CHAPTER 9

SUMMARY, CONCLUSIONS, FINDINGS AND SUGGESTIONS
The Indian economy, till 1991, was highly regulated and protected. The scarcity of goods and services, accompanied by the illiteracy of the consumer, left the field open for the business to exploit consumer with impunity. Liberalisation and globalisation of Indian Economy after 1991 has improved the availability of goods and increased competition in goods sector but the position of consumer has not improved to the extent desired. Why does this continue and how can this situation be improved? It was this puzzling question which motivated the researcher to undertake the present study.

For the logical development of the subject and for better appreciation of the different aspects of Consumer Protection, it was considered necessary to first understand the place and importance of consumer in the whole cycle of production, marketing and consumption, the concept of 'Corporate Social Responsibility', the nature of 'Consumer Rights' and the existing mal practices. This background study brings out the need and significance of the study and points towards the need to protect Indian consumer.

It was also considered essential to trace the origin and development of Consumer movement in the world and in India. The origin of Consumer movement can be traced to the United States where it started in the late 1800 and early 1900 as a reaction to unsafe and impure products in the form of legislation by the Government. The movement was provided strength by number of writers like Stuart Chase, Schlink, Vance Packard to name a few. Ralph Nader, the prominent early crusader...
wrote 'Unsafe At Any Speed' to focus attention on a problem of unsafe motor vehicles. Consumer groups also laid a crucial role in spreading the movement. In 1960, International Organisation of Consumers' Unions was launched in the Hague; today it has over 200 Consumer Organisation as its members. In 1962, John F Kennedy while giving Consumer message to the U.S. Congress enunciated four basic rights of Consumers. The movement similarly spread in Europe, Asia and other parts of the world. The development of consumer movement in the world and its development in India forms part of chapter II.

The study finds that there are a number of laws containing provisions for consumer protection, some of these were in existence even before India became independent and the government has also taken number of other steps like creation of Consumer Welfare Fund, Financial assistance to voluntary agencies for specific projects, conducting of training programs for members of voluntary agencies, consumer activists and non-judicial members of Consumer Disputes Redressal Agencies (CDRAs), institution of national awards for youth as well as other consumer activists and voluntary agencies and various publicity measures. India was also not found much behind in voluntary effort. The first collective body of consumer in India was set up in 1915 with The Passengers and Traffic Relief Association (PATRA) in Bombay. Today there are nearly 700 agencies working in this field. Voluntary effort on the part of business has also not been lacking though it is far below the desired level. Council for Fair Business Practices (CFBP) established on 2nd October, 1966 promotes voluntary self-discipline in business by persuading Industry to follow
Code of Fair Business Practices. Various associations of Trade and Industry have also drawn up code of ethics. These efforts are voluntary and no action can be taken against erring members. The Advertising Standards Council of India monitors and regulates the type, content and quality of the advertisements.

In order to study the effect of various legislative measures seeking to protect Consumers, the laws having a bearing on Consumer were reviewed. A detailed critical examination was undertaken in respect of MRTP Act and The Consumer Protection Act. The relevant provisions were examined in relation to objective and purpose of these Acts and finally a critical appraisal was done to assess their effectiveness and suggestions made for improvement and better implementation.

The study of Indian Contract Act, 1872 reveals that the main problem which a consumer faces is about 'Standard form Contracts'. In these contracts a purchaser is made to accept the conditions made out by one party i.e. the trader/manufacturer and in which the other party has no say but he gets bound by these, like in the case of sale warranties during purchase of consumer durables. Mostly, these are in fine print and heavily weigh in favour of the seller/provider of the facility. This obviously can not be called 'free consent' Thus there is a need for mandatory scrutiny of 'standard terms' by independent agencies before these are used as standard conditions.

The Sales of Goods Act, 1930 protects the interest of buyer
through Implied conditions and warranties (Section 14-16). The main problem faced by a consumer is when he himself is not the buyer and suffers loss/injury due to the defective goods. He has no remedy under the Sale of Goods Act due to the 'privity principle'. Even the remedy of a buyer in case of loss or injury lies only against seller; the manufacturer who is responsible in most of the cases, escapes liability again due to 'privity principle' unless the sale is under trade name or he has undertaken the ultimate responsibility expressly. It is only the law of Torts which provides some protection against manufacturer in case of negligence. The remedy under the law of Tort is available to immediate as well as to ultimate consumers. Thus, a subsequent user such as a family member or an employee or any one else can bring a suit for damages in case he suffers loss or injury.

