

UN NORMS GUIDE NATIONS IN FORMULATING POLICIES

More than a decade ago on April 9, 1985, the United Nations General Assembly adopted guidelines on consumer protection. Since then, these guidelines have been the basis of a comprehensive consumer policy for evaluating existing laws or a starting point for addressing new ideas.

In these 10 years, consumer protection issues have received increasing attention in India, America and the South Pacific. For example, in India, the Consumer Protection Act was enacted in 1986. Several outdated laws like the Bureau of Indian Standards Act, the Weight and Measures Act and the MRTP Act were amended to protect the consumer.

The guidelines cover a variety of issues, from the safety of the products to adequate information to consumers. They call on nations to adopt appropriate policies to ensure that goods produced are safe and do not become hazardous through improper handling or storage. In case some unsafe products reach the market, there should be policies to ensure that relevant information is given to the consumers and the product in question is taken back. UN guidelines make it clear that if the consumer uses unsafe products, there should be a system to compensate the aggrieved consumer.

The guidelines provide that wherever possible, international safety standards are to be adopted. In case this is not possible, national safety standards are to be formulated and followed. Since the guidelines are very particular about safety, where standards are lower than the generally accepted international standards, every effort should be made to raise them.

They also say that the government should encourage and ensure the availability of facilities to test and certify the safety, quality and performance of essential goods and services. The guidelines call for an adequate protection to consumers against unfair trade practices, misleading advertisements and other anti-consumer activities of the business community. With these in view, the MRTP Act was amended.

The productions are responsible for ensuring that goods are durable, utilitarian, reliable and suit the purpose for which they are intended. The problems of after-sales service, one-sided standard contracts, exclusion of essential rights in contracts and such other issues have also drawn the attention of the UN.

The norms lay emphasis on information to consumers, and say that promoting marketing and sales practices should be guided by the principle of fair treatment. This requires the provision of information necessary to enable consumers to take informed and independent decisions. In addition, the information should be truthful, accurate and timely. Another area where consumers need protection is the equitable distribution of essential goods and services. Realising the necessity of a fair distribution network, governments are urged to provide a system where consumers can fulfil their needs easily. The emphasis is on establishing cooperatives, particularly in rural areas.

Despite such laws, legislations and policies, consumers are bound to be taken for a ride. To check this, the guidelines call upon governments to establish or maintain legal and administrative organizations to provide cheap and quick relief to consumers.

The UN is of the opinion that unless consumer protection becomes part of the educational curriculum, consumers cannot be protected in the long run. UN guidelines urge the government to provide education and information to consumers regularly.

Realising the limitations of the government and the potential of non-governmental organizations, the guidelines want governments to encourage setting up of consumer organizations and information centers, particularly in rural areas. Optimum use of the mass media is also recommended.

Recently, the Ministry of Food, Civil Supplies and Consumers Affairs came out with a programme to help set up consumer information centres in the 450 districts of the country. Schemes providing financial assistance for consumer organizations in promoting such movements have begun.

The UN guidelines are very specific about formulating policies on food, water and pharmaceuticals. When formulating national food policies, FAO (Food and Agriculture Organization) standards are to be kept in view. In case of drugs, WHO (World Health Organization) recommendations are to be taken into account, and as far as possible, governments are advised to use international non-proprietary names.
