

A Study of Consumer Protection LAWS in Present Indian Judicial System: Some Reflections

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Abstract – Indian market today is commanded by the consumerism, especially following 10 years from economic reforms process. It is step by step being changed from a dominantly vendors market to a purchasers market where practiced decision by the consumers relies upon their awareness level. Consumer rights could be protected in an aggressive economy just when right guidelines for goods and services for which one makes installment are guaranteed by developing a network of institutions and legal protection framework. Guaranteeing consumer welfare is the obligation of the government as each subject of the country is a consumer in one way or the other. The present paper endeavors an expository, basic and engineered examination of "consumer protection in India".

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INTRODUCTION

By the nineteenth century consumer came to be utilized as a contrast to the term maker. The nineteenth century perspective of the consumer has made due in most entrepreneur vote based systems. In fact, consumers have an 'optional relationship' with goods and services, since they are compelled to live with and through services and goods that they themselves did not make. In this manner, the consumer still stays as a 'marginal group' in the present prevailing market economy of the world. India is quick being perceived as a noteworthy center point for all consumer and businesses goods. The nearness and impact of the market has therefore developed significantly in consumer life. Gandhi ji trusted "consumer is best" is the ruler of market. In perspective of this, numerous businesses including the late J.R.D. Goodbye and the late Jamnalal Bajaj helped build up a moral code for business practice, to assemble connects amongst consumers and business.

In any case, the inalienable benefit rationale in large scale manufacturing and sales additionally offers the chance to numerous manufacturers and merchants to abuse consumers. Every day, corrupt market practices are finding their way into consumer homes, violating consumer rights and endangering their safety. The requirement for empowerment of consumers as a class can't be overemphasized and is as of now all around perceived everywhere throughout the world. The level of awareness of the consumer can be taken as a pointer of the advance of a country. Be it drugs, electronic goods, Fast Moving Consumer Goods or even services rendered – every one of these request

that consumers end up mindful of their rights. Keeping in mind the end goal to defend consumer intrigue, six consumer rights were at first imagined by consumer rights activists of the West, in particular: Right to Safety, Right to information, Right to Choice, Right to Heard, Right to Redress and Right to Consumer Education. In time, two more critical rights were added viz.: Right to Basic Needs and the Right to a Healthy and Sustained environment. These two rights are firmly connected with the substances of developing nations were environment assumes an exceptionally vital role as an asset and support – structure for the people. India has a tremendous greatness of white collar class populace in the world and is the second quickest developing economy after China with a 8% or more normal GDP development rate throughout the previous couple of years. To tap this enormous market expansive number of national and international marketing organizations are working in the financial, protection and banking, consumer and durables goods and services identified with information and communication sectors. The majority of these organizations are highly effective regarding benefit, sales income line and even market offer and development rates. A portion of the pertinent issues concerning the consumers are: High Prices, High Cost of Distribution, Shoddy or risky Products, Product Safety, Harmful and Low advantage Products, Planned Obsolescence, Poor service to the Disadvantaged (Thomas, 1978).

In this way, require was felt to shield consumers from over the top consumerism legally so they can be protected. Tolerating consumer welfare as the

obligation of the government, Consumer Protection Act, 1986, was acquainted with shield consumers legally from fraud and misleading amid the process of consumerism. A different Department of Consumer Affairs was additionally made in the Central and State Governments to only spotlight on guaranteeing the rights of consumers as cherished in the Consumer Protection Act, 1986.

