CHAPTER VIII

SUMMARY AND FINDINGS
The aim of this chapter is to appraise critically various issues of emerging consumerism in India, rather findings which are lacunal in nature with possible remedial solutions.

It is not too long ago that consumer movement made its debut in the country. The adoption of the consumer protection programme by the Government as a policy is no doubt a shot in the arm of the consumer. But mere declaration of the policy is not enough. The consumer has been disadvantaged in relation to the manufacturer, the distributor, the stockist and the retailer of goods all through. He has been equally disadvantaged in relation to the supplier of services irrespective of whether the services were supplied by the public or the private sector.

The Indian consumer eats food that is adulterated, drinks water that is contaminated and breathes air that is polluted. He is exposed to 'Kesri dal' that causes paralysis, artificial food colouring that damages the liver, bread whose shelf life of 72 hours has expired and drugs that are banned in the developed countries. Many of the goods he uses, like LPG cylinders, electrical appliances and motor vehicles are hazardous to human life and safety. He pays high fares for dirty railway compartments and dirtier toilets and pays rent for the telephone when it is out of order for months. He uses buildings that are unsafe and roads that are dangerous with no pavements to walk on. The post does not reach him in time. Perhaps his biggest bane is the government, which provides woeful services in the fields of electricity, public transport, communication, banking and public health. According to a survey\(^1\) that on an average for every three months, an urban middle-class consumer spends as much as a week to a fortnight in just knocking at the doors of undertakings that provides goods and services in a bid to redress his grievance. Most of them are grievances caused on account of mere carelessness or callousness of the undertakings.
Consumer protection has already emerged as a strong movement in the industrialised countries of the West. It is taking shape in the developing countries. The socialist countries have also begun to recognise the need for a consumer movement. But it continues to struggle to carve out a niche for itself in the Indian markets. We are living in an age of unprecedented inflation. The price increase is an irresistible inducement for malpractice on large scale and in the absence of an effective forum to fight the evil and in the absence of a powerful organisation to resort to mass agitation, the consumer continues to be the helpless victim.

Consumer’s prime concern is not only the fast escalating prices and the absence of price control, but also there are many matters of equal importance which play a vital role and the consumer fears to question about, as for example, the quality of goods that he is induced to purchase, the correctness of the weights and measures and the availability of the essential goods for purchase are to name a few, which the consumer is afraid of challenging at any forum. A recent study indicated that Indian consumers are cheated to the tune of Rs.2,000 crore a year. Whether it is by way of quality or quantity or overcharging, consumer is always at the receiving end. Amongst the various types of cheating done with the consumer, food adulteration* is the most dangerous which sometimes leads to the death of hundreds of innocent people. The levels of adulteration in items like vegetable oil, 

* Adulteration is as old as mankind. In fact, these traits are intrinsic to evolution. But a brief flashback reveals that innovative adulteration substitution evolved as an accepted principle during the Second World War. Ravaged by war, army leaders hunt for resources led to the concept of substitution. But the West had the tenacity to contain the trend and keep out the spurious products. But in India, unfortunately the trend picked up in the last four decades. Spurious goods, illicit trade etc., became adjuncts to political power. What proportion that has assumed and the scene that is manifest now is there for everyone to see. Talk of corrective steps serve more as rhetoric.
flour, spices and toothpaste is staggering. The vast Indian market particularly in the semi-urban and rural areas, remain flooded with duplicates of all famous brand names in edible oil, battery, perfumes, pens, etc.

Whether it is adulteration in food stuffs or underweighing or overcharging for commodities sold in the market, the fact remains that the poor and helpless consumer is always fleeced by the unscrupulous traders, manufacturers and petty street vendors.

THE INDIAN CONSUMERS MUST SHAKE OFF THEIR APATHY

The Indian consumer movement is still groping in the dark and is nowhere near the take-off stage.

The biggest enemy of the citizen of India is his own apathy as a result of which he will not even fight for himself. He wants somebody else to do the job. That sort of helplessness and sheepishness must go.

To understand the prevailing apathy, one has to refer to the US where the consumer movement first took root. In that country, 100 per cent of consumer products and 90 per cent of consumer services the only exception being the postal service are produced, manned and maintained by the private-sector. Very stringent laws were made for ensuring safety and reliability of all consumer products and services used by the US citizen; the market forces, generated by intense competition ensured that the quality of those products and services remained always at correct pitch.
In India, 70 per cent of consumer products and certainly 100 per cent of consumer services are produced, operated and maintained by the public sector. Thus unlike the US in India, the government becomes the main source of all consumer goods and services and its related consumer problems.

Till the Consumer Protection Bill was passed, the existing consumer laws had jurisdiction only against the private sector. The Bill now brings in its fold, even public sector undertakings producing consumer goods and services. Although this appears to fulfill the consumer-requirements and fills the missing link in the existing laws in its actual working, it becomes totally ineffective.

The paradox is that the government passed a bill for the protection of the consumer against goods produced and services provided by the government itself. Not that one cannot sue the government, but one cannot keep on doing so far nearly 90 per cent of our consumer ills.

To add to the consumers woes is the battle which the Indian market has to constantly wage against spurious and adulterated goods. Whereas in the West, the consumer movement aims at improving the quality and increasing the safety margins of products and services. In India, our main fight appears to be against sub-standard goods and services. The major bottleneck in the growth of the consumer movement is, however, the apathy on the part of the consumer himself. Not willing to fight for his rights, be expects the various consumer guidance societies to do his 'dirty' work for him.
These societies as their name suggests, are only there to educate and guide the consumer - not to fight his battles for him, except when they become wars of public interest and grievances. The consumer must fight his individual battle himself, as is done in the West. But very few do so in India, due to 'lack of time and effort'. The simple truth is that if the consumer does not have time, consumer societies have even less so. No amount of consumer protection bills will help the Indian consumer unless he is prepared to help himself by refusing to accept second-class goods and services. He must insist on and be willing to fight to get full value for his money. In the ultimate analysis, the consumer will get only the kind of products and services he is willing to fight for.

Unfortunately, the Indian consumer's blood has become so weak and diluted that it refuses to boil however high the temperature. The aim of consumer guidance societies should be to lower this high temperature.

INTERACTION BETWEEN CONSUMERS, INDUSTRY AND TRADE

Coordination and rapport are needed between consumers, industry and trade on one hand, consumers organisations and Government on the other. It is necessary that the various associations of manufacturers do consult with the associations of consumers and take their collective opinion so that confrontation can be avoided in the later course of marketing process.

VOLUNTARY MEASURES

Whether rules are general or product specific "voluntary" arrangements, like self-regulation by manufacturers, also have a role to play in many countries - Sweden is the best example where a close cooperation between the industry and the relevant
product safety authorities has become the rule and compulsory measures are envisaged only when it becomes clear that voluntary measures will not work.

Ranging from government control to self-regulation by manufacturers and distributors, consumer protection methods are varied and complementary. The merchants role is very important. Of late, as a class, they are realising their responsibilities and are sowing their keenness to set in motion a strong consumer movement and play their due role to ensure a fool proof safeguard to their interests. It is high time that the consumer movement should have been so organised in order to ensure that all sections concerned including the consumer, pay their due role and cooperate with each of them in such a way that maximum advantage is derived to create an atmosphere of mutual trust and confidence.

It would be very nice if more manufacturers and big dealers hold meets such as Apna Bazaar and Sales India at least at yearly intervals with their customers, existing as well as potential. Consumer organisations too could organise such meets between manufacturers and service companies and consumers. TV discussions between consumer agencies and specific manufacturers and service organisations would also help put forth the consumer problems as well as the manufacturers. To start with utility services such as electricity, gas, municipal health, insurances, all of which affect a majority of consumers and with which there are a number of complaints can be had.

But merely having these meets and discussions is not enough. The consumer should avail himself/herself of the company's offer of an extended hand to bring about
a better understanding and go forward with suggestions and complaints whenever the need is felt.

COORDINATION BETWEEN GOVERNMENT AND NON-GOVERNMENT ORGANISATIONS

The consumer protection programme could not be a Government sponsored programme alone nor could be confined to the efforts of the government machinery alone. For it to be really effective, a spirit of co-operation must ensure between Government functionaries, representatives of consumer organisations and of trade and industry. It is high time for the industrialists to act by setting up consumer grievance cells in their own establishments.

GOVERNMENT SHOULD PLAY ITS ROLE

With regards the part to be played by the Government, it is in the interest of minimising the prevailing tensions and strained relationship of manifesting in the day-to-day problems that should hopefully help the healthy growth of the consumers movement.

To promote the fuller realisation of the consumer rights, it is necessary that the Government should take up such programmes which protect the interests of the consumers; the consumers protection legislation should be effectively implemented, strengthened or improved and in certain areas, new legislation be enacted.
Consumer protection is not however, a matter merely of legal provision and institutional structures enforcement. The ethics of consumers protection postulates a certain social attitude, a degree of community education, a measure of civic awareness and the thrust of consumer vigilance. The first and foremost requirement for legislations and legal remedies to succeed is community awareness and the will.

It is appropriate to mention here the recommendations of the Ministry of Civil Supplies, Consumers Affairs & Public Distribution, various working groups constituted by Central Consumer Protection Council should be implemented. They are as follows:

1. PRICES

* Setting up of the Prices Monitoring Commission to look into complaints of excessive and manipulative pricing of goods and services, and publish the findings. The findings will be accepted as evidence in cases filed under MRTP and CP Act. Release of the findings will enable consumers to make an informed choice.

* There should be uniformity in the levy of sales tax and elimination of octroi/terminal taxes: introduction of value added tax can be an alternative. Misutilisation of printing maximum retail price (MRP) on packed products by unscrupulous manufacturers was also brought to notice.

2. QUALITY

* BIS should not only determine the standards but also ensure their improvement and enforcement.

* Manufacture and marketing of spurious, counterfeit and sub-standard products must be curbed and provisions should be made for making the offence of their manufacture, stocking and marketing a cognizable offence.

* Provide assistance and guidance to small and medium scale industries and ensure strict observation of quality standards in their manufacture.

* Provisions for testing of products should be strengthened.
3. SELF REGULATION

* Evolution of alternate disputes redressal machinery should be stimulated to encourage measures of conciliation, mediation and arbitration for settlement of disputes instead of resorting to MRTP and consumer courts.

4. AMALGAMATIONS AND MERGERS

* The Department of Company Affairs should be asked to undertake detailed analysis and prepare guidelines and a code prescribing ground rules for mergers and amalgamations keeping in mind consumer interest.

* Registered consumer organisations should have locus standi to challenge any merger/amalgamation considered anti-consumer.

5. CARTELISATION

* Phasing out of MRTP’s operations in areas relating to restrictive trade practices - avoidance of overlap between MRTP and CPA.

* Establish effective statutory machinery for detecting and determining cartelisation, competent enough to investigate without any outside pressures including the Government.

6. ECO-FRIENDLY PRODUCTS

* Need to reinforce elimination of harmful products and services and evolve environment friendly products in the interest of ‘green consumerism’ and consumers.

7. ADVERTISING CODE

* Need for code of ethics in advertisements and enforcement of present code by the Advertising Standards Council of India (ASCI) for comprehensively dealing with the problem of advertisements in the context of promoting interests of consumers while keeping in view the forces of developing economy and measures of liberalisation.
PROMOTION OF COMPETITION - NEED OF THE HOUR

Enamoured of the 1986 Consumer Protection Act (COPRA) and its subsequent amendments, the infant consumer movement in India is mainly concentrating on dissemination and proper implementation of the Act. As a result, the consumer movement seems to be missing the forest for the trees. The government is also misleading in many subtle ways the consumer activists to concentrate mainly on the COPRA. The interesting stories reported in the newspapers regularly about various judgments given by consumer tribunals have also influenced many consumer groups to assigning the highest priority to the implementation of the COPRA to get much needed publicity to their efforts. However, in reality COPRA is at best a band aid giving temporary relief for the consumer and at worst a glorified mini civil court where judgments are given after umpteen adjournments and usually against the original spirit of COPRA were to be implemented in its true spirit, it would not solve the fundamental problems faced by the consumers in the present highly regulated (despite all the talks of liberalization), corrupt and non-competitive market dominated by public sector companies. It is high time that we realize that the two biggest enemies of consumers are the absence of true competition in the market place for many product and services and the continuation of high level of deficit financing despite the same advice given by IMF and the World Bank to reduce it to a manageable level.

