CHAPTER - II

CONSUMER PROTECTION LAWS AND ITS IMPLEMENTATION: REVIEW OF PROVISIONS AND ITS PRACTICES

The ever increasing complexities in the marketing system, liberalization of economy and privatization of essential services rendered by government owned utilities have made the consumers more confused and apathetic to change. In the modern marketing system consumers’ sovereignty has become a myth on account of a number of problems in the process of production and distribution. Consumers all around the world, are victims of poor quality, under measurement, adulteration and many false promises. Indian consumers suffer and lose crores of rupees due to adulteration and quality deception. As India is a developing country where a majority of general public is illiterate, poor and unemployed, people are easily exploited by the self motivated and private manufacturers. With the onset of industrial revolution the consumer exploitation also started. Consumers are ultimately bearing the burden of exorbitant charges and profit margins, indulged in by the middlemen through distributive channels. This is due to lack of minimum education and rational thinking among consumers which is causing a serious damage to consumer welfare and is responsible for such a pathetic state of affairs.

Ideally speaking, consumers are the pillars of economic development as the entire economy revolves around them. They are the wheels of the chariot of economy and are the so-called kings of the market. They are the directors and dictators of the market. But reality is different. Consumers are relegated to a backward position rather than given any commanding supremacy in the market. By and large consumer have remained helpless and dumb victim of those who are involved in the marketing of goods and services. Consumers are cheated in different ways by the middlemen. Adulterated goods, spurious drugs and the like are easily and widely sold. The exploiting manufacturers and middlemen are having a field day. Just a handful of people are exploiting the consumers to their advantage.

2.1 Need for Consumer Protection

Different types of malpractices adopted by the sellers and the consequent exploitation of consumers’ interest on a large scale need protection and consumer guidance. Among the myriad products in the market, consumer is nursing a feeling of helplessness because he feels that he is being systematically victimized as regards quality,
and price of products and services available. It is this situation that demands protection of consumers.

For effective protection of consumer rights, the government, the business consumer advocates and consumers themselves should make an all out effort to protect their interests.

2.2 Role of Government in Consumer Protection

Keeping in view the plight of Indian consumers in the market environment, the Government of India has brought out a number of statutory regulations to protect the consumer interests. In this chapter various laws enacted by our government for consumer protection against health hazards, malpractices, safety and security and availability of products at reasonable prices are reviewed.

Following provisions were promulgated from time to time to protect consumer interests.

2. The Agricultural Produce (Grading and Marketing) Act, 1937.
4. The Drugs and Cosmetics Act, 1940.
The main provisions of these Acts having a bearing on consumer have been given in simple terms to enable even a layman to take their advantage to seek protection through law.

1. **Sale of Goods Act, 1930**

   This Act is based on the rules of justice, equality and good conscience. The rights and obligations of both buyers and sellers relating to sale of all types of movable property except actionable claims and money are governed by this Act.

   **Critical Appraisal:** The Act protects the buyer against the seller through application of implied conditions and warranties which are exception to the maxim of 'Caveat Emptor'. However, any right or obligation arising by implication of law under this act may be negated by an express agreement between the two parties. For example, the implied condition that goods must fit buyer’s purpose is countered by a statement on the bill that “goods once sold cannot be returned or exchanged”. In some cases the courts have held that even when there is an express agreement to exclude implied conditions/warranties, they apply if the facts and circumstances of the case are so eloquent.

   The Act entitles the buyer to get the goods which are reasonably fit for the purpose for which they are purchased provided the buyer has declared his purchase to the seller and has depended on the judgment of the seller and the seller deals in goods of that description. If goods do not serve his purpose he can return the goods and can repudiate the contract. The buyer can also return the goods if these do not match with the description given and when these are not of merchantable quality.

   The buyer can also claim damages if he suffers some physical or financial harm due to the sale transaction. However, this remedy is available only to the immediate buyer due to the privity of the contract. If the buyer himself is not the user and the user gets injured due to defective goods he cannot claim damages as he is not party to the contract. Similarly manufacturer of defective goods, who is actually responsible for the defect, cannot be sued under this Act due to principle of Privity.

   From consumer’s point of view, this requirement of privity of contract is most undesirable. It is really strange but true that the consumer’s right to sue a hotel owner under Sale of Goods Act for having supplied poisonous food depends on the fact whether he himself paid for the food or it was paid by his host. Further, if the sickness is due to the food which was received by the hotel owner in sealed containers from the manufacturer
then he is not responsible for it. In the famous case of Grant Vs. Australian Knitting Mills Ltd., no remedy was given for the injuries suffered by the actual consumer on the ground of breach of implied conditions. Here the person who was affected with dermatitis resulting from the underwear was the buyer himself but the seller in this case served the articles in the original condition as delivered by the manufacturer. The remedy against the manufacturer is not there in the law of contract for sale.

The Sale of Goods Act does not provide any protection to consumer if he is not the buyer himself. Moreover, it does not give any protection to manufacturer due to the principle of Privity of contract.

2. **The Agricultural Produce (Grading and Marking) Act, 1937**

The main objective of this Act is to provide for grading and marking of Agricultural and other produce under the Act. The Central Government can enact rules for prescribing grade standards for agricultural and live stock products defining quality, prescribing methods of marking, packaging, sealing and laying down conditions for issue of certificate of authorization for carrying out the grading.

This Act is implemented by the Directorate of marketing and inspection, Department of Rural Development, Ministry of Rural Areas and Employment, Govt. of India, through a network of its offices and laboratories located in different parts of the country. The producers and manufacturers of agricultural products interested in making their products under AGMARK give expansion of the word AGMARK and a license to implement the AGMARK scheme. But they must have the required internal quality control systems at every stage of production, processing and packaging to ensure quality. Samples are taken from various outlets and tested at different regional AGMARK laboratories set up by the directorate. In case a product is found substandard, the authorized packer is directed to withdraw the entire batch from the market.

If the real situation in the market is studied it will be noticed that the public does not understand the scheme of “AGMARK”. Consumer is not sure as to what ‘Agmark’ really indicates and what are the benefits of purchase of food articles bearing this mark. Therefore, there is an urgent need to popularize this beneficial scheme. It is also recommended that more and more food articles should be included under ‘Compulsory grade designation’ scheme.
3. **Wool Products Labelling Act, 1939**

This Act is administered by the Federal Trade Commission. The main objective of this Act is to protect manufacturers, merchants, and consumers against deception and unfair competition in articles made in whole or in part of wool. The law provides that all products containing wool, which are sold in interstate business except carpets, rugs, and upholsteries should have a label attached to the merchandise with the type and percentage of ‘wool’, ‘reprocessed wool’ and ‘reused wool’. The name of the manufacturer or distributors must also appear on the label. It is also provided in the Act that label must remain on the merchandise until it is delivered to the consumer.

4. **The Drugs and Cosmetics Act, 1940**

The main objective of the Drugs and Cosmetics Act, 1940 is to ensure the availability of drugs and cosmetics of required quality, purity, and strength and that the packing gives necessary information about the contents. The Drug Act basically tries to ensure that people get the drugs at a reasonable price and there is no advertisement of magic remedies or cure for incurable diseases. “The ineffectiveness of this Act and other Drugs Laws can be understood from the fact that globally banned drugs like Mexaform which is also banned in India continues to be prescribed by road side quack and sold by them clandestinely in India”\(^2\). “According to a study undertaken by AIIMS, New Delhi a number of commonly used herbal medicinal preparations contain toxic heavy metals like lead and arsenic. Twenty one samples of commonly used drugs analyzed were not only found to contain toxic metals but the formulations also varied in terms of ingredients and quantities from batch to batch”\(^3\).

