

ANALYSIS OF CONSUMER PROTECTION ACT, 1985

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Consumer affairs today encompass all aspects of consumer welfare and have been internationally recognised in different times. Consumers are considered as an inevitable social, economic and political system where the exchange initiative and transactions realise between two parties namely buyers and sellers has an impact on the third party i.e. society. The inheritant profit motive in mass production and sales also occurs the opportunity. Many manufacturers and dealers to exploit consumers in problems of defective goods and deficiency in services, spurious and duplicate brands, misleading advertisements rampant and often the gullible consumers fall prey to it. Thus the need for consumer satisfaction has been recognised. We all are consumers because we buy different commodities (goods and services) from the market for our own consumption. We are dependent on the market to fulfil our basic needs. Consumers today want value for money, a product or service that would meet reasonable expectations is safe in use and there is full disclosure to product specifications. These expectations are termed as consumer's 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 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, ombudsmen, 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.

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.

Objectives

1. To create awareness among consumers about their legal rights.

2. To study the role of educational and government machinery for creating awareness and implementation of consumer protection act.

Data Base and Methodology

This study is primarily based on secondary data. Data has been collected from the published sources and through internet surfing. The surveyed literature then organized in a systematic manner so as to present in proper way.

What is Consumer?

According to consumer protection act a consumer is:

- One who buys goods or hires services for some value.
- Any user of such goods or beneficiary of services with approval of the buyer.
- Anyone who uses the goods bought or services hired for earning livelihood by self employment.

Protection Act

The consumers as buyer always had poor bargaining power. Traders often follow unfair and unethical practices. To protect the consumers, a number of legislations have been passed including Sale of Goods Act 1930, Essential Commodities Act 1955, Prevention of Food Adulteration Act 1954, MRTP Act 1969, etc. The MRTP Act obtained the elements of consumer protection legislation with the amendments in 1984 when unfair trade practices were brought into its fold. In spite of these changes in MRTP Act, the need was felt for more comprehensive consumer protection legislation. As a result, the Consumer Protection Act 1986 was born.

Consumer Protection Act, 1986

The consumer protection act, 1986 has been described as a unique legislation of that offers protection to consumers. The main objective of this act was to provide better protection to consumers, unlike other laws which were punitive or preventive in nature. This act provides simple, speedy and inexpensive redressal to consumer's grievances.

Salient features of the Act

- Applies to all goods and services unless specifically exempted by the central government.
- Covers all sectors, public, private and cooperative.
- Confers certain rights on consumers.
- Provisions of this act are in addition to provisions of any other act.
- Envisages the setting up of consumer protection act councils at the central, state and district levels with main objective to promote and protect consumer rights.

Legal rights of consumer

- Consumer Protection Act, 1986
- Contract Act, 1982
- Sale of Goods Act, 1930
- Essential Commodities Act, 1955

- Agriculture Produce (Grading & Marking) Act, 1937
- The Prevention of Food Adulteration Act, 1954
- The Standard of Weights and Measures Act, 1976
- The Trade Mark Act, 1999
- The Competition Act, 2002
- The Bureau of Indian Standard Act, 1986

Consumer Protection Act, 1986

The provision of the act came into force from July 1, 1987. The act provided the following main characteristics:

- It provides safeguard to consumers against defective goods, deficient's, services, unfair trade policies and other form of their exploitation.
- The act provides various rights and responsibilities to consumer.
- The act provides three tier redressal agencies where consumer can file complaints.

Contract Act, 1982

- This act is formed to bind people on their promises made in a contract.
- This act also provides remedies available to parties in case of breach of contract.

Sale of Goods Act, 1930

- This act provides safeguard and relief to consumers in case goods are not complying with the expresse conditions.

The Essential Commodities Act, 1955

- This act is formed to control production, supply and distribution of essential commodities.
- Checks inflation and ensures smooth and equal supply of these goods.
- Checks black marketing, hoarding and adulteration, etc.

The Agriculture Produce (Grading & Marking) Act, 1937

- This act is formed to assure quality of agricultural products.
- This act provides grade standards for agricultural commodities.
- The quality mark provided by this act is "AGMARK".
- The mark is given only when the goods are produced by following the minimal standards.

