Chapter-II
Consumerism-Problems and Perspectives
INTRODUCTION:

Prior to Industrial Revolution the needs of human beings were very few and these were met through exchange of goods. There existed a barter system that is exchange of possession of goods of one kind with the other catering to their mutual requirements. There was no competition as the concept of market was not in vague at all. The wants of people were not many. However the Industrial Revolution has caused radical changes in the lives of human beings as regards the goods and articles consumed by them in the day-to-day life. The consumer goods flooded the market and the traders started adopting various devices to sell the goods manufactured by them. The concept of market was also brought into existence. As more and more inventions – more and more goods and articles were manufactured and the human being started relying upon them more often. The untrained consumer is very often cheated in the quality, quantity and price of goods or services. About the marketing as already mentioned in Chapter-I it is rightly commented that it is more complex to study and there may never be any stable scientific laws in this field. The developed countries like United States of America and United Kingdom were first to realize the need to protect the interest of consumer who became a powerful and intelligent class in the society. As in other Countries of the world in our country also the concept of consumer came into existence and consumer protection became one of the primary duties of State. In spite of various efforts both legislative and administrative to prevent the Commission and repetition of consumer crime, these crimes have eroded almost all vitals of society. While this in mind, this short chapter is intended to concentrate on concepts of Consumer, Consumerism and point out the problems which
are also known by the other name that is socio-economic crimes. These problems, crimes are responsible for preventing the growth and development of Consumer Protection. Lastly some measures to curb the consumer exploitation have been suggested.

(A) **The Consumer - A Concept :-** The word ‘consumer’ though looks simple to understand its meaning but for more convenience it will be understood under the following sub-headings.

(1) **Ordinary Meaning :-** A pertinent question that first of all arises in the present context is who is a consumer? In the answer it may be pointed that in simple words, every human being who consumes anything for survival is a consumer. For example one who eats food, buys commodities either from a cooperative store or approved ration shop, stands in queue to buy kerosene, smokes, bidi or cigarette, travels on horse, bullock-cart, camel-cart, bus, motor-car, train or plane, hires taxi or auto-rickshaw, takes flat or house on rent, buys house, gets teeth filled or extracted, gets clothes stitched, gets clothes cleaned, buys auto-mobile or any other mode of transport, pays electricity and water charges, buys shoes or gets repaired and drinks alcohol. One is also a consumer who gets building work done, goes to doctor, lawyers or any professional operates bank account and safe deposit value, hires architect and surveyors goes to cinema and theatre and involves in any kind of transaction(1).

(2) **Dictionary Meaning:-** This word has always been defined in a specific sense. For instance. The Longman Dictionary of English

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Language(2) defines consumer as “one who purchases goods or services”. The Oxford Advanced Learners Dictionary(3) also defines consumer as “a person who buys goods or uses services”. According to the Collins English Dictionary(4) a consumer is a “person who purchases goods and services for his own personal needs”. Whereas the Random House Dictionary(5) defines the consumer as “a person or an organization that uses a commodity or service.” Similarly according to the Oxford English Dictionary(6) a consumer is “one who purchases goods or pays for services”.

(3) **Statutory Meaning**: First of all we will begin the Section 4 of the Consumer Protection Act 1978 of Finland which defines consumer as a person who acquires consumer goods or service primarily for his personal use or for use in his private household.

Almost identical language has been used by Section 1 of the Draft Consumer Protection for Slovenia which defines consumer as “a person who acquire goods and service in the first place in the personal use or use in his/her household.

Section 20 (6) of the Consumer Protection Act, 1987 of the United Kingdom defines the term ‘consumer’ as under:

“Consumer” –  

i. in relation to any goods means any person who might wish to be supplied with the goods for his own private use or consumption;

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4. Id.; Seen also the Collins English Dictionary (1991) 3rd Ed.
7. Ibid.
ii. in relation to any services or facilities means any person who might wish to be provided with any services or facilities otherwise than for the purposes of any of his business; and

iii. in relation to any accommodation means any person who might wish to occupy the accommodation otherwise than for the purposes of any business.

The Molony Committee on Consumer Protection in Britain regarded a consumer as one "who purchases or hire purchases goods for private use or consumption."

Thus in the context of the British Consumer Protection Law, the traditional view of a consumer or at least that given by the thrust of the modern consumer protection legislations is of an individual dealing with a commercial enterprise. However, according David Oughton, it is also the case that the term 'consumer' encompasses a person who makes use of the services provided by public sector or private monopolies subject public control (8).

