

IX

**GENERAL CONCLUSION
AND RECOMMENDATIONS**

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The individual consumer is confronted with a jungle of problems of supply, of choice, hazards, price manipulation and misrepresentations. If manufacturers and traders in our country get away scot free for crimes like adulteration, fraudulent sales practices etc., it is primarily because of the consumers' apathy, although it is they who suffer for it. Without the consumers' co-operation, it would be difficult to deal with the manifold problems faced by the consumers and the role of the home maker is of paramount importance in this respect. The conclusions drawn in respect of various specific areas of consumer interests are already discussed at the end of each chapter. The general findings are summarised in this chapter.

Consumer problems

The consumer problems are endless. He has witnessed vicious and brutal kinds of malpractices that can only be sometimes equated with slow manslaughter, while the milder kind of

of commercial pickpocketry is rampant. To the majority of Indian consumers, low incomes, high illiteracy, corrupt and insensitive beauracracy often added to these bewildering array of problems. Briefly the main problems faced by the consumers are;

- a) Low quality of goods
- b) Adulteration
- c) Short weights and measures
- d) False Labelling and Misbranding
- e) Misleading and objectionable advertisements
- f) High pressure sales techniques and sales gimmicks.
- g) Unreasonable and exorbitant prices
- h) Lack of adequate information about the product
- i) Lack of standardisation of goods
- j) Absence of authentic and reliable agency for certification of goods.

The home makers have made it very clear through their responses that they faced various difficulties in respect of all these areas. Their reactions are already analysed in the foregoing chapters.

The role of the Government and legislative protection

The Essential Commodities Act, The Prevention of Food Adultera-

tion Act as amended in 1976, The Packaged Commodities (Regulation) Order, The New Weights and Measures Act, the many revolutionary changes suggested in marking, sale and distribution of drugs by the Hathi Committee, the rules regarding marking of price on every metre of mill cloth etc., are all signs of growing concern for consumer welfare on the part of the Government. The creation of National Consumer Council and the passing of proposed Consumer Protection Act will be a major landmark for the consumers in India.

However, the plight of consumers cannot be remedied by legislation alone and much is required to be done for the effective implementation of the various provisions of the Act. It is a common knowledge that corruption, at all levels, has been eating away into the very vitals of the various Acts. Government must take effective steps to root out corruption in its enforcement machinery. Apart from the lacuna in their enforcement, the Acts have also suffered from time taken to settle a grievance of a consumer. In the words of Mrs. Kamala Sohoni, Former Chairman of CGSI, "Milk gets spoilt within a few hours and yet to punish a milk adulterator takes over two years¹." This delay often defeats the very purpose of the law. Government should, therefore, set up mobile laboratories-

1 Mrs. Kamala Sohoni, -"Consumer Protection; Some Lacunae"
Keemat, April, 1976, pp-31.

-cum-courts to expedite disposal of consumer complaints.

Thirdly, it was clear from the review of various Acts intended to safeguard consumer interests and the attitudes of home-makers towards them, that their success depend upon the interest which consumers take in its working by appropriate action. From the responses of the home makers it could be seen that a very negligible percentage of them preferred to approach the Government agencies when they found themselves cheated or exploited. It is, therefore, not sufficient to enact a law to protect consumer. The main provisions of the Act should be given wide publicity and consumers should be encouraged to come forward with their complaints.

In view of these lacunae in the legislative protection granted to Indian consumers, there seems to be lot more to be done by the Government to make laws more comprehensive, enforcement more efficient, punishments more stringent and deterrent and to enlist active co-operation in the implementation from the manufacturers, traders and consumers.

