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Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



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CONSUMER PROTECTION COUNCIL (CPC)

AUTHOR – DEV KUMAR SHARMA, A STUDENT AT INDIA INTERNATIONAL UNIVERSITY OF LEGAL EDUCATION AND RESEARCH, GOA

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Abstract –

A consumer refers to an individual or a collective entity that purchases products and services primarily for personal use, as opposed to acquiring them for production or subsequent resale. According to Section 2(7) of the Consumer Protection Act of 2019, a consumer is legally characterized as an individual who engages in the purchase of goods or services by providing consideration, and thereafter utilizes these products or services for personal use, resale, or business purposes. The significance of consumer protection has grown in tandem with the rise of consumerism and the widespread availability of goods and services within the contemporary global economy. Numerous nations have implemented regulatory bodies commonly called Consumer Protection Councils (CPCs) to safeguard consumer rights and well-being. This article aims to present a comprehensive examination of Consumer Protection Councils, encompassing their responsibilities, roles, and significance in safeguarding consumer rights. The Consumer Protection Council offers impartial legal counsel and assistance to consumers. The individuals comprising this group are professionals in the field of consumer protection, representing various sectors within the business community. They engage in collaboration to offer impartial and objective guidance and assistance in addressing consumer-related issues. In addition, the council endeavors to enhance consumer consciousness regarding their entitlements and safeguard businesses against unjust customer behaviors. This study examines the historical development of consumer protection, the establishment of Consumer Protection Commissions (CPCs), their structural framework, and the methodologies employed in handling customer grievances. Moreover, this research examines the challenges encountered by Crisis Pregnancy Centres (CPCs) and explores viable strategies to address these concerns.

Keywords– consumer protection council, consumer, consumer protection act, consumer awareness, consumer welfare

- I. **Introduction**– The purpose of consumer protection law and policy is to protect consumers' rights and interests when they interact with businesses and other organizations. It arose in response to the expanding influence and power of corporations, which frequently resulted in unethical behaviour, misleading advertising, and human exploitation. In the late nineteenth and early twentieth century, the industrial revolution and mass manufacturing, which brought about huge changes in the marketplace, are credited with kicking off the history of consumer protection. Consumer protection laws frequently involve product safety, consumer rights, fair trade practices, privacy, and data protection, and dispute resolution methods. While encouraging businesses to act ethically and responsibly, these regulations also strive to provide customers with redress and remedies when their rights are violated. At least 25 separate Indian acts have addressed the issue of safety. To reduce risk, a method for routinely monitoring that policies and procedures are being followed is required. This periodic inspection can be conducted by an

Independent Safety Commission, which must be legally binding in the event of non-compliance. The Consumer Protection Council (CPC) was established to protect and develop the rights and interests of consumers in a certain country or region. The actual name and mission of such a body may alter from country to country, but their fundamental goals remain the same: enforcing honest and moral business operations and promoting consumer welfare. The Consumer Protection Council operates at three levels: district, state, and central. Its goals are clear. The Council for Consumer Protection is a group of government institutions formed to make decisions on consumer protection issues. The Council is made up of delegates from all Ministries/Departments, State Governments, Union Territories, and various consumer protection groups. This body is responsible for defending consumer rights throughout the country. They seek to ensure that all consumer issues are addressed fairly and openly. The council also assists consumers in resolving concerns and provides consumer education. Increased emphasis on consumer issues in school and college curricula, as well as the formation of consumer clubs, would benefit consumer education.

II. **Consumer protection council-**

The consumer protection council was introduced in the year 2019 for addressing the problems of consumers it has three levels in India. Firstly the central, state, and then we have district level consumer protection council.

A. **Central Protection Council-**

1. Under section 3 of the consumer protection act, this statute defines that the government shall by any notification establish a consumer protection council, which would be known as a central council. It is an advisory committee (council) which had members such as

2. The council would be headed by the central minister of consumer affairs he would be the chairperson of this council. Any quantity of members, whether official or not, who represent the interests required by the Act

3. The central council would be meeting at least once a year and would meet when necessary. The Central Council's goals are to provide guidance on how to advance and safeguard consumers' rights under this Act.