The World Health Organisation (WHO) recommended that the patients be given written information on the use of drug and its side effects. However, it is seen that most of the private practitioners do not give any such information. “According to a Chandigarh based surgeon, steroids are being given to patients as ‘desi’ medicine. These could be dangerous. Chemists sell medicine without prescription and there is no effective check on such malpractices”\(^4\).

A memory enhancing tablet “Memory Plus” was developed by the Council of Scientific and Industrial Research (CSIR) laboratory. “The validity of the claim of this tablet is being questioned now by The Indian Council of Medical Research (ICMR)” on the
basis that no clinical trials were conducted before launching the tablet. According to ICMR the drug should at least state that it is not to be used during pregnancy to avoid the possibility of any disastrous results.

The prevailing situation of drugs is far from satisfactory. Spurious, adulterated and banned drugs are openly sold in the Indian market. Warning about the side effect is at times not adequate on certain medicines. Today, there is a dire need for more exemplary punishment and stricter enforcement of the drug laws.

5. **The Fur Products Labelling Act, 1951**

   This Act is also administered by the Federal Trade Commission with the main object of protecting consumers and industry members against the malpractices of misbranding, false advertising and false invoicing of furs and fur products in interstate commerce.

   The wide spread use of deception and false advertisement in the sale of furs- for example the use of the term ‘mink blended coney’ for rabbit fur – gave rise to demand within the industry for some corrective actions. As a result this Act was enforced. Manufacturers and distributors are now required to attach labels to the garment showing the name of the animal that produced the fur, the country of its origin and whether the fur is bleached or dyed or composed of paws, tails, bellies or waste furs. Retailers may substitute their own labels but they must retain the information from the original label for three years.

6. **Indian Standards Institution (Certification Marks) Act, 1952**

   This Act promulgated in 1952 was amended in 1921, to extend the scope of Indian Standards which were originally formulated by a semi-government registered body established in 1947. This body was named the Indian Standards Institution (ISI) and came under the purview of the ISI Certification Marks Act, 1952. It function was to provide standards of quality control for various raw materials, products, practices and processes. In 1987, to give the organization was renamed the Bureau of Indian Standards (BSI), to give the organization statutory powers under the BIS Act, 1986.

   The BIS has a large number of offices all over the country. It has 15 departments and over 2000 technical committees with nearly 40,000 experts (scientists, technologies,
manufacturers, traders and consumers) formulating standards for products and materials ranging from steel to liquid. The main activities of the Bureau are:

- Standard Formulation
- Certification and quality systems
- Laboratory work and product testing
- Participation in consumer education
- Protection and awareness programs.

About two standards are formulated and approved every year, of which 58 per cent are product standards. After every five years, a standard is reviewed by BIS for necessary amendments. It prohibits the improper use of its standard mark and the Bureau accepts and processes any complaints by consumers.

7. **The Prevention of Food and Adulteration Act, 1954**

The main objective of this Act is to eliminate danger to human life from the evil of food adulteration and to ensure purity in articles of food. According to the provisions of this Act, an article of food will be considered adulterated if it contains some toxic or injurious substances or is prepared, packed or kept under unhygienic conditions or is unfit for human consumption due to presence of rotten or filthy matter.

This Act is administrated through Food (Health) Authority. Most important functionary in the field is Food Inspector. He can take samples of food from any person selling such food articles and send this sample to public analyst for analysis. If the sampled food article appears to be adulterated, it can be seized by the appropriate authority.

A purchaser or a registered consumer association can also get any food article analyzed on payment of requisite fee after declaring their intention to the vendor. On the production of analyst's approach, the purchaser or the consumer organization can institute prosecution along with the complaint in the court.

The main drawback or deficiency of this Act is that, in it the term 'food' does not include water although impure water is the main source of many diseases. The mineral water must be included in this term.

The extent of adulteration and implementation of this Act can be gauged from these reports which appeared in the press.
"15 percent adulteration was found in the wheat meant for mid-day meals for school children of Jirrapur subdivision in Rajgarh Distt. in Madhya Pradesh." According to a report in 1996, Indian Agricultural Products worth Rs. 1000 crores were rejected by the western countries due to high pesticide content in them according to the President of All India Bio-Tech Association.

"84 out of 100 samples of milk supplied by milkmen to Chandigarh residents tested by Punjab Diary Development Department, Chandigarh were found to be lacking in fat content and Solid Not FAT (SNF)."

For proper implementation of the Act, one food inspector should be there for an area with a population of 50,000. But in Chandigarh only 6 inspectors are there for a population of over eight lakhs. For effective surprise raids on milk vendors who come on high speed motorcycles, police protection is required. In Chandigarh, a large number of vendors are from the states of U.P., Bihar, and Assam. It becomes difficult to procure their attendance during prosecution.

8. **The Essential Commodities Act, 1955**

This Act controls production, supply and distribution of essential commodities and to secure equitable distribution and availability at fair prices of essential commodities in the general interest of public especially in case of those Commodities which are in scarcity. The Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980 amends this Act and gives more power to the government to deal effectively with hoarders and black marketers. If the central government thinks it necessary to maintain or increase supply of any essential commodity or to secure any such commodity for the defence of India or for efficient conduct of military operations, it may, by an order, provide for regulating or prohibiting the production, supply or distribution of that commodity.

Non compliance of such order is a very serious offence and may lead to confiscation of essential commodity and result in prosecution of the person liable for such offence.

Today, in the liberalised and global economy, it is found that much control is counter productive. There is a demand to do away with the Act as it is felt that this has been used more to harass the traders than for the welfare of the ultimate consumer. If one sees the practical operations of market one can find out that implementation of this act

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falls short of the desired level. Mild steel tubes were brought under compulsory quality
control under this Act just to protect the consumer and to prevent leakage which could
result into damage of buildings where these tubes were used. However, in a raid of a
godown in Bombay by Bureau of Indian Standards (BIS) in 1994 substandard galvanized
pipes worth Rs. One Crore were confiscated.

9. **The Trade and Merchandise Marks Act, 1958**

Customers generally associate quality and standard of a product with its trade mark
which gives certain degree of reliability to that product. Trade marks are marks by way of
words, drawing, pictures, emblem or monogram etc. which distinguish the goods of
different manufacturers. The trademarks acquire reputation about the goods with which
they are associated. Coca Cola, Liberty, Bata etc. are so well established that certain
quality and reliability is associated with them. This Act provides for registration and better
protection of trade marks and for the prevention of the use of fraudulent marks on
merchandise. In case of a registered trade mark, in the event of infringement, there is a
legal remedy against the guilty.

The Trade and Merchandise Marks Act, 1958 which is basically meant to protect
the right holder also protects the consumer interest by prohibiting the registration of a
trade mark which has already been registered by some other manufacturer or which is
deceptively similar to an existing registered trade mark. Strict penalties are provided for
applying false trade mark or trade description. This Act in reality not only protects the
interests of owner of a registered trade mark but protects public in general as well.

10. **Textile Fibre Identification Act, 1958**

This Act administered by the Federal Trade Commission, covers the labelling and
advertising of all textile fibres not required to be labelled under the wool Act. It requires
disclosure on the label and in advertising of the exact content of all textile fibre products,
other than wool marketed in interstate commerce. Products included are:-

i) wearing apparel
ii) draperies
iii) floor coverings
iv) yard goods
v) blankets and
vi) sheets

All such products must show the exact fibre content in percentage terms. Improved products must in addition carry on the label, the name of the country in which the product was manufactured or processed. The amendment of 1967 to this law includes interior furnishings, fabrics and materials.

