

## **Consumer Protection Act (1986) in India: An Introduction**

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The definition of Consumer right is 'the right to have information about the quality, potency, quantity, purity, price and standard of goods or services', as it may be the case, but the consumer is to be protected against any unfair practices of trade. It is very essential for the consumers to know these rights. Consumer protection is a group of laws and organizations designed to ensure the rights of consumers as well as fair trade, competition and accurate information in the marketplace. The laws are designed to prevent businesses that engage in fraud or specified unfair practices from gaining an advantage over competitors. They may also provide additional protection for those most vulnerable in society. Consumer protection laws are a form of government regulation, which aim to protect the rights of consumers. Consumer interests can also be protected by promoting competition in the markets which directly and indirectly serve consumers, consistent with economic efficiency, but this topic is treated in competition law.

Consumer protection can also be asserted via non-government organizations and individuals as consumer activism. A government may require businesses to disclose detailed information about products particularly in areas where safety or public health is an issue, such as food. Consumer protection is linked to the idea of consumer rights, and to the formation of consumer organizations, which help consumers make better choices in the marketplace and get help with consumer complaints.

Other organizations that promote consumer protection include government organizations and self-regulating business organizations such as consumer protection agencies and organizations, the Federal Trade Commission, Better Business Bureaus, etc. A consumer is defined as someone who acquires goods or services for direct use or ownership rather than for resale or use in production and manufacturing.<sup>[1]</sup> However there are strong and clear laws in India to defend consumer rights, the actual plight of consumers of India can be declared as completely dismal. Out of the various laws that have been enforced to protect the consumer rights in India, the most important is the Consumer Protection Act, 1986. According to this law, everybody, including individuals, a firm, a Hindu undivided family and a company, have the right to exercise their consumer rights for the purchase of goods and services made by them. It is significant that, as consumer, one knows the basic rights as well as about the courts and procedures that follow with the infringement of one's rights.

### **STATUTORY RIGHTS OF CONSUMERS:**

Although businessman is aware of his social responsibilities even then we come across many cases of consumer exploitation. That is why government of India provided following rights to all the consumers under the Consumer Protection Act-

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

According to this right the consumers have the right to be protected against the marketing of goods and services which are hazardous to life and property, this right is important for safe and secure life. This right includes concern for consumer's long term interest as well as for their present requirement. Sometimes the manufacturing defects in pressure cookers, gas cylinders and other electrical appliances may cause loss to life, health and property of customers. This right to safety protects the consumer from sale of such hazardous goods or services. So, this is the right to be protected from all kind of hazardous goods and services.

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To simplify this it can be said that it is the duty of the manufacturers and the distributor not to supply any goods to the consumers which fails to comply with the general safety requirements in all circumstances. It is important to know that safety standards are published from time to time by the relevant authorities in relation to many types of consumer goods

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

This is the right to be fully informed about the performance and quality of all goods and services. According to this right the consumer has the right to get information about the quality, quantity, purity, standard and price of goods or service so as to protect himself against the abusive and unfair practices. This is intended to save the consumers from unfair trade practices like false and misleading descriptions about the nature and quality of goods, exaggerated statements about their power or potency, for example, that the beauty cream is capable of glowing and fairing skin where there is no such power to an appreciable extent. It may be noted that a victim of unfair trade practices would be able to come before a Consumer Forum only if he is a consumer within the meaning of the Act. Other buyers would have to go to the Monopolies Commission under MRTP Act.

### **3. Right to Choice:**

This is the right to free choice of goods and services. According to this right every consumer has the right to choose the goods or services of his or her likings. The right to choose means an assurance of availability, ability and access to a variety of products and services at competitive price and competitive price means just or fair price. The producer or supplier or retailer should not force the customer to buy a particular brand only. Consumer should be free to choose the most suitable product from his point of view. For the convenience of the consumers the Central Council has been charged with the responsibility of bringing about the organization of markets and market practices in such a way that all dealers are supplied with a variety of goods for the benefit of the consumers and that the goods with a variety are being offered at competitive prices. It is only then the consumers will have access to variety and will be able to enjoy the benefit of competitive prices.

### **4. Right to be Heard or Right to Representation:**

This right includes the right to representation in the government and in other policy making bodies. Under this right the companies must have complaint cells to attend the complaints of customers. In this right the consumer has the right to represent him or to be heard or right to advocate his interest. In case a consumer has been exploited or has any complaint against the product or service then he has the right to be heard and be assured that his/her interest would receive due consideration.