In the United States, Ralph Nader also known as the father of modern consumerism has taken the view that the term 'consumer' should be equated with the word 'citizen' ...

Coming to the Indian Law of protection, the definition of the term 'consumer' given in the Consumer Protection Act, in its Section 2 (1) (d) is fairly wide. It not only includes within its ambit any person who buys any goods hires or avails of any services for consideration it also includes any user of such goods or beneficiary of such services (9).

(4) A Comparative view:- Now if we analyze all the five definitions mentioned above, we will find some differences among them. For instance

8. On this basis he argues, Consumer Protection Law would also cover complaints by individuals about the services provided by British Gas, British Rail, Electricity and Water Companies.

9. For definition of consumer note infra chapter IV.
the first definition is a very simple and straightforward one. Under this definition any body who purchases goods or services is a consumer. The Second and the third definitions are almost the same except that instead of the words ‘purchases goods and services’ the words ‘pays for services’ and ‘uses services’ have been respectively used. The forth definition is more clear than the earlier three definitions as it specifically defines the consumer as a person who ‘purchases goods and services for personal needs’. The fifth definition, however appears to be broader than all of them as it includes even an organization in the ambit of the term consumer. Thus the judicious admixture of all these definitions would consider a consumer as a person or an organization that purchases goods or services for their personal needs. This is rather broad definition. The same is true under the statutory definitions which to some extent are similar to each other but the definition as given under Indian law is more wide and comprehensive.

(B) **Consumer Protection**: We will discuss meaning and aspects etc of the consumer protection under some sub headings.

(1) **Meaning**: The phrase ‘consumer protection’ in the larger context would refer to some kind of safeguard for the members of the society from all sorts of malpractices and exploitative deeds of market operators, the incidence of which in the final analysis affect adversely the individual in the society – the consumer. Under the social conditions in which the average citizen survives, he needs and required to be protected from the activities that are social evils like corruption, under payment and exploitation, ill treatment, and exploitation, unhealthy and unhygienic working conditions, adulteration, spurious and injurious manufactures, black marketing and price hike, over charging, misguidance by false advertisements, misuse of trademarks and patents, non-labeling and mislabeling, duplications and similar other deceitful market practices. More pointedly referring to protection against duping of the consumer by
the selling and distributing agencies in the market, consumer protection in its narrow import signifies remedy for and protection of the one who pays the price (10) –

i. to ensure that the consumer gets what he has paid for in quality and in right measure; and

ii. to enforce his rights, if the consumer does not get the right thing in right measure, for which he has paid the money value.

Thus in the narrow import, it is protection against the sale and supply of bad, sub-standard and duplicate consumer products in the market; non-supply and short supply of consumer goods; unwarranted and excessive pricing and the false and misleading advertisement camouflaging the truth. In the ordinary social terminology these activities of the market agencies are referred to by the twin term adulteration and black-marketing (11).

It is undeniable that the onus of protecting the individual and society in general is on the Govt. of the day. Modern Governments charged with the duties of a welfare state have no escape from pursuing policies both administrative and legislative for the common good and protecting the consumers from the undesirable activities of the Shylocks in trade and commerce. Thus as the consumer protection movement gained momentum every enlightened Govt. rose to the occasion and legislated on the matter (12).

(2) **Aspects of Consumer Protection:** When we talk of consumer protection, we should bear in mind three important things, these are firstly, the physical protection of the consumer; secondly, protection of the economic interest of the consumer; and thirdly, protection of public interest. The first aspect would include measures to protect consumer against products that are unsafe or injurious to health and hygiene.


11. Id. at P.124.

12. Ibid.
The second aspect would cover measures to protect the consumer against deceptive and other unfair trading practices and to provide him adequate means to get his grievances redressed. The third aspect would cover measures to prevent abuse of monopoly position or restrictive practices. \(^{(13)}\)

(3) **Devices of Consumer Protection**\(^{(14)}\): There are three alternative devices of providing consumer protection in the market –

a). **Consumer Association**: Consumer Unions envisage providing protection to consumer interests and rights. Consumers evolve to ensure distributive justice to consumers when the business enterprise fails to recognize its social responsibilities.

b). **Business Self-regulation**: Under this system a business standards on its own maintains certain ethical standards towards consumer and evolves consumer oriented marketing plans and programmes. Business by self-regulation gives a fair deal not only to a consumer but also to a retailer.

c). **Consumer Legislation**\(^{(15)}\): Consumer legislations provide statutory protection to consumers against unfair trade practices. Consumer legislation is the crudest form as well as the last resort to secure a disciplined business conduct. The Govt. by implementing special consumer legislation ensures, competition, provision of information to consumers and fairplay through regulation of unfair trade practices. Moreover, legislation also ensures the consumers right to represent their interest in all government regulating agencies.

