BLOGS

Consumer Rights under the Consumer Protection Act, 2019

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Introduction

The relationship between consumers and businesses is often marked by an inherent power imbalance. Consumers, individually, may lack the knowledge, resources, or bargaining power to effectively protect themselves against unfair trade practices, defective goods, or deficient services.

Recognizing this, the state intervenes through legislation to empower consumers and establish a framework for their protection. In India, the primary legislation governing consumer protection is the Consumer Protection Act, 2019 (hereinafter, the Act), which repealed and replaced the Consumer Protection Act, 1986, bringing in significant changes to address the challenges of the modern marketplace, including e-commerce.

Rights of the Consumer

Section 2(9) of the Consumer Protection Act, 2019 defines “consumer rights” as including:

1. The right to be protected against the marketing of goods, products or services which are hazardous to life and property;
2. The right to be informed about the quality, quantity, potency, purity, standard and price of goods, products or services, as the case may be, to protect the consumer against unfair trade practices;
3. The right to be assured, wherever possible, access to a variety of goods, products or services at competitive prices;
4. The right to be heard and to be assured that consumer’s interests will receive due consideration at appropriate fora;
5. The right to seek redressal against unfair trade practice or restrictive trade practice or unscrupulous exploitation of consumers; and

6. The right to consumer awareness.

Let's delve into each of these rights in detail:

1. Right to Safety

This is arguably the most fundamental consumer right. It guarantees consumers protection against the marketing of goods, products, or services that are dangerous or hazardous to their life and property.

This right places a significant responsibility on manufacturers, service providers, and sellers to ensure that the products they offer meet safety standards and do not pose unreasonable risks when used as intended.

This right is particularly relevant in sectors like food and beverages, pharmaceuticals, automobiles, and electrical appliances. If a consumer suffers injury or damage due to a defective or unsafe product, they have the right to seek redressal under the Act. This right necessitates proper testing, quality control, clear instructions for use, and warnings about potential hazards.

2. Right to be Informed

This right ensures that consumers have access to complete and accurate information about the goods, products, or services they intend to purchase. This information should cover aspects such as quality, quantity, potency, purity, standard, and price.

The purpose is to enable consumers to make informed decisions and to protect them from unfair trade practices, such as misrepresentation or misleading advertisements.

In the context of the Act, this right is linked to the prohibition of "unfair trade practices," which includes false or misleading representations regarding the quality, standard, or characteristics of goods or services.

The Act also mandates that e-commerce entities provide specific information to consumers, including details about the seller, terms of return, refund, exchange, warranty, and guarantee.

3. Right to Choose

This right guarantees consumers the assurance, wherever possible, of access to a variety of goods, products, and services at competitive prices. It implies that consumers should not be forced to buy a particular product or service and should have the freedom to select from a range of options available in the market.

This right is closely related to preventing anti-competitive practices such as cartels, tie-up sales (where a consumer is forced to buy one product to get another), and monopolistic practices that limit consumer choice.

While market forces play a significant role in offering variety and competitive prices, the Act provides a mechanism for consumers to seek redressal if their right to choose is unfairly restricted.

4. Right to be Heard

This right ensures that consumers' interests will receive due consideration at appropriate fora. It means that consumers have the right to express their grievances and concerns about goods or services and that these will be heard and considered by the relevant authorities or dispute redressal forums.

The Act establishes a three-tier quasi-judicial mechanism – District Consumer Disputes Redressal Commission, State Consumer Disputes Redressal Commission, and National Consumer Disputes Redressal Commission – where consumers can file complaints and be heard. This right is fundamental to the effectiveness of the consumer protection framework, as it provides consumers with a platform to voice their issues and seek justice.

5. Right to Seek Redressal

This right empowers consumers to seek redressal against unfair trade practices, restrictive trade practices, or unscrupulous exploitation.

If a consumer has suffered loss or damage due to a defect in goods, a deficiency in service, or an unfair/restrictive trade practice, they have the right to approach the consumer forums for appropriate relief.

The Act provides for various forms of relief that can be granted by the consumer forums, including:

- Removal of the defect in goods or deficiency in service.
- Replacement of the goods.
- Return of the price paid or charges paid.
- Award of compensation for the loss or injury suffered.
- Withdrawal of hazardous goods from sale.
- Cessation of unfair or restrictive trade practices.
- Award of punitive damages in appropriate cases.

This right makes the other rights meaningful by providing a mechanism for their enforcement and for compensating consumers for the harm they have suffered.

6. Right to Consumer Awareness

This right, also known as the Right to Consumer Education, emphasizes the importance of consumers being aware of their rights and responsibilities. An informed consumer is better equipped to make wise purchasing decisions, identify unfair practices, and seek redressal when necessary.

The Act recognizes that consumer protection is not solely about providing a legal framework but also about empowering consumers through education and awareness campaigns.

The Central Consumer Protection Authority (CCPA), established under the Act, plays a role in promoting consumer awareness. Various government initiatives and consumer organizations also work towards educating consumers about their rights and the available redressal mechanisms.

Enforcement Mechanism

The enforcement of these rights is facilitated by the institutional framework created by the Act:

- Consumer Protection Councils: Established at the Central, State, and District levels, these councils are advisory bodies that promote and protect consumer rights.
- Central Consumer Protection Authority (CCPA): A regulatory authority with wide-ranging powers, including conducting investigations into violations of consumer rights, ordering recalls of unsafe goods, and imposing penalties for misleading advertisements.

- Consumer Disputes Redressal Commissions: The three-tier quasi-judicial system (District, State, and National Commissions) where consumer complaints are adjudicated.

Conclusion

The Consumer Protection Act, 2019, by explicitly enumerating and strengthening consumer rights, provides a robust legal shield for consumers in India. The rights to safety, information, choice, being heard, seeking redressal, and consumer awareness collectively aim to create a fair and equitable marketplace. The Act, with its expanded scope covering e-commerce and the establishment of the CCPA, reflects a commitment to adapting consumer protection to the evolving economic landscape, making the study of these rights particularly relevant in today's world.