

# Consumer Education & Empowerment

Anand Joshi



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## **CONSUMER EDUCATION & EMPOWERMENT**



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## CHAPTER 1

### TRANSLATION OF CONSUMER EDUCATION

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#### ABSTRACT:

The primary goal of consumer education has been to prepare students to think critically, make educated decisions, and behave responsibly as consumers. In the late modern civilization, when consumerism is primarily distinguished by globalization, cultural change, and individual autonomy, this notion of consumption as reasoned behavior or action is inappropriate. The findings of a study conducted with Danish students between the ages of 12 and 19 show that consumption is related to both tangible and immaterial facets of life. Consumption as such has a profound effect on and significance for the individual: it turns into a means of human interaction and communication. Consumption aids in the formation and socialisation of children and adolescents as well as the growth of identity and self-perception. Informal consumer socialisation and individual education run counter to formal institutional consumer enlightenment and classroom education for students. 'Educating for critical consumer awareness and action competence' could be used to define the educational project. But the area of conflict between "consumerism" and "citizenship" is where consumer education is situated. In order to include empowerment as a component of education, the pilot project aims to address and integrate consumer socialisation and consumer education.

#### KEYWORDS:

Consumer Education, Consumer Learning, Consumer's Goals, Globalization, Translated Consumer Education.

#### INTRODUCTION

Regardless of age, gender, educational level, or socioeconomic standing, a consumer is someone who purchases goods and services, uses public utilities, and consumes natural resources like air and water.

The government's endeavors for liberal economic and trade policies in the 1980s and the earlier rise of a consumer movement had raised awareness of the predicament of the consumer.

In order to establish a means of resolving customer complaints across the nation, the customer Protection Act was passed in 1986.

Consumers' priorities and requirements are shifting as a result of their high volatility and rapid change, thus they must learn how to evaluate their own needs. Individual consumer behavior can play a crucial role in environmental preservation in a society, and this can be accomplished through the knowledge they can obtain through consumer education. They must be aware of their role as consumers in influencing the economy[1].

## DISCUSSION

### Meaning of consumer education

Education serves a variety of purposes, from imparting skills to making people aware of their rights to imparting fundamental knowledge in the targeted field.

The basic purpose of consumer education is to support consumers in their efforts to organize their daily lives in a sustainable manner. It also prepares the consumer by instilling knowledge of fundamental concepts and skills so that they can make an appropriate decision, an informed choice based on the quality of the product and taking into account the health or environmental hazard of the product. This will enable him or her to maximize pleasure and resource utilization [2].

Consumer education aims to inform people about their rights and desires, the assurance that the right goods will be available at the right price, the legal recourse available in the event that goods or services are defective, as well as the obligations of consumers to be ethical consumers who are aware of environmental risks and sustainable resource use rather than engaging in wasteful and unnecessary consumption.

### India needs to educate and empower its consumers

The consumer of today is exposed to a wide range of new products and services, which have a significant impact on their purchasing decisions. These decisions are influenced by both internal and external factors, such as brand recognition and claims of higher efficiency, comfort, speed, and dependability[3], [4]. Consumer economic behavior is also influenced by factors such as income, price, technology, product quality, and efficiency of use. Consumer Education in India 40 Consumer Protection A consumer's expectations are based on information gathered through conventional and non-conventional media of publicity from friends, neighbors, and colleagues. They are also influenced by product advertisements in newspapers, magazines, hoardings, banners, posters, radio, and television commercials.

Consumer perspectives shift depending on the type and quality of the stimuli to which they are exposed at a given time, and if false or partial information is presented through intentional efforts to deceive and manipulate, the consumer cannot make an informed decision. Therefore, the main area of concern is consumer education and empowerment because a lack of accurate information or having too many options might make it difficult for consumers to choose a product.

The report on consumer protection and competition policy also emphasized the need for ongoing, extensive consumer awareness campaigns to educate the public about important issues like maximum retail price (MRP), gold hall marking, Indian Standard Institute (ISI) marks on products, and expiration dates. The content of awareness campaigns would need to be broadened as and when voluntary standards are extended into the services sector or legislation are enforced for mandatory compliance with standards for reasons of health, safety, or the environment.

### India's Level of Consumer Awareness

After the Consumer Protection Act of 1986 was passed in the year 1994, the independent evaluation study of the implementation of the Consumer Protection Act (CPA) was done through a study conducted by IIPA where it was found that a large majority of the consumers belonging to various categories and income groups were completely ignorant, according to "Consumer

Awareness in Rural India - An Empirical Study" (Sep. 2009), published by the Centre for Consumer Studies, IIPA. Additionally, the status had only slightly improved, according to the Report of the Comptroller and Auditor General of India for the year ending March 2005, Union Government (Civil), Performance Audit, 2006 of the Implementation of the Consumer Protection Act and guidelines. The following was disclosed by the ORG-MARG report (see Consumer Awareness in Rural India, 2009)[5], [6].

Sixty-six percent of the customers surveyed were unaware of their rights as consumers, and 82% were completely uninformed about the Act. Despite the Act being in place for the previous 18 years, only roughly 49% of customers who were aware of it knew about it before four years ago. Only 13% of consumers as a whole claimed to be aware of any redressed agencies' existence. Only 4.9 percent of the complainants said that they learned about the redressed agencies as a result of the work of NGOs, whereas the majority of complainants learned about them through electronic media (48%) print media (61%) and friends/relatives (68%) sources.

In the absence of any targeted awareness drive conducted by the Ministry or the States in this regard, the consumers were unaware of the features of the straightforward and affordable 41 system of filing complaints. The beneficiary survey conducted by ORG-MARG found that 78% of respondents had a negative opinion of the government's initiatives or knew nothing about them and were unaware that they could speak for themselves in the consumer forums. It is important to note that lack of knowledge in this area had prevented consumers from taking advantage of the adjudication mechanism, as on average, out of the 3387 dollars spent by consumers in each case at the Consumer Forum, 2787 dollars (82%) went towards hiring attorneys.

based on the 2012 State of the Indian Consumer report: The study conducted by CUTs in 2012, where the consumer survey was done in 19 States and 3 Union Territories with a sample size of 10,500 respondents under the Consumer Up project, has once again highlighted the lack of consumer education among the consumers. Indian consumers in the new age: A forward-looking agenda to address the concerns of ordinary people. The survey reveals that: Only approximately 20% of respondents overall knew about or had heard of the Consumer Protection Act of 1986. They are unaware of the rights that the Consumer Protection Act gives them.

Only 22% of respondents said they always evaluate items or services based on their potential to provide a threat or danger. 32% of respondents said they never think about a product's safety before buying it. In comparison to metropolitan settings, there are more of these individuals in rural areas. This is mostly a result of consumers' ignorance of safety certificates. Only 0.3% of respondents have sought resolution of a complaint through consumer forums, whereas 0.1% have done so through a sector ombudsman. These numbers show that Indian consumers have little access to consumer courts or ombudsmen. The reach is even lower among BPL households and in rural areas.

The educational status of complainants (16%) is cited by a variety of consumer organizations and activists as one of the top three reasons and constraints for the delay in redressed. Because of this, aggrieved consumers are unable to pursue their cases on their own and must instead rely solely on advocates, which causes a delay. Undoubtedly, the findings also highlight the rural-urban gap in consumer ability to take use of institutional and legislative measures.

### **Consumer Education: Features and Benefits**

The most effective long-term technique to enhance consumer reasoning and decision-making is consumer education. Consumer Education in India. Consumer independence, self-governance, and efficacy in product/service selection will be strengthened if consumer protection is viewed as the focal point of a modern public administration. Consumer education aims to equip consumers with the skills necessary to spot deceit and other forms of abuse. For the sake of society as a whole, consumer education delivered through educational programmers and community organizations helps the consumer evaluate given goods and appeals in a better way while bringing stability, transparency, and efficiency. To inform consumers of their rights, obligations/responsibilities, and remedies in relation to existing government policies and regulations, consumer education needs to be significantly improved. Consumers who are aware and responsible will be able to reject inferior products and services, assert their rights, and seek redress in consumer courts. Manufacturers and traders will produce more standard goods as a result[7].

The interdependence of man and the environment, as well as environmental issues, can be brought to the consumer's attention through consumer education, which can also prepare them to accept personal responsibility for minimizing the environmental harm caused by their consumption habits with a conservative/sustainable use of natural resources. Initiatives for consumer education by the government, associations, organisations, etc. One of the divisions under the Ministry of Consumer Affairs, Food and Public Distribution, the Department of Consumer Affairs (DCA) was established in June 1997, and it has the responsibility of advocating for consumers while focusing on the preservation of consumer rights and the promotion of standards in goods and services. The following initiatives are listed in the Department of Consumer Affairs' Annual Report for 2015–16:

1. At six cities, including Bangalore, Patna, Jaipur, Ahmedabad, and Calcutta, the GrahakSuvidhaKendras were introduced as a trial programme to offer a variety of consumer support services operated by voluntary consumer organisations. On June 30, 2015, five GrahakSuvidhaKendras went into effect.
2. There is now an Inter-ministerial Group on Consumer Advocacy (IMGCA). Consisting of important industries such as those in the food, agriculture, health, commerce, industry, transport, financial services, and housing to promote policy consistency and coordinated action to protect consumers.

Since 2005, the Department of Consumer Affairs has been promoting consumer rights and duties across 43 different subjects through a nationwide multimedia awareness campaign called JagoGrahakJago. Today, "JagoGrahakJago" is a common saying. The Directorate of Audio and Visual Publicity (DAVP), the Doordarshan Network (DD), and All India Radio (AIR) are responsible for carrying out the consumer awareness campaign. Newspaper advertisements are another form of print media used for publicity, as is the telecast of video spots in electronic media.

Customer service hotlines in order to assist consumers in resolving their complaints, the Indian Institute of Public Administration administers the National Consumer Help Line through the Toll-Free Number 1800-11-4000. State governments are setting up the State Consumer Helplines (SCH) with funding assistance from the Department. The goal is to support the development of a specialized consumer grievance redress mechanism at the state level and aid in case resolution through mediation. The State Consumer Helpline (SCH) experts offer "next-step advice" for

resolution or redress as well as pre-purchase information, post-purchase advice, guidance, and information[8], [9]. State Consumer Helplines (SCH) located in several States are connected by the State Consumer Helpline Knowledge Resource Management Portal (SCHKRMP). The states that are currently connected to the Portal include Bihar, Haryana, Chhattisgarh, Gujarat, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Delhi, Himachal Pradesh, Uttar Pradesh, Mizoram, and Tamil Nadu.

Fund for Consumer Welfare - The Central Excise and Salt Act, 1944 was revised in 1991 to allow the creation of a Consumer Welfare Fund into which unclaimed central excise revenues that were not refundable to the producers would be credited on an annual basis. The Consumer Welfare Fund was established in 1992 with the purpose of giving financial aid to advance and safeguard consumer welfare, raise consumer awareness, and support the nation's voluntary consumer movement, particularly in rural areas. In 2003, the States/UTs were urged to create a Consumer Welfare Fund as a corpus fund at the State level to aid nonprofit organisations engaged in grassroots advocacy activity. Eleven States/UTs, including Gujarat, Andhra Pradesh, Odisha, West Bengal, Bihar, Nagaland, Karnataka, Tamil Nadu, Madhya Pradesh, Kerala, and Haryana, have established corpus funds.

#### **Ahmedabad's Consumer Education and Research Centre (CERC) -**

In July 2015, the Department of Consumer Affairs gave its approval to a project proposal for a budget of Rs. 1 crore over five years to be distributed in five equal installments of Rs. 20 lakh each year to Consumer Education and Research Centre (CERC), Ahmedabad, for publishing National Consumer Magazine INSIGHT in Hindi for five years. New Delhi's Advertising Standards Council of India (ASCI) for resolving complaints about deceptive and incorrect advertising, the Advertising Standards Council of India was granted Rs. 10,000 lacs for a year in June 2015. (CUTS) - Consumer Unity and Trust Society A project by the Consumer Unity and Trust Society (CUTS), Jaipur, to investigate consumer education in India, protect consumers, and issue a report on the state of consumer safety in India has been approved. The project would cost a total of Rs. 33.45 lakh.

Voice Society's Centre for Comparative Testing of Goods and Services to give customers unbiased information that will allow them to choose among the top brands on the market with reason, to increase public awareness of quality and safety, and to put pressure on producers to increase the caliber of their products. With the aim of spreading empirical data on product quality and safety, The VOICE Society, New Delhi, undertook comparative testing of 6 items and 2 services during the year 2014 at a cost of Rs. 40 lakh. The Department of Consumer Affairs approved the project proposal for Comparative Testing by CONCERT, Chennai in August 2014 at a cost of Rs. 142.30 lakh (the Department's contribution was Rs. 128.07 lakh). The project involved sixteen items and four services.

#### **Ahmedabad's Consumer Education and Research Centre (CERC)**

A grant-in-aid of Rs. 1.25 crore has been approved for CERC to increase its consumer protection and service activities over the course of five years. Additionally, a project proposal for comparative testing of items for food adulteration, the presence of heavy metals, and pesticides by CERC has been authorized. The project is expected to cost Rs. 20 lakh, with the Department contributing Rs. 17 lakh.

**CORE Centre for Consumer Online Research and Empowerment:** The Ministry launched this project as a step towards institutionalizing web-based consumer protection and awareness applications. The Consumer Coordination Council (CCC), a coalition of voluntary consumer organisations, is carrying out the initiative. across 77 grassroots consumer organisations from all across the nation are members of it, some of which are currently or have previously belonged to the Central Consumer Protection Council (CCPC), established in accordance with the Consumer Protection Act[10].

## CONCLUSION

Both In conclusion, translating consumer education is essential for bridging language barriers and promoting informed consumer choice. Through this approach, it is made possible for diverse groups to receive essential information about goods and services regardless of their level of language competence. Translation makes it easier for customers to understand their rights, make educated decisions, and stay away from potential hazards in the marketplace by providing crucial information in a language they can understand. Consumer education materials that are translated effectively go beyond simple linguistic conversion; they also take into account cultural nuances and modify the content to appeal to the target audience. This cultural awareness improves comprehension while also strengthening the bond between the audience and the information being distributed. By enabling people to identify dishonest tactics and defend themselves, translated materials help prevent consumer exploitation.

Additionally, in a globalized environment, effective translation of consumer education is crucial for companies to meet legal requirements. Information for consumers must often be supplied in languages that the local populace can understand. In addition to ensuring legal compliance, this commitment promotes consumer confidence and trust, both of which are essential for a company's success. In essence, translating consumer education materials acts as a spur to increase consumer awareness and literacy. It fosters an honest and open marketplace by arming people with the information they need to engage in transactions with confidence. Translation becomes a pillar of fair and moral consumer-business relationships by helping consumers understand their alternatives and rights.

The importance of translation in consumer education cannot be stressed in a time of cross-cultural exchanges and digital connectedness, it is a crucial factor in enabling consumers to make informed decisions.

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## CHAPTER 2

### IMPORTANCE OF CONSUMER MOVEMENT

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#### **ABSTRACT:**

After the Consumer Protection Act was passed in India in 1986, many people predicted that there would be a huge increase in consumer court cases as a result of customers asserting their rights. Even if there isn't yet a strong consumer movement in India, the act's presence has inspired the establishment of numerous consumer organisations there. There are currently 600–800 organisations in the voluntary sector, more than doubling their previous number in the last few years. The movement hasn't taken off because not all of the organisations are engaged enough to have an influence, there hasn't been much of a cohesive effort to show the movement's power, and there hasn't been much active consumer involvement. Customers accuse consumer organisations of being to fault for their passivity and apathy, which they attribute to a lack of consumer education. The majority of customers in the nation aren't even aware that they can file complaints with consumer courts. Organisations that advocate for consumers, however, argue that they are underfunded and place the blame for this on the government. The author considers the need to focus on rural consumers, the significant contributions that organisations have made in laying the foundations for change, the need for consumer education, the need for specialists, the specific need for consumer protection with regard to health-related products, and support from voluntary health groups. The author acknowledges criticism that the Indian consumer movement is elitist.

#### **KEYWORDS:**

Consumer Movement, Consumer Education, Consumer Rights, Important Movement.

#### **INTRODUCTION**

A social movement is the consumerism or consumer movement. All movements in the past, including the Independence Movement and Civil Rights Movements, were a result of societal tensions. Additionally, there is the consumer movement, which is likely to continue until the consumer issue is settled. The case's social unrest is mostly the result of factors such as increased costs, subpar goods, shortages, fraudulent advertising, etc. Contrarily, in the USA, higher levels of consumer education and wealth, improved mass marketing, and, most importantly, a failure by businesses to follow the marketing concept, led to the rise of consumerism in the 1960s. "Let the seller beware, in comparison to the age-old caveat emptor," or "Let the buyer beware," was the catchphrase for this new militant mentality among American customers. The government's aim to safeguard consumers and assist them in making informed decisions about their purchases led to an excess of regulation and an insistence on providing consumers with proper information, such as the warning on the advertising package that smoking may cause cancer[1]. Thus, as people became more educated and sophisticated, it raised public norms for ethical behavior in the workplace and social responsibility through consumer dissatisfaction. Price increases in 1966 added to this. After the respective nations attained an affluent level indicative of what can be

called the post-industrial civilization, consumerism emerged in the West. Both the production and distribution of necessities and luxuries were sufficient. Under these conditions, consumerism had two main goals: to learn more about the advantages of rival goods and services, as well as to express the opinions of all customers to producers. In India, the consumer movement is only getting started[2], [3].

## DISCUSSION

### Basic Consumer Concept

All economic activity centres on the consumer. Philosophers and Thinkers in our Indian culture have viewed the consumer as a deity. He is the dictator of every democracy. But regrettably, for a variety of reasons, the Indian consumer has always been ignored in our economy. Consumers are those who buy goods or services for their own consumption rather than for manufacturing or resale. A customer is someone who decides whether or not to purchase a product at the store or someone who is influenced by marketing and advertising. Every time a person enters a store to purchase a clothing, toy, beverage, or anything else, they exercise their right as a consumer to make that choice[4], [5].

Consumer refers to any person who purchases some goods for a consideration that has been either paid or promised to pay or partly paid and partly promised, or found under any system of deferred payment and does include any user of this type of goods other than the person who purchases these types of goods for consideration paid or promised or partly paid or partly promised, or under any type of system of deferred payment when this type of use is done with the agreement of such person, and does not include a person who gets such goods for resale or for any business purpose or hires or avails of some services for a consideration which has been paid or promised or partly paid and partly promised, or under some system of deferred payment as well as includes some beneficiary of such services other than the people who 'hire or avail 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 provided having the approval of the first described person and does not include a person who takes such services for any business purposes. The father of the nation, Mahatma Gandhi, said it best: "A Customer is the Most Important Visitor on Our Premises. He is not reliant on us, but we are.

He serves as the reason for our job, not as an interruption. By providing a customer with a chance, we are not doing him a favor. Present Status of Consumer Movement in India 259. By providing us a chance to help him, he is doing us a favor. Despite these opinions, our nation is still in the early stages of consumerism because of the seller's market and the government's monopoly on the majority of services.

Because of the general lack of interest and education, there is a low level of consumer awareness. Nobody has explained to them their rights, which include the right to information about product quality, pricing, protection against harmful products, access to a wide range of goods at reasonable costs, consumer education, etc. Consumers are lacking in this area in terms of testing facilities, leadership that is competent, pricing control mechanisms, and suitable quasi-judicial apparatus. The producers of goods and services have been reticent to take consumer interest protection seriously.

## **CONSUMER MOVEMENT STATUS**

In India, the consumer movement is almost as old as trade and business. There are references to the idea of protecting consumers from being exploited by trade and industry, underweighting and mismeasurement, adulteration, along with the punishment for these offences, even in Kautilya's Arthashastra. However, there was no organised, systematic effort to genuinely protect the interests of consumers. Prior to Independence, statutes like the Indian Penal Code, the Agricultural Production Grading and Marketing Act of 1937, and the Drugs and Cosmetics Act of 1940 mostly took into account consumer interests. Although levels of awareness varied across India, generally speaking, there was a low level of awareness [6], [7].

### **Government's Role**

In order to serve as the nodal organization in the Central Government for promoting and protecting the welfare of consumers, a distinct Department of Consumer Affairs was established in 1997. It aims to achieve this in a number of ways, including by ensuring the availability of necessities at fair prices, monitoring prices, developing standards for goods and services, regulating weighing and measuring devices and prepackaged goods, offering a legal framework to protect consumers' interests, and setting up mechanisms for the resolution of consumer complaints. The Department has been conducting different actions involving all parties concerned to build the consumer movement in the nation in order to achieve these goals.

Initiating multimedia publicity campaigns to educate consumers, providing financial support through the consumer welfare fund to NGOs and State Governments to increase consumer awareness, creating district information centres to assist the public, establishing national awards on consumer protection to encourage outstanding work by women and youth, observing national and World Consumer.

