

# Consumer Protection in Rajasthan

*Issues to be Advocacy*

Grassroots Reachout & Networking in  
Rajasthan through Consumer Action (GRANIRCA)



**30** CUTS  
1983 2012 International



Supported by

Ministry of Consumer Affairs,  
Food & Public Distribution  
Government of India

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## About CUTS International

Established in 1983 as a rural development communications initiative, Consumer Unity & Trust Society (CUTS) is now at the cutting edge of the consumer movement in India, as well as across the globe, and has expanded into trade and development, competition, investment and economic regulation and human development. Today, CUTS International, with a staff of over 100, operates out of:

- Three programme centres in Jaipur (CUTS Centre for International Trade, Economics & Environment, CUTS Centre for Consumer Action, Research & Training and CUTS Centre for Competition, Investment & Economic Regulation) and one in Chittorgarh (CUTS Centre for Human Development);
- An advocacy centre in New Delhi and a Centre in Calcutta (focusing on Consumer Safety and Grassroots Economic Development), India; and
- Four resource centres in Lusaka (Zambia), Nairobi (Kenya), Hanoi (Vietnam) and Geneva (Switzerland).

The organisation elects its Board/Executive Committee every fourth year, while the Secretariat is headed by the Secretary General. Over 1200 individuals and 300 organisations are its members. The organisation is accredited to the United Nations Conference on Trade and Development (UNCTAD) and the United Nations Commissions for Sustainable Development (UNCSD).

CUTS works with several other regional, national and international organisations such as Consumer International (CI); International Centre for Trade and Sustainable Development (ICTSD); South Asia Watch on Trade, Economics and Environment (SAWTEE); World Trade Organisation (WTO); the World Bank; International Finance Corporation (IFC); Organisation for Economic Cooperation and Development (OECD); the Commonwealth Secretariat, East Africa Community Secretariat; various development cooperation and trade ministries all over the world; and, in India, various federal and state ministries and departments, National Bank for Agricultural and Rural Development (NABARD), the Consumer Coordination Council of India, etc. It also serves on several policy-making bodies of the Government of India.

CUTS International's vision is "consumer sovereignty" and mission is "consumer sovereignty in the framework of social justice and equality, within and across borders". In all its work, it follows the method of research-based advocacy and connects the grassroots with the international policy-making processes.

*For more details about CUTS, please visit: [www.cuts-international.org](http://www.cuts-international.org)*

## CUTS CART

Established in 1996, CUTS Centre for Consumer Action, Research & Training (CUTS CART) is a Programme Centre of CUTS. This programme centre was created as a result of the diversification of CUTS in order to move ahead with its inherited agenda – consumer protection and education – and to create a more responsible society. Continuous pioneering work in the area of consumer protection found CART at the forefront of the consumer movement in India and beyond.

*For more information please visit: [www.cuts-international.org/CART/index.htm](http://www.cuts-international.org/CART/index.htm)*

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Implementing Organisation  
CUTS International

With the support from:



Consumer Welfare Fund (CWF)  
Department of Consumer Affairs  
Ministry of Consumer Affairs,  
Food & Public Distribution  
Government of India

सत्यमेव जयते

Sanction No. : O-11011/23/2007-CWF dated: 06/01/2010

Project Period: January 2010-December 2012

Project Area: 12 Districts of Rajasthan: Alwar, Banswara, Bundi, Chittorgarh,  
Churu, Dausa, Dholpur, Jalore, Jodhpur, Kota, Tonk and Sikar

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## Background

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Consumer Unity & Trust Society (CUTS) has been instrumental in bringing various changes at the policy level as well as in redressal mechanism for protection of consumer's interests. CUTS was also behind the enactment and strengthening of the Consumer Protection Act 1986. To know more about CUTS, please visit: [www.cuts-international.org](http://www.cuts-international.org).

