

A Study on Awareness of Consumer Protection Act 1986 With Special Reference to Food Products in Tamilnadu



Commerce

KEYWORDS: Awareness, consumer rights, impact on population, government initiation etc.,

Mrs. M. REVATHI

ASSISTANT PROFESSOR IN DEPARTMENT OF COMMERCE, SENGUNTHAR ARTS & SCIENCE COLLEGE, TIRUCHENGODE.

Dr. P. RAJA

ASSISTANT PROFESSOR, PG & RESEARCH DEPARTMENT OF COMMERCE, GOVERNMENT ARTS COLLEGE (AUTONOMOUS), SALEM - 7

ABSTRACT

The consumer movement in India is as old as trade and commerce. In Kautilya's Arthashastra, there are references to the concept of consumer protection against exploitation by the trade and industry, short weight and measures, adulteration and punishment for these offences. Awareness of consumer rights varies in different regions in the country. It is very poor especially among the population in rural and far-flung areas of the country. Compared to the developed countries, the levels of consumer awareness in such a vast country with a large population like India is much lower. The consumer has to be aware of his rights and play a key role. The success of consumerism is a strong function of consumer awareness and to avoid exploitation consumer must become knowledgeable. In this paper I have discussed about the awareness of consumer protection act in Tamilnadu.

INTRODUCTION

Consumer movement is a socio-economic movement which seeks to protect the rights of consumers in relation to the goods purchased and services availed. Government has been accorded high priority to better protect consumer interests. The Department of Consumer Affairs, has initiated a number of steps to promote a responsible and responsive consumer movement in the country. Such measures include the use of multi-media campaign for promoting consumer awareness and encouraging consumers' involvement through efforts of Government and Non-Governmental Organizations and others.

The main objectives of the consumer protection programme are:-

- To create suitable administrative and legal mechanisms which would be within the easy reach of consumers and to interact with both Government and non Governmental Organizations to promote and protect the welfare of the consumers.
- To involve and motivate various sections of society including consumer organizations, women and youth to participate in the programme.
- To generate awareness among consumers about their rights and responsibilities, motivate them to assert their rights so not to compromise on the quality and standards of goods and services and to seek redressal of their disputes in consumer for a, if required.
- To educate the consumers as to be aware of their rights & social responsibilities.

WHAT ARE CONSUMER RIGHTS

The importance of consumer rights lies in their enforceability, which in turn depends largely on level of consumer education and awareness. In other words, it is not enough to have dynamic consumer laws in the country. There must be an equal thrust on education of all citizens on the consumer rights available to them and the mechanisms through which these rights, if violated can be redressed. The rights of consumer which are being sought to be promoted and protected through the legislative mandate available under the Consumer Protection Act, 1986 include:-

- The right to be protected against marketing of goods and services which are hazardous to life and property;
- The right to be informed about the quality, quantity, potency, purity, standard and price of goods or services, as the case may be to protect the consumer against unfair trade practices;

- The right to be assured, wherever possible to access to variety of goods and services at competitive prices;
- The right to be heard and to be assured that consumers interests will receive due consideration at appropriate fora;
- The right to seek redressal against unfair trade practices or restrictive trade practices or unscrupulous exploitation of consumers; and
- The right to consumer education

CONSUMER AWARENESS IN TAMILNADU

In a world of information asymmetry the government has the responsibility to redress this imbalance. In the Government of India, the Department of Consumer Affairs is the focal point for different Departments and organizations to make the consumers aware of market realities as well as the rights of the consumers and the manner in which they can educate themselves and also enforce their rights. Accordingly, the „Jago Grahak Jago“ campaign has become immensely popular and is now being used by several Departments to communicate with consumers. Increase in consumer awareness has propelled manufacturers and traders to ensure quality service to consumers.

From all these rights, it is the right to consumer education that can be said to be of paramount importance, since this is the gateway through which all the rights can be secured. An aware consumer not only protects his own rights but also induces efficiency in the economy which enables in Tamilnadu to become countrywide competitive.

CONSUMER PROTECTION ACT, 1986

One of the most important milestones in the area of consumer protection/consumer movement in the country has been the enactment of the Consumer Protection Act, 1986. This Act has been necessitated because the well organized sectors of manufacturers, traders and service providers with the knowledge of market and manipulative skills often attempt to exploit the consumers, in spite of the existence of various provisions of different laws for protecting their interests. Moreover, the increase in population has resulted in enormous pendency and delay in disposal of cases in the civil courts. Hence, the Consumer Protection Act, 1986 was enacted to better protect the interests of consumers. It is one of the most progressive and comprehensive pieces of legislation and is umbrella legislation covering all goods and services.

The benefits of the Act are as under

- The Act provides for establishing three-tier consumer dispute redressal machinery at the national, state and district levels.

- It applies to all goods and services.
- It covers all sectors, whether private, public or any person.
- The Act provides for relief of a specific nature and also for compensation to the consumer as appropriate.
- The Act also provides for setting up of Consumer Protection Councils at the Central, State and District levels, which are advisory bodies to promote and protect the rights of the consumers.
- The provisions of the Act are in addition to and not in derogation of the provisions of any other law for the time being in force.

