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## 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.*

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# **ROLE OF JUDICIARY IN CONSUMER PROTECTION AND AWARENESS**

**Authored by - Shivam Kumar Gupta\***

Designation- Ph.D. Scholar

Institute- School of Law, Bennett University.

**Co- Author - Dr. Preeti Singh\***

Designation- Assistant Professor

Institute- School of Law, Bennett University.

## **Abstract**

The drastic changes in Information and Communication Technology (ICT) have diversified the consumer sector. The consumer sector is increasing due to the demand from the increasing population. The development of ICT has made buying and selling easy through digital modes. This all added up to the increasing consumer sector and hence there is a pertinent need for protecting consumers from malpractices by promoting consumer awareness and education. The consumer, being a common person with ordinary prudence, cannot be considered as an expert in every field. In this regard, the government makes the laws for the safeguard and protection of consumers. Despite having the laws, still there are malpractices that harm consumers in direct or indirect ways. However, some laws advocate for the protection of consumers and the promotion of consumer awareness and education along with.

Henceforth, this paper explains the important role of the judiciary in consumer protection and safeguards. Also, the paper attempts to highlight the important role of government in spreading judicial decisions among the consumer to bring awareness in society. The decisions of the judiciary which favours consumers must be spread in easy language among the citizens to bring awareness.

**Keywords- Consumer, Consumer Protection, Judiciary, Rights and Awareness**

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\*Ph.D. Scholar @Bennett University (The Times Group), Greater Noida

\*\*Faculty and Ph.D. Supervisor @ Bennett University (The Times Group), Greater Noida

## Introduction

The fast-changing world is easily witnessed by everyone and every other sector is influenced and marked the significant change due to the development of Information and Communication Technology (ICT). The ICT has even had a significant effect on the consumer sector. The consumer who is the base of the economy needs careful protection. The government plays a significant role in the protection of consumers. The consumers needed special laws for their protection.<sup>1</sup> The laws like The Monopolies and Restrictive Trade Practices Act of 1969<sup>2</sup>, The Sale of Goods Act of 1930<sup>3</sup>, The Consumer Protection Act of 2019<sup>4</sup>, etc. are available for the protection and safeguarding of consumers. The laws are useful when there is a strong judicial wing to protect consumers whenever anyone approaches it, in case of violation of their rights. Even judicial education<sup>5</sup> can also be initiated in the area of consumer protection. In this regard, the article focuses on the judicial role in the protection of consumers.

## Consumers as the base of the economy

The consumer is the essential root of every economy. The economy revolves around the consumer. The consumer is the one who affects the supply and demand of the economy.<sup>6</sup> He impacts the economy through his demands and purchasing elements. The buying and selling of the product have the base of the consumer. So, it is important to always keep the consumer at zenith. The fitness of the economic structure of any country or globally depends on the ultimate buyer. The consumer must be treated with respect and dignity in every economy. This respect can be ensured when the rights are protected of the consumers. In case of violation of the rights of the consumers, the judiciary and law enforcement agencies must come forward for the protection and safeguard of the consumers. The Department of Consumer Affairs has been established in this regard only.<sup>7</sup> The government must take appropriate steps to spread awareness among consumers. This awareness must be regarding the malpractices which are taking place in the marketplace. In this modern era, consumer education has become an important subject for the consumer to be implemented and spread by the government.

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<sup>1</sup> Geraint Howells & Rhoda James, 'Litigation in the Consumer Interest' (2002) 9 ILSA J Int'l & Comp L 1

<sup>2</sup> The Monopolies and Restrictive Trade Practices Act of 1969, No. 54, Acts of Parliament, 1969 (India).

<sup>3</sup> The Sale of Goods Act of 1930, No. 3, Acts of Parliament, 1930 (India).

<sup>4</sup> The Consumer Protection Act of 2019, No. 35, Acts of Parliament, 2019 (India).

