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BURNISHED LAW JOURNAL

A Complete Analysis of COPRA, 2019

Abstract

The Consumer Protection Act is a beneficial law enforced by the Government of India to empower consumers over various commodities and services against the arbitrary practices of sellers. It is confidently aimed at providing rights and benefits to consumers and providing appropriate strategies to address their grievances.

This article also serves as a complete analysis of the amendments of the Consumer Protection Act, 2019. The article gives a brief description of the history of the Consumer Protection Act and its enactment. It also mentions the importance of the Consumer Protection Act, where a brief explanation is given about the need for this Act.

Furthermore, it defines why the Act of 1986 was amended and in this regard what amendments were made. Here is a detailed description of the key features of the Consumer Protection Act, 2019, which tells about all the necessary rules that a consumer should know.

Further, in this article, some of the benefits to the consumers are also quoted. This new law gives various benefits to the consumers. One should know all those benefits before buying any product.

At last, the article gives a brief conclusion upon the Consumer Protection Act, 2019. Various provisions of the Consumer Protection Act aimed at achieving the benefits that are analysed in this article.

Introduction

The Consumer Protection Act was introduced and passed by Prime Minister Rajiv Gandhi in Parliament in 1986 to protect the rights of consumers. There has never been a simple code of law in India like this law. The main objective of this Act is to protect the rights of consumers who are being exploited. Restrictions imposed in special acts on goods or services will not affect the powers of the Consumer Protection Act. Therefore, this law will protect the customer no matter what disadvantage the goods or services acquired by the customer by paying the payment.

The Consumer Protection Act has been adopted to ensure that consumers are not cheated when buying goods or using services. This law helps customers resolve disputes very quickly, through simple procedures and at a low cost. Nationally, there are three types of institutions namely, National Consumer Disputes Redressal Commission, State Consumer Disputes Redressal Commission at the state level and District Consumer Disputes Redressal Forums from district to district.

The Consumer Protection Act, 2019 is an amended law passed in the Parliament of India.

The Act was proposed in the Lok Sabha on July 8, 2019, by Consumer Welfare, Food and Public Distribution Minister Ram Vilas Paswan and passed on July 30, 2019. It was permitted by Rajya Sabha on August 6, 2019.

The Bill was avowed by President Ram Nath Kovind on August 9 and also professed in the Gazette on the same day. The Act was enacted from July 20, 2020.

The Act envisages a system of consumer protection with quasi-judicial powers at the national, state and district levels at three levels: National Consumer Disputes Redressal Commission or National Commission, State Commission and District Commission.

All products and services that are not specifically exempted by the government are covered by this Act. All services and products in the private, public sector and co-operative sectors are covered under the Consumer Protection Act. The new law contains provisions for adulteration, misleading advertisements and resolving consumer disputes with strict penalties, including imprisonment.

Importance of COPRA

Before the passage of the Consumer Protection Act in India, we were in a predicament where consumers had to accept all the injustices inflicted on them. After the enactment of the

Consumer Protection Act, 1986, we may seek redress in a consumer court if there is a defect in the product we purchased or a defect in the service. Thus, by filing a complaint in the consumer courts we can recover the loss with a penalty. This made the quality product-service accessible to all.

The International Consumer Organization was launched on April 1, 1960. It has 250 members from 120 countries. Two-thirds of them are from developing countries. It is headquartered in London. In 1962, then-US President John F. Kennedy first emphasized the importance of the consumer. This day was subsequently created on March 15, 1983. The consumer is the one who uses an object. The main master of the market is the consumer. There is otherwise no market.

When purchasing products, it is necessary to check whether there are quality brands including AG mark, ISI, FSSAI. Check price, manufacturer's address, expiration date, sales receipt, etc.

The Consumer Protection Act of India was passed in 2019. These include the new Consumer Regulatory Commission, fines and imprisonment for counterfeit products sold through false advertising, generosity in reporting, an investigation by video conference, quick redressal of grievances, compensation for customer harm, and adulteration.

The purpose of the Consumer Protection Commission is to take consumers as a class and to promote, protect and enforce their rights. The Commission has the power to investigate violations of consumer rights. The Commission also has the power to initiate complaints/ investigations, order the withdrawal of unsafe goods and services, order the cessation of unfair trade practices and misleading advertisements, and impose fines on those who produce and certify misleading advertisements.

Features of COPRA, 2019

The Consumer Protection Act, 1986 was established by the Government of India to protect the consumption of the people living in India. The growth of trade in the last thirty years has seen many unexpected changes and the government is well aware of the need to bring about several reforms in the Consumer Protection Act following these changes.

As a result, a new law, the Consumer Protection Act, 2019, has now been passed in both Houses of Parliament, replacing the old law.

- Regulatory Authority: As there are regulatory authorities like SEBI and IRDAI, a regulatory authority has been constituted to address consumer issues, in which a new

regulatory authority has been enacted to ensure consumer protection as there are committees at the district, state and national level but they do not have sufficient power. The agency, named Consumer Protection Authority, has offices in all zones. The Commission has been permitted to investigate and compensate customers for their complaints and to pay compensation for the quality of goods so that they can hope to find a solution to the problems faced by the consumers as soon as possible.

