

## CONSUMER AND CONSUMER RIGHTS

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### ABSTRACT

*Consumer protection laws in India, such as Code of Civil Procedure, 1908, the Indian Contract Act, 1872, the Sale of Goods Act, 1930, the Indian Penal Code, 1860, the Standards of Weights and Measures Act, 1976 and the Motor Vehicles Act, 1988 etc are active from the past many years. But the Consumer Protection Act is a distinctive act framed to guard the consumers but there is less alertness in customers about this act. Consumer organizations have done on unbelievable service in educating consumers about their rights. But such bodies are a small number of in section of the vast people they serve. There are six major rights of consumer in the Consumer Protection Act such as right to safety, right to choose, right to be informed, right to be heard, right to consumer education and right to redress. There is also a three tier consumer grievances redressal system as District Forum, State Commission and National Commission in the Consumer Protection Act. The consumer rights and laws whether they are educated or uneducated. Earlier the consumers are aware about the consumer rights or not, are they aware about to enforce the consumer right, are they aware about the three-tier Consumer Grievances Redressal Machinery: What is the best source that spread the consumer awareness? If the consumer forums at district level, state level and national level are effective, what are the reasons that the consumers not use the services of the consumer forums? In this paper I collected responses of 50 consumers of Hisar district.*

*Keywords: consumer, grievances, consumer rights, etc*

### INTRODUCTION

Consumer awareness about their legitimate rights has been constantly growing in recent years. Consumer protection movement is a part of global recognition and concern that consumers are a weak party in buying goods and services as compared to the manufacturers and traders producing and selling them. The consumer in India is like a minor and he needs special protection because he is very confused to use the consumer laws and he is not aware about the consumer rights. There are about thirty consumer laws pertaining to every aspects of consumer's life, which can protect him from malpractices of producers, middlemen and distributors. The Consumer

Protection Act, 1956 is very useful for consumers, Many persons do not know about consumer rights. They are also not aware about the three tier grievances redressal machinery. They do not know where they should go for the redressal and how to get redress. On the recommendation of the govt., the Central Consumer Protection Council constituted under the Consumer Protection Act, 1986, and government is organizing consumer's day on 15<sup>th</sup> march every year.

The objective of that present study is no examine the extent of consumer awareness among consumers, pertaining to their rights, legal framework to protect them, redressal system reasons of unawareness etc. in Hisar. It is socially very useful to increase the knowledge level of consumers about the rights under consumer protection act. For this purpose, I try to examine the extent of consumer awareness among consumers pertaining to their rights, level framework to protect them, redressal procedures etc. in Hisar (Haryana). If the consumers will be educated about their rights, the future of the society will become bright, because if the today's consumer is aware, future consumer or the prospective customer will be aware to a large extent. So, I asked questions from consumers of Hisar to know the level of their awareness about consumer rights, and come to deduce that consumers here are not much aware of their rights and means of redressal available to them irrespective of their educational qualification, income level, age and social status. Therefore, even in a free market economy he needs protection of his rights by a legal authority. Consumer protection is necessary even in a controlled economy where public enterprises play a dominant role since consumers are likely to be denied their rights in their case too.

## **CONSUMER**

The term 'consumer' is defined in Sec. 2 (1) (d) of the consumer protection act in two parts, one in reference to a consumer who purchase goods and the second in reference to a person who hires services for a consideration. The term 'consumer' also includes any person who uses the goods with the permission of the buyer though he is not himself a buyer. However, persons who obtain goods or avail services for commercial purposes fall outside the scope of consumers under the act.

## **MAJOR CONSUMER RIGHTS**

**1. Right of Safety:** The CPA explains that a consumer has a right to be protected against the marketing of goods which are hazardous to life and property such as electrical appliances, drugs, pressure cookers etc. In addition to the consumer protection Act, 1986, there are also other acts like the Prevention of Food Adulteration Act, 1954 and the Essential Commodities Act 1955, which provides safety and quality of goods and services including their measures and standards

as well as compensation against defective and hazardous goods and services. If a consumer has been made to buy goods that have injured his person or property, he can have a speedy and effective remedy under the redressal machinery constituted under these Acts. Lack of proper facilities, delays in settlement of cases and lack of consumer awareness are responsible for this.

**2. Right to have Relevant Information:** Wherever a consumer asks for a product or a service, he expects some information about the product and the details of the services. The information related to not only the physical properties or the functions of an article or service, but also to the legal implications of the transition. The consumer should be given relevant information in detail about- the product and its ingredients, date of manufacture and expiry, the precautions in the use of product, the strength, durability, cost, reuse value, and after-effect of the products.

