

Vol No. III

Issue No. 3

March

ISSN: 2347 5587

CKPIM BUSINESS REVIEW



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A Study of Consumer Awareness: with special reference to implementation of the Consumer Protection Act, 1986 in Indore

*Dr. Suresh Patidar**

ABSTRACT

Today, India is a big market and crores of consumers in India are ready to buy any product offered to them by big multinationals as well as Indian companies. But this does not mean that whatever offered to them they will accept. The time has gone when the market was sellers market and consumers not raised questions about the quality of goods.

Now they are testing each of the goods and services used by consumers and if that is not as per standards, consumers feel no hesitation to go to the consumer forums for compensation for defective goods or any kind of deficiency in services.

In Indian legislative history the year 1986 will be remembered for passing a revolutionary Act for consumers i.e. The Consumer Protection Act, 1986. After enactment of this statute the vacuum in law fulfilled with respect to any specific law for settlement of consumer disputes. This act provides three-tier redressal machinery for speedy settlement of grievances of consumers.

The state plays a number of roles, including administrative, legislative and many others. One of the functioning aspect of legislative role of state is to frame various laws, rules and regulations for the purpose of not only maintaining law and order in the society but also for providing a practical framework for the justice to the common man. Although the law providing protection to the consumer was framed way back in 1986, but whether or not it has resulted in increased awareness in the common man is a question yet not answered.

In the changing world of global business, consumer is considered to be the king of the market and has become basic force behind various market indicators. But in developing countries like India, is the consumer still aware of this fact? To find out the awareness to this question is the essence of this study. Since long consumer protection rules and regulations have been implemented but then what is the outcome of implementation is a subject of research.

Key Words: Consumer, Awareness, Consumer Grievances, Redressal Machinery

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The moment a person comes into this world, he starts consuming. He needs clothes; milk, oil, soap, water, and many more things and these needs keep taking one form or the other all along his life. Thus we all are consumers in the literal sense of the term. When we approach the market as a consumer, we expect value for money, *i.e.*, right quality, right quantity, right prices, information about the mode of use, etc. But there may be instances where a consumer is harassed or cheated. The expanding process of development and globalization along with the liberalization process has increased the number of consumer related issues. Consumer protection has earned an important place in the political, economic and social agendas of many nations. In India, the Government has taken many steps including legislative, to protect consumers.

However, this is largely unknown to many citizens irrespective of whether they are educated or uneducated. With an enormous population along with high level of poverty, unemployment and poor literacy levels, consumer awareness continues to remain low. Education is a life long process of constantly acquiring relevant information, knowledge and skills. Consumer education is an important part of this process.

Today, India is a big market and crores of consumers in India are ready to buy any product offered to them by big multinationals as well as Indian companies. But this does not mean that whatever offered to them they will accept. The time has gone when the market was sellers market and consumers not raised questions about the quality of goods.

Now they are testing each of the goods and services used by consumers and if that is not as per standards, consumers feel no hesitation to go to the consumer forums for compensation for defective goods or any kind of deficiency in services.

In Indian legislative history the year 1986 will be remembered for passing a revolutionary Act for consumers *i.e.* The Consumer Protection Act, 1986. After enactment of this statute the vacuum in law fulfilled with respect to any specific law for settlement of consumer disputes. This act provides three-tier redressal machinery for speedy settlement of grievances of consumers.

Review of related Literature

Nayak Rajendra Kumar (1987) highlights the development after the enactment of The Consumer Protection Act, in India. The author points out that the Act is a landmark in the history of the consumer protection movement in India. It concerns mainly the regulation of consumer disputes and creates specific redressal agencies at district, state, and Union level. It

also contains general provisions for consumer rights and for the organization of the consumer interest.

Singh Gurjeet (1993) observed that In India, as a result of the enactment and implementation of the Consumer Protection Act, 1986 there has been an increased amount of self-regulation by the public as well as by the private corporate sector. The mounting pressure by consumer organisations and the growing number of cases filed by consumers before the three-tier quasi-judicial Consumer Disputes Redressal Agencies established under the 1986 Act have propelled the corporate sector in India to become more socially accountable than ever before. Though it may be too early to comment on the success or failure of this Act, it has nevertheless initiated a process of change at least in the behaviour of the urban business community and has coerced it to regulate itself.

