3.1 The present study utilised a variety of documents and literature, which touched upon consumerism in India and abroad, aimed at gathering a rich source of insight into its various aspects. Special care was taken to bring together information on consumer protection as it is practiced today along with the research investigation carried out with emphasis on role of women.

3.2 Journals and Periodicals

A number of exclusive Journals and Publications from different VCOs were reviewed. They are 'Consumer Confrontation' by CERC, Ahmedabad, 'Common cause' by Common Cause, New Delhi, 'Consumer Highlights' of Consumer Information Centre, Hyderabad, 'Consumer Protection' from ERICA, New Delhi, 'Consumer Co-ordination Council, New Delhi, 'The CUTS Newsletter' by Consumer Unity and Trust Society, Calcutta, 'Upabhakta Jagaran' Ministry of Civil Supplies, Public Distribution and Consumer Affairs, New Delhi, 'Consumer Guard' by Consumer Protection Council of Kerala, 'Consumer Protection' by the Kerala State Consumer Co-ordination Committee etc.
3.3 Grouping of the literature

Going through the available literature in the field of consumer protection the relevant literature is reviewed by grouping them into:

1. International scene
2. Consumerism in India
3. Voluntary consumer movement and
4. Studies on women

3.3.1 International Scene

Munshi, M.C. (1972) in his article 'Time to Protect the Consumer' examined the plight of consumer movement in the U.S., U.K and Japan and came to the conclusion that the U.S model consumerism is not suitable for India because our market economy cannot be compared with that of the U.S and suggested the adoption of the British or Scandinavian model because our market economy is more

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Munshi M.C., 'Time to Protect the Consumer', Commerce, May 27, 1972, p.1384-1385.
suitable to that of Scandinavian countries. He enlightened us stating that the U.S Congress formulated regulatory agencies of government as early as 1872. With the multifarious activities of the Inter-State Commerce Commission, Federal Power Commission, Federal Trade Commission and National Bureau of standards and other regulatory agencies the U.S government tried to protect consumers.

Cron, Rodney² (1974) in his book 'Assuring Customer Satisfaction' stated that the nation-wide research of consumer problems led to the over-riding conclusion that consumer complaints were increasing because the business has not organised to respond to the needs of consumers. According to him a customer is like a child, often needing a continuing demonstration of attention, affection and special consideration, at the same time neither responsible for anything which happens nor liable for any mistakes he makes pushing the responsibility as far from himself. Therefore business must be able to provide their potential consumers with the demonstrated assurances that they have the consumer's best interests in mind.

Garman and Eckert³ (1974 & 1979) have made valuable contributions to help people to become well-informed and better consumers. 'The consumer's world - Buying, Money Management and Issues'(1974) and 'The Consumer's World - Economic Issues and

Roney Management (1979) highlighted the basic consumer problems, consumers' attitudes and ability to analyse critically. According to them attitudes and views have changed, in four stages before the 1890s, from 1890s to 1929, during the early consumer movement from 1930 to 1959 when there is a renewed consumer interest and during the 1960s with the modern views of the current consumerism. They explained an effective and appropriate educational programme.

The beginnings of the fourth era of consumer interest in 1960s developed a greater social conscience with John F. Kennedy's presidential message requesting legislative action for protecting consumer interests.

Reynolds and Wells (1977) have conducted remarkable studies in the field of consumer behaviour and written a book 'Consumer Behaviour' which explained the different kinds of characteristics that form a general-specific continuum, running from demographic and socio-economic characteristics at one end and purchasing and consumption characteristics at the other end. Specific consumer characteristics represent consumer responses which can be classified into two such as observable and non-observable. Observable responses are behaviours which can be directly observed by another person such as purchasing, consuming and communicating while non-observable responses are internal responses which cannot be directly ascertained by others but can only be inferred.

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Therefore identification of the consumer response variables that reveal the basis of interactions at the market place is needed for improving the practices of marketers, public policy administrators, educators and even consumers.

Cranston\textsuperscript{6} (1979) in his book 'Regulating Business Law and Consumer Agencies' explains the background of consumer agencies in U.K., the impact of Consumer Law and its enforcement on business. The consumer protection law in Britain is enforced by the consumer agencies which fall within the ambit of local government and founded on what were weights and measures departments. The central government is the source of consumer legislation and its administration is almost entirely in the hands of local authority consumer agencies. At the national level the Department of Prices and Consumer Protection has the major responsibility for reviewing existing consumer protection programmes and for proposing new initiatives. Enforcement of the consumer protection legislation depends upon the country councils of England and Wales, the regional councils of Scotland. The bureaucrats of Greater London have either established consumer agencies or made arrangements with other local authorities regarding the enforcement procedure of the law. These agencies became inert and complacent over the years because of insufficient resources and began to rely on the co-operation and assistance of business. These agencies gradually became dependent on business houses and began to advice them about acceptable quality control systems but never prosecuted them

although statutory infringements were detected. The change in the general climate of opinion in favour of consumers, the pressure exerted by organised consumer movement and growing awareness of consumers of their right began to change the attitude of businessmen which led to the implementation and enforcement of the law by the businessmen in U.K.

"Safety of Consumer Products Policy and Legislation in OECD Member Countries" - Report by the Committee on Consumer Policy (1980) highlighted the variety of safety regulations controlling a wide range of product groups. The main issue was to improve product safety policy with regard to minimising the potential detrimental impact of product related safety regulations on international trade in OECD member countries.

The regulation through legislative measures in those countries are:

- **Australia** - Trade practices Act, 1974 (amended 1978)
- **Canada** - Hazardous Products Act, 1969
- **France** - Law on the Information and Protection of Consumers, 1978
- **Norway** - Product Control Act, 1976
- **Netherlands** - Commodities Act, 1919

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New Zealand – Dangerous Goods Act, 1974


United States – Consumer Product Safety Act, 1972 (CPSA)

A comprehensive product safety policy with 'product recall procedures' as a legal requirement is only applied in the United States and in Japan. In the U.S under section 15 of the CPSA for substantially hazardous products, after a hearing, the manufacturer, importer, distributor or retailer can be required to recall unsafe or dangerous products from the market place, modify them or render them safe, or refund the purchase price with proper adjustment for depreciation.

In Japan under Articles 35 and 82 of the Consumer Safety Law the competent ministry may order the seller to recall unsafe products sold in the market in order to prevent the spread of such hazards. Moreover in the U.S, Canada, France and Netherlands the authorities have the power to seize and detain unsafe products. In the U.S they ensure that the dangerous products are withdrawn from the market and not again produced and marketed again without modification whenever such products are found on the market.
Ranganadha (1983) in his book 'A Text Book of Marketing Management' observed consumerism as an enduring political and social force necessitating an organised effort of concerned citizens and government who endeavour to secure worthwhile goods and services for their money to improve their standard of living. He has brought about valuable informations about growth of consumer movement in U.K., U.S.A., Scandinavian countries and in India. The Scandinavian countries are noted for their efforts to protect the consumers. As early as 1971 Sweden formulated three important measures viz; (1) the False or Deceptive Marketing Practices of Goods Act, (2) the Consumers' Ombudsman (KO) and (3) the Market Court. The aggrieved consumers in Sweden turn to 'KO' for help whenever they are faced with "unfitting marketing practices". Due to the effective working of the 'KO' there were fewer complaints in regard to size and shape of packaging, deception on or misleading in text or decoration. The Ministry for Consumer and Family Affairs in Sweden enacts bills and regulations to protect the interests of the consumers. The Institute for Informative Labelling and National Institute for Consumer Information provide requisite information to Swedish Consumers.

In Denmark the aggrieved customers can lodge complaints with the House Wives Consumer Council which will see that the customers get either replacement or free repair or money back immediately.

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In France there is a National Commission on Consumer Problems, established under the auspices of the Ministry of Finance and Economic Affairs comprising representatives of consumer organisations, manufacturers, distributors, educators and government.

The Dutch Ministry of Economic Affairs has a one-man Division of consumer Affairs and in Norway the Royal Ministry for Consumer and Family Affairs give representation to the consumer interest in the Federal Government.

Indian Consumers have made attempts through organisations such as Association of Women Against Rising Prices (AWARP) and Consumer Guidance Society of India (CGSI), to fight against the rising prices and consumer exploitation.

"Consumers in chains" (1986) is an article which calls for consumer protection other than through parliament in U.K. The Audit Commission in U.K has proved a lively inquisitor of local government drawing on independent staff and sound research support with more effectiveness than the lay monopolies commission appointed by the government to regulate the public utilities. Therefore a "Utilities efficiency audit" to which the consumer councils and parliament could make reference would be a useful way of bringing outside scrutiny to bear on public and private monopolies.

Harvey and Parry\textsuperscript{10} (1987) in their book "The Law of Consumer Protection and Fair Trading" gave the origin and development of the consumer protection movement in U.K. According to them the concept of consumerism throughout the eighteenth century meant protection from excessive prices and short measures.