Consumer Protection Act has been in operation for about 25 years. A number of deficiencies and shortcoming in respect of its operation have come to light thereby requiring Amendments on three occasions, still leaving scope for further improvements.

CONSUMER GRIEVANCE REDRESSAL IN FOOD PRODUCTS

Consumers need an inexpensive and quick grievance redressal mechanism to ensure that manufacturers and service providers are accountable for the price and quality that the consumers are entitled to. Accordingly, it is necessary to provide several methods of grievance redressal including those which are available in accordance with the provisions of the Consumer Protection Act 11. Consumer Protection Act, 1986 enables the ordinary consumers to secure less expensive and often speedy redressal of their grievances. The Act mandates establishment of Consumer Protection Council at the Centre as well in each States and District, with a view to promoting the consumer awareness. It also provides for a three tier structure of the National and State Commissions and District Forums for speedy resolution of consumer disputes. At present there are 632 District Forums, 35 State Commissions with the National Consumer Disputes Redressal Commission (NCDRC) at the apex (Annexure-I). The provisions of this Act covers 'goods as well as services'. The goods are those which are manufactured or produced or sold to consumers through whole sellers and retailers. The services are in the nature of transport, telephone, electricity, housing, banking, insurance, medical treatment etc. If, the consumer is not satisfied by the decision of the District Forum, he can appeal to the State Commission and against the order of State Commission a consumer can appeal in the National Commission.

To ensure speedy disposal of cases, State Government advised to avoid any delay in appointment of President and Members in Consumer Fora. In order to dispose of the pending cases, Circuit Benches from National Commission frequently visits the State. So far National Commission has held Circuit Bench sitting at Hyderabad, Bengaluru, Chennai, Pune, Kolkata, Ernakulam, Ahmadabad and Bhopal.

Scheme of Computerization and Computer Networking of Consumer Fora (CONFONET) was launched in March 2005. Under this scheme, the Consumer Fora at all the three-tiers throughout the country were to be fully computerized to enable access of information and quicker disposal of cases.

CONSUMER PROTECTION (AMENDMENT) BILL, 2011

Consumer Protection Act was earlier amended thrice by Act

no.34 of 1991, Act no.50 of 1993 and Act no.62 of 2002. Amendment made in 1991 was mainly to incorporate provisions for the quorum of District Forum, appointing persons to preside over State Commissions/District Forums, in case of absence of President to enable the court function uninterruptedly¹⁶. In 1993, the Act was again amended to address the inadequacies in the coverage of the main Act. It aimed to plug loopholes and enlarge the scope of areas covered and interest more power to the redressal agencies under the Act¹⁷. In 2002, Act was again amended to facilitate quicker disposal of complaints, enhancing the capability of redressal agencies, strengthening them with more powers, streamlining the procedure and widening the scope of the Act to make it more functional and effective.

As a pro-active measure, in July 2004 a Working Group was set up to examine the provision of the Act and consider relevant amendment to make the Act more meaningful, functional and vibrant. A number of proposed amendments were circulated to all State Governments, concerned Central Ministries and NCDRC in July 2006. Revised proposed amendments were re-circulated in 2009 and in light of the comments received on the draft proposal, the Department of Consumer Affairs in consultation with the Ministry of Law and Justice formulated "Consumer Protection (Amendment) Bill, 2010. In meantime some fresh additional comments of the Department of Financial Services were received on the proposed sections regarding unfair trade practice and unfair contract. These changes were got approved by the Ministry of Law and Justice and formed part of the draft proposal of Consumer Protection (Amendment) Bill, 2011. The Bill was introduced in Lok Sabha on 16.12.2011. The Bill was referred to Standing Committee on Food, Consumer Affairs and Public Distribution on 26.12.2011.

FUTURE STRATEGIC PLANS AND IMPLEMENTATION

As per the Strategic Plan of the Department of Consumer Affairs, the vision is to protect the rights and interests of consumers, to spread awareness about consumer rights, duties and responsibilities and to promote consumer welfare by strengthening consumer movement in the country. Active participation of State Governments, academic and research institutions, schools and voluntary organizations will be sought to create a vibrant consumer movement in the country. Strict parameters regarding consumer products will be developed and enforced along with regular monitoring of prices to ensure the sovereignty of consumers.

CONCLUSION

The prospect of the consumer justice system in our country appears to be bright in view of the proactive policy, schemes / programmes adopted by the Government. However, the present drive and direction need to be supplemented by adopting different channels of redressal. And there is a dire need for the State Governments to give deserving priority to Consumer welfare and gear up themselves to meet the challenges thrown up by market economy. Involvement of trade and industry, civil society organizations and above all consumer themselves are vital for betterment of consumer welfare in the years to come.

REFERENCE

1. Consumers' Awareness about Rights and Grievance Redressal, by Dr. Durga Surekha, 2010, page 8-9. | 2. Report of the Working Group on Consumer Protection Twelfth Plan (2012-17), p.15. | 3. Consumers' Awareness about Rights and Grievance Redressal, by Dr. Durga Surekha, 2010, p.19.
4. Department of Consumer Affairs, Annual Report, 2011-12, p.51. | 5. Op.cit Report of the Working Group, p.65. | 6. NCDRC.nic.in. | 7. Consumer Protection Amendment Bill, 1993. |