

Report

National Conclave on ‘Consumer Issues’



October 11-12, 2012, New Delhi

Under the project

Indian Consumers in the New Age:

**A Forward Looking Agenda to Address the Concerns of the Common People
(ConsumersUp)**

Implemented by

Consumer Unity & Trust Society (CUTS)

Partnership with

**Department of Consumer Affairs, Ministry of Consumer Affairs,
Food and Public Distribution, Government of India**



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1. Introduction and Background

Consumer Unity & Trust Society (CUTS) is an Indian origin international NGO, established in 1983, with its headquarters in Jaipur (Rajasthan), pursuing social justice and economic equity within and across borders.

The Indian Consumer Protection Act (COPRA) 1986 completed 25 years of its existence on December 24, 2011. In this background, 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 4th, 2011 to implement a project entitled ‘Indian Consumers in the New Age: *A Forward Looking Agenda to Address the Concerns of the Common People*’ (ConsumersUp) for a period of 12 months. (*For more details, please visit: www.cuts-international.org/CART/ConsumersUp/*)

The key activity of the project was to bring out a credible report on the ‘**State of the Indian Consumers Report 2012**’. The report in each of its chapters addressed 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 stratified multi-stage sampling approach in 88 districts of India. 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 as research methodology. Based on the findings of the state of consumers, CUTS presented a forward-looking outline to the Department of Consumer Affairs, state consumer departments, and other line agencies/departments (of the Central and state governments) and the ‘State of the Indian Consumer 2012’ Report which was released at the National Conclave in New Delhi on October 11-12, 2012.

The project was implemented in four states; namely Haryana, Tripura, Jharkhand, and Karnataka. However for the research purposes, an additional 3 Union Territories (*Chandigarh, Delhi and Pondicherry*) and 15 states were also selected. (*Kerala, Andhra Pradesh, Madhya Pradesh, Bihar, Chhattisgarh, Goa, Gujarat, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Uttarakhand and West Bengal*).

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 a thematic report on the ‘State of the Indian Consumer 2012’ and enhance the knowledge of the civil society organisations (CSOs) working on consumer issues in four identified states in India with facts and information on the concerns of the

common people and new generation consumer issues, with the aim to strengthen and take the Indian consumer movement forward.

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 consumer issues emerging out of the research with the help of network of consumer organisations.

Networking: To mobilise consumer organisations and network at regional and national level for coordinated action on issues affecting common consumers.

Knowledge Enhancing: To equip 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 watchdog role in their respective states.

2. Objective of the National Conclave

The main objective of the National Conclave was to release the report ‘State of the Indian Consumer 2012’ and discuss various national level consumer issues to arrive at the recommendations for policymakers to address those.

3. Participants

More than 110 participants from the Department of Consumer Affairs, representatives from consumer redressal bodies, consumer organisations, authors of various input chapters, law institutes, consumer activists, media representatives, project team, etc. were present. Participants fairly represented 24 states and union territories of India. Prof. K V Thomas, Hon'ble Minister of State (I/C) for Consumer Affairs, Food & Public Distribution, Government of India; Mathura Prasad Mahto, Hon'ble Minister for Food, Public Distribution and Consumer Affairs, Government of Jharkhand; Okendro Singh, Hon'ble Minister for Food, Public Distribution and Consumer Affairs, Government of Manipur; Pankaj Agrawala, Department of Consumer Affairs, Food & Public Distribution, Government of India; Manoj Kumar Parida, Joint Secretary, Department of Consumer Affairs, Food & Public Distribution, Government of India; Indrani Thuraisingham, Head, Consumer International for Asia-Pacific & the Middle East; Pradeep S Mehta, Secretary General, CUTS were guests in the inaugural session.

Proceedings

First Day: Thursday, October 11, 2012

4. Inaugural Session

4.1 Welcome & Introduction: George Cherian, Director, CUTS

The national conclave commenced by George Cherian, Director, CUTS welcoming all the dignitaries and participants. He stated the backdrop and provided brief overview of the project. In 2011, COPRA completed 25 years and the year 2012 also happened to be the 50th year of John F Kennedy's (then President, US), historical speech in the American Congress in which he presented four rights to consumers. He also shared the fact that Consumer Protection Amendment Bill 2011 is also pending in the Parliament and the United Nations Guidelines on Consumer Protection (1985), which has also completed its 25 years, is undergoing a review, hence discussions in the conclave is important, which will feed into the national and international process.



Referring to the key findings of the research, he mentioned that in India only 20 per cent of consumers have heard about the COPRA even after 25 years of its enactment, and with regard to consumer rights, it is just 42 per cent. However, he expressed his satisfaction that it is progressing in the right direction; as five years back when the Comptroller and Auditor General (CAG) of India conducted a survey it was just 18 and 34 per cent respectively. Concerned about the grievance redressal mechanism he mentioned that 53 per cent have not heard about it. 93 per cent respondents have never actually made a formal complaint, while three per cent respondents have registered their grievances with the companies/producers. Only 0.3 per cent has

approached consumer forums for grievance redressal, while 0.1 per cent have approached sector ombudsman for redressal. The main reason, he cited, was that 78 per cent respondents have rated the grievance redressal process as “difficult”, while 75 per cent of cases were not properly redressed while 18 per cent of such unresolved cases were taken to a higher authority for redressal.

He also discussed the general apathy of the Indian consumers and mentioned that even if somebody is committing wrong practices, the consumer does not complain against the malpractice as lest their relationship be jeopardised. Along with the general apathy, if the key finding emerging out of the research is an indication of common people losing faith in the grievance redressal mechanism, then it is a matter of concern and the same need to be discussed. COPRA, he said, is the most benevolent and generous Act. The main objective of the Conclave is to provide recommendations to make it more effective and make the grievance redressal mechanism workable for the common and rural consumers.

New Age: ‘A Forward Looking Agenda to Empower the Common People’ (ConsumersUp)



The formal inauguration of the conclave was done by the Cabinet Minister by lighting the lamp along with other dignitaries

4.2 Presentation of Key findings & Recommendations: Amarjeet Singh, Project Coordinator, CUTS

Amarjeet Singh, Project Coordinator, CUTS made a presentation of the key findings from the survey. He began by giving a rough sketch of the research methodology. For the purposes of this study, 11,499 (*53 per cent men and 47 per cent women*) consumers were surveyed following a stratified multi-stage sampling approach in 88 districts, spread across 19 states and three union territories of India. Additionally, the 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.



