“STUDY OF EVOLUTION OF CONSUMERISM IN INDIA WITH
REFERENCE TO THE CONSUMER RIGHTS AND
RESPONSIBILITIES FROM SOCIO-LEGAL AND HISTORICAL
PERSPECTIVE”

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ABSTRACT

Consumer Protection has its deep roots in the rich soil of Indian civilization, which dates back to 3200 B.C. Commercial World have never denied the fact that consumers have rights. Consumer right is defined as 'the right to be informed about the quality, quantity, potency, purity, standard and price of goods or services, as the case may be, so as to protect the consumer against unfair trade practices. In this age of consumerism, the regime of Indian consumer law undoubtedly rule Indian markets and bestow a new phase on the existing Indian legal structure with its strong ancient legal foundations. The consumer protection regime in India may be said to rest on four individual “pillars” – namely, (a) the common law; (b) assorted statutes; (c) the Consumer Protection Act, 1986; and (d) financial product specific regulations; each of whose means of enforcement ultimately tie together in the formal courts of law. As per economics, consumerism means economic policies laying emphasis on consumption. In a sense, it is believed that the consumers are free to make choices and should dictate the society’s economic structure hence it is necessary to create a system which enables the consumers to exercise their free will without compromising their rights and freedom of choice. Therefore, in the light of the aforementioned facts, it is imperative to study and analyse the concepts of consumerism and consumers with reference to their rights and responsibilities from socio-legal and historical perspective with a sole purpose to understand the correlation between consumer, consumerism, society, law and the eternal principles of Justice and Liberty.

KEY WORDS: CONSUMER, CONSUMERISM, LAW, PROTECTION, RIGHTS.
1. CONSUMER AND CONSUMERISM – AN INTRODUCTION

A person who buys goods and services is a consumer. The concept of buying and selling is as old as human civilization. There was a time when goods and services would exchange among people to fulfil their needs; such transactions were known as Barter Transactions. Barter Economy was evident in Stone Age, Bronze Age and Iron Age. With the introduction of ‘money’ Barter Economy transformed into monetary economy wherein goods and services were provided in exchange of money or things as valuable as money. In order to become a consumer following conditions needs to be fulfilled:— 1. A presence of need to purchase/ A desire to purchase, 2. A presence of power to purchase, 3. Availability of goods/services desired, 4. Willingness of the owner of goods and services to sale in exchange of monetary consideration.

Traditionally, consumers have been defined very strictly in terms of economic goods and services wherein a monetary exchange is involved. This concept, over a period of time, has been broadened. Some scholars also include goods and services where a monetary transaction is not involved and thus the users of the services of voluntary organisations are also thought of as consumers.¹ This means that organisations such as UNICEF, CRY, or political groups can view their public as “consumers.” The term consumer is used for both personal consumers and organisational consumers and represents two different kinds of consuming entities. The personal consumer buys goods and services for her or his personal use (such as cigarettes or haircut), or for household consumption (such as sugar, furniture, telephone service etc.), or for just one member of the family (such as a pair of shoes for the son), or a birthday present for a friend (such as a pen set). In all these instances, the goods are bought for final use, referred as “end users’ or “ultimate consumers.”² The other category of consumer is the organisational consumer, which includes profit arid not-for-profit organisations. Government agencies and institutions (such as local or state government, schools, hospitals etc.) buy products, equipment and services required for running these organisations.³ Manufacturing firms buy raw materials to produce and sell their own goods. They buy advertising services to communicate with their customers. Similarly, advertising service companies buy equipment to provide services they sell. Government agencies buy office products needed for everyday operations.

It is often seen that the words consumer and customer are taken synonymously; however, there is a difference between them. Anyone, for e.g. who regularly makes purchases from a store or a company is termed as “customer” of that store or the company which simply means that every customer is a consumer and every consumer is in one way or the other has a potential to become a customer of one or the other outlet or service provider subject to his needs, desires and the quality of goods and services he get from the concern outlet. A customer is also called client, buyer, shopper or purchaser, usually used to refer to a current or potential buyer or user of the products of an individual or organisation, called the supplier, seller, or vendor.⁴ The word customer is derived from “custom,” meaning “habit”; a customer is someone who frequented buy from a particular shop, who made it a habit to purchase goods or services rather than elsewhere and with whom the shopkeeper had to maintain a relationship to keep his or her “custom,” meaning expected purchases in the future. The

