
CONSUMER PROTECTION LAW IN INDIA – SOME CHALLENGES AND MEASURES IN GLOBAL MARKET MILIEU

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Abstract

The present paper is a theoretical exposition on consumerism in the context of globalization. It provides a brief review on consumer movement, various practices in the market milieu which are detrimental to the consumers, issues and remedial measures. It expostulates for a strong and organized consumer movement to create an environment to safeguard the interest of the consumers. The sovereignty of the consumer in the market is no more than a myth, at least in the Indian situation. The consumer is a king only in name without any power or privilege or rights. The mercantile maxim, 'Caveat emptor' (let the buyer beware), prevails in the Indian market environment, and the seller does not hold himself responsible for the quality of what he sells. This, more or less, is the plight of the illiterate as well as the educated consumer. What is true of India, it would seem, is true of many other developing and under developed countries of the world. Consumers are trapped in a maze of unethical business practices. Consumers are bearing all these silently without protest though they have every right to protect themselves against the evils of the market environment. Widespread illiteracy, ignorance of consumer's legitimate rights, poverty, and lack of organised efforts to check the market evils are among the major causes which make people vulnerable to exploitation by manufacturers as well as tradesmen and middle men. At present the mechanism to protect the consumer's interest is not foolproof. What is imperative now is not only to increase the literacy and income levels of people, but also to educate them in the causes for their present plight, make them aware of their legitimate rights and privileges as consumers, and train them in the course of action to be adopted to translate them into actualities.

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Introduction

The basic reasons for the emergence of consumerism in India are quite different from those of the western countries. Shortage in essential consumer goods and services, persistence of inflation, low level of technology, inferior quality of goods, unethical business practices, misleading advertisements and the like, are among the most notable issues. The main objectives of the consumer movement in our country ought to be to safeguard consumers' interest, promote their awareness, establish and improve healthy buyer-and-seller relations, prevent exploitations, promote consumer education, furnish relevant consumer information, provide quality-testing facilities etc. But the progress of the movement in India has been rather slow and sluggish and stands no comparison with its western counter parts, for which poverty, illiteracy, ignorance, lack of sufficient market information, lack of consumer involvement and interest in market related issues etc. are responsible. The government too has not been effective in this regard. However, at the same time the efforts of the government directed towards consumer protection should not be underestimated. Various legal protective measures have been taken by it to safeguard the consumers' interest, and protect the consumer, and also to check and control the malpractices prevailing in the market milieu. The fault seems to lie in their implementation to a greater extent.

It is the consumer who needs special attention in the market place. Adam Smith¹ more than two centuries ago emphasised that "Consumer is the sole end-purpose of all production and the interest of the producer ought to be attended to only so far as it may be necessary for promoting that of the consumer". In a sales campaign, the primary task of a salesman is to identify a consumer for his product or service. He is the very source of all sales. As Philip Kotler² aptly explains "marketing is analysing, organising, planning and controlling of the firms as well as consumer impinging resources, policies and activities with a view to satisfying the needs and wants of chosen customer groups at a profit".

Peter F. Drucker³ has defined marketing as "a process that converts a resource, distinct knowledge into a contribution of economic value in the market place. The purpose of business is to create a customer". This enlarged view of marketing has led to the development of what is currently known as the "Marketing Concept" which is succinctly explained by Theodore Levitt: 'Management must think of itself not as producing products but as providing customer-creating value satisfaction. It must push this idea into every nook and corner of the organisation. Otherwise the company will be merely a series of pigeonholed parts with no consolidating sense of purpose or

direction. In short the organisation must learn to think of itself not as producing goods or services but as buying customers, as doing things that will make people want to do business with it”⁴.

One would expect the manufacturers and traders to be sincere, honest and bound by ethical principles in their business activity. They should keep in mind the welfare of the consumer, as he is creating an opportunity to the manufacturers to produce goods. When businessmen are conscious of their social responsibilities and inculcate in themselves self-discipline, self-regulation and business morality voluntarily, it will certainly go a long way in safeguarding the consumers’ interest. Perhaps stringent laws against them may become unnecessary. Consumers always expect some basic things from the traders such as fair price, good quality, accurate weight, product safety, assured supply, redress of complaints against fraudulent businessmen, service after sales and protection against unfair trade⁵. These basic expectations of consumers are analysed hereunder. The doctrine "Caveat Emptor" held sway in the market for a long time. Well-informed and organised manufacturers and traders, exploited consumers in a variety of ways which have already been listed in the earlier pages of this report. However, slowly the voice of protect began to be raised by different people from time to time. The need to protect the legitimate interests of consumers and of the society in general began to be voiced forth. There was growing pressure of public opinion on business as well as Government. It was realised that the rights of consumers had to be taken note of and protected. A landmark of the movement towards this end is found in the address of John F. Kennedy⁶, the then president of the USA in 1962, when he enunciated the following major rights of consumer.

CONSUMER RIGHTS:

(I) **The Right to Safety:** This right enunciates that the consumer is to be protected against marketing of goods which are hazardous to health and property.

