

INTERNATIONAL JOURNAL OF LAW MANAGEMENT & HUMANITIES

[ISSN 2581-5369]

Volume 7 | Issue 3

2024

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Critical Analysis of Consumer Protection Act, 2019

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ABSTRACT

The term "consumer" refers to an individual who purchases or rents goods or services for personal use rather than for resale or production. The Consumer Protection Act of 2019 was enacted to safeguard the interests of consumers rather than sellers. This act is the latest amendment to the original Consumer Protection Act of 1986. There have been four amendments to this legislation: the first in 1986, the second in 2002, the third in 2008, and the fourth in 2019. The 2019 amendment expanded the definition of "consumer" and addressed consumer rights within the e-commerce sector. Additionally, it introduced the option for e-filing of cases. This paper delves deeply into the concept of a consumer, the rights of consumers, and the provisions of the Consumer Protection Act of 2019. It also examines the shortcomings of previous acts and how they were rectified by the most recent amendment. Furthermore, the paper provides a critical analysis of consumer protection by referencing various old and new cases.

Keywords: consumer, amendments, e-commerce, analysis.

I. INTRODUCTION

The process of defending consumers against unethical business practices is known as consumer protection. It involves measures designed to protect customers from dishonest and unethical activities by sellers, manufacturers, service providers, and others, as well as to provide remedies when their legal rights as consumers are violated.

The "Consumer Protection (Amendment) Act of 2002 introduced significant changes in the procedural methods and jurisdiction of consumer forums. The original Consumer Protection Act of 1986 had numerous flaws and problems, resulting in a large number of pending cases and delays in their resolution³. As part of the 2002 amendment, District Consumer Forums were granted first-class magistrate authority. Furthermore, the 2008 amendment extended the Act's coverage to include prepaid gift cards and computer software containing intellectual property.

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³ Regulating the private health care sector: the case of the Indian Consumer Protection Act, Ramesh Bhatt, Health Policy and Planning 11(3), Oxford University Press 1996, ISSN NO.: 265-279

However, online shopping was not specifically addressed. This amendment did not include provisions for the submission of online complaints or specific remedies for consumer issues in the e-commerce sector.

To address these shortcomings, the Consumer Protection Act of 2019 was introduced. This Act added new definitions for terms such as consumer, unfair trade practices, unfair contracts, and misleading advertisements. A consumer is defined as a person or group who purchases goods and services for their own consumption rather than for manufacture or resale. According to Section 2(7) of the Consumer Protection Act of 2019, a consumer is someone who purchases goods or services in return for money and uses them for both personal use and resale or other commercial purposes. The definition of consumer explicitly includes electronic transactions made online, as well as direct selling, teleshopping, and multi-level marketing.

(A) Literature Review

1) Regulating the Private Health Care Sector

The Case of the Indian Consumer Protection Act. This report explores the impact of the Consumer Protection Act (COPRA) by analyzing responses from a postal questionnaire and interviews with 130 service providers in Ahmedabad, India. The survey aimed to gauge the providers' views on the consequences of COPRA⁴. Additionally, the report examines case data from the Gujarat Consumer Disputes and Redressal Commission since 1991. To highlight the various challenges in implementing this Act, four cases brought before the National Commission on Consumer Redress are examined in detail.

2) E-Commerce and Consumer Protection in India: Emerging Trends

This article investigates the protection of online consumers under Indian law, considering the rise of e-commerce. Through an analysis of the Consumer Protection Act, 2019, and the Consumer Protection (E-commerce) Rules, 2020, coupled with a literature review and survey of 290 online consumers, the article examines consumer preferences and trust factors. Findings indicate that online shoppers prefer cash-on-delivery and that website content and customer service foster trust. The new regulations enhance e-commerce in India by safeguarding consumer rights, with key elements such as security, confidentiality, warranties, and effective customer service contributing to consumer confidence and loyalty.