11. The Hire Purchase Act, 1972

This Act is extremely useful for consumers because it fixes a statutory interest rate on all hire purchase transactions. Any agreement violating this requirement is considered void as per the act. Thus it prevents sellers from charging exorbitant interest on hire-purchase deals. It also stipulates that once the hirer has paid a certain percentage of the total amount, or certain number of installments, as specified in the agreement, the seller cannot take away the goods for non payment. He can only seek a court order for recovery of dues. This is to protect consumers from those who take back the goods even if one last installment is not paid. It provides for warranties and guarantees on the goods hired or bought to safeguard the interests of the hirer. However, it has not become an Act, it remains in hold.

12. The Standards of Weights and Measures Act, 1976

In the market place a consumer is very often cheated in terms of accuracy of weights and measures of goods purchased by him. This Act was passed by the government to introduce uniform standards for weighing and measuring goods to protect consumer interests. This act prohibits manufacture of non-standard weights and measures and counterfeiting of seals. The Act standardizes weights and measures by allowing only international system of units e.g. metric system.

The enforcement of this Act is the responsibility of the State Government or UT Administration and is carried out by the controller of weights and measures. This Act and other related laws provide for quite heavy penalties in keeping with the requirement of consumer protection. However, the real situation is far from being satisfactory. For example, the LPG Cylinders are found less filled. Petrol pumps fill lesser quantity of petrol. Taxi meters are often found defective.
During a raid by the weights and measures department, Chandigarh, “10 out of 26 LPG agencies in the city were challaned for under filling gas cylinders weighing between 1-4 Kg less”.

Pushpa Girimaji in her article in Times of India ‘Weight of packed goods must be verified’ expressed that there have been cases where the actual weight of the packed commodity was found to be less than the weight claimed on the label even keeping in mind the variation allowed. “CERC, Ahmedabad after the test found that all the 17 brands of toilet soaps and bathing bars were weighing less than claimed”.

13. **The Standards of Weights and Measures (Enforcement) Act, 1985**

This Act was passes by Parliament for the purpose of uniformity in the enforcement of the Standards of Weights and Measure Act, 1976. It provides for more effective protection of consumers and covers all instruments used in buying and selling, industrial production and those used for human health and safety. The Act contains provisions to deter offenders especially those indulging in under weightment.

Sometimes, the traders use some tricks to exploit the consumers. For example, a number of offences have been listed in the legislation on Weights and Measures, the major ones being to:

- Alter the weights or measures in any way
- Manufacture, sell or distribute unapproved model of weights and measures.
- Give incomplete or misguiding information on any package or label.
- Obstruct and enforcement officer in the lawful discharge of his duties.

Both the Standards of Weights and Measure Act, 1976 and the Standards of Weight Measures (Enforcement) Act, 1985 were amended in 1986 to confer powers on consumers and recognized Consumer Organizations to files complaints in a court. Hither to, such person or organizations can file complaints court.

- a) Any aggrieved person
- b) A recognized voluntary Consumer Association registered under the Companies Act, 1956, or any other law that is in force.
- c) Director or Controller of Weight and Measures.
- d) Any other authorized officer.
The Bureau of Indian Standards (BIS) Act, 1986

Today the market is full of duplicate and substandard products which are at times hazardous. Such products deny the consumer full value for his money and puts him in a situation which could be fatal at times like electrical gadgets. The Bureau of Indian Standards Act, 1986 was enacted with the purpose of promoting the activities of standardization, marking and quality certification of products to help consumers in choosing quality products. Standards are formulated in almost all sectors of economy through various technical committees representing scientists, Govt. department, industry, trade and commerce, consumer organizations and research institutions.

The ISI marking scheme is largely voluntary but in the case of products involving safety and public health, the government makes standardisation compulsory. Standard for toxic emission from automobiles or factories help in environmental protection and standards on electric equipment ensure consumer safety.

BIS carries out regular monitoring through its regional branch offices by taking samples to check whether sample conforms to the standard laid down.

For consumer knowledge BIS standards certification scheme provides for giving certain minimum information on the label or packing of the product. At BIS headquarters there is a grievance handling unit. Any consumer who feels dissatisfied about the quality of the product with ISI mark can lodge a complaint at this unit. If the product is found unsatisfactory, BIS can either temporarily stop the lease of BIS mark or cancel the license.

The implementation of BIS scheme is very poor. As per the general Service Electric Lamps (Quality Control) order 1989, every bulb should conform to the prescribed Indian Standard and be certified by BIS before it is sold in the market. But according to the test report of CERC, Ahmedabad, five well known brands failed the prescribed quality standards.

In the case of LPG cylinders which come under compulsory standardization scheme, fake cylinders were found circulating in the market according to a press report.

There is a need to bring more products under mandatory standardization and certification scheme. There should be a Consumer Products Safety Commission like the one in the United States which will act as a watch dog for insuring the safety of products. The BIS Act can be effective only when it is properly implemented. No law by itself can bring relief to the people whose interests are sought to be protected unless the public is aware and vigilant and the law enforcing machinery does its job.
15. **The Environment Protection Act, 1986**

This Act is there to protect environment from different types of pollution which may prove hazardous to human health. Stringent penalties are imposed for any solid, liquid or gas present in the air which is injurious to health. Punishment for violation of the provisions of this Act can lead to 5 years imprisonment or one lakh rupees fine or both. If violation continues, additional fine of Rs. 5000 for every day during which violation continues and maximum imprisonment upto 7 years can be imposed.

16. **Consumer Protection Act, 1986**

This Act known in short as CPA is a milestone in the history of socio-economic legislation in India for social welfare. It is really the most comprehensive legislation enacted for the protection of consumers. The main objective of this Act is to provide simple, speedy and inexpensive justice to consumers.

This Act applies to all goods and services unless specifically exempted by the central government. It covers all the sectors of economy whether private, public or cooperative. This Act also covers ‘services’ and this inclusion of ‘services’ has come as a boon to consumer who hardly had any effective remedy against various services like insurance, railways, health services etc. provided by the government.

To provide speedy redressal of consumer grievances, the Act envisages a three-tier quasi-judicial machinery at national, state and district levels. These are:

1. National Consumer Disputes Redressal Commission – Known as National Commission. It is an apex body.
2. State Consumer Disputes Redressal Commission – Known as “State Commission”.
3. Consumer Disputes Redressal Forums – Known as ‘District Forum”.

For seeking redressal, the consumer does not have to pay any court fee or hire any advocate. Necessary action will be taken if he must give a written complaint to the relevant redressal commission. The redressal commission is required to decide the complaint within a period of three months from the date of notice received by the opposite party if complaint does not require analysis or testing of products. If it requires analysis or testing, then decision must be given within 5 months.
The complaint can be filed under this Act by:-

- A consumer i.e. a person who buys goods for a consideration which has been paid or promised to be paid or partly paid and partly promised.
- Any voluntary consumer organization to be paid.
- The Central Government
- The State Government or U.T. Administration

Complaint under this Act means any allegation in written by a complainant that:-

i) An unfair trade practice or restrictive trade practice has been adopted by any trader.

ii) The goods bought by him suffer from one or more defects.

iii) The services hired or availed of by him suffer from some deficiency.

iv) A trader has overcharged him for the goods purchased by him.

v) Goods, which will be hazardous to life and safety when used, are being offered for sale to the public.

The complainant or his authorised agent can file his complaint in person or send it by post to the appropriate Forum or Commission. The complaint can be made on a plain paper and should contain the following details:-

- Name, description and address of Complainant.
- Name, description and address of opposite party, as far as they can be ascertained.
- The facts relating to the complaint, if any, to support the allegations made.
- The relief which the complainant is seeking.
- The complaint must be signed by the complainant or his authorized agent.
- The complaint must be filed within two years from the date on which cause of action has arisen.

