Consumer Education Monograph Series No. 18

Toys and Safety Regulations

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PREFACE

Toys are the major companion of the children. They not only play with them but also learn a lot by using various kinds of toys. The market is flooded with toys of various kinds which are designed to suit different category of children and also meet various requirements of the child in different age groups. At times it's a dilemma as to what kind of toys should a parent buy. Today the rising issue is "whether the toys are safe enough?" Toys may pretence several hazards such as chemical, physical, mechanical, electrical, flammability, hygiene and radioactivity, which cannot be overlooked. If toys are not manufactured carefully and accurately, they risk to release toxic substances or they can break into smaller pieces that can be accidentally swallowed by the kids or they can easily burn or have little holes where a child's finger could fit in. We all know babies put every single thing they get in their little hands into their mouth and that includes the lovely, bright and colorful plastic toys we buy. Many countries have passed safety standards limiting the types of toys that can be sold. Toy safety is of concern to every parent. Amid reports on the use of low quality and toxic materials in certain toy brands in the past few years, parents today stress on the quality of the toys and its impact on their children.

Here comes the question of safety. Toy safety is the practice of ensuring that toys, especially those made for children, are safe, usually through the application of set safety standards. In India also there is a move to make toys that meet global standards. But a large population lives in rural areas where toys which are sold are health hazard and injure the child in one way or the other. Choking is the number one reason for accidents, but chemicals such as lead can also cause developmental problems like behavioural disorders and sickness. Exposure to lead can affect almost every organ and system in the human body, especially the central nervous system. Lead is especially toxic to the brains of young children.

Indian markets are today flooded with Chinese toys which do not conform to any quality standards. Who and how should this be regulated? In many countries, commercial toys must be able to pass safety tests in order to be sold. It is time that we have a framework to protect the children and ensure that the toys available in the market are safe.

This monograph on 'Toys and Safety Regulations' deals with this issue and cover a gamut of issues that need immediate attention of the policy makers. It will help various stakeholders to understand the need and importance of having safe toys and its impact on children. We are sure that this monograph will be useful to many stakeholders.

We would like to thank Dr. T. Chatterjee, Director, IIPA for his encouragement and support. We are also thankful to the officials of Department of Consumer Affairs, Government of India for their support. Thanks are also due to the Publication Division, IIPA especially Shri Anil K. Gupta for bringing out this publication in its present form.

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TOYS AND SAFTY REGUALTIONS

Introduction

Toys are essential part of child's early years of life and serve multiple purposes in child's development. Toys not only provide entertainment but also fulfill some educational role by enhancing observational capacity and stimulate creativity. They play major role in development of physical as well as mental skills which are necessary in later life.

A toy is an item that can be used to play. Toys are generally used by children and pets. Playing with toys help kids form a different perspective about life and the society they live in. Different materials are used to make toys enjoyable to both young and old. Many items are designed to serve as toys, but goods produced for other purposes can also be used. For instance, a small child may pick up a household item and "fly" it through the air as to pretend that it is an airplane. Another consideration is interactive digital entertainment. Some toys are produced primarily as collector's items and are intended for display only. The origin of toys is prehistoric; dolls representing infants, animals, and soldiers, as well as representations of tools used by adults are readily found at archaeological sites. The origin of the word "toy" is unknown, but it is believed that it was first used in the 14th century. Toys are mainly made for children.

Toy Safety is the practice of ensuring that toys especially those made for children, are safe, usually through the application of set safety standards. In many countries, commercial toys must be able to pass safety tests in order to be sold. In the U.S., some toys must meet national standards, while other toys may not have to meet a defined safety standard. In countries where standards exist, they exist in order to prevent accidents, but there have still been some high-profile product recalls after such problems have occurred. The danger is often not due to faulty design; usage and chance both play a role in injury and death incidents as well. Small toys may be swallowed by children. Toys stuck in the esophagus are too large to pass through the stomach and may need to be removed with endoscopes. Common scenarios include:

- Ingestion of magnetic toys;
- Choking or aspiration due to small parts of the toy;
- Cuts by sharp parts of the toy;

- Motor toy vehicles incidents;
- Chemical substance.

Most of the kids and parents usually select toys according to the colours, features, specifications and pricing without considering safety measures and environmental hazards. Very small plastic toy could be poisonous to the small babies every single time they put it into their mouth as it contains toxic contents. Parents buying branded plastic toys for their children may be getting high toxic toys which can lead to asthma, lung problems and reproductive problems in children.

One has to be careful while selecting a toy for the child. Any of these things can be hazardous to an infant or small child:

• Small parts or loose items	• Plastic spheres or beads
• Fur or hair	• Long strings
• Projectiles, sharp points	• Hinges or links
• Gaps or holes	• Weak stitching
• Small removable attachments	• Poorly ventilated enclosed spaces
• Realistic-looking weapons	• Attached toy box lids
• Balloons	• Button batteries

Many studies, have shown that environmental hazards are produced by the toxic contents of toys which are mostly made in China. Therefore quality measures are required to be set and inspected on regular basis. In India though the Bureau of Indian Standards (BIS) and in USA the Consumer Product Safety Commission (CPSC) have clearly formulated the standards relating to toy safety in terms of their physical form and toxicity. Most of the manufacturers are either not following safety norms or are completely oblivious of the same.

About Toys

Toys and play, in general, are important when it comes to growing up and learning about the world around us. The young use toys and play to discover their identity, help their bodies grow strong, learn cause and effect, explore relationships, and practice skills they will need as adults. Adults

use toys and play to form and strengthen social bonds, teach, remember and reinforce lessons from their youth, discover their identity, exercise their minds and bodies, explore relationships, practice skills, and decorate their living spaces.

With toys comprising such a large and important part of human existence, it makes sense that the toy industry would have a substantial economic impact. Sales of toys often increase around holidays where gift-giving is a tradition. Some of these holidays include Christmas, Easter, Diwali and occassions like birthdays.

The history of toys corresponds to the history of civilization. It is interesting to know how some of the Toys and Games have travelled the course of time, right from the Indus Valley Civilization. The Classic games like chess, ludo, snakes and ladders, which are played by children across the world, have their origin in India. Children from all over the world have enjoyed playing with toys throughout time. Many of our classic toys and puzzles evolved from what the adults could dream up. The Victorian Era saw simple toys made up of clay, wood, copper etc.

Wooden toys were also made with cord, rope, string or ribbon. Spinning tops have been used by cultures throughout history. The traditional turnip shaped top has reproduced itself in many shapes, colours and designs. Marbles have been played in all parts of the world for more than two thousand years. The traditional clay marbles were replaced by the fanciful and colourful glass marbles. The yo-yo dates back to more than 3,000 years. Today most yo-yos are made of wood or plastic but they have also been made of gold, silver and animal horn. The omnipresent Ball finds its origins in ancient Greece as a humble ball made of canvas. Stuffed Dolls with cotton were played by adult women as well. They acted as a way for mothers to teach their daughters about how to run a house and domesticity. The Jigsaw Puzzles dates back to 1760. Till the 1800s, there was really no toy 'brand' since they were made by small toymakers who crafted these simple toys.

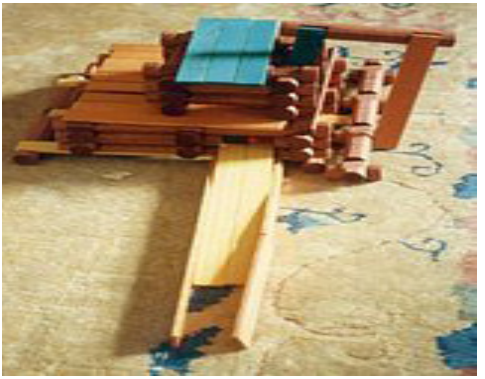
In 8,000 years of civilization, playing has never been a major part of life. Adults and children were so focused in the life that they never got time or energy to play. The Industrial Revolution changed their way of life. People got more free time and wealth than any generations in history. As a result many toys and games that were created were more imaginative than ever. The new 'mantras' like mechanization, division of labour, mass production and internationalization changed the world of toys.

The new industrial methods were used to make toys of higher quality along with new technology. By the 1850s mass-produced mechanical tin-plated toys became hugely popular in Europe and America and remained so for a century. The first American patented clockwork tin toy was created by Enoch Rice in 1862. With the advent of plastic moulding in 1940s', these wonderful mechanical tin-plated toys started fading out as they were too labourious to compete with plastic toys.

There were many toys that came out for the kids to play with, during the 20th century. The 1910 saw the introduction of Construction Sets. The 1930s got in the Board Games. Lego Blocks followed in the 1940s. The Barbie Doll dates back to the 1950s. The 1970s wonder toy was the Rubik's Cube. The Hot Wheels were first introduced in 1960s followed by G.I. Joe and He-man. These toys are some of the biggest toys that kids have played with, until the advent of video games at the turn of 21st century. Today the toys are mainly based on characters from the popular books, cartoons and movies. Toymakers have taken several steps to bring out new toys for children to play with, but often go back to reimaging toys that we grew up with and modernize them in a way that's appealing for the kids today. In 2005, toy sales in the United States totalled about $22.9 billion. Money spent on children between the ages of eight and twelve alone was approximately $221 million annually in the U.S. It was estimated that in 2011, 88% of toys' sales was in the age group 0–11 years. Toy companies change and adapt their toys to meet the changing demands of children thereby gaining a larger share of the substantial market. In recent years many toys have become more complicated with flashing lights and sounds in an effort to appeal to children raised around television and the internet.

Types of Toys

(a) Construction sets



The Greek philosopher Plato wrote that "the future architect should play at building houses as a child." A construction set is a collection of separate pieces that can be joined together to create models. Popular models to be made include cars, spaceships and houses. The things that are built are sometimes used as toys once completed, but generally speaking, the object is to build things of one's own design, and old models often are broken up and the pieces reused in new models.

The oldest and, perhaps most common construction toy is a set of simple wooden blocks, which are often painted in bright colors and given to babies and toddlers. Construction sets such as Lego bricks and Lincoln Logs are designed for slightly older children and have been quite popular in the last century. Construction sets appeal to children (and adults) who like to work with their hands, puzzle solvers, and imaginative sorts. Some other examples include Bayko, Konstruk-Tubes, K'NEX, Erector Sets, Tinkertoys, and Meccano, and generic construction toys such as Neodymium magnet toys.

(b) Dolls and miniatures

A doll is a model of a human (often a baby), a humanoid (like Bert and Ernie), or an animal. Modern dolls are often made of cloth or plastic. Other materials that are, or have been, used in the manufacture of dolls include cornhusks, bone, stone, wood, porcelain (sometimes called china), bisque, celluloid, wax,

and even apples. Dolls have been found in Egyptian tombs which date to as early as 2000 BC. Dolls are usually miniatures, but baby dolls may be of true size and weight. A doll or stuffed animal of soft material is sometimes called a plush toy or plushie. A popular toy of this type is the Teddy Bear.