### **1986 Consumer Protection Act**

The passage of the Consumer Protection Act of 1986 to better safeguard consumer interests has been one of the most significant turning points in the nation's consumer movement. Consumer rights have been revolutionized by this. It is among the most advanced and inclusive pieces of sociobenevolent law that applies to all commodities and services. In order to enable easy, quick, and free resolution for consumer complaints, the Act establishes a separate three-tier quasi-judicial consumer dispute redressed mechanism at the national, state, and district levels. It is not necessary to retain legal counsel; a straightforward complaint on plain paper with the specifics of the matter and any supporting documentation is sufficient. The Consumer Protection Act's objectives and purposes state that these quasi-judicial organisations must uphold the principles of natural justice while handling consumer complaints involving subpar products, subpar services, and restricted and unfair business practises. The Act encompasses all industries, whether public, private, or cooperative, and it is applicable to all goods and services.

### **Consumer Protection Act Three Tier Consumer Grievances Equipment**

#### **District Forum**

A president and two other participants make up the district forum. The District Court president may be an active or retiring judge. The state government appoints them [8], [9]. This agency accepts complaints for goods or services costing up to Rs 20 lakh. If necessary, the agency sends

the products to a lab for testing before making a decision based on the evidence and the lab result. If the party that was wronged is dissatisfied with the district forum's jurisdiction, they have 30 days to appeal the ruling to the State Commission by paying either Rs. 25000 or 50% of the fine, whichever is smaller.

### **State commission**

It has a president and two additional members. The president must be an active or retired high court judge. The state government appoints them all. When a complaint is received, the State Commission gets in touch with the party the complaint is made against and, if necessary, sends the items for laboratory testing. This applies to commodities valued at more than Rs 20 lakh but less than Rs 1 crore. If the party who was wronged by the decision is not happy with it, they have 30 days to file an appeal with the National Commission by paying a fee of Rs. 3500 or 50% of the fine, whichever is smaller.

### **National Commission**

A president and four other people make up the national commission, one of whom must be a woman. By central government appointment. If the value of the products exceeds Rs 1 crore, the complaint may be made with the National Commission. The National Commission notifies the party against whom the complaint is made after receiving it, sends the items for testing when needed, and renders a decision. Within 30 days, the party that was wronged can submit a complaint in the Supreme Court if they are not happy with the verdict[10].

## **Consumers' Rights and Responsibilities**

### **Consumer Rights**

1. The right to safety and protection against dangerous goods or services is referred.
2. The right to information, including protection from misleading, deceptive, or dishonest information, as well as access to accurate information and the facts needed to make wise judgments.
3. The freedom to select from a variety of goods and services that are accessible and are priced fairly and competitively.
4. The right to be heard aids in communicating and representing consumer interests when political and economic decisions are being made.
5. Consumers should have the ability to seek redress and receive compensation for misleading statements, subpar services, or subpar goods.
6. The customer's right to consumer education enables them to become informed and competent market participants.
7. The right to a healthy environment improves life and protects both current and future generations from environmental problems.

### **Consumer Responsibility Section**

1. The need to consider the reliability and security of products and services before making a purchase.
2. The need to gather knowledge that is accessible about a good or service and to keep oneself current with developments or innovations occurring in the market.

3. The obligation to independently reason, make decisions, and take into account one's present needs and desires.
4. The obligation to speak up and let governments and companies know what the public wants and needs.
5. The obligation to voice complaints or openly inform companies and other individuals about your dissatisfaction with a good or service.
6. The need to act ethically as a consumer, to treat others fairly, and to refrain from deceptive practises that cost other consumers money.

### **Consumer Remedies Available**

1. To fix the product defect identified by the relevant laboratory.
2. To replace the items with new ones of comparable description and quality that are free of comparable flaws.
3. To reimburse the complainant for the charges they paid.
4. To pay the sum in question to the customer as compensation for any damage or harm incurred as a result of the other party's negligence.
5. To fix any issues or shortcomings with the services in question.
6. to stop engaging in unfair trade practises, restrictive trade practises, or both, or to refrain from doing so.
7. To stop offering the dangerous products for sale.
8. To give parties enough money for costs.

### **Wide Day for Consumer Rights**

World Consumer Rights Day is observed on March 15 by the global consumer movement. John F. Kennedy, the American president at the time, gave a general framework for consumer rights on this day in 1962. The WCRD emphasizes the roles and rights of the consumer, demanding that they be treated with respect and that they be defended against wrongdoings and injustices meted out to them by the market. The first World Consumer Right Day was marked on March 15, 1983, and since then it has grown in significance as a day to bring people together and press them to speak up for their rights. The National Consumer Day is celebrated on December 24 by the National Consumer movement.

## **CONCLUSION**

Consumerism has a number of elements. Consumers must first and foremost defend themselves. Consumers need to be aware of their rights, speak out against exploitation, and file complaints. The effectiveness of consumerism depends on consumer awareness. The customer has a responsibility to understand his rights and defend them. Another vital component of the consumer movement is voluntary consumer organisations, which work to organize consumers and encourage them to protect their interests. The business's awareness that voluntary self-regulation is important is key to consumerism's success. The current state of the consumer movement in India has received little attention. Businesses will help consumers in 263 ways, in addition to serving their interests. In India, a few companies have banded together to adopt a code of conduct to govern their own operations. One of the crucial ways to safeguard consumers is through the regulation of company. Consumerism has evolved over time into a sound force that is intended to help and protect the consumer by applying pressure to manufacturers and providers in some of the industrialised countries on a legal, moral, and economic level. The

extent of consumer awareness across the nation is a major factor in the consumer movement's success. The only function that the government can perform is that of a catalyst or facilitator. The expansion of the consumer movement is a voluntary undertaking in which everyone is involved. Only informed consumers can safeguard society and themselves.

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## CHAPTER 3

### INTRODUCTION CONSUMER OBLIGATIONS AND RIGHTS

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#### ABSTRACT:

The Latin word "Consumere" means "to take up completely or to eat," and the English word "consumer" is a derivative of this word. The consumer is someone who uses any good or service that is made available to him, whether it comes from natural resources or a market. John F. Kennedy stated that "Consumer by definition includes everyone." Almost every governmental and private economic decision is impacted by the greatest economic group. According to the Consumer Protection Act of 1986, a consumer is "one who buys any goods, hires any services, or under any system of deferred payment, or who is partially paid and partially promised."

#### KEYWORDS:

Consumer Protection, Consumerism, Consumer Service, Consumer Education, Redressal.

#### INTRODUCTION

The idea of consumer rights and obligations serves as the cornerstone for moral and just interactions between customers and companies in any society. Knowing your rights and obligations is more important than ever in today's globally connected economy, where goods and services are available everywhere. Consumer rights ensure that each person is treated fairly, is safe, and has access to correct information when engaging in commercial transactions. In contrast, consumer responsibilities cover the moral obligations people have when making purchases, such as making wise judgments and using items responsibly [1], [2]. This introduction looks into the foundational ideas of consumer rights and duties, emphasizing the importance of these ideas in fostering open and reliable interactions between customers and businesses. It also looks at how these ideas have changed as a result of technical development and the widening of the market. People may make educated decisions, fight for their well-being, and contribute to a market that runs on principles of integrity and accountability by understanding the significance of consumer rights and obligations.

#### DISCUSSION

Every consumer has a right to protection from the marketing of products and services that pose a risk to life and property. The products or services acquired should be safe. Consumers are safeguarded by this right from threats to their lives, health, and property.

**Right to Information:** In order to safeguard themselves from deceptive business practises, consumers have a right to information regarding the quantity, quality, potency, purity, standard, and price of goods and services. The ability to make informed judgements while making a purchase or employing a service is made possible by the important right of consumers to access sufficient information. The right to information is a potent tool against the traders' unfair business practises.

**Right to Choose:** Every consumer has the right to expect to have access to a wide range of goods and services at reasonable prices, where this is reasonably achievable.

In other words, the consumer must be given the chance to select the products or services they desire from the market at reasonable costs. In order to give customers the widest variety of options among products, goods, or services at competitive prices, fair and healthy competition is encouraged.

**The Consumer's Right to Be Heard:** The Consumer has the right to voice his concerns, thoughts, and opinions in a forum that is suitable. Every time a customer has a complaint, he or she has a right to be heard as well as the assurance that their concerns will be given serious attention in the proper forum.

**Right to Redress:** The consumer's right to pursue monetary restitution and justice when his rights are violated is known as the right to redress. It guarantees consumers the right to recompense for inaccurately represented goods or subpar services.

**Consumer Education Rights:** The right to lifelong learning of the knowledge and abilities necessary to be an educated consumer belongs to the consumer. Consumers have a right to the information and skills they need to take action to change the variables that influence their decisions.

### **Responsibilities of The Consumer**

Taking an active role in consumer protection is the mark of a responsible customer. The obligations and active participation in consumer movements are demanded of consumers while they exercise the rights outlined above. Consumer duties are as follows, according to what has been identified.

**Critical Awareness:** It is the consumer's duty to be on guard and inquire about the cost and caliber of the products and services he utilizes. Look, listen, and ask questions as a consumer. He must compare products and services, looking into their details. He needs to evaluate the financial, social, and environmental values.

**Take action:** It is the duty of the customer to speak up and take action to achieve a fair offer. He will continue to be used as a pawn as long as he is a passive consumer. One should take action to make things right when they are in the wrong. Relationships with individuals in the community should be valued. In order to obtain a fair deal, the customer must make sure that he does not compromise his culture and habits[3], [4].

**Social Concern:** It is a consumer's obligation to be conscious of how his use of consumer goods and services affects other people, particularly weaker and less powerful groups, whether in the local, regional, or global community. He must ensure that the goods and services he uses are not produced in a way that causes harm to other people.

**Environmental Concern:** The consumer should be aware of the effects of his consumption on the environment and other factors. He needs to understand that it is both his personal and collective duty to preserve natural resources and safeguard the planet for future generations. He must ensure that the creation, consumption, and disposal of goods and services do not have a negative impact on the environment.

**Sustainable consumption:** Before purchasing a good or using a service, the consumer should be certain that they are needed. They should also only consume what they need and avoid wasting any products or services.

**Collaborating:** It is the consumer's obligation to organise other customers so that they can grow in power and influence. It is crucial to stand with those who are advocating for consumers in order to advance and defend the interests of Citizen Consumer Clubs 42 consumers. Consumers should be organized and made to cooperate for their own welfare.

The following units provide a thorough explanation of the aforementioned consumer rights and obligations.

### **Principles**

- i. Shopper rights
- ii. Customers' obligations
- iii. Critical thinking Intervention Social concern
- iv. Environment-related issue
- v. Combining efforts

### **Consumer Right**

#### **Safety rights**

Means having the legal right to be shielded from the promotion of products and services that endanger life and property. The items and services obtained should serve their long-term interests as well as their present requirements. Customers should demand both the product quality and the warranty of the goods and services before making a purchase. They should preferably buy high-quality products with labels like ISI or AGMARK [5], [6].

#### **Ability to decide**

Means having the legal right to a variety of goods and services at reasonable prices wherever possible. It refers to the right to be guaranteed of good quality and service at a reasonable price in the situation of monopolies. The right to essential goods and services is also included. This is because the majority may not receive its fair share if the minority's freedom of choice is unlimited. In a competitive market when a range of items are offered at competitive prices, this right can be better exercised.

#### **Right to information**

Means the consumer has a legal right to information about the items' quality, quantity, potency, purity, standard, and price in order to avoid unfair business practises. Before choosing or making a decision, the consumer should insist on acquiring all the facts about the good or service. He will be able to act sensibly and responsibly as well as avoid giving in to high-pressure selling tactics thanks to this.

#### **Consumer education rights**

Means having the freedom to develop the knowledge and skills necessary to make wise decisions as a consumer. The main cause of customers' exploitation is their ignorance, especially that of

rural consumers. They must be aware of their rights and exercise them. Only then can successful true consumer protection be accomplished.

### **Be able to be heard**

Means that the interests of the customer will be properly taken into account in relevant forums. It also involves the right to be represented in a variety of forums established to look out for the welfare of consumers. Consumers should establish nonpartisan, noncommercial consumer organisations so that they can be represented on committees established by the government and other groups that deal with consumer issues.

### **The ability to seek remedy**

Means the ability to file a complaint about unethical business practises or the unscrupulous exploitation of customers. It also involves the right to a just resolution of the consumer's sincere complaints. Consumers who have legitimate complaints must file them. Sometimes their criticism may be of little value, but it may have a significant impact on society as a whole. They can also enlist the aid of consumer advocacy groups to help them resolve their disputes. Post-purchase complaints must be addressed through a robust redressed system since markets are becoming more globalized and the direct line between the producer and the ultimate consumer is eroding. To address this, the Act establishes consumer dispute resolution organisations (often referred to as Consumer Forums or Consumer Courts) at the district, state, and federal levels. These organisations offer quick, simple, and affordable resolution of consumer complaints.

In cases where the value of the products or services received in exchange for the complaint does not exceed 50 lakh rupees, the District Commissions shall have the authority to hear the complaint. Where the value of the products or services paid as consideration exceeds 50 lakh rupees but falls below 2 crore rupees, State Commissions shall have power to hear complaints. In cases where the value of the products or services received in exchange for the consideration exceeds 2 crore rupees, the National Commission shall have jurisdiction to hear complaints. Once it has heard the complaint and determined that the company is at fault, the Consumer Forum may order the following remedies to be taken by the corporation:

#### **Correct any product flaws that are inconsistent with their claims.**

Free of charge repair of the flaw  
Change the product with one that is better or similar. Provide a price return in full. Pay damages, expenditures, and hassles as recompense. Completely stop selling the goods. Issue corrective advertisements for any prior misrepresentations and cease using any unfair commercial practises or restricted trade practises[7], [8].

### **Act on Consumer Protection**

An Act to Protect Consumer Interests, Establishing Authorities for Timely and Effective Administration and Settlement of Consumer Disputes and for Matters Related Thereto. (In accordance with the 2019 Consumer Protection Act).

"An Act to provide for better protection of the interests of consumers and, for that purpose, to make provision for the establishment of consumer councils and other authorities for the settlement of consumers' disputes and for matters connected therewith."(In accordance with the 1986 Consumer Protection Act).

The 1986 Consumer Protection Act aims to advance and safeguard customers' interests against shortcomings and flaws in goods and services. Additionally, it aims to protect a consumer's rights from dishonest or limiting business practises. This law was approved by the Lok Sabha on December 9 and the Rajya Sabha on December 10, 1986. The President of India gave his assent on December 24, and on December 26, it was published in the Indian Gazette[9], [10].

### CONCLUSION

The Consumer Protection Act of 1986 grants consumers a variety of rights, obligations, and reliefs, and the government has taken numerous steps to improve the lives of consumers, but the act still has many gaps and cannot fully accomplish the goals for which it was designed. One of the main goals of passing this law was to safeguard consumers' interests and offer them quick relief, however it hasn't been entirely accomplished due to numerous factors like corruption and illiteracy. In the consumer courts around the nation, there are thousands of cases that are still open.

The government has not taken any significant action to ensure that customers are informed on the many rights and responsibilities they have as consumers, despite the fact that the act has been in effect for 30 years. The primary goal of this law is to defend the interests of consumers, and it is only achievable if appropriate measures are done to educate consumers and close any loopholes in the current law.

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## CHAPTER 4

### A BRIEF DISCUSSION ON CONSUMER'S RIGHT TO SAFETY

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#### **ABSTRACT:**

Consumers play a crucial role in society. However, consumer relevance was only understood in primitive cultures, and as time went on, consumers started to fall victim to exploitation. The emergence of unfair business practises necessitated the development of consumer rights as well. The responsibilities and rights of consumers are interwoven. Therefore, rights and obligations are two sides of the same coin. Western campaigners had a vision for consumer rights. Consumer interests are typically protected by consumer rights. Consumer rights were created as a result of several unfair business practises including underweighing and adulteration. The foundation of consumer protection laws is the idea that although consumers are the weaker side in the transaction, they also have obligations. The second side of the coin places responsibility on the consumers as well. The saying goes, "If you live for having it all, what you have is never enough." Vicki Robin. This comment illustrates how legal protections cannot ensure consumer protection on their own. Responsibility should be regarded as the most important criterion for evaluating consumer protection. State of U.P. & Ors v. All U.P. Consumer Protection Bar Association was a significant case in which the Supreme Court urged the Centre to develop regulations for the efficient execution of the Consumer Protection Act. These kinds of rulings aim to give customers more power.

#### **KEYWORDS:**

Consumer Protection, Consumerism, Consumer Education, Information, Redressal, Safety Right.

#### **INTRODUCTION**

A consumer is defined as any person who purchases goods for consideration that has been paid, promised, or partially paid and partially promised, or under any system of deferred payment. This definition also includes any user of those goods who is not the person who purchased them for consideration that has been paid, promised, or partly paid and partly promised, or under any system of deferred payment when such use is for personal, household, or household use. When this term is broken down, it means that a consumer is someone who purchases something for personal use. And something is also paid in consideration for that. The consumption of services is included in the definition of consumer as it is used today. By virtue of this concept, everyone in this world is a consumer. Every society's consumers are an integral component of it. Even economists agree that economies cannot thrive without customers[1], [2]. This conveys the value of consumers. In an economy, the lack of consumers will cause disruption throughout the entire economy. The Keynesian theory also contends that for an economy to survive, there must be a demand for goods. And it is the consumers who will make that demand. As a result, both from an economic and social perspective, consumers play a highly important role in society. Still, consumers are given contaminated items; their purchases are frequently underweighed, and they are taken advantage of in numerous other ways.

Ways. This has caused people to underestimate the value of consumers. & the consumers are typically left with no other option but to use those tainted goods. Therefore, consumer rights were established in order to protect customers from being deceived and lied to as well as to protect their interests.

## DISCUSSION

### Rights of Consumers

#### An Overview of Consumer Rights

Consumer rights were established to protect the interests of consumers. Today's society has extremely clearly defined and successfully implemented consumer rights. The respective governments of the countries have effectively raised awareness of consumer rights. Compared to people in countries like India and other developing nations like Sri Lanka, Bangladesh, etc., people in the western world are much more conscious of their rights as consumers. The impoverished and uneducated classes are still uninformed of the rights granted to them, whereas only the educated elite is aware of their rights as consumers.

#### Changes in Consumer Rights

The western world is credited with having begun and envisioned the evolution of consumer rights. Starting when academics started to identify "waves" of consumer activism in the 1960s and 1970s. Ralph Nader was the most well-known representative of the consumer movement and is credited with increasing public awareness of car safety. When the Planning Commission supported the establishment of the Indian Association of Consumers in 1956 in Delhi to serve as a national base for consumer concerns, it was supposed that consumer awareness and the consumer movement in India also began during the 1950s and 1960s.

It's also thought that Indian merchants have operated under an honest-dealing ethos ever since the time of the Vedic civilization. As a result of their dread of God and their belief in karma, the people of that time believed that if they tampered with the products, they would have to pay for it in some other way, either in this life or the next[3]. Therefore, it may be inferred that consumer movements and rights emerged at the same time, in the 1960s and 1970s.

### Rights of Consumers

The legislature was forced to enact laws to protect consumer interests as a result of ongoing acts of adulteration, unfair business practises, and serving consumers with subpar goods. Following legislative efforts, the Consumer Protection, 1986 Act went into effect on December 24. In the area of consumer protection, this law is recognized as the Magna Carta for policing deceptive business practises and "defect in goods."

The following are the 6 rights to protect consumers' interests:

1. The need for safety
2. The right to information
3. The right to make a choice.
4. The right to be heard.
5. The right to seek remedy.
6. Consumer education rights

Due to their evolved nature, these rights were first thought of in the western world; however, as consumer rights extended to the eastern world and emerging nations, these concepts underwent certain changes to better suit those nations' needs.

### **Safety as a Right**

Safety is a fairly broad concept in and of itself. There hasn't been a definition of safety that is adequate for the consumer. For example, the Consumer Protection Act's section 6(a) definition of the right to safety states that it is "the right to be safeguarded against the marketing of goods and services that are hazardous to life and property[4], [5]. The information given above relates to the legal setting. Consumers have a basic right to safety, which encompasses all forms of protection against goods that pose a risk to their lives.

The application of safety regulations has grown over time as well. Nowadays, these safety standard symbols can be found on practically every packaged product. ISI mark, AGMARK, and FPO mark are a few among them. With the implementation of the Bureau of India Standards Act, 1986, the state also established a Bureau of Indian Standards (BIS). The FPO mark for packaged fruit goods, and the ISI mark for industrial products. It was once believed that packaged items were the only ones that could guarantee consumer safety. But the widespread adulteration of food in commercial items has repeatedly disproved this idea.<sup>4</sup> Therefore, in today's world, "safety" refers to all the factors that guarantee the quality of the goods a consumer is about to buy.

