

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

EDITORIAL TEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpna

Assistant professor of Law

Mrs.S.Kalpna, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

UNFAIR TRADE PRACTICE AND ITS EFFECT

AUTHORED BY - UTKARSH UPADHYAY

IILM UNIVERSITY, GREATER NOIDA

April 2024

INTRODUCTION

Unfair trade practices embody an extensive variety of deceptive, fraudulent, or unethical sports hired by means of companies to benefit an unfair gain over competitors or purchasers. This dissertation aims to explore the diverse varieties of unfair trade practices, their implications on markets, consumers, and competitors, and the regulatory frameworks designed to cope with them. The dissertation will begin through defining unfair trade practices and analyzing their manifestations in exclusive sectors, along with but not confined to fake advertising and marketing, price solving, collusion, deceptive advertising, and highbrow property infringement. It will delve into case studies and actual-world examples to illustrate the prevalence and impact of such practices on market efficiency, purchaser welfare, and competitive dynamics.

Furthermore, the dissertation will analyze the economic, social, and ethical ramifications of unfair alternate practices. It will investigate how these practices distort market mechanisms, restrict innovation, erode customer consider, and exacerbate inequalities. Additionally, the dissertation will discover the worldwide dimensions of unfair trade practices, thinking about their implications for worldwide exchange, monetary development, and regulatory harmonization.

The regulatory response to unfair trade practices can also be a focal point of the dissertation. It will examine the effectiveness of existing felony frameworks and enforcement mechanisms in deterring, detecting, and penalizing unfair practices. Moreover, the dissertation will critically determine the demanding situations and obstacles associated with regulatory interventions, which includes jurisdictional conflicts, enforcement gaps, and regulatory capture.

In end, this dissertation will provide insights into the multifaceted nature of unfair trade practices and a long way-reaching results on economies, societies, and companies. By shedding mild at the complexities of this problem, it seeks to inform policymakers, practitioners, and students approximately the importance of addressing unfair change practices to foster truthful, competitive, and sustainable markets.

PROBLEMS

Unfair trade practices encompass deceptive, fraudulent, or unethical business conduct that distorts the market and harms consumers or competitors. Such practices include false advertising, price manipulation, and monopolistic behavior. The effects of unfair trade practices are detrimental on multiple fronts. Consumers may suffer from misinformation, purchasing substandard products, or paying inflated prices. Competing businesses face unfair competition, hindering market competition and innovation.

These practices erode trust in the marketplace, leading to economic inefficiencies and reduced consumer welfare. Governments enact laws and regulations to curb such behaviors and maintain fair competition. Effective enforcement is crucial to deterring unfair trade practices and safeguarding the interests of consumers and businesses alike. Striking a balance between encouraging healthy competition and preventing exploitation is essential for fostering a sustainable and equitable business environment. Addressing unfair trade practices requires ongoing vigilance, international cooperation, and robust regulatory frameworks to ensure a level playing field in global markets.

OBJECTIVE

I'm attempting to describe unfair trade practices here. What leads to unfair trade practices, why do they occur, and what issues result from them—such as higher product costs and effects on small businesses, among other things? Here, I'm also attempting to define and discuss the concepts "monopoly" and "competition." Additionally, talk about the function of the Competition Commission of India & Consumer Protection Act 1986, which upholds and fosters competition, defends consumer interests, and guarantees trade freedom in Indian markets. Also focusing about “Reforms” & “Future Challenges”.

HYPOTHESIS

Unfair Trade Practice effect on Small Business Industry & Indian Economy system. Unfair trade practices, encompassing deceptive, fraudulent, and unethical behaviors employed by businesses, have pervasive implications for market dynamics, consumer welfare, and competitive landscapes. The regulatory frameworks designed to address these practices face challenges in effectively deterring, detecting, and penalizing such behaviors, thereby necessitating a comprehensive approach that integrates legal, economic, and ethical considerations to foster fair, competitive,

and sustainable markets.

SCOPE OF STUDY

What- In this research I'll try to know what is the effect of Unfair Trade Practice in India. Reforms, Future Challenges, Impact on Small Business & Indian Economy Why- There are many cases in previous 2 decade where I see and observe the unhealthy competition which effect consumer and Small Industry.

How- I have do the research related to UTP and its effect Related Acts and Laws. Also seen it is enough and sufficient to protection of consumer's rights or there is some amend or new law related to consumer protection and healthy competition in market and also helpful for small Industries.

REVIEW OF LITREATURE

The literature on unfair trade practices in India often delves into various aspects such as legal frameworks, case studies, and the socio-economic impact. It highlights how unfair trade practices undermine consumer rights, hinder fair competition, and affect market dynamics. Additionally, it explores regulatory measures, enforcement challenges, and the role of government bodies like the Competition Commission of India (CCI) in addressing such practices. Overall, it underscores the need for robust legislation, effective enforcement mechanisms, and consumer awareness to mitigate the adverse effects of unfair trade practices on India's economy and society. Here I have also mentioned some other countries law:

Australian Competition Commission) ACC 3.1 of schedule 1

Section 5 of FTC (Federal Trade Commission) United State

Brazil Competition law 12.529/2011,8078/1990

Federal Law on competition sec 14

Consumer Protection Act 2019 Section 2(47)

PLAN OF STUDY

Research divide into 6 chapter

In the first chapter about Introduction in the introduction the first thing is brief overview of UTP. After that I have try to cover Definition, Legal Institutional Framework of UTP by Different Countries, after that I have try to explain of Effect of UTP on Consumers, Small Industries and

Economy. And in the last I have gone for conclusion.

In 2nd Chapter Unfair Trade Practice in India where Reforms in India & Prevalence of UTP & after that I have try to Lack of Consumer Awareness, after that UTPs in various sector & lastly Misleading Advertisements and end of chapter what conclusion I gone for conclusion.

In the chapter 3rd focus on Framework on Unfair Trade Practice in India where the first point is Indian Legal Framework to Deals with UTP after Indian Legal Framework gone for Analyses of Regulatory Structure & in the end Institutional Set-up to Deal with UTP.

In the 4th Chapter I have Comparative study between of Unfair Trade Practice in India and Developed Nation.

In the 5th Chapter I have mention some Important case laws & land mark judgement related to Unfair Trade Practice in India. Relevant case laws, National Insurance Company Ltd. vs Hindustan Safety Glass Works Ltd. & Anr., Nizam Institute of Medical Sciences v Prasanth S. Dhananka & Ors., CCI dismisses complaints of abuse of dominance and tie-in sales arrangement against Zomato

In the 6th Chapter I have done with Conclusion & Recommendations

METHODOLOGY

The research methodology adopted in dissertation is Doctrinal Research is analytical and descriptive since few case studies and relevant statistics have been examined to understand and analysis the thought of UTP in India.

The Bare Acts referred to in the paper are in the paper are the primary source relied on. Various reports, books and internet websites have been used as secondary source.

LIST OF CONTENTS

EXCLUSIVE SUMMARY

PROBLEM

OBJECTIVE

HYPOTHESIS

SCOPE OF STUDY

REVIEW OF LITREATURE

RESEARCH METHODOLOGY

CHAPTER 1: INTRODUCTION OF UNFAIR TRADE PRACTICE

1.1 Brief context of Unfair Trade Practices

1.2 Definition, Legal Institutional Framework of UTP by Different Countries

1.3 Effect of UTP on the Consumers, Small Industries & Economy

1.3.1 Impact on Unfair Trade Practice on Economy

1.3.2 Impact on Unfair Trade Practice on Small Industries

1.3.3 Impact on Consumer

1.4 Conclusion

Chapter 2: Unfair Trade Practice in India

2.1 Reforms in India & Prevalence of UTP

2.2 Lack of Consumer Awareness

2.3 UTPs in Various Sector

2.3.1 Food Processing Industry

2.3.2Pharmaceutical Sector

2.3.3 Securities Market

2.3.4 Financial Services Sector

2.3.5 Education Sector

2.4 Misleading Advertisements

2.5 Conclusion

Chapter 3: Framework on Unfair Trade Practices in India

3.1 Indian Legal Framework to Deals with UTP

3.2 Analyses of Regulatory Structure

3.3 Institutional Set-up to Deal with UTP

Chapter 4: Comparative Study of Unfair Trade Practice in India & Developed Nation

Chapter 5: Case Laws

Chapter 6: Conclusion & Recommendations

CHAPTER 1 - INTRODUCTION OF UNFAIR TRADE PRACTICE

1.1-¹Brief Context of Unfair Trade Practice (UTP)

An UTP is a trade practice in which a manufacturer uses its sales or services in an improper or fraudulent and misleading manner that is prohibited by law or statute. Simply put, illegal methods used by an employer to increase their profits by deceiving customers by giving misleading information about prices, quality, etc. Currently, the Indian Consumer Protection Act, 2019 regulates unfair trade practices. Until 2002, UTPs were regulated by the MRTP Act 1969. That Act was repealed in 2002 by the Competition Act 2002, which transferred all UTP cases involving the MRTPC to the Competition Act. Commission (CCP).

However, there was no provision for unfair business practices in the Competition Act, so all cases fell under the jurisdiction of the COPRA 1986, which has now been replaced by the CPA Act 2019. However, the term has not universal definition. can refer to any feature of the good or service, whether real or imagined. Therefore, laws forbidding improper trading. often contain general provisions and more specific provisions that deal with some of the more common forms of misrepresentation.

Unfair business practices cover a wide range of damages, all of which include financial loss caused by fraud or illegality. action Legal theories that can be asserted include claims such as trade secret misappropriation, unfair competition, false advertising, distribution, dilution and disparagement. Unfair business practices can occur in any industry and often in the context of more traditional intellectual property rights related to patent, trademark and copyright infringement. According to the Model Law of the World Bank and

² the Organization for Economic Cooperation and Development (OECD), the following

¹ <https://cuts-ccier.org> last visit 15th February 2024

<https://openstax.org> last visit 15th February 2024

[http://www.cuts-international.org/HRC/pdf/Vietnam Toolkit.pdf](http://www.cuts-international.org/HRC/pdf/Vietnam_Toolkit.pdf) last visit 16th February 2024

[http://www.circ.in/pdf/CPS-06-Unfair Trade Practices.pdf](http://www.circ.in/pdf/CPS-06-Unfair_Trade_Practices.pdf) last visit 16th February 2024

<http://www.oecd.org/daf/competition/liberalisationandcompetitioninterventioninregulatedsectors/aframeworkforthe designandimplementationofcompetitionlawandpolicy>. Last visit 18th February 2024

² [http://www.cuts-international.org/HRC/pdf/Vietnam Toolkit.pdf](http://www.cuts-international.org/HRC/pdf/Vietnam_Toolkit.pdf) last visit 16th February 2024

[http://www.circ.in/pdf/CPS-06-Unfair Trade Practices.pdf](http://www.circ.in/pdf/CPS-06-Unfair_Trade_Practices.pdf) last visit 16th February 2024

www.legalallince.com

www.oecd.org last visit 28th Feb.2024

www.mckinsey.com last visit 29th Feb.2024

commercial practices are inappropriate at the international level: dissemination of false or misleading information that may harm the commercial interests of another company.

Dissemination of false or misleading information to consumers, including dissemination of unfounded information related to the price, nature, production method or location, characteristics and usability or quality of goods; false or misleading comparison of goods with advertising; Fraudulent use of another brand, company name or product label or packaging; and unauthorized receipt, use or dissemination of confidential scientific, technical, manufacturing, business or commercial information. Article 10 bis of the Paris Convention prohibits the following elements of unfair competition:

any act that in any way interferes with the location, goods or industrial or commercial activities of a competitor;

misrepresentation of trade that damages the competitor's location, goods or industry - or business activities; and labels or statements, the use of which in commerce is likely to mislead the public as to the nature, manufacturing process, characteristics, fitness or quantity of the goods.

The Unfair Competition serves has objectives.

First, it protects financial, intellectual and creative investments of companies to differentiate and their products.

Second, it supports the goodwill that companies have built with consumers.

Third, it prevents companies from absorbing the goodwill of their competitors.

Fourth, it promotes clarity and stability by encouraging consumers to rely on the good will and reputation of the merchant when evaluating the quality of competing products.

³This provides the manufacturer with a solid and stable consumer base and income thus preventing competition. If a manufacturer or service provider gains a strong position in the market through such unfair business practices, confidence in its position in the market and in the consumer, base can lead to an increase in the prices of goods or services. Securing consumer loyalty may also tempt manufacturers to compromise on the quality of their products in order to gain additional profits.

³ <https://blog.ipleaders.in>

Consumer protection act 2019

http://www.circ.in/pdf/CPS-06-Unfair_Trade_Practices.pdf last visit 16th February 2024

When a manufacturer uses an unfair trade practice to sell its goods, it mainly tries to increase the sale of its product/service by applying fraudulent and deceptive practices such as making its product better than other similar products. On the market, deceiving the consumer and deceiving the quality of the product or providing incomplete or false information about the selling price of service products.

1.2 Definitions of Unfair Trade Practice in different countries & Legal Framework

The use and definition of unfair trade practices in a country largely depends on the nature of the market. Analyzes of how open or closed the market is in that country, selling and buying trends in the country, national laws, level of government restrictions on inappropriate business practices and other social and economic conditions determine. unfair business practices in this country. Therefore, there was quite a lot of uncertainty between different countries regarding the use of the concept of unfair trade, both in theory and in practice.

As mentioned below, in some countries unfair business practices are regulated by competition rules, in others by consumer protection laws and in some cases by separate law/regulation. Similarly, the concept of "justice" The concept of unfair business practices is analyzed separately, because it means different things to different stakeholders and can differ based on market economy contexts.

For example, if companies operating in the market cause abuse to consumers, the damage is quite clear. If there are abuses in the relationship between companies/producers, the risk is mainly the damage or loss of goodwill. The harm caused by a competitor to its competitor through unfair competition is actually a reduction or loss of customer base and market share.

India

According to Consumer Protection Act (2019) Section 2 (47)- “The text says that any trade practice adopts any unfair method or deceptive practice to promote the sale, use, or supply of goods or to provide any service. It falsely represents that goods are of a particular standard, quality, quantity, grade, composition, style, or model; it falsely represents that services are of a particular standard, quality, or grade.

⁴**Competition Act 2002-** “Unfair Trade Practice means a trade practice which, for the purpose of

⁴ The Competition Act 2002
<https://blog.ipleaders.in>

promoting the sale, use or supply of any goods or for the provision of any service, adopts any unfair method or unfair or deceptive practice. UTP may be categorized as under: False Representation.”

India

- In India, unfair trade practices were still addressed by the Consumer Protection Act 1986 (COPRA) notwithstanding the replacement of the Monopolies and Restrictive Trade Practices Act, 1969 (MRTP Act) with the Competition Act, 2002 (Competition Act).
- The 2019 Consumer Protection Act took the place of the 1986 Consumer Protection Act. According to the COPRA Act of 1986, an unfair trade practice is any activity that promotes the sale, usage, or offering of any item or service by means of an unfair technique or a misleading or deceptive conduct. Examples of such activities include, but are not limited to, making representations verbally, in writing, or in plain sight stating:
 - Misrepresent the standard, quality, price, value, nature, guarantee/guarantee or registration, sponsorship, etc. of any product or service;
 - Present false or misleading facts that defame the goods, services or business of another person;
 - allow the publication of advertisements for the sale or delivery of goods or services at a discount that are not intended to be offered or delivered at a discount;
 - Allow the offer of gifts, prizes or other goods with the intention not to offer them as an offer or to give the impression that something is given or offered free when it is fully or partially covered by the amount required in the offer.

