

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

Report of the Knowledge Enhancement Workshop

Jamshedpur, Jharkhand, March 20-21, 2012



CUTS Centre for Consumer Action, Research & Training (CUTS CART)

277, Sindhi Colony, Bhaskar Marg, Bani Park Jaipur 302016, India

Phone: 91.141.5133259/2282821; Fax: 91.141.4015395

Email: consumersup@cuts.org; cart@cuts.org

Project Web page: www.cuts-international.org/cart/consumerup

1. About CUTS & CUTS CART

Established in 1983 as a small voluntary group of concerned citizens, Consumer Unity & Trust Society (CUTS) expanded its activities and CUTS CART was set up in 1996 as a programme centre to pursue the cause of common consumers, initially being undertaken by CUTS as the mandate. The programme of the centre are primarily aimed at generating awareness, creating a more responsible society and encouraging changes at the policy level by advocating with the government machinery and sensitising it to the issues of concern of the common man. The Centre has spearheaded several campaigns and pioneered consumer empowerment.

For more information, please visit: www.cuts-international.org/CART/index.htm

2. About the Project

India has been pioneer in consumer protection having Consumer Protection Act (COPRA), 1986 to provide not only easy and quick redressal of consumers' grievances but also a mechanism to promote and protect their interests. Now, as this Act has attained its Silver Jubilee in 2011, there is need of compressive and forward-looking Consumer Protection Policy to address emerging consumer issues.

To address the gap, Memorandum of Understanding was signed between the Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, Government of India and Consumer Unity & Trust Society (CUTS International) on November 04, 2011 to implement a one-year project, i.e. from November 04, 2011-November 03, 2012 to take the Indian consumer movement forward with an objective to create an enabling environment for protection and promotion of consumer interest contributing towards the national interest.

The long-term objective of the project is to create an enabling environment for protection and promotion of consumer interest contributing towards the national interest.

The project is implemented in mainly four states; namely Haryana, Jharkhand, Karnataka and Tripura. But for the research purpose, 15 additional states and three union territories have been included namely Andhra Pradesh, Bihar, Chhattisgarh, Goa, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Uttarakhand and West Bengal. The union territories are Chandigarh, Delhi and Pondicherry.

CUTS in collaboration with the state partner The Janaki Foundation (TJF) Jamshedpur, Jharkhand organised a Knowledge Enhancement Workshop (KEW) at Jamshedpur on March 20-21, 2012.

In Partnership with

The project is in partnership with Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, Government of India under Consumer Welfare Fund.

3. Objective of KEW

The objective of workshop was to equip the consumer organizations with knowledge and skills on relevant and new generation consumer issues to ensure improvement in service delivery and act as ‘watchdogs’ in their respective states.

4. Key Speakers and Resource Person

Ramanuj Narain, Ex. District Judge and President, District Consumer Forum; Hari Ballabh Singh "Arshi", Founder of Consumer Forum in Jamshedpur and currently Secretary to Sri Krishna Public School; Ashish Kumar, The Janaki Foundation; K P Singh, Food Department, Government of Jharkhand; Vinod Nidhi, Advocate, District Consumer Forum; Lakshmi Nidhi, Senior Advocate, Jamshedpur; Murli Dhar Kedia, Advocate and President, Rajasthan Sewa Sadan; Om Prakash, Advocate, Consumer Forum; media persons, Prashant Ramakrishnan and Abhimanyu Singh from CUTS were present as speakers and played vital role on their respective topics prominently.

5. Participants

More than 60 participants comprising representatives from CSOs, NGOs, different institutions, District Consumer Forum, State Food Department, advocates, media persons, ward members, activists and ConsumersUp project team attended the workshop. Participants were from Jamshedpur and nearby districts. *(Please refer Annexure 1 for list of participants)*

Proceedings

First Day: March 20, 2012 *(Please refer Annexure 2 for Agenda)*

6. Inaugural Session

After the registration of participants and distribution of resource kits, the workshop began with the inaugural session in which candle was lighted by Ramanuj Narain, Ex. District Judge and President, District Consumer Forum, Prashant Ramakrishnan and Abhimanyu Singh from CUTS. After the inauguration, an introduction of participants took place in which participants introduced themselves and then sharing of agenda took place.

