CHAPTER : I

INTRODUCTION
CHAPTER - 1

INTRODUCTION

In today's mechanical world, we all are consumers of goods or services in some way or other. Practically we are consuming daily, either goods produced or services rendered by others. Consumers have also occupied a place of high importance in the distribution channel of a country. Because, without the consumers we cannot imagine the production of goods or performance of services at any time. The Father of our Nation, Mahatma Gandhi also attached a high importance to what he delineated as "poor consumer", who according to him should be the prime beneficiary of the society. According to Mahatma Gandhi, the consumer is not dependent on the producers or the manufacturers, rather the latter is dependent on him, who is the most important visitor to the premises of either the producers or the manufacturers in a country.

1.1 CONSUMER:

Economically consumers are those, who buy, obtain and use all kinds of commodities and services including housing also.

"The question arises who is a consumer and the answer is that every body is a consumer - one who eats food; buys commodities either from a co-operative store or grocer or approved ration shop; stands in a queue to buy kerosine; smokes bidi or cigarette; travels on horse, bullockcart, camel cart, bus, motor-car, train or plane; hires taxi or auto-rickshaw; takes flat or house on rent; buys house; gets teeth filled or extracted; gets clothes
stitched; gets cloths dry-cleaned; buys automobile or any other mode of transport; pays electricity and water charges; buys shoes or gets repaired and drinks alcohol. One is also a consumer who gets building work done; goes to doctor; lawyers or any professional; operates bank account and safe deposit vault; hires architect and surveyors; goes to cinema and theatre and involves in any kind of transaction". 1

"A consumer, as the term implies, is one who consumes. It may be the commodities which he buys to consume or the services which he pays for, all human beings are consumers, so long as they live and as such, consumers' problems are human problems." 2

In general sense, the word 'consumer' refers to those persons, who ultimately consumed or used various goods or products produced by the manufacturers or the producers. But in specific sense, the word 'consumer' has a broad meaning. The particular word 'consumer' includes both consumer of goods as well as consumer of services also. In India, The Consumer Protection Act -1986, has defined the term 'consumer' separately for the purpose of goods and services as well. Section 2(1) (d) (i) and section 2 (1) (d) (ii) of The Consumer Protection Act -1986 (Act No. 68 of 1986) as amended by The Consumer Protection (Amendment) Act -1993 (Act No. 50 of 1993) categorises the consumers for the purpose of goods and as well as for the purpose of services respectively.

According to Section 2(1) (d) (i) of The Consumer Protection Act 1986, as amended by The Consumer Protection (Amendment) Act 1993, the term 'consumer' for the purpose of 'goods' means any person who-

(i) buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid and partly promised, or under any system of deferred payment when such use is made with the approval of such person, but does not include a person, who obtains such goods for re-sale or for any commercial purpose; and for the purpose of 'services' means any person, who-

(ii) [hires or avails of] any services for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any beneficiary of such services other than the person who [hires or avils of] the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person.

[EXPLANATION: For the purpose of sub-clause (i) of clause (d) of Section 2(1), stated above, 'commercial purpose' does not include use by a consumer of goods bought and used by

3. Inserted by The Consumer Protection (Amendment) Act-1993, w.e.f. 18-6-1993
4. Ibid.]
him exclusively for the purpose of earning his livelihood by
means of self employment][5]

Therefore, under the provisions enacted vide Section 2(1)(d)(i) of
the said Act, a consumer for the purpose of 'goods' means-

(i) one who buys goods for a consideration which has been paid
or promised or partly paid and partly promised or under any
system of deferred payment;

(ii) It includes any user of such goods other than the persons who
actually buys goods and such use is made with the approval
of the purchaser.

But does not include a person who obtains such goods
for re-sale or for any commercial purpose.

Similarly under the provisions made vide Section 2(1)(d)(ii)
of the said Act, a consumer for the purpose of 'service' means --

(i) One who hires or avails of any service or services for a
consideration which has been paid or promised or partly paid
and partly promised or under any deferred system of payment;

(ii) It includes any beneficiary of such service other than the one
who actually hires or avails of the service for consideration
and such services are availed of with the approval of such
person.

Some of the common characteristics practically existed between
these two types of consumers i.e., 'consumer of goods' and 'consumer
of services' can be summed-up here as under-

5. Ibid.
(i) That the person must have bought and paid consideration for the goods or hired and paid consideration for services in order to come under the definition of 'consumer' as defined in 'The Consumer Protection Act'.

(ii) That it is not necessary that the whole or part of the consideration has been paid; even promise of payment as a consideration for goods bought or services hired is quite sufficient to attract the provisions of the Act.

