CHAPTER : III

CONSUMER PROTECTION MOVEMENT IN ASSAM
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ORIGIN AND DEVELOPMENT OF CONSUMER PROTECTION MOVEMENT IN ASSAM

INTRODUCTION:

In the age of the Epic 'Mahabharata', Assam was called 'Pragjyotisha'. But to the 'Puranas' and the 'Tantras', the same land was named as 'Kamrupa'. From the Ahom period, this region came to be known as 'Asams' or 'Unparallel' after their racial connotation.

In the primitive ages, although some of the economic activities like production, consumption etc. were in existence in the State, but they were totally different from present days activities. Almost all the necessaries of daily life of the primitive people of the State were produced by themselves and those articles which couldnot be produced by them were managed by means of 'exchange'. In the primitive Assamese society, the system of 'barter' as a medium of exchange was prevalent. Some definite articles were used as medium of exchange, like - pet animals, animal skins etc. 'Coins' or 'Money' as a medium of exchange were not known to the primitive people of the State. Due to the limited and simple requirements of the people of this period, there was hardly any complexity in the field of production and consumption. The people at the same time, were the producer as well as consumer also. In this CHAPTER, it is intended to make an elaborate discussion on the origin and development of consumer protection movement in the State.
3.1 EARLIEST ECONOMIC CONDITIONS OF "KAMRUPA"
(Upto Twelfth Century A.D.):

Like the other parts of India, our State Assam, has also passed through various stages of economic conditions. But, all the literary works are silent in respect of the economic conditions of the people of the State, before the art of cattle-rearing and cultivation were known to them. Practically, neither the literatures nor any epigraphical works state anything about the economic pursuits of the people of Assam in the said period. Hence, the art of cattle rearing along with cultivation can be regarded as the early institution in the economic history of Assam.

The cultivation of paddy, constituted one of the chief economic pursuits of the people whether dwelling on the hills or in the plains of the State, because of the reason that rice was the prime food item of the Assamese people. Similarly, both the fishing as well as hunting of animals also constituted as important occupations of the people of the State. But the existing materials do not reveal that a considerable section of the people of the State was dependent entirely on these occupations. In these days, people successfully managed the few things for their limited daily necessaries, like as rice, by themselves.

The craftsmen of ancient 'Kamrupa' were also occupied a prominent place in ancient India. The craftsmen of the State could earn a fame in various working areas, such as the art of weaving and sericulture; working in metal, ivory, wood, leathers, cane, bamboo, and the like. In fact, the economic wealth of the State played a vital role in the evolution of these crafts. The various literatures, foreign accounts and epigraphical works also mention the different professional classes in the State, like weavers;
spinners; dyers; workers in ivory, metal, wood, cane, bamboo etc. Besides these, there are the evidences from the writings in different literatures that the manufacturers of cloth were also present in the State and the cottage industries, mainly the hand-loom industry had always occupied a distinct place in Assamese society in the ancient time.¹

The people of the State were accustomed with the art of sericulture and they were expert in rearing of cocoons for the manufacturing of various silk clothes, as long as from the period of Epic. There is also mention about the production of silk and the silk-trade route in the writings of different authors. The evidences from the 'Arthasastra' written by 'Kautilya', 'Harsacaritta' written by 'Banabhatta' and some other classical writers prove that in the art of the rearing of silk cocoones and weaving of the finest silk textiles, the weavers of 'Kamrupa' had a reputation equal to those of 'China'.² Similarly, the art of embroidery and the manufacture of dyeing materials were well known to the Assamese people from the very early time. The art of dyeing was an ancient practice prevailed in the Assamese society.³ The Assamese craftsmen had also a domination over the various crafts-work like working in metal and ivory and wooden works in ancient time. The literatures and epigraphics also pointed to the existence of some other minor crafts-work like -leather-work, brick-work, pottery, cane and bamboo-work during the early period in the state.⁴

With her plenty of economic resources along with various agricultural and industrial products, ancient 'Kamrupa' had both internal and external

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¹. CHAUDHURY, P.C.: The History of Civilization of the People of Assam—To the Twelfth Century A.D., Guwahati, Published by the Government of Assam, in the Department of Historical an Antiquarian Studies, (1959), Pp.-338 and 339.
². Ibid, P-343
³. Ibid, P-344
⁴. Ibid, Pp-349 and 350
commercial activities. The State had close cultural and commercial contact with Gujrat and Kashmira; besides its relation with 'Videha' from the early periods, which has been proved by the 'Epics', the 'Puranas' and the 'Rajatarangini' written by 'Kalahan'. But the most intimate relations of the State, in respect of both the cultural as well as commercial field was with 'Magadha'.