A distinction is often made between dolls and action figures, which are generally of plastic or semi-metallic construction and poseable to some extent, and often are merchandising from television shows or films which feature the characters. Modern action figures, such as Action Man, are often marketed towards boys, whereas dolls are often marketed towards girls.

Toy soldiers, perhaps a precursor to modern action figures, have been a popular toy for centuries. They allow children to act out battles, often with toy military equipment and a castle or fort. Miniature animal figures are also widespread, with children perhaps acting out farm activities with animals and equipment centred around a toy farm.

(c) Vehicles

Children have played with miniature versions of vehicles since ancient times, with toy two-wheeled carts being depicted on ancient Greek vases. Wind-up toys have also played a part in the advancement of toy vehicles. Modern equivalents include toy cars such as those produced by Matchbox or Hot Wheels, miniature aircraft, toy boats, military vehicles, and trains. Examples of the latter range from wooden sets for younger children such as BRIO to more complicated realistic train models like those produced by Lionel, Doepke and Hornby. Larger die-cast vehicles, 1:18 scale, have become popular toys; these vehicles are produced with a great attention to detail.

(d) Puzzles

A puzzle is a problem or enigma that challenges ingenuity. Solutions to puzzle may require recognizing patterns and creating a particular order.

People with a high inductive reasoning aptitude may be better at solving these puzzles than others. Puzzles based on the process of inquiry and discovery to complete may be solved faster by those with good deduction skills. A popular puzzle toy is the Rubik's Cube, invented by Hungarian Ernő Rubik in 1974. Popularized in the 1980s, solving the cube requires planning and problem-solving skills and involves algorithms. There are many different types of puzzles, for example, a maze is a type of tour puzzle. Other categories include: construction puzzles, stick puzzles, tiling puzzles, transport puzzles, disentanglement puzzles, sliding puzzles, logic puzzles, picture puzzles, lock puzzles and mechanical puzzles.

(e) Collectibles

Some toys, such as Beanie Babies, attract large numbers of enthusiasts, eventually becoming collectibles. Other toys, such as Boyds Bears are marketed to adults as collectibles. Some people spend large sum of money in an effort to acquire larger and more complete collections.

(f) Promotional merchandise

Many successful films, television programs, books and sport teams have official merchandise, which often includes related toys. Some notable examples are Star Wars (a science fiction film series) and Arsenal, an English football club. Promotional toys can fall into any of the other toy categories; for example they can be dolls or action figures based on the characters of movies or professional athletes, or they can be balls, yo-yos, and lunch boxes with logos on them. Sometimes they are given away for free as a form of advertising. Model aircraft are often toys that are used by airlines to promote their brand, just as toy cars and trucks and model trains are used by trucking, railroad and other companies as well. Many food manufacturers run promotions where a toy is included with the main product as a prize. Toys are also used as premiums, where consumers

redeem proofs of purchase from a product and pay shipping and handling fees to get the toy. Some people go to great lengths to collect these sorts of promotional toys.

(g) Digital toys

Digital toys are toys that incorporate some form of interactive digital technology. Examples of digital toys include virtual pets and handheld electronic games. Among the earliest digital toys are Mattel Auto Race and the Little Professor, both released in 1976. The concept of using technology in a way that bridges the digital with the physical world, providing unique interactive experiences for the user has also been referred to as "Phygital."

(h) Physical activity

A great many toys are part of active play. These include traditional toys such as hoops, tops, jump ropes and balls, as well as more modern toys like Frisbees, foot bags, astrojax, and Myachi. Playing with these sorts of toys allows children to exercise, building strong bones and muscles and aiding in physical fitness. Throwing and catching balls and fribees can improve hand-eye coordination. Jumping rope, (also known as skipping) and playing with foot bags can improve balance.

Toy Industry in India

Indian Toy Industry is fragmented and region based but is largely unorganized as the market is very small compared to the population and per capita income. The toy business is generally based on constant innovation and one needs to always be abreast with the changing tastes of the customers to produce new innovative toys for survival in the market. Since the last four or five years the Indian Toy Industry has shown a healthy growth rate. The market is growing at 15% to 20% per annum, which is a sound situation and it is further estimated to grow for at least five or six years.

Indian Toy industry is characterized by small-scale establishments and is highly labour intensive. There are approximately 2000 manufacturing units consisting of MICRO (1500 units in cottage sector) SMALL & MEDIUM (450 units) and LARGE (about 20) units operating in the sector. Large MNCs like Funskool have manufacturing facility in Tamil Nadu and Goa; Mattel and Lego have their presence in India with direct Imports. India produces a wide range of Toys viz, plastic and mechanical, soft / plush dolls and animals, board games, puzzles, educational games, metal and tin, wood, Battery operated pullback toys etc. With the increase in the availability of toys and games in the market and also the personal disposable income, the average household spending on toys and games has been progressively increasing in India. As a labour intensive sector, Toy manufacturing offers tremendous employment opportunities as compared to other sectors. 70% of the soft toys assembly line manufacturing workforce consists of women from weaker sections of the society. It is estimated that work force of approximately 2 million is engaged in different operations of the Toy Industry. Global toy retail business has risen by 150% during the last one and a half decade i.e. from US $ 36 Billion in 1990 to US $ 95 Billion in 2006.

Table 1.1: Toy Industry in India

Size of the Industry	Indian Toy Industry's market size is about Rs. 1000 Crores where 10% constitutes of organized sectors and 90% constitutes of unorganized sector.
Geographical distribution	Mumbai, Kolkata, Chennai, Bangalore, Punjab, etc.
Output per annum	Indian Toy Industry is estimated at Rs.800-Rs.1000/- crores which is dominated by approximately 1250 small and very small producers scattered across the country.
Percentage In World Market	Until now it has generated only 0.5 percent of the global market

- **General information**

i. Sales of the traditional toys and games industry in India grew about 10.3 % from 21,347.3 million INR (353,257 million USD) in 2011 to 23,542.9 million INR (389,575 million USD) in 2012.

ii. The Indian toy industry is one of the fastest growing in the world with a lot of potential. Until 2017 the industry is expected to grow about 13.1% to 26,618.8 million INR (440,477 million USD).

iii. Key factors for the growth of the toy industry are the growing middle class with rising income, the decline in the average number of children per family and the increased attention to quality and premium toys.

iv. The infant category is the most promising segment within the industry with an expected average annual growth rate of 8.7 % until 2017.

Toys sales channels

- A significant percentage of Indian consumers buy cheap, unbranded toys and games from non-grocery retailers. However, the shares in overall retailing by non-grocery retailers have decreased which is good news for branded outlets.
- Branded outlets and the opening of international chains like for example Hamleys saw a significant growth within the last years. This segment will even grow stronger in the next years especially in the main cities like Mumbai or Delhi.
- Internet retailing is becoming more and more important distribution channel due to several reasons. Consumers have increasing access to the internet and online retailers often have better merchandise in terms of variety, new launches and the offer of branded toys. The share of internet retailing in sales grew from 1 % in 2007 up to 18 % by 2012.
- Generally the retail toy market is divided in the organized and unorganized part. The organized part represents about one-third and means mainly toy specialty and branded stores in the large cities. The unorganized part takes the rests and consists mainly of so called Mom- and Popshops, also known as "Kirana" stores.

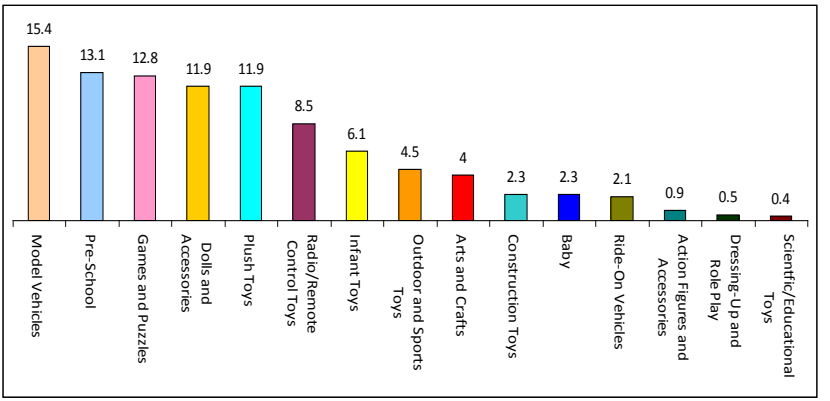


Figure 1.1: Category sales share of Toys in percent

- **Segments of the Indian toy market**

  There are five main categories which dominate the current toys and games market which are dolls and plush toys, pre-school articles, games and puzzles as well as model vehicles. Especially the baby, infant and preschool-category has seen strong growth rates in the last year (15.7%, 20.5% and 18.9% respectively) and will grow even further in the upcoming years. Among the local manufacturers in India about 59% are still focusing on the production of cheap and unbranded toys which appeal to the price-sensitive Indian consumers. With the growing middle-class and the rising demand of branded and premium toys more and more especially international companies are gaining the market with quality toys. This leads to higher value shares in this sector and pushes back the unbranded sector. In the future it is expected that these companies will shift towards branded toys as well to stay compatible.

Indian Toy Market Consumers

- The largest group of consumers in the Indian toy industry are the pre-teenagers in the age between 7 and 12.
- They are generating 44% of value sales. In this age they are major decision influencers and through their media consumption get aware of the product variety.
- In India there are hardly any toys for the target group adults.
- Indian consumers are really price-sensitive and tend to buy impulse-driven. Because of that, toys with a low price point up to 199 INR (3.30 USD) account for the majority of sales with 46 % share. This fits with the focus on unbranded toys many Indian manufacturers have.
- Independent small neighborhood retail stores are among the favourite stores for Indians to shop.
- The major shopping period of toys is during Diwali (every year in autumn), the traditional Hindu festival of lights where it is common to buy presents for family and close friends, and Raksha Bandhan, a festival where presents are exchanged between brothers and sisters.
- If someone receives a gift in India, traditionally this person also gives a gift back, which of course boosts sales.

Key Trends of the Indian toy market

- Growing demand of licensing toys driven by manufacturers who have access to and knowledge of toys and games in the US and Europe are adapting this to India.
- Internet retailing is gaining more and more value share due to increasing internet penetration and the better merchandise in terms of variety and new launches.
- Changing demographic situation is resulting in parents spending more on toys and games and focusing more on qualitative and premium products.
- Foreign players will continue to lead branded toys and games driven by multinational corporations and their huge efforts to increase their presence in India.

