

18. Consumer and Legal Awareness and Right to Information

Short Answer

1. Question

How does a consumer get the good or service?

Answer

A consumer is any person has made full or partial payment for the value of goods or services purchased by them or who has made a promise to pay the sum after a defined period of time. In the earlier days, consumers obtained their required commodities through the barter system. The barter system is the method of exchange where goods are exchanged for goods. But such a system required the fulfillment of double coincidence of wants. Every person had to find a buyer who was ready to buy their commodity and in exchange sell the particular commodity that they needed. Also in a barter system, there was no measuring rod for measuring the value of commodities. This led to the introduction of other methods of exchanging commodities and services by using money as a medium of exchange.

With further developments of economic systems, consumers started procuring commodities from the market rather than from individual sellers. In the modern world, the consumer gets the goods and services from the market. The market is an institution in which both the buyers and sellers are brought together for the exchange of goods and services. It need not have any specified location, time or space. Today, the markets have developed in many perspectives that helps the consumers and sellers to conduct their transactions through the internet and other social media.

2. Question

Why was there a need to exchange goods?

Answer

A consumer is any person has made full or partial payment for the value of goods or services purchased by them or who has made a promise to pay the sum after a defined period of time. An exchange is a process by which consumes obtained the goods and services that they wanted. In the earlier days, the exchange was completed through the mutual exchange of other goods. The method of exchange where goods are exchanged for goods is called the barter system. The inconveniences of barter led to the introduction of money as the medium of exchange.

From the ancient days, there was a need to exchange goods and services as everyone in the economy did not own enough resources to satisfy their wants completely. They had some commodities in excess quantities, while they required some other commodities. Thus the people started exchanging the commodities that they had in excess in exchange for other commodities that they required. In the earlier days, consumers exchanged the commodities with individual sellers. But with the developments of economic systems, the consumer gets the goods and services from the market. In today's world, goods and services are produced and exchanged not just for satisfying wants but also for incurring profits and expanding the business.

3. Question

Who is called a person?

Answer

A consumer is any person who consumes and receives satisfaction by paying the value for purchasing any commodity. The consumer can be a consumer of goods or a consumer of services. According to the Consumer's Act 1986, a consumer is any person who:

- Has paid the value of any item or service or has promised to make payment.
- Has made a partial payment of the reward or partial payment.
- Has made a commitment of payment promised to pay for the consideration in accordance with the delayed payment method.

The act defines a 'person' as an entity that comes under the following:

- Firms registered under the Companies Act 2013
- Unregistered firms
- Associated Hindu family or Hindu undivided family
- Co-operative societies
- Individuals
- Individuals registered under the Registration Associations Act 1978

4. Question

Which plans are introduced in legal awareness?

Answer

To improve the judicial system and give more awareness and education to the people, many legal awareness programmes were designed and launched by the Central Government and various State Governments. The Legal Services Act was passed in 1987 to implement legal services uniformly in the country. Many plans were formulated and implemented to protect the public from unfair actions and to increase social welfare.

Some major plans and schemes introduced under legal awareness are:

- Assistance on accidental deaths- An accidental assistance of Rs. 5 lakhs is provided by the Rajasthan Government in case of the death of registered workers working in the unorganised sector. This is a huge assistance to them as they generally do not receive any benefits as against the workers under the organised sector.
- Medical Grant Fund Scheme- Rajasthan Government provides medical assistance of Rs. 1 lakh to the registered workers working in the unorganised sector. It is helpful for their medical treatments.
- Scholarship to the students- The Government has introduced various schemes to provide a scholarship to the students coming from the families of construction workers. It ranges from the basic school levels to the postgraduate level to both boys and girls.
- Maternity Aid Scheme- The government is providing financial assistance to the expecting mothers under the Women Beneficiary Scheme. Rs. 6000 is being provided as monetary assistance.
- Rajasthan Vishwakarma Non-Organised Workers Contribution Scheme- The scheme provides pension benefits for the registered workers of the unorganised sector. Contributable pension benefits are given for them for the protection through life.
- Maternity Benefit Act- The registered women workers of the unorganised sector, have the right to take leave for 6 weeks before the delivery and 6 weeks after delivery.
- State Insurance and Employment Provident Fund Scheme- Rajasthan Government has introduced the Insurance and Provident Fund Scheme for the safety of the workers and to ensure them a huge monetary compensation at the time of their retirement. It is being organised on a contributory basis among workers.
- Child Marriage Prevention Act- The marriage of a girl child under 18 years and a boy child under 21 years is considered a punishable offence. It will make the parents liable for a fine of Rs. 1 lakh or a jail term of 2 years or both.
- Anti-Duplication Act- It is introduced to prevent the improper and dubious means during an examination. The candidate is liable for a punishment of up to 3 years for any such misconduct or for being an imposter.