In the ancient time, 'silk', both raw and manufactured was one of the chief articles of trade in the State, which was exported to other land also. The other articles of merchandies of the period as mentioned in the classical works were-lac, buffalo and rhinoceros hide and horns, musk, cloth etc.

3.2 RULES AND REGULATIONS OF BUSSINESS IN ANCIENT ASSAM

But unfortunately, none of the literatures mention anything about whether any law or regulations in order to control and regulate various business and commercial activities in the said period were in existence or not. Perhaps there were no such direct written documents containing the rules and regulations of business and trade. But this does not mean that the people of the State in the ancient period was not law-abiding. Although there were no written legal evidences in the concerned area, still the people were governed by the principles of 'Dharmasastras'. So any type of 'deceiting' or 'defrauding' in the field of business and trade which was regarded as 'adharma'(irreligious) did not occur in the practical

5. Ibid, P-358
6. Ibid, Pp-359 and 360
field as the people of the State were governed by the principles of 'Dhamasastras', that contributed for the high morality of the people.

As in the other parts of India, in our State also, all the transactions were carried on by the way of barter or exchange. The various evidences from the trading relations that were existed between our State and other parts of India, proved that the 'barter' was the only medium of exchange in the ancient time.

In the said system of 'barter' a standard unit, like - a cow or other domestic animals, animal skins etc. were used as a medium of exchange by the people. Similarly garments, rice, cowries (Coonch shells) etc. were also used for 'barter'. The earliest reference relating to the use of 'cowries' is found in the 'Harsacharita' written by Banabhatta, where the writer stated that Kumar Bhaskar Varman, the famous 'Varmana King' who ruled over Kamrupa during the period from 594 A.D. to 650 A.D. sent to his friend and one of his contemporary Ruler of Northern India, King 'Harsabardhana' (King of Kanauj) a heaps of black and white cowries as 'present'.

3.3. STANDARD WEIGHT AND MEASURE IN ANCIENT ASSAM:

On the other hand, the evidence about the use of any definite weight and measure in the ancient Assam is not satisfactory. It is not known what exactly was the standard of weight of the coins referred to in the ancient Assam. In the 'Silimpur Grant' in connection with the grants of land, contained the word 'drona', and on the basis of 'Arthasastra' the

7. Ibid, P-361
8. Ibid, P-362
weight of a 'drona' was taken to be 21 lbs. Similarly, the said 'Silimpur Grant' also contained the word 'Patakas' which is taken to be equal to forty 'dronas' on the basis of 'Gupta' inscriptions. In Assam, the term 'drona' or 'dona' is used as measuring five seers of any article, but when the same is applied to measuring a plot of land, it stands for about a 'bigha' of land. So we can presume that both 'pataka' and 'drona' might have been used in the sense of measuring a particular area of land as well as for weights and measures and were used to exchange of commodities through the system of 'barter'. Here also literatures were quite silent about rules and regulations governing the proper implementation of weights and measures in commercial transactions in the ancient time and whether there were provisions of punishment for the offenders in respect of using false weights and measures in the State.

3.4 CONSUMER PROTECTION IN THE MEDIEVAL PERIOD:

The Thirteen Century A.D. maybe regarded as the end of ancient 'Kamrupa' and beginning of medieval Assam.

Sukapha (1228-1268 A.D.) laid down the foundation of the 'Ahom Kingdom' in Assam. This testimony is established by the chronicles called "Ahom Buranjis".

The Rulers of Ahom period, besides maintaining peace, unity and freedom, made the Assamese people economically secure and industrious. Perhaps, the biggest achievement accomplished by Ahom administration was in the field of bringing the region under a single centralised rule for many centuries, creating regional unity amidst diversity. It was a period

9 Ibid, P-362
of socio-economic progress and a liberal society undergoing transition. The medieval history of Assam cannot be confined only to the history of Ahom rule alone. A number of Kingdoms existed side by side like the Kacharis, Jayantias, Koches etc.

Susengpha alies Pratapa Simha (1603-1641 A.D.), who was also known as 'Burha - Raja' of Ahom Dynasty, was a benevolent and an efficient administrator, who did various works for the welfare of the public, inspite of his heavy engagement in the wars with the Mahammedans and the Kacharis. During the period of King Pratapa Simha, the people of the State were divided and classified on the basis of 'paik'. In fact, in the tenure of King Pratapa Simha, the 'paik' system was introduced in the State under the supervision of one 'Momai Tamuli Barbaruah'. The said Momai Tamuli Barbaruah was entrusted with the task of the establishment of the villages of the Kingdom in a systematic way and Momai Tamuli Barbaruah was also succeeded in reorganising the villages on a sound and secured economic basis. He introduced the said 'paik' system by making a census of the adult male population of the State. To facilitate proper administration, Momai Tamuli Barbaruah grouped the villages into regular units. In order to make the villages a self-sufficient one, every village was made to produce the necessary goods or commodities and other materials for their consumption.

