

10th - Consumer Rights



The end user of a good or service is called consumer. A consumer is said to be king in an economy as no company can exist without consumers, People in the participate market both as producers and consumers. Producers of goods and services could be from any of the sectors such as agriculture, industry or services. Consumers participate in the marketplace by purchasing final goods and services that they need. However, consumers are exploited in the market place because they do not insist on their rights. If any consumer gets a poor quality product and dare to complain about it to the shopkeeper, he will most likely get a rude response. If a consumer is alone, he can often find himself in a weak position when seller tries to avoid complaint regarding goods or services.

Need for Protecting the Consumers: There is a need for rules and regulations to ensure protection for consumers as exploitation in the marketplace happens in different ways. Markets do not work fairly when producers and service providers are few and powerful, whereas consumers purchase in small amounts and are scattered. This happens when large companies are involved in production of goods. These companies can manipulate the market by passing false information through the media and other sources to attract consumers for example; a company sells milk powder throughout the world for years claiming it to be better than mother's milk. It took years of struggle before the company was forced to accept that it had been making the false claims.

Consumer Movement: In India, the Consumer Movement as a social force originated with the necessity of protecting and promoting the interests of consumers against immoral and unfair trade practices. When consumer was not happy with particular brand, he was forced to avoid buying that brand product. Rampant food shortages, hoarding, black marketing adulteration of food and edible oil gave birth to the Consumer Movement in an organised form in the 1960s. Till the 1970s, consumer organisations were largely engaged in writing articles and holding exhibitions. They formed consumer groups to look into the malpractices in ration shops and overcrowding in road transport. In recent year, India witnessed growth in the number of consumer groups.

Reason for Consumer Movement: The Consumer Movement arose out of dissatisfaction of the consumers, as sellers were indulged in many unfair practices. There was no legal system available to consumers to protect them from this. It was presumed that it was the responsibility of consumers to be careful while buying a commodity or availing a service. It took many years for organisations in India and around the world to create awareness amongst people.

Consumer Forums: The Consumer Movement in India has led to the formation of various organisations locally known as Consumer Forums or Consumer Protection Councils. They guide consumers on how to file cases in the Consumer Court. Many times, they also represent individual consumer in the Consumer Courts. These voluntary organisations also receive financial support from the government for creating awareness among people. An example of such forums can be seen in residential colonies. In such colonies Resident Welfare Associations is made. If any unfair trade practice is performed with association members, they take up the case on their behalf.

Enactment of Consumer Protection Act, 1986: As a result of all efforts since 1960s, the Consumer Movement succeeded in bringing pressure on businesses and firms, as well as government to improve business conduct, which earlier was against the interests of consumers at large. In this regard, a major step taken in 1986 by the Indian Government was the enactment of the Consumer Protection Act, 1986, popularly known as COPRA. Consumer Protection Act (COPRA), 1986 is an act of Parliament enacted to protect interests



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of consumers in India. It makes provision for the establishment of consumer councils and other authorities for the settlement of consumers' disputes and connected matters.

Consumers International: In 1985, the United Nations adopted the UN Guidelines for Consumer Protection to protect consumers and for consumer advocacy groups to press their governments to do so. This has become the foundation for the Consumer Movement at the international level. Today, Consumers International has become a huge body of 220 member organisations from over 115 countries.

Consumer Rights: Consumer's rights include the

1. Right to be Protected
2. Right to be Informed
3. Right to Choose
4. Right to Seek Redressal
5. Right to Represent

Right to be protected: Consumers, have the Right to be Protected against the marketing of goods and delivery of services that are hazardous to life and property. Producers and service providers need to strictly follow the required safety rules and regulations. There are many goods (like pressure cooker's safety valves) which requires special attention to safety. If it is defective, it can cause a serious accident. So, in this case manufacturers of the safety valve should ensure high quality. Public and government action is required to ensure that safety and quality of products and services are maintained. Bad quality products are found in market as supervision of the necessary rules is weak. The consumer movement is also not strong enough to ensure this.

An Example of Right to be protected Reji's Suffering: Reji Mathew was not able to walk for life due to improper anesthesia during a surgical operation. His father filed a complaint at the State Level Consumer Court for justice but nothing happened due to lack of evidence. On appealing, the National Level Consumer Disputes Redressal Commission, the commission considered the hospital responsible for medical negligence and it had to pay compensation.

Consumer Protection Councils: The Consumer Protection Act has established Consumer Protection Councils at the central, state and district levels for the purpose of spreading consumer awareness. The objects of the councils, as per the Act, shall be to promote and protect the rights of the consumers given in the Act.

Right to be informed: When we buy any product, we find certain details on the packets such as price, date of manufacture, expiry date, ingredients used, address of manufacturers, etc. On medicines, we find direction of use, risk associated, etc and on garments we see directions of washing. The manufacturers have to display this information because consumers have the Right to be informed about the particulars of goods and services they purchased. Government has made it mandatory to mention all ingredients and safety features, date of manufacture, price, quantity, expiry date, and direction for use, etc on the pack of a product. This information is given because it helps the consumer in making an informed buying decision. If the product proves to be defective in any way, the consumer can complain and ask for compensation or replacement. For example, if we buy a product and find it defective within the warranty period or expiry date, we can ask for a replacement. Thus, if traders sell medicines that have expired, severe action can be taken against them. Similarly, one can protest and complain if someone sells some goods at more than the printed price i.e. Maximum Retail Price (MRP) on the packing. Consumers can also bargain with the seller to sell at a lesser price than the MRP.



