

Consumer Rights: Protection Against Unfair Practices of the Trade

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Abstracts: *The Consumer Protection Act, 1986 and several other laws like the Weights, Standards & Measures Act can be formulated to make sure that there is fair competition in the market and the free flow of correct information of goods and service providers to the ones who consume them. In fact, the degree of consumer protection in any country is regarded as the right indicator of the progress of the country. There is a high level of sophistication gained by the goods and service providers in their marketing and selling practices and different types of promotional tasks viz. Advertising resulted in an increasing requirement for more consumer awareness and protection. The government of India has realized the condition of Indian consumers therefore the Ministry of Consumer Affairs, Food and Public Distribution has incorporated the Department of Consumer Affairs as the nodal organization to protect the consumer rights, redress the consumer grievances and promote the standards governing goods and services provided in India. These rights were conceptualized in the developed world's consumer context where consumers are wealthy and completely dependent on the market to fulfill their needs. These rights had to be redefined keeping in mind the realities of a developing country like India.*

Introduction

Consumer right is 'the right to have information about the quality, potency, quantity, purity, price and standard of goods or services', as it may be the case, but the consumer is to be protected against any unfair practices of the trade. It is very essential for the consumers to know these rights. However there are strong and clear laws in India to defend consumer rights, the actual plight of consumers of India can be declared as completely dismal. Out of the various laws that have been enforced to protect the consumer rights in India, the most important is the Consumer Protection Act, 1986. According to this law, everybody, including individuals, a firm, a Hindu undivided family and a company, have the right to exercise their consumer rights for the purchase of goods and services made by them. It is significant that, as a consumer, one knows the basic rights as well as about the courts and procedures that follow with the infringement of one's rights. Generally accepted basic consumer rights are.

1. Right to safety: protection from hazardous goods.
2. Right to be informed: availability of information required for weighing alternatives, and protection from false and misleading claims in advertising and labeling practices.
3. Right to choose: availability of competing goods and services that offer alternatives in terms of price, quality, service.

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- (4) Right to be heard: assurance that government will take full cognizance of the concerns of consumers, and will act with sympathy and dispatch through statutes and simple and expeditious administrative procedures.

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Consumer Awareness

Anyone who consumes goods is a consumer. Consumers get exploited in the market. They respond to advertisements and buy goods. Generally advertisements do not give all the information that a consumer needs to know or wants to know about a product. Some of the common methods of exploitation are (By Arvind Kumar, Bareilly, UP, India)

Consumer rights in India

- The right to be protected from all kinds of hazardous goods and services
- The right to be fully informed about the performance and quality of all goods and services
- The right to free choice of goods and services
- The right to be heard in all decision-making processes related to consumer interests
- The right to seek Redressed, whenever consumer rights have been infringed
- The right to complete consumer education

Circumstances and designated consumer court

- The goods or services purchased by a person or agreed to be purchased by a person has one or more defects or deficiencies in any respect
- A trader or a service provider resort to unfair or restrictive practices of trade
- A trader or a service provider if charges a price more than the price displayed on the goods or the price that was agreed upon between the parties or the price that was stipulated under any law that exist

Consumerdaddy.com is India's only online consumer protection site offering consumer report, consumer review and different opinions on different products and companies.

Why consumer rights are still not exercised properly in India?

At nearly every moment of every day, you are a consumer of so many products and services. Being aware of consumer laws will protect us in case we are deceived or given faulty or damaged products.

- Low literacy or lack of awareness among consumers that they have rights they can exercise while buying goods and services
- Limited information about product quality, standards and pricing norms
- Exploitative market conditions wherein manufacturers and traders do not divulge correct details of their products and try to create artificial scarcity
- Low level of confidence among consumers to exercise their rights and demand better quality and so on.

Factors causing exploitation of Consumers

- Limited Information-providing full and correct information will help in the choice

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- Limited Supplies-when goods and services are in short supply then price shoots up
- Limited Competition-single producer may manipulate the market in terms of price and stocks.
- Low Literacy-illiteracy leads to exploitation. Hence Consumer Awareness is essential.

Consumer Responsibility

While one likes to know about our rights and exercise them, hardly ever accord the same importance and urgency to our consumer responsibilities. Consumer rights and responsibilities are intertwined together and without sharing consumer responsibility, consumers will find it very difficult to enjoy their rights on a long-term basis.

Consumers need to tread cautiously in the market place. While buying a product, ask yourself these questions:

- Do you really need this product?
- For how long would you like to use it? Will it last as long as you would like it to?
- What is the health fallout of that product? If it is a food product, does it give you any health benefits? Check the labeling of the product to see the nutritional chart of the product.