The main problem with law of Torts is the difficulty in proving the negligence particularly when the complainant does not have the full facts like it happens in the case of surgical operations which are mostly done behind closed doors. This points towards the need to have 'product liability legislation' and bringing in the concept of 'strict liability'. A consumer product safety commission like the one in U.S, if established, will act as a watchdog.

Next, the laws dealing with weights and measures were reviewed. A consumer is very often cheated in terms of accuracy in weights and measures of goods purchased by him. The provisions of Indian Penal Code, 1860 in this regard provide effective protection as the offences
are based on 'mens rea' which is not easy to prove.

The Weights and Measures laws and Rules made there in, are quite comprehensive and provide for quite heavy penalties but here again it is effective implementation which is lacking as revealed from from the media reports and personal observation. Cases of petrol pumps giving less petrol, under-filled LPG cylinders, pre-packed commodities weighing less and use of unverified and stamped weights and measures are quite common. The Consumer Survey undertaken as part of this study revealed that consumer in general and most of the vendors and hawkers are ignorant about the existence of these laws.

Another area of the consumer concern is the availability of essential commodities. The Essential Commodities Act, 1955 provides for control of production, supply, distribution, trade and commerce in any commodity which is notified as essential commodity. 'Mens rea' is not relevant for offence committed under this Act. Despite some of the very good provisions like 'special courts' for speedy disposal of cases and provision for the detention (under The Prevention of Black-Marketing and Maintenance of Supplies of Essential Commodities Act, 1980) with the purpose of preventing the likely offender from acting in a manner which might be prejudicial to maintenance of supplies of commodities considered essential to the community. The study finds that the control orders issued under the Act are often violated.

The other area which is of paramount interest to consumer
is purity of food and drugs. Good nutrition and proper provision of medicines and medical facilities go a long way in promoting health and happiness of community. The subject of adulteration of food is dealt under The Prevention of Food Adulteration Act, 1954 and IPC (sections 272 & 273). The provisions under IPC, suffer due to the principle of 'mens rea' and non recognition of adulteration with harmless ingredients. Thus water mixed in milk or sugar mixed in honey does not come under the purview of Indian Penal Code and is, therefore, not punishable under IPC. The Prevention of Food Adulteration Act 1954 follows the principle of 'strict liability' and provides for strict penalties. Although the law provides for taking of sample by individual consumer from the trader and getting it analysed but the procedures to be followed are too cumbersome. The consuming public continues to suffer from the sale of unprotected food items like sweets and cut fruits, use of synthetic colours in sweets and other food items and commodities with residuals of pesticides, to name a few. This is indicative of the fact that our food laws are not implemented seriously. Insufficient staff, inadequate modern infrastructure facilities and the difficulty in prosecuting the vendors and hawkers who are mostly migrants without any definite address, have been cited as some of the problems in proper enforcement of the Act in Chandigarh.

The review of Drug Laws indicate a similar story. The ineffectiveness of drug laws can be seen from the prevailing situation which is far from satisfactory. Spurious, adulterated and banned drugs are openly found and sold in the Indian Market. Warning about the side effect/injurious nature is at times, not adequate on/about certain drugs.
Advertisements like "fish therapy" and such advertisements of magic cure are not uncommon. Chemists normally do not give cash memos though legally bound to. Heavy metals like lead and arsenic have been found in some of the herbal medicines; the claim of drugs like 'memory plus' have not been based on clinical trials and empirical evidence. Thus, there is need for more exemplary punishment and stricter enforcement of the existing laws.

In the area of grading and marking of commodities and standardisation of products, the consumer survey confirmed that the scheme of "Ag mark" has not been widely understood though the Agricultural Produce Grading and Marking Act, is very old. Consumers in general are really not sure as to what "Ag mark" really indicates and what are the specific advantages to purchase food articles which bear this mark. Thus there is a need to popularise this very beneficial scheme. In comparison the scheme of ISI marking is well understood. However, there are test reports indicating that even some of the ISI marked products do not conform to the prescribed Indian Standard. Fake LPG cylinders, spurious cement is found in the market despite the fact that none of these could be sold without ISI marking. There are many other products covered under compulsory marking scheme but, being sold without it. Another prevalent practice at misleading the buying public is using legends like "conforming to ISI" or "as per ISI". These give a false impression that the product meets the required safety and quality requirements. This points towards non serious implementation of the scheme and thus there is a need for having Consumer Products Safety Commission (CPSC) like the one in the
United States, which can act as a watchdog for ensuring the safety of products.

