

RECENT TRENDS IN CONSUMER PROTECTION IN INDIA

¹P.PRIYANKA

¹STUDENT ,5TH YEAR,SAVEETHA SCHOOL OF LAW,SAVEETHA INSTITUTE OF MEDICAL AND TECHNICAL SCIENCES, SAVEETHA UNIVERSITY,CHENNAI-77,TAMILNADU,INDIA.

²DR.A.SREELATHA

²SAVEETHA SCHOOL OF LAW, SAVEETHA INSTITUTE OF MEDICAL AND TECHNICAL SCIENCES, SAVEETHA UNIVERSITY,CHENNAI-77,TAMILNADU,INDIA.

¹p.priyanka555@yahoo.in, ²annamanenisreelatha.ssl@saveetha.com

ABSTRACT

Consumer Protection is an essential element in the present scenario as the consumers are violated by unscrupulous manufactures and traders. Buyers are the biggest financial gathering in any nation. They are the main issue of all financial movement. Consumer protection is a form of social action which is hatched to attain the well-being of the society namely consumers. Everybody is a conceived consumer, regardless of whether he is an industrialist, maker, a dealer occupied with any calling or administration or having a place with some other class. Various steps have been made for the protection of the consumers by introducing several acts. Even though the consumer problems still are prevailing in the society. Certain improvements have also been introduced for the protection of consumers. consumers security is a gathering of laws and associations intended to guarantee the privileges of buyers and in addition reasonable exchange, rivalry and exact data in the commercial center. In India, buyer security is indicated in The Consumer Protection Act, 1986. The consumer protection act, 1986 plays a vital role in the protection it also established consumer council for settlement of the disputes. This act protects the interest of consumers from unfair trade practices.It is important that the different parts of

society should protect specially government, legal, specialty units, dealers , intentional relationship of buyers are to assume their due part to secure the consumers. Consumers are provided with many rights so that the violations against them have been reduced. Consumer helplines, online dispute resolution, consumer awareness are some of other methods which are introduced for protection of consumers.

KEYWORDS

Consumer protection, rights, violations, awareness, unscrupulous traders.

INTRODUCTION

“Consumer is the King” the sellers do not fulfill the demands of the consumers and they provide the consumers with bad service. Consumers have certain tools to escape from the action of manufacturers and sellers by the mode of consumer complaints, courts, forums etc. I have taken this topic to know about the protections available to the consumers from unfair trade practices. Consumers should be educated about the rights and responsibilities available to them. The main aim is to know about various legal protections available to the consumers. Enactments which protects interest of consumers includes consumer protection act, the sale of goods act, the drugs and cosmetics act, the food safety and standards act, the essential commodities act, other sources of protection are the redressal machinery. The loophole is that there are several laws relating to consumer protection and they lack in protection of consumers. Due to lack of simplicity in laws steps to protect consumers has not become much successful.

AIM

The aim of the study is that to eradicate the violations which are against the consumers. Consumers awareness should be much more improved so that they make immediate step in case of any hazards against them in purchase of goods or service rendered. Consumers should take own steps by using the available rights provided to them. Government should take more steps in eradication of these problems. The main objective is to know about recent development in consumer protection.

MATERIALS AND METHODS

For this study only secondary sources-doctrinal research have been referred to secondary sources includes books, articles and journal publication, various websites, blogs and online available materials have also been referred this study.

OBJECTIVES

- To know the importance of consumer protection in India.
- To protect rights of the consumers.
- To know the role of consumer protection act.
- To know other methods of solving consumer problems.
- To bring recommendations and suggestions for betterment of consumer protection.

HYPOTHESIS

Ho:” CONSUMER IS ENTITLED TO A REMEDY WHICH HE IS NEGLIGENT TO”.

Ha: “CONSUMERS DO NOT GET FAST AND SPEEDY REDRESSAL “

RESEARCH QUESTION

What are the recent developments in the Consumer Protection?

MEANING

Consumer Protection means protection from unfair trade practices which arise to the consumers. The main aim of consumer protection is to eradicate the exploitations and malpractices against the consumers.

