An Analytical Study of Consumer Protection, Rights and Responsibilities in India

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In modern era the consumers are called the king of the market but they are suffering from lots of undesired elements such as misleading advertisements, underweight goods, unsatisfied services etc. Consequently, to protect the basic consumer rights Government of India has taken development steps by way of enactment of various Acts and other measures to define, aware and help consumers. In India, the concept of consumer protection is not new, it is as old as trade and commerce itself. The Consumer Protection Act, 1986 (68 of 1986) is a milestone in the history of socio-economic legislation in the country. The main objective of the new law is to provide for the better protection of the consumers unlike existing laws, which are punitive or preventive in nature. In reality, Consumers have to realize their role and importance. The consumer movements can be winner movements only with the active involvement of consumer by knowing his rights and enforcing them. The consumer is exposed to many hazardous- physical, environmental and exploitation due to unfair trade practices. There is need of strong consumerism in our country on account of the many reasons e.g. illiteracy, less-education[15], ignorance and ill-information, poverty, lack of social awareness etc. For safeguarding the consumers, consumer must understand his rights and responsibilities. It is recognized theory of the jurisprudence that rights and duties are correlated and there can be no right without duty and vice versa. The present paper discusses the contribution made by Consumer Protection Act in Consumer Protection, Consumer Awareness and Consumerism and also reveals recent trends and challenges in it. The study also gives recommendations in order to avoid and reduce unfair trade practices in India.

Key Words : Consumer Protection, rights, Responsibilities, Consumer Awareness, Unfair Trade Practices, Amendment Bill of Consumer Protection Act.

Introduction:

Consumers are largely denied their due rights, especially in developing countries such as India. The consumers are spread widely all over a country and are poor, illiterate and are generally not aware of their rights, though their awareness has recently increased. The manufacturers and suppliers of goods or services often exploit consumers by adopting a number of unfair and restrictive trade practices. Some of these practices include:

- False Representation
- When goods and services are not of stated standard, quality or grade;
- When second hand, renovated goods are sold as new ones;
- When the seller does not have the required sponsorship, approval, affiliation;

- When goods and service do not have the claimed use, usefulness or benefit;
- When products / services do not have the claimed warranty / guarantee;
- When the price of product or service is misleading.
- False and Misleading Advertisement of selling at Bargain price.
- Offering gifts, prizes, etc. to lure customers with no intention of providing them.
- Selling goods which do not fall within the safety standards set up by competent authority.
- Hoarding or destroying goods with the intention of raising the cost of these or similar goods manufactured in greater number so as to manipulate higher prices.
- Manufacturing or offering spurious goods or adopting deceptive practices

Consequently, to protect the basic consumer rights Government of India has taken development steps by way of enactment of various Acts and other measures to define, aware and help consumers. In India, the concept of consumer protection is not new, it is as old as trade and commerce itself. [5]The Consumer Protection Act, 1986 (68 of 1986) is a milestone in the history of socio-economic legislation in the country. The main objective of the new law is to provide for the better protection of the consumers unlike existing laws, which are punitive or preventive in nature. In reality, Consumers have to realize their role and importance. [4]The consumer movements can be winner movements only with the active involvement of consumer by knowing his rights and enforcing them. The consumer is exposed to many hazardous- physical, environmental and exploitation due to unfair trade practices. There is need of strong consumerism in our country on account of the many reasons e.g. illiteracy, less-education, ignorance and ill-information, poverty, lack of social awareness[7] etc. For safeguarding the consumers, consumer must understand his rights and responsibilities. It is recognized theory of the jurisprudence that rights and duties are correlated and there can be no right without duty and vice versa. The present paper discusses the contribution made by Consumer Protection Act[9] in Consumer Protection, Consumer Awareness[8] and Consumerism and also reveals recent trends and challenges in it. The study also gives recommendations in order to avoid and reduce unfair trade practices in India[1].

