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CONSUMER AWARENESS

To satisfy various wants people purchase goods and services by paying price. But what to do if the goods and services bought are found out to be bad in quality or unreasonably priced or measured less in quantity etc. In such situations the consumers, instead of getting satisfaction, feel cheated by the sellers who have sold the goods and services. They also feel that they should be properly compensated for the loss. So there should be a system to redress such issues. On the other hand consumers should also realize that they do have responsibilities not just rights.



OBJECTIVES

After completing this lesson, you will be able to:

- *know the meaning of a consumer, goods and services and consumer awareness;*
- *understand the need for consumer awareness;*
- *explain the consumer redressal system in India;*
- *realise the rights and responsibilities of consumers;*
- *understand the procedures for filing the complaints in the consumer courts;*
- *know the challenges of consumers' movement in India.*

24.1 SOME DEFINITIONS

First let us know the meaning of - a consumer, goods and services and consumer awareness.

- **Who is a consumer?**

To begin with, let us know the definition of a consumer. A consumer is the buyer of goods and services. The user of goods and services with the permission of the buyer is also treated as a consumer. But a person is not a consumer if he/she purchases goods and services for resale purpose.



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- **What are goods and services?**

Goods are those products which are manufactured or produced and sold to consumers through wholesalers and retailers. Service means service of any description which is made available to the potential user with respect to the provision of facilities in connection with banking, finance, insurance, transport, supply of electrical or other energy, housing, construction, water supply, health, entertainment, amusement etc. It does not include any service rendered free of charge or under a contract of personal service.

- **Consumer Awareness**

Consumer awareness refers to the combination of the following :

- (i) The knowledge of the product purchased by the consumers in terms of its quality. For example the consumer should know whether the product is good for health or not, whether the product is free of creating any environmental hazard or not etc.
- (ii) The education about the various types of hazards and problems associated with marketing of a product - For example, one way of marketing a product is advertisement through news papers, television etc. Consumers should have proper education about the bad effects of advertisement. They must also verify the contents of the advertisement.
- (iii) The knowledge about 'Consumer Rights' - This means that, first, the consumer must know that he/she has the right to get the right kind of product. Secondly, if the product is found out to be faulty in some manner, the consumer should have knowledge of claiming compensation as per the law of the land.
- (iv) The knowledge about consumer's own responsibilities- This implies that consumers should not indulge in wasteful and unnecessary consumption.

24.2 NEED FOR CONSUMER AWARENESS

The market today is flooded with very large number as well as varieties of goods and services. The number of producers and final sellers of the commodities have also increased many folds. So it has become very difficult to know as to who is a genuine producer or seller? It is practically not possible for consumers to personally come in contact with a producer or seller. Moreover in the age of advanced information technology the physical distance between consumer and producer/seller has also increased, since consumers can get their commodities at door step by booking orders over telephone or through internet etc. Similarly from among large varieties of commodities, it has become very difficult to know as to which one is genuine? People think that a product which has appeared in some advertisement must be good or the



producer whose name is known through advertisement must be selling the right product. But this may not be true always. Much information is deliberately hidden in certain advertisements to mislead the consumers.

In case of packed food products and medicines, there is an expiry date which implies that the particular product must be consumed before that date and not at all after that date. This information is very important because it involves the health of the consumer. Some times it so happens that either such information is not provided or the seller deliberately did not give the information since the consumer did not ask for it or notice the inscription written on the product.

It also happens many times that a consumer buys goods and services without taking the bill or the seller does not provide the bill. This is done to avoid paying tax on the product to the government. Such a tax is value added tax (VAT) i.e. a type of tax that is place on a product whenever value is added at a stage of production and at final sale. If this tax is included then price of the product will be higher because of the tax and accordingly it will be acknowledged by providing the bill. But in order to attract the consumer by selling the product at a lower price, the seller deducts the tax and so does not provide the bill. Just because the price is less the consumer also does not bother to ask for the bill. Such practice creates two serious problems. One, the government is deprived of its tax revenue and two, the consumer may suffer if the product comes out to be faulty and he/she cannot even return the product or file a complaint since there is no bill to give proof of purchase.

Another major issue is that the consumers are not united. Producers have become stronger and organised because there are Producers' and Traders' Associations to protect their interest. But the buyers are still weak and unorganised. As a result the buyers are duped and deceived quite often.