The Prevention of Food Adulteration Act, 1954

- This act was formed to check adulteration of food articles and ensure their purity so that the health of general public can be maintained.
- The Standard of Weights and Measures Act, 1976
- This act provides protection to consumers against malpractices of underweight, under measure.

- The provision of this act is applicable on those goods which are sold or distributed by weights and measure.

The Trade Mark Act, 1999

- This act prevents the use of fraudulent marks on products.
- This act is introduced in place of trade and merchandise mark act, 1958.

The Competition Act, 2002

- This act is related to monopolies and restrictive trade practices act 1969.
- This act is formed to encourage healthy competition and protect consumers from companies which hamper competition.

The Bureau of Indian Standard Act, 1986

- This act is formed to provide special marks to products which fulfill some minimum quality standards.

Consumer Rights

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 to safety protects the consumer from sale of such hazardous goods/services.

2. **Right to Information:** According to this right the consumer has the right to get information about the quality, quantity, purity, standard and price of goods or services so as to protect himself against unfair trade practices.

3. **Right to Choice:** According to this right every consumer has the right to choose goods/services of his/ her likings. The right to choose means an assurance of availability, ability and access to a variety of products and services.

4. **Right to be Heard:** According to this right the consumer has the right to represent himself or to be heard or right to advocate his interest. Under this right the companies must have compliant cells to attend the complaints of customers.

5. **Right to Seek Redressal:** According to this right the consumer has the right to get compensation or seek redressal against unfair trade practices or any other exploitation. Various redressal forms are set up by the government at national/state level.

6. **Right to Consumer Education:** According to this right it is the right of the consumer to acquire the knowledge and skills to be influenced to customers. It is easier for literate consumers to know their rights and take actions.

Ways and Means to Consumer Protection

- **Self Regulations by Business:** Large business houses have realized that they can prosper and grow for a long period of time only by giving due importance to consumers.
- **Business Associations:** Various business associations such as Federation of Indian Chamber of Commerce and Industry (FICCI) and confederation of Indian Industry (CII) have formed a set of code of conducts which lay down guidelines for dealing with consumers.

• **Consumer Awareness:** It is not easy to exploit an educated and well aware consumer. Consumers must be well aware about his rights, responsibilities and relief available to him.

• **Consumer Organisations :** consumer organisations play an important role in educating consumers regarding their rights and duties. These organisations also help consumer to get relief in case of exploitation.

Responsibilities of Consumer

- Consumer must exercise his rights.
- Cautious consumer.
- Filling complaints.
- Consumer must be quality cautious.
- Do not get carried away by advertising.
- Insist on cash memo.
- Form consumer societies.
- Respect environment.
- Discourage malpractice.
- Awareness.

Why consumer protection is needed in developing countries like India?

Poverty and Unemployment: In developing country most of the consumers are poor and unemployed and these consumers are taken for granted as they cannot object to any product or services. The poor consumer is the most harassed and the most helpless creature in India and other developing countries. They accept anything which is offered to them at low price as they have to buy it.

Illiterate Consumer: In developing countries like India most of the consumers are uneducated and illiterate and cannot differentiate between the pure and adulterated products. Consumer cannot read the contents, date, price, quantity, etc. So they rely blindly on the information of the suppliers. This ignorance gives more chances of manipulation to the supplier who tries to cheat the differentiate consumer by supplying substandard and low quality products at higher prices.

Consumers are not organised: Another reason for more requirement of consumer protection in India is that in India consumers have not yet organised themselves to have powerful consumer movement. There is a lack of effective and alert agencies to secure redressal of their grievances. Due to lack of consumer organisations there is more need for consumer protection in countries like India.

Role of Universities/School

- School and colleges can play a very important role.
- **Indira Gandhi National Open University (IGNOU)** has developed a complete syllabus which provides the basic framework for other universities to chalk out the curriculum of consumer education.

- Kakitaya University, Warangal, Andhra Pradesh is already running a one year post- graduation course in Consumer- law.
- CBSE has included consumer protection in syllabus of class X and XII.
- Maharashtra University has also started a course in Consumer Protection in Pune.