¹ Batra Satish; Kazmi SHH, “Consumer behavior texts and cases” , p 5, Ed. 2nd, New Delhi, 2008
² Ibid, p 5
slogans “the customer is king” or “the customer is god” or “the customer is always right” indicate the importance of customers to businesses - although the last expression is sometimes used ironically. Consumer is a backbone of economy. The growth of economy has always been in correlation with the growth of purchasing power of consumer. Therefore, it is necessary for Business World to give due respect to their customers by acknowledging their rights not merely because they buy, but because they made them sale the sellable.

Consumerism is defined by Richard H. Buskirk and James as “Organized efforts of consumers seeking redress, restitution and remedy for dissatisfaction they have accumulated in the acquisition of their standard of living.” Philip Kotler says that “Consumerism is not limited to organised efforts only but, is a social movement seeking to augment the rights and powers of buyers in relation to sellers.” Harper W. Boyed and David analyze the consumerism as “the dedication of those activities of both public and private organisations which are designed to protect individuals from practices that impinge upon their rights as consumers.”

The term "consumerism" has several definitions. These definitions may not be related to each other and confusingly, they conflict with each other. One sense of the term is to describe the efforts to support consumers' interests.\(^5\) By the early 1970s, it was the accepted term for the field and began to be used in these ways:

1."Consumerism" is the concept that consumers should be informed decision makers in the marketplace. Practices such as product testing make consumers informed.

2."Consumerism" is the concept that the marketplace itself is responsible for ensuring social justice through fair economic practices. Policies and laws compel manufacturers to make products safe.

3."Consumerism" refers to the field of studying, regulating, or interacting with the marketplace. The consumer movement is the social movement which refers to all actions and all entities within the marketplace which give consideration to the consumer.

While the aforementioned definitions were being established, other people began using the term "consumerism" to mean "high levels of consumption". This definition gained popularity since the 1970s and began to be used in these ways:

1."Consumerism" is the selfish and frivolous collecting of products, or economic materialism. In protest to this some people promote "anti-consumerism" and advocacy for simple living.

2."Consumerism" is a force from the marketplace which destroys individuality and harms society. It is related to globalization and in protest to this some people promote the "anti-globalization movement".\(^6\) Hence, in brief, the consumerism, as social movement, may be defined as an organized effort of consumers seeking redress, restitution and remedy for dissatisfaction, that they have accumulated in the acquisition of their standard of living.

Consumerism is a public movement which protests against certain marketing practices. It is a social movement and not just protests by an individual consumer or a group of consumers. It is not even a criticism by the press or few public speeches against the firms or businessmen indulging in marketing malpractices that affect the consumers.


Consumerism, to be precise, is an important social movement which aims at protecting the consumers against unethical or immoral marketing practices of private companies as well as public enterprises. It is neither opposed to profits or monopoly, not antagonistic to the large companies or big business houses.

It has no concern with the monopoly legislation or foreign exchange control measures. There would be no consumerism if the business firms practice and follow the norms of good conduct and service in the areas of their selling and marketing activities.

1.1 EVOLUTION OF CONSUMERISM:

The idea of ‘consumerism’ was first conceived in USA around the beginning of this century. Since USA has always been considered as the heaven of consumers it is pertinent to study the evolution of consumerism in three distinct phases in purely American context as follows:

1. AROUND 1900:

The business firms dealing in meat packing were least concerned with the consumers. Meat used to be sold in the unhealthiest manner. This affected the health of the consumers. Even many other firms used to produce dangerous, unwanted products and drugs and sell them to the consumers by adopting manipulative devices. Conscious and sensible became disgusted with this sort of affairs and started campaign to preserve the interests of the consuming public.

2. AROUND 1930:

Consumerism assumed more importance because people in general became more enlightened and concerned with the standards of good quality products. This was possible on account of education, awareness and political consciousness. Although consumerism did not become a serious public movement during this time, the Government came up with a legislation called Miller-Tiching Act 1936 in order to regulate certain marketing malpractices.

