



RIGHT TO INFORMATION IN INDIA: A DEVELOPING JURISPRUDENCE OF CONSUMERISM

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“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. We are not doing a favour to a consumer by giving him an opportunity. He is doing us a favour by giving an opportunity to serve him.”

----Mahatma Gandhi described the “poor consumer”,

Abstract

The scenario of society is governed in this time by globalization, socialization and some other things. It provides the first hand so many helps and support to colourful life and the other hands so many difficulties or complications about market or consumer. My work is closely related to new innovation about Indian consumer and Indian citizens. In this paper an attempt has been to develop the new concept of consumer protection and consumerism in India with the help of concepts or with the help of Interpretation of the consumerism.

Keywords: *Consumer Protection, Consumerism, Right to Safety, Right to Information Consumer of Services, Consumer Education, Redressal.*



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Introduction: - 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 rights are an integral part of our lives like the consumerist way of life. 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. While we like to know about our rights and make full use of them, consumer responsibility is an area which is still not demarcated and it is hard to spell out that all the responsibility is that a consumer is supposed to shoulder.

Meaning of Consumer: - 'A consumer is a person or group of people, such as a house hold, who are the final users of the products or services'¹. In hear the definition of consumer is often restricted to living persons (i.e. not corporations or businesses) and excludes commercial users².

According to oxford dictionary, consumer mean, "protection or promotion of consumers' interests"³.

Therefore the consumer, who is the purchaser of goods, products or services and he also purchase for use not for commercial use or not for re-sell.

Definition of Consumer: - Consumerism is defined as: "The theory that a progressively greater consumption of goods is economically beneficial; Attachment to materialistic values or possessions"⁴.

According to Webster's student dictionary consumerism means "The policy or program of protecting the interest of the consumers"⁵.

Under Cambridge dictionary it defines consumerism as, "it is the state of advanced industrial society in which a lot of goods are bought and sold, or (disapproving) the state in which too much attention is given to buying and owing things"⁶.

¹en.wikipedia.org/wiki/consumer(visiting on 25-10-2013)

²Krohn, lauren(1995). *Consumer protection and the law: a dictionary*. ABC-CLIO.ISBN 978-0-87436-749-2.

³ Oxford Dictionary and thesaurus edited by Julie Elliott with Anne Knight and Chris Cowby, Published by Oxford University press. P-155

⁴ Dictionary.com, 2000a (visiting on 20-2-2016)

⁵ The new international Webster's student dictionary of the English language by Sidney I. Landau (editor in chief), Published by trident press international 1996 edition. P-153

⁶Cambridge international dictionary of English by Paul Procter-editor in Chief, Published by Cambridge University Press, 1996 edition. P-294

According to McMillan Dictionary (1985) “Consumerism is concerned with protecting consumers from all organisations with which there is exchanged relationship.” Consumerism as the protection of the interests of the buyers of goods and services against defective or dangerous goods etc. “Consumerism is a movement or policies aimed at regulating the products or services, methods or standards of manufacturers, sellers and advertisers in the interest of buyers, such regulation may be institutional, statutory or embodied in a voluntary code occupied by a particular industry or it may result more indirectly from the influence of consumer organisations”⁷

Consumerism as noun under Collins Essential English Dictionary defines that:-

- a. The belief that a high level of consumer spending is desirable and beneficial to the economy: the obsessive consumerism of the 80s
- b. Protection of the rights of consumers⁸.

Section 2(d) of Consumer Protection Act define “consumer” means any person who,—

(i) buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose; or

(ii) hires⁹ [or avails of] any services for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any beneficiary of such services other than the person who hires¹⁰ [or avails of] the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person.

[*Explanation.*—for the purposes of sub-clause (i), “commercial purpose” does not include use by a consumer of goods bought and used by him exclusively for the purpose of earning his livelihood, by means of self-employment;]¹¹

⁷*Encyclopaedia Britannica, Micropaedia*, Vol. III, p.108.

⁸Collias Essential English dictionary 2nd edition 2006 c. Harper Collins Publishers 2004, 2006.

⁹Inserted by the Consumer Protection (Amendment) Act, 1993, w.e.f. 18-6-1993.

