CHAPTER II

REVIEW OF LITERATURE

2.1 Introduction

2.2 Review of Foreign Literature

2.3 Review of Indian Literature
2.1 INTRODUCTION

This chapter makes an attempt to analyse the past studies relating to the research on consumer problems and the mode of redressal for consumer grievances. The previous literature is reviewed so as to understand the extent to which the grievances of the consumers have been redressed. This study also aims at providing a new insight into the areas which have not already been touched.

The studies undertaken in the area of consumerism and consumer protection abroad and in India by the researchers are many and varied in nature leading institutions and voluntary organizations. Major studies relevant to the subject are classified into the following:

(i) Studies in Foreign Literature.

(ii) Studies in Indian Literature

2.2 REVIEW OF FOREIGN LITERATURE

Mohammed Solaiman and A.R. Belal (1970) have conducted a study on “Protection of Consumer’s Rights in Bangladesh: Issues and Challenges” in which they examined the process of consumers’ protection in Bangladesh. The measures/mechanism used for the protection of consumers’ rights, have been discussed in detail. A questionnaire survey was carried out to assess the effectiveness of the measures/mechanisms. The results indicate that ‘legal protection’ and ‘role of consumers’ groups’ play a satisfactory role to protect consumers’ rights in Bangladesh while other measures seem to be ineffective. The study makes a number of recommendations for the
development of a healthy consumer culture in Bangladesh. The paper concludes by emphasizing that a coordinated approach is required to solve the problem of consumer exploitation in Bangladesh. In this regard, all the concerned parties, such as consumers, marketers, manufacturers, policy makers, government, voluntary organizations and press media, should take a pro-active role to help the development of consumerism in Bangladesh.

Robert O. Herrmann² (1970) in his article, in which he analyses the causes of the current wave of consumer unrest, goals of consumer protest groups, and the way in which they are organized and supported. He also examined the consumer movement of the 1960s and compared it with the consumer movements of the early 1900s and the 1930s. The analysis suggests new answers and a basis for predicting the future course of consumerism.

Richard H. Buskirk and Rothe³ (1970) have analysed the forces underlying the present upsurge in consumer activity and some of the dangers of the remedies proposed by some consumer advocates that heretofore remained unexamined. Implications of the consumer movement for corporate policy are discussed and definite recommendations are made on what corporations should do in the current situation.

Louis L. Stern⁴ (1971) conducted a study on “Consumer Protection Via Self-regulation” in which he has analysed the roles of government, business and consumers in consumer protection. He also discusses the limitations of government and business in consumer protection efforts. He also raises the question of whether self-regulation can or should deal with social issues.
Hiram C. Barksdale and William R. Darden\(^5(1972)\) have conducted an exploratory study in which they used a national sample of consumers to determine consumer reactions to business policies and practices. Consumer Perceptions of the marketing system and its operation are described, evaluated and used generally to suggest some implications for marketing management. The findings offer great potential to those who are interested in drawing specific implications for their own managerial situation.

Norman Kangun et al.\(^6(1975)\) studied on consumerism have focused on the deficiencies of the marketing system, the specific causes of consumerism, the semantic problem that exists between businessmen and their critics, and the general attitude on the part of consumers to specific marketing activities. The results of the study suggest some implications for the actions of marketing management can take to meet the challenge of consumerism.

Wikstrom\(^7(1984)\) has conducted a study “Consumer Dissatisfaction; Scope and Policy Implication” in which he marked that consumer dissatisfaction is a growing phenomenon, complex and affected by rising consumer expectations and worries as well as by the quality of the supply of goods and services bought. A typology of the buying and the consumption process is presented for analysing consumer problems. Empirical data are used to delineate weak spots in business/consumer relations, which, it is suggested, are as yet poorly appreciated in business circles. Steps that should be taken for better market place relations are discussed.

From the review of the above studies, it can be concluded that a few researchers have made attempts in the direction of the measurement of consumer awareness, the role
of voluntary consumer organization, the consumer rights and responsibility, the complaining behaviour of the consumers and the perception of the working of consumer fora. However, only a limited aspect has so far been covered with respect to the working of consumer fora for the redressal of consumer grievances. Despite the fact that consumer protection is an upcoming area, it has not attracted much attention of research scholars. With a view to bridging this gap, in an area of great social and economical relevance, the present study was undertaken

Norbert Reich²(1996) in his study entitled, “Consumer Protection in Countries of Emerging Markets: The Example of Russia” aims at a preliminary analysis of the RCPA (Russian Consumer Protection Act of 1992) and the ZoR (Act on Advertising of 1995) Russian consumer legislation develops dynamically. It is hybrid in so far as one certainly cannot neglect its transitory character in an economy of change. It is part of the change and instrument for change of the Russian society and economy in the interest of the consumer. Since solutions appear extremely specific and can only be understood as an attempt to deal with the problems of the day. Others are rather innovative, e.g., a positive approach to consumer protection by giving the consumer certain rights which can be enforced by an agency, consumer associations, or individual consumers, the recognition of the specificity of consumer law, a general information obligation of manufactures, sellers, and suppliers, a detailed set of remedies in sale law which go beyond the legal traditions of most BC Member Status as far as the extent and the persons responsible are concerned, strict liability for defective products and services, compensating the consumer for moral hark, the responsibility for consumer protection and advertising by a state
authority with regional offices, namely the SCAP, a group action system tailored to the specific needs of consumer associations. On the other hand, there are certainly some deficits and suggestions from reform.