However, even after about 25 years of enactment of such a dynamic and unique Act, the situation of consumers is still not good in India. The changed scenario of globalisation, technological advancement and emergence of various new sectors has further posed many new challenges before consumers today. Therefore, to address such issues, CUTS has initiated a project entitled, Grassroots Reachout & Networking in Rajasthan through Consumer Action (GRANIRCA) with the support of the Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, Government of India under the Consumer Welfare Fund (CWF).

The objective of the project is to generate more capable consumers by way of equipping them with knowledge & skills and build up zealous grassroots activists through intensive training, capacity building and orientation programmes on consumer protection issues to create an enabling environment at the grassroots. The duration of the project is of three years, i.e. January 2010-December 2012. It would cover all seven divisions and would be implemented in 12 districts, i.e. Tonk, Chittorgarh, Kota, Bundi, Alwar, Banswara, Jodhpur, Jalore, Churu, Sikar, Dholpur and Dausa. Please visit: [www.cuts-international.org/cart/GRANIRCA](http://www.cuts-international.org/cart/GRANIRCA)

The findings and recommendation mentioned in the advocacy documents emerged out of the field research studies as well as interactions/discussions with various stakeholders during project activities. This is result of joint efforts of GRANIRCA project team (Deepak Saxena, Amarjeet Singh, Arjun Kant Jha, Dharmendra Chaturvedi, Abhimanyu Singh and Jai Shree Soni of CUTS CART) and district partners of the project under the overall guidance of George Cheriyan, Director, CUTS International & Head, CUTS Centre for Consumer Action, Research & Training (CUTS CART).

## About the Project

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**L**ack of consumers' access to adequate information, improper understanding about the redressal mechanism/procedure as well as other socio-economic vulnerabilities of individuals and households are the reasons of the under-privileged classes not getting justice.

To address the problem, CUTS is partnering with the Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, Government of India, under the Consumer Welfare Fund (CWF), to implement the project entitled 'Grassroots Reachout & Networking in Rajasthan through Consumer Action' (GRANIRCA) in 12 districts of Rajasthan. The purpose of this project is to enhance strong consumer movement at the grassroots in seven divisions of the State by ensuring an enabling environment for protecting consumer's interests, which will, in turn, contribute to national interest.

### **Specific Objectives**

The objective of the project is to build a strong consumer movement at the grassroots equipping consumer activists with skills and creating network of zealous grassroots' activists through intensive training, capacity building and orientation programmes on consumer protection issues.

### **Supported & Implemented by**

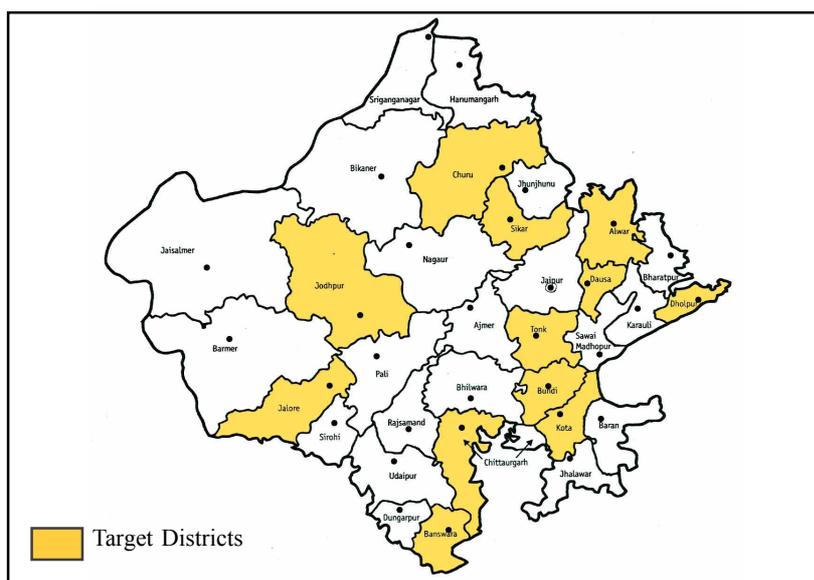
The project is being implemented by CUTS Centre for Consumer Action, Research & Training (CUTS CART) with financial assistance under the CWF by the Department of Consumer Affairs, Ministry of Food and Consumer Affairs, Government of India.