(C) **Consumerism**: After knowing consumer and consumer protection\(^{(16)}\) the next question arises what is consumerism? Let us know about consumerism below in brief words.

13. Id. at P.25.
15. For important legislation in the State note infra chapter III.
16. During the early years of the last century, legal protection for the consumer was the aim, but later emphasis began to be placed on the information and education. Now, the term
(1) **Meaning :-** Consumerism is an organized movement of citizens and Govt. to strengthen the right and power of buyers in relation to sellers. It is an Ideology and a concept which has came to stay in business literature. The consumer is exposed to many hazardous- physical, environmental and exploitation due to unfair trade practices. He needs protection, for instance, against products which are unsafe for consumption such as drugs and adulterated food products and products which may cause badly injury such as defective electrical appliances. He needs protection against mal-practices and deceit by sellers. He should have adequate rights and the right of recourse to redressal measures against defaulting businessman. He should be protected against environmental pollution of air, water and noise and effective measures should be devised to keep the surroundings neat and clean. The consumer also needs protection against misleading or untrue information through advertisements. Consumerists have advocated and in many cases won such proposals on the right to know the true interest cost of a loan, the true cost per standard unit of competing brands (unit pricing) the basic ingredients in a product (ingredient labeling), the nutritional quality of food (nutritional labeling), the freshness of product (open dating) and the true benefits of a product (truth in advertising). They want the Govt. to check on the safety of products that are potentially hazardous and penalize companies that are careless. Some consumerists want companies to elect consumer representatives to their boards to introduce consumer consideration in to business decision makings.\(^\text{17}\).

Unlike the U.S.A where hundred percent of the consumer products and ninety percent of the consumer services (the only exception being the postal


\[^{16}\] Supra Note, 14.
service) are produced, manned and maintained by the private sector, in India about seventy-five percent of consumer products and nearly hundred percent of the consumer services are produced, manned and maintained by the Govt. Sector. The Govt. therefore, becomes the main source of all consumer problems. The onus of promoting consumerism as a movement in a country like India therefore rests to a very large extent on the Govt. and the story is no different from the countries which are like of ours and our State of J & K is no exception to this.

(2) Need and Reasons: The need of strong consumerism in our country (India) is on account of the following reasons:

i. in a vast country like India, it is very difficult to organize the consumers. The people besides being the backward have linguistic, cultural and religious differences which make the problems quite intricate.

ii. majority of our population is illiterate, un-educated ignorant and ill-informed.

iii. poverty, lack of social awareness, accepting life as it is and passive outlook are some of the factors which make consumer movement difficult to thrive.

iv. there may not be a positive common objective for the consumers except their desire for safe quality products, for reasonable price and a feeling of strong negative reactions against the products. In the wake of large scale production and the variety and choice conferred on the consumers, a consumer needs guidance which can only be appropriately provided by a consumer organization.

v. multiple overlapping roles of individual members with diverse interests and attitudes are often contradicting and conflicting with each other. Individual consumers are more interested in

18. Ibid.

19. Ibid.
themselves for short and immediate benefits ignoring the long range common interest. This conflicting role without positive long range objectives and ready to sacrifice common interest for self interests gives death blow to consumerism. Hence the need of the hour is that consumers should themselves rise to the occasion to check the wrong against public interest.

vi. The advertisements bombarded on the consumers make them quite confused and hence again a need for consumer guidance.

vii. The deceitful sellers do not give a consumer his money's worth. The goods which are sub-standard defective, inferior in performance and with high price are passed out to him. The unfair trade practices like hoarding and black-marketing on the part of the sellers is a common site in our business scenario. This is a case of clear consumer exploitation.

