

## **Responsibility of Consumers: An Overview**

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A person is said to be consumer when he/she purchase goods or avail any service. When s/he purchases some goods (motor, car, shoes) called as consumer of goods, where as opening of an account and repairing of motor vehicle, called as consumer of services.<sup>2</sup>

Consumer protection act came into existence in 1986, and was amended in 2002. It provides redress to consumer when goods purchased are defective or services provided are subjected to some deficiency. Market resources and influences are growing day by day and so is the awareness of one's consumer rights. These rights are well-defined and there are agencies like the government, consumer courts and voluntary organizations that work towards safeguarding them<sup>3</sup>.

Questions that arise:

What are the responsibilities of every consumer which they need to shoulder?

Why do they need to understand and fulfill it?

Do consumers really aware of their responsibility?

If they are not aware then what is stopping them?

### **INTRODUCTION**

Consumer rights are now an integral part of our lives like a consumerist way of life. They have been well documented and much talked about. We have all made use of them at some point in our daily lives. Market resources and influences are growing by the day and so is the awareness of one's consumer rights. In this chapter, I will give an overview of the 8 consumer rights, their implications and significance for a developing country like India, and also define the various aspects of consumer responsibility.

### **CONSUMER RIGHTS**

In the 20th century, the presence and influence of the market grew dramatically in consumer life. We began to purchase things from the market at a price. Soon, mass

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<sup>2</sup> Law of consumer protection, principles and practice-avtar Singh, eastern book company, 14th edition-2005. Page 18.

<sup>3</sup> The consumer interest: A study in consumer economics by Persia Crawford.

production and industrial production came into being, giving the consumer world an entirely new dimension.

### **THE BASIC CONSUMER RIGHTS**

There are basically 8 consumer rights. 6 consumer rights were initially envisioned by consumer rights activists of the West but the rights had to be redefined keeping in mind the realities of a developing country like India. Consequently, two very important rights were added. The new 8 consumer rights are as follows:

The first two rights i.e. Right to Basic Needs and right to a healthy and sustained environment are very closely linked with the realities of developing countries where environment plays a very important role as a resource and support-structure for the people. In a country like India, a large section of the population looks for food security, assured safe water supply, shelter, education and health services. For India's 1 billion populations, food security and a safe environment are more pressing needs than any other consumer options and rights.

#### **Right to Basic Needs<sup>4</sup>:**

Access to food, water and shelter are the basis of any consumer's life. Without these fundamental amenities, life cannot exist. In September 2001, India's stock of food grains were around 60 million tones, yet one third of the Indian population lives below the poverty line and consumers often go hungry or remain severely malnourished, leading to poor health. The recent starvation deaths in Orissa<sup>5</sup> are a case in point. A very crucial objective of the conceptualization and existence of consumer rights is to ensure that consumers have an assured food supply, safe and permanent dwellings, and basic amenities of life like sanitation and potable water, and power supply.

#### **Food Security for Consumers<sup>6</sup>:**

To solve this food scarcity problem, the Government of India mooted the PDS (Public Distribution System)<sup>7</sup> to help reach food grain to the masses at subsidized rates

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<sup>4</sup> Consumer Voice, An online magazine for consumer awareness.

<sup>5</sup> Sep 26, 2001. 10 people died due to unavailability of food so they consumed non edibles.

<sup>6</sup> The Economic times, 26<sup>th</sup> may 2009.

<sup>7</sup> Department of food and public distribution, pds (control) order 2001, amended 2004.

through government-run 'Fair Price Shops'<sup>8</sup>. There are about 4.5 lakh Fair Price Shops all over India of which 3.05 are in rural areas and 0.94 in urban areas. On an average there is 1 PDS shop for every 2000 consumers. Poor distribution and underutilization of food grains has led to artificially-created food scarcities in the country. The need of the hour is to channelise this stock towards needy consumers and offer them 'food for work'<sup>9</sup> programmes, which will not only give them employment but also money.

### **Right to Safe Environment<sup>10</sup>:**

For urban consumers, environment means parks, gardens, and deteriorating air and water quality. Most urban areas are bereft of any wildlife and people are unaware of the biodiversity around them. On the other hand, rural consumers rely on their environment for fulfillment of their basic needs.

