

Lesson 18

Consumer and Legal Awareness and Right to Information

Along with human development, human needs began to grow. Human beings started exchange of goods to fulfill their requirements; gradually commodity barter started. After this, currency in the form of precious metals such as gold and silver started. In Indian history, description is given that Cows were also used as currency. When a person consumes and receives it by getting the value of an object or service, it means that he is a consumer, sub-consumer or a person who receives and consumes. According to the Consumer Act 1986, the consumer is a person who has made-

- (i) Payment of the value of any item or service, or has promised to do so.
- (ii) A partial payment of the reward, or has committed a partial payment.
- (iii) Payment promised as per the late payment method.

The last person who received profit or convenience from the goods or services purchased is called a consumer. (A) Consumer of goods
(B) Consumer of service.

PERSON-

Person in the Act includes the following: -

- (i) Registered or nonregistered firm.
- (ii) Joint Hindu Family.
- (iii) Co-operative societies.
- (iv) Any association of people whether it is registered under the Registration Act of the Committees or not.

Reasons of Consumers Exploitation:-

When a person receives a payback or a higher rate of any item or service, according to the buyer's

value, and the benefit/facility is not received from the item or service, then the condition is called the exploitation of the consumer.

The following reasons cause exploitation-

1. Purchase without regard to the quality, quantity, accuracy and standard of the items or service.
2. The selection of the right thing or service is not available when different types of goods or services are available.
3. Lack of written and unreadable information related to the item.
4. Believing in written publicity on the packing of items.
5. The consumer not being educated.
6. Not taking purchase receipt of cash/will/tax contract etc., payment of value of the goods/service purchased.
7. Consumer does not complain in a proper manner against sub-standard or harmful items and improper services.
8. No quick decision is taken against complaints.
9. Lack of organization among consumers.
10. The influence of capitalists/industrialists or the government etc.

Types of consumer abuse/exploitation-

Consumer exploitation has happened in many ways. Especially the situation of exploitation occurs when the production of goods is made by capitalist, powerful big companies. Exploitation is divided into two classes. Exploitation in the form of goods or services has following types.

(A) Goods or Items-

- 1) Weight, volume and less in measurement than shown
- 2) Not to be as described or specified.
- 3) Impurity or adulteration.
- 4) To recover more than fixed price.
- 5) Less in capacity and low in quality than mentioned.
- 6) Insecurity of goods.
- 7) Deliberately hiding the defects of the quality which are exposed on consumption.
- 8) By creating artificial shortage of items or goods, compelling consumer to buy more products at increased value or poor quality goods etc.

(B) Service-

- 1) Not providing quality satisfaction on time as per service conditions.
- 2) Insecure redemption of service.
- 3) Damage to facility/advantage
- 4) Cause physical, mental, intellectual loss etc.

Consumer Rights-

Consumers' protection area is considered to start from the Sale of Goods Act 1930, after which consumer protection act 1986 was passed. The purpose of this act is to provide maximum protection of interests to the consumers. The provision of the following powers has been made to conserve to enhance the consumption of consumers in section 6 of the Act 1986.

(1) Right to Protection against Scarcity of Goods-

Consumers have the right to provide protection against the marketing of, goods or services that create risk to their life and property. Example – adulterated items are dangerous for life and low quality cement is dangerous for life and property

(2) Right to Information-

The consumer has the right to information from the producer/seller regarding the properties, quantity,

accuracy standard and prices which the goods or items on purchasing.

(3) The Right to get different types of goods at different competitive prices-

For the benefit of consumers various types of goods or items supplied by government and the authorities at different prices in the market so that consumers can buy goods of their choice and monopoly of goods can be eliminated.

(4) Right to hearing before proper forums-

The National Council has been given the responsibility of giving this assurance to consumers, they will have the right to be heard before the appropriate forum and such forum will give attention and consideration to the consumers.

Proper forums to consider the problem of consumers.

5. Right to receive rewards against unethical exploitation-

Section 36 of the consumer Protection act has given consumers the right to receive rewards against obstruction of immoral trade practices or exploitation.

6. Right to consumer education-

The National Consumer Council has been given the responsibility to provide education to the consumers under the protection act for their grievances. Once the people are sensitized to their rights, then they can feel empowered against exploitation by the manufacturers and traders.