Latest developments

- A report by India's National Productivity Council suggests and gives emphasis that the country's toy-manufacturing industry is still in the nascent stages of development and will need more support from the government to upgrade its technologies and research and development facilities.
- In 2006 the toy retail business has risen by 150 % globally over the last one and a half decades - to USD 95 billion.
- Toy Association of India's study shows that the share of local manufacturers in the domestic market has gone down to around 60% from over 90% five years ago, although the market has been growing by 20% a year. This has forced several local manufacturers to stop production and import of Chinese toys.
- Today India faces big challenges majorly from unorganized sector which contributes over about 70% of the total toy demand out of which stuffed toys account for 15%.
- Indian Toy Industry is heralding the inclusion of a new label. My Baby Excels, which began its operations recently is the sister concern of Excel Home Videos and Excel Interactive. Excel Home Videos are the largest home entertainment company in the English movie category.

- The Indian Home Entertainment has the licensee for Walt Disney Studios, Twentieth Century Fox, MGM, HIT Entertainment, Shringar and Merchant Ivory Productions among others while Excel Interactive is a leading gaming company which markets and distributes games from world leaders like Electronic Arts (EA) and Disney Interactive Studio.

- **Import statistics for toys in India**

The statistics on import of toys (HS codes 9503, 9504 and 9505) in India over the period 2010-11 till 2012-13 and 1st quarter of year 2013-14 (April-June, 2013) have been provided at Table 1.2 that clearly shows that China is the major source for imported toys in India with almost 75 percent share. The data also shows that the imports of toys in India is expected to reach a level of approx Rs 2000 crores during year 2013-14 thereby increasing @ 21 percent from 2012-13.

Table 1.2: Import of Toys in India from Major Countries of the world

S. No.	*Year*	*Total import of toys (HS Code 9503, 9504 & 9505) in Rs. Crores*	*Major Countries of imports (% share)*
1	2010-11	924	China (72) USA (7) Taiwan (6)
2	2011-12	1318	China (76) USA (5) Taiwan (3)
3	2012-13	1634	China (74) USA (7) Italy (4)
4	2013-14 (April-June, 2013)	495 (projected at Rs 2000 crores for entire year)	China (74) USA (7) Italy (4)

- **Export statistics for toys from India and major destinations**

The statistics on export of toys (HS codes 9503,9504 and 9505) from India over the period 2010-11 till 2012-13 and 1st quarter of year 2013-14 (April-June,2013) have been provided at Table 1.3 that clearly show

that USA, UK, UAE are the major destinations. It is expected that the total export of toys from India shall reach a level of approx Rs 400 crores during the year 2013-14 and will increase by 14 percent from 2012-13.

Table 1.3: Export of Toys from India and major destinations

S. No.	*Year*	*Total export of toys (HS Code 9503, 9504 & 9505) in Rs. Crores.*	*Major Countries of exports (% share)*
1	2010-11	162	UK(22) USA(25) UAE(5)
2	2011-12	233	UK(10) USA(26) UAE(6)
3	2012-13	337	UK(12) USA(31) UAE(5)
4	2013-14 (April-June, 2013)	96 (projected at Rs 400 crores for entire year)	UK(12) USA(31) UAE(5)

Toys' Quality, Standards and Regulation

Today the rising issue is "whether the toys are safe enough?" Toys may pretence several hazards such as Chemical, Physical and Mechanical, Electrical, Flammability, Hygiene and Radioactivity, which can not be overlooked. For example, if toys are not manufactured carefully and accurately, they risk to release toxic substances (chemical hazard), they can break into smaller pieces that can be accidentally swallowed by the kids (physical and mechanical hazard), or they can easily burn (flammability hazard), or have little holes where a child's finger could fit in, just to make some examples. We all know babies put every single thing they get in their little hands into their mouth and that include the lovely, bright and colorful plastic toys we buy. Many countries have passed safety standards limiting the types of toys that can be sold. Most of these seek to limit potential hazards. Children, especially very small ones, often put toys into their mouths, so the materials used to make a toy are regulated to prevent

Table 1.4: Strengths, Weaknesses, Opportunities and Threats (SWOT) Analysis of Indian Toy Industry

A) *Strengths* (Reliability and resources)	**B) *Weaknesses*** (Technology and variety in the market)
• Indian toys manufacturing industry is quite old. • Focusing on Educational toys. • Growing large domestic market. • Wide range and varieties of toys in plastics and cardboard. • Availability of skilled and cheapest manpower. • Growing confidence in the Indian toy industry. • Easy availability of most of the raw materials. • Effective coordination among TAI, TAITMA and SGEPC. • Emerging Market for toys. • Government support for obtaining finance. • Less overhead costs. • Manufacturing industry set-up and association. • Support from MSME for toys manufacturing. • Know requirements of Indian children.	• Mostly small scale and micro level units are toys manufacturing enterprises. • Low Volume of Production. • Lack of Research and Development facilities (almost negligible). • Uneven Technical knowledge. • Focusing only over sales, absence of focus on export. • Do not bother about Quality parameters and standards. • Unable to compete in terms of features and specifications. • Comparatively higher cost of funds. • Do not focus on Brand Building, Advertising and Promotion. • Lack of innovation, conceptualization and designing skills. • Unavailability of trained field specific skilled manpower. • High cost of the raw material leads to higher cost of production of plastic toys. • Unable to manufacture electronic toys and video games of world class level.

C) ***Opportunities*** (New market)	D) ***Threats*** (Wide variety and competition)
• Good buying capacity of parents. • High Demand from children. • Toys are demanded on each and every occasion. • Well developed market in domestic as well as overseas. • Good support of MSME to go for 'Make' decisions. • Government support towards 'Make in India'. • Opening of Play schools creates demand for education in a play way method. • The Export market for toys is currently untapped by Indian toys. • The Chinese toys manufacturing industry is under pressure. • Increasing role of NID and MSME. • Access to online market channels for toys.	• The uninspected inflow of imported inferior quality and unsafe Chinese toys in India. • Competition from international players as they also started manufacturing operations and trading in India. • Most of the major raw materials are not available in India which leads to dependency on other markets. • China and other countries' traders capturing the Indian toy market. • The rising wages for skilled manpower. • High Technology and designing used by foreign manufacturers. • No focus over safety and quality standards based on international market requirements. • Quite far away from international market in terms of electronic toys and video games. • Double import duty on raw materials.

poisoning. In India though the Bureau of Indian Standards (BIS) has clearly formulated the standards relating to toy safety in terms of their physical form and toxicity, most of the manufacturers are either not following safety norms or are completely oblivious of the same.

Toy Standards International and National

Technical standards and legislations in the toy field have been written with the aim of avoiding different types of hazards a toy may cause, taking into account the foreseeable use of the toys, and bearing in mind the behaviour of children. As an example, the following Indian Standards (IS)

address to some specific hazards that a toy may present: IS 9873- Safety Requirements for Toys -Part 1 : Safety Aspects related to Mechanical and Physical Properties, Part 2: Flammability, Part 3 : Migration of certain elements. However, unlike the rest of the world, in India these standards are not mandatory for the toys manufacturers but are voluntary. This in fact imposes added responsibility on the manufacturers to ensure that the toys manufactured by them are safe for the children.

Safety Standards

Distinction must be drawn between regulations and voluntary safety standards. Many regions have modelled their safety standards on the EU's EN 71 standard, either directly, or through adoption of the ISO 8124 standard which itself is modelled on EN 71.

Regional Standard(s) and Regulations

- International ISO 8124-1:2000 Safety aspects relating to mechanical and physical properties
- ISO 8124-2: 1994 Flammability
- ISO 8124-3: 1997 Migration of certain elements
- ISO 8098:1989 Cycles – safety requirements for bicycles for young children

Argentina Instituto Argentino de Racionalization de Materials 3583:

- Parte 1: 1986 Seguridad de los juguetes, marcado, rotulasdo y embalaje
- Parte 2: 1988 Propiedades mecanicas y fisicas
- Parte 3: 1988 Inflammabilidad
- Parte 4: 1991 Requisitos toxicologicos
- Parte 5:1996 Juegos de experimentos quimicos y actividades relacionadas

Australia AS/NZS ISO 8124.1-2002 Safety of toys (safety requirements) Part 1: Mechanical and physical property requirements

- AS/NZS ISO 8124 2-2003 Safety of toys (safety requirements) Part 2: Flammability requirements

- AS/NZS ISO 8124.3-2003 Safety of toys (safety requirements) Part 3: Migration of certain elements requirements
- AS 8124.4-2003 Safety of toys: (safety requirements) Part 4: Experimental sets for chemistry requirements
- AS 8124.5-2003 Safety of toys (safety requirements) Part 5: Chemical requirements
- AS 8124.7-2003 Safety of toys - finger paints - requirements and test methods

Brazil ABNT (Brazilian Association of Technical Standards)

- NBR 11786/1998 - Toy Safety

Canada Technical Standards Safety Act and Upholstered and Stuffed Articles Regulation

- Hazardous Products Act R.S. c. H-3
- Hazardous Products (Toys) Regulations C.R.C., c. 931
- Hazardous Products (Pacifiers) Regulations: "Knob-Like" Pacifiers Policy
- Regulations Respecting the Advertising, Sale and Importation of Hazardous Products (Pacifiers) under Hazardous Products Act
- A Guide to Safety Requirements for Toys
- Toys: Age Classification Guidelines

China ISO 8124.1:2002 Safety of Toys - Safety aspects related to mechanical and physical properties

- GB 9832-93 Safety and Quality of Sewn, Plush and Cloth Toys
- GB 5296.5-96 Labeling and Instructions for Toys

European Union

- EN 71-1:2014 Safety of toys - Part 1: Mechanical and physical properties
- EN 71-2:2011 Safety of toys - Part 2: Flammability

- EN 71-3:2013 Safety of toys - Part 3: Migration of certain elements
- EN 71-4:2013 Safety of toys - Part 4: Experimental sets for chemistry and related activities
- EN 71-5:2013 Safety of toys - Part 5: Chemical toys (sets) other than experimental sets
- EN 71-8:2011 Safety of toys - Part 8: Activity toys for domestic use
- EN 71-12:2013 Safety of toys - Part 12: N-Nitrosamines and N-nitrosatable substances
- EN 62115:2005 Safety of electric toys
- Council Directive (88/378/EEC) Approximation of the laws of the member states concerning the safety of toys
- Council Directive (2009/48/EC) on the Safety of Toys
- Council Directive (87/357/EEC) Dangerous imitations directive
- Council Directive (93/68/EEC) Rules for the affixing and use of the CE conformity marking

Hong Kong Toys and Children's Products Safety Regulation (in compliance with ASTM F963, ICTI or EN-71)

Jamaica JS 90:1983 Jamaican Standard Specification for Safety of toys and playthings

Japan Japan Toy Safety Standard, ST2012[8]

Part 1—Mechanical and Physical Properties (revised to align with ISO 8124-1) Part 2—Flammability (revised to align with ISO 8124-2) Part 3—Chemical Properties

Malaysia Safety of Toys

- MS EN71 Part 1:1995 (P) Mechanical and Physical Properties
- MS ISO 8124-2:1999 Flammability
- MS EN71 Part 3: 1998 Migration of Certain Elements
- MS EN71 Part 4:1998 Experimental Sets for Chemistry and Related Activities

- MS EN71 Part 5: 1998 Chemical Toys (Sets) Other than Experimental Sets

Mexico NOM 015/10-SCFI/SSA-1994

- Toy Safety and Commercial Information - Toy and School Material Safety. Limits on the Bioavailability of Metals used on Articles with Paints and Dyes. Chemical Specifications and Test Methods.

