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# **Unaware Consumers and Consumer Rights: A Brief About Consumer Protection and Challenges of a Consumer in the Marketplace**

Authored By-Taru Singhal

## **Abstract**

A consumer is the most essential element in the equation of any market and is affected by almost all the public and private economic policies formulated in a country. The laws governing consumer protection in India act as a safeguard by enumerating provisions for the effective protection of consumer interests. Even though consumers have been provided with various rights which they can and should exercise, there are many instances where buyers have been subjected to various malpractices, adulteration, etc. in a world full of ravenous buyers having self-serving propaganda. On the brighter side, a multitude of consumers are becoming more conscious of and acquainted with their rights and duties, as mentioned in the Consumer Protection Act, 2019, which has definitely fuelled consumer protection for it to reach greater heights in safeguarding consumer interests.

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## **Introduction**

We all come across different markets in our everyday life and they cannot exist without the cohabitation of both the consumers as well as producers. While the producers offer goods and services, the consumers on the other hand receive or avail of these goods and services, both playing their part in the marketplace. However, many times, it is observed that the buyers are not treated fairly by the sellers. Even though a consumer is considered as the real deciding factor for all economic activities, incidents have proven that they are often subjected to exploitation in the marketplace. For instance, we may frequently come across people who complain of having been supplied with inferior quality or adulterated goods or experiencing a deficiency in services, ultimately making them feel discontented that they did not get the full worth of their money.

Taking into consideration this situation of consumers, the Consumer Protection Act was passed in 1986, to protect the consumers from exploitation, guarantee rights to them and provide for consumer redressal mechanisms. However, due to huge transformation in the consumer markets as a result of increasingly complex products (goods) and services, the emergence of global supply chains, a massive surge in international trade and rapid development of e-commerce, a new act, i.e. the Consumer Protection Act 2019 was formulated to widen the scope of consumer protection in this new era where the consumer has become vulnerable to new forms of unfair trade and unethical business practices.

Although there have been significant changes in the consumer protection machinery from the part of the government, the consumer is still facing many problems in his everyday marketplace. Sometimes, people themselves are responsible for the inappropriate goods and services that they are provided with. In most cases, they do not possess adequate knowledge about their rights and duties as a consumer, which ultimately leads to a feeling of dissatisfaction and the consumers facing problems. This assignment tries to explain the possible reasons regarding the fact that consumers face problems in the marketplace.

## **Common Problems Faced By A Consumer In The Marketplace**

Any place or platform so to say, not necessarily bound by territorial grounds, where there is an interaction between buyers and sellers, or where the producers sell their products and services to a curated consumer base, can be termed as a marketplace.

Consumers face a ton of problems due to various unscrupulous, exploitative and unfair trade practices adopted by the sellers or a producer that has the motive of maximising their profits. This is perhaps because producers have money, power and resources, which allow them to take advantage of the consumers by resorting to unfair means in the marketplace. The new Consumer Protection Act 2019 introduces a broad definition of unfair trade practices, which includes sharing of personal information given by the consumer in confidence unless such disclosure was made in accordance with the provisions of any other law. Some of these malpractices can be listed as follows-

- Sale of adulterated goods
- Sale of sub-standard goods
- Sale of defective goods
- False claims made in advertisements by the marketer
- Overcharging of price i.e. a price that is higher than the MRP
- Faking shortage of goods so as to sell them at higher prices, etc.

With regards to the above-mentioned malpractices resorted to by the sellers and producers, the following may be termed as some of the common problems faced by consumers in the marketplace-

- Lack of information/knowledge- this is the primary issue that concerns the consumers. Most of the time, the customers don't even know the sources of getting information

whereas on the other hand many of them are not even aware of the rights and duties that they must exercise as a consumer.

