



## A CRITICAL REVIEW OF LITERATURES ON CONSUMERS MOVEMENT

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### ABSTRACT

*A critical study of literature available on the issues pertaining to consumer movement is made here. This covers various aspects related with genesis, growth, problems and future of consumer movement, awareness of consumer regarding consumer movement, problems faced by consumers and various dimensions of Consumer Protection Laws.*

#### **Consumer Movement**

The book by Jag Pravesh Chandra titled “Rights of Consumers” deals with consumer protection in India. It puts across the disappointments and frustration of the dissatisfied consumer. It is an attempt to create better understanding between the merchants and consumers. Merchants must understand and accept the concept of consumerism. Consumer’s rights, tricks of traders. etc. are enumerated. There is a request to the press to help the consumer movement by providing coverage and reproducing the grievances of consumers. Setting up of a consumers Affairs Centre exclusively for treating consumer related matter is suggested.

Malathesh S. has made an attempt to assess opinions of consumers. They study undertaken by him is an opinion survey of consumers in Ahmedabad. This survey is undertaken to evaluate the impact of functioning of CERC. The survey was conducted by CERC during October 1980 to know the opinion of its subscribing members about the activities and publications of CERC. About 50 percent respondents belonged to the age group of 46 to 55, 89 percent were males, 60 percent were postgraduates and 61 per cent in the income group of Rs. 2000 and above. CERC’s strategy to seek legal remedies for various issues and its success in exposing the inefficiency and uneconomical working of many of the public sector corporations are widely welcomed by the respondents. They feel that there is a need to take up issues which are affecting the large segments of the common people. Such issues can be cooking gas,



kerosene, housing, sanitation etc. The failure of Municipal corporations to provide basic facilities like road, drainage etc. has been questioned by a large number of respondents. They have felt that CERC should take up cases against them, Suggestions have been made to follow up on the research and studies by going to the field and resorting to public meetings, mass demonstrations, rallies etc. CERC's publications have been appreciated by there is also suggestion to make the language simple and direct. This survey also reveals that consumerism is gaining ground and consumers are becoming more conscious of the need for accountability of monopolistic organizations.

J. S. Sundaram's book "Consumer Protection in India", deals with various problems faced by consumers in India. The book tries to evaluate various remedies available to consumers in India. The book asserts the case for consolidating and promoting the movement in the light of intolerable exploitation. The action plan recommends the following " : Promotion / revamping of consumer co-operatives, shifting the price control point from distribution to production, streamlining of the Public distribution System, organizing consumer groups, and education programmes, promoting "Janaga" shops/hotels, community kitchens (effective distribution of essential goods, food etc. among the deprived state) etc. The role, significance, and functioning of Standards (ISI, Agmark), protection instruments (MRTP) rederssal agencies, Mobile courts, (District/State/National Commissions), and the government (budgetary-policy in relation to consumer protection) are highlighted.

K.P.S. Kamath, a noted consumer activist has published a book titled "Servants, Not Masters". This book is a narration of the author's bizarre ordeals with the bureaucrats, the police force, and other public servants. Drawing heavily on the Gandhian Philosophy, the book crystallizes the lessons for consumer activists outlining the teaching troubles, pitfalls, and possible remedies, basic formalities guiding principles. Strategies, and tactics, and efficient and effective use of media, legal, and other forces. Cases, episodes, references, and a draft Consumer's Bill of Rights all effectively included to provide a wide perspective.

M.R. Pal's booklet, "Guidelines to consumers Rights and Responsibilities" aim to create and awareness among them on way of protecting themselves against malpractices.

A. J. Rebello has made an attempt to write a good deal about consumer movement and problems of Indian consumers. This article in Indian Express, a leading national daily, deals with all these facets or Indian consumers. In the article "consumer Movement Catching On", the author traces the growth of the consumer movement in Gujarat. The district forums are reported to be gaining impetus as more and more people come to them with their complaints.