viii. The various Governments have themselves all been exploiters. It has always been the endure of each successive government at the center or at the State to befool a voter. All issues center around a man. The energies of any Govt. are mainly channelized around how to retain a power? Any kind of shame on majority of our politicians is rare. They make matters vexed, earn money, indulge into the worst form of nepotism, corruption and favouritism. Their conduct is deplorable beyond description. They came again on time to masses and ask for votes, and worst is the innocent voters still vote for them and ensure election victories for these proven criminals who occupy a center stage in the political setup. They eat almost every thing themselves by not allowing the progress to reach a commoner. The consumerists need to pass on this very important message of not letting themselves fall prey to these unscrupulous politicians.
Problems and Perspectives- A brief Account :- With the rise in prices and standard of living, consumers have became cost conscious. Taking advantage of the helplessness of consumers, unscrupulous traders play with the life and happiness of consumers and millions of innocent people by adulterated articles of food, drink and drug at a cheaper rate and make huge profits. They resort to various undesirable methods of adulteration starting from the stage of manufacture to that of sale of the articles even at the risk of the consumers, health, happiness and life, it is shocking to know that poisonous constituents are often added to articles of food and drinks and spurious drugs are sold resulting in number of deaths and causing innumerable diseases. Fake and misleading advertisements are made and published in newspapers, magazines, radio and television etc. about the quality and effect of drugs and medicines. False assurances given regarding the treatment of chronic diseases etc. causing incalculable harm and irreparable damage to the health and wealth of the people. In this context let us identify the following notable consumer crimes so called socio economic crimes which round the cloak have multiplied consumer miseries and sorrows.

1. Adulteration :- Adulteration in ordinary sense means an act of making an inferior article for a superior one in order to gain illegitimate profit. The health of its citizens ought to be the primary concern of any state. In order to secure better health to its citizens it falls upon the State to ensure that there is no adulteration in foodstuffs, drugs or cosmetics. However, food and drug adulteration is going so unchecked that a stage has reached where every doctor is having a good busy day. All violations of prescribed standards of purity and quality and orders regarding limitation of coloring or preservations are adulteration. Adulteration of food and drugs is
often described as subtle murders predicted on the community. It mostly starts with the manufacturers and travels to the wholesalers and retailers.

(2) **Corruption**: There is a nexus between corruption and the social problems. Every social problem is in itself a state of corruption. Corruption is the cause, the problems its consequences. Whether it is adulteration, hoarding, black-marketing, corruption etc. are all remote controlled. “Jawahar Lal Nehru has on record said that the black-marketer should be hanged at the nearest pole”. But alas, it remained a good quotable quote. In sheer desperation, “Mrs. Indira Gandhi under played the damage done to Indian polity by the ever increasing influence of corrupt politician and bureaucrats”. In recent times a number of influential people, mostly in position of power, have been let off in corruption case because of laxity in the law or some procedural constraint. Today, the institutionalized abuse of public resources for private ends, by public servants, is an all-pervasive disease sweeping all classes and sections of society. Corruption has eroded efficiency, worsened governance and induced rent-seeking in place of productive activity. The horror or dropsy outburst in 1998 is still fresh in peoples memory. In Delhi alone the death toll was sixty seven due to consumption of adulterated Mustard Oil. Gujarat appears to be a major player in the field of adulteration. Being aware of the menace State Govt. decided to come down heavily on the powerful and wealthy adulterators but there was lack of support from centre. In a case detention orders of culprits were revoked by the centre Govt. even before they could be arrested. So to say comprehensive and enough punishments will not suffice unless Govt. itself will protect and promote consumer interests and collective effort on

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21. Supra Note 14 N.C Joshi 24th of January, 2000
22. Ibid.
23. Ibid
the part of consumers is needed to curb the corruption(24).

(3) **Deceptive Advertising**: Another areas of consumer anxiety have been consumer credit and deceptive advertising. The word ‘advertising’ is derived from the French word ‘adverter’ which means to give notice and ordinarily in business setup it means to give information about a new product, its quality, durability etc. but more often reverse is the case. Advertising gives fictitious information instead of meaningful information which has the evil effects on consumers and the society. In the past, there was little redress against exorbitant interest rates, fraud and deception. In advertising field, consumer can become a prey to beguiling modern techniques which today dominate electronic media, particularly. Advertising has and does enable the consumer to make some sort of choice between retailing outlets and brands by the information it provides but it has also created artificial desires and disguise superficial wants as real needs. There has been little legal control by Govt. over the claims and methods of advertising.