Consumer Duties

In order to avoid the exploitation or loss of the consumer, the following duties should be followed while purchasing an item (goods) or a service:-

- (1) Receipt of payment for the value of the goods/services paid receipt / cash / bill / tax / contract etc., should be obtained necessarily.
- (2) Get the written or verbal information related to the goods item.
- (3) Focus on categorization and quality makes such as ISI/AG/ISO/FPO/ECO etc.

- (4) If there is a defect in the goods and services, immediately inform the seller and demand compensation for the loss.
- (5) Collect documents and testimonies for the confirmation of their complaint.
- (6) If the manufacturer or seller does not pay attention to the complaint of the consumer, then immediately contact the consumer office/ state government, consumer organization or forum.

Measures for Consumer Dispute Redressal-

The Merchandise Sales Act was made in 1930 before independence for consumer disputes. On December 24, 1986, the Indian Parliament passed the Consumer Protection Act 1986. Since then 24th December is celebrated as Consumer Day in India.

In this Act, arrangement for consumer disputes has been arranged at three levels.

- (1) At National Level
- (2) At State Level
- (3) At District Level

At Rajasthan Level-

Based on the power conferred by consumer Protection act, 1986, the Rajasthan State Consumer Protection Act 1987 was passed. According to this act two-dimensional arrangement was done.

- (1) State Level
- (2) District Level

State Commission-

According to rule 7 of the Rajasthan Consumer Protection Rules 1987:-

1. The Headquarter of the state commission will be established in the state capital.
2. The working days the time of the tenure will be same of state commission as state government.
3. The official currency and the status of the state commission will be as such as the state government decides.
4. The states commission meeting will be convened by the Chairman whenever

necessary.

District Forum-

According to the rule 4 of the Consumer Protection Act, 1987

1. District forums office to be set up at District Headquarters.
2. The working days and office hours of the District Forum will be same as that of state government.
3. The official currency and the status of the district forum will be such as the state government decides.
4. The district forum meeting will be convened by the Chairman [whenever necessary].

Consumer Dispute Redressal Provisions

1. The value of the goods or service and the amount required to compensate is not more than 20 lakhs ` , then the district may establish its claim/complaint in the District forum established in each district.
2. The amount or the value of the item service and the amount required for the amount is more than 20 lakhs ` to one crore ` To settle such disputes, the consumer can file a complaint claim with the State Government.
3. If the value of the item or service is more than one crore then the consumer can file a complaint in the National Consumer Protection Commission.

Appeal Areas Against Disputed Decision-

1. If the District forum does not satisfy the consumer with the decision or is unable to give the decision in 90 days period, then the consumer can appeal to the Consumer Protection Commission against the District forum.
2. Appeals can be made against the decision of the State Commission in the National Commission.
3. There is a provision for appeal in the Supreme Court against the decision of National Consumer Protection.

Legal Awareness-

Initially some laws were made in France for the legal aid of the poor/ bankrupt people. In 1851 the legal aid movement was exposed. Some rules were made in 1944 for legal assistance to poor and needy people in Britain. The Government of India issued some guidelines in 1960 on the subject of equal opportunity for justice. In 1960, a committee was formed under the observation of Honourable Supreme Court Justice P.N. Bhagwati to frame some rules on legal services on National level. The Government of India passed the Legal Services Act of 1987 in 1987 to implement the legal services assistance programme uniformly all over India. This law came into effect from Nov. 5 1995 in the whole country. That is why the National Legal Service day is celebrated on November 5.

Under the Legal Services Act 1987 several schemes have been implemented to give opportunity and to improve the judicial system and reduce economic inequalities. Many welfare programmes have been run for people living below the poverty line, schedule castes, schedule tribes, disabled, workers, aged people, women, children and other weaker sections, to provide them benefits, by the Central Government and the state government. Due to the fact that the far-flung villages are located in the structures and due to illiteracy and ignorance, these people cannot take advantage of these welfare schemes. In addition, due to lack of awareness of laws, they also commit criminal acts.

Statutory Services of Legal Services Authorities-

1. National Legal Services Authority.
2. State Legal Services Authority.
3. District Legal Services Authority.
4. Block Legal Services Authority.

Information of public welfare schemes and amended rules, laws by the service institution set up under Legal Services Authority Act 1987 for all citizens of the society and the task of delivering is

called legal awareness.