The transaction as a whole or conduct any contest, lottery, game of chance or skill designed directly or indirectly to promote the sale, use or delivery of any product or business;

- Prohibiting participants from receiving gifts, prizes or other merchandise programs that provide free. at the end of the scheme information about the final results of the scheme;
- Prohibiting participants from receiving gifts, prizes or other merchandise programs that provide free. at the end of the scheme information about the final results of the scheme;

- Allowing the storage or destruction of goods or prohibiting the sale or offer of goods or refusing to provide services if the storage, destruction or refusal to do so increases or tends to increase or intends increase the cost,⁵ of these or other similar goods or services.

Manufacturing counterfeit goods or offering such goods for sale or engaging in fraud in the provision of services.

According to Consumer Protection Act 2019, a trade practice which adopt any unfair method or deceptive practice for the purpose of promoting the sale, use or supply of any goods or for the provision of any service.

Australia

The Australian Competition and Consumer Act, 2010 deals with competition and consumer related issued in Australia. As per Part 3.1 of Schedule 1 of the Act, the “Unfair Practices” include, inter alia, the following:

- False or misleading conduct such as:
 - False or misleading representation of the standard, quality, value, nature, guarantee/guarantee of products or services, registration, received sponsorship, etc.
 - False or misleading information about the sale of land, etc., its location, price, interest rate, purpose of cultivation, locations related to the land area, etc.
 - Misleading information, activity related to the offer offered to the person;
 - Offering any discount, gift, prize or other free product with the intent not to;
 - Bait advertising;
- Unsolicited deliveries and confirmation of payment rights for unauthorized entries or advertisements;
- Participation in pyramid schemes;
- Use of multiple prices;
- Referral sales;
- Harassment and coercion

⁵ Australian Competition and Consumer Act, 2010
Consumer Protection Act 2019

⁶ United States of America

Similarly, “Section 5 of the “**Federal Trade Commission Act, 1914 (“FTC Act”)**” of the United States of America (USA) prohibits “unfair and deceptive acts or practices” in or affecting commerce”.

- An act or practice that causes or is likely to cause substantial harm to consumers so that consumers cannot reasonably avoid it and is not outweighed by an offsetting benefit to consumers or to competition; and
- A practice or an act in which a material representation, omission or practice leads or is likely to mislead a consumer who has reasonably interpreted such representation, act or practice.

SOUTH AFRICA

In South Africa, “The Consumer Affairs (Unfair Business Practices) Act, 1988” defines “unfair business practice” as any business practice that directly or indirectly has or is likely to have the effect of-

- A negative effect on human relationships. between companies and consumers;
- Unreasonably harms the consumer;
- Consumer fraud; or
- Unfairly affects any consumer.

It can be seen that although there is no single standard definition of unfair trade in the world and different countries define it differently based on their domestic legislation and market economy, the essence of all definitions is the same and all seem to be called inappropriate business practices, misleading, deceptive and illegal business practices used to encourage the sale or offer of a specific good or service. Australia, like India, seeks to list certain practices without limiting the definitions to related activities only.

Another hand, the United States and South Africa avoided listing acts or practices and defined the term more broadly to include any related action in which the consumer suffers from a fraudulently misleading act or practice, even if the consumer makes a purchase certain goods or services after reasonable consideration.

⁶ The Consumer Affairs (Unfair Business Practices) Act, 1988
Federal Trade Commission Act, 1914 (“FTC Act”)
Australian Competition and Consumer Act, 2010

Legal and Institutional Framework of Selected Countries

This section analyzes the legal and institutional framework of some selected developing and transition economies of the world, namely the BRICS countries, Pakistan and Israel. In addition, this section examines the institutional structure of the United States, which is considered one of the most developed frameworks for unfair trade.⁷

India

In India, until 2002, In India, monopolies and trade restrictions were outlawed and controlled prior to the passage of the MRTP Act in 2002, was the country's most important unfair trade practice law. Before 1984, the MRTP Act didn't contain provisions to protect consumers from infringements or misleading advertising or other similar unfair business practice and was necessary to protect consumers from business and industry practices that are misleading or deceptive.

Appointed by government of India, a Committee of Senior Experts on the MTRP Act headed by Justice Rajindar Sachar (the Sachar Committee) to review the MRTP Act and recommend names based on experience gained in the administration and operation of the MRTP Act.

The Sachar Committee recommended that a separate chapter be included in the MRTP defining various unfair trade practices so that it would be easy for the consumer, manufacturer, supplier, trader and other market participants to identify the prohibited practices. This led to its inclusion. Regarding Unfair Trade Provisions of the MRTP Act, 1984.

In 1984 the amendment also created a new body as an independent body known as the Directorate of Investigation and Registration (DGIR) which was to work closely with the MRTP Commission and the appeal or Suo Muto DGIR had the power to investigate. allegations of restrictive or unfair trade practices as listed in section 36A of the Act. MRTP Act and refer the matter to the MRTP Commission (MRTPC) constituted under the MRTP Act to assess whether there is a need for the MRTP to initiate an investigation. The MRTPC had the power to order the offender ⁸ under the

⁷ http://www.dti.gov.za/business_regulation/acts/consumer_affairs.pdf last visit 7th march 2024

<http://books.google.co.in/> last visit 4th march 2024

www.cci.gov.in last visit 9th march 2024

⁸ "Report of the High-Powered Expert Committee on Companies and MRTP Acts, 1977" Ministry of Law, Justice and Company Affairs, Government of India, New Delhi, August, 1978, Committees and Commissions in India, 1977,

<http://books.google.co.in> last visit 4th march 2024

section because it found the conduct inappropriate. Section 36D of the MRTP Act is to be ceased and desisted if the activity was deemed prejudicial to public interest or benefit. all consumers or consumers together." In addition to taking directions, from the MRTPC, other persons who can contact the MRTPC with a complaint under the MRTP Act are individual consumers, trade associations and registered consumer associations. To respond to the growing demands for market liberalization and in October 1999, the Government of India invited along with the Commission on Competition Policy and Law (Raghavan Committee) chaired by S.V.S. Raghavan to find ways to regulate business practices and resolve disputes to change the focus of the law from limiting monopolies to promoting competition in international environment.

The Raghavan Committee concluded that the MRTP Act was limited and deficient in many respects to take full advantage of new economic opportunities or to respond to the challenges of liberalization, modernization and political globalization. Following the recommendations of the Raghavan Committee, the government repealed the MRTP Act and gave way to the Competition Act, 2002. The Competition Commission of India (CCI) was established under the Competition Act with effect from 14 October 2003.

It was further decided, as advised, that all matters pending before the MRTPC would be transferred to the CCI for adjudication at those stages. However, the Raghavan Committee felt that competition law should not burden unfair practices and instead was strengthened in COPRA, which already covered unfair business practices.

This is because the consumer needs protection not only against defects delivery of goods and inadequate services. Provisions on unfair trade practices were transferred from the MRTP Act to COPRA.

In 2019 COPRA Act replaced by Consumer Protection Act 2019. The reason behind the change of act is digitalization. Digitalization creates new challenges and for protect or safety purpose we introduce Consumer Protection Act 2019.

⁹ **China**

<http://www.oecd.org/daf/competition/prosecutionandlawenforcement/2485968.pdf> last visit 6th march 2024

⁹ <http://www.oecd.org/daf/competition/prosecutionandlawenforcement/2485968.pdf> last visit 6th march 2024

Ibid

<http://books.google.co.in> last visit 4th march 2024

China's first anti-monopoly law was promulgated on August 31, 2007 and took effect on August 1, 2008 under the Anti-Monopoly Law (AML). It aims to prohibit:

- a) anti-competitive agreements;
- b) abuse of a dominant position; and
- (c) merger control; and promote the healthy development of the socialist market economy. The AML establishes a two-tier enforcement system consisting of: (a) the Antitrust Commission, which acts as a project committee for the development of competition guidelines; and (b) anti-money laundering investigations and enforcement by a cartel enforcement agency. In addition, a commission, a special law to curb unfair business practices, namely the Unfair Competition Law of the People's Republic of China, to protect the healthy development of the socialist market economy, promote and protect fair competition, and limit and protect unfairness competition in China. The rights and interests of Chinese companies and consumers have been valid in China since 1993.

Unfair Competition Law of the People's Republic of China, to protect the healthy development of the socialist market economy, promote and protect fair competition, and limit and protect unfairness competition in China. The rights and interests of Chinese companies and consumers have been valid in China since 1993.

The main purpose of the law is to protect fair competition. Limiting fraudulent competition is a means to protect fair competition, while protecting the rights and interests of companies and consumers is a direct consequence of fair competition, and ensuring the healthy development of a socialist market economy is an indirect consequence of fair competition. The above mentioned. The Act contains two categories of unfair competition. One of them refers to such traditions as:

- Forgery of a registered trademark and other genuine trademarks;
- Using a unique name, packaging as an ornament of another famous product or company, or using a similar name, packaging or decoration. a famous product or company that confuses the product or company with a famous product.
- ¹⁰ To defraud purchasers for fraudulent purposes; accepting bribes for the sale or purchase of goods or sales related to a lottery;
- False or misleading advertising of the goods regarding its quality, ingredients, functions, uses, manufacturers, shelf life or origin;

¹⁰ <http://www.oecd.org/daf/competition/prosecutionandlawenforcement/2485968.pdf> last visit 6th march 2024

- A service company or other monopolistic entrepreneur prevents people from buying goods from selected operators, which prevents fair competition from other companies; and trade secret violation. The second category refers to the unfair competition practices of the government, government agencies that limit people to buy goods only from known operators, which prevents other entrepreneurs from fair competition mentioned in section 7 of the law. Neither the state nor state institutions can prevent goods from entering the local market or prevent local goods from leaving the market.

According to the law, the supervision and inspection departments above the county, namely the county government, supervise the practices of the first class. Industry and Commerce.

However, the improper actions of the government or its subordinate departments, if it has serious consequences, are subject to the inspection of the "inspection and inspection department" of those higher AIC units, and in serious circumstances, person-to-person.

the entity directly responsible for the entity is subject to administrative sanctions of the same or higher level, such as confiscation of illegal income and a fine, which is at least one, but not more than three times larger, considering the circumstances. of illegal income.

Before 1999, the implementation of the law drafted by the AICs was largely influenced by the interests arising from the direct administration of local governments. Therefore, although the AICs aimed to protect competition while implementing the law, they had to harmonize other objectives, such as local development, revenue growth of municipalities and employment. Aware of the frameworks, the Chinese central government reformed the,¹¹ AIC mechanism in 1999, subordinating provincial AICs to provincial governments and the State Administration for Industry and Commerce (SAIC) instead of local governments. The reform frees AIK from the control of local governments, therefore they cannot consider the protection of competition like the sole purpose of the law.

Since then, considerable improvement has been observed. However, as noted previously, unfair competitive practices by the government or government agencies are still subject to the supervision and control of their superiors. In practice, as stated in the report published by the

¹¹ <http://www.oecd.org/daf/competition/prosecutionandlawenforcement/2958714.pdf> last visit 10th march 2024
OECD, "Competition Law and Policy in South Africa"

OECD, the government or state institutions are rarely punished for their violations, because goals such as regional development, increasing urban income and employment \ are usually more important than the goal of solving them. Therefore, it is clear that unfair competition between the government and government agencies still prevails in China.

In short, the AIC appears to be a very effective independent agency to combat unfair business practices and enforce the PRC Anti-Unfair Competition Law because they are doing well. the ability to fairly enforce legislation solely to protect competition. However, municipalities themselves are not ideal for the implementation of the law due to the influence of other objectives.

South Africa

South Africa has a well-developed and regulated competition regime under the Competition Act 1998, which deals with restrictive business practices, abuse of dominance and mergers. However, market practices and consumer protection issues do not fall under the scope of the Competition Act 1998. According to the OECD Peer Review on Competition Law and Policy in South Africa, complaints about unfair competition in South Africa are private matters. settlement of disputes according to the rules of common law.

¹²Consumer protection is covered by specific laws related to some gambling, real estate, subdivisions, and other general matters, but state laws generally do not apply to misleading advertising or unfair marketing practices, in part because consumer protection is both the state government and the consumer. However, the Consumer (Unfair Trade Practices) Act 1988 prohibits or controls certain unfair trade practices and related matters.

Since the definition of unfair business practice in the aforementioned law is quite broad, it seems to include misleading advertising and other unfair marketing practices. In the Consumer Protection Law, a special consumer commission was established, which receives and decides on all reports, deals with and conducts an investigation either by itself or by another competent authority in the matter in question. inappropriate business practices. However, a careful reading of the Consumer Code reveals that the standard of analysis for such unfair business practices is "public interest."

The Consumer Protection Act gives the Minister a wide discretion and gives them the right to

¹² <http://www.oecd.org/daf/competition/45154362.pdf> last visit 15th march 2024
OECD, "Competition Law and Policy in Brazil: A Peer Review",

bring an order against the Consumer Agency only if they find, based on the Consumer Agency's investigation, that the company is unsuitable. The practice exists or may arise and they are not satisfied that such practice is justified in the public interest. In consumer matters, there are also special consumer courts that operate on a case-by-case basis.

Thus, it can be seen that although the Consumer Protection Commission is a specialized body that deals with the problem of unfair trade practices in Africa and broadly covers the majority of unfair trade practices, the Consumer Protection Commission must give more discretion to ministers to give 2008. 2010. 2011. In 2010, unfair trade practices appeared in 2010 Unfair trade practice and condemn unfair trade practices before generalization.

¹³A "public interest" analysis of improper business practices also appears to be positive. The law must also take into account the harm caused to the individual consumer and the intended harm.

Brazil

Brazilian Competition Law 12.529/2011 is the law that covers most anti-competitive practices in Brazil. It should be noted that Brazilian Competition Law 12.529/2011 does not cover unfair competition that harms individual competing companies. However, the same applies to Industrial Law 9279/1996 and Brazilian Consumer Protection Law 8078/1990. Law 9279/19/19 Industrial Law, which causes both criminal liability \ and private civil actions, and according to 195, the crime of unfair competition is defined as commercial disparagement, use of a false trademark, fraudulent business and advertising resulting. of confusion with the trademark, trademark. infringement, commercial bribery, misappropriation or disclosure of trade secrets and false patent claims.

State prosecutors can bring criminal charges under the Act, and victims of unfair competition can also rely on the Act to seek civil damages and injunctive relief. In addition, Brazilian Consumer Protection Law 8078/1990 (the Code) regulates \marketing practices such as misleading advertising, false advertising, guarantees, door-to-door sales, telephone sales and natural price increases, and consumer contracts in general. The three agencies created for the successful implementation of the Code are:

(1) a federal agency, the Department of Consumer Protection and Defense (DPDC), which is

¹³ <http://www.oecd.org/daf/competition/45154362.pdf> last visit 15th march 2024
OECD, "Competition Law and Policy in Brazil: A Peer Review",

part of the Economic Law Secretariat and is responsible for the overall coordination of the system and has various legal responsibilities;

(2) national and local consumer protection authorities (Pro cons), located in all 26 Brazilian states, federal districts (Brazil) and many municipalities, provide special services to consumers and participate in the consumer category. processing of advertisements; and

¹⁴(3) Non-Governmental Organizations (NGCOs), which include several national, state and regional organizations in Brazil that engage in consumer class action and also publish consumer magazines, carry out consumer education missions and other tasks. features (e.g. product comparison\testing). According to the rules, an individual consumer or a group of people who claim a joint claim can go to the court of consumer damages.

In the case of a class action, Pro cons or a prosecutor can also file a lawsuit, and NGCOs can also file a lawsuit on their own on behalf of a group of victims. In addition to accepting claims for damages, the law provides for criminal and civil enforcement actions. State prosecutors can file criminal charges in federal and local courts, which can result in fines and prison terms. Federal and local civil enforcement actions, which may result in injunctions and financial damages to consumers, may be prosecuted by attorneys, NGCO, and (depending on the court involved) either DPDC or Pro cons.