The consumer is the person who pays to expend the goods and services delivered. Accordingly, consumers assume a vital role in the economic arrangement of a country. Without their compelling interest, the makers would do not have a key inspiration to create, which is to pitch to consumers. Economic activity prospers when consumers can put stock in makers, yet the consumer must have sensible reason for trust. Consumers will then value, quality and safety, as well as the assurance of quality and safety. In this manner trust relies upon assurance. Makers generally pick up by giving assurance, so they try to fabricate, grow and venture a decent notoriety. Makers exhibit quality and safety and make the substance of guarantees clear and publicly comprehended by methods for advertisements, displays, sales assistance, labeling and packaging and so forth. Be that as it may, when some type of harm or undue danger emerges, at that point the trust of the consumer goes off. Generally consumer protection comes as government regulations. Consumer protection is a group of laws and organizations designed to guarantee the rights of consumers and additionally reasonable trade, rivalry and exact information in the marketplace. The laws are designed to avoid businesses that participate in fraud or determined out of line practices from picking up leverage over contenders. They may likewise give extra protection to those most powerless in the public eye.

A consumer is characterized as somebody who gets goods or services for coordinate utilize or ownership as opposed to for resale or use in production and manufacturing. A consumer is one who chooses whether or not to purchase a thing at the store, or somebody who is impacted by commercial and marketing. Each time somebody goes to a shop and purchases a thing, they settle on a choice as a consumer. In the fields of economics, marketing and advertising, a consumer is generally characterized as the person who pays to devour the goods and services created by a dealer (i.e., company, organization). A consumer can be a man (or group of people), generally ordered as an end client or target statistic for a product, decent, or service (Saraf, 1990).

Advancement of consumer welfare is the shared objective of consumer protection and rivalry policy. At the foundation of both consumer protection and rivalry policy is the acknowledgment of an unequal connection amongst consumers and makers. Protection of consumers is proficient by setting least quality particulars and safety measures for the two

goods and services and building up systems to redress their grievances. The goal of rivalry is met by guaranteeing that there are adequate quantities of makers with the goal that no maker can achieve a place of predominance. In the event that the idea of the industry is to such an extent that strength regarding market share can't be maintained a strategic distance from, it tries to guarantee that there is no mishandle by virtue of this predominance. Rivalry policy additionally tries to prevent different types of market disappointment, for example, development of cartels, prompting conniving evaluating, division of markets and joint choices to lessen supply. Mergers and acquisitions likewise should be managed as they lessen rivalry.

CONSUMER PROTECTION LAWS IN INDIA

The idea of consumerism was active even in the old time frame. According to the Arthshastra of Kautilya, it was the duty of Superintendents to put the Government product in the market under ideal conditions and to manage their sales at sensibly rates. Businessmen who tricked or meddled generally with the ordinary working of the market prices were available to substantial punishment. Correspondingly, Narada and Brahaspati have additionally set out various laws and regulations to defend the enthusiasm of purchasers and venders. Also, Mahatma Gandhi connected extraordinary significance to what he portrayed as —Poor Consumer¹¹ who as indicated by him, ought to be the main recipient of the consumer development. Accordingly, the consumer protection jurisprudence of India as comprehended and created in current circumstances owes its beginning to the antiquated period and the idea of giving protection to consumers through laws relates back to the time immemorial.

At the point when India achieved autonomy, it embraced the Anglo-Saxon arrangement of organization of equity and the vast majority of the legislative enactments managing the protection of consumer kept on working. In any case, another measurement was given by the reception of Constitution in the year 1950, to the legislation making, identifying with Citizens in general and consumer specifically. The Constitution itself contained different certifications to the natives of India and furthermore gave rules as —Directive Principles of State Policy¹² to be followed and supported by the state in its future legislative activities and the post-autonomous period has seen an expansive number of enactments implied for the advantage of consumers. Article. 14 of the constitution ensures equality under the steady gaze of law and equivalent protection of laws. Along these lines, manufacturers, makers, traders, venders and consumers appreciate approach treatment under the watchful eye of law either to receive reward or punishment. Under Article 21