The recent example of freeing up constraints on the two wheeler industry and the cement industry and allowing private air lines to competition can help consumers. When the Babus in Delhi controlled the two-wheeler industry, consumer had to wait eight to ten years to get scooters of their choice. They also had to
deposit money with the companies to get the 'privilege' to buy the scooter. Once the controls were removed, not only the two-wheelers of one's choice is available, there is also competition amongst the manufacturers to produce vehicles with newer gadgets to meet the consumer requirement. Under the old regime of licence permit quota raj, Hero Honda would not have come up with an automatic starter for their scooter or the vehicle industry come up with 50cc. Lunas of various shapes and forms. In the past, some two wheeler companies had become so complacent that they ignored what the market was demanding. Something alien to these companies. One good example is the Jawa company in Mysore, manufacturing Yezdi motor cycles. During the control regime it had no problem in selling its product. But once the market forces were allowed their free play, Jawa had a tough time and now it is desperately trying to find out what the market is demanding. Today, only those companies which are able to satisfy the market by producing a quality product at the lowest cost with good service can survive. In short, the consumer has become king again in the two-wheeler market.

We can all remember the days when we needed to go to influential people or politicians to get the required permits to buy cement at a controlled price. Now with the decontrol, not only is cement available in plenty but consumers also have a choice of brands. But unfortunately because of a collusion between the cement producers, the prices increased even when the market was slack. It was here the government should have played a significant role by making sure that such a collusion did not take place.

In the domestic air travel industry, with the entry of private airlines, Indian Airlines has been forced to improve its operations and give better service to the
consumers. If more freedom is given to the private airlines companies in terms of pricing, routing etc., there will be even more competition which would only help the consumers.

Two years ago, when the government had increased diesel price, and the state transport company was demanding a price increase of fares to reduce its losses, private buses operating between Mangalore and Udupi in Karnataka reduced the bus fare from Rs. 7 to Rs. 5 for a distance of 60 KM for which the state bus was charging more than Rs. 10. In other words, it was competitive forces which helped the consumer to get the best service at the lowest prices where the free market forces were allowed to operate. Similarly when private companies were allowed to enter the telecom market, the cost of the push button telephone fell from Rs. 2400 to less than Rs. 600.

Whenever there is no competition, who is the beneficiary? It is the employees and the owners. In most fields, where the public sector companies are operating and there is no competition, consumers are taken for a ride. Of course, in certain fields like water supply, electricity supply and gas supply, it is not possible to have competition. Whenever we have such natural monopolies, we can improve their operations and help consumers by having utility commission to monitor their operations and to grant price increases. Today, these monopolies are able to increase their prices at their will. All of them are running for the benefit of their employees and the politicians who are heading them. In sectors, such as banking, transportation, steel, telecom, petroleum, coal, etc., where market forces can operate, competition has been thwarted by the government, either private banks are allowed
to compete against the nationalized ones which have more than 90% of the market share today, the banking cost to the consumer will come down.

Why should a bank draft or cheque be costing so much when in fact the bank is able to make use of our money? When the inflation rate is only 6.7%, why should an industrialist with good credit rating pay 18-20% interest? Once the steel prices were decontrolled and competitive forces were allowed to operate, steel prices started to come down. No doubt, the labour unions representing these public sector employees are worried, since further liberalization will introduce market forces and they in turn will bring about massive changes in their operations. Today all these public sector companies are run not to satisfy the consumers but to meet the priorities of their employees. Many of these companies do not even know the real reasons for their existence.

The above example should convince all except the diehard communists and pseudo-socialists that competition is actually the best friend of the consumer. But why do consumer activists fail to grasp this simple fact? It is because that we have been brain washed to believe that profit is obscene, big companies are bad and multinationals or transnationals are irresponsible and Jpoters. In a banana republic where the rule of the law is not practiced or the traders collude in price fixing, or regulations are freely violated or companies are free to operate in whatever manner they like, profit could be obscene (through price fixing) or big companies could influence political decision to favour them or multinationals could transfer profit or dump unwanted products, etc. If a neighborhood store makes a lot of money by supplying its customers quality products at the lowest prices in the most courteous way, should we be jealous of its profits? If a big company or a transnational makes
money by producing goods demanded by the economy, taking good care of its employees, meeting the customers' needs comply with all the national laws and pumping back the surplus for expansion, should we hate such companies? When our economy was closed, the politicians tried to teach us to hate our own big companies. Now, India is trying to join the global economy, the politicians are trying to teach us to hate the multinationals. If the multinationals do not meet the requirement of the consumers, they will not flourish. But if they do, why shouldn't they operate like others? If Japanese cars were not allowed to compete in the American Market, American consumers would have been the biggest losers. It is true that our government should remove some of our rules and regulations so that we have a level playing field for Indian companies to compete with the multinationals.

Even if ideal conditions are prevailing in the market place, prices can increase because of the fiscal and monetary policies of the government. Compared to some Latin American countries where inflation has been sometimes at an unthinkable level of more than 10000% per year, India can be justly proud of containing inflation to around 7.8% in recent years. But even this level of inflation can cause havoc especially among the poor, the retired and those who work in the unorganized sector. Inflation is caused mostly because of the government policy of spending more than it is able to raise through taxation and public sector earnings both at the Centre and at the state level. The deficit between government expenditures and revenues are met mostly through the printing of money which naturally ends up in raising the prices. Despite the pressure from the IMF and the World Bank, the Central Government deficit is still around 5-6% of the GDP and if we add up the deficits of the state governments, it would be more. For any democratic government, it is extremely difficult to reduce the deficit to zero, if there is no
pressure brought about by an independent institution like the Reserve Bank of India. For this reason, it is necessary to make RBI freely decide the monetary policy and forces the government to meet its expenditure through borrowings rather than printing of notes, can fiscal discipline be enforced on the government.

In conclusion, a strong and vibrant consumer movement should study the more fundamental problems like that of the lack of competition and unbridled spending by the government in the name of helping the poor, educate the public and influence the government to adopt consumer friendly policies. Institutional changes like introducing competition and making RBI autonomous are far more important than simply adopting more acts and rules which we cannot implement.

MITIGATING OF RURAL CONSUMER PROBLEMS

The need for consumer protection in rural areas arises not only on account of ignorance of consumer rights among rural sections and the legislative protection guaranteed to them but also in the light of burgeoning rural markets. Hitherto, consumerism has tended to cent around the branded consumer products which cater to the urban population. In our rural areas, there is no high like consumer's choice and the customers are also not conscious of their rights, let alone applying them. It would be interesting to know that in the West, consumerism emerged as an outgrowth of economic affluence. There is no shortage of goods and services and the major objective of consumerism is to make people better informed about the merits of competing products and services.

The consumer movement though still urban oriented has taken off India. A favorable development is that consumer movement has started to inch its
way in to the rural areas as farmers have started coming forward to file cases in the forums in several parts of the country. However, consumerism is still elitist, there is need for a healthy discipline movement at the gross-root level.

**NEED TO CHECK ADULTERATION OF AGRICULTURE BASED PRODUCTS.**

Consumer movement in the rural areas need to lay stress on checking the menace of adulteration of agricultural-based products such as pesticides, seeds, fuel, and fertilizers and also to protect the rural consumers from exploitation in general. For this, each consumer organisation can adopt atleast 20 villages with the special involvement of village panchayats and women.

It may also be suggested that the eager-beavers of the consumer protection movement should spare a thought in their ultimate interest, for an even more oppressed group the producer of agricultural commodities. Whether it be grain or cash crops or milk, the farmer gets a raw deal, a deal even worse than what the consumer gets, thanks to middlemen. Marketing is the continued satisfaction of a consumer need at a profit but the farmer is not a marketing man, and a system has developed under which he is exploited and he has to unload goods sometimes even at a loss to himself.

But a lot more needs to be done to educate people in rural areas on consumer rights, keeping in view the fact that more companies than ever before are concentrating on rural markets for consumer goods to the vast potential there.
NEED FOR EFFECTIVE TIE-UP AMONG AUTHORITIES FOR CHECKING ADULTERATION

One of the legislations that has direct bearing on the interest of consumers in the prevention of adulteration is Adulteration Act 1954. What is important is the need for an effective tie up between the mechanisms under statutory authorities of Consumer Protection Act, 1986 and other pieces of legislations, especially, the Prevention of Adulteration Act. Among the variants of consumer distress, one which oppresses most, countless millions of our common men is the ‘abuses’ in consumer goods rampant adulteration. What are needed for this are independent laboratories to test products for adulteration, quality, quantity, safety and durability. But this is not enough ISI standards and Agmark are there for certain products. But the public must be educated not to go in for substandard products and to make an informed choice between a bewildering number. Standards and reports on products will also make companies more conscious of quality control. In order to initiate some swift action against adulteration practices, even in a small town, we need a self contained mini-department adequately manned by well equipped, well selected, attractively paid personnel, capable of quick judicious action. A small, but self contained laboratory too should be within reach for the speediest possible testing of goods.

Against all these, what we have is a skeletal, sluggish arrangement which cannot facilitate speedy disposal of complaints connected with adulteration.

In the sphere of services related distress, we come across a cheerful contrast in the operation of the new law. Of course, the complaints have an elitist touch. But, besides securing the wronged, his due compensation, such fiats will
go a long way to bring home to all those who trade in services that much needed respect for standards and awareness of accountability.

While there is shortage of essential consumer items, price rocketing from year to year has no tendency even to stabilise. People have to bear with the poor quality and the adulterated products. The menace of adulteration has now assumed the dimensions of a mighty octopus whose deadly tentacles reach every consumer and almost every item of consumption. Consumers are therefore exposed to disability and death. To-day, the choice before a consumer is between a sub-standard item and one that is known to be adulterated. The tedious, time-consuming and uncertain procedure involved in reporting such matters tend to discourage even dedicated social workers. The utter inadequency of testing laboratories and the cumbersome process of law are enough to deter most consumers from seeking a remedy.

SETTING UP OF COMPARATIVE TESTING LABS

There is need for evolution of strategies and approaches ensuring a viable testing programme encompassing technical and financial aspects of the role of comparative testing organisations outside India in technology transfer, shall become an important objective of the programmes envisaged for consumer protection in India.

There is need for setting up a comparative testing center in India. The comparative testing strengthens the consumer by giving him independent information about quality, safety and performance of the products and services. Its main purpose is to produce information which should help the consumer in making a rational choice among a variety of models and brands available in the market. It is important
that this information should come from a neutral body in the voluntary sector. Consumer groups in India have to make available comparative data on products to consumers to enable them to make a data supported informed choice.

The objective of comparative testing is to convert a customer into a consumer with thousand eyes. The concept of comparative product testing is not a new in the Western countries, but is a novel phenomena in India[^].

Today they do have wide choice in consumer products. Be it soaps, detergents, textiles or electronics, the market has a lot to offer in terms of variety. And as India is liberalising its economic policy, more and more products are entering the Indian market including foreign goods. But this competition in the market ensure that a consumer is getting value for the money spent? The answer is 'No'. What good is competition in the market in the absence of reliable comparative data on products?

The solution to this problems is an independent laboratory which tests consumer products and makes available reliable data on comparative testing, ranking and evaluation of products.

**ACADEMIC INSTITUTIONAL INFRASTRUCTURE REQUIRED**

There is an urgent need to start an Institute of Consumer Studies which will offer management development programmes for business executives and also for training volunteers in consumer movement. The objectives and functions of the institute should be
- creation of overall awareness and confidence in the consumers
- familiarisation of consumers with their legal rights and procedure for redressal of their grievances.
- encouraging consumers to form and effectively take part in consumer action forums to further the consumer movement.
- research and development relevant to the protection of consumers.

Institutional arrangements are required to achieve these four objectives. It is disheartening to note that even though some state governments like West Bengal, Andhra Pradesh, and Kerala have come forward to establish National Institute of Consumer Studies, the Central Government did not give its concurrence.