Need for Consumer Protection and Consumer Awareness in the Present Scenario:

Consumer protection is important for protecting consumers and instilling confidence in different institutions within thecountry[2]. The laws are able to guarantee safety and quality of the products and services consumers use. A country can only experience a growth in economic activities when consumers have trust in the producers, so the producers must work to provide the assurance required to win the trust of consumers. Inexperienced consumers are more vulnerable to being sold poor quality products and to illegitimate sales. Consumer protection laws take into account the challenges faced by such consumers to ensure that they are protected from fraudulent sellers and unsafe products. Typically, consumer protection policies are important to protect consumers from cons, misleading advertisements, poor services and unsafe goods in the present scenario.

1. To Protect against Poor Quality:

Companies rarely produce shoddy products on purpose. However, manufacturers may be tempted to use low-quality material in making certain appliances, causing them to be defective. This type of production can only be prevented if a consumer protection complaint is filed. A lawyer as part of the group legal services benefit can advise a plan member of what constitutes a legitimate complaint, and how to go about filing it. A successful complaint can cause a manufacturer to stop production.

2. To Stop Unethical Practices:

The modern economy is fiercely competitive and unethical business owners will cut corners without regard to the health or safety of the consumers. Unethical practices also produce incredibly bad service and no consumer should have to deal with it. One of the group legal services a countrywide attorney provides information about fraud or what constitutes a defective product. He or she educates a group legal plan member on what consumer rights they have and how redress can be best achieved. If unethical practices merit a court case being filed, countrywide attorneys will help plan members prepare the case to go before the Small Claims court.

3. Illiteracy and Ignorance:

Consumers in India are mostly illiterate and ignorant. They do not understand their rights. A system is required to protect them from unscrupulous businessmen.

4. Unorganized Consumers:

In India consumers are widely dispersed and are not united. They are at the mercy of businessmen. On the other hand, producers and traders are organized and powerful. Consumers should be united and fight against the unfair trade activities.

5. Spurious Goods:

There is increasing supply of duplicate products. It is very difficult for an ordinary consumer to distinguish between a genuine product and its imitation. It is necessary to protect consumers from such exploitation by ensuring compliance with prescribed norms of quality and safety.

6. Deceptive Advertising:

Some businessmen give misleading information about quality, safety and utility of products. Consumers are misled by false advertisement and do not know the real quality of advertised goods. A mechanism is needed to prevent misleading advertisements.

7. Adulteration:

Most of the times consumers even after paying high price, do not get pure or we can say quality goods. The organization usually supplies adulterated goods for their profit maximization. Consumers should come forward and complaint against to those companies.

8. Irregular Supply:

One of the common problems[11] faced by consumers is an irregular supply of goods. This is because of shortage of goods. The organizations create artificial scarcity of necessary goods by hoarding these goods resulting in high prices.

9. Other Problems Include[3]:

- Malpractices of businessmen and companies,
- Deceptive and misleading techniques,
- False warranties or guarantees,
- Black marketing etc.

Consumer recent trends and challenges in India[13]:

It includes:

- Emergence of new digital products and services
- Widespread use of internet as information tool for purchasing purposes
- Increased use of electronic payments
- Traditional exchanges redefined through technology and peer communities
- Rise of M-commerce.

Key Issues and Analysis:

The Bill sets up the Consumer Disputes Redressal Commissions as quasi-judicial bodies to adjudicate disputes. The Bill empowers the central government to appoint members to these Commissions. The Bill does not specify that the Commissions will comprise a judicial member. If the Commissions were to have members only from the executive, the principal of separation of powers may be violated. The Bill empowers the central government to appoint, remove and prescribe conditions of service for members of the District, State and National Consumer Disputes Redressal Commissions. The Bill leaves the composition of the Commissions to the central government. This could affect the independence of these quasi-judicial bodies. Consumer Protection Councils will be set up at the district, state, and national level, as advisory bodies. The State and National Councils are headed by Ministers in-charge of Consumer Affairs[12]. The Bill does not specify whom the Councils will advise. If the Councils advise the government, it is unclear in what capacity such advice will be given.

Comparison of the Consumer Protection Act, 1986 with the Consumer Protection Bill, 2018

Sr. No.	Provision	1986 Act	2018 Bill
1	Ambit of law	All goods and services for Consideration.Free and personal services are excluded.	All goods and services, including telecom and housing construction, and all modes of transactions (online, teleshopping, etc.) for consideration. Free and personal services are excluded.