⁴ E-Commerce and Consumer Protection in India: The Emerging Trend, Neelam Chawla and Basant Kumar, *Journal of Business Ethics* 2022, ISSN No.: 581-604, Url: <https://doi.org/10.1007/s10551-021-04884-3>

3) Consumer Protection in India: Some Reflections

This article discusses the significance of consumer rights in an interconnected global economy. It highlights the demand for better goods and services and the role of technology in improving quality and safety. Despite these advancements, consumers face exploitation through practices such as food adulteration, fake pharmaceuticals, misleading hire-purchase schemes, exorbitant prices, substandard services, deceptive advertising, hazardous products, and black marketing. The rise of information technology has also introduced challenges like cybercrime. The article argues that consumer protection benefits both government and industry, emphasizing the need for robust policies, laws, and administrative measures to safeguard consumer interests.

a. Books

1) Law of Torts by B.M. Gandhi

This book provides an in-depth discussion of the Consumer Protection Act of 1986, covering its nature, meaning, and the legislative discussions that led to its enactment. It serves as a comprehensive resource on the Act, detailing various cases and parliamentary debates that shaped the law.

2) Consumer Law and Practice by R. Lowe and G.F. Woodroffe

Aimed at law students and legal advisors, this book details civil and criminal remedies available in the UK for issues faced by private consumers when purchased goods or services are defective or not delivered. It focuses on problems arising when suppliers fail to meet their obligations, providing insights into legal solutions for these consumer issues⁵.

3) Law of Consumer Protection India by D.N. Saraf

This book is an excellent example of thorough and innovative research, primarily written for students of business, economics, management, and law. It critically examines fundamental principles of important consumer laws in the United States and provides a detailed, section-by-section analysis of the Consumer Protection Act of 1986. The book is well-structured into eight parts and addresses questions posed by academics, consumer activists, researchers, and attorneys, making it a valuable resource for practitioners.

(B) Statement of problem

This paper delves into the scope and extent of the new Consumer Protection Act of 2019, evaluating its adequacy in addressing the challenges consumers face with online transactions.

⁵ Consumer Protection in India Some Reflections, S.S. Singh and Sapna Chadha, Indian Institute of Public Administration New Delhi

The rise of a well-structured online sector of manufacturers, traders, and service providers necessitated the introduction of this Act due to its profound impact on business-consumer interactions, which had significantly weakened the principle of consumer sovereignty.

The Consumer Protection Act of 2019 incorporates goals similar to those of previous legislation. However, the central question remains: in this globalized world, have these goals been achieved, or are consumers still vulnerable to exploitation? Attractive advertisements on TV and YouTube often lure consumers, but the real issue is that consumers remain defenseless against such deceptive marketing, as they rarely receive comprehensive information.

The new Act aims to broaden the definitions of consumer, service, and procedures within the established redressal systems. By providing society with direct access to the market economy, the Act seeks to enhance societal welfare. It attempts to reduce the sense of helplessness that consumers feel towards powerful business entities. The problem of consumer exploitation has become so pervasive that many consumers have resigned themselves to it as a part of life. However, the implementation of such stringent measures offers hope for eventually curbing this issue⁶.

The paper identifies and elucidates the new concepts introduced in the law, especially those relevant in the digital age, while also highlighting any gaps in the legislation. By doing so, it offers a comprehensive critique of the Consumer Protection Act of 2019, assessing whether it truly empowers consumers in the modern marketplace.

II. MEANING, NATURE AND SCOPE OF CONSUMER PROTECTION ACT, 2019

The Consumer Protection Act of 2019 is a legislative measure aimed at safeguarding the financial and legal rights of consumers⁷. This law protects consumers from purchasing hazardous products, receiving subpar services, and falling victim to unethical business practices. The main goal of the Consumer Protection Act, 2019, is to uphold consumer rights by establishing authorities for the swift and efficient resolution of consumer disputes and grievances. As stated in the Act: An Act to provide for the protection of the interests of consumers and for the said purpose, to establish authorities for timely and effective administration and settlement of consumers' disputes and for matters connected therewith or incidental thereto.