- Unorganised Consumers- this is also a very common problem faced by consumers these days. In the marketplace, the consumers are large in number but they are scattered and not united, while the producers and sellers have a powerful front even if they are lesser in number as they mostly exist in an organised or clustered manner, this results in consumer exploitation by the united front established by the producers in the marketplace.
- Illiteracy- India being a developing country still suffers from the problem of illiteracy with regards to a majority of its population. Most of the consumers in both urban and rural areas are not able to actually understand or comprehend the policies of a company, brand, organisation or even the government with respect to the usage and/r terms of usage of their goods and services.
- A victim of misleading packaging/advertisements- many times the consumers' attention is easily caught by attractive packaging or advertisements claiming the sale or delivery of certain goods or services. However, by using such attractive packaging or advertising methods, the sellers and producers tend to supply goods and services that are not up to the mark, thereby fooling the consumers. In other words, the consumers do not get a fair return even though they pay a high price for the goods they purchased, unable to get satisfaction.
- A victim of black marketing- this is also a very common problem faced by consumers especially with regards to certain goods which experience a shortage in the market. Even if there isn't an actual lack of such highly demanded goods or necessary goods, the producers create an artificial shortage of those goods in the market, thereby selling them at overpriced rates to the consumers. A very recent example of such malpractice is the black marketing of oxygen cylinders when there is an actual shortage of this necessary commodity.
- Receiving adulterated goods- it is often observed that producers provide adulterated goods to the consumers so as to maximise their profits. Adulterated goods are those which have been hampered, resulting in the decrease of their original quality, efficiency and purity, as well as causing health problems to the consumers. The food industry is

the major contributor to this problem. Milkmen, for instance, add a substance called 'urea' to milk and its products due to its striking similarity to milk, which cannot be distinguished by naked eyes. This leaves the consumers exploited and in a position to pay high prices for goods that are not even in their original form.

## **Rights Of The Consumers As A Measure For Safeguarding Their Interest**

As discussed earlier, the primary reason for the consumers to be tricked and thereby exploited in the marketplace is their lack of information, awareness and knowledge about their rights and duties as a consumer, guaranteed to them by the Consumer Protection Act 2019. The consumer is so unaware of what is happening around them that it becomes easy for the seller to take advantage of them in the marketplace, usually even without the consumer's realisation. Even though the main issues due to which the consumers face exploitation are at the hands of the producers or sellers, there are also certain instances when consumers face problems in the marketplace due to their own faults. These can be categorised as possessing limited information, ignorance by consumers, lack of fulfilment of consumer duties or responsibilities, or even the misuse or insufficient use of consumer rights.

Consumer rights provide an insight into the rights the consumers hold when it comes to the seller who provides goods. Following are the rights guaranteed to a consumer-

- Right to safety- every consumer has the right to be protected against the marketing of such goods and delivery of such services that are hazardous to life and property. Due to the diversity in the range of goods and services offered by producers, they need to strictly follow the required safety rules and regulations before offering such goods and services to the consumers for consumption. However, due to a high number of small vendors in the unorganised sector, there is a lack of proper testing facilities and also a lack of funds. This causes the use of fake safety marks such as ISI marks, AGMARK, etc. by sellers in the marketplace.
- Right to be informed- consumers have the right to be informed about the quality, quantity, potency, purity, standard and price of the goods and services the producers have to offer, which in turn will protect them against unfair trade practices. Provisions relating to the Right to information can also be found in The RTI Act, Competition Act

2002, The Standards of Weights and Measures Act 1976, etc. All these acts also provide the citizens with the right to seek information regarding the range of subject matter of these acts.

- Right to choose- every consumer has the right to choose products and services from a variety of options at competitive prices with an assurance of satisfactory quality. With this also comes the responsibility to make informed and responsible choices. In other words, any consumer who receives a service in whatever capacity, regardless of age, gender and nature of service, has the right to choose whether to continue to receive the service. In a country like India, where the consumers become victims of tied-selling, poor quality wrong-weighted goods, etc., the right of consumers to choose is not realised to its fullest potential.
- Right to be Heard/Represented- if at some point the consumers feel dissatisfied with a product or a service, then this right gives those consumers an opportunity to be heard in case of their grievance. Many firms and organisations have set up their own customer service and grievance cells in furtherance of this right. The main aspects of this right include the right to express consumer interests in the making of decisions, the responsibility to make opinions known, to be represented in various forums formed for consumer welfare. Consumer associations help in magnifying the individual consumer's voice, enabling them to seek representation in the consumer forums.
- Right to Seek Redressal- In addition to the right to be heard, the consumers also have a right to seek redressal that is to get relief in case there is an exercise of unfair trade practices against the consumer because of which he suffers loss. The consumer protection act provides for a three-tier redressal mechanism that enables the aggrieved consumers to receive compensation depending on the degree of damage suffered by them. However, taking into consideration the lack of enthusiasm in implementing the provisions of the Act or even selecting adequate persons for positions of responsibility, the redressal machinery has witnessed subsequent setbacks and thus a delay in ensuring justice to the consumers.
- Right to Consumer Education- this right aims at increasing consumer awareness with respect to their rights and duties as mentioned in the Act. The consumers have the right to know how the market system works, how to avail themselves of the best value and