(4) **Misbranding Articles**: Misbranding means to brand falsely or in a misleading way. It is an imitation of any product or substance which resembles in a manner likely to deceive another article of food under the name of which it is sold and is not plainly labeled so as to indicate its true character. Sometimes it is falsely stated to be the product of any place or country or it is sold by a name which belongs to another article of food. If it is so colored, flavoured or coated, powdered or polished the fact that the article is damaged is concealed or if the article is made to appear of better or of greater value than it really is. Under this heading, a person misrepresents his goods as the goods of another person and sometimes uses such mark,

sign, symbol, device or means etc. which can mislead a customer to purchase it. Ranbir Penal Code has also defined and prescribed punishment for using a false property mark and for possession of any instrument for counterfeiting a property mark.(25)

(5) **Monopolistic Trade Practices:** The right to carry on trade or business is a traditional right. It became a guaranteed right for the first time in the 13th century when it was mentioned in the Magna Carta of 1215. The right has been cherished and valued much because it helps to keep the channels of distribution open for the benefit of the consumer. Therefore, grant of monopoly by the State to or assumption of monopoly by any individual or corporation to trade in any item or items has been viewed with great alarm because it not only interferes with the right of others to carry on trade in those items but also puts a clog on the channels of distribution. Restrictive Trade Practice is concerned only with primary effect on competition but Monopolistic Trade Practice is concerned not only with primary or immediate effect on competition but also with secondary or final effect that is the effect on prices, quality of goods or technical development or capital investment. There is a bit of overlapping between the inherent nature of Monopolistic Trade Practice and its impact on public interest.(26)

(6) **Restrictive Trade Practices:** ‘Restrictive Trade Practice’(27) means a trade practice which has or may have the effect of preventing, distorting or restricting competition in any manner and in particular which tends to obstruct the flow of capital or resources into the stream of production or which tends to bring about manipulation of prices or

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25. Sections 481-489 RPC; Seen also Food Adulteration Act; Drugs and Cosmetics Act which gives a comprehensive definition of the word ‘Misbranded’.


27. Section 2(1) (nn) of Consumer Protection Act, 1987 which requires a consumer to buy, hire or avail of any goods or as the case may be services on a condition precedent for buying, hiring or availing of other goods or services.
conditions of delivery or to effect the flow of supplies in the market relating to goods or services in such manner as to impose on the consumers unjustified costs or restrictions. The effect of trade practice may be actual or reasonably predictable on a balance of probabilities. If the practice is in operation for some time, its probable effects may be gauged from its actual effects in the past. If the practice is merely introduced or is about to be introduced, judicial prediction will be called for. In every case, effect should be on competition in the relevant trade. It can be at the producers level or at the intermediate level or at the retailers level or at the consumers level. However, it is not every restraint of competition and not every restraint of trade that works an injury. Only unreasonable restraint of trade that has such an effect is deemed to be unlawful.

(7) **Spurious Goods**: Goods are sub-standard when they are not of the standard as prescribed by the law. The goods available in the market specially drugs and cosmetics are reported to be sub-standard. Even drugs of some reputed companies have been found sub-standard. Now nobody gets amazed to know about the death caused by spurious drugs. Even a natural death is now believed to be caused by a spurious drug. Many cosmetics claiming to whiten the dark skins is nothing but a sales gimmick for all those gullible young and old who are spending hundreds of rupees on these products. In the long run they prove more harmful than beneficial. Similarly sub-standard transformers and pressure cookers resulting in no power and death or physical injury are all forms and sizes of sub-standardization of goods.

(8) **Unfair Trade Practices**: Ordinarily an ‘unfair trade practice’ means a trade practice which is detrimental to the interests of the consumer whether the interests are economic or in respect of health, safety or other

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28. Id. Clause (r) of Section 2 (1).
matters which can be regarded as unfair to the consumer. Unfair trade practice in view of Section 36-A (1) part B of the MRTP (Amendment) Act, 1984 means a trade practice which for the purpose of promoting the sale, use or supply of any goods or for the provision of any service adopts any unfair method or unfair or deceptive including practice of making any statement orally or in writing or by visible representation that the goods are of a particular standard, quality, quantity, grade composition, style or model but which are not. Similarly if a person gives warranty or guarantee about the quality, durability which is not based on an adequate or proper test or makes a false or misleading representation etc. are categorized as unfair trade practice.

