CHAPTER: VIII

OBSTACLES AGAINST POPULARISATION OF CONSUMER PROTECTION MOVEMENT IN THE STATE
INTRODUCTION:

In the State of Assam, where agriculture is the prime source of livelihood of majority of the population, and a noticeable percentage of total population is the inhabitant of rural areas and under the poverty line, the 'Consumer Protection Movement' never emerged as a 'mass-movement' among the population and it is still in its rudimentary stage. Practically, the movement is yet to secure its place as a popular-movement among the different sections of people in the State. In our societies more particularly in the rural areas, people are very busy with the discussions on various political and social issues. But they are not much interested, rather unconscious about the burning socio-economic issues like 'consumer protection'. In comparison with rural areas, the urban inhabitants, to some extent are aware and are conscious of the 'Consumer Protection Movement'. But they hesitate to move to assertain their rights as consumer. Though the people of the urban areas often discuss various problems and grievances as consumers, but in the practical field, these people for some reason or other donot approach the proper authority for the redressal of their grievances.

If we make an indepth-study and analysis, it will reveal that there are several reasons for this non-popularisation of the 'consumer movement' in our State. These factors are in fact, acting as hinderance against popularisation of the 'consumer movement' in the State. But, one point
must be mentioned here that all the reasons or factors for non-
popularisation of 'consumer movement' are interrelated. The factors
responsible for non-popularisation of 'consumer movement' in the State
are briefly discussed in the following few pages:

8.1 FACTORS RESPONSIBLE FOR NON-POPULARISATION OF 'CONSUMER MOVEMENT':

(i) Lack of Awareness:

The lack of even the minimum awareness of our consumers stands as the greatest hinderance against popularisation of 'consumer movement' in the State. In order to assert their right, the concerned people themselves should have to be aware, otherwise they have to loose their demands and rights as well. Such is the case going with the consumers in our State. The consumers are not adequately aware in respect of their rights and interests as consumers. That is why, these unaware consumers are very often deprived from their rights and deceived by the 'business community'.

From the analysis of the 'field-survey findings', as shown in the previous Chapter (CHAPTER-VII), in respect of awareness of the consumers of goods, it clearly reveals that our consumers are very poorly aware about their rights as consumer in case of quality, quantity and price violations of various commodities. Similar is the position in respect of consumer of different services also. The 'rural' consumers are more unaware than the 'urban' consumers in respect of their rights and interests. Most of the rural consumers have no information regarding the existence of various consumer dispute redressal agencies for redressal of consumer grievances. On the other hand, a considerable number of
urban consumers also have no idea or knowledge in respect of the procedures of these consumer disputes redressal agencies. In other words, these consumers are not adequately aware about the functioning of the redressal agencies, and as a result, it is not possible for these large number of consumers to lodge their complaints before these redressal agencies. Obviously, the grievances of these consumers remain unredressed and they have failed to assert their rights as consumer, only because of their gross unawareness.

(ii) Illiteracy:

Illiteracy of the consumers is a vital obstacle against the popularisation of consumer protection movement. As a matter of fact, illiteracy of our majority consumers has a significant impact on the lack of awareness of the consumers, that hindered the growth and expansion of consumer movement in the State.

The State of Assam is a predominantly rural populated State with 88.8% of the total population sheltering in the rural areas. The urban population in the State are relatively more literate comparing to rural-population. But majority of the population in the State are living in the rural areas, where due to various reasons, such as— insufficiency of educational institutions, poor transport and communication facilities, poor financial condition of the population, etc. directly hampered the increase and development of eduction and literacy of the mass population.

According to 1991 Census Report, there are all total 93 towns and 22,005 number of villages in the State. Similarly, as per the said Report, the State shelters a rural population of 19,824,000 persons amounting to 88.8% (approx.) of the total population and an urban population of only
2,470,000 persons amounting to 11.2% (approx.) of the total population. Thus, it clearly reveals that the State is still under-urbanised to a great extent. This under-urbanisation has considerable impact on 'illiteracy' of the population in the State.

(iii) Poverty of the Consumers:

"There is no unanimity as to the concept and definition of poverty. To take a broad view of poverty, a society may be said to be poor if it is unable to meet even the basic necessities of life. Basic necessities of life, however differ conceptually from one society to another depending upon the level of development. This is why, the concept of poverty in a less developed country like India is different from the concept of poverty in a developed country like U.S.A. where the living, short of reasonable standard, is considered as poverty. In our society, on the other hand, poverty is identified with a less than minimum level of living rather than a reasonable level."\(^1\)