3. AROUND 1960:

It is in the sixties of this century consumerism became a very forceful social movement. Late President Kennedy, in the year 1962, passed a legislation to protect the consumers’ rights particularly with regard to false advertising and unhealthy packaging of food and other articles. The consumerism movement reached its height when a serious criticism was leveled against the ‘un-safety’ of automobile companies which caused death to many people. The Government passed legislation on product safety compelling the automobile companies to adopt safety methods. The Government also passed such other legislation to control pollution. Business firms in the beginning criticized consumerism stating that they had been taking due care in regard to product quality. But later on they started setting up consumer affairs cell to deal with consumer disputes of allegations.

However in the context of India, consumerism has been active. A few years ago adulteration of food articles was sought to be presented by the food Adulteration Act in India. Inspectorate departments were set up in all States of India to implement and supervise the

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way the Act was followed. To a certain extent, it has done good because false weights and measures have been checked and food adulteration has been controlled to a great extent.

The major causes of consumerism in India have been identified as rising prices, poor product performance and service quality, product shortages and deceptive advertising-shortsages and inflation. Government has been very responsive to the consumer needs through legislative action. Economic discontent has been generated out of spiraling inflation. Thus it has become necessary for the consumers to stand up for their rights through an effective organization in order to redress the grievances.

2. GENESIS OF CONSUMERISM AS A SOCIAL MOVEMENT

India has an ancient history of consumer protection. Consumer protection was part of its ancient culture and formed the core of its administration. Kautilya's 'Arthasasthra' was the basic law of ancient India and the same was strengthened with provisions to protect consumers. Sale of commodities was organised in such a way that general public was not put to any trouble. If high profits (for the ruler) put general public in trouble, then that trade activity was stopped immediately. For traders, profit limit was to be fixed. Even for services timely response was prescribed; e.g. for sculpturist, carpenter, tailor, washer man, rules for the protection of consumer interest were given. Thus, for a washerman, it was said that he should return washed clothes in a given time period, i.e., light colored ones in five days, blue dark colored in 6 days and silken, woolen or embroidered in 7 days. Failing this they had to pay fine. The Superintendent of Commerce was to supervise weights and measures. For shortfall in weighing measuring, sellers were fined heavily. Weights and measures used in trade were manufactured only by the official agency responsible for standardization and inspected every four months. Sellers passing off inferior products as superior were fined eight times the value of articles thus sold. For adulterated things, the seller was not only fined but also compelled to make good the loss. Indeed, the people in different parts of the country today celebrate in different ways the dates dedicated to the remembrance of ancient periods during which, it is believed, people's welfare was the first concern of the rulers.8

The majority of the consumers in advanced countries is well educated, well-informed and is in a position to protect them. However, Indian situation is different from the Western, where adequate production and proper distribution of products exist. In India, industries have not achieved the level of affluence of technology and the existing markets of products run in shortages, adulteration and black market prices. Indian people comparatively have less money at their disposal.

It is seen that the profit-making attitude of the business failed to discharge social responsibilities of maintaining fair price, quality of goods and providing services etc. In short, consumerism is an outcome of sufferings and exploitation of consumers, and some businessmen, aim to make abnormal profit, which is at the cost of consumers’ safety and health. However, it has been accepted and agreed that “A consumer is a king of the Market,” but in fact he is not. The majority of the Indian problems relating to consumers are adulteration, artificial scarcity, and unreasonable prices.

There are different religious customs, traditions and languages in India; and about three-fourth of the population live in rural areas, where cultivation is still the major source of livelihood, and there is wide disparity of income of people. Majority of the people, who are

most illiterate, have low income. To save or protect themselves, against exploitative practices of trade, consumerism has emerged and has been accepted as a defensive force to safeguard the interest of the customers.

From historical studies it can be understood that the modern consumer society in India emerged in the late eighteenth century and intensified throughout the nineteen century. During the period of British Raj the change in the concept of consumption was propelled by the growing middle-class who embraced new ideas about luxury consumption and the growing importance of fashion as an arbiter for purchasing rather than necessity, however, the population of such kind people was very less but it has indeed laid down the foundation of consumerism in India which was destined to become a political and economic necessity for the reproduction of capitalist competition for markets and profits and also a tool of exploitation.