(ii) **The Right to be informed:** As per this right, the consumer is entitled to be protected against fraudulent, deceitful, or grossly misleading information, advertising, labeling, and other practices, and to be given the facts he needs to make an informed choice.

(iii) The Right to Choose: The consumer is to be given access to a variety of products and services at competitive prices. In those industries in which competition is not workable, Government regulation is to be substituted to provide satisfactory and quality goods and service at fair prices.

(iv) The Right to be heard: According to this right, the consumer's interest has to receive full and sympathetic consideration in the formulation of Government policy and fair and the speedy handling of items concerned in its administrative "tribunals". Later the International Organisation of Consumers Union recognised three more rights of consumers. These are explained here under.

(v) Right to Seek Redressal: This right entitles the consumer to seek redressal against unfair trade practices or unscrupulous exploitation of consumers. It also includes the right to fair settlement of the genuine grievances of consumers.

(vi) The Right to Consumer Education: This right seeks to enable the consumer to acquire the necessary knowledge to be an informed consumer throughout life.

(vii) The Right to a Healthy Environment: This right is intended to enable the consumer to have a life of dignity and well-being, in which his basic needs and services are met. It guarantees adequate food, clothing, shelter, health care, education and sanitation, as demanded for removing pollution from the world to make it healthy and beautiful.

The concept of consumer protection focuses on the problems of consumers in relation to the sellers. In view of the socio-economic changes taking place in the living conditions of people today, it is imperative to develop a strong and broad-based consumer movement, which provides an impetus to consumerism⁷. In the developed economies of the West, consumer awareness is very sharpening high, and there exists a widespread and dynamic consumer movement. But in the developing countries, the consumer movement is weak and unorganised. Even the Governments of these countries are not sufficiently concerned about the pressing problems of consumers. The steps initiated in this direction by them though considerable in number have not been successful⁸.

World Consumer Movement:

The consumer movement, a countervailing defensive force to protect the interest of the consumers from the deceiving attitude and abuses of economically powerful sellers, sprouted in the United States and it has spread throughout the world. In some countries the movement has taken deep roots and in others it is highly militant²¹. The nations where the consumer movement has shown much strength are the United States of America, Britain, Germany, Newzeland, France and Japan⁹. Moreover there have been efforts to spread the movement in a number of other countries¹⁰.

The structure and nature of the movement and the degree of consumer awareness among people vary widely from country to country.

Origin and Development:

In the United States, the business scene was shaken by three distinct consumer movements during the early 1900's, the mid 1930's and the mid 1960's¹¹. The first consumer movement was fuelled by the rising prices, Upton Sinclair's Writings, ethical drug scandals and other related factors. During the twenties there was an upsurge in consumer consciousness¹². Before the First World War, "Laissez Faire" served to bring about the rule of "Caveat Emptor". Housewives in England as elsewhere faced the same situation of seller's sharp practices in the market place, although the common Law protected the consumer against aggressive salesmanship, fraud and breach of promises. "The British National Standard Institute" in the U.K played a significant role in arousing the interest of consumers in 1925. A similar consumer awakening was witnessed in the Netherlands in 1926. Public clamour began to rise against unscrupulous sellers of certain products with the demand for new laws and of Government intervention to protect consumers¹².

The second phase of the American consumer movement in the mid 1930's was fanned by factors like an upturn in consumer prices in the midst of the great depression, the sulfanilamide scandals and widely imitated Detroit housewives strike. The ideological background of the growth of consumer movement was provided by a series of writings beginning with R.H. Tawney's Acquisitive Society, followed by T. Veblen's Theory of the Leisured Class and more particularly the joint work of Surat Chase and F.J. Flinch's, Your Money's worth¹⁴.

Although there was a healthy social awakening against the anti-social activities of sellers in the twenties, the real start of this movement in England came after the Second World War. Several consumer magazines and Shoppers' Guides were published in the forties and the 'Consumer Association' came into existence to expose the spurious products and to educate consumers²⁸. Because of the rapid developments taking place in the consumers' interest, the "Malany Committee" was appointed by the British Government in the late fifties to suggest desirable changes in the existing laws to ensure further protection of consumers.

Though the consumer movement had its origin in the United States in the year 1900, it took its full shape there only during the sixties (1960). During this decade, the consumer consciousness wave further spread to more countries like Latin America, Eastern Europe, Africa, West Asia, South

East Asia, and Far-East Asia. The movement in the United States was the offshoot of a set of multiple factors like technological, socio-economic, political, ecological factors and marketing discontent. The sudden skyrocketing of prices of foodstuffs in the mid-sixties further aggravated consumer dissatisfaction and super-market boycotts throughout the country.

The traders and manufacturers were withholding accurate information about their sophisticated products, which could well be used in the evaluation of alternative products and services available to consumers. This fact was brought to light in the writings of social critics like Vance Packard's 'The Waste Makers', Ernest Dicer's 'The Strategy of Desires', and Galbraith's 'Affluent Society'. These were published to help the realisation of the gullibility of the ignorant and semi-ignorant public against organised efforts of systematic hard-shell and large-scale intruding advertising¹⁵. Their works awakened the American consumers and made them more consciousness of their rights while making their purchases.