2	Unfair trade practices*	Includes six types of such practices, like false representation, misleading advertisements.	Adds three types of practices to the list, namely: (i) failure to issue a bill or receipt; (ii) refusal to accept a good returned within 30 days; and (iii) disclosure of personal information given in confidence, unless required by law or in public interest. Contests/ lotteries may be notified as not falling under the ambit of unfair trade practices.
3	Product liability	No provision.	Claim for product liability can be made against manufacturer, service provider, and seller. Compensation can be obtained by proving one of the several specified conditions in the Bill.
4	Unfair contracts	No provision.	Defined as contracts that cause significant change in consumer rights. Lists six contract terms which may be held as unfair.
5	Central Protection Councils (CPCs)	CPCs promote and protect the rights of consumers. CPCs established at the district,state, and national level.	Makes CPCs advisory bodies for promotion and protection of consumer rights. Establishes CPCs at the district, state and national level.
6	Regulator	No provision.	Establishes the Central Consumer Protection Authority (CCPA) to promote, protect, and enforce the rights of consumers as a class. CCPA may: (i) issue safety notices; (ii) pass orders to recall goods, prevent unfair practices, and reimburse purchase price paid; and (iii) impose penalties for false and misleading advertisements.
7	Pecuniary Jurisdiction of Commissions	District: Up to Rs 20 lakh. State: Between Rs 20 lakh and up to Rs one crore. National: Above Rs one crore.	District: Up to Rs one crore. State: Between Rs one crore and up to Rs 10 crore. National: Above Rs 10 crore
8	Composition of Commissions	District: Headed by current or former District Judge and two members. State: Headed by a current or former High Court Judge and at least two members. National: Headed by a current or former Supreme Court Judge and at least four members.	District: Headed by a President and at least two members. State: Headed by a President and at least four members. National: Headed by a President and at least four members.

9	Appointment	Selection Committee (comprising a judicial member and other officials) will recommend members on the Commissions	No provision for Selection Committee. Central government will appoint through notification.
10	Alternate Dispute Redressal mechanism	No provision.	Mediation cells will be attached to the District, State, and National Commissions.
11	Penalties	If a person does not comply with orders of the Commissions, he may face imprisonment between one month and three years or fine between Rs 2,000 to Rs 10,000, or both.	If a person does not comply with orders of the Commissions, he may face imprisonment up to three years, or a fine not less than Rs 25,000 extendable to Rs one lakh, or both.
12	E-commerce	No provision.	Defines direct selling, e-commerce and electronic service provider[14]. The central government may prescribe rules for preventing unfair trade practices in e-commerce and direct selling.

- **Note:** *Defined as deceptive practices to promote the sale, use or supply of a good or service.
- **Sources :** Consumer Protection Act, 1986; Consumer Protection Bill, 2018.

Protection of consumer In India:

The government of India has been vigilant against the wicked tendencies of traders damaging and dubbing the interests of common consumers. The following legislations give sufficient light on the efforts of the government to save the consumers from malpractices in different trades: -

1. The Code of Criminal Procedure, 1973:

Nevertheless, the criminal laws of the country do protect the consumer in some degree or so. In this regard section 153 of the code empowers a station- house officer of a police station without warrant to enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing, used or kept and whenever there is reason to believe that in such place weights, measures or instruments for weighing or false.

2. Indian Penal Code, 1860 (Section 272 to 276):

Initially sections 272 to 276prohibited adulteration of food or drink intended for sale, sale of noxious food or drink, adulteration of drugs, sale of adulterated drugs and sale of drug as a different drug or preparation and provided punishments in order to deter the criminal, dealing with adulteration of food or drinks, sale of adulterated articles, sale of drugs by representing that they are different drugs or preparation what they in fact are.

3. The Dangerous Drugs Act, 1930:

This Act was brought into check the misuse of habit-forming drugs like morphine and opium. Morphine and Opium might not become the articles of common consumption, hence the use of these intoxicants was prohibited and restricted and brought beyond the scope of consumers.

