

CHAPTER 19
POINT 18 : CONCERN FOR THE CONSUMER

19.1 It is the consumer who guides the industry and the Government as to what to produce and in what quantity. Consumer movement seeks to protect the rights of the consumer in relation to the goods purchased and services availed. The Government has accorded priority to the programme of consumer protection and it has initiated a number of steps to promote a responsible and responsive consumer movement in the country. Such measures include the use of mass media for promoting consumer awareness and encouraging consumer involvement through voluntary organisations. The main objectives of the consumer protection programme are: (i) to create a suitable administrative and level mechanism which would be within the easy reach of the consumers; (ii) to involve and motivate various sections of the society, such as, consumer organisations, women, youth etc. to participate in the programme; (iii) to assist, encourage and provide financial assistance to voluntary consumer organisations to take up various consumer protection activities; and (iv) to generate awareness amongst consumers about their rights and responsibilities, motivate them to assert their rights and not to compromise on quality and standards of goods and services and seek redressal in consumer courts, wherever required. The following four items are monitored under this point:

(i) Quantitative monitored items:

1. Fair Price Shops opened

(ii) Qualitative monitored items:

1. Ration Cards issued
2. Standards developed

3. Consumer protection

19.2 **Fair Price Shops Opened:** The country in a general way has been adequately covered by Fair Price Shops. There exist about 4.76 lakh shops for a total number of 22.28 crore family cards giving an average of 468 cards per shop. As per norm, a Fair Price Shop (FPS) exists for 2000 people and in North Eastern States a FPS caters to 1000 people. In addition, in tribal areas vans/trucks are being used as mobile shops. In the National Workshop on Twenty Point Programme held on 7.6.1994, it was decided that the item "Fair Price Shops" may not be intensively monitored.

19.3 **Ration Cards Issued :** Issuance of Ration cards being a day-to-day administrative matter of States/UTs, it can't be monitored against pre-set targets. Moreover, the country has been mostly covered in respect of issuance of ration cards.

19.4 **Standards Developed:** During the year 2003-2004 a total number of 446 standards have been formulated under the Bureau of Indian Standard (BIS) Certification Scheme, 384 draft Standard were finalised and 291 sent for wide circulation. Under Weights and Measures, the Department has amended the Notification on specification for Automatic Rail Weigh bridge and revised the specification of clinical thermometer including the specification of digital clinical thermometer.

19.5 **Consumer Protection:** Following measures have been taken to protect the interests of the consumers:

- The Consumer Welfare Fund:-** has been created to provide financial assistance for promotion and protecting the welfare of consumers, generate consumer awareness and strengthening consumer movement in the country. The Standing Committee has cleared 780 proposals till 31.3. 2004 involving a financial assistance of Rs.15.25 crores.
- Awareness Campaign:** A new integrated awareness campaign titled *Jagriti Shivir Yojna* has been launched in June 2001. The scheme aims at spreading awareness amongst the BPL categories of the population through the State Government and District Administration. The scheme aims to initially cover 120 districts (approx. 20% of the total districts) in the country. So far response has been received from 17 States/ UTs covering 65 districts.
- District Consumer Information Centre :** A new revised scheme to set up a District Consumer Information Centre (DCIC) in each district of the country in a phased manner over a period of 3 years at a cost of Rs. 5 lakh per Centre was launched in October, 2000. So far, 18 District Consumer Information Centre have been sanctioned up to March 2004.
- Setting up of Consumer Clubs in the Schools/Colleges:** This scheme has been introduced recently according to which a consumer club shall be set up in each Middle/High/Higher Secondary School/College affiliated to a government recognised Board. A grant of Rs.10,000/- per Consumer club in the School/College for each college is admissible under this scheme. Till the end of March, 2004, 1755 consumer clubs have been sanctioned in the State of Andhra Pradesh, Jammu & Kashmir, Tripura, West Bengal and NCT of Delhi.
- Scheme on promoting involvement of research Institution/ Universities/ Colleges etc. in consumer protection and consumer welfare:** With view to sponsor research and evaluation studies in the field of consumer welfare to provide solution to the practical problems being faced by the consumer, to sponsor seminars/workshop/conference on the consumer and to have necessary inputs for formation of policy/ programme/scheme for protection and welfare of consumer this scheme has been launched recently.
- Publicity:** In order to ensure that consumer protection messages reach public the Department has taken a number of steps through audio-visual and print media.

(a) Audio-Visual:- *Jagate Raho:* Department has selected 12 more topics for preparing Video documentaries entitled "*Jagate Raho*" in Hindi programme each of 30 minutes duration were telecast on Doordarshan and also to provide copies to Field Publicity Units of Ministry of Information and Broadcasting; (ii) Video spots covering various aspects of consumer protection were telecast on Doordarshan and broadcast on various commercial broadcasting stations on AIR; (iii) *Jago Grahak Jago:* A new programme of 15 minutes duration on consumer protection under the title "*Jago Grahak Jago*" *Weekly Radio Programme* is being broadcast through 110 stations of All India Radio with effect from 14-12-2003 in 22 languages from various Primary and Vividh Bharati Channels of AIR stations; (iv) *Grahak Dost:* A 12-part serial each of half an hour duration on consumer related matters entitled "*Grahak Dost*" was telecast by Doordarshan in Hindi as well as seven regional languages. Now it is further being produced in 5 more languages so that it could spread the message of consumer awareness particularly in rural areas; (v) *Video Programme for Schools:* Department also prepared 4 video programme in Hindi each of 30 minutes duration specially targeting primary, upper-primary and secondary level students of schools during the year. The programme will be made available in CD to schools, Consumer clubs in the schools, State Governments and other concerned to make the students involved in the consumer movement; (vi) *Quarterly Magazine "Upabhokta Jagaran"*: is bringing out quarterly which is sent free of cost to voluntary consumer organisation; (vii) *News Paper Advertisements:* being brought out on the occasion of National Consumer Day on 24th December and World Consumer Rights Day on 15th March and also to observe these days involving all concerned.

