

# Compensation may be given for deficiency in hair dressing and makeup | Your rights in Rasrang: Compensation may be given for deficiency in hair dressing and makeup

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24 November 2024

## Your rights in Rasrang: If there is any deficiency in hair dressing and makeup, you may get compensation

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The wedding season has begun. Now many people will go to the salon to get their hair dressing and makeup done or order services at home. Usually the experiences at salons are good, but sometimes the situation can be bad. Today we will know what are the rights of consumers in the context of salons and how they can use them.

**Who are consumers?** According to Section 2(7)(ii) of the Consumer Protection Act, 2019, a person who receives a service on a promise of payment or part payment is a consumer. It is worth noting that this definition also includes “offline or online transactions,

electronic means, teleshopping or direct selling”. All those who receive services through these means are considered consumers. Once a customer is granted consumer status, they are entitled to several rights.

**Are salons covered under consumer law?** Salons provide hair cutting or makeup services and hence are a service provider. Accordingly, it is liable under the Consumer Protection Act, 2019 and can be held liable for “unfair contract or unfair trade practice or restrictive trade practice”. Apart from this, the service provider is also liable for deficiency in service. Deficiency is defined under section 2(11) and means “any defect, imperfection or shortcoming in the quality, nature and manner of performance”. Deficiency also includes any action or inaction or negligence on the part of the service provider which has caused harm to the consumer. Let us now understand this in more detail through actual case law.

### **Bad haircut, Rs 2 crore compensation**

In the case of Aashna Roy vs ITC, the National Consumer Disputes Redressal Commission passed an order to award a compensation of Rs 2 crore to the consumer for a bad haircut. It is worth noting that Aashna was modeling for hair-care products and thus maintaining the hairstyle and taking care of her hair was important for her high profile and bright modeling career. However, due to the bad haircut, she lost opportunities and suffered from depression, trauma and anxiety. This high compensation was awarded considering the totality of the circumstances. To get this compensation, Aashna had to show proof of her work and the financial details involved.

**Bad chemicals and hair fall** A consumer in Andhra Pradesh alleged that the salon worked on the hair straightening procedure for 6-7 hours, but a clump of hair fell down immediately after washing the hair. The consumer claimed it as deficiency in service and sought compensation. However, the complaint was dismissed. The commission said that the consumer failed to provide the opinion of a cosmetologist who could assess the damage to her hair. Therefore, it is important to produce all relevant evidence, such as before and after photographs, receipts, communications and expert evidence in all such cases. In another such case, the Hyderabad District Consumer Commission awarded Rs one lakh as compensation to a Sikh woman who was forced to cut off her hair due to a hair spa procedure gone wrong.

**(The author is also the Secretary, CASC.)**