### **Right to Information**

Another significant consumer right is the right to information. This privilege is outlined in Section 6(b) of the Consumer Protection Act of 1986. According to this, consumers have a right to information regarding the nature, scope, and potency, purity, standard, and pricing of the goods and services, as appropriate, to safeguard the customer against dishonest business practises. This definition is complete in and of itself. It lists seven such requirements that the product must communicate to the user. Every packaged food item intended for domestic use must bear a label that complies with the relevant provisions of the Food Safety and (Packaging & Labelling) Regulations, 2011<sup>5</sup> Indian Food Law. Almost every packaged food item that a consumer buys comes with information about its quality, quantity, manufacturing location, and timing of packing, in addition to other information. The consumer may decide whether to buy the product or not with the help of all this specific information. The product's packaging appropriately discloses the constituents of the product as it is currently packaged. This will empower the customer to make wise and responsible decisions and to stop succumbing to high-pressure sales tactics[6], [7].

### **Right to Decide**

As the name suggests, the right to choose gives customers the freedom to select the products they want. This demonstrates unequivocally that buyers may find a variety of things at affordable pricing. According to Section 6(c) of the Consumer Protection Act of 1986, consumers have the right to obtain a choice of goods and services at reasonable rates. This act's clause guarantees that a person will never run out of options. Because the application of this privilege is more advantageous in the market where there are several items and they are all being sold at competitive pricing, it is more commonly applied in monopolistic marketplaces as opposed to

markets with perfect competition. This right also covers the consumer's right to essential products and services. This is because the majority may not receive its fair share if the minority's freedom of choice is unlimited. Only public sector businesses were operating in the Indian economy prior to the implementation of the LPG programme, which stands for Liberalisation, Privatisation, and Globalisation. These businesses had a monopoly over the commerce with India. The only products of the same kind left for buyers to pick from at the time were one or two. The government's second five-year plan placed a strong emphasis on industrialization, but under its supervision. Thus began the License-Permit-Quota Raj in India, a system of tight government regulation that determined not only which companies produced what, but also how much was produced and how much each good cost. The Licence Raj was further strengthened by the nationalization of banks in 1969 and the Monopolies and Restrictive Trade Practises (MRTP) Act of 1970. Resources were few, which was the hallmark of life under the license raj. People have a very small number of options open to them in their daily lives. This indicates that there weren't many options available to consumers at the time. However, after the then-finance minister introduced the LPG strategy in 1991. Minister Manmohan Singh, the Indian markets have become more international. The licence raj was abolished, international businesses could now invest in the Indian market, and consumers had an abundance of options. Thus, the customer has the freedom to select a product based on a range of criteria, such as price, quality, quantity, etc., when given the freedom to pick among a variety of items in the market[8], [9].

### **Right to Speak Up**

The consumer's rights do not expire just when they have purchased the merchandise. The right to be heard is one that manifests itself following the acquisition of things. This does not imply that the buyer will be heard by the seller; rather, this right guarantees that the buyer's interests will be protected in all consumer forums. According to section 6(d) of the Consumer Protection Act of 1986, consumers have a right to be heard and the assurance that their interests will be given due attention at the proper fora. This privilege also entitles you to representation in any forums established to protect your interests as a consumer.

In plain English, a customer has the right to complain if he or she is provided a product that is tainted, underweighted, or of lower quality. And the right forums will hear about that particular complaint. In order to exercise their right to be heard, customers must be given the opportunity to air their concerns and complaints in the proper setting. And for that reason, the Consumer Protection Act of 1986 outlines the levels at which consumer protection councils must be established. Consumers can upload their concerns and comments to a website called Consumerdaddy.com. Each complaint is independently reviewed by an investigator from the website Consumerdaddy.com because each one filed steadily lowers the total rating of the product that is being criticised.<sup>10</sup> Even though the government's actions are good, more has to be done to ensure that consumers have the freedom to speak out against unfair practises. The government's initiatives have inadvertently led to a minor rise in consumer awareness, and informed consumers have begun speaking out against the merchants' unethical practises. Consumers should organise consumer groups in the same manner as they do in the developed countries.

### **The Right to Seek Remedies**

The core of the idea of consumer rights is this right. This right serves the same purpose as Article 32 of India's Constitution in terms of fundamental rights. All other consumer rights are protected

by the right to seek redress. The remaining 4 rights listed above would be worthless if they weren't included by the legislation in the Consumer Protection Act of 1986. Customers have the right to seek remedy against unfair trade practises, restricted trade practises, or unscrupulous exploitation of customers, according to section 6(e) of the Consumer Protection Act of 1986. The need to create a three-tiered procedure for the resolution of customer complaints also became apparent when this provision was adopted into the customer Protection Act of 1986. Reaching the grassroots was necessary for the proper execution of the right to seek redress. Consumers' lives are in danger due to business malpractices. As a result, this right has emerged as the primary answer to this issue. The statute establishes a three-tiered appeals process. It led to the establishment of consumer courts at the federal, state, and local levels. These courts seek to give consumers justice against unfair business practises. Although this is a very useful right, consumers are frequently misled because of a lack of awareness and comprehension of this right. Consumers in industrialised nations and the western world are educated and aware of their rights as consumers, however customers in developing nations typically do not use consumer courts due to a lack of knowledge and also shun the legal redress system. The consumer organisation, government agencies, and the media must all work together to ensure the correct implementation and expansion of this right in order to raise public awareness and eliminate unfair business practises[10].

### **Consumer Education Right**

Even the word "consumer education" has several connotations. For instance, the intent behind the Consumer Protection Act of 1986 would be undermined if a consumer was unaware of any of the rights granted to him by the law. In general, no rule or right can protect a customer from being duped if they are not aware of their rights. In contrast to metropolitan areas, the problem of ignorance is graver in the country's rural areas. As a result, consumer exploitation in rural areas is growing at an alarming rate. The situation is worse in rural areas of eastern states. As a result, the Consumer Protection Act of 1986's final protection is the right to consumer education. The right ensures that the nation's consumers have access to informational programmes and resources that will allow them to make better-than-before purchasing selections. Consumer education can include formal instruction provided through college and school curricula as well as consumer awareness initiatives carried out by both governmental and non-governmental organizations.

### **Responsibilities of the Consumer**

#### **Consumer Responsibilities Introduction**

Along with the rights granted to them to protect themselves from the sellers' unethical business practises, consumers also bear some obligations. The way that consumers should behave responsibly depends on their conscience and knowledge, not on any statute that explicitly defines these obligations.

The actions of consumer awareness are frequently used to describe the obligations of customers. It refers to the need to speak up, to notify producers and governments of requirements and wishes, and to complain or openly inform companies and other people about one's dissatisfaction with a good or service.

## **Responsibilities of the Consumer**

Every consumer's right is accompanied by a corresponding obligation. As a result, in addition to the rights granted to them, customers also have some obligations. The following are the duties expected of consumers:

1. The duty to be informed.
2. The duty to maintain organization.
3. The obligation to document the transaction.
4. The obligation to answer complaints.
5. The obligation to exercise caution.

If consumers are just given rights and no obligations, society will descend into chaos. In addition to the fundamental rights, article 51(a) of the Indian Constitution also lists essential obligations. This article's goal was to keep things from getting out of control in society. As a result, the consumers were given the responsibilities mentioned above.

### **The Duty to Recognize**

A key component of consumer obligations is awareness. Being aware of issues involving numerous standards, such as quality, quantity, purity, price, and best before dates for products, is important. In general, the buyer needs to be informed of all requirements for the goods he is purchasing. This obligation is known in law as the caveat emptor principle. The caveat emptor principle declares, "Let the buyer beware." The buyer is required to educate oneself about the quality, quantity, etc. However, consumers should also ask about any pertinent details about the goods. As a result of the consumer's carelessness in failing to tell him about the goods, he will be held accountable for any injuries the consumer sustains. The consumer dispute forums will not offer compensation for such harm.

### **Responsibility to Document the Transaction**

The consumer is accountable for the act of documenting the entire transaction. Bills, cash memos, warranties, guarantees, and the user manual for each and every thing a consumer purchases are all considered documentation. Because no forum will hear the customer's complaint in the absence of such documentation, the consumer will be impotent. The government started the "Jaago Graham Jaago" campaign as a result. The government broadcast television commercials as part of this effort to inform the public about the need to obtain legal documentation for every transaction. A significant portion of India's population is illiterate, thus the campaign only made a small dent in consumer awareness. There is still a long way to go in the fight for documented transactions.

### **Responsibility for Resolving Complaints**

The Mexican saying "He who doesn't speak will get no help from god" is directly tied to this obligation. The right to file a complaint is given to customers with the expectation that they will do so, therefore it is their responsibility to take care of their issue. No law or forum can rectify and recompense the harmed consumer if he or she is unwilling to address the issue or speak out against the exploitation. This obligation is equally significant as the right to seek redress. However, the customer must confirm that he is truly harmed or should resolve his complaint else no forum will take up his complaint. Whistle-blowers are generally referred to be customers who

file false lawsuits against businesses, and no one pays attention to such whistle-blowers. When a customer doesn't file a complaint with the appropriate forum, the merchants are encouraged to carry on their exploitation. Such inaction will encourage merchants to engage in more dishonest behavior.

### **Duty to Exercise Caution**

Also expected to exercise caution are the consumers. Every consumer should conduct themselves in a rational manner. The consumer should determine whether or not he is being exploited using his own logic. In this context, caution cannot be precisely defined, but generally speaking, caution can be described as any act of care that is required to protect someone's life or property. Therefore, it can be said that a person acts reasonably when they are fully informed about the product, its quantity, and other relevant information.

### **The obligation to protect the environment**

A consumer's responsibility to the environment comes first. In a human organism, the environment is just as important as the blood. Therefore, the consumer should be aware of the effects of their purchases. Therefore, consumers must discharge their duty to the environment at any costs. This obligation includes recycling, refusing to accept plastic bags, and promoting the adoption of non-toxic products by customers. Consumers should behave in a way that protects the environment's resources. It encompasses all actions that a consumer can take on his behalf, such as avoiding the use of products that produce radiation and using eco-friendly products. For instance, correcting the consumer's obligation to protect the environment was accomplished by introducing updated emission standards for vehicles, also referred to as Bharat Stage vehicles. Consumer advocacy organisations are essential in the effort to safeguard the environment. Organisations with access to ground zero, such as consumer groups, are able to raise awareness about environmental preservation. Companies have also introduced a number of items with low environmental pollution and emission levels in order to protect the environment. Previously equipped with chloro-floro carbons, the freezers and air conditioners are now equipped with eco-technology. Today's consumers are beginning to request goods with low environmental radiation and pollutant emissions.

## **CONCLUSION**

Although consumer rights have, in some way, served this function up to this point, their contribution to preserving consumers' interests is little. Consumer rights are intended to defend customers' interests and prevent exploitation. Although there has been progress since the Consumer Protection Act of 1986 was passed, there is still much to be done. The act has several gaps in it. The 1986 act's primary goal has been defeated since, despite the creation of several forums at the local level, they have been unable to help consumers recover quickly because of their heavy workloads. The government needs to take action to expand the number of people working in these dispute resolution venues. In order to prevent themselves from being taken advantage of, consumers have a responsibility to responsibly exercise their rights and carry out their obligations. The Consumer Protection Bill of 2018 has been introduced in the Lok Sabha in light of the current situation. Although the bill is currently pending, it should be passed soon. This measure makes significant reforms and is likely to strengthen consumer protections. The introduction of a Central Consumer Protection Authority and fines for deceptive advertising will undoubtedly lessen the country's use of unfair trade practices.

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## CHAPTER 5

### A CONSUMER'S RIGHT TO INFORMATION

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#### **ABSTRACT:**

Transparency, responsibility, and informed decision-making are important human rights that are supported by the right to information in a variety of industries. This right gives people the ability to access information stored by public institutions and, in some situations, private companies. It is a crucial component of freedom of expression. The abstract examines the fundamentals of the right to knowledge, as well as its sociological and legal ramifications and contribution to the development of participatory democracies. It also explores the implementation's difficulties as well as the possible transformational impacts on government and citizen participation. A fundamental tenet of open societies is the right to information, which enables people to participate fully in society and ensures that those in positions of authority are held accountable for their deeds.

#### **KEYWORDS:**

Consumer Right, Educational Right, Freedom Expression, Information, Informational Right.

#### **INTRODUCTION**

Consumers have a right to accurate and sufficient information from all public authorities for all consumer goods and services as well. Information must be exchanged back and forth between the people and the development authorities. The right to life, to development, and to social justice all depend on having access to knowledge. The management and governance of society must be open to the public. The effectiveness of consumer groups, whose operations frequently rely on facts and figures typically available with public and commercial institutions, is severely hampered by a lack of information access. The fundamental rights of free speech and expression are protected under the Indian Constitution. Meaningful discourse is stifled by the lack of reliable information on issues of public concern. The avoidable Bhopal gas disaster would have been avoided if information on the dangerous chemicals stored by Union Carbide and the emergency response procedures had been available. A democracy must have public participation in the decision-making process, which is ensured by the right to information [1], [2].

#### **Meaning**

The right to information refers to the obligation to get the information required to make an educated choice or decision. Ample information must be given to consumers so they can make informed decisions and behave ethically. More importantly, consumers have rights.

1. To obtain comprehensive information on the goods they intend to purchase
2. To learn about the composition, pricing, quality, quantity, potency, purity, and other details of the products or services being sold.
3. To be aware of any negative effects that consumer goods may have.

4. to gather as much knowledge as possible to make informed decisions about goods and services
5. To gain access to matters that directly impact people's lives.
6. To gain access to government welfare programmes

This privilege can shield consumers from false and deceptive information while enabling them to make free and informed judgements[3], [4].

## DISCUSSION

### Relations to Information

Information can be found by consumers from a variety of sources. The source of the information may change depending on the kind of product or service. Citizen Consumer Clubs are the primary sources of information.

1. Labels,
2. Advertisements,
3. Publications in Print and Electronic Media,
4. Citizens' Organization Charters,
5. And Official Records of Public and Private Enterprises.

### Labels

A label is a straightforward tag that is fastened to the product and bears the brand name, a lot of information, or a complex graphic that is a part of the package. The consumer can make an informed decision thanks to the information on the label. The information that must be on the label must comply with the Prevention of Food Adulteration Act of 1954's current regulations. The producer of food goods must give the following information to consumers:

**Substances:** The ingredients must be disclosed on packaged food. It is fundamental knowledge that is significant. Certain meals, food combinations, or chemical additives may cause allergies in some persons. Not only the names but also the quantities of such dangerous compounds should be listed on the labels.

Under the Prevention of Food Adulteration Act, nutrition labelling is only now required for foods intended for infants. A consumer should be aware of the amount of carbohydrates, protein, and fat in a product, as well as the number of calories in the product overall and the major vitamins and minerals. Aside from this information, it is also crucial to have knowledge of other factors, such as the kind of fat, such as saturated, monounsaturated, or polyunsaturated fats, and their dietary fibre, cholesterol, etc. In the case of ready-to-eat foods, an additional nutritional supplement must be given with each serving[5], [6].

**Additives:** It must be specified which additive and how much was added to the food.

**Date:** A "use by date" or "best before" date should be specified by the maker. Some products will only have a short shelf life (expiration date). This information is extremely important in these situations from a safety standpoint. A consumer should be aware of how long a product is safe. Similar to that, storage conditions are also crucial. Ideal storage circumstances are essential.

**Processing Techniques:** The Prevention of Food Adulteration Act mandates that, in the case of irradiated foods, information such as the date of irradiation, log, licence number, and purpose of

irradiation be indicated. However, it is also crucial for the consumer to be aware of other processes that have been utilized, such as leaching, various drying processes, etc., and these should be noted on labels.

The following details ought to be on a perfect label:

1. Brand name of the item
2. Manufacturer's name and address
3. Ingredients and their amounts
4. Volume (net weight plus drained weight)
5. "Batch No."
6. Manufacturing month and year
7. Nutritional details
8. Ingredients with their names and amounts
9. Optimal storage situation
10. Processing methods employed
11. Labels with warnings

### **Important health claims**

The consumer should not be misled by the information on the label. The label should not include any incorrect or deceptive statements, claims, designs, devices, fancy names, or abbreviations.

### **Advertisements, Print and Electronic Media**

The manufacturer may utilize a variety of media to disseminate information about a newly introduced product. A potent tool for introducing the goods is advertising. Manufacturers and traders today view advertising as essential for marketing new items and informing consumers about the availability and options on the market. On the other hand, aggressive advertising forces new items into consumers' lives by portraying them as more effective, fashionable, or user-friendly. Consumers should be instructed. Regulating the marketers is necessary. An organization called the Advertising Standard Council of India (ASCI) was established by advertisers, advertising agencies, publications, and other parties involved in advertising. The council has created a code of conduct that advertising must abide by. According to the council, all advertising must be ethical and beneficial to all stakeholders. The code was created to protect consumers from deceptive advertising and to ensure that representations and promises made in advertisements are truthful and honest. The code is applicable to advertisements on product labels as well as those that appear on television, radio, in movies, on hoardings and hoardings in stores, and in newspapers and magazines. False information shouldn't be presented in advertisements. Consumers should be informed about the product's safety features, nutritional content, cost-effectiveness, and other factors[7], [8].

### **Public documents and the Citizen Charter**

The right to request information from any public entity belongs to every citizen. Every public body has a responsibility to keep all of its records up to date in accordance with its operating needs and to provide access to information to any person who requests it. When significant policies or decisions are announced, it shall also be the responsibility of the official in question to explain the rationale behind the decision to those who may be impacted by it, to Reference Book 57 disclose the pertinent information, and to assess.

Through its citizen's charter, public enterprises that offer services to the general public are required to maintain information accessible to consumers. It is a written statement regarding the standards, accessibility, and transparency made by the service provider. The customer can learn about the policies and practises used to provide the services, as well as the costs and quality requirements.

In order for the consumer to make an informed decision, factual information must be presented. They have a right to knowledge about how particular consumer products should be used and the risks involved. There should be an open flow of information about matters that concern consumers. The right information empowers the customer to make informed decisions and act ethically. An informed consumer is crucial. With the right information, consumers should be empowered. Before making a choice or decision, consumers might insist on learning everything there is to know about the good or service[9].

### Topic Concepts

1. Information sources Media
2. Citizenship charter Ingredients
3. Information on nutrition and additives
4. Processing strategies
5. Consumer Clubs for Citizens

### Read about and debate the right of consumers to information.

1. Describe where you got the information.
2. Explain in depth what details should be on a label.
3. Discuss facts about tools for weights and measures.
4. Identify the source of the false information.
5. Encourage the use of information for societal good.
6. Talk about how commercials can be used to spread accurate and false information.
7. Ask the children to view a commercial to see what kind of information is presented.
8. Bring the pupils to a nearby hyper bazaar and ask them to explore the information there.

### Student:

1. Students should look at a label to see what information is provided.
2. To create a product-specific information label.
3. Use the knowledge at hand to create a shopping list.
4. Create a poster with the details that should be on a label.
5. Describe the unethical business practises of merchants who provide false information [10].

## CONCLUSION

The Right to Information Act was meant to promote social justice, openness, and accountable government, but it hasn't fully fulfilled those goals due to several roadblocks that were put in place as a result of systematic mistakes. According to the Delhi High Court, misuse of the RTI Act must be appropriately addressed in order to prevent the public from losing trust in this "sunshine Act." It is common knowledge that improving governance requires more than just the access to information. The protection of informants, decentralization of power, and the fusion of

authority with responsibility at all levels are just a few of the many things that need to be done to bring about accountability in governance.

This law gives us a priceless chance to restructure government procedures, especially at the local level where citizen involvement is greatest.

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## CHAPTER 6

### A BRIEF DISCUSSION ON REDRESSAL RIGHT IN CONSUMER EDUCATION

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#### **ABSTRACT:**

The Consumer education is essential for educating people about their rights and obligations in the marketplace. The idea of redressal rights, which gives customers the right to seek remedies when they meet subpar goods or services, is essential to this teaching process. This abstract examines the importance of recourse rights in the context of consumer education, concentrating on its contribution to empowering consumers and making companies responsible for their products. Consumers have a variety of options for redressing complaints related to defective goods, deceptive advertising, poor services, and other unfair business practises. These options are collectively referred to as "consumer redressal rights." These tools may be internet platforms, ombudsman offices, consumer courts, and conflict resolution forums. Effective dispute resolution procedures guarantee that customers have access to prompt and effective procedures for resolving their grievances, fostering consumer trust and market confidence. Consumer education is a crucial technique for increasing public understanding of rights to redress. Consumers can obtain information about the legal requirements that apply to their situation, the procedures to follow, and the avenues available for redress through a variety of educational outlets, including workshops, websites, pamphlets, and social media. Consumers who are well-informed are better able to negotiate the complex world of consumer rights and are more likely to stand up for them when difficulties arise.