5. Question

How many levels of legal service authority are there?

Answer

The Legal Services Act was passed in 1987 to implement legal services uniformly in the country. Many plans were formulated and implemented to

protect the public from unfair actions and to increase social welfare. There are four levels of legal service authority in the country-

- National Legal Service Authority- It was introduced under the Legal Services Act enacted by the parliament on 1987. It was established in 1995 with the Chief justice as the Patron-in-Chief and the senior most judge of the Supreme Court as the Executive Chairman. The aim of the authority is to provide fast and hassle-free judicial services to the public and to ensure the constitution of Lok Adalats. It works in coordination with the other judicial bodies to reduce the burden of the judicial system in the country.
- State Legal Service Authority- The authority was introduced under the Legal Services Act enacted by the parliament in 1987. It ensures the fast and hassle-free functioning of the judicial system in the country by ensuring immediate justice for all the sections of the population and to ensure that justice is not denied to anyone on the basis of any disability or other economic or political reason. The state chief justice is the Chief Protector and the Chief justice the Executive Chairman. It functions for every state in the country.
- District Legal Service Authority- The authority was introduced under the Legal Services Act enacted by the parliament on 1987. It provides free and proficient legal aid in the form of counselling and free legal advice before Courts and Tribunals. It organises regular Lok Adalats every month. It will be situated in the District Court complex.
- Tehsil/Taluk Legal Service Authority- To ensure the enactment of justice in the grass root level, many states have enacted the formation of Tehsil/Taluk Legal Service Authority. It can be constituted for a group of taluks/tehsils or for every individual one. The senior most judicial authority will be the Ex-Officio Chairman of the legal authority.

6. Question

At what o'clock is the Talk of the Law broadcast?

Answer

To improve the judicial system and spread awareness and educate the people, many legal awareness programmes were designed and launched by the Central Government and various State Governments. The Legal Services Act was passed in 1987 to implement legal services uniformly in the country. Many plans were formulated and implemented to protect the public from unfair actions and to increase social welfare.

The Rajasthan government has introduced the telecast of a talk show Law Point every weekend. It is broadcasted through the All India Radio, Doordarshan and the Community Radio. It is broadcasted through the television every Sunday from 7.00 to 7.30 and via all the All India Radio stations from 5.45 to 6.00. Every legal aspect of the issues would be discussed in the show.

7. Question

When was the Right to Information Act implemented in the country?

Answer

The Right to Information Act was enacted by the Parliament on 15 June 2005. It was approved by both the houses and was legally implemented in the country with the assent of the President on 13 October 2005. It replaces the Freedom of Information Act 2002. The act gives the power to every citizen of the country to request and get information from any public authority. They are bound by the act to reply and furnish the information within 30 days of application request. Political parties and private bodies do not come under the purview of the act.

Under the act, every citizen has the right to:

- Receive information from any department or office of the State Governments and the Central Government.
- View the documents or records and take certified copies of the same.
- Take the sample materials of their workings.
- Get information on computers, CD, floppy and other storage devices.