6.1 Presentation about the Project

Abhimanyu Singh, Project Officer, CUTS

Abhimanyu Singh made a presentation and provided a brief introduction of CUTS, about the project and its activities. He shared the long-term as well as immediate objectives through research, advocacy, networking and knowledge enhancement. Regarding project areas, he informed that the focus states are Haryana, Jharkhand, Karnataka and Tripura. Only for the research purpose, 15 states and three union territories have been added. He provided a brief overview of various project activities such as research including input papers on eight consumer rights, four regional consultations, eight KEWs and a National Conclave. Focusing on KEW, he said that it is the ongoing part of the Project.

6.2 Introductory Remarks

Ramanuj Narain, President, District Consumer Forum and Ex. District Judge

He presented an overview of consumer awareness and protection. He said that the consumer movement in India traces its antecedents to the independence movement when consumer organisations got themselves registered in Chennai in the 1930s. However, the enactment of the Consumer Protection Act (COPRA) in 1986 brought within its ambit of protection a whole class of consumers previously not recognised by other consumer protection statutes. It, therefore, explicitly called for protection of not only those who could afford to purchase goods and services in the market place but also consumers from rural India who earn a meagre living out of engaging in small trading activities. They currently constitute 92 percent of the country's workforce.



Liberalisation is paving way for a market driven economy, where the manufacturers seek to maximise profits. Manufacturers are not often concerned about the quality of goods and services and their impact on health of the people and the environment. Instead of consumer guiding the producer about what should be produced, the producer decides what the consumer should want. The plight of the consumer is further worsened by the use of advertising techniques. With the concentration of market in the hands of a few large corporations, it becomes important that consumers are aware of their rights in order to ensure proper standards for goods and services for which they make payment.

7. Introduction to Various Laws Regulations for Consumer Protection

Hari Ballabh Singh "Arshi", Founder, Consumer Forum, Jamshedpur and currently Secretary to Sri Krishna Public School

He introduced various laws/regulations related to consumer protection to participants. He explained the meaning of the term "consumer", which indicates a person who pays money for getting services or purchase of commodities. Citing example of telecom service – which is now regulated as per the norms of COPRA – he focused on the increased power and role of consumers in the open market during the last few years.

He further stated that organisations working on consumer awareness and protection are not only functioning as 'watchdogs' but also as 'biting dogs'. He highlighted statutory rights of consumers under COPRA, 1986 which are as follows:

1. Right to Safety
2. Right to be Informed
3. Right to Choose
4. Right to be Heard
5. Right to Seek Redressal
6. Right to Consumer Education

The session was highly interactive as participants raised many practical concerns and issues related to consumer complaints and redressal in the fields of telecom, consumer durables, insurance sector and banking.

8. Avenues for Consumer Participation in Policy Making/Regulatory Process and Tools

K P Singh, Food Department, Government of Jharkhand

He presented government insights and importance of evidences in policy making and Food Adulteration Act in India. Singh provided an overview to the participants, as how a complaint should be drafted and the right mechanism for pursuance. He highlighted many goods which are sold in the market without much information about their quality, quantity and purity. In case of goods meant for mass consumption such as food, milk products, edible oil etc., the ingredients are not known. Manufacturers or producers seldom follow safety regulations in products like lamps, batteries, footwears, electrical appliances, wires, cement, LPG cylinders, plugs and sockets etc. leading to many fatal accidents. Adulteration of food is another problem. Therefore, the battle for consumer protection has to be dealt with many agencies.



Steps have been taken by the Government of India by way of enactment of various acts and other measures to help consumers. Indian Penal Court (IPC), Standards of Weights and Measures Act, Motor Vehicles Act are some of the acts to protect consumers. However, the fact remains that very little have been achieved in the field of consumer protection.

