

**INDIAN CONSUMERS IN THE NEW AGE:
“A FORWARD-LOOKING AGENDA TO ADDRESS THE
CONCERNS OF THE COMMON PEOPLE”
(ConsumersUp)**

**Report of the Regional Consultation
Bengaluru (Karnataka), August 3, 2012**



CUTS CART

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1. Introduction and Background

CUTS is an Indian origin international NGO, established in 1983, having its headquarters in Jaipur (Rajasthan), pursuing social justice and economic equity within and across borders.

The Indian Consumer Protection Act (1986) completed 25 years of coming into force on December 24, 2011. Taking into consideration this aspect, CUTS conceptualised a proposal well in advance, submitted, discussed and finalised it with the Department of Consumer Affairs, Government of India. The Memorandum of Understanding was formally signed with the Department of Consumer Affairs on November 04, 2011, to implement the project entitled 'Indian Consumers in the New Age: *A Forward-looking Agenda to Address the Concerns of the Common People*' (ConsumersUp) lasting for a period of 12 months.

For more details please visit: <http://www.cuts-international.org/CART/ConsumersUp/>

The key activity of the project is to bring out a credible report on the '**State of the Indian Consumers Report 2012**'. The report will be having chapters on each of the consumer rights, consisting of an analysis of the state of implementation of the consumer rights based on a comprehensive literature review and findings of a comprehensive field research, based on a quantitative and qualitative sample survey covering 19 states and three union territories.

CUTS followed a hybrid approach for research methodology. Based on the findings of the state of the consumers, CUTS will present a forward-looking outline to the Department of Consumer Affairs, state consumer departments and other line ministries/departments (of the Central and State Governments) and will advocate to act upon the state of consumers. The final report will be released in a National Conclave in Delhi in October 2012.

The project is being implemented in four states, namely, Haryana, Tripura, Jharkhand and Karnataka, but, for the research purpose, additional *three Union Territories (Chandigarh, Delhi and Pondicherry)* and 15 states are selected, namely, *Kerala, Andhra Pradesh, Madhya Pradesh, Bihar, Chhattisgarh, Goa, Gujarat, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Uttarakhand and West Bengal.*

In the state of Karnataka, the project is being implemented in collaboration with Consumer Rights Education & Awareness Trust (CREAT), Bengaluru.

Project Objectives

- **Long-term Objective:** "To create an enabling environment for protection and promotion of consumer interest contributing towards the national interest",
- **Immediate Objective:** "To bring out thematic report on the 'State of the Indian Consumer' and to enhance the knowledge of the Civil Society Organisations (CSOs) working on consumer issues in four identified states in India with the facts and information on the concerns of the Common people and on new generation consumer issues, with the aim to strengthen and take the Indian consumer movement forward.



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The programme objectives are as follows:

- **Research:** To conduct comprehensive thematic research on the state of the Indian Consumers and come up with a credible report,
- **Advocacy:** To advocate with relevant stakeholders on the consumer issues emerging out of the research with the help of network of consumer organisations,
- **Networking:** To mobilise consumer organisations and networking at regional and national level for coordinated action on issues affecting common consumers, and
- **Knowledge-enhancing:** To equip the consumer organisations with knowledge and skills to handle emerging and relevant new generation consumer issues woven around basic needs, to ensure improvement in service delivery and to play the watchdog role in their respective states.

In the state of Karnataka, the project is being implemented in collaboration with Consumer Rights Education & Awareness Trust (CREAT), Bangalore.

2. About Regional Consultation

As mentioned above, the project involves field research to assess the extent of realisation of consumer rights and to bring out „State of the Indian Consumer Report 2012’. The field research incorporates 11,500 responses received from 88 districts of 19 states and 3 union territories. The respondents belong to diverse education and financial status, rural and urban divide and literacy rate. Apart from common consumers, responses of service providers, consumer organisations, consumer fora and government agencies/authorities related to consumer issues were collected under the research.

The main objective of the regional consultation is to disseminate the preliminary findings from the field research and to get the feedback from various stakeholders such as representatives of the State Department of Consumer Affairs, consumer organisations, consumer redressal bodies, policy makers, media, academia, etc. Apart from dissemination of preliminary research findings, consultation will serve the purpose of advocacy with policymakers on region-specific consumer issues emerging out of research.