Further, the emergence of Ralph Nadir on the American horizon gave a fillip to the consumer movement. His name symbolized and heralded a substantial widening of the scope of the concept¹⁶. He was a unique idealist, whose crusade brought about significant changes in industry, widened consumer consciousness and led to consumer legislation in the United States¹⁷. His works inspired consumers in Sweden, Singapore, Mexico, Greece and other developing countries in the early seventies and resulted in the formation of consumer associations to protect consumers against unfair trade practices. The consumer organisations brought pressure on Government to look after their welfare and make the legislative measures more comprehensive. Consequently, many pieces of consumer legislation were passed and several central, state and local offices of consumer affairs were created¹⁸.

By the end of 1960, consumerism had emerged fully and spread to other countries to become an international social power. Consumer organisations, socio-economists and housewives' organisations all together were actively involved in this social movement. As a result, the consumers of United States established the International Organisation of Consumers' Union in the Hague. Countries like Britain, Australia, Belgium and Netherlands extended world-wide co-operation in promoting consumer information, education and the testing of goods and services. Transcending the national level, it found poignancy by the United Nations Organisation and as a result the consumer interest found expression at the 29th session of the United Nations Commission on Human Rights held at Geneva in 1973¹⁹. In August 1977, the UN Economic and

Social Council passed a resolution on consumer protection, calling upon the UN Secretary General to submit to its sixty fifth session, a survey illustrative of the range of institutional and legal arrangements existing in the field of individual consumer protection at the national level²⁰.

In Western countries, consumerism emerged with the growth of affluence and tremendous advances in literacy, science and technology as powerful forces. The markets were flooded with innumerable products, which were sometimes close substitutes to each other, with only a slight difference in the design, quality, brand, grade, packing etc., of the different products. But there were considerable variances in prices. Most of the consumers were ignorant of the exact factors that contributed to the variances in the prices of different products they purchased, whether there was any substantial difference at all in the quality, size and ingredients of the products they bought and used. Added to all these, malpractices on a large-scale such as under-weighting, adulteration, unduly high prices, and exploitation of consumers by the producer in manifold ways became rampant. Consumers opened their eyes and tried to organise themselves in to effective unions and associations etc., to protect their rights, and pleaded fervently with the Government to pass necessary legislation to protect their interests.

Reasons for Slow Growth of Consumer Movement in India

As seen already, though exploitation of consumers and the consequent discontent have led to the emergence of the consumer movement in India, its progress has been rather slow. Its pace has not matched the pace of consumer exploitation. It may be attributed to the prevailing vicious circle of poverty, high level of illiteracy, ignorance, and dearth of information flow and the general apathy of consumers to take action.

- (i) **Lack of general awareness in consumers:** The severe lack of awareness among the majority of Indian consumers about their rights and responsibilities as consumers has given great opportunities for producers and traders to deceive them easily.
- (ii) **Persistence of Poverty:** Poverty adversely affects consumer interests. It discourages awareness and makes people voiceless and easily discouraged and frightened cowards. They dare not retaliate even when they feel strongly that they are being cheated. Only in economically advanced countries people have developed a sense of consumerism because such poverty as seen in India does not prevail there, and people can make bold to protect until they are heard.

- (iii) **Illiteracy:** Illiteracy is another major cause of consumer exploitation. Peoples' inability to read and write prevents them from knowing their legitimate rights. They have relied on hearsay information. Particularly in rural areas this disabling cause is most conspicuous.
- (iv) **Cumbersome legal procedure:** Though there are several legal provisions to protect the interests of consumers in India, the legal procedure to fight against exploiters of consumers is cumbersome, time-consuming, and expensive. Therefore the consumers resign themselves to be tolerant of the malpractices of businessmen rather than resort to legal redressal concerning them. This emboldens the suppliers and makes them indifferent to their social responsibility and accountability.
- (v) **Lack of consumer interest groups:** Considering the huge population the number of groups safeguarding consumer interest as yet is very small. A limited number of consumer organisations cannot hope to solve the innumerable consumer problems of huge proportions. Many more interested people and organisations of consumers are needed to protect consumers and to make the consumers' lobby strong enough to challenge the menace of unscrupulous but powerful manufacturers and merchants.
- (vi) **Lack of proper education and guidance:** The gospel of consumer rights and responsibilities has not yet been brought to the doorsteps of the masses. The mass print and electronic media have not been used to the fullest to educate as many consumers as possible in India. In the developed countries the mass media are used successfully to drive home necessary messages. Moreover in India, many of the popular TV channels are so thoroughly commercial in their outlook and rely so much on colourful advertisements of products for their income that they unwillingly encourage consumer exploitation.
- (vii) **Limited government involvement:** Government, the final custodian of consumer interest, has not tackled the mounting consumer problems with as much a sense of urgency as is called for. It has not encouraged voluntary organisations sufficiently to protect consumer interest by providing adequate financial support to them²¹.