The villagers have sought advice and help from these forums, showing increased consumer awareness. The forums have been functioning in line with the rules, i.e. sorting cases as far as possible within 90 days. The services of the commissions and forums range from guidance on how to file of a complaint to setting it. The article advises to retain receipts bills while purchasing goods and services.

A.J. Rebello in his article “The a Hipple, Now a Researcher” reports the drastic change of Mr. Winward from a hippie to a researcher of the Consumer Association (England), and discloses his views on consumerism in the United Kingdom. The interview uncovers the problems of British consumers in the present times and the Britishers’ views and fascination for the Indian culture. The need for modifying public services in highlighted and the dedication of the man to the consumer movement is reflected in his personality.

A. J. Rebello in his article “Is Service Sector any the Better” pointed out the disheartening state of the service sector in India. Be it a bank, railways, or airlines, the services are known to have taken the consumers for granted. There is need for initiative and action from consumers to change the trend. There are similarities between the consumer movement of U.K. and India and has the Indian government’s efforts in the defense of consumers are stated to be commendable. The article advises Indian consumers to raise their voices against exploiters in the government and private sector service sellers, to make the movement successful.

Seetha in her article “Shop, Shop who’s there?- an Overview of the Consumer Movement in India” provides an overview of the consumer movement in India Progressively increasing instances of consumer assertiveness, rising quantum of grievances / complaints against business / trade, and proliferation of consumer organizations actively pursuing consumer interest provide convincing testimony to a slow, cold but steadily strengthening revolution, especially after the enactment of the CPA, 1986. The constraints of political, financial and personnel nature have limited the implementation of the CPA, wherever it worked to consequences have been to the consumers’ advantage.

S.M. Shah in his article “Confused consumer diffused Movement” have sketched how the plethora of consumer legislations in India, by virtue of their complex and all-encompassing characteristics, has rendered the consumer utterly bewildered and concerned into a pitiable state. It questions whether these laws have deterred businesses from exploiting the consumer through malpractices and whether Grahak Suraksha Mandals with their narrow vision and conservative approach can make any worthwhile contribution to the consumer protection. It is observed that the spate of spurious goods and poor services continues unabated, consumerism forms the focal theme of discussions / debates, and world consumer Day is celebrated, but the results are doubtful.



“Awareness and attitudes of consumers towards their rights” is a study of Mr. A, Bhargava. In this study, a three pronged research project carried out in Ahmedabad, aimed at identifying the level of consumer awareness towards their rights (information, safety, choice, etc.) with regard to electrical and household appliances and their attitudes towards asserting them.

Another study of similar nature is carried out by S. Mittal titled “Indian Consumerism and Indian Business”. This report, based on an analyses of data obtained through interviews with business executives and consumer activists as well as from secondary sources (newspapers, publications, books etc. on the subject) examines the various aspects of consumerism in India and its implications for Indian business and the role of the government. The paper traces the developments in Indian consumerism upto the formation of the Consumer Association of India by the Government in 1959, subsequently organizations like CERC, CGSI provided further impetus.

P. K. Muttagi’s work “Indian Consumer Protection Movement – A Perspective” is a report on the state of affairs of consumer movement in India. This report provides, a perspective of the consumer movement dwelling upon voluntary organizations in general and consumer protection organizations in particular, the global as well as domestic (Indian) scenario of consumerism in terms of evolution, problems and prospects, consolidation, etc. and the role of the state in the given circumstances. Since the early 1970’s galloping inflation, increasing population, business malpractices, consumer ignorance and indifference, government’s limitations etc. had been continuously pushing the average consumer into progressively precarious situations, the world over. Thus, the need to protect their own interests by consumers themselves formed the genesis of consumerism that organized them in different ways such as cooperative societies with a business orientation, education and guidance societies for enlightening and advising consumers on protection issues, action groups for actual protection vide lobbying, litigation, persuasion, etc. Despite problems galore (resources : ideologies, power structure, rivalries : resistance), an apex national consumer body to co-ordinate and facilitate regional ones, enhanced research and consumer education motivation, public support and cooperation, and marshalling resources are some of the measures suggested for strengthening the movement in India.

