



AWARENESS OF CONSUMER PROTECTION LAWS FOR JUVENILE CONSUMERS IN SEONI (M.P.)

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ABSTRACT

Consumer protection laws play a crucial role in safeguarding the rights and interests of consumers in any economy. These laws aim to establish a fair and transparent marketplace, ensuring that consumers are protected from fraudulent, unfair, or deceptive practices by businesses. Indian Food Safety and Standards Act 2006 (Act) came into force in the year 2011 and the Act is being amended further to bring animal feed into the ambit of Food Safety and also amending various sections of the Act and proposed to increase the penalties for not having license or registration under the Act. The present paper dwells only on the proposed definition of 'manufacturer' and also on the proposed penalties for not obtaining or renewing the License or Registration as per the provisions of the Act. The above amendments are examined from doctrinal research method and found that offences are not in compliances with the legal jurisprudence. This study will be helpful in developing an action plan based on setting a campaign in motion, sufficiency of legal and constitutional provisions and solutions to the problems and challenges of consumers.



KEYWORDS : Awareness, Consumer Rights, Consumer Protection, Article 47 of constitution, FSSAI, Food Safety, Food Business Operator, License, Registration.

INTRODUCTION

Food is essential for mankind as it provides nutritional support to human beings; food contains essential nutrients like Vitamins, Fats, Carbohydrates, and Proteins etc. Food usually consists of either plant or animal origin. Food and mankind co-exists since the evolution of mankind on the planet. Over the Centuries the process and procedures are developing for providing safe and wholesome food to the mankind. In India, the laws regulating the quality of food have been in force since 1899. Article 47 of Indian Constitution, mandates the duty of the State to raise the level of nutrition and the standard of living and to improve public health. Food industry mainly consists of milk and milk products, pulses, grains, fruits and vegetables, chocolates, water, beverages, jams, bakery products, processed food, snacks, ready to cook and ready to eat foods etc., Food industry provides a vital intermediary between the Agriculture and manufacturer and consumers. Average food travels miles before it reaches your dining table. Sometimes it travels countries and continents also. It is expected that the food shall retain its quality and standards despite undergoing various stages like Storage, Transport and Distribution and

finally reaching the shelves of retailers. In view of the importance of food in human life, the Government of India has legislated food laws from time to time. Article 47 enshrined in the Indian Constitution mandates the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties. Until 1954 several states had their own food related laws.

Food Safety and Standards Act 2006 came into force with effect from 5th August 2011 interalia prescribing the procedure for applying for license for manufacture and sale of food products and at the same time, regulate the quality of food in order to ensure that the food which is supplied to the consumers is safe and wholesome and also laying scientific based standards for the food. The Act also contains Rules and various Regulations like Food Safety & Standards – Licensing & Registration of Food Business) 2011, Packaging and Labelling Regulations 2011, Food Products Standards and Food Additives Regulation 2011, Prohibitions and Restriction of Sales Regulations 2011, Contaminants, Toxins & Residues Regulations 2011, Laboratory and Sample Analysis) Regulations, 2011, Food Recall Procedure Regulations, 2017, Food Import Regulations,

2017, Health Supplements, Nutraceuticals, Food For Special Dietary Use, Food For Special Medical Purpose, Functional Food and Novel, Food Regulations 2016, Fortification of Foods Regulations 2018, Approval For Non-Specified Food and Food Ingredients) Regulations, 2017, Organic Foods Regulations, 2017, (Alcoholic Beverages) Regulations, 2018, (Advertising and Claims) Regulations, 2018 & Food Safety Auditing Regulations, 2018. In other words the regulations under the Act are covered the entire ecosystem of food business and its stakeholders.