Mayer, Robert\textsuperscript{12} (1990) in his book "The Consumer Movement - Guardians of the Market Place" has analysed the consumer movement in U.S.A. along with a historical overview of consumerism. According to him there were three eras of consumer movement in the


At the turn of the century, between 1920s and 1930s and between 1960s and 1970s. The first wave of consumer movement was an outgrowth of the massive charges brought by the early stages of the industrial revolution. The second wave was eclipsed by World War II. During the second era consumer protection legislations were resulted from a combination of long-term lobbying efforts, a political climate supportive of charge, muckraking authors and fortuitous scandals. The third era was led by Ralph Nader who played an irreplaceable role in awakening public regarding their consumer problems.

Garg (1990) in his book "The Consumer Protection Act, 1986" gave an overview of consumer problems, consumerism in U.K., U.S.A and Sweden. He detailed one of the best methods of product labelling may be the Varudeklarationsnamde (Quality Labelling Board) adopted by Sweden which is financed by the Swedish government in conjunction with various national business and consumer organisations. In this system labels must describe the most important characteristics of the products in explicit words. Price labels are of further importance to the consumers.

The Council of Ministers of the European Economic Community has adopted a programme for consumer information and

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protection for protecting the basic rights of consumers in all the member countries. These rights were

1. The protection of health and safety
2. The right to protect the consumers' economic rights
3. The right to redress
4. The right of information and education and
5. The right to consumer representation.

The most important consumer protection body within the EEC is the Consumer's Consultative Committee established in 1973 to make sure that the consumers' voice is heard within the European Commission. The European Commission has taken an attitude that any one who spends money becomes a consumer irrespective of the nature of the commodities or service he or she buys. The services, products or practices which have come under the scrutiny of the Commission are

1. public transport
2. the labelling of household products
3. doorstep sales
4. correspondence courses
5. consumer credit
6. advertising
7. cosmetics
8. food and drink labelling
9. packaging
10. wine
11 aerosols
12 coffee
13 toys
14 after sales services and repairs etc..

Fortunately the consumer's position is strengthened enormously by the attempts of the EEC Consumer Law, because of the working of the Consumers' Consultative Committee in close association with the European Consumer Organisations such as the European Bureau of Consumers' Unions.

On 1st January 1993 Europe has emerged as a single unified market which is bigger than the combined size of U.S.A & Japan.

13.2 Consumerism in India

The publication on "Consumer protection in India" by Sathya Sundaram 15 (1985) is worth mentioning as it highlighted the state of art of consumer protection before the enactment of COPRA, 1986. Therein the author has highlighted the importance of educating the consumers to make a rational choice as he is dominated by seller's strategies. He has advocated converting the Restrictive Trade Practices Commission into a consumer prosecution Ombudsman as in Finland to quickly deal with all lapses in consumer protection laws.

In his article on "AGMARK for Consumer Protection", Verma (1985) had dealt with the adulteration, labelling, testing, packing etc. He has cautioned about the susceptibility of edible oils to adulteration, emphasising the need for AGMARK certification followed by a review of testing methods and sealing procedures so that the grading systems will be fool-proof.

Cochin University of Science and Technology has conducted two seminars on consumerism, one in August, 1981 and the other on March 18, 1989. Leela Krishnan (1985) edited all the papers presented in the first seminar and published a book 'Consumer protection and Legal Control' which gives a clear picture of consumer protection before the enactment of the COPRA, 1986. It also gives the global aspect of consumer movement. In the second seminar, "Consumer protection: Evolving Norms and Institutions" the orators recommended the following:

1 Setting up of long-awaited Consumer Grievance Redressal Forums without delay
2 need for the state's assistance for voluntary consumer organisations preferably through a statutory autonomous corporation
3 setting up of Consumer Assistance and Service Centres in rural areas

18Consumer Confrontation, Vol.9, No.2, March - April, 1989, p.15
Review of the role of state-owned public utility services in the national economy, rate fixation, safety measures and dispute settlement etc. to make them more responsive to the needs of the public.

The review of inadequacies in the existing law, Sale of Goods Act, 1930 which requires the consumer to prove negligence.

Oommen and Nair (1986) have explained in their book "Industrial Organisation and Management", why there should be consumer protection stressing the fact that the government regulation alone is not the only or universal remedy to cure the ills of consumer exploitation but the consumer organisations, the business community and the consumer should go hand in hand to generate consumer awareness by providing consumer education through school curriculum as well as mass media.

The author explained the definitions of consumerism as follows:

Philip Kotler defined -

"Consumerism is an organised movement of concerned citizens and government to enhance the rights and power of buyers in relation to sellers".

"Need for consumer movement" authored by Narain\textsuperscript{20} (1987) was a deliberation on various legislative measures enacted for consumer protection. The main thrust of the article was to suggest the improvements for the effective implementation of the COPRA, 1986 and the need for a strong, effective and popular consumer movement.

Sastry\textsuperscript{21} (1987) in his article "Protecting consumers' Interest" strongly expressed his view that as a tax payer, citizen and as a buyer the consumer should have the right to expect that he will get the right type of goods, of right quality, at the right time and at the right price. The basic aims of consumer protection laws have been summarised by the author as follows.

1. Prescription of standards of goods and services to be provided to consumers

2. Prohibition or regulation of undesirable practices

3. Prescription of terms of contracts made with consumers

4. Establishment of bodies to receive complaint from consumers, to investigate these complaints and to take action and

5. Establishment of a machinery to promote the education of consumers.

\textsuperscript{20}Narain, Om, "Need for Consumer Movement", Yojana, Vol.36, No.6, April 1-15, 1987, p.21-22.

He detailed the legislative measures for consumer protection enacted in India viz.,

a. Fruit products Order (as amended in 1955)
b. ISI certification Marks Act, 1952
c. The Agricultural Produce (Grading) Marking Act, 1937
d. Central Packaged Commodities (Regulation) Order, 1975
e. Essential Commodities Act amended in 1974
g. The Drugs and Magic Remedies Act, 1954
h. Prevention of Food Adulteration Act, 1954
i. The dangerous Drugs Act, 1930
j. Drugs and Cosmetics Act
k. The Emblems and Names (Prevention of Improper use) Act, 1950
l. The Drugs Control Act, 1950
m. Sections 9 and 73 of the Indian Contract Act, 1872
n. The Indian Penal Code, 1860
o. Sections 14 to 16 of the Indian Sale of Goods Act, 1930

As a citizen consumer has the right to invoke the provisions of Articles 32 and 226 of the Constitution of India to approach the Supreme Court or the High Court by filing writ petitions for protection.
In spite of the above regulations, the Indian consumer continues to suffer because as a consumer he has failed to develop consciousness and organise himself to fight against the exploitations. Malhotra (1988) in his article which was awarded second prize in Indian Institute of Public Administration's (IIPA) Annual Essay Competition, 1988, "Redress of public Grievances" has brought out the following reasons for the failure of administrative machinery in our county. Grievance officers merely act as a passive agency and considerable time is taken to provide redress. The Department of Administrative Reforms and Public Grievances which was set up by the government received around 10-11 lakh complaints and disposed around 9 to 10 lakh leaving at least over one lakh of people every year dissatisfied just on account on non-disposal of their complaints. Unfortunately the figures of disposal for the years, 1978-79, 1979-80 and 1980-81 are not available as shown in the table 3.1.

Table 3.1

Complaints received and disposed of by the Central Government Departments

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of Complaints</th>
<th>Disposed of</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Received</td>
<td></td>
</tr>
<tr>
<td>1975-76</td>
<td>12,27,691</td>
<td>10,07,724</td>
</tr>
<tr>
<td>1976-77</td>
<td>9,13,687</td>
<td>8,26,422</td>
</tr>
<tr>
<td>1977-78</td>
<td>9,75,606</td>
<td>9,32,809</td>
</tr>
<tr>
<td>1978-79</td>
<td>10,64,030</td>
<td>N.A</td>
</tr>
<tr>
<td>1979-80</td>
<td>10,44,198</td>
<td>N.A</td>
</tr>
<tr>
<td>1980-81</td>
<td>11,63,959</td>
<td>N.A</td>
</tr>
<tr>
<td>1981-82</td>
<td>12,49,024</td>
<td>9,31,617</td>
</tr>
<tr>
<td>1982-83</td>
<td>11,94,973</td>
<td>9,80,878</td>
</tr>
<tr>
<td>1983-84</td>
<td>11,40,024</td>
<td>9,30,472</td>
</tr>
<tr>
<td>1984-85</td>
<td>9,49,348</td>
<td>8,68,628</td>
</tr>
</tbody>
</table>

"Consumers, Beware of these Traders", an article by Garg²³ (1988) has expressed his views that quality goods at a fair price in right quantity and clean environment are the fundamental rights of every citizen; but these rights are infringed upon by the traders by supplying adulterated and substandard quality of goods. He has opined that the government had enacted the consumer protection Act, 1986 and amended the MRTP Act in 1986 for protecting consumer interests. Further a fool-proof self-regulating mechanism will have to be evolved by the business men to save the consumer from being fleeced at the hands of the unscrupulous traders.