3. Key Speakers

C.R. Rajendra, Bangalore Branch Head and Scientist -'F' & Head, Bureau of Indian Standards, Bengaluru; Dr. C. Rajashekhar, Dean, Faculty of Law and Professor, Dept. of Studies in Law, Karnatak University, Dharwad, Karnataka; George Cheriyan, Director, CUTS; Dr. Ashok R. Patil, Associate Professor, Chair of Consumer Law and Practice, National Law School of India University, Bengaluru; S. Saroja, Citizen Consumer & Civic Action Group, Chennai; J. Vijayathilagam, Superintendent and Coordinator, State Consumer Help Line and Consumer Advice Centre, Dept. of Consumer Protection, Govt. of Tamil Nadu; Dr. M.S. Kamath, Secretary, Consumer Guidance Society of India, Mumbai; Vivek Patki, Vice President, Mumbai Grahak Panchayat, Mumbai; Dr. T. Balachandran, President, Kerala Consumer Service Society,

Kochi; Divakar Babu Chennupati, General Secretary, Consumer Guidance Society, Andhra Pradesh, Roland Martins from Goa-Civic & Consumer Action Network; Y G Muralidharan, Secretary, CREAT; and Amarjeet Singh, Project Coordinator, CUTS.

4. Participants

More than 55 participants comprising Department of Consumer Affairs, representative from consumer redressal bodies, consumer organisations, law institutes, consumer activists, media representatives, project team, etc. Participants were fairly represented from Karnataka and other nearby states such as Andhra Pradesh, Tamil Nadu, Pondicherry, Kerala, Maharashtra and Goa. (Please refer Annexure 1 for list of participants).

Proceedings

Inaugural-cum-Dissemination

5. Welcome Remarks

The consultation began with the welcome remarks by Y.G. Muralidharan, Secretary, CREAT. He thanked CUTS for selecting Bangalore as one of the project-implementing states and briefly explained the current status of consumers, particularly in Bangalore. His welcome remarks underlined the importance of strengthening the existing consumer networks.

6. Opening Remarks

George Cheriyan, Director, CUTS, welcomed and thanked all the dignitaries present. In his opening remarks, while briefly touching upon the project and its objective, George reiterated that the ultimate goal of the project is to assess the level of consumer awareness and the achievements made by the consumers in India during the past 25 years since Consumer Protection Act 1986 came into force. He said that the main objective of the project is to bring out a credible report on the 'State of the Indian Consumer Report 2012'.



To highlight the relevance of this project, George cited two international developments happening in the field of consumer protection – a) this year marks 50 years since US President John F. Kennedy became the first ever serving world leader to directly address the issue of consumer rights; b) UNCTAD is considering revising the United Nations guidelines for consumer protection, in the light of new consumer concerns. Hence, these

developments make this project even more relevant and it is the right time to provide our recommendations/suggestions through this project.

Later, while sharing some of the findings of the survey, George stated that in India only 20 percent consumers know about Consumer Protection Act even after 25 years and with regards to consumer rights it is just 40 percent. But, in the southern region, this figure is nearly 50 percent and the credit for this growing awareness goes to Karnataka where it's nearly 64 percent. Quoting the positive side, George stated that the findings are still encouraging since five years before the consumer awareness was just 18 percent.

While summing up, he said the survey results show that people are losing trust in consumer redressal mechanisms, hence, the need to discuss how we can revive the confidence of the consumers, how/what we can suggest to gain the consumers' trust.

7. Key Findings from the Research

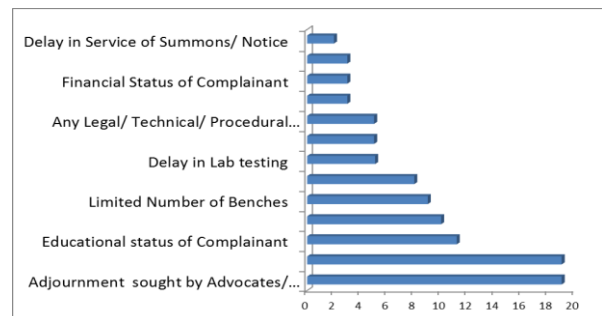
Amarjeet Singh, Project Coordinator, CUTS made a brief presentation of the key findings from the survey. He began this by giving a rough sketch of the research methodology. For the purpose of this study, 11,499 (*53 percent males & 47 percent females*) consumers were surveyed, following a Stratified Multi-Stage Sampling Approach in 88 districts, spread across 19 states and three union territories of India. Also, Population Proportionate Sampling (PPS) methodology was used to draw a sample representative of the state's population. Some other factors like geographical spread, literacy rates of districts, etc., were taken into account in stratifying the sample.