The act was passed to empower the citizens and promote transparency and accountability in the working of the government. This helps to check corruption and other malpractices in the functioning of the government and the judicial system.

8. Question

What should be done if we do not get the information within 30 days?

Answer

The Right to Information Act was enacted by the Parliament on 15 June 2005. It was approved by both the houses and was legally implemented in the country with the assent of the President on 13 October 2005. It replaces the Freedom of Information Act 2002. The act gives the power to every citizen of the country to request and get information from any public authority. They are bound by the act to reply and furnish the information within 30 days of application request.

The first appeal for getting the information may be made to the officials in the Panchayats, Municipalities, Secretariat and other government departments within 30 days of getting information from the concerned Information Officer. If the information is not furnished within the first 30 days, the concerned applicant may make a second appeal to the State Information Commission.

Long Answer

1. Question

Who is a consumer according to the Consumer's Act 1986?

Answer

A consumer is any person who consumes and receives satisfaction by paying the value for purchasing any commodity. The consumer can be a consumer of goods or a consumer of services. According to the Consumer's Act 1986, a consumer is any person who:

- Has paid the value of any item or service or has promised to make payment.
- Has made a partial payment of the reward or partial payment.
- Has made a commitment of payment promised to pay for the consideration in accordance with the delayed payment method.

A consumer is the ultimate and the final person who receives the ultimate satisfaction and benefits from the purchase and consumption of the commodities. The act defines a 'person' as an entity that comes under the following:

- Firms registered under the Companies Act 2013
- Unregistered firms
- Associated Hindu family or Hindu undivided family
- Co-operative societies
- Individuals
- Individuals registered under the Registration Associations Act 1978

The act was enacted to protect the interests of the consumers give them the right to be protected against various exploitations faced by them. It enabled the establishments of various consumer councils and other legislatures for protecting their interests.

2. Question

How can consumer exploitation be prevented?

Answer

A consumer is any person who consumes and receives satisfaction by paying the value for purchasing any commodity. The situation in which the buyers do not receive the benefits and services according to the buyer's value or the situation in which the sellers receives or charges the value of commodities higher than its value is known as consumer exploitation.

Consumer exploitation can be through improper weighing, impurity, adulteration, deliberate hiding of facts, creating artificial shortages and excess in the market or through physical, mental and intellectual damages.

To prevent the exploitation faced by the consumers in the market, the Consumers Protection Act was enacted in 1986. The act was enacted to protect the interests of the consumers give them the right to be protected against various exploitations faced by them. It enabled the establishments of various consumer councils and other legislatures for protecting their interests. The rights that consumers receive under this act are:

- Right to protection against material losses- The consumers have the right to be legally protected against the manufacturing, marketing and selling of commodities and services that are harmful to their livelihood. It prohibits the sale of adulterated commodities and such items that pose a threat to the life of people.
- Right to information- The consumers have the right to be informed about the quantity, quality, standards and values of the commodities sold by the sellers in the market.
- Right to get different types of goods at competitive prices- The consumers have the right to be provided with various types of goods at different competitive prices by the government and other authorities. Monopolies should not be entertained in the market unless they are under the authority of the government.
- Right to attention before appropriate forums- The consumers have the right to be presented before and heard in various forums dealing with the resolution of the disputes concerning the rights of the consumers. The National Council has been given the responsibility to ensure that the consumers are properly understood and considered.
- Rights to receive rewards against immoral exploitations- The consumers have the right to receive rewards and compensations against the unfair and unlawful means and trade practices used against them. They have the right to be reimbursed for the immoral exploitations and issues faced by them.
- Right to consumer education- The consumers have the right to be given proper education and awareness about the various exploitations and oppressions faced by them and their right to fight against such mistreatments. According to the National Consumer Council, once the consumers become aware of their rights, they will get the power to fight against such injustices.

These are some of the basic methods through which the exploitation of consumers can be prevented in the market. The law ensures the provision of justice with equality irrespective of any discriminations.

3. Question

What is called legal awareness?