"Consumer Protection Legislation: A Critique" written by Singh (1988) is a critical appraisal of the Consumer Protection Act, 1986. The author narrated the special feature of the Act, that it is applicable to enterprises in the public sector, financial institutions and Co-operative Societies, and also pointed out the drawbacks of the Act. One among them is the absence of provision for giving interim relief or issuing interim injunction which may become necessary in some cases. There are a large number of consumer protection legislations to exercise powers in many areas which would also fall within the purview of the Consumer Protection Act, 1986. So Singh calls for the need to harmonise the functioning of all the adjudicatory bodies so that one will not hinder the functioning of the other.

Saraf (1989) in his article "Monopoly and Restrictive Trade Practices Commission in Action - Some Reflections on Consumer Protection" has brought out the most serious lacuna of the MRTP Act in relation to consumer protection as its omission in laying down specific procedure for the filing of applications to recover compensation for the loss or damage caused by monopolistic, restrictive or unfair trade practices. Moreover the MRTP Commission has failed to compel the erring business enterprises that misled consumers by faulty advertisements to issue corrective


advertisements or to notify the findings of the commission in this regard to the public.

Antony (1990) in his book "Consumer Rights" has dealt with major legislations directly concerning consumer protection such as the MRTP Act, 1969, Standards of weights and Measures Act, 1976, Consumer Protection Act, 1986 etc. The author has pinpointed the fact that the functioning of the government undertakings is far inferior to the private sector and has expressed his anxiety that unless the government enterprises are prepared for a thorough revision of the laws covering the public utilities the very meaning of governing i.e. serving the people will be a farce.

Garg (1990) after a close study of the COPRA revealed the need for rethinking of some of the provisions. The relevant findings of the author were as follows:

1 Since the adjudicatory bodies have to deal with most complicated legal terms, some more persons with sufficient legal background should be nominated to man the adjudicatory bodies in addition to the existing composition of members.

2 Not much progress have been made in establishing and recognising the "appropriate laboratories" as defined in clause (a) of sub-section (1) of Section 2. Except for

the few and scanty laboratories recognised under the Prevention of Food Adulteration Act and some other enactments, proper attention appears to have not been paid in establishing new laboratories and to the disappointment they are not well equipped to undertake the test and analysis of a variety of goods.

3 The protective arm of the state should reach upto the poor, ignorant, illiterate and weaker masses for which purpose the legal aid cells comprising of lawyers, cost accountants, company secretaries etc. have to be set up exclusively for the consumers.

4 Delay in circuitous procedures should be eliminated by injunction order. The author suggested the need for setting up a comparative testing centre to give independent informations about quality, safety and performance of products and services in India. There is a greater need to check the prices in India as the general level of income is low and millions live below the poverty line.

Since this book concentrated on the legal aspects, the operational aspects and weaknesses of the CDRAs have been ignored by the author.
Singh\(^{28}\) (1990) in his article "Consumers' Forums-Need of the Hour" evaluated the COPRA as an effective tool to deal with these manufacturers and traders who indulge in malpractices in their trade. He pointed out that Indian consumers were cheated to the tune of 20,000/- million rupees a year by way of poor quality, quantity or overpricing. A survey conducted by the CGSI in collaboration with the Bombay Municipal Corporation's health department revealed that almost half the samples of groundnut oil collected from various parts of the city were adulterated. Another study revealed that 20 to 35 per cent of the food stuffs sold in the market were adulterated. The author stressed the need for awakening the consumer to make the COPRA successful by fighting against the deceitful vendors, traders and manufacturers.

Dhyani, Saklani and Thakur\(^{29}\) (1990) in their article "Role of Organised and Unorganised Agencies in Consumer Protection" established that over 60 per cent consumers are dissatisfied with present day standards of durable and non-durable goods and only about half of them actually complain to retailers concerned. Of those, who complaints, a little over 50 per cent manage to obtain relief by way of product exchange or price refund. The authors pointed out that the faith of the people in the nation's judicial machinery is not strong because of the delay in disposing of complaints which they substantiated with the data given in the table 3.2.


## Table 3.2

Restrictive and Unfair Trade Practices received, disposed of and pending disposal by the MRTPC

<table>
<thead>
<tr>
<th>Year</th>
<th>Particulars</th>
<th>Restrictive Trade Practice</th>
<th>Unfair Trade Practices</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Opening balance</td>
<td>received</td>
</tr>
<tr>
<td>1986</td>
<td>Complaints</td>
<td>189</td>
<td>550</td>
</tr>
<tr>
<td></td>
<td>Enquiries</td>
<td>179</td>
<td>229</td>
</tr>
<tr>
<td>1987</td>
<td>Complaints</td>
<td>541</td>
<td>1376</td>
</tr>
<tr>
<td></td>
<td>Enquiries</td>
<td>283</td>
<td>1665</td>
</tr>
<tr>
<td>1988</td>
<td>Complaints</td>
<td>1333</td>
<td>1639</td>
</tr>
<tr>
<td></td>
<td>Enquiries</td>
<td>818</td>
<td>480</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>3343</strong></td>
<td><strong>5939</strong></td>
</tr>
</tbody>
</table>
The table revealed that the number of complaints filed with
the MRTPC is increasing rapidly each year hence the redressal
machinery warranting expectation of its machinery to satisfy the
consumers. Krishnamurthy (1990) in his article "The Consumer
Protection Act, 1986: Features and Legal Analysis" gave an
overview of the COPRA, 1986 and other legal remedies for the
aggrieved consumers. Accordingly the remedies available to an
aggrieved consumer under any other law is not affected by the
COPRA. The remedy of buyer and seller under the Sale of Goods
Act, 1930 regarding conditions and warranty of goods sold is left
independent of the COPRA and the liability for compensation and
damages under the Indian Contract Act for mis-representation,
fraudulant acts and mistake of goods are not affected by virtue of
the commencement of the COPRA. Any buyer of goods, even though he
is a consumer, is always entitled to seek remedy against seller
for defective goods, deficient quality of goods under the sale of
Goods Act, Indian Contract Act or under the COPRA. He further
highlighted the fact that since the MRTP Commission functions at
Delhi only, consumer grievances of smaller importance can be
solved easily after the enactment of COPRA. Critically evaluating
the Act, the author stated that the Act could not be considered as
a comprehensive piece of legislation because of the room for
uncertainties and vagueness and lack of powers to pass interim

and Legal Analysis", Chartered Secretary, Vol.XX, No.10, October
orders for preventing the trader from selling, distributing or otherwise disposing goods, about which the dispute relates and is pending in the Forum.

Sundaram\(^31\) (1990) in his article "Consumer Protection" estimated that Consumers in our country are being defrauded to the tune of 20,000/- million rupees in a year. He cautioned that the success of legislative measures towards consumer protection largely depends on consumer awareness, the effective functioning of redressal machinery and the strength of consumer organisations. The failure of the consumer protection law was attributed to the poor infrastructural facilities.

"Public Accountability of public utilities: Air Transport"\(^32\) (1990) is an article which debates how to ensure public accountability of public utilities like Electricity, Telephones, Transport system etc. Manubhai Shah in this article raised the issue that, whether the accountability of public utility is to be achieved only by the consumers through litigation or through any of the mechanism like Public Utility Commission, Rating Committees, Air Transport Council or the Standing Committee of Public Grievances. The article stated that the Indian Airlines violates Consumers' fundamental right to information as to how long a flight is delayed, the reason for the cancellation of flight and the rights and obligations of the passengers.


Sebastian (1990) in his article "Public undertakings and the Consumer" maintains that the aspiration of the socialist society like India, should be to achieve maximum welfare of the people and limited or no economic imbalance. Therefore our government should preserve and maintain the laudable ideals of free enterprise and protection of the consuming public by preventing economic concentration in the hands of a few industrialists. The public sector in India which was started tentatively with the emergence of the national economic planning after independence now meets almost 70% of the needs of consumers in respect of goods and almost 100% in respect of essential services. Therefore social responsiveness should be a part of the ongoing goals and strategy of the public sector. But the public undertakings are not made accountable for their practices and procedures towards the consumers and the public, which make their very existence detrimental to society.

"Boost to Consumer Movement" is a written account of the persistence of Common Cause (a VCO) in the matter of securing expeditious and satisfactory implementation of the COPRA, 1986. When the state government failed to take interest and initiative in setting up the District Fora even after two years of the enforcement of the Act, the matter was taken to the Supreme Court through a Writ Petition filed by the 'Common Cause'.