⁶ Saraf, D.N (1995) "Law of Consumer Protection in India," National Law School Journal: Vol. 7: Issue 1, Article 17. Available at: <https://repository.nls.ac.in/nlsj/vol7/iss1/17>

⁷ V. D. Mahajan, Jurisprudence and Legal Theory, Fifth edition, 2013, Eastern Book Company

(A) Consumer Definition

According to Section 2(7) of the Consumer Protection Act of 2019, a "consumer" is defined as an individual who⁸:

1. Buys any goods for a consideration that has been paid, promised, partly paid, partly promised, or under any system of deferred payment, including any user of such goods other than the person who buys such goods for a consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, provided such use is made with the approval of such person. This excludes anyone who obtains such goods for resale or any commercial purpose.
2. Engages in any service for which a consideration has been paid, promised, partly paid, partly promised, or under any deferred payment scheme, including any beneficiary of such service other than the person who hires or avails of the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are availed with the approval of the first mentioned person. This definition excludes those using the service for any commercial purpose.

(B) Definition of Person

In the context of consumer protection, the term person derives from the Latin term *Persona*, meaning a legal entity that holds legal rights and responsibilities. This encompasses individuals, groups, companies, or any legal entity recognized under the law. Legal theorists have varied perspectives on what constitutes a person:

- Savigny and Holland suggest that a person is defined by the possession of legal rights.
- Kelson argues against the notion of an autonomous entity with distinct rights and duties, proposing instead that each individual is a collection of rights and duties.

(C) Categories of Persons

Persons are categorized as:

1. **Natural Person:** A human being with state-recognized rights and duties. Historically, Roman law did not grant slaves any rights or responsibilities, but they could still form contracts binding on their masters. In modern legal systems, natural persons are individuals recognized by the state from birth and endowed with legal rights and obligations.

⁸ Parmanand Singh "Thinking about the limits of Judicial Vindication of Public Interest", (1985) 3 SCC (Jour) 1

2. **Legal Person:** Entities, such as corporations, organizations, or institutions, granted legal personality by law. These entities can hold rights and duties akin to natural persons and are often referred to as artificial or juristic persons.

(D) Consumers and Legal Persons

While all natural persons can be classified as consumers, not all legal persons can be classified as consumers. The distinction lies in the purpose of acquisition—only those acquiring goods or services for personal use and not for resale or commercial purposes qualify as consumers under the Act⁹.

III. CONSUMER PROTECTION- CONSTITUTIONAL PERSPECTIVE

In India, the constitution is the supreme law from which all other laws derive their authority. This dynamic and comprehensive document provides the judiciary with ample opportunities to interpret its provisions in innovative ways. The Indian constitution is not a static artifact but a living, evolving framework.

(A) Article 21 and Consumer Rights

Article 21 of the Indian Constitution states that "no person shall be deprived of his life or personal liberty except according to the procedure established by law." The judiciary has expansively interpreted this clause in various rulings addressing a wide range of legal issues. Under Article 21, consumers have the right to choose among essential services. The state is obligated to ensure that its citizens live in a safe and healthy environment, making any product that endangers life and property a direct violation of Article 21. The state must enact legislation to protect consumers from frauds such as malpractice, adulteration, and the manufacture of substandard goods, and it must punish offenders accordingly. This article has given rise to numerous consumer rights, including the right to safety and the right to education.

(B) Article 14 and Equality

The right to equality is a fundamental right granted to all Indian citizens, irrespective of caste, class, gender, place of birth, or language. Article 14 of the Constitution ensures a free and impartial environment for all citizens. The state is prohibited from engaging in monopolistic consumer practices, and all consumers, regardless of purchasing power, should be treated equally. India's consumer protection laws safeguard both the wealthy and the poor, ensuring

⁹ Report of the Special Representative, Protect, Respect and Remedy: A Framework for Business and Human Rights, UNDoc A/HRC/8/5.

that basic life essentials are available to all at affordable prices¹⁰.