(iii) That the status of the consumer is not absolutely restricted only to the buyer of goods or hirer of services; but it is also similarly extended in favour of a person who uses the goods or avails of the services with the necessary approval of the original buyer of goods or hirer of services.

In fact, a person who secures goods for re-sale or commercial purpose, is excluded from the perview of the definition of 'consumer' under the said Act.

Similarly, a person who hires or avails of services free of charge or under any contracts of personal service cannot be included in the definition of 'consumer' of services under the Act. On the other hand, 'commercial purpose' does not include any use by a 'consumer of goods' bought and used by him exclusively for the purpose of earning his livelihood by means of self employment, according to the provisions enacted in 'The Consumer Protection Act - 1986' as amended by 'The Consumer Protection (Amendment) Act - 1993.'
1.2 CONSUMER PROTECTION AND CONSUMER MOVEMENT:

The term 'Consumer Protection' reflects the idea about the protection of rights and interests of the consumers in respect of availability, quality, quantity and price of the various goods and services they bought or hired in payment of consideration. In view of the growing liberalisation and increasing market forces of modern economy, it becomes highly important and necessary to protect the interests of the consumers from unfair and deceptive trade practices, which are very common in modern days market transactions. In fact, the consumers are the components of the society and as the social standards rise it is increasingly recognised that the consumers are in the need of better and more extensive protection against defective or unsatisfactory goods and services, very often provided by the large and economically much more powerful suppliers.

In the more primitive mercantile economic stages when most of the production or manufacturing activities were carried on in small local manufacturing units, and the domestic skills still could supply a large proportion of consumption commodities, the protection of the consumers in respect of their rights was a relatively simple matter. It was mainly dependent upon the shrewdness or intellectual capacity of the individual purchasers. But presently, various sophisticated and technologically more developed machineries make their entries into the manufacturing units, along with the vastly developed transportation and communication facilities have a direct impact on widening the sphere of modern markets. As a consequence, the consumers have gradually lost their capacity of control over the quality and prices of the various commodities and services offered to them.
The art of production in today's commercial world becomes a more complex one than it was formerly, and most of the consumers are totally ignorant about the various commodities, those are produced by the means of technologically developed production skills. Moreover, the variety of articles offered for sale, produced through today's complex production skill increased to such an extent, that no consumer could be an expert in judging all these commodities. In fact, the consumer or the purchaser have neither possess such abundant time nor they have got any opportunity to make a comparison in respect of prices and qualities of their required commodities throughout the entire range of markets as well as competitive sellers. As a consequence of this particular phenomenon, it becomes comparatively easier then before to cheat the consumer in modern business practices.

Although cheating and deceit are as old as trade itself, but the weak status of the consumers in the modern economic structure pushing them to face more forms of vulnerable cheating than they had to face the same formerly. The crudest types of cheating, like - the use of short weights and measures, the adulteration of different commodities, the mis-representation of various articles offered for sale, etc. are very commonly noticed in our day-to-day practical life in modern time.

In the developing countries most of the consumers are not in an organised form, rather they are dispersed and disorganised like as in our country, which always causes a major disadvantage to them. Moreover, most of these consumers are financially weak and they are either not fully aware or totally unaware about their rights. Hence, it could not be expected from these consumers to raise their voice against the monopolistic producers and sellers, who are better equipped to consumer
complaints. Therefore, it is highly necessary for the consumers to have the adequate protection under the law, against deceit, exploitation, and profiteering in the prevailing business situations now-a-days.

CONSUMER MOVEMENT:

The term 'Consumer Movement' reflects the idea about the creation of awareness and consciousness amongst the different types of consumers in order to push them forward and raise their voice for the protection of their various rights and interests. In fact, the 'Consumer Movement' is a force, which leads both the 'consumer of goods' and also the 'consumer of services' to become aware and sensitive in respect of their valid demands for the protection of their rights and interests. Practically, protection of the consumers cannot be think of, in the absence of a proper 'Consumer Movement' amongst the consumers. Hence, the 'Consumer Protection' is obviously a product of 'Consumer Movement'.

The 'Consumer Movement' is moving at a fast pace particularly in the Western countries. The International Consumer Movement has make its grip appreciably. Several International Organisations have established their special divisions to promote consumer interests in a specified or particular functional areas in the last two decades. Here we can mention the names of some International Organisations like as — IOCU (International Organisation of Consumers' Union); WIPO (World Industrial Property Organisation); ILO (International Labour Organisation); etc. those are highly active in the areas of consumer welfare and protection.