satisfaction from their choice of goods and services, etc. In light of this, the government has accepted and understood the importance of consumer education and introduced the topic of consumer awareness and education at school as well as college levels. Numerous awareness programs and workshops are held by government and non-government organisations so as to enlighten the consumers, providing them easy access to the knowledge and skills, thus helping them become well-informed of their rights and duties.

In addition to the availability of these rights, consumers must exercise their duties and responsibilities mentioned under the Consumer Protection Act 2019 so as to minimize the risk of exploitation at the hands of the producer in a marketplace. A person becomes a well-informed consumer when he/she ensures that these duties are discharged while purchasing, using and consuming the goods, and availing the services.

Following may be termed as the responsibilities of a consumer-

- Before purchasing any goods or services, a consumer must ensure that they know what they are buying. In the case of e-commerce, consumers must get information about the products from websites that are curated by producer organisations explaining the rate of safety, quality, performance, etc. of the concerned product or service.
- Since the consumers are also ultimately part of the society that we live in, it is the duty of a consumer to make responsible choices with respect to the goods or services they wish to avail themselves of. Emphasis should be laid on the effect of those goods or services on the environment, conservation of resources, reduction of carbon footprint, illegality, animal welfare, etc.
- Another important duty of a consumer is to always ask for a bill or cash memo at the time of purchasing goods or services. The cash memo shall act as proof of consumption of such a service or product in case there is any grievance caused to the consumer.
- Consumers must make sure that they are consuming those goods and availing only those services that qualify the safety standards as prescribed by the organisations responsible for measuring those quality and safety standards. For example, a consumer must read the label of the product and check for the marks such as ISI, AGMARK, FSSAI, Hallmark, FPO, etc. with respect to the type of product.

- Since the sellers tend to sell products at a higher rate, it is the responsibility of a consumer to ensure that they get a fair deal. Consumers should bargain and purchase the goods or avail the services at the best and fair price; however, it is essential that the consumer is honest in his/her dealings and chooses a product only from a legal source.
- Responsible consumers must assist in improving the policies and products of the producers or businesses from where they avail their goods or services. This is precisely why consumers should speak up and exercise their right to be heard. This not only protects other consumers from facing the same issues but also helps the sellers to enhance their product's quality.
- In order to increase consumer awareness and knowledge, consumers must unite together and form organisations as well as consumer societies. This will ensure that in cases where the amount of damages is not adequate to be taken to court, then also such consumers can seek justice. Today there are more than 700 consumer groups in the country but only around 20-25 of them are well organised and recognised for their work
- Last but not the least, if the consumers experience any shortcoming in the quality of goods purchased or services availed, they must file a complaint in the appropriate consumer forum and exercise their right to seek redressal. India is one of the very few countries that have exclusive consumer redressal forums and therefore the consumers must make adequate use of such a system.

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## **Conclusion**

India, being a developing nation and a storehouse of diversity with respect to culture, languages, professions, businesses, as well as a high population, is indeed a challenging task to ensure that its consumers are fully aware of their rights, responsibilities and duties in the marketplace. It is the responsibility of the government, producers as well as consumers themselves to ensure that these rights are exercised and the duties fulfilled accordingly so as to protect the exploitation of consumers. As the nation progresses, in terms of technology, standard of livelihood, economy, per capita income and also as new industries and start-ups emerge, there will always be scope for the sellers to exploit the consumers in numerous novel ways, but so will be the scope for the formulation of better policies legal framework in order to ensure the protection of consumers in the marketplace.

