

CONSUMER PROTECTION

Who is a consumer?

Anyone who purchases goods or hires services intending to consume them is referred to as a consumer. Our everyday lives are filled with a range of goods, such as mobile phones, digital cameras, soap, perfume, and cosmetics, among other items. As a result, we are all consumers in the literal sense.



As a consumer, we all expect quality, the correct price, and information about the mode of usage while purchasing products from the market.¹

With the growth of market competition, there are also growing instances of manufacturers and service providers indulging in unethical, exploitative, and unfair commercial practices.

In our everyday life, consumers may face different forms of injustice.²

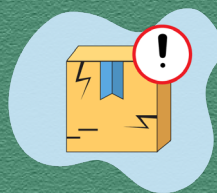
Such as:-

Adulteration



Adulteration of food leads to impure, unsafe & non-nutritional food items making consumers vulnerable to health problems.

Faulty & dangerous products



Faulty or dangerous products sold to consumers could result in catastrophic, life-long injuries for the unsuspecting consumer.

Phishing schemes



Personal, financial or sensitive data could be left vulnerable to a scammer if they become a victim of a phishing scheme.

Fraud websites & applications



Fraudulent websites or any illegitimate application could leave an average consumer vulnerable to scams or malicious attacks.

Black-marketing



Black-market includes the risk of fraud, being saddled with counterfeit goods or adulterated products with no recourse available.

False & misleading advertising



Misleading and false advertising cause an average consumer to act in ways that might be ultimately detrimental to their interests.

Sources:-

1. Section 2(7), *The Consumer Protection Act, 2019*

2. "An Analysis on the Various Aspects of Consumer Protection in India", *Rajib Bhattacharyya*,

What are some acts for consumers?

For any dispute related to breach of contract you can refer to the **"The Indian Contract Act, 1872"**³

For any issues related to Intellectual Property Rights like trademarks or copyright, you can refer to **"The Trade Marks Act, 1999"**⁴

For seeking protection against the malpractice of under-weight or under-measure, **"Standards of Weights and Measures Act, 1976"** can be referred⁵

Some sections of the **"Indian Penal Code, 1860"** also deal with fraudulent weighing, adulteration and other related offences⁶



Consumer Protection Act, 2019



Consumer Protection Act is one of the main laws that provides protection to consumers in India. It applies to all types of undertakings, big and small, whether in the private or public sector, or in the co-operative sector, whether a manufacturer or a trader, and whether supplying goods or providing services. The Act provides certain rights to consumers to empower them and to protect and secure their interests.⁷

Let's take a brief look at different rights granted by this act.

Sources:-

3. Section 126-147, *Indian Contract Act, 1872*

4. *"Consumer protection vis a vis Trademark law"*, Lisa P. Lukose

5. *Standards of Weights and Measures Act, 1976*

6. Sec. 272 and 273, *Indian Penal Code, 1860*

7. *The Consumer Protection Act, 2019*

What are Consumer Rights?



Right to Information

Every consumer has the right to be informed about all aspects of any product or service, like price, quality, quantity, purity etc. The seller is responsible for informing the consumer about these things.



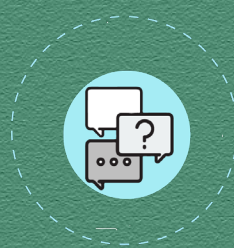
Right to safety

Every consumer has the right to be safe from items that might put their life or property in danger. Products have to meet specific safety standards and only after fulfilling these requirements, the product will be allowed to be sold on the market.



Right to choice

Every consumer has the right to select the goods or services of their choice. The seller should not compel the consumer to purchase a specific brand's goods. It is entirely up to the consumer to decide whether or not to purchase a product.