The next two most important legislations from the Consumer's viewpoint are the MRTP Act 1969 and The Consumer Protection Act, 1986. These were critically examined and detailed suggestions have been made at the end of examination of each Act. These two Acts have some commonality of objectives as well as overlapping jurisdiction in certain areas and as such a comparative summary bringing out the common features and the differences has been given at the end of the chapter for better appreciation. The critical examination of the MRTP Act brings out certain weaknesses like: a single commission located at Delhi is not considered sufficient considering the vastness of our country; secondly the decisions of the commission are not time bound and take long time; thirdly the commission does not have penal powers; fourthly interference by High Courts through 'stays' makes the commission less effective. It is also felt that in the case of unfair trade practices its jurisdiction is overlapping with the Consumer Protection Act. Thus the unfair trade practices part should be taken out from the MRTP Act.

The main features of the Indian administration of justice are overburdened judiciary leading to inordinate delays and high cost of legislation involving advocates' fee and the court fee. The procedure at courts are complicated and full of technicalities and thus hiring the services of lawyer becomes a must. This makes seeking justice from courts a nightmarish experience for an individual particularly the poor and illiterate.
It is also not cost effective in the case where petty sums are the subject matter of the dispute; this encourages the traders to continue their exploitation despite having a number of laws. Added to this is the fact that the law enforcing agencies/regulatory machinery is overburdened and their honesty and impartiality can also not be taken for granted. Under such circumstances business and industry thrived on the weakness of the system and the exploitation continued unabated. It was this situation which prompted the government to come up with a legislation in the form of The Consumer Protection Act, 1986 which seeks to overcome these weaknesses of the system.

The Act has been hailed as a unique piece of legislation not only in India but world over. The Act provides an excellent remedy to an aggrieved consumer by providing for a three tier adjudicational machinery and thus bringing justice to the doorstep of the consumer. The Act does away with the strict adherence to technicalities in filing of cases and recording of evidence and makes the appearance of advocate optional. It also provides for time bound decisions and there is no court fee. Thus we can say that the Act provides simple, speedy and inexpensive remedy. The provisions of the Act are compensatory in nature and as such we can say it is consumer specific and consumer friendly. It covers all the sectors i.e., private, public and co-operative. Another noteworthy feature of the Act is that it does not follow the principle of 'privity of contract' and protects the interest of the ultimate user of 'goods' and services even if he/she is not the buyer/hirer provided, the use is legitimate with the permission of the buyer/hirer.
The CPA has brought relief to consumers and to make it more consumer friendly, it was amended in 1993. However, the operation of the Act has revealed a few areas where further amendments are needed to provide for:

- provision for second appeal
- power to grant 'interim injunction'
- barring of writ jurisdiction of High Courts and Supreme Court
- amending the definition of 'service' to bring in those services where direct payment is not made like 'municipal services' and 'medical services' provided by government hospitals.

These have been discussed in detail in Chapter IV.

The next, some special issues of Consumer interest were taken up in Chapter-V. The first issue taken up was 'medical services'. Proper functioning of Medical care system is of vital interest to Consumer. Any negligence in medical care may cause irreparable loss/injury to a person and at times may result in fatality. Indian Penal Code, Law of Torts and Consumer Protection Act (CPA), 1986 deal with negligence including Medical negligence in some form or other and the Indian Medical Council Act regulates the functioning of medical profession. The medical services were brought under the purview of Consumer Protection Act by the latest decision of Hon'ble Supreme Court in the famous Indian Medical Associations case, but still the Government and other Hospitals providing free medical aid to all patients are kept out of its purview. There is a demand from Consumer Association and public at large to bring these
The suggestion by Dr. Naresh Trehan of having "Professional Protection Act" merits consideration and will go a long way in protecting the doctors as well as Consumers. The other problems facing consumers relate to the tie up between some of the doctors and Government Hospitals and Private lab/scanning centres to whom patients are often recommended for tests on the plea of non availability of serviceable equipment/facility. Moreover, there is unnecessary prescription/over-prescription of unnecessarily costly drugs in preference to the same formulation under different brand name. This is done to help the pharmaceutical companies at the cost of patients. Also, a higher budgetary allotment to public health sector is needed to control the spread and prevent re-emergence of epidemics.

