
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

CONSUMER PROTECTION AND ITS AWARENESS- Aryan Sinha¹**Abstract**

In the era of marketing, consumers are meant to be the king pin in the market. If there are no consumers in the market then there will be no market. In layman language, a consumer is meant to be a person who purchases goods for any scheme of financial service. The consumers need to understand the structure of market and the businessmen needs to understand the requirements of a consumer. In India, these consumers are protected by “The Consumer Protection Act,2019”. By this act the consumers of our country are secured by the frauds of the businessmen. These consumers are given certain rights to exercise whenever they feel unsecured by the market. Though rights are given to them, they are also come across with certain responsibilities to be a self-aware consumer. They are also provided with the Three-tier Consumer Machinery under the consumer protection act.

Keywords: Consumer, Consumer Rights, Consumer Responsibilities, Redressal Agencies.

Who is a Consumer?

“Any person who buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment, when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose; or hires or avails of any service for a

1. 3rd Year Law Student, Galgotias University

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any beneficiary of such service other than the person who hires or avails of the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person, but does not include a person who avails of such service for any commercial purpose”².

Legal Protection to Consumers

Government of India has provided various laws and legislations to protect the interests of consumer and the main regulation is *The Consumer Protection Act, 2019*³. The original Act was established in 1986 which was subsequently replaced by the 2019 Act. This Act was enforced on July 20, 2020. The main features of this Act are-

1. This Act has provided various right and responsibilities to Consumers.
2. It provides safeguard to customers against defective goods, deficient, services, unfair trade practices and other forms of exploitations.
3. This Act has provided three tier redressal agencies where consumer can file complaints. These are District forum, State commission, National Commission.

Importance of Consumer Protection from consumer’s point of view.

1. **Consumer Ignorance.** This provides information to the unaware customers, who does not have any knowledge about the market. It helps them to gain awareness of the market and helps them to spread awareness to the other consumers.
2. **Unorganised Consumers.** In a vast country like India, the consumers are not organised in the context of their requirements. So there are consumer organisations who helps consumers to protect their interests.
3. **Exploitation of Consumers.** The consumers are meant to be the king pin of the market, but there are businessmen who uses various methods of unfair trade of practices to cheat and exploit the customers. This act provides security to the consumers from such incidents.

Importance of Consumer Protection from Businessmen’s point of view.

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

3. <http://egazette.nic.in/WriteReadData/2019/210422.pdf> (Visited on 1st November, 7:45 PM)

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

1. **Long term Interest.** In the era of globalisation there is a competitive spirit between business markets. The businessmen who are able to attract customers for a longer period of time by fulfilling their needs only those will survive in this competition and rest have to leave the market.
2. **Corporate Social Responsibilities.** To keep attracting customers they need to contribute to the welfare of the society.
3. **Social Responsibilities.** The main objective of businessmen should be to provide quality goods at reasonable price to customers to sustain in the market.

Consumer Rights.

The objects of the Central Council shall be to render advice on promotion and protection of the consumers' rights under this Act⁴.

1. **Right to Safety.** This right ensures consumers to be protected against the marketing of the goods and services which are hazardous to life and property. This right ensures consumers from purchasing damaged goods.
2. **Right to Information.** This right ensures consumers to get all the necessary details of the product like quality, quantity, purity, standard and price. The salesman must provide all the information to the customers.
3. **Right to make choice.** This right ensures that the consumer has the only power to make decision to buy product. The salesman cannot pressurise customer to purchase any particular product which they want to sell.
4. **Right to be heard.** This right ensures that if the customer is unsatisfied with the product or having problems. Then the manufacturer company needs to understand the complaint by the customer.
5. **Right to seek Redressal.** This right ensures that the customer has right to get the compensation if the consumer has purchased a damaged product. This assures justice to customers against exploitation.
6. **Right to Consumer Education.** This right is the right of consumer to acquire the knowledge and skills to be informed to customers.

Consumer's Responsibilities.