The concept of consumerism is closely associated with the marketing function of business. In most cases Indian marketing is seller-oriented. The reasons are obvious. It is obligatory for the business community to provide the requisite products of quality and services to the society at an affordable price. But the business community has not sufficiently honoured this obligation.

Therefore, how can it incorporate President Kennedy's four basic rights of consumers' information, safety, choice and voice in decision making.

Legal Framework for Consumer Protection

The idea of protecting the interests of the consumers is not new to India. There is evidence to show that as early as 200 B.C., punishments were imposed on those who were guilty of adulterating grain and oil in India. But today the situation is very different in consumer protection notwithstanding the several steps and measures taken by the government over the decades

India has enacted nearly 3 dozens of Acts to protect the consumer in various dimensions. Those are: (1). The Act against fraudulent use of false instrument for weighing, and possessing, (2). The Indian Contract Act, 1872, which deals with, the buyer's right to avoid agreement made without free consent, (3). The poisons Act, 1919, (4). The Dangerous Drugs Act, 1930, which provides consumers with certain basic rights in relation to sale of goods, (5). The Agricultural Produce (Grading & marketing) Act. 1937 which empowers the central government to make rules for providing standards/specifications for agricultural and allied products stipulates conditions governing the use of these standards and lays down procedures for making, packing, sealing etc, (6). The Drugs and Cosmetics Act, 1940, which mainly is concerned with standards and quality of drugs and cosmetics manufactured, (7). The Indian Standards Institution Certification marks Act, 1952, which provides for standardisation and marketing of goods which are pre-requisites to the establishment of a healthy trade, (11). Prevention of Food Adulteration Act, 1954, which prevents adulteration of foodstuffs for woman consumption, (12). Monopolies and Restrictive Trade Practices Act 1969, which prohibits, restrictive and unfair trade practices and concentration of economic power in the hands of a few persons, (13). The water (prevention and control of pollution) Act, 1974, which prohibits the discharge of industrial waste in rivers, streams and wells, in order to prevent and control water pollution, (14). The cigarettes (Regulation of productions, supply and distribution) Act, 1975, (15). (a). the standards of weights and measures Act, 1976 enacted to standardise the numerous kinds of weights and measures, (b). Standards of weights and measures packaged commodities Rules, 1977, (16). The prevention of Black Marketing and maintenance of supplies of essential commodities Act, 1980, (16). The Environmental Protection Act, 1986, (17). Consumer protection Act, 1986, which provides certain rights to consumers and establish a 3 tier quasi-judicial machinery at district, state and central level for speedy redressal of consumer grievances, (18). The Textiles (Consumer Protection) Regulations, 1988, etc.

Consumer Protection Act was modified from time to time by Act no.34 of 1991, Act no.50 of 1993 and Act no.62 of 2002 to serve better to consumers. In 1991, modification was made to incorporate provisions for the quorum of District Forum, appointing persons to control over State Commissions/District Forums, in case of absence of President to allow the court function successively. In 1993, the Act was again improved to deal with the insufficiency in the reporting of the main Act. The major objective of amendment to amend loopholes and increase the scope of areas covered and interest more power to the redressal agencies under the Act. In 2002, consumer Act underwent modification to assist authorities to quickly resolve disputed cases, increase the capability of redressal agencies, strengthening them with more powers, streamlining the procedure and broaden the scope of the Act to make it more functional.

In 2004, Working Group was established to inspect the provision of the Act and consider relevant modification to make the Act effective and functional. A number of proposed amendments were circulated to all State Governments, concerned Central Ministries and NCDRC in July 2006. Revised proposed amendments were distributed in 2009 and with the feedback received on the draft application, the Department of Consumer Affairs in consultation with the Ministry of Law and Justice devised "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. The Committee Report was presented in Lok Sabha on 19.12.2012.the major intent of the proposed Bill are broadening the scope and strengthen the provisions of the Act, facilitating faster disposal of complaints, rationalising the qualifications and procedure of selection of the Presidents and Members of Consumer Fora, strengthening penal provisions/enforcement orders of Consumer.

The vision of amended consumer act is to defend the rights and interests of consumers, to create awareness about consumer rights, duties and responsibilities and to encourage consumer welfare by strengthening consumer movement in the country. It is necessary that State Governments, academic and research institutions, schools and voluntary organizations must involve themselves actively to create lively consumer movement in the nation. Strict parameters

regarding consumer products will be developed and enforced along with regular monitoring of prices to make certain the autonomy of consumers²².

Recently, the Indian Cabinet approved a new Consumer Protection Bill 2015 that seeks to replace a 29-year-old law and proposes to set up a regulatory authority which will have powers to recall products and initiate class suit against defaulting companies, including e-tailers. The proposed new law assumes importance as there is growing concern over safety of consumer products and services especially after the Maggi controversy. The key features of the new bill include establishment of an executive agency 'Central Consumer Protection Authority' (CCPA) which will protect and enforce the rights of consumers. But the fact is nearly 50% of the country's population is blissfully unaware of their rights as consumers. Many consumers are unaware of the consumer protection act and only few know about their consumer rights.