In the three tier redressal machinery depending upon the value of goods and services demanded, one can file in for compensation at different levels. When the value of goods or services and the compensation demanded, if any, is upto Rs. 20 lakhs, the complaint shall be filed in the District Forum within whose local limits, the opposite party resides or carries on business. If the amount exceeds Rs. 20 lakhs to 1 crore the complaint must be filed before the State Commission or the U.T. concerned. If the value of goods or
services and the compensation, if any, claimed exceeds Rs. 1 crore the complaint has to be filed before the National Commission, New Delhi.

If the District Forum is satisfied with the facts of the complaint, it may issue orders to the opposite party directing him to do one or more of the following.

i) To remove the defect pointed out by the appropriate laboratories from the goods in question.

ii) To replace the goods with new goods of similar description but free from any defects.

iii) To return to the complainant the price or the charges paid by him.

iv) To pay compensation awarded to the consumer for any loss or injury suffered by him due to the negligence of the other party.

v) To withdraw the hazardous goods from being offered for sale.

vi) To discontinue the unfair trade practices or the restrictive trade practices.

The decision of the district forum can be appealed against in appropriate state commission; the decision of State Commission at national Commission and the decision of National Commission can only be appealed against at Supreme Court within 30 days from the date of the order. The Supreme Court can entertain appeal after the expiry of this period only when it is satisfied that there was sufficient cause for not filing it within that period.

The Consumer Protection Act is really a milestone in consumer legislation. The plethora of existing laws in fact does not help consumers much as is desired. The complicated legal procedure, court fee, advocate’s fee and the inordinate delay in getting the relief were some of the short comings in the existing laws which were addressed by CPA and made it a very popular law in the field of Consumer Protection. CPA provides simple, speedy and inexpensive relief to the consumers.

To protect the interests of the consumers, motley of laws have been enacted pertaining to standardization, grading, packaging, branding, food adulteration, hoarding, profiteering etc. But mere legislation, however stringent it might be, will not bring the desired improvement unless there is an urge on the part of the victims of unfair trade practices and the citizens in general to fight against these evils and thereby contribute for the successful enforcement of the various consumer protection laws.
The Indian Consumers have to be made aware of their rights. Many consumers complain about lack of information about Consumer Protection Act or lack of time to protect themselves against the trader. With a number of programmes taken up by our government like setting up of a Consumer Welfare Fund, educating the consumer about his rights, institution of awards for outstanding contribution to the consumer protection movement, printing of literature and journals, broadcasting, customer awareness programmes like ‘Apne Adhikar’ in all regional languages, the customer is likely to be more vigilant and better informed. Consumer protection associations came into existence to help consumers to fight for their rights. These associations publish their magazines to educate consumers about their rights.

In consumer protection, the role of women must be highlighted. They would take up the cause of the consumer with greater force as was amply demonstrated in the successful agitation they launched in Andhra Pradesh. All the consumer protection laws will be effective only when the consumers become conscious of their rights under the provisions of these Acts, the remedies that have been made available to them for enforcement of these rights and for the redressal of their grievances, if any.

17. **The Textiles (Consumer Protection) Regulation Act, 1988**

This Act deals with the marketing of tops, yarns and pieces of cloth to be compiled by the manufacturer including the person who gets them manufactured. It prescribed the manner of markings to be stamped on yarn, cloth, fabric etc. details of information about cloth and details for classifying the cloth as second or damaged piece.

Where the violation of any of the provisions of this act by manufacturer or processor or dealer or any other person is suspected, the aggrieved person or any voluntary consumer association shall be entitled to have such cloth or yarn tested in the laboratory notified by the textile commissioner from time to time on payment of fees and on terms and conditions as he may prescribe.

The said laboratory shall issue a test certification that will help the aggrieved party to initiate legal proceedings.

The Textile Commissioner, Ministry of Textiles, Government of India has made it compulsory through a notification that all tests carried out in pursuance of Textiles (Consumer Protection) regulation, 1988 shall be with reference to standards prescribed by the BIS.
Consumer Welfare Fund Rules 1992

These rules may be called the Consumer Welfare Fund Rules 1992. It has been established with Central Government into which credits of amounts of duty and income from investment along with money shall be accredited provided that any amount having been credited to the fund is ordered as payable to any claimant shall be paid from the fund. The committee constituted by the Central Government under rule 5 shall make recommendations for proper utilization of the money credited to the consumer welfare fund for the welfare of the consumers. The committee shall meet as and when necessary but not more than three months shall intervene between any two meetings. The meeting of the committee shall be presided over by the chairman, who shall be, the Secretary, Minister of Civil Supplies ensure the specific purpose of the committee, that is making available grants to any applicant, for investing the money available in the consumer welfare fund and for making available grants for reimbursing legal expenses incurred by a complaint in a consumer dispute, after its final adjudication. The proper and separate accounts in relation to the consumer welfare fund shall be maintained by the Central Government and shall be subject to audit by the controller and Auditor General of India.

Consumer Clubs

The students of schools being the future of the country, Govt. of India, Ministry of Consumer Affairs in 2004 has initiated a novel scheme of starting consumer club in govt./govt, aided schools for the active participation of the students. State / UT Govt. have been issued instruction to start such clubs with the help of coordinating agencies, like NGO's in the area.

The objective of the schemes are (i) to educate children to class eight and above about the rights of consumers as provided in the Consumer Protection Act 1986, (ii) to mobilize youngsters by instilling in them the spirit of protection of Consumer rights, to impart and spread knowledge through them (students) about the role of consumers in protection of their rights and (iii) to strengthen the consumer movement in the country.

A Consumer Club can be set up in middle/high/higher secondary school which is affiliated to a Government recognised Board and shall consist of a minimum 50 members (no restriction on upper limit), particularly interested in the welfare and protection of
consumers and willing to dedicate time and effort on a regular basis towards this end. The activities of the club will depend on the age profile of children.

Functions of the Club

a) To take part in all activities of the Consumer Club.

b) To disseminate information

c) To organize and active participate in consumer protection programmes.

d) To observe National Consumer Day (24 December) and World Consumer Right Day (15 March) etc.

Practical knowledge of consumer protection and consumer welfare will be imparted to the member of Consumer Club through audio video aids, posters, lectures, etc. demonstration, street plays debates declamation/essay writing, letter writing contest and quiz programmes.

Consumer Forum at the behest of Chandigarh Administration has already established 50 clubs in various schools, and is guiding the schools in running them. However, due to procedural delays, the administration has neither issued any detailed instructions, nor released funds to run the clubs.

Review of Literature

The phenomenon of protecting consumers from the unscrupulous tendencies of business has assumed important role in the present Indian society. Voluntary initiative by the consumers through the establishment of Consumer Organizations forms the central strand in the Consumer Welfare Movement. In this chapter an attempt has been made to present the review of various studies carried out with regard to consumer welfare.

Marilyn Nagy (1976)\textsuperscript{13} studied that majority of the respondents supported the idea of consumer education courses for adults and high school students and availability of a local consumer specialist whom residents could contact for information. They also supported the government’s role as a provider of consumer information. They also felt that business should provide better quality products, provide more legislations at the federal level so that the defaulters could not escape from prosecution.

Alan Arthur et-al (1979)\textsuperscript{14}, reasons that many consumer protection problems are consumer information problems. He further stated that Government regulation of product
qualities is compared with governmental regulation of information about qualities as alternative consumer measures. It was argued that product regulation may generate net social gains when consumers may be rudely informed, but it cannot, in general restore efficiency to the economy while some policy of information regulation can restore efficiency, but it may be beneficial only to the higher income groups.

Manjitinder Kaur, (1980)\textsuperscript{15}, studied ‘Protection of the Consumer and Purchaser of Goods in India and England’. She reported that, though in India protection is awarded to the consumer under various Acts but this is insufficient.