“Indian Consumerism” is another notable work by B. Vyas and others. This report provides an insight into the U.S.A. as well as Indian consumer movements. Part I on the consumer movement explains the socio-economic movement in terms of different definitions. Its scope, history, and catalysts. Part II titled “Role of the Government and Views of the industry” states that government has legislative and financial roles to play in relation to the consumer movement. Especially, an attitudinal change the Indian government is called for. Part III takes a look at public interest groups functioning, status, issues, participants, constraints and resources (Financial manpower, etc.) communication and decision making (publications,

education, etc.) This young movement in India needs greater impetus by way of student motivation, mass education, lobbying and other similar methods.

Sarkar's work titled "Problems of Consumers in Modern India" is a book that deals with major problems of consumers in India such as price-rise, inflation, population explosion, adulteration of food, substandard goods such as drugs, cosmetics, utensils, pesticides and insecticides, problems like short weights and measures, inadequacies in transport services, communication, sanitation, housing, drinking water, and electricity are also examined. Government and voluntary consumer organizations have attempted to mitigate all these problems by introducing various legislative and administrative measures. Consumers can also be protected through several steps like by stricter implementation of various acts, by increasing production and productivity public sector activities public distribution systems, etc.

"Indian consumer Movement Getting International Recognition, Support" is a report written by Prof. Manubhai Shah. This report describes in details Prof. Manubhai Shah's (Managing Trustee, CERC) and Mr. Tanna's (CERC) study tour to U.S.A. , U.K, and Canada in 1982 with special focus on their U.S.A. trip. The report describes at length the consumer movement in U.S.A. , various consumer affairs department, mobilization of resources (like professional, media, funds and public) involvement of Church Groups, their consumer problems and their arrangement of funds. The report also highlights some suggestions given by Prof. Shah for the improvement of Indian consumer Movement.

### **Consumer Protection**

A lot of work has been done by western thinkers, activists, economists and legal experts in the area of Consumer Protection.

Ralph Nader's book "Consumer and Corporate Accountability" is a pioneer work in the field of consumer protection. This book is a collection of articles on U.S. corporate irresponsibility towards consumer products. The book shows how giant corporations can affect the quality of life and the environment of the consumers. The issue dealt with are advertising of cigarettes, insurance costs, production of flammable, fabrics, manufacture of faulty parts of cars, etc. It explains how deception through misleading advertisements results in enormous waste to consumers. The case of chloromycetine is discussed in detail. The book enumerates how production of low quality cereals and other food products for children affect human life. How labels of food additives can mislead consumer is explained.

D. Morris's work titled "Economics of consumer Protection" is a work on specific issues of consumer protection like economics of consumer interest – changes in currency and menstruation: pricing, credit, competition, and information; public utilities and roles of



local and central governments. It critically evaluates the consumer movement in the United Kingdom during the 1960's and the 70s.

“Consumer Protection” by L.A. Sobel is a book that describes measures taken by the United States government during the latter half of 1960 to the first half of 1970 to eliminate consumer abuse. The issues covered are automobiles, drugs, medical devices, food, hazardous products, advertising, credit practices, and price manipulation.

“Consumer Protection – Problems and Prospects” is a book that critically analysis various dimensions of consumer protection. The aim of the book is to educate readers about various problems of consumer protection and attempts made by government and other agencies to resolve them. The main problem is the seller – consumer relationship. Which reflects the differences in the seller's profit motivated values and consumer's satisfaction of individual needs which is the base for conflict. The second part deals with the base for conflict. The second part deals with problems and curbing measures taken by various acts to protect special groups such as children, poor, and elderly have been explained. The third part deals with the future of consumer protection. It enumerates the measures to be taken by the consumer protection movement to protect consumers.

The work by G. Stanley, “Consumer Protection in the third World” – An Update” – refers to the consumer legislations in Latin American and other Third World countries. This article provides an insight into the steps taken by them to improve Consumer Protection available to their citizens, especially against hazardous pesticides and pharmaceuticals, business malpractices, etc.