GLOBAL PERSPECTIVE ON FOOD SAFETY AND STANDARD REGULATIONS

By exercising their sovereign rights and creating food safety standards for their respective nations, various nations have put forth attempts to accomplish the objective of ensuring that there is sufficient food for everyone. They do, notwithstanding, conduct their business inside the confines of the rules and agreements that administer them. The Trade-Based Trade Agreement (TBT) and the Standard Practices Agreement (SPS) are the two primary accords that the World Trade Organization (WTO) has set up to address the setting of standards by its part countries. Specialized standards, as well as processes for testing and inspection, are the subject of the Agreement on Specialized Barriers to Trade (TBT). To forestall the spread of illnesses that influence the two plants and animals, the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) is comprised of rules and regulations. Additionally, the agreement recognizes the need of ensuring the safety of food for the two humans and animals. The Food and Agriculture Organization, sometimes known as FAO, is a specialized substance of the United Nations that encompasses a worldwide organization. Agriculture and Consumer Protection, Climate, Biodiversity, Land and Water Department, Economic and Social Development, Fisheries and Hydroponics, Forestry, Corporate Services, and Specialized Cooperation and Program The board are the names of the eight departments that make up this organizational structure. The accompanying objectives are being chipped away at by the FAO, and they are portrayed in the picture that might be found underneath:

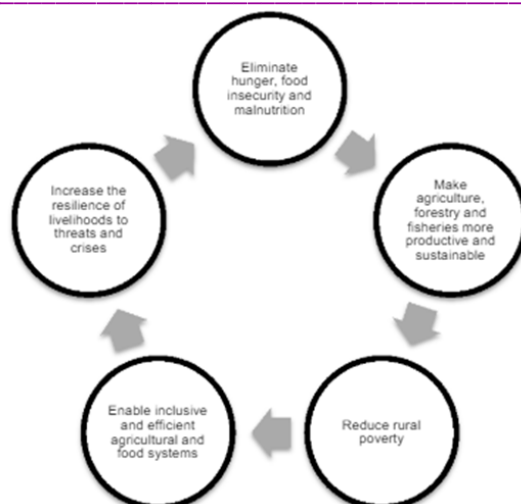


Fig. 1. Pictorial representation of FAO's goals and area of work

It is critical to feature the projects and achievements of the Food and Agriculture Association (FAO) in the field of food wellbeing. A cooperative exertion between the Food and Agriculture Association of the Unified Countries (FAO) and the World Health Association (WHO) was laid out in 1961 fully intent on developing "food standards, guidelines, and texts such as codes of practice under the Joint FAO/WHO Food Standards Program." Safeguarding the health of purchasers, keeping up with fair exchange, and cultivating coordination of all food standards work did by non-legislative associations and intergovernmental associations are among the main objectives. The World Food Highest point, which occurred in 1997 and finished in the Rome Statement on World Food Security and the World Food Culmination Strategy, is another huge part of the circumstance

Following the association of the ensuing World Food Culmination in 2002, the Statement of the World Food Highest point was confirmed because of the culmination's procedures. The Right to Food Guidelines were endorsed by the Overall Committee of the Food and Agriculture Association in 2004 by 187 part states. This prepared for global guidelines relating to food, as well as standards for food security and quality.

OBJECTIVES OF THE STUDY:

1. To critically examine the existing legal framework for food safety, with a particular focus on its alignment with consumer rights and children's human rights.
2. To analyze the conceptual evolution of human rights, consumer rights, child rights, and their intersection with food safety and standards to provide a comprehensive understanding of the subject matter.
3. To assess the international legal framework pertaining to consumer rights, human rights, child rights, and food safety, with the aim of identifying global best practices and standards.
4. To conduct a comparative analysis of consumer protection laws in selected countries, in order to identify gaps and recommend measures for enhancing the jurisprudence surrounding child consumers in India within the context of food safety.
5. To evaluate the national framework governing consumer protection, health, and food safety concerning children, with a specific focus on identifying deficiencies within the current legal system.

REVIEW OF LITERATURE:-

In this section, the growth of consumer privileges, fundamental liberties, and protections for children is discussed. Sarwade (2002) conducted a study in Adul, Paithan and Sangvi villages of Marathwada region and author concluded that majority of the respondents owned consumer durables. More than half of the respondents owned television, radio, tape recorder, bicycle, fan, clock and wrist watch in all the three villages. Least percentage of them owned sofa, camera, motorcycle and sewing machine. Price was the most important factor which influenced the purchasing decision as against the quality of the product.