In the developing countries of the world, although the wave of
'Consumer Protection Movement' along with the 'natural environmental protection movement' has made important strides, but very unfortunately, the 'Consumer Protection Movement' is starting quite slowly and as a result, it is lagging behind the 'natural environmental protection movement' at present. Most of the developing countries of the world lacks well co-ordinated public distribution system. On the other hand, in these countries, the majority of the consumers are the constituents of low income group and they are unable to manage their required food products and other basic commodities of life at a reasonable price with the acceptable quality, rather they have to face the non-availability of all these things. Hence, it is easily perceivable that in the developing countries the 'Consumer Protection Movement' is more of a necessity than a mere subject of educational discussions.

1.3 CONSUMER PROTECTION MOVEMENT IN INDIA:

Although the 'Consumer Movement' is a new trend or phenomenon in India, yet the concept of the same is quite old. But practically, in our country the 'Consumer Movement' gains its momentum only in the later part of eighties, during the period of which significant developments took place in the field of consumer protection and welfare in the country. In this period, the Government of India has accorded a high priority to the various programmes of consumer welfare and protection and also undertakes various measures in respect of protection of the rights and interests of the consumers and also to promote a responsive and responsible consumer movement in the country. But the Consumer Protection Movement, which started only in 1976 is still in the rudimentary stage, confined only to cities and big towns mainly due to
the lack of awareness and consciousness of our consumers. In our nation, the Consumer Protection Movement is still in the stage of its infancy, despite of the various measures launched by the government in recent times. It is quite unfortunate that a country like India, where almost one-third of the total population lives below the poverty line, the Consumer Movement has not got any definite functional shape yet. Consumer protection in a country, like India, has essential social and ethical dimensions. In a situation, where producers are in their own way of influencing the market environments, where the prices of almost all the basic commodities are rising day by day and the quality and reliability of the commodities always have a decreasing trend, it is obviously high time to make the 'Consumer Movement' a mass movement and a successful one. In order to fulfill this purpose, there must have to be made adequate efforts to create the necessary awareness among the consumers of the country, so that they may become conscious and aware of their rights and interests and also able to stand and fight for the same.

1.4 CONSUMER PROTECTION MOVEMENT IN ASSAM:

In assam also, 'Consumer Protection Movement' is yet to spread amongst the mass people of the State. The consumer movement is still to get its momentum here. Particularly in the rural areas of the State, where more than seventy percent of the total population resides, in fact, no systematic effort has been made to develop a healthy consumer protection movement. Further, the lack of awareness of our consumers, lack of their knowledge and their illiteracy are the main obstacles in spreading the consumer movement smoothly, more specifically in the rural and backward areas of the State. Absence of strong and proper
village leadership is also an impediment in this area. On the other hand, owing to the weakness of existing public distribution system, the rural population of the State always have to face non-availability and poor quality of commodities and the rural population is the most exploited one in terms of urban-rural consumer exploitation. The poor and illiterate consumers of the State have to face a number of product failures everyday, because of the reason that the various new products produced by the means of highly developed technology thrown in the market, are of such nature, regarding which the consumers of the State, mainly the consumers hailing from backward and rural areas are completely ignorant and as a result these consumers have always failed to make a proper judgement in respect of their required commodities. On the other hand, it is quite hard to expect from a consumer here to move to the court for the redressal of his grievances, since the problems arise daily and are manifold in their nature. The consequence is that the consumer of the State makes himself engaged in finding out a solution to his problem, outside the premises of the Court of Law. This has also directly given rise to the demand for better protection of the consumers in the State.

In Assam, as in many other states of our Nation, 'Consumer Courts' comprising of (a) District Consumer Disputes Redressal Forum- in every district head quarters (District Forum); and (b) State Consumer Disputes Redressal Commission (State Commission) came into existence, only in the month of December 1989, vide Supreme Court's directive to this effect. But the available performance statistics of these 'Redressal Agencies' of the State are in fact, cannot be taken as a satisfactory and encouraging one. There are several reasons behind this unsatisfactory performance of the said 'Agencies' in the State, such as - Lack of required seriousness on the part of the State Government in respect of proper
functioning of the 'Consumer Courts' in the State; lack of basic infrastructural facilities essential for the smooth functioning of the Consumer Courts; lack of adequate fund for financing the Consumer Courts in order to carry on their works properly and punctually; etc.