Another issue of Consumer interest is the functioning of public utilities like Postal, Telecommunication, Railways, Insurance and civic facilities which are state monopolies. Indian Post Office Act 1898 (IPO) and the Indian Telegraph Act 1885 are both very old and some of their provisions look colonial like section 4 which makes carriage of mail the monopoly of the postal department, section 5 which prohibits others from carrying it and section 6 which provides it near immunity in case of loss/damage or delay. A similar provision providing immunity to telecommunication department is section 9 of the Indian Telegraph Act 1885. These sections need to be taken off the statutes immediately. The judicial ruling in respect of excessive telephone billing is against consumer interest, the amount in the bill is regarded as correct unless the subscriber can show defect in the metering equipment or tampering of line by a specified
person. In case of non payment of excessive bill the telephone is disconnected by the department and in the absence of Consumer Courts having power to issue "interim injunction", the disconnection continues till finalisation of the case, which might these days take any thing between 2 to 3 years. It is recommended that individual meters are installed with each telephone like it is done for electricity to avoid any attempt at tampering and misuse by unauthorised parties. The Rule 443 of Indian Telegraph Rules which allows the department to disconnect the telephone without notice in case of default in the payment of the bill is harsh and needs amendment.

In the case of Railways which is another monopoly of the state, the main problems faced by consumer are; deficiencies in service i.e., delayed running, lack of basic amenities and thefts, untoward incidents at the trains/railway premises, arbitrary increase in the fares etc. and safety of passengers against avoidable accidents. While the jurisdiction of courts in case of claims falling under Railways Claims Tribunal (RCT), Act 1987 and issues under Railways Rates Tribunal(RRT) are barred, the Consumers can move the Consumer Dispute Redressal Agencies for deficiency in service. Another main problem which is worrying the travelling public is the number of Railway Accidents which result in loss of life and property. This needs urgent attention of the department. The inquiries must go deep into the underlying causes of these accidents and the government, must institute remedial measures to avoid their recurrence. The findings should be made public.
The insurance in India is another monopoly in the hands of companies and corporations under the control of government of India. There is a general feeling of discontent among the consumers regarding functioning of these two organisations. The callous attitude of the agents who are mostly part time employees, delays in settling of claims and one sided terms of insurance contract, non availability of any other option, are some of the problems faced by the insured. The consumer can approach consumer courts under the Consumer Protection Act, for deficiency in service, the other functioning is covered under The Insurance Act 1938. Prior clearance of standard conditions of contract, in service training to agents are some of the suggestions for improving efficiency. The move to open up the insurance sector to other private companies is a welcome step.

Poor functioning of the civic services which are provided by either the local government or state government is another area of consumer concern. Poorly maintained roads, defective/missing street lights, carelessly left open electric wires, garbage heaps, all point towards casual attitude of our Municipalities. Cases of untreated water or sewage mixing with normal drinking water in the pipes are not uncommon happenings. Flooding of roads and cases of pedestrian falling into open man holes is common during rainy season. The citizens are equally to blame for littering the place by throwing plastic bags/rubbish in the open. There is no effective remedy in case of loss/injury suffered by a citizen. The problems associated with filling a civil suit under the law of tort to demand compensation are well known. Although the Consumer Protection Act
covers all services provided by Government and statutory bodies like municipalities or private individuals, the qualifying requirement is that these services are to be hired or availed of for consideration. It is only the lack of consideration which keeps it out of the purview of CPA. The need to bring these services under the purview of CPA by suitably amending the definition of 'service' cannot be over emphasised.

Environment plays a very important role on the quality of life of individuals and affect their health and well being, it was with this in mind that the laws dealing with environment protection were reviewed. The study found that the state of our forests is very unsatisfactory. Due to over exploitation we are losing our forests every year. Presently the forest cover is only 19.46 per cent against the desired 33 percent. Similarly the state of air and water pollution is alarming. The untreated hospital and domestic waste poses serious health hazard. Another matter of concern is the illegal import of large quantity of hazardous waste which is causing severe damage to health and environment. Thus it indicates that our environmental laws are not enforced strictly. Certain steps like, including 'environment' as a compulsory subject in school/colleges, launching a vigorous environment awareness campaign by government and NGOs, encouragement and help for the development of green technologies, location/relocation of polluting industries away from populated areas, strict enforcement of emission norms, setting up of environment courts/tribunal and government funding of environmental cases will help. The ban on import of hazard waste and the requirement of having incinerators for hospitals having more than fifty beds should be strictly enforced. Strict
laws are also needed to check people from littering public places by throwing plastic bags and other rubbish.