**3. Right to Choose:** The consumer has a right to have access to products of varying qualities, sizes, designs etc. to choose from according to his needs and wants. This right is a fundamental right to consumer satisfaction. The consumer has a right to make evaluation of the alternative products and to accept the one he chooses. In India the consumer protection act 2002 is enacted in the way of protecting this right for consumers.

**4. Right to be heard:** This means the right to representation so that consumer's interest receives full and sympathetic consideration against exploitation. Wherever a seller sells some goods to a buyer or whenever one renders services to another, it becomes their duty to give patient hearing to the problem of the buyer or the receiver of the service. The consumer can exercise this right either himself or through consumer associations. Complaint can be filed against a trader as well as service provider for adopting deceptive practices in provision of services.

**5. Right to Redress:** Right of redressal can be said to be in continuation of the right to be heard. Redressal is the natural follow-up hearing of complaints and making a settlement in a manner that is acceptable to the consumer as well as the seller. In the Indian market conditions, where consumers are given a raw deal right from the purchase to after sales services, the right to redress can become a crucial check point for protection of their rights. To provide speedy and simple redressal to consumer's disputes, the Act has three tier quasi-judicial machinery set up at the district, state and national levels.

**6. Right to consumer education:** Consumer education is an important determinant of consumer protection and satisfaction. It refers to every person's right to acquire knowledge and skills for being an informed consumer so that he is able to make wise decision while purchasing goods and services. Though consumer education, the consumer receives general education regarding consumer rights, law and philosophy of consumer protection and understands his role and responsibility as a consumer in market system. The education programs should aim at encouraging business to take up factual and relevant consumer training programs.

## **IMPORTANT FEATURES OF CONSUMER PROTECTION ACT**

This may be summed up as under:

1. The Act applies to all goods and services unless specifically exempted by the Central Government.
2. It covers all the sectors - private, public and cooperative.
3. The provisions of the Act are compensatory in nature.
4. It also provides for Consumer Protection Councils at the National, State and District levels.

## **OBJECTIVES OF CONSUMER PROTECTION ACT**

The purpose of the Act is to provide for the establishment of the Commission:

1. To prevent practices having adverse effect on competition:
2. To promote and sustain competition in markets:
3. To protect the interests of consumers and To ensure freedom of trade carried on by other participants in the markets, in India.

## **GRIEVANCES REDRESSAL SYSTEM**

To provide an inexpensive and effective redressal of consumer grievances, the act provides for a 3-tier quasi judicial enforcement machinery, given below:

1. District forum at the district level
2. State Commission at the state level
3. National Commission, at the national level

## **RESEARCH METHODOLOGY**

### **Nature of Data**

Both primary and secondary data are used to get the information from the consumers.

### **Survey Sample**

The author collects the responses of 100 consumers of Hisar (Haryana)

### **Sources and Methods used for data collection**

The questions are based on five point Likert's scale varying from strongly agree to strongly disagree are used and Multiple choice questions, close ended questions are also used. The questionnaire is used for the collection of the information.

### **Analysis Pattern**

Simple percentage method is used for the purpose of the analysis.

## A SURVEY ON CONSUMER AWARENESS

A survey was carried out to identify the consumer awareness in consumers about consumer rights in Hisar. The survey was carried out among all type of consumers such as students, academicians' housewives, etc. in Hisar. 100 respondents were selected and took responses through questionnaire.

**Table showing decisions in favor of consumers**

Year	Cases disposed Off	Results favor of consumers	%
2005	620	333	53.71
2006	699	344	49.21
2007	572	379	66.26
2008	378	230	60.84
2009	510	293	57.45

The total number of cases appeared in consumer forum in Hisar up to Nov. 2010 was 12975. Out of them only 12305 was disposed off. From the above table we can see the position that how many cases are disposed off in the favor of consumers. The decision of 53.71%, 49.21, 66.26, 60.84 and 57.45% cases were given in the favor of consumers in the years 2005, 206, 2007, 2008 and 2009 respectively.

**Table: 2. Responses towards the Awareness of Consumer Rights**

Options	Responses
YES	83%
NO	17%

From the above Table, it can be inferred that majority of consumers believe that they are aware about consumer rights. 83% respondents said that they are aware about the consumer rights and remaining 17% have no awareness about the consumer protection laws.

