

## **A Study of Policies, Guidelines and Regulations safeguarding the interest of Functionally Illiterate consumers: a special Reference to India**

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**Abstract:** *This paper is a study of various policies designed under the constitutional framework for the betterment of functionally illiterate consumers. Over a period of time it has been observed that the emergence of capitalist ideology, fight among corporates for scarce resources, rushing after profit led companies to choose unfair means to achieve all those objectives which one way or the other distract them from the path of ethical way of doing business. But in this due course one of the most important parts of society; the functionally illiterate consumers bear the brunt due to their inability to respond to the deceptive techniques used by companies. Taking cognizance of this grave issue, State responds and come up with corrective measures in the form of guidelines to be followed by big corporate houses and impose regulations time to time in the form of different acts, ordinance, laws etc. This paper discusses all those existing policies, guidelines, legal aspects dealing with the functional illiteracy in developing countries like India.*

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### **I. Introduction**

Literacy level and educational attainment are vital indicators of development in a society (State of literacy, provisional population total India, 2011). Attainment of universal primary education is one of the millennium development goals of United Nations to be achieved by the year 2015 (State of literacy paper – chapter 6). Planning commission of India in its eleventh five year plan has also targeted to increase literacy rate of a person age 7 years or more to 85%. And side by side reducing gender gap in literacy to 10 percentage point by 2011-12. (State of literacy paper –chapter 6). Higher level of literacy and educational development lead to greater awareness on the one hand and support people in acquiring new skills on the other. Increasing awareness among people can lead to a better and safe life from the wrong business practices adopted by companies. Bringing the issue of literacy into cognizance, the government of India brought national policy into picture to overcome this important issue.

#### **National policy on education**

The National Policy on Education (NPE) is a policy framed by the Government of India to encourage education amongst India's people. The policy covers elementary education to colleges in both rural and urban India. The first NPE was promulgated in 1968 under the leadership of Indira Gandhi as prime minister, and the second by Prime Minister Rajiv Gandhi in 1986. ([https://en.wikipedia.org/wiki/National\\_Policy\\_on\\_Education](https://en.wikipedia.org/wiki/National_Policy_on_Education)) Since the nation's independence in 1947, the Indian government funded a variety of programs to address the problems of illiteracy in both rural and urban India. Maulana Abul Kalam Azad, India's first Minister of Education, envisioned strong central government control over education all over the country, with an unvarying educational system. The Union government set up the University Education Commission (1948–1949) and the Secondary Education Commission (1952–1953) to develop suggestions to modernize India's education system. The Resolution on Scientific Policy was espoused by the government of Jawaharlal Nehru, India's first Prime Minister. The Nehru government backed the advancement of high-quality scientific education institutions such as the Indian Institutes of Technology. In 1961, the Union government established the National Council of Educational Research and Training (NCERT) as an autonomous body that would recommend both the Union and state governments on formulating and implementing education Policies. ([https://en.wikipedia.org/wiki/National\\_Policy\\_on\\_Education](https://en.wikipedia.org/wiki/National_Policy_on_Education))

#### **National policy education on 1968**

The government of Prime Minister Indira Gandhi announced the first National Policy on Education in 1968 which was Based on the report and recommendations of the Education Commission (1964–1966). To achieve national integration and cultural and economic development, This policy equalize educational opportunities. ([http://mhrd.gov.in/sites/upload\\_files/mhrd/files/NPE-1968.pdf](http://mhrd.gov.in/sites/upload_files/mhrd/files/NPE-1968.pdf)). The policy gave emphasis on achieving compulsory education for all children up to the age of 14, as specified by the Constitution of India, and the better training and qualification of teachers. The policy insisted on learning of regional languages, drawing the "three language formula" to be executed in secondary education - the instruction of the English

language, the official language of the state where the school was based, and Hindi. Language education was presumed as vital to reduce the gap between the intelligentsia and the masses. The idea to adopt Hindi as National language didn't get the acceptance of the masses and became controversial. The policy insisted on the use and learning of Hindi to be stimulated uniformly to encourage a common language for all Indians. The policy also invigorated the teaching of the ancient Sanskrit language, which was considered an indispensable part of India's culture and heritage. The NPE of 1968 called for education expenditure to increase to six percent of the national income. (<http://www.education.nic.in/policy/npe-1968.pdf>)

### **National policy on education 1986**

The government of Prime Minister Rajiv Gandhi introduced a new National Policy on Education in May, 1986. The new policy called for "special emphasis on the removal of disparities and to equalize educational opportunity," especially for Indian women, Scheduled Tribes (ST) and the Scheduled Caste (SC) communities. To accomplish such a social assimilation, the policy called for increasing scholarships, adult education, recruiting more teachers from the SCs, inducements for poor families to send their children to school regularly, development of new institutions and providing housing and services. The NPE called for a "child-centered approach" in primary education, and started "Operation Blackboard" to develop primary schools nationwide. In 1985, this policy came with a new idea of Open University in the name of Indira Gandhi national Open University. The policy also called for the establishment of the "rural university" model. The idea was based on the philosophy of Indian leader Mahatma Gandhi. The purpose was to promote economic and social development at the grassroots level in rural India. ("National Education Policy 1986". National Informatics Centre. pp. 38-45.)

