

**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

Ranchi, Jharkhand, May 14-15, 2012



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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 programmes 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, Jamshedpur, Jharkhand organised a Knowledge Enhancement Workshop (KEW) at Ranchi on May 14-15, 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 organisations 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

Sanjay Kumar, Director, Arun Sharma, Manager, Employee State Insurance Corporation (ESIC) Jharkhand; B N P Singh, Electricity Consultant, Ranchi; Sajjan Saraf, President and Kishore Mantri, Vice President, Jharkhand State Chamber of Commerce and Industries Association; Om Prakash, Advocate, Consumer Forum; Pankaj Kumar, Media Representative, Ramakant Pathak from UNICEF, Manish Kumar, Managing Director, Dynamic Tarang Pvt. Limited; Ashok Kumar Thakur, Retired deputy Zonal Manager, Bank of India; Subir Kumar from Urban Health Programme, Government of Jharkhand; Arjun Kant Jha and Abhimanyu Singh Project Officer, CUTS were present as speakers and played vital role on their respective topics prominently.

5. Participants

More than 62 participants comprising representatives from CSOs, NGOs, different institutions, advocates, media persons, ward members, activists and ConsumersUp project team attended the workshop. Participants were from Ranchi and nearby districts. *(Please refer Annexure 1 for list of participants)*

Proceedings

First Day: May 14, 2012 *(Please refer Annexure 2 for Agenda)*

6. Introductory Session

After the registration of participants and distribution of resource kits, the workshop commenced with the welcome remarks in which Ashish Kumar of TJF welcomed the participants and shared the agenda. Then a brief introductory session took place in which participants introduced themselves and shared their views and expectations from the workshop. Since the Chief Guest of the workshop informed that, he will come late due to an urgent appointment with the Chief Minister of Jharkhand at the last moment, so workshop started with the next session.

6.1 Presentation about the Project

Abhimanyu Singh, Project Officer, CUTS

Abhimanyu briefly shared about ConsumersUp project. He presented a PowerPoint presentation about CUTS, its origin, project objectives and various activities (Research including Input paper, KEW, Regional Workshop and National Conclave, etc.) in which all details related to the project were shared with participants. He shared the long-term as well as immediate objectives of the project 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 and earlier one KEW was conducted in Jamshedpur. This is the second KEW in Jharkhand. Next regional consultation as a part of the project will be conducted at Ranchi in August 2012. After the presentation of

Abhimanyu about CUTS and the project, Ashish Kumar of TJJF briefed about the organisation, its objectives and working area through power point presentation.

7. Consumer Rights and Duties

Sanjay Sharma, Director and Arun Sharma, Manager, Employee State Insurance Corporation (ESIC) Jharkhand

Sanjay Sharma in his presentation oriented participants on the understanding of the term consumer, the orientation towards consumer rights and protection issues. In his address, Sanjay informed that any person who consumes or uses various goods or services is a consumer. In regards, those who buys goods for reselling is not a consumer. The best way to define consumer is *Anybody who chooses any goods or services and spends money to obtain them and uses them to satisfy his or her own needs*. Citing this as an example, he explained participants about various laws/regulations related to consumer protection. Some of the statutory rights granted to the consumers as per the Act are:

Right to Safety

Right to be informed

Right to choose;

Right to be heard;

Right to seek redressal;

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. Sanjay suitably answered to queries of participants.



Taking forward the discussion, Arun Sharma elaborated upon the demand side of the consumer rights as per the Act. It becomes the duty of the consumer to claim those rights. In his address, he informed that to avail consumer's right to be heard – every consumer must keep updated with acts. They must take all precautions while purchasing or availing services like choosing right goods/services at right price and must take all precautions of safety as explained. While saying so, he informed that four major components are of prime importance:

- 1. Responsibility of self help*
- 2. Proof of transaction*
- 3. Proper and justified claim*
- 4. Proper use of product/ services*