Because of the above arguments it is very important for consumers to protect themselves from the unfair trade practices of the traders and service providers. They need to be aware of their rights as consumers and use them promptly.

It should be noted that consumer awareness is not just only about consumers' rights. It is a well known fact that many consumers around the world have been indulging in mindless and wasteful consumption because of their money power. This has divided the society into rich consumers and the poor. Similarly many consumers are also not bothered about the safe disposal of wastes after consumption is over which causes environmental pollution. By agreeing to pay a lower price for the product without asking for the bill, many consumers indirectly help the sellers to avoid paying tax to the government. Hence there is also need for consumer awareness to educate the consumers about their responsibilities.

Consumers also need to act more responsibly and join hands with the government.



INTEXT QUESTIONS 24.1

1. Who is not a consumer?
2. Why must the consumers take the bill on purchase of a product?
3. What is VAT?



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24.3 CONSUMER REDRESSAL SYSTEM IN INDIA

There is legal and administrative machinery working in the field of consumer education in our country. It is important for you to understand it.

Consumer redressal system is a system under which the consumers can file a complaint in a consumer court and demand justice when they are cheated by the sellers or manufacturers of the commodity or service they buy. **It comprises of the Laws to protect the interest of the consumers and the Institutions to enforce the laws to uphold consumers' rights.** Thanks to the government, we have consumer laws made through legislations in our country with a special focus on consumer education. The purpose is to help the people understand their rights and responsibilities as consumers and to redress their grievance. There are also existence of Institutions in the form of government departments and consumer courts to deal with the grievances of the affected consumers. Let us discuss them below.

24.3.1 Government Legislations

We have had several government legislations in our country even before independence to protect the rights of the consumers. But Consumer Protection Act 1986 (CPA) is the most important one and gives you as a consumer all the support and guidance against violation of your rights. CPA is specifically designed to protect consumer interest.

There are a couple of other legislations aimed at providing consumer protection, enacted after independence, like Prevention of food adulteration Act (PFA) 1954, the Essential Commodities Act, 1955 (ECA) and the Standard of Weights and Measures Act (SWMA) of 1976.

The CPA was enacted with the objective of providing 'cheap', 'simple' and 'quick' justice to the millions of consumers in the country. It ensures justice which is less formal, involves less paperwork, cut delays and is less expensive. CPA applies to all goods and services, unless specifically exempted. It covers the private, public and cooperative sectors. It also empowers a consumer to haul up municipal authorities in consumer courts if they fail to provide all the services ranging from street lighting and drinking water to drainage and health.



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Among other measures included in CPA some recent ones are:

- Consumers are allowed to decide where they want to seek redressal.
- A company cannot insist on being liable to be tried only in a court of its choice.
- Consumers are allowed to sue service providers of a company for passing on their personal information to salespersons e.g. banks, insurance company etc.
- Real estate developers are classified as traders and liable to be tried in a consumer court.
- Oversees agencies operating through e-commerce sites on the internet or telemarketing are not allowed to sell their products unless they maintain an office in India. They have to organise the inspection of goods prior to purchase, or refund goods within 30days.
- Officials and stakeholders like state government departments of post and telecom, passport offices, municipal services, Central Government Health Scheme (CGHS) and railways are demanding exemption from the Act fearing, they will have to face a barrage of litigation.



INTEXT QUESTIONS 24.2

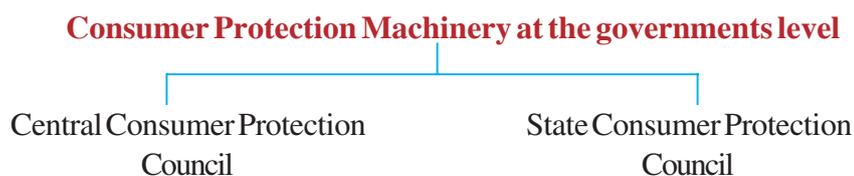
1. Give the full form of CPA, ECA and SWMA?
2. How can a foreign agency sell its product in India?

24.3.2 Institutions to Deal with Consumers’ Grievances

The citizens of India have an Institutional machinery, to deal with consumers’ grievances, working at all levels: national, state and district. There are two types of institutions- (i) Government Councils and (ii) Consumer Courts. Besides this there are also several Non-Governmental Organizations (NGOs) registered under the government law which provide various kinds of support to the aggrieved consumers.

(i) Government Councils

Read the following flow chart to know the government councils working at national and state levels.