3. CONSUMERISM AND THE RULE OF LAW

Consumer protection laws are designed to ensure fair trade competition and the free flow of truthful information in the marketplace. The laws are designed to prevent businesses that engage in fraud or specified unfair practices from gaining an advantage over competitors and may provide additional protection for the weak and those unable to take care of themselves. Consumer Protection laws are a form of government regulation which aim to protect the rights of consumers. Consumer needs legal protection to safeguard their interests against the arbitrary practices of business houses, in other words it refers to the measures adopted for the consumers from unscrupulous and unethical malpractices prevailing in the market prima facie rules not buy the consumers but the business houses. Before understanding the legal protection mechanism available for consumers, it is necessary to understand the nature of malpractices prevalent in the market: 1. Sale of duplicate goods, 2. Sale of adulterated goods i.e. adding something inferior to the product being sold, 3. Sale of spurious goods i.e. selling something of little value instead of the real product. 4. The sale of substandard good i.e. sale of goods which do not confirm to prescribed quality standards. 5. Use of false weights and measures leading to underweight. 6. Hoarding and black-marketing leading to scarcity and rise in price. 6. Charging more than maximum retail price fixed for the product. 7. Supply of defective goods. 7. Misleading advertisements 8. Supply of inferior services.

In the good olden days the principle of ‘Caveat emptor’, which meant buyer beware governed the relationship between seller and the buyer. In the era of open markets buyer and seller comes face to face, seller exhibited his goods, and buyer thoroughly examined them and then purchased them. It was assumed that he would use all care and skill while entering into transaction. The maxim relieved the seller of the obligation to make disclosure about the quality of the product. As a result buyer is being misled, duped and deceived day in and day out. Mahatma Gandhi, the father of nation, attached great importance to what he described as the “poor consumer”, who according to him should be the principal beneficiary of the consumer movement. He said: “A Consumer is the most important visitor on our premises. He is not dependent on us we are on him. He is not an interruption to our work; he is the purpose of it.

3.1 HISTORICAL ANALYSIS OF CONSUMER RIGHTS

History of protection of Consumer’s rights by law has long been recognised dating back to 1824. Every year the 15th of March is observed as the World Consumer Rights Day. On that
day in 1962 President John F. Kennedy of U.S. called upon the U.S. Congress to accord its approval to the Consumer Bill of Rights. They are:

(i) Right to choice

(ii) Right to information

(iii) Right to safety and

(iv) Right to be heard.

President Gerald R. Ford added one more right i.e. right to consumer education. Further other rights such as right to healthy environment and right to basic needs (Food, Clothing and Shelter) were added. In India we have recently started celebrating 24th December every year as the National Consumer Rights Day. In the history of the development of consumer policy, April 9, 1985 is a very significant date for it was on that day that the General Assembly of the United Nations adopted a set of general guidelines for consumer protection and the Secretary General of the United Nations was authorized to persuade member countries to adopt these guidelines through policy changes or law. These guidelines constitute a comprehensive policy framework outlining what governments need to do to promote consumer protection in following seven areas:

i. Physical safety;

ii. Protection and Promotion of the consumer economic interest;

iii. Standards for the safety and quality of consumer goods and services;

iv. Distribution facilities for consumer goods and services;

v. Measures enabling consumers to obtain redress;

vi. Measures relating to specific areas (food, water and pharmaceuticals) and

vii. Consumer education and information programme.

Before moving in the direction of consideration of provisions of the regime of Consumer protection, perhaps it would be better to summarize the factors responsible for legislations to protect consumer’s rights. These factors are as follows:

1. Rapidly increasing variety of goods and services which modern technology has made available;

2. Growing size and complexity of production and distribution system;

3. High level of sophistication in marketing and selling practices, in advertising and other forms of production;

4. Removal of personal relationship of buyer and seller as a result of mass marketing methods; and

5. Consumers’ increased mobility.

Considering the abovementioned important factors which have been adversely impacting on the basic rights of consumers the “Regime for Consumer Protection” came into being.

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1. **THE CONSUMER PROTECTION ACT 1986:**

Enactment of Consumer protection Act 1986 was one of the most important steps taken to protect the interest of consumer. The provision of act came into force from July 1, 1987. The main features of this Act are:

(i) This act has provided various rights and responsibilities to consumers.

(ii) It provides safeguard to customers against defective goods, deficient’s, services, unfair trade practices and other forms of their exploitation.

(iii) The act has provided three tier redressal agencies where consumer can file complaints.

These are District forum, State Commission and National Commission.