Right to be heard is not only the the foremost right of consumers it is a principle of natural justice also. The Central Council is charged with the responsibility of assuring to consumers that they would be heard as of right by appropriate forums and consumers will receive due attention and consideration from such forums.

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

This right assures justice to consumer against exploitation. According to this right the consumer has the right to get compensation or seek redressal against unfair trade practices or any other exploitation. The right to redressal includes compensation in the form of money or replacement of goods or repair of defect in the goods as per the satisfaction of consumer. Various redressal forums are set up by the government at national level and state level. The right can be explained clearly by following example – where money was deposited in advance for the supply of a car within two months and the car was actually supplied some time after two months, in such situation retention of money beyond the period of two months is an unfair trade practice and the consumers can claim proper interest on the deposit for the period of delay.

### 6. Right to Consumer Education:

According to this right it is the right of consumer to acquire the knowledge and skills to be informed to customers. It is easier for literate consumers to know their rights and take actions but this right assures that illiterate consumer can seek information about the existing acts and agencies are set up for their protection.

This right is most important right because once the people are rendered conscious of their power, they may perhaps, feel energized to struggle against exploitation by manufacturers and traders. The Central Council has been charged with the responsibility to provide to the people proper education in terms of their remedies under the Act. It can be hoped that people's awareness is likely to prove a better tool for putting the trade on some level of discipline than tons of Government controls.

However, consumer's strongest and the most precious right, which he keeps to the last, is the '**refusal to buy**' and withdraw the patronage from the seller who always craves for it because, without it, he has none to sell. The Consumer Protection Act, 1986 and several other laws like the Weights, Standards & Measures Act can be formulated to make sure that there is fair competition in the market and free flow of correct information from goods and services providers to the ones who consume them. In fact, the degree of consumer protection in any country is regarded as the right indicator of the progress of the country. If there is infringement of rights of consumer then a complaint can be made under the following circumstances and reported to the close by designated consumer court:

- The goods or services purchased by a person or agreed to be purchased by a person has one or more defects or deficiencies in any respect
- A trader or a service provider resort to unfair or restrictive practices of trade
- A trader or a service provider if charges a price more than the price displayed on the goods or the price that was agreed upon between the parties or the price that was stipulated under any law that exist.
- Goods or services that bring a hazard to the safety or life of a person offered for sale, unknowingly or knowingly, that cause injury to health, safety or life.

The government of India has included consumer education in the school curriculum and in various university courses. Government is also making use of media to make the consumers aware of their rights and make wise use of their money.

#### Procedure:

In India the Consumer protection act, 1986 is governing consumer protection. Under this law, Separate Consumer Dispute Redress Forums have been set up throughout India in each and every district in which a consumer [complaint can be filed by both the consumer of a goods as well as of the services] can file his complaint on a simple paper with nominal court fees and his complaint will be decided by the Presiding Officer of the District Level. Appeal could be filed to the State Consumer Disputes Redress Commissions and after that to the National Consumer Disputes Redressal Commission (NCDRC). The procedures in these tribunals are relatively less formal and more people friendly and they also take less time to decide upon a consumer dispute<sup>[2]</sup> when compared to the years long time taken by the traditional Indian judiciary. In recent years, many effective judgments have been passed by some state and National Consumer Forums. The Contract Act of 1982 act lays down the conditions in which promises made by parties to a contract will be legally binding on each other. It also lays down the remedies available to aggregate party if the other party fails to honour his promise. The Sale of Goods Act of 1930 act provides some safeguards to buyers of goods if goods purchased do not fulfill the express or implied conditions and warranties. The Agriculture Produce Act of 1937 act provides grade standards for agricultural commodities and

live stock products. It specifies the conditions which govern the use of standards and lays down the procedure for grading, marking and packaging of agricultural produce. The quality mark provided under the act is known as AGMARK-Agricultural Marketing.

**Conclusion:**

Consumer Protection Act, 1986 is an Act of the Parliament of India enacted in 1986 to protect the interests of consumers in India. There is high level of sophistication gained by the goods and services providers in their marketing and selling practices and different types of promotional tasks viz. advertising resulted in an increasing requirement for more consumer awareness and protection. The government of India has realized the condition of Indian consumers therefore the Ministry of Consumer Affairs, Food and Public Distribution has incorporated the Department of Consumer Affairs as the nodal organization to protect the consumer rights, redress the consumer grievances and promote the standards governing goods and services provided in India. It makes provision for the establishment of consumer councils and other authorities for the settlement of consumers' disputes and for matters connected therewith.

**References:**

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