Disseminating the key findings he mentioned about major findings divided according to the eight rights mentioned under the UN Guidelines which were as follows:

(i) Right to Basic Needs

Amarjeet said that basic needs cover food, water, health, sanitation, education, transport, communication and energy, further he mentioned the key findings related to that right:

- 31 per cent consumers believe that the water supplied to them is not safe for drinking; only 24 per cent are aware about government sanitation programmes, and 17 per cent believe that government support for home/community toilet is easily accessible.
- According to 59 per cent consumers doctors do not generally prescribe generic or competitively priced drugs/medicines, 26 per cent consumers have to travel more than 5 km

to access institutional health care facilities, and 44 per cent consider cost of obtaining healthcare services affordable.

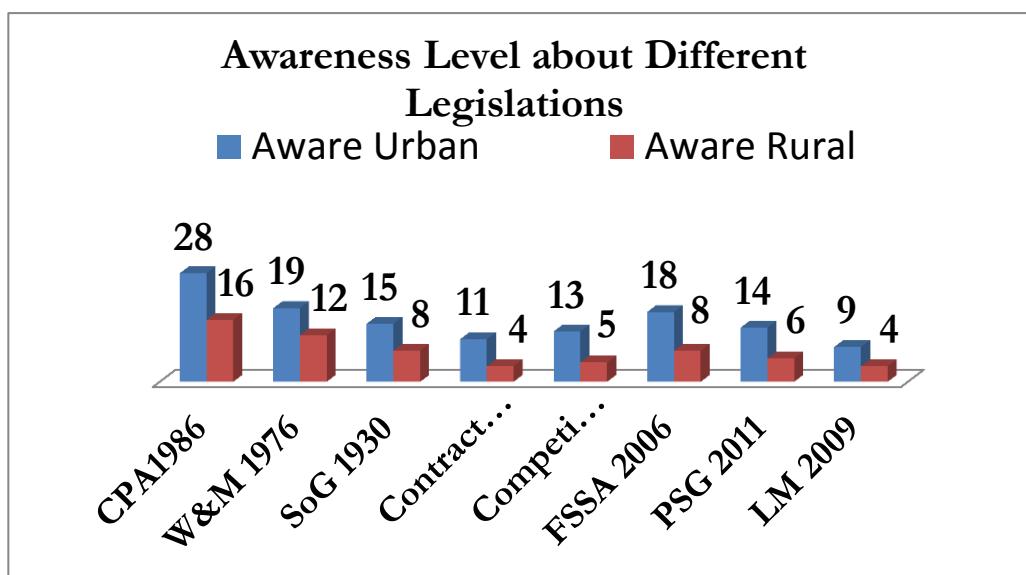
- 62 per cent consumers consider electricity tariffs affordable.
- About 74 per cent of consumers who tried to access government housing finance or bank finance scheme believe that finance is not easily accessible and affordable to them.
- Only 44 per cent consumers have reported to receive appropriate quantity of food grains from PDS/FPS on a regular basis.
- About 20 per cent consumers, who use LPG as their primary source of energy for cooking have reported most of time obtaining it from black market.
- 77 per cent consumers felt the need of a regulator for private schools; only four per cent have access to internet.
- Only 22 per cent consumers are satisfied with government's efforts to ensure their basic needs, 53 per cent strongly believe that right to basic needs should be enacted as a legal right.

(ii) Right to Safety

- Though 83 per cent consumers believe that certification and warnings are an important means to ensure right to safety, but 40 per cent do not refer to any safety or quality certifications such as ISI, ISO, Agmark, Codex etc. before making a purchase and ISI is the most known certification.
- Consumers suggested making certification of Acid, Paints, Mosquito Coils, Beverages and Electronic Items mandatory.

(iii) Right to be Informed

- About 63 per cent respondents always check weight /quantity of products before purchasing, while 32 per cent always check price of the product before making a purchase.
- The Reserve Bank of India (RBI) is the most common name recognised by 40 per cent respondents followed by Telecom Regulatory Authority of India (TRAI 27 per cent) and Electricity Regulatory Commission (ERC 26 per cent).



(iv) Right to Choose

- Only few consumers are aware of competition issues and their importance to protect interest of consumers.
- Only 1.6 per cent consumers were able to correctly name at least one product/service which has only one or two producers/providers.
- Apart from availability, cost of alternatives, transaction fee, and documentation are main barriers before consumers in choosing alternative service/products.
- Consumers believe that there is a need to promote more free & fair competition in Aviation, Education, Oil & Gas, Railway and Real –Estate.

(v) Right to Seek Redressal

- 61 per cent consumers voice their complaints to seller at first point, 93 per cent consumers do not make a formal complaint, only 0.3 per cent have approached consumer forum and 0.1 per cent have approached sector ombudsmen.
- About 89 per cent aggrieved consumers are represented through advocates in State Consumer Disputes Redressal Commission (SCDRC) and District Consumer Disputes Redressal Forum (DCDRF).
- Only 28 per cent of those who know about external redressal mechanism believe that it is easily accessible by a common man, only 18 per cent consumers are fully satisfied with the existing redressal mechanism.
- 78 per cent consumers have rated the grievance redressal process as “difficult”, 67 per cent of consumer cases were not redressed within stipulated time frame.
- According to SCDRC/DCDRF, three major reasons for delay in redressal are:
 1. Adjournment sought by advocates/parties
 2. Inadequate administrative/infrastructure in consumer fora
 3. Lack of awareness of complainants
- According to consumer organisations, three major reasons for delay in redressal are:
 1. Lack of awareness of complainants
 2. Inadequate administrative/infrastructure in consumer fora
 3. Limited number of benches/fora