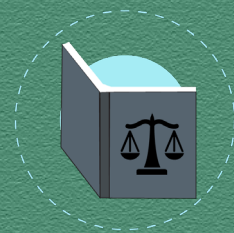
Right to be heard

Every consumer has the right to be heard, as well as the right to file complaints and inquiries in a consumer forum about unfair commercial practices by sellers



Right to seek redressal

This right states that consumers have the right to get compensation or remedy for unfair or restrictive trade practices. This compensation could either be money or any item of equal value fulfilling the consumer's desire.



Right to consumer awareness

Every consumer has a right to have knowledge of consumer law. It is very difficult for illiterate customers to understand the law. This right is useful in keeping them educated about their rights.

Sources:-

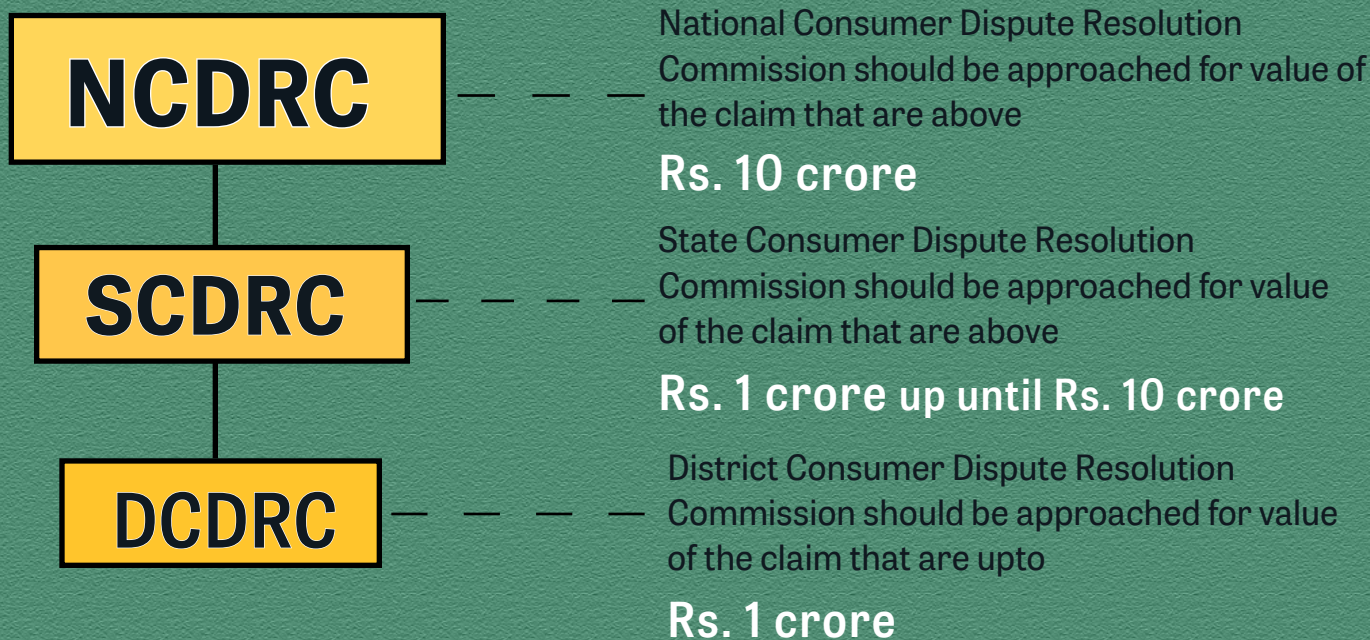
8. Section 2(9), *The Consumer Protection Act, 2019*

9. "Consumer Protection - Problems and Prospects", Sheetal Sahoo & Aman Chatterjee

10. "Consumer Awareness" Portal For Grievances Against Misleading Advertisements (GAMA)

Consumer Redressal Forum

Under the Consumer Protection Act, every district has at least one consumer redressal forum, also known as a consumer court. Here, consumers can have their grievances heard. The Act provides for three-tiers of Consumer Dispute Resolution Commission (CDRC).¹¹



When can complaint be made?

