

# Recent changes in consumer protection act in India

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**Abstract:** Consumer became so important now a days that every seller trying to satisfy them with their products, even government showing concern to protect we consumer have faced many problems as trader sell defective goods, or problems like food adulteration, not providing purchase bill, or charging extra prices, mislead consumer with misleading advertisements ,thus for all restricting all the unfair practices by trader government helped consumer in not being cheated also by punishing trader, by initiating consumer protection act 1986, and again replaced it to consumer protection act 2019 because of digital era.

The present study shows the needs, duties responsibility of consumer, and recent changes in consumer protection act in India. This paper also provide suggestion and conclusion on reducing unfair trade and practices. Study is conceptual and secondary data is collected.

**Keywords:** unfair trade, consumer, consumer protection, CCPA

## INTRODUCTION

It was the time when selling concept was in trend, but now marketing concept is in trend where 'consumer needs matters a lot likewise in Consumer Protection Act consumer safety plays dominant role, consumer protection act provide consumer rights and duties so that consumer become more safe and protected from all the fraudulent act of the seller .Government tries making this whole process more easier for technology user by replacing consumer protection act 1986 to consumer protection act 2019. There is three tier quasi judicial mechanism. They are at District, State, and National level. This act cover all the goods and services except those which are for resale purpose or for commercial purpose.

**Objectives of the study:** The main objectives are

1. To know the rights and duties of consumer
2. To know the needs of Consumer Protection Act.
3. To know the recent changes in consumer Protection Act.
4. To offer conclusion and suggestion for avoiding and reducing unfair trade practices.

## Data collection:

This paper is based on secondary data where data is collected through internet journals, reference book.

## Need of Consumer Protection Act

1. One should be physically protected from the product which are not safe for the health and welfare.
2. Protection from trade which is not fair and market practices should be considered.
3. It is also needed against every types of pollution .Consumer Protection is needed for the trade where there is abuse of monopolistic and restrictive trade practices.

As Indian consumer is not organized ,illiterate, ignorant, not informed, But then also they suffer in silence due to their traditional view and attitude, whereas business man, traders and seller are properly organized and know things, and then it enable traders to exploit buyer or consumer in India.

## Scope of the study

This paper is restricted to the recent changes in consumer protection act and Indian consumer's rights and duties

## Who is consumer

According to [sec 2(1) (d)] "Consumer" means any person who buy any goods and pay for it, or who promise to pay on a given date (Kerketta, n.d.). Consumer are those buy goods to consuming purpose and not for reselling or for any commercial purpose.

## Unfair trade practices

Section 2(1) (r) of Consumer Protection Act, 1986 also defines the term 'unfair trade.

Practice'. It reads: "unfair trade practice" means any goods which is promoted for the sale ,or supply purpose through unfair means is not legal and comes under unfair trade practices. Section 2(1) (r) of Consumer Protection Act, 1986 also states the term 'unfair trade practice'. It says

1 The practice of making any oral or written statement which falsely states the standard, quantity, model of a product or the false representation about the services.

- 2 Selling old or second hand product as a new product
- 3 Misleading by providing false approval or sponsorship which the product do not have.

### Duties of a consumer

1. Consumer in India are mostly unaware of their rights as a consumer, So it's our duty to aware people and use our right.
2. There is a big market of duplicate products, thus it's our responsibility to check it properly before buying, and this will help in protecting ourselves from exploitation
3. Consumer should make their own decision of what to buy and what not as one cannot get mislead by false Advertisements.

### Rights of consumer

#### Rights to Safety

It means consumer has right to be protected from hazardous goods and services. One should always by purity mark products such as ISI, AGMARK etc.

#### Right to be Informed

This means one should be informed about the products purity, quality, quantity, Price etc. Consumer should as all the information and seller should inform everything about the product.

#### Right to Choose

There is full freedom of buying what a consumer wants to buy at a given price and no one can force them to buy .

#### Right to be Heard

Means that consumer's interests will receive due consideration at appropriate forums.

#### Right to Seek redressal

Means right to seek redressal against unfair trade practices or unscrupulous exploitation of consumers.

#### Right to Consumer Education

The right states about the information and knowledge acquired by a consumer. It is the right of consumer to be educated.

### Recent changes in Consumer Protection Act

“The Parliament passed the Consumer Protection Bill, 2019 on 06.08.2019 to replace the Consumer Protection Act, 1986 ("1986 Act)". The President of India approved the Consumer Protection Act, 2019 ("2019 Act") on 09.08.2019 and it came in force as per central government notification. The 2019 Act has passed for the purpose of providing effective administration, settlement of consumer disputes and related problems on timely basis.

The Government has not changed 1986 Act, instead enacted a new Act to provide more protection especially to e-commerce industry which were not in 1986 bill, It also provide protection to services which are online sales, tele-shopping, direct selling .It provide protection to online shopping as well as to traditional shopping method.

The 2019 Act has broader concept of Unfair Trade Practices as compared to the 1986 Act. Because now it includes online misleading advertisements, Not issuing bill or refuse to take back their defective goods also delete app which is providing defective services and refund the amount, do things according to law.

This new act is favorable for consumer as it introduced a term “unfair contract” which helps consumer as they have right to file a complaint if they have become a victim of online fraud ,E-commerce site can not take benefit of dominance in the market.

One of the most important addition to 2019 act is Central Protection Authority (“CCPA”),this help in providing protection and enforce the interest of the consumer which is related to unfair trade and practices. And As this act One of the most significant additions to the 2019 Act is the proposal to establish Central Consumer Protection Authority ("CCPA") so as to regulate, protect and enforce the interest of the consumers and matters related to unfair trade practices.

CCPA helps in taking action

a) Who mislead with false advertisement

b) Endorser or celebrities who use misleading advertisement, such producer can sentence to jail up to 2 years.

One more term which is being used in 2019 act is Product Liability which covers within its ambit the manufacturer of the products, service provider or seller for compensation. If it cause any harm to the consumer because of defective product or by deficiency in services, now this is applied in e-commerce platforms too.

There are few changes in 2019 act as compare to 1986 as Consumer Redressal Forums is concerned which are as follows-

### Advantage of consumer protection act 2019

1. Easily file complaints
2. Time saving
3. e-filing provision
4. Easy access due to digitalization

### Suggestion

1. Consumer should be aware while purchasing, and they should talk about the issue with their people
2. Awareness among people should be spread by government and other consumer agencies through schemes or campaigns
3. Educate consumer about duties and rights, it is very important to educate them so that they cannot suffer the losses in respect of quality, quantity etc.
4. Consumer should ask for bill of purchase after purchasing as it will be helpful for them to show proof of buying and can easily demand for refund or returning the product
5. Consumer should not feel insecure in returning defective goods, and asking for refund

### Conclusion

In this digital era everything is online and thus government also replaced consumer protection act 1986 to consumer protection act 2019 where consumer do not have to go somewhere to file a complaint, now it is possible to file it online. But there is still lack of awareness among people and because of illiterate consumer in developing country like India face problem of adulteration, price discrimination etc. Rights of consumer is a better way to know their rights, and not get cheated by traders. Different campaigns by consumer organization and government are needed to aware people about their own rights, and so that consumer protect themselves from unfair trade.

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