The role of consumers' Associations

Basically consumer organisations' approach is a matter of social consciences requiring remedy and involving certain

human rights. These include;

- a) The right to safety, to be protected from hazardous goods,
- b) The right of information, not to be misled by lack of information or misinformation,
- c) The right to fair prices and choice, to have access to a variety of products and services and where monopoly prevails, a minimum guaranteed quality at reasonable prices,
- d) The right to representation, to be consulted and involved in decisions effecting the consumer,
- e) The right to redress, to have access to a complaint machinery and fair and speedy compensation procedures,
- f) The right to consumer education, life-long consumer education becoming part of the education process. Reading, writing and arithmetic mean little if not related to the fourth 'R' the real-life market place.
- g) The right to a healthy environment, that permits the consumer to lead a life in dignity.

Throughout the world, consumer organisations are seeking some or all these kinds of rights and their practical manifesta-

-tations. The consumer movement in India is still in its infancy. It has to perform the gigantic task of awakening the common consumer.

The most significant development for consumerism in India is the coming together of active consumer groups from all over the country. It is a happy augury for the future of the consumers in India. However, as is clear from the review of consumer movement in India, it depends heavily on the work of small groups of deeply interested volunteers, who have acted as "Catalysts for change." But soon this qualitative movement must become a quantitative one, if it is to make a real difference in the life of the individual to whatever class he or she may belong. It has got to shake the consumer out of his present apathy into thinking and acting as a vigilant and informed consumer.

X The traders and manufacturers' associations

By and large, the traders' and manufacturers' associations have not done anything to protect the consumers. This is natural since these organisations are mainly concerned with the interests of their members, and in the absence of pressure from consumers or from the Government they are not prompted

to take any action in this direction. However, in fairness we must accept that the organisations have shown a sense of social responsibility and if proper pressures are built up they would react positively.

Home makers' responses

1. The home makers are faced with various difficulties when they enter the market as consumer-buyers. Use of unauthorised weights and measures, adulteration, irregular supply, inadequate information on the packed goods, misleading advertisements etc. The cumulative effect of all these on the budget, living standards, consumption pattern and time management of home makers is significant.

2. By and large, home makers adopt the philosophic attitude of "Take it as it is". They prefer not to complain. This attitude was probably the result of their ignorance of many important legal measures taken by the Government for their protection and also of their distrust of the administrative machinery.

3. Income was a significant factor influencing home

makers responses in respect of the following;

- i) Awareness of various laws
- ii) Habit of reading labels before purchasing
- iii) Awareness of brands
- iv) Awareness of adulteration
- v) Checking seals before purchase
- vi) Awareness of low quality of goods
- vii) Awareness of ISI and Agmark and its superiority over other goods
- viii) Knowledge of household methods of detecting adulteration
- ix) Role of consumers' organisations in checking malpractices of traders
- x) Price rise problem
- xi) Price control policy of Government
- xii) Problems due to price rise
- xiii) Influence of Sales Promotion Methods

- xiv) Irregularity and inadequacy of supply under statutory rationing
- xv) Satisfaction with quality of goods from ration shops.

There was a positive correlation between income and these factors.

- 4. Income was not a significant factor in relation to;
 - a) Purchase of articles in decimal weights and measures.
 - b) Knowledge about the provisions of certificate of weights and measures.
 - c) Knowledge of PFA Act.
 - d) Inadequacy of legal protection against adulteration.
 - e) Awareness of decimal weights and measures.
 - f) Knowledge of Essential Commodities Act.
- 5. Education of home maker was an important factor wielding influence in areas like;

- i) Purchase of articles in decimal weights and measures.
- ii) Knowledge of provision of certification of weights and measures.
- iii) Checking seals before purchase.
- iv) Habit of reading labels before purchase.
- v) Awareness of ISI and Agmark and their superiority over other goods.
- vi) Knowledge of PFA Act.
- vii) More organised effort on the part of Consumer Associations to check adulteration.
- viii) Price rise problem.

The more educated home makers were more aware and vigilant.

6. Education did not influence the responses of home makers in respect of ;

- i) Awareness of low quality of goods
- ii) Inadequacy of legal protection against adulteration.

- iii) Influence of Sales Promotions Methods
- iv) Awareness of decimal weights and measures.
- v) Inadequate supply under rationing
- vi) Not satisfied with quality of goods from ration shops.

