

# Study of Government Efforts for Protection of Consumers in India



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## ABSTRACT

Consumers, all over the world, want their value for money in the form of quality goods and better services in a real sense. Advances in technology and innovation will no doubt have a significant impact on the quality, accessibility, availability and security of goods and services; but the reality of life is that consumers are still the victims of abusive practices that have existed for many years. Consumer exploitation takes many forms such as adultery, fake drugs, questionable purchase plans, high prices, low quality, poor resources, deceptive advertisements, dangerous products, black marketing and more. The Consumer Protection Act aims to provide quick and easy redress for consumer complaints. This mechanism is authorized to provide limited time freedom to consumers. The growing interdependence of the global economy and the international environment of many business processes has contributed to the development of a global emphasis on the protection and promotion of consumer rights. Consumers, clients and customers around the world, want value for money in the form of quality goods and better services. Modern development has undoubtedly had a profound effect on the quality, availability and security of goods and services.

## 1. INTRODUCTION

The current period is marked as the consumer period. No country can deliberately or unknowingly despise consumer interests. This can be argued on the basis of immediate laws to protect consumers in almost every part of the world. In addition to consumer protection laws in developed countries, we can find a faster rate of law enforcement for consumers in developing countries such as Thailand, Sri Lanka, Korea, Mongolia, Philippines, Mauritius, Taiwan, Nepal, Indonesia, Malaysia and other countries. India is no different from this law. The Consumer Protection Act, 1986 is one of the examples that

should be considered as a milestone in the history of social and economic laws to protect consumer interests in India. Legislation to protect and promote consumer interests in India was finally enacted after a thorough study of consumer protection laws applicable in other countries as well as in consultation with consumer representatives, trade and industry sectors in India and abroad. In order to better serve the interests of consumers and resolve their disputes, a Consumer Council and other approved mechanisms are also being established.

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global economy and the international environment of many business processes has contributed to the development of a global emphasis on the protection and promotion of consumer rights. Consumers, clients and customers around the world, want value for money in the form of quality goods and better services. Modern development has undoubtedly had a profound effect on the quality, availability and security of goods and services.

With the advent of information technology new types of challenges are being thrown at the consumer such as cybercrime, plastic money etc., which affects the consumer in a much bigger way. 'Consumer is powerful' and 'consumer is king' are not just myths in the current situation especially in developing societies. However, it has become clear and appropriate that Consumer protection is a socio-economic system that should be run by government and business as consumer satisfaction is your mutual interest. In this context, government, however, has a primary responsibility to protect consumer interests and rights through appropriate policy measures, regulatory framework.

## 2. HISTORICAL PERSPECTIVES OF CONSUMER PROTECTION IN INDIA

Consumer protection has its deep roots in the rich soil of Indian civilization, dating back to 3200 B.C. In ancient India, morals were highly esteemed and moral values were highly esteemed. The rulers, however, felt that the welfare of their subjects was paramount. They show a keen interest in controlling not only the social conditions but also the economic life of the people, setting many trade barriers to protect the interests of consumers.

India's legal system experienced a change with the passing of the Consumer Protection Act of 1986 "CPA", which was designed to protect consumer interests. The CPA was passed for clear purposes. It aims to provide "informal, and inclusive paperwork, minimal delays and small costs". The CPA has gained widespread

recognition in India as a law of the poor, which ensures easy access to justice.

## 3. PROTECTION OF CONSUMER IN INDIA

The Indian government has warned of the tendency of retailers to harm and exploit the interests of ordinary consumers. The following rules provide sufficient light on the government's efforts to rescue consumers from wrongdoing in various commercial activities:

a) The Code of Criminal Procedure, 1973: However, the country's criminal laws protect the consumer to some degree or more. In this regard section 153 of the regulation gives a police station officer the power to enter any premises within the boundaries of that station for the purpose of inspecting or searching for any weights or measurements or measuring instruments, used or maintained and whenever there is reason to believe that in that place weights, scales or measuring instruments or false.