¹⁰*Ibid.*

¹¹*Ibid.*

Consumerism is not a recent phenomenon. It is an ancient, developing and universal phenomenon. Consumer Protection has **its deep roots in the rich soil of Indian civilization**, which dates back to **3200 B.C. In ancient India**, human values were cherished and ethical practices were considered of great importance¹². It is a social and economic movement. Consumerism is all about protection of the interests of the consumers¹³.

Who can be a Consumer and what are his Rights¹⁴: - Every individual is a consumer, regardless of occupation, age, gender, community or religious affiliation. Consumer rights and welfare are now an integral part of the life of an individual and we all have made use of them at some or the other point in our daily routine.

Every year 15th March is observed as “**World Consumer Rights Day**”. It commemorates a historic declaration (1962) by former US President John F. Kennedy of four basic consumer rights:-

- **The right to safety**
- **The right to be informed**
- **The right to choose**
- **The right to be heard**

This declaration eventually led to the international recognition of the fact that all citizens, regardless of their incomes or social standing, have basic rights as consumers. Another significant day is 9 April 1985, when the General Assembly of the United Nations adopted a set of 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 constituted a comprehensive policy framework outlining what Governments need to do to promote consumer protection in the following areas:

- **Physical safety**
- **Protection and promotion of consumer economic interests**
- **Standards for safety and quality of consumer goods and services**
- **Measures enabling consumers to obtain redressal**
- **Measures relating to specific areas (food, water, and pharmaceuticals) and**

¹²Dr. Prasad, A. Rajendra; *Historical Evolution of Consumer Protection and Law in India: A Birds Eye View*; **Journal of Texas Consumer Law**; P. 132

¹³*The new Shorter Oxford Dictionary*, 1993, p.490. The word “Consumerism” is also used in pejorative sense meaning ‘preoccupation with consumer goods and their acquisition.’ However, its use in the present work is in a positive sense.

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➤ **Consumer education and information programme**

Now it is universally accepted that the consumer has a right to be provided with all relevant information in order to avoid exploitation and make a considered choice in availing of products and services from the market. These rights are well-defined, both on international and national platform and several agencies like the Government as well as voluntary organisations are constantly working towards safeguarding them.

In India, 24th December is celebrated as “National Consumer Rights Day”, since the Consumer Protection Act, 1986 was enacted on this day. The Consumer Protection Act was enacted in 1986 based on United Nations guidelines with the objective of providing better protection of consumers’ interests.

In here we can say there are two types of consumers:-

- **Consumer of Goods, and**
- **Consumer of Services**

New Dimensions of Consumerism: -In the sense of service we can say the Indian citizens have a consumer rights for the purpose of right to information law and right to service law. The Indian citizens have right about information and he also pay for services, which is time bound, complete service and for correct also. So we can say seriously the man, who has a right about information he is also a consumer for services under Consumer Protection Act, 1986 under Section 2(d).

Under the provision of right to information the information has some characteristic, which are:-

- **Time bound delivery of information**
- **Information should be complete**
- **Information should be correct**
- **Information should be satisfactory**
- **Information should be just**

The above characteristics of the information’s are followed by Public Information Officers under the some restrictions and circumstances of the Right to Information Act. It is indirectly mentioned under the provisions of Act.

There are some theory, which recognise the Consumer Protection Laws, or the other sense Right to Information Law and Right to Time Bound Delivery of Services laws are also based upon these main principles.:-

- **Social welfare state theory**
- **Socialization of compensation**
- **Respondent Superior**
- **Maximum Happiness of Maximum peoples**

After all, there are so many duties, which are also followed by companies and other such type of organizations:-

- **Customer Care**
- **Customer Satisfaction**

Customer Care:- In this point companies are working with consumer for customer proper care, for example: the **Philips** has gone one step further: if a customer is not satisfied with complaint handling then he can take the complaint to an **ombudsman** appointed by the company who must resolve the issue in seven days¹⁵. The concept of **private ombudsman** was taken from banking-lokpal or banking-ombudsman.

Customer Satisfaction:- The point customer satisfaction is also important and crucial part of consumerism so we can say it's also essentials for government and private sector to satisfy his customers.

When we co-relate the Consumer Protection Act, Right to Information Act and Right to Time Bound Delivery of Services Act then we can give the right meaning Social Democratic Republic State. If we adopt the developed aspect of consumer jurisprudence, we can easily say to that Right to Information Act and Right to Time Bound Delivery of Services Act could adopt the goodness of Consumer Protection Act then Consumer Jurisprudence take an actual position in real means.