9. Various Avenues (Formal/Informal) available to Consumer for Grievance Redressal Mechanism

Vinod Nidhi, Advocate, District Consumer Forum



He informed participants about various avenues available to consumers for redressal of grievances and how consumer issues and awareness can be taken in the rural areas as 70 percent of the Indian population resides in villages He informed that ‘for weak projection and implementation of consumer awareness & protection’ governmental organisations, departments and their employees alone were not at fault. In his view, ‘negligence on the part of consumers’ was equally responsible for the current condition. He felt that consumers in rural areas were the primary victims of malpractices. Sharing his personal experiences, he felt that

there was a difference between the awareness among people of developed countries and developing countries.

10. Complaint Handling Information and Advisory Services (CHIAS)

Prashant Ramakrishnan, Assistant Project Officer, CUTS

Prashant provided a brief presentation on Complaint Handling Information and Advisory Services (CHIAS). He explained that how CUTS is providing relief to consumers by being a mediator between service providers and consumers. He further stated that there is a system of CHIAS at CART where people can register their complaints online. Proper care is being taken and efforts are made to provide relief to consumers.

11. Feedback

Each session was followed by questions and answers so that participants can be made more aware and their queries can be clarified. First day of the KEW concluded after distribution of feedback forms and summarisation of proceedings of the first day.

Second Day: March 21, 2012 (*Please refer Annexure 2 for Agenda*)

12. Recap of the Previous Day

The proceedings of next day commenced with the recap of previous day and with the lighting of lamp by Laxmi Nidhi, Senior Advocate, and a consumer Right Activist in Jamshedpur. He is working on critical issues related to consumer rights and awareness and feasible practical steps in regards grievances. He addressed following issues in his presentation.



- Need to pay special attention to rural population
- Problems in reaching rural consumers
- Illiteracy

13. Basic Research and Documentation Skills

Ashish Kumar, The Janaki Foundation

He explained research methods such as quantitative, qualitative and sampling techniques with special reference to consumer organisations. He stated that unless civil society groups do scientific research and collect data, they cannot advocate effectively and research is an effective tool for advocacy. He explained methods of data collection and how to write case studies.

14. Basic Advocacy Skills

Prashant Ramakrishnan, Assistant Project Officer, CUTS

Prashant from CUTS, Jaipur shared his insights on the key advocacy skills that should be garnered to take up consumer protection issues. During his presentation, he focussed on characteristics and principles of advocacy. Participants raised queries as how people centered advocacy could be fruitful in taking up the cause and what are the processes that one should follow to present a sound case. Prashant also made the group to do a small group exercise on how to build up a case around a thematic cause.



15. Basic Communication Skills

Murli Dhar Kedia, Advocate and President, Rajasthan Sewa Sadan

He took session on communication skills and discussed basic rules of communication. He also said that there should be proper connection and chain to have an effective communication.



16. Resource Mobilisation Skills

Ashish Kumar, The Janaki Foundation

Ashish took a session on resource mobilisation, raising funds, writing proposals. He emphasised on the technique of raising funds. He mentioned that fund raising is a tough job particularly when funders stop funding projects in India. He said consumer groups should focus on local issues and charities for raising funds to overcome this challenge. He explained how and when proposals are to be prepared and informed that legal requirements to be complied before approaching funders. He stated that the Central and state government departments have lot of schemes through which funds can be obtained.

17. Open House Discussions



Om Prakash, Advocate, Consumer Forum

Om Prakash, Advocate, Consumer Forum facilitated the session. It was interactive and focused on various laws and acts in connection to COPRA. In the process, he also oriented participants on the basics of resource mobilisation, raising funds and writing proposals. He informed that the COPRA,

1986 is a social welfare legislation, which was enacted because of widespread consumer protection movement.