LACK OF AWARENESS OF RIGHTS IS DOMINANT; HENCE EDUCATING CONSUMERS IS IMPORTANT

The raison'detra for the rampant consumer exploitation in India come to be attributed to lack of education and rational thinking among consumers. Consumer education refers to conscious preparation of an individual so that he is not deceived in anyway be gullible raders. consumer must be educated about his supremacy, his role in supporting the trade and industry, his rights and duties and the last but not the least, the way he should make wise purchases. Moreover, it requires explaining the consumers, besides the legal provisions of various laws affecting them, the method of redressal of grievances available to the fir under various laws. This is only the beginning of consumer movement because without education, the consumers do not feel like organising themselves and fight against exploitation.

*The proposal was floated by the West Bengal Government at the 13th Meeting of Central Consumer Protection Council which involves a recurring expenditure of Rs. 3 crores per annum for the institute.
Franciz Rollock of Columbia University says, "If indeed we are illiterate when it comes to consumer issues, the schools, colleges and universities must accept much of the blame. Educating young people to be savvy consumers has never enjoyed a high priority in these educational institutions. Indeed they have been more concerned with teaching people how to be successful producers, business executives, accountants, auditors, company secretaries and so on.

The consumer is often unable to determine whether the price paid for the product is reasonable or not. He does not know what he and salesmanship. As long as the consumer is concerned, he is unable to judge the performance of the commodities, he will be facing problems like defective packing, adulteration, under weightment, etc. The main reason for such a state of affairs is lack of education and rational thinking among consumers.

Legislation in general helps us to know exactly the nature of dishonesty, the punishment for indulgence in such dishonest practices and the authorities together with their powers and to whom the consumer can approach for redressal of his grievances. But in a country like India, where most of the people are illiterate, it is too ambitious to expect adequate knowledge of legislative provisions on the part of the consumers. The business men on the otherside, naturally search for loopholes in the acts and try to exhibit these loopholes to make unjust profits without actually breaking the law. Hence legislation in this regard proves effective only where the business men are honest and not too selfish. Moreover the machinery available for redressal of consumer grievances too may not take seriously the cases of isolated and individual consumer exploitation. Hence legislation alone cannot protect
the consumers, it can only be a necessary supplement to the united and organised sections of the consumers. Here lies the need for consumer education.

In a way consumer himself is partly responsible for such a state of affairs since he is unaware of these rights, i.e., right of safety, right to be informed, right to be heard, right to choose the best, and the majority of Indian consumers being apathetic, ignorant, non-price conscious, irrational, fond of bargaining without information about product quality, etc., have remained unprotected. Consumer protection groups scattered in different parts of the country shall seek to educate the consumer to create accountability, to study and to inform on action to be taken to activate laws and to strengthen the consumer lobby as an economic force to be reckoned with. While the movement had a limited role to play, continuous education could help create an awareness for consumer protection as law alone cannot help. Awareness of one's rights as a consumer has to be inculcated and it should be included in the education programme at the school itself. Emphasis shall also be laid on educating villagers about their rights as consumers for which it may be suggested here to set up vigilance committees.

There are institutions and training programmes to teach 'Salesmanship'. To think in terms of and ponder over the capabilities of a 'Buymanship' as an antidote to Salesmanship, consumer education is indispensable by designing special consumer courses. Not a single course of study is offered in any of the educational institutions.

SOARING PRICES - SNATCHING AWAY PURCHASE POWER

Today the fact that disturbs the consumer most is that prices are still moving up of all essential goods and more and more goods are going out of the reach of more and more people. The prices of essential items like edible oils are
soaring out of the reach of middle-class consumers. In India, where the population is largely agrarian, incomes tend to stagnate and remain inelastic. There has been some improvement in rural incomes -- but they cannot keep pace with the steep rise in the prices of many goods and manufactured articles. The agriculturist finds while his inputs keep increasing in price, they are a few to appreciate this fact; while everybody points to the high price of paddy or sugarcane -- which on examination turn out to be uneconomic for him. He gets into debt as a result and feels frustrated -- nobody quantifies in money terms the effort he had put into the production chores.

Meantime we all boast about larger farm output and our self-sufficiency on the wheat and rice front. We boast of the procurement achievements of the Food Corporation of India. We talk abut the farm -- but fail to examine the farmer's economic condition.

The farmer’s purchasing power and his capacity to create effective demand for goods and services will determine all consumption in the country. The affluent upper-layer is a meagre 5%, which will buy the luxuries, the carpets, the furniture and the posh fittings electrical or sanitary. For the rest of India all these are irrelevant. Indeed our Five Year Plans have for their objective, the increase in incomes of the poor and the middle-classes; so that they may touch life at more points; that they may consumes more sophisticated goods and utilize and live in better houses and be better clothed. But we are now coming to a point when we are pricing more and more goods out of the reach of majority. This appears an even more disconcerting development than quality of goods-- as quality comes in when goods are bought -- not when they go out of people's reach.
A commission should be appointed to go into the prices of various goods. The question of prices have received less positive concern in India. Whenever the issue is raised, no serious thought is given to it. It is put off by saying that the price-rise is a worldwide phenomena. This argument cannot prevent the thinking on this issue for all times. On the other hand, there is greater need to check the prices in India as the general level of income here is low and millions live below the poverty line.

The sub-group on liberalisation and consumer protection led by another consumer activist, Saini pressed the case for a Prices Commission* to be set up to force the manufacturers to disclose their costs and rationale behind the mark-ups. Every price hike has to be justified and it must commensurate with the quality of services. This is common in some of the most advanced nations, but in India the step appears somewhat premature. However, this should not take away from the absolute necessary of such a commission to be set up. Instead of forcing the manufacturers they should initiate to share what could be their trade secret, efforts should be made to force them to impose a self regulator.

*The Ministry of Civil Supplies and Consumer Affairs has once again pushed the pro-consumer proposal for setting up a Public Utilities Regulatory Commission proposal for setting up a Public Utilities of services in the area of telecommunications, power, water, railways civil aviation. LPG banking and insurance. Predictably the administrative Ministries are opposing the idea which assumes importance in the emerging era of privatisation.
MARKETER SHOULD PLAY HIS ROLE

The role of marketer is key because it is the final bridge leading to the consumer. Infact, in the hard world of competitive warfare, the marketer has the dual responsibility to be fully engaged in the 'no holds barred' tussle with their rivals and at the same time, remember that the main objectives of competition is to identify and satisfy the wants of consumers. The marketer has to ensure that the rough and tumble of competition does not get out of hand or misdirected to adversely affect the interests of consumer, and particularly the important factor of consumer safety. He may even have to resist internal organisational pressure to market a new product which has not been fully debugged for consumer safety.

LOWER COMPENSATIONS ARE DILUTORY IN EFFECT

While the consumer courts play a useful role in offering some compensation to the buyers, the quantum of damages awarded is so insignificant for the concerned business organisations that they are quite happy to pay the damages rather than choose the alternative for making their products and services safer.

CONSUMER COURTS TURNING INTO CIVIL COURTS

It is a matter of serious concern that consumer courts, established under Consumer Protection Act, have started presenting on unsavory spectacle of almost turning into civil courts with all the attendant delays, adjournments and exasperations. Huge backlogs of cases have developed in quite a few District Forums and State Commissions and also at the level of National Commission. There is great need of
reorienting the policies relating to the functioning of consumer courts at all these levels.

Serious apprehensions have started emerging all over the country that the ‘Consumer Courts’ termed Forums and Commissions are fast turning into normal civil courts, bedevilled by the same exasperating and procedural delays. Everybody complains that in relation to the functioning of the normal civil and criminal courts the word ‘justice’ has lost all meaning; they have become synonymous with frustrations, backlogs and excruciating procedures. In contrast it was expected that the consumer ‘courts’ would be able to dispense justice expeditiously and inexpensively.

The Whole concept of enactment of Consumer Protection Act was to make redressal quickly available for grievances of the consumers. For long, the interests of consumers had been disregarded; they were taken for granted by the manufacturers, traders, and those including public sector organisations who provided them various services. This Act presaged and envisages a distinct change in the attitude towards consumers. Redressal machinery set up under it, was deliberately given the appendage ‘quasi-judicial’, and its functioning was planned to be such. It was specifically laid down in the Act that the District Forums and State Commissions established under it were expected to function" without any interference with their quasi-judicial freedom*. A clear clause was incorporated in it that simplified procedures followed by the consumer ‘courts’, as prescribed in the Act, would not be called in question in any court on the "grounds that the principles of natural justice have not been compelled with*. Of course, they are expected to adopt the normal procedures which inspire confidence of their functioning on principles of natural
justice but it was laid down that the proceedings adopted would not be challengeable on such grounds. They were to function in a manner distinguishable from normal civil courts.

Procedures prescribed in the Act are straightforward and simple. It is laid down that when a complaint is received by a District Forum, it has to referred straight away to the party complained against, directing him to give his version within 30 days which may at most be extended by another 15 days. Where the opposite party denies or disputes the allegations contained in the complaint or omits or fails to represent his case within the prescribed period, the consumer 'court' has to pass the appropriate order. No court fee is required for filing a complaint. The complaint should contain full facts of the allegation, along with relevant documents for enabling the other party to respond to the allegations. Taking into account the type of prescribed proceedings which are to be shorn of the various formalities and requirements of Civil Procedure Code, it has been prescribed in the statute and the rules framed under it that the case should be decided as far as possible within a period of 90 days. A very important requirement embodied in it is that there should be not more than one adjournment during the disposal of a case.6

These are the requirements of this unique enactment, something which has not previously been visible on the scene of functioning of judicial system in this country. No hassles, no expense, no procedural delays, no unnecessary adjournments, no intricacies of evidence of witnesses and their cross-examination; examination of essentials of the case, consideration by a panel of experienced and knowledgeable people unhampered by intricacies of the law, with empowerment of effective enforcement of their decisions. This is what this new law was expected to attain.
Unfortunately, however, implementation of this Act has got enmeshed in the procedures and delays. Legal technicalities have overtaken the fulfilment of objectives of simple and effective redressal. What was expected to constitute a machinery for ready and inexpensive justice has started being heavily burdened with milestone of the prevailing normal judicial system. Let us see the unseemly manifestations that have now enveloped it.

First and foremost is the continuing apathy and indifference of State Governments in removing the deficiencies of its implementation. Mostly, the State Governments do not give any impression of their feeling concerned about the problems encountered by the consumers who knock for redressal of their grievances. They are obviously lost in other pursuits and manipulations. It is only under the series of explicit directions which were issued to them by the Supreme Court that they got electrified into issuing Notifications for setting up the Forums in each of the Districts. Hardly any regard is, however, being paid to the various essential requirements of the forums.

STEP MOTHERLY TREATMENT TO CONSUMER FORUMS

Consumer Protection Act is the best social welfare legislation. Everybody from the President of India to the common man is affected if the Act is not properly implemented. But the courts get stepmotherly treatment. The state governments say this is a Central Governments legislation. And they feel unnecessarily, the burden has been placed on them. This should not be the attitude of State Governments. There is a lot of financial wastage in many states in all kinds of unnecessary matters. The state Governments should give priority in budget allocation so that forum can function effectively and meet the expectations of the common man.
MORE INFRASTRUCTURAL FACILITIES ARE REQUIRED FOR FORUMS

The centre claims credit for pushing the consumer interest, but when it comes to the nuts and bolts for the smooth functioning of the redressal forums, the consumers are left to struggle for themselves. Accommodation in numerous cases is often very poor and inadequate, staff requirements not being met; stenographers are not made available, often reducing the Members of the Forums to write judgements in hand. In certain Districts, where a large number of complaints are filed, huge backlogs have started developing, State Governments are not taking expeditions action of setting up additional Forums which have since been authorised under the Act. These are very unfortunate omissions which are adversely effecting the functioning of these courts. Coming to the State Commissions, there is no provision for an independent transport for the president who has to borrow a vehicle from the Administration’s Department of Food and Civil Supplies and Consumer Affairs in many states. The consumers have to wait long hours for the president to arrive, who is fetched from his house after the administration driver picks up the officer he is attached to. Rightly on the Shourie Group pointed out that the funding of the consumer forums should be a planned expenditure so that such things as availability of drivers, stenos, clerks and peons are taken as a matter of right and not charity.

