

Consumer Protection Act in West Bengal: A Study of Awareness Level of Consumers

Paper Submission: 10/11/2020, Date of Acceptance: 26/11/2020, Date of Publication: 27/11/2020



Aditya Sarkar

Student,
Dept. of Commerce,
Cooch Behar Panchanan Barma
University, Cooch Behar, West
Bengal, India



Alie Vashishtha

Student,
Dept. of Law,
Adamas University, Kolkata,
West Bengal, India

Abstract

In order to abolish Mughal's age old traditional legal system of India, the English ruler revolutionized with the enactment of the Consumer Protection Act of 1986. The Act was introduced with an intention to shape consumer perception, impart market information and educate consumers about their basic rights.

The research focuses to study upon consumer awareness about the Consumer Protection Act and their perception towards filing complaint against the malpractices which takes place in West Bengal. The study also showcases the ideology of consumer, their rights and obligation to seek for justice when their rights are infringed. The researcher used structured questionnaire to conduct a survey among different consumers of different age group in West Bengal. The basic purpose of the research is to bring into light about the lacunas in the part of consumer for seeking redressal in case of deception. The main focus was to extract the disadvantages/problem faced by the consumers. The result of the study discloses that majority were men and are considerably more active in urban areas who are basically undergraduate students and few were in some other profession are aware about the legislation and the procedure to file complaint.

Keywords: Consumer, Consumer Protection Act, consumer Awareness, Consumer Rights and Responsibilities.

Introduction

Everyone in this world is a consumer in different way according to their respective needs, but the value of consumption can be only exchanged within the economy. The economy is governed by laws for its stability and strict compliance. Since, consumers are the basic ingredients of Indian Economy; protection of their rights and obligations is one of the main duty of the Government of India. Hence, different laws are framed to protect them from the malpractices practice upon the consumers.

In a developing country like India, due to liberalization and globalization the market expanded which results in production or availability of different varieties of homogenous product which leads to stiff competition among sellers. But this immense competition is resulting in exploitation of consumers as the sellers are misleading and providing low quality products to the consumers to earn more profit and to reduce the cost of production. Hence, the government introduced the Consumer Protection Act to minimize the risk of the consumers and also reduce the exploitation of consumers.

Consumer Protection Act, 1986 is a law to protect the interests of the consumers.

It is to provide a transparent and quick redressal to consumer grievances. The Act tries to promote and protect the interest of consumers against the defects in goods or services.

As every law gives rights to its citizens, Consumer Protection Act 1986 also provides 6 basic rights to the consumer that includes Right to consumer education, Right to seek redressal, Right to be heard in appropriate court i.e. Consumer Forum, Right to information, Right to be protected against the malpractices and Right to receive assured access.

The Act provides three tier redressal forum at centre, state and district level for replacement or compensation for the defects. But the main concerned is about awareness of the consumers for their demand and the

Periodic Research

Existence of their rights and responsibilities for redressal in case of deception authorized by law.

In such context, the present study is undertaken to measure the awareness among consumer towards their rights and the procedure for redressal.

Review of Literature

Naegeswara Rao, D. (2002) The research "Consumerism in India – The rise of teething trouble" notes that the perception of consumer rights has not achieved the extent of understanding even among the urban and educated masses. The security of the customer therefore remains a mythology and the user remains a prisoner of the economy, rather than a sovereign.

Tangade and Basavaraj (2004) The research entitled "Access of Consumer Laws Knowledge and Attitudes" analyzes informed consumers' degree of understanding and happiness regarding different rules. This research has examined the effective function played by the electronic and press media in developing customer awareness.

Yamuna Krishna, B. and Suganya, Y. (2011) In their research entitled 'Comparative Consumer Court Studies in Tamilnadu and Kerala,' the report notes that Indian courts are suffering from severe limitations which reduce popularity, and offer Indian consumers negative opinions on how they work. The researchers also concluded that Kerala 's consumer courts are more powerful than Tamilnadu 's consumer courts. No particular reason or profit may be placed either on the government or the user.

Krishnamurthi, A. and Suresh, K.M. (2012) In their report "Evaluation of Erode District's Consumer Security Council," it was proposed that the establishment for affordable, fast and simple legal remedy for grieved consumers of mobile consumer courts and offices was the most appropriate form of addressing them.

Parag A. Inamdar, (2013) In his report "Consumer Safety – A Mumbai City Century Market Consciousness Research," 32 percent of respondents were unaware of the law of safety of products, and 68 percent were not aware of the law of protection and 14.6 percent were aware of the appeal mechanism before consumer courts, and 85.4 percent were unaware of the consumer protection mechanism. C.P.Ameen, (2017) In his Report "a study on consumer awareness on consumer protection forum in calicut city, kerala"

The study concludes that proper consumer education and awareness should be imparted to consumers and proper and immediate action should be taken by government in order to enhance faith of the consumers on legislative machineries. The results of the study disclose that majority of the respondents are not interested to go court against unfair trade practices by traders, even though they know about Consumer Protection Act and District Consumer Protection Forum. In such a context, this study focuses to analyze consumer awareness on Consumer Protection Forum in Calicut city, Kerala.