Therefore, it has been observed that, although unfair commercial practices are not directly covered by the Brazilian Anti-Monopoly Law, they are not a neglected area and are well covered by the Industrial Rights Law 9279/1996 and the Brazilian Consumer Protection Law. Defense Law 8078. /1990, which created a clear legislative and administrative framework to deal with such practices.

Russia

The Federal Law on Competition Protection of the Russian Federation of 2006 is the main law that regulates competition in Russia. Section 14 of the Act lists certain cases of unfair competition, which include, but are not limited to, the dissemination of false information that may injure or damage the commercial reputation of another company; \posting incorrect product comparisons; provide misleading or confusing information to the consumer about the

¹⁴ http://www.cc.gov.pk/index.php?option=com_content&view=article&id=49&Itemid=41#Q-2 last visit march 202

manufacturer, quality or other information about the goods; ¹⁵ misuse of trademarks or other intellectual property; and improper receipt or use of confidential or proprietary information. It also protects the use of intellectual property rights owned or registered by the infringer for fraudulent competition. The law is enforced by the **Federal Antitrust Service (FAS)**, a federal enforcement agency that oversees competition law and related areas. According to the law, in case of such a violation, the issue of early termination of the relevant rights can be raised in the relevant state body. So, it is clear that one Russian legislation deals with competition law and abuses.

Pakistan

The recently passed Competition Act, 2010 in Pakistan is a comprehensive piece of legislation aimed at promoting free competition in all aspects of business and economic activity. The main purpose of the Competition Act 2010 is to improve economic efficiency and protect consumers against anti-competitive behaviors. In short, the law prohibits situations that tend to reduce, distort or eliminate competition, such as abuse of market position, restrictive agreements and deceptive marketing practices. Although essentially an enabling law, it briefly sets out procedures for the review, investigation, imposition of sanctions, mitigation of fines and other enforcement aspects of mergers and acquisitions. **The Competition Commission of Pakistan (CCP)** is established. an apparently judicial, quasi-regulatory law enforcement agency with a special umbrella jurisdiction over the entire economy. Its mission is to ensure free competition in all fields of commercial and economic activity and to try to prevent or eliminate practices that harm competition, including unfair business practices, promote economic efficiency and protect the rights of citizens. Thus, as in Russia, one law covers competition law and abuse in Pakistan. Thus, summarizing the legal and institutional frameworks related to the use of commercial activities in the mentioned countries; it can be said that competition in India is still well developed. with South Africa, Israel and Brazil. System Protection against unfair commercial practices is regulated by the consumer laws of each country. In all four mentioned countries, however, the impact of unfair commercial practices on individual consumers is recognized, so the consumer has the right to initiate a civil action to protect his rights, in addition to the protection provided by consumer legislation. In India and South Africa, various sector-specific regulations also protect consumers. Israel also allows a person to apply for civilian protection. Likewise in Brazil and the Brazilian Consumer Protection Law 8078/1990; The Law on Industrial Rights 9279/1996 also helps victims

¹⁵ http://www.cc.gov.pk/index.php?option=com_content&view=article&id=60&Itemid=104
http://www.cc.gov.pk/index.php?option=com_content&view=article&id=49&Itemid=41#Q-2

of human trafficking. The United States, like Russia and Pakistan, has a single piece of legislation to combat unfair trade practices. In addition, as stated above, the concept of transparent business and the need to treat it separately and pay attention to it is awakening in several American states.

1.3 EFFECT OF UTP

¹⁶1.3.1 The Economic Impact of Unfair Trade Practices

Unfair trade practices have deep and far-reaching effects on the economy and are a huge threat to its stability, growth and fair distribution of resources. From predatory pricing to intellectual property violations, these deceptive tactics distort market dynamics, stifle competition, and undermine the principles of fairness and transparency. This is a market distortion phenomenon. Predatory pricing occurs, for example, when dominant firms deliberately set prices below production costs in order to drive smaller competitors out of business. This not only stifles innovation and entrepreneurship, but also leads to market monopolization, which deprives consumers of choice and makes it difficult to allocate resources efficiently. In addition, unfair trade practices such as dumping, where foreign firms flood the market with subsidized goods, disrupt domestic industry, causing job losses, reduced investment, and economic displacement. The consequences of UTPs spill over into many sectors and make the situation worse income inequality and hinders inclusive economic development. Small and medium-sized enterprises (SMEs), the backbone of many economies, suffer from such practices. Violations of intellectual property rights, such as patent infringement and counterfeiting, undermine the competitive advantage of innovative SMEs and their ability to succeed in a globalized market. This not only stifles economic diversification, but also perpetuates dependence on low-value assets, which hinders long-term growth prospects. In addition, unfair business practices undermine confidence in market integrity and discourage investment and innovation. When companies use deceptive tactics to gain a competitive advantage, it undermines the functioning of free and fair markets, distorts price signals, and complicates the allocation of resources. This creates an environment of uncertainty and instability that prevents both domestic and foreign investors from effectively allocating capital, which hinders productivity and economic resilience. Addressing the economic impact of UTPs requires a multifaceted approach that includes regulatory, ¹⁷ reforms and enforcement mechanisms and international cooperation.

¹⁶ “Unfair Competition”, source: <http://legal-dictionary.thefreedictionary.com/Unfair+trade+practice> last visit on 7th march 2024

¹⁷ Unfair Competition”, source: <http://legal-dictionary.thefreedictionary.com/Unfair+trade+practice> last visit on 7th march 2024

1.3.2 Impact of Unfair Trade Practices on Small Industries

Unfair trade practices are a huge hindrance to the growth and viability of small-scale industries and cast a long shadow over their prospects for success and sustainability. From predatory pricing to intellectual property violations, these fraudulent practices burden small businesses, weaken their competitiveness, stifle innovation and hinder their ability to succeed in the marketplace. Risk pricing is one of the most insidious forms of unfair business practices. practices where larger firms deliberately lower prices to levels that smaller competitors cannot afford. Such predatory behavior distorts market dynamics, leading to an uneven playing field where small industries battle it out against their better-funded counterparts. As a result, many small businesses are forced to compromise on quality or go out of business, leading to long-term competition and reduced consumer choice. In addition, unfair trade practices such as dumping exacerbate the problems of small-scale industries due to flooding. foreign competitors with cheap subsidized products. While consumers may initially benefit from lower prices, the long-term consequences for domestic producers are dire. Small industries that cannot compete with artificially low prices are at a distinct disadvantage, leading to layoffs, factory closures and economic hardship in local communities. Violations of intellectual property rights further aggravate the difficulties of small-scale industries and deprive them of their fruits innovation and creativity. Whether it's patent infringement or product counterfeiting, these illegal practices undermine the competitive advantage of small businesses by reducing their ability to capture market share and generate revenue. Without adequate protection of their intellectual property rights, small industries are vulnerable to exploitation by unscrupulous competitors, which reduces innovation and investment in research and development.

The impact of UTPs on small businesses goes beyond financial considerations and affects the structure of businesses society and the well-being of communities. Policymakers must prioritize the development of a strong legal framework and enforcement mechanisms to effectively prevent and punish unhealthy practices. In addition, it is important to promote a culture of compliance and ethical business practices to restore confidence in the integrity of the market.

¹⁸1.3.3 Impact on Consumers

Unfair trade practices have significant adverse effects on consumers, manifesting in various ways that ultimately undermine consumer welfare and economic efficiency. One of the most tangible

¹⁸ Unfair Competition”, source: <http://legal-dictionary.thefreedictionary.com/Unfair+trade+practice> last visit on 7th march 2024

impacts is the escalation of prices, which can occur through several mechanisms.

Firstly, **Collusion and Price-Fixing** among competing firms lead to artificially inflated prices. By conspiring to set prices at an unnaturally high level, these companies eliminate price competition, forcing consumers to pay more for goods and services.

Secondly, **Monopolistic Behavior** resulting from unfair trade practices stifles competition, enabling dominant firms to dictate prices without restraint. In the absence of viable alternatives, consumers have no choice but to accept the higher prices set by the monopolist, further exacerbating the financial burden on consumers.

Additionally, **Restrictive Distribution Practices**, such as agreements between manufacturers and retailers to fix resale prices or limit distribution channels, curtail consumers' ability to access lower-priced options. This lack of flexibility in purchasing options further contributes to elevated consumer costs.

Moreover, **Predatory Pricing** strategies employed by dominant firms entail temporarily lowering prices to drive competitors out of the market. Once competitors are eliminated, the predatory firm can raise prices with impunity, exploiting consumers who now face limited choices and higher costs.

Unfair Government Subsidies or Protectionist measures also have detrimental effects on consumers. By shielding inefficient producers from competition or imposing tariffs on imported goods, these policies distort market dynamics, resulting in higher prices for consumers who are left with fewer affordable alternatives.

Overall, unfair trade practices erode consumer welfare by distorting market competition and fostering an environment where prices are artificially inflated, choices are limited, and economic efficiency is compromised. Addressing these practices requires robust regulatory frameworks, enforcement mechanisms, and international cooperation to safeguard consumer interests and promote fair and competitive markets.

1.4 CONCLUSION

In conclusion, it can be said that, as mentioned above, there is no uniform definition of unfair trade in the world, and several countries have defined it based on the nature of the market in a particular country. However, all the different definitions seem to emphasize unfair trade as deceptive, misleading and illegal trade practices undertaken to promote sales or to offer a particular good or provide a particular service. However, not every export to a company's customer base needs an inappropriate business method. Because such customers can also be taken due to fair and proper competition, a situation where a competitor takes away a large part of the competitor's customer base by offering a product or a better service. However, there are also other businesses. techniques designed to limit a competitor's customers and thereby reduce goodwill, and which are considered unfair and inappropriate and therefore prohibited by law. In addition, the market and economic effects of the unfair business practices mentioned in point 4 lead to a situation where public awareness understanding is low, consumers are deceived, small businesses are treated unfairly and the general well-being of businesses is at risk. society degenerates because economic profits are concentrated in a few.

In this regard, it is important to note that consumer policy is based on competition. Prices are known to fall with competition, but rise without competition. In addition to the improvement in prices, the benefits can also be better services and options for consumers, an increase in the information needed to make consumer decisions and the opening of new markets for competitive companies. Therefore, competition is considered a necessary factor for consumer welfare. CUTS International General Secretary Pradeep S Mehta reiterated the importance of effective enforcement of competition and consumer protection laws to combat unfair trade practices. As more research and information is disseminated in this area, it is time to establish effective legal institutions to combat inappropriate business practices and raise awareness among local stakeholders.

CHAPTER -2 Unfair Trade Practice in India

¹⁹2.1 Reforms in India & Prevalence of UTP

The unprecedented growth of the Indian economy, the increasing interdependence of the global economy and the widespread adoption of new communication and information technologies have led to significant economic and social changes that have changed the way markets serve consumers. They also contributed to the development of general attention to the protection and promotion of consumers. Consumers around the world demand value for their money in the form of quality products and better services.

At the same time, with globalization and such technical innovations, the problems faced by consumers have also diversified, consumers are exploited by various unethical and unfair practices, such as defective goods, insufficient services, questionable rental prices. shopping schemes, high product prices, fake medicines, food adulteration, poor quality, defects, misleading advertising, dangerous products, black marketing. Clever marketers, with flashy salespeople and flashy, misleading advertising for their products, trick consumers into paying for something they have no intention of buying.

In the era of the open market, the buyer and seller met face to face, the seller presented his goods, the buyer examined them thoroughly and then bought. The buyer was expected to exercise all care and skill in conducting the transaction. However, with the increasing globalization of business, the "beware" principle, which meant "buyer beware", is no longer effective in guiding seller-buyer relationships.

Now it is almost impossible for the buyer to research and get complete information. advance payment of goods and services and complicates the situation; most transactions are done by letter. In addition, due to the complex structure of modern goods and services, only the manufacturer or seller can guarantee the quality of the goods and, ²⁰ services sold to the buyer.

In addition, due to the revolutionary era of information technology and the emergence of electronic commerce, consumers mostly lose complete information and have to rely on what is

¹⁹ Singh S.S. and Sapna Chadah, "Consumer Protection in India - Some Reflections", IIPA,

www.niti.gov.in

²⁰[https:// byjus.com](https://byjus.com)

www.researchgate.net

offered on the web.

Technological changes make international transactions cheaper, faster and easier even for people with low revenues communities. Emails, phones, text messages and websites can facilitate conversation anywhere in the world, say around the corner, even in countries with economies in transition like India.

The IT revolution has also brought new types of challenges to consumers such as cybercrimes, intellectual property violations, etc. which affect consumers even more widely. "Consumer is sovereign" and "customer is king" seems like friendship in the current situation, especially in developing societies. Sometimes the fact that a developed economy makes an attractive offer makes the offer more reliable and attractive. As a result, the Indian buyer is cheated in the market every day and the incidence of fraud is increasing day by day.

2.2 Lack of Consumer Awareness

In a rapidly evolving consumer landscape, where markets are flooded with a plethora of products and services, ensuring fair trade practices is imperative for safeguarding consumer rights. However, in India, the issue of unfair trade practices persists, primarily due to the lack of consumer awareness. This article delves into the various dimensions of this problem, its implications, and potential solutions.

Introduction:

Consumer awareness is the cornerstone of a healthy market economy. It empowers consumers to make informed choices, promotes fair competition among businesses, and fosters trust in the marketplace. However, despite the existence of regulatory frameworks such as the Consumer Protection Act, 2019, and the Competition Act, 2002, unfair trade practices continue to prevail in India, largely unnoticed by consumer²¹

Understanding Unfair Trade Practices:

Unfair trade practices encompass a wide array of deceptive, fraudulent, or exploitative activities employed by businesses to gain an unfair advantage over consumers or competitors. These

²¹ <https://www.toppr.com/guides/business-studies/consumer-protection/consumer-rights-responsibilities/>
http://www.cuts-international.org/HRC/pdf/Vietnam_Toolkit.pdf last visit 16th February 2024
http://www.circ.in/pdf/CPS-06-Unfair_Trade_Practices.pdf last visit 16th February 2024

practices may include false advertising, misleading product claims, price manipulation, deceptive packaging, and non-disclosure of vital information. Such practices not only harm consumers but also undermine the integrity of the market.

Challenges Faced by Consumers:

One of the primary challenges faced by consumers in India is the lack of awareness regarding their rights and avenues for redressal. Many consumers are unaware of the provisions laid out in consumer protection laws or how to seek recourse in case of exploitation. Additionally, the sheer diversity and complexity of the market further exacerbate the problem, making it difficult for consumers to discern between genuine and deceptive practices.

Implications of Unfair Trade Practices:

The repercussions of unfair trade practices are manifold. Consumers may end up purchasing substandard or harmful products, leading to financial losses or health hazards. Moreover, unfair practices stifle competition, thereby limiting choices for consumers and hindering the growth of small and medium-sized enterprises. Furthermore, they erode trust in the market, hampering economic progress and development.

Role of Regulatory Authorities:

While regulatory bodies such as the Competition Commission of India (CCI) and the Consumer Protection Authority (CPA) are tasked with monitoring and regulating trade practices, their effectiveness is often hampered by resource constraints and bureaucratic hurdles. Moreover, enforcement mechanisms are often slow and cumbersome, making it challenging to deter violators effectively.

Empowering Consumers through Education:

To address the root cause of the problem, concerted efforts must be made to enhance consumer awareness and education. This can be achieved through widespread dissemination of information about consumer rights, responsibilities, and avenues for redressal.