The Forums and State Commissions established under the Act have necessarily to depend on State Governments for remedying their problems. These problems are many, where the number of cases in a District is small. It has been envisaged in the Supreme Court judgement that two or three Districts will be clubbed together for enabling the cases to be taken up by independent functioning Forums.
Governments have not yet started effectively tackling this problem. Other important shortcomings relate to the Forums and State Commissions, making them totally dependent on the concerned departments for meeting even minor requirements of furniture, equipment, and stationary. Result of all this is getting-reflected in inordinate delays in disposal of cases and attendant exasperations of the people. Often, where accumulated backlogs have developed, the first date being given on receipt of complaints is after four-five months, which sets at naught the provisions made in the statute. Already some cases have dragged on for over two years. Lawyers utilise the opportunities for seeking adjournments for reasons which are often filmy. The statutory provision that not more than one adjournment should be given in a case is totally forgotten.

Immediate steps, at all concerned levels, need to be taken. Under the law State Commissions have now been given authority of administrative control over the District Forums, calling for periodic returns from them, issuing of instructions regarding adoption of procedures and generally overseeing the functioning of Forums to ensure that objectives of the Act are properly achieved. Similarly administrative powers over the functioning of State Commissions have been given to the National Commission. It is a matter of serious concern that the exercise of administrative control at these levels gets handicapped by its non-effective utilisation as well as lack of adequate support from the concerned departments of State Governments.

At the level of National Commission, the functioning is considerably handicapped by certain factors. The Act provides that National Commission shall consist of the President and four Members including a lady social worker. The
commission came into existence nearly five years ago but at no stage has it had full complement of its Members. From the very beginning three Members were appointed besides the President. Presently there are only two Members besides the president; lady Members tenure terminated four months ago and no substitute has yet been appointed. This can possibly affect the constitutional validity of National Commission’s functioning because it is specially provided in the Act that one Member has to be a lady. The Commission thus cannot be available quorum necessitates least three including the President.

Low disposable rate of cases: The number of cases pending before the consumer forums all over the country is increasing. The Consumer Protection Act provides a period of 90 days within which complaints brought before consumer courts should be adjudicated. However, inadequate infrastructural facilities and mounting cases filed before these courts have resulted in inordinate delays in the disposal of cases in the lower consumer courts. The National Commission too is so over-burdened with cases that it now takes almost a year for the commission to take up complaint for adjudication. As many as about 1,800 cases have piled up at this Apex level, comprising 375 original complaints, about 1,000 appeals, and 400 Revision Petitions. It is impossible for the Commission to take up more than about 25 cases per day. Overall result is that cases cannot be disposed off expeditiously as envisaged in the Act.

Similar is the position at the State Commissions. There too, burden has increased enormously. Some of these are seriously handicapped by the non-filling of vacancies on the Bench, even at the level of the position of President. And even though the CP Act has states that cases should be decided as far as possible in
90 days not a single case was decided by any of the 450 district forums in the country within that period. On the other hand, consumer forums are giving long adjournment dates even upto six months. In this connection, the recommendations of Sub-Group appointed by the National Commission on Consumer Protection held in New Delhi on December 9, may be implemented.

The Sub-Group headed by Shourie on structural changes in the redressal forums, for instance, made the following points. Whenever district forums have areas of more than 800 cases, new forum should be set up. The point Shourie made was that the excruciating delays were turning consumer redressal forums into civil courts. Besides, sometimes the (retired) judges heading the forums indulged in technicalities resulting in 'civil court type' delays. He went to the extent of demanding the abolition of the writ jurisdiction of civil courts in matters before the consumer forums as they resulted in further delays.

Their problems were recently reviewed in a conference called by the President of National Commission. There is obvious need of setting up more Benches of the National Commission as well as in the overloaded State Commissions, but no initiatives in this direction have yet been taken though recommendation to this effect was made by the All India Convention held nearly six months ago.

It can be hoped that matters relating to the functioning of District Forums, State Commissions will be grasped effectively for finding solutions. Without finding satisfactory solutions consumers in the country can only continue to exhibit their exasperations.
APPOINTMENT OF FORUM MEMBER – KNOWLEDGE AND EXPERIENCE MUST BE THE CRITERIA

More than any other tribunal constituted under different enactments, the forums constituted under the Consumer Protection Act 1986, stands out at a district level, state level and national level are not judicial bodies with trappings of a court. Nor are they quasi-judicial tribunals in that majority of members have no claims to any proficiency acquired by a lifetime of service in any specialized branch of law like say income-tax, excise, customs, gold control and so forth. The criteria prescribed for being a member of the National Commission as also the lower forums are vague and non-descript, making any citizen fit enough for being appointed member.

Though they do not decide questions of law they are required to base their conclusions on well settled legal principles. Though they are called "informal bodies" they have some far-reaching powers such as the power to grant compensation running into lakhs of rupees.

The question that emerges is whether the lay members who may be totally ignorant of the essential principles of law and equity, conventions and practices of courts could be clothed with such far-reaching power. It will be presently notice how even the presence of a judicially trained person as the President of Commission could be no safeguard in preventing such consequences when all the lay members unanimously take a stand which is against well settled principles of law and in disregard of the Commission’s own earlier precedents.

Various other complications would flow out of the way in which the forums are constituted. Firstly, the lay members, if they cannot write well reasoned
orders as a judicially trained member would, they become either yes men or they may go off at a tangent creating complications in the law. Secondly, they lack judicial approach and knowledge and expertise in any particular branch of law. Selection of relevant fact for reaching a conclusion is said to need "lawyerly skill" and wrong selection of facts would inevitably lead to wrong conclusions. This is evident from the large number of dissents in the National Commission. Thirdly, long practice at the bar or long experience in applying a law as officer of a department endows upon such a person the ability to interpret rules and adopting conventions of courts. By long experience, they develop an in built experience so necessary in the administration of justice. We would not allow a man to perform a surgical operation without a thorough training and certification of fitness. Why not require as much of trial judge who daily operates on the lives and fortunes of others? A series of wrong decisions would create a brooding sense of injustice which rankles in the minds of the aggrieved persons.¹

The role of members of consumers forums is much more delicate and arduous than that of a person functioning as a member of a quasi-judicial tribunal. Here the member interpreting any specific provision of law even so, there do arise some situations where the member should have basic knowledge of certain laws which fall within the purview of the Consumer Protection Act such for example as the Sale of Goods Act meaning of "unfair trade practices" defined in MATP Act, salient features of insurance law, Telegraph Act and conventions developed by superiors courts in respecting precedents and so on. Since the forums decide cases on principles of equity and application of principles of natural justice the members should have modicum of knowledge of these principles.
The present system of five members sitting as a body to hear all complaints, however small a complaint may be, seems to result in waste of judge-time. The practice in Supreme Court can usefully be followed. The Commission could sit in two benches, each consisting of two members. Since the presence of a judicial member is necessary, a Vice-President, who was a judge of a High Court, may be appointed so that one bench may be presided over by the president and the other by the Vice-President.

There should be a panel of members of say 10 or 12 comprising of two former judges of High Courts, two from each of the categories of retired chairman or high officials of insurance corporations, nationalised banks, telephone department and two women who had occupied positions of importance preferably with legal background. The President should have the power to select four persons belonging to each of the different categories depending on the cases to be decided. This set of members would function for three months. Opportunity should be given to the other set so that in a year each set or each member would get an opportunity to serve on the Commission for three months at a time and six months in a year. The term of office members should be only three years, renewable for another term of three years. The term of five years at a time and 10 years in two terms is much too long. The pattern followed by the Press Council and Railway Rates Tribunal and others may usefully be adopted. The term should be written in the Act rather than the left to executive discretion. Selection procedures should also be streamlined.
SOME MORE PROBLEMS/SUGGESTIONS

In order to ensure a more effective, meaningful and fruitful protection to consumers and guiding their interests with all the earnestness, enthusiasm, energies and intelligence etc., the following suggestions should be implemented without any further delay. In India the Government has a very significant role in meeting the aspirations of the consumers in relation to his basic needs which is something different from what we see in the western countries. Ours is an underdeveloped country with a mass scale poverty, illiteracy, unemployment and low standards of percapita consumption and incomes etc. Hence the Government had a greater responsibility to protect the consumers' interests through every conceivable means at its disposal (regulating and controlling, the entire economic apparatus so as to serve the interests of the consumers). Government response in India has to concern itself more with the problems of the rural agricultural based consumer. So far it has tended to be more in relation to the urban prototype who tend to be more local and therefore, commands more attention from the Government. The anxiety of satisfying the needs of the vocal sections should not overshad3ow the needs of the silent rural population.

a) The businessmen and industrialists should come forward with a greater sense of realisation of their responsibilities towards the consumers with all the earnestness at their command, instead of including in long winding sermons on social responsibilities of business. Sound marketing practices and consumerism have identical objectives and therefore industries response to consumerism has to be positive and through the practice of marketing as distinct from sales.

b) The Civil Suppliers Department should see that the interest of the consumer community are protected by gearing up the public distribution system.
c) More consumer cooperatives and fair price shops should be formed in urban and rural areas, especially in deficit areas. It should be ensured that the essential commodities are supplied at fair prices which will be possible by procuring them directly from the producers.

d) The Food Corporation of India should channelise the supply of foodgrains to the co-operatives regularly so that there is no exploitation by hoarders and black marketers.

e) Malpractices of using underweights and measures by private traders should be put down. Social workers may be appointed on some honorarium by the vigilance cell of the Civil Supplies Department to detect such malpractices including adulteration. Women volunteers may be appointed to elicit information from the consumers about the poor quality, non-supply and black marketing etc., of the day to day consumption goods. Consumer vigilance for spotting and reporting on supplies of bad quality and checking the administrative lapses of the inspectorate at the local and block levels will be there only when the buying public knew about the sophisticated techniques used to bring about the sales of the poisonous goods whose consumption leads to disastrous consequences. Very stringent measures have to be taken and severe penalties imposed to check this menace.

f) There should be a consumer ombudsman in every state and a national ombudsman at the Centre to directly receive from the public, all complaints about consumer hazards including the growing environmental pollution. The system of ombudsman authority has been successfully tried in several of the western countries. It provides mechanism where by, all the lapses in consumer protection laws are dealt with at one and the same place. The ombudsman should be armed with adequate powers to attend to all the public consumer complaints including those of industrial consumers.

g) Commendable work has been done in several western countries in the matter of extending the rights of the consumers by keeping the producers conscious of the consumer's rights and interests. In several western countries, there are also official Government agencies specialising in consumer affairs. The main contribution of these organisations is in the areas of (1) consumer education (2) product rating.
The consumer is given information about various consumer goods and services relating to prices, what the consumers can expect, standard trade practices etc. The consumer should be given information regarding the price of the product and its relationship to the product, quality and quantity. The product information should be provided in such a way that it reaches the widest group of consumers. Mere providing of information is not all. The consumer should know how to seek use and evaluate the information available. Consumerism can thrive only with the cooperation of mass media. A greater co-operation from radio, cinema and television is called for. The most important step should be an attempt to remove the ignorance among the consumers. The consumers should be acquainted with the quality, new technology, and its benefits and the price of the product. As the consumers in India are less informed and illiterate efforts in this direction should be stepped up vigorously.

h) Industrialists have to play a more positive role in responding to the wishes of the consumers and building up a strong consumers movement. Industry will have to invest increasingly in testing the safety of products in use; it is far better to organise for this than to wait for hasty accidents, which will make it all mandatory and exaggerated. Dealing with consumer complaints satisfactorily is yet another responsibility of the industry; promptness, courtesy should be the watchwords in processing the grievances of the consumers. Another important role of industry is in relation to claims made on behalf of the products through advertising. Restraint is best exercised voluntarily than through legislation which will otherwise become inevitable. Advertising agencies and marketing management have a very important role to play in this respect. By over-playing the claims, they will be cutting the very branch on which they are perched. If the industry has to invest in Research and Development (R & D), because consumer expectations and needs are constantly rising and the constraints at meeting them are changing. To cope up with this effectively the industry has to find solutions through R & D (Research and Development)\textsuperscript{8}.

i) There should be a comprehensive provision for guarantees and warranties both explicit and implicit so as to ensure satisfactory product performance to the consumer.
j) The consumer problems can be solved only by production at more economic prices. Mere displacement of the one type of distribution agency with another will not solve the problem.

k) The consumer movement in order to become successful and strong should be built up at the grass roots level. The State and National level consumer guidance societies should advise the State and Central Governments respectively in formulating plans and framing legislation pertaining to consumer protection.

l) The Government should encourage voluntary guidance societies and assist them through the release of advertisements to their journals and sponsor television and radio programmes.

m) The Government enacted a number of laws and orders aimed at protecting the consumers against the abuse of their interests by manufacturers and distributors. But these Acts have not been quite effective. However, there has been poor implementation of the provisions of these Acts. The net result of these Acts and regulatory measures is very unsatisfactory. The Government should take steps for proper implementation of the provisions of these Acts. A suitable machinery has to be set up for periodical review, inspecting, and reinforcement of the effective implementation of the Acts.