4. The Drugs and Cosmetics Act, 1940:

In order to give effect to these commendations of the Drugs enquiry Committee, in so far as they relate to maters with which the Central Government is primarily concerned, the Bill was introduced in the Legislative Assembly in 1937, as to regulating the import of drugs into India. The Act was passed to regulate the import, manufacture, distribution and sale of drugs. Under this Act, license to manufacture or sell any of the articles mentioned in the Act, was made obligatory, so that common consumers may not be bluffed and be supplied proper drugs and cosmetics. Penalty for manufacture, sale etc. of drugs in contravention of Chapter IV (Manufacture, Sale and Distribution of Drugs) is provided in Sections 27 and30. The Magistrate can impose enhanced penalties under Section 36.

5. The Drugs Control Act, 1950:

This Act empowered the Government to control sales, supply and distribution of drugs and to fix the maximum price which may be charged for the drugs. The object of this Act is to ensure that certain essential imported drugs and medicines may be sold at reasonable price.

6. The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954:

This Act prohibited advertisements of drugs for certain diseases like blindness, heart disease, paralysis, etc. for saving the common consumers being duped and damaged in their health and life.

7. The Prevention of Food Adulteration Act, 1954:

This Act protects the consumers from hazards of food adulteration. It prohibits the manufacturers from selling or storing to sell or distribute any adulterated food, misbranded food, selling food without license, selling food which is prohibited for sale which are apt to spread diseases. Health authorities are given ample powers to check food adulteration in various fields. This Act provides for prohibition of import of certain articles of food that no person shall import into India

(i) Any adulterated food;
(ii) any misbranded food;

(iii) any article food for the import of which a license is prescribed, except in accordance with the conditions of the license; and

(iv) any article food in contravention of any other provision of this Act, or any rule made there under.

8. The Essential Commodities Act, 1954: -

This Act provides for control of production, supply and distribution of essential commodities like coal, petroleum, sugar, cement, kerosene oil, food grains, vegetable oils, drugs, soaps, matches, etc. Under the Act, the State governments have been delegated powers to ensure that the dealers display on their shops or business houses price lists, stock position and issue cash memos. Also deterrent measures have been provided against economic offenders.

9. The Trade and Merchandise Marks Act, 1958: -

This is an Act, to provide for the registration and better protection of trademarks and for the prevention of the use of fraudulent marks on merchandise. The object of the Act is to protect trade interests and prevents deception of consumers by misuse or abuse of trade marks.

10. The Monopolies and Restrictive Trade Practices Act, 1969: -

The M.R.T.P. Act tries to checkmate the manipulative capacity of monopoly trades in several ways. It protects the interests of the consumers in an indirect way from an adverse market. An institution under the name, the Monopolies and restrictive Trade Practices Commission has been created by the Act. Some elaborate provisions regarding the control of prices and to regulate distribution and supply of goods are made in the Act. The commission is given wide powers to investigate and make orders for modification or cancellation of restrictive trade agreements, having effect of the increasing of cost of production, distribution and supply of goods, increasing prices, reducing competition or deteriorating the quality of any goods or performances of any services. This Act gives discretion to the Monopolies and Restrictive Trade practices commission to hear an individual consumer aggrieved by any restrictive or unfair trade practice. The Act sought to confer an important right on an individual consumer and a voluntary consumers Association to file a complaint before the commission and of being heard by it on receipt of a complaint in this behalf the commission is required under the provisions of the Act, to institute regular inquiry into any restrictive or unfair trade practice alleged by such individual consumer or voluntary consumers association.

11. The Standard of Weight and Measures Act, 1976:

This Act prohibits the manufacturers any use of non-standard weight and measures. This Act along with standard of weights and measures (packaged commodities) Rules,1977, made it compulsory that the names and addresses of the manufacturer or packer, name of the commodity, net quantity, month and year of manufacture and sale price of the commodity to specified on the package.