(9) **Violation of Standards of Weights and Measures**

A standard means a basis of measurement of quantity or quality of any thing. In order to maintain reliability in trade and commerce measuring units are prescribed and most of these measuring units have earned international recognition. These measuring units are essential not only for maintaining reliability in foreign trade but also for the protection of the consumer. Various Standard gauges, weights and measures on quantity and quality are prescribed but quite often these standards are violated and faulty gauges, weights and measures are used in violation of weights and measures are no less harmful than adulteration in food, drugs and cosmetics. The two are co-related yet distinctive therefore, they have been treated under different heads.

(D) **Evil Effects of the above crimes-Consequences:** In the State of the J & K no serious study or survey has been conducted on the subject-matter so far. Since the State is Industrially poor and sick, most of consumer goods are imported from rest of the country including the

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29. Seen Violation of Weights and Measures Act.
adulterated ones. It is learnt apart from hoarding and profiteering food and drug adulteration is rampant. Food is the first requirement of life. Food habits vary from society to society but all societies require purity of the preferred food as sine quo non. Mal-nutrition is the result as much of impurity of food and energy and cases of serious malnutrition do not respond to treatment. In a consumer society, the prevalence of the practice of selling adulterated food can and does rise to higher infirmity and mortality rates. Who is responsible and how to control this sorry state of affairs let us seek public opinion.

(1) Interaction with Learned Personalities – Some views:

❖ The Holy Quran gives a clear cut picture on the point of discussion that he who cheats or exploits others he will be sent to the Jehannum where punishment of fire is for him. So producers, traders and retailers etc. should refrain themselves from cheating and unfairly treating or exploiting others.

_Mir Waiz Qazi Amanullah_

❖ They have unanimously expressed their concern over the States failure of not introducing consumer forums in their areas. They said there is high level of adulteration in essential eatables and goods. The process of sending complaints to competent consumer forums through Deputy Commissioner’s of their respective areas is overburden on them which has discouraged consumers to redress their grievances by way of simple and speedy remedy.

_Javaid Ahmad Khawja D.S.P; Abdul Razaq Master and others Poonch & Rajouri._

❖ Consumers must make their associations in every part of the State both in urban and rural areas which in a representative character must launch a struggle for improving the lot of the consumers.
Further Consumer Forums in this State need to be given due support, financially, administratively and consumer education must reach to every corner of the State.

*Ad. Roopak Ratta J & K High Court Jammu.*

- I appeal to all those scholars, students and those who are in touch with consumer affairs in the State to organize debates and seminars especially in rural and far-flung areas so that the ill-informed and illiterate people will become aware of their rights and killing nature and effects of consumer and other socio economic crimes etc.

*Deputy Registrar Co-operatives Mr. Sonullah Adil.*

- The great Philosopher Rousseau has rightly said, “Man is born free but every he is in chains.” By recalling the great Philosopher here I want to convey that we are all consumers in one or the other form dependant on each other. We are having wide and ample statutes and administrative rules covering fraudulent sale and supply and distribution and storage etc. of goods but unless and until we all consumers in one form or the other become conscious of our duties towards each other and the country at large we will not prosper in any way whether it is consumer movement and nation building.

*Poet & critic Mr. Arjan Dev Majboor Udhampur.*

- We are having bundles of laws to protect the consumer but the problem is of their lukewarm enforcement. The State Consumer Protection Act has many defect which are to be removed by Amendment by incorporating many provisions of Central Act. So the immediate need is for establishment of consumer forum at district and tehsil level as well, for speedy redressal of consumer grievances.

*Ad. Z.A Qurreshi J & K High Court Srinagar.*
Police and checking squad must properly made inspections and those found guilty or indulged in unfair trade practices be punished heavily and rigorously so that they will become examples for those like minded persons. It will not only deter the culprits from committing and repeating crimes but will go a long way in making all traders and shopkeepers conscious of their duties and afraid of police raids and they will check their goods etc. themselves regularly.

Trader Mr. Mohd Yaqoob Sabzi Mandi Anantnag.

We are not exploiting our customers. People especially ladies must be enough wise to decide while purchasing household or other goods or essential commodities. We are giving them a variety of items they demand and it is their sweet choice which makes them to purchase and we are selling accordingly in due regard to their needs and requirements.

Shopkeepers Mr. Youser Bhat & Mr. Arif Shawl Chanpora Srinagar.