Verma D. P. S. (2002) pointed out the major developments in the field of consumer protection in India since 1984, when the statutory provisions for regulating unfair trade practices were incorporated for the first time. Among the developments described in the paper is the strengthening of provisions for consumer protection through amendments to the Act regulating restrictive and monopolistic trade practices (the MTRP Act). Public-sector undertakings and co-operative societies have been brought within the purview of the Act, and consumers have obtained the right to participate in inquiry proceedings before the MRTP Commission. Other developments include the establishment of a separate Department of Consumer Affairs in the Union Government and the setting up of a Consumer Product Testing Laboratory.

Kishtwaria J. et al (2004), revealed that 48 percent males and 20 percent females were aware of the consumer courts and consumer forums. Print media was the main source of information for males and friends and neighbors for the females. As the awareness regarding consumer protection laws was concerned, both the male and female respondents were highly aware about weights and measures act and least aware of household electric appliance order. Only 2 percent males were aware of consumer Guidance Society, Hyderabad and Consumer Forum, Bombay. Awareness of the male and female respondents regarding consumer protection laws showed significant difference.

Moog Robert (2002) mentioned that while we do not know all that we need to concerning the functioning of these institutions, some preliminary conclusions can be drawn regarding

their effects on efforts to strengthen the rule of law in India. Their greatest asset is providing access to dispute resolution for a broad and growing group of consumers who without them were effectively left to their own devices against providers of services and goods. This incorporates not only those disputes that are filed and go to a hearing, but also those that are settled, with or without a filing. India's consumer forums have opened to mixed reviews. Despite the weaknesses, the benefits of opening up an avenue of dispute resolution for a significant and growing segment of the population, whether through negotiation or the hearing process, justifies the continuation of the experiment.

Research Objectives

The state plays a number of roles, including administrative, legislative and many others. One of the functioning aspect of legislative role of state is to frame various laws, rules and regulations for the purpose of not only maintaining law and order in the society but also for providing a practical framework for the justice to the common man. Although the law providing protection to the consumer was framed way back in 1986, but whether or not it has resulted in increased awareness in the common man is a question yet not answered. The main objective behind this study is to explore answer to this question and in specific to evaluate:

- the effectiveness of functioning of District Consumer Forum Indore
- the changing trends of consumer awareness in Indore
- shortcomings in functioning of District Consumer Forum Indore
- measures to increase the level of consumer awareness

Research Methodology

The research carried out is descriptive in nature. Primary data in the form of questionnaire filled by consumers of the various segments of the society and interview with consumers, lawyers, consumer movement activist and various authorities etc. Secondary data in the form of statistics available at district forum and various NGOs and statistics published in various journals and periodicals and reputed websites. As the topic under study is basically descriptive in nature, a questionnaire was designed which was objective cum descriptive. Although most of the questions filled in by the respondents were objective in nature, there were few questions the respondents were required to opine upon. Majority of the respondents expressed their opinion under those questions. The area of study of this research has been Indore city. All the people in the Indore city form the population for this research work irrespective of age, gender, income group etc. The sample size for this research work was two

hundred eight. The method of sampling was convenient random sampling. Data analysed by using content analysis and percentage analysis.

Consumer Protection Law in India

The Government understood the need to protect consumers from unscrupulous suppliers, and several laws have been made for this purpose. We have the Indian Contract Act, the Sale of Goods Act, the Dangerous Drugs Act, the Agricultural Produce (Grading and Marketing) Act, the Indian Standards Institution (Certification Marks) Act, the Prevention of Food Adulteration Act, the Standards of Weights and Measures Act, etc. which to some extent protect consumer interests. However, these laws require the consumer to initiate action by way of a civil suit involving lengthy legal process, which is very expensive and time consuming.

The Consumer Protection Act, 1986 was enacted to provide a simpler and quicker access to redressal of consumer grievances. The Act for the first time introduced the concept of 'consumer' and conferred express additional rights on him. It is interesting to note that the Act doesn't seek to protect every consumer within the literal meaning of the term. The protection is meant for the person who fits in the definition of 'consumer' given by the Act.