For instance, our monthly purchases include various kinds of washing detergents, toilet cleaning acids and chemicals like Harpic or Sanifresh, and a lot of non-biodegradable packaging for pre-packed food products.<sup>11</sup> This leads to environmental problems like water and soil pollution, and waste disposal problems.<sup>12</sup>

### ***International standards for Right to safeguarding Environment<sup>13</sup>:***

### **Consumers should be protected from environmental pollution<sup>14</sup> by:**

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<sup>8</sup> Department of Civil Supplies and Consumer Affairs, Govt. of Goa.

<sup>9</sup> Launched in November 2004, in 150 most backward districts of India. Identified by planning commission in consultation with ministry of rural development and state governments. The only long-term solution is decentralization of the procurement operations and freeing of internal trade in food grains.

<sup>10</sup> Issues of Health Related Human Rights, by Dr. Y.L. Tekhre, Reader, Department of Social Sciences, National Institute of Health and Family Welfare, Munirka, New Delhi-110067 and Professor Alka Sharma, Professor and Head, Department of Sociology and Coordinator, Women's Development and Research Centre, Banasthali Vidhyapeeth, Rajasthan-304022

<sup>11</sup> The Future of Global Markets for Biodegradable Packaging, publication date 28<sup>th</sup> nov 2006

<sup>12</sup> Deccan heralds, Bangalore, 9th Sep 2009.

<sup>13</sup> Export Credit Agencies and Environmental Standards: An Invitation to Join the Dialogue, December 1 2006.

<sup>14</sup> Business line, financially daily from THE HINDU group of publications. Friday 05, Nov 2004.

1. Promoting the use of products which are environmentally sustainable.
2. Encouraging recycling<sup>15</sup>
3. Requiring environmentally dangerous products to carry appropriate warnings and instructions for safe use and disposal.

**Promote the use of non-toxic products <sup>16</sup>by:**

1. Raising consumer awareness of alternatives to toxic products
2. Establishing procedures to ensure that products banned overseas do not enter national markets.

**3. Right to Safety<sup>17</sup>:**

Consumer right to safety is as vast in its purview as the market reach itself. It applies to all possible consumption patterns and to all goods and services. In the context of the new market economy and rapid technological advances affecting the market, the right to safety has become a pre-requisite quality in all products and services. For e.g. some Indian products carry the ISI mark which is a symbol of satisfactory quality of a product. Similarly, the FPO and AGMARK symbolize standard quality of food products. The market has for long made consumers believe that by consuming packaged food or mineral water, consumers can safeguard their health. This notion has been proved wrong time and again due to rampant food adulteration in market products. Right to food safety is an important consumer right since it directly affects the health and quality of life of consumers.

**4. Right to Information<sup>18</sup>:**

Right to information means the right to be given the facts needed to make an informed choice or decision about factors like quality, quantity, potency, purity standards and

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<sup>15</sup> UNEF mainstreaming the environment in major sports events, global forum for sport and environment.

<sup>16</sup> Use of Environmentally Friendly Materials, BC - Langley School District: 35 , Canada Environmental Management of Facilities and Grounds Added February 25, 2008.

<sup>17</sup> Montreal declaration, 6th World Conference on Injury Prevention and Control Montreal, Canada, 15 May 2002.

<sup>18</sup> Page 100 of Law of consumer protection, avtar singh.

price of product or service<sup>19</sup>. The right to information now goes beyond avoiding deception and protection against misleading advertising, improper labelling and other practices. For e.g. when you buy a product or utilize a service,

You should be informed about

- a) How to consume a product
- b) The adverse health effects of its consumption
- c) Whether the ingredients used are environment- friendly or not etc. a consumer has to consider a lot of factors before s/he buys a product.<sup>20</sup>

### **5. Right to choice<sup>21</sup>:**

Different interests can interpret the right to choice in different ways. For the developed world consumers, right to choice translates into more and a variety of products to choose from. For e.g. American consumers can choose from 25,000 super market items, 200 kinds of cereals, and read 11,092 magazines. This kind of choice often gives consumers a sense of well-being and safety and encourages them to believe that abundance leads to good living. The market also perpetuates this line of thought by advertising and promotion gimmicks. The right to choice has a very different definition in developing countries. For a population dependent on the environment for livelihood, the right to choice and other consumer rights need a shift in focus. The focus needs to be on choice of good practices like organic farming and conservation of natural heritage. Neither the market nor the consumers pay any attention to the over-consumption of resources as a result and its environmental impact<sup>22</sup>.