Borrie. G. and Diamond. A. L. have given a commentary on consumer, society and law. This book, written in the U.K. context, swells basically on two common trends, the sanctity of contract and the duty to take care, permeating all legislations and controversies related to consumer law. Anomalies in contractual obligations, liabilities, with regard to both goods and services, especially exclusion clauses, misrepresentation, doctrine of breach to contract; duties of seller as well as manufacturer; weights and measures standards, misleading descriptions and prices as well as relative defenses and civil remedies; trader's security, tripartite agreements, interest rates, advertisements in regard to hire purchase / credit sales and conditional sales; services like repairs, banking, travel and MRTTP; and other related aspects are treated in the context of pertinent legislations.

### **Consumer Protection in the Indian Context**

The research and writing work in the field of consumer Protection in India is still in its growth state. Though a good number of papers, books and articles have been published in this field, still there is a lot of scope for further research work.



Noted economists and thinker Mr. Gangadhar Gadgil's article titled "consumers' Right to Information" is a remarkable contribution in this field. This article asserts the Indian consumer's right to information so as to facilitate him in making a rational, knowledgeable choice. It is argued that by and large the consumer is either not provided with any information whatsoever about products / services / other matters of his interest, or is given absolutely wrong / misleading details. The article cites numerous instances in regard to basic information to bus / railway passengers, provision of relevant details about / milk and other food products / toys / furniture / textiles / pharmaceuticals and many more. More importantly, it emphasizes that the consumer must have access to the rationale for, and implications of, several economic decisions (investment, location, technological, price / stocks control of essential commodities, budget proposals etc.) taken by governments (local, state, national) because ultimately his well being is at stake.

Rebellow. A.J. has made enormous efforts to prove the point that consumers in India need protection. In a series of articles published in Indian Express., he has stressed on this point very well.

In his article "American's View of Consumer Protection" he portrays the image of Indian consumerism as perceived by an American lawyer, Mr. David Averbuck. Though the consumer movement is stated to be retarded, it contains some impressive features. The interview with Averbuck states the merits of the consumer Protection Act, 1986 and expedient settlement of disputes in consumer forums. He points out the deficiencies and suggests remedial measures.

In another article "Long wait for redress panels" he unveils the slackness and ignorance of the Government officials and the State Legal Department in implementing decisions of vital importance. Viz. operating the Consumer Redressal forums and Commission at Ahmddbad and Rajkot to give car to the ailments of numerous victims.

In an article titled "Act of Omission over a commission" by A. J. Rebellow, the factual information about the functions of members of the district Consumer Disputes Redressal commissions and forums and the parent organization, i.e., the State Civil Supplies Department are presented.

V. K. Agrawal's book "consumer Protection in India" is an exhaustive work on consumer protection legislations in India. The book is a descriptive analysis of the legal protection available to the consumers in India. It critically evaluates the MRTP Act and CPA in the context of restrictive / unfair trade practices and rights of consumers. Elucidation of the historical background of the Acts in India and similar legislations in different nations of the world like Germany, Belgium, U.K. etc. etc. are presented. The scope, provisions and

penalties under the MRTP Act are examined closely. The legal rights of consumers and the establishment of the three tier redressal machinery for remedial measures under the CPA are stated in the text. The activities powers and penalties imposed by the district forums, State and National Commissions are broadly notified and discussed.

Garg O.P. in his book “consumer Protection Act” has addressed to all types of consumers. The book gives procedures for handling different types of complaints on drugs, trade practices, advertising etc. A brief idea about the activities of the voluntary consumer organizations, international agencies. Consumer Protection Council, their procedures, funds and members is provided. The rights of consumers are discussed including the services of banks insurance companies, etc.

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Giri H.N. (1087) has provided and indepth analysis of various consumer laws. His book “consumers Crimes and the Law” examines the current state of the law relating to the problems of false and fraudulent trade practices of manufactures or dealers in food and drugs : evaluates the effectiveness of the existing legal mechanism in the light of current knowledge of the causes and treatment of disorder; studies and interprets factors which contribute to the perpetration of such offences; and considers the role of judiciary in executive control over these evils.