In the said 'paik' system, the smallest unit of the 'paik' called 'got', consisted of four paiks, who generally did not belong to the same family. Each got paik comprised of four survitors who by turn were required to

11. Ibid, P-138
12. Ibid, Pp-138 to 141
serve the State and Nobles for three months in a year in lieu of enjoying nearly three acres of agricultural land free of tax or revenue. 'Paiks' were arranged in 'Khels' or 'guilds' or profession and these different guilds consisting of artisans, craftsman, militia etc. were settled in orderly manner in the different localities during the said period.\textsuperscript{13}

The village or the 'Gaon' was the lowest administrative unit under the Ahom period. The origin of the Assamese word 'Gaon' is the Sanskrit 'Gram'. The villages in this period were mostly controlled by the 'Khelwari' system of the Ahoms in respect of the administrative affairs including the judicial matters also. In the villages, people of different 'paiks' affiliated to different 'Khels' were controlled by their respective 'Khels'. The legal disputes, both the civil and criminal nature were settled with at the lowest level of petty office bearers of the respective 'Khels'.\textsuperscript{14}

In fact, in the early period, the articles were produced not for sale or for the purpose of making profit, but they were mainly produced for the consumption and 'barter' in the villages of the State. Although there were weekly or bi-weekly 'bazares' (markets) at certain places, but the items brought for sale and the volume of transaction were quite limited. Practically, in these days, the barter system and cowries were the medium of exchange and were used widely in the State. The minted coins by the later Ahom Kings were not the usual medium of exchange in internal trade. As the Ahom Rulers, by putting up some restrictions in the mode of living of their subjects, did not provide the room for encouragement of luxurious living and accumulation of wealth amongst the common people and the coins did not play a vital role in the economic life of the people, the common people of the Kingdom did not felt inclined to hoard

\textsuperscript{13} Ibid, P-141
\textsuperscript{14} Ibid, Pp-142 and 143
wealth. The people had to remain satisfied and contended with simple and minimum necessities of life.

In the early Ahom Rule, the industrialisation did not emerge and most of the local industries were confined to cottages only. As a result, the demands for only local needs could be fulfilled by these cottage industries and a very little was left for export and commercial purposes. There were 'hats' (weekly or bi-weekly markets) in some frontier outposts under the Kingdom. From the writings of Gait, the great historian, we came to know that during the reign of Pratapa Simha (1603-1641) numerous markets were established and the activities in the field of trade and commerce flourished accordingly in the later period of Ahom Rule in the State.

3.5 SOCIAL JUSTICE AND ADMINISTRATION IN THE AHOM KINGDOM:

Although there was no such written document relating to administration in the Ahom Kingdom, but the Ahom Rulers in general were good administrators. The Ahom Kings tried their best for the progress and development of the Kingdom. Their administration was strict and their subjects lived in the Kingdom happily with peace and prosperity.

Besides the usual sittings of the court, only the King by observing a strict procedure could summon the Great Assembly of the Nobles, officers and other office bearers whenever he desired the same. As because there were no written code to administer justice in the State during the Ahom period, so in the trials relating to some crimes and offences, a great deal of help was taken from the Hindu Smriti Sastras, in order to dispense
justice and to award punishment to the guilty person in the Kingdom. In these days there were several instances of punishment for the wrongdoers or sinners, consisting of confiscation of property, exilement etc. The corruption and mal-practice could not make their heed during the Ahom Rule, so long as the Rulers remained powerful. But towards the last part of the Ahom Rule, particularly after the 'Moamaria-insurrections', the administration of Ahom Kingdom had fallen to a great extent and corruption crept in.

In the earlier period of Ahom Rule, the courts were guided by the 'customary law' of the State, but in the later period the same were guided by the principles of Hindi law, expounded by the 'Brahmans' in civil matters. From the different historical records, we come to know about the existence of different smritikaras and their culture on smriti in the early period. In the medieval period, under the patronage of Koch King-Naranarayana, 'Pitambar Siddhanta Vagisa' the great king of the time, composed eighteen 'kaumudis'(work on smriti) which included 'Danda Kaumudi'(criminal code) and 'Vivada Kaumudi'(civil code) which provided a great help in disposing of justice in the Courts.

