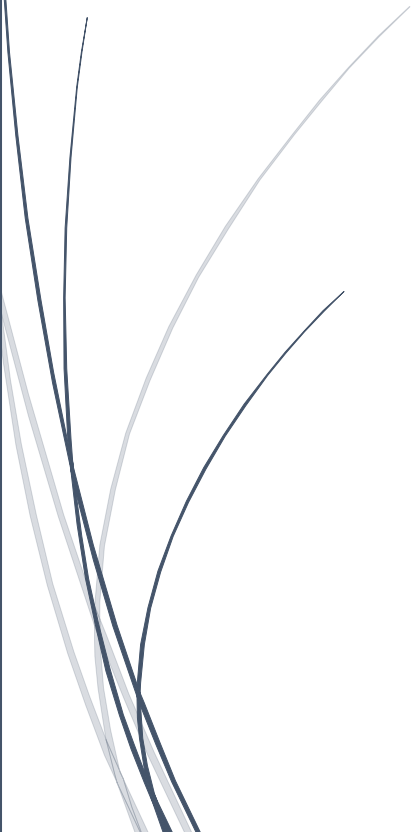


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5/1/2021

Consumer Right

Consumer Awareness

Several thin, curved lines in shades of blue and grey originate from the bottom left and curve upwards and to the right.

Name: - Piyush Kala
Class: - 10th Mahogany
Roll: - 21
Admission: - 6483

Certificate

This is to certify that the Project work entitled “Unaware Consumers and Consumer Rights” is a Bonafede record of independent project work done by _____ (Student name) under my supervision and submitted to _____ (School name).

Signature of the Supervisor

Acknowledgement

I am using this opportunity to express my gratitude to my teacher _____ as well as our Principal _____ who gave me this golden opportunity to do such a good project on the topic, “Unaware Consumers and Consumer Rights”.

I am thankful to everyone who supported me for the completion of this project and gave me their aspiring guidance, friendly advice and invaluable feedback during the project. I am sincerely grateful to all of my friends, co-partners, family and guide who shared their truthful and illuminating views on a number of issues related to the project by devoting their precious time.

Thank you,

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1. Introduction: *The right to seek redressal against unfair trade practices or restrictive trade practices or unscrupulous exploitation of consumers' is referred to as the right to redressal according to the Consumer Protection Act 1986.*

The government of India has been bit more successful with regard to this right. The Consumer courts like District Consumer Disputes Redressal Forums at district level, State Consumer Disputes Redressal Commissions and National Consumer Disputes Redressal Commissions have been incorporated with the help of the consumer protection act. These consumer grievance redressal agencies have fiduciary as well as geographical jurisdictions which address consumer cases between businesses and consumers. About 20 lakhs Consumer cases are heard in the district consumer forum, and around one crore can be heard in the state consumer court while more than one crore cases are heard at national consumer court. It has been found that if one becomes guardian of consumer protection or consumer rights in the country these courts today are found to be ineffective because of bureaucratic sabotages, clogged cases, callousness of government and decadent infrastructure. Only some of the district forums have appointed officials for time being and majority of them are non-functional because of funding and infrastructure constraints. There are around 20-30 million open cases in India which remain unsolved and would take around 320 years to wind up. Having such type of compromised legal system, the consumer cases form just civil litigations and are carried forward to the bottom of the priority list. It is estimated that India is 10 years away in effectively ensuring the right to redressal to every consumer of India.

2. Objective: *Consumer rights legislation aims at protecting consumers: a consumer is considered to be a weaker party compared to a trader, and the legislation aims at making this set-up more balanced.*

The most important Finnish law aiming to protect consumers is the Finnish Consumer Protection Act. The Finnish Consumer Protection Act is applicable when individuals purchase goods or services, or other merchandise or benefits, from a trader for their own personal use. On the contrary, the Finnish Consumer Protection Act is not applied, if the goods or services are purchased from another private person, or when one company trades with another company (the so-called business-to-business or B2B trade).

The provisions regarding sale of consumer goods are mostly mandatory in consumers' favour. This means that contract terms derogating from the provisions of the law to the detriment of the consumer are considered void. However, it is possible to apply contract terms, which provide better rights for the consumer than those provided by the law.