### **National policy on education 1992**

Under the leadership of P.V Narsimha Rao government in 1992, National policy on education took new shape. In 2005, Prime Minister Manmohan Singh gave a space for a new policy based on the "Common Minimum Programme". Programme of Action (PoA), 1992 under the National Policy on Education (NPE), 1986 envisioned conduct of a common entrance examination on all India basis for admission to professional and technical programmes in the country. ("National Policy on Education, 1986 (As modified in 1992)")

### **Developments**

- SarvaShikshaAbhiyan(SSA)/Right to Education (RTE)
- National Programme for Education of Girls at Elementary Level (NPEGEL)
- RashtriyaMadhyamikShikshaAbhiyan (RMSA) for development of secondary education, launched in 2009.inclusive Education for the Disabled at Secondary Stage (IEDSS IEDSS)
- Saakshar Bharat (Saakshar Bharat)/Adult Education
- RashtriyaUchchatarShikshaAbhiyan (RUSA) for development of higher education, launched in 2013.

### **Adult education & national literacy mission in India.**

Literacy is the backbone of progressive and developing nations like India. A literate nation would be free from any kind of evil practices like slavery but it is tough to remove the scourge illiteracy from this vast country. To convert this tough mission to an achievable one, adult literacy and NLM has been started by Indian government. The fundamental aim of adult education is to provide educational option to those adults, who have missed the opportunity and have passed the age of formal education but now they realize the need for learning of any kind including literacy, basic education, and skill development(Department of school education and literacy). Having the objective of promoting adult education, a series of programs have been introduced since first five year plan. The most noteworthy being the National literacy mission (NLM, 1988), to impart functional literacy to non-literates in the age group of 15-35 years (<http://mhrd.gov.in/adult-education>). By the end of 10<sup>th</sup> plan period, NLM had made 127.45 million literate, among which 60% were females. 23% schedule caste, 12% schedule STs. 597 districts were covered under total literacy campaign of which 502 reached post literacy stage and 328 reached continuing stage.

Adult education in a concurrent subject with both central and state government. At the national level, as autonomous wing of MHRD, National Literacy Mission Authority (NLM) is the Nodal Agency for over All Planning and Management of Adult Education Programs & Institute (Department of school education and literacy). It was set up in 1988 with the approval of the cabinet as an independent and autonomous wing of the ministry of HRD (The then department of education).

National Literacy Mission Authority is mandated with

- Policy and planning;
- Developmental and promotional activities;
- Operational functions including assistance to voluntary agencies and other NGOs,

- Technology demonstration
- Leadership training
- Resource development including media and materials
- Research and development
- Monitoring and evaluation etc.

### **The Council of NLMA**

It is the apex body of NLMA, headed by Minister of Human Resource Development and consists of, among others, Ministers of Panchayati Raj, Rural Development, Minority Affairs, Information and Broadcasting, Health and Family Welfare, Youth Affairs and Sports, Social Justice and Empowerment, Women and Child Development, senior level political leaders of the main political parties, three Members of Parliament, Education Ministers of six States etc.(<http://mhrd.gov.in/nlma>)

### **Executive Committee**

The Executive Committee is responsible to carry out all the functions of the Authority in accordance with the policy and guidelines laid down by the Council. It strives for proper implementation of policies and incorporation of latest developments in the field of adult education. It is headed by Secretary (SE&L) and comprises of Adviser (Education), Planning Commission, Additional Secretary & Financial Adviser in Ministry of HRD, Chairman of National Institute of Open Schooling, some State Directors of Adult Education, and officials of the State Governments, representatives of SRCs and JSSs as well as non-official members.

The constitution of India directs the state to make provision for securing the right of children to education within the limit of its economic capacity and provide free and compulsory education to all children up to age of 14 years by 1960.(Innovative approaches to functional literacy and poverty alleviation, National case study, India, 2001). From 1959 to 1977 various periodical uncoordinated efforts were attempted in the field of adult education in India. The ultimate aim of most of these programs was not only to impart literacy in the ordinary manner but also to provide learners with functionality and awareness. (Innovative approaches to functional literacy and poverty alleviation, National case study, India, 2001). From 1978 to 1990, Centre based programs under the national adult education programs were started. During which national literacy mission came into existence. India has realized that literacy is an unavailable component of human resource development. It is a necessary tool for communication and learning for gaining and transferring the knowledge and information. A brief overview of adult education and literacy programs in India since 1959 has been given below.

- 1.) **Gram Shiksha Mohim (village literacy movement)**- It started in 1959 in the state of MAHARASHTRA in 1959, on an experiment basis in 25 districts with an aim of imparting basic literacy skills within a period of four months. However, the program suffered from a lack of systematic follow up and lapsed. (Innovative approaches to functional literacy and poverty alleviation, National case study, India, 2001).
- 2.) **Farmers' functional literacy project**- It started in 1967-68 as a part of green revolution having objective of making farmers functionally literate in high yielding cultivation areas but it had to be stopped due to lack of financial support. (Innovative approaches to functional literacy and poverty alleviation, National case study, India, 2001).
- 3.) **Workers' education**- The program was implemented through central board of workers' education and its institutes in 1977. In 1977 this scheme was reviewed by a group, which recommended adoption of these institutes in adult education programs for workers in urban areas. In implementation of this decision, shramikvidyapeeth was set up in urban areas of the state. In 1999 this scheme was again reviewed and now these centers provide multivalent adult education to neo-literate and workers in urban as well as rural areas. (Innovative approaches to functional literacy and poverty alleviation, National case study, India, 2001).
- 4.) **Education commission**- In 1964-66 one of the significant events in the Indian history of education, came into existence that was the appointment of education commission. One of its important recommendations was that the priority should be given to the eradication of illiteracy and adult education should be advocated through 'selective' as well as mass approach (Innovative approaches to functional literacy and poverty alleviation, National case study, India, 2001).
- 5.) **Functional literacy for adult women**- This was started in 1975-76 with an aim to enable illiterate women to acquire functional skills along with literacy to promote awareness about hygiene, nutrition, child care practice and attitudinal changes. The greater emphasis was given to women in the 15-35 age group (Innovative approaches to functional literacy and poverty alleviation, National case study, India, 2001).
- 6.) **The National adult education program (NAEP)**-As a nationwide attempt to eradicate illiteracy the national adult education program was started in 1978. The aim of this project was to educate 100 million non-literate adults in the age group of 15-35 years within a time frame of five years. The aim of this NAEP

