

CONSUMER PROTECTION AND AWARENESS

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Abstract

The consumers, particularly the young consumers whose number has been going up, are responsible, vigilant and are able to assert their rights and responsibilities, resist/reject substandard goods/ services wherever required and do not hesitate to seek justice through consumer courts if needed, the manufacturers, traders and service providers cannot afford to take them for granted while selling a product or rendering service on payment or to adopt any unfair trade practice. An alert consumer aware of his rights and responsibilities not only can protect himself but can also make consumer sovereignty a reality.

I. INTRODUCTION

Consumers play a vital role in the development of a nation. Gandhiji in the light of the above rightly said "A customer is the most important visitor on our premises. He is not dependent on us. We are dependent on him. He is not an interruption in our work - he is the purpose of it. We are not doing him a favour by serving him. He is doing us a favour by giving us the opportunity to serve him." Modern technological developments have made a great impact on the quality, availability and safety of goods and services but unfortunately the consumers are still victims of unscrupulous and exploitative trade practices.

Consumer Protection and Awareness

As consumers we face huge problems relating to defective goods, deficiency in services, food adulteration, spurious goods, hoarding, use of

deceptive and fractional weights, late deliveries, variations in the contents of the pack, poor after sales service, misleading advertisements, hidden price components, price discrimination, ATM and credit card frauds, financial frauds, real estate problems and problems related to public utilities. These problems arise because unscrupulous sellers take an unfair advantage of the ignorance and helplessness of the consumers. Since the business does not always act responsibly there is a need to educate and protect the consumers to enable them to look after their own interests and interests of the society at large. A recent study by ASSOCHAM has revealed that 40% of Indians are not aware about how and where to file a complaint if the manufacturer gives them a defective product or deficiency in service or an adulterated food item. The consumer movement in India is still in its nascent stage in the second decade of 21st Century. It requires a big fillip to become a mass movement. Why Consumer Education should be promoted among youth An aware consumer is an asset to the society. The youth constitute nearly 40 per cent of the total population of India. Apart from being a valuable human resource, this group is most vibrant and dynamic consumer segment for the Indian markets. Their consumption habits are unique and their purchase decisions are based on popular trends, brand image, use of new technology, flavour of food products, and style. They are the major stakeholders in the economy. They have been spending more money than before and

influencing the families' purchasing decisions. Therefore, it is important that they need to be educated and made aware about consumer rights at an early stage. They should be aware of marketing strategies and use their judgment and spread a positive message in society. They must also understand that their choices are being exploited by the markets by controlling their' thought process through advertisements and marketing gimmicks and their lifestyle is being changed by creating new needs.

The Consumer Protection Act (CPA), 1986 was enacted by the Parliament on 24th December, 1986 to protect the interests of consumers against substandard products, increased prices through market manipulation, failed warranties, poor after sales service and unfair trade practices. This Act is not only preventive but also compensatory in nature. It focuses on undoing the wrong to a consumer by way of remedial action or payment of compensation or damages to the aggrieved consumer. The Act enshrines all the consumer rights which are internationally accepted. As per the Act, the consumer protection councils have been established at Central, State and District levels to promote and protect the consumer rights.

Consumer Protection Act, 1986

Section 2 (1) (d) the term 'consumer' under the Consumer Protection Act, 1986, as any person who buys, hires or avails of any goods or services for a consideration which has been paid, or promised or partly paid or promised or paid under a system of deferred payment. The term consumer, however, does not include a person who obtains such goods and services for resale or for any commercial purpose.

In the proposed fourth Amendment of the Consumer Protection Act 1986 the term 'consumer' would include buying of goods, hiring/availing of services made through any mode, inclusive of but

not limited to offline, online through electronic means, teleshopping, direct selling etc. Thus, 'consumers' include the following heads: Buyer of goods or Purchaser of goods: Any person who purchases products for consideration that has been paid, or promised or partly paid and partly promised, or under any system of deferred payment for final consumption is a consumer. The position of the buyer depends upon the 'contract of sale'. User of the goods: Any person who uses goods with the approval of the buyer, who has bought goods for consideration, is a consumer.

Thus all family members are beneficiaries of a contract and included as consumers. Hirer of services: Any person who hires or avails of any service for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment is included as a consumer. The service sector includes banking, telecom service, postal service, insurance, railways, air travel, doctors, caterers, contractors, transport operators, etc. Beneficiary of services: In respect of services, the beneficiary of such service is also a consumer. According to Indian Medical Association vs. V. P. Shanta case it was decided that medical practitioners are not immune from a claim for damages on the ground of negligence. The patients who are rendered free service are the beneficiaries of the services hired by the patients who paid for the services.

In Spring Meadows Hospital vs. Harjit Ahluwalia, the Supreme Court held that a consumer would mean a person who hires or avails of any services and includes any beneficiary. Therefore, when a young child is taken to a hospital by his parents and treated by the doctor then the parents and the child would come under the definition of a consumer. A trader or businessmen who buys the goods or services for resale is not a 'consumer'. The Consumer Protection

Act Amendment in 2002 excludes persons who buy goods or services for a 'commercial purpose'. However, 'commercial purpose' does not include the following: Goods bought and used for the purposes of earning livelihood by means of self-employment. This means that if an individual or a family buys goods for professional or vocational use s/he will be a 'consumer'. Services availed for the purpose of earning livelihood by means of self-employment. This means that if a person or family buys services for professional or vocational use s/he will be a 'consumer'. Thus, any person who buys goods either for resale or for making profit is not a 'consumer' under the Consumer Protection Act. In *Raj Kumar vs. S. C. Verma*, 2001 (1) CPR 437 it was held that persons buying goods either for resale or for use in large scale profit-making activity would not be 'consumers' entitled relief under the Act. Filing of complaints under CPA A complaint can be filed in the Consumer Forum by a consumer to whom goods are sold or delivered or agreed to be sold or delivered or such services provided or agreed to be provided or by a Voluntary Consumer Organization (VCO) or by the Central Government or the State Government, Union Territory Administration or by one or more consumers where they are of same interest.

Thus, there are still 3.7 lakh cases which are pending with various consumer forums and the disposal rate is 91.36%. Recent Schemes started by the Government. Some of the steps recently taken by the Ministry of Consumer Affairs, Food and Public Distribution, are: a) Consumer Clubs, a scheme started by the Ministry of Consumer Affairs mobilizes youngsters to strengthen the consumer movement in the country. Consumer Clubs are forums where students are be apprised about their consumer rights.

II. CONCLUSION

If the consumers, particularly the young consumers whose number has been going up, are responsible, vigilant and are able to assert their rights and responsibilities, resist/reject substandard goods/ services wherever required and do not hesitate to seek justice through consumer courts if needed, the manufacturers, traders and service providers cannot afford to take them for granted while selling a product or rendering service on payment or to adopt any unfair trade practice. An alert consumer aware of his rights and responsibilities not only can protect himself but can also make consumer sovereignty a reality.

III. REFERENCES

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