3. Who is a Consumer?

"Consumers, by definition, include us all," President John F. Kennedy offered his definition to the United States Congress on March 15, 1962. This speech became the basis for the creation of World Consumer Rights Day, now celebrated on March 15. In his speech, JFK outlined the integral responsibility to consumers from their respective governments to help exercise consumers' rights, including:[1]

The right to safety: To be protected against the marketing of goods which are hazardous to health or life.

The right to be informed: To be protected against fraudulent, deceitful, or grossly misleading information, advertising, labelling, or other practices, and to be given the facts he needs to make an informed choice.

The right to choose: To be assured, wherever possible, access to a variety of products and services at competitive prices; and in those industries in which competition is not workable and Government regulation is substituted, an assurance of satisfactory quality and service at fair prices.

The right to be heard: To be assured that consumer interests will receive full and sympathetic consideration in the formulation of Government policy, and fair and expeditious treatment in its administrative tribunals.

4. Consumer Protection and Common Problems faced by a Consumer in Market Place

Consumer protection refers to the measures adopted to safeguard the interest and rights of consumers and to help them in getting their grievances redressed. Consumer protection means protecting the consumers from unscrupulous, exploitative and unfair trade practices of a seller or a producer for maximising their profits.

The importance of consumer protection from consumer's point of view can be understood from the following points:

Consumer's Ignorance: *In the light of widespread ignorance of consumers about their rights and reliefs available to them, it becomes necessary to make them aware about their rights and redressal available.*

Unorganised Consumers: *Generally, in India, though we have NGOs and Consumer organisations, consumers are not organised. Thus, to protect and promote their interest, adequate consumer protection is required.*

Widespread Exploitation of the Consumers: *Unaware, ignorant consumers might be exploited by marketer and thus,*

consumer protection provides safeguard to the consumers from such exploitation.

Consumers face problems in market place due to some common malpractices by shopkeepers which are given below:

Sale of adulterated goods i.e., selling goods by adding something inferior to the product being sold

Sale of spurious goods i.e., selling something of little value instead of the real product

Sale of sub-standard goods i.e., sale of goods which do not confirm to prescribed quality standards

Misleading advertisements i.e., false claims made in advertisements by marketer

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Overcharging of price i.e., selling product at price which is higher than MRP

Fake scarcity to raise the price and black marketing by hoarding of products

Sale of defective goods

5. Consumer Movement in India

It was thought that passage of the Consumer Protection Act in India in 1986 would encourage consumers to stand up for their rights and lead to an overwhelming number of disputes in consumer courts. Although a consumer movement has yet to get going in India, existence of the act has stimulated the creation of many consumer organizations across the country. The number of such organizations has more than doubled in the last few years so that there are now 600-800 organizations in the voluntary sector. The movement has not blossomed because not all of the organizations are active enough to make an impact, there has hardly been any unified

action which would demonstrate their strength, and there has been no active consumer participation in the movements. Consumers claim that the lack of consumer education makes them passive and apathetic, and blame consumer organizations. The majority of consumers in the country are even unaware of the existence of consumer courts to which they make take their grievances. Consumer rights organizations, however, counter that they lack sufficient funds and blame the government for their inaction. The author acknowledges criticism that the Indian consumer movement is elitist and considers the need to focus upon rural consumers, the significant contributions that organizations have made in laying the foundations for change, the need for consumer education, the need for specialists, the particular need for consumer protection with regard to health-related products, and support by voluntary health groups.

Some of the main reasons for Consumer Movement

were:

Lack of legal system to protect the consumers from exploitation in the marketplace

Rampant food shortages

Black marketing

Hoarding

Adulteration of food and edible oil

Till the 1970s, objectives, set at the time of origin, were not achieved as consumer organisations largely engaged in writing articles and holding exhibitions. Then, they formed consumer groups to look into the malpractices in ration shops and overcrowding in the road passenger transport.

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 the road passenger transport.

More recently, India witnessed an upsurge in the number of consumer groups.

6. Consumer Protection Act, 1986

Consumer Protection Act, 1986 was passed in year 1986 and was enforced from July 1st 1987 with the motive to protect the interest of consumers from being exploited by shopkeepers or markets to maximize profits which ultimately harm the well-being of the consumer and society.

This Act teaches the consumers to make right choices by educating them about their rights and responsibilities of being a consumer and make them aware that how to seek redressal if they face any kind of exploitation.