12. The Prevention of Black-Marketing and Maintenance of Essential Supplies Act, 1980:

This Act seeks to check black marketing of essential supply of goods by traders. It provides for severe punishments in case of violation of the provisions of the Act. It provides for detention of black marketing and maintenance of supplies of commodities essential to the community.

13. The Consumer Protection Act, 1986:

This Act sought to provide better Protection of the interests of consumers and for that purpose, made provisions for the Establishment of consumer councils and other authorities for the settlement of consumer disputes and for matters connected therewith[10]. This Act seeks to promote and protect the rights of consumers such as:

(a) The right to be protected against marketing of goods which are hazardous to life and property.

(b) The right to be informed about the quality, quantity, potency, purity, standard and price of goods to protect the consumer against unfair trade practice;

(c) The right to be assured, whenever possible; access to variety of goods at competitive prices;

(d) The right to be heard and to be assured that consumers' interests will receive due consideration at appropriate forums;

(e) The right to seek redressal against unfair trade practices or unscrupulous exploitation of consumers; and

(f) Right to consumer education[6]. These objects are sought to be protected and promoted by the Consumer Protection Councils established at the Central and State levels. It provides speedy and simple redressal to consumer disputes; quasi-judicial machinery is set up at the District, State and Central levels. These quasi-judicial bodies observe the principles of natural justice and have been empowered to give reliefs to a specific nature and to award, whenever appropriate, compensation to consumers penalties for non-compliance of the orders given by the quasi-judicial bodies have also been provided. In 2002 this Act is amended and introduced a new definition in Sec.2 (O)(o)i.e. spurious goods and services which means such goods and services which are claimed to be genuine but they are actually not so.

14. The Competition Act, 2002:

This Act is replaced in the place of the Monopolies and Restrictive Trade Practices Act, 1969 and some other legislation. The main objective behind this Act is to develop competition between the traders for the welfare of the consumers.

15. The Food Safety and Standards Act, 2006:

This Act is enacted by the policymakers to ensure availability of safe and wholesome food for human consumption. The Parliament after holding that it is expedient in the Public Interest that the Union should take under its control the food industry. This Act applies to every undertaking, whether public or private, carrying out any activity, relating to any stage of manufacture, processing, storage, transportation and distribution of food, whether for profit or not. It also applies to any of the food services, catering services and sale of food and food ingredients.

16. The Legal Metrology Act, 2009:

Weighing or measuring the product in course of trade is an age-old practice. But since last few decades the State has undertaken to regularize the standard of weights and measures used to sell or distribute the goods by weights, measure or number. This Act further bolsters the consumer interest by mandating the sellers to strictly abide by the rules and regulations of metrology.

17. Constitution of India:

In addition to the above Acts which are specifically deals with consumer protection there are some other provisions in the Indian Constitution which assists Consumers to protect their rights. Article 38, 39, 39-B, 42and 47, 14, 249, 261 of the Constitution maybe looked into for the assistance of Consumers. Even though the Indian Government has enacted various legislations for the welfare of the consumers, they are ignorant people and unaware of the rights and privileges provided to them by the various provisions. So, they would not be in a position to combat the evil for the eradication of which the law came into existence. Also, there are certain other problems in the society which leads to deceive the ignorant consumers. When compared to the Western and European Countries, where the Consumerism had its origin primarily, in India the percentage of utilization of the respective provisions of the Act and various Laws are found to be minimal and Government is spending huge amount for the system built-up of the Consumer Grievances Redressal but due to monitoring lapses of the implementing machinery resulting in clouds in smooth process of awareness built-up and its utilization.

Rights and responsibilities of the Consumers:

It is recognized theory of the jurisprudence that rights and duties are correlated and there can be no right without duty and vice versa. Rights are the product of our demands where duties are the outcome of our conscience. They cannot exist alone because they are interdependent.

Right cannot be enjoyed until and unless someone has corresponding duty to perform and on the other hand duty cannot perform except analogous right will be available. Though sometime there can be some absolute duties depending upon one’s conscience. The consumer law is also the integral part of jurisprudence hence consumer rights should also be matched with some parallel duties/responsibilities for its absolute implementation.