2. **THE CONTRACT ACT 1872:**

The Indian Contract Act, 1872\(^{11}\) is formed to bind people on their promises made in a contract. The Act also provides remedies available to parties in case of breach of contract. This Act has specified basic principles by which an agreement becomes a contract. This Act contains important provisions relevant to consumer interest, though, in remedial aspects the scope of the Act is limited because of the concept of privity of contract. Hence, the third party cannot seek remedy generally under the Act which leads to the exclusion of large number of consumers from the purview of the Act. In spite of such limitations, the Act is important from the consumer perspective. In this respect judiciary has played an important role in protecting the interest of the consumers. Section 27\(^{12}\) of Indian Contract Act, 1872 declares that agreement in restraint of trade is void. This serves consumer interest by promoting competition and restricting monopolistic tendencies. Consumer can also claim protection of their interests under Section 73 and 74 of the Act, dealing with compensation for the loss or damage, by breach of contract or may have recourse to alternative remedies available under the Specific Relief Act, 1963. Earlier, the Act contained provisions about sale of goods in Sections 76-123. They were found inadequate to look into the whole law on sale of goods. A new enactment was passed in 1930, namely the Sale of Goods Act, 1930 to serve the purpose of regulating the sale of goods.

3. **THE SALE OF GOODS ACT 1930:**

Sale of Goods Act, 1930 provides for the settlement of consumer and seller disputes. This Act has changed the principles of 'Caveat Emptor' casting a responsibility on the seller to offer mercantile goods. This act provides safeguard and relief to customers in case goods are not complying with the expressed conditions and warranty.

4. **THE ESSENTIAL COMMODITIES ACT 1955:**

This act is formed to control production, supply and distribution of essential commodities. It checks inflation and ensures smooth and equal supply of these goods. It also checks black marketing, hoarding.

5. **THE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT 1937:**

This act is formed to assure quality of agricultural products. This Act provides grade standards for agricultural commodities. The quality mark which is supplied by this act is

\(^{11}\) Singh Avtar, Contract and Specific Relief, (Eastern Book Co., Lucknow, 10 thEd.2008)

\(^{12}\) Sec. 27 of Indian Contract Act, 1872: Every agreement by which any one is restrained from exercising a lawful profession, trade or business of any kind, is to that extent void.
“AGMARK.” This mark is given only when goods are produced by following minimum standards.

6. THE PREVENTION OF FOOD ADULTERATION ACT 1954:
This Act is formed to check Adulteration of food articles and ensure their purity so that the health of general public can be maintained.

7. THE STANDARD OF WEIGHTS AND MEASURES ACT 1976:
This Act provides protection to consumers against malpractices of underweight, under measure. The provision of this Act is applicable on those goods which are sold or distributed by weight and measure.

8. THE TRADE MARK ACT 1999:
This Act prevents the use of fraudulent marks on products. This act is introduced in place of trade and merchandise mark act 1958.

9. THE COMPETITION ACT 2002:
This Act is related to monopolies and restrictive trade practices Act 1969. This Act is formed to encourage healthy competition and protect consumers from companies which hamper competition.

10. THE BUREAU OF INDIAN STANDARD ACT 1986:
This Act is formed to provide special marks to products which fulfill some minimum quality standards. The common mark issued under this Act is ISI mark. This act has set up a grievance cell where consumer can make a complaint about a product which is not up to a quality mark and are having ISI mark.

11. THE INDIAN PENAL CODE, 1860
The notable provisions for consumer protection adopted in India are found in the Indian Penal Code, 1860. This is the most relevant Act for the prevention of food adulteration. Sections 272 13 and 273 14of IPC, 1860 dealing with the offences affecting public health, made certain offences like adulteration of food or drink, making it noxious, and sale of noxious food or drink, punishable with six months imprisonment or with fine up to one thousand rupees or with both. Section 274 to 276, made the offences of adulteration of drugs intended for sale, sale of adulterated drugs and sale of drugs as a different drug, or preparation, punishable with similar sentence. Sections 264 15 and 267 of the Code, made punishable, the fraudulent use of false instruments for weighing, and fraudulent use, possession and making and selling of false weights and measures publishable with imprisonment extendable to one year or with fine or with both. Section 479 to 48916 deals with the fraudulent and misleading description of articles of trade and fake packages. Section 486 covers offences pertaining to counterfeit trademark. The offence of public nuisance has been defined under Section 268, in general, to mean an act or illegal omission which may cause any common injury, danger or annoyance to the public or people in general. Further Section 269 to 278 deals with certain specific categories of public nuisance. Chapter XIX of IPC, deals with offences 'of criminal breach of contract of service', making especially punishable the breach of a contract to attend on and supply wants of helpless persons', is very much relevant for consumer safety or persons incapable to do so themselves, because of 'youth, or of unsoundness of mind, or of a disease or bodily weakness'.

