

Stores cannot charge for shopping bags bearing the brand's logo | रसरंग में आपके अधिकार: ब्रांड के 'लोगो' वाले शॉपिंग बैग के पैसे नहीं ले सकते स्टोर

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Your rights in Rasrang: Stores cannot charge for shopping bags with brand logos

Gaurav Pathak 2 days ago



Shopping bags are an important part of offline shopping. Many stores provide such shopping bags for free, while some also charge for it. Now that the craze of shopping in stores is going to increase on Diwali, let us know what the consumer law says about shopping bags.

Retail store is also a service provider When a large retail store charged a customer for a bag in which he was to carry the purchased items, the customer took the matter to the consumer forum under the Consumer Protection Act alleging deficiency in service and unfair trade practice. In this case, the retail store contended before the forum that retail

stores do not fall within the ambit of “service” under the Consumer Protection Act and hence cannot be held liable for anything under the Act. However, the forum rejected this argument and held that since the customer paid for the purchased items along with the paper bag, the customer is a consumer and the retail store is a service provider.

Can the bag have the brand's 'logo'? In this regard, reference may be made to the case of Pankaj Chandgothia by the Chandigarh State Commission. The consumer received a bag bearing the brand's logo. Firstly, the Commission considered "charging for paper carry bags" as unfair trade practice. Secondly, it said, "The customer purchasing the carry bag bearing the brand's logo is actually promoting the brand and thus becomes the brand ambassador." Despite this, the store has charged the customer for the bag, so it is considered unfair trade practice. The Commission also directed the store to refund the Rs 5 charged for the bag to the consumer and pay compensation of Rs 3,000. Also, it directed to deposit Rs 10,000 in the account of Consumer Aid Legal. In another similar case, the Tripura State Commission also considered it as unfair trade practice and directed to pay compensation of Rs 10,010 to the consumer.

Consumers' Right to Know Section 2(9) of the Consumer Protection Act, 2019 details consumer rights, including the right to be “informed...”. All cases before consumer commissions have emphasised that shops or stores are required to at least inform consumers in advance that they will be charged for shopping bags. In Big Bazaar vs Ashok Kumar, the National Consumer Disputes Redressal Commission (NCDRC) said, “Prior information should be provided (including at the entrance of the retail outlet) to enable the consumer to make a choice whether to visit the concerned outlet or not. Also, the consumer should be informed about the additional cost of carry bags, its key features and price before selecting the goods for purchase.” Therefore, if stores are charging for shopping bags, they will be required to prominently display that information at multiple places, especially at the gate. It will not be enough if the consumer is informed about it only at the billing counter. Overall, if a store is charging for bags, it should share the details with the consumer beforehand and the store cannot charge for bags with a 'logo' on them.

(The author is also the Secretary, CASC.)

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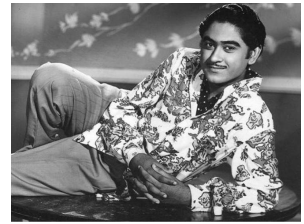
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