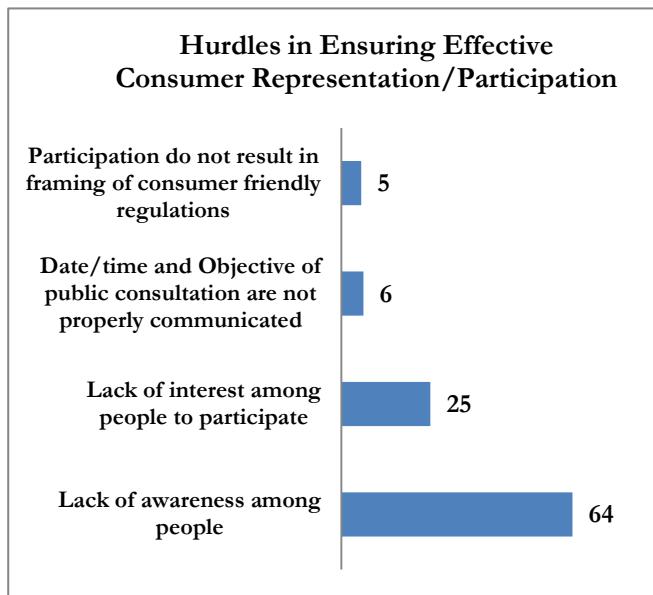
(vi) Right to Consumer Education

- A little more than 40 per cent respondents are aware of consumer rights, 78 per cent of such consumers have heard about consumer rights through television (TV).
- Almost 50 per cent of respondents are not aware of *Jago Grabak Jago Campaign*, 80 per cent of such consumers have learnt about the campaign through Television.
- 27 per cent of consumer organisations have reported lack of consumer awareness as one of the most important hurdles in promoting consumer rights.
- Almost 52 per cent of consumer organisations have reported spreading consumer awareness as a major tool for promoting consumer rights, while nine per cent have highlighted the need

to enhance government support to NGOs for promotion of consumer rights where such organisations can play a vital role in safeguarding consumer interests by educating and counselling them. Another eight per cent of organisations have highlighted the need to include consumer education in schools, colleges and university syllabus.

(vii) Right to be Heard/Consumer Representation

- Only 23 per cent consumers are aware of the process of public consultation or consumer representation.
- About 28 per cent of those who are aware of public consultation or consumer representation have also participated.



(viii) Right to Healthy Environment

- Only 9 per cent consumers are aware of environmental certifications/ standards and initiatives.
- Awareness about such certifications is largely among residents of southern (18 per cent) and northern (12 per cent) region, while eastern region has lowest level of awareness (2.5 per cent).
- About 28 per cent of consumers who know about eco-friendly products always tend to buy them.
- About 63 per cent of such consumers are willing to pay some extra money to buy eco-friendly products.



After presenting the key findings, he said that on the basis of feedbacks provided by stakeholders during Knowledge Enhancement Workshops and Regional Consultations, recommendations were prepared which are as follows:

- National campaign for consumer awareness in all regional languages, especially focusing rural areas and women and uneducated mass. Multi-media can be more helpful in this.
- Create more awareness about regulatory agencies and their regulations for consumer protection and regulator should have dedicated fund for consumer protection.
- Emphasis on consumer education in school and college curriculums.
- A separate DoCA to coordinate all consumer-related affairs.
- Simplify & speed-up the process of consumer forum. There should be case management system in consumer forums for proper monitoring to ensure timely disposal.
- Consumer forums at block/*tehsil* level and benches of State/National Commission with mediation/consumer advice cells in their premises.
- Regulators for education, health and real-estate sectors.
- Promote sustainable consumption/production by providing incentives to green production/consumption.
- Activate/empower consumer protection councils at National/State/District level.
- A National Authority to curb unfair trade practices (mainly misleading advertisements).

4.3 Opening Address: Pradeep S Mehta, Secretary General, CUTS International

He started by underlining the importance of a project like ConsumersUp. He stated that COPRA was enacted in the year 1986, under the leadership of then Prime Minister Rajeev Gandhi who was an enlightened leader and the man behind the start of economic reform movement. He highlighted the exploitation of consumers in the monopoly age, by citing an example, of Lohia Mission Limited (LML – the scooter manufacturer). However, in 1988 when COPRA was not fully implemented in the country, thousands of complaints were received against the LML for deficiency of services to CUTS, *Mumbai Grahak Panchayat* and Consumer Protection Council, Rourkela. The District Consumer Forum in Kanpur was approached where the manufacturing unit of LML was situated. He mentioned that Bihar was the first state to start District consumer forum and the SCDRC in Patna and Andhra Pradesh was the first State to initiate district consumer forums in all the 23 districts.



Speaking about the Monopolies and Restrictive Trade Practices (MRTP) Act, he mentioned that it was very difficult in those days to even get a telephone connection. Consumer Welfare Fund was a novel achievement, which necessitates that basic needs should be legislated and that each regulatory body should have Consumer Protection Fund which promotes consumer education. Regarding wrong practices, he said that monopoly of a company should be restricted as it is against the MRTP Act.

He opined that COPRA is one of the best acts where there is a provision of justice within 90 days, however it is very unfortunate that it does not happen that way. He also mentioned that the consumer forums should not be termed as consumer courts which are still referred to in many advertisements. He also said that lawyers should be debarred from forums, as mentioned in the Act. He said that there is a need to revise UN guidelines and policies. He also highlighted the key

work which CUTS is doing in the areas of competition, consumer protection and international trade policy issues.

4.4 Address: Indrani Thuraisingham, Head, Asia-Pacific and the Middle East, Consumers International

In her speech she appreciated the work done by CUTS and also thanked for inviting Consumers International (CI) to be a part of the consultation. She said CI is the ‘world federation of consumer groups’ that is working together with its members serving as the only independent and authoritative global voice for consumers; and fighting for a fair, safe and sustainable future for all consumers in a global marketplace increasingly dominated by international corporations. With over 240 member organisations in 120 countries, CI is building a powerful international movement to help protect and empower consumers everywhere.



Mentioning about digitalisation, she said that the consumer in today's digital world depends on communication networks such as the Internet and the ability to access and share knowledge across those networks. The consumer movement has an important role in ensuring that such networks and the works exchanged across them are accessible, affordable, reliable and safe. She shared CI's strategies for consumer protection and said that CI works on broadband service provisions and also undertakes media capacity building initiatives with members to help raise consumer rights awareness, and also exploring the power of social media tools in Latin America to promote consumer activism.

She informed that CI was invited together with consumer groups to take part in the expert group meeting to discuss about revision of UN Guidelines on Consumer Protection (UNGCP) in the

context of not only updating the guidelines but also supporting its implementation; this was since it played a central role in supporting the development of consumer protection around the world. She said that it is more than 50 years since President of US, John F Kennedy articulated the concept of consumer rights in his historic message to the US congress, yet in many countries the goal of realising these rights is still a long way off. While throwing light on COPRA, she said that people are not aware of their rights and it is high time that an action plan should be developed by government agencies and consumer organisations to make them aware.

She said that food has always been a key issue; CI is currently working on issues of food marketing to children, food safety and reducing salt in food and recently celebrated the adoption of new international guidelines on the marketing of food to children and has been following several years of campaigning on the issue. It is well placed to represent consumers at the World Health Organisation and Codex Alimentarius (the international food standards body). She stated that financial illiteracy is an issue across the world and, with around 150 million new consumers of financial services are joining the global economy each year.