Objectives of the Study

1. To analyze the level of awareness towards consumer right in West Bengal

2. To study the consumer knowledge and perception while purchasing.

3. To offer ideas and guidelines for providing better facilities for consumer

Research Methodology

For the purposes of this study, data and information has been collected from primary as well as secondary sources.

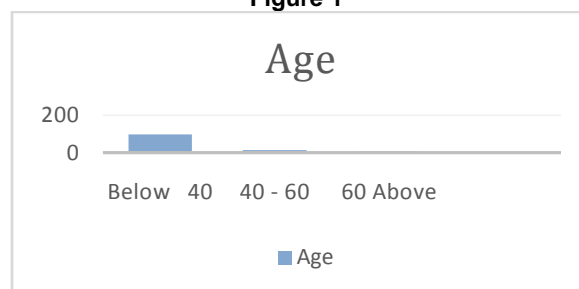
The data methodology was obtained by using a simple random sampling method from a survey of 117 domestic consumers through different places in the West Bengal. Primary data were collected using questionnaires, i.e. Google form and secondary data were collected through books, magazines, newspapers, documents, journals, annual reports.

Data Presentation and Analysis

Table 1 - Age group of the consumer

Particulars	Total	Percentage
Below 40	97	83%
40 – 60	14	12 %
60 Above	6	5 %

Figure 1



The table-1 shows the age group of consumer who are aware of the consumer protection. It can be noted that about 83% in age between below 40 years are mostly aware and 5% in age 60 and above are least.

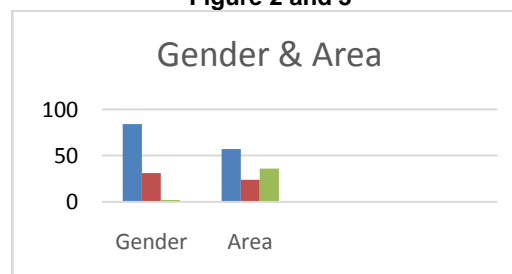
Table 2-Gender group

Particulars	Total	Percentage
Male	84	72 %
Female	31	26 %
Others	2	2 %
Total	117	100 %

Table 3 – Area group

Particulars	Total	Percentage
Rural	24	20 %
Urban	57	49 %
Semi Urban	36	31 %
Total	117	100 %

Figure 2 and 3

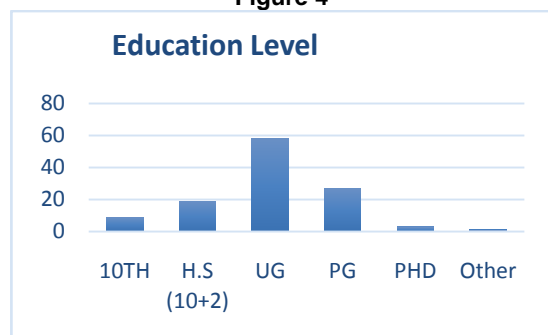


The tables 2 and 3 show the gender and area of consumers who are actually aware about the consumer protection. Here, it is basically indicate that about 72% of male population in connotation with 49% in Urban area are mostly aware and least in others category in Rural area are unaware.

Table 4- Education level of consumer

Particulars	Total	Percentage
Secondary (10)	9	8 %
H.S (10+2)	19	16 %
Undergraduate	58	49 %
Postgraduate	27	23 %
PHD	3	3 %
Other	1	1 %

Figure 4

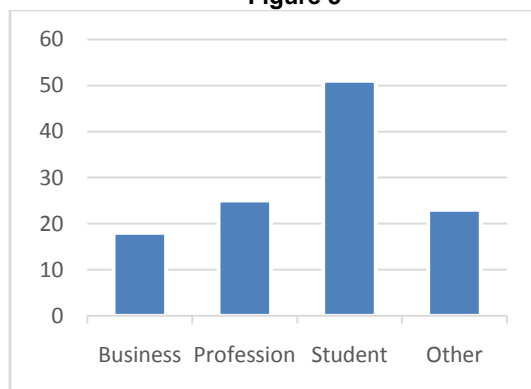


The table 4 showcases the education level among the consumers who are aware of consumer protection. It can be seen that mostly the new generation of undergraduates are mostly aware with 49% and least the PhD and other category with 4% in total.