²² Educational campaigns, workshops, and outreach programs can play a pivotal role in

²² http://www.cuts-international.org/HRC/pdf/Vietnam_Toolkit.pdf last visit 16th February 2024

http://www.circ.in/pdf/CPS-06-Unfair_Trade_Practices.pdf last visit 16th February 2024

<http://www.oecd.org/daf/competition/abuseofdominanceandmonopolisation/46138891.pdf> last visit 22nd march 2024

empowering consumers to make informed choices and hold businesses accountable for their actions.

Strengthening Legal Frameworks:

Additionally, there is a need to strengthen existing legal frameworks to provide better protection to consumers. This may involve stricter enforcement of laws, imposing stringent penalties on violators, and streamlining the redressal process to ensure timely justice for aggrieved consumers. Moreover, proactive measures such as mandatory labeling requirements and product standards can help mitigate the prevalence of unfair trade practices.

Promoting Ethical Business Practices:

Beyond regulatory interventions, fostering a culture of ethical business conduct is essential for preventing unfair trade practices. Businesses should prioritize transparency, honesty, and integrity in their dealings with consumers, thereby building trust and credibility in the marketplace. Moreover, industry associations and chambers of commerce can play a pivotal role in promoting self-regulation and ethical standards among their members.

2.3 Unfair Trade Practice in Various Sectors

Clearly, abuses are as diverse as the number of products and services on the market. Unfair business practices have been observed in the pharmaceutical industry, food industry, finance, education, etc. Unfair business practices are carried out through packaging and labeling, misleading advertising, trusted or influential individuals such as celebrities' experts, experiences about satisfied consumers etc. Below is an analysis of specific abuses in specific sectors in India.

2.3.1 Food Processing Industry

Global food safety issues and unfair trade practices related to food quality and quantity. Almost everyone has come across cases where chemicals such as additives and disintegrants have been deliberately added to hide, contaminate and/or extract excess profits from quality products or²³ contaminate food during production, processing, packaging and storage. Such unethical and unfair business practices are very serious in nature as they pose a serious threat to the health of known consumers.

²³ <http://www.guardian.co.uk/business/2012/aug/21/novartis-court-battle-glivec-patent> last visit 23rd march 2024
[Ohttp://www.oecd.org/daf/competition/abuseofdominanceandmonopolisation/46138891.pdf](http://www.oecd.org/daf/competition/abuseofdominanceandmonopolisation/46138891.pdf),

Unauthorized food coloring is used to create visual effects. There have also been several cases of adulteration of various foods by adding harmful substances such as toxic chemicals and copper to milk, alcohol, butter, rice, etc. to increase the quantity of food and increase the profit of the seller \which caused a huge. consequences in recent times. health problems risks In May, the

Food and Drugs

Administration (FDA) seized 500 kilograms of mangoes worth Rs. 25,000 in which a chemical called calcium carbide was used in a robbery at a mango shop in Pune. Artificial aging with carbide is prohibited under the Food Adulteration Act. Chemical, when consumed in large quantities, medical procedures. NIV sent a legal notice after receiving a response from HUL.

Another example of such violations in the food industry was seen when the Consumer Guidance Society of Vijayawada, Andhra Pradesh, filed a suit in the District Forum against Amway India Enterprises (Consumer Guidance Society v. Amway India Enterprises, C.C. 1402007, decided on 16 of October 2007.) that offered a variety of consumer products including food additives or sold at exorbitant prices through online marketing. Some of the products marketed by Amway India were found to be of the wrong type and some were fake. For example, the cans of Nutri-lite Protein contained less fat than stated on the label and were therefore the wrong type.

Amway Madrid Safed Muesli (apple) also contained Class II preservatives which were not declared on the label; Kohinoor Ginger ale paste did not meet the requirements for class II preservatives. Based on the findings, it was concluded that Amway India adopted inappropriate business practices in publishing and selling its products.

²⁴The regional forum directed Amway India to remove the fake and misbranded products from the market and not to engage in such unfair business practices in future. In addition, we have been instructed to issue a corrective notice for defective and incorrect products. Exemplary damages of Rs. 1,00,000 was deposited in the Consumer Protection Fund and Rs. 2000 Consumer Education Network.

The above case studies are just examples of how manufacturers, sellers and service providers use inappropriate practices to serve their own selfish motives and put thousands of people at risk.

²⁴ http://articles.economicstimes.indiatimes.com/2012-09-09/news/33713590_1_spurious-drugs-cosmetics-and-medical-devices-fake-drugs last visit 28th march 2024

False claims, using the wrong brand, food adulteration etc. are unheard of for everyday customers, damage internal organs. FDA officials destroyed the mangoes in a landfill, while chemical samples were sent to the city's public health laboratory for further testing 2011.

In 2010, water purifier Pure it (a brand of Hindustan Unilever) made false claims. that it could "destroy a million viruses in a liter of water", and news that the National Institute of Virology (NIV) had confirmed these claims encouraged the Pune-based NIV to issue a legal notice to HUL (Hindustan Unilever Limited). baseless claims.

In a letter dated 02.06.2011 to HUL (Hindustan Unilever Limited), NIV (National Institute of Virology) director AC Mishra explained the details of the tests conducted by the institute and told the company that its advertisements were not based on facts and asked the company to stop providing and supplying false information. wrong information NIV has also threatened to take legal action against the company if it does not act immediately.

Legal Framework

The most important sector-specific legislation in this area is the Food Safety and Standards Act 2006 (FSSA). The Law on Consolidation and Repeal of Laws and Regulations, which has so far dealt with food in various ministries and departments, does not attempt to consolidate food laws or limit food adulteration by imposing harsher penalties for food violations. The FSSA came into force on 4 August 2011. The FSSA aims to ensure the availability of safe and wholesome food for human consumption and adherence to food safety standards, as well as to regulate advertising and unfair trade practices in the food industry.

Under the new FSSA rules, restaurants that violate FSSA rules will be penalized and fined. FSSA's proposals apply to all types of food businesses, from roadside eateries to five-star hotels. The Food Safety and Standards Authority of India (FSSAI) was created under the FSSA to formulate scientific standards for food and regulate its production, storage and distribution, sales and imports to ensure product quality. safe and healthy food for human consumption.

FSSAI receives complaints from consumers about the food industry. In addition, food safety commissions were established in each state. Such food safety commissions meet monthly and discuss each state's progress to learn best practices and decide how to move forward. A member of FSSAI informed CUTS that FSSAI plans to issue new guidelines to deal with misleading

advertisements soon. These guidelines define what content can be published/submitted in an ad and what is prohibited. Such guidelines bring more clarity to the field of misleading advertising. Although initially there will be difficulties in the implementation of the law, which can be expected during the \classification period of the new legislation, it will only come into force with time. can say whether a law that unifies all other important laws in the field was a wise decision or not.²⁵

2.3.2 Pharmaceutical Sector

Competition among generic drugs is a desirable goal because it usually results in significant savings for consumers. But these must be balanced with the incentives brand manufacturers have to invest in developing innovative new products. However, it is often argued that these markets often lack the necessary competition. For example, fewer new drugs are introduced to the market and entry into the mainstream market is sometimes restricted by anti-competitive practices.

One example of the battle between generic and brand name drugs is that of the Swiss pharmaceutical company Novartis. Novartis is seeking an Indian patent for its leukaemia drug imatinib mesylate, which is patented under the name Gleevec in nearly 40 countries, including China, Russia, Mexico, Taiwan, Germany and the United Kingdom, and Gleevec in the United States. But critics of Novartis' move say it could ultimately undermine \generic drug production that has given India a reputation as a maker of affordable drugs and could lead to the deaths of thousands of people who can no longer afford them.

It is a well-documented fact that drug companies spend huge amounts of money on drug advertising. They use a variety of tools and methods to promote drugs, such as sales representatives, samples, broadcast and print ads, and sponsorships. Drug promotion can also be strongly linked to inappropriate business practices.

An analysis of India's Drug Promotion Matrix shows that there are several unfair trade practices in the drug industry. It has been widely observed by the pharmaceutical industry that in prescription cases, where the doctor is the decision maker from the perspective of the end user,

²⁵ <http://www.guardian.co.uk/business/2012/aug/21/novartis-court-battle-glivec-patent> last visit 26th march 2024
<http://www.oecd.org/daf/competition/abuseofdominanceandmonopolisation/46138891.pdf> last visit 28th march 2024

“Competition Law and Indian Pharmaceutical Industry”

Ibid

the patient, the pharmaceutical industry has a strong influence on the prescribing habits of doctors. There is an important difference between advertising and information.

A physician representative can exert precompetitive influence by providing information to physicians about new drugs, including their benefits and effectiveness. A company's marketing strategies, such as giving away a cell phone, a car or even a sponsored nursing home to doctors, can reduce the demand side and thus increase prices for consumers.

Many cases of unfair trade are seen in the country almost every day. The manufacturing and production department of the Indian Institute of Therapy (Ayur Care), a Thrissur-based manufacturer of Ayur Kizhi (external heat therapy kit), has been accused of violating the Drugs and Cosmetics Act, 1940. For selling an Ayur Kizhi product, a trademarked product without a license. Ayurvedic Drug Control Department of Kerala issued separate licenses for "Ayur Kizhi Oil" and "Ayur Kizhi Powder" but license was not issued for only one product "Ayur Kizhi Kit". A case of violation of the Narcotic and Magical Medicines (Responsible Advertising) Act was also registered when the company widely advertised its cricket products. Similarly, Pooja Roy v. Krishnan Ngo Bhattacharya, licensed drug dealer of M/s Kasko India in altering original, manufacturer's labels and affixing newly printed expiry extension stickers and selling spurious drugs. Several such cases are often seen in the newspapers, where it is claimed that a certain drug accelerates weight loss or helps bald people grow hair and boost self-confidence.

Advertisements are usually very persuasive and manufacturers use people's emotions to sell their products, making people more aware and negative about themselves so that they consider taking the drug. A similar incident was seen in 2003 when the Ahmedabad Society for Consumer Education and Research ordered the Gujarat regulator Conybio Health Care to sell and advertise certain health devices that violate medicine and magic (harmful). Advertisements) Law.

The company was found to advertise and market umbrellas for migraines and strokes, socks for acidity, pillows to treat spondylitis, hand guards for Parkinson's disease, eye protection for sinus infections, T-shirts for high and low blood pressure, nursing pants. gas, acidity, prostate, piles, urinary problems, women's underwear for menstrual problems, sheets for bloating and bras for breast cancer.

When the regulator asked the company to provide scientific evidence to support the infrared

effects of the products, the company said it had never conducted such studies at a recognized institute in India. The regulatory body later banned the sale and distribution of the products.

Legal Framework

Some of the important laws and regulations that deal with such offenses in medicine are: Medicines and Magical Remedies (Advertising) Act 1954: This prohibits the advertising of products and services that claim to cure certain diseases.

The law prohibits advertisements that promise magical cures for any illness or disease, and the rules specify the illnesses and diseases that may not be advertised. However, the legal protection of the state power seems weak, that is why there are many advertisements in the print media. In addition, the law covers advertisements in various media related to tested health products, such as belly trimmers and height devices.

This law also does not regulate the provision of corrective advertising. Medicines and Cosmetics Act, 1940: The Act regulates the import, manufacture, distribution and sale of medicines and cosmetics in the country. The manufacture and sale of fake or misleading or substandard drugs are subject to very severe penalties, which are likely to result in the death of the user or the filing of complaints.

Whistleblower Policy: In July 2009, Union Health Minister Ghulam Nabi Azad announced India's ambitious Whistleblower Policy, which will generously reward those who help catch fake, counterfeit and adulterated drugs, cosmetics and medical devices. So far, however, no rewards have been offered without reliable information showing the location where members of the public offered to manufacture or supply counterfeit drugs to the government. Unfortunately, despite several laws in place to protect consumers from such injustices. business practices; False and misleading advertisements continue to exploit consumer vulnerability mainly due to:

a) their poor execution; and

b) loopholes in some laws. In fact, such advertisements now have a wider canvas. While in the past such advertisements were seen only in print media, nowadays they also appear on television and influence more and more people and even illiterate consumers.

One example of the pharmaceutical industry's dishonest business practices are "evergreen" patents. Evergreening refers to the practice of drug companies to extend the exclusivity period of their patents by making minor changes to existing drugs. These changes can be as minor as

changing the dosage form, dosage or route of administration. By obtaining new patents for these modified drug versions, drug manufacturers can effectively fend off generic competition and maintain their monopoly on the market.

This allows them to continue charging exorbitant prices for their products even after the original patent has expired. Such practices not only prevent access to affordable medicines, but also stifle innovation and competition in the pharmaceutical industry. They significantly hinder the availability of generic alternatives, which is crucial for improving access to essential medicines, especially in developing countries.

Furthermore, evergreen patents undermine the principles of fair competition and consumer welfare. They increase healthcare costs and burden patients as much as healthcare systems. They also perpetuate disparities in access to health care, especially among marginalized and poor populations who may struggle to afford expensive brand-name drugs.

Although some regulators have taken steps to curb evergreen practices, such as creating and promoting stricter policies. Criteria for patentability. Breeding competition requires more concerted action to address this systemic problem. This includes greater transparency of the patent process, enhanced monitoring of patent applications and initiatives to accelerate the market entry of generic alternatives. Fighting illegal drug trade, like evergreen patents, ultimately requires a combination of regulatory measures.

Industrial reforms and public awareness initiatives. By promoting fair competition and access to affordable medicines, policymakers can protect the interests of consumers and preserve the integrity of the health care system.

2.3.3 Securities Market

The Indian stock market is considered one of the most promising emerging markets and is among the top 10 markets in the world. The Mumbai Stock Exchange was established in 1875 as the "Native Share and Stock Brokers Association" (a voluntary non-profit association) and has evolved over the years into its current position as the country's leading stock exchange.

There are currently 24 stock exchanges operating in India. These exchanges offer the opportunity to trade in securities. Securities markets provide a common platform for transferring funds from

individuals who have excess funds to those who need them and are regulated by the Securities and Exchange Board of India (SEBI). The main components of the securities market are:

- i. Securities - stocks, bonds, debentures, futures, options, mutual funds;
- ii. Brokers, sub-brokers, account managers, stock transfer agents, merchant bankers;
- iii. Issuers of securities - companies, corporations, governments, financial institutions, investment funds, banks;
- iv. Investors/individuals, companies, investment funds, financial institutions, foreign institutional investors; and Market regulators - SEBI, RBI (to some extent), Department of Corporate Affairs.

It is pertinent to note that stocks, bonds and other securities are not guaranteed by the national government and may lose their value due to abuse by market participants and other investors.

Regulations are crucial in the securities market because the lack of conditions of perfect competition and information asymmetry allow some parties to take advantage of regulatory loopholes to unfairly exploit investors. Abuses such as price manipulation and fraud not only cause serious financial loss to investors, but also prevent the proper functioning of the securities market and the efficient allocation of the investable resources of the economy. Corporate fraud, price manipulation and insider trading are major concerns of the securities investment community and are discussed below.

Spin-off firms In India in the mid-1990s, many new firms used the capital market and raised funds from the public by issuing shares/debentures/fixed deposits and exploiting capital market regulatory loopholes, insolvency, often without a trace. In terms of enforcement, SEBI has been very lax in defining fraudulent (non-existent) firms (reducing the number of such fraudulent firms to barely over 200) and has been unable to trace those involved. In 30 percent of these companies even 8-10 years after the crimes.

Those caught and convicted were punished only with a mild punishment (for example, a ban of a few months or five years). Losing companies to compensate investors, is still under review by the Central Committee Insider Trading Illegal insider trading based on non-public price-sensitive information and using confidential information to make a profit or avoid losses at the expense of other investors is a major concern in the Indian securities market. And even after the ban. Just 12 years ago, the practice is still thriving.