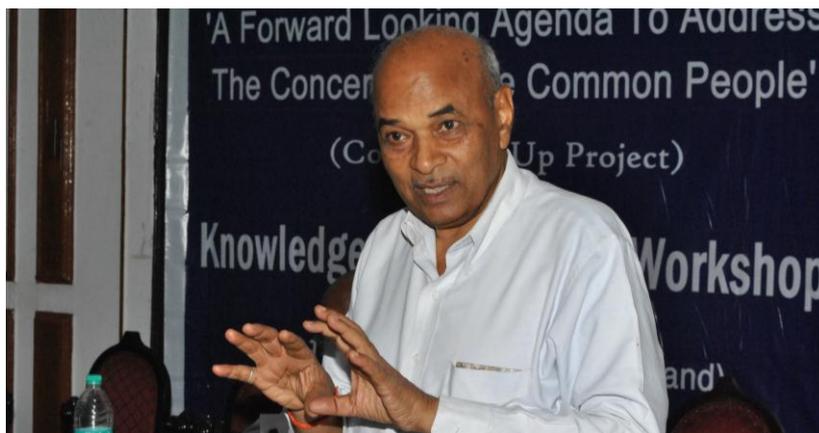
He informed that while making complaints and claiming compensation, one should not make unreasonably large claims. In courts of law huge unreasonable claims are considered irresponsible and may go against consumer's interest. Hence, as a consumer one should be careful while claiming compensation.

8. Key Provisions in the Electricity Act 2003 for empowerment/protection of consumers

B N P Singh, Electricity Consultant, Ranchi

B N P Singh shed light on the key provisions and importance of the Electricity Act to adhere to basic facts to avail benefits laid for the consumer under the Electricity Act 2003, which is the first comprehensive Electricity Act of Independent India. He briefly explained the provisions under the Electricity Act 2003.

This Act deals with Electricity Generation, Transmission, Distribution & Trading, Covering Management of Electricity, Electricity Policy & Plan, Licencing, Tariff Determination, CEA, CERC, SERC, Electricity Tribunal, Investigation, Offences and penalties, Special Courts, RLDC & SLDC & other Miscellaneous matters.



He also highlighted the provisions of the Act for the benefit of consumers. He also shared his viewpoint on consumer participation in policymaking and regulatory processes. He also informed about the consumer complain redressal, different complains related to electricity and filing of those complaints.

9. Introduction to various laws/regulations for Consumer Protection

Sajjan Saraf, President, Jharkhand Chamber of Commerce and Industries Association

Sajjan Saraf, while presenting an overview of consumer awareness and protection said that the consumer movement in India traces its antecedents to the independence movement when consumer organisations got themselves registered in Chennai in 1930s. However, it was the enactment of the Consumer Protection Act (COPRA) in 1986 that 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 to 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 the health of the people and environment. Instead of consumer guiding the producer about what should be produced, it is the producer who decides what the consumer should want. The plight of the consumer is further worsened by the use of advertising techniques. Consumers are saddled with problems of choosing between too many products with too less information. With the concentration of market in the hands of a few large corporations, it becomes important that consumers should be aware of their rights to ensure proper standards for goods and services for which they make payment.

10. Simulation Exercise on Drafting a Notice and filing a customer Complaint and Various avenues (formal /informal) available to Consumer for Grievance Redressal Mechanism

Om Prakash Advocate, Consumer Forum

Om Prakash informed the participants that 'for weak projection and implementation of consumer awareness & protection' government organisations, departments and their employees alone are not at fault. In his view, 'negligence on part of consumers' is equally responsible for the current condition. He felt that consumers in rural areas were primary victims of mal-trade practices. Sharing his personal experiences, he felt that there was a difference between the awareness of people in developed countries and countries in the third world.

The session was highly interactive and focused on various laws and acts in connection to COPRA. He informed that COPRA 1986 is a social welfare legislation, which was enacted

because of widespread consumer protection movement. The main object of the legislature in the enactment of this Act is to provide for better protection of interests of the consumer and to make provisions for establishment of consumer councils and other authorities for settlement of consumer disputes and matter therewith connected.



In order to promote and protect rights and interests of consumers, quasi-judicial machinery is sought to be set up at district, state and central levels. These quasi-judicial bodies have to observe the principles of natural justice and are empowered to give reliefs, of specific nature and impose penalties for non-compliance of orders given by such bodies.