4. Section 5, The Consumer Protection Act, 2019

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

1. **Consumer must Exercise his Right.** The various rights mentioned in the Section 6 of Consumer Protection Act are only useful when the consumers exercise their rights. They need to be fully aware of the exploitations made by the producers.
2. **Cautious Consumer.** The consumer purchase goods willingly, not by the flattering words of the salesman. The consumer must not believe everything said by the salesman.
3. **Filing Complaints.** If the consumer is not satisfied by the product then the consumer has the right to file complaint against the manufacturing company.
4. **Quality conscious.** Consumer must purchase goods by assuring the quality of the product. Not just by seeing the covering.
5. **Do not get carried away by the Advertisements.** The advertisements are made just to increase the popularity of the product. Consumer must buy the product willingly not by seeing catchy advertisements.
6. **Insist of cash Memo.** Consumer should always ask for receipt of the product. This act as an evidence of purchasing product.

Three-tier Consumer Grievances Machinery under the Consumer Protection Act.

1. District Consumer Disputes Redressal Commission⁵

This Commission consist of a president and there must be two members, not more than that. The president can be a working or retired Judge of District Court. The president is appointed by the state government on the recommendations of the selection Committee. The jurisdiction to entertain complaints where the value of the goods or services does not exceed 1 crore. Any person who is aggrieved by the order of District Consumer Disputes Redressal Commission can appeal against such order to State Consumer Disputes Redressal Commission within 45 days and by depositing 50% of the penalty amount.⁶

2. State Consumer Disputes Redressal Commission⁷

This Commission consist of a president and there must be four members, not more than that. The president can be a working or retired Judge of High Court. The president is appointed by the state government after consultation with the Chief Justice of the High Court. The jurisdiction to entertain complaints where the value of the goods or services

5. Section 2(15), The Consumer Protection Act, 2019

6. Section 28-41, The Consumer Protection Act, 2019

7. Section 2(29), The Consumer Protection Act, 2019

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

must be in between 1 crore – 10 Crore. Any person who is aggrieved by the order of State Consumer Disputes Redressal Commission can appeal against such order to National Consumer Disputes Redressal Commission within 30 days and by depositing 50% of the penalty amount.⁸

3. National Consumer Disputes Redressal Commission⁹

This Commission consist of a president and there must be four members, not more than that. The president can be a working or retired Judge of Supreme Court. The president is appointed by the central government after consultation with the Chief Justice of India. The jurisdiction to entertain complaints where the value of the goods or services must be above 10 Crore. Any person who is aggrieved by the order of National Consumer Disputes Redressal Commission can appeal against such order to Supreme Court within 30 days and by depositing 50% of the penalty amount.¹⁰

Case Laws

1. *Safmarine Container Lines N.V. v. M/S Amrita Enterprises & Anr.*¹¹
2. *Subodh Chandel & Anr. V. The President Distt. Consumers.*¹²
3. *Abhay v. Shrikant*¹³

Conclusion

In the modern era of marketing, consumers are considered to be the king but the exploitation done by the producers is at its urge. They don't consider Consumers as the king pin of the market. The laws made to protect the consumers are generous but they need to be more authentic with the decision making. The prospect must be to ensure consumer to make purchases willingly. When there are cases related to damage product, the companies refuse to make correction by their side and they blame customers for not assuring quality heck. The Government must step up to ensure safety to consumers.

8. Section 42-52, The Consumer Protection Act, 2019

9. Section 2(44), The Consumer Protection Act, 2019

10. Section 53-72, The Consumer Protection Act, 2019.

11. <https://indiankanoon.org/docfragment/58208148/?formInput=consumer%20protection%20act%20cases>
(Visited on 1st November, 8:47 PM)

12. <https://indiankanoon.org/docfragment/171097227/?formInput=consumer%20protection%20act%20cases>
(Visited on 2nd November, 7:31 PM)

13. <https://indiankanoon.org/docfragment/151830790/?formInput=consumer%20protection%20act%20cases>
(Visited on 2nd November 7:55 PM)

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in