History of World Consumer's Rights Day

March, 15th is observed as the World Consumer's Day. This day has a historic importance as it was on this day in 1962, when the bill of consumer rights was moved in the U.S. Congress by John F. Kennedy. John F. Kennedy equated the rights of the ordinary American Consumers with national interest. During his speech President Kennedy has remarked "If a consumer is offered inferior products if prices are exorbitant, if drugs are unsafe or worthless, if the consumers are unable to choose on an informed basis then his dollar is wasted, his health and safety may be threatened and national interest suffers".

He gave the American consumers for basic rights such as right to safety, right to choose, right to information and right to be heard. The Consumer International formally known as International Organisation of Consumer Union, the umbrella body for 240 organisations in over 120 countries began observing 15th March as a occasion to promote basic rights of consumers since 1983.

Redressal Agencies under Consumer Protection Act, 1986 and their Jurisdiction

Basis	District	State Commission	National Commission
Composition	Consists of a president and two other members.	Consists of a president and two other member.	Consists of a president and four other members.
Who can be a judge	A working/retired judge of District court.	A working/retired judge of High court.	A working/retired judge of Supreme court.
Appointment of President	Appointed by state government on recommendations of the selection committee.	Appointed by the state government after consultation with the chief justice of high court.	Appointed by the central government after consultation with chief justice of India.
Jurisdiction	Complaints where amount is up to 20 lakhs.	Complaints where amount is 20 lakhs to 1 crore.	Complains where amount exceeds 1 crore.
Appeal against orders	Persons who are aggrieved by the order of District Forum can appeal against such order to State Commission within 30 days.	Persons who are aggrieved by the order of State Commission can appeal against such order to National Commission within 30 days.	Persons who are aggrieved by the order of National Commission can appeal against such order to Supreme Court within 30 days.

Consumer Responsibilities

- Consumer must exercise his rights: The consumer must be aware of his rights and exercise them when ever required. If he is not satisfied with the product that he has brought then he should file a complaint against it.

- **Cautious Consumer:** The consumer should not blindly believe on the words of the seller and be cautious on part of quality, quantity and utility of the product.
- **Filing complaints for the Redressal of Genuine Grievances:** Whenever consumer is filing a complaint it must be genuine. The consumer should not exaggerate the loss or defects of goods.
- **Consumer must be Quality Cautious:** While purchasing the goods or services consumer must look for quality marks such as **ISI MARK, AGMARK, ISO, WOOL MARKET.**
- **Do not be carried away by Advertisements:** The consumer must compare the actual product with shown in advertisement and act accordingly.
- **Insist on Cash Memo:** to file a complaint a consumer needs the evidence of purchase/receipt. A seller is bound to give a cash memo even if the buyer does not ask for it.
- **Respect the environment;** avoid waste littering and contribution to pollution.
- **Discourage black marketing, hoarding and choose only legal goods & services.**
- **Be aware of variety of goods and services available in the market.**
- **Form the consumer societies which could play an active part in education & awareness of consumers for safeguarding their interest.**

Consumer Protection Act Important Terms

Consumer

According to consumer protection act a consumer is:

- One who buys goods or hires services for some value.
- Any user of such goods or beneficiary of services with approval of the buyer.
- Anyone who uses the goods bought or services hired for earning livelihood by self employment.

Under what conditions complaints can be filled?

Complaints can be filled and compensation can be claimed by the consumer with respect to:

- **Fraudent practices of traders and manufactures.**
- **If goods are defective.**
- **If there is any deficiency in the services hired.**

Who can file a complaint?

A complaint can be filled by:

- Any consumer.
- Any registered consumer association.
- The central or state government.
- One or more consumers on behalf of consumer's association.
- A legal heir or representative of a deceased consumer.

Within what period complaint can be filed?

The complaint must be filed within 3 months of purchase and if some testing of goods is required than 5 months.

Where complaints can be disposed off?

- District Forum to deal with complaints where the value of goods and compensation claim does not exceed Rs. 20 lakh. (In 1987 it was only Rs. 1 lakh)
- State commission to deal with cases where the value of goods or compensation is more than Rs. 20 lakh but less than Rs. 1 crore. (In 1987 it was Rs. 10 lakh)
- National Commission to take up all cases exceeding the value of Rs. 1 crore. (Earlier it was only Rs. 10 lakh)
- Appeal against district forum can be filed in State Commission within 30 days and the person who is declared guilty has to deposit Rs. 25000 or 50% of fine amount whichever is less.
- The appeal against the State Commission can be filed with National Commission within 30 days and the person who is declared guilty by State Commission has to deposit Rs. 35000 or 50% of amount of compensation whichever is less.