In response to the questions asked regarding the knowledge about the enforcement of consumer protection rights, 38% respondents were strongly agree and 52% were agree that they do not know how to enforce the consumer rights. 6% respondents were indifferent and remaining was disagreeing with the above statement. This is real situation that the consumers are not aware about the enforcement of consumer rights.

In the result of the analyses it clear that not only the uneducated but educated persons are also not aware about the consumer protection act. They do not know how to use the services of consumer forum. They are not aware about consumer protection laws. There is lot of reasons for such type of responses. They are not aware about the consumer magazines from which they can read the consumer protection act. The govt. is also not taking the enough steps to give information to consumers.

**Table 3. Number of responses regarding who should spread the consumer awareness**

Level	Responses
Media	78%
Govt.	0%
NGO's	0%
Awareness at school and college level	22

Seventy eight percent respondents give their responses that the media is the best option to increase the awareness in consumer rights about consumer rights. Remaining 22% respondents said that we should give education at school and college level to increase the awareness in students because they are the base of future of the society. Majority of respondents suggested for using the media for promoting the consumer awareness. Nobody gave their responses in favor of NGO's and the Govt. This is true that Media is playing a good role to increase the awareness in consumer about the consumer laws. 'Jago Garahak Jago' is a good example for this movement which is run by media. We can see advertisement on T.V., Radio etc. about consumer right. So we can see that Media is a very effective source to increase the awareness about consumer rights. We can play a very important role at school and college level to give education about consumer rights to students about different type of consumer laws. One chapter of consumer protection act should include in the syllabus of every stream at every school and every college.

**Table 4. Responses towards small claims discouragement**

Categories	Number of responses
Strongly agree	19%
Agree	41%
Indifferent	8%
Disagree	19%
Strongly Disagree	13%

19% of the respondents were strongly agree, 41% were agree 8% respondents were indifferent, 19% were disagree and remaining 13% were strongly disagree with the statement that the small claims are discouraged by the consumer forums. So most of the respondents said that the consumer forums discourage the claims of small amount. They give attention to the claims of big amount only

**Table : 5 Awareness about Redressal System of Consumer Disputes**

Options	Responses
YES	60%
NO	40%

In order to solve the problems faced by the consumers regarding their purchase the government provided a redressal system. 60% of the total number of respondents reported that they were aware of the grievances redressal system and remaining 40% were not aware about the said system. Education plays an important role to increase the level of knowledge about the redressal system. Illiteracy among uneducated consumers is a sole reason for the unawareness of the redressal machinery. The reason for unawareness of such type of consumer protection mechanisms is that the consumer protection laws are not a part of the regular curriculum in school and colleges.

The table no. 6 shows that when the respondents were asked their responses regarding the statement that consumer grievances system becomes very effective and speedy because of consumer protection

**Table 6 : Responses towards the effective of Consumer Grievances Redressal System**

Level	Responses
Strongly agree	21%
Agree	24%
Indifferent	51%
Disagree	28%
Strongly Disagree	0

21% respondents were strongly agreed 51% were agree, 28% gave their responses as indifferent to the given statement. This is a true situation because govt. has provided the provisions of district forum at district level, state commission at state level and national commission at national level. This three tier machinery is very useful for the customers.

**Table 7 : Reasons of not to use the services of Consumer Forum**

Option	Responses
Lack of Interest	21%
Lack of Time	21%
Lack of Knowledge	48%
All of the above	10%

According to the results of the above table we can say that there are lots of reasons of not taking the benefits of the consumer protection act. 21% respondents gave a reason that they are not interested in using the services of consumer forum. 21% respondents gave reason as lack of time, 48% gave the reason that they have no knowledge of consumer forum and remaining gave all the reasons which were discussed above the main reason is that the consumer have no knowledge of consumer protection act so they not use the consumer forum.

## CONCLUSION AND FINDINGS OF THE STUDY

The conclusion from the above study is explained as under:

- The level of awareness among the consumers about consumer rights is low. The level of knowledge about the enforcement of consumer rights is also very low. This situation gives a challenge to increase the consumer movement

- The consumer feels that media can play a very important role to increase the level of knowledge about consumer laws. But the schools and colleges are also very effective source to increase the awareness of consumer rights.
- The general feeling prevailing among consumers is that the claims of small amount are discouraged by the consumer forums.
- A majority of consumers say that they have knowledge of the consumer grievances redressal system (District Forum, State Commission and National Commission)
- Maximum number consumers feel that consumer grievance redressal system become very effective and speedy because of consumer protection act.
- The most of consumers give the reason of lack of knowledge so that they not use the services of consumer forum. Other reasons are also given that lack of interest, lack of time etc.

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