Later in this session, the team split into three small groups to do a brainstorming exercise on how to file a complaint around a thematic cause. Om Prakash steered the exercise and participants did a small group session with utmost zeal and vigour. They were given complaint regarding defective clothes and asked to draft a notice and present it before the consumer forum. This was followed by a small presentation from each of the team member.

11. Complaint Handling Information and Advisory Service (CHIAS) and Use of Right to Information for consumer protection

Arjun Kant Jha, Project Officer, CUTS

Arjun Kant Jha informed participants that Complaint Handling, Information and Advisory Services (CHIAS) has been an inherent and vibrant activity of CUTS, which was commenced as a programme supported by the Consumer Welfare Fund (CWF), Department of Consumer Affairs (DoCA), Government of India in 1998 named as 'District Consumer Information Cell' (DCIC). Services provided under CHIAS are to:

- advice on consumer protection related issues and complaints;
- publication of books, pamphlets, magazines and other materials on consumer related issues; and
- handling consumer complaints through counselling and conciliation for quick and easy redressal.

Citing a few success stories, they informed that mechanisms such as CHIAS could be a handy tool to protect consumer interests in the region.



12. Feedback of day's proceeding and next day planning

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

Second Day: May 15, 2012 *(Please refer Annexure 2 for Agenda)*

13. Recap of the previous day

The proceedings of next day commenced with the recap of previous day. The session was facilitated by CUTS team and the state partner.

14. Basic Research and Documentation Skills

Ramakant Pathak, UNICEF

In his presentation, Ramakant Pathak informed participants that any collection of data, information and facts for the advancement of knowledge is research. It is different as it is evidence-based and systematic, objective, verifiable and empirical. To put up in a nutshell, "research is a process used to collect and analyse information to increase our understanding of a topic or issue."

The goal of research process is to produce new knowledge or deepen understanding of a topic or issue. This process takes three main forms though the boundaries between them may be obscure. They are exploratory, constructive and empirical research.



Focussing on research methodology, he explained that there are various ways to conduct research. These are primary and secondary source, personal interview, focus group discussion and participatory rural appraisal.

The session was quite interactive and participatory as the participants were more eager to know about research and their queries were well addressed by the resource person.

15. Basic Advocacy and Communication Skills

Manish Kumar, Managing Director, Dynamic Tarang (P) Ltd.

Manish Kumar outlined the basics of advocacy and communication skills. Orienting the participants on the meaning of advocacy, he said that advocacy is to take up any specified issue with a right person in a right manner to achieve desired results.

Focusing on advocacy, he said that policy influencing goes beyond time and space. In such a scenario, there is a need to strategically plan by building strengths of our people, recognising the strength of the opponent, activating our friends for the cause and attracting fence sitters to join us or remain passive.



Moving forward, he informed that when we advocate, it is the judicial, media and bureaucratic or the legislative form. Therefore, we should know the case well, the medium, mechanisms and the process of where and how to approach well. We should plan for an impacting success.

16. Banking Service

Ashok Kumar Thakur, Retired Deputy Zonal Manager, Bank of India

Ashok Kumar Thakur made people aware of their rights and also insisted that one should be very cautious while purchasing any product or scheme and while taking loan from banks. He also said that one should read documents carefully before signing on the paper while taking any loan from banks, as there are many hidden costs involved in it.



17. Resource Mobilisation Skills

Subir Kumar, Urban Health Programme, Government of Jharkhand

Subir Kumar, in his presentation informed that resource mobilisation implies raising resources for a particular cause or the organisation goal in general. It may be in the form of money, volunteer services, skill transfer or in kind.



He informed about different sources of fundraising in India. He briefly explained about techniques for fund raising, which includes proposal, concept notes, presentations, direct mails, legacies, face to face, payroll giving, donation boxes etc.

18. Simulation exercise on writing a proposal and making presentation for resource mobilisation for consumer issues

Ashish Kumar, The Janaki Foundation, Jharkhand

Based on the orientation of participants, Ashish guided them through the proposal building exercise. He informed participants about the rationale and the need for raising funds for the cause for which the proposal is being written. One should be clear while writing the proposal. The proposal should be evidence-based and carry logics and frameworks for further working. This should be sufficed with the sustainability angle and the rationale, aims and objectives should be linked with the work plan and the budget to make it smart, contextual and appealing.