IV. CONSUMER RIGHT- HUMAN RIGHT PERSPECTIVE

Consumer rights have conventionally been categorized as constitutional, tort-based, or contract-based laws, yet it's pertinent to explore whether they can also be classified as human rights. Let's examine if human rights principles can be applied to elucidate consumer relations, an area often overlooked. Human rights offer a fresh lens through which to analyze the seller-customer dynamic, as both parties possess distinct rights and obligations.

Applying the notion of human rights to consumer interactions poses challenges, primarily because consumer grievances typically target private entities rather than the state. Human rights obligations are typically incumbent upon states and are conferred upon their citizens; thus, their direct applicability to consumers is questionable. In consumer contracts, liability rests with the seller, producer, or manufacturer, not the state. Human rights may only be violated by the state if it assumes the role of the supplier. Hence, the applicability of human rights to private or non-state entities remains uncertain.

In India, the Consumer Protection Act of 1986 safeguards consumer rights, constituting positive law where the seller is not held accountable for human rights violations. The state is not obliged to respect, protect, or fulfill consumer rights. Nevertheless, there are scenarios wherein the state may be liable:

1. The state may intervene to prevent consumer property infringements, a task achieved through the enforcement of consumer protection statutes in India.
2. To ensure a consumer's right to a healthy environment, which is intertwined with the right to life.
3. The development of a regional consumer right in the EU, akin to a human right, could be explored and subsequently integrated into local laws.
4. Fostering a relationship where both customer and seller are mutually committed, diverging from traditional human rights frameworks. Indian consumer law has evolved to nurture such a consumer-vendor relationship.

In the European Union, pre-dispute arbitration clauses in consumer contracts are deemed contrary to good faith if not individually negotiated, indicating a systemic disadvantage for consumers in arbitration disputes. However, the EU's enforcement of these directives within its

¹⁰ Editor prof Ashok Patil, "25 Years of Consumer Protection Act: Challenges and the Way Forward" (2014)

jurisdiction remains lackluster, suggesting a lack of urgency. Despite the presence of consumer protection clauses in EU charters, actual policy implementation remains elusive. Consequently, Article 38 should be construed as having only institutional implications, lacking individual or collective remedies¹¹.

V. CRITICAL ANALYSIS OF CONSUMER PROTECTION ACT, 2019

The historical backdrop of consumer protection in ancient India traces back to the Dharma Shastras, which served as foundational principles governing human relationships based on Vedic rules. Manusmriti, an ancient scripture, addressed social, political, and economic norms, prescribing sanctions for violations, ranging from adulteration to fraudulent practices in product sales. Kautilya's Arthashastra also underscored the state's role in market regulation and merchants' accountability to prevent consumer offenses.

During medieval times, Mughal rulers emphasized consumer protection by enforcing market regulations and penalizing shopkeepers for under weighing goods. With the advent of British rule in India, traditional legal systems were replaced, and various acts, including the Indian Contract Act, Sales of Goods Act, and Indian Penal Code, were enacted to regulate commercial transactions.

Post-independence, India's legal framework witnessed significant developments. The Constitution of India, established in 1950, guaranteed fundamental rights, including the right to a dignified existence and the freedom to engage in commerce. Directive Principles of State Policy outlined objectives for economic and social justice, with Article 47 emphasizing the state's duty to protect public health¹².

As India transitioned from an agrarian to an industrial economy through Five Year Plans, the need for consumer protection became apparent due to economic disparities, illiteracy, and adulteration. The government enacted various laws to address consumer rights, covering aspects like banking, industry regulation, food adulteration, and misleading advertisements.

The Consumer Protection Act of 2019 replaced previous legislation to address existing gaps and flaws. It broadened the definition of consumer, introduced provisions for e-commerce, established an e-filing system for case registration, and delineated sections for product liability, misleading advertisements, and alternative dispute resolution. In essence, the Consumer

¹¹ A. Rajendra Prasad, "Historical Evolution of Consumer Protection and Law in India: A Bird's Eye View", *Journal of Texas Consumer Law*, Volume 11, No. 3, Summer, 2008, pp. 132-136 at p. 132.