These days there is advertising war going on. While this is good for the media by bringing in lot of revenue but ultimately it is the consumer who is paying for it. This is one sector which needs regulation urgently to curve the menace of excessive, false and misleading advertisements. The false and misleading advertisements are covered under various laws like, the Contract Act, the Sales of Goods Act, the MRTP Act and the Consumer Protection Act. However, there is no specific law covering the moral and ethical part of advertising. The various codes including the ASCI's codes are not effective enough due to lack of their enforceability. There is a requirement of having 'pre-publication' clearance to curve irresponsible advertising.

Another area needing effective regulation is education. In addition to poor quality of education, fleecing through demand for non refundable building funds and registration fee and the requirement of purchase of books and uniforms from a particular shop are some of the methods of extortion. The delay and incorrect declaration of the result is another serious problem faced by students and the ruling by the National Commission that the conduct of examination is not covered under the definition of 'service' under CP Act has left the students without any effective remedy.

The next chapter reviewes the functioning of Chandigarh
State Consumer Disputes Redressal Commission and Chandigarh Consumer Dispute Redressal Fora. As a background, a general overview of functioning of Consumer Disputes Redressal Agencies (CDRAs) i.e., National, State Commissions and District fora on all India level was attempted to better appreciate the functioning of the State Commission and District fora under study.

The review of functioning of Chandigarh Consumer Disputes Redressal Agencies i.e. Chandigarh State Commission and the two District fora indicates that after shifting to new location the office accommodation is considered better though still not sufficient. New site has been allotted for the construction of new composite complex for consumer courts which will provide them with adequate accommodation. There is no other specific problem pertaining to the infrastructure facilities except that there is a need to provide them with permanent staff as per establishment. The telephones were still to be shifted though sanctioned. There was no photo copier with newly established district forum (II). The relationship between judicial and non judicial members continues to be cordial. The vacancy of presiding officer of district forum (I) remained unfilled for over five months after the retirement of Shri. T.S. Cheema, the former presiding officer on 31st May, 1997 resulting in accumulation of cases.

The commission has disposed off 92 per cent of original complaints and 89 per cent of the revision petitions/ appeals of the total of 1,306 cases which were instituted including revision petitions since
Since inception, 9224 cases were filed in Chandigarh District Forum and of which 5123 were disposed off till January, 1997 - a disposal rate of 56 per cent. The main reason for the delay and the backlog could be attributed to the very large number of cases which are being filed in District forum and the fact that the forum was initially not functioning on regular basis; and the late setting up of District Forum - II despite direction from the High Court in this regard as back as in 1994. The disposal rate picked up once the District forum started functioning on regular basis. Frequent adjournment and amendment of the complaints were some of the other reasons for the delay according to Sh. T.S. Cheema, former President of the forum. The 1993 amendment enhancing the pecuniary limit to 5 lacs, also contributed towards the increase in the number of cases being filed in District Forum. According to T.S. Cheema, the former President for District forum Chandigarh, "the number of cases which are registered in the UT Consumer Courts is more than the number of cases registered in all the forums in Punjab. If one looks at the volume of work and the number of pending complaints, even three Consumer Forums for the City will be justified." The disposal rate is nearly 56 per cent of the cases filed. Apparently, this is not a percentage which can be considered good enough or upto the mark. However, if we look into the average number of cases filed per forum in other states of India, Chandigarh has the highest number of complaints filed since inception, next only to Delhi. Keeping this in mind a disposal rate of 56 per cent is not considered
bad. At the end of chapter VI few suggestions are made to improve the functioning of consumer courts. Keeping in view the number of cases being filed and pending, it is high time that Chandigarh has a third district forum.

The functioning of Voluntary Consumer Associations located in Chandigarh was reviewed to evaluate their contribution in the field of consumer education and protection.

There are 6 voluntary Consumer Associations registered in the Union Territory of Chandigarh according to the department of Food and Civil Supplies, the nodal agency for Consumer Protection in Union Territory of Chandigarh. These are Consumers Forum, Chandigarh (CFC), National Consumer Awareness Group, National Consumers Welfare Council (NCWC), Consumer Welfare Association (Northern Region), Consumer Welfare Organisation Chandigarh and City and Rural Consumer Forum Chandigarh.