was not only to impart literacy but also to promote social awareness and functionality. (Innovative approaches to functional literacy and poverty alleviation, National case study, India, 2001).

- 7.) **Rural functional literacy project (RFLP)** - In 1978, RFLP was started with the support of central government in the rural areas. The 144 farmers' functional literacy project and 60 non formal education projects were merged into it. In each project the maximum number of adult education centers increased up to 300, with 25-30 learners in each center. (Innovative approaches to functional literacy and poverty alleviation, National case study, India, 2001).
- 8.) **Mass program for functional literacy (MPFL)** - This program was financed by the Ministry Of Human Resource Development. This program was operationalized through school students and community on each one teaches one basis. This became discontinued in 1990 (Innovative approaches to functional literacy and poverty alleviation, National case study, India, 2001).

In the above explained policies, framework and programs, it has been noted that since the time of independence Government of India has tried to overcome the scourge of illiteracy. It came out with the different education policies at different time intervals. It tries to set up a framework in the form of a different organization to achieve the objectives. Further, it came out with number of Literacy programs and promoted various projects to target the different section of society suffering from the problem of functional illiteracy. In the next discussion, we will talk about the consumer protection from false advertisements.

### **The Indian Perspective towards false advertisements and consumer protection**

The Indian government has formulated numerous advertising laws to protect the welfare of the consumers involved protecting them from the fraudulent depiction of the products and obnoxious content. Though, in India, there is no such particular law which decrees the content of advertisements permitted, rather, there are a number of several regulations and laws which narrate to various advertising practices in India. Every advertiser wishes to go through them before embarking upon their advertising subjugation to evade any legal annoyances in the process.

As far as the regulation of advertisements is concerned there is no body as such set up by the Government. But the power to regulate advertisements may be applied by a vast variety of authorities, including the courts, Central and State Governments, tribunals or the police authorities, depending on the nature of the grievances,

Advertising standards council of India was established in 1985, to ensure protection for consumers against unfair and unethical advertisements. The council attends to the complaints from the consumers and the advertisers citing their objections over fraudulent, offensive, loathsome, illegal and unethical advertisements being overwhelmed on them. Although, there is no specified provision in Indian constitution regulating the advertising industry but the Supreme Court in the country has generated a framework based on the various advertising settlements made between the advertisers and the consumers.

Some time it has been seen that in some cases mis-representation of facts is obvious, in most cases, one has to look behind the advertisement to search out whether it is expressing falsehood or truth. And there starts the problem. By the time somebody comes to know about an unethical advertisement, he would have already got the damage done. For the very reason, the Advertising Standards Council of India is trying to instruct self-regulation among its members to stop such advertisements. "Regulate yourself or someone else will" is its constant chorus. ASCI has drawn up a comprehensive advertising code for self-regulation for all those involved in advertising, including advertisers, advertising agencies and the media. (B&L Legal Services 2011, Advertisement Laws of India- It's time for a uniform legislation, )

### **The four fundamental principles of the code as decided by ASCI are:**

1. To ensure the truthfulness and honesty of representations and claims made by advertisements and to safeguard against misleading advertisements.
2. To safeguard against the indiscriminate use of advertising for the promotion of products which are regarded as hazardous to society or to individuals to a degree or of a type which is not acceptable to society at large.
3. To ensure that advertisements are not offensive to generally accepted standards of public decency.
4. To ensure that advertisements observe fairness in competition so that the consumer's need to be informed on choices in the marketplace is met.

If a consumer or even the industry, feels that an advertisement breaches the code, a complaint can be sent to ASCI. Even, ASCI's advertisements encourage consumers to complain, whenever they come across false or misleading or unethical advertisements "If an ad is wrong, we will set it right"; "if an ad is misleading, we will set it right", "if an ad is dishonest, we will set it right" says ASCI in its advertisements displayed at regular intervals. On receipt of a complaint, ASCI look for the explanations of the advertiser and give him two weeks to

respond. After that it places the reply and the complaint before the Consumer Complaints Cell (CCC) of ASCI for their verdict. If there is no response from the advertiser, CCC can take an ex-parte decision. The CCC comprises a group of 12 non-advertising professionals (including consumer activists) and nine advertising practitioners from the member firms. If, according to CCC, an advertisement infringes the ASCI's code then the advertiser is asked to either remove the advertisement or amend it. While ASCI members are bound to observe with the decision of CCC, in respect of others, ASCI tries to convince them and if needed practices peer group influence and pressure to realize its objective.

For illustration, In June 2003, ASCI acknowledged a complaint about an advertisement spot telecast on Cine Cable Channel, Sahara TV, in October 2003, in which the advertisement for Ajanta White Toothpaste said "Indian Dental Association has endorsed this product with its seal of acceptance". IDA confirmed that such endorsement had not been delivered by them. As there was no comment from the advertiser, ASCI took an ex-parte decision in July 2003, quoting that the claim was fabricated.