¹² Dr. Shradhakar Supakar, *Law of procedure and justice in Ancient India*, 38(Deep & Deep Publication, New Delhi, 1986)

Protection Act of 2019 aimed to rectify deficiencies in earlier statutes, ensuring comprehensive consumer safeguarding measures.

VI. PROVISIONS REGARDING APPEALS

Appeals from a state commission to the national commission are permissible solely if the case involves significant legal questions. Conversely, appeals from the National Commission to the Supreme Court are only entertained if the case originated in the National Commission.

Jurisdiction-wise, consumers are entitled to file cases in the jurisdiction of their residence or workplace. The jurisdiction of consumer commissions has been extended to accommodate complaints filed by consumers at their place of residence or employment, a provision introduced under the Consumer Protection Act of 2019.

VII. INCLUSION OF E-COMMERCE PLATFORMS

As per the Consumer Protection Act of 2019, the regulations governing e-commerce operations mirror those applicable to the direct sale of goods or services. E-commerce platforms are now mandated to disclose essential details about sellers, including contact information such as phone numbers, email addresses, and website URLs. Additionally, stringent penalties are outlined for the sale of counterfeit products on these platforms¹³.

Furthermore, the new legislation outlines several consumer rights, including:

1. The right to protection against the promotion of goods or services that pose risks to life and property.
2. The right to receive comprehensive information regarding the quality, quantity, effectiveness, purity, standard, and pricing of goods, products, and services.
3. The right to access goods, products, and services at competitive prices.
4. The right to present grievances at suitable forums.
5. The right to seek recourse against unfair trade practices that exploit consumers.
6. The right to consumer education and awareness.

VIII. JUDICIAL PRECEDENTS

A. *Om Prakash Saini vs. DCM Ltd. And Ors.*¹⁴

Facts: In this instance, the appellant invested in Fully Secured Debentures issued by the

¹³ Gurjeet Singh “The problem of Consumer Protection in India : A Historical Perspective” Consumer Protection Reporter 704 at 705, n.6 (1994 III)

¹⁴ (2010) 11 SCC 622

respondent. Upon the respondent's failure to fulfill the maturity amount, the appellant lodged a complaint with the State Consumer Disputes Redressal Commission, which ruled in the appellant's favor. Respondent No. 1 contested the State Commission's Order by initiating an appeal under Section 21 of the 1986 Act but subsequently retracted the appeal. Consequently, the Defendant filed a Writ Petition, which the High Court granted, asserting that the State Commission lacked jurisdiction over the matter. Hence, this appeal is now brought before the Supreme Court.

Issue: Whether the High Court erred in accepting the Respondent's petition.

Judgment: The Hon'ble Supreme Court maintained that the Consumer Protection Act of 1986 was enacted by Parliament to safeguard consumer interests and establish a comprehensive mechanism for resolving consumer disputes. The remedy of appeal provided to an aggrieved party by the State Commission is considered an effective alternative remedy. The CPA, 1986 stands as a special and self-contained statute. In the present case, the Respondent exercised the alternative remedy available under Section 21 by appealing the State Commission's order. However, during the appeal's pendency, the Respondent opted to challenge the State Commission's order via a petition under Article 227 of the Constitution. This petition was entertained by the Single Judge based on the Respondent's assurance that the appeal before the National Commission would be withdrawn. The High Court did not provide reasons for deviating from the rule that it would not entertain a petition under Article 226 or 227 of the Constitution when an effective alternative remedy was available to the aggrieved party. Therefore, during the pendency of the Respondent's appeal under Section 21 of the 1986 Act, the High Court was unjustified in entertaining the petition under Article 227 of the Constitution, and the appeal was allowed.

Analysis: In my view, the Supreme Court's decision is correct. The High Court should not have extended its jurisdiction to entertain the respondent's appeal under Article 227 when the decision of the previous appeal under CPA 1986 was still pending.

