

New Features of Consumer Act ,2019

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Abstract—India in the ties of economic development found a lot of changes through the course of time which had its ways of working in terms of a new innovation fulfilling the goals of the consumers. To facilitate the consumers with better opportunities and security in 1986 the act of Consumer Protection was passed. This bridged the difference among the unsatisfactory means of working which were prevailed among the people during that time. But as the time develops the modernity is focused and technology is the base of working which is duly understood and noticed. In 2019 the act was passed which altered a few aspects that we find that though being the continuation of the 1986 act has the aim over the monetary investments, move towards globalization and digitalizing of systems further. It accommodated the way to better aims and aspirations of the buyers in future. In the Lok Sabha it got passed in 2019¹ that prevents the consumers being a part of unfair trade and practices which must not harm the consumers and shows a path forth for the seeking of the justice through various means and forms which is necessary in the way of times in the electronic format to signify the move of the times.

Index Terms—Consumer Act, modern systems, better regulations

I. INTRODUCTION

India has always been remaining faithful at all levels, the judicial systems are so engaging that they have seemed to be at all fronts the connections are upheld which proves the significance over the systems in a particular manner. With the concept of straight forward nature, the purchaser's interest can be accepted which the arena focuses over. There is a need for the country to exhibit itself in the economic

standards so that they remain a way over the elements of the economic setup in a better manner. The consumers promote a major proportion towards the economic activities. This remains intact only when the maintenance between the systems are clearly noticed and implemented into the practice over the systems. In the modern scenario when the technology is growing into heights as well as the people adopt new techniques and platforms which need to notice the significance of the regulation of activities with a great caution which should not lead the people to fall into the pit unknowingly. The 2019 act focuses much over the description of online shopping, multi-level marketing and selling descriptions.² We find nearly 560 million³ people are internet users who are into online activities. So, controlling them in better ways is the need which intends to be the focus upon the consumers, which lead into the transformation over varietal ways of working in the economic background. So, with the move of time adoption of these changes were necessary that relates to the modern times. The economy will flourish only when all the components especially the consumers are protected with handful of rights that in the modern economy people would have higher expectations which should not mislead them in the economy. Due to the globalization interconnections of sale and purchase has taken place but the broad view of protection rights can only save the buyers which would make the lives of the people smoother and better. The notice of a drastic change from Caveat emptor means buyer awareness to Caveat Venditor⁴ means sellers awareness is the aim which makes the chain of the production process to be careful at the

¹ https://economictimes.in/c/consumer-protection-act-2019/ampnews#aoh=16447375624905&referrer=http%3A%2F%2Fwww.google.com&_tf=From%20%251%24

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<https://egazette.nic.in/WriteandReadData/2019/210422.pdf> (last vis. Feb 18 2021)

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<https://www.statista.com/statistics/1038004/consumer-perspective-on-artificial-intelligence-regulations/>

⁴ <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

levels of working so that they are made to live with secure ways of working. The vigilant consumers not only are the backbone towards the economic setup but also towards the civilized society.

II. LITERATURE REVIEW:

Kangkana Chaudary (2017-18)⁵, provides a clear study with the Consumer Protection Act, 1986 which said that various organizations helping over the buyers in the trading activities. The markets becoming the areas of misuse to be a stop that can lead to betterment of activities further. Spread of mindfulness can lead to the better ways of younger generation coming forth in society with best means of working.

DR. K Rohi (2012)⁶, the study regarding the changes of the Consumer Protection Act making a new way of shaping lives which has led into the better circumstance at the mode levels of the reaching better levels among the people with the help of Commissions. The Indian Penal Code signifies the variety of discussion panels. The reviewing ways has made them more vigilant to systematic terms of working that could lead the country into the settlement of the consumer questions put forth. The truthful information can lead towards the better sequence of administration.

