



Topic: The consumer protection Act, 2019, an overview

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Abstract

The paper has been written to study the consumer protection act 2019 about an overview . This is the new consumer protection act which replace the 1993 act . This act specifically deals with the new age of market place issues . In previous consumer protection act there was no regulatory body to control on violation of consumer right . The main highlights in new consumer protection act 2019 , is established a central consumer protection authority which protect the consumer rights . The main object of this research paper are to introduce certain new changes which define in 2019 act , other object is about to define case laws regarding consumer protection . This is the latest act which make provisions and provide punishment regarding unfair trade practices.

Key Words:- Consumer, Protection, Authority, Violation, Right.

Introduction

Here, we talk about the consumer protection act , 2019 which is replaced by the previous act 1986 and we got our new consumer protection act 2019 . This act is considered as a fresh act which have so many provisions regarding the consumer protection. Our previous consumer act 1986 had failed to provide us protection against unfair trade practice and malafide practice in market . Consumer protection also cover and protect the consumer rights . This act help the consumers from its great provisions regarding consumer protection and also protect their rights against malafide practices . One interesting thing is provided by this act that it's help offline and online consumers . Commission and authorities are made under this act for consumers . So we say that the specific focus of this act only on consumers .¹

Meaning of ' consumer '

According to this act the consumer is a individual person or group who purchase the goods for their own daily uses needs .

Sec 2 (7) of the consumer protection act, 2019 said that the consumer is any person who buys goods and services in exchange for consideration and utilises such goods and services for personal use and for the purpose of resale or commercial use.²

Highlight of the consumer protection act 2019 are :³

1) This Act for our consumer sake established the consumer protection authority which protects the rights of consumer and safe them from malafide and unfair trade practices -⁴

Thus the central consumer protection authorities act on following matters :

- a) consumer complaints on unfair trade practice
- b) issuing preventing guidelines regarding consumer protection
- c) consumers complaint refers to the other authority
- d) recall the product and discontinue the services
- e) impose penalties upon malafide practitioner
- f) Authority can take action before the consumer commission
- g) Interfere in consumer rights proceedings

2) The new consumer protection act 2019 introduced us modified consumer definition which include the online and offline consumer . The expression buys and goods includes offline and online transactions.

3) The central protection authority may issue a penalty upto 10 lakh for fake advertisement and for a subsequent offence fine may be extend 50 lakh rupees.

4) The pecuniary jurisdiction of adjudicator bodies increased in case of

District commission - 1 crore rs

State commission - between 1 crore to 10 crore

National commission - above 10 crore

5) The consumer protection act 2019 provide provision for the product liability action

6) This act provide provisions for mediation as alternative dispute resolution which sought out problem regarding consumer protection.

7) provided several others provisions which aimed at simplifying the consumer dispute adjudication process.

¹ consumer protection act , 2019

² Sec 2 (7) of the consumer protection act, 2019

³ Sec- 28 of the consumer protection act 2019

⁴ Sec- 3 Consumer protection authority

Now , we talk about the certain changes in our new consumer protection Act , 2019 which are-

- 1) A complaint filed by the consumer decided within the period of 3 months .
- 2) present act provide special facility to file online and offline complaints also.
- 3) Our central government established E - Daakhil portal which provide the consumers speedy remedies all over the country
- 4) this act lays down the scope for its direct selling and e - commerce
- 5) This act provide provisions for unfair contracts and includes three new unfair trade practices
- 6) The consumer protection Act 2019 act as a advisory body for protection of the consumer rights

Central consumer protection authority

The central consumer protection authority is a regulatory body and it's headquarter is in Delhi . This authority shall consist of the following members appointed by the central government which are

- 1 - Chief commissioner
- 2 - Two commissioners . One commissioner each will present for goods and services.

Powers of the Authority

- 1) The authority can inquire either on receipt of complaint or suo moto , as directed by the central Government
- 2) The authority can order for an investigation by the District collector or by the Director general
- 3) The authority has power of search and seizure and ask for submission of any record and document
- 4) The authority can direct recalling of any dangerous, hazardous or unsafe goods
- 5) The authority suggested remedial action and involve itself in related research
- 6) The authority can direct to traders which are wrong or misleading and in such case impose penalties upto 10 lakh rs.

Latest case laws on consumer protection Act 2019

1) *Jagnarayan Lal v. Doctor smt Girija tiwari*⁵

In this case , The karta of the joint Hindu family filed a consumer complaint against a clinic which have deficiency in service of hospital treatment which is provided to his pregnant sister in law . The appellat alleged avail the hospital services on behalf of his sister in law. The complaint was dismissed by the national commission. Then the appellat filed an appeal before the supreme court of india against the dismissal order of national commission.

The Supreme court held that consumer means any person who hires any services for a consideration which paid and includes a beneficiary of services.

2) *M/S Sylvanus properties Ltd v. Paresh Pratap Rai Mehta*⁶

In this present case the national commission on 30.07.2021 passed an order which directing the chief executive of company against which a complaint was filed . An affidavit has been signed by one of the director of the respondent company and file same with the commission. Then the petitioner filed the present petition before the High court against the order of National commission.

The High court set aside the order of national commission and directed to proceed to adjudicate the complaints on merits as per the Act .

3 . *Neena Aneja v. Jai prakash associates*⁷

The supreme court of India analysed and clarified the impact of the consumer protection act 2019 upon pending cases under the consumer fora , constituted under the consumer protection act 1986 .

In that regarding matter the supreme court discussed and analysed . A wide range of judicial precedents which interpreted the impact of a change in forum on pending proceedings.

4) *Horlicks Ltd v. Zydu wellness product Ltd*⁸

In this case , The High court passed an interim order restraining zydu from telecasting it's advertisement comparing complan to horlicks and interesting thing is that the ground was same which mislead the consumers . The court relied on various judgements on misleading advertisements.

5) *Manjeet Singh v. National Insurance company*⁹

In this case , The appellat purchased a second hand truck under a hire purchase agreement and the vehicle insured by the insurance company . One day he was driving his truck and a passenger asked him for lift . When he stopped the truck then the passenger brutally assaulted the driver .FIR was lodged and respondent finance company was intimated about the theft . The complainant approached all commission to compensate him for the loss but all of them rejected the case then he go to the supreme court.

The Supreme court held that the appellat was not in fault . The two judges bench directed the respondent insurance company to pay 75 percent of the insured amount along with the 9 percent interest

Conclusion

In lastly we can say that the consumer protection act 2019 is a modified piece in consumer legislation protection. Present act made only for consumer against malafide practices ant unfair trade practices. Establishment of the consumer protection authority is one of the grate step towards consumer protection and their rights. Nidhi Khare is Current Chief

⁶ Date of judgment 13 sep, 2021

⁷Date of judgment 16 mar, 2021

⁸ Date of judgment 14 may, 2020

⁹ Date of judgment 8 Dec, 2017

Commissioner of the consumer protection commission. Who provide services and give relief to the consumers against the unfair trade practices and unfair trade advertisements. Present act provide the authority special powers and imposing penalty is one of them. I think this the great step which help us for speedy remedy against wrongdoer.

References :

The Consumer protection act 2019

The Consumer protection act 1986