The subject selected for the present research work have occupied a place of high importance, because, without the adequate and proper study of various aspects of Consumer Movement, no one would be able to comment anything specifically in respect of 'Consumerism' in the State. In fact, in a poor and backward state like Assam, where literacy rate is also quite low in comparison with the other states and where a noticeable percent of the total population lives under the poverty line, the movement for the protection of various rights and interests of the consumers certainly have a serious socio-economic importance. A successful movement for the protection of various interests of the poor and illiterate consumers of our State can help to ameliorate their socio-economic status also. The Consumer Protection Movement can influence a lot, in the upliftment of socio-economic conditions of the consumers in our State. In other words, we can say that the consumer protection movement can highly influence the socio-economic life style of our consumers. Therefore, a systematic and meaningful consumer protection movement is the need of the hour, so that it can improve the socio-economic life style and status of the poor and uneducated consumers in the State, who do not pay heed to the protection of their various interests mainly due to their ignorance in the concerned area.

1.5 CONSUMERISM:

We shall now turn our attention to 'consumerism'. According
"Consumerism is both an idea and a contagious spirit, and national boundaries have never proved much of an obstacle to either of these. Thus, consumerism has become an international social force".  

'Consumerism' is a social movement or a social spirit, to safeguard the various rights and powers of the consumers in modern days technical commercial world. In fact, consumerism has no alternative or substitute in respect of shielding the rights and interests of the consumers at large. Thus, 'Consumerism' is quite inevitable in order to safeguard the consumers as a whole. Nayak has very rightly commented:

"Consumerism is a social movement in transatlantic world to safeguard the rights and powers of the consumers at large in relation to sellers".

Consumerism reflects the idea of safeguarding the consumers at large, against different types of malpractices and injustices, perpetrated in day to day business transactions. To quote Dr. Singh:

"Consumerism devotes a thorough safeguard for the consumers from all sorts of malpractices and exploitative deeds of market operators."

Under the prevailing socio-economic conditions in most of the developing countries of the world at present, it is highly necessary to

---

8. SINGH, DR. GURBAX, loc. cit.
protect the consumers belonging to this region against various injustices and socio-economic evils, like-spurious and injurious manufacturers, unfair trade practices, adulterations, price-hike, over-charging, black-marketing, hoarding, false advertisement leading to misguidance, non-labelling and mis-labelling of articles, misuse of trade marks and patents, duplication of various articles, and all other similar deceitful market practices. Technically the term 'Consumerism' refers to protection and safeguard in favour of the consumer against all the malpractices and injustices done by the selling and distribution agencies in the market, in order to dupe the innocent consumers. Consumerism seeks protection and safeguard towards the consumers against the sell and supply of bad, sub-standard and duplicate consumer commodities in the market; non-supply and short-supply of consumer products in the market; unwarranted and excessive pricing of various articles; and the false advertisement that may mislead the consumers etc. Nayak's comment is very relevant here.

"Philosophy of consumerism emphasizes on the protection, preservation and enhancement of human life. Consumerism as a social movement energises consumers, creates new responsibilities to producers and buyers, promotes consumers consciousness and educates the consumers about their basic rights in the larger interest of co-ordinated economic growth."

There are three different groups having direct influence on consumerism. These groups comprising of 'households', 'firms' and 'control authorities'. The 'market' is the stage of operation of these three

groups. The consumer, as the economist refer to the group of individuals consisting of households, operates in a place called market, which is an area over which buyers and sellers negotiate in respect of the exchange of well defined commodities. Due to the diversity of buyers and sellers in a competitive market, none of them is able to influence the price of the commodities. At the present time, neither completely free market economics nor entirely centrally controlled economics have in existence, and the degree of central control differs from one country to another. But while considering the shape and effectiveness of consumer protection in a given sphere, one must have to look into whether there is a state regulation of price, quality and range of choice or not in the concerned set-up and situation.

According to the concept of 'consumerism', a seller is at his liberty to produce any commodity in any manner and style and to put forth them to the market, provided the products are not injurious to public health and safety and the products also may not cause any price discrimination among the similar section of buyers. Like the same way, a consumer have the traditional right to make a choice of the products those are offered for sale in the market. The consumer have a right not to purchase any product, that is put before him. But practically, a consumer have only an option of choosing to purchase a particular product or not and out of an acute necessity, a consumer may be compelled to opt for the purchase of such types of commodities which he knows are adulterated or inferior ones. If we analyse these traditional rights of both the sellers and buyers, then we can easily find that the sellers are always in an advantageous position in comparison to the buyers in market place. However in practice, buyers are very often
compelled to buy commodities that are available in the market irrespective of the quality.