B. **State Protection council-**

1. Each state government is required to create a State Consumer Protection Council, often known as the State Council, with exclusive authority over that state. The State Council serves as a consultative body. The State Council's members

2. The Central Government may also appoint not fewer than ten members for this Act, and the Minister-in-charge of Consumer Affairs in the State Government will be appointed as the council's chairperson

3. The council will also have any number of official or non-official members representing necessary interests under the Act

C. **District Protection Council-**

1. Every district will have a District Consumer Protection Council, often known as the District Council, established by the state government

2. The District Council will be led by the collector of that district

III. **Role of consumer protection council –**

Consumer Protection Councils (CPCs), which are governmental or quasi-governmental entities, were established with the purpose of ensuring the protection and preservation of consumer rights and interests. The concept of Consumer Protection Codes (CPCs) is founded on the recognition that customers may encounter some disadvantages during their interactions with businesses, necessitating the implementation of tailored approaches to ensure ethical business practices, product safety, and effective resolution of complaints. The primary objective of Consumer Protection Commissions (CPCs) is to enhance consumer welfare by addressing customer grievances, disseminating information and education, enforcing consumer protection laws, and advocating for consumer rights. The subsequent elements encompass fundamental

constituents of the concept of consumer protection councils:

A. Legal Framework:

1. CPCs are commonly established through government-enacted legislation or specialized consumer protection regulations within the legal framework.
2. The aforementioned laws delineate the authority, responsibilities, composition, and geographic jurisdiction of the CPCs.

B. Consumer Grievance Redress:

1. Consumer Protection Centers (CPCs) function as platforms where individuals can register complaints about unjust company practices, substandard product quality, misleading advertising, inadequate services, and various other concerns linked to consumer affairs.

2. They provide consumers with a means to articulate their grievances and ensure that they are acknowledged.

C. Consumer education and awareness

1. This plays a crucial role in informing customers about their rights, responsibilities, and available legal recourse. Consumer Protection Commissions (CPCs) serve as a vital resource in providing this education to individuals.
2. In order to enhance customer education and promote awareness of consumer protection rules and regulations, educational programs are organized, information is disseminated, and awareness campaigns are conducted.

D. Enforcement:

1. Consumer Protection Commissions (CPCs) with the authority to monitor and enforce compliance with consumer protection regulations. Auditors, investigators, and inspectors are responsible for conducting audits, investigations, and inspections in order to ensure that organizations adhere to safety regulations, fair trade principles, and quality standards.
2. Business entities that engage in unlawful activities may face potential repercussions in the form of sanctions, monetary fines, or

penalties imposed by regulatory bodies known as Consumer Protection Commissions (CPCs).

- E. The responsibility of evaluating and monitoring the safety and quality of items in the market may fall under the purview of Consumer Protection Commissioners (CPCs). In order to ensure the protection of customers from hazardous or inferior products, many measures can be implemented, such as conducting testing procedures, establishing product standards, and enforcing regulations pertaining to labeling and packaging.

- F. Advocacy and policy development are key functions of Consumer Protection Centers (CPCs) since they actively engage in representing consumer interests. CPCs play a crucial role in providing recommendations to decision-makers and government agencies about many aspects of consumer protection. They actively engage in policy dialogues, offer reform proposals, and contribute to the development of legislation that promotes the welfare of consumers.

G. Research and Data Collection:

1. Consumer Protection Commissions (CPCs) engage in research and data collection activities to identify emerging trends, assess the effectiveness of existing consumer protection measures, and propose policy modifications based on empirical evidence.

IV. **Challenges faced by CPC-**

- A. One of the primary challenges is the insufficient level of awareness and participation exhibited by consumers.

1. According to the survey conducted by the State of Indian Consumer Report, it has been shown that a mere 20% of individuals possess knowledge of the Consumer Protection Act, while only 40% are aware of their consumer rights. Furthermore, the level of involvement among individuals with consumer forums is very low, resulting in a limited number of issues being brought forward to these forums.