Presently, the Consumer Welfare Association (NR) is non functional. Sh. Satpal Gupta, president of the organisation is of the view that without necessary funds and patronage it is not possible to run an organisation like this. He is happy with the low key non functional posture of the association. The second association, Consumer Welfare Organisation (Regd.) Chandigarh with only 29 members, has nothing to feel proud of as regard to actual contribution for the Welfare of Consumers. The same is true in respect of City and Rural Consumers Forum, Chandigarh which
is an Associate of Chandigarh Welfare Organisation.

The main contribution of the fourth association, National Consumer Welfare Council is in the field of Public Interest Litigation (PIL) and legal aid. However no definite information was provided regarding the number of cases settled outside the courts and the number of cases taken up on behalf of the Consumers in different CDRAs/courts. No records were made available pertaining to these and other activities of the Council. The questionnaire was also not filled by the Council. Most of the information was collected through interviews with the Chairman; as such it is difficult to make an objective assessment of the contribution of this Association in the field of Consumer Welfare. The two roles of the Chairman, one as a Chairman of Consumer Association and the other as practising lawyer could also be mutually beneficial providing synergy.

The fifth association, National Consumer Awareness Group, is the only one which is the recipient of a "National Award for Consumer Protection", in this region. It has helped settle over 1,500 cases out of court as per the verbal information provided by the Chairman of the Group Lt. Col. (RETD) PJS Mehta. About 50 cases were taken up with different CDRAs and Punjab and Haryana High Court. During many visits spread over a year it was found that most of the staff and the chairman were always available to consumers and were found taking up cases of consumer concern through correspondence and on telephone with various agencies/departments.
The sixth association, Consumers Forum Chandigarh (CFC), is the oldest Association. It was found to be a well organised Association having different functional committees and conveners /co-conveners in almost all the sectors. The outstanding achievement of the forum includes conceiving and helping in starting the "Apni Mandi", a concept where middle men are eliminated. These are functioning well even today. Another unique contribution of the Consumer Forum Chandigarh (CFC) is organizing the procurement and distribution of consumer items at reasonable price. In rotation the tented shop is set up at pre-known locations in different sectors from where the consumer could purchase the necessary supplies at fixed price. CFC is the only Consumer Association which along with Chandigarh Administration organises a three day mela on Consumer day every year. Beside setting up shops and distribution of leaflets "khula manch" is considered a noble idea for settling consumer problems with various deptt./ agencies. Another note worthy achievement of CFC is settlement of large number of complaints outside the court. CFC does not make any distinction between a member and non member, both are given the same treatment although the membership fee is only Rs. 5/- for life. There is a well maintained library at forum's office at Karuna Sadan, Sector 11, Chandigarh. However, its contribution in the field of Consumer Education can not be evaluated since there is no recorded information available in this area. No definite information was orally given either. In sum it can be said that CFC is a very well organised and administered organisation which has done good work in Consumer Protection particularly in settlement of complaints out of court. There are no statistics to show the extent of help rendered by CFC in spreading consumer education,
only unquantified claims in general are made.

The Consumer Survey reveals that the knowledge in respect of existence and functioning of these associations is very poor. Although voluntary Consumer Association have contributed in varying degrees to provide protection to Consumers who have approached it but have failed to train and educate the masses in the area of Consumer Awareness. The ignorance about Consumer Protection Act, is quite alarming as was revealed through the survey. Another area in which these associations need to work more is about publicising about themselves so that people know their existence, location, contact number and the nature of help which could be provided by them. Another point which needs collective thinking by these organisations is the desirability of having a long list of objectives which are common between most of them. Instead, it could be more prudent to primarily concentrate on a single objective /field of activities and leave the others to other associations. For example one association could look after Consumer Education and the other Legal Aid etc. Common Cause of Delhi is one such organisation which specialises in Public Interest Litigations (PIL) and has been doing a magnificent job of it.

The efforts of these organisations are fragmented, uncoordinated and half hearted. They should work in co-ordinated manner and get affiliated to regional/national bodies for better effect. There is a need to monitor the functioning of consumer association so that they do not enjoy the authority without accountability. Their accounts and functioning should be subjected to public scrutiny so that there is complete
transparency. The cases of bogus organisations can be detected and made public. There is a need to provide financial help and other facilities to these voluntary associations as they depend on subscription from members and donations for their activities. Donations for such organisations are not desirable.