which ensures right to life and individual freedom, dissent of a fundamental service by the state may add up to violation of this right. Further, the consumer is qualified for sacred Protection under Art. 38, which peruses as —The state should endeavor to advance the welfare of the people by securing and ensuring, as successfully as it might, a social request in which equity, social, economic, and political, should advise all the institution of the national life. Under provision (b) and (c) of Article 39, the state is will undoubtedly coordinate its policy towards securing the circulation of the ownership and control of the material assets of the group in such away as —to serve the regular goodll. Article 43 guides that state might try to manufacture an economic organization or to make appropriate legislation to guarantee a conventional standard of life to every one of the specialists who constitute the greater part of the consumers. Article 46 of the Constitution of India orders that state should advance with unique care the educational and economic enthusiasm of the weaker segments of the people and might shield them from social foul play and all types of misuse. The articulation —Protection from all type of exploitationll would when connected with regards to consumers implies that the consumers ought to be spared from a wide range of badgering and fraud at the market put. To change the established orders into reality and satisfy the yearnings of the people of India, a few legislations have been enacted amid the post autonomous time managing and ensuring the rights of consumers and other between related people (Borrie, 1984).

The ceaseless lack of specific necessities of life and their non-accessibility at sensible rates to everybody, the growing inclination in the direct of corrupt traders and merchants to store fundamental wares with a view to profiteering, the ignorance, obliviousness and the poor obtaining limit of most by far of populace especially provincial people, the nonappearance of focused market and numerous different factors alike, required to engage the Government to control production, value, supply and appropriation of basic wares. The requirement for enactment of an appropriate legislation had been felt, even before the parcel of the country, to control certain unfortunate propensities of deceitful components in the trade and commerce. The Essential Commodities Act was first enacted in 1946. In 1955, based on the constitution received by the country the fundamental items Act, 1955 was enacted. The goal of the legislation was, and ceaseless to be, to manage the production, supply and conveyance of those wares which are fundamental for the people and to guarantee that the deceitful components of the trade don't corner the stocks or unduly blow up the prices which would handicap the ordinary citizens from obtaining them. The Monopolistic Restrictive and Unfair Trade Practices Act, 1969 (MRTP Act) was the main legislative gadget implied for giving alleviation in

regard of monopolistic and prohibitive trade practices prejudicial to public intrigue or prejudicial to consumers. The MRTP Act at first needed in containing compelling arrangements identifying with Protection of Consumers and in this way the Sachar Committee in the year 1978 needed to prescribe for its entire upgrading, the advisory group gave different proposals as to protection of interests of consumers. However the proposals made by the panel did not discover put in the statute book for around 5 years and finally in the year 1984, noteworthy amendments were made in the —Monopolistic Restrictive and Unfair Trade Practices Act, 1969ll, after two year by another amendment —a consumerll and a _registered consumer associationll were likewise given Locus Standi to make a grievance. The Amendment of 1986 added a critical and significant right in the ordnance of consumers. The year 1986 might be said to be the brilliant year for consumers as not just the consumer protection act, 1986 was enacted in that year, another legislation to be specific The Bureau of Indian Standards Act, 1986 was additionally enacted which revoked the before act made regarding the matter. The Consumer Protection Act, 1986 gives a to a great degree great chance to the consumers for the snappy redressal of their grievances and it is rightly thought to be a breakthrough ever economic legislation in India. For this reason a three level semi judicial hardware was set up at the National, State and District level to manage the consumer debate in the fields of imperfect goods, lacking services, unreasonable trade practices, prohibitive trade practices, over changing and risky goods, and so forth.

In spite of the fact that in the year 1986, the —Consumer Protection Act, 1986ll was enacted with a view to give better protection to consumers. The Consumer Protection Act, 1986 arrangements just with the problems of an individual consumer. It doesn't manage the issue and problems identified with —maintaining or expanding supplies of any basic ware or for securing their evenhanded appropriation, and accessibility at reasonable prices or managing people enjoying accumulating and dark marketing of, and profiteering in, basic products and with the shrewdness of horrendous inflationary pricesll for which the Essential Commodities (Special Provisions) Act 1981, and —Prevention of Black-Marketing and Maintenance of Supply of Essential Commodities Act, 1980ll were enacted are still in task (Consumer Unity Trust Society (2001).