13The Indian Penal Code, Bare Act with comments, case law, (All India Reporter P. Ltd, Nagpur, 2008)
12. LAW OF TORTS
In spite of various legislations related to consumer protection the Common Law remedies under Law of torts are still available to consumers in India. Under the law of torts, liability may be imposed on the manufacturer, supplier, importer, distributor or retailer or two or more of them together. The foundation this approach is seen in the case of Donoghue Vs Stevenson.[14]

13. AGRICULTURAL PRODUCTS (GRADING AND MARKING) ACT, 1937
This is an area specific legislation that provides for quality certification popularly known as "AGMARK" for agricultural commodities. The certification scheme is voluntary for domestic, but mandatory for export purpose.

14. DRUG AND COSMETIC ACT, 1940
This is an area specific legislation having a purpose to regulate the production, trade, distribution, import and export of drugs and cosmetics which are up to the required standards but also being sold under misbranding.

15. THE CENTRAL EXCISE ACT, 1944
This Act empowers the Central Government to provide for remission of duty of excise leviable on any excisable goods which are found to be deficient in quantity due to any natural cause.[15]

15. CAPITAL ISSUES CONTROL ACT, 1947
The main object of this Act is to channelize resources in planned direction on priority basis and also to protect the innocent investors.

3.2 THE CONSTITUTIONAL JUSTICE AND CONSUMER RIGHTS
On 26th January 1950, the Constitution of India came into force. Though the word 'consumer' is not to be found in the Constitution the consumer breathes and peeps out through many of the blood vessels of the Constitution.[16] As part of fundamental freedoms, the Constitutional guarantees[17]under Art.14[18] in the form of equality before law, and equal protection of the laws, aim at establishing what is called 'equality of status' as enshrined in the preamble of the Indian Constitution. Art. 14 enjoin a duty on the state to positively, deliberately and effectively participate in the task of protecting all the persons irrespective of any other considerations against harmful actions and omissions of others. As a constitutional postulate, the state is obliged to protect the helpless consumer in his various dealings by passing necessary laws and enforcing them.

Art. 21[19] of the Constitution, guarantees to every person, life with dignity free from all kinds of exploitation. The term 'life' is interpreted by the judiciary to include any kind of dangerous

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[14]Donoghue (or McAlister) v Stevenson, [1932] All ER Rep 1; [1932] AC 562; House of Lords
[15]Sec. 5 of The Central Excise Act, 1944
[18]Art. 14 of the Indian Constitution: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
[19]Art. 21 of Indian Constitution: no person shall be deprived of his life or personal liberty except according to procedure established by law.
or spurious activities that affects life falls under the ambit of Art. 21 of the Constitution. Judiciary played an important role in protecting life of citizens from such dangerous activities under this Article. It is one of the most important fundamental rights that prohibit all kinds of exploitation. A welfare state like ours has to promote the prosperity and well being of the people. This philosophy was further strengthened under the heading that is Directive Principles of State Policy (Art. 36 to 51) Part IV of the Constitution. These provisions lay down certain economic and social policies to be pursued by the state. State is obliged to take positive action in certain spheres in order to promote the welfare of the people and usher economic democracy. Art 38 (1) of the constitution imposes a duty on the state to promote the welfare of the people. The Constitution has distributed the subjects, relating to products and service regulation, between the centre and the states for their better quality and efficiency. Most of the subjects concerning consumer protection have been placed in the Concurrent List of Schedule VII of the Constitution. In a fit case, an aggrieved consumer can file a writ petition before the High Court or Supreme Court under Art 226 or 32 of the Constitution to vindicate his constitutional right to protection but for that it would be necessary to prove the violation of fundamental rights.

