

CONSUMER PROTECTION - WHOSE RESPONSIBILITY?

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The issue of consumer protection is closely related to ethics and values. In all philosophies, Eastern or Western and in all religions, great emphasis has been laid on individual as well as social values. Even the founding fathers of the Science of Economics like Adam Smith was of the opinion that it should not teach people to be selfish. Greek philosophers like Aristotle are known for propagating the idea of good conduct for good society and good government. The Hindi proverb *^ iwr diwr rks D;ks /ku lap; vksj iwr lwir rks D;ksa /ku lap;* is well known. When commerce courses were introduced, the pioneering institutes were conscious about it. The motto with which commerce education was started was *^ u /kua] /kuetZu ;ksX;rk /kua rwg-h;rs dks] ;ksX;rk urqg-h;rs*. But with time and growth in economy, the Ethics at the individual, social and organizational level started deteriorating and what we learn and read today is amazing. Multinational Companies like Coca-cola and other reputed manufacturing companies are charged with the heinous act of adulteration and selling of spurious drugs. In all walks of life, whether it is in business or services or even in noble professions of education, judiciary and medicine, the race to become rich overnight is the end and by what means has become irrelevant. Is it not a matter of shame for a human society which claim to be highly advanced and knowledgeable that an act has to be passed to protect the consumers?

In a civilized society of 21st century, is it not a slur on our individual, social and national character that several legislations are passed which testify how unethical and characterless we are. The MRTP Act, the consumer protection act, the food and drug control order. The Right to Information act and several other provisions like that of Banking Ombudsman Scheme indicate two important aspects of social and National Character of the modern times- that we are either ignorant of what is good or tolerant of what ever happens. It is obvious that these two social weaknesses of ours as a nation are no doubt responsible for erosion of ethical values and promotion of may evils including that of hypocrisy for which we are infamous in many foreign countries. The National Seminar on this topic therefore is meaningful.

What is Consumer Protection and Why?

It is needless to narrate why and against what the

consumers need protection. The experience of the common man as a consumer of goods or services makes him well aware of its need. The newspapers, the T.V. Channels and other news media probably devote 50% of their space and time narrating what is happening all around us.

What we really need is to remove our ignorance and know our rights as citizens of a free country.

Rights of a consumer and a Citizen:

Firstly every citizen should be aware of the fundamental rights embodied in our constitution. Under the purview of these fundamental rights every citizen has the following rights as a consumer:

Right of Safety from harm caused by defective goods & services.

Right to be Informed- about the goods being purchased & services availed.

Right to Choose - from a variety of goods and services.

Right to be Heard- about defective goods purchased or services rendered

Right to seek Redressal- from competent judicial or quasi judicial authorities

Right to Consumer Education- in order to enable one to exercise one's rights freely.

Consumer protection can be defined as a form of government regulation which protects the interests of the consumers. The main objective of the Consumer Protection Act 1986 is Consumer Welfare.

Liberalization and globalization have two key components:

a) The effective and competitive operation of markets and

b) Improvement in infrastructure, environment and quality of goods services and thus ultimately in quality of life.

Nearly two decades have passed but the impact of this act is negligible. The Non- vegetarian chocolates having worms were discovered by the consumer who went to the media, but not the act enforcement agency. Similarly pesticides in reputed soft drinks were discovered by an NGO, not by the government.

The worst case of government inaction (connivance?) is in the case of drugs, medicine and hospital instrument purchases. The Government has created food and drug authority (FDA) but the menace of spurious drugs has reached such massive proportions

that it might be better not to treat an illness than to treat it. Take the case of meat and poultry industry. Both use slaughtering techniques that the extremely unhygienic. A chicken can be slaughtered any where, any time, any how; no one cares. We have dangerous levels of pesticides in our food items. Hospitals use X-rays cleaned. LPG cylinders leakages and explosion is not uncommon. Electrical wiring and gadgets are not safe. The most glaring negligence is that of bait advertising. There are advertisements in news papers, T.V. and the latest SMS on mobiles where people are allured and duped.

If the government will not be on the consumer's side and the consumer himself shows apathy, who will help?

Of late some agencies and NGOs are coming forward to help the consumer. The government has pitched in with necessary legislations and formation of consumer forums and consumer courts at the District, State and National level. The National Consumer Disputes Redressal Commission, New Delhi, which is the apex consumer court, has launched a Legal Aid Programme in the interest of the common man, with the active cooperation of NCDRC Bar Association.

The RBI has enforced the Banking Ombudsman Scheme for redressal of grievances against deficiency of banking services. Citizen charters put up on websites provide the consumers the necessary information to make a more informed choice about various products and services with the objective of improving the quality of services. Govt. departments, organizations and ministries have also put up Information and Facilitation Counters/Enquiry Counters. NGOs like Centre for Science & Environment and a highly active media are furthering the crusade of quality for consumers.

The Federal Trade Commission is USA's consumer protection agency which works for the consumer to

prevent fraud, deception and unfair business practices. It enhances consumer confidence by enforcing federal laws that protect consumers, empowers them with free information to help them exercise their rights and encourages them to interact. Its Bureau of Consumer Protection has seven divisions which cover the entire field of consumer protection: Advertising Practices, Consumer and Business Education, Enforcement, Financial Practices, Marketing Practices, Planning and Information, and Privacy and Identity Protection. We can surely borrow a few of these systems from the FTC to strengthen our consumers.

It is true that Consumer Protection Act, 1986 is an excellent comprehensive legislation which covers all types of consumers of goods services and protects their interests but in a country whose majority of the people live in villages, where 40% of the population is illiterate as well as below poverty line, a question arises as to who does the Act seek to protect? Even if the people are aware of the Act and its provisions, what are the means to know what is good and what is spurious & bad. In these circumstances what appears to be most important and necessary is to awaken the conscience of the law enforcement authorities & agencies. All our efforts should be to bring about a change in the functioning of the law enforcing agencies and the Government.

In the Writ Petition filed in the Supreme Court with regard to genetically modified food and crops, the statement of the Hon. Court is worth noting. It says "This is a scientific revolution with enormous, social, economics environment & ethical impacts that transcend science and must be addressed. Personally, I have a hard time coping with the fact that governments mostly are the promoters of genetic engineering technology, but the point is they are also the regulators."

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