Peter Cartwright\textsuperscript{9}(1998) in his study entitled, “Corporate Fault and Consumer Protection. A New Approach for the UK” focus many of the prosecutions for consumer protection offences which take place in the UK are against corporations, in particular, limited companies in mind, many of its concepts were inappropriate where the defendant was a corporation. Corporations have, it is sometimes said, “no soul to be damned and nobody to be kicked”. As a result of industrialization and the rise of the corporation in everyday life, legal principles had to be recognized that as well as having the ability to own property, enter contracts and the like, corporations were also capable of committing criminal offences.

The purpose of this article is to examine the ways in which a corporation can be convicted of committing consumer protection offences under UK law. This is a topic which has received considerable attention in recent years, and is one which continues to undergo change. In particular, the article will consider the implications of a number of important recent decisions on corporate liability, and will consider their implications for those concerned with the enforcement of consumer law. It will be argued that the recent case law suggests that a new approach has emerged, but that the extent and implications of this approach, although potentially highly significant, are still not entirely clear.

W. Keith Bryant\textsuperscript{10}(1999) in his study entitled, “Riding the Wave: Consumer Economics and the Consumer Movement in the United States” indicates the development
and current state of the scholarly field of Consumer Economics in the United States in relation to the Consumer Movement and other forces that have impinged upon it. Membership in the American Council on Consumer Interests, the scholarly organization for consumer economists, is used as one measure of the size and health of the filed. Other forces impinging on the field that are discussed include: the baby boom induced increase in the demand for college education, the subsequent decline in the support for higher education as higher education costs rose throughout the 1980’s; the decline in the Federal Government’s support for consumer research and consumer education, and the development of competing organizations.

Klaus Tonner\(^{11}\)(2000) in his study entitled, “Consumer Protection and Environmental Protection : Contradictions and Suggested Steps towards Integration” states that traditional consumer policy, does not meet the requirements of sustainable development. Traditional consumer policy helps the consumer to consume as much as he wishes, whereas sustainability sometimes requires reduction of consumption. The disparity cannot be bridged by attempting to balance out tow fundamentally different policies. Sustainability must be acknowledged as the basis, and consumer policy must be reshaped taking environmental needs into account. The author pleads for the employment of a mix of legal, economic and behavioral scientific means to reach the necessary goals. It is argued that NGOs should play a dominant role in the “greening” of consumer policy.

This paper aims to set out the current policy and strategic context for consumer education and empowerment in the UK, review the role of UK government bodies and other agencies concerned with developments; review recent literature, present the results
of interviews with an extensive range of key stakeholders and the results of a survey of service heads for Trading Standards throughout the UK. It will consider implementation, partnership, resources, ideas and opportunities.

The paper will consider the need for organizations like these to work together to build on these policy developments and ensure that consumer education gains the profile it needs to influence consumer attitudes and behaviour.

Judith Allsop, Kathryan Jones and Rob Baggott12(2000), in their study entitled, “Health Consumer Groups in the UK: a New Social Movement?” highlights that a health consumer movement has developed in the United Kingdom over the last decade. Drawing on two-wheelers empirical studies of groups that promote and/or represent the interests of patients, users and carers, it argues that groups formed by people with personal experience of a condition are now more widespread. Feelings of pain and loss can lead to the identification of others in a similar position, and to the formation of groups and action in the political sphere. Research shows that groups share a common discourse and follow similar participative practices, and there is extensive networking. Informal and formal alliances have formed to pursue joint action and indicate a wider health consumer movement. As a governments have also increased the opportunities for participation, this has the potential for patients and carers to shape services in ways more responsive to their needs.

Pamaria Rekaiti and Roger Van den Bergh13(2000) in their study entitled, “Cooling-Off Periods in the Consumer Laws of the EC Member States – A Comparative Law and Economics Approach” stated that lawyers rend to see cooling-off periods in
consumer laws as a remedy for the problems caused by unequal bargaining power between sellers of goods and consumers. This article takes a different approach and argues that cooling-off periods can be seen as efficiency-enhancing devices. From an economic point of view, cooling-off periods provides a remedy for irrational particular problems caused by situational monopolies and asymmetric information. In spite of these important benefits, the economic approach also warns against possible disadvantages. The latter range from a moral hazard problem on the side of the consumer to the adverse counter-productive effects of cooling-off periods. A legislator who is informed by economic analysis may design cooling-off periods in ways that maximize their ability to cure inefficiencies and at the same time minimize their potential detrimental effects. Unfortunately, the relevant EC Directives and the current consumer laws of the Member States are not in perfect harmony with an efficiency enhancing-approach.