The consumer can also empower himself by knowing the law. For e.g., ISI mark on bottled mineral water has been made mandatory by the government and now labelling of non-vegetarian ingredient in food products will also mandatory for the industry.

Consumer responsibility can play a very important role in not only checking the market but also in restricting unnecessary consumption. It is not the sole responsibility of the market or of the government to provide consumers with detailed information. A consumer, on his part, must make every effort to inform himself of the product or service. For example, if a consumer consumes a health product, he must make efforts to inform himself beforehand about its possible side effects, and must also exercise caution regarding his eating habits, diet and physical exercise, to take full advantage of the product.

Consumer responsibility is based on ethics and rationale. There is no definitive set of consumer responsibilities and a consumer must exercise restraint in consumption to consume responsibly. For example, conservation of the environment cannot be forced upon consumers but a consumer must make a conscious effort to reduce consumption, choose environment-friendly alternatives and conserve energy. Consumer responsibility needs to be shouldered by different consumer segments. Every segment has its own special consumer profile and consumption patterns. These patterns define the kind of consumer responsibility that a segment must discharge.

Rights and Duties of Consumers

As codified under the Indian Laws the Consumers have the following:

a) Rights

- Right to Safety-to protect against hazardous goods
- Right to be Informed-about price, quality, purity
- Right to Choose-access to a variety of goods and services at competitive prices.
- Right to be Heard-consumers interest and welfare must be taken care of
- Right to seek Redressal-protection against unfair trade practices and settling genuine grievances.
- Right to Consumer Education. -knowledge about goods and issues related to consumers.

b) Duties

- Get a bill for every important purchase and also the Warranty card
- Check the ISI mark or Agmark on the goods
- Form consumer awareness groups
- Make a complaint on genuine grievances.
- Consumers must know to exercise their rights.

Consumer protection Measures

Legislation concerning Consumer Rights

The Consumer Protection Act 1986 provides for consumer disputes Redressal at the state and national level. With the help of this law the agencies can solve grievances in a speedy, simple and inexpensive manner. A separate department of consumer affairs was set up at the state and central government. A three tier system of consumer courts at the National, State and District levels were set up. These agencies have done good work by handling lakhs of cases.

Public Distribution System

To protect the poor from price rise and black marketing the government food security to the poor by supplying essentials through the ration or Fair price shops.

Standardization of Products

These are made to assure the quality of products. The ISI stamp on goods is placed by the Bureau of Indian standards. This caters to industrial and consumer goods. These goods can be trusted to conform to specific standards. Agmark is meant for Agricultural products. At the International level the International Organization for Standardization (ISO) located in Geneva sets common standards.

Legal formalities for filing a complaint

The complaint can be written on plain paper. The supporting documents like the warranty card must be attached. A lawyer is not required. We can argue our case.

Conclusion

Most often we consume without sparing any thought for what's going to be left behind as waste. More and more percentage of waste generated in urban areas today consists of non-biodegradable waste. Urban consumers are making use of plastic, paper and cardboard packaging, disposables batteries, plastic throw-away pens, use and throw nappies, empty cans etc are becoming a common feature of an urban dustbin. India's urban population is around 300 million. By 2011, the total quantity of solid waste generated in urban areas is expected to cross 56 million tonnes, creating a waste management crisis for urban India. Consumers need to become accountable for their consumption patterns and their serious environmental and economic implications. The 4 Rs of consumption (Reduce, Recycle, Refuse and Reuse) are not just a consumer's prerogative but also his consumer responsibility. Responsibility to endorse safer products - Eco-labelling Eco-friendliness is an important criterion in judging a product's feasibility. It is a way of assessing how much damage a product has caused to the environment. 'Eco-mark' is one way of knowing which products conform to environmental standards and are more environment-friendlier than others. Ecolabelling is a methodology practiced by many

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countries in the world, including India. The Indian government has formulated a scheme whereby some categories of products are awarded the 'Ecomark' if they conform to certain standards set by the Ministry of Environment and Forests. Unfortunately, in India, the scheme has not taken off due to consumer apathy and lack of response. The market has manipulated this situation to lobby with the government to make Ecolabelling a voluntary scheme, which will allow manufacturers to disclose and cover information at will.

Suggestions

- Private sector there is a greater need for discipline and regulation of the market.
- Consumers must be aware of the sale and purchase of goods, the health and security aspects also.
- Ensuring the safety of food items sold in the market is essential these days.
- The consumer movement needs active participation of consumers to lobby with the government.
- Legal measures for consumer safety and consumer awareness must be uniform.
- Consumers must have the tools to combat malpractices and protect their rights.

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