b) Indian Penal Code, 1860 (Section 272 to 276): Initially sections 272 to 276 prohibit the sale of food or beverages intended for sale, the sale of dangerous or alcoholic beverages, the adulteration of drugs, the sale of unclean drugs and the sale of drugs as separate drugs or corrections and penalties provided to deter a criminal, to deal with adulteration of food or drink, the sale of unclean substances, the sale of drugs on the pretext that they are different drugs or to prepare what they really are.

c) The Dangerous Drugs Act, 1930: This Act dealt with the misuse of synthetic drugs such as morphine and opium. Morphine and Opium may not be the most commonly used substances, which is why the use of these drugs was banned and banned and brought in over the consumer dose.

d) The Drugs and Cosmetics Act, 1940: In order to implement the recommendations of the Drugs Research Committee, on issues of central government concern, the Bill is introduced in the Legislature in 1937, on controlling the importation of drugs into India.

The law was passed to regulate the importation, manufacture, distribution and sale of drugs. Under this Act, a license to manufacture or sell any of the articles referred to in the Act, is made binding, so that ordinary consumers are not mistreated and provided with appropriate drugs and cosmetics.

e) The Drugs Control Act, 1950: This Act empowers the Government to regulate the sale, supply and distribution of drugs and to set a maximum price for these drugs. The purpose of this Act is to ensure that certain essential imported medicines and medicines may be sold at a reasonable price.

f) The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954: This Act prohibits advertisements for certain diseases such as blindness, heart disease, disability, etc. in order to save ordinary consumers from being deceived and harmed in their health and well-being.

g) The Prevention of Food Adulteration Act, 1954: This act protects consumers from the risks of food spoilage. Prevents producers from selling or storing to sell or distribute any contaminated food, food that has a bad name, sells unlicensed food, sells unlicensed food that may spread the disease. Health authorities are empowered to monitor illness in various fields. This Act provides for the prohibition of the importation of certain non-imported food products into India (i) any perishable food; (ii) any food with an improper name; (iii) any imported food prescribed by the license, unless it complies with the conditions of the license; and (iv) any food ingredient in contravention of any other provisions of this Act, and any legislation enacted below.

h) The Essential Commodities Act, 1954: The Act provides for regulating the production, supply and distribution of essential commodities such as coal, petrol, sugar, cement, kerosene, food grains, vegetable oil, drugs, soap, matches, etc. Under the Act, provincial governments are empowered to the ability to ensure that sellers

show up in their stores or in real estate prices, stock status. Measures have also been put in place to deter economic criminals.

i) The Trade and Merchandise Marks Act, 1958: This is the Act, to provide for the better registration and protection of trademarks and to prevent the use of counterfeit trademarks. The purpose of the Act is to protect commercial interests and to prevent consumer fraud through the misuse or abuse of trademarks.

j) The Monopolies and Restrictive Trade Practices Act, 1969: The M.R.T.P. Act attempts to test the deceptive power of monopoly trading in a number of ways. It protects consumer interests indirectly in the wrong market. An institution under the name, Monopolies and a limited Trade Commission are created by the Act.

k) The Standard of Weight and Measures Act, 1976: This Act prohibits manufacturers from any unusual use of weights and measures. This Act and the weight and measurement (packaged goods) Act of 1977, makes it mandatory that the names and addresses of the manufacturer or supplier, the name of the goods, the total amount, month and year of production and the sale price of the goods specified in the package.

l) The Prevention of Black Marketing and Maintenance of Essential Supplies Act, 1980: The Act aims to examine the sale of black goods for the supply of essential goods by traders. Provides severe penalties in the event of a breach of the provisions of the Act. It provides for the detention of blacks and the preservation of important social assets.

m) The Consumer Protection Act, 1986: The Act seeks to provide for the better protection of consumer interests and for that purpose, make provision for the establishment of consumer councils and other authorities to resolve consumer disputes and related matters. The Act aims to promote and protect consumer rights such as: The right to be protected from the sale of dangerous goods and property, The right to

be informed of the quality, value, power, purity, quality and value of the goods to protect the consumer from engaging in unfair trade; The right to guarantee, whenever possible; access to a variety of goods at competitive prices; The right to a hearing and assurance that the interests of consumers will receive due consideration at appropriate forums; The right to seek redress against wrong trading practices or improper exploitation of consumers; and The right to consumer education.