Now we understand that the Consumer Protection Act provides means to protect consumers from getting cheated or harassed by suppliers. The question arises how a consumer will seek protection? The answer is the Act has provided machinery whereby consumers can file their complaints, which will be entertained by the Consumer Forums with special powers so that action can be taken against erring suppliers, and the possible compensation may be awarded to consumer for the hardships he has undergone. No court fee was required to be paid to these forums till the year 2004 but after the amendment in the Consumer Protection Rules, now there is requirement to pay the fee for filing a case in a consumer court, this is because to restrict the fake cases. There is no need to engage a lawyer to present the case.

The special feature of this Act is to provide speedy and inexpensive redressal to the grievance of the consumer and provide him relief of a specific nature and award compensation wherever appropriate. The aim of the Act is also to ensure the rights of the consumer, viz. the right of choice, safety, information, redressal, public hearing and consumer education.

The Act defines the consumer as one who purchases goods and services for his/her use. The user of such goods and service with the permission of the buyer is also a consumer. However, a person is not a consumer if he purchases goods and services for resale purpose.

The most important feature of the Act is the provision for setting up a three-tier quasi-judicial machinery popularly known as "consumer courts" at national, state and district levels. The apex court, National Commission functions in Delhi. Every State Government has a State Commission. The third tier is in each district and is called district forum.

The issues relating to consumer welfare affects the entire 100 million people since everyone is a consumer in one way or the other. Ensuring consumer welfare is the responsibility of the government. Accepting this, policies have been framed and the Consumer Protection Act, 1986, was introduced. A separate Department of Consumer Affairs was also created in the Central and State Governments to exclusively focus on ensuring the rights of consumers as enshrined in the Act. This Act has been regarded as the most progressive, comprehensive and unique piece of legislation. In the last international conference on consumer protection held in Malaysia in 1997, the Indian Consumer Protection Act was described as one "which has set in motion a revolution in the fields of consumer rights, the parallel of which has not been seen anywhere else in the world."

District Consumer Grievances Redressal Forum Indore

District Consumer Grievances Redressal Forum was established in the year of 1990. Since then forum is engaged in the redressal of grievances of the consumers. District Consumer Grievances Redressal Forum Indore is the largest forum of Madhya Pradesh in terms of number of cases registered and disposed off from the date of establishment of consumer forums in M.P. The details of cases registered and disposed-off at the forum are given on the next page.

Status of Cases in District Consumer Forum Indore

S. No	Year	Total Cases Filed	Total Disposal	Total Pending
1	1990	113	58	55
2	1991	1003	674	329
3	1992	1238	643	969
4	1993	1766	680	2072
5	1994	774	100	1846
6	1995	762	911	1633
7	1996	476	956	1153
8	1997	447	699	911
9	1998	471	921	414

10	1999	430	533	352
11	2000	637	503	486
12	2001	572	392	631
13	2002	546	513	649
14	2003	700	511	838
15	2004	546	603	781
16	2005	736	796	721
17	2006	920	991	650

Source: Record of District Consumer Forum Indore

District Consumer Forum is working in the interest of consumers. The effectiveness can be measured by the number of cases registered and disposed off by the forum. Above list shows that speedy disposal of cases by the forum especially since last two three years. Records of the consumer forum Indore tells about the nature of cases filed by the consumers and this includes maximum cases are relating to the deficiency of services in the services sector. As per the survey conducted by National Consumer Dispute Redressal Commission, the rate of disposal of cases in the Indore forum is more than 92% and many of the cases disposed off by the forum within the stipulated time and this shows that functioning of consumer forum Indore is effective.

There are some areas of concern with reference to all consumer forums in India in general and consumer forum of Indore in particular. The first & foremost concern is vacancy in seats of members, which leads to the increase in the number of pending cases, which ultimately defeat the very basic purpose of the Consumer Protection Act, i.e. speedy disposal of the cases. Another major issue is the honorarium paid to the members, which is very less, and not matching with the dignity of post of member of a forum. Due to this less honorarium, many qualified and competent persons are not taking interest in joining the forum.

ANALYSIS OF DATA AND MAIN FINDINGS

Regarding awareness about existence of consumer protection law (Q.no.1):

- 1) Awareness about existence of consumer protection law is mixed, awareness was found but not exactly about consumer protection law: (27%- Yes, 19%- No, 54%- yes but not exactly)

As evident from Pie Chart and Percentage given above, more than half portion of sample population (54%) is aware about the law on consumer protection but not exactly. On the other hand, 27% of sample population is aware about the existence of the Consumer Protection Act, 1986. Only 11% are not aware about the existence of law. This shows that awareness is there in society but the level of awareness is not up to the mark. The probable reason behind this seems to be the recent enactment of law on consumer protection. The Consumer Protection Act, 1986 was enacted in the year 1986 and came in force in the year 1987. Since its enactment, hardly two decades have passed.