<sup>5</sup> Geeta Oberoi, 'Role of Judicial Education in India' (2009) 35 Commw L Bull 497

<sup>6</sup> Resmi Annie Thomas, 'A Survey of Consumer Awareness On Select Component' (2013) 3 (issue-II), Indian Journal Of Management Science

<sup>7</sup> About DCA, The Department of Consumer Affairs <<https://consumeraffairs.nic.in/about-us/about-dca>> accessed 12 April 2024.

In this digital era, social media is flooded with misleading ads. In this, consumers must be seriously aware before making any choice for purchase. The consumer has various rights and privileges that will help them to raise their voice against the injustices. The courts are present to discuss the matter which is not the part of legislature even. The court uses the principles of equity, justice, and good conscience for the welfare of the consumers. Special courts have been made for the consumers. In this way, the judiciary plays a significant role in the protection of consumers. The government must ensure that the decisions of the judiciary or consumer forums must be conveyed to the public through consumer education and awareness programmes.

### Consumer safeguards vis-à-vis role of judiciary

The government is organizing various programmes for the awareness of consumers. One such famous programme is Jaago Grahak Jaago<sup>8</sup>. The laws are also available for the protection and safeguarding of consumers. Apart from laws and programmes, the judicial role is also appreciable. The judiciary and its judgments have played an important role in the protection of consumers and in spreading consumer awareness against ill practices. The consumer forums and commissions, etc. have contributed to the safeguarding of the consumers. Judicial Education can be specially promoted in the context of dynamic changes of the consumer sector. Many cases are held, and the decisions of those cases are for the welfare of the consumers. These legal cases and their decision must be conveyed to the public in easy language, to promote consumer awareness and consumer education. To explain the important role of the judicial part in safeguarding consumers, two important cases in this regard are explained below.

- 1- The theme of the case was the charging of additional prices for the carry bags by the seller. In the case of **Dinesh Parshad Raturi v. Bata India Limited**<sup>9</sup>, Raturi is the one who purchased a pair of shoes from the BATA Store. During the billing, he was charged Rs. 3 extra for the paper bag as a carry bag for the shoes. It was told by Raturi that he had no intention of purchasing that paper bag. The bag had the name of the shop BATA which was an advertisement. He argued that the BATA was using him for the advertisement. The BATA in his defense said that for the safety of environmental concerns, the customer was provided the paper bag only for Rs. Three (Rs. 3). It came out that whether the

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<sup>8</sup> About Jago Grahak Jago, <<https://jagograhakjago.com/about/>> accessed 15 April 2024

<sup>9</sup> Dinesh Parshad Raturi vs. Bata India Limited (09.04.2019 - SCDRC Chandigarh): MANU/SF/0005/2019. See also Ashok R. Patil, 'Landmark Judgements on Consumer Law and Practice 2008-2020', National Law School of India University, Scholarship Repository, <<https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1017&context=books>> accessed 12 April, 2024

charging for the paper bag was unfair or not. The Consumer forum held that BATA was found to be using unfair practice in compelling the customer to buy the paper bag and if the concern was for the environment, then BATA should have given the paper bag free of charge. This kind of situation is very common, but it is appreciated that someone has raised this topic. As the judgment came in the favour of the customer, then it is also needed that this judgment must be communicated to everyone.

- 2- Another common issue is the theme that the water bottles were refused to be taken inside the movie halls. In the case of **Rupasi Multiplex v. Mautusi Chaudhuri**,<sup>10</sup> the complainant had purchased the movie ticket from the hall paying the amount of Three hundred thirty (Rs. 330/). So, after purchasing the ticket, they had the water bottle which were not allowed to take while they were entering the film. When they were inside for the film, they didn't find the free drinking water. Instead, they were compelled to purchase the higher-priced water inside the movie hall. The main issue now is that whether the cinema hall had used the unfair trade practice by restricting 'not carrying the water bottle inside the hall' under the Consumer Protection Act, of 1986. The National Consumer for Dispute Redressal Commission (NCDRC) has observed that the basic necessity of everyone for survival is water. It becomes the primary responsibility of the cinema halls to provide drinking water if they do not allow water bottles inside the cinema halls. The court also observed that everyone cannot afford such a huge amount which is available at much lower prices outside the cinema halls. The NCDRC held that the cinema halls must provide free and clean drinking water. This issue of water bottles inside the hall was essential. In this case, the judgment came in favor of the customers.