She stressed on the fact that there is need for government agencies and consumer organisations to examine the rights and make sure that these are still relevant in today's needs. She also expressed that the study done by CUTS will be helpful in taking the consumer movement forward and the recommendations will be implemented by DoCA.

4.5 Address: Pankaj Agrawala, Secretary, Department of Consumer Affairs, Food & Public Distribution, Government of India

He said that the market depends on supply and demand. One aspect of economics which controls the market is behavioral economics. There should be a proper relationship between the manufacturer and consumer and it should be mandatory for the manufacturer to provide details of the product. Regarding exchange policy, he said that in most of the products it is written that goods once sold will not be returned'; he emphasized on changing such kinds of laws.



While expressing his concern about the lack of awareness among the people, he mentioned that the Department is trying to empower and protect consumers and enhance the consumer welfare through various steps. He also said that Consumer Protection Amendment Bill 2011 is to make the Act more effective, consumer friendly and provide simple and speedy redressal to consumers.



Prof. K V Thomas (Hon'ble Minister of State (I/C) for Consumer Affairs) releasing the report on 'State of the Indian Consumer 2012' with Pankaj Agrawala (Secretary, DoCA); Indrani Thuraisingham (Head, CI); Pradeep S Mehta (Secretary General, CUTS) and George Cherian (Director, CUTS)

4.6 Prof. K V Thomas, Hon'ble Minister of State (I/C) for Consumer Affairs, Food & Public Distribution, Government of India

Prof. K V Thomas, Hon'ble Minister for Consumer Affairs, Food & Public Distribution in his inaugural speech said that COPRA commemorated its Silver Jubilee on December 24, 2011. Hence, it is the appropriate time to review the status of consumer protection and focus on recommendations for future courses of action and address the emerging challenges before consumers in India.

He further said, "We proclaim consumer is king, but unfortunately, larger sections of society do not know about rights and privileges given to consumers. The success of consumer movement



will depend on consumer awareness". Citing his own experience, he said that consumers are being cheated everywhere in today's life, so there is need of organisations, such as CUTS to intervene and make people aware of their rights to take the consumer movement forward particularly at the grassroots. Defining the role of NGOs he said that they should act as a mediator between the aggrieved consumers and shopkeepers to resolve their grievances. Focusing on awareness he said in a country like India consumer movement can be successful if the consumers are well aware about their rights and responsibilities. A welfare state has enormous responsibilities to ensure that the market place is safe for the consumers.

Talking about the COPRA he said the act remains amended thrice in the past. The act has been presented in the Lok Sabha in December 2011 with the recommendations for further amendments to make it lively, more dynamic, responsive and consumer friendly. Speaking on redressal mechanism he commented that since its inception and till the end of August 2012, Thirty lakh Twenty seven thousand and two hundred eight cases of consumer disputes were filed

at consumer fora in district, state and national level, after which a staggering of 90.86 per cent of cases have been disposed.

Further he said, the consumer welfare fund was created in the year 1992 with the objective of providing financial assistance in order to promote and protect the welfare of the consumers by creating awareness and strengthening consumer movement in the country particularly in the villages. He praised consumer organisations for taking the consumer movement at grassroots level and making the people aware of their rights and responsibilities. He highlighted the challenges in the area of the consumer protection and efforts taken by the government to address the same. He concluded by saying that the key findings of the research that has emerged in form of recommendations will guide the policy makers to serve the consumers through better ways and means.

4.7 Vote of Thanks: Kaveri Dutt, Associate Director, CUTS International

The inaugural session concluded with a vote of thanks by Kaveri Dutt, Associate Director, CUTS. She expressed gratitude towards all the dignitaries and thanked participants for actively participating in the session and providing valuable inputs and contribution. She thanked authors for their writings and involvements in thematic sessions, the group who had conducted the national survey, and consumer organisations.



Thematic Sessions

5. Thematic Session 1: Right to Seek Redressal

The session was chaired by Vinay Kumar, Member and NCDRC. Ashok R Patil, Professor of Law, Chair Consumer Law & Practice, National Law School of India University, Bengaluru was the speaker who had authored a Chapter in the State of the Indian Consumer 2012. Madhu P Singh, President, District Consumer Forum, Faridkot, Punjab and Mohan Siroya, Chairperson, Consumer Complaints Cell, Mumbai were discussants. George Cherian played the role of moderator.

Patil made a presentation on Right to Redress. He started with the statement of Mahatma Gandhi which says “*The customer is the most important visitor on our premises. He is not dependent on us. We are dependent on him. He is not an interruption on our work. He is the purpose of it. He is not an outsider on our business. He is part of it. We are not doing him a favour by serving him. He is doing us a favour by giving us an opportunity to do so*”.



He said that there are four devices of consumer protection – voluntary consumer associations, business self-regulations, ethical standards towards consumers, consumer legislations and state governments and the Central government. He also mentioned that consumer rights are human rights. He stated that there are various redressal mechanisms available:

- Internal Redressal Mechanism
- *Lok Adalats*
- Regulatory Authorities
- Ombudsman
- Self-Regulations
- National Consumer Helpline (NCH)
- Free Legal Services of Law Schools/Colleges - Recognition

From the survey findings, he expressed his concern over the major reasons for delay in timely redressal and also suggested simplifying the grievance redressal processes for the convenience of consumers.

Vinay Kumar said that COPRA is still at its nascent stage and consumer organisations and activists should not be over concerned about the findings that have emerged out of the survey. Speaking about the cases he said that there is a continuous effort by commissions to dispose cases. He said that the main reason behind the delay in redressal is due to advocates seeking adjournment of the cases. He also insisted on healthy competition because the more healthy the competition, the better consumers have choices.



He said that in order to make the grievance redressal process more convenient for consumers, an effective consumer education programme on consumer rights should be initiated. Further he said that providing free technical and legal assistance to complainants will make the process more convenient for consumers. Consumers need to be educated about their rights and responsibilities through concerted publicity and awareness campaigns.

Madhu P Singh in her speech asked consumer organisations to provide suggestions so that better consumer laws can be enacted. She focussed on procedures adopted and or points considered by consumer forums while making judgements. She stated various consumer laws governing consumer issues and also said that consumer awareness can only be strengthened with effective and enhanced participation of NGOs. She told participants that a notification is available in the public domain for comments and suggestions and urged the participants to give suggestions to improve the COPRA, 1986.