New Zealand AS/NZS ISO 8124.1:2002 Safety of Toys - Safety aspects related to mechanical and physical properties (ISO 8124.1:2000, MOD)

- AS/NZS ISO 8124.2:2003 Safety of toys - Flammability (ISO 8124.2: 1994, MOD)
- AS/NZS ISO 8124.3:2003 Safety of toys - Migration of certain elements

Saudi Arabia SSA 765-1994 Playground Equipment Part I: General Safety Requirements

- SSA 1063-1994
- Toys and General Safety Requirements
- SSA 1064-1995 Method of Testing Part 1: Mechanical and Chemical Tests
- SSA 1065-1995 Method of Testing Toys Part 2: Flammability
- SSA 1322-1997 Low Power Radio Frequency Devices

Singapore Safety of Toys:

- SS 474 PT. 1:2000 Part 1: Mechanical and Physical Properties
- SS 474 PT. 2: 2000 Part 2: Flammability
- SS 474 PT. 3: 2000 Part 3: Migration of Certain Elements
- SS 474 PT. 4: 2000 Part 4: Experimental Sets for Chemistry and Related Activities
- SS 474 PT. 5: 2000 Part 5: Chemical Toys (sets) other than Experimental Sets
- SS 474 PT. 6: 2000 Part 6: Graphical Symbol for Age Warning labelling

South Africa SABS ISO 8124-1:2000 Safety of Toys - Part 1: Safety Aspects Related to Mechanical and Physical Properties

- SABS ISO 8124-2:1994 Flammability
- SABS ISO 8124-3:1997 Migration of Certain Elements

Taiwan Central National Standard CNS 4797, 4798 Toy Safety Standard

- Central National Standard CNS 12940 for Strollers and Carriages
- Toy Goods Labeling Criteria

Thailand Thai Industrial Standard for Toys TIS 685-2540 Part 1: General Requirements (1997) Compulsory Standard.

- Part 2: Packages and Labeling (1997)
- Part 3: Methods of Test and Analysis(1997)

United States Mandatory Toy Safety Standard:

- Code of Federal Regulations, Commercial Practices 16, Part 1000 to End (16CFR)
- Title 15 -Commerce and Foreign Trade Chapter XI - Technology Administration, Department of Commerce Part 1150 - Marking of Toy, Look-alike and Imitation Firearms
- U.S. Consumer Product Safety Commission Engineering Test Manual for Rattles
- U.S. Consumer Product Safety Commission Engineering Test Manual for Pacifiers
- U.S. Consumer Product Safety Commission Labeling Requirements for Art Materials Presenting Chronic Hazards (LHAMA)
- U.S. Child Safety Protection Act, Small Parts Hazard Warning Rule and Rules for Reporting Choking Incidents
- Age Determination Guidelines: Relating Children's Ages to Toy Characteristics and Play Behavior (September 2002)
- ASTM F963-07 Standard Consumer Safety Specification on Toy Safety (effective February 2009)

- ASTM F963-08 Standard Consumer Safety Specification on Toy Safety

Voluntary Toy Safety Standard:

- ASTM F963-07e1 Standard Consumer Safety Specification on Toy Safety
- ASTM F734-84 (89/94) Standard Consumer Safety Specification for Toy Chests
- ASTM F1148-97a Standard Consumer Safety Specification for Home Playground Equipment
- ASTM F1313-90 Standard Specification for Volatile N-Nitrosamine Levels in Rubber Nipples on Pacifiers
- ANSI Z315.1-1996 American National Standard for Tricycles - Safety Requirements
- ANSI/UL 696, Ninth Edition Standard for Safety Electric Toys

In Europe toys must meet the criteria set by the EC Toy Safety Directive (essentially that a toy be safe, which may be addressed by testing to European Standard EN71) in order for them to carry the CE mark. All European Union member states have transposed this directive into law - for example, the UK's Toy (Safety) Regulations, 1995. Trading Standards Officers in the UK, similarly to appropriate authorities in the other EU member states, have the power to immediately demand the withdrawal of a toy product from sale on safety grounds via the RAPEX recall notification system (used for all products subject to European safety legislation). In Canada the government department Health Canada has the responsibility of ensuring product safety, just as the Consumer Product Safety Commission (CPSC) does in the United States. Australian and New Zealand toy safety standards (following the approximate model of the European Toy Safety Standard) have been adopted by the ISO as International Standard ISO 8124. Toy safety standards are continually updated and modified as the understanding of risks increases and new products are developed.

United States Regulations

In August 2008, the Consumer Product Safety Improvement Act (CPSIA) was passed. Some observers are of the opinion that this new law imposes the toughest toy-making standard in the world. The CPSIA

restricts the amount of lead and phthalates that may be contained in children's products (age 12 and under) and adopts the provisions of the ASTM Consumer Safety Specifications for Toy Safety (ASTM F963-11) as the requirements of the CPSC.

In 2012 the US state of Minnesota introduced its own legislation that requires reporting information on a list of priority chemicals found in children's products and sold in the state. This law demands all manufacturers of toys to provide the state of Minnesota with a report if their children's products contain any of the priority chemicals such as Bisphenol A, Formaldehyde, lead or cadmium.

European Regulations

In Europe, the comprehensive legislation addressing toy safety is the Toy Safety Directive of the European Union (EU), (Council Directive 88/378/EEC). This directive is a list of requirements toys must comply with, and is interpreted in the laws of each member state of the EU in their respective Toy Safety Regulations (e.g. the UK's Toys (Safety) Regulations, 1995). This directive has been superseded by Council Directive 2009/48/ECwhich will apply to toy imports into or toys produced within the EU as of 20 July 2011 except for the chemical requirements of Annex II which apply as of 20 July 2013. During these periods the corresponding requirements of the previous directive will continue to apply. Compliance with both directives leads to a CE Mark, which is a mandatory requirement denoting conformity with all applicable directives. Some items specifically excluded from this legislation are: fashion jewellery for children, Christmas decorations, and sports equipment. Official guidance on the classification of toys in the EU has been provided by the EU Commission. Where products are not classified as toys they will still be governed by the General Product Safety Directive. The toy safety directive provides for harmonised EU-wide standards on physical and mechanical properties, flammability, chemical properties and electrical properties but certain essential safety aspects of the directives are not governed by safety standards e.g. hygiene and radioactivity. The Toys Safety Directive (and subsequent Member State regulations) also calls for the closest applicable national or international standards to be applied where a standard is not specified in the Directive. This interpretive clause is present to ensure that new and innovative toys are safe before being placed in the market.

The EN71 Toy Safety Standard has been harmonised by the EC as the default standard which toys must meet. If a toy is found to be unsafe (by

breaching one of the specified standards, or by a manifest risk of injury not specified in standards) then the producer (the manufacturer, or the first importer into the EU of the product unit in question) is held to be guilty of an offence under the Toys (Safety) Regulations (or equivalent EU state law). The principle of due diligence (whereby the producer argues that all reasonable steps were taken to ensure the safety of the consumer with regards to the toy) may be used (in the UK) by the producer to avoid prosecution, fines and possible imprisonment. The unsafe toy is withdrawn from the EU market, with all member states' authorities being notified by means of the RAPEX alert system.

The new Toy Safety Directive 2009/48/EC (TSD) require a series of safety assessments, including the Chemical Safety Assessment (CSA). If the non-chemical requirements were already enforced in July 2011, the chemical requirements are to be enforced first on 20 July 2013. In 2009, the European Union adopted the new Toy Safety Directive 2009/48/EC (TSD). The Comité Européen de Normalisation or CEN wrote these standards in order for them to be harmonized under the Toy Safety Directive. Official EU Guidance on the interpretation of the Toy Safety Directive 2009/48/EC exists and although non-binding, it has been agreed by a majority of EU Member States.

Chinese Regulations

China's toy industry has been regulated since early 2007 by the expansion of the nation's compulsory certification system to include toy products. Regulations require a manufacturer to apply for China Compulsory Certification (CCC) from the nation's Certification and Accreditation Administration (CNCA). From March 1, toy producers in China have been able to apply to three certification agencies nominated by the CNCA to certify their products. Toys are subject to inspection and certification review. Since June 1, 2007, no toy product without CCC has been allowed to leave factories, sold or be imported into China. It is hoped this measure will mitigate the increasing international pressure on environmental protection, as well as further expand the nation's toy export market. This increase in scrutiny was introduced before the 2007 Chinese export recalls.

Safety Testing

The EU Commission expert group on toy safety regularly publishes a large number of guidance documents intended to help on interpretation issues related to the Toy Safety Directive. Toy manufacturers need stay

abreast of regulatory changes and be sure that their products comply with the new requirements.

Therefore, it is vital to perform tests and risk assessments for every product before selling them in the designated market. This is important for every manufacturer as they can be held liable for injuries and fatalities resulting from design flaws, use of unsuitable materials, and substandard production.

The following safety tests are performed;

- Mechanical/physical testing;
- Flammability testing;
- Electrical safety testing;
- Labeling;
- Chemical testing.

Product safety/risk assessment (also known as product hazard analysis) can identify potential hazards and provide solutions early in the product life cycle to prevent products becoming stalled in production or recalled once they are released into the market. During risk assessments for toys possible hazards and potential exposure are analyzed. Additionally the manufacturing of the toys will be controlled to ensure safety and quality throughout production.

The new European standard EN 71-4:2013 was published in 2013. It replaces and updates the 2009 version of the same standard since the latter and newest has been harmonized under the EU Toy Safety Directive. The new method is a reference test method regulating chemicals in toys and juvenile products. This gives a new test method for 'Experimental sets for chemistry and related activities' under the toy safety EN 71 series.

Toy Standards in the E.U.