CONSUMER PROTECTION LEGISLATIONS IN INDIA

Consumer protection laws or Consumer Laws are designed to guarantee reasonable rivalry and the free flow of honest information in the marketplace. Consumer Protection laws are a type of government

regulation which expect to secure the interests of consumers. The Consumer development in India is a financial development which tries to secure the rights of the consumers in connection to the goods acquired and services profited (Consumer Protection (2000)).

The Consumer Protection Act, 1986 is the fundamental legislation relating to Consumer protection. Different Legislations overseeing Consumer Protection include:

- Agricultural Products (Grading and Marketing) Act, 1937
- Industries (Development and Regulation) Act, 1951
- The Essential Commodities Act, 1955
- Prevention of Black-marketing and Maintenance of Supplies of Essential Commodities Act, 1980
- The Consumer Protection Rules, 1987
- Bureau of Indian Standards (Recognition of Consumers' Associations) Rules, 1991
- Consumer Welfare Fund Rules, 1992
- Competition Act, 2002
- The Consumer Protection Regulations, 2005
- Right to Information Act, 2005
- The Legal Metrology Act, 2009
- Consumer Protection (Amendment) Bill, 2011
- The Consumer Protection Bill, 2015

CONSUMER RIGHTS UNDER THE ACT

The Act enshrines the following rights:

- The right to be protected against the marketing of goods which are hazardous to life and property;
- The right to be informed about the quality, quantity, potency, purity, standard and price of goods so as to protect the consumer against unfair trade practices;
- The right to be assured, wherever possible access to variety of goods at competitive prices;
- The right to be heard;

- The right to seek redressal against unfair trade practices or unscrupulous exploitation of consumer; and
- The right to consumer education.

The Act accommodates the foundation of the Consumer Protection Councils at the National, State and District levels. The goals of these boards are to help the separate governments in embracing and exploring arrangements for advancing and ensuring the rights of the consumers. The synthesis of these consumer gatherings are expansive based. The nationals and organizations speaking to various intrigue groups having suggestions for consumer's rights protection are individuals from these chambers. One may jump at the chance to include, that the Consumer Councils are required to be constituted on public private association reason for better input and along these lines survey of the policy in the territory of consumer's rights protection. The primary goal of these committees is to advance and secure rights and interests of consumers in the general public.

It additionally accommodates Consumer Disputes Redressal Adjudicatory bodies built up at three levels i.e. Area, State and National. They are known as District Forums, State Commissions and National Commission. Locale Forum is made out of President and two individuals (one part is lady). Each individual from the District Forum might hold office for a term of five years or upto the age of 65 years, whichever is prior and should be qualified for reappointment.

Presently graduation is the base educational capability for a part. The State Commission is directed by Retired High Court Judge. The National Commission is managed by the resigned Supreme Court Judge. The District Forum can arbitrate on the issue upto Rs. 20 lakhs, State Commission upto one crore and National Commission above Rs. one crore. The procedures previously these adjudicatory bodies are managed as per the principles of regular equity. At display 571 District Fora and 35 State Commissions are working everywhere throughout the country other than the National Commission. Presently State Commissions and National Commission have begun sitting in Circuit Benches. It might, be that as it may, be highlighted that there are 253 Vacancies of the Presidents and Members of the Forums in the whole Country. It might likewise be specified that at introduce there are 73 District Forums, which are non-utilitarian. Presently protestations recorded are required to be went with such measure of expense and payable in such way as might be endorsed. Expense structure for the cases documented in the District Forums has been endorsed by the Ministry of Consumer Affairs, Food and Public Distribution by Rule 9A of the Consumer

Protection (Amendment) Rules, 2004 (Dep't of Consumer & Ministry Affairs, 2008).

