



CONSUMER'S PROTECTION AND ITS IMPLEMENTATION IN INDIA FROM ANCIENT TO RECENT PERIOD

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Consumer is the King in the market, because it is he who gives value to a product or service

Abstract:

Unless the consumer buys a product or service, it has no value and no market. Consumer protection **makes markets work for both businesses and consumers**. Consumers need to be able to obtain accurate, unbiased information about the products and services they purchase. This enables them to make the best choices based on their interests and prevents them from being mistreated or misled by businesses. In order to understand the development of consumer protection in India, it is important to trace the beginnings of the formation of the concept. In ancient India there were various provisions to safeguard the interests of the Consumers. With the aim of consumer safety especially in Manu Smriti stress was given on ethical trade practices, punished those who were unfair to the Consumers. In Kautilya's Arthashastra also a clearly defined laws was framed in regulating weights and measures. Arthashastra describes the role of the state in regulating trade and its duty to prevent crime against consumers. Especially in the time of British rule the British Government replaced the traditions legal system established by India Kings and introduced the English Common law in India along with the other legislative measures for the public as well as the consumers. The aim of this paper is to highlight the consumer's protection from ancient to modern period. The study is based on secondary sources.

Keywords: *ancient, consumer, protection, legislature, redressal, etc*

I. INTRODUCTION:

Unless the consumer buys a product or service, it has no value and no market. Consumer protection **makes markets work for both businesses and consumers**. Consumers need to be able to obtain accurate, unbiased information about the products and services they purchase. This enables them to make the best choices based on their interests and prevents them from being mistreated or misled by businesses. Realizing the importance of the consumer, the former U.S president John F. Kennedy introduced the concept of Consumer Rights for the first time in the US Congress on 15th March, 1962. Since then, all over the world every year 15th March is celebrated as the consumers Right day when the consumes protections Bill was passed both the as Houses of parliament and got the president's assent. In his speech Kennedy established four basic rights of the consumer. These rights are as follows:

i. The right of safety:

The right of safety means right to be protected against the marketing of goods and services, which are hazardous to life and property. The purchased goods and services should not only meet their immediate needs of the consumers, but also fulfill their long term interests.

ii. The right to be informed:

The right to be informed means right to be informed about the quality, quantity, potency, purity, standard and price of goods so as to protect the consumer against unfair trade practices. Consumer should insist on getting all the information about the product or service before making a choice or a decision.



iii. The right to choose:

It is the right of a consumer to have accessibility to a variety of products available in the market at fair prices.

iv. The right to be heard.

Right to be heard means the consumer's interest will be given proper consideration and they will be provided with the appropriate forum to do so.

In 1985, the United Nation added four more rights to protect consumers:

- i. The right to satisfaction of basic needs.
- ii. The right to redress
- iii. The right to consumer education
- iv. The right to a healthy environment.

❖ Consumer Rights Violation:

The common violations of consumer rights are as follows:

- i. Not providing proper bill
- ii. Price higher than Maximum Retail Price on cover (MRP)
- iii. Selling goods whose expiry date is over.
- iv. Poor maintenance of goods
- v. Meaningless advertisement
- vi. Low quality products with attractive packaging
- vii. Choose chance to mislead poor uneducated people.

❖ The Responsibilities of consumers:

To be critically aware

Be careful-read terms and conditions carefully

Be obtain full information

Be responsible to the Environment

Be raise voice against defective goods and deficient services

Be proactive sustainable consumption

II. OBJECTIVES OF THE STUDY:

- i. To study the Consumer's Protection Act
- ii. To highlight the Consumer's Protection from ancient to modern period in India

III. METHODOLOGY OF THE STUDY:

The study is based on secondary sources. The sources are collected from various journals, books, e-journals, etc.

IV. DISCUSSION:

❖ Consumer's Protection in India - Pre- Independence period

In order to understand the development of consumer protection in India, it is important to trace the begging's of the formation of the concept. In ancient India there were provisions to safeguard the interests of the Consumes, with the aim of consumer safety especially in Manu Smriti stress was given on ethical trade practices, punished those who were unfair to the Consumers. In Kautilya's Arthushastra also a clearly defined laws was framed in regulating weights and measures. Arthashatra describes the role of the state in regulating trade and its duty to prevent crime against consumers. In Medieval period, the 'Holy Quran' the main text



of the Muslim's also gave importance on the protection of Consumers right. During the rule of Alauddin Khalji strict price control mechanism was implemented in the market for different goods namely, Grains, cloth, sugar, butter, oil, horses, slaves, cattle and miscellaneous commodities. During his rule shops keepers were also punished for under weighing their good. In the time of British rule, the British Government replaced the traditions legal system established by India Kings and introduced the English Common law in India along with other legislature measures for the public as well as the consumers.

Some of these legislations in India during British are as follows.