2. Consumer lack of understanding and participation can have a substantial influence on the well-being of customers. When consumers lack adequate information or

engagement, they may encounter several challenges that can have negative implications for their overall well-being. Consumers who lack enough awareness of their rights and comprehension of market dynamics may find themselves susceptible to abuse by unethical enterprises.

3. Individuals may inadvertently become targets of misleading tactics, inequitable pricing, or substandard offerings, leading to monetary setbacks and discontentment. Additionally, organizations may encounter constraints

B. in terms of available resources and personnel.

1. According to Kiran Rijju, India has around 21 judges per one million individuals. The current state of consumer protection in India is hindered by a scarcity of skilled judicial personnel. This dearth of judges has resulted in a significant backlog of pending cases, further exacerbating the issue. Additionally, the existing judges are burdened with various other obligations, which, when coupled with an increased workload, leads to a decline in the quality of justice being dispensed. To protect the independence of the court, it is imperative to ensure the availability of enough resources.

2. Insufficient financial resources and dependence on other political entities for resource allocation have the potential to compromise the autonomy of the judiciary, thereby impacting the quality of judgments rendered and eroding public confidence in the court's ability to remain impartial. The insufficiency of manpower and resources has resulted in a significant level of stress among judges, court officials, and support staff. The efficiency and effectiveness of the judiciary can be considerably influenced by factors such as substantial workloads, extended working hours, and administrative challenges. Judges and workers who are burdened with excessive workloads may encounter burnout, so compromising their ability to effectively handle cases. The presence of limited resources has the potential to result in delays, hence

increasing the financial burden associated with litigation for the involved parties. Prolonged legal proceedings need an escalation in fees for legal representation, court appearances, and other expenditures. Individuals who possess limited means may experience a disproportionate impact from this load, potentially leading to discouragement in their pursuit of attainable objectives.

C. The impact of influential business interests.

1. Companies that own a significant market share have the potential to exert control over prices and establish trade conditions. The potential consequences of elevated costs, reduced choices, and diminished competition include a potential decline in consumer welfare. Business entities possessing significant influence have the potential to employ inequitable or deceitful strategies, such as deceptive marketing, undisclosed expenses, or unjust contractual provisions.

2. Consequently, customers may be subjected to unjust treatment and their rights may be violated. To ensure the preservation of consumer welfare, it is imperative for governments, regulatory agencies, and consumer protection organizations to actively monitor and counteract the impact of dominant corporations.

3. The implementation of fair competition regulations, consumer protection legislation, and the promotion of openness and responsibility can effectively mitigate possible harm and foster a fair and competitive market that ultimately benefits consumers.

V. **Suggestions-**

A. Digital transformation refers to the use and integration of digital tools and platforms in order to enhance efficiency and effectiveness in various organizational processes, communication channels, and data management systems. The objective is to provide an internet-based platform that facilitates the submission of consumer complaints, feedback, and inquiries while minimizing the reliance on physical

documentation and enhancing the efficiency of response durations.

B. Consumer Education: Implementing comprehensive consumer education initiatives on a national scale to provide customers with essential information pertaining to their entitlements, obligations, and effective strategies for addressing concerns. Customer who possesses knowledge and awareness is more adept at safeguarding their interests and making well-informed choices.

C. Promote alliances with non-governmental organizations (NGOs) and consumer advocacy groups to enhance collaboration. These collaborative efforts have the potential to expand the council's outreach, collect significant data, and establish a platform for collective endeavours.

D. The proposal entails enhancing the capacity and bolstering the efficacy of local consumer forums in order to effectively address and resolve issues at the grassroots level. The process of decentralization has the potential to enhance the efficiency of the resolution process and efficiently address concerns that are peculiar to particular regions.

E. Regular Consumer Outreach Programs involve the systematic organization of workshops, seminars, and awareness programs at educational institutions, such as schools and colleges, as well as public venues. The primary objective of these initiatives is to effectively engage a wider range of individuals and foster consumer awareness.

F. The application of data analytics is employed to discern patterns and trends within consumer complaints. Gaining comprehension of prevalent concerns is crucial in order to effectively prioritize areas requiring attention and inform policy-making decisions.