Reliefs available to consumers on complaint filed by him

- Removal of defects from the goods.
- Refund the price paid.
- Removal of deficiency in service.
- Stopping the sale of hazardous goods.
- Replacement of goods.
- Compensation of loss or injury suffered.
- Discontinuance of unfair trade practices.
- Withdrawal of hazardous goods from market.
- Payment of adequate cost to grieved party.
- To pay adequate cost to unearned party.
- To issue corrective advertisement to neutralize the effect of a misleading advertisement.

Who are not considered under CPA, 1986?

- The persons who obtains goods for re-sale.
- The persons who uses the goods without the approval of buyer.
- The persons who avails the services without the approval of buyer.
- The persons who obtains goods without any consideration.
- The person who hires or avails of any services without consideration.

Education and Awareness

Protection and promotion of consumer's rights and interests is a vital function of the government of any economy. It is basically a social and political necessity and is essential for all round progress of the country.

In rapidly changing business environment and emerging global markets, expectations of the people of the country for better services, quality goods, availability of choices and value for money has been continuously rising.

Accordingly both public and private sectors are undertaking several policy initiatives, schemes and incentives to promote consumer's welfare in the country. They are making all efforts to ensure that consumers are provided with every relevant information in order to avoid any kind of exploitation and given a rational choice in selection of products and services from the market.

Some of consumer's rights are:

- Right to be protected against the marketing of goods and services, which are hazardous to life and property.
- Right to be informed about the quality, quantity, potency, purity, standards and price so protect consumers against unfair trade practices.
- Right to be assured, whenever possible of access to variety of goods and services at competitive price.
- Right to be represented in various forums formed to consider welfare.
- Right to seek redressal.
- Right to acquire the knowledge and skill to be informed.
- At the central level, the Department of Consumer Affairs has been set up under the Ministry of Consumer Affairs, Food and Public Distribution to protect the right of consumers, promote standards of goods and services as well as for redressal of consumer grievances.
- It has been undertaking National Action Plan for Consumer Awareness and Redressal and Enforcement of Consumer Protection Act, 1986 for consumer protection & creating awareness.
- The Centre for Consumer Studies (CCS) at the Indian Institute of Public Administration (IIPA) has been set up to facilitate deep research in area of consumer protection and education. As a part of this scheme, Scheme on Promoting Involvement of Research Institutions/Universities and Colleges in Consumer Protection and Consumer Welfare is being financed & administered by CCS, IIPA.
- While at State level initiatives with respect to consumer's welfare by promoting awareness and education among them are handled by Departments of Consumer Affairs; Department of Food; Civil supplies and Consumer Welfare; etc. which are located in various states and Union Territories (UT's) of the country.

Suggestions and Opinions

In today's changing market services, there is an increasing necessity of empowering the consumers, through education and motivation regarding their rights and responsibilities.

He/she should be equipped to be fully watchful so as to be able to protect himself/herself from any wrongful act on the part of the seller/trader.

Several steps have been taken by the government, both at the Central and state level towards generating awareness among the consumers. Given all such activities, initiatives, it is the responsibility of the consumer as well to keep in mind that it is wholly responsibility of the consumer to check what all products he is no mishappening in future regarding those goods and services.

If the consumer himself is aware of the responsibility then there are less chances of any mishappening and can prevent any damage to him.

10 Ways the Ministry of Corporation Affairs is Planning to Change the Consumer

Protection Act and What is Missing

The last amendment to the Consumer Protection Act, 1986 ("Act") was made in 2002. In the twelve years since then, the Indian market has changed a lot. New disputes will arise with changing market trends like online shopping. With these we would either need new laws or changes to the old ones.

The Ministry of Corporate Affairs ("Ministry") with help from the Confederation of Indian Industry (CII) and other stakeholders, is trying its best to bridge this gap by proposing changes to the act.

