ABSTRACT

The process of development coupled with increasing liberalisation and globalisation across the country has enabled consumers to realise their increasingly important role in society and governance. However, concentration of the market power in the hands of a select few has affected consumers’ behavior over time. In a developing country like India where the incidence of poverty and unemployment is very high and the level of literacy is very low, the people face a volume of problems, particularly in the context of consumer related issues. Unlike in the developed world, consumers in these countries have not been able to play a greater role in the development process. In this paper an analysis has been to explore the consumer protection and consumerism in India.

Keywords: Consumer Protection, Consumerism, Right to Safety, Consumer Education, Redressal.

1. INTRODUCTION

When communities were smaller and the world was younger consumers protection was not necessary. Unfair trade was almost not possible in the life style of those times. The industrial revolution and a swing in population from rural areas to towns and to that of urban living gave ample of scope for malpractices (Aggrawal Madhu, 1995). With new concepts of trade, the need for consumer protection has increased like never before. The growing size of production and distribution systems and mass marketing methods, advertising and emergence of e-commerce has resulted in diminution of personal interaction between buyers and sellers has contributed to the increased need of
consumer protection. Even though government is playing its part in protecting rights of the consumers, but as long as the consumer is not made aware, the problem cannot be addressed. Making laws would help but that is not the key if the consumer is not aware (Krishnakumar, 2010). Education and awareness are the most powerful devices for the progress of the country and an educated individual is able to make rationale choice as a consumer. An aware consumer protects himself from unfair trade practices.

2. CONSUMER RIGHTS

1. Right to safety: It is Right to safety against goods and services which are hazardous to health, life and property of the consumer (Arora Renu, 2005). For example, sub-standard and spurious drugs; appliances made up of low quality raw material, such as, pressure cooker, electric press, etc. and low quality food products like jam, bread, milk, butter etc. So consumers have the right to safety against loss caused by such products.

2. Right to be Informed / Right to Representation: Also consumer has the right that he should be provided all those information on the basis of which he decides to buy goods or services. This information relates to quality, standard, purity, potency, method of use, date of manufacture, etc. of the commodity. Thus, producer is required to provide all the necessary information in a proper manner, so that consumer is not cheated.

3. Right to choose: Consumer has the full right to buy goods or services of his choice among different goods or services that are available in the market (Arora Renu, 2005). In other words, no seller can influence his choice in an unfair manner. If any seller does so, it will be deemed as interference in his right to choice.

4. Right to be heard: Consumer also has the right that his complaint be heard. Under this Right the consumer can file a complaint against all those things which prejudicial to his interest. First three rights mentioned above have importance only if the consumer has right to file his complaint against them (Krishnakumar, 2010). Now a day, several large and small organisations have set up Consumer service cells with a view to providing the right to be heard to the consumer. The function of the cell is to hear the complaints of consumers and to obtain adequate measures to redress them. Many newspapers like the Economic Times have weekly special columns pertaining to the complaints of the consumers.

5. Right to seek redress: This right provides compensation to consumer against unfair trade practice of the seller. For example if the quality and quantity of the product do not confirm to the promise of the seller, the buyer has the right to claim compensation, such as free repair of the product, taking back of the product, changing of the product by the seller.

6. Right to consumer education: Consumer education refers to educate the consumer continuously with regards to their rights. In other words, consumers must be aware of the rights they enjoy against the loss they suffer on account of goods and services purchased by them. Government has taken several measures to educate the consumer.

3. NEED FOR CONSUMER PROTECTION

Consumer protection means safeguarding the interests and rights of consumers. It includes all the measures aimed at protecting the interests and rights of consumers. Consumers need protection because of the following reasons:

1. Illiteracy and Ignorance: In India most of the Consumers are illiterate and ignorant. They are not aware of their rights. A system is required to protect them from unscrupulous businessmen.

2. Unorganised Consumers: Consumers in India are widely dispersed and are not united. They are at the mercy of businessmen. On the other hand, traders and producers are organized and powerful (Krishnakumar, 2010).