Besides this praiseworthy act of ASCI, it does not have a structure of suo motu action; it seeks for complaints, either from the consumer or the industry. Due to the absence of proper structure most of the code violating advertisements remain unnoticed because nobody complains. During this course, ASCI does not provide for corrective advertisement, leading to ask the advertiser to either remove or amend the aberrant advertisement. In this whole process of the appearance of an advertisement, receipt of the advertisement by ASCI and the decision of the CCC, usually there is a time gap of somewhere between a month to two months. It also encounters the obvious problems associated with self-regulation- someone among the members who may violate the code or not observe with the CCC's decision. It also lacks in causing public reprimand of people involved in putting misleading facts in advertisements. This happens due to non-substantive publicity for CCC's decisions.

#### **Laws, regulations and codes dealing with misleading advertisements.**

There are a number of laws, regulations and codes which regulate advertisements and safeguard the interests of consumers. Only two laws – the Consumer Protection Act and the Monopolies and Restrictive Trade Practices Act – supply with compensation to the consumers affected by false and deceptive advertisements. Both the laws define false and misleading advertisements as "unfair trade practices". As per both the acts, the consumer courts can issue interim orders to stop any deceptive or false advertisements if countered by the consumers. They can ask the advertiser to withdraw such advertisements and not to recap it. They can provide for compensation for any loss or suffering caused on account of such unfair trade practices. They can also award disciplinary compensations and costs of litigation. But most significant, they can direct the advertiser to issue remedial advertisement.

The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (DMRA) is against the public representation or advertising of drugs claiming to have any supernatural remedies to a customer's miseries and complaints. The act daunts the representation of any such apparently supernatural drugs. The Drugs and Cosmetics Act, 1940 (DCA) states that no person should sell, promote or advertise the expired, spurious and adulterated cosmetic items. The same act works as deterrent or barrier on the usage of forged Indian traditional drugs like Ayurveda, Unani etc. The Emblems and Names (Prevention of Improper Use) Act, 1950, dispirit the inappropriate use of the names and emblems for profitable purposes.

It is quite apparent that increased competition among the producers has led them to raise the level of quality of products being manufactured. But somehow the gaps in the quality, left by the manufacturer and defective quality control mechanisms some time leave the customers unattended. Sometime the dissatisfaction, resulting from the poor performance of the product purchased, led the consumer to acknowledge his displeasure to the manufacturer. There are various rights provided in India for the dissatisfied consumers to drag the seller into legal procedure being approved in the country. These consumer rights provide protection for consumer against any act of deception by seller such as providing substandard quality of product.

#### **Consumer Protection in India**

A review of the consumer rights in India in 2016 tells us that the origin of consumer rights in India and the world lies in the consumer revolution of the United States of America around pre -60s. The remarkable and unforgettable speech about consumer rights, given by US President John F. Kennedy on March 15, 1962, led to the introduction of 'The Consumer Bill of Rights' in the US congress (Consumer Protection in USA 2012). From then onwards all over the world, March 15 have been celebrated as the consumers' day. However in India, consumer protection act 1986 got enacted on December 24 which got the status of national consumer day by Indian parliament. (Consumer rights in India 2012).

There are few acts which one way or the other take care about the consumers' interest. These are as follows.

#### **The Drugs and Cosmetics Act - 1940**

The Drugs and Cosmetics Act tries to assure purity and quality in drugs and cosmetics. This act considerably increased federal regulatory authority over drugs by directing a pre-market review of the safety of all new drugs, as well as prohibiting false therapeutic assertions in drug labeling. The law also sanctioned factory inspections and expanded execution powers, set new regulatory standards for foods, and brought cosmetics and therapeutic devices under federal regulatory authority. The law remains the central footing of Foods and Drugs Administration regulatory authority in the country to the present day (1998), despite of comprehensively modified in subsequent years

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

The objective of The Prevention of Food Adulteration Act is to check adulteration in food items and eatables. Food adulteration is a process of demeaning the quality of food offered for sale by the addition or use of poorer quality substances or by removing some valuable component of a food article. It is a common deceitful practice adopted by sellers to earn extra profit. There are various examples of food adulteration. Some of food adulterations are addition of small stones to pulses, addition of water in milk and many more. According to the act, a food item is considered adulterated if the seller mixes any ingredient into it which is considered as harmful for the health of the consumers if consumed by them. Those sellers who adulterate food items by mixing spurious and defective substandard material into them are liable to be punished and punished under this act.

#### **The Essential Commodities Act - 1955**

The objective of The Essential Commodities Act, 1955 is to regulate and control the production, distribution and prices of indispensable commodities. The act was legislated to ensure the easy accessibility of essential commodities to consumers and to guard them against exploitation by crooked traders as stated under the consumer protection guidelines laid down by the government (2002).

#### **Weights and Measures Act - 1976**

Since long it has been observed that to full fill the greedy desires, traders have been involved in using deceitful practices during their business. One of the practices is the making of the consumers a big fool by providing them lesser quality goods instead of giving them the actual agreed ones. The right of a consumer to get the correct weights and measures is secured through the Weights and Measures Act, 1976. It outlines different units to measure different products. No other units should be used for measuring the consumer products. For example, the standard measure for length is meter. This restricts the shopkeeper to sell the cloth by measuring in feet. The price of the cloth should also be set according to this measurement. This permits the consumers to compare prices of different materials and also from different shops. It is necessary for a shop to carry a weight and measuring license. This is issued after testing and authorizing the measuring instruments used in that shop. This act is also applicable to the sales of packaged merchandises. As per this act, every packet of article should have details like product name, manufacturing date, expiry date, address of the manufacturer and MRP. The packet should also contain the contact information in case of any consumer complaint about that product. It is the responsibility of the manufacturer to respond to such complaints. In the absence of which the consumers can sue the manufacturer. This act also includes the consumer protection guidelines for the citizens of India and stresses more on consumer rights (2008).