The bill was scheduled to be sent to the Cabinet in October 2014 and was supposed to be tabled in the winter session of the parliament changes proposed by the Ministry to the Act and related legislations include the following:

- Proposal to allow consumers to file class actions suits against goods manufactures or service providers along with provisions for penalizing ages without any limit.
- Proposal to set up National Consumer Authority ("Authority").
- Ensure swift resolution of grievances and also investigate unfair practices.
- Be able to take legal actions and order 'recall, refund and return' of a product if it seem to affect a group of consumers. Mass recall of products is not statutorily governed in India at present and takes effect only if the manufactures voluntarily do it.
- Have the power to take up cases involving schemes, which have become common occurrences today.
- Proposal to allow online filling of complaints.
- Proposal to enable negotiation of consumer disputes within 30 days.

- Proposal to align the current legal framework with global best practices and business practices with special importance to e-commerce.
- Proposal to include a product liability clause which could give consumers the right to damages irrespective of civil contract.

Jago Grahak Jago

With the focus on empowering the protection of consumers, the government is implementing an innovative and intensive multimedia campaign, “Jago Grahak Jago” (Wake up consumers) to create awareness in the country.

Due to the success of the campaign, the department of consumer affairs has decided an increase in allocation of the fiscal to Rs. 91 crore for this campaign through the electronic and print media and outdoor publicity covering the whole of India and its consumers. The government has already spent on amount of Rs.49 crore till November 2014 against the budgetary estimates of Rs.75 crore during current fiscal year.

Under this “Jago Grahak Jago” initiative the consumers have been made aware of the malpractices being done by the sellers. The department has tried to reach consumers through print and electronic media in national as well as regional networks, TV spots in Doordarshan and private channels, audio spots in All India Radio and private FM channels. Many advertisements are also aired on TV showing the growing weed of consumer’s awareness.

The government celebrates December 24 as ‘National Consumer Fights Day’, since the Consumer Protection Act 1986 which is termed as a “milestone in the consumer movement” was enacted on this day. The government after getting responses from its consumer has been highlighting issues such as Maximum Retail Price (MRP), labeling and standardization and also planning to expand hallmarking scheme. The department has also tied-up with the postal department for display of posters on consumer awareness and printing ads and distribution of publicity material through DAVP and outdoor publicity through the song and drama division of I & B industry. The department is also in the process of launching a joint publicity campaign with ministries that are directly dealing with issues involving consumers and campaign with Bureau of Energy Efficiency is already under progress.

Fair price shops under public distribution system

Public Distribution System is an Indian Food Security System. Established by the Govt. of India under Ministry of Consumer affairs, food and public distribution and managed jointly with state govt. in India, it distributes subsidies food and non-food items to India’s poor. Major commodities distributed include staple food grains such as wheat rice sugar and kerosene, through a network of public distribution system.

Food Corporation of India, a Government-owned corporation process and maintains the PDS. 21% remaining undernourished but government spends Rs. 760 billion (\$ 13.6 billion) per year almost 1% of GDP and has largest stock of grain in world. Distribution

of food grains to poor people throughout the country is managed by state government. As of date there are about 5 million fair price shops across India.

Public Distribution Shop

A public distribution shop also known as fair price shop (FPS) or Ration shop. It is a part of India's public distribution system established by Government of India which distribution rations at a subsidized price to the poor. As of date there are about 4.99 lakh fair price shops across India.

Locally these are known as ration shops and chiefly sell wheat, rice, kerosene and sugar at a price lower than the market price. Other essential commodities may also be sold. These are also called as fair price shops because the items sold are of a fair price. To buy items one must have a ration card. They are run by joint assistance of central and state govt. throughout the country.

India has 4, 78,000 shops constituting the largest distribution network in the world.

The introduction of rationing in India dates back to the 1940s Bengal famine. This rationing system was revived in the wake of acute food shortage during the early 1960s before the Green Revolution.

Fallouts of PDS

- Growing instances of consumers receiving inferior quality food grains in ration shops.
- Corruption by creating bogus cards to sell stock in open market.
- Many FPS dealers do malpractices, illegal diversions of commodities, holdings & black marketing due to low salary.
- There is not set criteria that which country's family is BPL or APL. This non ambiguity gives massive scope for corruption and fallouts in PDS system because those who are actually meant to be benefitted are not able to taste the fruits of PDS.
- Regional collection, allocation and coverage of EPS are unsatisfactory and the core objective of price stabilization of essential commodities has not met yet.