There are no Acts directly dealing with Consumer Protection. And moreover, in those areas where protection is given, these are not sufficient. Most of our Acts are based on English Acts, and with the change of times, various changes have been made in those English ‘Acts. Separate Acts should be passed to deal effectively with the false and misleading advertisements, misrepresentations of sellers and other offences committed by sellers and manufacturers. Provisions should also be added in Indian Penal Code so as to make these wrongs committed by sellers and manufacturers as criminal offence against the consumers.

Charles H. Davis et.al (1981)\textsuperscript{16}, made an effort to investigate disadvantaged and non-disadvantaged consumer’s decision process concerning deceptive practice viz. awareness of deceptive business practices, interests in deceptive business practices, awareness of remedial avenues, preferences for remedial action, intentions for remedial action and behavioural response. The results found the appropriate decision process for consumer groups. Further, significant differences between groups occurred on different hypothesized response. In each case, the disadvantaged consumers were significantly less aware or exhibited significantly fewer responses than did non-disadvantaged consumers.

CSG Krishnamacharyulu, et-al (1981)\textsuperscript{17}, revealed that 47 percent of the advertisements were only persuasive and 35 percent of them were informative. 12 and 6 percent of the advertisements aimed at image building and public service respectively. 18.2 percent of the respondents who participated in this survey expressed that many of the present advertisements were also deceptive and 10.1 percent of them stated that the advertisements tended to hide the information which should be disclosed.

Neena Nagpal (1981)\textsuperscript{18} conducted a study on ‘Identification of problems faced by the college girls in the purchases of apparel material’ in Chandigarh. She reported that salesman gave false information regarding wearability and composition of the fabrics. She
also stated that shopkeepers were neither courteous nor showed helpful attitude towards customers. Most of them were using self created measuring yards, marked on the counter, thus measuring less fabric. Shopkeepers also charged different prices in different markets and shops for the same type of quality of the fabric.

Neena reported further in her study that neither shopkeepers nor customers were able to understand the term ‘ex-factory price’ printed on the fabric. None of them could calculate rate per meter, based on printed rates. Thus charging customers as per their wish. Shopkeepers seldom took the defective piece back. Customers were also reluctant to go back to the shop to return the defective piece due to apprehension of harassment at the hands of shopkeepers.

Narain Singh, et al. (1981), did a comprehensive and critical study on the working of Monopolies and Restrictive Trade Practices (MRTP) Commission. Their findings indicated as follows:

i) The percentage of approvals, rejections and pending applications was 62.60, 22.00 and 15.40 respectively of the total applications.

ii) Assets of large business houses increased by 12.5 percent between 1972 to 1975 which was not considered normal.

iii) MRTP Act failed to hamper the growth of private sector where the commission’s effective participation came out only 7.39 percent in which the advice was sought.

iv) The Commission passed orders of large number of cases involving various kinds of restrictive trade practices. It was further noted that dynamic personality of chairman played a key role in this regard.

v) Various suggestions were put forward regarding the modification of Act viz. Bringing the public sector under its purview, applicable to unfair labour practices and modification in various definitions.

CERC (Consumer Education and Research Centre), has pursued many studies. The focus of some studies has been on the consumer awareness. According to a survey conducted on consumerism; it was observed that consumers appreciated the strategy of CERC of seeking the legal remedy for various issues. It was further concluded that consumerism was gaining ground and consumers were becoming more conscious of the need for accountability of monopolistic organizations. Even though a number of laws are
vague, the producers do not follow various instructions and precautions which are made for the safety of the consuming public. Sometimes implementation as well as fixing of adequate norms on the part of government is also lacking.

D.A.R. Subramanyam, et-al (1982)\textsuperscript{21}, studied in Guntur district of M.P., the need for consumer organisation. It was concluded that there was need for the establishment of Consumer Organizations and Consumer Councils. The study observed that nearly 66 percent customers believed that the consumers had themselves to take initiative rather than looking for somebody else to rescue them.

Arun K. Kapoor et-al (1983)\textsuperscript{22}, studied encompassing different kinds of people – marketing managers, students, villagers etc. regarding advertising ethics. It revealed an interesting line of thought about misleading claims. Most of the persons were equivocal in condemning such advertisements and believed that by such advertisements the advertiser was doing more harm to himself than others, as for most of the products/services to survive repeated patronage by consumer is necessary. Still there was a chance of legal proceedings like those undertaken by CERC, CGSI etc. as well as negative advertising through word of mouth.

Madhu Kamal (1983)\textsuperscript{23} conducted research on ‘A study of clothing expenditure of three different income groups residing in Chandigarh’. She concluded that as the income level increased the money spent on clothing also increased. All the three income groups have flexible budget. Respondents generally purchased garments, whenever need arose on cash payment. Housewives were influenced by the friends and relatives as influencing source for the purchase of clothing. More respondents from low income group got influenced by reduction sales and exhibitions and respondents were accompanied by their children while purchasing clothing. Economic factor was the major hurdle in increasing their wardrobe size.

Nabuaki et-al (1984)\textsuperscript{24}, conducted a study and examined the nature of the public’s attitude towards business institutions on seven social issues. The results indicated that dissatisfaction with business performance and the resulting pressure on government to provide remedies was greatest on issues, such as product quality, truthful advertising, and pollution clean up; modest on occupational safety, health, product safety and responsibility to local community; and small on equal employment opportunity issues. Analysis on the relationship between legitimacy gap and regulatory gap indicated that different intervening variables operated for each specific issues.
R. Midha (1985)\(^{25}\), did research on consumerism in India – an analysis of factors responsible for its slow growth. She reported that consumers themselves were responsible for the slow growth of consumer movement in India. They want to be protected but do not assert their rights. Further, she found that a large majority of the consumers did not have time, energy or inclination or raise their voice against consumer exploitation.

Leena Chaturvedi (1986)\(^{25}\), examined the “cash and carry” scheme for the supply of LPG cylinders. CERC undertook a study to highlight the dangers associated with LPG cylinder keeping the consumer right to safety in mind and also the perceptions and attitudes of consumers who adopted “Cash and Carry” scheme. It was found that consumers were not satisfied with the safety provision in the LPG cylinders as they were not guided how to fit and use a cylinder. In view of more delays experienced in home delivery, consumers preferred cash and carry scheme. The Institute of Management Development and Research has also conducted a survey in the same year i.e. 1986 about “cash and carry” practice followed by the consumers of LPG with regard to the safety, time and cost. It was noticed that most of the consumers violated the safety measures. They had not only to wait for more time but had also to pay more price in the form of unfruitful trips and physical efforts.

Jyotee Gupta (1987)\(^{27}\), studied some of the consumer organizations and found that they are doing remarkable work in the area of consumer protection. But due to various constraints these organizations have been restricted to a few activities. In an article she made the following observations. The growth of consumer movement was quite slow and uneven till 1980. Gujarat accounted for 45 percent of the consumer groups whereas rural India which accounted for nearly 80 percent of the population did not have a single consumer protection group. There were a few organizations which were involved in dissemination of information and education. The CERC and VOICE had involved in concrete actions. They were influencing policy decisions, raising questions in parliament, doing active research into various research subjects and invoking the law to protect the rights of consumers. However, the activities of most groups were limited to the extent of their resources, financial and manpower both in terms of number and commitment. Most consumer groups were financially weak, only four organizations had a budget of over Rupees one lakh a year. Nearly 55 percent consumer groups had a budget of less than Rs. 1000 per year. Another weakness was only one out of every five organizations in India received grants from the State or Central Government.
CERC (1988)\textsuperscript{28} Consumer Education Research Centre had affected two Acts through lobbying. The representation made railway bill help in persuading the parliament to incorporate consumer provision in the Railway Bill. The outcome was the enactment of Railway Claims Tribunals Act, 1987. Secondly Government of India decided to amend Section 7 of the Hire Purchase Act 1972 and bring law into force. Consumer organizations were giving due importance to consumer safety and nutritive value in food articles. They had carried out various product tests and put the facts in front of public.