NEED OF CONSUMER PROTECTION

Consumers are spread worldwide particularly the poor and illiterate consumers are not aware of their rights. The suppliers of goods exploit the consumers in many ways through unfair and restrictive trade practices. They charge high price to the goods which are above cost of production of such goods. Therefore the consumers should be protected from these violations against them. Advertising is another source by which the consumers are frauded. Adulteration of

goods is also a malpractice against the consumers .It affects the health and safety of the consumers. Because of these impact toward the consumers several legislation has been introduced.

EXPLOITATIONS AGAINST CONSUMERS

We purchase products and ventures in our everyday life and get fulfillment from its utilization and utilize. Consumers are violated in each and every purchase of goods. In early days, unjustifiable exchange was relatively outlandish with restricted needs and a moderate style of living. Today with expanded mechanical upset, advancement and globalization, our needs have expanded complex and this has given a lot of extension for misbehaviors. Corporate body is also included in meaning of persons. Further it depends on interpretation regarding text, context, and objectives of the act.³ There are numerous routes by which customers are misused. Some of the exploitations are here below:

Offering at higher costs - The cost charged for the item won't be proportionate to the quality; Item chance - Drugs that are unsafe, restricted or past expiry date, electrical apparatuses with deficient wellbeing safeguards, and so forth;

Adulteration - This is extremely normal in food items and could turn out to be profoundly damaging to one's well being.

Sub-standard Products - Items whose quality is far beneath the required standard.

False Claims - Manufacturers make false portrayals about their items in the media with a view to misdirect the buyers. Asserting that utilization of a specific oil will cure hair baldness, utilizing an organization's reasonableness cream for a particular period will make a person fair are some misdirecting notices.

Warranty - In numerous cases, however the item will have a guarantee or will be under yearly support contract when an issue emerges, the shopper is informed that specific parts won't be secured and they should pay.

³ Karnataka Power Transmission Corporation v. Ashok Iron works Pvt Ltd.

RIGHTS OF CONSUMERS

These are some of the rights available to the consumers

- (a) The privilege to be ensured against showcasing of products which are dangerous to life and property;
- (b) The privilege to be educated about the quality, amount, strength, virtue, standard and cost of merchandise to ensure the purchaser against out of line exchange rehearses;
- (c) The privilege to be guaranteed, wherever conceivable, access to an assortment of products at aggressive costs;
- (d) The privilege to be heard and to be guaranteed that purchaser interests will get due thought at suitable discussions;
- (e) The privilege to look for redressal against unjustifiable exchange hones or corrupt misuse of buyers;
- (f) The right to get consumer education.

LAWS PROTECTING CONSUMERS

The consumer protection act 1986: Consumer Protection Act has been implemented to bring into reality to secure the privileges of a customer. It shields the customer from abuse that business practice to make benefits which thus hurt the prosperity of the purchaser and society. This act helps to instruct the customer on the privilege and obligations of being a buyer and how to look for help or equity when confronted misuse as a purchaser. It instructs the buyer to settle on right decisions and realize what is correct and what isn't right. The remarkable highlights of Consumer Protection Act are it covers all open, private and agreeable area. This applies to every one of the products and enterprises until and unless Union government exempts it. Arrangements of the Consumer Protection Act are compensatory in nature. The service rendered by a medical professional fall with the ambit of service.⁴

⁴ Indian Medical Association V. V.P Shantha and ors.

The essential commodities act 1950: This act makes the government to maintain fair price, production, distribution, supply etc. The central government has delegated with some of these powers to the state government. Many commodities have been retained for the protection of the consumer. Due to the unfair distribution supply and price of the commodities this act has been implemented to eradicate such unfair practice.

The food safety and standard act 2006: This act regulates the food storage, manufacturing food items, distribution of food, for the safeguard of the consumers. So that the consumer get a healthy consumption of foods. Many scientific panels have approved and finally this act came into regulation.

The contract act 1872: The consumers enter into contract in each case of buying a product. In case of breach of such contract this act provides remedies for the consumer.

The sale of goods act: This act provides the consumer from goods which are not complied with said condition and warranty. It gives relief to the condition and warranty. It gives relief to the consumer in case of violation.

The drug and cosmetics act 1940: This act regulates distribution of drugs in India. It mainly concentrates that the drug and cosmetics which are in circulation are safe, effective and it is of high quality. If a manufacturer does not manufacture as per the quality will be suspended from manufacturing of such drugs. The drugs and cosmetics act also deals with fake and alternative drugs.