Suggestions to Improve the PDS and Fair Price Shops:

- Special teams to be set up to detect corruption, which is not an added expenditure for taxpayers.
- Personal-in-charge of the department should be chosen locally.
- Margin of profit should be increased for honest dealers, in which case the market system is more apt anyway.
- F.C.I and other prominent agencies should provide quality food grains for distribution which is a tall order for an agency that has no real incentive to do so.
- Frequent checks & raids should be conducted to eliminate bogus and duplicate cards, which is again an added expenditure and not full proof.

- The civil supplies corporation should open more fair price shops in rural areas.
- The fair price dealers seldom display rate chart & quantity available in the block-boards in front of the shop. This should be enforced.

In aggregate, only about 42% of subsidized grains issued by the central pool reach the target group, according to planning commission study released in March 2008.

Cases Studies

Volta Ltd., Mumbai Vs Jayesh Lohana, Mumbai

Consumer court received a complaint from Mr. Javesh Lohanain December 2009 about Volta Air Conditioner. He had annual maintenance contract for his 2 air conditioners. The air conditioners were pending for repairs since Sep 2009 upon intervention of consumer court the matter has been resolved by Volta to the satisfaction of Mr. Javesh Lohana.

Bajaj Electricals Ltd., Mumbai Vs Mr. Rajesh Gupta, Delhi

Mr. Rajesh Gupta purchased a steam iron of Bajaj make in Feb 2010. Since the iron was defective he lodged a complaint with Bajaj Electricals as well as with consumer court. The matter was taken up with Bajaj Electricals Ltd. who immediately repaired the steam iron.

Mr. K. Jinarajan Vs HDFC Bank

Mr. K. Jinarajan of Thirukunnapuzha of Kerala lodged a complaint with consumer court against HDFC Bank, Borivali West branch regarding wrongful debit of Rs. 20,000/- from his Kattavam Branch of HDFC Bank for the loan obtained through Mumbai branch under different a/c. the matter was taken up with HDFC Bank, Mumbai as well as Kottayam Branch on 13th Nov. 2009 and the same was resolved to the satisfaction of Mr. K. Jinarajan. Mr. Jinarajan in his letter to court stated reference copy of your letter addressed to HDFC Bank. In the mean time I wish you thanks for your timely intervention for early statement.

Dues From Railways

Manglam Dairy of Kandivali has entered into a contract with Western Railway for display of Boards on Kandivali Foot over Bridge for which they paid Rs. 7153/-. The Western Railway terminated the contract in April 2004, and decided to refund the deposit to the party. However, the deposit was not refundable till December 2005 by the Railways. The matter was taken up with Western Railways yielded positive result and the party received but without interest for the delivered payment.

Videocon International Ltd.

Ms. Soonu R. Mehta of Colaba, Mumbai had purchased a Videocon TV in 1998 under the money back scheme floated by Videocon. The purchase amount of Rs. 14,990/- was to be paid to Ms. Soonu Mehta on 8.5.2005 against the Bond Receipt issued to her. However inspite of repeated follow up, she did not receive the refund. CFBP took the matter with Videocon on 15-2-2005 and the party got the refund immediately.

Mr. Subhash Chandra Pani Vs Hindustan Petroleum Corporation Ltd.

Mr. Subhash Chandra Pani of Bhubhaneshwar applied for a second gas cylinder to Hindustan Petroleum Corporation Ltd. in July 2008. Though more than 1 ½ year has elapsed he has not given the sanction for 2nd cylinder. The matter was taken by consumer court in October 2009. We have received a reply from Director Marketing, Hindustan Petroleum on 20th Nov 2009 stating that the 2nd cylinder has been provided to him on 6th Nov 2009.