Robert Sommer and Carla Field14 (2000) in their study entitled, “Consumer Protection Programs in Food Co-operatives” focuses food co-operatives have played a vanguard role in consumer protection through (a) information and education, (b) selective merchandising and boycotts, and (c) political lobbying. While education and selective merchandising benefit primarily their own membership, the political efforts have benefited all consumers.

Madeleine de Cock Buning, Ewoud Hondius, Corien Prins and Marc de Vries15 (2001), in their article entitled “Consumer @ Protection. EU. An Analysis of European Consumer Legislation in the Information Society” highlights the Internet and electronic commerce have emerged as the emblems of a worldwide virtual economy. Although it is
yet difficult to grasp all the repercussions of the borderless world of the Internet, it is certain that to shop in this world is different from shopping in the world as we knew it ten-years ago. Obviously, the new developments affect the traditional framework of European and national consumer law and the perspectives that underpin this body of law, for most consumer law was established at a time when the Information Society was an unknown phenomenon. Underlining the importance of this issue, the European Council asked the Commission to examine existing consumer law in the community in the light of the new conditions created by the Information Society and to identify potential problems and loopholes.

David Morris and Maha Al Dabbagh\textsuperscript{16} (2002) in their study entitled, “The development of consumer protection in Saudi Arabia” focuses the development of consumer protection in Saudi Arabia of a number of reasons. First, Saudi Arabia presents a unique combination of size, stage of development of the economy and wealth, coupled with strictness of Islamic observance. Second, consumer protection in the Saudi context has received very little attention from researchers. Despite the richness of Islamic teachings on the conduct of business and trade, very little has been written financial markets and consumer credit and monopoly. This article briefly explores the background to the emergence of consumer protection in Saudi Arabia. Consumer credit and financial markets are excluded from the discussion. Islamic (Shari’ah) law is analyzed as a basis for the regulation of consumer affairs, this system of law is then compared in its major outcomes for consumers with legal systems in advanced Western economics. The development of secular commercial law during recent times in Saudi Arabia is also
considered as a parallel development to those in Shari’ah. Both strands of development are then set in the context of Saudi Arabia’s 5-year development plans and the changing position of consumer policy issues is tracked through successive plans. The institutional location of consumer policy within the Saudi government system is discussed before finally considering the changing nature of the Saudi consumer and the possible future for consumer protection in the country.

Liz Meerabea\textsuperscript{17}(2002) in his study entitled, “Consumerism and health care: the example of fertility treatment” discusses the concepts of consumerism and the consumers of health care, and applies them to the example of fertility treatment, drawing on the health policy literature and data from a study of couples undergoing fertility treatment. It is argued that the concept of the consumer is a slippery one, that it provides only a partial view of being a patient, and that in particular it neglects emotional issues.

Jens Karsten and Ali R. Sinai\textsuperscript{18}(2003) in their article entitled, “The Action Plan on European Contract Law: Perspectives for the Feature of European Contract Law and EC Consumer Law” focuses the impact of the measures on the future of EC Consumer Law and European Contract Law, and treat certain questions relating to the conflict of laws. It is also hoped that the article will acquaint the new reader with some of the (mainly) recent discussions in English and French on the subject matter from different jurisdictions.

Outi Unsitalo and Reetta Oksanen\textsuperscript{19} (2003) in their study entitled, “Ethical consumerism: a view from Finland” deals with business ethics and corporate social responsibility have gained more attention in recent years. However, the consumers’
perspective on ethics is still a little researched area. This study reports a survey (n=713) on the views of Finnish consumers about ethics in trade. Consumers’ willingness to promote business ethics as well as the obstacles to ethical consumption are investigated. The results of the study show that while the majority of the respondents regard business ethics as important, this attitude does not translate into their choice behavior. Consumers are uncertain about which products and firms follow ethical rules and which do not. The most important obstacles to ethical consumption were difficulties in obtaining information, problems in product availability and high prices of ethical products.

Martin Coppack and Carol Brennan\textsuperscript{20}(2003) in their study entitled, “The case for educated UK consumers: the National Consumer Council’s consultation on consumer education” stated that Consumer education is an integral part of the consumer empowerment mix. Over recent years the importance of consumer education as vital tool for protecting consumers and making them better informed has been increasingly recognized in the UK. As part of the developing policy debate in the UK, the National Consumer Council (NCC), one of the key consumer champion bodies, has been arguing the case for a national strategy for consumer education. In order to establish whether a national strategy was needed and, if so, how a strategy could be structured and introduced, the NCC carried out a national consultation. In excess of 100 responses were obtained from a very broad range of organizations. This paper provides a review of the secondary data gathered for the NCC research. It was found that although there are many organizations and networks involved in consumer education in the UK, it lacks focus, is fragmented and is not efficient or coordinated. The research highlighted a need for a
strategic approach to place educated and empowered consumers at the heart of the marketplace.