REDRESSALS THROUGH LOK ADALATS AND PIL

The idea of Lok Adalat in India is making up for lost time quick. The government built up a board for implementing legal help plots in the nation, in consonance with the provisions of article 39 of the constitution which ensure equity to all natives. Lok Adalat have progressed toward becoming piece of a quick, compelling and economical redressal framework. They might be portrayed as a stage towards completely indianising the legal framework.

Public Interest Litigation is the name that has as of late been given to endeavors to give lawful portrayal to previously unrepresented gatherings and interests. The incomparable court of India has summoned its intrinsic power under the Constitution of India, especially under Article 32.

The Public Interest Litigation is to be supported since it points at empowering the people. This will help the reason for customers development.

PRECEDENT

Sehgal School of Competition v Dalbir Singh

The complainant looked for refund from the contrary party's instructing school after just a single year of the two-year course on the ground that the training was not up to the value. The District Forum coordinated refund of the charges and the contrary party's allure was rejected. In update, the applicant fought that installment of single amount expenses for a long time was a condition (of the agreement) that and no piece of the charges could either be discounted or exchanged under any conditions. The Commission held that this condition was uneven and one-sided for the contrary party, against characteristic equity and not a reasonable exchange rehearse.

COMPARISON BETWEEN INDIA AND USA IN PROTECTION OF CONSUMERS

The administrations of relatively every nation has demonstrated worry to secure the enthusiasm of consum-ers against abuse in any frame by different laws, cost and conveyance controls, normality authori-ties, settling benchmarks for producers and specialist co-ops. Much of the time like protection, cash and credit showcase offices, securities exchange unique associations have been constituted who have been approved to keep a watch and they have surrounded implicit rules. In specific cases like securities exchange activities huge forces have been given. In U.S.A. there are strict control on drugs produce and deal as they are essential for prosperity of the overall population and their wellbeing. For comparative reasons there are strict guidelines for checking debasement and there are arrangements for extreme discipline to defaulters. Numerous nations have considerably more strict controls and codes for security when contrasted with India.

In USA there are various self administrative like National Advertising Division of Council of Better Business Bureau. Self-administrative bodies have been working in huge number of created nations. There are likewise solid and exceptionally full of feeling relationship of buyers of different things or gatherings of things and their perspectives convey significant weight both with the makers and government. The other vital contrast when contrasted with India is that legislature administrative bodies step up and see whether customer intrigue isn't all

around cared for. In India just Monopoly and Restrictive Trade Practices Commission embraces a few examinations in such manner yet a large portion of alternate organizations comes without hesitation when somebody approaches them for equity.

INTERNATIONAL CONVENTION

GUIDELINES OF UN GENERAL ASSEMBLY

The General Assembly embraced rules for purchaser security by accord on 9 April 1985 . The rules give a system to Governments, especially those of creating nations, to use in explaining purchaser assurance approaches and enactment. They are likewise proposed to empower universal co-activity in this field.

To help nations in accomplishing or keeping up satisfactory protection for their populace as customers;

To encourage creation and appropriation designs receptive to the requirements and wants of customers;

To support large amounts of moral lead for those occupied with the creation and circulation of merchandise and ventures to shoppers;

To help nations in checking harsh business rehearses by all ventures at the national and global levels which unfavorably influence buyers;

To encourage the creation of free customer gatherings;

To facilitate universal co-task in the field of buyer assurance;

To empower the advancement of economic situations which furnish shoppers with more noteworthy decision at bring down costs.

CONCLUSION

The consumers have been protected through various legislations though they are being affected by the traders. Firstly the consumers should be aware about their rights and responsibilities. They should make use of the rights available to them. Many steps have been introduced from the past

decades for protection of consumers but the violations against them has not been reduced. The consumer cases are not taken as serious issue and they do not get fast and speedy redressal through any of the improvements made for their protection.

RECOMMENDATION

Most of general population is not by any means mindful of consumerism as a development intently connected with their interests. Under such conditions, it is essential that consumers themselves develop certain standards and receive certain strategies there ought to be purchaser instruction crusade through different correspondence media, for example, TV, films, addresses, workshops, notices, productions, radio, and workshop preparing et cetera. Valuable advancements ought to be taken to urge youth to take dynamic part in the exercises of consumer developments.

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