Consumerism is a social phenomenon caused by the strains of shortages and inflation in our country. The causes of its origin and the areas of its potential contribution are different in India as compared to the West. In India the Government has a very significant role in meeting the aspirations of the consumer in relation to their basic needs. This again is different from the West. Social marketing practice and consumerism have identical objectives and therefore industries response to consumerism has to be positive and through the practice of marketing as distinct from sales. Industry has to invest more in safety testing, consumer education and Research and Development to cope up with the increasing needs of the consumers. The consumers in India can become more intelligent purchaser only when they are protected from the rising prices, from deceptive product bad performance, shortages
of products and the coercion through deceptive advertisements. For this it is essential that consumerism in India should be developed as a social phenomenon and influence the business, cultures, management attitudes and Governments, legislative and executive actions. There should be more intensive and effective, meaningful, purposeful, result oriented efforts of consumers seeking redress, restitution, and remedy for dissatisfaction they have. Efforts should be made to educate the consumers regarding the product, the price, quantum of supply, their own obligations, the nature and extent of official measures designed to protect this interest and the protective action they can take to safeguard their own interests. Besides consumers, the Government, independent organisations and the business houses should jointly make efforts to protect the consumers from the practices that infringe up on their rights as consumer and make the consumer a better buyer, place them in a position where they get satisfaction worth their money. The business houses should also adopt a policy of self-regulation of business operations and the points where consumers are deeply affected. In fact self regulation in business and consumer protection are complementary objectives as the ultimate aim of both is to ensure a fair deal to the consumers in doing an intelligent purchase. Thus over and above the Government regulatory effort is essential that there should be a strong consumers movement in India which can save the consumers from exploitation and help the consumers in their buying process. The consumer's movement should be encouraged by the business houses rather they should take the leadership of consumerism. The Government should encourage supervise and direct the consumers organisations. It is only when the Government business, industry and the consumers make joint efforts in building a strong consumers movement in India that there will be some real relief to the consumers from the multifarious practices of exploitation and deception to which they are subjected at present.
TRAINING FOR RETAILERS

Most of the consumer grievances do arise on account of the carelessness attitude of the retailers while delivering the products and the subsequent services to the consumers. The manufacturers fully bank upon the retailers not only for improvement in sales but also for realisation of marketing concept i.e consumer satisfaction. In a developing country like India, retailing is regarded as the last operation in the distribution of output produced in country's economy. The task of retail distribution involves making goods available at the right time, the right place and at the right price for meeting the needs of the consumers. This is enormous task especially in a country like India where 850 million consumers reside in nearly 620 thousands cities, towns and villages spread throughout the country. The task of retailings in this country naturally involves, performing of the contractual functions among producers, consumers and variety of intermediaries. It also involves the job of transporting and storing goods to consumers. This task is handled by multiplier distribution system comprising of sole selling agents, wholesalers, semi-wholesalers, retailers and some special intermediaries like brokers and commission agents.

Since retailing is an act of selling of goods and services to ultimate customers, any dissatisfaction arising on account of either defect in good or deficiency in service would ultimately have a disastorous effect on the survival of the business in the long run, especially in the wake of emerging consumerism in a country like India. Therefore, it is necessary that the retailers must be given proper training in the areas of behaviour with customers, the various consumer legislations and their provisions, etc. These training programmes are expected to mould retailers consumer conscious and thereby preventing the possible confrontation and
economising the legal costs of the manufacturers. Therefore, the manufacturers can include the customer conscious factor of the retailers in their retail audit.

**FUNDING OF CONSUMER ORGANISATION IS NEEDED**

First, the Government should provide adequate resources to the consumer associations as is done in most countries. There are 12 consumer societies in Malaysia and all of them receive financial aid from the Government for renting out office space and for meeting their secretarial and other related expenditures. The Consumer Association Study Groups and the Consumer centre in Federal Republic of German are largely financed from the public purse primarily by the Federal Department of Trade and Industry and its equivalent Departments in the German State Administration. While this is the position in the highly industrialised state of Europe, Poland, a socialist country presents no different picture. The consumer associations in Poland are funded to the extent of 60 per cent of their total expenditure by the Ministry of Finance. Rest of the money comes from the membership fee and collections made by testing of goods. These instances from countries with as diverse an economic structure as 'industrialised, socialist and developing reinforce the argument that the Government of India should resolve a sound policy of extending financial aid to the voluntary consumer associations.

It is not wise to leave the question of grant in-aid to the State Governments. Because the State Governments may not have adequate resources. Secondly, even if they come forward, the scheme will lack uniformity of approach. It may even be discriminatory. And thirdly, the disparate parties ruling in the states may pull the funding scheme in different directions injecting politics into otherwise a political movement. The Department of Civil Supplies maintains a list of 300 and odd
consumer associations. Obviously it cannot give aid to all of them. Nor are all these associations active. It is therefore necessary to evolve guidelines.

MASS MEDIA MUST BE GEARED UP

The consumer movement is now centred around urban areas. Wherever literacy levels are high, where people have time to listen TV and radio, their awareness is substantially higher. Television coverage is not adequate at all. Just like the family planning programme was being publicised widely, the message of consumer protection must also be projected. An occasional programme in English and one regional language, even if it is Hindi, will not do. They must have regular programmes in every regional language which can be easily understood by the common people.

The mass media can help a movement at two levels. (a) Building up an awareness of the movement itself adjust. (b) Direct involvement in the action. Media professionals have access to information and they have the infrastructure that allows them to search for information. They have a wide reach and are capable of influencing public opinion, of pressurising policy makers and administrators. Since consumer awareness is pathetically lacking both in rural as well as in urban population, there is an urgent need to educate consumers as to their rights and responsibilities through simple and effective means of communication. Various media mix approaches could be tested for better results by blending conventional and unconventional media for effective information dissemination of the consumer movement wants to make an impact in the country.
SOCIAL ADVERTISING WILL HELP

Increased awareness can be brought by increased advertising on consumer rights. Advertising for the purpose of consumer education and creating awareness of consumer rights forms a miniscule position of the social advertising scene in this country.

The recommendations for improving the reach and affectiveness of social advertising are under three broad heads. They are as follows:

(a) Advertisement Content: Use of direct, simple message to improve respectively and understanding of the message. Emotional appeals regional language and settings can also be used.

(b) Greater use of the wide reach of Doordarshan and emphasis on regional networks and regional language print media.

(c) Infrastructure: Collaboration of voluntary and professional bodies corporate sponsorship to be encouraged, research for monitoring and follow-up action, setting up an apex co-ordination agency. Steps have already been taken in this direction with the formation of the Advertising Council for Public Services. This will help to evolve a more wholesome and integrated approach to social advertising.

NEED FOR ENLARGING THE SCOPE OF THE ACT/AMENDMENTS

At present the CP Act left out a wide field where the customers did not have any avenue for seeking redress. Another aspect was the Act codified the
reliefs to be granted by the various fora. It is limited and quite inadequate. Consumerism can involve all kinds of goods and services brought by the consumers. In fact, the consumer should know his interest much more clearly when to buy something which has a high value in terms of price. For example, in buying a motor car, an insurance policy, a bank loan, or a small flat, stakes are higher, if mistakes are committed and their impact would survive longer. Therefore, consumerism should function in all kinds of commodities and services irrespective of their rights and it is not necessary that it becomes significant only in the purchase of items of some necessities. All the mandatory functions of the local self-governments in respect of items such as drinking water supply, drainage, street lights and street maintenance be bought under the ambit of Consumer Protection Act, including health and medical services offered by the Government hospitals. Yet another segment of our society which is still neglected and suffers most is the retired persons who accepts superannuation after several years of their service to the government as public servants. So, it is our social as well as moral duty to look into their plight as well. Therefore, the problems of pension, gratuity and even the property tax should be brought within the purview of this Act to minimise the sufferings of these consumers.

RIGHT TO HEALTHY ENVIRONMENT MUST BE INCLUDED

It can be found that the extent and coverage of the Consumer Protection Act is confined to only six rights namely, right to safety, information, choice, representation, redressal and consumer education, but it does not include an important right i.e., right to healthy environment*. In India the menace of pollution is assuming enormous proportions. Therefore, every citizen consumer who pays

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*This right is included in the nature of rights of consumers approved by the International Organisation of Consumer Unions in the year 1962
for the products and services of various industries shall have the right to question or seek compensation for any health hazard caused by any industry. Therefore the right to live and work in an environment which is neither threatening nor dangerous and which permits a life of dignity and well being is important.

THE INTELLECTUALS SHOULD CRUSADE

The literates should motivate themselves in the consumer movement by realising their social responsibility. They shall voluntarily come forward to become members in the consumer organisations established with their respective localities. So that consumer movement would become a mass movement. This is because, in a democratic set-up, it is not possible to bring about a significant social transformation without involving a large number of people. There are about 700 voluntary consumer organisations in India. Many of them are just paper tigers. Even those which are active do not have a large membership. The total membership of all the consumer organisations in India will not exceed 1.5 lakh. How can so few however, dedicated they may be, educate the 13-15 crore literate people living in urban areas, not to mention the rural population? This is the biggest challenge the consumer movement faces.

LEADERSHIP CHARISMA IS REQUIRED

A consumer movement to become a mass movement require a charismatic leadership with intellects and dedications. During the freedom struggle, India produced many such leaders. Today, to obtained economic freedom through consumer movement, we again need many great leaders. There is a leadership crisis in India in every sphere, be it environment, human rights or women's liberation. This is mostly because the elite shy away from social responsibility and fail to inspire
the youth. Even those few who venture to jump into the fray are not successful because they are not familiar with the concepts which will actually bring about changes.

Lack of money is not the reason for the failure of the consumer movement to take off, as is often argued. If the leadership is right, people will always support it generously.

CONSUMER ORIENTED - TAX POLICY IS NECESSARY

A tax on sales is admittedly a tax on the consumer. Is the consumer interest taken into account while taxation policy is being formulated and a tax law finalised? One cannot give an affirmative answer. Revenue potential is the prime factor influencing the policy of indirect taxation. At times organised lobbying exert, some influence in diluting the rigour of tax impost. But in most of those cases the voice heard is the voice of economically advanced and well organised community. The voice of the consumer is never raised, never considered. Social justice demands that the base necessaries should be available to the common man at reasonable prices. Tax on goods increases the sale price. Hence tax on necessaries should be kept at the minimum. But today, to the disappointment of the poor and middle class consumers, essential goods like rice, pulse, edible oil, coffee, toothpowder, firewood, kerosene, paper, pencil, ink, medicine and umbrella are subjected to tax. It would be a sound cannon of taxation if household commodities used by common man are totally exempted from the levy. If at all any tax is needed, it should be at a minimum rate. A tax increase on goods not considered as necessaries for the poor man, as it may hit him indirectly. Tax increase on petrol or diesel*

*Motor is spirit is taxed at 20% and petrol at 15% in Kerala
and consequent increase on fares and freights adversely affect the common man. Before selecting goods for taxation and deciding the tax incidence its impact on the economy and on the consumer has to be taken into consideration.

A more and pragmatic and consumer-oriented approach is needed in the formulation of tax policy. The tax policy of the state and the Central Government is not oriented towards securing at least consumer goods at a reasonable price. Since Independence it would be seen that the objective of taxation is only to secure more revenue for the Government and the approach quite often is to find more resources and avenues of taxation instead of protecting the poor consumer. It may be comfortably said that this irrational system of taxation plays a significant role in the increase in price of goods.