Jeanne M. Hogarth and Maureen P. English\textsuperscript{21} (2004) in their study entitled, “Consumer complaints and redress: an important mechanism for protecting and empowering consumers” explores a consumer complaint programme as a tool for empowering consumers, using the consumer complaint programme of a United States Federal Agency as a case study. After describing the structure and role of the Federal Reserve System (The Central Bank of the United States) in handling complaints, the paper follows a complaint through the System, looks at trends in complaints and provides a profile of economic impact of complaint resolution and consumer satisfaction with third-party complaint investigation.


Nevertheless, the European Commission and the OECD increasingly argue that the Hungarian Office of Economic Competition should pass its competence in consumer related cases to another institution and instead pay more attention to more prominent fields of competition law such as horizontal agreements and mergers. This article will contest this argument. Although it is an understandable approach, there are several
reasons why it should be carefully reconsidered. These include the position of consumers, which is still weak, the general system of consumer protection in Hungary, and the strong standing of the Office for Economic Competition. The comprehensive nature of Hungarian Competition Act of 1996 is one of the cases in which the European guidelines should be considered with caution in order to determine whether their implementation would improve or damage a system that already functions well.

Sinai Deutch\(^2\) (2004) in his article entitled, “Consumer Class Actions: Are They a Solution for Enforcing Consumer Rights? The Israeli Model” which focuses class actions were introduced into the Israeli legal system in order to overcome the difficulties in the enforcement of consumer laws. Despite extensive consumer legislation during the 1980s, consumer laws were not enforced until the mid 1990’s. Only since the incorporation of class action become more common. The introduction of class actions under the Consumer Protection Law (CPL) led to a revival of consumer protection law. As a result, legal discourse in the field of consumer law has completely changed. Nonetheless, even after 1994 more than 90 per cent of class action applications were dismissed at the early stages. This paper analyses the reasons for the poor results of this procedure, and suggests reform by amending the CPL. The conclusion presented in this paper is the consumer class actions have great potential, but that their correct implementation depends on a better understanding of the purpose of consumer legislation.

Haluk Emiroglu\(^2\) (2004) in his study entitled, “Foods products using biotechnology : how does the law protect consumers?” addresses the following subjects:
biotechnology and consumers, concern about risks, consumer acceptance, labeling of foods produced using biotechnology, the legal approach to consumer protection, and consumer protection policies relating to biotechnology products in the European Union, the United States, Turkey and global institutions such as the Convention for Biological Diversity (CBD) and the World Trade Organization (WTO). It is likely that biotechnology will gain ground much more rapidly in the twenty-first century than in the past. Despite rapid, detailed and precise advances in gene technology, its applications, have not been the received with a great deal of consumer enthusiasm. Consumers have approached genetically modified foods with considerable apprehension and opposition. Consumer concerns about bioengineered food products focus on the questions of human health, environmental and social risks and benefits. The most important stages in the process of marketing new foods produced using biotechnology are to demonstrate user need and consumer acceptance. Generally, the technical complexity of biotechnology makes it difficult for consumers to understand details of the product and the specific attributes of biotechnology applications. Scientific uncertainty, the nature of consumer concerns and general reluctance to accept biotechnology products, increase the importance of consumer protection. Legal protection is a very important factor in the solution of new social problems related to technological advances. More specifically, consumer and environmental law support consumer protection related to foods products with biotechnology. The basic principles of consumer law can be re-formulated as consumer rights. Environmental law is a new phenomenon, but precautionary principles and public participation in decision-making for environmental law are relevant to consumer protection relating to bioengineered food products.
Carol Brennan and Katrina Ritters (2004) in their study entitled, “Consumer education in the UK: new developments in policy, strategy and implementation, Sociology of Health and Illness,” stated that consumer education is an integral part of the European Community’s Consumer Policy. It plays a key role in consumer empowerment, helping consumers gain the skills, attitudes and knowledge they need to be able to gear the choices they make as consumers to their economic interests and to protecting their health and society. In its policy statement the Directorate General for Health and Consumer Protection states that the European Community is aware that joint measures at national and Community levels should be more structured, in order to achieve maximum effectiveness.