- Mis advertising and abusive trade: In case of false advertising, orders have been issued to collect two years imprisonment and Rs.10 lakhs. The Act provides for the consumers to collect five years imprisonment and Rs.50 lakh compensation in case of repeating the same.
- Action against actors and celebrities for false advertisements: The Act provides for action against actors and celebrities if they are falsely advertising the consumed goods through television and newspapers.
- Generosity in the manner of complaint: Now the new law enables consumers to approach consumer courts from any place i.e., district or state from where they are.
- Inquiry by video conference: Under the new law, a witness or a complainant can be questioned through video conference, which is a great boon for consumers.
- Why was the complaint rejected? The Commission cannot dismiss a consumer's complaint without having to investigate the complainant and if this is a complaint to be resolved amicably, the Act provides for the two to talk and settle.
- Early resolution of complaints: Now that more cases are pending, new procedures have been introduced to resolve the case as soon as possible.
- Improper Trade Practices: The previous law did not include improper trading practices and the new law included the provision of goods without a receipt, non-withdrawal of purchased goods, non-early cancellation of services, non-payment of advance loans, additional deposit payments, and excessive penalties. The new law has a greater responsibility for the manufacturer or service providers and can be compensated under the new law if customers are affected by the production and service of a company.
- Responsibility of the manufacturer: The new law has a greater responsibility for manufacturers or service providers and customers can be compensated under the new law if their product and service are affected by the company's production and service.
- Penalties for adulteration: If adulteration is harmless, it will result in six months imprisonment and a fine of Rs.1 lakh. If it is a modest adulteration, it will be punished with one-year imprisonment and a fine of Rs.3 lakhs so that the adulteration can be

expected to be reduced considerably. Similarly, it is a boon that many new amendments and procedures have appeared in this reformed Consumer Protection Act in favour of consumers.

This Act provides for punishment for the manufacture or sale of adulterated products. The Consumer Protection Bill, 2019 was passed in Parliament last year in lieu of the Consumer Protection Act of 1986. The regulations in this regard have been published in the Central Gazette.

Benefits to the Consumers

The Act creates various powers with the sole aim of safeguarding consumer rights. The Act establishes Consumer Protection Boards under Section 3 at the central, state and district level and is set up only to advise the Central, State and District Authority on promoting and protecting consumer rights at various levels.

Violation of consumer rights, unfair trade practices A Central Consumer Protection Authority has been established under Section 10 of the Consumer Act to regulate, protect and enforce the rights of consumers as a class and to regulate matters relating to impartial and misleading advertisements in the interests of the public and consumers.

The Act also establishes the District Consumer Disputes Redressal Authority, known as the District Commission under Section 28. The Commission may be approached to make an anguished consumer complaint about any goods sold or supplied or agreed to be sold or offered or any service that has been offered or agreed to be delivered.

- Consumers are protected from selling dangerous goods and services for life and property.
- Consumer statehood is ensured in the selection of goods.
- Under this Act, consumers will get quick, simple and cheap relief.
- Relief strategies are easily available to consumers.
- The powers under this Act are held responsible for the protection of certain rights. They are the right to protection, the right to choose, the right to ask and the right to consumer education. It will also drive the law and be progressive.
- The penalties under this Act help in checking arbitrary trade practices in India. It also helps in mutual trust in the consumption of goods and services in a consumption-based economy like India.
- The Act has proposed rules for product liability. If the product is at the fault, the service provider must repay the consumer. A manufacturer or service provider must compensate

that consumer if goods/services cause damage or damage to the consumer. This may be due to a lack of production or poor service. It allows compensation to injured consumers.

Conclusion

The Consumer Protection Act, 2019 has to empower consumers and protect their rights through consumer protection councils, consumer dispute resolution commission, mediation, adulteration and punishment for sale or production of fake goods.

The law provides for the creation of the Central Consumer Protection Authority (CCPA) for enforcing, protecting and promoting the rights of consumers.

CCPA is empowered to investigate consumer rights violations, file complaints, file cases, withdraw unsafe goods and services, unfair business practices, cancel diversionary advertisements, and impose penalties on manufacturers, sanctions and publishers of false advertisements.

The Provisions of the Act also include regulations for unfair business practices imposed by e-commercial sites. The setting up of the Central Consumer Protection Authority and issuing gazette notification on regulations to prevent unfair trade practices in e-commerce are done.

State and District Commissions review their orders, consumers file their complaints on an electronic basis and complaints are subject to the area where their location is located in consumer commissions.

The new law provides for ease of consumer dispute justice practices that enable filing. Further, the new law provides for the conduct of the inquiry through video conferencing and allowing complaints to be accepted if a decision is not taken within the specified 21 days of acceptance of the inquiry.

As per the norms of the settlement authority, there is no fee to file a case up to Rs 5 lakh. It is convenient to file complaints on an electronic basis. In the case of unidentified consumers, loans can be availed from consumer welfare funds. The State Commissions will inform the Centre quarterly about vacancies, settled cases, pending cases and other matters.

Apart from the general rules, the new law also contains Central Consumer Protection Council rules, Consumer Disputes Redressal Commission rules, state and district commission members, rules for appointment of chairman, arbitration rules, model rules, e-commerce rules, consumer authority procedure, arbitration regulation. This includes the Administrative Control Regulation of the State Commission and the District Commission.

The Central Consumer Protection Council rules have room for setting up of the Central Consumer Protection Council, an advisory body on consumer issues with the Union Minister of Consumer Welfare, Food and Public Distribution as chairman, the Minister of State as vice-chairman and 34 members from various other departments.

A single-point approach to justice was adopted in the previous Consumer Protection Act, 1986, which was a waste of time. The new law was introduced after several amendments were made to protect buyers not only from traditional vendors but also from new e-business retailers/sites. The act is a significant tool in protecting consumer rights in the country.

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