Citing the example from her judgement made on November 29, 2011 regarding LPG expiry date, that complainant filed the complaint under Section 12 of the COPRA, 1986 against the



opposite party for giving expired and less weight of gas cylinder and not giving proper service in regard to Gas connection No. 1686 of the complainant. The gas agency was asked to pay Rs 50,000 to the complainant on account of harassment and for endangering life. The complainant himself claimed to be a social worker, Vice-President of *Grahak Bharti*, Jaitu NGO dealing with the cooking gas related complaints of consumers, and he has been taking action against the gas agency for redressal of consumer complaints. He felt that it would be better if the District Food and Civil Supplies Controller under whose control the supply of cooking gas is a subject, takes necessary steps to educate and create awareness among such NGOs

in the District with regard to local procedures and processes of complaints redressal mechanisms and by holding awareness camps, seminars, workshops for gas agencies, house wives, consumers and NGOs.

Mohan Siroya expressed his concern over the situation of consumers. Citing the quote from Mahatma Gandhi he said the whole statement is now contradictory, as consumer is no more a king rather has become a puppet in the hands of corporates. There is no fixed time for grievance redressal and it is being delayed indefinitely. He recommended some suggestions for timely redressal which were as follows:

- Develop a completely transparent complaint monitoring system.
- Appropriate panel should be provided to consumers.
- Government should provide adequate manpower and infrastructure to the district forum and make them accountable.
- Need to have semi structure mediators to provide effective interventions and settlements of claims mutually.
- Provisions of free legal services to aggrieved consumers.



Focusing, on all the above points he mentioned that the Central as well as state governments should take proper steps to help make consumer a real king.

6. Thematic Session 2: Right to Basic Needs

The session was chaired by Prof. Ram Khanna, Senior Vice Chairman, Voluntary Organisation in the Interest on Consumer Education (VOICE) & Managing Editor, Consumer Voice, New Delhi. Suresh P Singh, Policy Analyst, CUTS, Jaipur was the speaker who has also authored a Chapter in the State of the Indian Consumer 2012, Hemant Kumar Shah, Confederation of Gujarat State Consumer Organisations and Divakar Babu Chennupati, Consumer Guidance Society, Vijayawada were discussants. George Cherian played the role of moderator.

Suresh P Singh made a presentation on Right to Basic Needs. Defining basic needs he said that the needs which are critical for survival and normal mental and physical health of people. The basic needs cover several aspects such as food, clothing, healthcare, drinking water, sanitation, shelter, education, energy and transportation.



He elaborated all the eight basic rights and suggested the way forward to make these easily accessible to consumers. He mentioned the cross cutting issues hampering in achieving the basic rights which are as follows:

- Lack of awareness about government schemes/initiatives
- Inadequate complaints and redressal system
- Lack of affordability
- Inadequate involvement of people in government run welfare schemes
- Unspecified role of *Panchayati Raj* and community based organisations

The recommendations which he suggested were as follows:

- Bring in and empower *Panchayati Raj Institutions* (PRIs) for creating greater awareness, lodging of complaints and their redressal.
- There is also a need for including consumers' basic rights and responsibilities in education curriculum at the secondary level.
- While government campaigns on creating awareness needs to be strengthened, especially in the rural areas, government should also create a holistic mechanism to transform its welfare schemes/initiatives to ensure timely outcome, if urgently required.



Hemant Kumar Shah expressed his concern over the findings which was related to the basic needs and said that it simply indicates absolute and not relative poverty in India. He said that even the basic needs of the people are not being fulfilled and almost 80 per cent of the people are living below the poverty line (BPL). Speaking about the Gross Domestic Product (GDP) and growth rate he mentioned that it has improved from the past, but the benefits are in the hands of few. As people who are rich are getting richer and poor are becoming poorer. He also insisted that increase in growth rate will not reduce poverty.

He also mentioned the loopholes in the Public Distribution System (PDS) and told that it is meant for the poor people however, its actual beneficiaries are not the needy, but people who are well equipped. The poor have no choices, but to depend on the mercy of the market and owner of the shop. He concluded by saying that if the poor are not getting justice and if market cannot provide justice to them, it is the responsibility of the State to provide justice to the most underprivileged, marginalised and vulnerable sections of the society by being more transparent and accountable.

Divakar Babu Chennupati mentioned that right to basic needs is part and parcel of the right to live mentioned in the Fundamental Rights of the Indian Constitution. He said that right to live does not mean living in a pathetic situation, but to live with dignity and honour. He contradicted the government statement that India is a developed country now and that it has a glittering market. He said that still the people are living a miserable life with no access to even proper meal a day. He also insisted on the quality of food and said that it is as important to have access to food.



7. Thematic Session 3: Right to Safety

The session was chaired by Pushpa Girimaji, Syndicated Columnist and a Noted Commentator on Consumer Law and Consumer Rights Issues. Keya Ghosh, Director, CUTS CRC, Kolkata was a speaker and also authored a Chapter in the State of the Indian Consumer 2012, P Rama Rao, Honorary Secretary, Visakha Consumer Council and Lal Sawma, Deputy Drugs Controller, Directorate of Health Services, Government of Mizoram were discussants. Kaveri Dutt played the role of moderator.

Pushpa Girimaji started the session with products and services related to right to safety. Speaking about the aspect of safety she said that in India politicians and VIPs have red beckon cars with flashing lights on it as a status symbol, contradictory to the US, where in addition to ambulances school buses have these beckons on and flashes lights. She concluded by saying that better enforcement of these laws is needed in order to make right to safety more effective. Simultaneously, people should have safety consciousness and culture. There is a need to have safety service commissions in India to ensure safe products and services.



Keya Ghosh made a presentation on Right to Safety. Speaking about safety she said sale and marketing of goods which are hazardous to life and property is prohibited. Hazardous goods cannot be sold and have to be withdrawn from the market; and even manufacturers of such goods should be penalised. The right of the consumer to be informed about quality, quantity, purity, composition and standards should be strengthened.

Mentioning about the survey findings she said only 20 per cent of respondents knew about the existence of COPRA, however, many did not know that the rights are conferred on them through this Act. 32 per cent respondents never consider the safety aspect of a product before making a purchase. 40 per cent respondents were ignorant of any safety or quality certifications such as Indian Standards Institute (ISI), International Standards Organisation (ISO) and Agricultural Marketing (Agmark). Only 2.5 per cent respondents were able to correctly name at least one product other than cigarettes, pan masala, liquor, food material and medicines that should carry mandatory warnings/safety provisions.