#### **KEYWORDS:**

Consumer Education, Consumer Right, Educational Right, Redressal Right.

#### **INTRODUCTION**

To redress is to "make things right." Consumers have the right to seek compensation when they are unhappy with the goods or services they have paid for. Consumers are entitled to a just resolution of sincere complaints. The consumer may file a complaint if the performance or quality of the goods or service falls short of expectations. The customer has the right to file a complaint against any unfair business practises or deceptive consumer exploitation. The possibility to seek redress against unfair trade practises or unethical exploitation of consumers is provided by the right to seek remedy. It also guarantees the right to a just resolution of sincere complaints. The legal guarantee provides compensation for subpar products or services. Redressal is the logical step after complaints are heard and a resolution is reached that is satisfactory to both the buyer and the seller. In order to safeguard consumers from unfair and exploitative business practises and to give an affordable, convenient, and quick recourse, the Consumer Protection Act, 1986, was passed. The law has established a number of procedures for consumers to use their right to redress[1], [2].

## DISCUSSION

### Recovery Agencies

Consumer dispute redressal organizations called "consumer fora" are set up to assist the harmed customer. They are the National Commission at the national level, the State Commission at the state level, and the District Forum at the district level. These are judicial-like institutions. They have the authority to provide compensation when necessary and certain types of reliefs when they see fit. These consumer forums offer services in the banking, finance, insurance, transportation, electricity, telecommunications, entertainment, and other service sectors for both public and private businesses.

### Types of complaints

If the customer has any of a number of issues, they may file a complaint with the relevant customer Forum.

- i. A dealer engages in unethical or constrained business conduct
- ii. Bought goods are flawed
- iii. Any type of service has deficiencies.
- iv. The merchant receives more money from customers than the fixed price, the price listed on the price list, the price displayed on the items or package, or any other price.
- v. Products that pose a risk to health and safety are being sold.
- vi. Services that endanger life are being sold.

### Consumer Remedies Available

The Consumer Fora can direct the trader in the event of a legitimate complaint.

- i. To remedy product defects
- ii. To replace faulty items with new ones free of comparable flaws
- iii. To reimburse the consumer for any fees or costs they may have paid
- iv. To make restitution
- v. To fix issues with or gaps in services
- vi. To stop engaging in unfair business practises
- vii. Not to advertise the sale of dangerous items

Numerous legislation and dispute resolution procedures have been established to enable the successful exercise of this right. Consumers who have legitimate complaints must file them[3], [4]. The customer has the duty to look for relief. To file complaints against selfish business owners who take advantage of consumers, consumers alone or organisations dedicated to their welfare should step forward.

### What is an appeal?

According to the root word, it simply means to right a wrong that has already happened, and the surviving party must be given some sort of recompense that at least partially offsets the impact of that wrong.

The Consumer Protection Act grants some rights and obligations to consumers in the nation. If a customer performs all of his obligations and still suffers damage as a result of unfair business practises, he has the right to sue for compensation for that damage as well as other types of relief.

For instance, in the well-known case of *Donoghue v. Stevenson*, also known as the ginger beer case, the court ruled in favor of the plaintiff because the manufacturer had violated his right as a consumer who purchased a ginger beer by selling the customer a beer with a snail, putting the manufacturer in liability. As a result, damages were provided to the consumer as compensation for the harm thereby caused.

### **Who is eligible to complain?**

According to the Consumer Protection Act of 1986, only a consumer could file a complaint for any case of rights infringement, but since the new Act of 2019 went into effect, any consumer by themselves, as part of a group of consumers, or through any recognized consumer association as well as the Central Government, the Central Consumer Protection Authority, or a State Government can now do so by taking a suo-motu notice and filing a complaint in a consumer court[5].

### **Who are consumers?**

A consumer is defined as a person who meets the criteria listed in Section 2(7) of the Consumer Protection Act of 2019: "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, 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."

A person who "hires or avails of any service 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 service other than the person who hires or avails of the services for consideration, when such services are availed of with the approval of the first-mentioned person, but does not include a person who avails of such service for any commercial purpose." Consumers are everyone who falls under the scope of this definition, as stated in the statute.

### **What privileges are accorded to consumers?**

The following six rights are granted to consumers under the terms of the Consumer Protection Act, 2019, according to the law: the right to be shielded from the promotion of goods and services that endanger life and property. A consumer has the right to not be marketed to for a dangerous product that serves no use.

#### **The right to information regarding product or service standards, as appropriate**

The consumer is protected by this right from dishonest business practises, such as the use of fictitious weights, etc[6].

#### **The assurance of a right**

In order to protect consumer welfare, this right gives consumer the ability to make informed decisions and, if possible, access to a wide range of goods, products, or services at affordable rates.

**Hearing-rights protection**

This right gives consumer the assurance that they will be heard if their rights are violated and that their interests will be properly taken into account in suitable forums.

**Consumer education rights**

In essence, this right gives consumer the freedom to educate themselves on their legal obligations and rights in order to become more educated customers.

**The right to file a complaint**

With the use of this right, consumers have the ability to complain to the commissions about any unfair business practises, trade restrictions, or shady exploitation that has been utilized against them. The Central Protection Councils, which are created at district, state, and central levels in the nation, are acknowledged as advisory bodies to preserve and promote consumer rights under the Consumer Protection Act of 2019, which was just passed.

**Consumer Protection Central Authority (CCPA)**

The Central Consumer Protection Authority (CCPA) will be established by the central government under the Consumer Protection Act of 2019 to advance, defend, and uphold consumer rights. It controls issues involving abuses of consumer rights, unfair business practises, and deceptive advertising. A Director-General oversees the investigation division of the Central Consumer Protection Authority, which may look into or inquire about such offences.

- i. Central Consumer Protection Authority's Responsibilities
- ii. Investigating infringements of consumer rights.
- iii. Initiating legal action in the appropriate forum.
- iv. The withdrawal of services or the recall of products with a hazardous character.
- v. Giving the person in question instructions when there are deceptive or false advertisements.
- vi. Issuing consumer warnings about risky products and services.

**Describe a product.**

According to the Consumer Protection Act of 2019, products comprise both items and services offered in relation to the goods supplied, unless specifically excluded by the Central Government through a notification. Additionally, the definition of "product" does not include human tissues, blood, blood products, organs, or services provided for free or in accordance with a contract for personal services[7], [8].

**Who will be responsible for the harm?**

The second question that emerges is who will be responsible for the damages that the customer is requesting in the case of a defective product once it is obvious that the consumer has experienced some harm and is seeking compensation for it. Chapter-VI of the Consumer Protection Act of 2019 provides a thorough response to this query. The Consumer Protection Act of 1986 did not expressly refer to this chapter, but after realizing its relevance at the time, it was added to the newly formed Act. All of the provisions relating to the idea of product liability are covered in this chapter.

A complainant may make a claim against the product seller, product service provider, or product manufacturer in accordance with the requirements of this chapter, depending on the specifics of the filed claim. Additionally, the contrast between the particular circumstances in which the product seller, product service provider, or product manufacturer is held accountable and compelled to pay damages to the consumer is still present. Let's talk about these circumstances-

### **Producing Company**

In either of the following scenarios, a product's manufacturer is accountable:

When the product lacks sufficient usage instructions to prevent harm or any warnings about improper or incorrect usage, when the product has a manufacturing defect, when the product has a design defect, when the manufacturing specifications are not followed, when the product does not comply with the express warranty, and when any of these circumstances apply.

The Consumer Protection Act of 2019's definition of a product manufacturer makes no distinction between domestic and overseas producers. Because he is the sole person in charge of manufacturing, and only he is capable of taking care of any essential action, a product maker may still be held accountable even if he can show that he was not negligent in making the express warranty of a product. When multiple parties are involved in the production of a product and contribute at various stages of its development, the commission first looks for the party responsible. If no single party is discovered during the investigation, all parties involved in the product's production are then held jointly or severally liable for the liability that resulted.

### **Service Provider for Goods**

In each of the following scenarios, a product service provider is accountable:

When the service rendered by the service provider is found to be defective, imperfect, deficient, or insufficient in quality, character, or manner of performance that is needed to be given by or under any currently in effect law, under any contract, or in any other situation. The service provider failed to provide sufficient instructions or warnings to prevent any harm, there was an act of omission, commission, negligence, or willful withholding of any information that caused harm, and the service did not adhere to the express warranty or the contract's terms and conditions.

A complaint can be made against the service provider if the service is not provided in accordance with the express warranty or terms and conditions, is defective, deficient, imperfect, or inadequate in quality, nature, or manner of performance that is required to be done, or if there was an act of omission, commission, negligence, conscious withholding of any information that caused harm, lack of adequate instructions or warnings to prevent harm, or when service is not provided as per guidelines.

### **Product Provider**

In any of the following instances of product responsibility, a seller is responsible: Where he had significant control over the development, testing, production, packaging, or labelling of a harmful product When he made an express warranty of a product independent of any express warranty made by a manufacturer and the product failed to conform to the express warranty made by the product seller, which caused the harm, when the product has been sold by him and

the identity of the product manufacturer of such product is unknown, or if known, when the identity of the manufacturer of the product is unknown.

He is responsible for each of the aforementioned situations since he is the last person to have control over them. He also has a responsibility to take the required steps to stop any form of accident from happening as a result of the seller's act or omission [9], [10].

### **Provisions made for exceptions to product responsibility**

As with any dispute, there are two parties engaged, and at the beginning of the hearing, each party is entitled to present their own facts and arguments. Therefore, the aforementioned rules are utilized to offer damages to the consumer in the event that the manufacturer, service provider, or vendor is found to be liable. But what if the situation is reversed?

The procedure for delivering justice is hampered if a customer abuses his rights. A few exclusions are also included in the statute to combat this so that no party abuses their rights unfairly against the others. The Consumer Protection Act of 2019's Section 87 discusses these exclusions, and they are as follows:

1. When a consumer misuses, modifies, or modifies a product or service that has been supplied and there is no fault on the part of the manufacturer, service provider, or seller, a product liability lawsuit cannot be launched.
2. Additionally, it cannot be used in situations where the purchaser received the information or instructions but failed to perform his obligation to provide the user with the same information.
3. If a consumer used a product that was intended to be used under professional supervision but didn't follow those instructions.
4. If the complainant was utilizing the product while impaired by alcohol or other prescription medication that wasn't prescribed by a doctor.
5. If the complaint has requested damages more than two years beyond the Act's specified deadline. However, if it is demonstrated that the complainant was unable to do so due to some unforeseen circumstances, the court may still take the complaint into consideration.
6. In all of these situations, neither the manufacturer, the service provider, nor the seller will be held liable because any harm incurred would have been the result of the consumer's negligence or omission, not of any action or inaction on the part of the opposing parties to the dispute.

### **CONCLUSION**

A crucial component of guaranteeing justice, responsibility, and fairness in any community or legal system is the right to redress. When someone's rights have been infringed or they have suffered harm as a result of the conduct of others, especially those in positions of power, it means they have the ability to seek redress and answers. This right is frequently inscribed in constitutions, laws, and international treaties since it is the cornerstone of an effective legal system. The right to remedy has several crucial functions. It enables people to hold wrongdoers accountable for their acts in the first place. It gives victims a way to request restitution, payment, or other types of remedy for the harm they have experienced. This serves as a deterrence to future transgressions as well as aiding the affected individuals in regaining a feeling of justice.

Additionally, the right to redress encourages accountability and openness within organisations, both public and private. It promotes a culture of accountability and ethical behavior by encouraging organizations to have clear procedures in place for handling complaints and resolving disputes. As a result, government and the rule of law are strengthened generally. The right to remedy also supports social harmony and public confidence in institutions, to put it broadly. People are more inclined to have faith in the system as a whole when they feel that their complaints and concerns are being handled seriously and treated equitably. More societal cooperation and stability may result from this.

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## CHAPTER 7

### A BRIEF STUDY ON RIGHT TO MINIMUM NEEDS

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#### **ABSTRACT:**

According to the fundamental human perspective, people's basic needs are what really count. This essay analyses the strategy critically and concludes that it is ineffective. It is my contention that it is impossible to determine the normative priority (or "basicness") of human wants due to their abstract and nebulous character. I start by outlining the necessity of abstractness in human demands. This results from the typical solution offered by proponents of fundamental human needs theory to the issue of cultural diversity: human needs must be described at a high level of generality in order to avoid preferring one way of life over others and to plausibly apply worldwide. The issue is that this abstract formulation undercuts the ability of fundamental human needs to provide direction in specific situations. The method thus necessitates consideration of the characteristics that influence the concrete formulation of fundamental human needs. However, the special status therefore granted to those traits (what I refer to as "specificies") undercuts the justifications used to prove that human wants are fundamental. After rejecting the focus on fundamental human wants, I conclude by outlining a different approach: the political account of needs.

#### **KEYWORDS:**

Basic Need, Consumer Need, Consumer Right, Minimum Needs, Study Right.

#### **INTRODUCTION**

The idea of the "Right to Basic Needs" is one that is deeply ingrained in social justice and human rights ideals. Every person should have access to the necessities for their life, well-being, and involvement in society, the argument goes. This idea acknowledges that everyone, regardless of financial class, has to have their basic requirements satisfied in order to live decently. There are numerous crucial components at the heart of the right to basic needs. The right to sufficient nutrition comes first and foremost. For preserving physical health, cognitive function, and general wellbeing, one must have access to enough food that is healthy. This right emphasises the significance of providing food for everyone in order to solve the worrisome issue of world hunger and malnutrition.

Water that is clean and safe to drink is another essential component of the right to basic needs. For hydration, sanitation, and the prevention of waterborne infections, water is a crucial resource that is needed. Maintaining public health and dignity, especially in locations where water scarcity is a serious issue, depends on ensuring access to potable water [1], [2]. The right to basic needs is equally dependent on having adequate shelter. Housing offers privacy, security, and protection from the elements. It serves as the cornerstone on which people and families can construct their lives and realise their dreams. The right to shelter promotes the creation of secure and livable environments that improve general wellbeing.

A vital element of the right to basic needs is healthcare. For the purpose of preventing and treating disease, increasing mother and child health, and improving general quality of life, access to basic medical services and pharmaceuticals is crucial. This right emphasizes the significance of all-inclusive healthcare systems that are available to and reasonably priced for everyone. The right to basic necessities includes the right to basic education. Education equips people with the knowledge and abilities necessary for both their own and society's advancement. Societies can help people break the cycle of poverty, make educated decisions, and positively impact their communities by ensuring that they have access to high-quality education.

The supply of adequate clothing, sanitary facilities, hygiene services, and social security programmes are also included in the right to basic needs. All of these factors work together to promote human dignity, public health, and the general wellbeing of people and communities. Although the idea of the right to basic needs is accepted worldwide, there are regional and national differences in how it is actually implemented. The degree to which these rights are respected is frequently influenced by economic difficulties, political issues, and resource allocation. To achieve universal access to basic necessities, efforts by governments, international organisations, and civil society organizations' are crucial[3].

## DISCUSSION

### **The right to a safe environment and basic needs**

Due to their connection to the reality of living in the context of the environment and other resources concerned, the two rights—the Right to Basic Needs and the Right to a Safe Environment—play a key role in the lives of the general public in developing nations. They play a crucial role since they provide the general public with the greatest possible support system. When these rights are considered in the context of India, it becomes clear why they are crucial given the large population that seeks food security as well as other essentials like shelter, safe water, and, last but not least, needs connected to health and education. It is important to keep in mind that not everyone on the Indian subcontinent has access to the imported goods that supermarkets sell to assist customers in selecting quality products like the cases for the newest car models. In the developed world, where each thing is meticulously examined, it is easily monitored. In reality, India's population of over 1 billion people has a greater need for food security and a secure environment than any other consumer choices or rights. The natural resources of emerging nations continue to be a primary resource base for the industrial output of the industrialised world, as it has been well analysed.

### **Access to Basic Needs**

Any consumer's life exclusively depends on having simple access to their essential needs of food, drink, and shelter. Without these basic comforts, it is impossible to imagine life as we know it. It is surprising that even though India had a large food grain supply—60 million tons—in September 2001, a third of the people had to live below the poverty line. In reality, a sizable portion of the population still goes to bed hungry, and there are cases of severe malnutrition that have a negative impact on health [4], [5].

The most famous cases were the most recent famine fatalities in Orissa. To ensure that every customer had the necessary supply of food in addition to a safe, permanent home and simple access to necessities like sanitation, power, and drinkable water, the formation of the consumer

rights forum was a major goal. Undoubtedly, the rapid urbanisation that is taking place all over the world is regarded as a sign of development, but the poor masses that are moving to the cities from rural regions do undoubtedly experience worse living conditions than city poor. Since 1988, there has been a tendency of significant urban population increase. Estimates indicate that the proportion of urban poor has surpassed that of rural poor. According to estimates, 20 to 25 percent of urban households are compelled to live in slum areas where their colonies are only improvised settlements that they reside in. In the urban regions where they reside, they hardly ever find an affordable yet suitable place to live.

According to estimates, there are approximately 17 million housing units needed alone in urban areas. That is still a key contributor to the housing shortage in Indian cities. When rural areas are considered, it becomes clear that the situation is deteriorating there as well because a large portion of the population still resides in hutments, which are temporary settlements. It goes without saying that there won't be any electricity or running water in non-permanent housing zones because there won't be many sanitary facilities there. The absence of dry restrooms continues to be a major problem in both urban and rural locations [6].

### **Consumer food security**

It is clear that food security is a lie in the Indian context even now when the example of starving deaths of the masses in the Orissa state in August 2001 is considered. To address this issue of food scarcity, the Indian government established the Public Distribution System (PDS), which aims to assist the most vulnerable by offering foodgrains at reduced costs through the operation of government-run "Fair Price Shops." India's government currently operates almost 4.5 lakh Fair Price Shops across the nation, 3.05 of which are in rural areas and 0.94 in urban ones. Of the total number of shops managed, 3.05 are in rural areas.

As a result, every 2000 consumers in the county typically have access to at least 1 PDS. Numerous regions of the nation continue to experience severe food shortages. Due to inadequate distribution and underutilization of food grains, India has also experienced its own intentionally generated food shortages. Currently, there are buffer supplies of foodgrains in numerous locations totaling about 60 million tonnes. Large food grain inventories decay as a result of inadequate storage facilities and lack of routine use. Today, it is urgently needed to properly direct these stocks towards the poor through the provision of the most effective "food for work" programmes, which can provide both financial support and employment prospects. Other important elements include making sure that food is always easy to get, that there is always plenty of it available, and that nutrition standards are strictly adhered to in order to protect children's health and prevent future vulnerabilities. To ensure that people are taught responsibility and are provided with a healthy food supply as one of their basic needs of life, this is an important component that needs special attention [7], [8].

### **Protection of the Environment**

Urban inhabitants find their share of the environment in parks, gardens, and areas with declining air or water quality. This is one of the limitations of the urban lifestyle. In fact, a sizable portion of metropolitan regions scarcely have the necessary amount of wildlife, thus the general public is unaware of the biodiversity that they could have as a result. On the other hand, people in rural areas get their fundamental requirements met from their surroundings.

The protection of the environment is one of the essential defences against the rapidly declining quality of life around the world. Everyone continues to suffer from food contamination, concerns with the water supply, foods contaminated with pesticides, milk that has been adulterated, and last but certainly not least, exhausting car fumes that literally create a stifling atmosphere.

The World Bank report focuses light on the expenses associated with India's environmental degradation.

Every year, the country loses Rs. 24,500 crores due to just air and water pollution. If you have ever lived in a city, you may have at some point in your life run into problems with water contamination. The best way to quantify it is through instances where children frequently become unwell as a result of environmental pollution, which would otherwise increase healthcare-related costs. Along with poor living conditions in communities, a polluted environment and way of life might harm vital resources to man. Knowing that a safe environment is the only resource for improved living and ensuring the fulfilment of consumer rights is essential.

A careful examination of the locations close to us reveals the extent to which our own wrongdoings have tainted our local surroundings. Our way of life and the actions we do to pollute the environment in many ways are very concerning issues. Consider the various products we buy on a monthly basis, such as laundry detergents, toilet cleaning chemicals, and other chemicals besides pre-packaged food items, whose non-biodegradable packaging poses health risks.

They directly impact the environment through problems with trash management, restlessness, and water and soil pollution. The consuming habits of the general public are another issue that is directly related to environmental impact. They are results of careless human behaviour.

### **Actions Taken to Ensure the Right**

These are some of the actions that can be taken:

1. Adopting food safety measures, such as safety standards, nutritional guidelines, and efficient monitoring, inspection, and assessment systems.
2. Adopting the Food & Agricultural Organization's (FAO), the World Health Organization's (WHO), CODEX Alimentarius, or other widely recognized international food standards.
3. Improving pharmaceutical quality and usage by implementing a comprehensive national drug policy.
4. Creating national drug policies that take into account the pertinent research and suggestions of the WHO and could include purchasing, distribution, licencing agreements, registration systems, and the availability of trustworthy information on pharmaceuticals.
5. Creating, sustaining, and bolstering governmental policies to enhance the availability, accessibility, and calibre of drinking water.