3. Misleading Advertising: Some businessmen give deceptive information about quality, safety and utility of products. Consumers are misled by false advertisement and do not know the real quality of advertised goods. A mechanism is needed to prevent misleading advertisements.

4. Spurious Goods: There is increasing supply of fake products. It is very difficult for an ordinary consumer to differentiate between a genuine product and its imitation. So it is necessary to protect consumers from such exploitation by ensuring compliance with prescribed norms of quality and safety.

5. Malpractices of Businessmen: Fraudulent, unethical and monopolistic trade practices on the part of businessmen lead to exploitation of consumers. Consumers often get inferior, defective and substandard goods and poor service. Certain measures are necessary to protect the consumers against such malpractices (Krishnakumar, 2010).

6. Ligitimacy for Existence: Business exists to satisfy the needs and desires of consumers. Goods are produced with the purpose of selling them (Aggrawal Madhu, 1995). Good will, in the long run, sell only when they meet the needs of consumers.
7. **Freedom of Enterprise**: Businessmen must ensure the satisfaction of consumers. In long run, survival and growth of business is not possible without the support and goodwill of consumers. If traders do not protect consumer’s interests, Government intervention and regulatory measures will grow to curb unfair trade practices.

8. **Trusteeship**: Businessmen are trustees of the society’s wealth. Therefore, they should use this wealth for the benefit of people.

### 4. RESPONSIBILITIES OF CONSUMERS

#### 1. Before Buying
- Planning in advance
- Enquiring past performance of product/service
- Enquiring about reputation and past performance of producer/seller/service provider.

#### 2. While Buying
- Asking for demonstration regarding how to operate/use the product/service.
- Enquiring about after sales service and ensuring availability, phone number, address and email of service center *(Cherunilam, Francis 1996)*.
- Reading knowing the contents of guarantee/warranty card.
- Insisting for approved sale bill with serial number, address, phone number, etc.
- Obtaining guarantee/warranty card and getting it signed/sealed by dealer.

#### 3. After Buying
- Using products as per instruction given in user manual
- Keeping bills and guarantee card safely
- In case of fault inform dealer and service center. Do not meddle or repair yourself.
- Keeping record for all correspondences
- Seek immediate redressal of deficiency in product.

### 5. POINTS FOR CONSUMER ATTENTION

a) **Purchasing Under Public Distribution System**
Public Distribution system outlets (ration shops) are distributing commodities against family cards at subsidized rates *(Aggrawal, Madhu 1995)*. Consumer should ensure that
- Commodities are provided in correct weight without denial.
- Display board is placed in front of every shop indicating available commodities and their quantity with selling price of each product.
- Samples of commodities are placed for notice of card holders.

b) **Purchase of Cosmetics**
- Not be carried away through colorful misleading advertisements.
- Check manufacturing date and date of expiry *(Cherunilam, Francis 1996)*
- Keep in mind that colours are almost chemicals
- Keep in mind that following statements are mostly false “100 % natural”, “chemicals not used”, “oil free”
- Consult other users.

c) **Purchase of Drugs**
- Purchase to be made only as per prescription by registered medical practitioner- self medication is dangerous *(Aggrawal, Madhu 1995)*
- Checking for manufacturing date/expiry date
- Checking name of medicine purchased with prescription
- Checking availability of maximum retail price on the strips/containers
- Checking for dosage and perseverance details of medicines

d) **Purchase of Cloths**
- Checking whether cloths withstand normal washing habits.
- Insisting and obtaining bills and preserving them.
• Insisting for "silk mark" while purchasing costly silk sarees

e) Purchase of Gold
• checking for "Hall Mark"
• weight of stones to be separately noted down in bills while purchasing ornaments with precious stones
• obtaining purchase bills and keeping it safely

f) Misleading Advertisements
Consumer should always
• be alert about the advertisements while going for purchase of goods afresh or in exchange of old product (Cherunilam, Francis 1996)
• not be carried away by statements like free offersdiscounts etc. since they are not the deciding factors for the requirement of consumers
• not be misled through colourful glamorous advertisements

g) Purchase of Food Products
• Don’t buy spolt products. It is dangerous to health
• Check manufacturing and expiry date, weight, manufacturer address etc.
• If perishables, check if it has been stored in freezer/cold storage properly
• Avoid cheap and colourful food with hazardous colour additives
• Avoid products without manufacturer address you have no recourse in case of any problem
• Avoid purchase of unbranded products like oil without sealed packs