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At the end of 31.2.1990 it was reported that Andhra Pradesh, Orissa, Rajasthan and Uttar Pradesh had 23, 13, 21 and 63 District Fora with the existing District Judges having authority to preside the Fora whereas in some other districts, Fora were established proportionate to the number of districts. Bihar did not have a single Forum, Haryana had only two for 11 districts, Himachal Pradesh had one for 12 districts, Karnataka had four for 24 districts, Kerala had three for the 14 districts, Madhya Pradesh had nine for 45 districts, Maharashtra had three for 26 districts, Rajasthan had six for 21 districts, Punjab did not have any Forum, Tamil Nadu had six for 15 districts and West Bengal had three for 17 districts. Moreover the calibre of members appointed in the Fora were not of the status conducive to providing satisfaction to the consumers, vacancies remained unfilled totally disabling the functioning of the Fora, unsatisfactory staff position, lack of funds etc. were the lacunae of the Fora.

The article further gives the verdict of the Supreme Court issued on 5th August 1991 ordering all the state governments and union territories of the country to set up Fora within two months and report to the court.

"Move for Ministry" an article by Mehta (1991) pinpointed the need for an exclusive ministry for consumer protection.

Advani\textsuperscript{36} (1991) in the book "Effective Uses of Law" gave details about the redressal machinery set up by railways, telephones, banks, insurance etc.. The author has reviewed the working of the Department of Administrative Reforms and Public Grievances (DARPG) which was set up in 1985 to redress the grievances of the public. The details of complaints received and disposed of by the Central Government Department from 1985 to 1990 is shown (table 3.3).

Table 3.3
Details of complaints received and disposed by the Central Government Department from 1985 to 1990

<table>
<thead>
<tr>
<th>Year</th>
<th>Received</th>
<th>Disposed of</th>
</tr>
</thead>
<tbody>
<tr>
<td>1985</td>
<td>not available</td>
<td>not available</td>
</tr>
<tr>
<td>1986</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>1987</td>
<td>&quot;</td>
<td>&quot;</td>
</tr>
<tr>
<td>1988</td>
<td>12,34,341</td>
<td>9,95,323</td>
</tr>
<tr>
<td>1989-90</td>
<td>12,69,510</td>
<td>10,61,239</td>
</tr>
</tbody>
</table>

While analysing the details of complaints filed and disposed of by the DARPG, the author found that the categories or kinds of complaints were not clear and the purpose of offering a quick,

\textsuperscript{36}Advani, Rani, "Effective uses of Law", Consumer Education Series, Consumer Education and Research Centre, Ahmedabad, 1991.
deep and effective remedy to the common man remains illusory because they cannot afford courts' and lawyers' fees.

George, Baju 37 (1992) based on his M.B.A project report on the "Structure and Functioning of Consumer Forums in Kerala" which is preliminary in nature, has arrived at the following analytical findings. While 58 per cent of the VCOs engaged advocates, only 9 per cent felt the need to ban the advocates. When 68 per cent respondents appointed advocates to argue their cases, only 25 per cent of consumers appointed advocates. 84 per cent of the Fora members were against banning advocates. His findings regarding the time taken for disposal of complaints revealed that 58 per cent of cases filed by VCOs and 69 per cent filed by consumers took more than 6 months for disposal, whereas only 5 per cent of Fora members stated that it would take more than 6 months for disposal.

The Fora members have made the following suggestions for minimising the disposal time such as

a Posting of dedicated staff members instead of the present deputation basis

b Increased number of sittings

c No adjournments should be allowed

d Provision for sufficient Staff and support machinery

e Provision of adequate funds.

The consumers have assessed the working of the Fora as follows. 66 per cent of the consumers interested to approach the Fora again in future while 18 per cent were reluctant to approach the Fora. 39 per cent of the consumers had specific complaints about the functioning of the State Commissions. 68 per cent of the Fora members and 83 per cent of VCOs felt the need for inclusion of free services within the purview of the Act. He recommended the following factors for strengthening the Consumer Dispute Redressal Machinery.

1. Services like treatment in government hospitals and services provided by local bodies where the consumers do not make any payment should be brought under the purview of the COPRA, 1986 as they affect human lives.

2. The National and State Commission should award interim stay only with notice to the respondent. If sufficient time is not available to issue notice to other side, the interim stay should be allowed only for some weeks and stay should be made permanent only after hearing the respondent.

3. Workshops should be conducted to train the officials of consumer organisations. The Government should provide grants and financial aid to strengthen the consumer organisations.
4 Dedicated and educated staff should be allowed to work in the CDRA.

5 The redressal machinery should be strengthened to ensure the execution of orders.

The name of the CDRF should be changed to 'Consumer District Court' and the designation of President and members should be changed as 'Principal Judge' and 'Judge' respectively and the members should be selected without any political consideration. Only persons with dedication and legal knowledge should be selected as members of the CDRA. They should be given periodic training so that their efficiency can be enhanced.

The Consumer Education and Research Centre (CERC) and the Friedrich Naumann Foundation (FNF), Germany, Jointly organised a three-day National Workshop on 'Consumer Interest and Monopoly Services: Postal Services' from May 28 to 30, 1993 at Ahmedabad, CERC. The report of the seminar revealed very interesting and useful facts about the Indian Post Office Act, 1898. As per the IPO, 1898 the Department has the exclusive privilege in the matter of letters only and not in cases of parcels, money orders or savings bank. The seminar agreed that the postal service is not a sovereign function but is merely a commercial activity and the Department has a well-organised grievance redressal organisation.

The seminar recommended (a) a random checking system to avoid

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delay in delivery and to find out the reasons for non-delivery of mail (b) Dak Adalats should be strengthened (c) informations in notice boards should display information in local languages etc. The seminar called for the state governments to take more interest to strengthen Consumer Dispute Redressal Fora by using the revenue collected by way fines, compensations etc. through cases settled in District Fora.

In the XIII Meeting of the Central Consumer Protection Council, held on 26.5.1993 Jayant Kumar Mitra of the Consumer Action Forum, Calcutta said that "Kreta Suraksh Divas" should be celebrated all over the country once in a month for mobilising awareness on consumer rights and the redressal agencies. Consumer education as envisaged in the Report of the working group on 'Perspective Plan for Creating Consumer Awareness', should be started by prescribing a simple syllabus and would be introduced in the 8th, 9th and 10th classes and marks should award for this subject.

Reena Boara, a consumer activist from Assam, in the meeting suggested that legal cells should be started to assist the illiterate and ignorant consumers to lodge complaints in the Fora. Consumer Welfare Fund should be utilised for producing documentary films on consumer protection.

Bains, Secretary, Food and Civil Department, Punjab alerted that the delays in the redressal of complaints in the Fora need analysis. Bains, Secretary, Food and Civil Supplies Department, Punjab alerted that the media should be used extensively for spreading the consumer movement and education. Mandana, a consumer activist, also suggested that consumer education should be made a compulsory subject and be brought under the 20-point Programme since the N C E RT has already published the books.

Verma, Secretary (F & C S), Government of Haryana suggested the funding from the Consumer Welfare Fund should be made available to the State Government for the conversion of the part-time District Fora into full-time as per the directions of the Supreme Court. He further stated that the interference of lawyers into the CDRAs is preventing the functioning of these Fora and the system of appointing judicial officers on these Fora should be changed because of their scarcity and because they are accustomed to the functioning of the Civil Courts the Court proceedings will enter into the functioning of the Fora which will delay the disposal of complaints.

Dubey, Saroj was of the view that the Fora were not working as claimed by the state governments. Fora should have sittings at different places in the district. The traders do not carry out the orders of the CDRAs, hence the very purpose of the Act is defeated. She suggested that if the Fora function like 'Lok Adalats' and the orders of the Fora are implemented spontaneously by giving compensation on the spot, it would create an impact in
the minds of the rural folks. The two non-official members of the redressal agency should be people from the public life, but not politicians.

Jayant Kumar Mitra pointed out that the Indian Civil Legislation is hijacking the COPRA, 1986 because decisions by the CDRAs are being appealed against in the High Courts. State Governments should ensure that the State Commission and the Fora are easily accessible to the consumers.

Nath, Surendra, Governor of Punjab supported the idea of Public Utilities Commission because many complaints on electricity, communications etc. could be easily looked after by it.

Nahata, Amrit, suggested that the compensations awarded by the Fora under the COPRA should be so exemplary and punitive that the traders and manufacturers should refrain from repeating malpractices and adopting unfair trade practices.

During the National Convention of Presidents and Members of the State Consumer Dispute Redressal Commissions^40 (1994) it was revealed that a total number of 4291 cases were filed before the National Commission since its inception from December, 1988 till 31.12.1993. Of these 2593 cases were disposed of (491 original petition 864 first appeal and 1238 revision petition) and 1698 (39.57%) cases were pending. During the period 354,039 cases were filed before the State Commissions and Fora out of which 202,923 (57.32%) cases were disposed of.