G. Incentivizing Business Compliance with Consumer Protection rules: Promoting proactive adherence to consumer protection rules among firms by the provision of incentives for exemplary consumer practices and the enforcement of penalties for non-compliance.

H. The council should engage in transparent reporting by regularly publishing reports that detail its activities, encompassing metrics such as complaint resolution rates, legal actions pursued, and the resulting outcomes. The establishment of transparency fosters the development of trust and accountability.

I. One proposed strategy for enhancing the legal framework is to actively support the implementation of more robust consumer protection legislation and revisions that are thorough, current, and in line with the changing dynamics of the market.

J. The implementation of a comprehensive system to monitor and evaluate the functioning of the council is necessary. Periodic evaluations can effectively highlight areas that require development and quantitatively examine the outcomes of various projects.

VI. Conclusion-

Through extensive study and the examination of many scholarly articles, the author acquired knowledge pertaining to the operational mechanisms of the Indian Consumer Protection Council. This encompassed an understanding of its legal framework, composition, and the challenges it encounters. Furthermore, it was determined that the council has the potential to enhance its efficacy by effectively addressing the contemporary issues it currently confronts. Nevertheless, it is imperative to consider that the primary objective of the newly enacted legislation is to safeguard the interests of consumers by addressing any possible instances of unfair trade practices. According to a survey conducted by CUTS International in India, it was found that just 20% of the public is aware of the Consumer Protection Act, while a mere 42% are knowledgeable about consumer rights. Consequently, it can be inferred that the level of difficulty in terms of consumer protection awareness is comparatively higher in India compared to other nations.

The integration of legal obligations and their implementation should be included in the ongoing development of the regulatory

framework. If implemented effectively and with a genuine commitment, this legislation has the potential to significantly enhance consumer protection by addressing issues such as unlawful advertising, unfair trade practices, and deceptive company strategies that have long been detrimental to consumers.

The establishment of the council represents a significant advancement in the context of the 2019 act. The establishment of this council represents a significant advancement in safeguarding consumer welfare. It is anticipated that this council will contribute to the enhancement of market conditions and consumer awareness of their rights. Given the direct involvement of government officials, particularly the Consumer Affairs Minister as the council's leader, it can be considered a legislative and executive body concurrently. Consequently, the council's recommendations are expected to receive prompt attention, resulting in reduced delays in its operational processes. In our perspective, the implementation of the aforementioned modifications has the potential to enhance the efficacy of this council.

VII. References-

1. India: Consumer Protection Act, 2019: Key Takeaway, mondaq.com, <https://www.mondaq.com/india/dodd-frank-consumer-protection-act/1020458/consumer-protection-act-2019-key-takeaways> (last visited on 30th July 2023, 11:30 pm)
2. The Gazette of India, CLAP.com, <https://clap.nls.ac.in/wp-content/uploads/2020/08/8.The-Consumer-Protection-Central-Consumer-Protection-Council-Rules-2020.pdf> (last visited on 31st July 2023, 11:00 pm)
3. Consumer Protection Act, 2019, ipleaders.com, <https://blog.ipleaders.in/consumer-protection-act-2019-2/> (last visited on 31st July 2023, 11:00 pm)
- Consumer Protection Act, 2019 STATE OF THE INDIAN CONSUMER REPORT 2012 Indian Consumers in the New Age: A Forward-Looking

Agenda to Address the Concerns of the Common People. [https://cuts-](https://cuts-cart.org/pdf/Overview-State-of-the-Indian-Consumer-2012.pdf)

[cart.org/pdf/Overview-State of the Indian Consumer-2012.pdf](https://cuts-cart.org/pdf/Overview-State-of-the-Indian-Consumer-2012.pdf) (last visited on 31st July 2023, 11:00 pm)

4. Consumer Protection Act, 2019: A Primer, Suchita Shukla, <https://www.scconline.com/blog/post/2020/12/24/consumer-protection-act-2019-a-primer/> (last visited on 31st July 2023, 11:00 pm)

5. MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (Department of Consumer Affairs) NOTIFICATION New Delhi, the 15th July 2020

6. Consumer protection act, 2019, no 35 of 2019