III. OBJECTIVES AND METHODOLOGY

The objectives for study are

- To know about various new changes in the act of 2019
- To try for utilization of these provisions
- To create the awareness among young minds and citizens

The methodology used is through secondary sources with reference from websites, books and articles.

⁵ Kangkana Chaudary (2017), International Journal of Research –GRANTHALAYAM [Chaudary, vol.5(iss.6): June, 2017]

⁶ Dr. K. Rohi, Journal of Forensic Medicine and Law, Vol21, Number 2 (Dec 2012)

IV. NEW CHANGES BROUGHT IN DIFFERENT ASPECTS

REGULATORY AUTHORITY:

In 2019 GOI was planning to start new way towards regulating authority which would have the name “Central Consumer Protection Authority.”⁷ This provides a base for the consumers for the ease approach and reaching the consumers in order to notice the levels of harms caused to consumers and not only that act as a redressal cell for the customers from the unfair trading methods. We can notice that, the reaching and making the people understand their rights is the motive. They contain several ways of controlling the trading activities which can make them run smoothly in an appropriate manner. The decentralizing of the consumer control authority setting up state councils and at the districts, the district collector will take the role of protecting interest of consumers. The telecom services are broadened so that the people can be connected through the internet and cell communications at the best levels. The international covenants and international trade which is the priority that is considered in the system. The allow for the research in the consumer affairs are allowed so as to give the ways for the promotion of consumer awareness. It promotes the authority over, the encouragement towards the NGO’s⁸ with the means to work along with the consumer protection agencies at the nationwide. The mandate use of the unique good should under the purview of such community that they remain to not move in terms of any unfair practices. The appropriate data has to be collected and reserved so that it is helpful for future use. These regulations would be necessary for the proper utilization over the clear analysis of the trading systems.

LIABILITY OF THE PRODUCTS:

This act not only focuses over the physical harm caused to the consumers but adds on to the mental state caused to the consumers. The emotional harm if caused is liable to be under the consumer judicial

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https://egazette.nic.in/WriteandReadData/2019/21042_2.pdf

⁸ <https://prsindia.org/billtrack/the-consumer-protection-bill-2019>

control which necessary actions will be taken place. It is not only the sellers who are going to get affected but even the manufacturers⁹ of the product shall be held responsible which will make the manufacturers to be careful. The government finds the need that manufacturers need to be monitored as to avoid complications. Under this we can ensure that the sellers have to refund the goods or monetary assistance for the harm created by them. The mistakes made prior are rectified through the terms of the product manufacturers kept responsible in the terms and systems of illegal practices which is to be held from the starting point. The prior act gave a glimpse only towards allegation of sellers but this act specifies and signify that the sole illegal practices start from the manufacturing sites.

MISLEADING TRADING PRACTICES:

Prior we find that trading without online utilization would take place but today we find that online trading collects all the data which requires the security that this act guarantees. The sellers and e-commerce websites must not reveal any personal data so that the people are cheated easily. If the personal data is shared in future, it may cause damage to themselves mentally through indirect means. Any termination and transaction would be done only with the notice towards the consumer which is a necessary measure. If any such happenings can complain to the national and state commissions. The manufacturer shall be held responsible so that if any physical or injury caused by products. But the harm must be proved. Under these practices prior only 6 types were found, but now we find that still 3 more were added considering online sales and purchases.¹⁰ The illegal trade practices not only give a way for the disruption and dissatisfaction among consumers but a Starmark to the antisocial elements that can affect the social life of citizens.