Regarding source of information about existence of law (Q.no.2):

This question is the supplement question of previous question. 65% of sample population has received information from T.V. /Radio and Government and NGO programs. Only 24% sample population has received this information from newspapers and only 11% got this information from their friends and relatives.

Regarding insistence on invoice at the time of purchasing of any product (Q.no.3):

Invoice is necessary for filing any complaint in consumer court about the defect in goods/ deficiency in services. In the light of this fact, question was put forth to the respondents. It was observed that 42% of sample population always insists on the invoice while 47% of population sometimes insists on invoice and rest 11% of the population is not insisting at all on invoice at the time of purchase of product/ service. As observed from the responses received from the population, many times if they purchase/avail a particular product/ service and the price is not significant, the invoice is not insisted upon. Another major reason behind this has been the personal relation of the consumer with the seller/ provider of goods/ services.

Regarding experience of any defect in any product or deficiency in any service (Q.no.4):

As shown in the pie chart, 94% of sample population experienced the defect/ deficiency in the products/ services at some point of time. Remaining 6% of sample population has not experienced any defect/ deficiency in products/ services bought by them. .

Regarding approach to the supplier of goods/ services for redressal of grievances (Q.no.5):

In India consumers and suppliers of goods have the personal relationship. This relationship plays very important role at the time of any defect in the purchased product. This is the

reason that 97% of sample population approached the vendor for redressal of grievances. Only 3% of sample population not approached to the vendor.

Regarding the redressal of grievances by the supplier of goods/ provider of services (Q. no. 6):

As observed majority of the population, which was aggrieved by defects in goods and/ or deficiency in services got its grievances redressed by the supplier of goods/provider of services. One important reason for this, explored by the researcher was the proximity of place and relationship of consumer and supplier. Most of the consumers were found to purchase the defected goods/avail deficient services from a known supplier so in most of the cases (62%) grievances once reported to supplier were redressed.

Regarding approaching to the consumer dispute redressal machinery (Q. no. 7):

The analysis of this question clearly indicates about the lethargy of consumers towards approaching the machinery for redressal of their grievances. As shown in the pie chart above only 18% of the consumers whose grievances were not redressed by the supplier of goods/provider of services, have approached to the consumer forum etc. for redressal of their grievances and a very large portion (82%) as not bothered about it.

Regarding alternative action taken by consumer (Q. no. 8):

The analysis of this question reveals some interesting facts about the activeness of the consumers. Out of total population, very few had initiated action in the concerned mechanism of the dispute. Some of them filed complaint in the SEBI for non-receipt of dividend warrant/ application money from the company. Some filed complaint to Banking Ombudsman for deficiency in services by banks. Majority of the population had not initiated any action against the supplier of goods/ provider of services.

Regarding no action being taken at all (Q. no. 9):

The research explored that majority of the consumers who came across any defects in goods and/or deficiency in services did not approached the concerned redressal machinery for the reason of low prices of goods/services. A small portion of sample did not approached redressal machinery with the perception of lengthy, cumbersome and beurocratic process as happens in civil courts, while very few did not get the right guidance to know the doors of government machinery.

Regarding the disposal of cases by consumer forum (Q. no. 10):

The data analysed by the researcher indicates that majority of the cases (92%) filed with redressal machinery are disposed off and very few cases (8%) remains undisposed.

Regarding the time taken by the consumer forum (Q. no. 11): The objective for establishment of consumer forums under the Consumer Protection Act is to speedy disposal of cases. To ensure this, time limit is specified in the Act. Response received from people shows that majority of cases decided within the stipulated time. In some cases time taken by the forum is more than the time limit as specified.

Regarding the nature of the decision of case (Q. no. 12):

The analysis of this question is very appreciating 79% of the people who have approached to the redressal machinery have been benefited by the working of the system. This clearly indicates that the redressal machinery under the Consumer Protection Act is not like the traditional court of law system. Not only the cases of the disposed-off within reasonable time but also the degree of beurocratic problem is law.