Chapter Eight contains Discussions and Analysis of the Consumer Awareness Survey. The main objective of the survey was to find out the awareness level of consumers of Chandigarh in the area of consumer protection and to see if there is any significant correlation between demographic variable 'sex' of the respondent and their awareness level.

Consumer suffers from various malpractices adopted by business, trade and industry. The voluntary agencies act as a watchdog to see that not only suitable legislation is made but, it must also be enforced properly. The awareness of the consumer about the laws, the knowledge and functioning of enforcing agencies and the procedures to be adopted to seek remedy becomes the key factor in success of consumer movement.

The survey found 'Male' to be better aware than 'Female' but in both the cases the awareness level was found to be 'low'. The main areas where the awareness was "exceptionally low" were knowledge about the existence and functioning of Consumer Association and interest in self education, knowledge about Consumer Protection Act and Procedures, knowledge about the location and functioning of regulating/enforcing agencies. The area in which awareness was found to be better but still
below the desired level was the knowledge about other laws like BIS, Ag marking, Weights and Measures, Food and Drugs Laws in which the awareness was better than about Consumer Associations, Consumer Protection Act and about functioning of Regulating/Enforcing Agencies, but it was still below the desired level. Exceptionally good awareness was found in the area of Unfair Trade Practices. The survey also found that the radio and T.V. programs of Consumer Interest are not popular and the majority of the people are totally ignorant about their existence and timings. There is a need to review their frequency, exposure and impact. The timing and the publicity of the programmes is also very important. A very low level of awareness about the existence of Consumer Associations show that these associations have failed to publicise/advertise adequately about their existence, role and functioning. There is a positive correlation between the education level and awareness level. Individuals with professional qualifications showed better awareness and the law qualified among them were found to be better aware.

In conclusion it can be said that in India there is no dearth of legislation to protect consumer, rather there is too much of it. Some of the Acts are too old and do not adequately address the present day problems of consumers. Indian Post Office Act 1898 and the Telegraph Act 1885 fall under this category and need immediate amendments. The 'pricing' and 'product safety' are two areas which need legislation; establishment of a 'Pricing Commission' and 'Consumer Product Safety Commission' (CPSC) will be in fitness of things. 'Service' sector is another area where there is no law which lays down the standard for a particular service, in
particular the monopolies and specifically government monopolies like posts, telecommunication, railways, electricity, municipal services and medical services provided by government hospitals need accountability and transparency. The proposed 'citizen charter' which is at the final stages of introduction, hopefully will provide some standard and accountability. The right to Information Bill when it becomes a law, will help the consumer to demand information/details. This will improve transparency and accountability. There is a need to introduce a 'citizen charter' without any delay. In some of the services like banking and in a few of the departments it has already been introduced. Its introduction should be part of the National Agenda.

The main problem with other laws is their non serious enforcement. The reasons for this could be lack of political will, non serious attitude of the enforcing agencies due to lack of accountability; there are also deficiencies in infrastructure and manning strength of some of these agencies. However, the main problem seems to be ignorance and apathy on the part of Indian Consumer. Illiteracy and poverty has further aggravated the situation and encouraged exploitation. The legal system in India is very slow moving and needs immediate reforms.

The other steps taken by the government like constitution of consumer welfare fund and other publicity measures etc. have been introduced half-heartedly and here the state governments are more to blame, because it is the state governments who are ultimately responsible for ensuring the smooth functioning of consumer courts and protection.
of consumer rights. These governments have generally not shown the requisite willingness and interest in this regard.

Voluntary agencies who are in a position to give impetus to consumer movement have selectively done well but, these associations can be counted on finger tips, the large number are not in a position to show much contribution and some exist only on number plate basis or for purposes other than consumer protection though, registered as Consumer Protection Associations. There is a need to keep the activities of these associations under scrutiny so that there is transparency and accountability in their actions. Those which are doing a good job must be encouraged through good media coverage and financial help. Another problem which the Indian Consumer Movement faces is the lack of rapport between consumer and industry. This is urgently needed and voluntary agencies can be of great help by becoming a bridge in between. It is high time that the industry recognises the need to formulate their business policies keeping consumer welfare and satisfaction in the forefront. Consumer must also shed his suspicion about the industry. Business in India is slowly recognising the need to enlist consumer loyalty through consumer satisfaction and quite a few corporations have shown a much greater concern towards consumer than they did a few years back, thanks to the coming in of MNCs and proliferation of Indian corporations. It is the government monopolies and departments which are still continuing with their callous attitude, insensitivity to consumer concerns and lack of accountability.

