
EFFECTS AND IMPACT OF GENERICIDE ON THE EQUITY OF LEADING BRANDS IN INDIAN COMMERCIAL MARKET

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ABSTRACT

In modern era the consumers are called the king of the market but they are suffering from lots of undesired elements such as misleading advertisements, underweight goods, unsatisfied services etc. Consequently to protect the basic consumer rights Government of India has taken development steps by way of enactment of various Acts and other measures to define, aware and help consumers. In India, the concept of consumer protection is not new, it is as old as trade and commerce itself. The Consumer Protection Act, 1986 is a milestone in the history of socio-economic legislation in the country. The present paper discusses the contribution made by Consumer Protection Act in Consumer Awareness and Consumerism.

Key words : Consumer, protection

INTRODUCTION

In modern era the consumers are called the king of the market but this concept of consumer field is not beyond a shadow of doubt because in reality the consumers are still the most deprived part of the market and are in a disadvantageous position due to non-fortification of their rights. They are suffering from lots of undesired elements such as misleading advertisements, underweight goods, unsatisfied services etc. Consequently the battle for consumer protection has to be fought by many consumer association/ agencies. The Government has also done lots but still to play an important role, by enacting suitable laws and enforcing them effectively. India has been observing 15th March since 1989 as the "National Consumers Day". This day has a historic importance as it was on this day in 1962, that the Bill for Consumer Rights was moved in the US Congress. US President John F. Kennedy for the first time went on to set out four basic consumer rights which were right to Safety, Information, Choice and Be heard in which in recent years the consumer movement under the guidance of Consumers International, a world federation of consumer groups added four more rights and they include the rights to: The satisfaction of basic needs, Redress, Education, A healthy environment. Consequently today the basic consumer rights can be summarised as follows throughout the globe:

- The right to satisfaction of basic needs: To have access to basic, essential goods and services; adequate food, clothing, shelter, health care, education, public utilities, water and sanitation;
- The right to safety: To be protected against products, production processes and services, which are hazardous to health or life;
- The right to be informed: To be given the facts needed to make an informed choice, and to be protected against dishonest or misleading advertising and labelling;
- The right to choose: To be able to select from a range of products and services, offered at competitive prices with an assurance of satisfactory quality;
- The right to be heard: To have consumer interests represented in the making and execution of government policy, and in the development of products and services;
- The right to redress: To receive a fair settlement of just claims, including compensation for misrepresentation, shoddy goods or unsatisfactory services;

- The right to consumer education: To acquire knowledge and skills needed to make informed, confident choices about goods and services, while being aware of basic consumer rights and responsibilities and how to act on them;
- The right to a healthy environment: To live and work in an environment that is non-threatening to the well being of present and future generations.

Making an allowance for the global consciousness, Government of India has taken development steps by way of enactment of various Acts and other measures to help consumers. Indian Penal Code, Standards of Weights and Measures Act, Motor Vehicle Act are some of the Acts. Despite these Acts, consumer related matters were suffering from policy sickness in the field of consumer protection. A major breakthrough came during 1986 when Parliament passed Consumer Protection Act, 1986.

CONSUMER

On 15 March 1962 former US President John F. Kennedy said: "Consumers by definition include us all. They are the largest economic group, affecting and affected by almost every public and private economic decision. Yet they are the only important group... whose views are often not heard." According to Oxford Advanced Learner's Dictionary the word consumer means "A purchaser of goods or uses services". And In Black's Law Dictionary, it is explained to mean, "one who consume, individuals who purchase, use, maintain, and dispose of products and services." A member of that broad class of people, who are affected by pricing politics, financing practices, quality of goods and services, credit reporting, debt collection and other trade practices for which state and federal consumer protection laws are enacted

CONSUMER AWARENESS

Consumer awareness is about making the consumer aware of his/ her rights. It is a marketing term which means that consumers are aware of products or services, its characteristics and the other marketing P's (place to buy, price, and promotion). Though the first consumer movement began in England after the Second World War, a modern declaration about consumer's rights was first made in the United States of America in 1962, where four basic consumer rights (choice, information, safety and to be heard) were recognized. Ralph Nadar, a consumer activist, is considered as the father of "consumer movement." March 15 is now celebrated as the World Consumer Rights Day. The United Nations in 1985 adopted certain guidelines to achieve the objectives of maintaining protection for consumers and to establish high level ethical conduct for those engaged in production and distribution of goods and services. High prices, duplicate articles, underweight and under measurements, rough behavior, undue conditions, artificial scarcity are some of the ways by which consumers are exploited by manufacturers and traders. Limited information, limited supplies and low literacy are factors causing exploitation of consumers.