Regarding the satisfaction about the outcome of judgment of forum (Q. no. 13):

Majority of the consumers who approached to district forum were found to be satisfied with the decision of district consumer forum. One interesting fact explored by this research is that although decision of district forum was in favour of 79% of the consumers (see the previous analysis), only 76% were found to be satisfied by the decision of district forum.

Regarding next action taken by the consumer in case of dissatisfaction about the decision of forum (Q. no. 14):

The analysis of this question reveals the fact that some people initiated appeal against the order passed by the district forum in the State Commission. Reasons for filing of appeal is inadequate compensation awarded by the forum and in few cases dismissal of complaint by the forum. While, a large portion of the aggrieved consumers did not initiated next action.

Regarding the satisfaction with the process of district consumer forum (Q. no. 15):

As analyzed by the researcher 73% of the people who have approached district forum are satisfied with the process of district forum for disposal of cases. A comparatively small but yet considerable portion was found dissatisfied with the same.

Regarding reasons for dissatisfaction (Q. no. 16):

The process adopted at the district consumer forums is not the process adopted by civil courts and this is the reason that majority of sample population are satisfied with it. Some dissatisfaction was shown by people about the process adopted in the district forum and especially after 2004. The main reason behind this is the introduction of court fees in the district forums. Before 2004 there was no fees required for filing of cases in the consumer forums.

Regarding problems faced by the consumers in the course of litigation (Q. no. 17):

Only 20% of the people who approached the district consumer forum faced some sort of problems in the course of litigation and majority of (80%) faced no problem at all. This indicates that the litigation process in consumer forums, as against the process of civil court, is hassle free and consumer friendly. It was also seen that those who faced the problem basically because of lack of awareness regarding dealing with the machinery.

Regarding the type of problem faced by the consumer (Q. no. 18):

This question is the supplement to the previous question. In this question majority of population expressed that they were not aware about the exact location of the consumer forum and this was the one of the problem faced by them. Another problem is that in the absence of legal counsel they also faced some difficulty in drafting of complaint.

Regarding the awareness about campaign of government for consumer protection (Q. no. 19):

Government initiated some programmes for making aware to the consumers and reach of these programmes are very wide, this fact can be measured by the response received from the people. Analysis shows that 84% of the population is aware about the campaign of government and only 16% are not aware about the same.

Regarding the names of campaigns/programmes run by government (Q. no. 20):

This was the descriptive question and majority of the people mentioned the government campaign Jago Grahak Jago in print media. Some of them mentioned the sponsored radio and T.V. programmes of government.

Regarding the awareness about campaign run by any NGO for consumer protection (Q. no. 21):

NGOs play very important role in increasing the awareness among the people. But this fact is not true with reference to the Indore because the people are not very much aware about any such NGO, which started campaign for the consumers. As per the response from people only 12% people are aware about any campaign run by any NGO and 88% of them are not aware of the same.

Regarding the names of such NGOs who run the awareness programmes (Q. no. 22):

In this descriptive question response from the people is not encouraging. Only few of them are able to give names of such NGOs and the names of NGOs given were not of Indore, rather than named national level NGOs working for the interest of the consumers.

Regarding the awareness programmes run by District Consumer Protection Council (Q. no. 23):

As per the amendment made in the Consumer Protection Act, 1986 in the year 2002, now it is compulsory that in every district one district consumer protection council shall be constituted in the chairmanship of district collector. The responsibility of district consumer protection council is to promote and protect the rights of consumers. Response received for this question is surprise for the researcher because no campaign was noticed by any of the respondent. This shows the passiveness of the district consumer protection council.

Regarding the list of programmes run by district consumer protection council (Q. no. 24):

The answer to this question is also same of previous question, because this question is supplement question to the previous one.

Regarding the suggestions for increasing the level of awareness among consumers (Q. no. 25):

This question was descriptive in nature. Majority of total population ignored this question but some valuable suggestions received from the few respondents. In these suggestions one is related to the rural consumers' awareness, which says that involvement of Panchayats at village level for initiating any campaign can play very crucial role in this regard. For the purpose at the Panchayat level one consumer awareness cell can be established. This cell may consist of Panchs, Sarpanch and educated people of the village. Any aggrieved consumer can

seek the assistance from this cell. Another valuable suggestion received is that involvement of the schools and teachers for the running of campaigns for awareness of consumers.