According to the followers of 'consumerism' the buyer should be properly and genuinely informed about the commodities they want to buy. The supporters of 'consumerism' always demand protection of quality of the commodities and are also raising their voice against all unhealthy market practices in today's business transactions. 'Consumerists' always favour the imposition of control over the different ingredients which are essential in the manufacturing of commodities, so that the qualities and standards of various commodities remain unaffected. They also demand proper and adequate consumer representation in business establishments in order to keep a close vigil after consumer welfare. The consumer welfare, as in present discussion implies representation of consumers in business decision making process. In view of 'consumerists', the resources of the world are limited, hence, in order to promote and accelerate the peace and harmony between the sellers and buyers, the social values must have to be respected and hence the consumer welfare comes into consideration.

The businessmen who support the idea that consumerism is a costly affair, in fact, forget that consumerism is a social movement and which is intended to facilitate both the buyers and sellers at large, to solve the social strains prevailing in country's socio-economic order, through establishing and promoting harmony between the buyers and sellers in respect of their different activities. Practically, the consumer movement provides an opportunity to the businessmen which they otherwise would not get, to think again with a new dimension in respect of their various duties and responsibilities for which they have an
obligation towards the society, in which they are functioning as an important link between production and distribution channel of a country.

The advocates of consumerism believe that the buyers should be properly informed about the commodity they propose to purchase. The late President of the United States, John F. Kennedy, observed that the consumers have certain definite and basic rights. These rights may be highlighted as follows:

The right to safety– to be protected against the marketing of goods which are hazardous to health or life.

The right to be informed– to be protected against fraudulent, deceitful, or grossly misleading information, advertising, labelling or other practices and to be given the facts he needs to make an informed choice.

The right to choose– to be assured, whenever possible access to a variety of products and services at competitive prices and in those industries in which competition is not workable and government regulation is substituted, an assurance of satisfactory quality and service at fair prices.

The right to be heard– to be assured that the consumer interests will receive full and sympathetic consideration in the formulation of government policy and fair and expeditious treatment in its administrative Tribunals.10

1.6. CONSUMER SOVEREIGNTY:

"Consumer sovereignty, is one of those concepts that flourish and are widely influential long before they are explicitly recognised and named. (Their belated recognition is often concomitant with their decline). Much of the substance of consumer sovereignty is implied in Adam Smith. The focus of subsequent classical economics on cost of production as the basic determinant of market decisions temporarily sidetracked this emphasis. It returned more strongly with the Austrian school of Wieser and Menger, and in the work of Jevons, Pareto, Marshall, Pigou and Wicksell. In 1936, W.H. Hutt in 'Economists and the Public' coined the term to refer to a common fundamental presupposition in all these works".11

"In the capitalist system, the consumer is said to be sovereign. That is, each consumer is free to spend his money as he pleases, so that production must respond to voluntary consumers' choices. Production follows demand, making the consumer king."12

Under the concept of 'Consumer Sovereignty' the consumer is sovereign in a market and he has got the power and capacity to dictate the production of various commodities those are thrown in the market for consumption. Hence, consumer is the focal point in every economic

---

activities carried on in a market. The consumer is sovereign to take his decision in relation to whether or not he would purchase the particular commodity put before him in the market and neither the manufacturer nor the seller have any right and power to compell the consumer regarding his purchase decision.

The term 'Consumer Sovereignty' can be viewed from two different angles. In other words, the term 'Consumer Sovereignty' can be used in both descriptive as well as normative form. According to the descriptive form of consumer sovereignty, whole of the economic processes and activities are ultimately put forth towards fulfilling the wants and needs of the final consumer. Hence under this descriptive form, production and distribution are the means of economic activity and consumption is the end. The market performance in a free market system is practically responsive to the specific wants of the consumers within the system. How the said performance is responsive to the specific wants of the consumers leads to the consideration of normative form of consumer sovereignty. This normative form of consumer sovereignty refers to the evaluation of economic activities taking into account the degree and quality of fulfillment of wants of the consumer in a particular system. In other words, vide its normative form, 'Consumer Sovereignty' asserts that the performance of any economy should be evaluated in terms of how well it fulfills the wants and needs of its consumers.

1.7 CONSUMER RESISTANCE:

'Consumer Resistance' is one of the steps of collective self protection in respect of various rights and interests of the consumers.
A consumer has some inherent rights- a right to have proper information before buying any commodity, a right to choose and make his option, and a right to be heard in case a deception has been made to him. The consumer makes his observations, selects, bargains at the time of his purchase of a commodity, and when not satisfied, grumbles, resents and protests. These grumbling, resentment and protest are the different stages of 'consumer resistance'.

History tells us that in every business transaction, the interests of the sellers and the buyers are always tried to be safeguarded, the former trying to obtain the highest price in the transaction and the latter demanding quality goods but resisting higher prices. This ultimately leads to 'Consumer Resistance'.