BOYCOTTING-MUST BE DEVELOPED AS A CULTURE

Boycott is a powerful tool in the armoury of consumer organisations and if used intelligently and peacefully, it can act as an effective deterrent against consumer’s exploitation by unscrupulous traders and businessmen. It is rather a power of veto a consumer has. While the producer has the power or the right to design the product, distribute, advertise and price it, the consumer has only the power of not buying it. While the consumer has the power of veto, he is not always fully equipped to exercise that power in his best interest. Consumerists can use it for information or warning the consuming public about the contents or quality of a particular product or brand of products produced and/or marketed by a particular

*It is heartening to note that for the first time, the Union Minister of Finance Sri Manmohan Singh had set a precedent to consult consumer groups before the submission of Union Budget proposals of 1995-96 to Parliament.
manufacturer. As the following discussion shall indicate, there is significant evidence of its successful use in many parts of the world. For instance, in 1912, the Turks declared a national boycott against everything Italian. In 1901, all Greek goods were rigorously boycotted. Similarly, boycotts in the form of denial of supplies of goods have been in Britain, the USA and elsewhere as a means of enforcing condition of trading, e.g. resale price maintenance.\(^{10}\)

The term 'boycott' means a collective and organised ostracism applied in labour, economic, political or social relations to protest practices regarded as unfair. The boycott was popularised by Charles Steward Parnell during the Irish land agitation of 1880 to protest high rents and land evictions. The term boycott was coined after tenants followed Parnell's suggested code of conduct and effectively ostracised on estate manager, C.C. Boycott.\(^{11}\)

Use of Consumer Boycotts in Industrially Advanced Countries

In the industrially advanced countries, boycotts have been used successfully for highlighting consumer's grievances primarily against business malpractices. Their success has demonstrated how the powerlessness of a individual buyer can be transformed by organise consumer action.

Practicing of Boycotting in India

In India too, the efficiency of boycotts has been demonstrated many a times in the past. For instance, boycott of the textile products by the people during the British regime almost forced the closure of textile mills in Lancashire.\(^{12}\) Similarly, the outbursts against the fish prices by housewives in West Bengal in the late 1960s and against tea and coffee prices in Delhi in the mid 1970s are a few examples of successful consumer boycotts.\(^{13}\)
The strategy of boycott can be successfully employed against the manufacturing and marketing of hazardous, unethical and waste products, inadequate functioning of services and publication and display of obscene, unethical and misleading literature and advertising. Though consumers in India are still not organised to resort to boycotts on their own, the guidance and the leadership of the consumer organisations can be very effective. Besides this, consumer organisations can mobilise their respective members to boycott any product or manufacturer whose products do not conform to the safety requirement, etc. Media and the consumer columnists in particular can make the consumers aware about hazards products and warn them accordingly.

WOMAN PARTICIPATION MUST BE INCREASED

It is necessary that women in society should equally play their role in the promotion of consumer movement. A survey has shown that in case of purchases of consumer soft, women are the sole decision makers. In case of consumer durables, husband and wife jointly decide about the purchases. Women, therefore, are the most important buyer in all purchases. It is they who fill the market places for purchases and are in frequent contact with all types of trade practices - fair and unfair.

There is a greater role for women in the working of Consumer Protection Act. It is an acknowledge fact that women constitute 50% of our population. But their rights and privileges were subjudicated for long by the male sex. The Consumer Protection Act is once again comparable to the Hindu Succession Act 1956, Hindu Marriages Act 1956, Hindu Adoptions and Maintenance Act 1956 which conferred revolutionary rights to women and in the process brought about a radical change
in the Hindu Society itself. Several other enactments were brought into the statute book to free women from many a social ill. While many of these acts conferred rights they never conferred the right of participation on women in the implementation of these acts. The Consumer Protection Act is a novel; innovative and historic act that highlights the quality of sexes in body and spirit and in its total application.

But, it is surprising to note that there are only 10 women members out of 150 in the Central Consumer Protection Council constituted by Government of India. Similarly there are only seven women members out of 70 in the Andhra Pradesh State Consumer Protection Council. In order to widen the scope of role for women in consumer protection, the proportionate number of women members must be increased.

FINDINGS

CONSUMER MOVEMENT: A PRODUCT OF MODERN TIMES

The consumer movement is a product of the modern times with a great potential not only in the area of sales and purchases but service also. The first government legislation anywhere in the world was perhaps the Sale of Goods Act 1893 in Britain. It was an effort to provide protection to consumer goods. In the United States, the chief exponent of consumerism was Ralph Nader in modern times, and President Kennedy was the first to incorporate consumer rights in his Bill of Human Rights in 1962. The rights identified were the right to safety, to be informed, to choose, to be heard, to basic needs, healthy environment, education and representation. The responsibilities of citizens were identified as: critical awareness action, social concern, environmental awareness and solidarity.
CONSUMERISM IS A FORCE TO RECKON WITH

Consumerism is basically a social movement designed to augment the rights and powers of the buyers in relations to sellers. More specially the term indicates an organised efforts by individuals, public and private agencies and some businesses to protect consumer from malpractices in the market place. Poor performance by a number of products and services over a period of years as resulted in a consumer movement popularly known as consumerism. It stands for organised efforts of consumers seeking redressal, restitution and remedy for their dissatisfaction. Its basic tenet, however, is fair play by business towards consumers.

The consumer movement has evolved into a major force in many developed nations. There has been a sweeping change in the attitude of the public towards the responsibilities of the business in these countries. As a result, it is increasingly felt that the rule governing sales transaction is no more Caveat Emptor (Let the buyer beware). Instead the days of Caveat Renditor (Let the seller beware) are there to stay. Understandably, organisations in these countries are under constant pressure to demonstrate greater responsibility in serving the needs of the society.

CONSUMERS CHEATING IS RAMPANT

With the advent of virulent advertising, publicity and propaganda, through newspapers, radio, films etc., and other mass media of communications and the intensified competition between several products and manufacturers the entry of large number of substitutes for several commodities, the large scale resorting to malpractices of the businessmen and the industrialists e.g. underweighting, adul-
eration and undue discrimination in the matter of charging different prices to different customers at different places and timings etc., the proven incompetence, inefficiency lethargy, irresponsibility, indifferences and an attitude of apathy, if not carelessness on the Government officials entrusted with the responsibility of administering the various statutory obligations, weights and measures. Keeping the products free from adulteration, price controls, distribution controls etc., the consumers in India are getting panicky as to how they can protect their rights as consumers and organise themselves. But the fact is an overwhelming majority of them are disinterested on their rights and privileges as consumers. This has also added a new dimension to the problem of consumerism in India.

CONSUMERISM IS PROFITABLE

Initial reactions by the business community to consumer movement have been negative in India. Even now in case of private nursing-homes and like businesses, they tend to resist on the ground that it is costly and interferences with their traditional prerogatives to market. What they want in the way, they went and imposing new, unneeded and unwanted legislations on their behaviour in the market place. However, many others have learnt that consumer is not a passing fad, rather it is an enduring phenomenon in India.

Of late, more and more businessmen's view that what is good in the long run for consumer is good for business. In their relationship with business, consumer movement should take note of the fact that it is actually in the interest of consumer that industry make a reasonable profit and grow. It is only a growing and profitable business that can undertake the steps that are necessary to meet consumer aspirations.
Contrarily, unprofitable businessmen tend to erode quality, limit production and distribution, withdraw from Research and Development etc., in an effort to ensure survival. This is not in the interest of consumers. This is quite detrimental to the interest of the consumers. Therefore, in the dealings with a business, it is necessary to have a clear realisation that their profitable survival is in the interest of the consumers as well.

APATHY OF INDIAN CONSUMERS

To most people in our country, the consumer protection movement has been something alien and specialised, as though they are not a part of it. Little do they realise that consumerism as it were, is a part of every life from before birth until after death. And that anything and everything even remotely to deal with man is a consumer issue. What is lacking is the awareness of one’s rights and an inherent collusion in most consumers to let things go on as they are. What is worse is that educated and informed consumers are the ones who are least bothered. Despite all kinds of obstacles, consumer action groups have been in the field for a period of long time. Consumers needs to be educated mainly on the redress machinery provided under the Consumer Protection Act. ‘Information is power and the consumer has the right to be informed. But more often than not, the Indian consumer is misinformed, ignorance leads to exploitations’. Realising this, the consumer organisations have launched an intensive awareness programmes.

LACK OF RATIONAL THINKING AMONG CONSUMERS

Consumers are being exploited by the middlemen and manufacturers since times immemorial. He is the person who ultimately bears all the burden of exhorbitant charges and unreasonable profit margins charged by the middlemen engaged in their distributive channels of trade, as consumers are vulnerable and totally un-
organised. The main reason for such a pathetic state of affairs is lack of proper
education and rational thinking among consumers. The mercantile proverb Caveat
Emptor (Let the buyer beware) prevails in the market than vice versa. The welfare
of the consumer has been relegated back. This is the defect of sovereignty of the
consumers in the present Indian market. This situation calls for an effective and
powerful consumer movement (consumerism) with a wide net work of its activities
spread throughout the length and breadth of India.

EDUCATION - A SURE WAY FOR CONSUMER PROTECTION

Though in India, millions are supporting consumer resistance movement,
yet it has not made any impact, because of the absence of mass education on the
consumers rights and the need for consumer to organise himself effectively to save
himself from the onslaught of powerful forces interested in keeping him
continually exploited. Today, an average Indian consumer is poor, illiterate,
ignorant, apathetic or just defeatist and continues to be at the receiving end.
What is in short supply is not commodities but justice; not laws but awareness.
Even enlightened urbanities are indifferent to any organised consumerism. They
gamble all the while, decrying the trade cursing every one on earth and yet doing
nothing about it. The Government too, in spite of its best efforts is yet to reach the
real target group for consumer protection. Real consumer protection could be built
up only by consumer education. Education is one sure way of making consumers
aware, potent and self-reliant. If the consumer's health, safety and economic interests
are taken care of, the standard of living of the entire nation will receive a face-lift.
But for this, the consumer will have to take more interest in his own welfare by
educating himself about his own rights and asserting them whenever the need arise.
WEAK BARGAINING POSITION OF CONSUMERS

The position of consumers in the Indian set-up is quite peculiar. Though consumer awareness is increasing, he is the person who is most harassed and uncared for the present day economic and social scenario. Very often, he has to compromise with substandard quality goods and forgo many after-sale services because of his weak position in the market on account of rapid inflation and shortfall in supplies.

CONSUMER ASSOCIATIONS - YET TO BE STRENGTHENED

Although every member of our society is a consumer and knows that traders insult and exploit him, yet very few can spare time and money to improve matters. Whereas traders and manufacturers have well-knit and vocal unions with ample resources to look after their interests, consumers have no such powerful and active associations to fight their battles.

Very few consumers can pick up the courage to wage lone battle against trading interests. If consumers are to regain their rightful status in the market, they must set up effective organisations which are willing to assert the rights of consumers.

ULTIMATE VICTIMS ARE THE UN-ORGANISED CONSUMERS

At present it would be seen that, the producer and the manufacturer have some what powerful organisations to secure their lurid interests. There are equally powerful lobbies in the government to see that no harm be falls on them. The
producer, the manufacturer and the middle man secure their margin of their profits. This is a vicious circle in which the ultimate victim is the un-organised class, the consumers.

CONSUMER GROUPS - YET TO BECOME EFFECTIVE

Consumer groups have been working for nearly two decades. However, they are yet to become effective functioning as instruments of consumer vigilance. A few groups were active before 1986, but they work only after the Consumer Protection Act was passed. Though more and more groups have been formed, there are only a few groups which can be said to be really active. They are also having difficulties due to lack of funds, people not being able to spare time, not coming forward of sufficient number of voluntary workers etc.

CONSUMER IN INDIA - THE MOST NEGLECTED VICTIM

The consumer in India is the most neglected victim of careless planning of the present times. The reason is obvious, consumers are un-organised.