Gambhir (2002) conducted a study in Chandigarh revealed that 63.47 per cent bought packed goods and out of this only 36.53 per cent were satisfied and 67.59 per cent were not satisfied with the quality of packed products.

Mehrotra and Kaur (2004) conducted a study in three randomly selected urban localities namely Maya Nagar, Santi Nagar and B.R.S Nagar of Ludhiana city. They reported that attitude of the respondents towards electrical kitchen equipment was noted as 'time and energy saver' claimed highest mean score in the three localities viz., 3.80, 3.95 and 4.05, respectively, followed by 'easy to use' (3.76, 3.92 and 3.95, respectively). Price was the prime factor which affected the purchase in all the three localities followed by brand in Santi Nagar and B.R.S Nagar residence and durability was considered by Maya Nagar residence respondents.

Arvonne (2017) traced the development of ideas and action over the course of several centuries with the intention of establishing the human rights of women and putting into practice the concept that women and men are equal members of society. As soon as the Taliban assumed control in Afghanistan in 1994, they began removing girls from school, prohibiting women from working outside the house, and mandating that women wear clothing that completely covered their bodies.

French (2022) presented the corporations have the potential to be fully-fledged moral people, which means that they are entitled to the same benefits, rights, and responsibilities that are often assigned to moral individuals in the normal course of events. Within the framework of our tradition, there are three distinct conceptions of what makes personhood: the metaphysical, the moral, and the legal ideas. It is essential to differentiate between these three conceptualizations.

Margalit&Raz (2022) through this process, the grounds for the appropriate kind of group, an all-encompassing group, to decide whether or not a region should be self-governing were developed. The general acceptance of the existence of national rights to self-determination provides a welcome point of consensus in the disciplines of international law and international relations, which are both fraught with disagreement. In order to avoid any confusion, we will refer to the concept of self-government as the concept of national self-determination.

MATERIAL AND METHODS:-

This research is based on adopting the both empirical and doctrinal resources. To gain in-depth understanding regarding the awareness of the consumers, empirical data has been randomly collected from 100 respondents of Seoni districts of Madhya Pradesh (India) by way of a questionnaire. The data is collected from both urban and rural consumers of both the districts. Doctrinal sources includes Books, Indian Journals, Published articles, Research papers, Government and Non-Government websites and various other notifications issued by the government in this context. Data has been analyzed empirically using Percentage method.

RESULT AND DISSCUSSION:-

In the present study is a critical job that shopper security regulations play in safeguarding the privileges and interests of purchasers, particularly the freedoms and interests of adolescent clients. It is of the utmost importance in the district of Seoni, which is located in India, to guarantee that food products are safe for children to consume. A comparison and evaluation of the effectiveness of

consumer protection legislation in Seoni with those in other countries is the primary emphasis of this analysis. The objective is to identify any gaps in protection and make suggestions for improvements. This study aims to improve the protection of juvenile consumers in Seoni, particularly with regard to food safety, by analyzing the legal frameworks, enforcement mechanisms, and awareness levels that are currently in place.

Table No. 1. Awareness of Food Safety Practices among Juvenile Consumers and Their Parents/Guardians

Awareness of Food Safety Practices	Percentage
Yes	55%
No	35%
Somewhat	10%
Total	100%

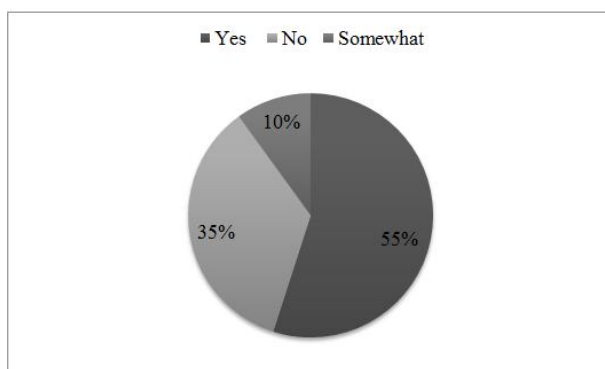


Figure 2: Graphical presentation of Awareness of Food Safety Practices among Juvenile Consumers and Their Parents/Guardians