Saraf D. N., (1990) in his work “Law of consumer Protection in India” has made a scholarly attempt to analyse various aspects of consumer protection in India. The book traces briefly the evolution of consumer law, states its development in U.S.A., U.K. and India. It gives the profile of Indian consumer and highlights major consumer problems arising out of operation of public utility services (Railways, road transport, air transport, telephones, banking service and insurance) which are peculiar to India due to monopolization of production, distribution and control of some essential examines utility of certain doctrines like the doctrine of caveat emptor and safeguards contained in Sale of Goods Act like conditions and warranties, implied conditions, implied undertakings as to title, implied condition relating to description, implied conditions as to merchantable quality and fitness of purpose, and suggests some reforms for protection of consumer, particularly in reforms for Protection of consumer , particularly in relation to exclusion of liability in contract. The essential features of Essential commodities Act, the Prevention of food Adulteration Act, the Drugs and Cosmetic Act, the Standards of Weights and Measures Act and the problems connected with their implementation and enforcement are critically examined.





Singh S.N. (1987) in his article “Consumer Protection Legislation – A Critique”, has presented a critical analysis of the consumer protection legislation in India. In present times legislation is said to be falling in safeguarding consumer interests in almost all areas. It furnishes details about various acts, their scope, enforcement, procedures, and provisions. The inadequacy and lethargic rate of establishment of consumer forums, commissions, etc. under the Consumer Protection Act., 1986 has been discussed.

“Law of Consumer Protection” is a treatise by Gurubax Singh, (1080) on consumer protection Act. It gives a detailed account of provisions and laws governing consumers in India.

### **Consumer Education**

Apart from awakening and protection, the most important area of consumer advancement is Consumer Education.

D. Bijlani’s dissertation on “Role of Mass Media in Consumer Education” is a noteworthy contribution in this field. It assesses the potential of mass-media and their limitations. It defines consumer education and explains its significance: spells out the customer rights and responsibilities, discuss consumer movements abroad and in India; deliberates on the use of mass media for consumer purposes, and explores the possible constraints in the process. It is suggested the consumer groups need to maintain close liaison with media; provide factual, unbiased information for public interest; and take advantage of public service advertising over TV and AIR. It asserts that consumer groups and the mass media must work hand-in-hand, appreciating their common interests and respective constraints.

Department of Education. Pennsylvania, U.S.A. have published a book titled “Consumer Education Organization and Implementation” on consumer education and organizing a programme on it. It emphasizes the inclusion of consumer education at the school level to educate students to be better consumers from the beginning. The basis for setting the objectives of the programme are given which will help students distinguish quality products from others. It instructs the teachers and leaders of the consumer movement on different branches of consumerism. There is a suggestion to create healthy learning atmosphere for students and learning by experience or through groups. A suggestion is also made to involve teachers from different fields to make the concept of each branch of consumerism clear to students.

Ralph Nader and D.K. Ross in their book “Action for a change” have also tried to throw light on the various aspects of consumer education and its implications.

In the Indian context, a very limited literature is available on the issues related to consumer education. J. Mandana in the book “Indian Market Place – guidelines to consumer Education” has stressed the need for consumer education. Consumer education is the fundamental right of every citizen as much as consumer protection is. Guidelines for making informed purchases with respect to basic needs like food, clothing, housing, drugs etc. are presented. The role of a responsible citizen in protecting the environment is presented in the form of guidelines. How Indian consumers are cheated through short weights and measurers is dwelt upon.

The laws on consumer protection are examined to identify the various provisions available for redressal.

In the book ‘Practical Handbook for consumers’ A.D. Agarwal has tried to offer guidelines to the prudent consumers. This handbook aims at educating the Indian consumers on the right methods of purchasing goods / services without being taken for a ride. It enlightens the consumers about the rights / remedies available to them under various circumstances. The book is divided into four parts. The introductory part offers guidance on choosing / buying good quality consumer products like canned food products, electrical appliance, utensils, etc. at reasonable price. The do’s and don’ts in the case of each product are also mentioned.

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