Table 5 – Category of consumer

Particulars	Total	Percentage
Business	18	15 %
Profession	25	21 %
Student	51	44 %
Other	23	20 %

Figure 5

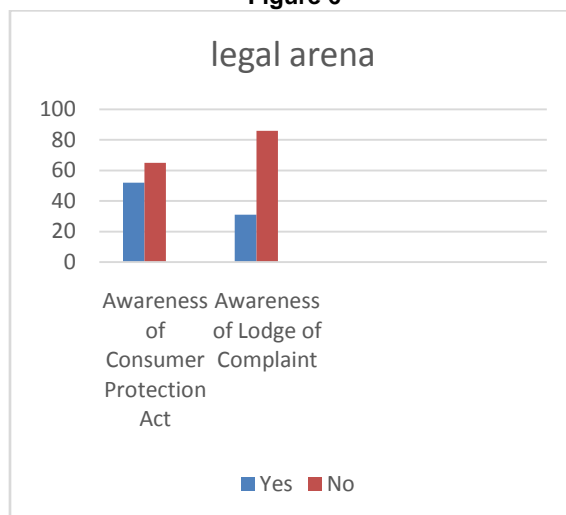


The table 5 exemplify about the category of a particular group of consumer is aware of consumer protection. Here it indicates that the Category in the group of student is 44% which is maximum as compared to Category in group of business and profession.

Table 6 – Consumer awareness about the Consumer Protection Act and the Lodge of Complaint

Particulars	Yes		No		Total
Awareness of Consumer Protection Act.	52	44 %	65	56 %	117
Awareness of Lodge of Complaint	31	26 %	86	74 %	117

Figure 6

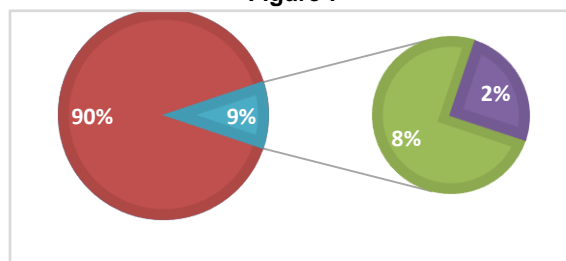


The table-6 showcases about awareness of consumer in legal arena. It can be seen that about 56% of consumer are mostly not aware of Consumer Protection Act and about 74% are not aware about the procedure to Lodge a Complaint. It can be noted that about more than half of consumer are not open to legal arena.

Table 7 – Number of cases Filed in Consumer Forum and Resolved

Particulars	Yes		No		Total
Filed Case	12	10 %	105	90 %	117
Solved	3	25 %	9	75 %	117

Figure 7



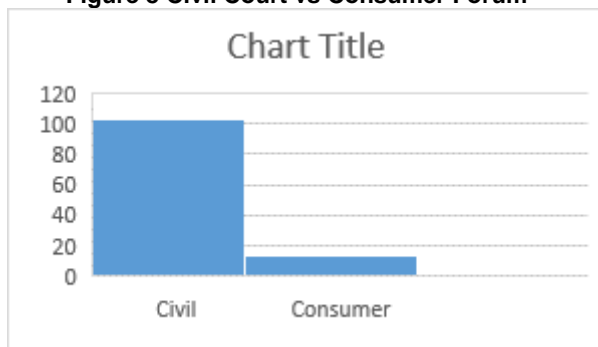
The table-7 shows about the awareness in filed cases among consumer. It can be indicated that about 90% of consumer did not filed a complaint which is maximum and about 10% which is the least have complained. Within 10% of cases filed about 2% of cases were solved and 8% are still pending. Thus, mentioning that about large amount of cases are not filed and even if filed hardly the cases are being solved.

Periodic Research

Table 8 – Weightage of application in Civil and Consumer Forum

Particulars	Number of application	percentage
Civil Court	103	88 %
Consumer Forum	14	12 %

Figure 8 Civil Court vs Consumer Forum

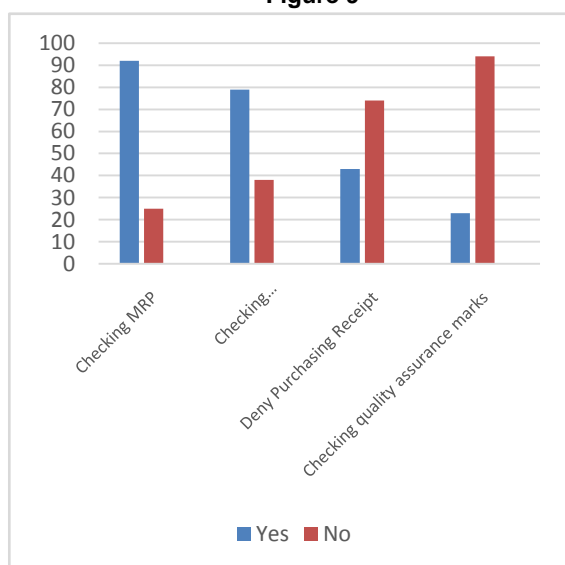


The table-8 exemplify about the awareness of forum. It showcases about civil and consumer courts where about the maximum consumer i.e. 88% approaches the civil court and least 12% approaches the consumer forum. Thus, maximum of consumer are not aware that the cases are to be lodge in the appropriate consumer forum.