#### **The Household Electrical Appliances (Quality Control) Order - 1976**

The Household Electrical Appliances Order strives to guarantee safety and quality in the manufacturing of electrical appliances. This order disallows the manufacturing, sale, etc. of those household electrical appliances which does not follow the specified standards as mentioned by the government organizations. As per this order, it has become obligatory for the manufacturer to put labels on the electrical appliances that carry the name and address of the manufacturer. Without any certificate issued by the competent authority with in the state, no person is allowed to manufacturer any electrical appliances.

#### **The Prevention of Black marketing and Maintenance Supplies of Essential Commodities Act - 1980**

Over a period of time it has been seen that in the lean season, retardation in agricultural output leads to the increase in demand. To capitalize the situation, the traders or the merchants start hoarding of essential commodities to sell it at higher prices. Sometime the situation leads to black marketing. In order to prevent such unethical trade practices The Prevention of Black marketing of Supplies of Essential Commodities, Act, 1980 is implemented by the State Governments to book persons who are involved in such illegal activities. So that the maintenance of supplies of commodities essential to the community can be assured.

### **The consumer protection act 1986**

The idea behind the enactment of the Consumer Protection Act was to safeguard the consumer's interests from the greedy sellers. The act consists of six sub divisions which are as follows

**1. Right to Safety**—This is the first right under consumer protection act. This confers the right to be protected against the marketing of hazardous goods and services. Sectors such as drugs and pharmaceuticals, healthcare, come under this. This right enables the consumers to stand up and to go against the malpractices used by any Hospital, Doctors or any pharmacist. This is not only restricted to the health care but also covers various industries like automobiles, home appliances, tours and travels, real estate etc. This act works as a shield for consumers against the deceptive tactics practiced by sellers. But the varied nature of industries has made the government to think over the different set of acts to be proposed. Therefore in the absence of which manufacturers enjoy the gratification shown by the government and continue to oversee this right with liberty.

**2. Right to Information** - This consumer right is defined as the 'the right to be informed about the quality, quantity, potency, purity, standard and price of goods or services, as the case may be so as to protect the consumer against unfair trade practices' in the Consumer Protection Act of 1986. The act stresses that every consumer have a right to be aware about the hazards or side effects inherent in any product purchased from the market. There by compelling every seller put label or print on the product about the ingredient, quantity and likely ill effects.

**3. Right to Choose**- Consumer Protection Act 1986 describes it as 'the right to be assured, wherever possible, to have access to a variety of goods and services at competitive prices'. A competitive market place where in various market players fight for the much needed consumers' attention, benefits consumers on the one side and keep the sellers always in a ready to maintain the quality standards, on the other. Monopoly acquired by any of the manufacturer motivates him to compromise on the quality dimension as they perceive their actions are not cross checked by any other competitive brand. Therefore it should be controlled by the government. Hence, competition is a best watchdog for the government in warranting that the consumers are provided with good quality products.

**4. Right to be Heard**- As per the Consumer Protection Act 1986, 'the right to be heard and to be assured that consumer's interests will receive due consideration at appropriate forums' is denoted to as the right to be heard. This right talk about the power conferred upon the consumer to raise his voice against the substandard quality of any product rendered by the seller. This right strengthen the consumer by way of providing him a platform to approach the seller to get his expectations fulfilled and to demand an action from him against his complaints.

**5. Right to Redressal**-The right 'to seek redressal against unfair trade practices or restrictive trade practices or unscrupulous exploitation of consumers' is defined as the right to redressal in the Consumer Protection Act 1986. This act assures the legal opportunity for consumers to fight with the sellers in case of having being deceived by them through fake commitments or low quality product. The Indian government has come out with judicial system in the form of various state level and district level courts to settle down the grievances of consumers against misery causing sellers. Consumer cases involving less than 20 lakhs are heard in the district consumer forum, between 20 lakhs and one crore, dealt in the state consumer court and cases involving more than one crore, settled in the national consumer court.

**6. Right to Consumer Education**-As per the right to consumer education, every citizen of India has been conferred a right to be educated about their rights as a consumer. These rights are framed for his help by the Indian government. Through this right it has become obligatory for the school and colleges to impart the knowledge about the basic consumer right enabling them to protect themselves against any unlawful trade practices adopted by the sellers. The government is also very much involved in running the various NGO's assisting, supervising and enlightening the consumers about their rights against the sellers.

### **The Bureau of Indian Standards Act, 2016**

This is An Act to provide for the formation of a national standards organization for the pleasant development of the activities of standardization, conformity assessment and quality assurance of goods, articles, processes, systems and services and for matters associated therewith or subsidiary thereto. (<http://consumeraffairs.nic.in>)

Apart from all these above mentioned rights and Acts, Government of India has set up a full-fledged and separate department in the name of department of consumers affairs which deals with the matters related with the consumers.