^40 "National Convention of Presidents and Members of the State Consumer Dispute Redressal Commissions" - Report, New Delhi, January 1994.
The president, National Commission evaluating the working of the CDRAs highlighted the necessities as

1 Augumenting the staff of the National and State Commissions

2 Appointment of full time members to the National and State Commissions

3 Sitting on almost everyday of the month

4 Camp sittings in different regional centres for hearing and disposal of cases from each particular region

5 Allocation of adequate funds for the Fora

6 Including the expenditure for the CDRAs as "Plan expenditures"

7 Appointment of properly qualified committed members in the Fora and

8 Dealing with petitions in a more stringent manner.

The National Commission felt that it is of paramount importance that, purity of this new system of administration of consumer justice should be carefully protected and maintained.

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3.3 Voluntary Consumer Movement

Morris (1980) in his book "Economics of Consumer Protection" attempts to define the consumer interests and various agencies involved in protecting the consumer interests. Also an outline of the relevant context of the various Acts and Codes for consumer protection and their effects on the economic interests of consumers is given in this book.

Sarwate (1980) in his article 'Consumers of India Unite' alerted the consumer community against exploitation by black marketing, adulteration, short-weight etc. Also he has called consumers to shed their passivity and tolerance and assume a degree of militancy to bring the offending producers and retailers on their knees in India.

In their article on "The Economics on Consumer Education An Approach", Madaiah and Neelakanta (1985) stated that the major part of an individual as a consumer is to learn how to adopt and get used to the rapidly changing technological system and consumer education is the only means to gain knowledge and skills needed to manage and influence the factors that affect consumer decisions. The authors enlightened us with the observation of Paul A. Samuelson of the U.S.A that the market behaviour of a consumer is

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the product of market education received but not on the psychological or introspective reactions connected with changed conditions in the market. Moreover to develop common and integrated consumer education some common guidelines should be framed and incorporated in our Five Year Plans.

Kautilya's (1986) article "When they are well organised, consumers cannot be taken for a ride" explains several incidents, when consumers galvanised into action to fight against adulteration, price rise, underweight supplies etc. He stated that boycott method was very useful when the shopkeepers charged excess prices for their goods and services. The author also explained the consumer movement in U.S.A., Canada and Great Britain convincing us the need for such consumer movement for guarding our consumer rights and interests.

'Consumers sans Consumerism', the editorial of Southern Economist, (1987) has alerted the consumer organisations that the major thrust of consumer movement in India should be on availability, purity and pricing of the essential commodities. The author had made a suggestion that all manufacturers should be compelled to establish a consumer affairs cell and the Government Department should be more alert, active and efficient in conducting raids and in dismissing corrupt officials.


In his book on "the Consumer Movement - Guardians of the Market Place" 46 Robert has dealt with seven important aspects of Consumerism in the U.S.

1 Definitions of Consumerism and dilemmas faced by social movement that purport to pursue the interest of the public.

2 A historical review of consumerism comprising three waves

3 Introduction of key individuals and organisations in the consumer movement

4 Examination of the ideas of Consumerists

5 The political dynamics of consumer issues

6 Major criticisms of the movement

7 Highlights of the international character of Consumerism.

International Organisation of Consumer Unions (I.O.C.U)

As per the Directory of I.O.C.U. 47 (1989), from the five founding groups - Consumers Union (U.S.A), Consumers' Association (U.K), Australian Consumers' Association Consummentenbond (Netherlands), Association Des Consommateurs (Belgium) - International Organisation of Consumers Unions' membership has grown to 170 groups in 58 countries as on 1989. Its three broad

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areas of work are promoting co-operation amongst members through the exchange of information, experiences and joint activities, expanding the consumer movement and nurturing young consumer organisations and representing the consumer interest at international forums such as the United Nations.

The eight Consumer rights recognised namely the rights to basic needs, safety, information, choice, representation, redress, education and to a healthy environment—express the principal concerns of the I.O.C.U. The I.O.C.U networks provide other Fora for members to co-operate namely, the consumer Educators Network (CEN), Book Publishers Network (1986), Consumer Interpol (1981) and Action group to Halt Advertising and Sponsorship of Tobacco. It supports and participates with non-member action groups in international campaign networks viz., Health Action International (H.A.I), International Baby Food Action Network (IBFAN), Pesticide Action Network (PAN) etc.

The directory gave a profile of eight international consumer organisations such as Bureau European des Unions de Consommateurs (BEUC), Belgium Commission of the European Communities, Belgium, European Consumer Product Safety Association (ECPSA), Netherlands, European Research into Consumer Affairs (ERICA), U.K., International Co-operative Alliance Committee for Consumer Co-operatives, Geneva, Nordiska Ambetsmannas Kommitten for Konsument Fragar, Denmark, OECD Committee on Consumer Policy, France, and United Nations Department of International Economic and Social Affairs, U.S.A etc., in addition to 300 groups working for consumers worldwide.
Emergence and Formation of Consumer Groups - A Perspective

CERC Publication (1992) has retraced the development of consumer Groups in India from the beginning of the century till 1990. The author classified the consumer movement into four periods: the emergence of consumer movement during 1900 and 1959, consumers questioning and fighting for their rights during 1960s, the movement spreading its roots during 1970s and the dawn of a new era in 1980s with the enactment of the COPRA 1986.

The passengers and Traffic Relief Association (PATRA) 1915, was the first known collective body of consumers in India formed with a view to ameliorate the hardships faced by railway passengers. Women Graduate Union, 1915 was formed to provide opportunities and facilities for expressing the united opinion and concerted action by University Women for the benefit of women. The Women's Indian Association (1917), Triplicane Urban Co-operative Stores (TUCS) (1947), the Indian Association of Consumer (IAC) (1956) were the other consumer groups emerged during the period.

Gayatri Charitable Trust (1960) in Gujarat, Jyoti Sangh Grahak Suraksha Vibhag (1962), Bombay Civil Trust (1963), Consumer Guidance Society of India (1966), Baroda Citizen Council (1966), All India Bank Depositors Association (AIBDA) (1968) and Surat Consumer Association (1969) were the Voluntary Consumer Organisations formed for educating and protecting consumers. In this decade the CGSI made its impact nationally and inter-

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rationally by creating consumer awareness in the society.


In the eighties a large number of VCOs mushroomed, of them Jagrut Grahak started in 1980, Consumers Forum setup in 1980, Consumer Education Centre established in 1982, the Voluntary Organisation in the Interest of Consumer Education (VOICE), the Consumer Unity and Trust Society (CUTS) started in 1984, National Centre for Human Settlement and Environment (1984), Consumer Guidance Society (1984), Consumer Action Group (1985), etc. have shown their ability in pushing forward the cause of consuming mass.

In 1990s a concerted effort to have a unified approach was found and as a result the Federation of Consumer Organisations - Tamil Nadu (FEDCOT), was established in March 1990, the Confederation of Indian Consumer Organisations (CICO) was formed in February 1991 and Gujarat State Federation of Consumer Organisations (GUSFECO) was formed in 1992.
Gary (1990) highlighted the need for the Government to provide adequate resources to the consumer associations as in Malaysia. There were 12 consumer societies in Malaysia and all of them received financial aid from the Government for renting out office space and for meeting out their secretarial and other related expenditure. The Consumer Association Study Groups and the consumer centres in Federal Republic of Germany were largely financed from the public purse primarily by the Federal Department of Trade and Industry and its equivalent departments in the German State Administration. The Consumer Association in Poland were funded to the extent of 60 per cent of their total expenditure by the Ministry of Finance. He said that these examples reinforce the argument that the Government of India should evolve a sound policy of extending financial aid to the VCOs.

He pointed out that the Indian Consumer Movement is desperate without having a consistent approach and well-defined priorities and lack of intra-association communication. Therefore an apex body of consumer associations to lay down clear cut programme and to evolve a concerted and co-ordinated approach for its implementation as in Malaysia and Poland is a necessity in India.

"A Guide to Sources of Consumer Information" enumerated the four schemes under which financial assistance is provided by

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the various ministries of the Central Government. They are (1) Ministry of Civil Supplies, Consumer Affairs and Public Distribution (2) Ministry of Science and Technology (3) Ministry of Environment and Forests (4) Raja Ram Mohan Roy Library Foundation etc.

Voluntary Organisations, having a legal status permitting the entrustment of public funds, with non-political, non-official and non-proprietary management, working for the promotion and protection of consumer interests, not for profits, at least 3 years from the date of its registration are eligible for the financial assistance from the Ministry of Civil Supplies, Consumer Affairs and Public Distribution.