Carole J. Makela and Selinah Peters (2005), in their study entitled, “Consumer education: creating consumer awareness among adolescents in Botswana” stated that senior secondary schools’ students in Botswana were studied to determine their awareness of consumer rights and responsibilities and their perceptions of consumer behavior and consumer education teaching in Botswana as well as other secondary education programmes. A questionnaire suitable for this study was used to collect data. Responses from 3107 students were received. Descriptive statistical analysis was used to determine frequencies and central tendencies. Chi-square tests were computed to examine relationships among variables by gender, class level, and school location. Two-thirds of the students were more likely to identify consumer rights and responsibilities than males. Students agreed that they were informed on consumer issues and Females were more likely to be informed than males. Topics identified to be taught in consumer education
included consumer rights and responsibilities, purchasing decisions, advertising and others. The delivery methods identified were classes in school, workshops, radio and television programmes, and consumer youth clubs. Consumer education programmes were found to have an impact on adolescents because most of them were aware of consumer rights and responsibilities and acted as informed consumers on most consumer issues.

Norbert Reich²⁷(2005) in his article entitled, “A European Contract Law, or an EU Contract Law Regulation for Consumers?” focuses the initiatives of the EC Commission to create a set of instruments for advancing a European Contract Law, in particular “common frame of reference.” This paper analyses the reasons for the poor results of this procedure, and suggests reform by amending the Consumer Protection Law. The conclusion presented in this paper is that consumer class actions have great potential, but that their correct implementation depends on a better understanding of the purpose of consumer legislation.

2.3 REVIEW OF INDIAN LITERATURE

The major studies conducted in India are further classified into three headings such as studies pertaining to Consumer Awareness about Consumer Movement, Consumer Voluntary Organizations, Consumer Protection Laws, Consumer Complaining Behavior and The functioning of Grievance Redressal Agencies.

A study conducted by D.A.R. Subramaniyam, et al.²⁸ (1982) establishes the fact that there is a need for consumer organization and consumer councils. The study comes
out with the conclusion that nearly 66 per cent of the consumers have taken initiative by themselves rather than looking for somebody else to rescue them.

S.N. Singh (1987) in his article “Consumer Protection Legislation – A Critique”, has presented a critical analysis of the consumer protection legislation in India. He explains the various laws, which protect the interest of consumers, their scope, provisions and procedures and effectiveness of enforcement. He concludes that the legislation in India is failing in safeguarding the interest of the consumer in almost all areas.

“Consumer Protection Legislation – A Critique” is a study by S.N. Singh (1988) which throws much light on the provisions of various consumer protection laws in India. The scope and ambit of different laws and the powers and functions of various authorities have been discussed in detail. The author has highlighted the difficulties in the implementation of the provisions of the MRTP and the COPRA, 1986.

Kochadai (1989) in his study “An Evaluation of Consumer Awareness,” has analysed the extent of awareness of the consumers towards the Consumer Movement in Madurai City. The findings of the study showed that while only 46.7 per cent of consumers were aware of their rights as consumers, 52.5 per cent were aware of the CPA measures, 42.5 per cent knew about the statutory bodies set up under the CPA and a mere 3.33 per cent had ever approached any consumer organization. He concluded that the extent of awareness of the consumers of the consumer movements is qualitative in character and hence it cannot be measured directly in quantitative terms. There is no fixed value or scale, which will help to measure the awareness. But the awareness has
been studied with the help of their responses to various questions given in the questionnaire.

On analysing the changing profiles of consumer complaints, Manubhai Shah\textsuperscript{32} (1989) has observed that the complainants were more conscious about the end result of their complaints. Moreover, one qualitative change noticed was that the complaints had come not only from individual consumers, but also from industrial and commercial organizations. The complaints largely pertained to services, supplies and refund of deposits.

Srinivasa Narayanasamy\textsuperscript{33} (1989) undertook a study entitled, “Consumer Education /Academic Curricula”. He reveals that consumers are the largest economic group in the country and they are the centres of all economic activities. He mentions that the consumers at present do not have even the kindergarten level of consumer education. Unless the consumer is educated on national priority basis like family planning, his protection will be a far cry.

N.P. Srinivasan and Sakthivel Murugan\textsuperscript{34} (1990) have enumerated the typical ways in which consumers are misled and cheated. They also emphasized the importance of the consumer organizations in India, in creating awareness and in protecting consumers. In an underdeveloped and developing country like India, consumer is a king without the Privy Purse. Adulteration has become a common practice. This practice has taken the lives of many innocent consumers. The situation has called for a number of government measures and greater consumer awareness. In addition, a number of voluntary consumer organizations have come up in order to protect the interest of the
consumers and also to educate them regarding their fundamental rights. They concluded that consumer legislation has not fully succeeded in curbing the exploiters. Hence, a lasting solution lies in self – protection by consumers and the effective voluntary consumer organizations. They suggested that consumers and voluntary organizations should make a joint effort to solve the problems confronting consumers.