As shown in the chart there is a Central Consumer Protection Council (CCPC) at the National Level which is headed by a Central Minister in-charge of the Consumer Affairs in the Central Government at New Delhi. At the State Level there is a State Consumer Protection Council (SCPC) in each state of India which is headed by a State Minister-in-charge of the Consumer Affairs in the State Government.

Consumer Courts

Read the following flow chart to know the types of Consumer Courts working at national and state and district levels.



As given in the chart, there are three layers of Consumer Courts in India. At the bottom is the District Consumer Forum (DCF) at the district level in the state. There are 604 District Forums in the country now.

At the mid level there is State Consumer Disputes Redressal Commission (SCDRC). There are 35 State Commissions in the country.

Finally at the top there is an apex body known as National Consumer Disputes Redressal Commission (NCDRC) working hand-in-hand to provide cheap, speedy and simple redressal to consumer disputes in the country.

A Consumer Court is quasi-judicial in nature and is directly accountable to the people. The central and the state governments are responsible for making policies with respect to the working of these courts.

24.3.3 Redressal Mechanism

Now the question arises- How a consumer who feels cheated can get justice or relief in the form of compensations? For this he or she can approach any consumer court by filing a written complaint on his/her own or through a lawyer. The particular court that he/she must approach depends on the value of the commodity. In case of any product or in respect of a service valuing up to Rs. 20 lakhs the affected consumer can file a written complaint before the District Consumer Forums. If the value is up to Rs. 1 crore, then he/she has to approach the State Commission. Finally, for value above Rs. 1 crore, the consumer should approach the National Commission for grant of relief. According to CPA the relief should be given within 90-150 days and if a consumer is not satisfied by the decision of the District Forum he/she can challenge the same before the State



Commissions. If still not satisfied with the order of the State Commission, the consumer can go to the National Commission.

24.3.4 What You Need To Do? How to file a Complaint?

For filing a complaint, the aggrieved consumer must always keep the cash memo, receipt or bill of the product he/she has purchased. The format to file a complaint is located on the booklet provided by consumer protection Act. Then the person must select the proper category under which he/she is filing the complaint. These categories are - unfair trade practice, deficiency of service etc. Then the nature of the complaint needs to be explained in simple words. The consumer should be clear about the fault and what he/she wants as a remedy i.e a replacement or a refund or compensation in case of a service. The documents like the receipt or other evidences must be attached along with the complaint. There has to be three copies of the entire set; one for the complainant, one for the other party against whom the complaint has been made and one for the consumer court. Some nominal filing fees have to be paid to the court by the complainant in the form of a demand draft.

It should be noted that a complaint should be filed within 2 years of the date on which the defect occurs. This is not dependent on the purchase date. The affected consumer can either appear in person, send a representative or a lawyer or even a letter. In case, a complainant has died, his legal heirs can go to the court. If not satisfied with decision of the lower court, the person must appeal to a higher court within 30 days of the lower courts' order. Remember, however, that the court can fine you up to Rs. 10,000/- if it thinks that the consumer has filed a frivolous complaint. Check the latest rules by visiting local consumer rights officer or online at the web sites - ncdr.nic.in and core.nic.in.

Now a days communication through internet has become a way of life. So a person can also mail the complaint. The e-mail ID/Website is printed on the cover of the product.

24.3.5 Role of NGOs

In case the producer/company/seller gives the aggrieved party a cold shoulder then the role of non- governmental organisations i.e NGOs becomes very important. One can lodge complaints with some NGO's like Consumer Grievance (www.consumer-grievance.com), Consumer Guidance Society of India (www.cgs_india.org), Common Cause (www.commoncauseindia.org) and Consumer Forum (www.consumer.org.in). NGOs not only help in filing a case but also they provide logistic, manpower and other supports. NGOs also conduct various programmes to educate consumers about their rights and responsibilities.

One can also approach consumer help organisation called Jago Grahak Jago. Almost every newspaper provides complete information about it through advertisement. The online grievance form can be had by visiting the site.



Some other web sites for banking, insurance, tax and telecom related problems are:

- www.banking_ombudsman.rbi.org.in
- www.irdaindia.org
- www.incometaxindia.gov.in
- www.trai.gov.in

24.3.6 The Grounds for Filing a Complaint

The deficiency in a service is one of the grounds for filing a complaint under the Act. The term deficiency has been defined as any fault, imperfection, short coming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or has been undertaken to be performed by a person in pursuance of a contract or otherwise in relation to any service. Compensation has to be paid by the wrong doer for their faulty or defective goods and services.