6. INDICATIVE HOUSEHOLD TESTS TO DETECT ADULTERATION IN COMMON FOOD ITEMS (Parmeshwar, 1988)

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Food Articles</th>
<th>Adulterant</th>
<th>Method of Detection</th>
<th>Determinant/ Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Milk</td>
<td>Synthetic Milk</td>
<td>a) Take few drops between fingers and rub it.</td>
<td>a) It gives a soapy feeling.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>b) Effect of boiling</td>
<td>b) It turn yellow on boiling</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>c) Effect of storage</td>
<td>c) It turn yellow after some time</td>
</tr>
<tr>
<td>2.</td>
<td>Sugar</td>
<td>Chalk powder</td>
<td>Dissolve in glass of water</td>
<td>Chalk will settle down at the bottom</td>
</tr>
<tr>
<td>3.</td>
<td>Honey</td>
<td>Sugar/water</td>
<td>Put it on a small piece of paper/cotton cloth and burn it</td>
<td>If adulterated sample will make chirping sound</td>
</tr>
<tr>
<td>4.</td>
<td>Tea leaves</td>
<td>Colour</td>
<td>Spray on wet blotting paper</td>
<td>Coloured tea leaves colour on wet paper</td>
</tr>
<tr>
<td>5.</td>
<td>Coffee</td>
<td>Chicory</td>
<td>Gently sprinkle coffee powder on the surface of water</td>
<td>The coffee floats over water but chicory begins to settle down</td>
</tr>
<tr>
<td>6.</td>
<td>Common Salt</td>
<td>White powdered stone, chalk</td>
<td>Stir a spoonful of sample of salt in a glass</td>
<td>The presence of chalk will make solution white and other insoluble impurities will settle down</td>
</tr>
<tr>
<td>7.</td>
<td>Chilly Powder</td>
<td>Sawdust and colour</td>
<td>Sprinkle chilly powder on the surface of water</td>
<td>Sawdust will float on water and added colour will make water coloured</td>
</tr>
<tr>
<td>8.</td>
<td>Coriander Powder</td>
<td>Horse dung powdered</td>
<td>Soak coriander powder in water</td>
<td>Horse dung will float on water</td>
</tr>
<tr>
<td>9.</td>
<td>Mustard Seed</td>
<td>Argemone Seed</td>
<td>Mustard seeds have a smooth surface. The argemone seeds have rough surface and are black. Press seeds between fingers.</td>
<td>Mustard seeds inside it is yellow while for argemone seed it is white. Magnifying glass may be used for identification. Argemone is very harmful</td>
</tr>
<tr>
<td>10.</td>
<td>Sella Rice (Parboiled Rice)</td>
<td>Metanil yellow</td>
<td>Rub a few grains in the palms of hands.</td>
<td>Yellow colour would get reduced or disappear.</td>
</tr>
<tr>
<td>11.</td>
<td>Split Dal (Arhar)</td>
<td>Khesari Dal</td>
<td>Khesari dal has edged type appearance showing a slant on one side and square in appearance.</td>
<td>Polishing of khesari dal cane make it look like Arhar dal so avoid polished Arhar dal. Khesari dal is very harmful.</td>
</tr>
</tbody>
</table>
7. CONCLUSION

Consumer protection movement has got a bright future in India. A part from governmental seriousness in the matter, consumer activism, organizations, civil society and other voluntary associations needs to play their part in the furtherance of consumer movement. In this current scenario media can play a vital role in infusing the consumer behavior and can easily generate opinions or enhance awareness about the possible unfair practices in the market. Above all, the consumers have to be aware of their rights and should assert themselves in the market place.

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