ORGANISED EFFORTS - KEY TO SOLUTIONS

The need of the hour is the organisation of the consumers into powerful unions at various levels to protect their rights and privileges and safeguard themselves against the exploitation of the fraudulent businessmen and industrialists. It is only then that the consumers in any country in the world can find salvation from their problems. Legislations alone is no panacea for all the problems of the consumers.
CONSUMER LEGISLATION - A PHENOMENON

Legislative enactments aimed at protecting the consumer as it covers wide and varied areas. Areas of consumer education which are the subject of legislation include, buying or building a new home, home appliances, insurance, real estates, transportation, food and drugs, false advertising, professional services, financing institutions, repair services, door-to-door sales, travel agencies, magazine subscriptions, private home study, business technological and social skills, career schools and corresponding schools, private employment agencies and business schemes, mail orders and many others.

In recent times one of the most significant areas of economic regulation all over the world has been the adoption of consumer protection legislations in a big way. In India, many such laws have been enacted by Parliament to protect the interest of consumers since Independence. The month of December, 1986 can legitimately be considered as session of Parliament for consumer protection when a marathon race of legislative activity was undertaken to protect the interest of consumers.

CONSUMER PROTECTION ACT - BEST PIECE OF LEGISLATION

The CP Act came as afresh breath of air to democracy. The rights envisaged in the Act finds a place in the socio-economic 'Twenty-point Programme' of the Government of India.

With a view to protect the interest of the consumer, as many as 22 acts found their entry into the statute books at various points of time in India. Despite plethora of consumer protection legislation, the promised 'effective support' and
'better protection' to consumers remained a mirage due to lack of effective implementation or the inherent deficiencies found in the working of the statutes. Most of these enactments are either punitive or preventive in nature. In order to subserving the cause of consumers at large, the CP Act, 1986 (Copra) a central legislation came into force on April 15, 1987. By July 1987 all the provisions came into operation. Considering the scope and extent of its operation, this enactment can said to be a land mark legislation - a major legislative step to protect the consumers interest across the board and to provide simple, speedy and extensive and inexpensive redressal of the consumers' grievances. The Act provides a three-tier redressal mechanism at the district, state and national level. The state and national level bodies function as appellate authorities. Any unsatisfactory verdict given by the National Commission can be challenged only in the Supreme Court. The hallmark of this Act is that it has set a time frame for the disposal of cases. Barring services rendered free or under contract of personal services, the Act covers a whole range of goods and services for setting disputes other than the quality and standard. The fact that the Supreme Court has felt the latest enactment - the Consumer Protection Act, 1986 is tailor made to help the consumer. It not only provides for the establishment of consumer protection councils at the state and Central levels to promote and protect the rights of the consumers, but more importantly, provides for a three-tier machinery for redressal of grievances, cheaply and expeditiously, at the district, state and Central levels. Though one snag is the multiplicity of appeals, nowhere in the world is there such an enactment. It is also wide in its scope taking within its ambit both the public and private sectors, products as well as services. The Act is the result of much interplay and discussions between the Center, state and consumer forces determined to protect the consumers from being exploited.
STRENGTH IN SIMPLICITY

Perhaps COPRA’s greatest strength lies in its simple yet comprehensive text - starting with its definition of a consumer as anyone who buys any good or hires any service, or anyone who uses such goods or services with the approval of the actual purchaser or hirer.

The term ‘defect’ and ‘deficiency’ are applied by COPRA to cover any fault, imperfection or shortcoming in the quality, quantity, purity or standard required to be maintained in consumer goods or in the manner of their performance - under any existing laws. Under COPRA, a consumer complaint can relate to any trade practice which has caused loss or damage to the consumer, any defect in any good, or any deficiency in any service rendered to the consumer.

COPRA also avoids establishing complicated rules or elaborate procedures for consumer forums and commissions, which must dispose of complaints within 150 days. Consumers don’t have to pay a court charge or any other legal fee and are not required to have legal representation. They need only to present their complaint in person and in writing, describing the grievance on a simple sheet of paper which also names the party against whom it is lodged.

In disposing of consumer complaints, the ruling tribunals can order the removal of related defects or deficiencies in goods and services; order the replacement of defective goods and services; order that consumers be refunded for a purchase of a good or services; or order that they be financially compensated in an amount which is commensurate with their personal loss or injury.
SPIRIT OF ENACTMENT MUST BE PRESERVED

The best and most elaborate of legal enactments is bound to be subject to shades of interpretation, but if the spirit of the enactment in the case of the Consumer Protection Act is kept paramount, these courts can do immense good in cleaning of our day-to-day harassments, especially from public utility services. The officers who are of in-charge of forums should quickly dispose consumer complaints. It is very important to note that the common man should not loose his belief in the consumer forums. Adjournments should not be allowed.

GOVERNMENT IS COMMITTED TO CONSUMER MOVEMENT

Apart from the enactment of consumer legislative measures, attempts are also made to create awareness among consumers about their rights and responsibilities. The various legal and administrative measures taken by the Government need to be supplemented by a strong consumer protection movement in the country. The movement has to be developed on a voluntary basis through greater participation of the voluntary consumer organisations. Several consumer guidance associations have been doing useful work in consumer education as well as in checking unfair trade practices indulged by the manufacturers and middlemen. The Department of Civil Supplies is operating a scheme under which financial assistance provided to voluntary consumer bodies for specific programmes. This forms a part of the activity of the Civil Supplies Department aimed at encouraging the consumer movement.

JURISDICTIONAL LIMITS OF FORUMS RAISED

The District Consumer Redressal Forum is vested with necessary powers to redress consumer's grievances in respect of unfair trade practices, defective goods
and services up to a claim amount of Rs. 5 lakhs. The State Commission can entertain consumers' claims in excess of Rs. 5 lakhs and up to Rs. 20 lakhs and the National Commission is vested with powers to award compensation for damage above Rs. 20 lakhs. The sellers and producers found to be guilty in the matter of complying with the provisions of the award, shall be imprisoned from one month to three years. In addition, they can also be asked to pay a fine of Rs. 2000/- to Rs. 10 lakhs. The Government of India has also been giving wide publicity to these provisions of Consumer Protection Act 1986 through the media of press, TV, radio and public meetings.

RAISON' DETRE OF CP ACT

The Consumer Protection Act is a boon for it can revolutionise the government, public and private sectors. It is a simple Act that prevents bad or improper service, a bad or defective product. Even with hundreds of laws in the country dealing with prices, distribution, sales, quality, standards, adulteration, safety, packages, short weights etc., the consumers' interests are hardly safeguarded. The traders misuse the laws by filing cases in the civil courts. This led to the promulgation of the COPRA in 1986.

3-WAYS OF CONSUMER PROTECTION

The study reveals three distinct ways to consumer protection. First by self-regulation on the part of business. But in our country this assumption on the part of business seems to be far cry in view of the perpetual exploitation of consumers by business community. Secondly, by the united and organised action of consumers. Commendable work has been done by voluntary agencies in many countries
including India, in extending the rights of the consumers by keeping the producers conscious of consumer rights and interests. According to Thomas, the role of consumer organisations is three-fold. These are consumer education, product rating and liaison with government and producers. In India, the consumer organisations are mainly engaged in educating the consumer and liaison with government. So far as product rating and liaison with producers is concerned they have yet a long way to go. Thirdly, by enactment of laws in the interest of consumers without loopholes and proper implementation of such laws. No doubt, it guarantees some protection to consumers and helps to know exactly the nature of dishonesty, the punishment for indulgence in such practices and the authorities together with their powers to whom the consumer can approach for redressal of his grievance.

Statutory Measures

The Government of India has brought out a number of statutory regulations to protect the consumer’s interest so far. All these aimed at controlling production, supply, distribution, quality, purity and pricing of several goods and services and consumers should be informed about the availability of the goods and cautioned on unfair trade practices resorted to by unscrupulous traders and producers of the goods. These legislative enactments cover various aspects of consumer protection against health hazards, for safety and security, for purity and availability of products at reasonable prices and so on. The Prevention of Food Adulteration Act 1954 and Drugs and Cosmetics Act 1940 seek to provide safety to consumer’s. The Essential Commodities Act 1955 provides for the control of production, supply and prices of essential commodities. Emblems and Names (Prevention of Improper use) Act 1956, The Trade and Merchandise Act 1958 and the MRTP Act 1969 provides safeguards
against certain types of unfair trade practices and other acts like Prevention of Black Marketing and Maintenance of Supplies, Essential Commodities Act, Indian Sale of Goods Act, Indian Patents and Drugs Act, Agricultural Products Grading and Marketing Act, Drugs Act and Drugs Control Act, Indian Standard Institute Certification Act, Standard Weights and Measures Act, Imports and Exports Control Act, Packaged Commodities Order, Price and Stock Display Order also provide necessary safeguards to protect the interests of the consumers. A series of amendments to several acts have been passed. Among them, MRTP (Amendment) Act of 1984 and enactment of Consumer Protection Act 1986 are important.

SELF REGULATION IS IMPORTANT

Today, the private sector all over the world, inspite of its superior performance, is under constant attack from different quarters and its role and contribution are still not adequately appreciated. If the private sector want to function with honour and dignity, it have to earn public goodwill and win consumer confidence. Consumer protection, therefore, becomes as much a concern of Government as of business. Consumer protection can be ensured by self regulation by business itself. In other areas it is only by adopting institutional self-regulation that business can render government regulations unnecessary. By adopting self-regulations in these areas, business can respond creatively to multiple challenges thrown up by the emerging situation and can involve Government as well as consumers actively in its own functioning without efficiency. Besides, this would also help project a fair image of business before the public.

EFFECTIVE IMPLEMENTATION OF PROVISIONS IS IMPORTANT

The success of this legislation will depend on effective implementation of it provisions by the Central and State Governments in letter and spirit. In addition,
it will require support of a strong broad based consumer movement in the country, involvement of women and youth and cooperation of trade and industry.

NON-JUDICIAL FORUM MEMBERS - NOT WELL VERSED WITH LAW

Each forum at the district and state level has two non-judicial members normally persons of eminence. But majority of non-official members appointed on the consumer forums are not well versed to the procedure of law in general and that of Consumer Protection Act in particular. Therefore, there is an urgent need to organise special orientation to be conducted frequently for these peoples.

PENDANCY OF CASES BE REDUCED

A perusal of the complaints received at these courts reveals that if only our private as well as public sector companies - more so the latter - offering goods and services were a little more responsible and responsive to the complaints of the consumers they serve, the applications filed before the consumer grievance redressal forum would drop automatically by as much as 75 per cent.

CP ACT COVERS WIDE RANGE OF CONSUMER INTEREST

An analysis of the various judgments given by the district and appellate forums (state and National Commissions) reveals that very wide range of consumer grievances could be redressed in a novel manner which include grievances relating to passengers (railways and roadways), parcel services, banking services, housing, insurances services, postal and courier services, adulteration of food and other items like fertilizers, seeds etc., cheating in lotteries, dip system and other benefit
schemes, collection of undue amounts of the guise of fee for training Programmes and securing jobs, problems in respect of cinema goers, investor problems, cheating by finance companies, student consumer problems, non payment of dues to retired employees, medical negligence, warranty and guarantee violations, defective goods over charging of prices, violations of Packaged Act, irregularities in public distribution system etc.

With more and more amendments to the CP Act are in the offing. This piece of legislation is poised to be an omni - protector of the poor consumers at the behest of trading community.

MORE AMENDMENTS ARE LIKELY

When the Consumer Protection Act was enacted in December 1986, the development was hailed as one heralding the age old of the consumer. Though implementation was slow initially, it was not long before consumer courts deluged by complaints. Soon, various anomalies in the Act became evident and various groups began lobbying to get out of its purview. The response of the government was only to make the Act more stringent. But the battle is far from being over.

APEX COURT COMES TO RESCUE

Even though CP Act came in the year 1986, as per the provisions of the Act, the governments of various states did not pay much attention for constituting full time forums even after three years. The Supreme Court in a landmark judgment on 19 September, 1989, directed all the states and union territories to set up district level consumer forums and the state level commissions as required under the
provisions of CP Act 1986 within a period of six weeks from the date of the order. As a result of this direction, State Commissions and district level forums were constituted by the respective states and union territories. The Supreme Court in the year 1992-93, again directed the state governments to appoint full time judges by constituting full time forums at district level and it gave six months time to the state governments to do so. Accordingly, the state governments have constituted full time forums by appointing retired district judges as the presiding officers.