Every citizen has the right to an honorable and healthy life. The government must take the necessary actions to provide the basic necessities of the populace. The primary goal of welfare programmes should be to meet the needs of the populace.

## Topic Concepts

### Basic requirements

- a. Right to the necessities
- b. Living in dignity
- c. Welfare initiatives

### Suggestions for

#### Teacher to

- a. Lead a conversation about the distinctions between
- b. Desires, conveniences, and luxuries
- c. Desirable and necessary things.
- d. Talk about the variables that affect the products and services a family chooses.
- e. Describe the suppliers of products and services, as well as market interactions.
- f. Talk about the variables that affect a family's purchasing power.
- g. Talk about how the government and individuals can meet fundamental necessities.
- h. Discuss consuming sustainably

#### Pupils to

- a. They list their desires, conveniences, and luxuries.
- b. Compile a list of a family's essential needs.
- c. To compile a list of necessary products and services and
- d. To compile a list of the non-essential but preferred products and services a family needs.
- e. Students should name the businesses that provide the aforementioned goods and services.
- f. Students should note the local market factors that affect the products they choose[9], [10].

## CONCLUSION

In conclusion, the "Right to Basic Needs" is a cornerstone of human rights, representing the idea that every person has a right to access the essentials of life for a respectable existence. This idea emphasises the duty of societies and governments to maintain the welfare of all of their members by embracing necessities including food, water, shelter, healthcare, education, clothes, sanitation, and social security. While there has been improvement in many regions of the world, obstacles still stand in the way of everyone's ability to fully exercise this right. The satisfaction of fundamental needs is frequently hampered by economic inequality, unequal resource distribution, and structural impediments. However, the dedication to protecting fundamental rights continues to be essential in the effort to create a more just and equal global community.

In addition to policy changes, efforts to advance the right to basic needs also entail widespread awareness-raising and campaigning. In especially for marginalized and vulnerable groups, governments, international organisations, and civil society must work together to develop and implement plans that priorities these necessities. In the end, the right to basic needs represents the idea that each person's fundamental worth must be honored and preserved and goes beyond the provision of material commodities. Let us keep in mind that ensuring access to basic needs is not only a legal requirement but a moral imperative, reflecting our shared commitment to fostering a world where everyone can lead a life of dignity and opportunity, as we work to progress in the areas of poverty eradication, social equality, and human rights.

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## CHAPTER 8

### RELATIONSHIP TO A HEALTHY ENVIRONMENT

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#### ABSTRACT:

The A key idea in the field of human rights, the "Right to a Healthy Environment" advocates the idea that everyone has a right to live in a setting that supports their bodily, mental, and social well-being. The main aspects of this right, its importance, implementation difficulties, and the possibility of having a beneficial global impact are all explored in this abstract. The right to a healthy environment acknowledges that our surrounds have a significant impact on how we live. It includes a number of things, such as the preservation of biodiversity, clean air, safe drinking water, unpolluted landscapes, and safety from harmful substances. As a healthy environment is essential to the ability to enjoy other rights, including the right to life, health, and cultural heritage, this right is inextricably related to the larger framework of human rights. The wide-ranging consequences of the right to a healthy environment serve to highlight how important it is. Better public health, a decreased sensitivity to climate change, and the preservation of ecological balance are all benefits of a clean and sustainable environment. Additionally, it fosters spiritual and cultural values associated with environment and aids economic growth through prudent resource management. But there are still issues with putting this right into practice. Environmental degradation is frequently brought on by industrialization, urbanization, and resource extraction, which disproportionately affects marginalized groups. It continues to be difficult to strike a balance between environmental conservation and development. Despite the existence of legal frameworks and rules, effective action may be hampered by enforcement and accountability issues.

#### KEYWORDS:

Construction, Environment, Environmental Needs, Healthy Environment, Resource Management.

#### INTRODUCTION

In The environment and our health are inextricably linked. The health of people is benefited by a good environment. All life on this planet is impacted when our environment is poisoned or polluted. The physical, chemical, and biological elements outside of an individual that have an impact on behavior are included in environmental health. Environmental health is crucial since it aids in a better understanding of how our environment and the prevalence of disease interact.

It will contribute to the creation of surroundings that promote health and the prevention of sickness. It also entails monitoring and regulating the numerous environmental elements that could harm human health. Environmental influences have a wide range of complex effects on health. For instance, environmental contamination can result in cancer, toxicity, allergies, and more. Although the connections between exposure and sickness are not always obvious, there are some instances where a direct causal connection exists. Heavy metals have been linked to brain problems, and urban air pollutants can induce respiratory illnesses. Environmental elements that

contribute to health issues have not been prioritised in actions for developing policy and planning development. There are numerous parasites and harmful biological agents that have serious negative effects on health. Additional chemicals and dangers present in the workplace are also some of the causes of illnesses and fatalities. Long-term or short-term exposure to contaminants can induce diseases and, in some circumstances, chronic conditions. Natural events like volcanoes or earth processes may damage the environment. But throughout the previous few decades, especially following industrialization, humans are to blame for the environment's alarmingly high amount of pollution. This is a major source of worry. Concern over the state of our environment and its effects on human health and wellbeing have only recently gained international attention at the international level. The World Health Organisation (WHO) and the United Nations (UN) are collaborating to address environmental and health-related challenges. This is demonstrated by how many conferences and statements come to an end [1], [2].

## DISCUSSION

### **The State of the Right to a Clean, Healthy, and Sustainable Environment.**

Since the 1970s, when the 1972 Stockholm Declaration first made a passing reference to it, the right to a healthy environment has steadily come into its own. "Man has the fundamental right to freedom, equality, and adequate conditions of life, in a setting of a quality that permits a life of dignity and well-being," reads the first principle of the Declaration of Human Rights.

The Stockholm Declaration served as a catalyst for the national and regional acknowledgment of the right to a healthy environment. According to UN Special Rapporteur David Boyd, nowadays, more than 120 States are bound by regional environmental and human rights accords that include the right to a healthy environment. In more than 100 States, it is protected by the constitution, and more than 100 States have included it in their environmental laws. The right to a healthy and sustainable environment is already recognized legally in 155 States in total. In 1976, Portugal became the first nation to formally establish this right in its constitution. Since then, unlike any other "new" human right, the right to a healthy environment has quickly extended to other constitutions [3], [4].

States created a significant regional legal corpus confirming the right to a healthy environment in addition to these national legal documents. To give one example, the African Charter on Human and Peoples' Rights (1981) states that "all peoples shall have the right to a generally satisfactory environment favorable to their development." It's important to note that the African Charter differs from other documents in that it grants this right to a group rather than an individual. The right of every person "to a healthy environment" is also protected by Article 38 of the Arab Charter of Human Rights (2004). The right of everyone in Latin America to "live in a healthy environment" is recognized by the Protocol of San Salvador to the American Convention on Human Rights (1998), and the Escaz Agreement (2018) further aims to "contribute to the protection of every person of present and future generations to live in a healthy environment."

The acknowledgement of this right is less overt in the European continent. In its first article, the Escaz Agreement's counterpart, the 1998 Aarhus Convention, declares "the right of every person of present and future generations to live in an environment adequate to his or her health and well-being". Nevertheless, the right to a healthy environment is not expressly protected by the European Convention on Human Rights (1950). Through its creative and dynamic interpretation of the Convention, the European Court of Human Rights deals indirectly with environmental

challenges while providing some degree of protection under already established human rights. For instance, the Court has expanded the article 2 right to life to also encompass the right to be shielded from risk brought on by dangerous industrial practises. Similar to this, it was believed that article 8's protection of one's right to a private and family life included a right to be shielded from significant environmental harm. The Parliamentary Assembly of the Council of Europe made a further proposal in September 2021, urging the approval of a new protocol to the European Convention on Human Rights that would include the right to a healthy environment among other rights.

Since States have thus far shown reluctance to implement a formal legal instrument recognising such a right, the international recognition of the right to a healthy environment is far less developed. As a result, in terms of international environmental law, the right to a healthy environment has no real legal standing. The Rio Declaration (1992), which was less comprehensive than the aforementioned Stockholm Declaration, said that "[h]uman beings are at the centre of issues for sustainable development. They have the right to live a productive, healthy life in harmony with the environment. This ambiguous language suggests that some States may be reluctant to uphold this right as stated in the Rio Declaration.

Numerous initiatives have attempted to include the right to a healthy environment in international treaties in the face of this resistance. For example, item 14 of the 1995 IUCN Draught International Covenant on Environment and Development states that States "undertake to achieve progressively the full realization of the right of all persons to live in an ecologically sound environment." The acknowledgement of the right to a healthy environment was most recently advocated in the first article of the drafting Global Pact for the Environment [5], [6].

### **Resolution 48/13 of the Human Rights Council from October 8, 2021**

The right to a clean, healthy, and sustainable environment was recognized as a human right by the UN Human Rights Council on October 8, 2021. This choice represents a significant advance. Although it is not legally obligatory, the nearly universal ratification of this human right demonstrates agreement on its creation, significance, and content.

### **How to Achieve This Resolution**

The right to a safe, clean, healthy, and sustainable environment may someday be recognized internationally, according to preliminary conversations that were initiated in September 2020 by the Core Group of States on Human Rights and the Environment, which includes Costa Rica, Morocco, Slovenia, Switzerland, and the Maldives. 69 nations, including several that had previously been reticent, including Germany, signed on to a statement in March 2021 that explicitly demanded the acceptance of this right.

The initiative of the Core Group received resounding support. They received support from over a thousand NGOs, including well-known groups like Birdlife International, Greenpeace, and Amnesty International as well as more specialised groups like the Centre for International Environmental Law and the Global Pact Coalition. A letter endorsing the acknowledgment of the right was also released by 15 UN organisations. The extraordinary leadership of David R. Boyd, the UN Special Rapporteur on Human Rights and the Environment, and his predecessor John Knox are largely responsible for this extraordinary mobilisation.

The Human Rights Council adopted Resolution 48/13 on October 8, 2021, following a year of persistent advocacy, with a vote of 43 in favour, 0 against, and 4 abstentions (China, India, Japan, and Russia). The approval of this resolution demonstrates almost universal support for the right to a healthy environment among the international community, despite these abstentions and the absence of the United States from the Council [7], [8].

### **A Text That Thinks Ahead**

"The right to a clean, healthy, and sustainable environment as a human right that is important for the enjoyment of human rights," the first article of the Resolution states. This formulation incorporates the various ways to refer to this right, as is further explained below. Furthermore, it states that this right is "related to other rights that are in accordance with existing international law" rather than being an isolated one. The article also exhorts States to take action by developing resources and implementing laws that facilitate the exercise of this human right.

In addition to following the language exactly, the passage of this resolution demonstrates the growing support for environmental rights. The symbol it conveys may persuade governments to include the right to a healthy environment in their domestic legislation, even though it has no legal force on the States. The right's momentum could also result in stronger implementation in nations where it is currently recognized. Finally, momentum could develop for the inclusion of the right in a global document with enforceable international law. The resolution's text makes it clear that it is only the first step in a series of more comprehensive actions. It encourages the UN General Assembly, where states are considering presenting a similar resolution, to review the issue.

### **A description and definition of the idea**

The term "right to a healthy environment" might mean different things depending on the legal document. The phrase "right to a healthy environment" or "right to live in a healthy environment" is frequently used in international documents. Nevertheless, the word "healthy" is not without rivals. Some may advocate for the preservation of a "ecologically sound" environment (draft IUCN Covenant), "(permitting) a life of dignity and well-being)," "adequate to his or her health and well-being" (Aarhus Convention), and "respecting biodiversity" in this regard. It was stated as "the right to an environment capable of supporting human society and the full enjoyment of human rights" in the 2007 Malé Declaration on the Human Dimension of Climate Change.

Similar to this, "healthy environment" is mentioned in around two thirds of national constitutions that recognise the right [6]. Other terms, such as the rights to a "clean," "safe," "favorable," "wholesome," or "ecologically balanced" environment, may also be employed. The many denominations could allude to various sources of safety. For instance, the protection of the environment as a place that doesn't damage people will be the emphasis of the right to a "safe" environment. This is especially notable because 24% of all deaths worldwide, according to the World Health Organization (WHO), are related to the environment. On a different level, the right to a "healthy" environment frequently refers to the preservation of the ecosystem's health in nature.

Despite the diversity of religions, all of these national, regional, or worldwide writings generally share the fundamental principles of the right to a healthy environment. The core of each of these

ideas is the fundamental relationship between the successful protection of human rights and environmental protection[9], [10]. The status of the right to a healthy environment as a "claim right" contributes to some of this. Contrary to liberty rights, claim rights involve a positive responsibility on the part of third parties to the right-holder. Several jurisdictions recently reaffirmed this particularity. For instance, the Urgenda judgment and the most recent decision of the German Federal Constitutional Court both connect the rights of individuals to a duty of the State. In fact, the State frequently violates the right to a healthy environment. Other organisations, such private businesses, may nevertheless be required to fulfil their commitments under the right to a healthy environment.

The right to a healthy environment has come under fire for its anthropocentric nature, with the individual as the primary right-holder. There is no doubt that the western understanding of human rights, which places individuals at the centre of the planet, has had a significant impact on the notion that humans have a right to a healthy environment. An ecocentric viewpoint, which places nature at the centre, should be used to counterbalance this paradigm. By recognising that all "peoples" have a right to a good environment, the African Charter on Human and Peoples' Rights (1981) moves in that direction. By recognising rights to nature, some states have gone even further in that approach. As a result, the Colombian Supreme Court acknowledged that the Amazon region can be a subject of rights [10]. The Wanganui River, the TeUrewera Forest, and Mount Taranaki, among other places of great significance to the Mori people, received legal personality in New Zealand.

### **What are this recognition's ramifications?**

The right to a healthy environment has procedural and substantive issues from a legal perspective. A majority of States have passed laws specifying the procedural and substantive aspects necessary for the effective implementation of this right, using the national jurisdictions' implementation of the right to a healthy environment as a point of comparison. On the one hand, recognising a right to a healthy environment frequently necessitates protecting procedural rights including the right to information, the ability to take part in environmental decision-making, and the right to access the legal system. To help defend the right to a healthy environment, for instance, the Philippines have adopted particular regulations on environmental litigation.

The right to a healthy environment has a substantive component in addition to procedural rights. No matter how it is phrased, the right to a healthy environment by definition safeguards the aspects of the natural world that permit a life of dignity. It includes the protection of fundamental human rights like the right to food, drink, and shelter. For instance, the "right of all to breathe air which is not harmful to their health" is recognized by the French Environmental Code. Similar to this, according to the South African Constitution, "everyone has a right to an environment that is not harmful to their health or well-being."

Additionally, because of this substantive component, national and regional tribunals are now able to order States to really execute the right to a healthy environment. Due to the absence of adequate steps to stop actions that were harmful to the LhakaHonhat indigenous communities, the Inter-American Court of Human Rights found Argentina to have breached their right to a healthy environment in a landmark ruling from 2020. Therefore, courts have acknowledged that states may be required to uphold the right to a healthy environment.

However, because of considerable obstacles, this right's implementation is still spotty. It is only acknowledged internationally in regional conventions and soft law instruments. In other words, it has not yet been acknowledged in a global, binding agreement like the international covenants on human rights from 1966. Due to the current reluctance of major world powers like the USA and China to recognise this right, such a convention would face substantial challenges.

National "implementation laws" to be passed in order to recognize the right to a healthy environment. However, even those states that recognize this right in their constitutions or through international agreements sometimes fail to put it into law. The right to a healthy environment cannot reach its full potential without adequate integration in national laws and regulations. Many States continue to violate their commitments to properly respect, safeguard, and realize the right to a healthy environment.

Controlling the exercise of this right is also a difficult task. No recognized international system now oversees its implementation. One can contend that a worldwide implementation control mechanism could close this gap. This mechanism might, at the at least, take the form of a compliance committee, but, following the example of the Aarhus Convention, its referral should be open to people and NGOs as well as States. Even better, a body with international jurisdiction may have as its goal ensuring that States uphold the right to a healthy environment.

## CONCLUSION

Both locally and internationally, there has been extensive research into the potential of virtual reality in the educational setting. In-depth study on the application of virtual reality technology in education is still in its infancy in China. Through the creation of new teaching tools or the enhancement of instructional strategies and outcomes, virtual reality technology has given established teaching approaches new life and increased opportunities for improvement. As technology advances and improves, there will be a greater variety and utilization of virtual reality in network distant education. A crucial part of contemporary distance education, distance virtual teaching makes full use of the learning environment offered by contemporary information technology, including new communication channels and a multitude of materials, giving contemporary distance education a whole new meaning. There are still many specific concerns concerning the use of virtual reality technology in distant learning, especially in trials, that need more attention and study. In this report, research was done on the evolution of educational virtual technology. Despite the fact that domestic technology is still in its infancy when compared to that of other nations, it has been supported by a sizable population of keen students. As a result, classroom education has fully mobilized children's excitement, and the virtual reality system has progressed steadily. The study in this article contains various errors that will be looked into in more detail in the future.

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## CHAPTER 9

### CONSUMER DISPUTE RESOLUTION ORGANIZATIONS

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#### **ABSTRACT:**

The Increased use of small claims courts, arbitration, and mediation as well as the creation of new forums like local justice centres have all been suggested in response to concerns about the need for more efficient ways to resolve consumer disputes and to relieve courtroom congestion. A Lot of small claims courts do not provide consumers with an accessible fair way to resolve disputes, as demonstrated by studies. The consumer benefit of some suggested reforms to the small claims court system, however, seems questionable. For instance, judges could force parties to a consumer dispute to participate in mediation under the U.S. Chamber of Commerce's model small claims court. While there should be additional dispute resolution forums available, consumers should only be subject to the jurisdiction of such forums if they voluntarily and knowingly submit to it. Consumers should be made aware of the decision-maker's qualifications, whether consumer protection laws will be used, and whether an appeal is available. The consumer's decision regarding the forum should be actual voluntary, and alternative forums should be highlighted for their speed, convenience, and informality.

#### **KEYWORDS:**

Consumer Rights, Consumer Disputes, Organization, Resolution Organization, Resolution.

#### **INTRODUCTION**

The major goal of the Consumer Protection Act is to deliver swift, cost-effective, and efficient justice to all customers. The Act calls for the establishment of a three-tier quasi-judicial dispute resolution system, consisting of the District Forum, the State Commission, and the National Commission. The consumers who have been wronged can approach the proper fora with the aid of this decentralized system. These quasi-judicial organisations have the authority to provide specific reliefs and to pay compensation when necessary, and they will uphold the principles of natural justice. There are additional consequences for disobeying the directives issued by the quasi-judicial organisations. These consumer forums offer services in the banking, finance, insurance, transportation, electricity, telecommunications, entertainment, and other public and private business and service sectors. In the best interest of consumers, these forums have been extending their jurisdiction [1], [2].

#### **DISCUSSION**

##### **According Resolution of Conflict and Redress**

One of the main goals of all consumer protection regimes is to promote the creation of efficient, affordable methods for customers to settle disputes and obtain replacements or monetary compensation for losses suffered. The unique characteristics of consumer disputes necessitate customised systems that can give consumers access to remedies without imposing costs, delays,

or difficulties that are excessive compared to the economic value at risk. The following avenues for resolving consumer disputes and seeking remedies are possible under the consumer protection legislation of several nations:

#### **A. How the business handles internal complaints:**

Internal methods for managing complaints are a crucial component of consumer dispute and redress systems. Businesses and customers can both profit from the prompt and successful processing of customer complaints, which can often eliminate the need to use more expensive and time-consuming external processes. However, using internal complaint management procedures in situations when customers have been duped by dishonest companies or fraudsters will be ineffective, just like using other informal techniques.

#### **B. ADR, or alternative dispute resolution**

Alternative dispute resolution (ADR) can give customers a quick, efficient, and affordable means to get a redress when attempts to resolve conflicts directly with businesses fail, without the hassle and cost of pursuing formal legal action. ADR mechanisms come in a huge diversity. The most popular types include arbitration, conciliation, mediation, and assisted negotiation.

Consensual procedures like mediation, conciliation, and assisted negotiation help the parties communicate with one another and come to an agreement. In an adjudicative procedure known as arbitration, a neutral third party gathers information from both parties and renders a conclusion that is frequently meant to be final and legally enforceable.

Information and communication technologies (ICT) have become more frequently used in alternative conflict resolution procedures in recent years. Particularly, the development of the Internet throughout the 1990s sparked a significant interest in online alternative dispute resolution (ADR), also known as ODR [3], [4].