3.6 MEDIUM OF EXCHANGE, TRADE & COMMERCE:

During the early medieval period, the ordinary medium of exchange in day to day life were consisting of barter system and 'cowries'(coonch-shells) in some occasions. The medieval works, mainly chronicles, 'Vansavalis' and bio-graphies of religious preachers made the references to the use of barter system and coins of both silver and gold and also

15. Ibid, P-42
cowries as a medium of exchange during the time. According to 'Katha-Gurucharita' during the later medieval period, in Western Assam, the Koch coins (Narayani taka) were mostly used. Similarly in Central and Eastern Assam, the Ahom coins and cowries were used as a medium of exchange. In the medieval period, the first batch of local coins were gold coins issued by an Ahom King in the year 1543 A.D. But no further coins were issued by the Ahom Kings during the century. The Koch Kings, since the year 1555 A.D. and the Kachari and Jayantia kings took to regular coinage to minimise the gap from the first issue of coinage by the Ahom King. Again in the mid-seventeenth century the Ahom Rulers resumed the minting in the State and by the year 1663 A.D. their currency consisted of gold coins, silver rupees and cowries. But it must be mentioned here that, the system of 'barter' along with cowries occupied the dominating place as a medium of exchange in day to day life of the people in these days. Only the bigger commercial transactions and in gifts on ceremonial occasions, the Ahom Rulers opted for the use of coins.

The Koch Kings of Western Assam also issued coins of different denominations. Although the Rulers of different dynasties struck coins of different denominations from the later part of sixteenth century, but the minted coin could not find its place as the prime medium of exchange due to the existence of barter system in the State.

Practically, during the period of present discussion, when the requirements of the people were very simple, limited and related only with the daily necessities of life rather than the luxurious articles due to the strict administration of the rulers; when money was not the prime

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16. Ibid, Pp-42 and 43
17. Ibid, P -45
concern of day to day economic life of the people of the State and when most of the daily transactions were carried on by the means of 'barter'; the question of protection of the rights and interests of the consumers as it exists now-a-days, probably could not occupy a little place both in the minds of the Rulers as well as in their subjects also.

The information is more clear about the economic condition of the State from the later part of the sixteenth century onwards. During the period, there were some developments in the area of trade and some advancements in the field of monetization in the State.

From the writing of 'Katha-Gurucharita' we can have some ideas about the trade and economic conditions of the State during the period of sixteenth century A.D. The author of the said literature classified the merchants or traders (Mudoi) into three categories.

"The medieval literature, specially the biographical works of the vaisnavite preachers, throw some light on the economic life of the people and their involvement in trade and commerce in an humble way. Madhava Kandali refers to Baniyas or traders in Ayodhya Khanda, Sukavinanyana, the Manasa poet of the seventeenth century, refers to the system of barter in commercial transaction."18

As there was no written document of law for the administration of justice in the Ahom period, obviously there was no written document of law for the control and administration of trade and business in the Kingdom. Due to the reason of absence of any written legal document in the earlier medieval period, the Courts of the Kingdom were guided by

18. Ibid, P-36
the customary rules and laws of the societies in the State. Gradually, the Courts of the Kingdom were guided both by the customary Laws of the societies as well as by the principles of 'smriti-sastras'. Perhaps, whoever took the assistance of deceit or defraud in the business and economic transactions were trialed and punished according to the provisions as provided by the respective customary rules and laws of the societies and similarly by the principles as provided in the 'smriti-sastras' during this period.

3.7. CONSUMER PROTECTION IN MODERN ASSAM:

The East-India Company took political control of Assam after the signing of 'Treaty of Yandabu' in the year 1826 A.D. In the year 1858 A.D. by a proclamation, the British Queen Victoria took over the Government of India including Assam, as its component from the East-India Company.

Under the British Rule, there was an economic transformation as the feudal economy was gradually replaced by more or less capitalist economy. An agrarian system was adopted even though a few aspects of Ahom economy were retained in the State. In fact, the Mughal agrarian system also influenced this British structure. The British, the Colonial Master took control of the trade and industry of the entire region. Although the communication system improved to a considerable extent under the colonial rule, but the tragic economic loss that the State along with entire region suffered was the destructions of village and cottage industries and flooding of the markets of the region with cheap Lancshires textiles.