She said that the situation of consumers regarding knowledge related to safety is very pathetic and DoCA, Bureau of Indian Standards (BIS) and Food Safety and Standards Authority of India (FSSAI) should take steps to spread awareness through conducting regional programmes, models, with short-term and long-term targets. Civil Societies should also be roped in to work as partners in these initiatives to empower consumers.



P Rama Rao said that there is need to change the attitude of the people regarding accidents. Citing the Supreme Court of India statement he said that if any accident occurs, lifesaving procedures should be given on priority rather than police procedure. However, unfortunately till date police, medical professionals and common people do not know these directives. In addition to, this he totally agrees with the view of speakers that people are unaware about the ISI, ISO and other safety measurement authorities. He concluded by saying unless the government authorities take proper steps to curb the hazardous products and generate awareness among the people, nobody is safe on this earth.

Lal Sawma discussed in brief about the COPRA and the different categories of drugs and the work departments do to provide safe and cheap drugs to consumers. He insisted on long term, nation-wide, planned and structured consumer education and training programme on a regional basis (on safety) is the fundamental solution to the problem. He also said that consumer education and empowerment will remove consumer apathy.



Second Day: Friday, October 12, 2012

8. Thematic Session 4: Right to Healthy Environment

A thematic session on 'Right to Healthy Environment' was chaired by Jayashree Gupta, Former Additional Secretary to Government of India & President, Consumers India. Roopa Vajpeyi, Vice Chair Person, Voluntary Organisation in the Interest on Consumer Education (VOICE), New Delhi was the speaker who also authored a Chapter in the State of the Indian Consumer 2012; Roland Martins from Goa-Civic & Consumer Action Network and Sapna Chadah, Assistant Professor, Centre for Consumer Studies, IIPA, New Delhi were discussants. Kaveri Dutt played the role of moderator.



Roopa Vajpeyi made a presentation on 'Right to Healthy Environment: Sustainable Consumption with Good Practices.' She said that Article 47 imposes the duty on the State to improve the standard of living and public health. As consumer is a citizen, the citizen is also a consumer; hence, this is the duty of every citizen to protect the natural environment. She informed that the Ministry of Environment & Forests has also released the National Environment Policy (NEP) in 2006, which includes various provisions for consumer protection, such as eco labelling etc. She spoke on several acts related to environmental protection such as the Water (Prevention and Control of Pollution) Act, 1974, the Forest Conservation Act, 1980, the Air (Prevention and Control of Pollution) Act, 1981, the Environment Protection Act, 1986, the Biological Diversity Act, 2002. She then spoke about challenges such as demographic factors, economic factors and socio-cultural factors. While mentioning about technology as opportunities

she quoted examples such as promoting energy efficiency through use of renewable energy sources: solar and wind power which is amply available, local solutions like water conservation and Bio-Gas, she mentioned that we have no concept of waste in our culture and the changing consumption pattern is also contributing towards environmental degradation.



Apart from survey findings she shared data of India's Contribution in Environmental Damage, i.e. in the year 2000 where India was responsible for 1.8 billion tonnes of carbon-dioxide, which was 5.6 per cent of the world's total emission. Energy consumption of 1.22 billion is expected to quadruple over the next 25 years which will inevitably increase India's emission of greenhouse gases, it was also mentioned that 80 per cent of urban waste in India which ends up in the country's rivers. The country has over 5,000 cities and towns, which generate about 40 million tonnes of Municipal Solid Waste per year today. India, she said has become a dumping ground for bio-medical hazardous waste resulting in spread of diseases and polluting the atmosphere. India produces about 3,80,000 tonnes of e-waste per annum. In the end, she provided recommendations which are mentioned in Key Recommendations emerged out from National Conclave

Roland Martins from Goa-Civic & Consumer Action Network, as a discussant raised a very important issue; he stated that while the total population of Goa was 14 lakhs, last year the tourist floating population was 27 lakhs. He felt that it is during this time that consumer organisations should engage with the tourism department. Further he said that healthy environmental rights are not provided in the COPRA. Consumer organisations have the right to be heard to bring about the required changes in the policies for ensuring a healthy environment. Since foreign manufacturing companies are coming to India and even Indian manufacturing companies are seen to be engaged in activities which could be disastrous for the environment.



He suggested that the State Consumer Department needs to develop a platform to engage consumer organisations and manufacturing companies. Drawing an example how the government was spending huge sums of money in waste management, he quoted the example of how the government has spent One thousand and two hundred crores rupees to clean Yamuna River and that nothing notable had happened.

Considering the healthy environment he targeted the passive smoking coming under the purview of the Cigarettes and Other Tobacco Products, 2003 (CoPTA) and felt that consumer organisations should take the lead to address this issue. He also flagged the issue of mobile towers, which is a growing concern. The World Health Organisation (WHO) guidelines on radiation should be followed with regard to installation of mobile towers; and there is need to engage State Pollution Control Board, Agricultural Department, Fishery Department and participatory enforcement.

Sapna Chadah, in the second round of responses stated that modern civilisation is largely responsible for an unhealthy environment. She provided suggestions to create a healthy environment for the future. She mentioned that there is a need to prioritise development agenda; sustainable consumption has become a part of new development agenda leading to sustainable development. There is a need to not only reduce the volume of consumption but also consumer



environmental friendly products, which has been emphasised by the UN Guidelines as Amendment in 1999. She stated that standardisation and certification schemes should monitor greenhouse gas emissions, climate change and carbon footprints and ensure that such emissions to be reduced. Testing and certification is a must and, at present consumers only have the information about price, quantity and quality of the production, as far as a safety issue, environmental concern not much information is available to consumers. Except Bureau of Energy Efficiency (BEE) which is a very

successful certification scheme, people are opting BEE labelled products. There is not much certified and eco-labelled products which are giving choices to a consumer.

Focusing on consumer awareness and education Dr Chadah said that there is a need to educate people, motivate and that if a person is spending a little for certified products which are environment friendly, then not only is the consumer making an appropriate investment of for the future but is also investing for the well-being of the society. This is an act for the future generations, since better informed citizens make better choices that definitely lead to some attitudinal change.

9. Thematic Session 5: Right to Choice

The thematic session on 'Right to Choice' was chaired by Manoj Kumar Parida, Joint Secretary to Government of India, Department of Consumer Affairs, New Delhi. Vandana Vasudevan, Writer, New Delhi was the presenter who also authored one of the chapters in the report 'State of the Indian Consumer 2012'. Ashim Sanyal, COO, VOICE, New Delhi and Dr. Poonam Pande, Technical Advisor, GIZ, New Delhi were discussants. George Cherian played the role of a moderator.