According to the data presented in the table, fifty-five percent of respondents believe that there is sufficient awareness regarding food safety practices among juvenile consumers and their parents or guardians. This suggests that there is a moderate level of confidence in the awareness levels that are currently in place. On the other hand, 35 percent of respondents are of the opinion that there is not enough awareness, which indicates that there is a requirement for additional education and outreach activities to ensure that juvenile consumers and their parents or guardians are well-informed on safety measures regarding food. In addition, ten percent of respondents said they have some degree of uncertainty on the amount of awareness, which suggests that there is a requirement for additional research into the perceived gaps in knowledge.

1. Have you noticed any improvement in the availability and quality of safe food products for children in recent years?

Table 2: Perception of Improvement in Availability and Quality of Safe Food Products

Awareness Quality of Safe Food Products	Percentage
Yes	45%
No	35%
Not sure	20%
Total	100%

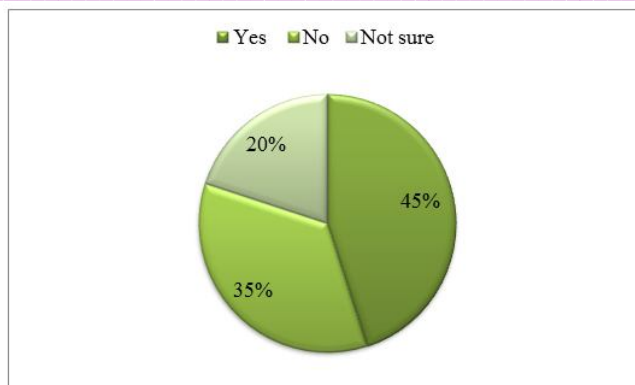


Figure 2: Graphical presentation of Perception of Improvement in Availability and Quality of Safe Food Products

According to the data presented in the table, forty-five percent of respondents have, in recent years, observed an increase in the availability and quality of food products that are safe for children to consume. A good trend in the impression of food safety among the population that was polled appears to be occurring as a result of this. Then again, 35% of respondents have not noticed any advancement, and 20% are uncertain, which demonstrates that there is as yet potential for improvement as far as assuring the accessibility and nature of food items that are alright for youngsters.

2. To what extent do you believe the government should check and audit food companies to make sure they follow safety regulations?

Table 3:Support for Increased Inspections and Audits of Food Businesses

Support for Increased Inspections	Percentage
Yes	52%
No	40%
May be	8%
Total	100%

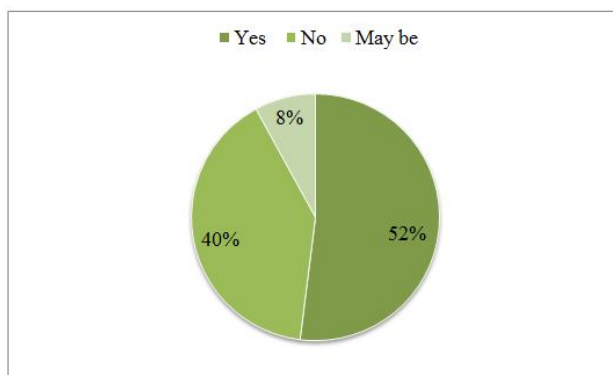


Figure 3: Graphical presentation of Support for Increased Inspections and Audits of Food Businesses

In terms of the role that the government plays in maintaining the safety of food, 52 percent of respondents say that the government ought to increase the number of inspections and audits that it

performs on food businesses in order to guarantee that they are in compliance with safety requirements. This demonstrates a significant support for the control of regulatory agencies. On the other hand, forty percent of respondents are opposed to performing more inspections and audits, and eight percent are doubtful, which indicates that there is a certain degree of scepticism or concern over the practicability or efficiency of this strategy.