Surendra Gupta (1988)\textsuperscript{29}, studied that in the age of information revolution the role of advertisement has become prominent in moulding the behaviour of masses. According to this study, people belonging to middle income bracket were more swayed by the advertisements. A large number of consumers had clearly stated that the T.V. advertisement has adversely affected their life styles in one way or the other and 25 percent of them felt that it had widely affected their life behaviour regarding purchase. It also held a high potential for social change and development in this country downed by illiterates or semi-illiterates.

Similar results were reported by S.A. Wasu (1988)\textsuperscript{30} in her study on legislative protection for home markets as consumer with special reference to their purchasing practice highlighted low level of awareness about consumer laws among all home makers in Nagpur City.

A.K. Dhayani et-al (1989)\textsuperscript{31}, studied that although in the 90’s many consumer organizations had sprung up, but by and large they confined themselves to a few activities. A study on activities of consumer organizations was carried out and they received only 13 responses out of 250 consumer organizations. It was concluded from the survey that most of the organizations were carrying out a few activities like receiving complaints, holding seminars/workshops, contributing articles to newspapers, magazines, etc. It further observed that only one organization was dealing with product testing and most of the organizations did not have enough funds for their proper functioning.

A. Saklani et al (1989)\textsuperscript{32}, there is a widespread dissatisfaction among the consumer. They concluded that while over 60 percent consumers were dissatisfied with present day standards of many durable and non-durable goods, only about half of them actually complained to retailer concerned. Out of those who complained, a little over half managed to obtain relief by way of product exchange or price-refund. Those who did not find redressal made no further attempts to gain justice.
A. Saklani, et. al (1989), observed that on the whole, consumers shy away from complaining mainly because either the product concerned was very low priced one or they believed that redressal will not be made. On the other hand business projected a very positive attitude towards consumer welfare.

Manju Goel, (1989), carried out a study “Markings on Textiles Yard Goods and Consumer Information.” She reported that awareness and understanding of consumers about various markings was very low. Only mill’s name and fibre content were reported by more than 50% of them. They also had misconception about a few terms marked on the fabric. Education wise there was no significant difference in markings on fabrics.

N. Thanulingam, et. al (1989), in an empirical research conducted in Madurai City on the extent of awareness of the consumers about the consumers movement in the city reported that though the consumers were found to be aware of their rights, Consumer Protection Act and Consumer Protection Councils, but only a few of them had approached and made complaints to the councils. It also observed that 46.7 percent of consumers were aware of the consumer rights, 52.5 percent were aware of consumer protection measures and 42.5 percent were having the knowledge about the consumer protection councils, whereas 33.3 percent of consumers had approached and made complaint to the councils but it indicated that none of the consumers had membership in the consumer protection councils.

P.K. Ghosh and VOICE (1989), On their complaint, MRTP was amended so that the consumer association or an individual consumer who lodges a complaint against business firms indulging in restrictive or unfair practices will have full legal rights to participate in the proceedings by way of providing evidence, errors-examining the witnesses, filling of application for discovery of documents etc. Ragbir Singh (1989), identified the following factors which were responsible for the slow growth of consumerism:

i) Sellers did not try to visualize the problems from a consumer’s viewpoint.

ii) The sorry state of affairs in our country was mainly due to lack of consumer education.

iii) The extent of protection provided by the legislations was inadequate.

iv) Lack of an organized consumer group had impeded the pace of consumer movement in India. Consumer groups in India are heterogeneous and multiple and have overlapping and conflicting roles.

v) Consumer action groups were urban based.
Ragbir Singh (1989) 38 studied the consumer awareness among residents of Union Territory Chandigarh. Study projected that 51.6% consumers were fully aware of the existence of consumer forum in Chandigarh. Majority i.e. 58% were those who were aware of existence of consumer forums. Those were member of their consumers associations. 48% of consumer were of the view that it was useless and waste of time to become member of such associations. They never felt the need to do so. Moreover no member of any consumer association approached them.

V.V. Gopal and Krishna (1989) 39, observed in the context of information printed on the package, that most of the consumers attend to price factor only and fewer customers were conscious about other information on the label.

N. Kumar and N. Batra (1990) 40, a study conducted on consumer rights, awareness and actions in a small town of Haryana revealed that level of awareness varied from 81-99%. Surprisingly in this small town, contrary to the previous findings, a large majority of the respondents were found to be aware of their rights. Reasons for such high awareness given in the study was that may be, this small town is well connected with radio and television network, thus, making consumers aware of their rights.

A.K. Dhyani, et. al (1990) 41, conducted a study with the objective of examining the role of government agencies in consumer protection. It noted that:

i) The MRTPC was unable to keep pace with the complaints filed regarding Restrictive Trade Practices and Unfair Trade Practices.

ii) Similarly, in case of injunction/compensation, the number of applications under 12 A and 12B of MRTP had increased over the years, but the rate of redressal was once again lagging far behind.

iii) There was 9-fold increase in cases processed during the year as compared to previous year.

iv) There was a record increase in adulteration. Moreover, the cases leading to acquittal was almost double than those convicted.

v) In case of weights and measures laws violation less than 26 percent of cases led to prosecutions.

vi) The Delhi forum had processed more than 55 percent of complaints received while Dehradun forum had disposed over 60 percent complaints.
N.P. Srivastava, et. al (1990) pointed out some basic problems faced by voluntary organizations viz. the vindictive attitude of erring traders, limited financial resources and non-availability of dedicated professionals. It was suggested that more vigorous efforts were needed on the part of consumer organizations in order to solve the problems in various fields namely – Consumer education, consumer advocacy, government regulation and policy, etc.

P.S. Rao (1990), conducted a study on ‘Consumer Redressal Agencies – A study of Khammon Forum, in which he depicted that the Khammon forum created great awareness among consumers about their rights through interpreting the consumer rights and also bringing out publications of the decisions. This study further revealed that 62 consumers of the complaints had got the appropriate relief and most consumers are giving utmost importance to public cause rather than their personal grievances.

Ragbir Singh, (1990), in an exploratory study on consumer attitudes towards consumerism concluded, that consumers were dissatisfied with the information provided by businessmen and most of the consumers were in favour of more government regulations in the field of consumerism. At the same time consumers blame themselves for their carelessness or ignorance. They believed that consumer education was essential for intensive consumerism and showed more consciousness about environmental protection despite the costly products.

Chander Kant Sharma, (1992), carried out a study on the “Role of Consumer Organizations in Consumer Protection”. He reported that majority of consumer organizations (60-91%) are registered as cooperative societies and 23.64% exist in the form of trust, 98.21% consumer organizations held the view that the establishment of good relationship with other agencies was essential for effective functioning. 54.55% Consumers Organizations received number of complaints ranging from 0-20 in a month and fewer number of consumer organizations received complaints numbering over 100 in a month. 3/5th of the consumers were satisfied with complaint settlement in 70-100% cases. Remaining 2/5th consumers were satisfied in 10-60% cases. 1/4th consumers opined that most of the time consumers were ignorant about redressal mechanism and feared litigation. 45% of respondents did not have any knowledge about consumer organizations existing at National level and 85% of respondents knew about the local consumers’ organization.
K. Singh et. al. (1992) conducted a research survey on Consumer awareness, which highlighted the extreme lack of consumer awareness prevailing in India. It indicated that most of the rural respondents and very surprisingly nearly 90% of the urban consumer had never heard of consumer protection laws. Moreover, it was seen that those who were aware of the consumer protection act were ignorant of its implication and use.