In a study “Extent of Consumer Awareness Towards fraudulent Practices used by the sellers of Household Appliances” by Zend and Murali35 (1990) have assessed the extent of awareness of Consumers of various fraudulent practices used by manufacturers and retailers of household appliances. The findings of the study was that a large number of consumers were highly conscious of the fraudulent practices in the appliance market and the extent of awareness of consumers did not differ significantly with varying groups of personal characteristics.

M. Rengasamy36(1992) has examined the various possible forms of exploitation of consumers by manufactures and traders and the current state of laws relating to the problems of consumer protection against exploitation. Finally he has made a valuable suggestion to enhance consumer protection.

Shrinivas Gupta37 (1992) has opined that one of the reasons behind the inability to change over into a buyers’ market from a sellers’ market is the lack of awareness among the consumers towards consumer rights and consumer protection laws. He has discussed the significance of different acts, which protect the interest of consumers. He has also pointed out the loopholes of Consumer Protection Act 1986.
The efficacy of consumer redressal agencies in Kerala was investigated by Lizzy\textsuperscript{38} (1993) who found that the literacy levels were correlated to the filing of complaints in the consumer forums. The study revealed that the number of complaints received by redressal agencies was high, when the literacy rate was high or almost equal to the state average literacy rate of 89.81 per cent.

A. Saklani and A.K. Dhyani\textsuperscript{39} (1995) have concluded in their study that while 60 per cent of consumers were dissatisfied with the standards of many durable and non-durable goods, only about half of them actually complained. A little over half managed to obtain relief by way of product exchange or refund. Those who did not get redressal made no further attempt to gain justice.

An article entitled, “Recent Trends that Reflect Consumer Protection in India” by P. Sivaprakasam\textsuperscript{40}(1995), discusses the features of the Consumer Protection Act, 1986, the role of voluntary organizations and also explains how legislation and voluntary associations protect the interest of consumers. He identifies the problems in the implementation of Consumer Protection Act and makes suggestions.

C. Gnanadesigan and N. Thanulingom\textsuperscript{41}(1996) have conducted a study entitled “Awareness of Consumer Rights among the Educated” which highlighted the relationship between the educational qualification of Consumers and the extent of their awareness of consumer rights. They identified the extent of awareness of consumers towards consumer rights, consumer protection laws, consumer protection council, and consumer voluntary organizations. They concluded that the success of consumer movement depends upon the consumer’s involvement and Government’s co-operation.
A study conducted by S. Rajamohan\textsuperscript{42} (1996), points out that the shift from “buyers beware” to “sellers beware” has increased the role of the Government in promoting the rights of consumers. Consumers’ awareness is necessary to protect them against exploitation. The ignorance, illiteracy, poverty, lack of information and general apathy of the consumer in India are the main causes for the slow growth of the consumer movement. He concludes that even though there were no adequate mechanisms to deal with this increasing demand, the consumer district courts and the state commission have been functioning satisfactorily since their inception and most of the cases have been disposed of within the time limit. Therefore he suggests that the government should encourage the voluntary organizations to deal with the consumer disputes in order to reduce the workload of the consumer courts.

A survey has conducted by Shivkumar J.Giram and J.G.Sawarkar\textsuperscript{43} (1996) in Maharashtra on a sample of 750 consumers during 1994-95 revealed that while a majority of the respondents (51\%) was totally ignorant of the Consumer Protection Act measures, 49 per cent of the respondents was unaware of the Consumer Forum set up under the act and 54 per cent of the respondents did not know how to file a complaint. It was also found that 37 per cent of the respondents did not insist on the purchase bills and so on. He concluded that consumers are generally victimized in market by misleading trading activities. But they do not raise their voice against these because of lack of awareness of Consumer Protection Laws and the lack of knowledge regarding the availability of redressal machinery established under the Consumer Protection Act. He suggested that different consumer education programmes should be arranged for different
classes of people by voluntary consumer organization, Government and other social welfare institutions.

An article captioned, “Consumer and his Rights” written by K.P.K. Unni (1996) describes the meaning of consumer and goods, under the Consumer Protection Act. He has explained different rights of the consumer and their enforcement.

S. Ramesh Kumar (1997) has conducted a study to examine the exercise of consumer rights and responsibilities. He observed that consumer expectation is belied and ordinary consumers do not possess the skill and competence for selecting quality consumer goods at reasonable price.

In his study, Atul Kumar Dhyani (1998) found that product discontentment among consumers was quite high. Only five out of ten dissatisfied consumers filed complaints and out of these only three were provided any relief. Where virtually no relief was provided, the consumer did not pursue the complaint any further and none at all went to court. His study also revealed that consumer awareness regarding consumer protection laws was disappointingly low.