Some of the major findings from the survey were:

- Only 20 percent (national), 39 percent (Karnataka) respondents are aware of, or have heard about Consumer Protection Act 1986 and 40 percent (national), 62 percent (Karnataka) respondents are aware about consumer rights.

- Fifty-four percent (national) and 69 percent (Karnataka) meet their drinking water demand through public supply, while 31 percent respondents believe that the water from these sources is not potable, hence not safe for drinking,
- About, 37 percent use LPG and 56 percent of those who use LPG or kerosene have obtained it from black market at times in India and 62% of the respondents use LPG in Karnataka.
- Close to 50 percent (national), 40 percent (south region), 54 percent (Karnataka) respondents have rated healthcare facility as “fair”, neither good nor bad. However, according to 59 percent (national) respondents, doctors do not generally prescribe generic or competitively priced drugs/medicines.
- Only 22 percent (national and Karnataka), 25 percent (south region) respondents are satisfied with government’s effort to ensure adequacy, accessibility and affordability of basic needs.
- In India forty percent of respondents do not refer to any safety or quality certifications such as ISI, ISO, Agmark, Codex, etc., before making a purchase.
- Sixty-one percent normally voice their complaints to seller, but when it comes to actual situation, 93 percent (national), 89 percent (Karnataka) respondents have never made a formal complaint. Also, only 0.3 percent (national), 1 percent (Karnataka) respondents have approached consumer forums for grievance redressal and 0.1 percent people have approached sector ombudsman for redressal.
- Based on the experience of seeking redressal, 68 percent cases were not redressed within the stipulated time frame.
- According to Consumer Organisations, the three major reasons for delay in redressal are: Educational Status of Complainant (16%) Inadequate Administrative/Support Staff (14%) and Limited Number of Benches (13%) and according to consumer forum is shown in the figure.



All the queries raised by participants were well addressed by the presenter and other CUTS representatives. Regarding the sampling size, the presenter justified that the sample size was decided after applying the formula and was based on time restriction of this entire project. Also, regarding findings on the basis on sampling classification, the presenter replied that the survey report has the findings based on sampling classifications.

8. Panel Discussion - “25 Years of Consumer Protection Act in India: State of Realising the Consumer Rights & the Way Forward”



The panel began with the chair, Dr. M.S. Kamath (Secretary, CGSI, Mumbai), welcoming the audience and introducing the panellists by name and affiliation in the order that their papers are listed in the program. Panellists were given 10 minutes each for their presentation on specific consumer rights and the discussants were given up to five minutes. Then the floor was open to general discussion, controlled by the chair.

Ms. S. Saroja (CAG, Chennai) was the first panellist to present on the topic **Right to Safety**. Her presentation began by giving an overview of the UN Guidelines on Right to Safety. She said this right is an indisputable right and the constitution of India, through Articles 21, 24 and 32, guarantees its citizen this right. Then her presentation touched upon the consumer protection Act, 1986, that ensures the right to be protected against the marketing of goods and services which are hazardous to life and property.



Focusing on the present scenario, Saroja, in her presentation, opined that despite varied legislations in place and proactive steps taken in certain areas over the years, the situation, in general, continues to remain bleak. There is total lack of information on whether a product/service is safe or not. The consumers are not aware about their safety-related rights and there are hardly any proactive measures on the part of manufacturers/service providers to introduce/comply with safety norms. To make it worst, there is a complete lack of interest from the part of regulators to implement safety norms.

Similarly, she raised the issues of food safety, health care safety, product safety and road safety. While underlining the fact that adulteration in food is rampant and basic hygiene in food joints is now a big question, her presentation pinned hopes on the recently enacted Food Safety and Standards Act, 2006, that came into effect in 2011. This law is regulating the entire range of food products in the market and has provisions for very stringent penalties.