A. Rights of the Consumer:

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. These rights are well-defined and there are agencies like the government, consumer courts and voluntary organizations that work towards safeguarding them. In the 20th century, the presence and influence of the market grew dramatically in consumer's life. We began to purchase things from the market for a price. Soon, mass production and industrial production came into being, giving the consumer world an entirely new dimension. Consumers should, not only to get value for their money but also to save him from the losses and inconvenience occurred due to market manipulations, know his rights as a consumer[19].

They are as follows:

a) Rights under Consumer Protection Act, 1986 :

1. **Right to safety**: It is Right to safety against such goods and services as are hazards to health, life and property of the consumer. For example, spurious and sub-standard drugs; appliances made of low quality of raw material, such as, electric press, pressure cooker, etc. and low-quality food products like bread, milk, jam, butter etc. Consumers have the right to safety against loss caused by such products.
2. **Right to be Informed/ Right to Representation:** Consumer has also the right that he should be provided all those information on the basis of which he decides to buy goods or services. This information relates to quality, purity, potency, standard, date of manufacture, method of use, etc. of the commodity. Thus, producer is required to provide all these information in a proper manner, so that consumer is not cheated.
3. **Right to choose:** Consumer has the full right to buy goods or services of his choice from among the different goods or services available in the market. In other words, no seller can influence his choice in an unfair manner. If any seller does so, it will be deemed as interference in his right to choice.
4. **Right to be heard:** Consumer has the right that his complaint be heard. Under this Right the consumer can file complaint against all those things which prejudicial to his interest. First their rights mentioned above (Right to Safety; Right to be Informed; Right to choose) have relevance only if the consumer has right to file his complaint against them. These days, several large and small organizations have set up Consumer service cells with a view to providing the right to be heard to the consumer. The function of the cell is to hear the complaints of the consumers and to take adequate measures to redress them. Many newspapers like The Economic Times have weekly special columns to entertain the complaints of the consumers.
5. **Right to Seek redress:** This provides compensation to consumer against unfair trade practice of the seller. For instance, if the quantity and the quality of the product do not confirm to the promise of the seller, the buyer has the right to claim compensation, such as free repair of the product, taking back of the products, changing of the product by the seller
6. **Right to consumer education[17]:** Consumer education refers to educate the consumer constantly with regards to their rights. In other words, consumers must be aware of the rights they enjoy against the loss they suffer on account of goods and services purchased by them. Government has taken several measures to educate the consumers. For instance, Ministry of civil supplies publishes a quarterly

magazine under the title “Upbhokta Jagran”. Doodarshan telecasts programme tittles “Sanrakshan Upbhokta Ka”.

b) Rights under United Nation:

In addition to these six rights enumerated under Consumer Protection Act,1986 the United Nations Organization also provided following rights of Consumers:

1. **Right to Basic Needs:** The Basic need means those goods and services which are necessary for the dignified living of people. It includes adequate food, clothing, shelter, energy, sanitation, health, care, education and transportation. All consumers have the right fulfill these basic needs.
2. **Right to Healthy Environment:** This right provides consumers the protection against environment pollution so that the quality of life enhanced. Not only this, it also gives stress that the need to protect the environment is for future generations as well.
3. **Promotion and protection of consumers’ economic interests:** Government policies should seek to enable consumers to obtain optimum benefit from their economic resources. They should also seek to achieve the goals of satisfactory production and performance standards, adequate distribution methods, fair business practices, informative marketing and effective protection against practices which could adversely affect the economic interests of consumers and the exercise of choice in the market place.
4. **Standards for the safety and quality of consumer goods and services:** Governments should, as appropriate, formulate or promote the elaboration and implementation of standards, voluntary and other, at the national and international levels for the safety and quality of goods and services and give them appropriate publicity.
5. **Distribution facilities for essential consumer goods and services:** Governments should, where appropriate, consider:

a. Adopting or maintaining policies to ensure the efficient distribution of goods and services to consumers; where appropriate, specific policies should be considered to ensure the distribution of essential goods and services where this distribution is endangered, as could be the case particularly in rural areas.

b. Encouraging the establishment of consumer cooperatives and related trading activities, as well as information about them, especially in rural areas.