#### **C. Procedures for Small Claims**

Many nations around the world, including some in the ASEAN area, have established streamlined court procedures for small claims, realising that the conventional court system is frequently out of the reach of average customers with low value claims. These processes are intended to serve as alternatives to conventional civil court actions, enabling people to settle disputes and seek redress at a cost and burden that are not out of proportion to the value of their claim. Small claims courts provide consumers with the major advantages of the legal system without the exorbitant expenses, delays, and procedural complications associated with the normal courts because they are independent, binding, and enforceable.

#### **D. Individual lawsuits for collective relief**

In some nations, there is a legal process that allows a group of private individuals who have suffered comparable harm as a result of the same defendant's activities to bring a lawsuit against them. Although this type of action is frequently linked with class action lawsuits in the United States, it has recently gained favor as a consumer protection mechanism in many other nations (albeit frequently in a more constrained form). When a lot of consumers have incurred tiny losses, collective action can be quite helpful. Due to the little amount of the claim, it provides consumers with a means of redress who otherwise would not be motivated to bear the stress and expense of taking legal action on their own.

### **E. Legal Actions Taken by Consumer Groups**

In some nations, the ability of consumer advocacy groups to bring lawsuits on behalf of an individual consumer or, more typically, a group of consumers, supplements the rights of consumers to pursue private legal action. Similar to private collective action lawsuits, consumer organisation actions are especially helpful when there has been widespread consumer injury because they offer a way to stop or stop a defendant's improper behaviour that could otherwise go unchecked [5].

### **F. Redress Obtained by the Government**

Government authorities may be given the ability to file lawsuits to defend consumers under consumer protection legislation. These regulatory authorities' organisational structures range from consumer ombudsman offices to independent commissions to directorates or divisions under a ministerial department of government, depending on the country.

To address violations of the marketplace, government consumer protection agencies may apply a variety of various sorts of remedies, either directly or through the courts. They can be broadly divided into two categories: financial remedies and conduct remedies. Injunctions, cease-and-desist orders, and other comparable measures can be used as conduct remedies. A range of monetary remedies are available, such as fines or civil penalties that are meant to discourage legal violations and disgorgement orders that strip an offender of the proceeds from their illegal behavior. Both of these remedies typically result in the government treasuries receiving the profits. An order for monetary redress is another kind of financial remedy. Orders for financial restitution seek to recover funds that were improperly acquired by a trader for direct repayment to the harmed consumers. Redress orders lessen consumer harm while also acting as a deterrence by taking away the wrongdoer's illicit gains[6].

### **DIVISIONAL FORUM**

The State Government has the authority to create a District Forum, also known as a Consumer Disputes Redressal Forum, in each district. If it is deemed necessary, the State Government may establish more than one District Forum in a district. In the three-tiered quasijudicial system's hierarchical structure, the District Forum is at the bottom. Prior to the 1993 Amendment to the Act, the State Government could only create a District Forum with the Central Government's consent. The 1993 amendment, however, does not include this provision. As a result, the State Governments have been given permission to form District Fora independently of the Central Government.

A president and two additional members make up each District Forum. The president should be eligible to serve as or have served as a District Judge. The other two members ought to be capable, moral, and respectable people. They must possess the necessary skills, knowledge, and capacity to deal with issues pertaining to business, law, accounting, industry, public affairs, or administration. A woman must be a member of the group. Members of the District Forum are subject to both qualifications and disqualifications. In addition to having a bachelor's degree and being individuals of skill, honesty, and status, members must be at least 35 years old. The ineligibilities are (i) being convicted of and imprisoned for a crime involving moral turpitude.

- (i) Removal or dismissal from the government service;
- (ii) Undischarged insolvency;

- (iii) Unsound mind as determined by a competent court;
- (iv) Having financial or other interests likely to affect negatively his activities as a member. Since the most recent Amendment, a member is now qualified for reappointment[7], [8].

### **District Forum's Jurisdiction**

- 1) When a complaint is filed and the total value of the products, services, and compensation sought (if any) does not exceed Rs. 20 lakhs, the "District Forum" has jurisdiction to hear the case.
- 2) A complaint may be brought in the district forum whose territorial jurisdiction includes any opposing parties who are truly and willingly residing there, conducting business there, maintaining a branch office there, or engaging in gainful employment there at the time the complaint is filed.
- 3) The District Forum should give permission to any opposing parties who do not willingly reside there, conduct business there, maintain a branch office there, or engage in personal employment for gain. The opposing party must obtain this institution's approval.
- 4) The District Forum in whose jurisdiction the cause of action, in whole or in part, arises may also receive the complaint.

### **Ability to File a Complaint**

The consumer to whom any goods are sold, delivered, or agreed to be delivered, or any services are provided, or agreed to be provided, may make a complaint. The consumer is typically a person who purchases things or contracts for services in exchange for payment. It is not required for the customer to have actually purchased the goods, received delivery of them, or used the services in question for the purpose of submitting a complaint. A simple agreement to buy something, receive it, or use some sort of service is sufficient. Nothing in the Act prohibits a consumer's legal representation from filing a consumer dispute seeking remedies. A claim for compensation may also be maintained by the consumer's legal representatives. If a consumer dies as a result of a service failure, the consumer's heirs who are entitled to the deceased person's estate may make a complaint under the Act.

Any recognised consumer organisation may also make a complaint, regardless of whether the consumer to whom the products were sold, delivered, or agreed to be delivered, or to whom the service was provided, or to whom it was agreed to be provided, is a member of the organisation. A recognised consumer association may make a complaint on behalf of all those consumers when a consumer is unable to do so because of lack of resources, ignorance, etc. Such consumers do not necessarily need to be association members. Any volunteer consumer organisation that is registered under the Companies Act of 1956 or any other current statute is referred to as a "recognised consumer association" (Reference Book 93). When the cause of action results from the same act or transaction, or a series of acts or transactions against the same opponents, the interests of consumers and society as a whole will be better protected if voluntary consumer associations are allowed to file a complaint covering the persons similarly situated. A consumer group that is not officially recognized cannot file a complaint.

### **File a Complaint**

The complaint-filing process must be completed in a very informal manner. The complainant or his authorised representative may file it either in person or by mail. The complaint or his

authorised representative, where applicable, must sign it. There was no necessity to pay a court fee prior to the 2002 Amendment. The 2002 Amendment, however, stipulates that each complaint must be supported by the appropriate payment of a charge.

The 2002 Amendment made significant changes, one of which was the need that the complaint's admissibility be considered typically within 21 days of the date of receipt. This will hasten the resolution of grievances. A legal professional is not a requirement for every situation. Only the consumers can choose to use it. The customer may represent himself in court.

### **Requirements for Filing a Complaint**

A District Forum, State Commission, or National Commission must receive a complaint within two years of the cause of action's emergence. However, if the complainant convinces the District Reference Book 95 Forum or other Commissions that he had a legitimate reason for failing to make the complaint within such period, the complaint may still be entertained by the appropriate forum even if it is filed after the term of limitation has passed.

### **Consumer Remedies Available**

The 2002 Amendment expanded the types of reliefs that District Forums could award. The District Forum now has the authority to order the other party to pay punitive damages, to stop manufacturing hazardous items, and to stop providing services that are inherently dangerous. If a large number of consumers who are difficult to identify have suffered loss or injury, the Forum may also order the opposing party to pay a sum equal to at least 5% of the value of the defective goods sold or services rendered. It may also order the opposite party to release corrective advertisements to counteract the effects of deceptive advertising. The District Forum may issue an order to the opposing party requiring him to perform one or more of the following actions if it determines that the products or services are defective[9], [10].

**Removal of defects:** The Forum may order the opposing party to correct any flaws in the products they provided or sold to the customer who filed the complaint. If any study or testing is necessary to identify a product's flaws, the Forum may issue an order directing the product to the proper lab. The District Forum may order the opposing party to fix any flaws in the items in question if the appropriate laboratory identifies any flaws. The Forum should decide the complaint on the basis of the evidence presented by the relevant parties and may pass appropriate orders, but when the complainant alleges a fault in the goods that cannot be identified by any analysis or test.

**Replacement of goods:** In cases when the alleged faults cannot be remedied, the Forum may order the opposing party to replace the goods.

**Return of price:** If it is established that the quality of the items is subpar or faulty and that they should be returned to the seller or supplier, Citizen Consumer Clubs 96 the Forum may order the other party to reimburse the aggrieved consumer for the price they paid. The Forum may also direct the opposing party to reimburse the service fees in the event of a service failure.

**Compensation:** The majority of consumer disputes are in the character of torts, and the most frequent remedy that the complainants demand is compensation.

The Forum grants compensation where the other party's carelessness and a specific loss or injury to the plaintiff are shown.

**Negligence:** Negligence is the failure to take action that a reasonable person would take, or the taking of action that a reasonable person would not do, such as medical malpractice on the part of a doctor. A doctor is negligent if they fail to correctly diagnose a patient's illness and administer the necessary care. If the doctor's negligence is shown to have caused the patient's loss or harm, the doctor will be held accountable.

**Product responsibility and Negligence:** If it is established that a manufacturer failed to exercise reasonable care, and as a result, the consumer sustained any loss or harm, the manufacturer will be held accountable. For instance, two buddies A and B visited a cool drink store. After giving B a portion of the refreshing drink A had purchased, A drained the remaining liquid from the container, revealing the decaying body of a cockroach. B experienced gastroenteritis and shock. The manufacturer was ruled accountable by the court on the grounds that the manufacturer had a duty of care to the final consumer, even though B, the drink's consumer, is not a purchaser.

**Compensation:** The compensation is thought of as serving as a substitute or restitution for the loss of privilege. In most cases, when the other reliefs mentioned under the Act are ineffective or insufficient to address the complaint of the complaining consumer, compensation is granted by the Forum to the aggrieved party. Compensation is sought in consumer disputes for a variety of reasons, including compensation for mental anguish, suffering, harassment, and more.

These damages are unique in kind and extra to the actual damages incurred for the actual and palpable loss or injury. Even while the consumer forums lack any particular or exclusive authority to grant special damages, it is commonly accepted that the ability to grant damages is sufficiently broad to grant such damages as well. The Supreme Court has definitely declared that the Commission or the Reference Forum is authorised to not only award value for the products or services, but also to compensate a consumer for injustice incurred by him, in the case of Luck now Development Authority vs. M.K. Gupta. This suggests that the Fora established by the Act may also grant special damages for the misery, grief, and mental stress experienced by the aggrieved customer.

Getting rid of the flaws or inadequacies The District Forum has the authority to order the opposing party to correct any deficiencies or flaws in the services in question. "Cease and desist" command: The Forum may order the opposing party to stop or not repeat unfair or restrictive trade practises if it is determined that it is guilty "prima facie" of doing so. Depending on the specifics of the case, it can take the form of a temporary or permanent order.

Not to sell dangerous products: Under the Act, the phrase "hazardous goods" is not defined. It can be seen as products or publications that are obviously unsafe and harmful to their intended consumers. The general public's lives, property, or health could be at danger from these products. The 1993 Amendment gave the District Forum the authority to require or direct the opposing party not to sell any hazardous goods. The District Forum has the authority to order the opposing party to stop offering the hazardous items for sale as well as to rescind those offers.

To give parties enough money for costs: In appropriate circumstances, the District Forum may grant expenses to complainants. If the Forum determines that the complainant is entitled to the same, costs may be granted. The Forum may also assess costs against the complainant if they file a baseless or malicious complaint against a third party exclusively with the intent to harass them or put them through undue hardship. This authority is specifically conferred under the Act.

A District Forum decision is not binding. Within 30 days of the order's date, anyone who feels wronged by a decision issued by the District Forum may file an appeal against that decision with the State Commission.

Before the 2002 Amendment to the Act, it was not necessary for a person who wanted to appeal the District Forum to pay any portion of the money that had been ordered to be paid by him to the opposing party. However, it is now specifically stated that no appeal by Citizen Consumer Clubs 98 shall be entertained by the State Commission unless the appellant deposits 50% of the amount or 25,000 Rupees, whichever is less, in accordance with an order of the District Forum.

According to an analysis of member country answers, local frameworks for consumer dispute resolution and reparation offer a variety of various mechanisms. The report identified three distinct categories of mechanisms: those for consumers to resolve individual complaints; those for consumers to resolve collective complaints; and those for government bodies to take legal action and obtain financial redress on behalf of a single consumer or group of consumers. These mechanisms are not available in all countries. Responding to the many forms and traits of customer complaints, these several groups serve separate yet complementary purposes. For instance, one-time disagreements with lawful enterprises are best handled through individual channels, especially informal non-judicial mechanisms. Procedures for collective action may be helpful in situations where many customers experience minor losses as a result of the wrongdoing of a single defendant. In circumstances of fraudulent or misleading practises, where investigative and other enforcement authorities not accessible to private litigants are particularly beneficial, mechanisms for government consumer protection agencies to seek monetary remedy for consumers can be effective.

## CONCLUSION

Consumers and businesses now have a substantially greater opportunity to transact over long distances and without regard to regional borders, local customs, or legal systems thanks to increased mobility and the expansion of the online market. These advantages, however, present difficulties for the accessible, efficient, and just resolution of potential conflicts. In general, the majority of OECD nations lack effective mechanisms for providing consumers with cross-border remedies because they were designed primarily to address domestic matters. There are significant barriers to securing court-based remedies in international matters in particular. Court processes are out of reach for the majority of customers with low value issues due to the expense and practical obstacles connected with bringing cross-border claims, in addition to legal challenges relating to jurisdiction and the applicable law. According to member country responses, not much has been done to improve the accessibility of court processes for international claimants, such as through expanded use of new information and communication technology. Therefore, in the future, domestic conflict resolution and redress systems will need to further adjust to the difficulties of cross-border disputes.

In cross-border lawsuits, there are also significant difficulties in ensuring that monetary remedies issued by the court eventually result in consumer restitution. In a select few nations, cross-border litigation can be granted provisional pre-judgment procedures like asset freezes. By taking these steps, you can make sure that there will be enough money to pay whatever final monetary judgement is granted. Additionally, without a treaty or other significant arrangement in place, it is extremely difficult or even impossible in the majority of member countries to execute financial judgements in the courts of another state. Although there are bi-lateral and regional agreements

in place, there are currently no international agreements to guarantee the enforcement of judgements. It will be necessary to resolve these ethical and practical barriers to cross-border access to efficient dispute resolution and redress procedures if consumers are to be assured adequate protections in the global marketplace.

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## CHAPTER 10

### ADVOCATES FOR CONSUMER PROTECTION

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#### **ABSTRACT:**

This study examines how activists and legal professionals view the effectiveness of the Consumer Protection Act's consumer dispute resolution process. It also looks at the underlying opportunities and risks shaping how the Consumer Forum operates. The Consumer Protection Act does not mandate that advocates participate in consumer forums. Nevertheless, they play a crucial role in the system for resolving consumer complaints. For the study, a descriptive research approach was chosen. Advocates and legal professionals that represent clients at consumer dispute resolution centres made up the sampling unit. For the purpose of choosing respondents, convenience-cumulative sampling was used. There were 50 responders in the sample. For the purpose of gathering primary data, a questionnaire was created. The data were analysed using a variety of statistical tools and techniques, including factor analysis utilising principal component analysis, multi-dimensional scaling (MDS), average, ratio, standard deviation, percentage, and one sample t-test. The currently employed solicitors dealt haphazardly with consumer cases. Advocates came to the conclusion that consumer forums were sufficient in their ability to give consumers justice. Advocates believe that consumer forums offer hassle-free dispute resolution and are easily accessible. It was discovered that five factors "Fair Judgements," "Consumer Friendliness," "Ease of Disputes Redressal," "Relevancy," and "Forum Reliability" had a significant impact on the success of dispute resolution procedures at consumer forums. Threats to consumer forums posed by dissonance and system inadequacies as well as traditional and novel opportunities were resolved. The robust consumer movement and online complaint registration were highlighted by advocates as highly regarded traditional and innovative opportunities, respectively. They listed system inadequacy and inactive consumer organisations as the top two dangers, respectively, along with consumer ignorance.

#### **KEYWORDS:**

Advocate Consumer Protection, Consumer Protection, Consumer Protection Act, Consumer Dispute Resolution Process.

#### **INTRODUCTION**

The relationship between merchants and consumers has changed as a result of the emergence of a well-organized sector of manufacturers and traders with improved market expertise, making the notion of consumer sovereignty almost irrelevant. Although there may be manufacturing flaws or imperfections or deficiencies in the quality, quantity, and purity of the goods or there may be a shortage in the services provided, advertisements for various goods and services on television, in newspapers, and in magazines influence consumer demand for the same. Additionally, the fact that numerous companies are producing the same good has confused buyers who don't have much time to choose and consider their options before making a purchase. The market's excess of contaminated and subpar goods needs to be controlled for the good of the general public. It

has become necessary to protect consumers from exploitation, to protect them from adulterated and substandard goods and deficiency in services, and to safeguard their interests despite various provisions offering protection to consumers and providing for stringent action against adulterated and substandard articles in various enactments. The Consumer Protection Act of 1986 included provisions for the creation of Consumer Councils as well as for the promotion and protection of consumer rights[1], [2]. The Central Consumer Protection Council and the State Consumer Protection Council were initially constituted at the federal and state levels, respectively, in accordance with the terms of the Consumer Protection Act of 1986.

## **DISCUSSION**

### **Council For Central Consumer Protection**

By issuing a notification, the Central Government shall create a council at the national level to be known as the "Central Consumer Protection Council" in accordance with the terms of the Consumer Protection Act, 1986.

### **Objectives**

The promotion and defence of consumer rights shall be the Central Council's main goals.

### **Constitution**

The following people make up the Central Consumer Protection Council:

- a) The Central Government's Minister in Charge of Consumer Affairs, who will also serve as the Central Council's Chairman.
- b) The Vice Chairman of the Central Council shall be the Minister of State (in cases where he is not holding the independent charge) or Deputy Minister (in charge of Consumer Affairs in the Central Government).
- c) In the United States, the Minister of Food and Civil Supplies or Minister in Charge of Consumer Affairs.
- d) Eight lawmakers, five from the Lok Sabha and three from the Rajya Sabha.
- e) The National Commission for Scheduled Castes and Scheduled Tribes Secretary.
- f) Up to twenty delegates from independent organisations and central government departments with a focus on consumer issues.
- g) Consumers or representatives from consumer voluntary organisations, numbering at least 35.

Representatives of agriculture, business, and industry, no more than twenty; individuals qualified to speak for consumers, no more than 15; and the secretary of the department of civil supplies, who shall be a member. The council has a broad basis and representation from all the relevant departments, as can be seen by its makeup. It includes members from business and industry in addition to the consumer community. Ample representation is given to women as well as the S.C. and S.T. representatives of the weaker sections. The council is anticipated to play a significant role in raising consumer awareness and helping the nation's healthy consumer movement expand[3], [4].

- 1) The Central Council's term is three years, according the Consumer Protection Rules of 1987.

- 2) Any member may resign from the Council by sending a letter to the Chairman of the Central Council signed with his or her own hand. The Central Government shall fill any vacancies, whether created by this circumstance or another, from the same category, and the person so appointed shall occupy office for the same period of time as the member he replaces would have been eligible to do so, had the vacancy not happened.

The Central Government may form a Standing Working Group from among the Council members, with the Member Secretary of the Council serving as its chairman, to monitor the implementation of the Central Council's recommendations and make suggestions for how the Council should work.

The Standing Working Group will meet as often as the Central Government deems necessary and will have a maximum of 30 members.

### **How the Council Acts**

The Central Council must adhere to the following guidelines when conducting its business.

- 1) The Chairman will preside over the Central Council meeting. The Vice-Chairman will preside over the Central Council meeting if the Chairman is not present. The Central Council shall elect a member to preside over that Council meeting in the absence of the Chairman and the Vice-Chairman.
- 2) The Central Council must convene each meeting by giving each member at least ten days' notice in writing before the meeting.
- 3) Each notice of a Central Council meeting must include a statement of the Council's agenda as well as the location, time, and day of the meeting.
- 4) No Central Council proceedings shall be invalidated just because there is a vacancy or other flaw in the Council's structure.
- 5) The Central Council may organise working groups from among its members as it deems necessary to carry out its Act-related duties, and each working group so formed is responsible for carrying out the duties delegated to it by the Central Council. These working groups' conclusions must be presented to the Central Council for review.
- 6) Non-official members are entitled to travel in first class or a two-tier air-conditioned class on all trains (including the Rajdhani Express) in connection with their attendance at meetings of the Central Consumer Protection Council or its working group, and they may claim either that fare or the cost of their actual mode of transportation, whichever is less.