In Europe, the New EU Toy Safety Directive (2009/48/EC), which replace the previous Directive 88/378/EEC, was published in the Official Journal of the European Union (OJEU) and entered into force on 20 July 2009. The general provisions of the new Directive are applicable to toys placed in the EU market as of 20 July 2011, while the chemical provisions have been made applicable to toys placed in the market as of 20 July 2013 (additional 2-year transition period for chemical properties).

The new Toy Safety Directive 2009/48/EC (TSD) substantially strengthens EU provisions on toy safety, ensuring continued and the highest levels of protection for children. TSD has been written with the above mentioned aim, taking into account that technological developments in the toys market have raised new issues with respect to the safety of toys and have escalated the level of consumer concerns. TSD improves the existing rules for the marketing of toys that are produced in or imported into the EU, aiming to reduce toy related accidents and assure consumers that toys sold in the EU fulfil the highest safety requirements, and do not present any health hazards or risk of injury.

TSD also increases the powers available to Member States' market surveillance authorities to check that products on the market meet the required safety standards. Member States must ensure that authorities perform adequate checks both at the EU external borders and within the EU itself, to ensure the immediate confiscation of dangerous toys.

Obligations of the Toy Manufacturers

TSD has increased the obligations of manufacturers. Independent from the fact whether it is located in EU or outside EU, they are the main responsible patrons for the safety of toys. The obligations of manufacturers include the new need to carry out a "safety assessment" before placing a toy on the market. This consists of an analysis of the chemical, physical, mechanical, electrical, flammability, hygiene and radioactivity hazards that the toy may present, as well as an assessment of the potential exposure to such hazards.

Among others obligations, the manufacturer is also responsible to draw up the required technical documentation, draw up an EC declaration of conformity, affix the CE marking and ensure traceability of their toys.

CE Marking

Toys cannot be placed on the European market if they don't bear the CE marking. The CE marking symbolizes the conformity of the toy with the TSD requirements but also with all directives. The CE mark can be affixed only at the end of the appropriate conformity assessment procedures. CE marking should be affixed visibly, legibly and indelibly on the toy, to an affixed label or to the packaging.

New Chemical Requirements:

While requirements regarding physical and mechanical properties, flammability, hygiene and radioactivity are applicable since July 2011, new chemical requirements under TSD have been enforced from 20 July 2013. The new standards that are used to assess the compliance of the toy with the requirements as per the Directive are:

- EN 71-3 - Migration of certain elements
- EN 71-4 - Experimental sets for chemistry and related activities
- EN 71-5 - Chemical toys (sets) other than experimental sets
- EN 71-7 - Finger paints
- EN 71-12 - N-Nitrosamines and N-nitrosatable substances
- EN 71-13 - Olfactory board games, cosmetic kits and gustative games

i. TSD and new standards have strengthened a lot of requirements for the chemical aspect in toys.

ii. New Toy Safety Directive 2009/48/EC now restricts 19 toxic elements, which is an addition of 11 elements compared to the old requirement.

iii. Furthermore, new reduced limits have been established for different types of toy materials.

iv. There are also several other new chemical requirements and restrictions under the New Toy Safety Directive which include CMR chemicals (carcinogenic, mutagenic and/or toxic to reproduction), allergenic fragrances, nitrosamines and nitrosatable levels. All of these new requirements and restrictions have been put in force from July 20, 2013.

v. A higher level of awareness and precautionary measures, with respect to toys, can help us put a cap on the increasing child related accidents that are occurring across the globe due to toys. Ensuring toys safety will render a child's world more fun and carefree.

vi. If it is our object to make the Indian Toy Industry as one of the leading Industries of the world then we have to make our toys safe, sturdy and challenging to the minds of children.

Safety Regulations:

Toys with small parts, such as these Lego elements are required by

law to have warnings about choking hazards in some countries. Many countries have passed safety standards limiting the types of toys that can be sold. Most of these seek to limit potential hazards, such as choking or fire hazards that could cause injury. Children, especially very small ones, often put toys into their mouths, so the materials used to make a toy are regulated to prevent poisoning. Materials are also regulated to prevent fire hazards. Children have not yet learnt to judge what is safe and what is dangerous, and parents do not always think of all possible situations, so such warnings and regulations are important on toys. For toy safety, every country has its own regulations. But since globalization and opening of markets, most of them are trying to harmonize their regulations. The children often tend to put toys in their mouths. This is why it is of utmost importance to regulate chemicals which are contained in the paintings and other materials children's products are made of. Countries or trade zones such as the European Union regularly publish lists to regulate the quantities or ban chemicals from toys and juvenile products.

There have also been issues of toy safety regarding lead paint. Some toy factories, when projects become too large for them to handle, outsource production to other less known factories, often in other countries. The sub-contractors may not watch as closely and sometimes use improper manufacturing methods. The U.S. government, along with mass market stores, is now moving towards requiring companies to submit their products to testing before they end up on shelves.

Following are the child safety marks and symbols to keep an eye out for, along with what their presence does - and doesn't - indicate:

Safety symbols	
Symbol	**What it means**
 **Fire safety**	Will not easily catch light from cigarettes or matches. Does not mean fireproof.
 **CE mark**	Manufacturer's self-declaration that its product meets basic EU legal requirements. This is not a safety symbol.

Safety symbols	
Symbol	**What it means**
 **Kite mark**	The Kite mark confirms that the British Standards Institution has tested a product and found it meets a particular standard.
 **Age label**	Unsuitable for children under three years because it might, for instance, contain small parts.
 **Lion mark**	The Lion mark shows that a toy meets British safety standards and adheres to strict advertising and counterfeiting ethics.

Disposal

When toys have outgrown or are no longer required, reuse is sometimes considered. They can be donated via many charities such as Goodwill Industries and the Salvation Army, sold at garage sales, auctioned, sometimes even donated to museums. However, when toys are broken, worn out or otherwise unfit for use, care should be taken while disposing of them. Donated or resold toys should be gently used, clean and have all parts. Before disposal of any battery-operated toy, batteries should be removed and recycled; some communities demand this to be done. Some manufacturers, such as Little Tikes, will take back and recycle their products.

In 2007, massive recalls of toys produced in China led many U.S. based charities to cut back on, or even discontinue, their acceptance of used toys. Goodwill stopped accepting donations of any toys except stuffed animals, and other charities checked all toys against government-issued checklists. The WEEE directive (Waste Electrical and Electronic Equipment), which aims at increasing re-use and recycling and reducing electronic waste, applies to toys in the United Kingdom as of 2 January 2007.

Brushing aside the threat by China of dragging India to the World Trade Organisation (WTO), UPA Commerce and Industry Ex-Minister Kamal Nath plugged the loopholes in the rules that could allow manufacturers in China to dispatch toys into the market through a third country.

i. The Ministry informed and alerted the customs authorities to ensure that Chinese toys do not enter the Indian ports through a third country route.

ii. "Prohibition shall be applicable on all such toys which have originated from China, irrespective of the country of import. Originated shall mean 'manufactured' in China," the Directorate General of Foreign Trade said in a directive to all Commissioners of Customs and licensing authorities.

iii. Mr. Nath said the ban on Chinese toys was on grounds of public health and safety and the action was compliant with the WTO rules. "India is a responsible country and before we take any action we make sure that it should be WTO compatible," Mr. Nath told journalists here. However, he said the move would not sour India's commercial ties with China because the ban was a matter of public rather than commercial concern.

iv. After India slapped the ban on import of toys from China on January 23, Chinese official media reported that Beijing was contemplating a WTO action against India.

v. The Toy Association of India's president, Shri Raj Kumar, said the ban would severely hit imports of Chinese toys, but Indian authorities had likely taken the step in the interest of the economy.

vi. Kumar said: "You see Chinese toys everywhere. The good, upper-end toys are made in India, but the cheap toys in the street and small shops were being dominated by them. They are bringing in toys without safety norms."

vii. Kumar also said there had been discussions between toy manufacturers and the government about increasing import taxes on Chinese toys, but he was not expecting a ban.

viii. The ban covers wheeled toys, dolls, stuffed toys, toy guns, wooden and metal toys, musical instruments, electric trains and puzzles.

The Toys Manufacturers Association of India said it was pleasantly surprised by the decision, which came following demands from local companies for protection from Chinese manufacturers.

Moves toward Global Standards

Although an international toy safety standard exists, nations around the world still create their own legislation and standards to address the issue. Current toy safety standards focus on design principles and rely on batch testing of samples to assure safety. As has been seen in the large scale recalls of 2007, sample testing can miss non-conforming product. A design may be conceptually safe, but without proper control during the production, the design may not be met by the manufacturer. Similarly, the applicable toy safety standards to which a toy is tested by a laboratory may not discover a hazard in a product: in the case of 2007's magnetic toy recalls and the Bindeez recall, the products in question met the requirements laid down in the applicable safety standard, yet were found to present an inherent risk. Proposed process and quality control standards, similar to the ISO 9000 systems, seek to eliminate production errors and control materials to avoid deviation from the design. The creation of manufacturing quality standards for toys will help ensure consistency of production. Using a continual improvement model, production can be subject to constant scrutiny, rather than assuming the compliance of all production by testing random samples. In October and November 2007, mandatory third party testing by companies such as LGA, Eurofins, Bureau Veritas or SGS Consumer Testing Services was proposed by regulators in the EU and US, to a (possibly new) international standard, requiring a new safety mark. There is no indication that the proposals will address manufacturing control.

Safety Hazards and Product Recall

The ability to recall a product from the market is a necessary part of any safety legislation. If existing quality and safety checks fail to detect an issue prior to sale, a systematic method of notifying the public and removing potentially hazardous products from the market is needed. Some toys have been discovered to be unsafe after they have been placed on the market. Before the introduction of safety monitoring organisations the toys were simply stopped being manufactured if any action was taken at all but since then there have been many toys that have been recalled by their manufacturer. In some notable cases the problem has only been found after the injury or even death of a person that purchased the product.

Ban on Chinese Toys in India

The government in January 2009 has put quality restrictions on mobile phones, dairy products and toys in a measure aimed mainly to block their

imports from China and which may trigger another round of wrangling at the WTO between two of Asia's biggest economies. The Directorate-General of Foreign Trade said mobile handsets without the IMEI (International Mobile Equipment Identity) number, which helps authorities to track the sale and use of the phones, cannot be imported from now on. An estimated eight lakh such phones come into the country every month from China. These are unbranded and cost a lot less than the branded variety.

Security agencies had raised concern over the use of these phones, many of which, they said, were being used by terrorists to set off bombs and communicate among them. Since these sets do not have the 15-digit IMEI number, or cloned numbers, the authorities find it difficult to track the sale or usage. Approximately 30 million such phones are in use at present.