Answer

Legal awareness is the process of empowering and strengthening the powers and authority of the individuals through law. It is also called public legal

education. It is the process of making the public aware of the powers, rights and authorities that they have at their disposal and how to utilise them to prevent exploitation and injustices. Such a civic education among the public comprises a set of actions, activities and policies designed to build public awareness and skills related to the legal and judicial system in the country and how the common man can approach them. The proper information about public welfare schemes and services and its rules and institutions by all the citizens in the society that results in the efficient functioning of the law is called legislative awareness.

The Legal Services Act was passed in 1987 to implement legal services uniformly in the country.

To improve the judicial system and give more awareness and education to the people, many legal awareness programmes were designed and launched by the Central Government and various State Governments. Many plans were formulated and implemented to protect the public from unfair actions and to increase social welfare. Some of them are:

- Legal literacy camps- Legal literacy camps are organised by different local and state level authorities and institution throughout the country to enhance the legal awareness of the public. They are also conducted by schools, colleges, and other institutions.
- Lok Adalats- Under the purview of the act, Lok Adalats have to be constituted in every taluk, district and state levels. The authorities should also carry out legal awareness campaigns.
- Legal programmes- The Central and various state governments can telecast various programmes related to legal rights through All India Radio, Doordarshan and Community Radio. This will improve the legal literacy of the public.
- Printed hand-outs- The Central government, various state governments, non-governmental organisations, and other related authorities can print and distribute hand-outs and materials about the rights and duties of citizens.

It is highly important to improve legal awareness in a country. It will empower the citizens and promote transparency and accountability in the working of the government. This helps to check corruption and other malpractices in the functioning of the government and the judicial system.

4. Question

What are the legal measures taken by the government?

Answer

Legal awareness is the process of empowering and strengthening the powers and authority of the individuals through law. It is also called public legal education. It is the process of making the public aware of the powers, rights, and authorities that they have at their disposal and how to utilise them to prevent exploitation and injustices. Such a civic education among the public

comprises a set of actions, activities, and policies designed to build public awareness and skills related to the legal and judicial system in the country and how the common man can approach them. The proper information about public welfare schemes and services and its rules and institutions by all the citizens in the society that results in the efficient functioning of the law is called legislative awareness.

The Legal Services Act was passed in 1987 to implement legal services uniformly in the country. There are four levels legal service authorities in the country- National Legal Service Authority, State Legal Service Authority, District Legal Service Authority and Tehsil/Taluk Legal Service Authority. To improve the judicial system and give more awareness and education to the people, many legal awareness programmes were designed and launched by the Central Government and various State Governments. Many plans were formulated and implemented to protect the public from unfair actions and to increase social welfare.

Some major plans and schemes introduced under legal awareness are:

- Assistance on accidental deaths- An accidental assistance of Rs. 5 lakhs is provided by the Rajasthan Government in case of the death of registered workers working in the unorganised sector. This is a huge assistance to them as they generally do not receive any benefits as against the workers under the organised sector.
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- Anti-Duplication Act- It is introduced to prevent the improper and dubious means during the examination. The candidate is liable for a punishment of up to 3 years for any such misconduct or for being an imposter.

5. Question

What is the law of mimicking?

Answer

A consumer is any person who consumes and receives satisfaction by paying the value for purchasing any commodity. The consumer can be a consumer of goods or a consumer of services. The situation in which the buyers do not receive the benefits and services according to the buyer's value or the situation in which the sellers receives or charges the value of commodities higher than its value is known as consumer exploitation.

To prevent the exploitation faced by the consumers in the market, the Consumers Protection Act was enacted in 1986. The act was enacted to protect the interests of the consumers give them the right to be protected against various exploitations faced by them. It enabled the establishments of various consumer councils and other legislatures for protecting their interests.