Total Number of Consumer Complaints Filed Under Consumer Protection Act, 1986

SN	Name of Agency	Case filed since inception	Cases disposed off since inception	Cases solved	% of total disposed
1	National Commission	91,998	80,251	11,747	87.23%
2	State Commission	6,59,585	5,69,036	90,549	86.27%
3	District Commission	34,73,708	32,05,363	2,68,345	92.27%

Source: http://en.wikipedia.org/wiki/Consumer_Protection_Act,_1986

Some of the Steps Recently taken by the Ministry of Consumer Affairs, Food and Public Distribution:

- The government of India has launched a massive campaign 'jago grahak jago' to focus consumer attention on everyday consumer protection
- Children are the backbone of any society. A scheme has been taken over to set up Consumer clubs at schools and colleges.
- The National Consumer Helpline a project started by the ministry on March 15th 2005 attends consumer grievances from all over India. It has toll free number 1800-00-4000 which can be dialed from BSNL / MTNL Lines between Mondays to Saturdays from 9:30 am to 5:30 pm. It provides information and advice about alternate disputes resolution methods in a wide range of products and services.
- Another technology based site CORE scheme has been taken up to counsel the aggrieved consumers. The consumers online resources empowerment centre provide online counseling and a complaint redressal mechanism to consumers can access its websites www.core.nic.in in for a comprehensive database on consumer issues.

Summary & Conclusions

Traders often follow unfair and unethical practices. To protect the consumers, a number of legislations have been passed including Sale of Goods Act 1930, Essential Commodities Act 1995, Prevention of Food Adulteration Act 1954, MRTP Act 1969, etc. The MRTP Act obtained the elements of consumer protection legislation with the amendments in 1984 when unfair trade practices were brought into its fold. In spite of these changes in MRTP Act, the need was felt for more comprehensive consumer protection legislation. As a result, the Consumer Protection Act 1986 was born.

Complaints can be filled and compensation can be claimed by the consumer with respect to: Fraudulent practices of traders and manufactures, if goods are defective, there is any deficiency in the services hired.

With the focus on empowering the protection of consumers, the government is implementing an innovative and intensive multimedia campaign, “Jago Grahak Jago” (Wake up consumers) to create awareness in the country. Some of consumer’s rights are: Right to be protected against the marketing of goods and services, which are hazardous to life and property; Right to be informed about the quality, quantity, potency, purity, standards and price so protect consumers against unfair trade practices ; Right to be assured, whenever possible of access to variety of goods and services at competitive price ;Right to be represented in various forums formed to consider welfare ; Right to seek redressal ; Right to acquire the knowledge and skill to be informed.

The National Consumer Helpline a project started by the ministry on March 15th 2005 attends consumer grievances from all over India. It has toll free number 1800-00-4000 which can be dialed from BSNL / MTNL Lines between Monday to Saturday from 9:30 am to 5:30pm. It provides information and advice about alternate disputes resolution methods in a wide range of products and services.

The government of India has launched a massive campaign ‘jago grahak jago’ to focus consumer attention on everyday consumer protection. At the central level, the Department of Consumer Affairs has been set up under the Ministry of Consumer Affairs, Food and Public Distribution to protect the right of consumers, promote standards of goods and services as well as for redressal of consumer grievances.

It has been undertaking National Action Plan for Consumer Awareness and Redressal and Enforcement of Consumer Protection Act, 1986 for consumer protection & creating awareness.

The Centre for Consumer Studies (CSS) at the Indian Institute of Public Administration (IIPA) has been set up to facilitate deep research in area of consumer protection and education. As a part of this scheme, Scheme on Promoting Involvement of Research Institutions/Universities and Colleges in Consumer Protection and Consumer Welfare is being financed & administered by CCA, IIPA.

It is not easy to exploit an educated and well aware consumer. Consumers must be well aware about his rights, responsibilities and relief available to him.

Recommendations

- Purchase products only after their complete scrutiny and not at the cost of attractive advertisements.
- Keep check on the weighting and measuring instruments used by traders.
- Avoid buying fruits and vegetables from unhygienic places.
- Check print of MRP on the packet.
- Check the quality as per the figure printed on the packet.

- Check the quality and quantity specifications marks.
- Check the expiry date of the product, particularly that of eatables and medicines.
- Always collect bill at the time of purchase.
- Moreover, the packaging and appearance of the product should not be the guiding factor for consumer purchase.
- Along with the cost conservations and considerations, consumers must be cautious of the quality of the product.
- However, it is the prime responsibility of a consumer to bring the notice of the concerned authorities, any violation in their rights.

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