R. Arora (1999) has carried out a study entitled “Consumer Protection through Voluntary Consumer Organizations” to evaluate the nature of functioning of the organizations with the basic purpose of analysing critically the extent of awareness and the functioning of the voluntary consumer organizations. The analysis of the result shows that 95 per cent of these organizations was registered, 62 per cent of them was headed by retired social workers, 76 per cent of them was found operating only in the urban areas, 48 per cent of them were affiliated to various national / international
agencies, and only 30 per cent of the organizations had utilized the funds from the state. This study also highlights the problems faced by these organizations. He recommends that the consumer groups need to be expanded and professionalized and the government had to come out with more concrete funding proposals to enhance the movement.

Asha Nagendra\textsuperscript{48} (1999) undertook a study entitled “Consumer Protection – An Analytical Study on the legal and Institutional arrangements for Protection”, in Poona to identify the loopholes in the administration of machinery and suggested ways and means to strengthen them. His study reveals that the apathy of the consumers is the major bottleneck in the growth of consumer movement. He also points out that the characteristics of Indian consumers are the main causes for untrade practice in India.

S. Rajamohan\textsuperscript{49}(2000) has studied the origin and development of the consumer movement, the organization of the consumer disputes redressal forum and the awareness of the consumers towards consumer protection. He has found that the lack of awareness of their rights, hesitation to file a complaints, unsatisfactory functioning of voluntary consumer organizations, delay in disposal of complaints, difficulty in the execution of orders are the major problems in the enforcement of the consumer protection laws.

K. Ramakrishnaiah and C.Siva Rami Reddy\textsuperscript{50} (2000) conducted a study to evaluate the functioning of the District Consumer Forum in protecting the interest of the consumers from the business malpractices. They examined the organizational structure of the Consumer Disputes Redressal Forum and analysed the number of cases filed, disposed off and pending, The findings of the study revealed that (i) A majority of cases had been dismissed due to improper representation by the consumers; (ii) A majority of
the consumers were not aware of the proceedings of the forum; (iii) A majority of the consumers filed cases through advocates; (iv) The working performance of the Consumer Forum has been satisfactory though it was under staffed; (v) Most of the cases were disposed of in favour of the consumers. They concluded that the government and other voluntary consumer organizations should take the necessary steps to inculcate awareness among consumers about the objectives and functioning of the voluntary consumer organization, and consumer disputes redressal forum.

P. Sivaprakasam and S. Rajamohan\(^{51}\) (2000) have conducted a study on “Profile and Perception of the Beneficiaries of Judicial Decisions on Consumer Protection” which shows, to what extent, the consumer had been benefited from redressal machinery and the problems faced in availing of these benefits. The findings of the study indicated that most of the cases were filed against finance companies followed by transport companies. Most of the cases were disposed of beyond the time limit specified in the act, and most of the opposite parties did not appear personally for hearings. The notable attribute in the study was that 40.15 per cent of the respondents did not receive anything even though the decree was in their favour. Finally they concluded that there was no proper execution of decree in the consumer fora.

K.K. Falgunan\(^{52}\) (2001) has tried to evaluate the performance of consumer disputes redressal agencies in the application of the Consumer Protection Act 1986. He has analysed the extent of awareness and the attitude of consumers with regard to Act. He also has analysed the changing attitude of the business community after the enactment of the Consumer Protection Act 1986.
Amrik Singh Sudan\textsuperscript{53} (2002), in his study, “Activating Consumer Movement: A Case Study of Divisional Consumer Forum, Jammu (J&K State)”, has made an attempt to analyse and critically review the performance of the Divisional Forum of Jammu Division. He observes the defects in the functioning of the Divisional Consumer Forum such as slow growth of the number of registered complaints, sluggishness in the disposal of complaints, inadequate emphasis on the Right to information, limited financial jurisdiction of the CDRF, and low compensation for sub-standard products. He offers suggestions to make the consumer movement more effective such as the establishment of regulated markets, mobile consumer courts, voluntary regulation, the establishment of a consumer affairs department. He concludes that the Government had passed several laws to protect the interest of consumers but in practice, they are either not implemented or the consumers themselves do not take recourse to them. There is a need to bring consumerism to the grass root level legally and administratively by focusing first on the availability, purity and pricing of essential commodities.

C. Gnanadesigan and P. Sudha\textsuperscript{54} (2002) have conducted a study to analyse the various factors influencing the awareness of consumers of consumer legislations in order to suggest measures for improving consumer awareness. The results of the study revealed that most of the respondents are aware of the Consumer Protection Act. The researcher concludes that Consumer Protection is an important national problem affecting every section of the society, irrespective of age and education. She also points out that modern society can survive and prosper only on promotion and protection of the interest of the consumers.
Cheena Gambhir\textsuperscript{55} (2002) in his study “Consumer Protection Law and Practice” has examined the Consumer Protection Act, 1986 by analysing the various aspects of the three-tier machinery such as organizational structure, personnel and financial aspects, procedural aspects, performance aspects and consumers’ perceptions towards the functioning of the consumer disputes redressal forum in Chandigarh. The findings of the study revealed that the overall performance is very low (i.e.) the number of cases pending has reached an alarming mark. Out of 15,458 complaints filed only 40 per cent was disposed of during the period in the National Commission, with regard to the State Commission 70 per cent was disposed of out of which 60 per cent was decided after 90 days, more over. Out of the 70 per cent, 32 per cent of the complaints was decided in favour of the consumers, 33 per cent against consumers and as many as 10 per cent was dismissed for non-appearance of either party or 25 per cent complaints was dismissed on technical grounds. Regarding the District Forum 41 per cent complaints was pending.