6. **Measures enabling consumers to obtain redress**: Governments should establish or maintain legal and/or administrative measures to enable consumers or, as appropriate, relevant organizations to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Such procedures should take particular account of the needs of low-income consumers.
7. **Education and information programs**: Governments should develop or encourage the development of general consumer education and information programmes, including information on the environmental impacts of consumer choices and behaviour and the possible implications, including benefits and costs, of changes in consumption, bearing in mind the cultural traditions of the people concerned. The aim

of such programmes should be to enable people to act as discriminating consumers, capable of making an informed choice of goods and services, and conscious of their rights and responsibilities.

8. **Promotion of sustainable consumption**: Sustainable consumption includes meeting the needs of present and future generations for goods and services in ways that are economically, socially and environmentally sustainable.

B. Responsibilities of the Consumer:

While we all like to know about our rights and make full use of them, consumer responsibility is an area which is still not demarcated. The consumers have a number of rights regarding the purchase of things, but at the same time they have some responsibilities too. It means that the consumer should keep a few things in mind while purchasing goods or availing services.

They are as follows:

1. **Consumer should exercise his right:** Consumers have many rights with regard to the goods and services. They must be aware of their rights while buying. These rights are: Right to safety, Right to be informed, Right to representation, Right to seek redressal, Right to consumer education, etc.
2. **Cautious consumer/ Do not buy blindly:** The consumers should make full use of their reason while buying things. They should not take the seller's word as final truth. In other words, while buying consumer must get information regarding the quality, quantity, price, utility etc. of goods and services.
3. **Filing complaint for the redressal of genuine grievances:** It is the responsibility of a consumer to approach the officer concerned there is some complaint about the goods purchased. A late complaint may find that the period of guarantee/warrantee has lapsed. Sometimes, consumers ignore the deception of businessmen. This tendency encourages corrupt business practices.
4. **Consumer must be quality conscious/Do not compromise on quality:** The consumers should never compromise on the quality of goods. Therefore, they should not buy inferior stuff out of greed for less prices. If the consumers behave like this, there cannot be any protection for them from any quarter. It is also the responsibility of the consumers only to buy goods with the ISI, Agmark, Woolmark, FPO, Hallmark etc. printed on them. All these symbols are indicative of the good quality of the goods.
5. **Advertisements often exaggerate/Beware of false advertisement:** The seller informs the consumer about their things through the medium of advertisement. The sellers exaggerate the quality of their goods. Therefore, it is the responsibility of the consumers to recognize the truth of advertisement.
6. **Do not forget to get Receipt and Guarantee/warrantee card:** One should always get a receipt or bill for the things purchased. In case a guarantee/warrantee card is also offered by seller, it should also be taken. In case the goods purchased are of inferior quality or some defects appears and bothers the customers, these documents will be of great help in settling all kinds of dispute with the seller.
7. **Do not buy in hurry:** The first important responsibility of consumers is that they

should not buy in hurry. It means that the consumers should make an estimate of the things they want to buy them along with their quantity required by them. They should also take in consideration the place from where to buy the things.

