phenomena such as increasingly subliminal advertising, social networks, free-economy and technological as well as scientific advances, because the “haves” of the future will be controlled by

digital economies and “have notes”, will be those who are forced to stay offline. We will also witness the rise of ‘consumerism’ to counter citizen-centric priorities; and the rise of brandocracies, over and above the current sway of bureaucracies. Increasingly the companies, brands and corporations will have to submit to rating according to their ethical, social and environmental credentials rather than their abilities to generate profits. A radically different world from our own awaits future consumers, where they will require different tools and techniques to work enjoy leisure time and find success and happiness.

In a provocative and insightful view of how emerging lifestyle and cultural changes are likely to impact on future consumers, a safe and healthy lifestyle can be provided for future consumers, by today’s consumers, policy makers and markets. Any serious plans for ‘greening’ the future require all stakes – holders to rebuild a sustainable relationship with environmental resources so that not only are the needs of the present met but also those of the future generations. It is becoming increasingly clear that ‘Green’ lifestyles must combine an access to traditional or cultural knowledge, an understanding of

current issues, and use of science and technology. Besides which the core proposition of the product, service and experience these create will simultaneously have to protect the environment and benefit the consumer.

VII. CONCLUSION AND SUGGESTIONS

The protection of consumers is not only a responsibility of the State but also a mandate against commercial and business entities. A satisfied consumer base is essential for the successful existence of commercial enterprises. At the same time consumer matters must be taken care of by the use of Information and Communication Technology in India. An online environment must be provided to take care of consumer rights and disputes in a transparent, efficient and hassle free manner. The consumer dispute resolution essentially requires use of “Alternative Dispute Resolution Mechanism” (ADRM) as well as “Online Dispute Resolution Mechanism” (ODRM). Although ODR in India has started gaining

momentum yet there is lot to be done. If we analyse the culture of ADR in India than one fact is very clear. In India we have not yet given due importance to the ADRM, much less to ODRM. The e-governance plan of India is silent in this regard. This is one of the flaws of the ICT strategy of India that is not in conformity with the contemporary standards. The electronic governance in India is not taking care of the ODR perspective and the same will be a fatal mistake by all counts in this consumer driven society. We need to capatilise “collective expertise” and an “ideal public-private partnership” base in India to effectuate consumers rights in India.⁴⁰

Apart from the above discussion, it is important to note that although huge amount

has been spent by the government for creating awareness, but the procedural part is not being shown in those awareness advertisements. Special advertisements should be created to educate the consumers regarding procedure for filing complaint- where to file complaint, when to file complaints etc. News Papers, News Channels and other media agencies should also come forward to educate the consumers on these points. Consumer Association should also come forward to work more and more to aware the consumers to raise voice against exploitation. Last but not the least; it is also the duty of the consumers that they must educate themselves and their neighbours about their rights and availability of redressal mechanisms.⁴¹

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