During the British Rule in India, the provisions of the British Common Law were inclindely applied in the country and Assam was not an exception
to this. Moreover, the different Acts enacted in the country before its independence such as, The Indian Penal Code- 1860; The Indian Contract Act- 1872; The Sale of Goods Act-1930; The Agricultural Produce (Grading and Marking ) act, 1937; The Drugs and Cosmetics Act, 1940; etc. where some provisions were present in respect of the protection of the rights and interest of the consumers were equally applied to the whole part of the country including the State of Assam also. Similarly, the various Acts like The Industries (Development and Regulation) Act 1951; The Drugs and Magic Remedies (Objectionable Advertisements) Act 1954; The Prevention of Food Adulteration Act, 1954; The Essential Commodities Act, 1955; The Monopolies and Restrictive Trade Practices Act, 1969; The Code of Criminal Procedure, 1973; The Standards ofWeights and Measures Act, 1976; The Prevention of Black-Marketing and Maintenance of Supplies of Essential Commodities Act 1980; The Bureau of Indian Standards Act, 1986; The Consumer Protection Act, 1986 and The Consumer Protection (Amendment) act, 1993; etc. enacted in our country after its independence, containing legal provisions for the protection of the interests of our consumers are equally applicable to the State of Assam along with the other parts of the entire country. Besides all these Acts, the State of Assam has also enacted some own Acts and Rules in the State, which seek to protect the rights and interests of the consumers and also aimed to facilitate justice and welfare towards the consumers of the State. Some of Acts and Rules enacted by the State of Assam are discussed in the following few pages:

(i) THE ASSAM OPIUM PROHIBITION ACT, 1947.
(Assam Act XXIII of 1947) : 19

The Assam Opium Prohibition Act, 1947, received the assent of the Governor General on the 14th of December, 1947. The Act extends to the whole of Assam. It came into force with effect from 1st of April, 1948, vide Government Notification No. MEX.167/47/174, dtd. 21st February 1948. This is an Act to prohibit the consumption (except for medicinal purposes) and smuggling of opium in the province of Assam.

With a view to stamp-out opium addiction from the Province, limit its use of medicinal purpose and to eliminate its injurious effects on the populace, the Government of Assam launched a campaign in 1939 at considerable sacrifice of provincial revenues, for total prohibition in two sub-divisions and for accelerated reduction in other areas.

The prime object of the Bill is, therefore, to secure a greater and more efficient control over the smuggling and consumption of opium addiction in the interest of addicts and general well-being of the country.

(ii) THE ASSAM JUTE (CONTROL OF PRICES) ACT, 1950:

(Assam Act XV of 1950): 20

The Assam Jute (control of prices) Act, 1950 received the assent of the Governor on the 17th April, 1950. It extends to the whole of Assam and it shall come into force at once. It was published in the Assam Gazette on the 19th April, 1950. It is an Act to provide for the control of the prices of Jute.

Vide section 3 of the Act, the state Government may by notification in the official Gazette fix the maximum prices which may be charged for...
pucca bales or for surplus raw jutes (not being pucca bales). Under section 4 of the Act, no person shall sell or agree to sell or offer to sale and no person shall buy or agree to buy or offer to buy any pucca bales, or any surplus raw jute (not being pucca bales) or any portion of any surplus raw jute at a price exceeding the maximum price fixed thereof under section 3. Similarly, vide section 8 of the Act provisions for penalties also have been made.

(iii) THE ASSAM DRUGS (CONTROL) ACT, 1970:

(Assam Act I of 1951) 21

The Assam Drugs (Control) Act 1950, received the assent of the President on the 7th January 1951, and published in the 'Assam Gazette' on the 24th January 1951. It is an Act to provide for the control of the sale, supply and distribution of drugs. It extends to the whole of the State of Assam and it shall come into force at once.

Vide Section 4(i) of the Act, the State Government may, by notification in the official Gazette, fix in respect of any drugs-

(a) the maximum price or rate which may be charged by a dealer or producer;

(b) the maximum quantity which may at any one time be possessed by a dealer or producer;

(c) the maximum quantity which may in any one transaction be sold to any person;

Similarly, according to Section 5 of the Act, no dealer or producer shall—

(a) sell, agree to sell, offer for sale or otherwise dispose of, to any person any drug for a price or at a rate exceeding the maximum fixed by notification under clause (a) of sub-section (i) of section-4 of the Act.

(b) have in his possession at any one time a quantity of any drug exceeding the maximum fixed by notification under clause (b) of sub-section (i) of section 4 of the Act, or

(c) sell, agree to sell or offer for sale to any quantity of any drugs, exceeding the maximum fixed by notification under clause (c) of sub-section (i) of section 4 of the Act.

Again vide Section 10 (i) of the Act, the State Government may direct the dealers or producers in general, or any dealer or producer in particular, to mark any drug exposed or intended for sale with the sale prices or to exhibit on the premises a price list of drugs held for sale, and may further give direction as to the manner in which such direction as aforesaid is to be carried out. Under section 10(2) of the Act- no dealer shall destroy, efface or alter any lebel or mark affixed to a drug indicating the price marked by a producer.

Under Section 8 of the Act, no dealer or producer shall, unless previously authorised to do so by the State Government without sufficient cause refuse to sell to any person any drug within the limits as to quantity, if any, imposed by this Act.