### **6. Right to be heard<sup>23</sup>:**

The right to be heard means that consumers should be allowed to voice their opinions and grievances at appropriate forums. For e.g. if you have been cheated in the market

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<sup>19</sup> Where an importer of films was nor able to print prices because the nature of the trade wouldn't permit him to open packages, he was directed to make it a condition with his retailers to attach price tags to each item before selling the same.

<sup>20</sup> India photographic co. v. H.D.Shanne (1991)2 CIJ Delhi, where article priced 75/- inclusive of all taxes and rs.88/- was charged in fact. Also see Std. automobiles v. syed (1991) 2 CPJ 626 booking of cars on basis that price could be charged according to structure of the process at time of delivery was held to be not a wrongful practice. Madras automobiles V.Hari mohan (1993)1 CIR 181 NC prices at which plots were offered to members of a society was not allowed to agitated before a consumer forum Nagpur improvement trust V. T.D.Wankhede (1993) 1 CPR119 NC

<sup>21</sup> *Right of Choice* is about more than the right to choose products; we are not just consumers

<sup>22</sup> Over consumption? Our use of natural resourses, SERI, sustainable Europe research institute.

<sup>23</sup> Ministry of consumer affairs, food and distribution, Govt of India

place or deprived of the right quality of service, your complaint should be heard and given due attention by the authorities. Consumers should also have a right to voice their opinion when rules and regulations pertaining to them are being formulated, like the recent amendments in the Consumer Protection Act. The right to be heard holds special significance in the Indian context because Indian consumers are largely unaware of their rights and passively accept their violation. Even when they have legal recourse, they prefer not to use it for fear of getting embroiled in legal complexities.

To allay consumer fears and to allow them to express their views and grievances, consumer forums have been in existence in India <sup>24</sup>for a long time. Consumers have been approaching these forums and consumer NGOs regarding their problems and complaints.

### **7. Right to Redress:**

Competition is the by-product of the market economy. Everyday, manufacturers are discovering newer ways of cheating and duping consumers. Unscrupulous market practices are finding their way into consumer homes, violating consumer rights and jeopardizing their safety. It is to protect consumer interests that consumers have been given the right to obtain redress. In India, we have a redress machinery called Consumer Courts constituted under the Consumer Protection Act (1986), functioning at national state and district levels. But it has not been made complete use of under due to lack of awareness of basic consumer rights among consumers themselves.

### **8. Right to consumer education:**

Consumer education empowers consumers to exercise their consumer rights. It is perhaps the single most powerful tool that can take consumers from their present disadvantageous position to one of strength in the marketplace. Consumer education is dynamic, participatory and is mostly acquired by hands-on and practical experience. For instance, The pharmaceutical industry, to boost its sales, offers free samples of medicines, freebies, and even free luxury holidays to physicians to influence them to use their brands and give them preference over other brand names. There have been many instances when drugs banned in countries like US, have been prescribed to

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<sup>24</sup> Consumer protection and national consumer disputes redressal commission constituted in 1988. At present, there are 604 District Forums and 34 State Commissions with the National Consumer Disputes Redressal Commission (NCDRC) at the apex. NCDRC has its office at Janpath Bhawan, A Wing, 5<sup>th</sup> Floor, Janpath, and New Delhi.

Indian consumers and are readily available as over-the-counter drugs. Consumer education can play a crucial role in protecting consumers against such dangers. Some sources of consumer education are past experiences of consumers, information dissemination by government agencies and NGOs, classroom teaching by teachers and informal lessons by parents.

### **CONSUMER RESPONSIBILITY**

Consumer responsibility is based on ethics and rationale. There are no definitive set of consumer responsibilities and a consumer must exercise restraint in consumption to consume responsibly. Every segment has its own special consumer profile and consumption patterns. These patterns define the kind of consumer responsibility that a segment must discharge.