n) The Competition Act, 2002: This Act supersedes the Monopolies and Restrictive Trade Practices Act, 1969 and other legislation. The main purpose of this Act is to improve competition between traders for the benefit of consumers.

o) The Food Safety and Standards Act, 2006: This Act is enacted by policy makers to ensure the availability of safe and healthy food for human consumption. Parliament after claiming that it is in the public interest for the Union to be under the control of the food industry. This Act applies to all transactions, whether public or private, to perform any function, related to any stage of production, processing, storage, transport and distribution of food, whether for profit or not.

p) The Legal Metrology Act, 2009: Measuring a product during a trade is an old tradition. But over the past few decades the State has taken the initiative to regulate the weight and quantity used to sell or distribute goods by weight, quantity or number. The Act further enhances consumer interest by authorizing retailers to adhere strictly to metrology laws and regulations.

#### 4. RIGHTS AND RESPONSIBILITIES OF THE CONSUMERS

It is well known that the legal theory is that rights and duties are related and there can be no right without work and vice versa. Rights are our demands when jobs are the result of our conscience. These cannot survive on their own

because they are interdependent. A right cannot be enjoyed until another person has a corresponding duty to do and on the other hand the work cannot be done unless a similar right is obtained. Although at times there may be specific functions depending on the human conscience. Consumer law is also an important part of legal law which is why consumer rights should be combined with other similar functions / obligations for full use. Consumer rights are now an integral part of our lives as a consumer lifestyle. They have been well written and discussed. We have all used them at some point in our daily lives. Market resources and influences are growing day by day as well as awareness of human consumer rights. These rights are well defined and there are structures such as government, consumer courts and voluntary organizations that work to protect them. In the 20th century, the presence and impact of the market grew significantly in the lives of consumers. We started buying things in the market for a price. Soon, mass production and industrial production came along, making the consumer world a whole new world. Consumers should, not only to get their money back but also save him from the loss and disruption caused by market fraud, know his rights as a consumer.

a) Consumers have the right to safety from losses caused by such products. It is the Right to safety of those goods and services that are harmful to the health, life and property of the consumer.

b) The Consumer also has the right to be provided with all such information on the basis of whether he decides to purchase goods or services. This information is related to quality, purity, strength, quality, date of production, method of use, etc. of goods. Therefore, the manufacturer needs to provide all this information correctly, so that the consumer is not deceived.

c) The buyer has the full right to purchase the goods or services of his or her choice among



the various goods or services available in the market. In other words, no seller can influence his choice in the wrong way. If any seller does so, it will be regarded as infringing on his right to choose.

d) The consumer has the right to have his or her complaint heard. Under this Right the consumer may lodge a complaint against all those things that affect his or her interest. First there are the rights mentioned above (Right to Security; Right to Information; Right to Choice) which are related only if the consumer has the right to lodge his or her complaint against them.

e) The Right to Seek redress provides compensation to the buyer against the improper trading practice of the seller. For example, if the price and quality of the product do not guarantee the seller's promise, the buyer has the right to claim compensation, such as free product repairs, product returns, and exchange of product at retailer.

f) Consumer education means educating the consumer regularly about their rights. In other words, consumers should be aware of the rights they enjoy against the losses they incur as a result of the goods and services purchased by them.

While we all want to know about our rights and take full advantage of them, consumer obligation is an unresolved issue. Consumers have several rights regarding purchases, but at the same time they have certain obligations as well. It means that the consumer must remember a few things while buying goods or using services. They are as follows:

i. Consumers should make full use of their reason when buying items. They should not take the seller's word as a last resort. In other words, when buying a buyer should get information about quality, price, price, usage etc. of goods and services.

ii. It is the buyer's responsibility to speak to the official concerned if there is a complaint about the goods purchased. A late complaint

may find that the warranty period has expired. At times, consumers simply ignore the deception of businessmen. This tendency is conducive to corrupt business practices.

iii. Consumers should never compromise on the quality of goods. Therefore, they should not buy cheap goods for the sake of greed at low prices. If consumers behave in this way, there will be no security for them in any part.

iv. The seller informs the buyer of his goods using the advertising method. Vendors exaggerate the value of their goods.

v. A person should always receive a receipt or credit for the goods purchased. In the event that a warranty card is issued to the seller, it must also be taken. In the event that the goods purchased are of low quality or other features appear and concern customers, these documents will be of great help in resolving all types of dispute with the seller.

vi. The first important obligation of consumers is that they should not buy immediately. It means that consumers have to estimate what they want to buy and the amount they need. They should also consider the place where they will buy things.