3. Do you believe that food businesses should provide more information about the ingredients and nutritional content of their products, especially those targeted at children?

Table 4: Support for More Information on Ingredients and Nutritional Content

Ingredients and Nutritional Content	Percentage
Yes	40%
No	30%
Unsure	30%
Total	100%

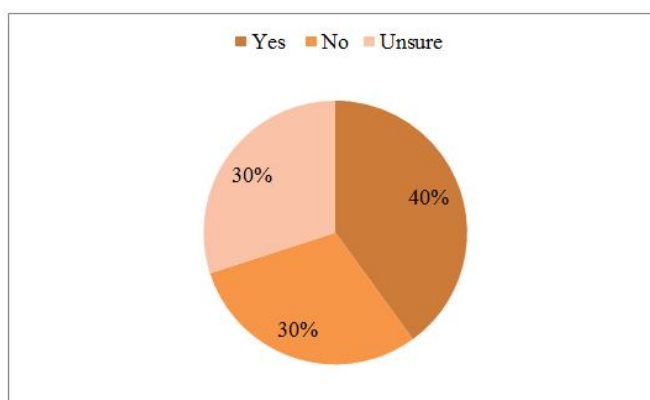


Figure 4: Graphical Presentation of Support for More Information on Ingredients and Nutritional Content

According to the data presented in the table, forty percent of respondents are of the opinion that food companies ought to disclose additional information regarding the component parts and nutritional value of their goods, particularly those that are aimed at youngsters. It appears that there is a desire for increased transparency and information in order to make well-informed decisions regarding food. There is, however, a lack of unanimity or doubt over this matter, as thirty percent of respondents are opposed to this proposal, and another thirty percent are unclear.

4. Have you ever informed the proper authorities about a situation involving food safety?

Table 5. Reporting of Food Safety Concerns or Incidents

Food Safety Concerns or Incidents	Percentage
Yes	55%
No	45%
Total	100%

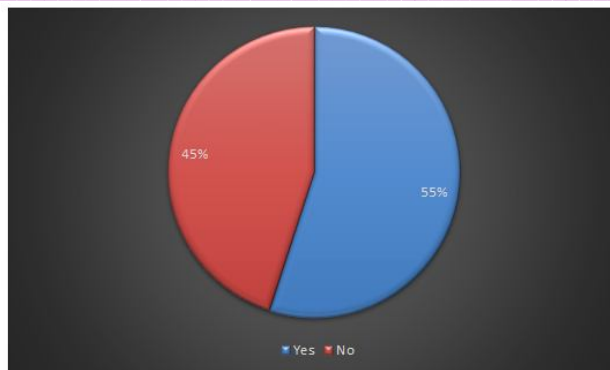


Figure 5. Graphical Presentation of Reporting of Food Safety Concerns or Incidents

Regarding the reporting of events or concerns related to food safety, fifty-five percent of those who participated in the survey have reported such issues to the authorities. When it comes to guaranteeing the safety of food, this suggests that the majority of the population that was polled takes a proactive approach. On the other hand, forty-five percent of respondents have not reported any concerns, which suggests that there may be underreporting of food safety issues, which could have an effect on the efficiency of food safety enforcement actions.

5. Do you think there should be more educational programs and campaigns on food safety targeted at children and their families?