Before concluding, Saroja also gave some suggestions and the way forward. She underlined the importance of standardisation of all safety-related products/services and the need to implement the provisions of the law in their fullest sense. Also, all products should bear a symbol highlighting the safety of the product and or the nutritional value with regard to food items on the pack. And, more importantly, consumers need to be more responsible and follow the rule of the land and raise questions and demands where necessary, in order to make the authorities abide by the law in force.

Dr. Ashok R. Patil (NLSIU, Bengaluru) was the second panellist to present on the topic **Right to Redressal**. His presentation highlighted the major reasons for delay in timely redressal of grievances. Some of the common factors are:

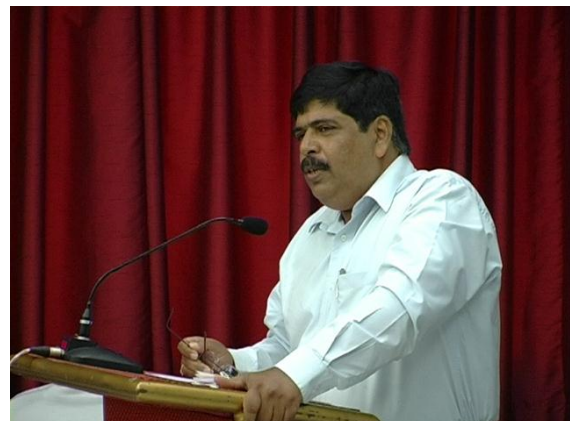


- a) adjournment sought by advocates/parties
 - could come up with particular application format where the aggrieved consumer himself can file and appear a case rather than through advocates and
 - also centre has suggested for coming up with benches at the taluka level

- b) Lack of adequate administrative support staff. Major reason for this is inadequate fund and also the state governments least interested in consumer protection issues, so hardly there is any allocation of funds by them
- c) Educational status of complainant
 - awareness programs can be imparted by civil society organisations
 - state governments can fund such civil societies
- d) Vacancies of members
 - there are provisions to appoint six months before a vacancy exists, but these are least implemented
- e) Limited infrastructure
- f) Delay laboratory testing
- g) Limited training initiatives
- h) Financial status of complainant
- i) Delay in services of summons and notices
- j) Due to heavy pendency
- k) Limited financial resources
- l) Member should be trained in judicial procedures.

Patil, while concluding, claimed that the Central Government has already considered some suggestions and proposed amendments to Consumer Protection Act through Consumer Protection Amendment Bill 2011. This would make the Act even better law. This bill has given fully-fledged enforcing power to consumer forums. So now, the responsibility lies with the consumer forum to ensure that the order is executed.

Dr. C. Rajashekhar (Karnatak University, Dharwad) was the third panellist and his presentation covered the topic of Right to Education. He said that right to education is the most basic right than others since if consumers are aware then they will by themselves ensure to enforce their other rights. He also opined that the consumers' right of education and awareness programmes should be pursued aggressively and consumer education should be



included in curriculum from primary education to college level. Also, more number of consumer clubs should be set up in schools and colleges and teachers in charge of such consumer clubs should be properly trained. He also underlined the need for developing resource materials for training teachers in schools and colleges. Rajashekar also wondered why the project survey failed to cover consumer education programmes in schools and colleges.

Y.G.Muralidharan (CREAT) began his presentation by highlighting the good things that happened during the past 25 years. He referred to the abundant policy shift towards the interest of the consumers, growth in knowledge and concentration of such issues at both political and social level and the proliferation of civil societies working for the upliftment of the consumers. He also pointed towards the movement of consumers to citizens, where initially voices were raised only for consumer issues but now moved on to raise voice for other issues like RTI, citizen charter, etc.



However, in these years, certain incidents have diluted the Consumer Protection Act and those were highlighted by Muralidharan. For instance, the Supreme Court has ordered in one of its judgments that the telecom sector does not come under the ambit of Consumer Protection Act. Moreover, now each sector is having its own regulatory

bodies and thus slowly moving away from the Consumer Protection Act. He also highlighted lack of formal consumer education programs and the lack of even a single document published on consumer education for schools and colleges. Also, the governments hardly use the funds allocated for consumer empowerment. Recently, around Rs 50 lakh were diverted to the flood relief fund.