The main objective of the Legislature in the enactment of this Act is to provide better protection to the interests of consumers and make provisions for establishment of consumer councils and other authorities for settlement of consumer disputes. In order to promote and protect rights and interests of consumers, quasi-judicial machinery is sought to be set up at Central, state and district levels. The main aim of these bodies is to provide speedy and simple redressal to consumer disputes. It is one of the benevolent pieces of legislation intended to protect consumers at large from exploitation.

The Act was passed in the *Lok Sabha* on December 09, 1986 and in *Rajya Sabha* on December 10, 1986. It was assented by the President of India on December 24, 1986 and published in the Gazette of India on December 26, 1986.

He informed that the Section 2 of the Act lays down various definitions under the Act out of which certain important definitions are as under:

Section 2 sub section 1 sub clause (b): “Complainant”

Section 2 sub section 1 sub clause (c): “Complaint”

Section 2 sub section 1 sub clause (d): “Consumer”

Section 2 sub section 1 sub clause (g): “deficiency”

Section 2 sub section 1 sub clause (i): “Goods”

Section 2 sub section 1 sub clause (nnn): “Restrictive trade practice”

Section 2 sub section 1 sub clause (o): “Service”

Section 2 sub section 1 sub clause (r): “Unfair trade practice”

18. Preparing an Action Plan to take up Consumer Issues by Participants

Participants came up with the following points as suggestive recommendations on issues related to consumer awareness and protection in the State of Jharkhand:

- Establishment and strengthening of a State Consumer Welfare Fund
- Establishment of a clear structure of responsibilities on Consumer Policy at State level

- Formation of various committees dealing with consumer issues, such as The State Council, The Telecom Committee, The Banking Committee, The Airlines Operators Committee, Committees dealing with insurance companies and with Tour Operators etc;
- Effective support for formation and strengthening of consumer clubs;
- Development of website for the Department of Consumer Affairs, Government of Jharkhand
- Establishment of norms for the work of lawyers and doctors; and consumer awareness programmes on television and radio
- More initiatives should be taken at the village level.
- Better access of the rural population to complaint resolution at the pre-litigation stage should be guaranteed by using the *Panchayati Raj Institution*
- Personal consumer advice should be established not only for legal problems, but also for every day consumer problems (e.g. hallmarking of gold). Consumer advice centre could be revived
- The legal aid councils should be extended to rural communities and promoted

19. Summing Up & Vote of Thanks

Proceedings concluded after the participants were ask to fill the feedback forms. Arun Kumar Tiwari, Secretary of State Partner, The Janaki foundation, gave closing remarks and vote of thanks. He narrated all the sessions in brief and expressed his gratitude to resource persons and representatives of CUTS.

Annexure-1 ((List of Participants)
INDIAN CONSUMERS IN THE NEW AGE: A FORWARD LOOKING
AGENDA TO ADDRESS THE CONCERNS OF THE COMMON PEOPLE
(ConsumersUp Project)
Knowledge Enhancement Workshop
March 20-21, 2012, Jamshedpur (Jharkhand)

| S.No. | Name | Name & Address of the Organisation | Mob./Ph. | Email |
|-------|-----------------------|---|---------------------------|--|
| 1 | Dr. Anil Rai | Swadeshi Jagaran Mandal, Bistupur, Jsr. | 9431439822 | anilkrjsr.11@gmail.com |
| 2 | Nand Kishor Sada | R.S.S., LIG-86, Adityapur | 9308240102 | - |
| 3 | Manoj Singh | MIG, Adityapur | 9308981001 | - |
| 4 | Chandan Singh | Samelper | 9798223549 | - |
| 5 | M. Singh | Bhamarich | 9934517338 | - |
| 6 | A.N. Pathak | | 9953125194 | - |
| 7 | Niranjan Kumar | | 9263316297 | |
| 8 | Pankaj Kr. Das | | 9279461952 | pad_ghatila@yahoo.com |
| 9 | Manoj Sharma | | 9135237951 | - |
| 10 | Bachan Singh | | | - |
| 11 | H. Pandey | MIG, Near Asia Trade Centre, Adityapur | | |
| 12 | Laxman Prasad Rai | Road No. 8, Adityapur-2 | 9431755927 | - |
| 13 | Satyendra Kumar Singh | Road No. 16, Adityapur- 1 | 9470390222, 9431373012 | - |
| 14 | Ashwini Kumar Mishra | Road No. 10, Adityapur- 1 | 9304581644 | - |
| 15 | Rama Nand Singh | Plot No. 68, Housing Colony, Adityapur- 1 | 9304906057 | - |
| 16 | Billu Ku. Sharma | Adityapur- 2 | 9334041915 | |
| 17 | Pankaj Kumar | Uthna, Adityapur | 9835139322 | pankaj25130@gmail.com |
| 18 | Bimal Charan | 51, Adityapur, Jamshedpur | 9436303896 | charanb.699@rediffmail |
| 19 | Raghuvansh Sharma | M- 16, Adityapur, Jamshedpur | 9304344526 | |