Misleading advertisements, Tele-marketing, multi-level marketing, direct selling and e-tailing pose new challenges to consumer protection. Many people in rural areas have no idea what are their rights as a consumer. Hence, there is a need to aware consumers about their rights to address the situation effectively. Because according to me introducing number of bills is not the effective way to protect consumers from fraudulent acts, today's need is to aware each and every person about their consumer rights.

In addition to enacting laws from time to time to protect consumers, the government has been conducting various programmes through the mass media to promote consumer awareness in all its aspects. It has also instituted awards, such as the National Youth Awards for encouraging the youth to involve themselves actively in consumer protection, National Awards for women too are given for joining the mainstream of consumer movement and render outstanding service.

Paving its Way in to the 21st Century: The consumer movement took another stride in the concluding decade of the last century when several federations of consumer associations were formed to derive the benefits of collective and unified approach. More than a dozen states have formed apex bodies for networking the consumer groups for a common cause. These states include Tamil Nadu, Kerala, Gujarat, Karnataka, Orissa, Andhra Pradesh, Maharashtra, Rajasthan, Uttar Pradesh and West Bengal. While the consumer movement in India has enlarged in scope and coverage during the last two decades.

However out of the 800 odd consumer associations, only few can be regarded as well organised and recognised for the useful work they have been pursuing by educating the consumers, advocating their causes, fighting court cases for them, handling consumer complaints, initiating public interest litigation and representing consumers as members of official committees and consultative bodies.

Consumer Protection through Consumers Courts

The consumer Protection Act 1986 is a landmark in the history of legislative framework for consumer protection in India. In fact it is the backbone to the Indian consumer movement. In order to resolve the consumer disputes this Act has made comprehensive provisions. Sec. 9 of the Act provides for a three-tier redressal machinery viz., District Forum, State Commission and National Commission. The financial limits for filing complaints at the district forum, state and national commissions are clearly specified. At present the National commission is located at New Delhi, 36 State Commissions are located in the respective state capitals, and 657 District Forums function in as many district headquarters, and there are 550 voluntary consumers' organisations all over India.

Table: 1

Total Number of Consumer Complaints Filed / Disposed since inception under Consumer Protection Law

S.No	Name of Agency	Cases filed since inception	Cases disposed of since inception	Cases Pending	% of total Disposal
1	National Commission	100856	90502	10354	89.73%
2	State Commissions	707256	608867	98389	86.09%
3	District Forums	3693007	3406489	286518	92.24%
	TOTAL	4501119	4105858	395261	91.22%

Source: <http://ncdrc.nic.in/stats.html>-10-07-2016.

Uttar Pradesh has the highest number of district forum (about 79) Madhya Pradesh, Maharashtra and Bihar come next in this order. Andhra Pradesh has the highest number of voluntary organisations (203) followed by Tamil Nadu, Rajasthan and Karnataka. Since its inception about 1,00,856 cases have been filed before the National Commission, of which 89.73 per cent have been disposed off. Around 7,07,256 lakh cases have been filed before the State Commissions of which, 86.09 per cent have been cleared. In the District Forums about 36,93,007 lakh cases have

been filed, of which 92.24 per cent have been cleared. The figures, taken by them, seem impressive, but are actually very small considering the vastness of the country and the magnitude of the consumer problems which are on the increase.

In Andhra Pradesh 1,15,356 cases have been filed since the inception of District Forum in the state of which 98.2% of the cases were disposed off. In almost all District forums in the state the disposal rate of cases has been more than 92.19 per cent. In them about 2,283 cases were pending of which 1.8 per cent were pending²³.

Problems of Consumers

Despite a plethora of measures taken by the government to protect the interest of consumers in different areas, the consumers continue to face problems, which do not seem to diminish. As long as market imperfections continue consumers have to face many hardships. While purchasing essential commodities almost all the consumers face difficulties because of high price, poor quality, duplication, underweighment, over-invoicing, non-availability of goods, black-marketing etc. These and other problems they all face in some degree, and one way or another. The most serious problems from the viewpoint of consumers are adulteration, underweighment, high price and poor quality of the goods. While purchasing medicines and cosmetic products, consumer durables, most consumers have problems in varying degrees. It is true that almost all the consumers are harassed by problems in the market.

Remedial Measures

Appropriate suggestions are made in the light of the existing exploitive environment, to remedy the problems of consumers and to awaken them to protect themselves against the malpractices, exploitation and abuses in the marketing milieu. The consumer's effort is as important as that of the government in this regard, as in many other respects.

1) The literacy rate is very low in the higher age group of consumers in under- developed and rural areas. Even among the literate, the degree of awareness and involvement is very moderate. Hence creating awareness among consumers of both high and low levels of literacy about their rights as consumers and the legislative measures initiated for their protection, should be taken up in earnest by all concerned. It is possible through the conduct of awareness camps, and door-to-door canvassing, to disseminate correct information to them.