Consumer Education and Research Centre (1993), Ahmedabad has done pioneering work by publishing booklets on wide ranging subjects of consumer interests. The centre also publishes reports of seminars and workshops, which it holds frequently. A workshop on Access to information was held between 16-18 Sept., 1993 and the report containing the proceedings of the workshop was published.

J.P. Zend and D. Murali (1994) studied consumer awareness towards fraudulent practices used by the sellers of house hold applications, reported that 90% of the consumers were highly conscious towards the fraudulent practice at manufacturers and retail seller’s level, with regard to household appliances. Further, they stated that their awareness regarding these practices was created through experiences.

A. Nagendra (1994) in a research conducted in Agra City on how enlightened is the Indian consumer indicated that majority of the consumers are totally ignorant of the governments efforts towards consumer protection. This was seen more in the lower socio-economic and illiterate class.

S. S. Singh and M.K. Balachandran (1994) in a survey report conducted by IIPA, New Delhi on evaluation of the effectiveness of the implementation of consumer act stated that the vast majority of the consumers were neither aware of the existence of the act nor the functioning of the District Forum in their respective areas. Some of the well educated consumer commented that it was a time consuming procedure and was not worth the trouble. Another finding was the awareness about the act that varied positively with increase in income and literacy level of the consumers.

Low levels of awareness among college students regarding consumer practice was also reported by A. Chandra and J. Patel (1994).

In a study on role of voluntary organization in redressal of consumer grievances, S. Mehta (1997) reported that majority of respondents were ignorant about the consumer organization in India. It was only few, who faced grievance and went for redressal were aware.
S. Rastogi (1995) was of the view that in India there was a low level of consumer awareness on the existence of consumer organization in India.

A workshop on “Consumers in the Global Age” (1997), was held in New Delhi. According to a report containing the proceedings of the workshop, the consumers of textiles have not made a significant progress and are left on manufacturers’ and retailers’ apathy. This was due to the absence of sufficient information and effective dissemination. Consumer cannot be protected against every possible marketing abuse and hence the best defence was the better product knowledge.

Girish Chand. Jaswal, (1998), conducted a study on “Consumer Protection in India – Consumer Awareness and Functioning of Consumer Associations and Redressal Agencies in Chandigarh”. The study revealed that the awareness level of the residents of Chandigarh was low. Their knowledge in respect of existence and functioning of consumer associations was very poor. Although voluntary consumer associations have contributed in varying degrees to provide protection to consumers who had approached them but had failed to train and educate the masses in the area of consumer awareness.

Monika Sharma (1998) conducted research ‘To study the influence of the popular Media on the clothing practices of working and non-working women” she quoted that adolescents enjoy window shopping, but media plays an important role in their decision making. It was found that 62% of the girls were influenced by such sources as radio, newspapers, advertisements and salesmen, another say 35% of the girls regularly read fashion magazines.

She further summarises that most popular media affecting the clothing practices of working and non-working women of upper middle income group residing in Chandigarh was T.V. followed by magazines and window displays. 81% of working and 68% of non working had its choices based on advertisement. 100% non-working and 71.7% working women looked for price cost and purchased garments as per the latest trends displayed in the show windows. Majority of them were of the view that these advertisements gave unnecessary details and were repetitive, and were not providing accurate information. Respondents liked coloured advertisements and they also got influenced by brand ambassadors.

“Consumer Protection Issues” (2001), a workshop was organized by the Department of Community Resource Management and Extension, Lady Irwin College, New Delhi. The report containing the proceedings of the workshop was also published. It
was reported that a lot of research planning is done for the development of textile industry, but unfortunately, very little has been done in terms of consumer’s satisfaction of quality, price and other related parameters. Consumers are left on the mercy of awareness of products and services and consumers being unaware of his rights.

Rachna Khatri (2000)\textsuperscript{58}, carried out a study “Creating Consumer Awareness for selected Textiles – Development of Educational Material” to gain an insight into the level of consumer awareness of textiles and quality of markings available in the market. The study revealed that there had been insignificant development in awareness, understanding and satisfaction among consumers about marking information stamped on the fabric. Awareness of consumers about various markings was very low. Most of the respondents were not aware of the grievance cells. Moreover, the lack of information directly benefiting textile consumers was revealed.

Navneet Kaur (2001)\textsuperscript{59} did a study on the awareness of consumer protection laws related to the purchase of textiles among the residents of Chandigarh. On the buying practices of consumers, it was reported that the respondents preferred to buy from retail outlets and majority of respondents surveyed the market before buying textiles. However, women surveyed more than men. The reasons for their survey differed. Male surveyed to check on various brands and fabrics available in the market. Whereas females did survey to see the fashion, latest trends in fabric and colour, various designs followed by price comparisons. Females were more conscious of stamped markings and labels. They also approached the shopkeepers for more information and clarification on the textile markings. As regards cash memo, 94% of males and only 76% of females procured it and retained. Majority of them retained it till the first wash. She also found only 56% males as compared to 39% of female respondents were aware of the consumer protection laws related to textiles. Further 58% males as compared to 48% females were aware of consumer organizations working for the benefits of the consumers. Only 15% of males and 8% of females know the address and location of these organizations. The role played by consumer organizations was found not only to be low but also attempt made by these organization to spread consumer awareness about their rights was universal.

Praveen Vohra (2001)\textsuperscript{60}, carried out a study on the “Role of Awareness Education in Purchase Behaviour of Textile Consumer”. The study indicated that the awareness and understanding of the textile consumer was low coupled with misconceptions. Both working and the non-working respondents stood on the same pedestal indicating that it
was the lack of information and ineffective dissemination which was the root cause of ignorance of the textile consumer. Hence need of the hour was to promote educational programmes coupled with effective promotion through media channels like T.V., newspapers, workshops, melas which could further enhance the consumers knowledge.

Mani Khera (2001)\textsuperscript{51} carried out a study, ‘An investigation to evaluate the role of informative labelling on Men’s Readymade Garments’. The study revealed that the informative labels were potentially an educative tool for helping the consumer select, use and care for clothing intelligently. However, the understanding of various symbols and most of the terms was found to be negligible. Mere enactment of laws was not enough. The study showed that a major share of the total family income was spent by consumers on various readymade garments. Therefore, there was a need to make the present labelling system effective so that the consumer makes informed choices. The consumers need to be educated with regard to the exact meaning of the various terms and symbols used in labels, this information dissemination would make it easier to make effective choices and get the best value for their money.

She highlighted further that consumers look for informative labels while buying men’s readymade garments. The reason for this practice was that it gave them useful information about the fibre content, finishes and instructions for use, care of garment, brand and price of the garment. The study concluded that even in the absence of informative labels consumers still often buy the readymade garments. She reported further that though consumers are aware of care symbols being provided on the labels but generally they do not have understanding of what these symbols represent. In case of misleading labels 87% of respondents did not feel the need to seek redressal in consumer courts, 49% sometimes and 25.5% respondents always sought help from the shopkeeper in case they do not understand some specific term / symbols mentioned on the labels.

Mridula (2000)\textsuperscript{52} conducted a comparative study of the clothing practices of women working in the private and government sectors. She concluded that there is a lot of similarities between the preferences of the respondents of both the sectors, related to their clothing buying practices. But even then they do differ because expenditure range of the private sector respondents was very high as compared to the expenditure range of respondent of government sector. The majority of respondents of private sectors wear
western clothes, they design their clothes themselves and prefer to have clothes of good quality. Whereas respondents of government sectors select designs from window displays and prefer to have more clothes of medium quality.