False, misleading or incomplete information in the case of insurance contracts, many security documents are also very complex documents that contain legal jargon, complex terms, specific additions and exclusions, making it difficult for the layman to access and understand even if you have gone through it. All information Such contracts also prevent unfair terms. Also, companies do not provide correct and complete information about the security during the sale (e.g. public offer or initial public offer, etc.) and do not engage in misleading sales by providing false information to the consumer. about the associated risks.

Even if information is given, it is in such small and complicated language that it is very easy to forget or very difficult to find and understand in practice. Therefore, even if you enter the security market after careful consideration and understanding, you will not notice something or the other or make an informed decision and fall prey to these inappropriate business practices.

Similarly, most equity documents are required to list risks. factors clearly, but it is often seen that such risk factors, even if they are mentioned, are not mentioned in the part of the document where they are complex find out if it is so small that it is difficult to read. Also, radio or television audio-visual advertisements may not understand the risk inherent in mutual funds or other equity instruments. In most cases, the risk associated with the product is "closed".

Therefore, the long-term benefits of investing in these funds are passed on to the investor. SEBI recently banned seven companies, including three individuals, from the securities market for unfair share trading. Temptation Foods, Bang Overseas, Cals Refinery and two other companies.

According to SEBI, these entities engaged in ring trading and limited "buying, selling and trading" of Temptation Foods, Bang Overseas, Confidence Petroleum India, Cals Refineries and Shree Precoated Steels (now Ajmera Realty and Infra India). in securities and enter the securities market for four years \from the date of the interim order on June 4, 2009".

Legal Framework

The main purpose of securities laws in most all countries is to promote fair and full disclosure of all relevant information related to markets and certain securities transactions, including all aspects of market trading and financing and public reporting by companies, to ensure a level playing field. investors. The securities market in India is regulated by the following boards:

- SEBI Act 1992;
- Department of Corporate Affairs;

- Reserve Bank of India; and
- Stock Exchanges Some of the most important securities market regulations are: The SEBI Act of 1992 establishes SEBI to protect investors and to develop and regulate these securities markets. SEBI exercises all the powers under this Act.
- The Companies Act 1956 & Companies Act 2013 provides the business world with operational guidelines for the issue, distribution and transfer of securities in matters related to the disclosure and non-payment of dividends. SEBI exercises powers under this Act in respect of listed companies and companies intending to list their securities.
- The Securities Contracts Regulation Act, 1956 (Rule) regulates securities transactions through stock exchange regulation. Most of the powers granted by this law are exercised by the Department of Economics, some of which are also exercised by the Department of Economics. and SEBI. The SEBI (Prohibition of Fraud and Unfair Trading in Securities Markets) Regulation 2003 empowers SEBI to investigate cases of market manipulation and fraudulent and unfair trading practices.

According to the regulation, taking an action that gives a false or misleading impression about the functioning of the securities market is inappropriate business conduct. The rules expressly prohibit fraudulent transactions, market manipulation, inducement to provide false information to sell or buy securities, improper trading of securities. SEBI can investigate the activity either directly or on the basis of the information received. and the conduct of all persons who buy, sell and otherwise deal in securities. SEBI may, on notice from the Investigator, take action to suspend or cancel the registration of the intermediary. **The SEBI (Mutual Fund) Regulations, 1996** govern mutual funds in the securities market. Under the rules, mutual fund managers must include a reference. making disclaimer to these risk factors, e.g. "Investment funds are subject to market risk. Please read the offer documents relating to the scheme carefully." In relation to audiovisual advertising, the new regulation again emphasizes the need to be audible and understandable for listeners or listeners.

The Depository Act 1996 regulates electronic holding and transfer of ownership of dematerialized securities, SEBI administers the rules and regulations under this Act. 1992 The Insider Trading Rules, 1992, seeks to prevent the pursuit of illegal profits in the trading of stocks using confidential information. SEBI also has the authority to compel a person who has acquired securities in violation of these rules to return the securities to the seller or transfer the proceeds of the purchase to the mutual fund of the stock exchange. The Indonesian government established

the Financial Sector Legislative Reforms Commission (FSLRC) in 2011 to review the country's financial sector regulations (including legislative review). Its report is awaited.

2.3.4 Financial Services Sector

Insurance

Consumers get insurance by buying insurance themselves or by being part of an insurance policy bought by the government or their employers, or by being part of another group of insureds. Insurance is an important subsector of financial services serving private individuals, and the number of insurance customers is constantly growing. Insurance is an intangible product and the only document the defendant receives is the paper of the premium paid and he does not get the immediate benefit of the premium paid. As the number of consumers increases, unfair trade in this insurance promises that the defendant will later receive a certain amount of compensation or compensation in the event of a loss. No service means either delay or failure to fulfill a promise. Thus, it can be seen that insurance is highly dependent on public trust in fulfilling promises. Companies often attract consumers with attractive offers, but then try to renege on their commitments. But mostly some insurers and agencies lack transparency, which is a big problem in the market. The lack of transparency creates greater disadvantages when transactions are infrequent, entry or exit costs are low, and the consumer's payment period is long-term. Insurance policies are complex documents with a lot of legal jargon, complicated terms, specific inclusions and exclusions.

It is difficult for a layman to grasp and understand even when all relevant information is conveyed to the decision maker. In most cases, insurance contracts also contain unreasonable terms that strongly change the contract in favor of the company. Not only an abstract legal theory of an agreement reached through discussion and negotiation and given by chance, but they are also examples of big business dictating legislation in a semi-authoritarian manner. will such large commercial enterprises receive expert help and mark in printed form the terms most favorable to them. They contain many broad exemptions and exemptions that benefit large companies.

Useful terms are often found in the fine print that people never read because coming up with terms is labor intensive and productive. Because of all this, even after careful consideration and understanding, a person cannot buy a policy without a basic decision and fall victim to such unfair business practices. Also, companies do not provide correct and complete information about sales practices or misleading sales, giving false information to consumers about political risks, growth

factors, insurance validity, etc. Lack of insurance contracts is a very common phenomenon and must be stopped urgently.

The Chandigarh-based consumer protection office said mis-selling policies and delays in processing claims topped the list of 2,341 complaints. Insurance agent Chandigarh customers as it has more than 2000 pending complaints on life and non-life insurance products. Recently, on October 18, 2012, the Chandigarh Insurance Ombudsman ordered private insurer HDFC Standard Life Insurance to pay five lakh rupees with interest to an NRI complainant after finding the company responsible for the mis-selling of liability insurance. The complainant, Satnam Singh Randhawa, who works as a driver in the US, was in 2006. bought a lump sum life insurance policy from HDFC Standard Life Insurance in 2018, according to the agent.

The company later reported that it was Rs. 5 million is paid annually. When Randhawa contacted HDFC Standard Life Insurance, he was told that only Rs 2.70 lakh was due, which he found unacceptable. The complainant also accused the company of not providing an insurance guarantee despite several reminders. The insurance agent found that the case was pure mis-selling of an insurance policy.

Legal Framework

The legal framework for the insurance industry in India includes:

Insurance Act, 1938 and relevant rules and regulations: Section 45 of the Insurance Act provides that after two years from the date of the policy, the insurer can cancel the policy on the spot. that a material fact contained in the proposal or document is inaccurate or incorrect. After two years, the insurer can waive all three conditions specified in clause 45.

Insurance Regulatory and Development Authority Act, 1999 (IRDA Act) and relevant rules and regulations: The IRDA Act establishes IRDA as a statutory regulatory body to regulate and promote insurance industry in India and protects the interests of the policyholders.

IRDA (Insurance Advertisements and Disclosure) Regulations, 2000: Rules governing advertisements which lay down strict guidelines not only for the content of advertisements published by insurers and their agents, but also for their compliance. In addition to all advertisements conforming to the code drawn up by ASCI, the rules say that advertisements relating to insurance must not be in any way \dishonest or misleading. If the notice does not

comply with these regulations, the institution may issue a corrective notice; it can direct the suspension of advertising or such other action that the authority deems necessary in the circumstances of the case to ensure the public interest.

IRDA (Protection of Policy holder Interest) Regulations, 2002: These regulations make it mandatory for insurers to establish effective compensation mechanisms. The rules define the various service parameters of the insurance company's operations, including lead time before sale, sale and lead time after compensation. **Insurance Ombudsman:** It is an institution established by the Central Government under the Public Grievance Redressal Rules, 1998 and constituted by the Government of India under Section 114(1) of the Insurance Act 1938.

The purpose of the Rules is to redress the insurer's grievances related to dispute resolution, delays, litigation etc. with insurance companies in a cost-effective, efficient and impartial manner. These rules apply to all insurance companies, regardless of whether they operate in general life insurance or life insurance; whether in the public or private sector. A trustee appointed under Rule 6 must operate in a specified geographical area (Rule 10). The ombudsman's decision is not appealable, but the complainant can exercise his right to present a normal claim against the insurance company. In addition, the fact that the insurance agent rejects the complaint does not limit the right of the complainant to seek compensation from the insurer according to the usual court procedure.

2.3.5 Education Sector

The right to education was declared a fundamental right in India by the 86th amendment in 2002. Right of children to free and compulsory education 2010. A law that came into force in 2011 makes it mandatory for state governments and govt. Local authorities ensure that every child receives an education in a nearby school. India has one of the largest education systems in the world, as of 2020.

India has more than 1,000 universities, including 54 central universities, 416 state universities, 125 universities, 361 national private universities and 159 nationally prominent institutes. include AIIMS, IIMs, IITs, IISERs, IITs and NITs among others. in higher education and as of 2020 India has more than 1000 universities including 54 central universities, 416 state universities, 125 chartered universities, 361 public private universities and 159 universities of national importance including AIIMS, IIM, IIT, IISER, IISER. and NITs among other universities. The education

segment constitutes the largest population in our society compared to other forms of education.

With the unprecedented growth of the education sector, unfair practices have become common in this sector. The number of fake universities and colleges in India has grown alarmingly. Such institutes do not have government approval and are authorized to offer courses in various streams. Speaking to CUTS, the former director of the consumer department of West Bengal and member/judge of the Delhi district said that most of the consumer cases are due to unfair business practices by educational institutions.

As the number of engineering and medical colleges increases, so does the concern about unfair practices in the higher education system. Inappropriate practices of technical colleges and universities generally include \requiring a large amount of money and donation for admission, sending fees paid by students, failed receipts, non-transparent and questionable means to enter students into \professional studies, poor; quality of teaching, \ mislead students and parents by showing advertisements that do not match the quality of education, facilities and infrastructure provided to students.

There are educational institutions that withhold students' certificates to force them to pay or work without proper compensation. In addition, there is an unfair practice in primary schools as well. Many schools recommend or encourage students to purchase their books, stationery and uniform from a designated location. In most cases, the asking price of such recommended sellers is higher than the open market price.

In addition, schools sometimes mandate purchases and students have no choice but to purchase products from recommended vendors. There have been cases where the authorities have invited parents to the children's school and asked them not to make noise in the whole school by buying uniforms and stationery. In such cases, parents have no choice but to calmly accept unreasonable demands. Such a practice limits the right to electricity of the student and his parents.2003.

In a public interest petition initiated by The Forum for Justice in Education and diamond merchant Prakash Sheth, the Bombay High Court ruled in 2016 that schools can no longer force parents to buy stationery and uniforms from a special shop. It was a great relief, especially for the parents. Note that even after the Supreme Court decision, the overall situation has not improved and schools are still shamelessly imposing such conditions on innocent parents.

Another important reason for the flourishing of such practices is the awareness of parents who agree to such demands to avoid inappropriate behavior with school children. In the year 2002, a class X student and his father filed a civil suit against Mercedes Benz International School, Pune for to collect fund money for a building fund worth Rs. 2 lakhs above the annual fee. 2.75 thousand According to the lawsuit, the school refused to accept the student in classes when he refused to pay the "head fee". Such a claim was declared illegal under the Maharashtra Educational Institutions (Prohibition of Capitalization) Act, 1987.

Taking a dig at one such inappropriate commercial practice, the Chandigarh District Forum observed, "It is unfortunate that commercial schools are set up to prey on innocent, unsuspecting students to get education for easy money. "They lure students with flashy ads promising brilliant results the future. This is an insult to the honest and noble profession of teaching and such actions must be condemned.

Legal and Administrative Framework

Although there is no national law that regulates unfair business practices, some countries have created their own legislation to deal with this. For example, Maharashtra enacted the Maharashtra Educational Institutions (Prohibition of Prize) Act in 1987 to prohibit collection of prizes \ for admission of students to educational institutions and to promote higher standards of education.

As a result, Karnataka State and Andhra Pradesh enacted the Karnataka Educational Institutions (Prohibition of Capitation) Act and the AP Educational Institutions (Admission Rules and Prohibition of Fee Limitation) Act in 1984. In addition to legislative measures, some administrative measures have also been taken prevent unfair business practices in the education sector.

In March 2012, the Indore district administration banned school management from forcing students to buy books and uniforms from certain shops. Intended to end an alleged practice in some schools, it was encouraged by winning over the books and uniforms committee. Sellers. The latest development in this area is the proposed ban on inappropriate practices in technical schools, medical schools and universities Glass, 2010, which awaits approval in the winter session of Parliament.

The purpose of the bill is to create an institutional mechanism to prevent, prohibit and punish

inappropriate practices in technical and medical institutions and universities. Educational institutions must compulsorily disclose information related to the selection process by publishing their prospectuses, which creates public accountability for such educational institutions and checks the use of unfair practices against students.

The bill provides that education tribunals in each state and one unit at the center will only deal with these complaints and impose penalties. Similarly, according to instructions from the Ministry, a draft law was prepared on the prohibition of inappropriate activities in schools. The purpose of the Act is to make it a criminal offense to offer or pay a monetary or non-monetary reward or otherwise enter a school classroom.

It prohibits the publication or transmission of false or misleading advertisements in educational institutions and prohibits schools from directly or indirectly soliciting students for private tuition on or off campus. The seven-member Council of Ministers of Education (CABE HRD) formed by the Ministry of Education, during the preparation of the aforementioned legislation, proposed to establish stricter standards to prevent unfair practices in the school education sector, therefore it was observed that different abuses are used in different sectors. Fraudulent practices such as misleading advertising, misrepresentation, false/misleading claims can be found in almost all industries. On the other hand, only this industry has specific inappropriate practices.

Misleading Advertisement

The Indian Consumer Protection Act, 2019 is a comprehensive legal framework aimed at protecting the rights and interests of consumers in various fields. The substance of this law is the prohibition of inappropriate commercial activities, which also includes the transmission of misleading advertisements. In this essay, we explore the concept of misleading advertising in the context of the Consumer Protection Act 2019 and its implications, enforcement mechanisms and wider impact on consumer and market integrity.

Misleading advertising is a big problem for today's consumers. markets where companies often use different marketing tactics to attract customers and promote their products or services. Although advertising plays an important role in informing consumers and making informed purchasing decisions, misleading advertising undermines the principles of transparency, fairness and consumer empowerment. By providing false or misleading information about products or services, companies can manipulate consumer perceptions, distort competition in the market and

undermine trust in business. 2019.

The Consumer Protection Act 2008 addresses this issue by defining misleading advertising as a specific commercial activity. According to subsection 2 (47) of the Act, an improper trade tactic is a misleading or deceptive presentation, advertisement or promotion of goods, services or business practices. This broad definition covers a wide range of activities that may mislead or mislead consumers, including false claims, exaggerated claims, misleading representations and omissions of relevant information. One of the main provisions of the Misleading Advertising Act is Section 21, which gives the Consumer Protection Authority (CPA) the power to initiate legal proceedings and take action against unfair regulation, including issuing guidance to companies engaging in such practices. Established under the Act, the CCPA serves as a central regulatory body whose mission is to promote, protect and enforce consumer rights. Through its mandate, the CCPA plays a key role in combating misleading advertising and ensuring compliance with the law.