The provision for for penalties whoever contravens any of the provision of the Act, is provided under Section 13 of the Act.
(iv) THE ASSAM PROHIBITION OF SMOKING IN SHOW HOUSES ACT, 1951: (Assam Act IX of 1951):22

The Assam Prohibition of Smoking in Show Houses Act 1951, received the assent of the Governor on the 10th of April, 1951, and was published in the Assam Gazette on the 18th April, 1951. It is an Act to prohibit smoking in cinema halls and other show houses in Assam. It extends to the whole State of Assam and it shall come into force on such date and such places as the State Government may, by notification in the official Gazette, appoint.

Smoking in the show-houses, practically creates a great inconvenience to the audiences or the spectators. In order to remove such inconveniences to the public, the Act wants to prohibit such smoking in the show houses in the State.

Under Section 3 of the Act, provision of penalties for smoking in the show houses is made. Again under Section 4, the provision is made for the arrest of a person committing an offence under Section 3 of the Act by any police officer not below the rank of a Sub-Inspector, provided the offence is committed in his presence.

(v) THE ASSAM CEMENT CONTROL ACT, 1953:
(Assam Act VII of 1953):23

The Assam Cement Control Act, 1953 received the assent of the President on the 15th April, 1953 and was published in the Assam Gazette, Extraordinary dated the 18th April, 1953. It is an Act to confer power to

22. Ibid, Vol - 4, P- 422
23. Ibid, Vol - 1, P- 341
control, supply and distribution of and trade and commerce in cement in Assam. It extends to the whole of Assam and it shall come into force on the date on which the Cement Control Ordinance, 1952 (Assam Ordinance No.11 of 1952) ceases to operate.

Under Section 3 (i) of the Act- The State Government, so far as it appears to it, to be necessary or expedient for maintaining or increasing the supply of cement or for securing its equitable distribution and availability at fair prices, may by order in the official Gazette, provide for regulating or prohibiting the supply and distribution thereof and trade and commerce within Assam.

Provided, however, that any order issued under this clause shall be subject to such instructions as may be issued by the Central Government under Section 16 of the Industries (Development and Regulation) Act 1951 (Act LXV of 1951).

Penalties for the contravention of any provision under the Act also made vide Section 6 of the Act.


The Assam Prohibition of Smoking in Passenger Vehicles Act,1954 received the assent of the Governor on the 2nd May, 1954 and was published in the Assam Gazette, dated 12th May, 1954. It is an Act to the whole of Assam and it shall come into force on such date as the state Government may, by notification in the official gazette, appoint.

24. Ibid, Vol - 4, P- 424
Vide Section 3 of the Act, penalties provided whoever contravenses the provisions of the Act. Again under Section 5 of the Act, the proprietor of every passenger vehicle shall cause to be pointed or affixed in one or more conspicuous positions in such vehicle a warning that any person smoking while such vehicle is carrying passenger is liable under the law to arrest without warrant and to fine.


The Assam Ganja and Bhang Prohibition Act, 1958 received the assent of the Governor on the 29th May 1959 and was published in the Assam Gazette, Extra-ordinary, dated the 1st June 1959. It is an Act to prohibit cultivation, collection, possession, consumption, manufacture [or] sale of ganja in [or] of smuggling thereof into the State of Assam and to restrict cultivation, collection, consumption, manufacture and the sale of Bhang with a view to effect its ultimate prohibition in the State of Assam. The Act extends to such area or areas as may be notified in the official Gazette, by the State Government from time to time. It shall come into force in the notified area or areas on such date as the State Government may, by notification in the official Gazette appoint.

Provided that the State Government may by notification in the official Gazette, restrict the operation of the Act or of any provision thereof in any notified area.

The Act is enacted for the greater interest and welfare of the public at large in the State.

25. Ibid, Vol - 2, P- 536
The Assam Agricultural Produce Market Act 1972, received the assent of the President on the 3rd September, 1974 and was published in the Assam Gazette, Extraordinary, dated 1st May, 1975. It was an Act to provide for better regulation of buying and selling of agricultural produce and the establishment of markets for agricultural produce in the State of Assam and for matters connected there with. It shall extend to such area or areas of the State of Assam as may be notified by the State Government from time to time in the official Gazette. It shall come into force on such date as the State Government may, by notification in the official Gazette appoint. The State can effectively intervene by regulation of market practices under which, those using the markets are required to behave and perform their function, and under which one duly elected Legal Body (authority) is created to ensure that those prescribed rules of behaviour are strictly observed.