### **Department of Consumer Affairs**

Department of Consumer Affairs (DCA) is one of the two Departments under the Ministry of Consumer Affairs, Food & Public Distribution. It was established as a separate Department in June 1997 as it was reflected necessary to have a separate Department to give an impetus to the emerging consumer movement in the country. (<http://consumeraffairs.nic.in>)

**The Department has been delegated with the following work**

- Internal Trade
- The Essential Commodities Act, 1955 (10 of 1955) (Supply, Prices and Distribution of Essential Commodities not dealt with specifically by any other Department).
- Prevention of Black Marketing and Maintenance of Supply of Essential Commodities Act, 1980(7 of 1980).
- Regulation of Packaged Commodities.
- Training in Legal Metrology.
- The Emblems and Names (Prevention of Improper Use) Act, 1952.
- Implementation of Standards of Weights and Measures - The Legal Metrology Act, 2009.
- Implementation of Bureau of Indian Standards Act, 1986.
- Laying down specifications, standards and codes and ensuring quality control of bio-fuels for end uses.
- Consumer Cooperatives
- Implementation of Consumer Protection Act, 1986.
- Monitoring of prices and availability of essential commodities.
- National Test House.

The Department of Consumer Affairs, Govt of India has come up with the idea of setting up **Consumer Care Centers(CCC)(GRAHAK SUVIDHA KENDRA)**, on a pilot basis in seven locations in India.(<http://consumeraffairs.nic.in>)

|    |                  |                             |
|----|------------------|-----------------------------|
| 1. | North:           | Lucknow/Chandigarh          |
| 2. | South:           | Bangalore/Chennai/Hyderabad |
| 3. | West:            | Jaipur/Ahmedabad/Pune       |
| 4. | East:            | Bhubaneswar/Patna/Calcutta  |
| 5. | North East:      | Guwahati/Shillong           |
| 6. | Central:         | Raipur/Bhopal               |
| 7. | National Capital | New Delhi                   |

These Centers are controlled by Registered Voluntary Consumer Organizations(VCOs).To provide to all consumer needs and offer customized services, it can have a wide influence and approval among the public, given the agency chosen is proficient to deliver services faultlessly. The centers will be established initially for 3 years on pilot basis.

<http://consumeraffairs.nic.in/forms/contentpage.aspx?lid=649>

Further, besides of having a separate department of consumer affairs, various consumer courts and forums has been set up at district, state and national level to sort out the cases related to the consumer grievances and complaints against forged practices adopted by many sellers. These are as follows.

**Consumer Courts in India**

There is provision of legal course of action given by Indian government in case of product purchase and its failure to meet expectations. In due course of action, consumer can drag seller into court of law for the same. The consumer courts were set up under Consumer Protection Act, 1986, at three levels. As per the report on the consumer court in India, an emphasis has been given to availability of the following courts. (Consumer courts in India 2012, consumer courts, viewed 9th August 2016, <http://www.consumerdaddy.com/a-22-what-is-a-consumer-court.htm>)

**District Consumer Disputes Redressal Forum**

There is a provision to file a case against a seller by a consumer in case of an act of deception carried by seller and also a compensation less than 20 lacs can be asked for the same. For that, consumer can approach the district consumer disputes redressal forum to lodge his complaint. The forum can entertain those complaints where the culprit sellers against whom the case has been filed, function within the said district through his office. The forum came into existence by the support the State Government. It is headed by a person who is or has been or is eligible to be appointed as a District Judge, and has the members of parliament (MP), members of legislative assembly (MLA), District Collector and officials of all Government departments having consumer interface of the concerned district as members.

Once the District Consumer Forum gives the decision in the complainant favor, it can ask the company to take any of the following actions:

- Rectify any deficiencies in the product to what is claimed
- Repair any defect free of cost
- Refund the amount paid in full



- Stop the sale of the product in the market altogether
- Issue corrective advertisement in place of any earlier misrepresentation
- Recompense for any damages / costs / inconveniences
- Provide a similar or superior product in place of the existing product
- Either discontinue or not repeat any unfair or restrictive trade practices

### **State Consumer Dispute Redressal Commission**

In case of a non-satisfactory decision taken by district consumer redressal forum, within 30 days of this decision's announcement, consumer can approach the state consumer dispute redressal commission to fight for his issue. The State commission would consider the cases where the compensation being strive for lies between 20 lakhs to 1 crore. The State Consumer Dispute Redressal Commission's jurisdiction covers those cases of sellers whose offices lie with-in the state or the grievance occurred within the state. The State Consumer Forum typically considers appeals from District Consumer Forums, cases against corporations that operate an either an office or a branch within the state and cases where the actual reason for filing the complaint occurred within the state, either to a degree or completely.

### **National Consumers Dispute Redressal Commission**

After going through the district and state dispute redressal mechanism, consumer still remains unsatisfied with the verdict given, thereby forcing him to approach the National Consumer Dispute Redressal Commission to get his case considered for hearing within the span of 30 days from the day of announcement of the judgment by the State commission. The National Commission deal with cases having the verdict passed in the absence of the either party and now it needs to be set aside, if the government feels that the case needs to be transferred from the state to the national level or if the State Consumer court make the appeal to the National Consumer court to discourse a certain complaint. The National Commission would also handle cases where if verdict was earlier announced has been spoiled by the allegations of loopholes or illegal activities. The National Commission deals with complaints where the compensation pursued from the company is more than 1 crore. The National Commission functions in New Delhi, and is led by a person who is or has been a judge of the Supreme Court of India.