2) The mass electronic media and the press have to be pressed into service for their purpose. This should be a continuous process without any let up. Constant vigilance is required. Whatever form of dissemination is adopted to rouse the consumer's awareness, it has to be comprehensive. Government agencies and voluntary organisations can also take up this task and by bringing to light the various overt and cover malpractices in the market and help the consumer to identify them himself. This would serve as a countercheck to the malpractices of tradesmen.

3) Proper personal checking of goods at the time of purchase is lacking in many consumers. It gives plenty of scope to the businessman to do mischief. Therefore consumers must be made to inculcate in themselves the habit of buying goods only after verifying the quality, purity, price, weightment, and packing, manufacturing date, expiry date etc. of them goods or products they wish to buy.

4) The consumers should react immediately and unhesitant against the malpractices indulged in by the businessman and question him about them. If need be, the matter should be brought to the notice of the authorities concerned in case the shopkeeper does not give a proper response. If the problem is related to the price, adulteration etc. of articles the matter has to be reported to the officials of the civil supplies department with out delay. If the problem is related to weights and measures it has to be reported to the officials of the weights and measures department at once. Only by such promptness can matters be set right.

5) Consumer should always check the date of manufacturing, date of expiry, price and the tax component while buying medicines. Further, they have to verify without fail the composition of the medicines and make sure that they have received the right medicine as per the prescription of the Doctor. If any discrepancy arises, it should be reported to the Drugs Controller of the respective area and see that proper action is taken against the fraudulent shopkeeper and distributor. Newspapers and other news media report almost every day that some spurious drugs and condemned drugs are freely sold on the market under fake labels.

6) Usually consumers may not be able to identify the malpractices in all respect, as it requires specialised knowledge. Therefore, the Drugs Control Administration has to take rigorous steps to check such spurious medicines in the market by surprise checks of medical shops. Not only duplicate medicines and spurious drugs are thus to be eliminated from the market but if any shopkeeper is found guilty of selling the spurious goods deliberately, he should be severely

punished so that he cannot any longer play with the lives of people and that he serves as a warning to others.

7) In the interest of consumers corrective steps should be taken at the government level to stop all types of malpractices in the sale of life saving drugs. Most people buy medicines on trust. The druggist should not be allowed to exploit their credulity. The penalty for violating the rules and ethical principles should be made very heavy so that the deceitful seller of medicines is deterred from unscrupulous ways. The officials of the department, who should know what happens in the druggist shops, should choose to act at once. There is a general feeling among people that government officials in general are indifferent, sluggish and not averse to gratification. The officials in their own interest must improve their image for honesty and integrity.

8) It is also observed that in the case of some important drugs, a number of manufacturers are making and selling under different names the same drug with a lot of price variations. And prices of such medicines are often fixed without any consideration of their quality and effectiveness. Insisting as quality certification should stop this practice. Frequently doctors themselves, in league with the manufactures and druggists, prescribe the same medicine under different brand names, reduplicating the drugs and its dosage. Consumers have to learn to be aware of this practice, promoted by greed and avarice. By their own alertness and vigilance they shall made the doctors accountable for their failures and indifference.

9) In the case of consumer durables, consumers frequently complain that the quality of the goods is not up to the mark. But consumers do well to buy standard products, which have warranty for a specific period with an effective after sale services. Majority of consumers due to a lack of initiative and awareness in this regard adjust themselves to the existing circumstances and do not press for appropriate services from the dealers. Further, the influx of too many competitive products which do not have any quality control, grading and standard certification, tempts the shopkeepers to promote those products which give them a broader profit margin than standardised products.

10) Some consumer durables, which come from Delhi and other similar markets, are sold at a price, which varies widely from the prices printed on the labels. In fact consumers are left in total confusion whether to buy such products at all. It seems that higher prices are printed on the labels only to give plenty of scope to the wholesaler and the retailer to sell the products at their own price. The difference between the printed price and the selling price is so great that consumers are misled

and confused. They cannot understand why there should be such difference. Such pricing policy should be stopped because it is unethical and deceitful and antisocial.

11) The ministry/department concerned shall have to see to it that such cheating and misleading business practices are put an end to once for all. The Government with its mechanism has to curb all such confusing and unscrupulous business practices and see that consumer durables are standardized and sold as identified products of longer duration. In fact such a step would save a lot of money and time of the consumer, and bring him satisfaction. It is also advisable that the Government allow more manufacturers to make similar standardized quality products, and thus create healthy competition in the market, so that the consumer may have a wide choice of products and price advantage. This would minimise consumer exploitation and safeguard the interest of consumers very considerably. But the competition must be healthy and stimulate manufacturers to improve and sustain the quality of their products.