In fact, sale of agricultural produce involves a number of functions such as assembling, storing, grading, standardising, transporting and financing the producer and negotiating the sale. The individual producer does not have the specialised knowledge and adequate resources to perform all these functions. Hence he needs to be given not only better facilities for disposal of his produce in a well established regulated market but also for proper help and advice with regard to grading and standardisation as well as adequate storage facilities and financial assistance to improve his selling power. The implementation of the provisions of

26. Ibid, Vol - 1, P- 128
the various schemes of agricultural improvement and recommendations of the Government of India from time to time for effecting the above improvements demand the establishment of Regulated Markets. The plan for regulation of markets may, therefore be said to be an integrated plan which intends to effectively link the various stages of marketing thereby brings benefit to the cultivators.

(IX) THE ESSENTIAL SERVICES MAINTENANCE (ASSAM) ACT, 1980 : (Parliament Act No. 41 of 1980) 27 :

The Essential Services Maintenance (Assam) Act, 1980 received the assent of President on 19th of July, 1980 and was published in the Gazette of India, Extraordinary, Part-II of Section-I, dated 19th July 1980 and republished in Assam Gazette Extra-ordinary No. 39, dated 19th July 1980. It is an Act to provide for the maintenance of certain essential services and the normal life of the community in Assam.

As the State of Assam was under the President Rule, the Essential Services Maintenance (Assam) Ordinance, 1980 was promulgated by the President of India on the 6th of April 1980, which specified certain essential services and empowered both the Central and State Government to prohibit strikes in the State of Assam in any essential services. The ordinance also provided for penalties for persons participating in such strikes as well as for persons instigating and financing such strikes.

27. Ibid, vol-2, P-141
(X) **THE ASSAM AGRICULTURAL PRODUCE MARKET (AMENDMENT) ACT, 1983 : (Assam Act XIII of 1983) 28:**

The Assam Agricultural Produce Market (Amendment) Act 1983, received the assent of the President on the 6th November 1983, and was published in the Assam Gazette, Extraordinary dated 21-11-83. It is an Act to amend the Assam Agricultural Produce Market Act, 1972.

The Principal Act (The Assam Agricultural Produce Market Act 1972) was an Act to provide for better regulation of buying and selling of agricultural produce in the State of Assam and also to provide for the establishment of markets for agricultural produce in the State of Assam and for matters connected therewith. The present Amendment Act seeks to provide for the smooth, proper and better functioning of the Market Board constituted under the Act and it also aims to provide for better administrative efficiency. The Act extends to whole of the State of Assam.

(XI) **ASSAM STATE CONSUMER PROTECTION RULES, 1989 29:**

In exercise of the powers conferred by sub-section (2) of Section 30 of the Consumer Protection Act, 1986, the State Government through the Department of Food and Civil Supplies Assam, vide the Notification No. SDA/35/87/64, dated 16th December 1989, makes the Rules called "The Assam State Consumer Protection Rules, 1989" and they shall come into force from the date of their Notification in the Official Gazette.

28. Ibid, vol-1, P-165
29. Published in the Assam Gazette (Extraordinary) No. 207, dated the 30th December, 1989 at Pp. 1579-1588.
Vide Rule 4(1) of the said Rules, the office of the District Forum shall be located at the Head Quarter of the District. Similarly, vide Rule 7(i) of the stated Rules, the office of the State Commission shall be located at the State Capital.

Vide Rule 4(5) of the said Rules, no act or proceeding of the District Forum shall be invalid by reason only of the existence of any vacancy among its members or any defect in its constitution. Likewise, vide Rule 7(5) of the Assam State Consumer Protection Rules 1989, no act or proceeding of the State Commission shall be invalid by reason only of the existence of any vacancy among its members or any defect in its constitution thereof.

In fact, the State Government of Assam makes the Assam State Consumer Protection Rules 1989 in order to implement the various provisions as enunciated in the Consumer Protection Act, 1986 as enacted in our Nation. These Rules are the positive steps taken by State Government of Assam in order to effectuate the various provisions of the Consumer Protection Act 1986, in the State, for the protection of various rights and interests of our consumers.

3.8 THE PRESENT POSITION:

In our State, where more than seventy percent of the population earning their livelihood from the agricultural sector and lived in the rural areas, the said consumer movement is yet to spread amongst the mass people. In this industrially backward State in comparison to the other components of the country, where illiteracy and poverty are the prime social diseases, in fact no systematic effort has been made to build up a
healthy consumer movement, more particularly in the rural areas of the State. There are several reasons for which the consumer movement is yet to become a mass-movement or a popular movement one, more specifically in the rural areas of the State. Amongst these reasons, the illiteracy of our consumers; lack of adequate knowledge and awareness; poor financial conditions and the absence of proper leadership are significant. In fact, all these reasons make a hindrance in the way of spreading the consumer movement in the rural and backward areas of the State. Practically, the rural population of the State is the most exploited one in terms of urban-rural consumer exploitation. The poor and illiterate consumers of our State have to face a number of product failures every day, as because, the new technical products produced by the means of new technological devices thrown in the markets are of such nature, regarding which our consumers of these rural and back-ward areas are completely ignorant and unaware.