This Consumer Protections Act, 1986:

applies to all goods, services and unfair trade practices unless specifically exempted by the Central Government

covers all sectors-private, public or co-operative

provides for establishment of consumer protection councils at the central, state and district levels, i.e., three tier machinery system

Central Consumer Protection Council State Councils District Council District Forum State Commission National Consumer Disputes Redressal Commission Advisory Bodies Adjudicatory Bodies Organizational Setup under CPA.

6.1 Three-tier System

District Forum

A complaint can be made to the appropriate District Forum when the value of goods or services in question along with the compensation claimed does not exceed ` 20 lakh.

The appeal against the orders of the District Forum can also be filed before the State Commission.

State Commission

A complaint can be made to the appropriate State Commission when the value of goods or services in question along with the compensation claimed exceeds ` 20 lakh but does not exceed ` 1 crore.

The appeal against the orders of the State Commission can also be filed before the National Commission.

National Commission

A complaint can be made to the appropriate National Commission when the value of goods or services in question along with the compensation claimed exceeds ` 1 crore.

An order passed by the National Commission in a matter of its original jurisdiction is appealable before the Supreme Court.

RIGHT TO SAFETY

According to the Consumer Protection Act 1986, the consumer right is referred to as 'right to be protected against marketing of goods and services which are hazardous to life and property'. It is applicable to specific areas like healthcare, pharmaceuticals and food processing, this right is spread across the domain having a serious effect on the health of the consumers or their well-being viz. Automobiles, Housing, Domestic Appliances, Travel etc. When there is violation of the right then there occur medical malpractice lawsuits in the country. It is estimated every year that thousands or millions of citizens of India are killed or seriously injured by immoral practices by doctors, hospitals, pharmacies and the automobile industry. Still the government

of India, known for its callousness, does not succeed in acknowledging this fact or making a feeble effort for maintaining statistics of the mishaps. The Government of India needs to have world class product testing facilities to test drugs, food, cars or any other consumable product that can prove to be a menace to life. It does not happen coincidentally that Tata Nano is sold in India for half of what it costs in a country which is industrially developed, this is a classic case of requirement of a cheap product that outweighs the need for safety of family and self. The developed countries like the United States have stalwart agencies which oversee the protection of consumer products, the Food and Drug Administration (FDA) for food and drugs, the National Highway Traffic Safety Administration (NHTSA) for automobiles and the Consumer Product Safety Commission (CPSC) for various other consumer products etc. This right needs each product which can potentially be a danger to our lives to be marketed after adequate and complete verification as well as validation. India is 50 years away, for empowering this right adequately and completely.

RIGHT TO INFORMATION

The right to information is defined as ‘the right to be informed about the quality, quantity, potency, purity, standard and price of goods or services, as the case may be so as to protect the consumer against unfair trade practices’ in the Consumer Protection Act of 1986. In the market place of India, consumers get information by two ways namely advertising and word of mouth however these sources are considered to be unreliable but still this word of mouth is quite common here. Because of this, the Indian consumers hardly have precise and complete information for assessing the true value,

safety, suitability, reliability of any product. Usually, the hidden costs can be found, lack of suitability, quality problems and safety hazards only after the purchase of the product. There is another right claimed by Indian government on paper, this right must ideally make sure that all consumable products have been labelled in a standard manner containing the cost, quantity, the ingredients and instructions given to use the product safely. It is unfortunate that even the medicines in the country do not follow a standardized labelling convention. There should be establishment of unit price publishing standards for consumer market where costs are revealed in standard units like per kg or per litre. The consumers, ought to be informed in an exact yet accurate manner for the cost involved during time of availing a loan. For providing benefit to the society through this right, advertisers must be held against the standards of products in the advertisements. The pharmaceuticals require to disclose potential side effects related to their drugs and manufacturers ought to be required to publish reports from independent product testing laboratories for the purpose of comparing the quality of their products from competitive products.

There is a website: Consumerdaddy.com, for the purpose of empowering the consumers with right to information. Without help of these types of websites it is difficult to spread awareness among the consumers of India. The right to information gives the power to the consumers to have an easy access to information which is necessary for the consumer.

RIGHT TO CHOOSE

The definition of Right to Choose as per the Consumer Protection Act 1986 is 'the right to be assured, wherever

possible, to have access to a variety of goods and services at competitive prices. For regulating the market place, there is just one factor required and that is competition. The existence of cartels, oligopolies and monopolies prove to be counterproductive to consumerism. The natural resources, liquor industry, telecommunications, airlines etc all are being controlled by a mafia to some or the other extent. Since` the Indian consumers come from a socialistic background, the tolerating of monopolistic market is found in their blood. It is seldom seen that people want to switch the power company, in the times when they have a blackout at home. It is interesting to know that even micro markets like fish vendors in some cities are known to collude and discourage the consumers` bargaining power. No matter what size or form, or span, but collusion of various companies which sell a similar kind of product is unethical or say less legal. It can be estimated that India has to stride for about 20 more years for empowering its citizens fully in this regard.