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<https://www.indiacode.nic.in/handle/123456789/15256?locale=en>

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<https://www.mondaq.com/india/dodd-frank-consumer-protection-act?1020458/consumer-protection-act-2019-key-takeaways>

MEDIATION:

The mediation shall be on voluntary basis and not binding towards any parties as guaranteed to solve the problems of the consumers. As per this act, Consumer Mediation Cell¹¹ shall be in action at state, district and nationwide levels. This leads to better working systems found. This is to reduce the burden of the national and state commissions so that people gain the justice quickly which should not move over a longer period of time. There are qualifications and ability for the officials of the cell. They have to prepare the report of settlement and submit to the commission. All the procedures would be under the record carefully and if disagreement is found then the settlement would not take place. The removal of misunderstanding is the aim between them. Under the redressal systems the mediation is to perform quick ways of gaining the justice so that there are no such issues and problems taking place in the economy that would move to gain of quick justified judicial ailments in the economy which can provide justice at all manners among the people striving for ways with excellence working. The ease and broad implications of the organizations making the people aware would be the priority.

PECUNIARY JURISDICTION:

We find that, there were limits in old act for holding cases, e.g.: district for 20 crores, but presently they can hold up to 1 lakh. State cells could hold only up to 20 lakhs but now can hold up to 1 crore till 10 crores. The national court will handle up to nearly 10 crores cases¹². This is to facilitate the people to get ease access to justice rather than suffering from the difficulty to go up to the national level gaining the justice. The trends of the modern world made them to stick over such a decision. The functions of them have slightly risen up to the means of the issuing safety alert to the consumers. The advice over various ministries that they work only for the sake of the consumer welfare in all levels and dimensions. At the first time this act promoted the longest serving investigative wing which

¹¹ The Consumer Protection Act, 2019, Pg.no .74 Professional book Publishers, Delhi, 2022

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<https://pib.gov.in/PressReleasdePage.aspx?PRID+1786342> (Last vis 8 Feb 2022)

could at the levels intrude upon the consumer affairs in the better economic setup. The higher powers assured can make the systematic intruding towards the justice seeking which can make the people avail. The justice quickly in best forms.

ADVERTISEMENTS:

The false representation of any advertisements would be allegation towards the manufacturers. The endorser will be under the responsibility of the false advertisements. So, the huge amount of penalties are imposed which can move upto 50 lakhs and ban on manufacturer. Before the advertisement clear check must be made so that the false regulations would be under the control. The advertisements shall be legally claimed, as today majority of the products are under the ways of the propaganda and advertisements which need to be controlled under the systems. This act gives a strict order that if found guilty then nearly 2 years of imprisonment is found.

E-COMMERCE:

Under this the major addition was the above for the smooth functioning of the buyers through online. The companies having big names may be also misleading, which CCPA¹³ was likely to monitor it care that such happenings would hinder the economy. The central government regulations over the goods and services under the electronic sold goods will be under its control. Any performance and the details should be submitted to the Central government to prove security. The GST regulations are found and even under the Information Technology act. the proper aspects of retailers must be noted and provided under this. They in the firms should have grievance cells to control the firms correctly. The cancellation charges will not be there. The consent should be maintained properly so that the problems are not found, with payments under the RBI's guidelines¹⁴. The manipulation of the consumers shall not take place that would make the illegal ways of trading. The perfect information over the variety of aspects regarding the images of product, the prices, refund, payment, ranking, ask for enquiry

must be found which can move upto ease method of transactions. The seller also has to maintain the clear ways of working without making into any illegal vision of trade that would lead to the punishable offence. Even the inventory trading shall be under the means of certain rules that would work for the better levels of economic trade taking place in the marketing arenas.

OFFENCES AND PENALTIES:

For misleading ads, nearly upto 50 lakhs the penalty is fixed leading to imprisonment for 2years. The adulterant products will have the certain regulations over six months imprisonment, five lakh rupees¹⁵ depending upon the intensity of the harm caused. If any spurious products sent by seller, then monetary fines will be imposed on them. These and other various offences have punishments looking into the depth over the matters by the authority by considering all the factors with the utmost care. The officials and commission would look over the intensity of the matters in the decision of fines with clear records.