Our food supply is highly adulterated with a large percentage of pesticides. Pesticides might have the effect of preventing crops and fruits from the pests and birds but they have dangerous effects on health of the consumers. So steps should be taken by the Govt. itself to control and prohibit sale and supply of pesticides which carries a serious threat to life and safety of the people.

Agriculture Assistant Mr. Sheikh Mohd Iqbal Anantnag.

This Kendra plans and produces programmes/segments on consumer awareness regularly. We are telecasting various programmes on Agriculture – ‘Buterath’, women’s programme Urdu/Kashmeri, current affairs programme ‘Amne Samne’ and live weekly programme ‘Hello DD with phone information’. Besides, this
Kendra disseminates information on consumer awareness through spots, quickies, short films, documentaries and special voice over captions from time to time.

*Coordinator for Director Door Darshan Kendra Srinagar.*

- In our State of J & K consumer exploitation has crossed all limits. It is desirable that the Govt. should fix prices of essential prices so that the consumer would not be cheated at the hands of unscrupulous traders. Net retail price should be printed on packaged commodities and goods instead of local taxes extra.

*Announcer Radio Kashmir Mr. Majid Jahangir.*

- On consumer protection there is a separate Act titled ‘Consumer Protection Act’ which should be implemented at the gross root level. If we want consumer welfare and better quality of life for our consumers in the state we all including the Govt. and manufacturers, sellers and consumers must made efforts to act together for the betterment and safety of the people to ensure comfortable standards of life for all.

*Producer Mr. G.A Rather, Doordarshan Srinagar.*

- The ways as the things are developing on the economic front one can say that our ‘consumer’ has became a king. He has wide variety of similar goods to choose from at competitive prices which he was denied earlier. We are having ample law, rules and regulations but the problem is their lukewarm enforcement. Consumers are not aware of their rights. Govt. and Media must pay attention towards consumer problems only then the consumer will be real king otherwise it will amount negligence on their part also.

*Writer Mr. Talha Jhangir Radio Kashmir Srinagar.*
Concern over growing Consumer Crimes- A comment:- Consumer problems with the trade and consumer sector commonly arise from the supply of defective, sub-standard, fake and manipulated exploitative pricing. Since the State is not industrially developed, the maximum quantity of food commodities and other consumer goods are coming from outside. Markets are flooded with branded or un-branded items of daily household needs like atta, dals, massala, edible oils, soft drinks, sweets, milk products and what not. Consumers are exposed to the dilemma of confounding choice from the genuine, fake, counterfeit or pass-off goods. It is a known fact that most of the producers of the packages add non-food colours to their products to make these more acceptable to the consumers. The presence of colour adulterants in spices like turmeric, chilli-powder and other such like stuffs is evident from the fact that these colours leave an indelible mark on the hands of the users which does not normally happen when spices ground at home are used. A very large number of manufacturers and traders producing and trading in spices and condiments are reported to be indulging in adulterating their produce. Similarly, the use of organo-phosphates to curb the menace of fungal, bacterial and parasitic injections in vegetables, fruits and even in cereal crops could be a cause for the consumers to contract a variety of diseases as the traces of such fungicides, insecticides etc do appear in the produce.

There are reports that the liquid milk imported into the valley to meet the growing demand for the commodity is not wholesome. Only educated and alert consumers are taking actions against these unscrupulous producers and traders. In this context in order to promote consumerism, the following suggestions are noteworthy-

(a) Self Help:- Consumers have to remember that we have to pay a price for quality goods by being alert. Consumers should refuse to accept...
anything sub-standard. The safest way is to buy items manufactured by well-known companies. There at least one can complain and get the item replaced or money back. However, under all circumstances consumer should remember to take the cash memo and the warranty. One should see that the warranty is signed and stamped by the dealer with date. Greater consumer awareness and assertiveness in buying goods is the only way to help, improve the quality of services and goods. The onus rests squarely on the female consumers because they are the major purchasers for the families. One is witness to educated women and girls just ordering items without checking the dates of manufacture, expiry and the contents etc. There are a number of so-called departments, stores and other elite shops which sell foreign goods like juices, chocolates, candies and other food items. Several of them are date expired but most of our customers have a craze for every thing foreign so they must be selling without a thought to food poisoning. Even hair dye have a limited life, they became ineffective if they are over the expire date. While making purchases it is good to remember that consumer grievances concerning the purchased item stands good only if he has the cash memo. So make sure consumer always get the shop receipt from the seller.