| S.No. | Name | Name & Address of the Organisation | Mob./Ph. | Email |
|-------|-----------------------|---|------------------------|--|
| 20 | Anwarul Hage | Aditya Foods, Bharat Agarbatti Co., JSR | 9955372518 | - |
| 21 | Sanjay Kumar | UH- 13, Housing Cooperative Society, Adityapur- 2 | 9431962655 | - |
| 22 | Subhash Tiwari | | 9835544375 | - |
| 23 | K.P. Singh | Food Deptt., Govt. of Jharkhand | 9431357380 | - |
| 24 | Chandan Singh | ICDS, Adityapur | | - |
| 25 | Bhabanand Patra | UNICEF | 9334460302 | - |
| 26 | Asha Kumar | ICDS Adityapur | 9801226640 | - |
| 27 | Dr. Snehlata Sinha | Samajik Kalyan Sanstha, GSCE College | 9431186049, 2383315 | |
| 28 | Ramanuj Nalain | President, District Consumer Forum | | - |
| 29 | Sanjay Kumar | Ranchi | | - |
| 30 | Mukesh Trivedi | Harmu Housing Colony, Ranchi | 7209406445 | - |
| 31 | Om Prakash Yadav | BCC Cell, DC Office, Jamshedpur | 9973823856 | om-yadav2001@yahoo.co.in |
| 32 | Leonea Fernandez | BCC Cell, DC Office, Jamshedpur | 7209389783 | poona-fernandez@yahoo.com |
| 33 | Rakesh Kumar | Hindustan Press | 2144317, 9431343461 | - |
| 34 | Manik Sarkar | Jadugda | 8271904700 | - |
| 35 | Sachin Mishra | Press (Inside Jharkhand) | 9709175135 | sachin18jsr@gmail.com |
| 36 | Prem Singh | Uditrani (Press) | 9431342536 | premsingh624@gmail.com |
| 37 | L.B. Shastri | Dainik Bhaskar | 9431341056 | lbshastri6@gmail.com |
| 38 | Ajit Kr. Ajju | New Ispat Mail | 9431342581 | - |
| 39 | Rathu Mahato | Boram Barachirka | 9608180585 | - |

| S.No. | Name | Name & Address of the Organisation | Mob./Ph. | Email |
|-------|-----------------------|--|------------|--|
| 40 | Harewdrabhat | UPIT UANI | 9431342583 | - |
| 41 | Dr. M.N. Tiwari | Anweshika Sansthan, Adityapur | 9431421856 | mntiwari421856@gmail.com |
| 42 | Hari Ballabh Singh | Public School, Jamshdpur | | |
| 43 | Mr. Vinod Nidhi | | | - |
| 44 | Prof. B. Vinasah | Patamada Degree College | 9304964922 | bvinasahm@gmail.com |
| 45 | Laxmi Nidhi | | | |
| 46 | Vinita Avinash | M- 12, Old Housing Colony | 9386901413 | |
| 47 | Bharat Pd. Singh | BMS | 8002777944 | - |
| 48 | M.D. Kedia | Advocate | 9825166206 | - |
| 49 | Jawahar Lal | Human Right Activist & Consumer Activist | 9430338540 | |
| 50 | Om Prakash Tiwari | Advocate | 9431184166 | - |
| 51 | Ramanuj Ojha | Advocate | 9931114628 | |
| 52 | Meena Kumari | Adityapur- 2 | 9534087787 | |
| 53 | Radha Devi | Adityapur | 9308155677 | |
| 54 | A k Tiwari | | | - |
| 55 | Ashish Kumar | | | |
| 56 | Prashant Ramakrishnan | CUTS, Kolkata | | |
| 57 | Abhimanyu Singh | CUTS, Jaipur | 8107794315 | abs@cuts.org |

