PREFACE

Awareness and knowledge are the most important requirements among consumers, for the progress of the country. Education helps an individual as a consumer in making proper choices and protects his from trade and commercial exploitations. Through awareness campaigns, special emphasis needs to be given to vulnerable groups such as women and children, students, farmers and rural families and the working class.

Consumer Protection

The recognition of the international declaration of consumer rights by the Government of India, paved the way for enacting the Consumer Protection Act, 1986 which is indeed a unique form of legislation in many respects. Unique because the Act provides for setting up quasi judicial bodies vested with jurisdiction concurrently with the established courts for redressal of consumer disputes of district, state and national levels. No other country has such separate counts or tribunals to settle consumer disputes and that too speedily and with the minimum cost. The procedure for redressal of disputes is simple and free from technicalities.

The consumer movement in India is as old as trade and commerce. In Kautlya’s Arthashastra, there are references to the concept of consumer protection against exploitation by the trade and retailer with respect of quality, weight, measurement and adulteration of goods. After enforcing the Consumer Protection Act, 1986, it is a true indicator of development of the country and progressiveness of civil society. It is due to rapidly increase in variety of goals, services, growing size and complexity of production and distribution systems, mass marketing methods and consumer’s mobility resulting in reduction of personal interaction between buyer’s and sellers, have contributed to the dire need for consumer protection.

In India, 24 December is celebrated of National Consumer Right Day, as the Consumer Protection Act, 1986 was enforced on that day. 15th March is observed as World Consumer Rights Day since 1983, when International Organization of Consumer Unions declared it so, and it is also adopted as the National Consumers day.

Under the Consumer Protection Act, consumer councils have to be constituted at the centre and in the States and Union Territories to promote and protest consumer rights such as:

- a. Right to protect against marketing of goods hazardous to life and property;
- b. Right to inform about quality, quantity, potency, purity, standard and price of goods to protect the consumer against unfair trade practices
- c. Right to assure, whenever possible, access to a variety of goods at competitive prices.
- d. Right to hear and assure that consumers interest will receive due consideration at appropriate forums.
e. Right to seek redressal against unfair trade practice and
f. Right to consumer education and information programme.

These guidelines provided an internationally recognized set of basic objectives, particularly for Governments of developing countries, enabling them to identify the priorities and structure of their consumer protection policy and legislation. The Act lays great on encouraging growth of better trade practices by the industry with a view of avoid litigation and provide consumer satisfaction.

Section 9 of the Act provides for Consumer Disputes Redressal Agencies at three levels, (a) A consumer Disputes Redressal Forum- The District Forum, (b) A consumer Disputes Redressal Commission- The State Commision (c) A National Consumer Disputes Redressal Commission- The National Commission.

So it is clear that the Act envisages better protection of consumer interest through speedy and simple redressal to consumer disputes. Enough care has not been taken to define the powers and functions of the CDRA provided for in the Act. Legal experts have suggested some amendments in the law in respect of the following:

1. The CDRA should be vested with adequate powers to pass appropriate orders in respect of complaints of unfair trade practices and charging of excessive price.
2. The principle of ‘product liability should be in corporated into Section 14(d) and the provision for proving negligence should be dropped.
3. Service rendered by government or government agencies must be brought under the purview of the Act; such service provided out of taxes or other changes should not be deemed to be service rendered free of change.
4. The definitions of ‘defeat’ in goods and ‘deficiency’ in service are incomplete and confusing and hence need revision.
5. The national commission should have the power to frame regulations for regulating the procedure before the CDRA. The Central Government or the State Government should not have any powers in this regards.
6. The National and State Commissions should be given the power in respect to determine whether the goods are defective or the service is deficient without reference loss or injury suffered by any consumer.