M. Selvin Marry\textsuperscript{56} (2002) has made a comparative analysis of the awareness and utilization of consumer protection laws. She has offered a few suggestions to increase the awareness in order to facilitate the effective utilization of the consumer protection laws.

A study on “Role of Voluntary Organizations in Bhavnagar District” conducted by H.D. Vyas\textsuperscript{57} (2003) analysed the role of voluntary organizations in the consumer protection movement for evaluating the effectiveness of consumer protection activities. The finding of the study mentioned the barriers of voluntary consumer protection organizations and the problems faced by the consumer organizations.
A survey was conducted by Y. Krishna Mohan Naidu (2004) to study the awareness of rural consumers of the consumer movements and to highlight the awareness of the rural consumers of the cosmetics, banking services, drugs, food products, shampoos, toothpastes, hair oils and after sales services. His study found that the awareness of the rural consumers of the consumer movement is qualitative in character and cannot be measured directly in quantitative terms. There is no fixed value or scale, which will help to measure the awareness.

S. Praveen and P. Purushothama Rao (2004) conducted a study, to analyse the organizational aspects and the functioning of consumer voluntary organizations, problems faced by consumer organizations in order to evaluate the functioning of consumer voluntary organizations and the consumer disputes redressal fora in Hyderabad district. They found that Consumer redressal fora were maintaining proper records and accounts accurately. Most of the cases were disposed of beyond 150 days. The Presidents of the district fora were not appointed in time by the government. The government has not renewed the state consumer protection council promptly. Consumers were not approaching the consumer voluntary organizations before filing the case in CDRF. The Govt. and the electronic medium is not taking active part in educating consumers on their rights and duties. They suggested that voluntary consumer organizations should conduct public meetings, seminars, exhibitions, essay writing competitions and the like to educate the consumers on the effective utilization of the consumer protection act.

The study “An Introspection of Consumer Movement in India” was undertaken by S.B. Sadar and T.U Fulzele (2004) to find out the level of awareness of consumers
regarding Consumer Rights and Responsibilities, Consumer Protection Act 1986, the attitude of Consumers towards the enactment and implementation of the act, the attitude of consumers towards consumers association and the opinion of the respondents about the act in respect of its utility and effect. The finding of the study revealed that there were many misconceptions in the minds of common consumers regarding the legal provisions that protect their interest and rights. Least awareness was found about importance of consumer in market, their rights and responsibilities. A casual approach exists in seeking a purchase proof and various mis-concepts have developed about the status of a consumer. They suggested that there should be a high requirement of consumer education at different levels with the efforts to impart the same with the participation of government, consumer associations, learning institution in the near future.

An extensive survey has undertaken by Shrimant F. Tangade and C.S. Basavaraj (2004), to analyse the level of awareness of educated consumers of the Consumer Protection Laws and to study the satisfaction level by exercising their rights under the Consumer Protection Laws. His study revealed that there is a direct relationship between education and awareness. Most of the educated consumers are aware of the consumer protection laws. Electronic and press media have played a very significant role in creating awareness among the consumers. Most of the consumers are satisfied with the application of consumer protection laws. Finally he suggested that the government should take serious efforts to increase the level of awareness of consumers of consumer rights and laws by conducting various programs in rural areas targeting the illiterate masses and also to provide them better opportunities to make use of the benefits extended to them under various Consumer Protection laws.
P. Sivaprakasam⁶² (2004) has made an attempt to highlight the salient features of the Consumer Protection Act of 1986 and the amendments made to the Act in the year 2002, and the practical difficulties encountered in the implementation of the Act and prospects for the consumers through legal measures. His finding revealed that (i) the existence of Consumer Protection Act was known only to 45 per cent of the consumers in the rural area and 75 per cent in the urban area; (ii) the consumer fora established by the government under the act were not known to 45 per cent of the people in the villages and 25 per cent in urban areas. It is, therefore, imperative that, besides legislation, the consumers should understand their duties and responsibilities in making use of the legal aids, which are available to them in exercising their rights.


**Research Gap**

Many number of research studies have been undertaken periodically on the consumer problems. But sufficient and in-depth studies are not identified in these matters. There is a wide gap in the matters relating to consumer studies. The present need of the hour, is to find out the areas of consumer studies, which are not touched. To fill up the gap constructive and suggestive studies are needed.
REFERENCES