The age-old problem of poverty and indebtedness of our majority consumers have a direct interlink with the non-popularisation of consumer protection movement in the State. The said problems have some far-reaching impacts on the various socio-economic activities of the consumers in their daily life. Practically, the poverty ridden consumers in the State are not in a position to pay their attention to the issues like consumer protection and they are rather busy with earning their daily bread and butter for mere survival. Poverty is a vital factor, which restrains this section of population from obtaining sufficient education, ultimately creating their unawareness in respect of their rights and interests as

consumers in the society. Due to their financial unsoundness, majority of our consumers hesitate to open their mouth against either any unscrupulous businessman and seller or any Government and public organisation for their illegal and immoral activities. In this situation, it cannot be expected from these consumers to approach the Redressal Agencies, seeking redressal of their grievances. Moreover, a considerable number of consumers who have the ideas about the Redressal Agencies, have a mis-conception that seeking redressal through Redressal Agencies would necessitate a heavy expenditure.

One of the prime reason of poverty is the unnatural increase of population in the State. According to the estimates of Census Authorities in 1981, the State of Assam is occupying less than 2.4 % of India's total land area and at the same time, shelters more than 2.9% of the country's population. The growth rate of population has all along been faster in the State of Assam than in the country as a whole. The population pressure in the State is very heavy. Practically, this is a very disturbing factor, as the increasing number of population is a liability rather than an asset. This unnatural increase in the size of population swallowed away the rate of growth of wealth and occupation, ultimately creating problems of poverty, unemployment and inequalities of income in the State. The extent of poverty in the State is gradually increasing day by day causing sufferings for the millions of people below the poverty line.

"The State's economy is characterised by long standing poverty. With the increase in the size of population, growing inequality in income and increased price level, the degree of poverty in Assam started to increase as the number of occupations could not grow satisfactorily."2

2. DHAR, DR. PRANAB KR.: The Economy of Assam, Bijni-Assam, Ashomi Prakashani, 1988, P-12
(iv) Lack of Publicity Campaign and Unsatisfactory Role of Mass-Medias:

Lack of adequate and proper publicity campaign and the unsatisfactory functioning of mass-medias regarding consumer protection issues restrain the development of consumer protection movement to a considerable extent in our State. The various mass-medias like-Newspapers, Magazines, Television, Radio etc. are the vital means through which a systematic and an adequate publicity campaign can effectively be undertaken. This publicity campaign includes the organisation of public meetings, public rallies, public discussions, public shows, seminars, etc. in respect of the concerned subject. Similarly, we can also add and include here, like postering, bannerling, leafleting, and hoarding under the subject matter of 'publicity campaign'.

In the State, more particularly in the rural areas, no systematic publicity campaign effort has been carried out till the date either by the Government or by any Voluntary Consumer Organisation. Beyond the celebration of the World Consumer Protection Day (on 15th of March, every year), usually it is quite rare to notice the holding or organising any public meeting, rally, discussion, or seminar, that too confined only to cities and towns, relating to consumer protection issues. But unfortunately, the rural population have not got the opportunity to visualize such activities, even on this very particular date also.

Publicity campaign is highly essential for expansion of consumer movement, and 'mass-media' is one of the most important source of publicity campaign. But, quite unfortunately, in our State, the 'mass medias' have yet to make any remarkable contribution towards the expansion of Consumer Protection Movement in the State.
(v) Lack of Consumer Education Policy:

As we have discussed earlier, lack of a proper, adequate and systematic consumer education policy is one of the biggest impediments against the expansion and popularisation of consumer protection movement in the State. In order to make the 'Consumer Movement' a mass-movement one, a consumer awareness programme through a systematic consumer education policy should have to be initiated.

Consumer-education in the State can rightly facilitate the creation of critical awareness of the consumers, active consumer involvement, and the creation of solidarity of the unorganised and scattered consumers.

In our State where people are remarkably unconscious about their status as consumer in the society, here the implementation of a proper consumer education programme and policy is highly necessary to make the consumer movement a fruitful one. In fact, without recourse to a proper and systematic consumer education policy, 'Consumer Movement' cannot be a successful one. Hence, educating the consumers regarding their rights and status is the basic requirement for the popularisation of consumer movement at present. But unfortunately, there is the dearth of this basic requirement in our State which hampered the expansion of consumer movement significantly.

(vi) Lack of Voluntary Consumer Associations or Organisations and Proper Leadership:

It is evident from the previous discussion, that the role of voluntary consumer organisations and proper leadership in popularisation of consumer movement in a country is noteworthy. The voluntary consumer associations can make a lot of contributions towards the creation of
awareness of the consumers. In fact, these voluntary organisations can guide the consumers in a proper way in order to assert their rights as consumers. Similarly, these organisations also have the capacity to move to the court of law for the assertainment of different rights and interests of the consumers as well as redressal of various grievances of the consumers. Hence, the necessity of the voluntary consumer organisation for expansion of consumer movement in a country or a State is quite understandable and our State is not an exception to this.