The books have also dealt with foreign funding agencies which have come forward to support consumer protection activities such as Australian Council of Churches (ACC), Canadian International Development Agency (CIDA), Common Wealth Foundation (U.K), Community Aid, Abroad (Australia), Evangelische Zentralstelle Fur Entwicklungshilfe E.V (EZE) (Germany), High Commissioner of New Zealand for India and Bangladesh (New Zealand), International Development Research Centre (IDRC), Canada, Oxfam (India) Trust, India, Royal Norwegian Embassy (India), Swiss Aid Co-ordinator's Office (India), United Nations Development Programme (UNDP), (New Delhi) etc.
The Workshop on Management and Resource Mobilisation for Voluntary Organisations \(^{51}\) (1993) organised jointly by Baroda Citizens Council, United Way of Baroda and Action Aid India during June 1993 has brought out the major problems related to the financing of consumer protection activities. Important among them are lack of information about philanthropic funds available in the country, non-utilisation of up to 33 per cent of available funds, lack of philanthropic philosophy among the trusts, endemic nature of funds and religious nature of the funding organisations. It was suggested that a national survey be conducted to collect such informations.

Dubey Saroj in the XIII Meeting \(^{52}\) (1993) of the Central Consumer Protection Council suggested that financial assistance should be made conditional that the grantee organisations would conduct meetings and workshops for rural women.

George, Baju \(^{53}\) (1992) found that only 9 per cent of consumers sought the help of VCOs to conduct their cases because the VCOs have not developed the necessary infrastructure to guide and help consumers or they have not become sufficiently popular. Regarding the financial position of the VCOs it was found that 8


\(^{52}\) Minutes of the XIII Meeting of the Central Consumer Protection Council, New Delhi, 26.5.1993.

per cent got grants from the Government of India, Ministry of Food and Civil Supplies and another 8 per cent got grant from private sources as United Nations Development Programme, the Ford Foundations, Fredrich Naumann Foundation etc. His study also revealed that establishment of 83 per cent VCOs in Kerala was before 1986.

Darley and Johnson\(^5^4\) (1993) in their paper "Cross-National Comparison of Consumer Attitudes toward Consumerism in Four Developing Countries" provided some support for the consumerism life cycle pattern. The purpose of the study was to report on attitudes toward consumerism in Singapore, India, Nigeria and Kenya. According to them a distinction worth noting was that the consumer interest in less developed countries was fragmented; but well-articulated in more developed countries. Little analysis and discussion of consumerism in developing countries appear in the literature and several have criticized this neglect and lack of interest in consumerism and research in developing countries.

The study emphasized the need for research examining consumerist attitudes of a variety of consumers in developing countries.

"A Directory of Voluntary Consumer Organisations in India\(^5^5\) (1993) published by CERC, Ahmedabad based on the survey revealed that there is an uneven spread of Voluntary Consumer Organisations.


\(^{55}\) A Directory of Voluntary Consumer Organisations in India, Consumer Education and Research Centre, Ahmedabad, 1993.
over the states and Union Territories. There are 180 consumer groups in Andhra Pradesh whereas Delhi has 35 consumer groups, West Bengal 4 groups, which is disproportionate to the size of the geographical area and the population. Moreover 10 per cent of the groups are situated in metropolitan cities, 20 per cent in larger cities and 70 per cent in smaller cities and towns. The survey further revealed that 78 per cent of the consumer groups have come into existence after 1980 whereas 13 per cent of the consumer groups were existing between 1975 and 1980.

The data regarding financial resources is dismal which showed that 47 per cent of the consumer groups had less than ₹.10,000/- as their annual expenditure and 69 per cent had annual expenditure of less than ₹.30,000/-. The major source of funding of smaller groups was found to be the subscription fees ranging from ₹.10 to ₹.100 p.a. from the members and donations.

The preference ranking of eight enunciated activities have been noted as:

1. Handling of complaints (96 per cent)
2. Consumer education (86 per cent)
3. Advocacy (77 per cent)
4. Litigation (71 per cent)
5. Media (70 per cent)
6. Publication (46 per cent)
7. Lobbying (43 per cent)
8. Research (32 per cent)
No consumer group had its own full fledged testing laboratory in India. Only CGSI had some testing equipment and arrangement for occasional testing.

70 per cent of VCOs in our country use media such as radio, newspaper and television for consumer education whereas only 46 per cent had their own publications.

Kumar 56 (1994) in his article "What restricts Voluntary Organisations from spreading fast?" attempted to define voluntary organisations. He said VCOs denote "an organisation, whether its workers are paid or unpaid, which is initiated and governed by its own members without external control". According to the National Institute of Public Co-operation and Child Development, a voluntary organisation is often interpreted as an "organised entity set up by a group of persons on their own initiative or partly on outside motivation to promote social welfare and also help the people of a locality to undertake activities in a self-reliant manner, partially or wholly, to satisfy their felt needs and also to bring them and the public sector extension services closer to one another for more equitable and effective development of various sections of the rural poor".

"Women of India - Power from Togetherness"\(^{56a}\) (1990) is an article (author unknown) about how a national commission etches the profile of endurance of the women toiling in fields, forests, factories, mines, their homes or on mountains, roads, shores or in town markets. "Economically, she is vulnerable, afraid of losing her work in a labour - surplus economy if she asks for any more than she gets. Physically she is vulnerable to sexual attacks, to illness, to overwork. Socially she is vulnerable to caste and patriarchal oppression. She is able to survive under such crushing conditions only because of her deep faith, her courage, her love for her family and her indomitable will. She is weak as a social being in her relation to others, as a political being in her social status. However, as a person she is strong. Her social weakness requires she be strong individually. She draws on her inner resources in the rare cases when she tries to assert and to organise."

Wolgast\(^{57}\) (1958) has found that consumer decisions were most often made jointly between husband and wife, although one or the other tended to be dominant.

Kelley\(^{58}\) (1973) has edited a book "New Consumerism Selected Readings" which is a collection of select articles by renowned

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deans and professors detailing the history of consumerism tracing the 20th century movements and the era of protest in the late 1960s and early 1970s. Beem, Eugene, in his article "the Consumer movement, 1930 to World War II" brought out the significant role played by women for consumer protection. The time-saving mechanical devices of the 20th century and reduction in the size of families gave the housewives more leisure time to devote to problems of wiser consumption. During this period women's clubs, labour unions, educational Institutions, business agencies and others supported consumer protection efforts.

The American Home Economics Association founded in 1908 took initiative in standardising and introducing informative labellings in addition to publishing the 'Journal of Home Economics' according to Beem. The National Association of Consumers (NAC) was established during 1937-1947 to co-ordinate the activities of VCOs, to educate and represent consumers and to gain official consumer representation in the U.S.

Rosemary 59 (1976) has clearly illustrated the ingenuity, the strength and intelligence of the woman in the buying function. She established the fact that in Western Society, the woman's function as consumer is indomitable and indisputable as she controls the consumer expenditure indices. Food, clothing and footwear were bought almost entirely by women and the purchase of

household and chemist goods and decisions to buy most goods in the consumer durable section were her responsibility. So the author alerts the consumer marketing industry to think again because without the female consumer they will be out of a job tomorrow.

De Souza, Alfred60 (1980) sought to draw the traditional images and changing roles of women in India. The author stated that all over the world women are denied equal access with more opportunities for personal growth and social development in education, employment, marriage and family life. In India there was extensive discrimination because of the sex segregated character of society, the conditions of poverty and the traditionally valued system. Women are so completely tied down by child care, house-work and agricultural labour that the options open to them for personal growth were limited.

Women in Kerala were exceptionally privileged because of higher life expectancy, higher education and their participation rates in every field. Their higher education and literacy level acted as a restrictive factor in raising the age at marriage. The self-concept is the perception which women had of themselves in the light of prevailing social norms and accepted modes of behaviour showed an interesting picture. The younger women were moving away from the attitude of submissiveness and the traditional division between 'male' and 'female' jobs were not relevant since educated women could function as completely as men

60 De Souza, Alfred, Women in Contemporary India and South Asia, Manohar Publications, New Delhi, 1980.
in any type of employment. Also younger women believed that women should engage in activities outside the home and they saw themselves as equal partners with men not only in education and employment but also in family. The author J. Murickan in his articles opined that education by itself was not enough to liberate women, but a strong mass-based movement organised by enlightened female leadership would be able to provide women freedom and equality with men.

Jana 61 (1981) has traced historical development of the women's movements in India from the late 19th to the mid 20th century. She examined the ideologies of the Indian and Western women's movements and found that there was a sharp contrast in origins but certain parallels could be drawn between them. The Indian women's movement could be classified as a bourgeois feminist movement, along with the women's rights movements of the U.S and Great Britain. Bourgeois feminist movements composed of middle class women who campaigned for the extension of educational opportunities, voting rights and property rights to women. While America and Britain concentrated on improving working conditions and increasing wages, those in India were concerned about food, medical care, working conditions and wages. Even if India has more laws designed to improve the status of women than the U.S or Great Britain, Indian women live in the dire poverty, because the existing laws are not enforced effectively. Moreover the narrow

legalistic outlook of the Indian women's movement during its equal rights phase overlooked the problems of implementation of reform strategies. The higher percentage of women legislators and the existence of women leaders including a Prime Minister was not sufficient to achieve sex equality in India.