B. M/s Shreenath Corp. & Ors. Vs. Consumer Education & Research Society & Ors.¹⁵

Facts: Shreenath Corporation provided units in 1992. In 2001, nine years after acquisition, a building collapse occurred due to faulty construction, resulting in fatalities and injuries among flat buyers. With CERS's guidance, a compensation claim was initiated against the builder. The panel upheld the complaint, ordering the company to pay compensation and 9% interest. The builder appealed to the national commission. The Consumer Protection Act (CPA) requires an

¹⁵ (2014) 8 SCC 657.

appealing party to deposit money. Attempts to appeal to the national commission incur a cost of 50% of the award or Rs. 35,000, whichever is lower. The builder contributed Rs. 35,000 per appeal. The national commission permitted the builder an interim stay if 50% of the principal amount (minus interest) was deposited within three months. The Supreme Court questioned the builder's interim order. The builder argued that since Rs. 35,000 had already been provided at the time of submitting the appeal, the national commission had no right to demand further deposit.

Issue: Whether the National Commission's interim ruling granting the appellant a conditional stay falls within its jurisdiction?

Judgment: The Supreme Court noted that the deposit of Rs. 35,000 is a pre-deposit required as a condition precedent to filing the appeal. The purpose of this pre-deposit is to deter frivolous appeals. During the appeal hearing, the commission has the authority to issue appropriate interim orders. The commission may exercise its discretion when passing such interim orders to grant a total stay, a conditional stay, or refuse to grant a stay. The Supreme Court also observed that the pre-deposit amount and the amount payable under the interim order arise at two different stages of the proceedings. The pre-deposit is payable at the time of filing the appeal and is not linked to the merits of the dispute. In contrast, the direction to make a further deposit is issued during the hearing of the application for interim stay and is determined based on the merits of the appeal, the balance of convenience, and whether irreparable loss would be caused to a party seeking a stay. The Supreme Court thus concluded that the interim order passed by the national commission was well within its jurisdiction and dismissed the builder's appeal.

Analysis: If the authority to grant a conditional stay falls within the National Commission's interim jurisdiction, then it can exercise its power. However, it should not exceed its jurisdiction.

*C. Spicejet Limited vs. Ranju Arey*¹⁶

Facts: Ranju Aery purchased air tickets online via Yatra.com for herself and her family to travel from Kolkata to New Delhi on 30.06.2015. Using her debit card, the complainant paid Rs 70,900. Upon arriving at Kolkata airport at 1:30 p.m. for the 20:40 OP Airlines flight to New Delhi, they were informed that the flight had been cancelled. OP Airlines did not offer alternative travel arrangements to the plaintiff and her family. Consequently, the complainant had to purchase tickets for another Jet Airways flight from Kolkata to Mumbai, with a

¹⁶ 2017 SCC Online NCDRC

connection to New Delhi at 20:40, costing Rs. 80,885 for five tickets. The plaintiff claimed that OP Airlines neither refunded the cost of the cancelled flight nor provided an alternative flight. The complaint sought a refund of Rs. 20,000 plus 12% per annum interest for the cancelled trip, reimbursement of the Rs. 80,885 spent on an alternative flight, Rs. 1.5 lakhs for mental anguish, and Rs. 22,000 for legal fees. The District Forum issued an ex-parte order against OP Airlines, directing them to refund Rs. 80,885 to the petitioner after deducting the airfare between Kolkata and New Delhi for the cancelled flight, along with interest at 9% per annum from the date of the terminated journey until realization. Additionally, OP Airlines was ordered to pay Rs 1,250,000 for harassment and Rs 10,000 for legal fees. The airline appealed the court's jurisdiction citing its main office in Gurugram. Relying on Section 11 of the Consumer Protection Act, which permits consumers to file complaints where the defendant's home, place of business, or where the cause of action arose, the airline argued against the jurisdiction of the District Forum.

Issue: Should internet consumers be permitted to file lawsuits anywhere?

Judgement: The NCDRC rejected the airline company's argument and found the company guilty of service deficiency for cancelling the flight without justification. On appeal to the Supreme Court, it ruled that consumers who make online purchases through websites can file consumer complaints before any consumer court for service deficiencies.