It is unfortunate that the provisions of the Consumer Protection Act are still in the process of being implemented. The State agencies of consumer protection and even is now in a formative stage. However, the Central Consumer Protection are even now in a formative stage. Though, the Central Consumer Protection Council and the State Consumer Protection Council have already been set up but their contribution to the cause of consumer education and protection is still minimal. It is due to lack of understanding and coordination between the different government agencies and the consumer and trade organizational in the country working in the area of consumer protection.

Right to Information Act, 2005 has also open governance processes of our country to the common public, has far-reaching implications for consumer protection. The consumer protection policy creates an environment whereby the clients, customers and consumer receive satisfaction from the delivery of goods and service needed by them. Good governance requires efficiency, effectiveness, ethics, equality, accountability, economy, transparency, empowerment, rationality, impartiality and participation of citizens. The government should ensure fair trade practices, quality if goods and efficient services with information to the consumer with regard to quality, quantity, potency, composition and price for their choice of purchase. So, effective and proper implementation of consumer protection law promotes good governance.

Awareness and knowledge are the most important requirements among consumers, for the progress of
the country. Education helps an individual as a consumer in making proper choices and protects his from trade and commercial exploitations. Through awareness campaigns, special emphasis needs to be given to vulnerable groups such as women and children, students, farmers and rural families and the working class. The study report on consumer protection act, Commissioned by the Comptroller and Auditor General of India, conducted in July-August 2005, shows that 66% of consumer were not aware of consumer rights and 82% were not aware of the Consumer Protection Act. There is necessity for continuing consumer awareness campaigns on a large scale to sensitize the population on basic aspects such as Maximum Retail Price (MRP) Gold Hall Marking, Indian Standard Institute (ISI) mark on products, and the expiry dates. As and when voluntary standards are extended into the services sector or regulations are imposed for mandatory compliance with standards for reasons of health, safety or environment, the content of awareness campaigns would need to be expanded. The eleventh five year plan recognized the need for creating a competitive environment to stimulate private investment. It emphasized the need for increased reliance an competitive markets subject to appropriate, transparent and effective regulations. Common behaviour is the study of when why, how and where people do or do not buy a product. It attempts to understand the buyer decision making process both individually and in groups. It studies characteristics of individual consumers such as demographics and behavioural variables in an attempt to understand people wants. Consumer behaviour study is based on consumer buying, behaviour, with the customer playing the three district roles of USA, payer and buyer. The other most important weapons that consumer has, is his buying power, by withholding the trade, one can help punish deceptive advertisers and manufacturers. By careful buying nation can control exploitation. The other ways pursue necessary either individually collectively or through an institution are

1. By keeping informed on consumer affairs.
2. By insisting on replacement, money back or repairs, according to terms of warranty when you are sold a defective product.
3. By reporting, unfair merchandising and deceptive advertising to the concerned officer.
4. By writing letter to state and federal agencies.
5. By seeking the aid of local, state and national consumer organizations.
7. By writing letters/complaints to local MLA or MP
9. By making a complaint to local district attorney or the attorney general of your state in case you believe a criminal offence is involved.
10. By reporting illegal price increases during periods of “Price freezes” to the internal revenue service office at local levels.
11. By reporting air and water pollution offenses to enforcement officials.
12. By reporting to local postmaster any mail fraud or failure of the postal service.
13. By reporting short weights to your local weight inspection department city or state.
14. By bringing a law suit to recover damages, if the consumer has been unable to obtain satisfaction in a deal involving an automobile, land or of a large amount. But it should only be used as a last resort.
CONCLUSION
Since March 15, 1964, when President John F. Kennedy for the first time even in the world, enunciated and officially affirmed and declared the rights of consumers, the scenario has considerably improved. The ultimate single goal of a consumer movement is consumer protection at all levels and in all aspects. Consumer protection is now a serious concern of every country in every continent, in every stage of development and even in every kind of ideology, according to Anwar Fazal the head of IOCV (International Organization of Consumer Union) office in Malaysia. In this era of globalization, liberalization and privatization, consumers may pursue remedies either individually, collectively or through an institution.

REFERENCES