## 5. REMEDIES AVAILABLE TO AGGRIEVED CONSUMER

Provides for a set of three-phase machine equals judging. This machine is authorized to provide limited time freedom to consumers. The solutions available to the injured consumer are:

a) Removal of defects in goods.

b) Payment of compensation by the seller for any losses incurred by the buyer.

c) Refund price by seller.

d) Replacement of underperforming assets with new assets with similar meaning.

Consumer associations are ready to be set up to come together to provide collective resistance to all types of organizations. The main functions of consumer organizations are: (i)

Consumer education. (ii) Protecting consumers. Many consumer organizations play a key role in consumer protection.

Another part of self-regulatory Business organizations. Principles of self-regulatory business community fairly to the seller and consumers are doing wonders. It can create a healthy environment in the community especially in terms of consumer protection. As we all know consumers are building the largest informal community organization in the country and protecting their interests and rights is critical to a well-regulated and independent way of providing quality goods, services and services to the satisfaction of the consumer. The government has enacted more than 50 rules / regulations that can be interpreted in favor of consumers. These laws give the government the power to control the production, supply, price, distribution and quality of a large number. of goods and services. Many of these types of powers or processes are referred to in a number of business rules aimed at regulating trade and providing justice for consumers and protecting their rights and interests.

The first priority of a consumer organization is to accelerate consumer awareness of their rights. The media is now a day known as the fourth pillar of democracy especially in India. The media, including electronics and print media, played a key role in dissolving the publication of articles, news and ideas related to consumer laws.

## 6. FUTURE PROSPECTS OF CONSUMER PROTECTION

The Consumer Protection Act has raised hopes among the masses to address their grievances. These expectations can only be achieved if the repair equipment set out in the Act is enabled. Provincial governments did not show sufficient interest in establishing Regional Forums and State Commissions. In fact, the Regional Forum is the source of all Consumer Dispute Resolution Machines because a large

number of cases will be discussed within the administrative area of the District Council. Complaints that contradict the orders of the Regional Assembly are to go to the State Commission and are against the instructions of the State Commission to the National Commission.

The functioning of the State Commissions and the National Commission will remain limited unless the Regional Forums are established in all the Provinces as contemplated in the Act. This delay and failure on the part of the Regional Government brought to the attention of the High Court for a General reason v. Union of India, where the Court has issued directives for all provinces and territories of the Union to establish all regional forums and State Commissions. in six weeks. It seems that the State Government has paid little attention to this legal obligation.

This is a very unfortunate situation, because they are showing a lack of concern for the constitution and the functioning of the District Councils and State Commissions. There is no reason why the National Government has not been able to establish the necessary repair equipment in accordance with the requirements of the Act. Such delays are unpopular and inexplicable and may undermine public confidence in the law.

## 7. CONCLUSION

Consumer protection is not only a State responsibility but also a function against commercial and commercial companies. A satisfactory consumer base is essential for the success of commercial enterprises. At the same time consumer issues should be addressed through the use of information and communication technology in India. An online site should be provided to address consumer rights and disputes in a transparent, effective and trouble-free manner. Consumer dispute resolution really needs to be applied to "Other Dispute Resolution Process" (ADRM) and

“Online Dispute Resolution” (ODRM). The Indian e-governance system says nothing about this. This is one of the shortcomings of India's ICT strategy that does not conform to modern standards. Electronic governance in India does

not take into account the ODR vision and the same will be a fatal mistake by all statistics in this consumer-driven society. We need to use “integrated expertise” and the basis of “public-



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