Many of these were purely monetary factors and education did not affect the home makers' reactions in these areas.

7. Eventhough home makers were aware of many laws, they did not bother to be vigilant about their enforcement. Very few home makers had taken positive actions like complaining to the Government Officers, when they were cheated. Fewer still approached the Consumers' Organisations.

8. Home makers were, by and large, convinced of the utility of consumers' organisationsⁱⁿ protecting consumers. However, they were not prompted to form such organisations nor to join one which already existed in the city. The lethargy and apathy of home makers was appalling in the face of widespread malpractices of the traders.

RECOMMENDATIONS

1. There is a need to study the adequacy of existing consumer protection agencies and to assess their effectiveness in implementation and enforcement. Nationwide studies to assess the extent to which consumers suffer in today's market places from adulteration manipulation, fraud, deceptive packaging and labelling etc., should, therefore, be undertaken.
2. Based on such studies conducted in various countries the Economic and Social Council of the UNO should appoint an expert group to prepare a model Code of Consumer Protection Practices for consideration of the UN General Assembly for recommending it for adoption by member nations. Just as International Labour Organisation (ILO) lays down minimum labour standards to stop labour exploitation, the UN should undertake the equally important problem of establishing basic international consumer standards to prevent consumer exploitation.
3. The international consumer movement should be strengthened by concerted efforts of national governments and national consumer organisations. The IOCU should help consumer

associations in developing countries.

4. At the national level, India should have a separate Ministry for Consumer Affairs with Cabinet status as is done in UK, Canada etc. It should have a dual function of protecting and assisting consumers and their associations; and administering and strengthening laws regulating the conduct of business.

5. The Monopolies and Restrictive Trade Practices Commission is almost ineffective in helping the individual consumers in respect of common goods. Therefore, Government should set up a new department of Fair Trading with power to tackle widespread malpractices of traders as soon as they arise. If a particular trade practice misleads or confuses consumers or pressurises them or leads to unfair contracts, it should be regulated or prohibited immediately and effectively. Such "Consumer Ombudsman" are functioning in Scandanavia.

6. The aggrieved consumer needs an accessible local service to which he can take his troubles, a measure of help in presenting his case or a pointer to the next step. Consumer Advice Centres are, therefore, needed. Considering illiteracy, ignorance and apathy of Indian consumers, in general Government should take initiative in establishment of network of Consumer

Advice Centres throughout the country to provide independent guidance and help, particularly, to the less sophisticated, consumers. These centres should also act as grass root sources of information about consumer difficulties and consumer complaints and recommend appropriate action to be taken by the above mentioned department of Fair Trading.

7. To focus the attention of the public on consumer problems and protection, the Government of India should declare a consumer education year. During the year, all over the country in schools, colleges, trade bodies, workers' unions and social clubs, should organise public seminars, symposia and conferences to focus public attention on the growing consumer hazards and to educate the people about the measures taken by the Government. Such seminars should make concrete, practical, preventive suggestions for the guidance of the public to avoid these hazards through their education, vigilance and awareness. The reports about these discussions should be circulated widely in all the local languages to all the remotest parts of the country.

8. The AIR and TV mass media of the Government should devote a minimum of half an hour a day for talks and pictures on consumer education both in English and local languages. The field publicity department of the Government should be activated to take up the cause of public education on all

the consumer protection laws and rules of the Government. The Government should get some small films on essential consumer education and compulsorily show them in all the theatres in India before their regular features start.

9. The Government should soon consider the founding of a Central Consumer Research Institute with regional units in different states to promote specialised intensive studies on consumer behaviour in India and to suggest remedial and preventive measures.

10. All aspects of consumer laws of the Government and liberal consumer education should be included in the curriculum of the Government Workers' Education and Training programmes and the social studies in schools and colleges.