"Consumer resistance resulting in direct action took shape in some of the European countries much earlier than it did on the Indian Soil. The birth of the Co-operative Movement in Scandinavian countries was the direct result of economic pressure and the exploitation to which the worker and consumers were subjected. The consumers were forced to enter the field of collective buying, processing and distribution of much to the chagrin of those who, at one time, thought that their superiority and mastery was unquestioned. It was not only the 'refusal to buy' but a constructive step of collective self protection."

In India, although the consumers now a days become more resentful than before, particularly in respect of irrational rise of prices of various

---

13. Encyclopedia of Social Works in India - Vol 1, Published on behalf of the Planning Commission, Govt. of India, (1968), P.160
commodities, guided by selfish motives of greediness on the part of the producers, manufacturers wholesale and retail dealers, but by nature our consumers are most accommodating. Even at the time, when one Indian consumer comes to know that he has been deceived, still he hesitates to take direct action against the 'seller' who as a business technique pretends to be a modest and submissive one. But at present, due to the compelling economic condition, consumer resistances are gradually increasing.

1.8 CONSUMER EDUCATION AND AWARENESS:

Most of the consumers, living particularly in the developing countries of the world are illiterate and they are either not fully aware or totally unaware about their various rights and interests. Hence it is high time to make these illiterate consumers of this region aware in respect of their rights by providing proper and adequate education in the area. In fact, educate the consumers to make them aware about their rights and interests is quite essential in respect of illiteracy-ridden third world countries.

In our country, most of the rural consumers are totally unaware and unconscious about their rights and interests, mainly due to their illiteracy and ignorance. Moreover, there is no systematic set-up for providing necessary education and information to the consumers by the local organisations in the rural areas of our country. As a result, these rural consumers become victims of modern day technical business practices.

In fact, a wide-ranging consumer policy in our country would be a faux-pas in the absence of proper and adequate provisions for consumer education and information programmes. There should be a clear and systematic provision for effective consumer education and information
programmes in a wide ranging consumer policy, so that the consumer movement in the country can make a concrete foundation. In this regard, the mass media comprising mainly of radio and television can play a very important role in educating the consumers by providing various consumer related informations and make them conscious about their responsibilities.

As the Consumer Movement gathers dynamism, there is a growing demand for the information on consumer related issues. Hence, at present, more authors of the related field should have to come-up with some new publications, which would certainly help the consumers to understand the subject better.

In order to make the consumer movement a successful and a mass oriented one, proper consumer awareness should have to be brought about through consumer education. In fact, consumer education facilitates the consumer awareness. The consumer education in a country like our, is a device for —

(i) creation of critical awareness of the consumers;

(ii) active consumer involvement;

(iii) understanding social responsibilities;

(iv) realising ecological responsibilities and

(v) solidarity and unity of the consumers of the country.

In our country, the various consumer guidance societies can also play a vital role in educating the consumers on different aspects of market transactions. These societies can create consumer awareness by
providing adequate and necessary informations to our consumers. It can also provide assistance to popularise the consumer movement throughout the country and in order to protect the interests of the consumers, it can exert pressure on the government regarding implementation of various policies and programmes by the concerned government for the welfare of the consumers at large.

1.9 CONSUMER GUIDANCE:

On 'Consumer Guidance' Dr. Singh observed—

"Guidance to a purchaser, what to buy, where to buy, when to buy, how to buy and how to make the best use of what he does buy in order to get the best value for his money, is very essential to protect the interest of the buyer". 14

Particularly in the developing countries of the world, where the problem of illiteracy exists as thunder-bolts, the consumers are very often unable to make a proper judgement in respect of their purchases of different commodities and as a result, most of the times they have been cheated by the manufacturers or the sellers. Moreover to this, the products those are thrown into the market are of such varieties alongwith technicalities in their nature, regarding which most of the consumers are totally ignorant and obviously these consumers cannot properly make their judgement and take proper decision in respect of their purchases. Hence, the necessity of the 'consumer guidance'.

Through the means of consumer guidance, a consumer can obtain the basic knowledge and information before hand when he prepares for

a purchase, regarding what commodity or commodities he should buy; where he should buy his intending articles; what time would be proper for his proposed purchase and in what way he should proceed for his desired purchase. Through 'consumer guidance' a consumer gathers vital ideas about how he would get the optimum utility of his investment at the time of his different purchases in day to day life.