The DGFT banned till January 2010 the import of toys that do not meet international safety standards and norms. This move hit imports of toys mainly from China and several other countries. India had blocked import of toys from China in January on health grounds, after concerns over their safety were raised in developed markets. But the restriction was eased later after Beijing questioned the restrictions on the ground that New Delhi did not put such curbs on toys from other countries.

The ban, however, was not applicable to toys that came with a certificate from laboratories accredited to the International Laboratory Accreditation Cooperation (ILAC). The volume-driven, price-competitive Chinese toys are estimated to have a 70% share in the global toy market.

The Business Standard article states that according to industry estimates, Chinese toys account for half the country's toy market. According to Commerce Ministry data, toys worth more than $24 million (or Rs 120 crore) were imported in April-June 2008-09. The Toy Association of India's President, said the ban would severely hit imports of Chinese toys, but Indian authorities had taken the step in the interest of the economy.

"You see Chinese toys everywhere. The good, upper-end toys are made in India, but the cheap toys in the street and small shops were being dominated by them. They are bringing in toys without safety norms," he said.

The Press Trust of India writes that while the government notification did not cite the reason for the ban, sources said it was concerned over a rise in imports of toys. A concern had also been raised over the safety of children playing with the Chinese toys, which were found to be toxic. Most of the

varieties, including wheeled toys, dolls, stuffed toys, toyguns, wooden and metal toys, musical instruments, electric trains and puzzles are covered under the ban. The Toys Manufacturers' Association of India said it was pleasantly surprised by the decision of the Commerce Ministry to prohibit shipments of cheap toys from China. "We welcome the decision. It is good for the industry," Association President Raj Kumar said, adding it is in the interest of the country. In the face of global downturn, Indian industry has been clamouring for protection from aggressive Chinese manufacturers.

Industry officials said there has been a surge in the import of handicraft and toys by Rs 1,000 crore during April -November 2008. However, trade expert Arun Goyal said, "The ban would encourage smuggling of toys through Nepal borders. That would be more dangerous. It is bad, especially for the slum children, who can afford the cheap Chinese toys only.

The commerce secretary has told CNN IBN that, "The reason for the ban is a concern for public health. Chinese toys are known to have high content of poisonous substances like lead". International and Indian studies in the past have shown that Chinese toys contain high amounts of lead. In fact, a CNN-IBN special investigation one year ago tested a random sample of toys for lead. The results revealed that Chinese toys contained higher levels of lead than their Indian counterparts. The study also showed that the highest content of this heavy metal was in products like teethers for newborn and toddlers.

However, closer look at the categories that have been banned by the Indian government include items like tricycles, pedal cars, recreational models and puzzles. These are not necessarily toys that lend themselves to being constantly chewed or ingested- the one way by which lead actually leaches out and can cause lead poisoning in children. So it looks like the Commerce Ministry has other concerns. Many say this temporary ban is a means of providing protection to domestic manufacturers, against cheap competition. After all, over 70 percent of all toys sold in India come from China.

The Economic Times states that China has raised the issue of the mandatory safety standards imposed by India on imported Chinese toys before the WTO Committee on Technical Barriers to Trade. In its complaint to the WTO, China has alleged that India's quality checks violate the condition of "national treatment" laid down under WTO's trade rules as they did not apply to toys manufactured in India or imported from any other country.

In its submission to the WTO Committee on Technical Barriers to Trade, China pointed out that since the restrictions apply only to Chinese toys, it could be viewed as a general ban on and a discriminatory measure against Chinese toys. This breached a series of fundamental principles embodied in the WTO agreement, including that of most favoured nation treatment (every member country will be treated at par with other member countries), and national treatment (product from a member country will be given the same treatment as that given to a product made locally), along with provisions of technical barriers to trade (TBT) agreement.

China also pointed out that India did not inform WTO about the restrictions, a procedure necessary under the transparency obligations of TBT agreement. "China strongly requests that India revoke its discriminatory and WTO-inconsistent restriction on Chinese toys immediately," the submission stated. So China is alleging that even the revised Indian notification violates both MFN and national treatment. Further, it violates the notification requirement in the TBT agreement.

Why did the Indian government not use Clause 2.10 of the TBT agreement permitting the issue of safety standards in urgent cases with post-facto notification to the WTO secretariat and other members? Such a notification requires the statement of objectives and the rational for the standards. India will probably argue that these are international standards not requiring notification, but the application of these standards exclusively to imports from China does raise potential violations of MFN and NT.

The Indian authorities could have avoided a lot of trouble if only they had also followed WTO Rules in this matter. The flexibility to take action against imports for safety reasons is fully available, but the Indians seem to have messed up on procedure. China is likely to convey its concern to India over New Delhi trying to restrict import of Chinese goods, even though Beijing has not "yet" dragged its neighbour to the World Trade Organisation on the issue.

The official Chinese media had reported that the country was mulling to drag India to WTO for contesting the ban. While the bilateral trade has seen a sharp rise in the fiscal 2008-09, it is highly skewed in favour of China. In 2007-08, India's exports to China stood at USD 10.83 billion, while an import was USD 27.11 billion.

Lifting of Import Ban on Chinese Toys in India

India in March, 2009 lifted the ban on importing toys from China provided they conform to international safety norms which was imposed on January 23 on the import of Chinese toys for six months on grounds of public health and safety. According to a public notice by then Commerce Ministry, the import of toys from China will be allowed if they conform to the standards prescribed in "ASTM F963" or "ISO 8124 (parts I - III) or IS 9873 (parts I - III)". These regulations primarily deal with safety and health hazards.

A blanket ban on imports of all toys from China was put in place by India. While the DGFT notification placing the ban had not indicated any reason for prohibiting toy imports. Later it was clarified that the ban was placed due to health concerns as toxins had been found in toys from China on earlier occasions.

The quality of toys manufactured in China came under the international scanner in 2007 when the world's leading toy manufacturer Mattel called-back over 20 million China made toys world-wide due to the presence of excessive levels of lead paint and other contaminants.

India's move to ban Chinese toy imports can also be seen as a non-tariff barrier as the Indian market has been flooded with cheap Chinese toys over the last few years. As per industry estimates, the Chinese have captured more than 60% of the Indian toys market.

Product Recalls and Safety Hazards

The ability to recall a product from the market is a necessary part of any safety legislation. If existing quality and safety checks fail to detect an issue prior to sale, a systematic method of notifying the public and removing potentially hazardous products from the market is needed. Some toys have been discovered to be unsafe after they have been placed on the market. Before the introduction of safety monitoring organisations the toys were simply stopped from being manufactured if any action was taken at all, but since then there have been many toys that have been recalled by their manufacturer. In some notable cases the problem has only been found after the injury or even death of a person that purchased the product.

Choking is the number one reason for accidents, but chemicals such as lead can also cause developmental problems like behavioral disorders and sickness. Exposure to lead can affect almost every organ and system in

the human body, especially the central nervous system. Lead is especially toxic to the brains of young children. In the US, the CPSC and Customs and Border Protection are responsible for screening children's products imported into the country. Just less than 10% of products screened are stopped for violations. Nearly two thirds are stopped for lead violations and 15% are stopped for choking hazards. In the United Kingdom toys are regulated by the Toy Product Safety Regulations 1995 which require that toys must not be sold if they do not have the correct safety labels.

Toy Safety Regulations in India

The Bureau of Indian Standards (BIS) released its draft regulations on standards on phthalates in toys on April 21, 2011. The draft standards have been released following a Bombay High Court Order on March 24, 2011. The court's direction was in response to the Public Interest Litigation (PIL) filed by the Consumer Welfare Association in 2007 demanding stringent regulations for phthalates in toys.

Toy makers use phthalates to make plastic toys supple and chewy. But the chemical also happens to be very toxic and its use in the Indian toy industry remains unregulated. The Bureau of Indian Standards (BIS) has finally drafted standards for phthalates in toys and childcare products so that their use can be regulated. The standards were notified on July 3, 2011.

The new norms are included in part 3 of the BIS Standard for Safety Requirements of Toys (IS 9873), which deals with 'migration of certain elements' (ingestion of elements in toys). "To begin with, we are introducing the phthalates standard for toys. Then parts 1 and 2 of the standards will be taken care of," says an official of the Department of Industrial Policy and Promotion (DIPP), which will enforce the standards. The first two parts of the standard deal with mechanical and physical properties of toys and standards of flammability.

Import of Toys not Meeting BIS Safety Standard not Permitted

The Bureau of Indian Standards (BIS) has formulated an Indian Standard prescribing safety requirements for toys relating to migration of certain elements. Indian standards are voluntary in nature and no licence has been granted for this standard. Since BIS has not granted any Certification Licence for toys against this Indian Standard, it cannot enforce it against manufacturers of toys.

Besides, a system of compulsory registration of toys and toy products has been found to be a possible mechanism for the purpose of regulating manufacture, sale of toys and enforcement of BIS standards at this stage presently, the imports of toys from all sources is subject to the following conditions:

i. Certificate of Conformation to the standards prescribed in ASTM F963 or ISO 8124 (Part I-III) or IS 9873 (Parts I-III) or EN 71.

ii. Certificate or Conformance from the manufacturer that the toys being imported have been tested by an independent lab which is accredited under ILAC, MRA and found to meet the specifications indicated above. Any consignments of toys, which are found not conforming to prescribed standards and specifications, are not permitted to be imported.

iii. Need for Toy Testing in India

Toy safety is of concern to every parent. Amid reports on the use of low quality and toxic materials in certain toy brands in the past few years, parents today stress on the quality of the toys and its impact on their children. The size of India's toy industry may touch Rs 13,000 crore by 2015 compared with Rs 7,500 crore in 2012. The industry is growing at a CAGR of 20 percent, according to an ASSOCHAM report. So, addressing the issue of toy safety has become a primary concern for the toy industry as a means to instill confidence in buyers, the accreditation and quality-testing certifications definitely help.

Indian standards for toy safety are voluntary in nature and no licence has been granted for this standard. Though Bureau of Indian Standards (BIS) has formulated an Indian standard prescribing safety requirements for toys relating to certain elements, it has not granted any certification licence. So, the authorities in the country cannot enforce it against manufacturers of toys.

Recently, companies such as Underwriters Laboratories (UL) helped ease the toy safety concerns in Indian parents' mind. The company, which recently acquired Italian Institute for Toy Safety (IISG), will offer certification to toy manufacturers in India. UL operates in India through offices in Bengaluru and Gurgaon. Similar to the ISO standards or CE mark or BIS Safety Standards, the testing provided by the UL global network of laboratories can prove to be a benchmark of quality for several types of toys

including electronic, board games, action figures, dolls, educational toys, construction toys, etc.

The Trouble with Toys

A new Bureau of Indian Standards' guideline seeks to limit the use of a toxic chemical in toys. But unless a safety certification for toys is made mandatory, such directives may prove futile.