CONSUMER FORUMS CREATED NEW AWARENESS

The introduction of these consumer courts has on the one hand, enabled individual citizens to present their grievances, and on the other, highlighted the callousness of these undertakings in a stark manner - often, these public utilities do not even bother to turn up for hearings. Such cases though encouraging, are only highlighters. What really matters is the slow and silent revolution that is taking place among individual consumers especially the middle class. Sandwiched between escalating prices and deteriorating quality of goods and services, one can sense a quite militancy.

CONSUMERISM IN RURAL AREAS - DAY IS NOT FAR OFF

Consumerism in India has largely been confined to urban areas and often termed as an urban movement. The rural population is devoid of any such organisation. However, with the gradual spread of education in rural areas, it seems that the days are not far when rural consumers will organise themselves into powerful unions in order to protect their rights and privileges and safeguard themselves against exploitation of unscrupulous businessmen.
MANY OBSTACLES FOR IDENTIFICATION OF HAZARDOUS PRODUCTS

The study reveals many obstacles for identification of hazardous products.

* Lack of practical experience with the control of products other than food because of systematic state intervention in the product safety field which has started only recently in India, we may say that this is totally absent.

* Lack of coordination between independent inspection services and inadequate communication between these services and the ministries concerned.

* Lack of organisation on the part of trade and industry, which makes it difficult either to consult manufacturers, importers and traders when statutory regulations are being prepared or to ensure compliance.

* Lack of any international exchange of information and cooperation between control services and administrative authorities. This would be especially important in the case of dangerous products that are traded internationally.

SOCIETAL NEEDS RELATIVE TO CONSUMER EDUCATION

The impact of consumer education on societal needs has emerged as a constant concern of consumer movement. Consumers find themselves in a rapidly changing world, one in which economic, political and social changes make new demands for competence in the market place.

The following points give a clearer indication of what the consumer needs to know today and tomorrow to function in and influence the market place.
a. **We are Living in a Global Society**: Consumers need to know that their daily purchases, imported from a variety of nations are but a microcosm of the vast linkages among all nations on the planet. The effects of global pollution of air and water, the development of space travel and germ warfare are consumer challenges on an international scale.

b. **We are Living in a Rapidly Changing Economy**: Traditional economic viewpoints are being questioned as traditional strategies (e.g., raising interest rates to slow the rate of inflation) fail to produce their intended effects. Consumers tend to feel the effects of such inflation in high prices, without having adequate knowledge of how the system works. They find it difficult to make judgments about variously proposed solutions.

c. **People seem to be Getting less Satisfaction from Buying**: Economic point to the gradual middle-classification of society as having an impact on consumption behaviours. Increasing one's status is losing ground as a motive for consumption since everyone moves forward together. Standardization of goods makes them increasingly joyless to consumers. Consumers need to make judgments with greater self-knowledge of their individual consumption and to be more aware of its social consequences.

d. **Information about Consumer Goods and Services is Increasing Rapidly**: The knowledge explosion has struck all areas of life. In consumer areas, the knowledge explosion makes decisions and appropriate actions increasingly difficult. Consumers need conceptual skills to deal with complex and information-laden areas, so that a common forum of reference can be utilized in a variety of circumstances.

e. **Goods and Services are now being Provided by Public and Private Sectors alike**: Government intervention in the economy now frequently takes the form of changing an enterprise from private sector to public sector, or vice-versa. The consumer can become a part of such decisions if properly knowledgeable.

f. **Rates of Employment and Consumption are Increasing in the Area of Services**: This presents consumers with a new area in which their participation is warranted in order to achieve (1) a heightened sense of accountability on the part of the services (2) new forms of payment, and (3) new certification systems to measure service performance.
g. A New Politics is Emerging within the Consumer Movement:
Community consumer organisations, advocates for the consumer interest on all levels of exchange with business and government have moved beyond the politics of the electoral system to protect and advance consumer goals. Their strategies now include obtaining adequate legislation through lobbying elected representatives, boycotts, and consciousness raising.

BIS - A WATCHDOG

The Bureau of Indian Standards is a premier institution in India constituted for the setting up of standards in almost all sectors of economy. It has its offices in all the principal cities of India and from the time of its commencement has set standards for thousands of articles. It has also set, adopts the ISO (International Organization for standardization) standards wherever considered necessary and thereby aligning the Indian standards with the International Standards.

Innumerable studies conducted on factors influencing the purchase decision of consumers has revealed that quality and prices are the two most important factors. Price is the second most important factor affecting the purchase pattern of consumers, at least those belonging to lower and lower middle income group with limited purchasing power. Therefore, BIS which is functioning as a 'watch dog' for quality maintenance, should also see that at least the essential of life are available with minimum quality and means can be marked out to make it a part of the system.

COMPARATIVE TESTING - A NAVAL PHENOMENON IN INDIA

In western democracies, consumer groups have been making available comparative data on products to consumers to enable them to make a data
supported informed choice. To encourage this activity in India and to bring consumer groups, government officials and scientists together, are looking into the development of comparative testing in India.

BOYCOTT - YET TO BE EMERGED AS A PROTEST

The best form of expression of consumers' grievance is 'boycott'. Boycott is rather and ultimate weapon in the hands of the consumers. But boycott could not be resorted to by the consumers in India because they have been forced to live in shortages. During the freedom struggle, Gandhiji's call to 'boycott' foreign goods is an offence on the British Rule, shook the mighty empire.

GATT - A GATEWAY FOR CONSUMER PROTECTION

The likely increase in the inflow of foreign goods and technologies as a result of new liberalisation industrial policy will increase competition among the suppliers of goods and services which ultimately is expected to result in the availability of quality goods at reasonable prices. After enforcing of the GATT by the Indian government, it is indubitable now that the days of free and open flow of industrial technological know-how are ahead. Every now and then our delegates visit the industrially developed countries to seek the inflow of foreign investors and companies. In future, many multi-nationals will arrive with known and unknown technical know-how divulging only certain aspects of its economic viability.
CONSUMERISM - ENOUGH ROLE FOR WOMEN

By and large consumer awareness is still in its infancy in India and more so among the women of our country. Consumer practices is an area where awareness is must essential and with which women are closely related. Unfortunately, the rights provided to the female citizens by our judiciary are not observed in Indian society. It is also true that Indian women are acutely unaware about some laws benefiting them. In order to improve the status of women, legal awareness should be created on educational basis among the difference areas of law.

MEDICAL PROFESSION - NOT SPARED

The much protest by the doctors community against its inclusions under the purview of Consumer Protection Act has not yielded any result and consumers (Patients) interest is much protected. Medical negligence is one category of civil wrong or tort; we, in India, have no statutory law on tort or any other civil wrong. It is governed by ordinary law of justice, equity and good conscience. As far as medical negligence is concerned, the ordinary duty is what is normally described as the 'duty to take care' of a reasonable man. This duty to take care is much higher for doctors.

The Amendments (1993) of the Consumer Protection Act also confirmed the inclusions of private doctors and nursing homes for any negligence.

INVESTOR PROBLEMS NEED URGENT ATTENTION

Capital market in India has witnessed positive trends in the recent years. The investment culture among the middle class of consumers is very much developing.
However, the failure of the cooperate sector towards fulfilling certain basics like furnishing proper information to the investors about the allotment of shares, refund of money (in case of no allotment), and its fraudulence of the financial agencies like UT1 and similar organisations in sending the certificates of investment have concerned great distress to the investors.

A large number of complaints being filed on various companies in the various forums of our country is an indication of the growing discontentment amongst the investor consumers.

CONSUMER ORGANISATIONS TAKE ON ENVIRONMENTAL ISSUES

It is evident from study that the environmentalists who primarily made use of the writ jurisdiction of Supreme Court and other recourses available through civil courts are now seriously thinking of involving some of the provisions of CP Act for the purpose of safeguarding the environment from all health hazards. Many consumerists or their organisations have filed their environmental grievances like poor sanitation, air pollution, water pollutions etc., before the local consumer forums instead of the civil courts.

CONSUMER MOVEMENT FACILITATES QUALITY SYSTEMS - AND THUS PROMOTES FOREIGN TRADE

Creation of quality awareness through consumer movement is need of the hour. Infact, consumer movement helps pave way for crusade against inefficiency. Wastage, callousness and disorganised way of doing things. The consumer culture - compromising with a low degree of quality products indigenously, will adversely effect the long term interests of our economy. While the demand for higher quality products and services is so great in international markets, the Indian
manufacturers have become used to the local market culture with no resistance from the consumers against less quality. Therefore, the consumers in India have failed in their due role in building up pressure against the manufacturers with low quality consciousness, for, this only will help in building up stronger foreign markets for Indian goods. Quality systems alone could help us to make quantum jumps forward and make us a significant player in international trade and commerce.

FUTURE HOLDS FOR INDIA'S CONSUMERISM

It is crystal clear that consumerism is here to stay in India and grow into a socioeconomic revolution in the near future since an institutional structure has been built to support it. The negative business responses and voices are dying down. No longer a business executive can argue that a little puffery in advertising, a few bad products and services, a few crooks in the marketing and a little pollution here and there is readily a small price to pay for the marketing system.

Instead, business needs to develop strong, positive programmes that will serve as a satisfactory response to consumerism. These programmes must generate (i) adequate consumer information (ii) safe products/services whose performance meets advertised expectations (iii) consumer satisfaction and (iv) a socially desirable environment. Striving for these goals may mean that some business will suffer short run losses.

Of late, many enlightened and progressive managements are alive to their responsibilities to the society in general. They provide satisfactory - after - sale service, hear consumer grievances and replace the product and offer free maintenance and repair. Some of them have recognised the need for guaranteed performance of their products.
Price tags and informative labels are being appended for the information of the consumer. They are also undertaking truthful advertising and are avoiding misleading appeals. They know that the business interest and consumerism both aim at protection of the consumer at the market place. They are therefore, taking positive steps to safeguard the consumer interest by adopting consumer-oriented marketing.

CONSUMER POLITICS

The study reveals the likelihood of consumer politics in the years to come with the growing awareness among the people who are the ultimate decision makers in the election of ruling parties. Incidence have occurred when consumer groups activists, have shown interest in persuading various political parties to include problems pertinent to consumers in their respective manifestoes.

CONSUMER MOVEMENT IS YET TO TAKE OFF

The consumer movement has remained in its infancy and has grown to some extent in some metropolitan cities only. In India, the consumer protection movement has largely remained under the protection of Government and it is largely ineffective. Socio-economic legislation and the response of the business has so far been totally negative towards the wants and needs of the consumer. It still has a long way to go to reach the awareness and organisational skills displayed by consumers in the West. What the Indian consumer should know is that he need not any longer, quietly suffer shoddy goods and bad services. Remedies and redressal avenues are open to him. If he feels hesitant to fight on his own, he should contact a consumer organisation.
there is none in his town, why not form one? Even if he does not become a Ralph Nader, will have the satisfaction of not only getting justice for one but also is helping others to get it. If more of us do not make use of the new provisions, will have no one but ourselves to blame, and would fully deserved the harassment, unfair trade practices and dissatisfactory services that we get.

CONCLUSION

The consumer can be king even in our market conditions; only if he realise his own strength and combines with all other consumers, refuse to be bullied into paying unfair price, recognises the potential of united protest by the simple device of self denial. In the back-drop of such thinking, the Consumer Protection Act is greatly welcome. However, it needs to be understood that mere legal provisions cannot improve the situation. Success would greatly depend on the enlightened consumers, the effective redressal machinery and the support and cooperation of the consumers and their organisations and other sections of the society.

The interests of the consumers are center to the economic and social well being of the country. If politicians, industrialists and trade union leaders stopped patronising consumers and paid real attention to their needs, there is a chance - no more than a chance, but a real one, nevertheless - that this country would slough off its despair and achieve the new generation it so richly deserves. But in a country where most of the people are illiterate and living below poverty line, it is too ambitious to expect adequate knowledge of legislative provisions and their integrity on the part of the businessmen and the greater awareness understanding, knowledge and education on the part of the consumers that will make the consumer movement more effective, meaningful and purposeful.
REFERENCES