Such cases are examples that how in daily life, unfair practices are taking place. The consumer must raise their voice against these injustices. The judiciary is present to help us if any one of the rights of the consumers is violated. The consumers must seek judicial help without any hesitation or delay. The consumer forum is specially constituted for the welfare of the consumers. When the judgments come in favor of any of the consumers, it helps the whole consumer fraternity. These cases have given landmark judgments, such cases and their decisions must be conveyed to the public through these awareness programmes or consumer education. If these judgments are

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<sup>10</sup> Rupasi Multiplex v. Mautusi Chaudhuri, 2015 SCC OnLine NCDRC 2331. See also Ashok R. Patil, 'Landmark Judgements on Consumer Law and Practice 2008-2020', National Law School of India University, Scholarship Repository, <<https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1017&context=books>> accessed 12 April, 2024

not communicated to the public, then the whole purpose of these judgments goes in vain.

## **Conclusion**

The judiciary plays an important role in safeguarding and protecting consumers. The role of the judiciary can be more useful if the judgments are spread among the consumers. Special programmes must be conducted to spread judicial decisions regarding consumer protection. Educational Institutions through the academic curriculum and co-curriculum consumer awareness programmes have added their significant role in consumer awareness initiatives. Every awareness programme needs and requires a budget to work to achieve its full potential. In this, the funding agencies must come forward for budget-related issues. The foreign players should be invited in a more investment-friendly manner. These international players can contribute to making awareness programmes more viable and can reach a larger audience. Business aims to earn huge profits resulting in the neglect of the consumer's health and safety. The available laws for consumer protection had been made but when any wrong happens to the consumers, they directly approach the judicial bodies. Hence judiciary plays an important role in safeguarding consumers by using the bases of laws and principles of equity, justice, and good conscience.

The programmes like Jaago Grahak Jaago have added to consumer awareness in a significant manner. These programmes not only awakened the consumers but also created pressure on the business entity to ensure the quality and purity of the product or services. The judiciary as the guardian of the constitution has also helped to protect the fundamental rights of the citizens. The judicial bodies have given landmark decisions in the journey of consumer protection. These decisions must be communicated to consumers through the different awareness programmes.

## **Suggestions**

- 1- The programmes run by the government have a wider reach. The government sector can reach from city to village due to the presence of different government sectors. This wider reach is easily manageable through government resources. These government resources and wider reach must be used to spread awareness among consumers. The potential of the government sector must be fully utilized for the welfare of the consumers. The judicial decisions must be included in these awareness programmes.
- 2- India is a country with diverse languages and cultures. The programmes which are made for people must be made keeping in mind the diverse cultures and languages. The programmes must be flexible in nature. The target audience must be vast. The same

programmes must cover various groups or regions and the language barriers must be considered in the earlier stage of the formation of the programme.

- 3- It is seen that many programmes are made only for students or youth. However, it is important to understand that the consumers are from all age groups. The coverage of programmes can be for a specific audience, but different programmes must be made for every type of audience.
- 4- Education plays an important role in seeding any idea or information. The students from a tender age must only be aware of the bad practices of sellers. Consumer education must be part of the curriculum of the students from 5<sup>th</sup> grade. The consumer education should not be limited to a particular language. Financial literacy must be communicated to the children to bring a sense of responsibility regarding financial decisions. This knowledge must be including the latest consumer judgments to spread the landmark judgements of the consumer forums or courts.