RIGHT TO BE HEARD

As stated in the Consumer Protection Act 1986, `the right to be heard and to be assured that consumer`s interests will receive due consideration at appropriate forums` is the definition of the right to be heard. This right helps to empower the consumers of India for putting forward their complaints and concerns fearlessly and raising their voice against products or even companies and ensure that their issues are taken into consideration as well as handled expeditiously. However, till date the Indian Government has not formed even one outlet for hearing the consumers or their issues to be sorted out. There are a number of websites striving to do this. The major objective of Consumer is to ensure that their voices are heard

by the corporate world. There is a website, Consumerdaddy.com, where consumers can upload their criticisms as well as file complaints. Every criticism filed gradually lessens the overall score of the product which is being criticized therefore each complaint is independently checked by an investigator who belonged to Consumerdaddy.com website. This website provides the consumers the benefit of doubt always, so their voice is considered over that of the company. It is believed at consumerdaddy.com, that consumer is always right, and that he is the king. In case a consumer makes an allegation regarding the product, the onus goes to the dealer, or supplying company or manufacturer to disprove that allegation is not true. To be precise, the consumer is heard, and the load of proof goes to the company. Various attempts are made by the government for empowering the citizens with this right, and it is believed that about 10-15 years more are required for the accomplishment of this goal.

RIGHT TO REDRESSAL

The right to seek redressal against unfair trade practices or restrictive trade practices or unscrupulous exploitation of consumers' is referred to as the right to redressal according to the Consumer Protection Act 1986.

The government of India has been bit more successful with regard to this right. The Consumer courts like District Consumer Disputes Redressal Forums at district level, State Consumer Disputes Redressal Commissions and National Consumer Disputes Redressal Commissions have been incorporated with the help of the consumer protection act. These consumer grievance redressal agencies have fiduciary

as well as geographical jurisdictions which address consumer cases between businesses and consumers. About 20 lakhs Consumer cases are heard in the district consumer forum, and around one crore can be heard in the state consumer court while more than one crore cases are heard at national consumer court. It has been found that if one becomes guardian of consumer protection or consumer rights in the country these courts today are found to be ineffective because of bureaucratic sabotages, clogged cases, callousness of government and decadent infrastructure. Only some of the district forums have appointed officials for time being and majority of them are non-functional because of funding and infrastructure constraints. There are around 20-30 million open cases in India which remain unsolved and would take around 320 years to wind up. Having such type of compromised legal system, the consumer cases form just civil litigations and are carried forward to the bottom of the priority list. It is estimated that India is 10 years away in effectively ensuring the right to redressal to every consumer of India.

RIGHT TO CONSUMER EDUCATION

The right of every Indian citizen to have education on matters regarding consumer protection as well as about her/his right is regarded as the last right provided by the Consumer Protection Act 1986. The right makes sure that the consumers in the country have informational programs and materials which are easily accessible and would enable them to make purchasing decisions which are better than before. Consumer education might refer to formal education through college and school curriculums as well as consumer awareness campaigns being run by non-governmental and governmental

agencies both. Consumer NGOs, having little endorsement from the government of India, basically undertake the task of ensuring the consumer right throughout the country. India is found to be 20 years away from giving this right that gives power to the common consumer. Consumer Rights Right to be heard Right to safety Right to choose Right to information Right to consumer education Right to seek redressal

7. Learning to become a well-informed Consumer

7.1 Consumer Responsibilities

A person must his/her responsibilities to become a well-informed consumer. A person, as a consumer, should make every effort to educate himself/herself about his/her rights.

Responsibilities that a consumer should discharge while purchasing, using and consuming goods and services:

Be aware about various goods and services available in the market so that an intelligent and wise choice can be made.

Buy only standardised goods as they provide quality assurance. Thus, look for ISI mark on electrical goods, FPO/FSSAI mark on food products, Hallmark on jewelry etc.

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Learn about the risks associated with products and services, follow manufacturer's instructions and use the products safely.