1.10 CONSUMER GUIDANCE SOCIETIES:

'Consumer Guidance Societies' are the organisations of individuals designed to safeguard the consumers at large against various malpractices of business consisting of adulteration, hoarding, blackmarketing, exorbitant increase in the prices of commodities etc. This is an organisation of individuals which can show the actual path to the consumers for the establishment of their rights and interests against the various injustices done by the manufacturers, producers or sellers in modern days business practices. By providing proper guidance the consumer guidance societies can safeguard the rights and interests of the consumers. In our country, 'Consumer Guidance Societies' are the need of the hour in order to guide our illiterate, ignorant and unaware consumers in a right way.

1.11 OBJECTIVES OF THE STUDY:

In recent times, consumer protection and consumer movement have emerged as one of the most important developments in both the field of business as well as law. The topic selected for the present study is of immense importance because without a detail analysis and discussion
about the various aspects of 'consumers', the 'consumerism' in a country cannot be a successful one. Keeping this in view, the following objectives are set forth for the study:

(a) to study the origin and development and present trend of the consumer movement

(b) to make an analysis of the consumer protection measures adopted in our country.

(c) to make an analysis on the functioning of the Consumer Disputes Redressal Agencies in the State.

(d) to make a study on 'consumer awareness' and 'consumer education' in the State.

(e) to provide measures to make the consumer movement a successful one and also to make suggestions for the proper and adequate protection of the consumers in the State.

1.12. METHODOLOGY OF THE STUDY:

To pursue the above stated objectives of the present study, data has been collected both from the primary as well as from the secondary sources. The secondary sources constitute, the already published books, journals, newspapers, reports, etc.

Primary data has been collected through personal contact and interview of the consumers, office bearers of Redressal Agencies, legal practitioners and Government officials whenever necessary.
Questionnaires are prepared for the purpose of collecting data from the primary source.

1.13 HYPOTHESES:

The present study is based on the following hypotheses:

(a) The consumer movement is yet to be a mass movement in the State of Assam.

(b) The consumers of Assam are not conscious and aware of their various rights and interests.

(c) The performance of the District Consumer Disputes Redressal Forums as well as the State Consumer Disputes Redressal Commission is not satisfactory in respect of the redressal of various consumer grievances in the State.

1.14 REVIEW OF LITERATURE:

The basis of empirical analysis has to be built on comprehensive review of relevant literature in the area of the study. This would aid in deriving intellectual and practical answers to the problems through the application of scientific method and proper reasoning. In general, we come across considerable number of literature on Consumer Protection Act. But the availability of literature, specifically on the Consumer Protection Movement and its Impact on Socio-Economic Scenario of the Country is very limited. A brief review of literature available on the subject has been made in the following few pages.
Dr. Gurbax Singh has made appreciable contribution to consumer protection movement through his book 'Law of Consumer Protection'. Dr. Singh has not only defined a 'Consumer', he has also thrown light on the factors which have contributed to the promotion of consumer protection activities in the developing countries. In his book, Dr. Singh has highlighted the need for protection of the consumer interests.

Mr. O.P. Tiwari, in his book 'Consumer Protection Act', has referred to the growing importance of consumers and has quoted Gandhiji to substantiate his point—"A consumer is the most important visitor in our premises. He is not dependent on us, we are dependent on him. He is not an interruption in our work. He is the purpose of it. He is not an outsider on our business. He is a part of it. We are not doing him a favour by serving him. He is doing us a favour by giving us an opportunity to do so."

The former Vice-President of India, M. Hidayatullah, in his writing highlighted the victimisation of consumers in our country.

Mr. G.B. Reddy, in his literary work 'Law of Consumer Protection' has pointed out various evil business practices adopted by the traders and businessmen, in order to dupe the unaware and illiterate consumers, that are rampant in the society. Regarding the historical development of consumer protection laws in the country, G. B. Reddy states that—"Laws aimed at protection of consumers are not confined to modern times. Some prohibitions against adulterated food and false weights and

15. SINGH, DR. GURBAX, op. cit, pp - 5 & 20.
17. HIDAYATULLAH, M., "Indian Consumer is Victmed", Readers Digest, November, 1984.
measures are thousands of years old, such as those found in Old Testament, the Code of Hamurabhi and the ancient laws of India". Mr. Rakesh Khanna, in his book 'Consumer Protection Laws' has mentioned that under the Indian legal system, consumer interest was protected in the ancient time also. The author has also pointed the importance of consumer protection in modern jurisprudence.

In his book, 'Commentary on the Consumer Protection Act 1986', J.N. Barowalia has observed that the exploitation of the consumers cannot be avoided without the development of an international consumer protection movement. The author has also highlighted the necessity for 'judicial-activism' to protect the interest of the consumers.