In many other states of the country, considerable number of 'Voluntary Consumer Organisations' are actively working at present. Prominent Voluntary Organisations like CGSI (Consumer Guidance Society of India) Mumbai, IFCA (Indian Federation of Consumer Organisations) New Delhi, CERC (Consumer Education and Research Centre) Ahmedabad are very active, dynamic and conscious so far as the consumer protection is concerned. These voluntary consumer organisations are actively involved and engaged themselves in educating both urban and rural consumers about their rights and interest, disseminating information about the quality, weight, standard, purity, potency and price of different consumable goods. Moreover, holding seminars, workshops and conferences, and publication of periodicals, magazines and news-letters are among their active functions. These voluntary organisations contributed to a significant extent towards the expansion of consumer movement in their concerned areas. They have contested many cases before Judicial and Quasi - Judicial authorities on behalf of individual consumers in order to protect their rights and interests.

In Assam, there is an acute insufficiency of voluntary consumer organisations in the State. Out of the total 23 district in the State, only in
a few districts, like Kamrup (Grahak Suraksha Sanstha - Guwahati), Jorhat (Grahak Suraksha Sanstha - Jorhat), and Dibrugarh (Grahak Suraksha Sanstha - Dibrugarh) have voluntary consumer organisations. These consumer organisations of the three districts have to cover a large number of population. In other words, these organisations are insufficient in proportion to the population of their concerned districts. Although the educated and intellectual persons have formed these organisations, but the functioning of the same is not up to the mark and satisfactory. Practically, these organisations need whole time worker for their satisfactory functioning, which seems lacking in our State. Moreover, these voluntary consumer organisations should and must have to carry-out their activities both in the urban as well as in the rural areas also, in order to fulfil their objectives and popularise the consumer movement at the same time. They should have to give more emphasis and importance over the rural and interior areas, where the consumers are less aware or totally unaware about their status as a consumer. For all these, there needs a proper leadership. But, the dearth of all these requirements in our State, stands as obstacle in popularisation of the consumer movement in the State.

(vii) Inadequate Female Participation:

Census Report of India, 1991, recorded the ratio of 923 females per 1000 males in the State. But the participation of females in various consumer protection issues is significantly poor in comparison to their male counterpart. In our social set-up, females are much more concerned and attached to household choices. Although female constitutes the prime component of consumer, but in our State, they are not adequately conscious about their status as a consumer in the society. Practically
both the male and female have the same right and interest as a consumer and they both can demand equal right and status as consumers. Similarly both of them have the same responsibility as consumer and should also participate equally for protection of their rights and interests as consumer, so as to popularise the movement. But, unfortunately, in our State, the female section in the society do not actively participate in matters concerning consumer protection. This is mainly due to their unawareness, illiteracy and ignorance in respect of the subject. Moreover, the prevailing social environment and compulsions of joint family system stand as impediments against female participation in the area. In fact, most of the females, specifically from the rural areas, have very little knowledge about the subject of 'Consumer Protection'. Their attitude of avoiding responsibility and the absence of proper female leadership to lead them in the right way are important factors for inadequate female participation in the matter of consumer protection.

Though there are several female organisations, like 'Mahila Samities' and 'Mahila Sangathans' in our societies, they are yet to take keen interest on issues of consumer protection. These female organisations are busy in various socio-political issues, but they are least concerned with burning socio-economic issues like 'consumer protection'.

Hence, in our State, the participation of women in consumer protection movement is very poor and insufficient which has ultimately hampered the expansion of consumer protection movement to a considerable extent. The equal participation of both the male and female folk in the field of consumer protection is necessary in order to make the consumer protection movement a mass and a popular movement.
(viii) Lack of adequate Government Initiative:

Lack of proper and adequate Government initiatives, in the field of consumer protection is another important factor for non-popularisation of consumer movement in our State.

Every production ultimately aimed to satisfy the consumer demand. The demand of the consumers for goods and services, practically determines the pattern of production and the quality of the goods and services to be produced and rendered. The constituency of the consumers is the largest one in any country, and includes every citizen of the country infants, children, young and old and the people pursuing different vocations. Infact, the protection of the citizens indirectly indicates the protection of the consumers in a country. Hence, it is expected from each good Government to pay sincere attention towards the protection of the interests of the consumers.

In our State, the Government can play a pivotal role in the expansion and popularisation of consumer protection movement. The Government has got the authority to issue notices and directions to the concerned departments, organisations and institutions for the said purpose. The Government also can contribute for the creation of an adequate publicity campaign to popularize the consumer protection movement in the State, and can make itself directly involved in the matter.