### **YOUNG CONSUMERS AND CONSUMER RESPONSIBILITY**

#### ***Junk Food and Young Consumers<sup>25</sup>:***

Young consumers are special targets of the junk-food industry. The market knows that fast food is addictive and once young people get used to having their fat, salts and sugar rich food, they will become their consumers for life. Also, young consumers have the indirect purchasing power of their parents, which makes them a very lucrative consumer segment.

### **WOMEN CONSUMERS**

Now, women have the dual role of family-makers and work professionals to play. The market takes advantage of this situation by offering to women instant services and products, like fast-food, 'two-minute' snacks, and refrigerators and washing machines with supposedly better technologies. They must evaluate the nutrition content of food products before buying them and weight their quality with traditional foods that are less-expensive, have better nutritional scores and consume less resources like packaging and transportation<sup>26</sup>.

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<sup>25</sup> The junk food generation, A multi country survey of influence on television advertisement on children. Consumers International Asia Pacific Office Lot 5-1 Wisma WIM, 7 Jalan Abang Haji Openg, Taman Tun Dr Ismail, 60000 Kuala Lumpur, Malaysia

<sup>26</sup> Consumer voice an online magazine for consumer awareness at [http://www.consumer-voice.org/consumer rights. asp](http://www.consumer-voice.org/consumer%20rights.asp)

## **ACTION TO BE TAKEN BY CONSUMERS**

**The consumer has the responsibility to protect himself/herself by:**

- Shopping carefully and wisely
- Understanding the term of the sale
- Reading and following instructions
- Getting guarantee in writing
- Saving receipts
- Asking queries/doubts at point of sale
- Keeping informed about new products
- Detail of service availing

**You have purchased a product which has turned out to be defective.**

**What to do?**

- Stop using the item immediately
- Take the item with the Bill or Receipt of purchase back to the store
- Explain your complaint calmly and politely to the store manager

**Your Bill or Receipt is proof of purchase at the particular store and should contain:**

- The date of purchase of the item
- The type, model and brand of the product
- The cost of the product.

**CAUTION: never leave** your original Bill with the Manager. Give him a copy.

**REPLACEMENT OR REFUND:**

A replacement or refund is possible, provided that:

- You return the item immediately
- You complain within the warranty period
- You carry all documents (receipts and agreements) pertaining to the purchase
- No repair or attempted repair was done by unauthorized persons.



**WARRANTIES: REMEMBER** your warranty is your assurance that there is a possibility of resolving your complaint. Your warranty begins from the date of purchase or delivery of the item.

**NEVER WAIT** until your warranty has expired to complain to the Retailer. Inform him as soon as the item malfunctions. When complaining, do not intimidate the retailer. Be firm, but polite.

If the matter cannot be resolved at the level of the retailer or manufacturer, you can seek assistance from:<sup>27</sup>

- Your Consumer Action Group
- The Ministry of Consumer Affairs

### CONCLUSION

Consumer responsibility is very aspect of life because either one or other way everyone in this world are consumers. So as there are rights that a consumer enjoys, so everyone bears a responsibility in his/her shoulder. And in every aspect of life we need to understand it and use it. Sometimes we forget to ask for a bill from shopkeeper or negotiate with him regarding price of product, which when agreed upon is purchased, but the money he has accepted against that particular goods goes to his black money and it doesn't go to Government. Billions of rupees is converted to black money everyone and it affects our economy. I have conducted a social survey in the form of consumer questionnaire when I have collected information from different people who are above age of eighteen. And following could be derived:

- 20 percent of people are not aware of their responsibilities.
- Most of the people are satisfied with their product and with its service.
- Few people solved their problem due to customer care service provided.
- Some of the people got satisfied as service provider took care of their goods.
- Few people didn't have time to report to consumer forum while few couldn't locate consumer forum in their society.

In this hectic and busy life most of the people couldn't reach to consumer forum and get dissatisfied. If proper care can be taken at basic level by government at basic level making everyone of their responsibility as a consumer with short span of time it could

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<sup>27</sup> Ministry of foreign affairs, commerce & trade-consumer affairs available at [http://www.gov.vc/govt/government/executive/ministries/affairs commerce. asp z= 199&a= 468](http://www.gov.vc/govt/government/executive/ministries/affairs%20commerce.asp?z=199&a=468)

be a great step towards society so as towards improving conditions of our country at economic level.