11. The laws should be made more comprehensive and punishments for contravention more stringent.

12. The enforcement machinery should be streamlined to root out corruption, inefficiency and red-tapism. The machinery should have more sense of social responsibility.

13. Consumers movement can be more effective only if it

is voluntary and mass based. At present, it is in the hands of housewives of relatively affluent homes. It must now spread to middle and lower classes in urban areas. The rural areas are untouched by the movement. The Women's social clubs should each adopt a village and give information of the consumer's hazards and legal measures to protect them to the rural home makers.

14. Testing laboratories should be opened at various places easily accessible to home makers.

15. Magazines and other periodicals should carry articles of consumer interest. Comparative testing reports, grievances of consumers etc., should be given wide publicity.

16. Traders and manufacturers should, in their own interest, adopt a code of fair trade practices. In absence of any legal sanction, such a code can be effective only if the moral sanctions are applied vigorously. The moral sanctions like expelling from membership, blacklisting, non-cooperation etc., can be effective only if the organisations are strong. Therefore, it is imperative to strengthen the Traders' and Manufacturers' Associations.

17. The majority of Indian home makers is not employed. They have thus relatively more free time which they can utilise to organise the consumer movement. They should provide energetic and effective leadership to the new consumerism in India.

18. Consumers' organisations should collaborate with traders' and manufacturers' associations for establishing fair trade practices and should publish a list of shops which have accepted to follow these practices.

19. Youth wings of social clubs, Home Science Departments of Universities and other social organisations should undertake consumer education and protection programmes.

20. Consumers co-operative movement is an important aspect of the consumer movement. Consumer co-operative stores can help to check various malpractices like short weights and measures, adulteration, price manipulations, substandard goods etc. These stores should be patronised by home makers on a greater scale. The Government should also encourage the movement with suitable financial and tax policies.

21. The crimes against the consumers should be treated as social crimes and exemplary and deterrant punishments should be given to defaulters.

22. Labels should give information in Hindi or regional language also, to serve the less educated classes.

23. Consumers should be given representation on all bodies dealing with matters of consumer interests e.g., Rationing Advisory Committee, Standards Committee, Telephone Committee, etc.

Epilogue

The birth and rise of the consumer movement in India can rightly be described as one of the most remarkable social developments in recent history. There are signs of increasing awareness of the need for consumer protection on the part of the Government and other agencies. A number of positive steps have been taken to help the Indian consumer. All this should augur well for the harassed Indian consumer.

In future, the various consumer hazards would not only continue but would intensify with growing industrialisation. No more will the doctrine of "Caveat emptor" (Buyer Beware) be the sufficient protection of the consumer. Legally, there will

to be equal burden on the seller to beware. Consumers should unite and speak with a little more voice and with a little more weight against short weights, shoddy goods, misleading advertisements, exorbitant prices and unethical business practices, in general. The rising consumer awareness would exert pressure both on the Government to enact suitable laws and ensure their proper enforcement and on the traders to be more consumer conscious. The pressure would compel the manufacturers and traders to give up unabashed attempts to pursue profit and to be a little more attentive to consumers' interest.

To translate these hopes into reality, the home makers should assume increased leadership in national consumer organisations and in legislative effort. With their primary role as a family-purchaser, their concern for the family budget living standards etc., and with their relatively more free time, they are ideally suited to give dynamic and devoted leadership to the new consumerism which is sweeping through the nations of the world, old and new.

Further, the participation of home makers in this movement would prevent its degeneration into a political movement.

Home makers alone can provide it the needed dedicated, non-political, independent and self-motivated cadre to fight social injustice. Obviously the odds against them, in the form of unscrupulous traders, callous administration, corrupt officials, inadequate protective laws and above all, the consumers' apathy, are many. Nevertheless a beginning has to be made. In the words of Ralph Nader, the pioneer of Consumer Movement in USA, "Let it not be said by a future forlorn generation that we wasted and lost our great potential because our despair was so deep, we did not even try, or because each of us thought that someone else was worrying about us."