Phthalates are Harmful

- **DEHP:** Banned in toys in many countries. Exposure to it causes asthma and allergy in children. Studies have shown it interferes with development of reproductive organs; exposure during pregnancy is linked to pre-term birth.
- **DBP:** Linked to poor semen quality in men, premature breast development in women and asthma and allergic symptoms in children.
- **BBP:** Linked to embryo toxicity, asthma and liver problems.
- **DINP:** Linked to pre-natal toxicity, slightly increased rates of skeletal retardation, soft tissue and skeletal malformation, increased liver and kidney weight.
- **DIDP:** Repeated exposure damages the liver.
- **DNOP:** Causes low, acute eye and skin irritation. Toxic to the liver, thyroid glands, kidney and reproductive system. Found to promote tumour formation in the liver.

Analysis Related to Toys in India

A sample survey was conducted to know the consumers views about toys and their safety. The response of few retailers and parents purchasing toys is as follows:

- Modern toys are preferred more by children now a days, there is less focus on traditional toys.
- Cartoon characters are major reason for influence for the purchase of toys.
- Brands are not that big reason for influence in decision making because maximum people are not aware of the brands available in the market.

- Toy store retailers and online stores are the major place from where children prefer to buy toys from, some low income group people have purchasing behaviour from road side market.
- Majority of people do not bother about the manufacturing dates and details while purchasing the product and some toys don't come in market with all such dates.
- Made in India toys are preferred by few customers but majority don't even care about which country product they are purchasing.
- People are aware of the toxics but it is seen that majority don't have knowledge of toxics which may cause their children.

The response collected from officials of TAI, TAITMA, SGEPC, BIS, NSIC, MSME, are presented in the following table:

Table 4.1: Analysis of Questions asked from the Officials

Questions	Analysis of Answers Received
Where does Indian toy market stand in world or even in Indian market?	(0.5% share)
India is too populated country but still unable to make its standing in the world even not in India in term of Toys.	Population and manufacturing capabilities are independent entities.
To analyze that 'after being labour abundant and being leader among service providers, why India is unable to compete in toy market against China even in domestic market?	Population or availability of labor is not enough to make good toys. Japan and Germany have very less population and yet are big time manufacturers or control manufacturing in China and many other countries.
Don't you think so that Chinese toys are excessively available in Indian market?	Yes – 70 % toys sold are Chinese.
Reason is low price / quality/ availability/ technology/ etc. Why Indians do not have that.	Indians do not have Scale, Skill and Speed to think and work on global level. China manufacturs toys for the whole world. It produces world's 70 % toys. China has all qualities to deliver.

What steps you have taken to promote Indian industry in this regard?	Scale, Skill and Speed. Indian industry is mainly family oriented.
Why we are not stopping them and not promoting self at that level?	No need to stop anyone. One can work on oneself.
What is your role actually, just to promote your export or also to safeguard your domestic market / manufacturer as importers are much happier than exporters (for high margin)?	Our role as individuals is to scale up the operations and bring best skills in fastest possible time.
Don't you think that the level of awareness is very less among the parents about environmental hazardousness (toxic etc.) as what should they verify before buying a toy?	Depends on educational qualification of customer.
What is the Rating standard of this industry?	The industry is very-very small.
How you analyze the role of Government agencies?	Let Government be sincere and honest in doing what it says.
What are your further plan /action to boost this industry?	Focus over Speed, Scale and Skill

Feedback from officials

- The present size of the domestic market for toys in India is around Rs. 600 -700 Crores which is growing @ 10-15% on an annual basis.
- About 75% of the Indian Toy market is flooded with imported toys and out of that 90% of the imported toys in India come from China only.
- Among the imported toys, about 80% are electronic and battery operated toys, balance 20% constitutes plastic and soft toys.
- The domestic toys manufacturers have only 25 percent share of the total domestic market for toys and fall in the Micro and small scale categories.
- The export of toys from India is quite low; of the order of approximately Rs 250- 300 crores per annum only and mainly educational toys are being exported to USA, UK, UAE etc.

Conclusion

Toy manufacturers are always trying to meet the twin demands of parents and children. While children usually look for fun and excitement, parents look for other things of course; they want toys that stimulate creativity, help children learning, are durable and give good value for money. Parents and children are increasingly becoming environment conscious and aware about toxics along with safety regulation. The green tags in toys increase the feel good factor while making a purchase. Green toys not only make a difference to the environment but are also completely safe. They are made with recyclable, renewable, natural materials rather than synthetics like plastic. Materials like bamboo, rubber wood, recycled plastic and recycled paper are used. Soft toys, dolls and dolls-clothes are made from organic fabrics. Minimal packaging made from recycled cardboard/paper is used. For the toy company, there might be some extra effort to initially locate the right sources of materials. Sometimes, the extra effort to use organic materials can push up the cost. But in the long run, eco-friendly materials are often cheaper and are locally available. A study conducted by IIPA have the following findings:

- Indian parents and sellers have very less awareness about all types of toys and brands.
- It is difficult to differentiate among Indian and foreign toys for buyers.
- Need of awareness and counselling to explain them the real situation.
- Money is not playing the major factor, choice of parent and child matters more.
- Many places, especially in rural areas, it is seriously difficult because they are not even aware of what is toxic and what is brand.
- Very less people were concerned about the toxics.
- Plastic and Rubber moulds manufacturing facilities are inadequate in India; the moulds manufacturing enterprises have conventional setup and low production scales that leads to longer delivery time of almost 4 months and prices that are 25 – 30% more as compared to China.
- The import duty on raw materials is more than finished toy that discourages toy manufacturing in India and encourages imports of toys and trading.
- Major gaps and problems being faced by Indian Toy Industry viz-a-viz Foreign Toy Industry are technology focused.

- Electronic toys and games and battery operated toys are missing from the product range of Indian toys manufacturers that are being imported almost 50% of the total market of toys in India.
- The toys manufacturers are in a great need of outside professional design support for designing new types of toys keeping toxics removal in mind.
- Specific R&D for development of innovative and novelty toys and games are required to offer new green products as per fast changing needs/requirements of the domestic as well as export markets for toys.
- There is a need to have a check over toxics available in toys.
- Advertisements should be there for awareness about toxics and all.
- Strict laws should be followed if any toxic is found in toys.
- Instructions and precautions with defined level of chemicals should be written at back of toys (label) clearly.
- Plastic raw materials (HDPE, LDPE,PP) are to be procured with in nation.
- Specialized courses are to be introduced at ITIs to enhance the availability of trained skilled manpower for the Indian toys Industry.
- To produce better quality products, advanced production technologies and machines need to be adopted by the toys manufacturers.

10 Toy Safety Tips

1. Always pay close attention to the age recommendations on toys and choose one according to a child's age, interest and skill level. Also, be aware of other safety labels such as "Flame retardant/flame resistant" or "Washable/Hygienic materials" on dolls and other stuffed toys.
2. Discard the plastic wrappings from toys immediately; they become deadly playthings to small children.
3. For children under one choose toys that are colorful, lightweight, have various textures and are made of non-toxic materials. Children this age learn through sight, touch, sound and taste and often put things into their mouths to explore them.
4. Don't give young children any toys with small parts such as removable eyes, noses, etc., they are choking hazards.

5. Inspect all toys for sharp points or edges made from such materials as metal or glass—these toys should not be given to children under eight years of age. This includes stuffed animals with wires that could stab, cut or shock if exposed.

6. Toys with strings, cords or ribbons of any kind should not be hung in cribs or playpens. Young children can become entangled which can cause injury or death.

7. Teach older children to keep their toys that may have removable small parts, sharp points or toys ran on electricity out of reach of younger siblings. Young children are very curious and may investigate toys that aren't appropriate for them.

8. Keep toys and play equipment in good condition, discard any toys that are broken to prevent injuries.

9. Supervision is essential; provide safe hazard free play environments both indoors and outdoors. Toys get used and abused by children; regularly conduct a toy maintenance check for safety and durability.

10. Teach children early to put toys away when they are finished playing with them. This will prevent accidental falls over them.

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Annexure

MODEL FORM OF NOTICE, COMPLAINT, AFFIDAVIT AND REPLY

MODEL FORM-1 NOTICE BEFORE FILING THE COMPLAINT

Name and address

.....

(of the trader, dealer, firm, company, etc.)

.....

(Complete address)

IN RE: (Mention the goods/services complained of giving details)

.....

Dear Sir,

This is to bring to your kind notice that 1 had purchased ……..... from your ..... for a consideration of Rs……..... paid in cash vide your cash memo/ Receipt/Invoice No..... (or through cheque No ..... dated ..... drawn on ..... bank for a sum of Rs .....

The said goods are suffering from the following defects:

(i) .....

(ii) ..... etc

I have reported the above matter to you several times (give reference of earlier letters, if any) but despite all my pleadings you have not made good the defect in the goods (ordeficiency in services) which is indeed regrettable and highly unbusiness like. On account of your aforesaid dereliction of duty and failure and neglect to rectify the same I have suffered losses/incurred expenses .....

.....

.....

.....

.....

.....

(give details)

which you are liable to compensate to me.

You are hereby finally called upon to

(i) remove the said defects in the goods

and/or

(ii) replace the goods with new goods

and/or

(iii) return the price/ charges paid

(iv) pay compensation for financial loss/injury/interest suffered due to your negligence .....

(give details)

in the sum of Rs ..... with interest @..... % per annum within.....days of the receipt of this notice failing which 1 shall be constrained to initiate against you for redressal of my aforesaid grievances and recovery of the aforesaid amount such proceedings, both civil and criminal as are warranted by law, besides filing a complaint under the statutory provisions of The Consumer Protection Act, 1986 exclusively at your own risk, cost, responsibility and consequences which please note.

Place……..

Dated..... Sd/-

…….....

Model Form –2 -The complaint

BEFORE THE HON'BLE DISTRICT CONSUMER DISPUTES
REDRESSAL FORUM AT .....
OR
BEFORE THE HON'BLE STATE CONSUMER DISPUTES
REDRESSAL COMMISSION AT .....
OR
BEFORE THE HON'BLE NATIONAL CONSUMER DISPUTES REDRESSAL
COMMISSION AT NEW DELHI
IN RE: COMPLAINT NO ..... OF 20 ..... IN THE MATTER OF:
(FULL NAME) (DESCRIPTION) (COMPLETE ADDRESS)

..... Complainant

VERSUS

(FULL NAME) (DESCRIPTION) (COMPLETE ADDRESS)

..... Opposite Party/ Parties

COMPLAINT UNDER SECTION I2/ SECTION 17/ SECTION 21 OF THE CONSUMER PROTECTION ACT, 1986.