CONSUMER ENTITLEMENT AND EMPOWERMENT

Weight and Measures: This piece of the office has seen the most honed increment in the level of activity. From a negligible Rs. 7.7 crores in the X Plan the cost has been increase to Rs 187 crores in the XI Plan. In the main year of the XI Plan alone a use of Rs. 10.25 crores has been brought about and a further Rs. 23.4crores will be spent in 208-09. The central purpose in this circle is to modernize the departmental the middle and the states. Relating investments will likewise be made in expertise up degree of the work force. This additionally proposed to be supplemented by an update in the legal system and another Bill-the Legal Metrology Bill, 2008 was presented in the Rajay Sabha on October 24th, 2008.

Principles and testing: The BIS is being fortified by a plan for enhancing the arrangement of National institutionalization, monitoring international developments in the fields of norms, better preparing offices and so forth. The aggregate XI design expense is Rs. 120 crores as against the X Plan cost of Rs. 5.75 crores. Changes are likewise examined in the BIS Act, 1986 which has not been revised since initiation. These progressions are excepted to acquire more prominent adaptability in adjusting to the quickly changing international environment.

The office likewise has a testing office called the National Test House (NTH) which has its central station at Kolkata and labs in various parts of the country. These labs are being modernized at an aggregate cost of Rs.75 crores in the XI Plan – against the expense of Rs.25 crores in the X Plan (Singh, 2008, Vajpeyi, 2009).

CONSUMER AWARENESS AND GRIEVANCE REDRESSAL

Publicity: A noteworthy push is being given to advise consumers about their rights, the best approach to get their grievances redressed. Going past the activities of this division the XI Plan program will likewise cover publicity about different offices like lodging telecom, education, vitality and so on. "Jago Grahak Jago" which has now turned out to be broadly famous. The aggregate expense for this activity is Rs. 409 crores as against the X design cost of Rs. 148 crores.

Consumer Protection: Under this part the different consumer for an eventual fortified by giving structures, computerization, preparing. Also help lines would be set up in the States to control consumers (there is at display just a single National Helpline working at

Delhi). The aggregate cost for these activities is Rs.185 crores against the X Plan expense of Rs 90 crores. The Plan activities are additionally proposed to be supplemented by changing the Consumer Protection Act. Non Plan activities: These arrangement activities would be supplemented by non-design activities (Eigen, 2009, Misra, 2009).

The real part on this side would be the utilization of the Consumer Welfare Fund to help intentional consumer organizations in activated like similar testing, awareness age research and consumer assistance.

CONCLUSION

The productive and powerful program of Consumer Protection is of exceptional importance to every one of us since we as a whole are consumers. Indeed, even a manufacturer or supplier of a service is a consumer of some different goods or services. In the event that both the makers/suppliers and consumers understand the requirement for concurrence, defiled products, deceptive goods and different lacks in services would turn into a relic of times gone by. The active association and support from all quarters i.e. the focal and state governments, the educational Institutions, the NGO's, the print and electronic media and the appropriation and recognition of an intentional implicit rules by the trade and industry and the subject's sanction by the service suppliers is important to see that the consumers get their due. The need of great importance is for add up to sense of duty regarding the consumer cause and social responsiveness to consumer needs. This should, in any case, continue in an amicable way with the goal that our general public improves as a place for every one of us to live in.

It might be reasoned that even than a few laws intended to ensure consumers against such unreasonable trade practices, false and deluding advertisements proceed with abuse the consumers. On the off chance that the hour is better laws with regards to the circumstances, better enforcement, restorative advertisements better self-regulations by industry free controller to manage wellbeing and kids - related advertisements. Obsolete laws, poor enforcement of them are a portion of the lacunas so as to control advertising.

Today, the common equity framework is corrupted with insufficiencies that debilitate the consumer from looking for legal response. Be that as it may, the Consumer Protection Act of 1986, which gives simple access to equity, has conveyed a legal upheaval to India because of its cost-viable instruments and well known help. In the meantime, these instruments represent an awesome legal test to the customary courts which lead suit in standard ways. In this time of consumers, the administration of

Indian consumer law will without a doubt control Indian markets and offer another stage on the current Indian legal structure with its solid antiquated legal establishments.

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