Vandana Vasudevan made a presentation and stated that the 'Right to Choice' has completely exploded since the liberalisation of the market in 1991.

She spoke on many impediments to 'Right to Choice' such as lack of choices due to presence of monopolies it eliminated the competition from the market and monopoly companies who do not care about the quality and passes the cost to the consumer and do not make attempts at innovation or improving technically, she quoted the example of railways.



The second impediment was that there are too many choices and according to Prof. Barry Schwartz's book 'Paradox of Choice' which says, "*Too much choice paralyses consumers*". While citing examples of mutual funds in urban financial market, she said that in the year 2008 there are 33 mutual fund companies offering 956 schemes. She said that the third impediment is the lack of information and awareness. The 'Right to Choice' was further restricted due to illiteracy and lack of information; and as a result the rural consumer has had virtually no choice in terms of financial instruments. Poor implementation of government policies such as public distribution system, adulterated goods, which is highly toxic and swaying high costs remain undocumented and other technical difficulties are some of the other factors which affect the 'Right to Choice' adversely.

She correlated her presentation with the findings of the National Survey by CUTS with the aspect of Right to Choice that were:

- Only 1.6 per cent of respondents were able to correctly name products which have only one or two producers, 3.4 per cent were able to correctly name products other than telecom with portability which shows that overall awareness among respondents about categories where they do not have much choice, is quite low.
- 26 per cent respondents felt there should be more competition in the oil and gas sector to reduce fuel prices.
- Key barriers accessing other options for key products and services such as costs of alternative products and services (16 per cent) followed by transaction fee (14 per cent), access time (7 per cent), documentation requirement (3 per cent) and more than 50 per cent were unable to even answer the question of kind of barriers preventing them from switching to other sellers.



After the presentation by Vandana Vasudevan, Sanyal stated in his response that Right to Basic Needs is a fundamental, single pillar institution by itself which empowers the consumer to demand leads to competition in the market and is the essence of quality assurance in the market. It is like a tool of consumers to get a variety of products within the same price range. It is good both for manufacturers, consumers and also for the government as it generates revenue. Manufacturers should bring in innovations, improve quality and bring down costs. Ashim Sanyal while agreeing with Vasudevan said that while too many choices are unhealthy, the issue remains as to who was to decide how many choices should be there.

Further, he added monopolies and choices in the market are like dictatorship vs. democracy in the

market since monopolies have the dictatorship to squeeze options for consumers because they are the sole provider. Mentioning about the government policies he said the today we are able to get the product or service as per our choice since government has opened the market and quoted the example of foreign direct investment (FDI) in retail. When consumer's access to the Right to Choice unconsciously states in a negative tone that people knowing less about choices, implies that people do not recollect this as a right.

In the second response to the presentation, Dr. Poonam Pande from GIZ said oligopolies, cartels, monopolies, lack of information are common things which are visible. She stressed on unfair trade practices and misleading advertisements for multiple choices and raised the predicament as to how would consumer choose the best product or service as it still remains a challenge to consumers that needs to be focused. She also spoke on participatory enforcement, requirement of new guidelines, recommendations at policy levels etc. While concluding she stated that consumer organisations should focus on certain subjects or certain rights, conduct research to know the challenges and present the concrete recommendations, strategies or practices to face that challenges which can be applicable and adopted in the Indian scenario.



National Conclave on 'Consumer Issues'

According to Manoj Kumar Parida, Karl Marx opposed parliamentary democracy, as he interpreted parliamentary democracy was a choice of the few, as to whether X or Y would exploit, it never decided whether it will exploit or not, so that of the choice is no choice at all. He agreed to some extent that after liberalisation there has been explosion of choices in the market, however, the choices are available for a few selected in a particular strata of society, however its percolation to the lower and middle strata of society is limited. He also agreed that one of the dangerous things with regard to the Right to Choice is misleading advertisements and it is the most appropriate time to take action against these kinds of advertisements, producers and manufactures. Regarding the power reforms he mentioned that earlier it was said that through privatisation consumer will get choice and situation will improve.



George, Director, CUTS mentioned that it will take time when there will be portability in the power sector. He also quoted various day-to-day examples where we really do not have various choices such as in medical, education, etc. and similar sectors. He briefed about CUTS initiative with regard to Right to Choice and that at this time when there is no choice in Direct To Home (DTH) television cable services and that in each city there was only one cable provider who was monopolising.

- During the open house discussion, G C Mathur, BINTY, New Delhi said that consumers have choice of newspapers however; vendors are charging more as compared to the price given on the newspapers. He stated that there is a need to educate consumers as how to make choices. He appreciated government's efforts and funds for Public Interest Litigation (PIL).

In response to the issue of newspaper vendors, Vandana Vasudevan said that this is the scenario across the country. Vendors take a particular colony or sector, and newspaper companies are themselves helpless to displace the vendor, it is the matter of few '*paisas*' (*Indian coins*) which is why it is not looked at as a big issue, however, there is space and an arena for government regulations since it is a nationwide phenomenon.

Vijay Acharya, Founder President, Bharat Jyoti, Lucknow and Ravindranath Guru, Secretary, Consumer Care Society, Bengaluru raised few burning issues and questions:

- When it is known that vegetables have pesticide residue then why it is allowed in the market?
- Mobile towers are emitting rays, emissions then why is the government not stopping when mobile towers were installed?
- Even though there is provision that if there is no electricity available for a particular period then consumers will get compensation, why is it not followed?

In the response to the issue of pesticides, Sanyal said that government has tested vegetables and fruits where it was found that pesticides were present in almost all vegetables and fruits and this issue was also taken in PIL by the Delhi High Court. They have come up with Committee Reforms which will be presented to the High Court with the Committee Report, and the report will be forwarded to the Prime Minister's Office (PMO) as well.

Regarding the issue of mobile towers raised by Ravindranath Guru, Sanyal stated that this has been lingering since long time, however, government has taken an extreme step of reducing the emission rate by 1/10th levels that is matching with most of the European standards, now there is need to observe that whether it will be maintained or not.

Manoj Kumar Parida stated in his response that government has made the Food Safety and Standards Authority in which the entire food chain and safety aspects are tackled with the powers to penalise. He further said that earlier this issue was supposed to come under the consideration of the Consumer Affairs Ministry however considering the expertise in food testing; all this authority is now under the purview of the Health Ministry. He asked the consumer organisations to raise issues strongly so that the government can process the issues on a fast track. He also expressed his concern about active interventions of the CCPC, who is filling the vacant post in district forums and state commissions.