INTEXT QUESTIONS 24.3

1. Name the government councils which deal with consumer grievances at national and state levels?
2. Name the consumer courts at national and state and district levels?
3. When a complaint can be filed in the consumer court?

24.4 CONSUMERS' RIGHTS

The purchase of goods and services entitles you to certain rights as a consumer. They are as follows.

24.4.1 Right to Information

This right states that sellers and producers should always provide consumers with enough and appropriate information regarding the price, weight, company brand, manufacturing & expiry dates, quality identification marks, ingredients, contact links of the company and so on, to make intelligent and informed product choices. Here is an example from the services sector.

When a customer was trying to find the lowest fare to travel from Delhi to Bangalore, the results of the search indicated airfares from Rs. 1450 onwards. He chose a flight that costed Rs. 1500/- plus taxes. He has no idea what the tax component was. As



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he proceeded with the booking, he got to know that Rs. 1500 is the basic fare and on that, taxes and other fees cost another Rs. 3445 and the final fare will be Rs. 4995.

Now why can't the airlines and portals be more honest and transparent and mention the actual fare clearly at the beginning? Why should they mislead consumers into paying three times more than what they first see? You have to be cautious and get full informations from such service providers who are concealing part of the informations on the basis of which they would later harass the consumers.

24.4.2 Right to Choose

The consumers have the Right to Choose regarding what to buy and what not to buy. Sometimes when you receive a service or purchase a good you cannot do so because you are forced to buy things that you may not wish to. The shopkeeper puts a condition and you are left with no choice. You as a consumer lose your right to choose. Read the case below:

“When Senthil applied for a new gas connection, little did he realise it would be the first step towards a troublesome journey. He walked into the Kumaran Gas Agency for a Bharat Gas cylinder, assuming he would have to pay Rs. 1500/-. Instead he walked out poorer by Rs. 7000/- after being forced to buy products he did not really need such as a pressure cooker, gas lighter; even a packet of detergent. The reason; the agency insisted that it was mandatory for a new customer to acquire the whole ‘kit’. Senthil complained to the Consumer Online Resource and Empowerment Centre (CORE) which sent a mail to the agency. Within a week he was refunded about Rs. 5000/-. Contrary to general belief, this customer is a proof that resolving a grievance need not be long and financially draining”. (India infoline News Service, Mumbai, April 2, 2009)

24.4.3 Right to Safety

This right provides protection against the marketing of goods that are unsafe to the health and life e.g. adulteration in food, medicines, electronics and so on.

24.4.4 Right to be Heard

This right ensures that consumers’ interest will be given due consideration in the appropriate forums. This right also empowers the Indian consumers to fearlessly voice their complaints against the defective products and the erring producer/company/seller.

24.4.5 The Right to Seek Redressal

In case of cheating, fraud or any other injustice as explained above the consumer can get compensation for the damage caused by the unfair and exploitative trade practices.



The redressal courts through their intervention help consumers get justice.

Let us look into some cases where the retailers violate consumer's right to redressal particularly in respect to goods bought during sale.

“A busy doctor bought 3 pairs of trousers at a discounted price of Rs. 2000/- each, during a sale from a well known retail brand from a particular outlet. However to his utter surprise, the fabric just gave way within a few wears, even before it was washed. On his complaint a person in-charge of the company showroom took back one pair and said, it would be sent to the company's quality cell for testing. A year has passed and he has neither heard from the company, nor got back his trousers.

Should the doctor not ask for his money and also for compensation for all the discomfort undergone in purchasing the trousers? The doctor has the right to seek redressal as a consumer.”

24.4.6 The Right to Consumer Education

It means to have access to programs and information that help consumers make better decisions before and after purchase. Instructions and guidelines for consumers are issued by the government departments and NGOs. This helps the consumers to take right decision with regard to purchase of a commodity. to bring Trademarks and Logos authentication marks such as ISI, AGMARK, BIS and other educational campaigns done in public interest.