Sumeet Grover (2001) conducted study on “Clothing practices of old women residing in urban Chandigarh”. Age of the respondents ranged from 65-75 years and monthly income of the family ranged from Rs. 22000-30000. She concluded that majority of the old women like Salwar Kameez and 90% preferred to accompany their son/daughter-in-law. Majority of respondents were influenced by watching dress of other people or by sales persons but few got influenced by electronic media and advertisement. 96% did not consider labels while buying clothes and 67% of the respondents faced the problem of doubtful quality while buying clothes.

Gagandeep Kaur (2001) did “An Exploratory study of the reduction sales of readymade garments in Chandigarh”. She concluded that shopkeepers organize reduction sales mainly to clear out the old stocks which become outdated. They have to decide about the discounts, timing, publicity of the sales, rate of discount to be given and about the duration of the sale. Consumers are motivated by advertisements on TV and in newspapers and they are attracted by discounts. They prefer buying brand names from well known shops because of quality consciousness. Most of the consumers think that discount are genuine and sales help them buy expensive and branded goods removing budget constraints.

M.B. Ukalkar, and J.R. Rodge, (2001), in her study on consumer awareness towards textile terms used including advertisement reports that:-

- Literacy level affected the reading habits of Clothing advertisements.
- Majority of the respondents had low level of awareness towards textile terms used in clothing advertisements.
- The awareness towards textile terms was not affected by the sex of the consumers.
- The awareness of the consumers was significantly affected by education level and occupation of the respondents.

Irrespective of public interest notifications and various amendments made in Consumer Protection Act, 1986 giving more opportunities to the consumer to approach court for any lapses in the quality of articles or lapses in services; the state of utilization of these services remain below the expected outcome.
C. Ganadesigan, and P. Sudha (2002) in their study on ‘Consumer Awareness About Consumer Legislations’ suggest that the success of Consumer Protection Act 1986 depends on removing the lacunae in the act. To achieve that the government should consider the various suggestions made by voluntary Consumer Organisations, experts and activists before making any amendments of Consumer Protection Act, 1986 in the Parliament.

D. Nageswara Rao, (2002), in his study laid stress on Consumer Education regarding implementation of various Consumer Protection Acts, to curb the pricing in the country and to ensure the quality of services and products. Consumer problems should be reduced to the minimum by educating them to be good buyers. He further writes, the Consumer themselves have to protect themselves through powerful consumer movement.

Surinderjit Kaur, (2003), studied that shopping has become a difficult task due to multiple choice, pressure selling by sellers and product information promoted by manufacturers and middlemen. The study was conducted to know the buying behaviour of women consumers, their awareness regarding consumer protection rights, acts and role of consumer protection organizations in empowering women consumers. The study concluded that majority of respondents claimed to be solely responsible for buying grocery items. It was also concluded that 1/3 of the respondents never demanded cash memo while purchasing consumer items. Moreover, regarding preference of purchases for durable goods, reputed retail showrooms were preferred. But women consumer was facing a number of problems while purchasing food items. One of the problems in day to day buying was that of adulteration and short weight. And in case of non-food items the major problems faced by them was defective material followed by poor quality and delicacy. It was also observed that majority of respondents were aware of ISI and Wool Mark. Whereas, awareness regarding Hall Mark and Eco mark was negligible. The membership in various consumer protection organization was quite less.

P. Purushotham Rao et al (2004) in their study of “Consumer Protection in Andhra Pradesh- A case study of Hyderabad district consumer voluntary organizations and consumer redressal forums”, observed that in a developing country in which people are preoccupied with problems like literacy, poverty and unemployment, people can be exploited very easily by the self motivated private manufacturers and corrupt public officials. They are exploiting the consumers because of their ignorance of consumer rights. They emphasized on the importance and the role of consumer protection agencies, and on
improving the relationship of Govt. bodies with the consumer voluntary organizations. This was regarded imperative for attaining the objectives of consumerism. They concluded that the whole world viewed China as a success story among developing nations. Even after more than a decade of liberalizing Indian economy, India could not achieve significant economic success. The phenomenal success by China could be attributed basically to the political will at the centre. We must take lessons from Chinese economic growth. Foreign aid has assumed an important role in a country’s development. Thus there is need on the part of government and enforcement agencies to modify rules and regulations especially related with FDI inflows. On the other hand, on bilateral front, we should expand our ties with China for the betterment of our industry. As we have already taken a step in this direction this year, there is a need to maintain and consolidate the step taken.

F.A. Alexander et al. (2005) studied the “Impact of effective advertisement on Consumer Attitude”. The study stressed the need and essentials of effective advertisement. They concluded that advertisement is a sharp double edged weapon. The advertisement is bound to create a positive attitude among the consumer in the long run, when the claim and the advertisement correspond with the feature of the product purchased. But when the features of the product purchased do not corroborate with the claims made in advertisements, those advertisements are sure to create negative attitude among the consumer. It is therefore, essential that an advertisement aims to create faith and goodwill in the minds of consumers about the product features confirming the core principles of believability, uniqueness, reputation, and reasonable claims.

Nithila Vincent (2006) conducted a study on “Brand Consciousness among Children and Its Effect on Family Buying Behaviour in Bangalore City”. She studied that children today are conscious of the various brands in the market. They pick and choose carefully according to their needs, style preference etc. This is because today’s children are exposed to TV commercials, banner ads, bill boards, logos and product promotions. Through this study the researcher had tried to provide valuable insight to the marketers on the label of brand consciousness among children and its influence on the family buying behaviour. The researcher concluded that majority of the respondents are aware of brand and they don’t mind paying more for a branded product as they get value for money. Today brands are considered to be the strength of a company and the brand images are very important. It is built with the logo, name and slogan all consistently speaking about
the USP of the brand. Strong brands command premium, they do well during economic slow down and can be extended to new business with ease.

Responding to writing, “Consumer forums not procedure friendly” by Ajay Jagga (August 9, 2006), Dr. Gurkirpal Singh admitted that District Consumer Forums suffer from the rot of inordinate delays, because hardly any forum complies with period of three months that has been prescribed for disposal of cases and even denial of Justice has become quite common. He further said that since the supportive lawyers are rarely found, therefore, is better that people fight their own battle. He also suggested certain remedial measures that members of the forum should follow. They must have persons with sound knowledge and requisite experience and moreover citizens need to be well conversant with the consumer rights and be vigilant and should also contribute by sharing their experience through media to bring a change in forum’s functioning for fair and speedy justice.

The present study is a small step aimed at assessing the level of consumer awareness regarding purchase of textiles in the city of Chandigarh. I also propose and hope that the study itself would be instrumental in generating greater levels of awareness and public education.

References:

2 News Item: The Times of India. Feb 26, 2001
3 Kalpana Jain, “Many herbal medicines contain lead arsenic”: AIIMS Study”. The Times of India. Dec. 6, 1996.
4 The Chandigarh News line. (The Indian Express), Chandigarh, Feb 15, 1997.
Priya Bhalla, “Milk samples fail to meet standards specifications.” The Chandigarh News line (The Indian Express) Jan. 26, 2006

The Chandigarh Newsline. (The Indian Express), Feb 9, 1999.


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<th>Author(s)</th>
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<td>33</td>
<td>Ibid</td>
<td></td>
</tr>
</tbody>
</table>
45 Chandra Kant Sharma (1992), Role of Consumer organizations in Consumer Protection; (unpublished), Shimla University.


60 Praveen Vohra (2001), Role of awareness education in Purchase behaviour of textile consumer”. Dept. of Textile and Clothing. Lady Irwin College, University of Delhi.


Conceptual Framework for the Study

Textiles Consumers

Locale

Chandigarh City

Consumers N = 560
  * Urban no. = 400
  * Rural no. = 160

Shopkeepers = 64
  * Company Showrooms no = 24
  * Retail outlets no = 40

Questionnaire

Interview Schedule

Analysis of Data

Training Programme and Workshop N=50

Aware Consumers

Figure 2