The non-official members from Island territories are eligible to round-trip domestic aeroplane travel in economy class from the Islands to the closest airport on land, followed by rail fare for the appropriate class. Senior citizens who are non-official members are entitled to domestic economy class air travel when they purchase senior citizen discounted fares for their trips when the distance travelled is 1000 km or more. The non-official participants are entitled to Rs. 1000 as incidental costs each day to cover the cost of their daily allowance, lodging and local transportation from their place of residence to the station/airport, from the station/airport to the venue of the meeting, and vice versa. Every claim made under this subrule must include a certification that the member will not get any benefits from another ministry, department, or

organisation of the Central Government while he is in town for the Central Consumer Protection Council meeting or any of its Working Group meetings. Independent of the city's zoning classification, local non-official members who live near the meeting's location must get aggregated transport, hire and incidental payments of Rs. 200 per day to cover daily allowances. Members of Parliament are entitled to travel and daily expenses at the rates allowed for such members when they attend meetings of the Council or its Working Group[5], [6].

### **Consumer Protection Council of the State**

By issuing a notification, the State Government shall create a Council for the State to be known as the "State Consumer Protection Council" for the State in accordance with the provisions of the Consumer Protection Act, 1986.

### **Objectives**

The State Council's goals must include advancing and defending the legal rights of consumers in the State. The State Consumer Protection Council should safeguard customers and guarantee that they will receive the following:

- i. Goods will be delivered at the proper weights and measurements, officially stamped by the relevant Department [7], [8].
- a. ii. The standard of the foodstuffs and oils sold;
- b. iii. Ample public transport, fees charged, stops made at designated locations and also upon request;
- c. iv. Services offered by telecom departments and organisations, such as bill payment, fault repairs, and phone relocation upon request;
- vi. The distribution of invoices to all customers by merchants and service providers;
- vii. Municipality providing satisfactory services in terms of sanitation, road maintenance, and the provision of clean drinking water;
- viii. Accurate billing, prompt metre reading recording, and resolution of complaints against power distribution companies;
- vii. Redress of public complaints by public utilities, etc., is item number [9], [10].

### **CONCLUSION**

Both long seen as honorable, the legal profession. Currently, the Consumer Protection Act does not hold legal experts accountable. Legal experts are essential to maintaining societal order. In general, people prefer to use a lawyer to pursue justice as opposed to enforcing their own rights. They have faith in the legal system and courts, which explains this. Nothing should thus prevent them from obtaining the justice they are due. It is not a revolutionary idea to hold advocates accountable for negligence or malfeasance. If they are sued, solicitors risk being accused of negligence or misconduct under the Advocates Act, 1961. However, the Advocates Act forbids payment, so suing them in court would be a time-consuming and expensive process. There needs to be a solution as a result. Including them in the Consumer Protection Act is one option. It would be desirable to include a provision in the Advocates Act that provides compensation to the impacted parties, given the nature of the profession and the fact that advocates are now governed by a different Act.

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## CHAPTER 11

### TRADE PRACTICES THAT ARE RESTRICTIVE AND UNFAIR

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#### ABSTRACT:

The term "unfair trade practise" (UTP) broadly refers to a trade practise that adopts any unfair method or unfair or deceptive practise that is prohibited by a statute or has been recognised as actionable under law or by a court judgement in order to promote the sale, use, supply of any goods or the provision of any service. The purpose of this research paper is to explain why the concept of unfair commercial practises should be included in consumer laws rather than competition laws. By contrasting the provisions of the Competition and Consumer Laws enacted in response to the issue, the article also evaluates the idea of unfair business practises in India. In addition to analysing the theoretical framework and the inconsistent interpretations of "consumer welfare" with regard to unfair trade practises that are found in both pieces of legislation, this research chapter aims to highlight the position of UTPs in India.

#### KEYWORDS:

Consumer Welfare, Competition Management, Incorporation UTPs, Overlapping Provisions, Unfair Trade Practices (UTPs).

#### INTRODUCTION

The word "unfair trade practise" broadly refers to any dishonest, false, or misleading business practise, as well as any business deception of goods or services that are continuously sold, that is prohibited by law or has been shown to be legally important by a court decision. Generally speaking, unfair commercial practises include illegally rejecting any transaction, deceitfully soliciting clients, unfairly interfering with competitors' company operations, and unfairly excluding competitors. Businesspeople are willing to adopt unfair trade practises in today's competitive corporate and business environment to gain an advantage over their rivals. They may benefit from this in the short term, but in the long run, the organisation and ultimately the entire industry and society are affected. Any type of misrepresentation of the goods is permissible. The sellers may suffer unintended financial losses as a result of the unfair trade practises, which may invite a variety of tort claims[1], [2].

#### DISCUSSION

##### Restraining Business Practises

A new definition of the word "restrictive trade practise" has been added to the Act of 1986 by the Consumer Protection (Amendment) Act of 1993. The new provision includes a Restrictive Trade Practise within the range of the Consumer Protection Act, broadening its application. According to the Consumer Protection Act of 1986, a restrictive trade practise is one that prevents, distorts, or restricts competition in any way, particularly one that: (i) tends to obstruct the flow of capital or resources into the stream of production; or (ii) tends to bring about price or delivery condition

manipulation or affect the flow of supplies in the market in general. The requirement that a restrictive trade practise actually or likely affects competition is the most important one.

Restrictive trade practises include, for example, price fixing, collective boycotting, exclusive dealing, collective tendering or bidding, territory restriction, price discrimination, tie-up sales, and resale price maintenance[3], [4].

## EXAMPLES OF RESTRICTIVE COMMERCIAL PRACTISES

Some examples of restrictive trade practises include the following:

1. Price fixing is the most prevalent type of unfair commercial practises, in which dealers agree on the price of items in advance or in concert.
2. Eliminating competition and maintaining the rising trend in pricing are the major goals of price fixing. Such an attempt to regulate the market would be a restraint on commerce.

**Exclusive Dealings:** This refers to an agreement or practise where a producer, manufacturer, or supplier insists that his dealers only deal in his products and not in those of his rivals. They are comparable to "solus" agreements, which might not be illegal in and of themselves if they merely regulate competition rather than preventing, distorting, or restricting it. However, an exclusive agreement would be considered a restrictive trade practise if it forecloses or avoids competition by monopolising the market with one's own goods.

**Territorial limitation:** When a producer or supplier requires his dealers to only sell the products in the designated area or market, this might be considered a territorial restriction that restricts commerce. Even if it might be acceptable in some situations on the basis of lower costs or a fair distribution of the commodity, it might not be justified in others. Especially if the goal of enforcing such a territorial restriction is to eliminate rivalry or establish a monopoly for a specific brand of product.

**Tie-up sales:** A "tie-up sale" or "tying-up arrangement" is an arrangement or agreement in which a buyer is compelled to acquire one or more goods or services. A tie-up sale would typically entail placing a prerequisite of buying one thing before another. In this manner, a trader can compel customers to buy things that they do not want.

It is little more than the traders' 138 Citizen Consumer Club members being exploited, and it scarcely accomplishes anything than stifling competition. For instance, if a customer wishes to buy item 'x', the seller places a precedent requirement that the customer also purchase item 'y' from him in order to acquire item 'x'. Such a deal would have the effect of obliging the customer to purchase items or services he does not want. In such a situation, the buyer forfeits his right to choose between rival products, harming free market competition financially. These tie-up sales barely accomplish anything besides stifling competition[5], [6].

**Refusing to provide goods:** The notion of a restrictive trade practise would apply in cases when the supplier withholds the supplies out of concern that the dealers will likely sell them for less than the minimum resale price. It is important to remember that Section 40 of the M.R.T.P. Act forbids the supplier from refusing to supply any goods to a wholesaler or retailer on the grounds that they are doing so or are likely to do so below the set minimum price.

**Full-line forcing:** Full line forcing is the practise of requiring a buyer to buy all of the seller's ancillary products in addition to the core products. It is nothing more than a severe variation on

tie-up sales. It is irrational since it can deny consumers the freedom to select the top products from a variety of competitive brands available on a free and open market.

### **Unfair Commercial Activities**

The Parliament's main goal in establishing the 1986 Act was to safeguard consumers' rights against the unethical business practises used by dishonest merchants. Therefore, understanding what a "unfair trade practise" is becomes crucial. To make the phrase an independent source, the 1993 Amendment included a thorough explanation of it.

According to the Act, an "unfair trade practise" is any business practise that is used to promote the purchase, use, or supply of any goods or services. Any unfair technique, tactic, or deceptive act used by merchants to advertise their products or services is referred to as an unfair trade practice.

#### **This is among its components:**

False depiction of the degree to which the sold items meet standards for quality, quantity, grade, composition, style, or model

1. A misrepresentation of the level, calibre, or grade of the hired service.
2. Making a deceptive claim that a product is new when it is actually rebuilt, used, restored, reconditioned, or old.
3. Making misleading claims about the endorsement, approval, functionality, features, accessories, applications, or advantages of the products or services.
4. Making a misleading claim about the vendor or supplier's affiliation, sponsorship, or approval when they do not.
5. A false or deceptive statement about the necessity or value of any good or service.
6. Providing the public with a warranty or guarantee on the effectiveness, performance, or lifespan of a product or any other items without conducting sufficient or appropriate testing
7. Making false claims about a product's warranty or guarantee, or about any other goods or services; or promising to replace, keep up with, or fix an item without any plausible justification.
8. Misrepresenting to the public the price at which things, goods, or services have typically been sold.
9. Providing false or misleading information, unfairly implying that another person's goods, services, or trade are of low-quality standard, etc., in order to negatively impact another person's business.
10. Allowing the publication of any advertisements in any format for the sale or supply of products or services intended not to be made available for sale or supply at a discount, among other things.
11. Allowing the giving of presents or other products with the goal of giving the appearance that they are given for free when they are fully or partially paid by the money that the dealer has gathered.
12. In order to promote the use, supply, or sale of any product or any business interest, it is permissible to hold any competition, lottery, or game of chance or skill.

13. Allowing the sale or supply of goods while knowing or having cause to believe that they do not meet the performance, composition, contents, design, construction, or packaging requirements established by a competent body; and
14. Approving the hoarding of things, which includes storing or destroying them, or refusing to sell them in an effort to drive up the price of those or other similar products.

This is a wonderful move because it is now customary for the business community to announce a variety of schemes to offer free gifts, prizes, etc., but typically does not publicise the results of such schemes after they have ended, causing the consumers a great deal of hassle. The outcomes of such schemes should now be published in the same newspaper where the scheme was initially advertised within a reasonable amount of time, according to the clarification appended to the newly inserted clause defining unfair commercial practise. It would be unfair commercial practises to do otherwise[7], [8].

### **Cases of Unfair Commercial Activities**

The Act's definition of an unfair trade practise is the most complete in that it encompasses practically all of the many unfair trade practises that merchants use or adopt. Following are a few examples of unfair trade practise precedents:

**Discount Sales:** Promoting sales at throwaway prices and unreliable market prices without specifying the calibre of the items being offered for sale or the length of the sale period would be unfair business practise and detrimental to the public interest.

A similar unfair trading practise is advertising a 50% discount without identifying the specific quality of the goods that would qualify for the discount. Misleading and false advertising regarding high returns on investment: It would be considered an unfair trade practise if certain businesses or organizations' advertised high returns, tax-free income on eucalyptus trees or other growths, effectively guaranteeing about three times the returns on the investment made by clients or participants in the scheme without any supporting evidence. It would be an unfair business practise for financial businesses to offer high rates of interest on deposits without calculating the rate of return on potential investments.

### **False claim of treatment of diseases:**

The M.R.T.P. Commission ruled that a little-known doctor deceived the public by falsely asserting that he offers 100% successful treatment for the cure of white patches and that he was a well-known expert in skin care.

### **Failure to repair machine while under warranty:**

If the respondent seller of a machine offered a one-year warranty for satisfactory performance at the time of purchase, but the machine broke down a short time later, it would be an unfair trade practise for the seller or supplier to neglect to properly repair or replace the machine's parts.

Untrustworthy individuals and organizations frequently attempt to deceive in the sphere of education. 16.3.1.5 False advertising regarding the quality of educational services. By misleading the public with information about the degrees awarded, those taking tests, unrecognized degrees, etc., such advertisements would be considered unfair trade practises.

Fraudulent claims to provide education that is comparable to and recognised by American or foreign universities, as well as fraudulent promises to provide employment, etc., would be considered unfair trade practises[9], [10].

### **M RTP Commission: Monopolistic Restrictive Trade Practises**

The Monopolies Inquiry Commission saw the importance of creating a permanent organisation to look into complaints about monopolistic restrictive and unfair trade practises that are harmful to the public interest. As a result, the Act establishes a dual mechanism for putting its provisions into effect: the Central Government and the M.R.T.P. Commission.

The Commission has been granted extensive legal authority. It has the authority to:

- (i) Investigate monopolistic or restrained trade practises;
- (ii) To necessitate a preliminary examination into a purported monopolistic or restraint-of-trade practise by the Director General.
- (iii) To compel any witness to appear and to be sworn in before being questioned.
- (iv) To obtain testimony based on affidavits.
- (v) To require any corporation, court, office, or public record
- (vi) To give any commission for a witness's examination.

The commission may grant a request for an order directing the recovery of compensation for injury or loss from the Central Government, any State Government, an individual trader or class of individuals, or a consumer. It is crucial to remember that the Act's relief comes in addition to the rights to file a claim for compensation. Therefore, even a registered consumers' association may ask the commission for reimbursement or an investigation.

### **CONCLUSION**

Giant sellers frequently subject consumers to unfair trade practises, and consumers fall victim to their brutally competitive business practises. In the modernised world of today, consumers are becoming more aware of their rights under the Consumer Protection Act and are seeking recourse against unfair business practises. Viewed in light of the provisions present in the Indian statutes and legislation as well as the various proactive policies, initiatives, and programmes being undertaken by the Government, the future of the consumer justice system in our nation appears to be promising. Consumers who lack literacy should be informed of their legal options so they can protect themselves from monopolists' unfair business practises. The government should take action to inform the populace of the different avenues for redress in the event that their consumer rights are violated. Participation from business and industry, civil society groups, and most importantly consumers themselves is essential to prevent the practise of unfair trade in the years to come.

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## CHAPTER 12

### SERVICES AND CONSUMER PROTECTION ARE DEFICIENT

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#### ABSTRACT:

Under the Consumer Protection Act, complaints regarding subpar services may be made. If the forum determines that one or more of the claims made in the complaint regarding the services are accurate, it may offer any of the appropriate types of remedies allowed by the Act. The customer must provide evidence that the services have a flaw. The term "service" refers to any type of service that is made available to potential customers, and it covers everything from the provision of facilities for banking, financing, insurance, transportation, processing, supply of electrical or other energy, board and lodging or both, housing construction, entertainment, amusement, or the dissemination of news or other information, but it excludes any services that are provided for free or under a contract of personal service.

#### KEYWORDS:

Consumer Services, Consumer Protection, Deficiency, Services Consumer Protection, Transportation.

#### INTRODUCTION

The Consumer Protection Act's primary goal is to provide compensation to consumers for subpar products and services. "Service" refers to any kind of service that is made available to potential customers. This includes the provision of facilities for banking, financing, insurance, transportation, processing, supply of electrical or other energy, boarding or lodging or both, housing construction, entertainment, amusement, or the dissemination of news or other information, but excludes any services provided for free or under a contract of personal service. Depending on the context or sense in which it is used, the term can have a range of meanings. Service refers to a duty or labor that one person performs for another, with the former being required to surrender his will to the latter's direction and control. As a result, service is provided to customers who are able to use it in addition to actual users. The clause is extremely broad and applies to any and all current or potential users. For instance, consumers of services include both the actual buyer of items and those who are likely to purchase them [1], [2].

#### DISCUSSION

##### Service Deficiency

Only when there is a flaw in the goods or a service shortcoming is a complaint under the Act admissible. The term "deficiency" refers to any flaw, imperfection, shortcoming, or inadequacy in the quality, nature, or manner of performance that must be upheld by or in accordance with any law in effect at the time or has been agreed to be performed by a person in accordance with a contract or in any other way with respect to any service.

It refers to any flaw, imperfection, or weakness in any service that is typically provided in accordance with the letter of the law or the terms of a contract. The definition is fairly broad and thorough. Additionally, it addresses the inadequate quality. The nature and manner of the service may (a) be that which must be upheld by or in accordance with any current law, or (b) that which has been agreed to be performed by a person in accordance with an express or implied contract. Deficiencies in services include, for instance, cases of excessive telephone service billing, careless medical treatment, erroneous diagnoses, and the failure of railway administration to prevent unauthorised individuals from entering a reserved compartment.

Ineffectiveness, carelessness, a lack of credentials, hurry, rashness, or omission could be the reasons why the service was not rendered properly. It is crucial to remember that a shortfall will only occur if an activity satisfies the Act's definition of a "service." Therefore, one cannot claim a defect in service under the statute if the activity is not a service. Failure to provide service due to circumstances totally beyond the control of Reference Book 147 the other party would not constitute a failure in service. The term "deficiency in service" refers to the willful withholding of a service that would otherwise be required or the denial of a service that would not be refused to others in a comparable situation. The cases listed below can be observed to get a better understanding of the lack of services.

### **Services Medical**

'Services' encompasses a range of medical services, such as paramedical, diagnostic, and surgical treatments. An incorrect diagnosis could result in a service deficit. Similar to this, a lack of medical services would result from a doctor's neglect during operations, when prescribing medications, when managing nursing homes and hospitals, and when providing nourishing food and other amenities[3], [4].

The Supreme Court heard a case in which a doctor performing a sterilizing procedure placed a mop (towel) within the abdomen of the plaintiff. The Supreme Court determined that the deceased's death was ultimately caused by the surgeon's negligence in leaving the mop in her abdomen during the procedure. The Supreme Court ruled that a diploma holder in homoeopathy has a legal obligation to practise homoeopathy and is not permitted to work in any other area of medicine, such as allopathy. A person who practises a certain system of medicine without having understanding of it is a quack and only a pretender to medical knowledge or expertise. His actions met the legal definition of negligence, especially in light of the duty of care.

### **Services of Transport**

According to the Act, the transportation of goods or people by planes, trains, buses, taxis, trucks and cars is considered a "service." In actuality, the Act's definition of service includes transportation. Therefore, any form of shortcoming in the aforementioned services would constitute a service shortcoming. The National Commission concluded that the railway administration's failure to monitor the entry of unauthorised individuals into restricted compartments constituted a service defect.

When Airways Authorities issue a confirmed and approved ticket in a person's favour, failing to give him a seat on the flight when he arrives at the airport on time would be negligence on their part, making it an obvious case of deficiency in service as defined by the Act. A similar service flaw would be considered insufficient food provided to the passengers[5], [6]. Travellers who use

aeroplanes are consumers. Therefore, it is carelessness on the part of Airways Authority if their baggage is not delivered to them at their destination or if it is unintentionally returned back to the point of boarding and is delivered several days later. Consequently, it would be an instance of service deficiency.

When a flight was delayed and the Airways Authority asked the passengers to wait, the complaining passenger took a chance and left to do some work; by the time she returned, the aeroplane had been announced and took off without her. It wouldn't amount to a case of poor service. If older individuals with reserved tickets were denied berths in a train car because the berths were being used by uninvited guests, this would be a blatant example of poor service on the side of the railroads [7], [8].

### **Services for Insurance**

When insurance firms fail to identify the insured in relation to a loss, fail to pay the nominee designated, or fail to resolve the claim under the insurance policy within a reasonable amount of time, these failures may result in a deficiency in services. Only after the occurrence of the contingency, such as the policy's maturity or the insured's death, may service under an insurance policy be rendered. There would be no deficit in service and no relief against insurance companies could be granted under the Consumer Protection Act if a claim was paid and accepted in full and as final settlement. The Supreme Court ruled in a landmark decision that an insurance agent lacks the jurisdiction to collect premiums on behalf of L.I.C. and that any such payment made to the agent cannot be regarded as compensation for the insurer. If, despite collecting the premium from the employee's salary and failing to remit it to the L.I.C. in accordance with the terms of the agreement, the employer failed to deduct the premium from the employee's salary each month, the L.I.C. would be liable for covering the insurance amount in the event of the employee's death. It was not possible to characterise the insurance company's denial of the insurance claim on the grounds that the Citizen Consumer Clubs 150 driver did not have a valid driver's licence at the time of the accident as a service failure or negligence on their part.

The insurance firms are required to resolve or reject insurance claims within a reasonable amount of time, which is typically 3 months. Beyond that, there would be a service deficit. In some situations, the insured individual's legal heirs will fight for the guaranteed sum after the covered person passes away. If there is disagreement over who the covered policyholder's legitimate heirs or representatives are, the insurance company would be justified in demanding a succession certificate from the appropriate court. However, the insurance company cannot demand the provision of a succession certificate if there is no question as to the legal heirs or representatives. If so, the same would constitute a service deficit.

### **Services for Education**

It has been thought of as a service to provide education through private educational institutions, so-called universities, and self-sponsored educational programmes. Students can file complaints against educational institutions or universities on the grounds of service deficiencies whenever they make mistakes that inconvenience them. Defects in service have been determined to include misrepresenting exam results, delaying the issuance of a degree certificate unreasonably and without cause, and admitting students to a course in violation of the guidelines established by the appropriate authority.