12) Complaints about after sale service of durable products by consumers have become quite common. Some shopkeepers are known to sell products with a lot of assurances to the customers at the time of sale and then turn a deaf ear whenever consumers complain about the problems they encounter with the products after purchase. This indifference of the shopkeepers is nothing but escaping from their responsibility and going back on the assurance they held out at the time of sale. Some clever shopkeepers throw the blame on the manufacturers that they do not respond in this regard and that is the reason why they could not give proper after sale service to the consumer. Whatever be the reason given by the businessmen, the consumer must not be affected adversely and made the victim. 13) The Government through its departments concerned can and should take stern measures so that the shopkeepers behave properly and keep their word. Simple or nominal punishments will not do. Punishment should be seen that they prove to be effective deterrents. The government can see to it that business licenses are cancelled at once in addition to imposing a heavy fine. At the same time, it is also advisable that the consumers themselves take care before making purchases by verifying the quality, price, service guaranty and other instructions of the manufactures and only after being satisfied they can go in for the product. This care in the initial stages itself, certainly would safeguard the interest of consumers, and save a lot of trouble to them. The seller too would be placed on his guard.

14) If businessmen are found to indulge in fraud willfully and refuse to respond promptly to the consumers' request for service, the consumers can immediately bring the matter to the notice of the

consumer forum concerned. They may also report the matter to the authorities responsible to protect consumers' interest. In the event of failing to get a favourable response from them too, then the consumers may file cases against all those who are guilty to get redressal for their problems.

15) Consumers should be well informed about their rights, and protective measures taken by the government, and also about the support of voluntary organisations to safeguard their interests. This is necessary to make the consumers active and alert with regard to safeguarding themselves from the snares of unethical businessmen. Without a thorough knowledge of consumer-related issues, they cannot protect themselves in the market. A massive awareness campaign wherein all the basic information about the market milieu, the rights, of consumers in the market, the redressal procedure for their problems and the procedure to approach consumer forums, are brought home to the average consumer. This is to be given top priority. Consumers of all segments of the population are to be sufficiently enlightened about the various consumer problems and the solutions thereof. Unless all consumers, both educated and uneducated, are well informed, made aware and motivated towards this end, no substantial results can be achieved in the consumer protection movement. This requires dedication and wholehearted commitment in all concerned.

16) It is observed during the study that the level of knowledge and involvement in consumer affairs varies among consumers according to their levels of education. It is important that irrespective of the level of education the consumer, he or she should be motivated towards the realisation of consumer rights in the market environment. For this, the Government, which has at its disposal all the required resources, should take the initiative and motivate the consumer through the mass media. Knowledge of consumer interests, rights and redressal means should be presented in a simple, direct, and lucid manner that consumers of all segments understand them.

17) No doubt the Government has enacted a number of consumer protection Acts. But many consumers do not know about them or have only a half-hearted knowledge. Therefore the provision of all these Acts and their utility should be widely spread among all consumers, and enable them to be aware of the provisions in detail. This knowledge, which is essential, would certainly make consumers to understand and act properly in the market environment. It will go a long way to improving the consumer reaction in the market and would certainly curb the malpractices there. It is necessary that the literature on the various Acts is supplied to the consumer freely in order to widen the scope of his understanding.

18) Though virtually all consumers have been facing a lot of problems in the market, their reaction against the malpractices there is hardly felt. That is because only a few among them report to the

consumer forums to seek redressal of their problems. But the majority of consumers who are without a doubt affected adversely in the market, either does not take the issues seriously or, which is more likely, adjust themselves without protesting against the fraudulent businessmen, because many of them feel helpless as their voice is never heard. Thus businessmen, who are unscrupulous, are able to exploit the situation to their own advantage at the cost of consumers. Therefore the importance of comprehensive consumer education and the active involvement of consumers in consumer protection activities to redress their grievances as well as to make businessmen behave properly cannot be over emphasised. It is indeed of great importance to the consumers to form consumer organisations to fight against the dubious trade practices.

19) The involvement of consumers in consumer organisations at present is very little, partly because they are not aware of the importance of consumer associations. Unless consumers unite themselves they cannot resist strongly fraudulent businessmen. Therefore consumers have to be encouraged to form consumer associations and participate actively in them. Consumer unity and solidarity through such associations will work as a countervailing force to the malpractices in the market, and would strengthen consumers to safeguard their interests.

20) Consumers should habituate themselves to check the malpractices in the market rather than remain passive. They should not hesitate to question shopkeepers, whenever they notice irregularities in their dealings, and if need be, report to the appropriate authorities. The shopkeepers must be made to beware their consumers. But consumers too should act responsibly. They should learn to detect by means of simple devices, adulteration in edible oils, flour, dhal etc. They should be able to do it at home itself and question the dealer from whom they buy them. There are some national level laboratories, which are working for testing and preserving the purity of products for the benefit of the consumers. But such testing facilities are not available in many places. Therefore it is suggested that the quality testing laboratories be set up in as many places as possible so that consumers have easy and free access to them. The Government departments concerned should conduct surprise checks about the quality of products. The guilty shopkeeper who sells fake products, or indulges in adulteration, should be punished severely so that the action taken against him should be a warning to the other shopkeepers. Certainly this practice would help to bring down malpractices in the market. Adulteration of essential articles of everyday use – rice, oil, dhal etc., takes place at various stages. If the producer or manufacturer does not indulge in it, the middlemen, the distributor or agent may resort to it. The retail merchant or shopkeeper may add his share of it. It is possible that all of them connive together to do it. The most challenging

task before the consumer, consumer organisations and the government is to be aware this pernicious practice. All have to be vigilant.