INTEXT QUESTIONS 24.4

Mention the appropriate consumer right to file a complaint with regard to the following

1. A person falling sick after consuming a packaged food item.
2. A seller forcing a buyer to purchase a certain brand of goods and not showing other varieties of goods.
3. Samir wants to buy a computer and wants to know the exact configuration from the seller.
4. Rekha was cheated by a seller and wants to file a complaint.
5. Reshma has gone to a district consumer forum against the local hospital to seek compensation for wrong diagnosis for which she had to spend Rs. 2 lakhs unnecessarily.
6. You have requested the concerned department of Delhi Government to give you booklet on consumer protection act.



24.5 CONSUMERS' RESPONSIBILITIES

Consumer education is not always about rights of the consumers, but also about responsibilities and shouldering them honestly and sincerely. Let us highlight some of the issues here.

24.5.1 Dealing with Advertisements

Advertisements have become a part and parcel of our lives and even if we try we cannot avoid them. Companies are trying to sell their products by making attractive audio-visuals, publishing only that part which may be eye catching and hiding other crucial information and so on. Consumers need to be cautious of such deceptive advertisements. Children are the worst victims. They need to be guided properly.

24.5.2 Buying Quality Certified Products

There are lot of products which are certified by recognised agencies as safe to consume and good in quality. For example the Indian Standard Institute (ISI) conducts quality testing of many consumer goods. If found proper the product is labelled with ISI mark on it. For many food products the quality assurance is certified by seal called AGMARK. Consumers should choose products with ISI mark and AGMARK.

A very important thing before purchasing food products or medicines etc is that the consumer must see the expiry date.

24.5.3 Demanding Bill of the Purchase

Every consumer must demand the bill after purchase of goods and services. The bill is the proof of purchase and can be used to seek justice if the consumer feels cheated after buying the commodity. Through the bill the consumer also ensures that the government receives tax on the product because it is mandatory for the seller to mention the tax amount on the bill. Such act of the consumer makes him/her a responsible citizen of the country.

24.5.4 Being a Green Consumer

A consumer must consume those products which do not cause damage to our environment. Plastic bag is one example which has caused serious damage to the environment. People should use biodegradable products which can easily mix with soil and water after they are disposed off. Similarly people should save electricity, gas etc by judicious use. Consumers are also responsible for automobile pollution in town and cities. They should use public transport system and eco-friendly vehicles.

24.5.5 Consumers as Managers

Consumers can unite together to provide themselves and the community at large of a locality or village some basic needs such as drinking water supply, health, education etc.



It is the government who acts as the manager for delivery of services. But the government departments are often blamed for inefficient and erratic delivery of such services. So consumers can unite to provide such services. Read the following story:

Consumers as Managers

(A true story from Gujrat)

Gujrat has more than 13000 village 'Pani Samitis' which are acting as managers of service delivery at the village level. The village 'Pani Samitis' are formed in Gram Sabhas through consumers. They manage their in-village systems for water supply service upto the household level, with a strong sense of ownership. They are also testing the quality of water and providing quality assurance upto the consumers' level.

Community engagement for making people as managers has resulted in reducing the cost of delivery, timely and efficient delivery of water, efficient repairs of water supply system, efficient utilization of water resource, innovative tariff mechanisms measures for sustainability of water resources like developing 'check dams', ponds for recharging of ground water leading to conservation of water resources in the area.

In a vast country like India consumers have a responsibility to stand by the government. You can also play a constructive role by joining hands with your local water, electricity, sanitation boards, through the local federations of your locality or Gram Sabhas of your village.

24.6 MAJOR CONCERNS OF CONSUMER MOVEMENT IN INDIA

For successful consumer movement people need to be educated. India is not only highly populated but also culturally diverse and has vast number of illiterates. So bringing consumer awareness is a big task. It is slowly picking up and lots to be done in this regard. Two major concerns are (i) spreading consumer awareness in rural area of India and (ii) timely delivery of justice. Let us briefly discuss them below.

24.6.1 Consumer Awareness in Rural India

On account of the globalization and liberalisation, increase in middle income and high income population in the villages our rural markets are also expanding. So companies are reaching with their products to our rural markets as well. But the rural consumers in India are generally ignorant and illiterate. So they are exploited by the manufacturers, traders and service providers. Rural consumers face problems like fake brands, spurious products, lack warranties and guarantees, imitation, unreasonable pricing, lack of varieties and so on. There is a need for spreading consumer awareness in the rural areas more seriously.



