



## CONSUMERS' RIGHT TO RECEIVE INFORMATION: AN ANALYSIS

### KEYWORDS

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### INTRODUCTION

In India the consumer movement started since 1960 which travelled a long distance to reach to the middle class consumers in 1980. The making of the Consumer Protection Act commenced in January 1986 which provides better protection of the interest of consumers and for that purpose to make provision for the establishment of Consumer Councils and other authorities for the settlement of consumer disputes which known as "Consumer FOR A" and certain rights of consumers viz. right to safety, right to information, right to choose, right to represent, right to redressal and right to education. These are the legal rights of Consumer and Consumer FOR A are meant to protect them. 'Right to information' is a right to be informed about the quality, quantity, potency, purity, standard and price of goods or services, with a view to protect the consumers against unfair trade practices. 'Right to information' though a legal right has now been assumed as a fundamental right of consumers.

### II RIGHT TO RECEIVE INFORMATION

The fundamental principle upon which the Consumer Protection Act, 1986 was enacted that the consumers' interest shall be safeguarded by the law of the land. The failure to enforce his rights by a consumer may be linked with ignorance of his rights, illiteracy and general apathy to resist any malpractices in the market, inequality of bargaining power thereby not raising his voice against unethical practices.<sup>1</sup> In such a scenario two basic questions are mooted (a) How consumers can be protected? , (b) Consumers are Protected against what? These questions came for the discussion before Delhi High Court in *Oair Hussain v. Union of India*<sup>2</sup> in which the petitioner being a promoting protecting the cause of animal welfare states that any consumer is to be a conscientious objector of consumption and use of animals and their derivatives for food, cosmetics and drugs. It has also pointed out that more than 60% of the people of the country are vegetarian and over 50% of them are illiterate and large number of them cannot read or write English. It is also urged that there should be complete disclosure of constituents of cosmetics and food products and that such food products should bear an easily recognizable symbol conveying the origin or ingredients of the products, whether vegetarian or non-vegetarian, so that both literate or illiterate consumers can make an informed choice before selecting the products.<sup>3</sup>

### III RIGHT TO RECEIVE INFORMATION AND FREEDOM OF SPEECH & EXPRESSION

For making a right choice of food, cosmetics and drugs it is essential that the consumer should be appraised of the ingredients of such products and he should not be kept in dark as non-availability of information would lead to violation of his right to freedom of expression comprised in Article 19(1)(a) of the Constitution. The Supreme Court while interpreting Art.19(1)(a) in good numbers of cases<sup>4</sup> held that a citizen has a right to receive information and that right is derived from such article.

Now it has been well established that the fundamental right to receive information flows from the right to freedom of speech and expression enshrined in Article 19(1)(a) of the Constitution. This right enables a person who practice the beliefs and opinions which

he holds, in a meaning manner. It is essential for him to receive the relevant information, otherwise he may be prevented from acting in consonance with his beliefs and opinions. In case a vegetarian consumer does not know the ingredients of cosmetics, drugs or food products which he/she wishes to buy, it will be difficult for him or her to practice vegetarianism. In the aforesaid context, freedom of expression enshrined in Art. 19(1)(a) can serve two broad purposes:

- (1) It can help the consumer to discover the Truth about the composition of the products, whether made of animals including birds and fresh water or marine animals or eggs, and
- (2) Can help him to fulfill his belief or opinion in vegetarianism.

This is also in consonance with Article 10 of the European Convention on Human Rights.

### IV RIGHT TO RECEIVE INFORMATION AND PERSONAL LIBERTY.

Article 21 ushers right to life and personal liberty which is a necessary ingredients of a participatory democracy.<sup>5</sup> In view of transnational developments when distances are shrinking international communities are coming together for co-operation in various spheres and they are moving towards global perspective in various fields including Human Rights, the expression 'liberty' must receive an expanded meaning. The expression cannot be cribbed or confined to mere freedom from bodily restraint. It is wide enough to expand to full range of rights including right to hold a particular opinion. For sustaining and nurturing that opinion it becomes necessary to receive information. In this view of the matter, we have no hesitation in holding that Article 21 grants freedom to an individual to follow and to stick to his opinions, and for pursuing such a course he has right to receive information and also right to know the ingredients or the constituents of cosmetics, drugs and food products.

### V RIGHT TO RECEIVE INFORMATION AND FREEDOM OF CONSCIENCE

Article 25 of the Constitution makes it clear that all persons are equally entitled to freedom of conscience and right to practice, profess and propagate religion. This right of conscience connotes a person's right to entertain beliefs and doctrines concerning matters which are very much conducive for spiritual wellbeing.<sup>6</sup> Keeping in view of such objectives, the Supreme Court while dealing with the challenge to the expulsion of three children from the school because of their not jointing the singing of the national anthem in the morning assembly in keeping with their religious faith, held that the expulsion was in violation of their fundamental right to freedom of conscience.<sup>7</sup> It appears to us that where packages of food products, drugs and cosmetics do not disclose any information in writing and by an appropriate symbol about the composition of the products contained therein, right to freedom of conscience of the consumers is violated as they may be unconsciously consuming a product against their faiths, beliefs and opinions.

Now it is obvious in view of above discussion, that it is fundamental

right of the consumers to know whether the food products, cosmetics and drugs are of non-vegetarian or vegetarian origin, as otherwise it will violate their fundamental rights under Articles 19(1)(a), 21 and 25 of the Constitution.

### Conclusion

It seems that the Parliament realizing that the consumers have a fundamental right to be apprised of the fact whether or not a food article contains whole or part of any animal including birds fresh water or marine animals or eggs or products of animal origin, brought about necessary changes in the Prevention of Food Adulteration Act. 1956. As regards drugs and cosmetics necessary amendments have not been made in the relevant statutes. In so far as a lifesaving drug is concerned, there is a view point that the information whether or not it is derived or manufactured wholly or partly, from an animal, should not be disclosed since it is meant to fight disease and save life. In other words, a patient who is suffering from serious ailment, which can be fatal if a lifesaving drug is not administered to him, need not be informed in his own interest as to whether or not the drug contains part of any animal as it is conducive to preservation of life and therefore, in tune with Article 21 of the Constitution. This also means that he should not have a choice in the matter of administering life saving drug to him.

### Reference

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2. AIR 2003 Delhi 103
3. Ibid.
4. State of U.P., V.Rajnarain, AIR 1975 SC 865.
5. Kharak Singh v. State of U.P. AIR 1963 SC 1295.
6. Ratilal Panachand Gandhi v. State of Bombay, AIR 1954 SC 388
7. Bijoe Emmanuel v. State of Kerala, AIR 1987 SC 748.