

CONSUMER PROTECTION MOVEMENT IN INDIA AND ABROAD

Dr. Pragyesh Kumar Bajpayee

Mob No.: 7979989979

Email Id : pragyesh.bajpayee@gmail.com

Abstract :

Consumer Protection has its deep roots in the rich soil of Indian Civilization. In ancient India human values were cherished and ethical Practices were considered of great importance. In ancient India all sections of society followed Dharmashastras. The Principles of Dharma were Derived from veda's, which laid out social rules and norms and served as guiding principles governing human relation. Among Dharmas the most authoritative texts are : Manu Smriti (800 B.C. to 600 B.C.). **The Yajñavalkya Smriti.** (300 B.C. to 100 B.C.). **The Narada Smriti** (100 A.D. to 200 A.D) and **the Brahmaspriti. Smriti** (200 A.D. to 400 A.D) Among them Manu Smriti describes social, political and economic condition of ancient society. Manu the ancient law giver also wrote about ethical trade practices. He Prescribed a code of conduct to traders and specified punishments to those who committed certain crimes against buyers. Written subsequent to Manu Smriti, Kautilya's **Arthashastra** is considered to be a treatise and prominent source, describing various aspects of statecraft and, the rights and Duties of subjects in ancient society. Consumer Protection occupies a prominent place in Arthashastra.

Keywords : Consumer Protection in medieval and Modern Period, Growth of Consumer protection in India after Independence consumer Protection in abroad competition, Business Diversification, Rights and Consumer Organization.

Introduction :

- **Consumer Protection** deals with the steps taken to Protect Consumer from unscrupulous practices by sellers, manufacturers, and service providers. It also provides remedies for consumers whose rights have been violated. It is also a major step against unfair practices in the market place.
- **Measures** Several Measures are taken to maintain official standards of weights and measures: Indian Contract Act. The Sale of Goods Act, the Dangerous Drugs Act, the Agricultural Produce Act, the Indian Standards Institution of Food Adulteration Act and the Standards of Weights and Measures Act.
- **Consumer Protection in Medieval and Modern Period** In the medieval period, Consumer Protection Continued to be of prime concern of the rulers. During Muslim rule, a large number of units of weights were used in India. During the Sultanate period, the prices used were determined by local condition. During the rule of Alauddin Khilji, Strict Controls were established in the market place.

In the Modern period the British system replaced the age old traditional legal system of India. However, one of British rule in India was the formation of unified nation wide modern legal system. Some of the laws which were passed during the British regime concerning in

consumer interests are :

- (a) The Indian contract Act of 1872,
- (b) The sale of good Act of 1930,
- (c) The Inida Panal code 1860,
- (d) The Drugs and consmetics Act of 1940,
- (e) The Usurious loans Act of 1940,
- (f) Marketing Act of 1937

The above laws Provided specific legal protection for consumers. For Fifty years, the scale of good act of 1930 was the exclusive source of consumer protection in India. The Indian penal code of 1860 offers a number of provisional to deal with crimes against consumers.

Consumers Internationl works to empowers the rights of consumer around the world. The UHCTAD world consumer protection map deals with relevant indicators and information on the status of consumer law in the world.

Growth of consumer Protection in India after Independence :

Consumer Protection legislation enacted after India's Independence from Britain Includes Drugs control Act, 1950, Industries Act, 1951, Drugs and Magic Remedions Act, 1954, Trade and Marchandise market Act, 1958, Multi-State co-operative Societies Act, 1984, Standards of weights and Measures (Enforcement) Act, 1985, Right to Information Act, 2005, Food Safety and standard Act, 2006 ect. These Acts are related to contract, Tort Railways, Telegraphs, Air Travel, Insurance, Water, Housing, Medicine, Banking, Finance, Motor Vehicles, Hotel Industry, Tourism Agencies, Central Excise, Transport etc.

Objectives of the Study :

- To Protect Consumers from unfair trade pratices
- To ensure the availability of accurate information
- To provide quick and accessible remedies for consumer disputes
- To promote consumer awarness

Research Findings :

Efficiency of Consumer Protection :

Our study consumers to menjor objectives to evaluate efficieney of consumer protection and the proportion of consumer who experienced detriment in U.K. Countries of consumer protection study 2022. In this regard, consumer felt anxious in their experiences of detriment by age group. The following table depicts their conditions :

Table 1 : Proportion of consumers who mentioned having felt upset in their experiences of detriment by age group :

Age Group	UWTD Base (N)	Feeling Upset to a great extent (%)
18-19	335	28
30-39	688	26
40-49	830	25
50-59	880	26
60-69	847	20
709+	804	18

Base : UK consumer aged 18 + who experiences detriment in the 12 months to April 2021.

Source : ccpadminandpateam@beis.gov.uk

Having investigated their economic activity it is clear that unemployed consumers who experiences detriment were likely to have felt a negative inplilse. We see this in the following table :

Table 2 : Proportion of consumers who mentioned having felt misled to a great extent in their experiences of detriment be economic activity in U.K.

Economic Activity	UWTD Base (CN)	Feeling Misled to a great Extent (%)	Feeling anxious to a great Extent (%)	Feeling Upset to a great extert (%)
Full time eduction	96	26	32	43
Paid Work	2.258	31	23	29
Unemployed	149	46	44	42
Retired	1.1222	26	18	25
Others	762	37	28	40

Base : UK consumers aged 18 + who have experienced detriment in the 12 months to April, 2021.