The author pinpointed the reasons for the low status of women in India as the lack of efforts to reach the common mass and expand the narrow social base of the women's movement, replacement of women labourers by men because of industrial rationalisation, the population pressures, dismissal of women by employers to avoid payment of maternity benefits, the higher percentage of female illiteracy etc. Only when the standard of living of the Indians are raised substantially, will the status of women will improve.

According to Subbamma (1985) the very first women's movement in India was the result of the inspiring call of Mahatma Gandhi for Satyagraha which led to the formation of an all India Organisation called All India Women's Conference. They participated in prohibition by picketing shops selling liquor, and foreign goods, during pre-independence period. Later after the dissociation of the Radicals, Communists, Kissan Group and socialists from the congress, this organisation became a society of congress women. Communist women established separate women's organisations and have agitated against price-rise and obnoxious deeds of the Government.

Kiran 63 (1985) in his book on "Status and Position of Women in India" revealed an interesting fact that in the ancient period girls in ruling families received administrative and military training. They were entitled to the same education as boys.

Later, the joint family system with consanguinity in the male, discouraged independence and initiation of the female members. According to the author the reasons for the continuous deterioration in the status of Indian women were early marriage of girls, unequal and indifferent treatment of women by the Hindu Law in marriage, marital status, divorce, widowhood and inheritance.

Dey, Flora 64 (1986) in her study centred around working-wife families in Kerala found that employed women had to perform the dual responsibility of the 'traditional house-wife' and the 'modern employed women'. The opinion of over 50% husbands regarding the "exclusive women's tasks", as revealed by the table, are cooking and cleaning, care of children such as bathing, feeding etc.

This endorsed the fact that majority of men are still traditional in their attitude towards the wife's role. She further revealed that more than 50 per cent of husbands have agreed that their wives work because of financial necessities. Even if their earnings are necessary for the family welfare and contributions to the family budget, the house-hold duties are reserved for them.

63Devandra, Kiran, 'Status and Position of Women in India' Shakti Books, Delhi, 1985.

Table 3.4

Opinion of husbands regarding household tasks

<table>
<thead>
<tr>
<th>Tasks</th>
<th>Percentage of men who feel it exclusively women's tasks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Cooking</td>
<td></td>
</tr>
<tr>
<td>Bed</td>
<td>76</td>
</tr>
<tr>
<td>Breakfast</td>
<td>72</td>
</tr>
<tr>
<td>Lunch</td>
<td>77</td>
</tr>
<tr>
<td>Tea</td>
<td>68</td>
</tr>
<tr>
<td>Dinner</td>
<td>70</td>
</tr>
<tr>
<td>2 Washing &amp; Cleaning</td>
<td></td>
</tr>
<tr>
<td>Washing Clothes</td>
<td>68</td>
</tr>
<tr>
<td>Washing Dishes</td>
<td>79</td>
</tr>
<tr>
<td>Mopping the floor</td>
<td>74</td>
</tr>
<tr>
<td>Dusting</td>
<td>52</td>
</tr>
<tr>
<td>Highdusting</td>
<td>40</td>
</tr>
<tr>
<td>Cleaning the sinks</td>
<td>62</td>
</tr>
<tr>
<td>Cleaning the toilets</td>
<td>52</td>
</tr>
<tr>
<td>3 Ironing</td>
<td>18</td>
</tr>
<tr>
<td>4 Shopping</td>
<td>5</td>
</tr>
<tr>
<td>5 Gardening</td>
<td>32</td>
</tr>
</tbody>
</table>
6 Care of Children

Teaching 27
Bathing 52
Feeding 56
Care during sickness 31
Putting them to bed 40
Getting them ready to school 38

The book on "Women's Studies : Some perspective"\(^6\) (1986) edited by Maithreyi seeks to throw light to the paradigms which are necessary to be incorporated in the social sciences. This book is based on the workshop organised by the S.N.D.P Women's University. The Central themes covered by the Workshop are (1) how women's studies can lead to understanding of the place of women in our society (2) how this can build up an awareness of the social processes that inhibit or enhance women's potentialities, the extent of oppression and subordination and their reasons, evaluation of the strength and weaknesses in the system and women's responses to their situation. The book emphasises the need for women's studies and action programmes in the curriculum, commitment of teachers and students and their innovativeness which would lead to restructuring of women's status. Since the first National Conference on women's studies in 1981, incorporation of women's issues in the curriculum has been seriously considered. Later at

the meeting of experts on women's studies and social sciences organised by UNESCO in 1982, it was specified that the major task of women's studies to make women visible in the curriculum, also should be taken that they are not misrepresented or mystified. Women studies have to start with the gender discrimination prevailing in the societies.

Bennet and Kassarjian (1987) in their book 'Consumer Behaviour' explained that the most influential group in the consumption behaviour pattern of an individual is the family group. They found that typically men have the role of "bread-winner", the decision-maker on the purchase of tyres, batteries, power lawn-mowers and power tools etc. Women generally take the roles of cook, house keeper and decision-maker on household items. In homes it is the housewife who chooses most products and brands.

Lakshmi Devi (1988) in a case study of Wynad District in Kerala, with reference to tribal women, revealed that 94.2% of the women were not bothered about issues of "Sexual equality" and "Gender Justice". For them, gender hierarchy was "God-decided" and that no human being could break it.

"Women and Men in Management" is a book written by Poweil in 1988 in which the author revealed that since 1960s organisations have been under legal pressure to refrain from sex discrimination.

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and to counteract the effects of discrimination. The reasons for the two types of inequality were the uneven distribution of men and women across occupations and jobs within organisations. Other factors such as education, interests, aspirations and qualifications also play a role.

Neera 68 (1988) in her book on "A Decade of Women's Movement in India" which is a collection of papers presented at a seminar organised by S.N.D.T University, Bombay covered the development of women's movement from east to west and north to south of the country. Indira Jaising in her article "The Legal Structure" evaluated the development of law relating to women during 1975-1984/85. She criticised the disappointingly orthodox attitude of women's organisations in India when the Marriage Laws Amendment Bill was introduced in the Parliament. They opposed the bill saying that the divorced woman would be looked down on by the society resulting in the premature death of the bill.

The author pinpointed the fact that the traditional and oppressive beliefs should be rooted out to uplift women from their doomed state inspite of the Equal Remuneration Act (ERA) 1976, Family courts Act 1984, Dowry Prohibition Act 1984 etc.

'The Status of Women Requires Greater Attention' by Sumati 69 (1991) is an article which examines the quantitative dimension of the need for improvement in women's status as it is


reflected in the 1991 census results. The 1991 census results in respect of women's literacy are encouraging while the trend regarding sex ratio is quite disturbing. Among the states, Kerala is the only State with sex ratio favourable to women which was raised from 1.016 in 1971 to 1.040 in 1991. The better position of women as well as the out-migration of males are the factors behind this fact. The female literacy rate has improved by 10 points during 1981-91 in almost all the major states. Therefore we can say that the relative position of women has improved during 1981-91.

'Consumer Awareness - A Survey'\(^7^0\) (1992) was based on the study conducted in Hissar district of Haryana for measuring the consumer awareness among 50 women randomly selected. It was found that 10 per cent of rural and 78 per cent urban respondents were aware of ISI marks. It was really disturbing to note that about 90 per cent of the rural respondents were ignorant about all their rights as a consumer and only around 60 per cent of urban respondents were aware of their rights as consumers. The results of the survey revealed that nearly most of the rural respondents and 90 per cent of the urban respondents have never heard of consumer protection laws, while 2 per cent of the rural and 10 per cent of the urban respondents were aware of the COPRA, 1986. The authors suggested that there is an urgent need to educate consumers as to their rights and responsibilities through simple and effective means of communication.

Rajkumari71 (1992) has thrown light to the pressures and discriminations to which women have been subjected and has stressed the need to change this situation through women's studies. It is a collection of essays concerning the various development aspects of women, such as education, employment, management etc. Sulochana Sekhar opines in her article 'Educating Women' that the actual work of women's education should begin with the community which in turn enriches the community itself. The physical, legal and spiritual development of women is inevitable for the upkeep of our culture, arts and erudition which would burnish bright for ever.

Moreover women as consumers play a major role in the market place. They should learn to fight for their rights and should make use of the Consumer Dispute Redressal Agencies which can help them for redressing their complaints. Women should be assertive to take action against defaulters at the time of pre-purchase, purchase and post-purchase levels.