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Use of RTI for Consumers: In October 2005, the Government of India enacted a law, popularly known as RTI (Right to Information) Act, which ensures its citizens all the information about the functioning of government departments.

An example of using RTI is given below: Amrita attended the interview for a government job and did well, but did not receive information about her selection. The officials also refused to answer her queries. She then filed an application under the RTI Act, in reply to which she was informed about the reasons for delay in informing her. Later on she got her call letter for appointment also.

Right to Choose: Any consumer who receives a service in whatever capacity, regardless of age, gender and nature of service, has the Right to choose whether continue to receive the service. For example, you to buy a toothpaste and a shop owner says that he can sell the toothpaste only if you buy toothbrush In this case, if you are not interested in buying the brush, your Right to Choose is denied. The consumer has the Right to Choose a product. Sometimes consumers are forced to buy things that they may not wish to. In this case also, they do not enjoy any choice. **An Example of Right to Choose: A Refund:** Abirami, a student of Ansari Nagar, joined a two year course at a local coaching institute by paying the fees of 61,020 as lump-sum for the entire course of two years. After attending for one year. she found that the quality of teaching was not upto the mark. She wanted to withdraw from the course and asked for the balance fees to be refunded. This was denied by the coaching institute. So, she filed a case in the District Consumer Court. As the coaching institution lost the case, it filed an appeal at the State level, which it again lost. Thus, Abirami got her fees refund and also some compensation cost for legal process.

Right to Seek Redressal: Consumers have the Right to Seek Redressal against unfair trade practices and exploitation. means if any damage is done to a consumer, he has the right to get compensation depending on the degree of damage. If you are a victim of unfair trade practices of a company or organisation, you can go to the court for redressal of your grievance. Still, the process of getting compensation is time-consuming and lengthy process. Thus, there is need to provide an easy and effective public system through this can be done.

An Example of Right to Seek Redressal: Money Order Not Delivered: Prakash sent a money order to his daughter for her marriage through the post office. Later on, he came know that the money has not reached his daughter. Prakash enquired about the money-order in the Post Office, but did not receive a satisfactory response. So, Prakash went to the local Consumer Protection Council for advice. On their recommendation, he went to a Consumer Court to file a case, for which he filled in a registration form. He himself pleaded the case in the Consumer Court. The judge verified the documents and announced the verdict in Prakash's favour.

Right to Represent: Consumers get the right to redress and to demand compensation. While seeking any redress, the consumers have the right to be represented in Consumer Courts. In case of help required, consumers can seek help from Consumer Forums or Councils.

Redressal Agencies under Consumer Protection Act: under Consumer Protection Act (COPRA), a three-tier semi-judicial machinery at the district, state and national levels has been set-up for redressal of consumer disputes. The District Level Court deals with the cases involving claims upto 20 lakhs, the State Level Courts between 20 lakhs and 1 crore and the National Level Court deals with cases involving claims exceeding Rs.1 crore. If a case is dismissed in District Level Court, the consumer can also appeal in the State and then in National Level Court. Thus, the Act has enabled us as consumers to have the Right to Represent in the Consumer Courts.

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Quality Standards: ISI and Agmark: A logo like ISI, Agmark or Hallmark on a product helps consumers get assured of quality while purchasing such goods. The organisations that monitor and issue these certificates allow producers to use their logos provided they follow certain quality standards. These organisations develop quality standards for many products, but it is not compulsory for all the producers to follow such standards. Some products that affect the health and safety of consumers or products of mass consumption like LPG cylinders, food colours and additives, cement, packaged drinking water, etc. For such products, it is compulsory for producers to get certified by these organisations.

Learning to Become Well-Informed Consumers: When consumers become conscious of their rights while purchasing goods and services, they will be able to differentiate and make informed choices. They have to acquire the knowledge and skills to become well-informed consumers. The enactment of COPRA has led to the setting up of separate departments of Consumer Affairs in Central and State Governments. These departments also contribute consumer awareness by different modes. They publish posters and spread information about legal process in advertisements on television channels.

Taking the Consumer Movement Forward: The National Consumers' Day is celebrated on 24th December. On this day, the Indian Parliament enacted the Consumers' Protection Act in 1986. Due to Consumer Movement, today, there are more than 700 consumer groups in India, out of which about 20-25 are well organised and recognised for their work. However, the consumer redressal process has become difficult, expensive and time consuming, because usually the consumer has to hire a lawyer, attend the court proceedings, etc. Generally, suppliers of goods and services do not issue cash memos that's why evidence is not easy to gather. In addition, most purchases in the market are small retail sales. Also, the existing laws are not very clear on the issue of compensation to consumers injured by defective products. Even after more than 25 years of the enactment of COPRA, consumer awareness in India is inadequate. Besides this, the enforcement of laws that protect workers, especially in the unorganized sector is weak. Similarly, rules and regulations for working of markets are often not followed.

ISI Mark This is a certification mark for industrial products in India certifying that a product conforms to the relevant Indian Standard developed by the Bureau of Indian Standards (BIS), the national standards body of India.

Agmark This is a certification mark employed on agricultural products in India, assuring that they conform to a set of standards approved by the Directorate of Marketing and Inspection, an agency of the Government of India.

Hallmark This is an official mark or series of marks struck on items made of precious metals like platinum, gold, silver, etc. It is particularly used for quality certification of jewellery products.

Conclusion: Consumer is the most important element of the market. So, they should be encouraged to raise their voice. By raising their voice, consumers can stop malpractices in the market. It should be realised by consumers that no rule and regulation will work, until they realise their role and importance. Consumer movement can be effective only with active involvement of consumers. It requires continuous effort and struggle involving participation from all consumers.