Rajasthan State Legal Services Authority-

In Rajasthan, Rajasthan State Legal Service Authority has been established under the Act of 1987. The headquarters are located in Rajasthan High court at Jaipur Honourable Chief Justice, Rajasthan, is its chief patron and a senior judge, its Executive Chairman whose directives are governed by legal service programmes throughout the state.

Act of Rajasthan State Authority-

- (1) The Act of state authority will be implemented by the Central Government's policies and instructions.
- (2) Providing legal service to such persons who meet the criteria under this Act.
- (3) Public court under whose jurisdiction the courts are also functioning for the proper operation.
- (4) Taking preventive and adaptive legal aid programmes.
- (5) Operation of permanent public courts.
- (6) Alternate dispute resolution provision.
- (7) Promotion and dissemination of legal consciousness.
- (8) Follow such acts which should be directed by the Legal Services Central Authority

The legal awareness team of two panel advocates and two Para legal volunteers has been constituted by the Rajasthan State Legal Services Authority.

Measures for Legal Awareness-

- (1) Legal literacy camps are conducted by the judicial authorities and legal awareness teams, in the schools, colleges, and public places.
- (2) Civil court and legal awareness campaign is being run in villages through mobile vans.
- (3) A regular weekly programme (Kanoon Ki Bat) is broadcast on AIR, Doordarshan and

Community Radio On Doordarshan every Saturday from 7:00 pm to 7.30 pm in Rajasthan and on All India radio on every Sunday. It is being broadcasted in public interest for legal awareness from 5:45 to 6:00 pm.

- (4) The Pamphlets and booklets are printed and distributed by the District Legal Services Authority.

For more information contact:

(Rajasthan) at State Level-

Mr. Member Secretary, Rajasthan State Legal services Authority Jaipur

Telephone No. – 0141 2227481

Fax No. – 0141 2227602

Helpline No. – 0141 2385877

At district level-

Chairmen/Secretary, District Legal Services Authority.

At Tehsil Level-

Chairman-Tehsil Legal Services Authority / Committee

Important Beneficial Rules and Schemes-

The various schemes run by State Government of Rajasthan are as follows:-

(1) Help on Accidental Death

Assistance/help of ` 5 Lakhs is provided on the death of the registered workers in unorganized sector.

(2) Medical Grant Relief fund

One Lakh assistance/aid is provided for the treatment of registered worker.

(3) Scholarship to Children of Construction Workers-

For students of class 6 to 8 of registered workers, ` 1000/- for boys and Rs. 1500/- Scholarship to the girl student Scholarship to the students for 9 to 12 is up to Rs. 2000/- for boy student and 2400/- to the girl student, at the graduation level the boy students

gets 4000/- and girl students ` 6000/- and at post graduation level 6000/- to the male student and ` 8000/- for the female students has been implemented.

(4) Maternity Relief Schemes-

In the Women Welfare Scheme for each of two deliveries, an aid of 6000/- is being provided.

(5) Rajasthan Vishwakarma Non-organized worker contributory Scheme-

Contributory benefits are given for the life protection of registered worker`

(6) The Maternity Benefit Act, 1961-

Registered women labourers have the right to avail 6 weeks wages and leave before childbirth and 6 weeks of wages and leave after birth.

- (7) State Insurance and Employee Provident Fund scheme is being run for the safety of the employees.

(8) Child Marriage Prohibition Act 2006-

Boys under 21 years of age and girls marrying under 18 years age are known as child marriage It is a punishable offense. Regarding child marriage both the parents can be given strict punishment up to two years of imprisonment or one lakh ` fine or both.

(9) Anti-copying Act-

According to Rajasthan Public Examination Act 1992, Provision of punishment up to three years on the use of unfair means during the examinations has been made; criminal case is filed against the student and he/she is expelled from school.

Right to Information-

The Constitution of India has given freedom of speech to every citizen. People pay tax, so the public has the right to know whether the amount paid by them is spent on the right thing. How is the quality of work? Does the government have any

accountability towards the people or not? The government official/employee has to provide information when asked by any citizen of the country. It is the right of every citizen to get the information; this is the right to Information.

