

CONSUMER PROTECTION - PROBLEMS AND PROSPECTS

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Abstract

The Consumer Protection Act 1986 portrays a buyer as one who buys any thing chooses any contacts or less paid and generally ensured or under any method of yielded separate transparently from conveyance. We overall changes into a customer at any rate people simply consider the rights and obligations they have as the client. The dynamic utilization of the Consumer Protection Act began since 1990. Huge number of clients and associations started efficient towards consumer protection. The Act suits endowment of consumer chamber to set up the general, open and improvement of specialists the sale of buyer questions. Consumer care is moving in the country examinations are changing laws are getting sustained and customers are achievement powerfully referencing. Hence, it is fundamental as respects strong specialists to had reestablished and palatable learning and care about Consumer Protection Act 1986 to give more desirable family members and hang tight for consumer looks at.

Key words: Consumer protection, consumer rights, consumer responsibilities, consumer problem, etc.

1.Introduction

In the globalization movement and privatization time, most of the money related decisions are taken by the market. Regardless of the way that the society has pulled back itself from various money related works out, it intrudes constantly when the market part bombs due to vital rigidities in the economy and various factors, to give product and endeavors to the individuals. Utilization is one of the critical money related activities, which requires normal government arbitration, as the market is unfit to propel security and welfare parts of the clients. Ralph Nadar, a buyer radical is considered as the father of "Shopper Movement". Fifteenth March is presently celebrated as the "World Consumer Rights Day".

Consumer Protection Problems And Prospects

Robert V. Larabee



Consumer Protection Problems And Prospects:

Consumer Protection - Problems and Prospects Sheetal Sahoo, Aman Chatterjee, 2010 The contemporary era is marked as the era of consumers No country can knowingly or unknowingly disregard the interest of the consumers This can be argued on the basis of fast enactment of consumer protection laws in almost all part of the world Apart from the consumer protection laws in developed world we could find the accelerated rate of lawmaking for consumers in developing countries like Thailand Sri Lanka Korea Mongolia Philippines Mauritius China Taiwan Nepal Indonesia Malaysia and other countries India is not an exception to this rule The Consumer Protection Act 1986 is one of the examples that is to be treated as a milestone in the history of socio economic legislation to protect the interests of the consumers in India The main objective of the Consumer Protection Act is to ensure the better protection of consumers Unlike existing laws which are punitive or preventive in nature the provisions of this Act are compensatory in nature The Act is also intended to provide simple speedy and inexpensive redressal to the consumers grievances and relief of a specific nature and award of compensation wherever appropriate to the consumer The act has been amended in 1993 both to extend its coverage and scope and to enhance the powers of the redressal machinery

THE CONSTITUTIONAL PERSPECTIVE The Constitution of India in Articles 38 39 42 43 46 and 47 provides that the state shall strive to secure a social order for the promotion of welfare of the people it shall direct its policies in such a way that operation of economic system does not result in the concentration of wealth and means of production to the common detriment it shall make provision for securing just and humane conditions of work and for maternity relief it should endeavor to build an economic organization or to make suitable legislation to ensure a decent standard of life to all the workers who constitute the bulk of the consumers it should promote educational and economic interests of schedule castes scheduled tribes and other weaker sections and it shall also raise the level of nutrition and standard of living and to improve public health Article 46 of the Indian constitution provides that state shall endeavor to protect the economic interest of the weaker section of its population and also protect them from social injustice and all forms of exploitation which means all kinds of harassments and frauds in the market place This also includes people should be entitled to unadulterated stuff injurious to public health and safety This principle amply reflects the inclusion of the philosophy of the concept of consumerism in article 47 of the Indian Constitution

THE INDIAN PENAL CODE 1860 THE DANGEROUS DRUGS ACT 1930 THE SALE OF GOODS ACT 1930 THE DRUGS CONTROL ACT 1950 THE INDUSTRIES DEVELOPMENT AND REGULATION ACT 1951 THE INDIAN STANDARDS INSTITUTIONS CERTIFICATION MARKS ACT 1952 THE PREVENTION OF FOOD ADULTERATION ACT 1954 THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT 1969 THE CODE OF CRIMINAL PROCEDURE 1973

PRESENT SITUATION We all are consumers in one form or another But in the present socio economic scenario we find that the consumer is a victim of many unfair and unethical tactics adopted in the market place The untrained consumer is no match for the businessman marketing goods and services on an organized

basis and by trained professionals He is very often cheated in the quality quantity and price of the goods or services The consumer who was once the king of the market has become the victim of it The modern economic industrial and social developments have made the notion of freedom of contract largely a matter of fiction and an empty slogan so far as many consumers are concerned With globalization and development in the International Trade and Commerce there has been substantial increase of business and trade which resulted in a variety of consumer goods and services to cater to the needs of the consumers In recent years there has been a greater public concern over the consumer protection issues all over the world In the early law the doctrine of caveat emptor let the buyer beware was the philosophy of the law of sales Today it has been replaced by let the seller beware As a result of this change of legal philosophy business is heavily regulated on behalf of the consuming public Many corporations today have a department of consumer affairs Product liability suits are already a part of tort law

FUTURE PROSPECTS The Consumer Protection Act has aroused enormous expectation amongst the masses for redressal of their grievances These expectations can be realised only when the redressal machinery laid down in the Act is made functional However the pace of establishment of redressal machinery under the Act has been slow The State Governments did not evince sufficient interest in establishing District Forums and the State Commissions In fact the District Forum is the fulcrum of the entire Consumer Disputes Redressal Machinery because a large number of cases are to be covered within the jurisdiction for the District forum The appeals against the orders of the District Forum are to go to the State Commission and against the orders of the State Commission to the National Commission The working of the State Commissions and the National Commission will remain diluted unless the District Forums are set up in all the Districts as envisaged in the Act These delays and defaults on the part of the State Government brought to the attention of the Supreme Court in a Common Cause v Union of India where the Court issued directions that all States and Union Territories to constitute all the District Forums and the State Commissions within six weeks It appears that the State Government has paid scant regard to this statutory obligation This is the most unfortunate state of affairs for they betrayed total lack of concern for the constitution and functioning of the District Forums and State Commissions

RECOMMENDATIONS This paper attempts to explore and identify consumer awareness regarding consumer responsibilities and Consumer Protection Act 1986 It is patently obvious that consumers are not only the largest economic group but also the pivots of all the economic activities It is also true that the very consumers are the most unaware or voiceless group in most of the countries of the world There are plethora of laws and other mechanism to ensure the welfare of consumers yet they have no power to order where he can make his purchase at will

Suggestion

- 1 Educate consumers to develop an understanding about their responsibilities as consumers
- 2 Consumer should organize together to develop the strength and influence to promote and protect their own interest
- 3 Government should make and implement rules of punishment more harsh so that manufacturer and shopkeeper think twice before adopting fraudulent practices
- 4 A campaign should be set in motion to involve each and every consumer

for making them more conscious and aware of their right and responsibilities 5 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 6 Redress procedure should be made more logical easy enough to be understood by a large number of consumers Further procedures shall so designed as to have easy handling and quick disposal of cases

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