19. Conclusion

Following conclusions emerged from the proceedings of the workshop:

- 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
- The website of the Department of Consumer Affairs, Government of Jharkhand should be developed

- Establishments of norms for the work of lawyers and doctors; and consumer awareness programmes on TV and radio
- More initiatives should be taken at grassroots
- Better access of the rural population to complaint resolution at the pre-litigation stage should be guaranteed by using *Panchayati Raj Institutions*
- 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;
- Consumer issues in the strict sense were seen in close relationship with problems that rural people had in their quality as agricultural producers; like commercialisation of substandard seeds, better advice in production techniques, animal insurance etc. Their needs should be addressed.

20. Summing up and Vote of Thanks

Proceedings concluded after participants were asked to fill feedback forms. Ashish gave vote of thanks. He narrated all sessions in brief and expressed his gratitude to resource persons and representatives of CUTS. He also said that such kind of workshops help raising awareness among the people and a good platform to bring people working on similar issues on one platform and fighting for a common cause.

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
May 14-15, 2012, Ranchi (Jharkhand)**

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57	Sanjay Kumar	Harmu Ranchi		

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**Annexure-2 (Agenda for the Knowledge Enhancement Workshop (KEW)
Indian Consumers in the New Age: A Forward Looking Agenda to Address the
Concerns of the Common Man” (ConsumersUp)
May 14-15, 2012, Ranchi (Jharkhand)**

S. N.	Time	Subject of the Session	Facilitator
DAY-1 (May 14, 2012 – Monday)			
1	9.00-9.30	Registration and Introduction of participants and sharing of agenda	The Janaki Foundation
2	9.30–10.00	Inauguration and overview of consumer awareness and protection	Sajjan Saraf, Jharkhand Chamber of Commerce and Industries Association.
2	10.00-10.30	Brief Presentation about ConsumersUp project objective/need of the workshop	CUTS, Jaipur
3	10.30-11.30	Consumer Rights and Duties in respect to ESI	Sanjay Kumar and Arun Sharma, ESI
11.30-11.45		Tea Break	
4	11.45–12.45	Key Provisions in the Electricity Act 2003 for empowerment/protection of consumers	B.N.P Singh, Electricity Consultant, Ranchi
12.45-13.00		Tea Break	
5	13.00-14.00	Simulation Exercise: Drafting of notice and consumer complaint Role play of proceeding in consumer forum	A.K.Mishra, Pankaj Kumar, Media and CUTS team.
14.00-15.00		Lunch Break	
6	15.00-16.00	Various avenues (formal /informal) available to Consumer for Grievance Redressal Mechanism	Om Prakash– Advocate, District Consumer Forum
16.00- 16.15		Tea Break	
7	16.15-17.00	How to run Complaint Handling Information and Advisory Service (CHIAS) Use of Right to Information for consumer protection	CUTS, Jaipur
8	17.00-18.00	Feedback of day’s proceeding and next day planning	Participants
DAY -2 (March 15, 2012 – Tuesday)			
9	9.00- 9.30	Recap of the previous day	Participants
10	9.30- 11.00	Basic Research and Documentation Skills Basic research tools & techniques Data collection and analysis How to write case studies	Ramakant Pathak, UNICEF
11.00-11.15		Tea Break	
11	11.15- 13.00	Basic Advocacy and Communication Skills Session Objectives: Relevance of advocacy in the ConsumersUp project Advocacy tools and types Basic rules of communication and importance/use for advocacy	Manish Kumar, Managing Director, Dynamic Tarang (P) Ltd.
13.00- 14.00		Lunch Break	
12	14.00- 15.00	Resource Mobilisation Skills Basics of resource mobilisation Tools & Techniques How to write a proposal Main sources for resource mobilisation	Subir Kumar, Urban Health Programme, Government of Jharkhand
13	15.00- 16.00	Simulation exercise on writing a proposal and making presentation for resource mobilisation for consumer issues	Mr. Ashis Kumar, The Janaki Foundation Jharkhand
14	16.00-16.30	Preparing an action plan to take up consumer issues by participants	
15	16.30-17.00	Feedback and Evaluation of the Workshop Vote of thanks	The Janaki Foundation and CUTS
17.00 onwards		Tea & Departure	