In addition to the formal supervision prescribed by AKKS, the law also offers the consumer a legal remedy against misleading advertising. mechanism of consumer redressal forums. Forums established at regional, state and national levels act as quasi-judicial bodies empowered to resolve consumer disputes and provide appropriate remedies, including compensation, refunds and injunctions.

By providing consumers with fast and efficient dispute resolution mechanisms, the law increases consumer confidence and accountability in the marketplace. In addition, the law provides severe penalties for companies guilty of misleading advertising or other inappropriate business practices. Section 75 of the Act provides that violations of its provisions, including those relating to misleading advertising, may be punished with a fine or imprisonment, depending on the nature and seriousness of the offense.

These penalties deter unethical business practices and reinforce the importance of compliance with consumer protection laws. It is important that the law includes principles of self- and co-regulation, which complement regulatory initiatives related to misleading advertising. The Act recognizes the role of industry bodies, advertising standards committees and other stakeholders in promoting responsible advertising practices and encourages cooperation in the creation of industry standards, guidelines and codes of practice.

By promoting an ethical advertising culture and corporate responsibility, these initiatives help prevent and reduce misleading advertising. In addition, the law emphasizes the importance of consumer education and awareness as an essential part of effective consumer protection.

The Act aims to provide consumers with the knowledge and skills to identify, evaluate and respond effectively to misleading advertising through provisions such as Article 94, which require the support of consumer awareness and education programs. By promoting consumer literacy and empowerment, these initiatives empower consumers to make informed choices and protect their rights in the marketplace.

In practice, implementing the provisions of the Misleading Advertising Act 2019 will require a multi-stakeholder approach with regulators, consumer advocacy groups, industry associations and courts work together to protect consumer rights and ensure market integrity. Regulatory agencies such as the CCPA use proactive oversight, complaint-based investigations, market surveillance, and enforcement actions to identify and address misleading advertising. In addition, the law facilitates international cooperation and collaboration in dealing with cross-border advertising. in matters of misleading advertising and consumer protection.

As e-commerce and digital advertising platforms become more common, the law recognizes the need for coordinated action at the national and international levels to combat fraudulent marketing practices that cross geographic boundaries. Mechanisms such as information sharing, mutual assistance and harmonization of regulatory frameworks allow countries to improve their ability to address the global problem of misleading advertising.

Finally, the inclusion of misleading advertising provisions in the Consumer Protection Act 2019 is an important step forward. enhances the well-being of consumers, promotes fair competition and trust in the market. By prohibiting unfair business practices and providing strong enforcement and redress mechanisms, the Act strengthens consumers' rights to accurate information, fair advertising and ethical business practices.

Going forward, continued vigilance, stakeholder cooperation and public awareness will be required to ensure effective enforcement of these regulations and protect consumer interests in an evolving and increasingly complex market.

2.5 CONCLUSION

Thus, it is observed that abuses in a variety of economic sectors are spreading around the world as a result of globalization, liberalization, scarcity, and the development that followed. To counter such illegal conduct, each industry has established a number of sector-specific rules in addition to COPRA. Unfair trade practices persist and have a detrimental effect even in the face of industry-specific legislation, COPRA-specific rules, regulations, and recommendations. effect on gullible customers, market competitiveness, and thus the economy as a whole.



CHAPTER-: FRAMEWORK ON UNFAIR TRADE PRACTICES IN INDIA

3.1 Indian Legal Framework to Deals with UTP

India's legal framework for combating unfair trade practices is based on several statutes and regulations, each serving a specific purpose to promote fair competition and consumer protection. In India, there are two main laws that regulate unfair business practices: the Competition Act, 2002 and the Consumer Protection Act, 2002, 2019. The Competition Act, 2011 is the cornerstone of competition law in India, which aims to prevent anti-competitive practices. Anti-competitive agreements, abuse of dominant position and unfair business practices.

It establishes the Competition Commission of India (CCI) as the main regulatory body responsible for enforcing competition laws and promoting fair competition in the market. Under the Competition Act, TSK has the right to investigate complaints, conduct investigations and issue orders. punish parties guilty of violating competition law. The law provides severe penalties for anti-competitive behavior, including fines, bans and structural measures to restore competition.2019.

The Consumer Protection Act 2011 complements the Competition Act by providing consumers with additional protection against unfair trading. practices It replaces the previous Consumer Protection Act of 1986 with a more comprehensive framework that addresses today's consumer protection issues, including electronic commerce, misleading advertising and product liability.

Basic provisions of the Consumer Protection Law Consumers are e.g. The TAK curbs unlawful enterprise, imposes harsher penalties for infractions, and enhances consumer legal options. The purpose of the law is to strengthen the influence of consumers, promote consumer welfare and ensure fair treatment of consumers in the market. Regulatory Authorities:

The UTP regulatory structure in India is characterized by the presence of multiple regulatory agencies with distinct mandates. enforcement mechanisms. The main regulatory body responsible for enforcing competition laws is the Competition Commission of India (CCI).

Established on the basis of the Competition Law, is an independent body consisting of a president and members appointed by the central government. CCI's mandate includes investigating anti-competitive agreements, abuse of a dominant market position and unfair business practices, as

well as promoting competition and conducting market research. The CCI has broad powers to enforce competition laws, including powers to conduct investigations, collect evidence and order interim measures. measurement rules and sanctions for parties that have violated competition laws.

It operates through its various divisions, including the Office of the Director General (Investigation), which assists in the investigation of alleged violations. In addition to the CCI, sector-specific regulators monitor competition issues in areas such as telecommunications and banking. and medicines. For example, the Telecom Regulatory Authority of India (TRAI) regulates competition in the telecommunications sector, while the Reserve Bank of India (RBI) monitors competition issues in the banking sector.

These regulators work with the CCI to address competition concerns in their respective industries. Enforcement Mechanisms: Enforcement mechanisms to combat unfair trade practices in India include both administrative and judicial measures aimed at punishing perpetrators and providing relief to victims. The main enforcement agency for violations of competition law is the Competition Commission of India (CCI).

The CCI has powers to initiate investigations, conduct investigations and impose penalties based on information received or market trends. guilty of anti-competitive conduct. The punishments that impose include fines, cease and desist orders, and penalties for breaching anti-competitive agreements. In addition to administrative sanctions, the Competition Act provides for criminal penalties for certain violations, such as negligence. comply with CCI rules or provide false information during the investigation.

The perpetrator of the violation may be punished with imprisonment and a fine according to the provisions of the law.

In addition, the Competition Act contains a mechanism for appealing TKT decisions. Parties aggrieved by CCI orders have the right to appeal to the Competition Appeal Tribunal (COMPAT) and then to the National Company Law Appellate Tribunal (NCLAT). These appellate bodies deal with complaints independently and ensure that CCI decisions are subject to judicial review. In addition to administrative enforcement of competition laws, India has a strong consumer protection framework to address unfair trade practices and protect consumer interests.

The Consumer Protection Act 2019 establishes regulatory bodies such as the Center for Consumer Protection (CCPA) and National Consumer Disputes Commissions to monitor consumer rights and resolve consumer disputes. The CCPA has powers to combat unfair trade policies, conduct investigations and impose penalties on violators. He has the right to give instructions, impose fines and demand compensation or reimbursement of money from the damaged consumer.

In addition, the CCPA may impose penalties, including fines and injunctions, for false or misleading advertising. Consumer Disputes Council and National Consumer Disputes Board (NCDRC) deal with consumer complaints related to unfair trade practices. and gives appropriate medication. These judicial bodies have jurisdiction over disputes involving goods and services that exceed certain thresholds and play an important role in compensating injured consumers. Challenges and Recommendations Despite a comprehensive regulatory framework, India faces several challenges. effectively fight unfair trade.

These challenges include limited resources, procedural delays, lack of consumer and business awareness, and the emergence of new unfair practices in the digital economy. Several recommendations can be considered to address these challenges.

Improving enforcement capacity: Increasing the resources, personnel and technical expertise of regulatory bodies such as CCI and CCPA to effectively investigate and prosecute inappropriate business practices.

procedures: simplify and speed up the process of resolving consumer complaints and competition cases Simplify to reduce delays and ensure timely resolution of disputes.

Public awareness: Conduct comprehensive awareness campaigns for consumers and businesses to inform them of their rights and responsibilities under competition and consumer protection laws. **Promote international cooperation:** Work with international organizations and other countries to share best practices, exchange information and coordinate efforts to combat unfair cross-border business practices.

Adapting to the digital economy: Update laws and regulations to meet the new challenges of the digital economy, such as online fraud, counterfeiting and misleading advertising.

Dispute Resolve by Lok Adalat Method

Lok Adalat Dispute Resolution Method Established by the Government of India, Lok Adalat or People's Court is an alternative dispute resolution method for resolving disputes through mediation and conciliation. Lok Adalat tabs matters subject to arbitration and pending in public courts under their jurisdiction. But the parties to the lawsuit can also voluntarily approach the LA board to resolve the issue.

The decision of the Lok Adalat is binding on the parties to the dispute and its order can be enforced by litigation. There is no appeal against the order of the Lok Adalat. No court fee is charged in Lok Adalat. If the matter is already pending in the General Court, the fee payable will be refunded after the settlement of the dispute in the Lok Adalat. Laws of process and visibility are not strictly followed in Lok Adalat in evaluating the causes of trial.

The process of dispute resolution through Lok Adalat is becoming very popular and more and more consumers are choosing this alternative dispute method. One example of consumer disputes settled by Lok Adalat is Chandigarh State Commission.

In 2002, the Gurgaon Regional Forum ordered Hyundai Santro refund the purchase price of the car, claiming that the bright red color of the new car had faded due to damage. The company appealed the decision. Six years later, the federal commission transferred Haryana's case to the Chandigarh Mega Lok Adalat. The Mega Lok Adalat ordered the car to be sent to a workshop and painted within a week. The previous order has been cancelled.

3.2 Analyses of Regulatory Structure

Regulatory Authorities: The Competition Commission of India (CCI) is the main regulatory body responsible for enforcing India's competition laws and combating unfair business practices. Established under the Competition Act, 2002, the CCI is an independent quasi-judicial body responsible for promoting and maintaining competition in the market. The CCI has a president and members appointed by the government, including legal, economic and administrative experts. CCI's mission is to investigate anti-competitive agreements, abuse of a dominant position and unfair business practices that harm competition. supermarket

He has the power to conduct investigations, collect evidence, call witnesses and issue orders to punish criminals. CCI's enforcement actions may include imposing fines, issuing cease and desist orders, and recommending structural measures to restore competition. In addition to the CCI,

sector-specific regulators monitor competition issues in, for example, the telecommunications, banking and pharmaceutical industries. for industry.

For example, the Telecom Regulatory Authority of India (TRAI) regulates competition in the telecommunications sector, while the Reserve Bank of India (RBI) monitors competition issues in the banking sector. These regulators work with the CCI to address competition concerns in their respective industries.

Regulatory Agencies: In addition to regulatory agencies, several enforcement agencies in India are tasked with dealing with unfair trade practices and protecting the interests of consumers. Such agencies include CCPA (Central Consumer Protection Agency)

Consumer Disputes Commission and National Consumer Disputes Commission (NCDRC).2019. Established in 2011 under the Consumer Protection Act, TAKS is responsible for preventing unfair business practices, investigating consumer complaints and initiating enforcement actions against violators. It has the authority to conduct investigations, issue guidelines and impose sanctions on entities that engage in inappropriate activities such as misleading advertising, false claims and misleading marketing.

National Consumer Disputes Boards and NCDRC are statutory bodies empowered to deal with consumer complaints. against inappropriate business practices and determine appropriate remedies. These commissions have jurisdiction over disputes involving goods and services that exceed certain thresholds and play an important role in compensating injured consumers. Legal Mechanisms: India's legal framework for combating unfair trade practices includes a number of laws and legal mechanisms aimed at promote fair competition and protect the interests of consumers. Key pieces of legislation include the Competition Act 2002, the Consumer Protection Act 2019 and sector-specific legislation regulating industries such as telecommunications, banking and pharmaceuticals.2002.

The Competition Act 2008 prohibits anti-competitive agreements and abuses. market dominance and unfair business practices that distort competition in the market. It empowers the CCI to investigate complaints, conduct investigations and impose penalties on entities found guilty of competition law violations. The Act also provides for the establishment of a Competition Appellate Tribunal (COMPAT) to deal with appeals against CCI.2019 regulations. The

Consumer Protection Act 2011 provides consumers with remedies against unfair business practices, including compensation, rebates and product recalls.

It constitutes consumer protection councils at central, state and regional levels to promote consumer awareness and facilitate redressal of consumer grievances.

The law also includes regulations on product liability and online shopping to improve consumer protection in the digital economy. Challenges and solutions. Despite a comprehensive institutional framework, India faces several challenges to effectively combat UTPs. One challenge is the spread of new and complex unfair practices such as online fraud, product counterfeiting and misleading advertising, which require constant vigilance and adaptation of regulatory mechanisms.

Continued efforts are needed to overcome this challenge. monitor and assess emerging trends in unfair business practices and take proactive steps to update laws and regulations to address evolving threats. This may require regular market research, communication with industry stakeholders and technology to detect and prevent unfair practices in real time. Another challenge is the lack of awareness of consumers and companies about their rights and obligations in terms of competition. and for consumers. conservation laws.

Many consumers are unaware of the legal remedies available to them when companies treat them unfairly, while some companies may engage in unfair practices due to ignorance or disregard for the law. A broad audience is needed to meet this challenge. information campaigns to educate consumers and businesses about their legal rights and obligations. These campaigns can be implemented through a variety of channels, including traditional media, social media, and school and community outreach programs. Efforts must also be made to improve legal literacy and provide consumers and businesses with accessible information and resources to protect their rights and seek redress.

3.3 Institutional Set-up to Deal with UTP

A Comprehensive Analysis Introduction: The Indian economy is characterized by a diversity of industries and markets, which requires a strong institutional structure to combat UTPs and ensure fair competition. This article provides an in-depth analysis of the institutional framework set up in India, which includes regulatory agencies, enforcement agencies and legal mechanisms.

By examining the roles, powers and challenges of these institutions, this article aims to shed light on the complexities of UTP regulation in India. Regulators: The main regulatory body tasked with enforcing competition laws and combating unfair practices. **Competition Commission of India (CCI)**. Established under the Competition Act, 2002, the CCI is an independent quasi-judicial body responsible for promoting and maintaining competition in the market. The CCI has a president and members appointed by the government, including legal, economic and administrative experts. CCI's mission is to investigate anti-competitive agreements, abuse of a dominant position and unfair business practices that harm competition. supermarket.

He has the power to conduct investigations, collect evidence, call witnesses and issue orders to punish criminals. CCI's enforcement actions may include imposing fines, issuing cease and desist orders, and recommending structural measures to restore competition. In addition to the CCI, sector-specific regulators monitor competition issues in, for example, the telecommunications, banking and pharmaceutical industries. For example, the **Telecom Regulatory Authority of India (TRAI)** regulates competition in the telecommunications sector, while the Reserve Bank of India (RBI) monitors competition issues in the banking sector. These regulators work with the CCI to address competition concerns in their respective industries. Regulatory Agencies:

In addition to regulatory agencies, India has several enforcement agencies tasked with dealing with unfair trade practices and protecting the interests of consumers. Such agencies include **CCPA (Central Consumer Protection Agency)**, Consumer Disputes Commission and **National Consumer Disputes Redressal Commission (NCDRC)**. 2019. Established in 2011 under the Consumer Protection Act, the CCPA is responsible for preventing unfair business practices. Investigate consumer complaints and initiate enforcement actions against violators.