Right to Information Act 2005-

This law was passed by the Lok Sabha on June 15, 2005, after the President's approval this law came into effect from October 13, 2005 in the whole country. Under the Right to Information Act 2005, the following rights were given to the citizens of the country:-

- 1) Every citizen has the right to get information from any department or office of the state as well from any department or office of the state as well as Central Government.
- 2) Any citizen can see a document or record and can take a certified copy of the documents.
- 3) He can also apply to see the work.
- 4) Sample of material used in work can be taken.
- 5) Information can also be taken in computers, CD or Floppy.
- 6) Right to know the ways of Muster roll, log book tenders, plans of cash books etc is also prevalent.

How to Get Information-

Any citizen, who wants to get some information, has to apply in the mentioned form. ` 10/- with the application form will be deposited as cash or postal order.

- 1) If the information is copied from a large size paper then extra amount will be charged.
- 2) For CD's or floppy ` 50/- extra will be charged.
- 3) ` 2/- per page for photocopy will be charged.
- 4) In order to see the documents or records, after depositing of ` 10/- one hour will be given for viewing records. After that, for every 15 minutes or less he will have to pay ` 5/-
- 5) Information will be given under 30 days.

- 6) The person will be able to get information about life or freedom under 48 hours.
- 7) Assistant Information officer will get and give the information under 35 days.
- 8) If information is not provided in the stipulated period, it will be taken as refusal to give the information.

Penalty Notification on Not Reporting-

If the officer responsible for giving information, rejects the application without any proper reason, or intentionally gives false or incomplete or misleading information then the provision of ` 250/- per day maximum 25000/- ` penalty is there.

The Information Commission can also recommend a disciplinary action against the Public Information Officer.

Information that cannot be granted-

- 1) State security information.
- 2) Confidential information on security strategy, science and economic affairs.
- 3) Confidential information received from abroad.
- 4) Information due to which the rights of the court, Parliament or Vidhansabha are violated.
- 5) Intelligence Bureau, Border Security Force, Crime or threat which is harmful towards security/safety.

Information Officer-

- 1) In gram Panchayat – Secretary or gram sevak
- 2) In Panchayat Samiti – Development officer
- 3) In Jila Parishad – Chief Executive officer.
- 4) In Nagar Palika – Executive Officer
- 5) The Institution being given aid by state government Chief Executive Office.
- 6) In University – Vice Chancellor
- 7) Senior office under the head of the department in government department.
- 8) In government secretariat – Secretary of Administration Reform Department.

Appeal Time-

The first appeal can be made before the High Court officer under 30 days of getting information from the Public Information Officer.

Appellate Officer-

Gram Sevak's appeal to the sarpanch, Development officer's appeal to Pradhan, Additional Collector's appeal to District Collector can be made. If the first hearing is not held under 30 days then the second appeal can be made to state Information Authority.

Important Points

1. The last user is called consumer, after receiving the reward of goods or service.
2. When purchasing goods or service or while hiring- its quality, quantity and purity should be checked and attention should be paid.
3. Immediate complain should be made if the quantity, measurement and purity is not at per norms and if there is a demand for more than the rate fixed.
4. Consumers should be aware of their rights and duties.
5. To keep information about government run welfare and beneficial schemes is legal Awareness.
6. Right to Information 2005 empowers every citizen of the country to receive information from the department or office of the central or State Government or to see the record.
7. If the information is not received or the correct information is not provided within 30 days, the recipient can complain to the higher authorities.
8. The citizen has the right to appeal against the information.

EXERCISE

Short Answer Type Questions-

1. How does the consumer get the goods or service?
2. Why did the things/goods need to be exchanged?
3. Who is called the “person”?
4. What kind of information is given in the legal awareness schemes?
5. How many levels of 'Legal Services' Authority are there?
6. “Kanoon ki baat”- On what day and at what time the broadcast is made?
7. When did the Right to Information Act come into effect in the country?
8. What should be done if the information is not received within the period of 30 days?

Essay Type Questions-

1. Who is a consumer according to the Consumer Act of 1986?
2. How can consumer abuse be prevented?
3. What is Legal Awareness?
4. What measures have been taken by the government for legal awareness?
5. What is the law made to stop cheating in exams?
6. What rights have been given to citizen by the Right to Information Act 2005?
7. How can the information be obtained?
8. How has the provision of Information officers been made?