Analysis: The NCDRC's decision to hold the airline accountable and order damages is appropriate. The NCDRC should also impose a substantial penalty on the airline as it has repeatedly breached the contract and failed to provide proper service to consumers. Additionally, online buyers should be allowed to file complaints before any consumer forum in the event of service non-delivery. This ruling has been affirmed by the Supreme Court.

D. Banne Singh vs. Jhunjhunu Academy¹⁷

Facts: In response to the State Commission's order dated June 2, 2016, the complainant submitted an amended petition. The complainant's daughter attended OP school, and upon completing her 12th-grade exam in 2013, she requested a transfer certificate (TC) and the return of her security deposit. Despite no outstanding fees, the school demanded Rs. 10,000 for issuing the TC. Consequently, the complainant's daughter was denied admission for the 2013-2014 academic year due to the lack of a TC. Subsequently, the complainant filed a consumer complaint with the District Forum, seeking compensation of Rs. 4,50,000/-."The OP contested all allegations, claiming the complainant never approached the school. The District Forum

¹⁷ 2017 SCC Online NCDRC 128

ordered the school to issue a TC and character certificate within 15 days, failing which the school would owe Rs. 10,000/-. Dissatisfied with the District Forum's minimal compensation, the complainant appealed to the State Commission. Finding no flaws in the District Forum's order, the complainant filed an amended petition with the NCDRC.

Issue: Did the school fail to provide adequate service?

Judgement: The NCDRC determined that due to the school's wrongful actions, the complainant's daughter was unable to secure admission to college in the 2013-2014 academic year. The loss of one academic year has significant implications for a student's career prospects and advancement. Both forums failed to recognize this aspect while deciding on compensation. Therefore, the State Commission's order was modified, directing the OP to pay Rs. 50,000 to the complainant within a month. Failure to comply would entitle the complainant to recover the amount through an execution petition in the District Forum.

Analysis: The school's failure to provide proper service not only resulted in the waste of the complainant's daughter's academic year but also prolonged the proceedings due to inadequate decisions by both forums. The NCDRC appropriately held the school accountable for the damage caused by one academic year and imposed the correct penalty.

IX. CONCLUSION

The conclusions drawn from the research articles are varied and dependent on the specific topics and findings of each study. However, here are some general conclusions based on the information provided in the paraphrased articles:

1. **Consumer Protection Laws in Ancient India:** The historical background reveals that consumer protection measures were present in ancient Indian societies, indicating a long-standing concern for consumer rights. Legal texts such as Manusmriti and Kautilya's Arthashastra emphasized the importance of fair trade practices and regulations to safeguard consumers.
2. **Evolution of Consumer Protection Laws in Modern India:** The development of consumer protection laws in modern India has been influenced by historical practices and contemporary needs. Legislation such as the Consumer Protection Act of 2019 reflects the government's commitment to ensuring consumer rights in the rapidly evolving marketplace, particularly in the context of e-commerce.
3. **Jurisdiction in Consumer Disputes:** The jurisdictional aspect of consumer disputes is crucial in ensuring access to justice for consumers. Clear guidelines on where consumers

can file complaints and seek redressal help in streamlining the legal process and protecting consumers' rights effectively.

4. **Interim Orders and Pre-Deposits:** The issue of interim orders and pre-deposits in consumer disputes highlights the balance between preventing frivolous appeals and ensuring fairness in legal proceedings. Courts must exercise discretion in granting interim relief while considering the merits of each case and the potential harm to parties involved.
5. **Online Consumer Rights:** The rise of e-commerce has raised new challenges for consumer protection, necessitating laws and regulations that adapt to the digital landscape. Consumers' rights in online transactions, including the right to seek redress for non-delivery of services, must be upheld by consumer forums and courts.
6. **Accountability of Service Providers:** Service providers, whether schools or airlines, have a duty to provide adequate services to consumers. Failure to fulfill this obligation can result in legal consequences, including compensation for damages incurred by consumers due to deficient services.

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