8. **Be quality conscious:** To put a stop to adulteration and corrupt practices of the manufacturers and traders, it is the duty of every consumer to be conscious of the quality of product they buy. They should look for the standard quality certification marks like ISI, Agmark, FPO, Wool mark, Eco-mark, Hallmark etc. while making the purchases.
9. **Beware of misleading advertisements:** The advertisement often exaggerates the quality of products. Hence, the consumers should not rely on the advertisement and carefully check the product or ask the users before making a purchase. In case there are discrepancies, the same should be brought to the notice of the sponsors and the appropriate authority, if need be.
10. **Responsibility to inspect a variety of goods before making selection:** The consumer should inspect a variety of goods before buying the goods and service. For this purpose, he/she should compare their quality, price, durability, after sales service etc. This would enable the consumers to make the best choice within the limit of their own resources.
11. **Collect proof of transaction:** The consumer should insist on valid documentary evidence (cash memo/invoice) relating to purchase of goods or availing of any services and preserve it carefully. Such proof of purchase is required for filing a complaint. In case of durable goods, the manufactures generally provide the warrantee/guarantee card along with the product. It is the duty of consumers to obtain these documents and ensure that these are duly signed, stamped and dated. The consumer must preserve them till the warrantee/ guarantee period is over.
12. **Consumers must be aware of their rights:** The consumers must be aware of their rights as stated above and exercise them while buying goods and services. For example, it is the responsibility of a consumer to insist on getting all information about the quality of the product and ensure himself or herself that it is free from any kind of defects.
13. **Complaint for genuine grievances:** As a consumer if you are dissatisfied with the product/services, you can ask for redressal of your grievances. In this regard, you must file a proper claim with the company first. If the manufacturer/company does not respond, then you can approach the forums. But your claim must state actual loss and the compensation claim mustbe reasonable. At no cost fictitious complaints should be filed otherwise the forum may penalize you.
14. **Proper use of product/services:** It is expected from the consumers that they use and handle the product/services properly. It has been noticed that during guarantee period, people tend to reckless use of the product, thinking that it will be replaced during the guarantee period. This practice should be avoided. Apart from the responsibility enumerated above, the consumers should be conscious of their duty towards other consumers, society and ecology and make responsible choice. In other words, their purchases and consumption should not lead to waste of natural

resources and energy and environmental pollution

Conclusions:

The protection of consumers is not only a responsibility of the State but also a mandate against commercial and business entities. A satisfied consumer base is essential for the successful existence of commercial enterprises. At the same time consumer matters must be taken care of by the use of Information and Communication Technology in India. An online environment must be provided to take care of consumer rights and disputes in a transparent, efficient and hassle-free manner. The consumer dispute resolution essentially requires use of “Alternative Dispute Resolution Mechanism” (ADRM) as well as “Online Dispute Resolution Mechanism” (ODRM).Although ODR in India has started gaining momentum yet there is lot to be done. If we analyze the culture of ADR in India than one fact is very clear. In India we have not yet given due importance to the ADRM, much less to ODRM. The e-governance plan of India is silent in this regard. This is one of the flaws of the ICT strategy of India that is not in conformity with the contemporary standards. The electronic governance in India is not taking care of the ODR perspective and the same will be a fatal mistake by all counts in this consumer driven society[18]. We need to capitalize“ collective expertise” and an “ideal public-private partnership” base in India to effectuate consumers rights in India.40Apart from the above discussion, it is important to note that although huge amount has been spent by the government for creating awareness, but the procedural part is not being shown in those awareness advertisements. Special advertisements should be created to educate the consumers regarding procedure for filing complaint-where to file complaint, when to file complaints etc. News Papers, News Channels and other media agencies should also come forward to educate the consumers on these points. Consumer Association should also come forward to work more and more to aware the consumers to raise voice against exploitation. Last but not the least; it is also the duty of the consumers that they must educate themselves and their neighbors about their rights and availability of redressal mechanisms[17].

Suggestions:

- Educate consumers to develop an understanding about their responsibilities as consumers.
- Consumer should organize together to develop the strength and influence to promote and protect their own interest.
- Government should make and implement rules of punishment more harsh so that manufacturer and shopkeeper think twice before adopting fraudulent practices.
- A campaign should be set in motion to involve each and every consumer for making them more conscious and awareof their rights and responsibilities.
- Government and other consumer agencies should make efforts in the direction of propaganda and publicity of district forum, state and national judiciary established for consumer protection so as to make more and more consumer aware about machinery for their greater involvement and to seek justice in case of grievances.
- Redress procedure should be made more logical, easy enough to be understood

by a large number of consumers.

- Consumers can take themselves some precautions while purchasing goods and services with respect to quality, durability, price, warranty and guarantee and so on.
- Consumers must demand the bill of purchase or cash memo and must retain the same. This would serve as proof of purchase and can be helpful in the event any defect in the product. Without such evidence of purchase, it would be very difficult to impose liability on the seller.
- The consumer should not be just satisfied, after he gets compensation. He must publicise among his friends and if possible, in mass media. So that the other sellers are cautioned and consumers are educated.

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