According to the act, the consumers have the right to be provided with various types of goods at different competitive prices by the government and other authorities. Monopolies should not be entertained in the market unless they are under the authority of the government. Thus to curtail the emergence of monopolies, competitions have to be stimulated in the market. Only a competitive market can be transparent, appropriate and effectively regulated. To ensure effective competition in the market, competition law and competition policy are vital. The competitive law prohibits and prevents anti-competitive practices in the market. It also penalises such strategies in the market.

Sometimes, the regulatory laws of the government mimic competition to prevent the evolution of monopolies in the market. This imitative competition by the government and other authorities is known as the law of mimicking. It is also required to maintain the intellectual property rights and to maintain the efficient functioning of the markets.

6. Question

By Right to Information Act 2005, what rights have been given to the citizens?

Answer

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Under the act, every citizen has the right to:

- Receive information from any department or office of the State Governments and the Central Government.
- View the documents or records and take certified copies of the same.
- Take the sample materials of their workings.
- Get information on computers, CD, floppy and other storage devices.

The act was passed to empower the citizens and promote transparency and accountability in the working of the government. This helps to check corruption and other malpractices in the functioning of the government and the judicial system.

7. Question

How is the information received?

Answer

The Right to Information Act was enacted by the Parliament on 15 June 2005. The act gives the power to every citizen of the country to request and get information from any public authority. They are bound by the act to reply and furnish the information within 30 days of application request. Political parties and private bodies do not come under the purview of the act.

The information regarding state security, science, and economic affairs, confidential information from abroad, information on border security forces and other sensitive details cannot be obtained.

The first appeal for getting the information may be made to the officials in the Panchayats, Municipalities, Secretariat and other government departments within 30 days of getting information from the concerned Information Officer. If the information is not furnished within the first 30 days, the concerned applicant may make a second appeal to the State Information Commission.

The following are the information officers that have to be contacted for retrieving the information:

- Gram Panchayat- Secretary
- Panchayat Samithi- Development Officer

- Zila Parishad- Chief Executive Officer
- Municipality- Executive Officer
- State Government organisations- Chief Executive Officer
- University- Chancellor
- Government departments- Senior most officer under the Head of the Department
- Secretariat- Secretary, Department of Revenue

The act was passed to empower the citizens and promote transparency and accountability in the working of the government. This helps to check corruption and other malpractices in the functioning of the government and the judicial system.

8. Question

How can the provision of information from the offices be made?

Answer

The Right to Information Act was enacted by the Parliament on 15 June 2005. It was approved by both the houses and was legally implemented in the country with the assent of the President on 13 October 2005. It replaces the Freedom of Information Act 2002. The act gives the power to every citizen of the country to request and get information from any public authority. They are bound by the act to reply and furnish the information within 30 days of application request. Political parties and private bodies do not come under the purview of the act.

Under the act, every citizen has the right to:

- Receive information from any department or office of the State Governments and the Central Government.
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Any citizen who wants to receive the information should fill in the application form in the prescribed format. With the application form, an application fees of Rs. 10 has to be deposited as a money order or in cash. The rates will differ according to the method of receiving the information. If the information is to be given in CD or other storage devices Rs. 50 has to be deposited. People wanting photocopied documents will have to pay an extra of Rs. 2. To view the documents and records, Rs. 10 has to be paid initially for 1 hour and Rs. 5 for every additional 15 minutes.

The information regarding state security, science, and economic affairs, confidential information from abroad, information on border security forces and other sensitive details cannot be obtained.

The first appeal for getting the information may be made to the officials in the Panchayats, Municipalities, Secretariat and other government departments within 30 days of getting information from the concerned Information Officer. If the information is not furnished within the first 30 days, the concerned applicant may make a second appeal to the State Information Commission. If the information officer refuses to accept the application or gives false, incomplete or misleading information, they can be penalised with a total fine of Rs. 25,000 or a fine of Rs. 25,000 per day after the receipt of the application.

The act was passed to empower the citizens and promote transparency and accountability in the working of the government. This helps to check corruption and other malpractices in the functioning of the government and the judicial system.