But unfortunately, the Government of our State, has not given due importance and emphasis on matters of 'consumer protection' till the date. In our State, there is a 'Department of Food & Civil Supplies', under the Ministry of Food and Civil Supplies, which looks after the 'consumer affairs'. This department is responsible for proper functioning
of 'Public Distribution System' (PDS) in the State. It is also responsible for the fixation and control of prices of the essential commodities. The PDS is in fact, designed for the equitable distribution of the scarce and essential commodities in the State. An efficient Public Distribution System always requires a nexus between production and distribution of the selected commodities of mass consumption. In Assam, the PDS has been working since 15th of August, 1975, but the functioning of the PDS in the State cannot be said to be satisfactory. One of the basic problem confronted by the PDS in our State is related with the non-availability of the commodities in time, mainly due to late arrival and delivery of commodities allotted to the State by the Central Government. On the other hand, the delivery of the allotted quotas are not uniform throughout the State and as a result, some districts have to face difficulties in getting the required quotas.

Practically, the PDS in the State has yet to meet a noticeable percentage of individual foodgrain requirement. Moreover, there are numerous instances of defrauding of illiterate and unaware consumers by the 'Fair Price Shops' (FPS) specially in the rural areas of the State, by way of overcharging of price and by supplying less quantity of purchased goods. It is often criticized that the PDS is biased in favour of the urban areas, in terms of quantity norms per unit of consumption. There is also allegation against the PDS that, certain commodities like - edible oil, kerosine, controlled cloth, etc. are not supplied to the rural areas regularly and in the right time. Moreover, the supply of sub-standard or inferior quality food - grains by the PDS also resulted in unwillingness of a large section of consumers to take-up their respective quotas.

Expansion of consumer protection movement in a country or a State depends on its publicity. Systematic and adequate publicity
campaign is a must for popularisation of the consumer movement. In our State neither the State Government nor any voluntary consumer organisations have undertaken such systematic publicity campaign for popularising the consumer protection movement.

Similarly, introduction of proper consumer education courses is a very essential requirement for the expansion of consumer movement. Here in Assam, the State Government is yet to introduce consumer education courses in the academic curriculums. The lack of proper educational courses or programmes in the academic curriculum of the State, makes our young generations and students totally unaware and ignorant about their rights and interests as consumers in the society. Hence, the Government of the State, can be blamed for the non-introduction of consumer education courses in the academic curriculums, which hampered the popularisation of consumer movement in the State.

Moreover, the indifferent attitude and lack of adequate initiative on the part of the State Government in respect of proper and smooth functioning of different Consumer Disputes Redressal Agencies, also stand as obstacle in popularising the consumer protection movement in our State.

(ix) Unsatisfactory Functioning of Consumer Disputes Redressal Agencies:

The 'Consumer Protection Act, 1986', provides for a separate enforcement machinery and redressal forum with the intention and objective to provide the consumers a simple and expeditious solution to their problems. Vide section-9, the Act has established a hierarchy of special courts known as 'Consumer Redressal Forums' for deciding
consumer disputes at three levels viz., 'District Forum' at District level, 'State Commission' at State level and the 'National Commission' at the Central level in the country. However, compared to other States, the Consumer Disputes Redressal Agencies have been established in the State of Assam after a considerable delay and that too only after the Supreme Court's Direction was issued.

One of the prime objectives of these Redressal Agencies is to dispose the grievances of the consumers very expeditiously without any unnecessary delay and without recourse to any technicalities.

For the expansion of consumer protection movement in a country, the different consumer disputes redressal agencies can play a very significant role. These disputes redressal agencies should aim to create such an atmosphere where the consumers can rely on them in respect of protection of their rights and interests expeditiously and without much technicalities. Hence, it should be one of the prime aim of these redressal agencies to decide the consumer cases or solve the consumer problems quickly without any unnecessary delay. If these Agencies fail in quick disposal of the consumer grievances it would definitely hamper the interests of the consumers which will ultimately stand as an obstacle against the consumer protection movement.

The informations in respect of the functioning of different redressal agencies like State Commission and District Forums of the State indicate that their functioning is not upto the mark. On many occasions, these Agencies have failed to provide quick or expeditious justice to the consumers. Although there are at present 23 District Forums in each and every 23 districts of the State, only 8 District Forums (Kamrup, Tezpur, Nagaon, Dibrugarh, Kokrajhar, Silchar, Nalbari & Jorhat) have been
functioning independently with the independent President of the Forums. The remaining 15 districts have no independent District Forums and these Forums are presided by District and Session Judges of the concerned districts.

Lack of Government initiativeness, paucity of fund, lack of efficient person, lack of minimum supporting staff, lack of basic infrastructural facilities, inadequacy of the legislative provisions etc. are the main causes for the unsatisfactory functioning of the redressal agencies, which have affected the consumer protection movement in the State.