21) For one reason or other consumers say that they have not attend to these problems, they have 'no time'; the process of litigation is long and cumbersome, and often frustrating, no inclination, little can be done against businessman who have political pull and money power etc., Thus they do not feel disposed towards consumer protection activities. This attitude has to be given up in the interest and health of society. Consumers must learn to be legitimately assertive.

22) As consumer education is a very important factor, which influences consumers to act actively in the market, it should be included in the syllabi in a phased manner from the high school level onwards. Research in the field of consumer protection should also be encouraged. This would help to bring about a positive change in the mindset of consumers. Apart from educating consumers, some consumer service are guiding centres should be set up by all government departments as well as business houses to maintain a close liaison with consumers in order to create a favourable organisational image and to win each other's confidence. Consumer guidance centres should take the initiative to ensure a healthy market environment wherein consumers are being protected.

23) Whatever be the amount of legal protection given to consumers by the government by enacting various laws, their usefulness depends only when they are actually and effectively implemented. Otherwise enacting laws becomes a futile exercise. Profit-seeking businessmen always try their best to find loopholes in the acts enacted to check their malpractices. There are always clever legal brains to help them. Businessmen owe it to themselves and the society, in which they live and thrive, that they learn to respect and practice honesty and integrity in all their dealings. Honesty should become the chief principle and policy of their endeavour. The policies of business enterprises must be consumer-oriented and they must take upon themselves consumer protection as part of their social responsibility. Business executives should be trained to combine ethical principles with the goals of business enterprises. Their attitude towards consumers should be one of respect and concern as consumers are providing the opportunity to them to exist in the business world. As things stand, there is a lot of suspicion and mistrust between consumers and those of the business world. This is not a sign of health. No sane society can be built and made to survive on clashing, warring and conflicting interests, and mutual mistrust. Men of wisdom in either group should endeavour to promote goodwill and trust among all concerned. In the long run only this approach yields lasting results, and does enduring good.

24) The present Ministry of Civil Supplies has not been able to safeguard the interests of consumers. Therefore it is desirable to have a separate ministry for consumer affairs linked with the ministry of law and justice for giving maximum protection to consumers.

Conclusion

The consumer movement in India at present, which has not made much headway, lacks a carefully planned programme of action. There is an urgent need for proper coordination among all the consumer organisations in the country. It would facilitate organised and united action by them to help in achieving the objectives of the consumer movement at a faster rate. Experience has shown that legislation alone cannot solve all the problems of consumers. It demands the compliance of all consumers and their willingness to form into a powerful association to protect themselves against the existing market evils. Self-help is always the best way of helping oneself. Consumers should wake up and actively involve themselves in all consumer issues. Only then can they hope for speedy solutions to their problems and redressal of their grievances brought about by the malpractices in the market.

The Indian consumer movement can be successful only when the consumers are alert and active and also win the active cooperation and coordination of businessmen and the legal mechanism. A strong consumer movement also helps businessmen as it would help to build mutual trust and confidence. The business community should voluntarily impose on itself certain regulations to guide its functions in honesty and fairness. Such self-imposed discipline on its part is bound to do well to them as well as the consumers. Businessmen may give serious thought to the idea of trusteeship -that the well-to-do and rich should regard themselves as the trustees of their society and work for its welfare in a spirit of service-which Gandhi evolved. The legal machinery in our country for the redressal of consumer problems at present is mostly confined to urban areas only. It hardly reaches rural areas. It has to be extended to reach all areas of the state. Like every aspect of consumer protection, this too is bound up with the spread of literacy and education.

Even among educated consumers some sort of lethargy persists. Therefore it is necessary and important not only to improve the literacy and income levels of people but also to motivate all to make them realise their responsibilities in the market. It is highly desirable to have ceaseless, concerted and determined action by all the agencies concerned, voluntary as well as governmental departments. In this regard, it is imperative to introduce consumer education from the high school

level itself thereby prospective consumers can be made to realise the importance of the consumer movement.

The consumer organisations themselves have to adopt appropriate strategies to achieve their objectives. Firstly, they have to keep constant vigil on fraudulent businessmen, counter their moves and make them punishable. Secondly, they should not hesitate to expose the corrupt officials without whose tacit support unscrupulous businessmen cannot thrive and exploit the consumers in the market. Our accomplishment in the field of consumer movement at present is only at a rudimentary stage. We have miles to go before we reach the objective of efficient consumer protection. If all consumers, consumer organisations, business units, traders and government are united by a common purpose and continue their activities in a spirit of fairness and commitment, certainly the consumer movement will be successful.

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