3.3 INTERNATIONAL LAW AND THE CONSUMER RIGHTS

Though not legally binding, the guidelines provide an internationally recognised set of basic objectives particularly for governments of developing and newly independent countries for structuring and strengthening their consumer protection policies and legislations. These guidelines were adopted recognizing that consumers often face imbalances in economic terms, educational levels and bargaining power and bearing in mind that consumers should have the right of access to non hazardous products as well as the importance of promoting just, equitable and sustainable economic and social development. These U.N. guidelines for Consumer Protection can assist in the identification of priorities particularly in the light of emerging trends in a globalised and liberalised world economy.21

The U.N. guidelines were never intended to be a static document and required to be revisited in the changed social, political and economic circumstances. On re-examination of U.N. guidelines in 1999 “sustainable consumption” was also included in the list which is certainly an important step in this direction. It would perhaps be apt to highlight that long back Mahatma Gandhi said that” the rich must live more simply so that the poor may simply live.” There cannot be a better expression championing the cause of sustainable consumption. It may not be out of place to mention that the increased internationalisation of cooperation is also a part of the globalisation process. Rules adopted for corporations trading in OECD countries for the protection of the interests of consumers can now also be applied to their conduct for the protection of the interests of the consumers in non-OECD countries. A new investment guideline from the OECD spells out principles to be applied by multinational corporations dealing with consumers.22

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20 Art. 38 (1) of the Indian Constitution: The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life.


marketing and advertising practices as well as safety and quality of goods and services lend themselves to consumer monitoring and campaigning. Possibilities for action include twinning arrangements in which groups from non-OECD countries work with groups from the home countries of multinational corporations to hold them accountable for failure to adhere to the Guidelines.

4. DUTIES AND RESPONSIBILITIES OF CONSUMERS

1. CONSUMER MUST EXERCISE HIS RIGHTS

Under ‘Regime of Consumer Protection Laws’ consumer is granted various rights such as right to safety, right to choose, right to be heard etc. but these rights will be useful only when consumer exercises these rights. The consumer must select the product according to his preferences, he must file a complaint if he is not satisfied with the quality of product, and he must be aware of his rights and exercise them whenever required.

2. CAUTIOUS CONSUMER

The consumer should not blindly believe on the words of seller. He must insist on getting full information on the quality, quantity, utility, price etc. of the goods or services.

3. FILING COMPLAINTS FOR THE REDRESSAL OF GENUINE GRIEVANCES

Most of the time consumer ignores the loss he suffers on purchase of defective good or service but this attitude of not filing complaint encourages the corrupt businessmen to supply low standard or defective goods and services. The consumer must file a complaint even for a small loss.

4. CONSUMER MUST BE QUALITY CONSCIOUS

The problems of supply of substandard goods, adulterated products and duplicate products can be solved only when consumer himself stops compromising the quality of product.

5. DO NOT BE CARRIED AWAY BY ADVERTISEMENTS

The advertisements often exaggerate the qualities or features of product or service. The consumer must compare the actual use of product with the use shown in advertisement and whenever there is any discrepancy or difference it must be brought to the notice of sponsor of advertisement and insist to stop showing exaggerated qualities.

6. INSIST ON CASH RECEIPT

To file a complaint the consumer needs the evidence of purchase, and cash memo is the evidence or proof that consumer has paid for the goods or service. A seller is bound to give a cash memo even if buyer does not ask for it.

And last, but not the least, it is a duty as well as responsibility of consumers to Form consumer societies which could play an active part in educating consumers and safeguarding their interest.

CONCLUSION

The efficient and effective program of Consumer Protection is of special significance to the modern consumer driven economy. If both the producers/ providers and consumers realize the need for co-existence, adulterated products, spurious goods and other deficiencies in services would become a thing of the past. Every consumer in his own interest has to realize his role and importance in the right perspective. In a competitive economic environment
the consumer has to exercise his choice either in favour of or against the goods and services. His choice is going to be vital and final. He should realize his importance and prepare himself to exercise his rights with responsibility. After all the dictum in constitutional democracy, the citizens get a government they deserve. Similarly the consumers in society get a position in the market depending upon the choices they exercise. It is agreed on all points that “consumer empowerment” in India has a long way to go. This is the right time to act to prepare for the new era of “Consumerism”. As the poet P.B Shelley puts it – “If winter comes, can spring be far behind?”