There is lack of understanding and concern about
'environmental issues'. This is one area which has escaped due recognition by public at large and the government in particular. Although there are adequate laws but their enforcement is lacking. It is not the government but the judiciary which has come to the rescue of environment. The orders for relocation of industries from Delhi and around Agra, enforcement of forest laws (prohibition of non forest activities in forest areas) and even direction for enforcing the noise pollution control provisions have come from the Supreme Court and High Courts. It is only a very few crusaders like M.C. Metha who are relentlessly pursuing the environmental cases without any government funding; but the cases take years. Crusaders like Medha Patkar and Sunder Lal Bahuguna have been organising resistance and arousing public awareness about environment issues. However, the public at large is unaware and unconcerned. The Forest and Environment Ministry is doing a poor job as was pointed out by the parliament’s committee on environment during the budget discussions for the year 97-98. The education sector needs, not only reforms but regulation too.

The multidimensional contribution in the field of Consumer Protection and Awareness of Prof. Manu Bhai Shah, Managing Trustee of CERC, Ahmedabad cannot be adequately acknowledged in words; he has been fondly and very rightly called by some as Ralph Nader of Indian Consumer Movement. Sh. H.D. Shouri of common cause New Delhi, Sh. Pardeep, S.Mehta of CUTS, Jaipur, Sh. N.G. Wagle of CGSI, Bombay, Ms. Pushpa Girimaji, Sh. Anil Aggarwal and Sh. A.J. Rebello, to name a few have all immensely contributed towards educating and making consumer more aware, through their well researched articles. However, the consumer
movement has still not become a mass movement and the ignorance in this area is very high. The consumer survey showed a very poor level of awareness of the residents of Chandigarh, the other surveys have shown similar findings about consumer awareness. A few suggestions are given below to improve the situation.

* Consumer education has not been given the importance it deserves. There is an urgent need to include consumer education in school, college and university syllabus for all streams i.e., Humanities as well as Science.

* It is also clear that the voluntary consumer association have failed to educate consumers about their rights, remedies available and the procedure.

* The media which can play an important role in consumer education has not done enough. Important consumer cases should be given wide coverage. The good work done by voluntary agencies and consumer activists should also be given wide publicity.

* The Government particularly, State Government whose responsibility is to ensure proper functioning of consumer courts must take it more seriously and make consumer protection councils more effective. The central government must make full use of Doordarshan/AIR for telecast/broadcast consumer protection programme/messages. The timing and frequency must be carefully selected after consumer research so that these messages reach the target group. The programmes being
telecast/broadcast presently have not attracted masses as was evident from the survey, possibly due to their wrong timings.

* If this is the level of awareness of residents of Chandigarh which is a modern educational city and sample constituted of 100% literate, the position of rural public can be imagined.

* Local self Governments and Panchayat must start an awareness campaign on war footing to improve the situation.

* Government as well as NGOs must bring out literature dealing with prevailing mal practices and the remedies available. Consumer could also be educated on how to detect adulteration, how to be a vigilant consumer and on procedures to be followed for seeking remedial action.

* State/Central Consumer Protection Councils must help setting up of voluntary consumer organisations at Panchayat, Tehsil/sub-division/block level and provide help and necessary infrastructure.

* Free training programmes must be organised by Central/State Consumer Protection Councils to train volunteers and members of voluntary organisation.

* Women organisation can play a very decisive role in raising awareness level of women and others.

* Consumers help centres should also be established in the market place so that consumers problems are sorted out before they become an issue. Co-operation of business community must be sought in
this respect. This will improve the image of business community as well.

* In Chandigarh the milk booths in all the sectors, which are lying vacant can be usefully turned into sector help centre for matters connected with residents welfare and consumer protection.

* NGOs must be given help in establishing labs for comparative testing and testing of adulteration.

* Alternative remedies like Lok Adalats and Citizens Arbitration Councils must be encouraged to settle the consumer disputes.

It is hoped that the study will go a longway in creating awareness about the area of consumer protection and particularly in focusing attention towards the need to raise consumer awareness.