- Loss or damage due to unfair or restrictive trade practices
- Defective products
- Deficiency in services
- Being charged a price over the stipulated price or MRP
- Hazardous goods and services offered for sale to the public¹²

Who can file a Complaint?

- Any consumer
- Any voluntary consumer association
- Central Government or any State Government
- One or more consumers, where numerous consumers have same interest
- In case of death of a consumer, their legal heir or representative¹³



Sources:-

11. "Critical analysis of Consumer Protection Act 2019 in comparison with developed countries", RK Dewan & Co, Lexology, published on April 20 2021

12. National Consumer Helpline, <https://consumerhelpline.gov.in>

13. "Consumer Grievances" Portal For Grievances Against Misleading Advertisements (GAMA) <https://gama.gov.in/ConsumerGrievances.aspx>

MAP OF COMPLAINTS

Moreover, many consumers are still unaware of the rights they have or the steps they need to take for addressing their grievances. A consumer complaint should be filed within two years from the date on which the cause of action or deficiency in service or defect in goods arises. This period can be waived if redressal commission is satisfied in case of the delay in filing a complaint within the period. After that, the following steps have to be taken for filing a consumer complaint.

Offline Complaints

Before filing a complaint, personal or legal notice should be served to the seller or service provider informing him about the defects in the goods or service or any unfair practice. It should communicate the intention of the complainer to resort to litigation.

An offline complaint can be made at the relevant CDRC. It can be made on plain paper and you can file it in person or through an authorised agent, after it has been notarised, through registered post or regular post.

In a complaint you need to provide all the required details like date of purchase, the amount paid etc and all relevant details of services availed. The grievance should also be mentioned. This lays down the cause of action.

In offline complaints, you will need relevant documents and material evidence. You have to file four copies, plus additional copies for each opposite party.

After this, you need to choose CDRC as per the purchase price of goods or services. The fee for filing a complaint is to be paid by Demand Drafts to that particular CDRC. There is no fee for consumers below the poverty line. Along with this, an affidavit is to be submitted stating that the facts presented and statements made by the consumer are true to their knowledge.

After studying the case, the consumer forums may direct the opposite party to provide relief measures like removal of defects from the goods, replacement of the goods, the refunding price paid or removal of defects or deficiencies in the services.

Sources:-

14. National Consumer Helpline, <https://consumerhelpline.gov.in>

15. "Consumer Grievances" Portal For Grievances Against Misleading Advertisements (GAMA) <https://gama.gov.in/ConsumerGrievances.aspx>

