

## Consumer rights Public awareness and law implementation

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Vested interest groups are exploiting consumers because of poor law implementation.

With the advent of the 20th century, consumer rights gained importance in the world. The Western countries played the pioneer role in creating awareness and in enacting different kinds of consumer protection laws. The rights of consumers got international recognition when in 1985 the UN promulgated the basic guidelines regarding consumer rights protection. The UN guidelines said that "all citizens, regardless of their incomes or social standing, have basic rights as consumers". By the end of the 20th century, consumer rights protection became a movement. Nevertheless, the rights of consumers continue to be denied or violated by governments, producers and various powerful sections of society.

Consumer rights include: the right to safety, the right to be informed, the right to choose, and the right to be heard. A global consumer movement led by Consumers International, a global federation of over 250 consumer organisations, added four more rights: the right to satisfaction of basic needs, the right to redress, the right to education, and the right to a healthy environment. After the promulgation of 1990 Constitution, consumer issues started getting importance in Nepal. However, in a poor country like Nepal, where the level of poverty, unemployment and illiteracy is high, the people are facing numerous problems regarding consumer issues. Like other rights, consumer rights happen to be one of the most ignored in Nepal. Lack of awareness is the major obstacle. It is important to check the manufacturing and expiry dates, and the components used in the foodstuff to see that they meet the standards. According to the DFTQC annual report, 52 cases were registered at the Kathmandu District Administration Office during the last fiscal year alone in this regard. Because of mass illiteracy, particularly the poor and the disadvantaged section, the consumers are not aware and conscious of their rights and responsibilities as consumers. The illiterate consumers are caught in a vicious circle of food and commodity adulteration, being cheated in weighing and measuring, hoarding and artificial price-hike. Awareness remains the key factor to successful implementation of consumer rights.

Under the preamble to the Constitution, socio-economic justice is considered a vital goal, which is directly related to consumer rights, as without promotion and protection of this right the purpose of socio-economic justice cannot be achieved. The fundamental rights also provide for the right to enjoy a dignified life. At the same time, reasonable restrictions have been imposed on freedom to carry on trade, business or any occupation with a view to protect public health. There is the Consumer Rights Protection Act 1998 and the Consumer Rights Protection Regulations 1999. The 1998 act is an umbrella act aimed at protecting consumer rights as well as restricting unfair trade practices.

The provisions of these Acts can help protect the interests of the consumer and also foster a competitive business environment. The Black Marketing and Certain Other Social Offences and Punishment Act was enacted in 1975. The Act prohibits black marketing, profiteering, and deflection of commodities, hoarding and creation of artificial scarcity, fraudulent sale and the adulteration and sale of drugs. There are numerous acts in Nepal regarding consumer rights, for example, the Food Act 1966, Essential Commodities Control Act 1960, Drugs Act 1978, Nepal Drinking Water Corporation Act 1989 and many more. Unfortunately, in Nepal, laws are enacted very easily but the government seems to be weak in implementing them. And the consumer rights are thus not being implemented.

Almost everywhere in the world consumers are highly honoured, and are also taken as an integral part of human rights. But in Nepal consumers are treated negligently. While consumerism has become a strong

movement and consumer organisations are powerful in the developed countries, a great majority of the consumers in Nepal are still in the dark about their basic rights and obligations as consumers. In the absence of effective implementation of laws, consumers are being cheated and exploited by some dishonest businessmen and vested interest groups.

In the developed countries, there are separate consumer courts to deal with cases of violation of consumers' rights and interests. Although there is the quality monitoring office in every district of Nepal, their performance has been negligible for lack of consumer awareness in the rural areas. The clauses in the Consumers' Rights Protection Act 1998 specify that consumer products and services should, in no way, affect their health; consumers should have freedom of choice and the right to information about the composition of goods and their side effects. The act also says that consumers have the right to compensation if the services and goods cause harm to their health or are fake. The right to represent, right to be informed and right to consumer education are being completely violated by the government with impunity. Laws that are enacted have not been adequately enforced. Although consumer policy is a well-accepted instrument in developed countries to promote consumers' interests in the marketplace and enhance efficiency of business enterprises, leading to consumer welfare, it is yet to be understood and appreciated in a country like Nepal.

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