

An Overview of Consumer Rights in India

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Abstract

We often come across many people who complaint of having been supplied with inferior or adulterated goods for which they have paid full price. Similarly some people are seen grumbling that they have paid full fare but their bus and train seats were very un-comfortable. So many a times people do not get the full worth of their money. Don't they have a right to get the full value of their money spend for the goods and services they want to avail of sometimes, people themselves are responsible for the inappropriate goods and services that are provided to them. Many a times, they do not know full details of the products or services they are interested in. Sometimes, they take the delivery of goods or avail of the services without caring for their quality. Is it not their responsibility to give full details of the goods and services required by them? In this lesson let us now learn the details about the rights and responsibilities of consumers.

KEYWORD :Consumer right

Introduction

Meaning and definition

The definition of Consumer right is 'the right to have information about the quality, potency, quantity, purity, price and standard of goods or services', as it may be the case, but the consumer is to be protected against any unfair practices of trade. It is very essential for the consumers to know these rights.

However there are strong and clear laws in India to defend consumer rights, the actual plight of consumers of India can be declared as completely dismal. Out of the various laws that have been enforced to protect the consumer rights in India, the most important is the Consumer Protection Act, 1986. According to this law, everybody, including individuals, a firm, a Hindu undivided family and a company, have the right to exercise their consumer rights for the purchase of goods and services made by them. It is significant that, as consumer, one knows the basic rights as well as about the courts and procedures that follow with the infringement of one's rights.

In general, the consumer rights in India are listed below:

Right to safety

Means right to be protected against the marketing of goods and services, which are hazardous to life and property. The purchased goods and services availed of should not only meet their immediate needs, but also fulfill long term interests. Before purchasing, consumers should insist on the quality of the products as well as on the guarantee of the products and services. They should preferably purchase quality marked products such as ISI, AGMARK, etc

Right to be informed

Means right to be informed about the quality, quantity, potency, purity, standard and price of goods so as to protect the consumer against unfair trade practices. Consumer should insist on getting all the information about the product or service before making a choice or a decision. This will enable him to act wisely and responsibly and also enable him to desist from falling prey to high pressure selling techniques.

Right to choose

Means right to be assured, wherever possible of access to variety of goods and services at competitive price. In case of monopolies, it means right to be assured of satisfactory quality and service at a fair price. It also includes right to basic goods and services. This is because unrestricted right of the minority to choose can mean a denial for the majority of its fair share. This right can be better exercised in a competitive market where a variety of goods are available at competitive prices.

Right to be heard

Means that consumer's interests will receive due consideration at appropriate forums. It also includes right to be represented in various forums formed to consider the consumer's welfare. The Consumers should form non-political and non-commercial consumer organizations which can be given representation in various committees formed by the Government and other bodies in matters relating to consumers.

Right to be seek redressal

Means right to seek redressal against unfair trade practices or unscrupulous exploitation of consumers. It also includes right to fair settlement of the genuine grievances of the consumer. Consumers must make complaint for their genuine grievances. Many a times their complaint may be of small value but its impact on the society as a whole may be very large. They can also take the help of consumer organisations in seeking redressal of their grievances.

Right to consumer Education

Means the right to acquire the knowledge and skill to be an informed consumer throughout life. Ignorance of consumers, particularly of rural consumers, is mainly responsible for their exploitation. They should know their rights and must exercise them. Only then real consumer protection can be achieved with success.

The Consumer Protection Act, 1986 and several other laws like the Weights, Standards & Measures Act can be formulated to make sure that there is fair competition in the market and free flow of correct information from goods and services providers to the ones who consume them. In fact, the degree of consumer protection in any country is regarded as the right indicator of the progress of the country. There is high level of sophistication gained by the goods and services providers in their marketing and selling practices and different types of promotional tasks viz. advertising resulted in an increasing requirement for more consumer awareness and protection. The government of India has realized the condition of Indian consumers therefore the Ministry of Consumer Affairs, Food and Public Distribution has incorporated the Department of Consumer Affairs as the nodal organization to protect the consumer rights, redress the consumer grievances and promote the standards governing goods and services provided in India.

If there is infringement of rights of consumer then a complaint can be made under the following circumstances and reported to the close by designated consumer court:

- I. The goods or services purchased by a person or agreed to be purchased by a person has one or more defects or deficiencies in any respect
- II. A trader or a service provider resort to unfair or restrictive practices of trade
- III. A trader or a service provider if charges a price more than the price displayed on the goods or the price that was agreed upon between the parties or the price that was stipulated under any law that exist
- IV. Goods or services that bring a hazard to the safety or life of a person offered for sale, unknowingly or knowingly, that cause injury to health, safety or life.

Salient features of consumer protection act are as follows:

Coverage of Items:

This Act is applicable on all the products and services, until or unless any product or service is especially debarred out of the scope of this Act by the Central Government.

Coverage of Sectors:

This Act is applicable to all the areas whether private, public or cooperative.

Compensatory Nature of Provisions:

Many Acts have been passed for the help of consumers. Consumers enjoy the benefits of these Acts but if a consumer wishes the Consumer Protection Act can provide extra help. As a result the nature of provisions of this Act is compensating for the loss or providing extra help. Consumer is totally free to enjoy the benefits provided in the Act.

Group of Consumer's Rights:

This Act provides many rights to consumers. These rights are related to safety, information, choice, representation, redressal, education etc.

Effective Safeguards:

This Act provides safety to consumers regarding defective products, dissatisfactory services and unfair trade practices. So under the purview of this Act there is a provision to ban all those activities which can cause a risk for consumer.

Three-tier Grievances Redressal Machinery:

Consumer courts have been established so that the consumers can enjoy their rights. This Act presents Three- tier Grievances Redressal Machinery:

- (i) At District Level-District Forum
- (ii) At State Level -State Commission
- (iii) At National Level – National Commission.

Time Bound Redressal:

A main feature of the Act is that under this, the cases are decided in a limited time of

period.

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