RESPECTFULLY SHOWETH

INTRODUCTION

(In this opening paragraph the complainant should give his introduction as well as that of the opposite party/parties.

TRANSACTION

(In this paragraph complainant should describe the transaction complained of, i.e., particulars and details of goods/ services availed; items of goods/kind and nature of service; date of purchase of goods/availing of service; amount paid as price/consideration, full or in part towards the goods/service; Photocopies of the bill/cash memo/voucher or receipt should be attached and properly marked as Annexure – A,B,C and so forth or 1,2,3 and so forth.)

DEFECT DEFICIENCY

(In this paragraph complainant should explain the grievance, i.e., whether the loss or damage has been caused by some unfair trade practice or restrictive trade practice adopted by any trader or there is some defect in the goods or there has been deficiency in service or the trader has charged excessive price for the goods. One should elucidate the nature of unfair trade practice adopted by the trader, i.e., relating to the quality of goods/services; sponsorship; warranty or guarantee for such period promised. The nature and extent of defects in goods should be explained and so should the deficiency in service. In case of excessive price one should specify the details of actual price fixed by or under any law for the time being in force or as set out on goods and their packing vis-a-vis the price charged by the trader. Complaint can also be filed against offer for sale of goods hazardous to life and safety when used. You should narrate your grievance and rest assured it is being read /heard by compassionate and pragmatic judges. Photocopies of relevant documents must be attached.)

RECTIFICATION

(In this paragraph complainant should highlight what attempts were made by him to set things right, i.e., personal visits or negotiations; communication in writing if any; whether any legal notice was got served and / or whether he has approached any other agency for redressal like, Civil or Criminal Court of competent jurisdiction; the stage of its proceedings, its outcome, if any, alongwith copies (certified preferably) of such proceedings. The nature of response got from the trader when irregularities were brought to his notice, should also be disclosed here).

OTHER PROVISIONS

(In this paragraph reference may be made to any other law or rules or regulations of particular procedure which is applicable to the case and/ or which has been violated by the trader and consumer's rights under the same. There are incidental statutory obligations, which traders must fulfil and in case of their failure to do so the case in prima facie made out and Forum would take cognizance).

EVIDENCE

(In this paragraph complainant should give details of documents and/or witnesses he will rely upon to substantiate his case. The documents attached as Annexures as stated above may be incorporated in a proper list and a list of witnesses (if any) may be filed similarly).The annexures should be attested as "True Copy".

JURISDICTION

(In this paragraph complainant should liquidate the claim in the complaint, i.e., upto 20 lakh; 20 lakh to one crore; or above and set out the pecuniary jurisdiction of the Forum/ State Commission/National Commission, as the case may be. The territorial Jurisdiction should be highlighted to obviate any formal objection).

LIMITATION

That the present complaint is being filed within the period prescribed under section 24A of the Act.

RELIEF CLAIMED

(In this paragraph complainant should describe the nature of relief he wants to claim. i.e., for removal of defects in goods or deficiency in service; replacement with new goods; return of the price or charges, etc., paid and/ or compensation on account of financial loss or injury or detriment to his interest occasioned by negligence of the opposite party and elucidate how you have calculated the amount of compensation claimed).

PRAYER CLAUSE

It is, therefore, most respectfully prayed that this Hon'ble Forum/ Commission may kindly be pleased to .....
(Details of reliefs which complainant wants the Court to grant)

Place: ..... Dated: .....

Complainant Through .....
(Advocate or Consumer Association, etc.)

Verification

I, ... the complainant above named, do hereby solemnly verify that the contents of my above complaint are true and correct to my knowledge, no part of it is false and nothing material has been concealed therein. Verified this ..... day of ..... 20 ..... at ..... Complainant.

Note: Although it is not compulsory, complainant may file an affidavit in support of the complaint which adds to the truth and veracity of allegations and gives credibility to the cause. It need not be on a Stamp paper but one should get it attested from an Oath Commissioner appointed by a High Court. The format is just as simple.

Model Form –3- Affidavit in support of the complaint

BEFORE THE HON'BLE……IN RE: COMPLAINT NO…….OF 20……..IN THE MATTER OF:

……

.....Complainant

.....

..... Opposite party

AFFIDAVIT

Affidavit of

Shri.....S/o. Shri.....

aged.....years, resident of.....

.....

(1) That I am complainant in the above case, thoroughly conversant with the facts and circumstances of the present case and am competent to swear this affidavit.

(2) That the facts contained in my accompanying complaint, the contents of which have not been repeated herein for the sake of brevity may be read as an integral part of this affidavit and are true and correct to my knowledge.

Deponent

Verification:

I, the above named deponent do hereby solemnly verify that the contents of my above affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therein. Verified this.....day of.....20..... at.....

Deponent

Model Form –4- Reply by the trader to the complaint

BEFORE THE HON'BLE ..... THE CONSUMER DISPUTES REDRESSAL FORUM/ COMMISSION AT……

IN RE: COMPLAINT NO.....OF 20.....

IN THE MATTER OF:

.....Complainant

VERSUS

.....Opposite Party

DATE OF HEARING.....

WRITTEN STATEMENT ON BEHALF OF RESPONDENTS TO THE COMPLAINT OF THE COMPLAINANT

RESPECTFULLY SHOWETH:

Preliminary Objections

1. That the present complaint is wholly misconceived, groundless and unsustainable in law and is liable to be dismissed as such. The transaction question was without any consideration and free of charge.
2. That this Hon'ble Forum/ Commission has no jurisdiction to entertain and adjudicate upon the dispute involved in the complaint in as much as it is not a consumer dispute and does not fall within the ambit of the provisions of the Consumer Protection Act,1986, hereinafter called the said Act and is exclusively triable by a Civil Court and as such the complaint is liable to be dismissed summarily on this score alone.
3. That the dispute raised by the complainant in the present complaint is manifestly outside the purview of the said Act and in any event, the Act is in addition to and not in derogation of the provisions of the..... Act. The proceedings initiated by the complainant under the Act are honest, null and void and without jurisdiction.
4. That the definitions of 'Complainant', 'Complaint' 'Consumer Dispute' and 'Service', as defined in Section 2(1) of the said Act do not cover the claims arising under the present dispute and that from the aforesaid definitions, the complainant is not' consumer' and the controversy involved in the complaint is not a 'consumer dispute'.
5. That the present complaint is baseless and flagrant abuse of process of law to harass and blackmail the answering respondent.
6. That the complainant has no locus standi to initiate the present proceedings.
7. That the complaint is bad for non-joinder of necessary and proper party and is liable to be dismissed on this score alone.
8. That the complainant has already filed a Civil Suit for ..... in a court of competent jurisdiction which is pending disposal in the Court of ..... and the present complaint has become infructuous.

9. That the present complaint is hopelessly barred by limitation.

10. That this Hon'ble Forum/Commission has no territorial or pecuniary jurisdiction in as much as the amount involved in the subject-matter exceeds/is less than the limit prescribed by Section 11(1) Section 17(1)(a)(i)/Section 21(a)(i) of the Act.

11. That the present complaint is frivolous and vexatious and liable to be dismissed under Section 26 of the Act.

12. That the present complaint has not been verified in accordance with law.

On Merits

In these paragraphs respondent must reply each and every allegation made and contention raised by the complainant, factual and legal as well. In case one has already made good the defect or deficiency, elucidate steps taken. One may have, inter alia, following goods defences as well.

1. That the transaction entered between the parties to the above dispute is a commercial one and the complainant cannot claim any relief from this authority in as much as ..... (give details)

2. That the complainant had purchased the goods as a seller/retailer/distributor, etc., for consideration of resale and as such is barred from moving this Hon'ble Forum/Commission for the alleged defect/deficiency etc. in as much as ..... (give details)

3. That the complainant has already availed the warranty period during which the answering respondent has repaired/replaced the goods in question. The complainant is thus legally stopped from enforcing this complaint or to take benefit of his own wrong.

4. That the present complaint is an exaggeration beyond proportion despite the fact that the complainant is himself responsible for delay and laches in as much as he has on several occasions changed his option for class of goods/type of allotment scheme of flats/model of vehicle, etc ..... (give details)

5. That the answering respondent is well within his rights to charge extra price for the subject-matter of the above dispute in as much as time was not the essence of delivery thereof. The complainant is liable to

pay the increased price w.e.f ..... on account of escalation due to excise duty/budgetary provisions etc. in as much as…..... (give details)

6. That the complainant has accepted the goods and/or service towards repair/replacement etc. without protest and the present complaint is merely an after thought.

7. That without prejudice the answering respondent as a gesture of goodwill is prepared to..... (give details of rectification, if any, which can be done in case of minor or tolerable problems to avoid harassment to consumer and litigation problems)

The allegations of defect/default/negligence and/or deficiency in service are wholly misconceived, groundless, false, untenable in law besides being extraneous and irrelevant having regard to the facts and circumstances of the matter under reference.

Prayer clause with all the submissions made therein is absolutely wrong and is emphatically denied. Complainant is not entitled to any relief whatsoever and is not entitled Model Form costs.

Sd/-

(Opposite Party)

Place: .....

Dated: ..... through

(Advocate)

Verification

I, ... the above named respondent do hereby verify that the contents of paras ..... to ..... of the written statement on merits are true and correct to my knowledge. While paras ..... to ..... of preliminary objections and ..... to ..... of reply on merits are true to my information, belief and legal advice received by me and believed to be true while the last para is prayer to this Hon'ble Court. Verified at ..... this .....day of..... 20 .....

Sd/-

(Opposite party)

INDIAN INSTITUTE OF PUBLIC ADMINISTRATION

The Indian Institute of Public Administration, established as an autonomous body under the Registration of Societies Act, was inaugurated on March 29, 1954 by Shri Jawaharlal Nehru who was also the first President of the Society. The basic purpose of establishing this Institute was to undertake such academic activities as would enhance the leadership qualities and managerial capabilities of the executives in the government and other public service organization. The activities of the Institute are organized in four inter-related areas of Research, Training, Advisory and Consultancy Services and Dissemination of Information.

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CCS is dedicated to consumer studies and is sponsored by DCA, GoI. The objective of the CCS is to perform, facilitate and promote better protection of consumers' rights and interests with special reference to rural India. The broad areas of focus of the Centre comprise capacity building, advocacy, policy analysis, research, advisory and consultative services, and networking.

The Centre seeks to network with national and international agencies and interface with other stakeholders by serving as a bridging "think tank" with an intensive advocacy role. The Centre provides a forum for creating dialogue among policy-makers, service-providers, representatives of various business establishments and their associations, professional bodies/associations, civil society organizations, educational/research institutions, economic and social development organizations as well as leading NGOs.

Centre for Consumer Studies

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