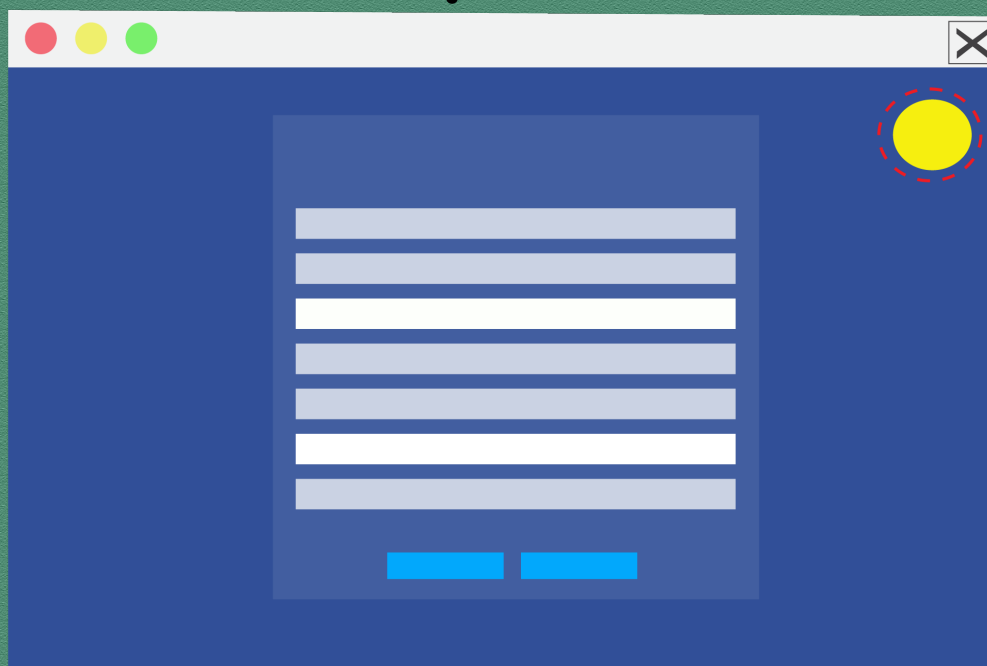
16. The Consumer Protection Act, 2019

Online Complaints

Online complaint can be lodged at the website of National Consumer helpline You need to register yourself and make an account on website which can be accessed at <https://consumerhelpline.gov.in/>



After this you have to provide details like name, mobile number, address, email address amongst others.



Sources:-

17. "How to File a Case in Consumer Court?", <https://www.myachro.in/blog/how-to-file-a-case-in-consumer-court/>

18. National Consumer Helpline, <https://consumerhelpline.gov.in>

Then you must choose the sort of company or service provider, as well as the services or goods they provide. For example, in the case of a Complaint Against a Shopping Website, the Service will be Online Shopping and the Company will be the platform from which you shopped.

Following that, a registration form appears on the screen. Provide all needed information, such as the date of purchase, the amount paid, and any applicable service details. The grievance should also be noted. This step essentially establishes the cause for the action.

A screenshot of a web browser window displaying a registration form. The window has a title bar with three colored buttons (red, yellow, green) and a close button (X). The form is divided into three columns. The left column contains four horizontal lines representing text input fields. The middle column contains five horizontal lines representing text input fields. The right column contains four horizontal lines representing text input fields. At the bottom of the form, there are two horizontal lines representing text input fields.

Following this, submit the form and your complaint is filed.

A screenshot of a web browser window displaying a registration form. The window has a title bar with three colored buttons (red, yellow, green) and a close button (X). The form is divided into three columns. The left column contains four horizontal lines representing text input fields. The middle column contains one horizontal line representing a text input field, followed by a large rectangular text area for a grievance. The right column contains two horizontal lines representing text input fields. At the bottom of the form, there are two horizontal lines representing text input fields.

Provisions for appeal

The law allows the person complaining and the person accused to file an appeal against the order of the forum at all three levels to ensure that there is no injustice. There is a hierarchical order for filing an appeal¹⁸



If not satisfied by the Order issued by the District CDRC, appeal petition may be filed before the State CDRC within 45 days from the date of receipt of Order



If not satisfied by the Order issued by the State CDRC, appeal petition may be filed before the National CDRC within 30 days from the date of receipt of Order.



If not satisfied by the Order issued by the National CDRC, appeal petition may be filed before the Supreme Court of India within 30 days from the date of receipt of Orders.

Consumer Responsibilities



Be aware and choose goods and services wisely.



Buy only standardised goods as they provide quality assurance i.e ISI or FPO mark or Hallmark etc



Learn about the risks and use the products safely.



Read labels carefully so as to have information about prices, net weight, manufacturing and expiry dates, etc.



Be honest in your dealings and use only legal goods and services



Ask for a cash memo on purchase of goods or services. This would serve as a proof of the purchase made.



File a complaint in an appropriate consumer forum in case of a shortcoming in the quality of goods purchased or services availed. Do not fail to take an action even when the amount involved is small.

Sources:-

18. Section 24, The Consumer Protection Act, 2019

19. "An Analysis on the Various Aspects of Consumer Protection in India", Rajib Bhattacharyya

20. National Consumer Helpline, <https://consumerhelpline.gov.in>