CENTRAL CONSUMER PROTECTION AUTHORITY:

The noticeable factor is that, the authority has been set up to regulate matters of violence with the Chief commissioners and the headquarters at Delhi¹⁶, which has officers with various amounts of prescribed qualifications. They are guaranteed with various matters of the powers and function in due to this regard. The hierarchical structure of power is denoted. The set up of investigation wing so that the clear enquiries and the consideration of matters are possible. They are given with the authority to fully make the notifications such that the consumers rights are protected carefully and people do not go into fraud ways of working with implying verifications into the matters so that the maximum amount of problems are solved at the utmost justiciable views. The regulation over appeals into the National Commissions would be

¹³ The Consumer Protection Act,2019, Pg.no .86,87 Professional book Publishers, Delhi,2022

¹⁴ <https://blog.ipleaders.in/consumer-protection-act-2019/> (last visited 3 Feb 2022)

¹⁵ <https://egazette.nic.in/WriteandReadData/2019/210422.pdf>

¹⁶ The Consumer Protection Act,2019, Pg.no 20. Universal Publications, Delhi,2022

upto 30 days¹⁷. The auditor general would maintain all the audits. The complaints can be filed from the residing area even through electronic modes. The consumer rights too be upheld in terms on which violation has been made. The inspection of the reports and records are noted with the caution among the authorized terms.

CONSUMER DISPUTE REDRESSAL CELL:

The set up of the redressal cell which comprises of mainly at district further connecting to the state and national level. The mannerism is systematically elaborated so that they seem to be reaching towards the people with advanced terms and techniques¹⁸. Here we notice a factor that the appeal of the cases towards the higher levels would take place so that, in India it is always noticed that the delayed ways of the judgment can be seen which should be avoided is the main aim. With this regard under the same the provision of mediation is seen which would make the levels possible that can be working into the ways of the people gaining the settlements soon. Various officers in this have the different qualifications that would be ensured in the levels of the ease agreements so that delay in judgment is not noticed. To this presently a new change noticed is only that the members of the commission are selected at the means of the selection by the central government. The new forms and views through high qualified members can help in maintenance of the quality which would be a book towards the people waiting for the justice at best possible levels through such setups in the economic scenario. The depth understanding proved that they are been made with quick judgements so that the justice is availed to people and they can seem to appeal with their regards in whichever place they belong to instead of waiting for years for the seeking of desired justice in the consumer violence cases. At the International levels also, this setup has its connections so that the foreign trade is maintained.

V. CONCLUSION

The description completely provides the glimpse of the Consumer Protection Act 2019 which was with the aim after noticing the huge amount of transactions regarding the online ways. The steps taken by GOI is merely a way which made them to think differently of combining the services which has crept to consider all the levels of the economic factors among them. We can notice that, the steps of GOI is to facilitate the better livings that the people are always benefitted. All the people are engaged in one or the other activities contributing to the economy. The act has considered over variety of levels of working that it can be ultimately be useful to the people, so that they can avail to the people for the ways of safe living and the fraudulent works will be under control. The new provisions were adopted with the decentralized ways of working so that it reaches the people at the ground root level which is the major issue in the society. So, with the proper planning these implementations were noted. The advisory roles played by various councils are of much importance and use that they can be utilized to the helping of individuals so that the people stay vigilant at all circumstances. This act has showered the means of responsibilities among the people that through the “Watch Dog”¹⁹ behavior of the consumers can be made in the practical allocation at the economic basis of living so that people’s lives are judicially controlled. This is the step which has to be made very successful in its working so that the people gain the benefits and promote the betterment in the society. The continuous process which includes the availing of the benefits as be with the constant understanding through the present times which could be in the levels of making the country transform in legal manner. The ways of working are in the terms of Consumer oriented methods that the today’s generation can be a better source of benefit from the new provisions.

¹⁷ The Consumer Protection Act,2019, Pg.no 21, Universal Publications, Delhi,2022

¹⁸ The Consumer Protection Act with Rules,2019, Pg.no 45. Taxman Publications, Delhi,2020

¹⁹ <https://ndrdc.nic.in/>