It has the authority to conduct investigations, issue guidelines and impose penalties on entities that engage in inappropriate activities such as misleading advertising, false claims and misleading marketing.

National Consumer Disputes Boards and **NCDRC (National Consumer Disputes Redressal Commission)** are quasi-statutory bodies empowered to deal with consumer complaints. against inappropriate business practices and determine appropriate remedies. These commissions have jurisdiction over disputes involving goods and services above certain thresholds and play an

important role in compensating injured consumers. Legal Mechanisms:

India's legal framework for combating unfair business practices includes a number of laws and legal mechanisms aimed at promoting fairness, competition and protect the interests of consumers. Key pieces of legislation include the Competition Act 2002, the Consumer Protection Act 2019 and sector-specific legislation regulating industries such as telecommunications, banking and pharmaceuticals.2002.

The Competition Act 2008 prohibits anti-competitive agreements and abuses. market dominance and unfair business practices that distort competition in the market. It empowers the CCI to investigate complaints, conduct investigations and impose penalties on entities found guilty of competition law violations. The Act also provides for the establishment of a Competition Appellate Tribunal (COMPAT) to deal with appeals against CCI.2019 regulations. The Consumer Protection Act 2011 provides consumers with remedies against unfair business practices, including compensation, rebates and product recalls.

It constitutes consumer protection councils at central, state and regional levels to promote consumer awareness and facilitate redressal of consumer grievances. The law also includes rules on product liability and online shopping to improve consumer protection in the digital economy. Challenges and solutions. Despite a comprehensive institutional framework, India faces several challenges to effectively combat illicit trade.

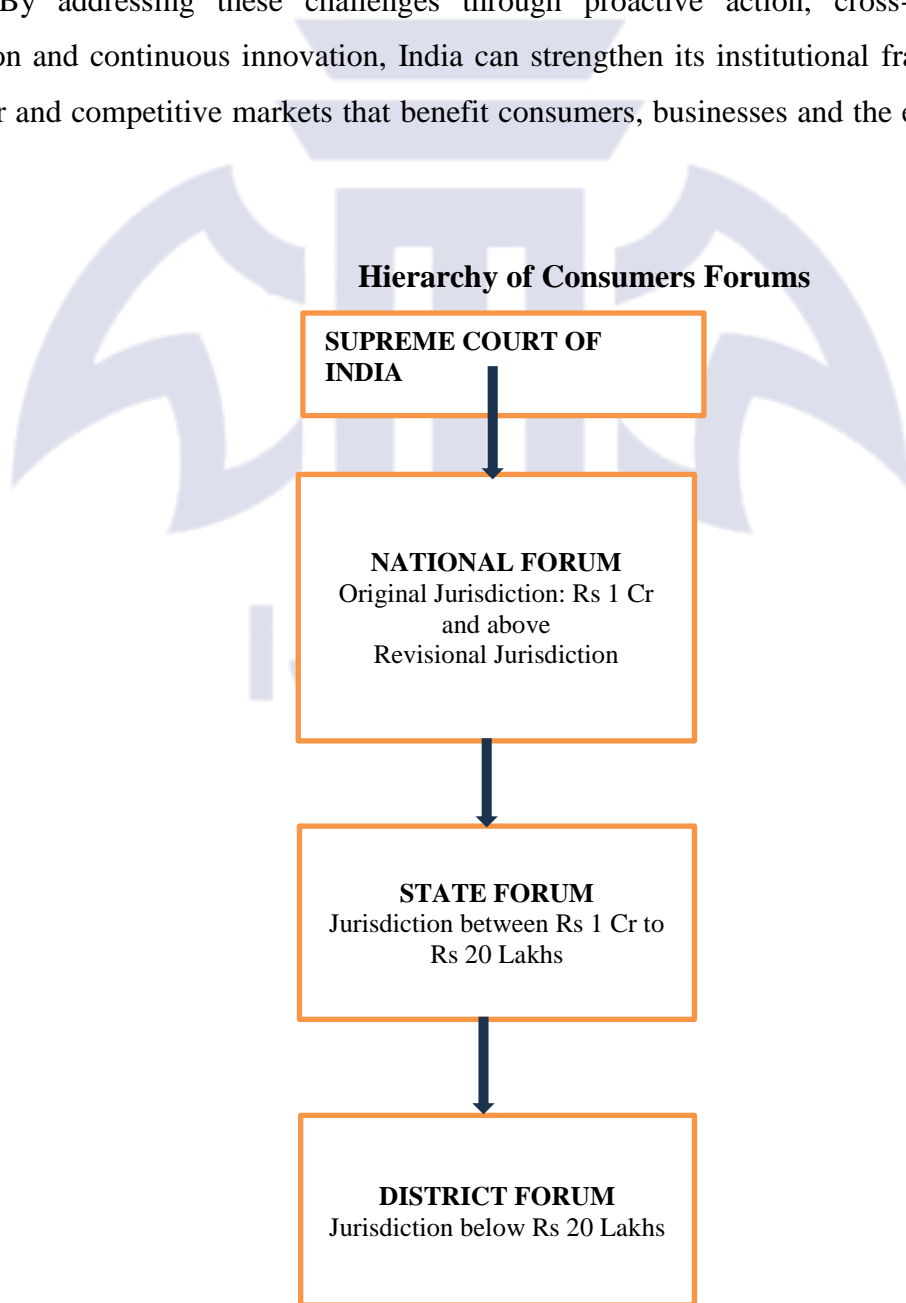
One challenge is the spread of new and complex unfair practices such as online fraud, product counterfeiting and misleading advertising, which require constant vigilance and adaptation of regulatory mechanisms. Continued efforts are needed to overcome this challenge. monitor and assess emerging trends in unfair business practices and take proactive steps to update laws and regulations to combat evolving threats.

This may require regular market research, communication with industry stakeholders and technology to detect and prevent unfair practices in real time. Another challenge is the lack of awareness of consumers and companies about their rights and obligations in terms of competition. and for consumers. conservation laws. Many consumers are unaware of the legal remedies available to them if they are treated unfairly by businesses, while some businesses may engage in unfair practices through ignorance or disregard of the law. A broad audience is needed to meet this challenge. information campaigns to educate consumers and businesses about their legal

rights and obligations. These campaigns can be implemented through a variety of channels, including traditional media, social media, and school and community outreach programs. Efforts should also be made to improve legal literacy and provide accessible information and resources for consumers and businesses to protect their rights and seek redress.

Conclusion:

India's institutional set-up to combat UTPs is characterized by a complex web of regulatory, enforcement and legal mechanisms. Although significant progress has been made in creating a comprehensive competition and consumer protection framework, there are still challenges in effectively implementing legislation, raising awareness and adapting to changing market dynamics. By addressing these challenges through proactive action, cross-stakeholders. Collaboration and continuous innovation, India can strengthen its institutional framework and promote fair and competitive markets that benefit consumers, businesses and the economy as a whole.



CHAPTER 4 -Comparative study of Unfair Trade Practice between India and Developed Nation

Unfair trade practices (UTPs) are detrimental to consumers, competitors, and overall market integrity. While prevalent worldwide, the nature and regulation of these practices vary between developing countries like India and developed nations. This article provides a comparative analysis of UTPs in India and developed nations, highlighting regulatory frameworks, prevalent practices, enforcement mechanisms, and cultural factors.

Regulatory Framework:

India:

India's unfair trade practice regulatory framework is governed primarily by the Competition Act, 2002 and consumer legislation. Protection Act, 2019. The Competition Commission of India (CCI) enforces the Competition Act, which prohibits anti-competitive agreements, abuse of dominant position and regulates mergers and acquisitions. CCI investigates complaints, conducts investigations and imposes penalties on violators to ensure fair competition in the market.2019. The Consumer Protection Act 2016 gives consumers stronger rights and tools against unfair business practices such as false advertising, fake products and price gouging. The Act establishes the Consumer Complaints Commission (TAC) to resolve consumer complaints, monitor consumer protection legislation and impose sanctions on violators. However, implementation of consumer protection laws in India faces challenges such as limited resources, delays in litigation and limited consumer awareness of their rights.

Developed countries:

In developed countries such as the United States the regulatory framework for unfair business practices is stronger and more comprehensive. Regulatory agencies such as the Federal Trade Commission (FTC) enforce competition and consumer protection laws to ensure fair competition and protect the interests of consumers. The FTC investigates anticompetitive practices, deceptive advertising, price fixing, and other unfair business practices and imposes fines and penalties on violators. Similarly, in the European Union, the Competition and Markets Authority (CMA) enforces competition laws and regulations to prevent anti-competitive behavior and protect consumer rights.

Comparative Analysis:

While India and industrialized countries share concerns about unfair business practices, there are significant differences in their regulatory frameworks and enforcement mechanisms. Developed countries tend to have stronger institutions, greater resources and more effective legal systems for competition and consumer protection laws. Regulatory agencies in developed countries have broad powers to conduct investigations, gather evidence and initiate legal proceedings against companies engaged in inappropriate business practices. In addition, developed countries have often established legal frameworks, legal systems and a strong rule of law that facilitate effective enforcement and the fight against unfair business practices. In contrast, India faces challenges such as limited institutional capacity and bureaucratic inefficiency, and inadequate enforcement of the law. However, India has made progress in recent years in strengthening its regulatory framework and enforcement mechanisms. Initiatives such as the creation of the CCI and the introduction of the Consumer Protection Act in 2019 reflect India's commitment to promoting fair competition and protecting consumer rights.

Conclusion on Regulatory Framework:

Fighting unfair business practices requires a multifaceted approach, including legislative reforms, institutional capacity building, stakeholder engagement and public awareness campaigns. By learning from the experiences and best practices of developed countries, India can strengthen its legal framework and better protect consumers and businesses against unfair trade in the global market.

Prevalent Practices:

Comparative Study of Unfair Trade Practices: India Vs. developed countries*Unfair trade practices are a global problem that affects economies at different stages of development. A comparison of practices in India and developed countries highlights the similarities and differences in market dynamics, regulatory framework and enforcement mechanisms.

India: Unfair trade practices in India include various behaviors that exploit consumers and discourage them. righteous behavior race:

False and misleading advertising: Misleading advertising is rife in India and companies often make exaggerated claims or hide important information to lure consumers.

Counterfeit Products: The proliferation of counterfeit products is a major problem that

undermines consumer confidence and poses health and safety risks.

Price drop: During times of crisis or high demand, some sellers will drop prices and take advantage of the consumer rush to maximize profits.

Unfair Competition: Small and medium-sized enterprises (SMEs) often face unfair competition from large corporations that use predatory pricing tactics or abuse dominant market positions to gain an unfair advantage.

Exploitation of consumers: Despite regulatory measures, Indian consumers continue to face exploitation due to misleading pricing, hidden charges and substandard products or services.

Developed Countries:

In developed countries like the US and Europe. Unfair business practices still exist, albeit to varying degrees.

Price fixing and collusion: Firms in developed countries may engage in price fixing or collusion to keep prices artificially high, limiting consumer choice and raising costs.

Monopolistic Behavior: Active firms may abuse their market power to suppress competition and maintain monopolies by engaging in practices such as predatory pricing or exclusive practices.

Misleading Advertising: False or misleading advertising is common and companies use misleading tactics to misrepresent product features or benefits.

Misuse of Intellectual Property Rights: Companies may abuse patents, trademarks or copyrights to suppress competition or charge excessive royalties, thereby stifling innovation and competition.

Privacy Breaches: With the spread of digital technology, concerns about data breaches and consumer exploitation have increased as companies collect and market user data without proper consent.

Comparative Analysis:

Although both India and developed countries face similar challenges regarding unfair trade

practices and their prevalence and enforcement mechanisms are significant. Developed countries tend to have a stronger regulatory framework, well-equipped enforcement agencies and a strong legal system to effectively combat inappropriate business practices.

Regulatory bodies such as the US Federal Trade Commission (FTC) or the UK Competition and Markets Authority (CMA) play a key role in enforcing competition law and protecting the interests of consumers.

In contrast, India struggles with challenges such as limited institutional capacity bureaucratic inefficiency and limited consumer awareness. However, in recent years, India has sought to strengthen its regulatory framework and enforcement mechanisms by creating the Competition Commission of India (CCI) and passing the Consumer Protection Act in 2019, reflecting a commitment to promote fair competition and protect consumers. rights Conclusion:

The fight against unfair business transactions requires the joint efforts of policy makers, legislators, businesses and consumers. By learning from the experiences of developed countries and adopting best practices, India can strengthen its regulatory framework, improve enforcement mechanisms and promote more open, competitive and consumer markets for all.

Enforcement Mechanisms:

India:

Enforcement mechanisms for India's trade ambiguity policy are based primarily on legislation and regulation. to institutions whose task is to maintain fair competition and protect consumers. The Competition Commission of India (CCI) plays a key role in enforcing the Competition Act, 2002, which prohibits anti-competitive agreements, abuse of dominant position and regulates mergers and acquisitions to prevent harm to competition.

The Protection Act of 2019 gives consumers stronger rights and remedies against unfair business practices, including false advertising, product counterfeiting and price gouging. The law establishes the CCPA (Central Consumer Protection Agency) to handle consumer complaints, enforce consumer protection laws and impose penalties on violators. However, implementation in India faces challenges such as resource constraints, court delays and limited awareness. between consumers about their rights. In addition, the prevalence of informal and unregulated markets complicates efforts to effectively combat abuse.

Developed Countries:

Developed Countries such as the United States and European countries have more effective enforcement mechanisms against abuse, and comprehensive. Regulatory agencies such as the US Federal Trade Commission (FTC) and the UK Competition and Markets Authority (CMA) have powers to investigate anti-competitive practices, enforce competition laws and impose large fines on Violators. broad powers to conduct investigations, gather evidence and conduct trials. Initiate proceedings against companies that engage in misleading advertising, price fixing, monopolistic behavior and other inappropriate business practices. In addition, developed countries have often established legal frameworks, legal systems and a strong rule of law that facilitate effective enforcement and the fight against unfair business practices.

In addition, consumer protection laws in industrialized countries provide consumers with special rights and remedies against inappropriate business practices. Regulatory agencies such as the US Consumer Financial Protection Bureau (CFPB) and the UK Office of Fair Trading (OFT) monitor consumer protection laws, investigate complaints and ensure corporate compliance.

Comparative Analysis:

India and Industrialization: Countries subsequently deal with UTPs and their enforcement mechanisms and regulatory frameworks differ significantly. Developed Countries tend to have stronger institutions, greater resources and more effective legal systems to enforce competition and consumer protection laws. In contrast, India faces challenges such as limited institutional capacity, bureaucratic inefficiencies and inadequate enforcement of laws.

However, India has made progress in recent years in strengthening its regulatory framework and enforcement mechanisms with initiatives such as the creation of the CCI and the introduction of the Consumer Protection Act in 2019. Overall, dealing with UTPs requires a multifaceted approach, including legislative reforms, institutional capacity building, stakeholder collaboration and public education campaigns. By learning from the experiences of developed countries and using best practices, India can strengthen its enforcement mechanisms and better protect consumers and businesses against unfair trade in the Global Market.

Cultural and Economic Factors:**Cultural Factors:**

1. Cultural understanding of business: - Transparency, honesty and ethical business are often

emphasized in developed countries. Cultural norms promote fair competition and responsibility, shaping business behavior and consumer expectations. - On the other hand, the cultural context in India can vary and historical, religious and social factors influence different attitudes towards business ethics. Although there are standards that promote honesty and integrity, some unethical practices may be accepted for profit or success.