Table 6 : Support for Educational Programs on Food Safety

Programs on Food Safety	Percentage
Yes	65%
No	20%
Unsure	15%
Total	100%

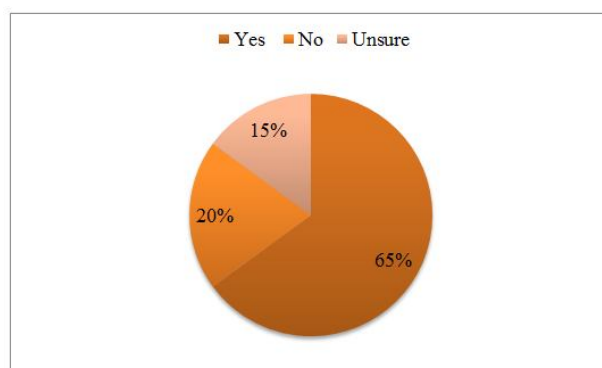


Figure 6: Graphical presentation of Support for Educational Programs on Food Safety

It can be seen from the table that sixty-five percent of those who participated in the survey are of the opinion that there should be more educational programmes and campaigns on food safety that are aimed at children and their families. As a result, it appears that there is a great desire for expanded awareness and education in this particular field. However, twenty percent of respondents are opposed

to this concept, and fifteen percent are uncertain, demonstrating that there is a range of perspectives regarding the necessity of such programmes.

6. Are you satisfied with the current mechanisms for food recall and withdrawal in case of unsafe products?

Table 7: Satisfaction with Mechanisms for Food Recall and Withdrawal

Food Recall and Withdrawal	Percentage
Yes	58%
No	32%
Unsure	10%
Total	100%

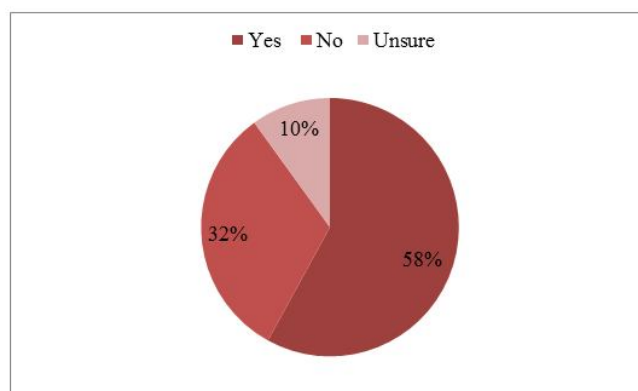


Figure 7: Graphical presentation of Satisfaction with Mechanisms for Food Recall and Withdrawal

In terms of the level of contentment with the present systems for food recall and withdrawal in the event of unsafe items, 58% of respondents are OK with the mechanisms that are already in place. This suggests that there is a level of trust in the efficiency of these mechanisms that is somewhere in the middle. On the other hand, 32 percent of respondents are dissatisfied, and ten percent are uncertain, which suggests that there may be worries or doubts regarding the appropriateness of the systems that are now in place.

7. Should there be more rules for the marketing and advertising of food goods to children?

Table 8: Support for Stricter Regulations on Advertising and Marketing

Advertising and Marketing	Percentage
Yes	56%
No	24%
Not sure	20%
Total	100%

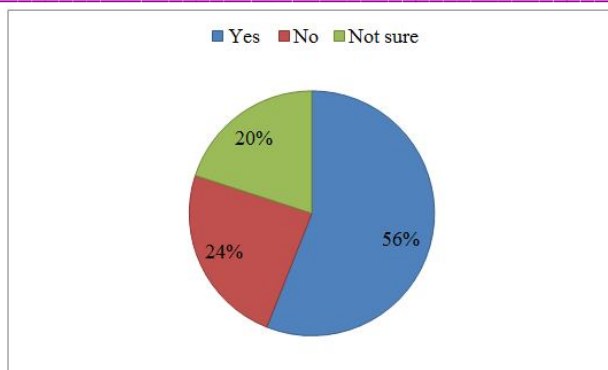


Figure 8: Graphical Presentation of Support for Stricter Regulations on Advertising and Marketing

According to the data presented in the table, 56 percent of respondents are of the opinion that there ought to be more stringent laws regarding the advertising and marketing of food products that are directed at children. This indicates that there is a strong sentiment in favour of safeguarding children from marketing methods related to food products that that could potentially be detrimental to them. On the other hand, twenty-four percent of respondents are against more stringent controls, and twenty percent are unclear, indicating that there is considerable disagreement over this matter.