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24.6.2 Timely Delivery of Justice

You know that justice delayed is justice denied. Unlike the civil courts, the consumer courts are quasi-judicial bodies that need to follow a simple, summary procedure for quick disposal of complaints. However repeated adjournments, delays on the part of the state government to fill up the posts of judges and unnecessary technicalities slow down the process of justice for the consumers. Delays often take away the essence of the law. Read the following case that illustrates these points.

Following loss of yield during the sowing season of 1993 due to defective hybrid cotton seeds sold to them, 130 farmers from Maharashtra filed a class action suit seeking compensation. Eventually, they won the case, but it took 14 years during which time ten farmers had died.

The Government amended CPA in 2003 to eliminate such delays. Accordingly, consumer courts are not to give adjournments at all. In exceptional circumstances where it is given, the court has to record the reasons for it in writing and justify it.



INTEXT QUESTIONS 24.5

1. What should you do as a responsible consumer in the following cases
 - (a) To purchase an electric iron from among several brands available
 - (b) You are purchasing bread and fruit jam.
 - (c) The seller gives you the items in a polythene packet.
2. Give two reasons of delay in delivery of justice with respect to consumer grievances?



WHAT YOU HAVE LEARNT

- Consumer awareness includes knowledge of the products purchased along with their effects on health and environment and consumers rights and responsibilities.
- Need for consumer awareness arises due to several reasons such as- bad quality of goods and services sold, selling without providing bill, misleading advertisement, lack of complete information about the product and producer/seller, environmental pollution due to mindless and wasteful consumption etc.
- Consumer redressal system comprises of the Laws to protect the interest of the consumers and the Institutions to enforce the laws to uphold consumers' rights.



Notes

- Consumer Protection Act 1986(CPA) is the most important legislation to protect interest of the consumers.
- Central Consumer Protection Council (CCPC) at the National Level and State Consumer Protection Council (SCPC) at the State Level are government institutions which deal with consumer issues. NGOs also provide help.
- For redressal of grievances there are three layers of Consumer Courts in India with the District Consumer Forum (DCF) at the bottom, State Consumer Disputes Redressal Commission (SCDRC) at the mid level and an apex body known as National Consumer Disputes Redressal Commission (NCDRC) at the top.
- A complaint can be filed by the affected consumer concerned or through a representative or through a letter in a prescribed form giving the nature of complaint and the bill within 2 years of purchase. A nominal fee must also be paid in the court.
- Consumers Rights in India include- Right to Information, Right to Safety, Right to Choose, Right to be Heard, , Right to Redressal and Right to Consumer Education.
- Consumers' Responsibilities include- not to be misled by advertisement, seek complete information for empowerment, checking the expiry date, quality assurance seal, demanding bill, avoiding wasteful and mindless consumption, protecting the environment etc.

**TERMINAL EXERCISE**

1. Why there is a need for consumer awareness?
2. What you must do as an aggrieved consumer to file a complaint?
3. Describe the consumer redressal system in India?
4. Give the provisions of Consumer Protection Act?
5. Discuss in brief the rights of consumers in India?
6. What you must do as a responsible consumer?
7. Explain two major challenges facing consumer movement in India?

**ANSWERS TO INTEXT QUESTIONS****Intext Questions 24.1**

1. A person is not a consumer if he/she purchases goods and services for resale purpose.



2. Because the bill is required to be produced before the consumer court if consumer finds the product to be faulty for which he/she wants to file a complaint. Bill also ensures that tax on the product has been paid to the government.
3. Value Added Tax.

Intext Questions 24.2

1. CPA- Consumer Protection Act
ECA- Essential Commodities Act
SWMA- Standard of Weights and Measures Act
2. By opening an office in India.

Intext Questions 24.3

1. Central Consumer Protection Council (CCPC) at the National Level and State Consumer Protection Council (SCPC) at the State Level.
2. National Consumer Disputes Redressal Commission (NCDRC) at the National Level, State Consumer Disputes Redressal Commission (SCDRC) at the State Level District Consumer Forum (DCF) at the District Level.
3. Within 2 years from the date of purchase of the commodity.

Intext Questions 24.4

1. Right to Safety,
2. Right to Choose
3. Right to Information
4. Right to be Heard
5. Right to Consumer Education.

Intext Questions 24.5

1. (a) look for quality assurance seal such as ISI mark.
(b) Check the expiry date before purchase.
(c) say no to plastic bag and demand a cotton or jute bag.
2. Repeated adjournments and delay in appointment of judges by the government.