CONSUMER PROTECTION

In India, the concept of consumer protection is not new, it is as old as trade and commerce itself. It therefore, comes a no surprise that references to the protection of consumer's interest against exploitation by trade and industry, underweight and measurement, adulteration were made in Kautilya's 'Arthashastra'. The need of punishment was also recognised by him. Bhave (2009) revealed that an organized and systematic movement to safeguard the interest of consumers is a recent phenomenon. The consumers have to be aware not only of the commercial aspects of sale and purchase of goods, but also of the health and security aspects. Food safety has become an important element of consumer awareness these days. In case of food products, its quality depends not only on its nutritional value, but also on its safety for human consumption. Consumption of contaminated or adulterated food

is a major cause of human illness and suffering. There are 500 consumer associations, which are working in the field of consumer protection. They deal with various aspects of consumer exploitation. Some of the prominent are: Consumer Guidance Society of India, Mumbai; Citizens Action Group, Mumbai; Common Cause, New Delhi; Voice, New Delhi; Consumer Utility and Trust Society, Jaipur. This called for strong legal measures to ensure that the manufacturers and sellers observe uniformity and transparency in prices, stocks and quality of their goods. Enactment of Consumer Protection Act, 1986 was one of the most important steps taken to protect the interests of consumers. The provision of the Act came into force, with effect from July 1, 1987.

THE CONSUMER PROTECTION ACT, 1986 AT A GLANCE

The Consumer Protection Act, 1986 (68 of 1986) is a milestone in the history of socio-economic legislation in the country. The main objective of the new law is to provide for the better protection of the consumers unlike existing laws, which are punitive or preventive in nature. The Act intends to provide simple, speedy & inexpensive redresses to the consumer's grievances. It seeks to promote and protects the interest of consumers against deficiencies and defects in goods or services. It also seeks to secure the rights of a consumer against unfair or restrictive trade practices, which may be practiced by manufacturers and traders. There are various levels of adjudicatory authorities that are set up under the Act, which provide a forum for consumers to seek redressal of their grievances in an effective and simple manner.

In India various Acts intended to protect the consumers against different forms of exploitation were enacted, such as, the Indian Penal Code, 1860; Indian Contract Act, 1872; Drugs Control Act, 1950; Industries (Development and Regulation) Act, 1951; Indian Standards Institution (certification marks) Act, 1952; Drug and Magic Remedies (Objectionable Advertisement) Acts, 1954; Prevention of Food Adulteration Act, 1954; Essential commodities Act, 1955; Trade and Merchandise Marks Act, 1958; Hire Purchase Act, 1972; Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975; Prevention of Black marketing and Maintenance of Supplies of Essential Commodities Act, 1980; Essential Commodities (Special Provisions) Act, 1981; Multi-State Cooperative Societies Act, 1984; Standard of Weights and Measures (Enforcement) Act, 1985; and Narcotic Drugs and Psychotropic Substances Act, 1985. Some significant consumer protection enactments of pre-independence time are the Sale of Goods Act, 1930; Agriculture Produce (Grading and Marketing) Act, 1937 and Drugs and Cosmetics Act, 1940. The Consumer Protection Act is an alternative and cheapest remedy to an already available remedy by way of civil suit.

SOCIAL ERRANDS OF CONSUMERS FOR THE CONSUMERS

Consumers have the social responsibility of exposing the manufacture/ supplier or the service provider for resorting to illegal trade practices. Unethical noting like "Goods once sold will never be taken back" are in sharp contrast to the practice in some of the developed countries, where the sellers declare, "In case you are not fully satisfied with our product, you can bring the same to us within a month for either replacement or return of your money." This is the result of consumer consciousness. Consumers have to realize their role and importance. The consumer movements can be winner movements only with our active involvement by knowing our rights and enforcing them. It requires a voluntary effort involving the participation of one and all. If the consumers remain passive, they will continue to be exploited. It is necessary that consumers take action with solidarity to get a fair deal and timely redressal. An alert consumer is a safe consumer! The Government acts as the manager for the delivery of services in certain sectors like drinking water supply, health, education, electricity, municipal services etc. The consumer for these services is community at large, The efficiency of service delivery and consumer satisfaction is largely not evaluated. Social audits and user feedbacks are sometimes