- The Indian contract Act 1872
- The Sale of Goods Act 1930
- Indian Partnership Act. 1932
- The Agriculture produce (Grading and Marketing) Act 1937
- The Drug Act, 1940
- The Drug and for cosmetic Act 1940

These legislations proved to be very effective in protecting the the interest of the consumers in India during British rule

❖ **Post Independence development**

After independence, the central Government of India enacted various laws for protecting the customers from unfair trade practices. The important Consumer Protection laws in India in post Independence period is stated as below:

- The Drugs Controll Act (1950)
- The Industries Development and Regulations Act (1951)
- The Drugs and Remedies Act (1954)
- The Prevention of Food Adulteration Act (1954)
- The Essential Commodities Act (1955)
- The Trade and Merchandise Marks Act (1958)
- Essential Services Maintenance Act (1968)
- The Monopolies and Restrictive Trade Practices Act (1969)
- The Cigarettes Regulation of Production, Distribution and Supply Act (1975)
- Commodities Act (1980)
- Consumer protection Act (1986)
- The Competition Act,2002
- Food Safety and StandardsAct,20006
- The Legal Metrology Act, 20009

❖ **The most important consumer protection act framed by Government of India after independence is explained below:**

Consumer Protection Act (1986) --In 1986, the Government of India has taken bold step by framing Consumer Protection Act. This Act has provided three tier redressal agencies i.e. District Forum, State Commission and National Commission. To widen the scope of this Act it was amended in 1993.

a. District Forum

The district forum will be established by state government in each district which will have following features.

- **Features of a District Forum**

- (i) This form is constituted by three persons .The probability of the forum is of the status of a session's judge and other members are persons of integrity and standing, one of them should be a woman.
- (ii) The forum entertains complaints from the jurisdiction of the district.
- (iii) A district forum can entertain complaints of the value of Rs 20 lakhs including compensation.
- (iv) It has the powers to settle disputes judiciously.
- (v) Any party not satisfied with the decision of this forum may file an appeal to the state Commission within a period of 30 days from the order of district forum.

b. State Commission

In India, every state has commission for the redressal of consumer grievances.

- **Features of a State Commission**

- (i) A state commission is headed by a person who is or has been a judge of High Court Besides him there are two members who should be a person of ability, integrity and standing one of the members should be a women.
- (ii) It can entertain complaints from within the state. The cases heard in the form are of the value between Rs 20 lakhs and Rs 1crore.
- (iii) Any aggrieved party form the decision of a district forum may prefer an appeal to the State Commission.
- (iv) Any party not satisfied with the decision of this forum commission may appeal to National Commission within a period of 30 days from the date of the order.

c. National Commission

The consumer protection Act has provided a unique system of consumer redressal system where no fees are charge, no lawyer is required and the judgment is made in 90 days. Besides consumer awareness, a system which relief for the wrong doing is given which is essential for consumer protection. The defaulting party also realizes its responsibility towards society and refrains from such acts in future.

- **Features of National Commission**

- (i) The National Commission is headed by a person who is a judge or has been judge of the Supreme Court. Besides the president, it has four members who are persons of ability, integrity and standing. One of the members should be a woman.
- (ii) It can entertain cases of the value exceeding Rs 1corer.
- (iii) It can also entertain appeals against the judgment of a State Commission.
- (iv) Any party not satisfied with the decision of this Commission may go to the Supreme Court within 30 days from the date of the order.
- (v) National Commission has the administrative control over the District forums and State Commissions.



❖ **Role of Consumer's Movement led by consumer organizations to protect Indian Consumers is given as:**

The Consumer's Movement is an effort to promote consumer protection through an organized social movement, which is led by Non Profit Consumer Organizations. In India, to promote interest of consumer's protection certain notable consumer organizations have been working such as: VOICE in New Delhi, CUTS, Jagruk, Grahak Barodo and R R Dalwai in Chennai. The role of these organizations can be stated as follows:

- Consumer Education
- Awakening of Consumers
- Attending Consumer Complaints
- Legal Support
- Product Testing
- Consumer's Research and Development

❖ **Reasons for Slow Growth of Consumer Movement in India:**

- i. The lack of consumer educations, public supports and effective working of consumer organizations.
- ii. Indian Consumers are unaware of the existence of consumer courts to which they may lodge their grievances.
- iii. Government ignorance to sanction fund for effective working of the consumer right organizations.
- iv. Poor implement of laws announced by government of India.
- v. Absence of punishment encourages unscrupulous traders to indulge in unfair practice.

V. SUGGESTIONS AND CONCLUSION

1. The consumer movement is not effective in India as compared to other developed countries and this is why the government should improve the functioning of the consumer forums by enhancing financial assistance for better infrastructures, office equipment and other facilities.
2. Educate consumers to develop an understanding about their responsibilities as consumers. Consume should organize together to develop the strength and influence to promote and protect their own interest.
3. Redress procedures should be made more logical, easy enough to be understood by a large number of consumers.

In India various laws are announced but their proper implementation is lacking. In case of laws of consumer protection this condition is also seen. Now it is the high time to protect Indian consumer by effective implementation of the law and promote grievance redressed system for the redressal of consumer grievances.



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