**Role of VCOs and civil society in consumer protection**

**Mandeep Singh & Krishna senger [[1]](#footnote-1)**

*VCOs and civil society can effectively contribute in promotion and propagation of the programmes and schemes relating to consumer education and awareness especially in rural areas.They can play the role of a catalyst to mobilise the rural communities in organising awareness activities such as consumer mela, road shows, nukkad,nataks etc. The well-established VCOs such as CCC, VOICE, CERC, CUTS etc. are indeed playing appreciable role through their specialised activities such as comparative testing of consumer products and dissemination of information through their publications. Their role in helping the schools in running consumer clubs has already been accepted.*

**INTRODUCTION**

The contemporary era is marked as the era of consumers. No country can knowingly or unknowingly disregard the interest of the consumers. It is now universally accepted that the level of consumer awareness and protection is a true indicator of the development of the country and the progressiveness of its civil society. The Consumer Protection Act, 1986 is one of the examples that is to be treated as a milestone in the history of socio-economic legislation to protect the interests ofthe consumers in India.

The act came into effect first on December 24, 1986 after being passed by the Indian Parliament and signed by the President of India. It was modified later on and the modifications came into effect on March 15, 2003. The act is applicable in all states in India except in Jammu and Kashmir. The act makes provisions to include both tangible goods and intangible services (henceforth referred to as product) purchased from a trader or service provider (henceforth referred to as company). The act can apply to any consumer who uses the product for non-commercial activities, the only exception being use of it to earn his livelihood. In other words, the act excludes commercial customers fully, but includes individual domestic customers, groups of domestic customers, societies and not-for-profit organizations.[[2]](#footnote-2)

**CONSUMER PROTECTION: INTERNATIONAL SCENARIO**

One could be forgiven for believing that consumerism was largely invented by Mr. Ralph Nader, the well-known American Advocate. History of protection of consumer rights by law has long been recognised as dating back to 1824. Every year 15th of March is observed as the World Consumer Rights Day. On that day in 1962 President John F. Kennedy called upon the U.S. Congress to accord its approval to the Consumer Bill of Rights. These rights are (i) right to choice; (ii) right to information, (iii) right to safety and (iv) right to be heard. President Gerald R. Ford added one more right i.e. right to consumer education. Later other rights such as right to healthy environment and right to basic needs (Food, Clothing and Shelter) were added. In India we have recently started celebrating 24th December every year as the National Consumer Rights Day.[[3]](#footnote-3)

**THE CONCEPT OF VCOs & CIVIL SOCIETY**

The term "civil society" can be traced through the works of Cicero and other Romans to the ancient Greek philosophers, although in classical usage civil society was equated withthe state. The modem idea of civil society emerged in the Scottish and Continental Enlightenment of the late 18th century. A host of political theorists, from Thomas Paine to Georg Hegel, developed the notion of civil society as a domain parallel to but separate from the state--a realm where citizens associate according to their own interests and wishes. This new thinking reflected changing economic realities: the rise of private property, market competition, and the bourgeoisie. It also grew out of the mounting popular demand for liberty, as manifested in the American and French revolutions.

**CONSUMER LAW AND LEGISLATION**

By virtue of its section 1 (4), the Consumer Protection Act 1986 (CPA) has been made applicable to "all goods and services." However, attempts by the consumer forums, envisaged and established under this Act, to bring various types of services within its ambit have met with considerable resistance. Despite strong and repeated protestations from some of the concerned sectors, (he issues concerning inclusion of services rendered by airlines, banks, housing boards, insurance companies, railways, roadways and telecommunications within the jurisdiction of CPA have been by and large settled now.[[4]](#footnote-4) It may also be appropriate to mention here that the attempts by the consumer forums to bring at least three types of services {i.e., housing, medical and educational services) within the fold of CPA had met with resistance to such an extent that in two cases {i.e., housing and medical profession) the matters went up to the Supreme Court for a final word and the third issue {i.e., educational services) is also likely to be debated there.Medical professionals are not the only ones being held liable for profes­sional negligence under the Consumer Protection Act. The long arm of the law extends to almost everyone who renders service for a fee- lawyers, architects, engineers, chartered accountants.[[5]](#footnote-5)

How­ever, as far as applicability of CPA to the educational services is concerned, there have been a large number of decisions — both in favour[[6]](#footnote-6) as well as against[[7]](#footnote-7) their inclusion within the ambit of CPA — which has given rise to a lot of controversy and speculation. Nevertheless, the inevitable conclusion is that till the final word on this issue too comes from the Supreme Court, the matter will certainly remain in contention.[[8]](#footnote-8)

**CONSUMER AWARENESS AND CONSUMER EDUCATION**

Taking into account the prevailing socio-economic scenario in the country and the infancy of the consumer movement, there is a strong need to educate consumers about their rights and responsibilities.Creation of awareness among consumers about their rights in the entire country needs to be given high priority. People living in the remote and rural areas do often become victims of unlawful trade practices being adopted by wrongdoers due to lack of education and poor knowledge. To give impetus to the consumers’ right of education and awareness a national awareness programme requires to be launched aggressively at the district and sub-district levels with the help of State Government, Educational Institutions, Local VCOs, self help groups,PRIs and Urban Local Bodies (ULBs) with particular emphasis and focus on rural areas and most vulnerable sections of consumers. Consumer awareness and education needs to be pursued with appropriate plan/schemes and activities designed on the principle of PPP and using the entire medium available for the purpose. Plans, schemes, activities and strategies recommended/suggested by the sub-group on this aspect are summarized below.

Governments, business and consumer representatives should work together to educate consumers about electronic commerce, to foster informed decision-making by consumers participating in electroniccommerce, and to increase business and consumer awareness of the consumer protection framework that applies to their online activities.

Governments, business, the media, educational institutions and consumer representatives should make use of all effective means to educate consumers and businesses, including innovativetechniques made possible by global networks. Governments, consumer representatives and businesses should work together to provide information to consumers and businesses globally about relevant consumer protection laws andremedies in an easily accessible and understandable form.

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6. See, e.g., Tilak Raj of Chandigarh v. Haryuna School Education Board, Bhiwani, 1 (1992) CPJ 76; Abel Pacheco Gracias v. Principal, BharatiVidyapith College of Engineering, I (1992) CPJ 105; Controller of Examination, Board of Intermediate Examinations, Hyderabad v. Kandukuri Uma Devi, I (1993) CPJ 572; Mumbai CrahakPanchayat, Bombay v. Registrar, University of Bombay, I (1993) CPJ 37; and V. Murugesanv. Registrar, University of Madras. 1993 (1) CPR 190 [↑](#footnote-ref-6)
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