discreetly carried out for various services, which throw significant light on improvements required in these services. Engagement of consumers or users for feedback and management are two basic factors which generally lead to efficiency of service delivery mechanism. For instance the Government of Gujrat took up the initiative of decentralized community managed in village water supply management, wherein a local community institution is developed at the village level for infrastructure development for drinking water services delivery and its operation and maintenance. The approach was taken up in a mission mode by creating an autonomous institution named Water and Sanitation Management Organization (WASMO) for taking up social processes at the village level for institution building and its capacity enhancement. The mission mode has now resulted in the state having more than 13,000 Village Pani Samities which are acting as Managers of service delivery at the village level.(Singh, Jaipal, 2009)

CONSUMERISM

Consumerism can be defined as an organised social movement of citizens seeking to augment the right of buyers in relation to sellers. It is the ideology and a concept which has come to stay in business literature. The consumer is exposed to many hazardous- physical, environmental and exploitation due to unfair trade practices. He needs protection, for instance, against products which are unsafe for consumption such as drugs and adulterated food products and products which may cause serious injury such as defective electrical appliances. He needs protection against mal-practices and deceit by sellers. He should have adequate rights and right of recourse to redressal measures against defaulting businessmen. He needs protection against environmental pollution of air, water and noise and effective measures should be devised to keep the surroundings neat and clean. Though in the new modern concept of the consumerism as Bauman(2009) delineates „a shift from a society of producers to a society of consumers.“ He also analyse that in today's societies, “Freedom in consumerist cultures means freedom to choose and freedom to satisfy individual desires and define as well as construct consumer identity under the sway of the market.”

RIGHTS OF THE CONSUMER

Consumer rights are now an integral part of our lives like a consumerist way of life. They have been well documented and much talked about. We have all made use of them at some point in our daily lives. Market resources and influences are growing by the day and so is the awareness of one's consumer rights. These rights are well-defined and there are agencies like the government, consumer courts and voluntary organisations that work towards safeguarding them. In the 20th century, the presence and influence of the market grew dramatically in consumers' life. We began to purchase things from the market for a price. Soon, mass production and industrial production came into being, giving the consumer world an entirely new dimension. Consumers should, not only to get value for their money but also to save him from the losses and inconvenience occurred due to market manipulations, know his rights as a consumer. They are as follows:

Rights under Sec. 6 of Consumer Protection Act, 1986:

- **Right to Safety:** It is right to safety against such goods and services as are hazardous to health, life and property of the consumers. For example, spurious and sub-standard drugs; appliances made of low quality of raw material, such as, electric press, pressure cooker, etc. and low quality food products like bread, milk, jam, butter etc. Consumers have the right to safety against loss caused by such products.
- **Right to be informed:** Right to Representation: Consumer has also the right that he should be provided all those information on the basis of which he decides to buy goods or services. This information relates to quality, purity, potency, standard, date of manufacture, method of use, etc. of

the commodity. Thus, producer is required to provide all these information in a proper manner, so that consumer is not cheated.

- **Right to Choose:** Consumer has the full right to buy goods or services of his choice from among the different goods or services available in the market. In other words, no seller can influence his choice in an unfair manner. If any seller does so, it will be deemed as interference in his right to choice.
- **Right to be Heard:** Consumer has the right that his complaint be heard. Under this right the consumer can file complaint against all those things which are prejudicial to his interest. First there rights mentioned above (Right to Safety; Right to be Informed; Right to choose) have relevance only if the consumer has right to file his complaint against them. These days, several large and small organisations have set up Consumer service cells with a view to providing the right to be heard to the consumer. The function of the cell is to hear the complaints of the consumers and to take adequate measures to redress them. Many newspapers like The Economic Times have weekly special columns to entertain the complaints of the consumers.
- **Right to Seek Redress:** This provides compensation to consumer against unfair trade practice of the seller. For instance, if the quantity and the quality of the product do not confirm to the promise of the seller, the buyer has the right to claim compensation, such as free repair of the product, taking back of the products, changing of the product by the seller.

CONCLUSION

In investigating the issue like consumer protection a fully fledged research design has been prepared as per the requirement of the universe of research. Taking in to consideration the situation of district Meerut different methods of data collection like observation, interview, schedule and questionnaire has been used for the collection of required data from different sources. Later after the collection of primary and secondary data well defined techniques of codification of data has been used for making the study more reliable and accurate.

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