Annexure-2 (Agenda)
INDIAN CONSUMERS IN THE NEW AGE: A FORWARD LOOKING
AGENDA TO ADDRESS THE CONCERNS OF THE COMMON PEOPLE
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Knowledge Enhancement Workshop

March 20-21, 2012, Jamshedpur (Jharkhand)

| S. N. | Time | Subject of the Session | Facilitator |
|---------------------|---------------------|--|---|
| DAY-1 | | | |
| 1 | 09.00- 09.30 | Registration and Introduction of participants, objective of the workshop and sharing of agenda | The Janaki Foundation |
| 2 | 09.30- 10.00 | Inauguration and overview of consumer awareness and protection | Ramanuj Narain, |
| 2 | 10.00.10.45 | Brief Presentation about ConsumersUp project | Abhimanyu Singh |
| 3 | 10.45- 12.15 | Introduction to various laws / regulations for Consumer Protection 45 Minutes for presentation and 45 minutes for questions | Hari Ballabh Singh "Arshi" |
| 12.15-12.30 | | Tea Break | |
| 4 | 12.30-14.00 | Avenues for Consumer Participation in Policy Making/Regulatory Process and Tools 45 Minutes for presentation and 45 minutes for questions | K P Singh |
| 14.00-15.00 | | Lunch Break | |
| 5 | 15.00- 16.00 | <ul style="list-style-type: none"> • How to run Complaint Handling Information and Advisory Services (CHIAS) • Use of Right to Information for consumer protection | Prashant Ramakrishnan, The Janaki Foundation |
| 16.00- 16.15 | | Tea Break | |
| 6 | 16.15-17.45 | Various Avenues (Formal/Informal) available to Consumer for Grievance Redressal Mechanism 45 Minutes for presentation and 45 minutes for questions | Vinod Nidhi, |
| 8 | 17.45-18.00 | Feedback of day's proceeding and next day planning | The Janaki Foundation |
| DAY -2 | | | |
| 9 | 9.00- 9.30 | Tea and a small recapitulation of the previous day | Participants |
| 10 | 9.30- 11.00 | Basic Research and Documentation Skills <ul style="list-style-type: none"> • Basic research tools & techniques • Data collection and analysis • How to write case studies | Ashish Kumar |
| 11 | 10.30- 11.30 | Basic Advocacy and Communication Skills Session Objectives: <ul style="list-style-type: none"> • Relevance of advocacy in the ConsumersUp project • Advocacy tools and types • Basic rules of communication and importance/use for advocacy | Murli Dhar Kedia |

| | | | |
|----------------------|--------------|--|-----------------------------------|
| 13.30- 14.00 | | Lunch Break | |
| 13 | 14.00- 15.00 | Resource Mobilisation for Consumer Protection <ul style="list-style-type: none"> • Basics of resource mobilisation • Tools & Techniques • How to write a proposal • Main sources for resource mobilisation | Ashish Kumar |
| 14 | 15.00- 16.00 | Open house session | Om Prakash |
| 15 | 16.00-16.30 | Preparing an action plan to take up consumer issues by participants | The Janaki Foundation & CUTS Team |
| 16 | 16.30-17.00 | Feedback and Evaluation of the Workshop Summing Up and Vote of Thanks | CUTS Team & Participants |
| 17.00 onwards | | Tea & Departure | |