(b) **Consumer Organisation**: The consumes must unite and form an association. Unity is Strength. The consumers can bargain with the traders or suppliers when they negotiate as organized group. When consumers are educated and are well-informed, the prices fall and they can get goods of standard quality and weight. Consumers as an organization can fix up the price in consultation with experts. They can appoint experts to check up the purity of the goods and prevent adulteration of food. It can advise the consumers on the use of certain goods, food, drugs and its effects etc. It can advise to the consumers as to the method of detecting

adulteration etc. Not only this consumer organizations or groups can educate the consumers which will make them powerful and conscious of their rights so is to prevent them from social and economic exploitation by the producers and traders. Though in all developed countries and in the rest of our country also there is mushrooming of consumer organization but in the State of J&K situation is totally reverse. It is learnt that a voluntary organization was setup in the name of ‘Kashmir Consumer Council’ in Kashmir specifically for rural areas but it could not function smoothly due to lack of funds. So there is a need to have increased number of consumer associations here in the State also so that consumer interests will be protected at the gross root level. If each one wants his own way then encroachments cannot be removed. Consumers should learn to live according to certain laws and principles for the common good. The consumer activist groups have a very important role to act as watch-dog and guide for the consumers.

(c) The Media: Mass communication is important and must effectively be directed towards the masses. In rural and far flung areas where people are mostly illiterate, if a message is to be effectively communicated to them it is essential that the spoken word media and the indigenous communication channel like songs, drama and other traditional cultural programmes are made use of. ‘Through this media one can communicate his ideas to the masses, beyond imagination’. It can generate fire and contrarily can calm the wildest boil also. It is quite evident that how important it is for the welfare of the society. It has the capability to highlight different practical aspects of the society. It can expose the secrets and vigil the society. It can influence the masses regarding what we do? What shall be its consequences and what we should we do etc.

32. Supra Note 10, S.S Alur-Article, ‘Myth of Consumer Protection’, P. 182
The Newspapers and other periodicals form a stronger media for the protection and ventilation of consumers interest. So these agencies should take up the task of enlightening and educating the consumers. They should set aside a page or a column once in a week to air the grievances of the consumers or for educating them. This should not be difficult for the press. In the State of J & K among various newspapers especially the daily newspaper ‘Kashmir Times’ and ‘Greater Kashmir’ are publishing consumer articles etc.

(d) **Law and the Courts:** In the next chapter we are going to deal with a galaxy of statutory acts and provisions. These statutes are enacted in the public interest. However, people all over the State are not aware of these statutes and remedies available there under are dilatory, time consuming and expensive. Now we have Consumer Protection Act, 1987 which provide a simple, speedy and inexpensive remedy. However, Govt. under the Act has not given District Court in the rest of the country. Only two Divisional Forums and one State Commission is functioning for the whole State. In order to avoid the disparity the Act needs to be amended. The Act bestows limited powers on the forums to provide relief to a consumer by removing defects in goods or services, replacement with new goods, refund the price to a consumer or the charges paid by him and award payment of compensation to the consumer for any loss or injury suffered due to negligence of the manufacturer, supplier or dealer. The law does not empower the consumer courts to give collective or policy relief. The Courts should impose a bar on the manufacture of defective goods say for example T.V sets, cars or any other product about which there are number of complaints.

(e) **The Government:** The role of the Govt. in providing consumer protection is very vital. While granting licenses under the Industries

34. Supra Note 14 or 17, 17th of March, 2001.
(Development & Regulation Act) the Govt. can play down the norms for maintaining standard, quality and price. Under this Act the Central Govt. has power for controlling supply, distribution price etc. of any article or class of articles. While doing so the Govt. should keep consumer benefit and interest uppermost in its mind. It should setup special agencies to check the enforcement of the conditions. Further it should itself take up the task of supplying other goods. At present it is supplying though not adequately some of the consumable articles. If tries to setup good standards, the other traders may emulate and in the process the consumer may get a good deal.

**Observation:** From the above discussion it is clear that there is a weak relation between the buyer and seller and their socio-economic status. So it is the time we all should understand social responsibility if we really want welfare of everyone. Whether in business, service or profession we all have to eat, drink, live and use the same items in the society. What is good for others is good for us and vice-versa. We sink and swim together. Social evils affect all of us not just individual or two. These are crimes against the society which should be punished heavily if we really want to give the consumer a fair deal.