In exercise of the powers conferred by sub-section (1) of Section 4 of the Consumer Protection Act, 1986 (68 of 1986) read with sub-rule (1) of rule 3 of the Consumer Protection Rules, 1987, the Central Government hereby constitutes the Central Consumer Protection Council, for a period of three years, with effect from the date of publication of notification in the Official Gazette. (<http://consumeraffairs.nic.in/writereadData/userfiles/file/CCPC704.pdf>)

Over and above, the Consumer Protection Act, 1986 provides protection to the consumers against the defective goods, deficiency in service on behalf of the service provider, charging of excessive price by the seller, selling hazardous goods to the consumer or following unfair trade practices of restrictive trade practices.

### **National Consumer Helpline**

(Sponsored by Department. of Consumer Affairs, Govt. of India)

TOLL FREE NO. 1800-11-4000

TOLL NO. 011-23708391

(5 Line ) (Normal call charges apply)

SMS No. 8130009809 (24 Hrs.)

You can also log in your complaints at [www.nationalconsumerhelpline.in](http://www.nationalconsumerhelpline.in)

### **State Consumer Help Line Numbers**

| Sl. No. | Name of State /UT | Helpline No.                     | Date of Establishment | Run By  |
|---------|-------------------|----------------------------------|-----------------------|---|
| 1.      | Andhra Pradesh    | 1800-425-0082, 1800-425-2977     | 2009                  | Government                                    |
| 2.      | Arunachal Pradesh | 1800-345-3601                    |                       | Government                                    |
| 3.      | Assam             | 1800-345-3611                    |                       |   |
| 4.      | Bihar             | 1800-345-6188                    | 15.03.2011            | Government                                    |
| 5.      | Chhattisgarh      | 1800-233-3663                    | 21.01.2008            | Government                                    |
| 6.      | Gujarat           | 1800-233-0222 , 079-27489945/ 46 | 24.12.2008            | Consumer Education and Research Centre (CERC) |
| 7.      | Haryana           | 1800-180-2087                    | 12.08.2013            | Government                                    |
| 8.      | Himachal Pradesh  | 1800-180-8087                    |                       | Government                                    |
| 9.      | Jharkhand         | 1800-3456-598                    | August,2015           | Government                                    |
| 10.     | Karnataka         | 1800-425-9339 ,1967              | 20-10-2008            | Government                                    |

|     |                    |   |            |   |
|-----|--------------------|---|------------|---|
| 11. | Kerala             | 1800-425-1550   | 07.07.2009 | Government                                |
| 12. | Madhya Pradesh     | 155343, 0755-2559778 ,<br>0755-2559993                          | 01.01.2012 | Government                                |
| 13. | Maharashtra        | 1800-2222-62  | 15.09.2011 | Consumer Guidance Society of India (NGO)  |
| 14. | Manipur            | 1800-345-3821   | 31.1.2013  | State Govt                                |
| 15. | Mizoram            | 1800-231-1792   | 2009       | Government                                |
| 16. | Nagaland           | 1800-345-3701/<br>037022922232                                  | 24.12.2011 | Government                                |
| 17. | Odisha             | 1800-345-6724, 1800-345-<br>6760, 0674-2351990,<br>0674-2350209 | 03.05.2010 | Orissa Computer Application Center (OCAC) |
| 18. | Rajasthan          | 1800-180-6030   | 15.03.2011 | Consumers Action & Network Society (CANS) |
| 19. | Sikkim             | 1800-345-3209   | May,2009   | Government                                |
| 20. | Tamil Nadu         | 044-2859-2828   | 02.11.2009 | Government/ CAI                           |
| 21. | Telangana          | 1800-425-00333  | 2015       |   |
| 22. | Tripura            | 1800-345-3665   |            |   |
| 23. | Uttar Pradesh      | 1800-1800-300   | 19.02.2014 | Government / Legal Metrology              |
| 24. | Uttarakhand        | 1800-180-4188   | 15.03.2014 | Government                                |
| 25. | West Bengal        | 1800-345-2808   | 24.12.2011 | Government                                |
| 26. | Dadra Nagar Haveli | 91-976-212-1200, 1800-<br>233-4004                              | 21.01.2010 | Government                                |
| 27. | Daman & Diu        | 91--976-212-1200  |            |   |
| 28. | Puducherry         | 1800-425-1082,1800-425-<br>1083,1800-425-<br>1084,1800-425-1085 | 15.03.2015 | IIPA / Puducherry                         |

### **GrahakSuvudha Kendra**

Consumer care guiding centers are very unique in nature. It acts as 'single window' and is very impressive and effective way of addressing, solving consumer problems as well as increasing the awareness about their rights through campaign. Grahaksuvudha Kendra could be very helpful for the disheartened consumers by providing them information and timely advice, thereby promoting consumer education and awareness in a way empowering consumers. The Consumer Care Centres will be interlinked through a common IT podium and website for consistency and suitable guidelines are issued for their operations. Informed and empowered consumers play a pivotal role in firming competition in the market and encouraging growth. Proper addressing and solving of consumers problem, side by side providing information regarding their rights and duties could develop a trust and enhance their confidence, opening the gate for the full economic potential of the market. The broad objective of GSKs should be to provide wide ranges of services starting from delivering information about their rights while shopping, rendering advice, guidance and support in case of any grievance.