Anupam Goyal, Lecturer, Faculty of Law, University of Delhi, has observed that the rapid changes in global economy necessitated the enactment of a comprehensive legislation on consumer protection in our country. Goyal also highlighted provisions under the Consumer Protection Act, 1986, for the redressal of consumer grievances.

As observed by Mr. D. N. Saraf, Manager Legal Services, Consumer Education and Research Society, Ahmedabad, the passage of Consumer Protection Act in 1986 is a landmark in the history of judicial institutions in India.

---

19. ibid, P-3
Observing the necessity of consumer protection laws, Avtar Singh\textsuperscript{24}, has referred to the United Nations Guidelines under which concerned Government could enact legislations for protection of consumers.

Emphasising the advantages provided by the Consumer Protection Act, 1986, Mr. S. S. Srivastava, in his literary work—'The Consumer Protection Act'\textsuperscript{25}, has observed that the COPRA, 1986, facilitates a cheap and efficacious remedy to the consumers besides the remedies available under the other laws.

Supporting the introduction of Consumer Protection Act 1986 in the country, R.K. Bangia, in his book 'A Handbook of Consumer Protection Laws and Procedure- For the Lawman and the Layman'\textsuperscript{26}, has highlighted the easy and simple procedure for lodging of consumer complaints and the redressal of the same as provided under the Act.

Mr. J.N. Barowalia, in his literary work 'Commentary on the Consumer Protection Act, 1986' \textsuperscript{27} has highlighted the importance of Consumer Protection Act, 1986 and observed that the importance of COPRA 1986 lies in promoting welfare of the society by enabling the consumers to participate directly in the market economy.


\textsuperscript{27} BAROWALIA, J.N., Op-cit., P-15
in India has highlighted the objectives which the COPRA, 1986, aims to achieve.

Highlighting the purpose of Consumer Protection Act, 1986, Dr. Gurbax Singh, in his book 'Digest of Consumer Protection Cases (1986-1994)', has observed that to save the consumers from unfair trade practices adopted by the traders is one of the chief purpose of the Consumer Protection Act, 1986.

In his literary work 'Commentary on the Consumer Protection Act, 1986', J.N Barowalia has observed that the enactment of COPRA, 1986, can be regarded as 'magna-carta' in the field of consumer protection in the country.

Mr. Arun Bhanot, has observed that the decision of the government's to pursue the policies of liberalization and globalization in the economic sector creates a favourable atmosphere for the growth of consumer movement in the country.

Mr. David Harland, has observed that due to the growing interdependence of the world economy and international characteristics of many business practices, presently, there has been increasing recognition of the international dimensions of Consumer Protection.

Mr. I.C. Saxena\textsuperscript{33}, has emphasised the need of co-operation from all the concerned for proper and smooth functioning of the Consumer Protection Act in the country.

Highlighting the position of Consumer Protection in the country Mr. D.J. Harland\textsuperscript{34}, has observed that a considerable attention has been given in India in respect of the matters of consumer law and policy. According to Mr. Harland, the consumer movement in India is active, and a number of organisations are involved with the work of the International Organisation of Consumers' Unions (IOCU).

1.15. PLAN OF THE STUDY:

The present study is intended to be covered in nine chapters. The chapterisation scheme will be as follows:

**FIRST CHAPTER:**

The first chapter covers the introductory part, containing the definitions, the various terms and their explanations, objects, methodology, hypotheses, literature review and plan of the study.

**SECOND CHAPTER:**

This chapter deals with the discussion on the origin and development of Consumer Protection Movement in India.

\begin{itemize}
\item \textsuperscript{34} HARLAND, D.J., "Some International Dimensions of Consumer Law and Policy", Journal of the Indian Law Institute, New Delhi (1987), Vol-29
\end{itemize}
THIRD CHAPTER:
The third chapter covers the discussion on origin and development of Consumer Protection Movement in Assam.

FOURTH CHAPTER:
UN Guidelines on Consumer Protection and their-implementation in different countries are the subject matter of this chapter.

FIFTH CHAPTER:
This chapter deals with the legal provisions for Consumer Protection in the country.

SIXTH CHAPTER:
The role of Assam State Consumer Disputes Redressal Commission and District Consumer Disputes Redressal Forums have been covered in this chapter.

SEVENTH CHAPTER:
Findings of the field survey on consumer awareness and education in the State have been incorporated in this chapter.

EIGHT CHAPTER:
This chapter analyses the various obstacles against popularisation of Consumer Protection Movement in the State.

NINTH CHAPTER:
This is the concluding chapter and it covers the summary of findings of the study and suggestions in the concerned area.