In the practical life, the rich or the capitalist class consumers generally do not bother much for any rise in the price of the commodities. Although these class of consumers are well-informed about and acquainted with the existence of legal enactments for the protection of rights and interests of the consumers in the country, but in most of the cases they do not pay their attention to secure their rights and interests and they are not worried for the fluctuation in the price range of the commodities. From their point of view, it is a credit for them to buy the commodities in higher prices, rather than buy the same in lower prices.

On the contrary, the poor class consumers are mainly concerned for and engaged in managing their simple and limited daily necessities of life. They are in fact, not aware and conscious about their rights and
interests mainly due to their illiteracy and poverty. They are spending their lives with some limited activities and they have not got scope and environment to spare their time for the discussion of consumer protection and of like issue in the State.

On the other hand, the middle class consumers of the State as they are conscious and aware about their rights and interests, very often try to raise their voice in the market places against the mal-practices and injustices done upon them. Although these consumers raised their voices for the protection of their rights and interests, but as they are not in an organised form, are unable to succeed in their attempts. In most of the cases, although these consumers initially protested against the malpractices and injustices, but in the later stage they come away or dispersed from their original stand and forget their demands as the time passes. Most of these consumers donot desire to go to the 'Law-Courts' in order to make any complaint and demand for the protection of their rights and interests, rather they cast their views against the proceeding of the Courts of Law, which are according to them a hazardous one. The unsound financial conditions of the consumers also attributed to the said phenomenon in the State. Hence, it is quite hard to think of Assamese consumers moving to the Court of Law for the redressal of their grievances in all the cases always, since the problems arise daily which are of manifold in nature. As a result, most of the consumers in the State are busy in finding out the solutions to their problems, outside the Court of Law.

In Assam, as in many other states of the country, the State Government established the redressal agencies for the redressal of consumer grievances like the (a) District Forums, and (b) State
Commission, as provided by the Consumer Protection Act, only in the month of December, 1989, and that too, after receipt of a Supreme Court Directive in this respect. The 'District Forums' were set up in the district head-quarters of the State. The State Commission was constituted only in 1990, after the notification dated 16th December, 1989, was published in the official Gazette. Although these 'District Forums' along with the 'State Commission' are quite important tools in the hands of our consumers in the State for the redressal of their various grievances and are functioning in the State at present, but the available performance statistics of these institutions cannot be taken as a satisfactory one. There are several problems which posed as obstacles to the smooth and satisfactory performance of these institutions, like lack of seriousness on part of the State Government regarding the proper functioning of the redressal agencies in the State; lack of basic infrastructural facilities required for the smooth and sound running of 'Consumer Courts' in the State; lack of minimum supporting staff in the 'Consumer Courts'; lack of adequate fund necessary for the purpose; etc. etc.

The voluntary consumer associations, which can be regarded as an important instrument for the building and spreading of a healthy consumer movement in a country, are also very few in the State of Assam. Practically, without the help of these organisations the consumers of the State, who are illiterate and also poor, cannot expected to be aware and come out to raise their demands for the protection of their various rights and interests in an organised way. Meanwhile, some consumer organisations like — Dibrugarh Grahak Manch; Dibrugarh Mahila Surakshya Samittee; Jorhat District Upbhokta Surakshya Samittee; Grahak Surakshya Samstha-Guwahati; etc. are established in the State in order to educate our
consumers to become aware and also to provide legal aid and advice to the consumers for the protection of their rights and interests. But in fact, these organisations are very few in number in proportion to the number of consumers and consumer problems in the State. Although these associations are functioning for the welfare of consumers in some specific areas in the State, but in various cases, they fail to provide adequate help towards the consumers mainly due either to the lack of support from the mass people of the State or to the lack of initiativeness of the State Government.

In the field of consumer education, the mass media can play a vital role in a country or a state. But very unfortunately, in Assam barring one or two daily news-papers published from Guwahati, no other news-paper either published in Assamese or in English, have a regular 'consumer column', containing different consumer related issues. Some papers published some articles on consumer protection matters only on some special occasion, but not regularly. Similarly, there is no specific Magazine, specially designed for the education and welfare of the consumers published from the State.

Hence, the above discussion demands the building-up and spreading-out of a healthy consumer movement throughout the State for the protection of our consumers at large and upliftment of the living standard of the consumers of the State and it is high time to proceed in that direction.