2. Consumer confidence and awareness: - Consumer confidence and awareness are generally high in developed countries due to strong education systems, media literacy and access to information. Consumers can make informed choices and hold companies accountable for inappropriate practices.

Consumers can make informed choices and hold companies accountable for inappropriate practices. In India, consumer confidence and awareness vary across regions and demographics. Limited education, linguistic diversity and differences in access to information can affect consumers' ability to recognize and effectively respond to fraudulent business practices.

Economic Factors:

1. Market structure and competition: - Developed countries often have mature and competitive markets with a regulatory framework that encourages fair competition. Strong competition laws and enforcement mechanisms prevent anti-competitive behavior and monopolistic practices. - On the other hand, the Indian market structure can be characterized by large companies, SMEs and the informal sector. Limited enforcement of competition laws and barriers to market entry can lead to market distortions and unfair competition.
2. Income Inequality and Vulnerable Populations: - In developed countries, income inequality tends to be lower and social safety nets are stronger, reducing the vulnerability of marginalized communities to exploitation. Regulators prioritize protecting vulnerable populations from unfair trade. - In India, income inequality is greater and a large part of the population is vulnerable to exploitation.

By learning from the experiences of developed countries and adapting strategies to its unique situation, India can make progress towards fair competition and protection of consumer rights in the global economy.

Limited availability of formal remedies and inadequate enforcement of consumer protection laws

increase the risk of unfair practices.

Conclusion on Cultural & Economic Factor:

Cultural and economic factors significantly influence the prevalence and enforcement of unfair business practices in India and developed countries. While developed countries often benefit from cultural norms that promote ethical behavior and strong regulatory frameworks, India faces challenges stemming from cultural diversity, income inequality and institutional weaknesses. Combating UTPs requires a multifaceted approach that takes into account cultural sensitivities and economic considerations. Life and institutional skills. Efforts to increase consumer awareness, strengthen law enforcement, and promote ethical business practices can help mitigate the impact of unfair business practices and promote fairer and more open markets for all.

By learning from the experiences of developed countries and adapting strategies to its unique situation, India can make progress towards fair competition and protection of consumer rights in the global economy.

Over all Conclusion:

Over all, I conclude that, while unfair trade practices exist globally, their nature, prevalence, and regulation differ significantly between India and developed nations. Developed nations benefit from robust regulatory frameworks, strong enforcement mechanisms, and high levels of consumer awareness, which contribute to greater market integrity.

In contrast, India faces challenges related to enforcement capacity, bureaucratic inefficiencies, and varying levels of consumer awareness. Addressing these challenges requires concerted efforts by policymakers, regulators, businesses, and civil society to strengthen legal frameworks, enhance enforcement mechanisms, and promote consumer education. By fostering a culture of compliance and accountability, both India and developed nations can mitigate the adverse effects of unfair trade practices and promote fair competition, ultimately benefiting consumers and fostering sustainable economic growth.

CHAPTER- 5 CASE LAWS

National Insurance Company Ltd. vs Hindustan Safety Glass Works Ltd. & Anr.

In this case, the insurance refused to compensate the defendant for damage caused by heavy rain during the said period. However, the insurance company refused to help the insured, relying on one of the terms of the policy, according to which the state insurance does not cover losses after 12 months have passed since the insured's loss occurred. The insurer filed a complaint with the National Commission under the provisions of the Consumer Protection Act, 1986.

Decision: The National Commission announced that the claim filed by the insurer was contested. It was also noted that the item was insured at the time of the incident and he claimed compensation the next day. He rejected all National Insurance claims and ordered the insurance company to pay Rs. 21, 05,803. 89 9 % p.a.

Nizam Institute of Medical Sciences v Prasanth S. Dhananka & Ors.

This Consumer Protection Act case stems from a medical negligence complaint where a 20-year-old engineering student was admitted to Nizam's Institute of Medical Sciences (NIMS) after she complained of acute chest pain. After several tests and X-rays, the tumor was revealed. However, it was not possible to diagnose whether the tumor was malignant or not, so the patient was advised to have it surgically removed.

After surgery, the patient developed paralysis. Loss of lower limb control and other related complications have led to urinary tract infections, bed sores, etc. The patient's family held NIMS and the state of Andhra Pradesh (which is a government hospital) responsible for this gross negligence. The family also claimed that no pre-operative tests were performed and the neurosurgeon was not present during the operation. Consent was obtained only to cut the tumor, but the doctors also removed the ribs, the tumor mass and destroyed the blood vessels that led to the paralysis.

Decision: The Supreme Court found the doctors and the hospital grossly negligent based on the evidence. Accordingly, the court awarded damages of Rs. 1 crown to cover current and potential medical and living expenses.

CCI dismisses complaints of abuse of dominance and tie-in sales arrangement against Zomato

In this case Rohit Arora Vs. Zomato Private Limited (now Zomato Limited) (CCI) Informant provided information under section 19(1)(a). Competition Act, 2002 (the Act) against Zomato Private Limited (OP) for alleged violation of the provisions of Section 3(4) and Section 4 of the Act.

26The reporter was said to have been a long-term customer of Zomato and ordered from the platform regularly since 2018. The whistleblower alleged that Zomato abused its dominant position by raising food prices and charging unfair, discriminatory and unreasonable charges. Shipping costs to the consumer. It was further alleged that Zomato vertically restricted restaurants from supplying food itself and restricted food delivery from disadvantaged restaurants by hiring CEOs.

In support of his complaint, the complainant referred to three cases: First case: Zomato cancelled the order by notice. that the order could not be delivered because the customer did not deliver, there was a pick-up at the specified address and your phone was unavailable. Because the restaurant took your order and refused to refund it. The reporter later checked the service conditions of the OP's request and noticed that under condition XIII, cancellation is considered a breach of authority.

Zomato has the right to charge liquidated damages which it may decide in its sole discretion. It was argued that the OP abused such an arbitrary cancellation policy. Another incident: Another incident related to food leakage, Zomato responded that Zomato Valet had just delivered complete orders. week and is rated 4.9 out of 5 stars. We will treat this error as an exception for him and share feedback with him. According to the whistleblower, this amounted to an abuse of Zomato's dominant position. Third case:

This case was related to the non-reimbursement of costs incurred when cancelling an order. Zomato refunded only 50% of the order amount, indicating that the restaurant had started preparing the ordered food. The whistleblower compared Zomato's cancellation policy with other platforms like Swiggy, Talabat.com, Deliveroo, Food Panda etc. to prove that the previous cancellation policy is abusive.

ZOMATO REPLY

In its response, Zomato initially stated that, the informant first placed the order through Zomato

²⁶ <https://www.taxmann.com/post/blog/landmark-competition-law-case-laws/?amp>

and then directly contacted the delivery partner and asked them to contact their landline number and not their registered mobile number. order delivery When such instructions are sent through Zomato, its customer service representatives ensure that the instructions reach the delivery partner. But in the present situation, where the instructions were given directly to the delivery partner, it would be unfair for Zomato to fully reimburse the declarant because the delivery partner spent time, energy and fuel in collecting and transporting the goods.

Order Regarding the second incident, Zomato claimed that its customer support manager asked Teataja to take back the leaked item. However, the complainant did not file a complaint and did not provide a photo of the leak, which prima facie shows that the complainant was only interested in a quick refund and when he realized that was not going to happen, he did not file a complaint. Complaint and is now misrepresenting the facts, claiming that Zomato did not ask it to provide photographic evidence of the leak. According to Zomato, if there was a genuine incident, the whistleblower should have raised the issue with the customer support team or contacted them via email and attached photographic evidence of the leak. In the third case, Zomato denied the whistleblower's allegations.

The statements claim he cancelled the 10/30/2020 order "within 30-40 seconds". According to Zomato, Teataja placed the order at 11:09 am. and asked to cancel at 11:11, which was two minutes after placing the order. Even then, contrary to the claim of the whistleblower, he was fully compensated for the order, which the whistleblower knowingly and fraudulently failed to disclose.

CCI HELD- The CCI ruled that in three cases of alleged personal abuse of whistleblowers, Zomato tried to refute it with documentary evidence which was not sufficiently disputed by the whistleblower and thus the commission failed to prove that abuse did not occur filed against Zomato

The commission found that the notifier had defined two separate related markets for food ordering services offered by food aggregator apps in India and food delivery services in India, which Zomato disputed. Based on the circumstances of the case, the commission concluded that, prima facie, the provisions of the law contrary to the AC were not violated in the case, and the transmission of the given information was forced to stop immediately.

²⁷ <https://www.taxmann.com/post/blog/landmark-competition-law-case-laws/?amp>

²⁸ <https://www.taxmann.com/post/blog/landmark-competition-law-case-laws/>



CHAPTER- 6 Conclusion & Recommendation

Strengthen Legal Framework:

Legislation: Develop comprehensive laws that clearly define and prohibit inappropriate business practices. Those laws should cover a wide range of activities, including misleading advertising, price fixing, collusion and abuse of dominant market positions.

Updates: Keep up to date on applicable laws and regulations to stay abreast of changing market dynamics and evolving unfair business practices. This may involve amending existing legislation such as the Competition Act, the Consumer Protection Act and other relevant laws to close loopholes and loopholes. **Clarity and precision:** Ensure laws are drafted clearly and precisely to provide clear guidance to rogue companies and regulators. **business practices and monitoring of their compliance.**

Empowerment of Regulatory Agencies: Empower regulatory agencies like the Competition Commission of India (CCI) to effectively enforce laws against unfair business practices. This could mean giving them more powers, resources and enforcement powers to investigate and punish offenders.

Expedited Enforcement: Streamline enforcement procedures to ensure UTP complaints are investigated and resolved in a timely manner. This may include setting time limits for investigating, solving and resolving cases to avoid delays and ensure speedy justice.

Sanctions and Incentives: Establishes significant penalties and incentives for companies found to be engaging in inappropriate business practices. This may include fines, loss of benefits, injunctions and other corrective measures designed to prevent future violations.

Judicial Review: Establish judicial review mechanisms to ensure that decisions made by regulatory agencies can be reviewed and challenged in court if necessary. This helps ensure transparency and accountability in the enforcement of UTP laws. By strengthening the legal framework in this way, India can create a more favorable environment for fair competition and protect the interests of consumers and businesses from unfair trade practices.

Public Awareness Campaigns: In India, where different cultures and languages intersect, a

large-scale public awareness campaign is essential to educate and empower consumers. The success of the campaign depends on strategic partnerships with government agencies such as the Competition Commission of India and specialist NGOs. on consumer rights. Leveraging this knowledge and resources can improve campaign reach and effectiveness. Broad coverage is ensured through the use of both traditional and digital media platforms. Inviting celebrities and influencers to support the campaign increases public visibility and response. Interactive workshops, webinars and community events play a key role in disseminating information about consumer rights and reporting mechanisms.

These initiatives empower consumers and help them identify and challenge unfair business practices. In addition, mobile solutions such as standalone apps and text messaging services provide convenient access to information, allowing consumers to make informed choices on the go. Visual storytelling through engaging graphics and videos simplifies complex concepts and makes them accessible to audiences of varying literacy levels. Community engagement initiatives, including street games and local events, facilitate direct interaction with consumers, addressing and meeting their concerns. recommendations for continuous improvement. Sustainable development is key.

Embedding the campaign into curricula and ongoing public awareness initiatives will ensure its long-term impact. Fundamentally, by implementing these recommendations, India can promote a culture of consumer empowerment, combat unfair business practices and pave the way for fair and transparent operations. politics is a market for everyone.

Transparency and Accountability: Ensuring the transparency of its work and accessibility to consumers seems to be a particularly important aspect in the planning of the Consumer Board. In fact, transparency is another form of accountability to the public. Easy access to agency decisions, guidance documents, annual reports and priorities can increase consumer and public confidence in agency work.

This was an important lesson for building a new public administration in Central and Eastern European countries, where the administration was previously characterized by mysterious and non-transparent working methods. Effective routines for handling and reviewing and prioritizing complaints are also essential to the agency's success.

Support for Small Businesses: In India's dynamic business environment, small businesses are the backbone of the economy, driving innovation and job opportunities. However, they often face many challenges, including unfair business practices, which hinder their growth and sustainability.

Supporting these companies and mitigating the effects of inappropriate business practices requires a coordinated effort with a targeted public information campaign. In order to effectively support small businesses, the campaign must first raise awareness of the various unfair business practices prevailing in the country on the EU {European Single Market} market. These include, for example, predatory pricing, product counterfeiting and discriminatory treatment of major competitors or suppliers. By educating small business owners about these practices, they can better protect their interests and take appropriate action.

In addition, the campaign must emphasize the importance of fair competition and adherence to ethical business standards. Small businesses can stand out in the marketplace and increase consumer trust by fostering a culture of transparency and honesty. Cooperation with relevant stakeholders is essential for the success of the campaign. These include government agencies responsible for enforcing fair trade regulations, industry associations and interest groups representing small businesses.

Working together, these stakeholders can pool resources, share information and amplify the campaign's message to reach a wider audience. Small businesses should also be provided with practical support mechanisms, including legal aid, dispute resolution services and training. fair trade programs. By giving small business owners, the knowledge and tools to navigate challenging market conditions, they can compete on a level playing field. Ultimately, India can promote more inclusive and sustainable development by supporting small businesses and fighting unfair business practices. economic environment. Through public information campaigns.

Continuous Monitoring and Evaluation: In India's vibrant economic life, combating unfair trade practices requires constant vigilance and adaptive strategies. Proactive continuous monitoring and development is necessary to maintain the integrity and fairness of business. At the forefront of this effort is the need to establish strong control mechanisms. Government agencies with sufficient resources and powers must regularly conduct inspections and investigations to detect and prevent unfair business practices.

These efforts should cover sectors from manufacturing to retail, ensuring broad coverage. In addition, evolving regulatory frameworks are needed to keep pace with the dynamic nature of UTPs. Legislatures must regularly review and amend existing laws to effectively respond to emerging challenges. This includes strengthening criminal penalties and introducing new rules to close loopholes used by unscrupulous businesses. Transparency and accountability are the indisputable cornerstones of effective implementation.

Creating channels for whistleblowers to anonymously report wrongdoing promotes a culture of accountability while publicizing enforcement actions against offenders. In addition, it is important to promote cooperation between government agencies, industry stakeholders and non-governmental organizations. By sharing information and best practices, these communities can synergize their efforts and increase the impact of initiatives against unfair trade. In the digital age, the use of technology is paramount.

Advanced data analytics and artificial intelligence can support surveillance efforts by identifying patterns that point to unfair business practices. In addition, general information campaigns using digital platforms can inform consumers and businesses about their rights and obligations, thus promoting a culture of compliance. Continuous monitoring and development are not just strategies, but obligations to follow the principles of honest and fair business operations.

By embracing innovation, collaboration and unwavering vigilance, India can strengthen its defenses against unfair trade practices and pave the way for a fairer and more prosperous future.

BIBLIOGRAPHY

STATUTES

- Competition Act 2000
- MRTP Act 1969
- Consumer Protection Act
- SEBI Act 1992
- FSSAI Act

WEBSITE

- <https://cuts-ccier.org>

- <https://blog.ipleaders.in/>
- www.cbit.ac.in
- <https://shodhganga.inflibnet.ac.in/>
- http://consumereducation.in/cons_book1_final.pdf
- <http://consumereducation.in/misleadingeng.pdf>
- <http://www.circ.in>
- www.inflibnet.ac – Aligarh Muslim University Paper
- www.livelaw.com
- <https://nalsa.gov.in/>

ARTICLES

- <https://Indiakanon.org>
- www.jetir.org
- www.cdjlawjournal.com