There is no arrangement for hiring of any service in such a situation as is contemplated by the Act, so the University or the Board cannot be held liable in the matter of conducting examinations, evaluating answer books, announcing the results, and then conducting rechecking of marks of any candidate on the application made by the concerned candidate.

### **Rental Services**

Housing construction was not one of the services included by the Act's definition of "service" until an amendment was made to it in 1993. The Supreme Court's groundbreaking ruling in Luck now Development Authority v. M.K. Gupta led to the Parliament adding housing building to the Act. Therefore, it would be considered a deficiency in service when a Housing Board employs subpar materials for construction or fails to provide fundamental amenities like roads, schools, lifts, parks, etc. as promised under the scheme, contract of sale, or allotment. Even after the whole amount has been paid, a delay in giving the apartment's owner ownership would constitute a lack of service. The same would apply if a home's builder used subpar materials to construct a structure or gave incorrect information regarding the state of the home. The definition of service would include the allocation of developed land under any particular plan created for a certain objective.

### **SERVICES FOR SENDER**

The most frequent criticisms of courier services or businesses are that they fail to deliver packages on schedule or that the packages' contents are missing. This means that when a courier took a package to deliver it to the addressee within a certain amount of time in accordance with the sender's instructions and also received payment, but failed to do so, it was seen to be a deficiency in service. Similar to how losing documents or other delivery contents would constitute a lack of service on the part of the courier. However, the carrier is not required by law to inform the consignor that the consignee has refused to accept delivery of the goods.

### **POSTROUTING SERVICES**

The customer can make a complaint under the Act and receive appropriate remedies if the postal department's service is deficient in any way. Under the terms of the post office guide, the post office may assert immunity from liability on specific grounds; nonetheless, the department may also be held accountable for the negligence of its personnel. Therefore, delivering the money order to the incorrect recipient would constitute a service deficit[9], [10] In a similar vein, the postal department would be lacking in service if the invitation cards it received in cash from the counter clerk of a post office were not posted. A service flaw occurs when a mail is incorrectly returned to the sender due to egregious postal personnel negligence. In light of Section 6 of the Indian Post Office Act, a claim for compensation against the postal authorities for the loss of misbelieved registered mail is not maintainable. The loss, misdelivery, delay, or damage to any postal product during postal transmission by post must be the result of a fraudulent or deliberate conduct on the part of a specific postal employee in order to give rise to liability.

### **Telephone Services**

The definition's section on "purveying news or information" implicitly covers telephone services. Therefore, any corresponding deficiencies would be considered deficiencies in service under the Act.

The most prevalent phone service deficiencies are overcharging, disconnecting a phone without warning, refusing to give customers a free copy of the telephone directory, improperly moving telephones, etc.

### **Services for Banks**

The banks may be deemed to have provided inadequate service in a variety of circumstances. They could include improperly declining to encash a draught, collecting a cheque but failing to credit it, or losing valuables from a bank's locked safe. The Consumer Commission may still be able to investigate the issue of inadequate banking service despite the mere filing of the bank suit for the recovery of the money. Therefore, if the bank was required by the contract to disburse the money but did not, and if there was a subsequent default in payment as a result, there could be a basis for the account holders to complain about the bank's lack of service. The Supreme Court ruled that although if the term of "service" under the Act covers the services provided by banks, the meaning of "deficiency" under the Act does not apply when a bank fails to provide services to its depositors because of an illegal strike. Furthermore, merely suffering a loss or injury without the bank acting negligently would not entitle the consumer to compensation under the Act.

If a bank rejects a demand draught because the complainant couldn't be properly identified, such rejection would be considered vengeful because the complainant had just cancelled his account with that bank ten days prior. The National Commission determined that the petitioner would be entitled to nominal compensation of Rs. 500 while upholding the complainant's argument that the bank had provided subpar service. However, if the bank made the payment in good faith and did not have any reason to question the validity of a cheque due to photographic identity and similar signature resemblance, it cannot be held liable for a lack of service. Without giving the customer any advance notice, credit facilities might be frozen, which constitutes a lack of banking service. The same goes for dishonouring customer checks without cause or justification when the authorised credit hasn't been cancelled or used up. The same equates to a lack of providing banking services.

### **Employees supply**

In a recent ruling, the Supreme Court of India held that because a member of the Employees' Provident Fund Scheme is a "consumer" and the Provident Fund Commissioner's responsibilities under the applicable scheme fall under the definition of "service" under the Act, the member may use the provisions of the Consumer Protection Act, 1986 against the Provident Fund Commissioner.

The Supreme Court was asked to weigh in on the issue of whether the Regional Provident Fund Commissioner's delay in paying a member of the Employees Provident Fund constituted a deficiency in service in the case of Regional Provident Fund Commissioner vs. S.K. Joshi. The term of "consumer" under the Act includes not only the person who hires the services for payment but also the beneficiary, for whose benefit such services are hired, hence the court answered the question in the affirmative.

The services of the Provident Fund Commissioner in running the scheme shall be deemed to have been utilized for consideration by the Central Government for the benefit of employees who would be treated as beneficiaries within the meaning of that word used in the definition of

"consumer" even if it is held that administrative costs are paid by the Central Government and no part of it is paid by the employee. Some of the places where service shortcomings might be discovered are those already mentioned. It is important to keep in mind that the concept of "deficiency in service" under the Act also applies to newspaper news and opinion reporting, chit fund services and petrol cylinder services. In the near future, it is anticipated that the Act will apply to an increasing number of services, and it is also likely that these services will become more and more likely to be deficient. Making the opposing party or respondents is justified by the idea that every customer should receive value for the money spent on the goods or services, as the case may be, that he purchases.

### CONCLUSION

Therefore, a customer has the right to receive compensation for any subpar goods or services that the seller or service provider provides. The Consumer Protection Act of 2019 gives customers a remedy by addressing their complaints and offering them relief in the form of compensation from the alleged as per the procedure set forth in the Act. As a result, producers may also be held accountable for faulty goods under the Act. Producer refers to the company that makes the finished goods as well as any other party responsible for any industrial or other process that involves any component that is necessary for the production of the final good or provision of the service up until its completion. According to the Act, multiple parties may be accountable for the same injury. Therefore, the alleged party may bring legal action against all of those parties when culpability is joint and several.

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## CHAPTER 13

### A BRIEF DISCUSSION ON ADULTERATION OF FOOD

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#### **ABSTRACT:**

For a healthy growth, our body needs food in the forms of carbs, proteins, fats, enzymes, vitamins, and minerals. All of these nutrients, however, are not produced by our body. As a result, the only way to get these nutrients in sufficient amounts is through diet. Some business owners and dealers are so greedy that they put the public's health at risk by using subpar materials in order to increase their profits. Adulteration is defined as when some food products don't adhere to the rules and regulations. It is the adding of a different material to a food item in order to enhance its amount in either its raw or prepared form, which could lead to a reduction in the food item's actual quality. These ingredients could be readily available foods or non-food objects. Water, ice, and carcasses of animals other than the one intended for consumption are some of the substances used to adulterate meat and meat products. The Food Safety and Standards Act of 2006, which began implementation in August 2011, has superseded an outdated law in India enacted in 1954 to prevent food tampering. Poisonous or harmful substances, filth and foreign matter, economic adulteration, microbiological contamination, and food adulteration are all examples of adulteration.

#### **KEYWORDS:**

Adulteration, Economic Adulteration, Food Adulteration, Food Safety, Standards Act.

#### **INTRODUCTION**

Food is absolutely necessary for our life, but it may also be dangerous if it is contaminated or does not meet certain criteria. A food is said to be adulterated when there is an accidental contamination during the growing, harvesting, storing, processing, transportation, or distribution process as well as when there is an intentional addition or substitution that alters the nature, substance, or quality of the food. Unfortunately, customers themselves had not been very worried about the quality of food goods, either due to poverty or a lack of basic education.

Sometimes, their ignorance exposes them to serious health risks. Due to the growing awareness of the connection between food and health in this setting, food safety is attracting attention on a global scale. Food safety is the absence of any pollutants, adulterants, naturally occurring poisons, or other substances that could cause food to be harmful to health either acutely or chronically. Therefore, in order to effectively combat adulteration, a savvy consumer must be knowledgeable about the many types of adulterants, detection techniques, and legal protections offered to consumers.

The most crucial factor in the detection of food adulteration will be consumer awareness of the potential for adulteration and the likely adulterant in a specific item. Stones, clay, insects in cereal and cereal products, kesaridhal in redgram dhal, oily pulses or shimmering pepper where castor

or mineral oil is coated, argemone seeds in mustard seeds, and others are some of the adulterants that may be seen with the naked eye[1], [2].

## DISCUSSION

### ADULTERATION

The following discussion covers the many adulterants found in various foods and their impact on health.

**Milk:** According to government figures, milk is the product that is most frequently contaminated in India. Milk is adulterated when water is added, fat is removed, starch is added, skim milk powder is added, and neutralizers such sodium bicarbonate and sodium carbonate are used. Urea, ammonium sulphate, and the addition of sugar cane juice have occasionally also been found. Pesticide residues like DDT and veterinary medicine residues like ox tetracycline, penicillin, and streptomycin are examples of the contamination type. Gentamycin was added to milk in a few rare occasions to increase shelf life at room temperature. The market for "synthetic milk" has been mentioned in media publications during the past few years.

**Effects on health:** Children are the main users of milk, and it is regarded as a complete diet. Calcium is vital for the growth of bones, hence milk is a good supply of it. The reference book 159 premise that milk is available in its purest form underlies all of the aforementioned problems. All of the aforementioned virtues are practically lost in the form of adulteration that is used in milk, which turns it into a health hazard. Children that consume tainted milk may develop malnutrition and under nutrition, which has an impact on them as they age. There is residue of the antibiotic ox tetracycline, which should never be administered to children, not even for therapeutic reasons. Since it disrupts calcium metabolism, bone formation is probably impacted. Milk antibiotics can cause allergic responses in people with sensitivity. Consuming such tainted milk regularly may cause gut microorganisms to become resistant to antibiotics. The production of curd in fermented milk products is similarly impacted by antibiotic residues[3], [4].

### Milk Products

Numerous varieties of milk products are made from milk. One of the primary milk ingredients used in a variety of sweets is khoa. Starch and all other adulterants used in milk, such as sodium bicarbonate and sodium carbonate, are frequently added to khoa. Another issue is the microbial contamination of khoa. Starch in srikhand, cellulose, saccharine in curd, rhodamine in rose milk, vanaspati, butter yellow, mashed potato in butter, etc. are examples of milk products that have been found to be adulterated. Other types of adulteration seen in milk products include the use of aluminium foil in place of silver foil, the use of prohibited hues, and the use of prohibited colours in excess of their permissible ranges.

**Health effects:**Choa, a common sweetener's base ingredient, has been linked to numerous food-borne illnesses brought on by consumption of milk products. Specifically, Staphylococcus aureus contamination caused it in large part. The main cause of this infection is food handlers, and subsequent inappropriate handling and storage make it dangerous.

Cereals and cereal-related items, The main kind of adulteration found in cereals is foreign material, such as sand, other unpalatable particles, insect infestation, and weevilized grains. The

gluten content will be lower and the dough quality would be lower if the wheat used to create maida or atta is insect or fungus affected.

**Health Effects:** While atta prepared from fungal-infested wheat had caused foodborne illness among the consumers, sand may physically contaminate teeth and cause tooth damage.

**Pulses and pulse-related products:** *Lathyrus sativus*, often known as kesari dal, is a poisonous pulse that is farmed throughout India but is illegal to sell for human consumption in the majority of states. Physically, this pulse is quite similar to redgram dal (tuwar dal), and when it is converted into flour, it pairs well with bengalgramme flour, hence it is frequently found that redgram dal and *lathyrussativus* (kesari dal) are adulterated. Examples of adulteration in pulses and their products include the inclusion of yellow colouring, Bengal gramme flour, dal moth, castor oil coating, and the addition of magnesium silicate[5], [6].

**Edible oils and fats:** In India, the edible oils are more likely to be adulterated. The three main cooking oils are mustard oil, coconut oil, and groundnut oil. Castor oil, mineral oil, and several less expensive edible oils like soyabean, cotton seed, palmolen, and rape seed oils are among the adulterants found in groundnut oil. Sesame oil, Linseed oil, Rapeseed oil, Groundnut Oil, Castor Oil, and cheaper oils are added to adulterated mustard oil together with synthetic allyl isothiocyanate. In mustard oil, colour can sometimes be seen. Castor oil, mineral oil, and palm olein oil are added to coconut oil to make it more potent. Castor oil, palm stearin, and other forbidding oils are added to vanaspati to make it more potent. Vanaspati, animal body fat, fake flavor, and even artificial colour have all been found in ghee that has been tampered with.

**Health effects:** Consuming edible oils contaminated with argemone oil has been linked to numerous outbreaks of dropsy, a disease. This adulteration has caused numerous fatalities. The sale of loose oils has been outlawed by the government to stop this kind of adulteration. Consuming castor oil may cause a loss of fat-soluble vitamins, which could result in disorders caused by vitamin deficiencies.

**Spices:** After milk, spices are the product that is most frequently tampered with. It has long been a practise to steam distil spices like cardamom and clove to remove their essential oils. Turmeric is one of the spice powders that is frequently contaminated. In addition to a wide range of less expensive agricultural products such starches of maize, jowar, arrow root, potato, and tapioca, adulterants such as artificial colours like atrazine, metanil yellow, and lead chromate have also been found.

**Health effects:** Although adulteration of spices may not be harmful to human health, it defrauds the purchaser of his money. Because there is less spice consumed, there is less exposure to the specific adulterant, which reduces the risk to food safety.

**Tea:** Compared to coffee and tea, tea powder appears to be a more contaminated good. Among the adulterants found in tea are cashew husk, black gramme husk, used tea leaves, artificial colours, and iron filings. Due to mechanical wear and tear, iron filings can be found in tea leaf or powder.

**Health consequences:** Consuming artificial colours, such as tartazine and cormosine, may have long-term health implications, such as ashma in adults and attention efficiency hyperactivity disorder in kids, among other things.

**Confectionery:** Children make up the majority of confectionery consumers, hence in order to draw them in, most confectioneries overuse colour.

Rhodamine, orange, metanil yellow, and other prohibited colours are present in some of them. Saccharine is another common adulterant in sweets.

**Health implications:** Consuming colours in excess of the recommended amounts may have a variety of negative impacts on health, depending on the colour. For instance, children who consume more erythrosine may develop hypothyroidism. Children who consume too much Ponceau 4R may get tongue ulcers.

**Fruits and vegetables:** Newer methods of food adulteration, such as the colouring of cut fruits, are being noticed. India forbids the artificial ripening of fruits, as is widely known. Malachite green is used to dye green peas.

**Effects on health:** Consumption of colour is safe up to a certain point, after which each colour may have a different hazardous effect. Because of this, not all meals are allowed to contain artificial colouring. The presence of hazardous contaminants in calcium carbide may be the cause of the toxic effects of artificial ripening[7], [8].

### **Contamination of Food**

In addition to food adulteration, food contamination is another issue that compromises consumer health.

#### **Microbiological contamination**

Food safety is more seriously threatened by microbial contamination than by chemical contaminants such as pesticide residues, veterinary drug residues, or heavy metals. The impact of food contamination by microbes is still not fully grasped in India, though. Numerous research have been done on certain foods, such as ice cream, milk, milk products, sweets, poultry, chicken, fish, and prawns, to determine the degree of microbiological contamination. The majority of these investigations show the presence of at least one pathogenic organism.

#### **Chemical contamination**

**Pesticide residues:** Pesticide residues are a key source of concern when it comes to chemical contaminants, especially when they come from organochlorine pesticides like DDT, aldrin, dieldrin, etc. Although some of these pesticides are still utilised in public health initiatives, their usage is prohibited for agricultural purposes. Compared to other foods, milk and milk products are more polluted.

**Mycotoxins:** Mycotoxins are poisons produced by specific fungi, and their inclusion in food has negative effects on both health and the economy. Some of the significant mycotoxins found in a variety of foods include aflatoxins, ochratoxin, deoxynivalinol, and patulin, fumonisin, and ergot alkaloids.

**Veterinary Drug Residues:** The issue of veterinary medication residues in foods has just recently come to light. Milk contains two categories of veterinary drugs: antibiotics used to treat animal infections, feed additives, and hormones used to enhance production.

## **Adulteration Detection Tests**

Simple testing, chemical tests, and lab tests can all be used to find adulteration. The step-by-step process for these tests is shown in the table below.

### **The 1954 Prevention of Food Adulteration Act**

The Prevention of Food Adulteration Act, 1954 was enacted by the Parliament to establish a comprehensive legal framework for controlling food adulteration and policing different criminal activities involving food-related items. The Act calls for the establishment of both a Central Food Laboratory and a Central Committee for Food Standards. The Prevention of Food Adulteration Rules, 1955 were also created to enforce the Act's requirements. These regulations provide information on food quality standards, the responsibilities of public analysts and food inspectors, sample sealing and delivery procedures, the use of colouring materials in food, food packaging and labelling, the regulation of sales licences, the use of preservatives, the prohibition of poisonous metal contaminants, flouring agencies, insecticides and pesticides, food irradiation, etc. An item of food shall be deemed to be adulterated under the Act.

#### **The following conditions must be met:**

1. The article sold by a vendor does not meet the nature, substance, or quality requirements set forth by the buyer or that it represents to be;
2. It contains a substance that adversely affects its quality or it has been processed in such a way as to adversely affect its nature, substance, or quality;
3. An inferior or less expensive substance has been substituted entirely or in part for the article so as to adversely affect the nature, substance, or quality thereof;
4. Any constituent of the article, if the product has been prepared, packed, or stored in an unsanitary manner that has caused it to become contaminated or harmful to health; if it contains all or part of any filthy, putrid, rotten, diseased, or decayed animal or vegetable substance, is infested with insects, or is otherwise unfit for human consumption; if it contains any poisonous or other harmful ingredient; or if it contains any prohibited colours.

#### **Considered to be misbranded food**

- a. If it mimics, replaces, or looks similar to another food item in a way that could mislead consumers and is not clearly labelled to reveal its true nature. If it is falsely represented on the label or in another way, if it is sold under a name that is associated with another food item, if it is coloured, flavored, coated, powdered, or polished to hide damage to the item or make it appear to be worth more than it actually is, if it is packaged by the manufacturer in sealed or prepared packaging, and if the contents of each package are not clearly visible.
- b. If it doesn't disclose any artificial flavouring, colouring, or preservatives on the label or if it is otherwise in violation of this Act's and its implementing rules.
- c. If it isn't labelled in accordance with this Act's and its implementing rules.

## **Crap Food**

Food items typically found at school, college and other canteens include chips, crisps and fries, fried packaged snacks, popcorn, packaged fast dishes and aerated drinks. Preservatives are used

in all of the food items mentioned above to give them a longer shelf life as well as flavouring agents and legal or illegal colouring agents. Additionally, these products are generally quite unhealthy when routinely consumed because they are high in sugar, salt, fat, and other unhealthy ingredients.

Additionally, it has been demonstrated in the majority of current analysis tests that imported chocolates and aerated drinks also contain additives that are prohibited under the Prevention of Food Adulteration Act. These fast foods are well-known contributors to childhood obesity.

As a result, the management of the educational institutions has been advised.

### **Recommended Activities**

- a. Schedule a visit to a food testing facility
- b. Prepare the kids to present a demonstration on adulteration using the resources in your school lab.

### **Principles**

1. Contamination Adulteration
2. Adulterant
3. Bacteria-related contamination
4. Pollution by metal
5. Residues of pesticides
6. Mycotoxins

Vegetarian drugs must make sure that such junk food is not made available in their own canteens. However, it has been advised that they include the following healthy food items, which must be given clean, covered, and in a hygienic manner.

Sundal is listed first, followed by sandwiches, fresh drinks, cut fruit, and salad. Soups, curd, milk, buttermilk, soymilk, lassi, and milkshakes, wheat flour/rava/sattumavuladdus roasted or boiled peanuts veggie noodles (without additives like MSG) with a lot of vegetables Murukku, samasos, honda, vadi, cutlets, and bajjis are acceptable as long as a good cooking medium is used (no reusing oil), and colouring is avoided (particularly in bajjis)[9], [10].

### **CONCLUSION**

Food adulteration is a concept that is changing as a result of improved ways for finding pollutants ("we're catching more fraud") as well as the expanding worldwide markets that give fraudsters more opportunities to make money from their crimes. The hazards of food adulteration are being taken into account from sources in the fields of food quality, food safety, food fraud, and food defence.

The effect of adulteration is defined as any food product that poses a risk to the public's health, even if there may be a variety of causes or objectives. A more general word used to describe the incident's motivation is "food fraud." New countermeasure tactics are being developed to more efficiently and effectively detect and prevent in order to keep up with the threat's expanding scope, size, and impact.

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