Regarding the suggestions for improving the functioning of District Consumer Forum Indore (Q. no. 26):

Response for this question was also not encouraging and only very few responded. Reason for low response may be that many respondents were not aware about the functioning of the consumer forums. One suggestion received is that for improvement of functioning of consumer forum Indore, information technology should be used in the day-to-day working of the forum and by providing the online filing of the complaints can ensure paperless working.

Regarding the reforms in the Consumer Protection Act, 1986 (Q. no. 27):

As shown by the pie chart majority of the population (70%) responded that existing Consumer Protection Act, 1986 do not require any reform or amendment. Some of them (22%) opined that reform in the Act is necessary and only 8% of total population can't say any thing about this.

Regarding suggestions for reform in the Consumer Protection Act, 1986 (Q. no. 28):

One suggestion is received for amendment in the Act which should insists upon providing in the Act itself for awarding the huge compensation by the consumer forums for mental harassment for using the defective goods/deficient services.

Recommendations

I Increasing awareness among rural and uneducated consumers:

It was observed in the research that although in general the level of consumer awareness has increased, but it is not same in all categories of the consumers. The degree of change of awareness among rural and uneducated consumers is very low. So it is recommended to take necessary steps for increasing the level of awareness among rural and uneducated consumers. For the same the following measures are recommended:

Fixing role of Gram Panchayats:

Till now the focus of government machinery is limited only up to district level through District Consumer Protection Councils. After 73rd amendment in the constitution of India, Gram Panchayats have been established in almost all the villages within India territory. These gram panchayats can play an important role in increasing the awareness level of rural

consumers. So government can use these gram panchayats as an agency for increasing level of awareness of rural consumers.

Role of NGOs

As observed in the course of research NGOs have failed in playing an important role in increasing the consumer awareness. Government also failed to monitor the functioning of NGOs and take remedial action. It is required to redefine the role of NGOs in the area of consumer awareness and to follow the monitoring norms regularly and strictly.

Role of Educational Institutions

Educational institutions play a benchmarking role in social upgradations of a country; unfortunately educational institutions of Madhya Pradesh have failed to contribute anything material in increasing the level of consumer awareness not only in rural areas but in urban areas as well. Their role has been limited to arranging consumer awareness program within the institute and there has been no practical transformation of the same. These institutes can transform the concept of consumer awareness using their various organs like NSS, Teachers, and Students.

Role of Government

The role of government in the areas of consumer awareness has not been up to the mark. The government must initiate the following measures to bring up the level of consumer awareness in the state.

- Increase in the number of radio/T.V. programs based on the consumer awareness.
- Time to time conduct of choupal activities (plays, skit, debate etc.) based on consumer rights their protection and awareness.
- Strict monitoring of granting of funds for consumer awareness activities.
- Conduct of consumer fairs, platform of Agri fairs can be used for the same.
- Food Controller in every district is designated as District Consumer Officer (DCO), the DCO should file cases on behalf of consumers where price of product is very less but defect is there in the product.
- District Consumer Information Center should start its functioning so that consumers can get necessary information and help from the center.
- District Consumer Protection Councils in every district should become functional, which are presently functioning only on papers.

II To improve the functioning of District consumer Forum Indore

Although the District Consumer Forum Indore has been performing quite satisfactory, the following measures will further strengthen the functioning of this forum:

- Appointment of members should be well in time.
- The honorarium for the members should be increased considerably.
- Concept of e-governance at district forum level must be implemented.

III Other Recommendations:

- Public at large should be motivated to take invoice on all purchases, irrespective of the nature of commodity and the amount involved.
- The myth that the functioning of consumer courts is as same as that of civil courts should be broken by familiarising the masses with the working of consumer courts.
- The research in the area of consumer awareness should be promoted. Although government is providing grants for research in the area of consumer awareness, the same must be further strengthen.
- The concept of consumer clubs must be promoted in the urban areas.
- The concept of consumer awareness should be introduced as a part of course curriculum at school education level.

Conclusion

Consumer awareness is very important to protect the interest of the consumers. The study has tried to reveal the fact that how much deep rooted is the problem of consumer awareness. The awareness among the consumers can be increased by sincere efforts of government and also at some extent by society. Although a number of steps have been taken up by the government to improve the level of awareness among urban and rural consumers, still there is a room for improvement.

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