### **Functions of GSKs**

- Counsel on consumer rights and responsibilities while shopping /ordering goods online (pre-purchase advice and guidance)
- Give every-day pre purchase consumer tips, which will help save money, get value for money and evade problems,
- Figure out and conserve data and knowledge base on issues relating to consumers within the state,
- Identify a group of qualified non-advocates to act as legal representative (e.g. in forum/commission) and handle consumer complaints,
- Cooperation between the consumers, VCOs, state/ central government and other agencies on matters relating to consumer welfare,
- Help redress consumer complaint against a merchant based in another State (for instance, if one is claiming a refund which the merchant has refused and which the consumer believes he/she is allowed to),
- Ask counterpart center in the State of the trader/ service provider to contact the trader on consumer's behalf and try to find a solution to his/her complaint,
- Advise on further action if an amicable solution is not possible – for example, out-of-court settlements, or other legal action. (<http://consumeraffairs.nic.in>)

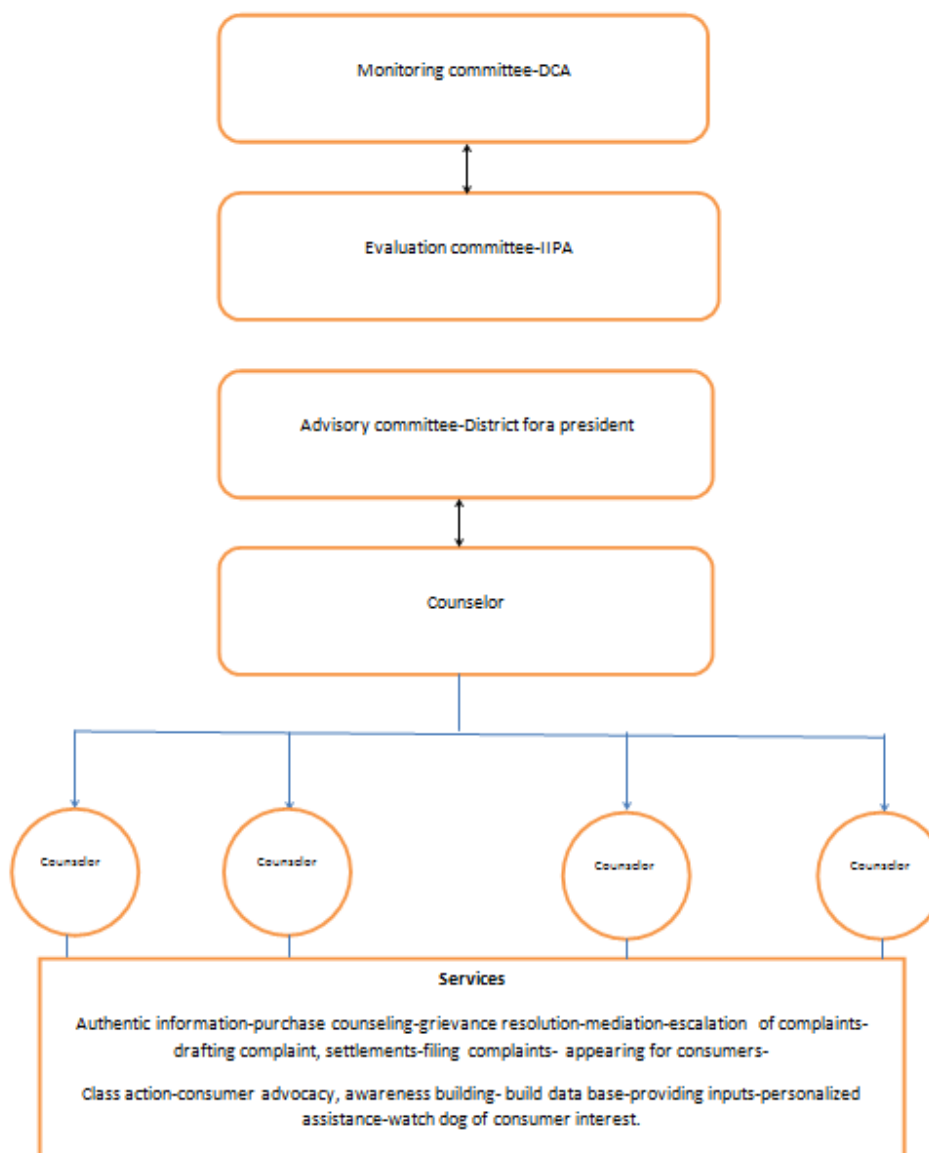
## **II. Conclusion**

After a thorough study of various policies, guidelines, Acts/legislations and organizational set up provided by the government of India, it gives a view of the framework designed for the betterment and welfare of the functionally illiterate consumers. As it has been observed through the above policies and various legislations, the state has tried to respond to the challenges posed in front of it in the form of the various deceitful activities carried out by the merchants. To counter all those challenges, the state's role has become significant

time to time in the form of bringing different education polices, passing various legislation in the parliament or in state legislature, establishing different organizations, councils, courts at the national or at the state level. Some of the current initiatives like the ‘GrahakSuvudhaKendras’(the Consumer care centers) is praiseworthy because of its nature of working thereby ensuring consumers some sort of safety and security in the case of deceitful transaction. With all those betterment and welfare activities the State deserves a pat on its back but it does not stop here at all because of changing technological environment in the 21<sup>st</sup> century, leading to the emergence of new techniques, methods by which a consumer could easily be misguided or duped. The state has to keep in mind the changing technological environment while designing the policies and guidelines. Therefore the consumer can be assured a safety against any deceitful act carried out by the merchant who are driven by their profit motives.

**GrahakSuvudha Kendra protocol(Consumer Care Centers)**

Source- <http://consumeraffairs.nic.in/WriteReadData/userfiles/file/GSKs.pdf>



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