Read labels carefully so as to have information about prices, net weight, manufacturing and expiry dates, etc.

Assert yourself to ensure that you get a fair deal.

Be honest in your dealings. Choose only from legal source and discourage unscrupulous practices like black-marketing, hoarding etc.

Ask for a cash memo on purchase of goods or services. This would serve as a proof of the purchase made.

File a complaint in an appropriate consumer forum in case of a shortcoming in the quality of goods purchased or services availed. Do not fail to take an action even when the amount involved is small.

Form consumer societies which would play an active part in educating consumers and safeguarding their interests.

Respect the environment. Avoid waste, littering and contributing to pollution.

7.2 Quality Standard Marks

A quality mark gives consumer a visual and easily identifiable quality assessment tool, originating from a reliable source. Government of India has introduced some quality standard mark for almost all the products. A consumer should check for these marks before buying any commodity or product from market place.

Hallmark: *It is a certification scheme issued by Bureau of Indian Standards to judge the purity of gold and silver jewellery. It is applicable for gold since April, 2000 and for silver since 2005.*

WHAT JEWELLERY HALLMARKING DENOTES The Bureau of India Standards (BIS) logo Purity of gold Assay Centre Jeweller's identification mark Year of hall-marking 916 J

AGMARK: *It is a certification scheme issued by Directorate of Marketing and Inspection of the Government of India for agricultural products. It is applicable since 1937 and was amended in 1986. Agricultural products having this mark, ensures that given products conform to a set of standards.*

ISI Mark: *ISI Mark is a certification mark for industrial products in India issued by bureau of Indian Standards. It is applicable since 1955. It is both mandatory or voluntary. Thus, if a person wants to purchase an electronic item/industrial items from the market place, he/she should make sure that the product has ISI mark.*⁹

FPO Mark: *FPO mark is a mandatory certification mark for all the “processed fruit products” in India issued by Ministry of Food Processing. It is applicable since 1955. This mark proves that product is not harmful from any aspect for the human health and life and produced or manufactured under a clean and safe environment.*

FPO

Eco mark: *Eco mark is a certification scheme issue by Bureau of Indian Standards for the eco-friendly products. It is applicable since 1991. Product having this mark conforms the set of standards and proves that the product has least impact on eco system.*

Vegetarian and Non-Vegetarian Marks: *It has been made mandatory by the Indian Government for packaged food products sold in India to have a green symbol for vegetarian products and red/brown symbol for non-vegetarian products in order to distinguish between them. It is applicable since 2011.*

Green Brown/Red

FSSAI: *FSSAI stands for Food Safety and Standard Authority of Indian. It is a certification mark for food items such as dairy products, fats, oil, fruits and vegetables, cereal products, meet products, fish and fish products, sweets and confectionery, beverages, etc. which proves that product is hygienic and meets the set of standards approved by Food Safety and Standards Authority of India (FSSAI).*

8. Conclusion: *It can be concluded that both Government and consumers should make efforts collectively to create awareness about the rights and responsibilities of the consumers and to reduce exploitation of consumers.*

India has been observing 24 December as the National Consumers' Day as on this date, Indian Government enacted Consumer Protection Act, 1986. There are today, about 20-25 well organised and recognized consumer groups in today out of 700 hundred. In India, after consumer movement, consumer awareness was spreading very slowly, but after the enactment of Consumer Protection Act, 1986, it took a little speed, though slowly in our country.

For the speedy process of the consumer movement, we require a voluntary effort and active participation of the people.

The government come in existence under 1986. It gives six basic rights to consumer.

The main purpose is to make sure that consumer get product and service worth their money.

Consumer have the authority to be protect against marketing price fix goods and service which are harmful for their life and property.

Right to give information about the quantity, quality, purity, potency, and standard of goods and service is come under the consumer right.

Buying product on reasonable price is also duty of consumer.

The Consumer Protection Act is complicated, covers multiple jurisdictions, and can change constantly. Despite all of this, by following the advice described in this Research Guide, a lawyer or new attorney can understand the area. The government came into existence in 1986. It gives the user six fundamental rights.

The primary goal is to ensure that consumers get their cash worth of goods / service.

Consumers are allowed to protect products and services that are hazardous to their lives and property from marketing cost fixes.

The right to obtain information on the quantity, consistency, purity, strength, and quality of products and services is the rights of the customer.

It is also the consumer's responsibility to purchase goods at fair prices.

Bibliography: - [Wikipedia](#)