Source : ccpadminadpateam@beis.gov.uk

Form the above table it seems that the proportion of consumers who felt upset 6 'to a great extent' because of detriment was higher among cousumer with their background while only 23% of conusmures with another ground. To assesses the extend by the COVID-19 pendimic 69% consumers experienced detriment during April 2020 - April 2021 owing to this, consumers took action to face problems 56% of the experiences of ditriment ended with a positive resolution.

Business Diversification : In india consumer redressal has built into consumer protection act. Hence, Disputes Redressal Authority solve consumer's problems. Indian government and business are investigated in e-commerce. In the following Table No – 03 development is seen during 2016-19

Table No. 03

Name of Agency	2016		2017		2018		2019	
	Filed	Disposed	Filed	Disposed	Filed	Disposed	Filed	Disposed
NCDRC	7733	6070	10807	5899	9005	6378	623	355
SCDRC	32222	21773	34621	25875	28765	23304	2166	1530
District Forum	132462	113832	122225	107539	119653	96150	8519	6770
Total	172417	141675	167653	139313	157423	125832	11308	8655

Source : www.ncdrc.nic.in**Table No. 04**

Sl. No.	Name of Agency	Cases Filed Inception	Cases Disposed of Since Inception	Cases Pending	% of Total Diposal
1	National Commission	132596	111597	20999	84.16%
2	State Commission	943620	818719	124901	86.76%
3	District Forums	4301258	3959149	342109	92.05%
Total		5377474	4889465	488009	90.92%

Source : www.ncdr.nic.in

In the date available from the dept. of consumer affairs (Table-3) more than 80% cases were disposed in 2016 while during 2019 more than 75% cases are disposed. More than 4.8 Lakh cases are pending in consumer courts. According to the data of (Table No. – 04). National commission, State Commission and District Forums Disposal 84.16%, 86.76% and 92.05% Cases respectively.

Recommendations and Suggestions

There are some recommendation which can be followed in order to rule out. The tenure of mediators and consumer protection act. 2019.

1. To strengthen the existing mechanism to make it more efficient for delivering speedier justice.
2. To build a strong consumer information and advisory system.
3. To integrate State consumer Helplines and Consumer Advice Centres
4. Countries such U.K, Belgium have banned celebrity endorsement. The impact of such restrictions should be reported.
5. Information Technology tools should be improved.

Literature Review. :

The Consumer protection Act, 1996 has appeared as a milestone in the history of socio-economic legislation in India. To grow interdependence among the trading countries of the world has contributed to the development of universal emphases on consumer right in this modern era. Therefore different philosophers have presented their different opinions about the impact of consumer protection.

1. “The central consumer protection authority has the authority to look into case of consumer rights violations or unfair Practice under the 2019 Act. Additionally, they are permitted to examine the obstacles that prevent consumers from exercising their rights and provide suitable solutions for their successful implementation. Based on these

- companies elements, the CCPA may be given the authority to monitor how well e-commerce companies are adhering to consumer.”
2. “The idea of consumer Protection evolved a tort to protect consumer from the exploitation of the manufacturers. The market asymmetries made the consumers vulnerable to exploitation. This in turn needed to be rectified ... The Provisions under this act covered goods, which were produced, manufactured or sold through retailers or Wholesalers, and services, including service like electricity housing, banking, insurance, transport, telephone, etc. The structure was three tiers including the District Forum, The State Commission and the National Commission.”
 3. Implementing the consumer protection Act 2019 in the dynamic landscape of the E-commerce sector in India present several challenges. One significant challenge in the rapid technological advancements and evolving business models that outpace regulatory frameworks. While aiming to safeguard consumer rights, the consumer protection Act 2019 can face difficulties keeping pace with emerging practices like algorithmic pricing, dynamic inventory management, etc. The Solution to counter this can be adopting a dynamic and adaptive regulatory approach...
 4. “Medical services. Being necessary services, are sometimes entangled in legal tangles, resulting in disproportionate harassment of the medical community. On this front, the consumer protection Act of 2019 appears to be a step forward in terms of resolving issue through mediation. This allows for a settlement at the stage of complaint admission on mutually accepted conditions between the parties. According to the requirement each District, State and National Commission as well as its regional benches, Would have a mediation cell for the speedy resolution of conflicts.”

Conclusion :

The consumer Protection laws try to protect consumers from unfair business practices in this era of disillusionment. In this connection consumer awareness is very important to make the best decision about products and services. Consumers should be aware of their rights and responsibilities to remove unfair trade Practices and false or misleading. It is clear that laws provide specific legal protection for consumers. Several measures have been taken to maintain official standards of weights and measures in this era.

References :

- Ayilyath, Manoranjan, **Consumer Protection in E-Commerce Transaction in India-need for Reform**, 2020.
- Saha, Ankur and Sri Ram Khanna **Evolution of Consumer Courts in India : The Consumer Protection Act, 2019 and emerging themes of consumer jurisprudence**, 9 IJCLP, 2021, P. 115.
- Rajya, Sabha, Parliament of India, **Promotion and Regulation of E-commerce in India**, 2022.
- Saharay, H.K, **Textbook of consumer Protection Law and Practice**. 17th edition, 2019, Universal Law Publishing Company, New Delhi, pp.159-183.