'Social and Economic Dimensions of Women's Development' edited by Chetna72 (1992) contains articles, papers, discussions and excerpts on selected aspects of women and development in this modern world of change and progress. The book contains the report of the seminar on 'Another Development with women' held in Dakar, Senegal from 21 to 25 June, 1982 which was organised by the


Association of African Women for Research and Development (AAWORD/AFARD) and the Dag Hammarskjold Foundation. It revealed the basic facts established by the United Nations World Conference of Women. While women make up 50 per cent of the world's population and constitute one third of its work force, they put in nearly two-thirds of the world's total working hours while receiving only one-tenth of the world's income and owning less than one hundredth of the world's real estate. This shows the unjust situation prevailing in the world which should lead to an attempt to reconsider the existing economic and social systems and to promote the status of women all over the world. In the article 'Women and Education in Islam - A study of the Muslim Women in an Urban Setting' the author describes the discrepancy between the idealised concept of women and their real life situations among muslim women. As a result of socio-cultural and economic discriminatory practices, women were denied equal access with men to opportunities for personal growth and social development in education, employment, marriage and family, professional and political life. An important step to improve the position of women amongst Muslims is to break the vicious circle of poverty and high fertility; but the immutability of Islamic social codes in India acts as barriers in the advancement of education of women. Legitimation for the advancement of modern education of women in Islam should emerge from the social structure of this community in India.
The book 'Socio-Economic Backwardness in Women' written by Indita and Neelam (1987) is a study based on the survey on the women particularly on the women of Bhagalpur in Bihar, who came under Adult Education Programme, is one of the progressive attempts of the Government to raise the status of women. This study aims to throw light on the emancipation of women by classifying the indices of Socio-Economic status into social, educational, economic and other indicators. The social indicators are caste and class, rural - urban background, marital status, size of the family and occupation. The economic indicators for backwardness in women are income nature and type of expenditure, service orientation and government since the social and economic indicators are overlapping it is very difficult to segregate them into watertight compartments. The analysis of the study reveals the following:

1 By caste and class women of lower strata are more backward and majority of them are below poverty line.

2 The greater involvement of women with the household affairs suggests that the role of housewife is more important. The employed or working women have 'a say' in their family and they are looked upon as 'Something and not as 'nothing'. Even if they are employed or highly educated it is their duty to manage the house.

The impact of voluntary organisations would be more fruitful if they provide 'legal' and 'functional' literacy to women.

The social status of lower class women is not affected by their marital status and due to urbanisation the women of lower class have been succeeded in improving their social status.

The unrewarding household activities and poor conception of time also contributed to the socio-economic problems of women of lower strata. Therefore household activities of women should get full recognition and should be paid minimum wages for it and the women should learn the techniques of time savings for structuring of daily routine.

Nehal (1993) in his article "Drums, Donkeys and Women?" gives an insight into the mental state of passive resignation against wife battering. In all societies family is considered as one of society's most sacred institutions and within the family, the wife is a pivotal component. In a country like India where violence against women is now recognised as a crime by society and the Government and responsible citizens, why don't women seek a way out? According to the theory of Learned Helplessness the occurrence of some events in a battered women's life would lead to helplessness and poor self image in her. She begins to believe that she cannot escape abuse and have only themselves to blame.

Saraswati (1993) based on her studies "Social Justice for Women" has pinpointed the factors responsible for the gap between the enactment and enforcement of social legislation for women. The factors were identified as economic dependence of women and (2) their legal ignorance. Research on the effectiveness of laws dealing with welfare of women also demonstrated their non-implementation and continuing exploitation of women. Social status of women could be considered as the typical example of the gap between the status and roles, provided by the constitution and laws, and the status and roles imposed by the social traditions. The deep-rooted traditional values and norms posed a tough resistance to the implementation of laws, creating many problems and challenges.

Fundamental changes in the social system are required to counter the effects of established double standards applied to females which have contributed to the exploitation of women. The author has called for the beginning of efforts to bring gradual changes in our deep-rooted traditions because a miraculous change overnight cannot be expected.

Our efforts should be directed towards

1. Alteration of social legislations which are contradictory and confusing encouraging women's participation in organised efforts for successful implementation of laws.

2 Education for women in order to teach them about their legal rights and providing legal aids to women to fight for their rights.

3 Adherence to social laws should be added as a clause to the conduct rules of government servants.

4 A proper system of inspection should be evolved by the Government to safeguard women's rights.

5 Voluntary Organisations should be entrusted with the enforcement of social laws.

6 Financial independence for girls could be ensured by parents by giving them a share in their property.

7 The media can educate and prepare the masses to accept modern values of social justice-equality and liberty.

'Focus on Women', an article written by Suneeta 76 (1993) maintained the need for women's welfare for family welfare. The author says, life begins with women every where. In our family welfare programme the parameters are directly linked with female literacy and age at marriage of the female. These linkages reflect in the growth rates of some states in India. The health of the family is enhanced when women gain participation in decision-making in the family. But the female in the Indian

sociological framework is seen in the traditional role-loving, sacrificing, giving up her requirements for others—in the family. We need to inculcate a tendency in woman to look at her interests as an individual. Our focus should be on the girl child to prepare her for tasting the fruits of development in a free, healthy and happy country. In a vast country like India with 15 languages and 400 dialects spread from Kashmir to Kanyakumari and from Kutch to Kamrup, this is a formidable task.

The issues regarding the anti-women clauses in the insurance policy are highlighted in "Life Insurance—A Consumers Handbook".

Before nationalisation of life insurance the insurers were charging extra on female life. Subsequently it was decided to issue policies at ordinary rates only to women with earned income charging extra premiums for others. The reasons put forward are:

1. Women are exposed to hazards with child birth
2. As many women do not have income of their own there is no loss of income due to the death of a woman
3. Medical examination may not reveal past illness effectively
4. Deaths of women due to presumably dowry problems.

It is surprising to note that the LIC excluded female lives from eligibility to term insurance till the intervention of the CERC, Ahmedabad, a voluntary Consumer Organisation.

Another case of sex discrimination by LIC was unearthed in HERS and Manjulaben Parmar Vs LIC where the claims of the widows were denied on technical and legalistic grounds for which LIC was guilty of lack of good faith and fair dealing.

In CERS and Virbalaben Vs LIC it was decided that the first pregnancy risk exclusion clause should be waived.

Another anti-woman condition of contract is that for double accident benefit a woman should die in a public place. It was on the rigid assumption of LIC that Indian husbands kill their wives for insurance money.

This sex discrimination was brought to light due to the intervention of the consumer Education and Research Centre. Thus women are at the receiving end of injustices in every phase of their life. Obviously VCOs and Women's Organisations can come to their aid. In the case of Jyotiben Patel of Bhilod Taluka Kalol the assured sum of Rs35,000/- by way of double accident benefit was rejected because her husband did not die within 90 days of the dog-bite but managed to die only on the 92nd day. With the dogged pursuit of CERC, Ahmedabad the LIC paid her Rs. 35,000/- but the LIC has still not struck down the condition in the contract. Another anti-woman condition of the LIC contract is that a woman should die in a public place. If she dies at home, on the staircase or in the bathroom, the double accident benefit available in case of male policy holder will not be available to a female policyholder. This is on the assumption that the Indian husbands and in-laws kill wife or daughter-in-law for insurance money (Kashmiraben Vs LIC).
These are the clearcut examples of discriminatory practices exercised by the Government agencies. Moreover, women were excluded from the eligibility to term insurance and they should have first class family and medical history and must be working with Government, Semi-Government or Commercial firms of Repute. These restrictive conditions, are questionable in the redressal agencies as restrictive trade practices.

Edison\textsuperscript{78} (1994) in his research on "Social Stratification and Consumer Behaviours in Kerala - A Study with Special Reference to Consumer Durables" found that the wife is the need identifier in the case of furniture and cleaning devices. Social class-wise analysis relating to need identification revealed that in upper class families the female head of household is the prominent need identifier. The purchaser-role in the purchase of consumer durables is taken by both husband and wife.

Joshi\textsuperscript{79} (1994) based on her studies on 100 employed women with one school-going child from Haryana State working women according to their age, education, income and type of personality concluded that more research is needed to be done in this area so as to draw generalisations related to the role of women in decision making and their participation in various activities related to family life and the variable related to these aspects. She noted high percentage of the employed respondents irrespective

\textsuperscript{78} Edison J.C., "Social Stratification and Consumer Behaviour in Kerala - A Study with Special Reference to Consumer Durables" - Ph.D Thesis, Cochin University of Science and Technology, Kochi, 1994.

of their age, education, income and personality playing a dominating role in decision making and less participation in various activities related to family life, because employment must have brought them higher status in the family and freedom of decision making. Uma also noticed significant differences in the extent of participation of the employed woman in sundry activities - education of children, saving, health and family planning and job related - middle age group women participating less. Significant differences were found in the extent of participation in testing activities - time, religions, equipment and vehicle - in relation to their level of education. As the education level increased level of activity was reduced.

Despite the dearth of literature elicited in this chapter it is clear that research studies on the subject consumer protection - regarding the working of CDRAs, Voluntary Consumer Organisations and the role of women in consumer protection - are pathetically lacking.