10. Thematic Session: Right to Representation & Right to Consumer Education

The thematic session was chaired by Amrit Lal Saha, Chairman, Consumer Coordination Council (CCC) & President, Consumer Protection Association (CPA), Agartala; C Rajashekhar, Professor of Law, Karnataka University, Dharwad, Karnataka were the presenter for Right to Consumer Education who also authored one of chapters in the report ‘State of the Indian Consumer 2012’. This session was open for all participants for discussion. Amrit Lal Saha also remarked on issues related to Right to Representation. George Cherian played the role of a moderator.

While initiating and presenting the Right to Representation, Saha stated that the Indian law has recognised Right to Representation and included it in COPRA, 1986. Consumer Forum and Commission, Consumer Protection Council at Central, District and State have representation under the Act. Further he mentioned that most of the members in district forums cannot write or pass judgements, as they are not able to understand issues in totality, etc.



He stated that proactive citizens, including media can take up the issues effectively. While mentioning the key findings related to Right to Representation he shared 23 per cent people are aware about public consultations or consumer representation. He said that there is a lack of training, expertise, professionalism in consumer organisations, and there is need to include the youth to take the consumer movement forward.

Rajashekhar made a presentation on Right to Education, in which he said that the consumer law is social welfare legislation, provisions of law should be made known to public so that they can make rational choices and it is the obligation of the State to take necessary measures in this direction.

Further he stated that three-fourth of the population are rural and rural markets have become a dumping ground for shoddy products, adulterated food, duplicate goods and spurious drugs. He spoke on the areas covered under consumer education that were health, nutrition, food borne diseases owing to contaminated or adulterated food product hazards, product labelling, redressal mechanism, weights and measures, prices, quality, credit conditions. Consumer education should be done through voluntary consumer organisations (VCOs), media, training programmes etc. He referred to the key findings of the National Survey that there were 40 per cent respondents who were aware of consumer rights which were only 34 per cent, revealed by a CAG study conducted in 2005.



He also spoke on India's Consumer Awareness and Education Programme and how multimedia campaigns such as "*Jago Grahak Jago*", publicity through electronic media, use of internet etc. has facilitated the process. He then focussed on the involvement of education institutions, schools, college consumer clubs that are established. In 2006, there were 4461 consumer clubs and that the government had set a target to prepare 50000 clubs. He suggested training of university and college teachers on consumer rights and related issues which should be included in curriculum in all states, role of voluntary social organisations or consumer organisations to educate the rural population at grassroots, involving more and more journalists in this issue. He informed that consumer advice centres are established on a pilot basis in four states. In the end, he shared few recommendations:

- Public campaigns to be upgraded from "*Jago Grahak Jago*" to "Assert Rights, Pursue Remedies".
- Awareness programmes to be pursued aggressively at Taluka/District Levels
- Consumer education to be included in the curriculum from primary to college level
- Monitoring consumer clubs, district consumer protection councils, information centres through VCOs
- Resource material for training teachers
- Publication of newsletters by colleges to be funded

- Enhancing comparative testing capacity
- Enhancing availability of consumer journals
- Involvement of journalists
- Setting up of a National Consumer Protection Authority

In the open discussion, G C Mathur, BINTY, New Delhi said that teachers are even not familiar with consumer protection and education. Hence, involvement of teachers should be mandatory as well as proper monitoring of consumer clubs is required.

On the query of Hari Prasad Yogi, Consumer Legal Help Society, Rajasthan, Amrit Lal Saha informed that right now CORE Centre has not reached up to rural areas to educate consumers, thousands of complains are being received on the website for their resolution.

Responding to the query of Poonam Pande, George Cherian, Director, CUTS mentioned that in the report of 'State of the Indian Consumer 2012', there is a consumer awareness index where all states are ranked and that kind of activity should be repeated at periodic intervals.

11. Valedictory Session

George Cherian, Director, CUTS chaired the valedictory session. He welcomed and introduced the Chief Guest and briefly summarised the discussions in each of the thematic sessions, recommendations and the key messages emerging out of the National Conclave.

In the valedictory session Dr. Charles Dias, Hon'ble Member of Parliament (Lok Sabha) & Member, Central Consumer Protection Council (CCPC), Government of India congratulated



CUTS for bringing out such a credible report. He quoted examples of misleading advertisements with regard to gold standards; he mentioned that even consumers are cheated in medical and other sectors as well. Hence, there is an important role to educate consumers. He further added that scarcity is generated artificially to make the money and focused on the need of healthy environment. He suggested there should be a clear procedure for pricing of commodities. Additionally, he mentioned that the role of consumer organisations to generate consumer awareness and education is emerging as a primary and essential role.

Amarjeet Singh, Project Coordinator thanked respected dignitaries, input chapter writers, State partners, all participants for actively participating and providing valuable inputs in the consultations and the way forward. He thanked team members for their kind cooperation in organising the Consultation successfully.

12. Key Recommendations emerged out from National Conclave

Recommendations for Policymakers that emerged out of the Conclave are as follows:

- In order to make the grievance redressal process more convenient for consumers an effective consumer education & awareness programme on consumer rights should be initiated.
- Each regulatory body should have Consumer Protection Fund to promote consumer education.
- Government should provide adequate manpower and infrastructure to district forums and make them accountable, provisions of free legal services to aggrieved consumers.
- Bring in and empower *Panchayati Raj Institutions* (PRIs) for creating greater awareness, lodging of complaints and their redressal.
- There is also a need for including consumers' basic rights and responsibilities in education curriculum at the secondary level.
- While government campaigns on creating awareness needs to be strengthened, especially in the rural areas, government should also create a holistic mechanism to transform its welfare schemes/initiatives to ensure timely outcomes, if urgently required.
- The right of the consumer to be informed about quality, quantity, purity, composition and standards should be strengthened.
- Public private partnership should be strengthened to create more choices and reduce the cost of products and services.
- Central Consumer Protection Council (CCPC) should be strengthened.
- Information should be explicit and stated as to how Maximum Retail Price (MRP) is calculated and production costs should be printed on the product; there should be some mechanism to regulate this price fixed by manufacturer or seller.
- Sellers mention in the voucher/bill that goods once sold cannot be returned, however, the right to return should be given.
- Foreign Direct Investment in retail should be allowed with regulation and initially for a limited period, so that it can be evaluated.

- Advertising Standards Council of India (ASCI) should be strengthened and legalised, it should take strict action against misleading advertisements. There can be one Central Consumer Protection Authority to look into this matter.



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The right to choice: part 2

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