8. Have you ever faced challenges in accessing safe and hygienic food products for children in your area?

Table 9: Challenges in Accessing Safe and Hygienic Food Products

Safe and Hygienic Food Products	Percentage
Yes	56%
No	44%
Total	100%

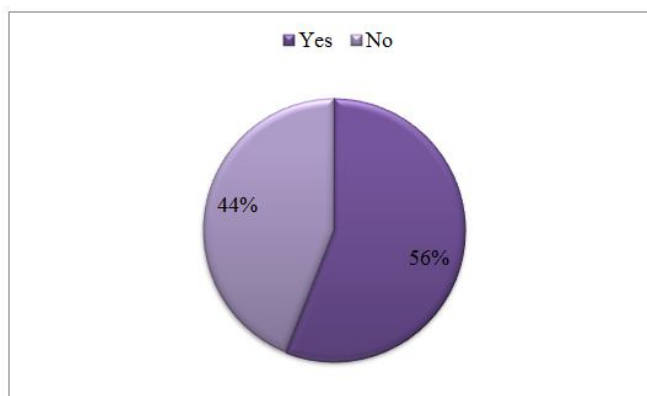


Figure 9: Graphical Presentation of Challenges in Accessing Safe and Hygienic Food Products

In terms of the difficulties that children have in gaining access to food products that are both safe and hygienic, 56% of respondents have experienced such difficulties in their region. The fact that this is the case suggests that the majority of the community that was polled has had challenges in terms of ensuring that children have access to food products that are safe to consume. On the other hand,

forty-four percent of respondents had not encountered such difficulties, which suggests that there is some extent of variation in the availability of safe food products across different regions.

GENERAL SUGGESTIONS

Government as well as various consumer groups should set a vision regarding protection of consumer rights. Government should take initiatives which will increase the awareness of the consumers regarding their rights, which certainly helps in curbing the malpractices and dishonesty. We recommend the action plan which is based on –

- It is extremely vital to disperse the provisions of the Consumer Protection Act (CPA) and the Consumer Bill to the overall people of the country, who are, by definition, additionally consumers of labor and products. There is plausible that the National Commission for Protection of Child Rights will assume a proactive part in the dissemination of the provisions of the CPA that relate to child rights among child rights supporters and specialists.
- Nearby self-government institutions and non-governmental organizations (NGOs) may sort out lawful proficiency camps and mindfulness crusades on consumer protection to teach and enable consumers with respect to their rights and obligations regarding the matter of consumer protection. These efforts genuinely should incorporate the protection of children's consumer rights.
- There is a possibility that consumer clubs might be founded in schools with the purpose of educating youngsters about the importance of consumer protection and the necessity of it.
- A kid who is considered to be a right holder is any child who is within the scope of this definition. This child ought to be safeguarded from issues such as the safety of food and products, as well as the health risk that is caused by passive smoking.

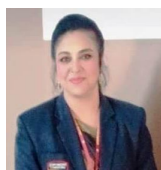
CONCLUSION

The framers of the legislation are well thought and given due consideration to the situation and demarcated the liability under the Act. Section 26 states that food business operator shall be liable for any violation under his control. Similarly, Section 27 also separate the liability of Manufacturer, Distributor and Seller. But, if the definition of the manufacturer is amended and Brand owner is included in the definition then brand owners will be responsible and liable for the any non-compliance under the Act & regulations and the same is inconsistent with the object of Section 26 & 27 of the Act. Further as ordered by Honorable Supreme Court of India has ordered the Central and State Government to create awareness about adulteration of milk and shall inform the general public of the nature of risk to health and create awareness of Food Safety and Standards. They should also educate school children by conducting workshops and teaching them easy methods for detection of common adulterants in food, keeping in mind indigenous technological innovations. Similarly, FSSAI shall conduct an awareness programme with all the stake holders of food ecosystem and especially to conduct a drive for street food business operators and instantly grant the Licenses upon complying the basic requirement and to provide time for any other compliance as per the regulations, otherwise, the proposed amendments will fails to achieve the object of the Act.

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