Table 9 –Level of awareness of consumer while purchasing

Particulars	Yes		No		Total
Checking MRP	92	79 %	25	21%	117
Checking Manufacturing and expiry Date	79	68 %	38	32 %	117
Deny Purchasing Receipt	43	37 %	74	63 %	117
Checking Quality Assurance marks	23	20 %	94	80 %	117

Figure 9



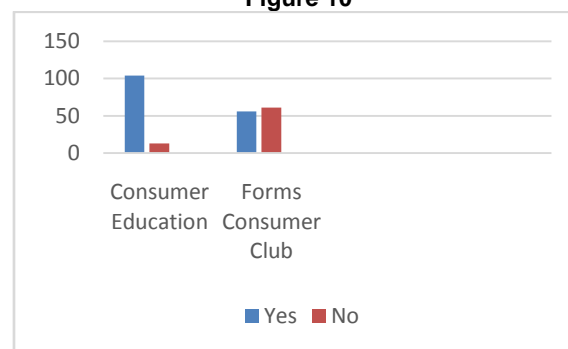
The table-9 showcases the general awareness of consumer while purchasing. It can be noted that 79% of the consumer checks the MRP before purchasing and 68% usually checks manufacturing and expiry date. This indicates a great level of awareness while purchasing.

After the purchases it can be seen that about 80% of consumer are least aware about the quality assurance mark and mostly 63% of consumer deny the purchasing receipt which can lead to loss of evidence in case of defect. This reduces the chance to lodge a complaint of the defect purchase.

Table 10 – Level of awareness of Consumer Education and Forms of Consumer Club

Particular	Yes		No		Total
Consumer Education	104	89 %	13	11 %	117
Forms Consumer Club	56	48 %	61	52 %	117

Figure 10



The table-10 Shows the awareness of consumer in education and about the existing clubs for redressal. It can be indicated that about 89% are aware of consumer education and 52% which is the maximum are unaware about the forms of consumer club for the redressal.

Discussion, Conclusions and Recommendations

The main purpose of Consumer Protection is to save the consumers. This cannot be only achieved with the legal provisions and forum structure; it can only give affect with consumer united and conscious actions. The exquisite feature of Consumer Protection Act 1986 is for social welfare and is enacted to avoid court fees, functional delay, mere technicalities and other costs.

In the study it can be observed that about more than half of the consumers are aware about the Consumer protection but failed to understand the intricacies within it. For instance, a consumer while purchasing are merely alert at each and every phase of purchase i.e. checking MRP, quality assurance mark, accepting receipts. These intricacies would provide confidence among consumer in case of defect and would lead to complete justice.

To get into depth with understanding of Consumer Protection, the sole key is to be aware about the functioning and the practices under Consumer Protection Act. This gear the need of consumer education for the best revival of damages caused to consumer.

In result, it would facilitate to have better opportunities for consumer by focusing on rights of

Periodic Research

consumer with easy approach to appropriate forum and suggesting true process by legal professionals for quick redressal.

Limitations

The research was only performed for one i.e. West Bengal. Since the study is based on the opinion of the sample, the result may vary. Because of sample size load and structure as well. The study's conclusion is based solely on the survey opinion of the employees.

The employees. The findings of the analysis could not always be universal.

References

1. NaegeswaraRao.D- "Consumerism in India – Emerging from its Teething Troubles" –*Indian Journal of Marketing Vol XXXII March-April 2002*, p.5.
2. Tangade and Basavaraj- "Awareness and Perception of Educated Consumer about Consumer Protection Laws" –*Indian journal of marketing –April, 2004 p3-6*.
3. Yamuna Krishna.B and Suganya.Y in their study of "A Comparative study of consumer courts in Tamilnadu and Kerala states -An Statistical survey Report" - *Indian Journal of Marketing*, Dec 2011 p.45.
4. Krishnamurthi.N.A and Suresh.K.M- "Evaluation of Consumer Protection Council with Special reference to Erode District" –*Journal of Management and Science – Vol-II No: 2 April-June 2012 P.105*.
5. Parag A. Inamdar - "Consumer Protection - A study of Consumer Awareness in Mumbai City District"- *International Journal of Social Science & Management*, Volume - 1, Issue - 4 January, 2013 p13-14
6. C.P.Ameen- "A study on consumer awareness on consumer protection forum in calicut city, kerala" - *Shanlax International Journal of Commerce*, Volume -5, Issue – 1 December 2017 ISSN: 2320-4168