Problems of Indian Consumers: -An examination of the important problems facing the Indian consumer would make clear the need for more effective government intervention and consumer movement to safeguard consumer rights. The following factors make the plight of the Indian consumer miserable. :-

1. Short supply of many goods and services, especially of essential items, is a very serious problem afflicting the Indian consumer. The demand-supply imbalance has produced all the associated evils of profiteering, hoarding and black-marketing, corruption, nepotism, irresponsiveness and arrogance towards consumers. Although the situation has improved as a result of the increase in competition due to liberalization, it is still far from satisfactory.

¹⁵Srivastava, K.K. and KhandaiSujata; *Consumer Behavior in Indian Context*;Galgotia publishing company; 2011; p. 545

2. The Indian consumer is also the victim of lack of effective or workable competition. “Competition among sellers, even though imperfect, may be regarded as effective or workable if it offers buyers real alternatives sufficient to enable them, by shifting their purchases from one seller to another, substantially to influence quality, service, and price. Effective competition depends also upon the general availability of essential information; buyers cannot influence the behaviour of sellers unless alternatives are known. It requires the presence in the market of several sellers, each of them possessing the capacity to survive and grow, and the preservation of conditions which keep alive the threat of potential competition among sellers is thus to be found in the availability of buyers of genuine alternatives in policy among their sources of supply.”
3. Many products with which consumers in advanced countries are quite familiar are still new to a very large segment of the Indian consumers. The unfamiliarity of the consumers with product features makes the sale of substandard, inferior or even defective products easier in India than in advanced countries.
4. Due to low literacy levels and unsatisfactory information flows, the Indian consumers, by and large, are not conscious of all their rights. This encourages irresponsible and unscrupulous business attitudes and tactics.
5. It has been said that the legal process in India is comparatively time-consuming and cumbersome. This discourages the consumers from seeking the redressal of their grievance by means of the judicial process.
6. Consumerism in India is not well organized and developed.
7. Though the public sector had not been developed and expanded to serve the public interest by providing effective competition to the private sector, increasing production, improving distribution, etc., it failed to produce benefits that were commensurate with the investment.
8. Though there are a number of laws to safeguard the interests of consumers, they are not effectively implemented and enforced to achieve the objectives.

The above factors are effective State intervention and consumerism to ensure the rights of consumers.

Government Measures: -In India, the Government has taken a number of measures to protect consumer interests. The various Government measures may be classified into:-

- (i) Statutory regulation of private business, and
- (ii) Growth of the public sector.

Statutory Regulation: -The government has enacted more and more laws which can be interpreted in favour of consumer. Government of India has armed itself with a number of statutory weapons to justified control the production, supply, distribution, price and quality of a large number of goods and services. It is empowered to regulate the terms and conditions of sale, the nature of trade and commerce, etc.

Growth of Public Sector¹⁶: - There had been a significant growth and expansion of the public sector in India. One of the most important objectives of the public sector was the enhancement of consumer welfare by increasing production, improving efficiency in production, improving efficiency in production and supply, making available goods and services at fair prices, curbing private monopolies and reducing market imperfections, improving the distribution system, and so on. The public sector, in fact, is expected to implement the societal marketing concept.

There is, however, a general feeling that the public sector in India has still a long way to go to realize these objectives. It has established monopolies or near-monopolies in public utilities, whose performance is far from satisfactory.

Conclusions:- It has been realised and rightly say that the Consumer protection is a socio-economic programme to be pursued by the government as well as the business as the satisfaction of the consumers is in the interest of both. In this context, the government, however, has a primary responsibility to protect the consumers' interests and rights through appropriate policy measures, legal structure and administrative framework.

Today, the civil justice system is tainted with deficiencies that discourage the consumer from seeking legal recourse. However, the Consumer Protection Act of 1986, which provides easy access to justice, has brought a legal revolution to India as a result of its cost-effective mechanisms and popular support. At the same time, these mechanisms pose a great legal challenge to the traditional courts which conduct litigation in orthodox ways. In this age of consumers, the regime of Indian consumer law will undoubtedly rule Indian markets and bestow a new phase on the existing Indian legal structure with its strong ancient legal foundations.

¹⁶ Source :- The Economic Times, March 8, 2011

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