While concluding, Muralidharan stressed that for any services three A's are necessary – accessible; available; and affordable.

After the presentations by panellists, the discussants shared some general views on the current state of consumers.



Divakar Babu Chennupati (CGS, Vijayawada, A P) claimed that the Consumer Protection Act does not enforce the rights of the consumers explicitly. And, in the past 25 years, none of the state government has *suo moto* filed a case in the consumer court. Hence, he argued for the need of effective and workable consumer organisations that can influence the policies.

Roland Martins (GOACAN, Goa) highlighted few issues related to tourism and consumer protection. He demanded that an aggrieved tourist should be given an opportunity to file complaints in the state in which they visit.



Vivek Pataki (Vice President, Mumbai Grabak Panchayat) raised a concern that there are several regulatory authorities in India, but no proper representation of consumers in that.

9. Open Discussion

After the panel discussion, participants made few suggestions/recommendations and their point of view. Two important dignitaries representing government bodies shared few words on their organisation's experience with consumer issues.

Jayaram Raje Urs, (Electricity Ombudsman, Karnataka) in his presentation highlighted the benefits of electricity ombudsman when compared to civil / consumer courts. He touched upon the procedure, penalties and time period within which electricity ombudsman should address a complaint. He also said that Karnataka Electricity Regulatory Commission had taken up some programmes to ensure consumer education. The commission has also requested for additional funds for imparting education to consumers.



D.A. Gundu Rao (President of Karnataka State Pharmacy Council) highlighted two main issues. First, consumer forums should ensure that pharmacists are present in every medical shop. Second, though generic drugs are cheaper, they are priced more when compared to the actual manufacturing price of that drug.

Recommendations: Few of the recommendations emerged in the regional consultation are under:

- Consumer awareness at a large scale.
- Consumer forums at block/tehsil level and benches of State/National Commission with mediation/consumer advice cells in their premises.
- Strictness on provisions to appoint six months before a vacancy exists in consumer forum.
- IEC material should be published on consumer education for schools and colleges.
- More number of consumer clubs should be set up in schools and colleges and teachers in charge of such consumer clubs should be properly trained.
- Create more awareness about regulatory agencies and their regulations for consumer protection and regulators should have dedicated funds for consumer protection.

10. Vote of Thanks

Consultation was concluded with vote of thanks. Jai Shree, Project Officer, CUTS, expressed gratitude to all dignitaries present. She also thanked participants for actively participating in the consultation and providing valuable inputs and contribution. In the end, she thanked CREAT-state partner for their kind cooperation in organising this workshop successfully.



Annexure 1: List of Participants

S. N o.	Name	Name & Address of the Organisation	Mob./Ph.	Email
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Annexure 2:

Programme Schedule/Agenda

10.00-10.30	Arrival & Registration	CREAT & CUTS team
10.30	Inaugural-cum-Dissemination	
	Welcome	Y.G.Muralidharan , Secretary, CREAT
	Opening Remarks	George Cheriyan Director, CUTS International
	Presentation of Key Findings & Recommendations	Amarjeet Singh Project Coordinator, CUTS
	Address by Special Guest	C.R. Rajendra Director & Head, BIS, Bangalore
	Responses by Selected Stakeholder Representatives	
12.00	Tea Break	
12.15	Panel Discussion	
	<p>Topic: “25 Years of Consumer Protection Act in India: State of Realising the Consumer Rights & the Way Forward”</p> <p>Chair: Dr. M.S. Kamath, (Secretary, CGSI, Mumbai)</p>	<p>Panellists (10 minutes each) Ms. S. Saroja (CAG, Chennai) Dr. Ashok R. Patil (NLSIU, Bengaluru) Dr. C. Rajashekhar (Karnatak University, Dharwad) Mr. Y.G.Muralidharan (CREAT)</p> <p>Discussants: (5 minutes each) Dr. T. Balachandran (KCSS, Kochi) Mr. Roland Martins (GOACAN, Goa) Mr. Divakar Babu Chennupati (CGS, Vijayawada, AP)</p>
14.30	Open Discussions	
14.55	Vote of Thanks	Jai Shree Soni , Project Officer, CUTS