(b) Printed Material: In the field of printed publicity material, the Department has brought out brochures entitled "Salient Features of Consumer Protection Act, 1986", "Rights of Consumers" and "The Consumer Protection Act and You". Booklets entitled "Help Prevent Adulteration", Consumer Protection and Weights and Measures" were also brought out. Posters Video spots covering various aspects of consumer protection, were telecast on Doordarshan and broadcast on various commercial broadcasting stations on AIR, depicting consumer awareness messages were displayed all over the country. Seven booklets on various aspects of consumer awareness in Hindi, for use in Adult Education Programme, keeping in view the need for rural masses and women folks were also brought out. "Directory of Voluntary Consumer Organisations" was distributed among the VCOs free of cost. The Department also brought out quarterly journal *UPABHOKTA JAGARAN* on consumer related matters.

19.6 Consumer Protection Act, 1986:

19.6.1 The Consumer Protection Act, 1986 is a milestone in the history of socio-economic legislation in the country enacted for protection of consumers, and provides a three-tier consumer disputes redressal machinery at the national, state and district level. The Act is intended to provide simple, speedy and inexpensive redressal to the consumers' grievances. All the provisions of the Consumer Protection Act, 1986 have come into force with effect from 1.7.1987 throughout the country except in the State of Jammu & Kashmir, which has its own legislation in this field. Most of the States & UTs have constituted State level Consumer Protection Council. At present, the National Commission at New Delhi, 35 State Commissions, one in each State/UT and 571 District Forum are functioning in the country to deal with consumers' grievances. The Act was amended in the year 1991 and 1993 to make it more effective and purposeful. Still, the delay in disposal of cases by the redressal agencies at the district, State and National level has been the cause of major concern. Therefore the Government has amended the Act comprehensively in 2002 through the Consumer Protection (Amendment) Act, 2002 (62 of 2002) which was brought into force from 15.3.2003. The provisions of the Act mainly aimed at facilitating quicker disposal of complaints, enhancing the capability of redressal agencies, strengthening them with more powers, streamlining the procedures and widening the scope of the Act to make it more effective and purposeful. The highlights of important amendments made in 2002 are given below.

(A) Facilitating Quicker Disposal of Complaints:

- (1) Creation of Benches and appointment of additional members in the National Commission and State Commission.
- (2) Holding of Circuit Courts by State/National Commission.
- (3) Provision for senior most Member to preside the Consumer Forums in the absence of President for any reason.
- (4) Time frame prescribed for admission of complaints, issue of notices and disposal of complaints.
- (5) Time frame prescribed for disposal of appeals.
- (6) Where the complaint/appeal could not be disposed within the time period, reasons for the same should be recorded.
- (7) Ordinarily no adjournment to be given. Adjournments only when it is justified.
- (8) Once complaint admitted shall not be transferred to any other Court/Tribunal.
- (9) Provision for service of notices by courier, fax, speed post etc.
- (10) Pecuniary jurisdiction for District Forum substantially revised from Rs. 5 lakh to Rs. 20 lakhs, for State Commission above Rs. 20 lakhs to Rs. 1 crore and for National Commission from above Rs. 20 lakhs to above Rs. 1 crore.
- (11) Services utilized for commercial purposes excluded from the purview of - Consumer Courts (Goods already excluded).
- (12) Provision for issue of interim orders during the pendency of the case.
- (13) Provision to continue the proceedings from the stage where the case was last heard by the previous Member instead of starting a de novo proceedings.
- (14) Resignation of the President/Member to become effective only on acceptance, thereby continuity of the function of the court is not affected.
- (15) Sitting Judge of the High Court to preside the Selection Committee for selection of Members of State Commission and President & Members of District Forums, when State commission President is absent for any reason.

(B) Making consumer courts more capable:

1. Minimum Qualification prescribed for members (graduate, minimum 35 years age, and minimum 10 years in relevant field).
Disqualification also prescribed (conviction for offence involving moral turpitude, insolvency, etc.)
Provision for reappointment of Presidents & Members of forums / Commissions.

(C) Widening the Scope of Act:

1. Sale of spurious goods/services included in unfair trade practice.
2. Concept of unsafe goods widened. Also extended to services.
3. Complaint can also be made against service provider indulging in unfair/restrictive trade practice.

(D) Strengthening Consumer Courts:

1. Consumer Courts to have covers of First Class Judicial Magistrate to punish those not obeying order of court. This will remove any scope for challenging the constitutional validity of power of consumer courts to impose penalty of imprisonment.
2. Compensation amount ordered by court can be recovered through certificate case as arrears of land revenue.
3. Consumer courts can issue interim orders (complainant can get immediate relief in deserving cases).

(E) Streamlining procedure:

1. Legal heir can be substituted if complainant/Opposite Party dies.
2. Minimum amount to be deposited before appeal.

(F) Strengthening consumer movement:

To establish a consumer protection council at district level and also make it as necessary requirement for the Government to establish District, State, Central level Councils. Besides, to enable nomination of upto 10 official or non-official members to the State Councils by the Central Government. The amendments expected to strengthen consumer movement at grass root level.