### Expected Outcomes

- *Empowerment*: People will be assertive consumers to uphold their rights and fight for justice;
- *Questioning Society*: Civil society organisations (CSOs) will act as “watchdogs”;
- *Enforcement*: Better service delivery areas and efficient redressal mechanism;
- *Enabling Environment*: Protecting consumer’s interests, which will ultimately create an enabling environment for protecting the state interest;
- *Good Governance*: Contribute towards achieving the Millennium Development Goals (MDGs); and
- *Replicable Model*: The programme will result in a model of empowering consumers through networking and thus offer a model for further expansion in the identified district and elsewhere.

### Duration and Coverage

The project is for a period of three years, i.e., January 2010 to January 2013, covering all seven divisions of Rajasthan, comprising

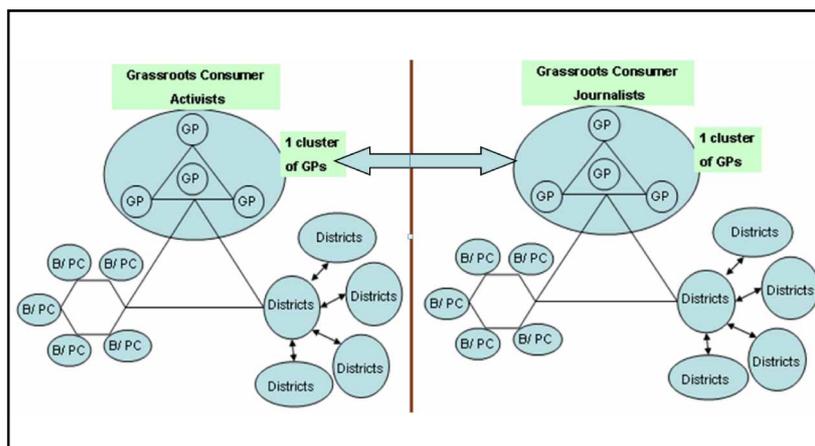
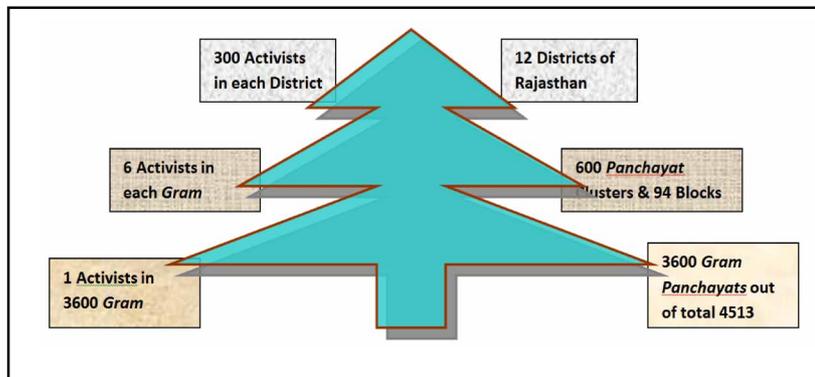


12 districts, namely, Tonk, Chittorgarh, Kota, Bundi, Alwar, Banswara, Jodhpur, Jalore, Churu, Sikar, Dholpur and Dausa.

MoU was signed on January 08, 2010 between CUTS and Department of Consumer Affairs and the project formally was launched on March 17, 2010. The project map is given above:

*For more information please visit project webpage: <http://www.cuts-international.org/cart/GRANIRCA/index.htm>*

### Project Model



There is a total 4513 *gram panchayats* in the proposed target states in the identified 12 districts. The project has only the provision for capacity building of 3,600 grassroots consumer activists, through the District Level Training Workshops (DLTWs). Hence, clusters of *gram panchayats* (comprising three-four), was formed for covering the entire geographical area. In the DLTWs, training was provided to representatives from *gram panchayat* clusters, in batches of 50 each spread in a period of three years.

Out of this 3,600 trained consumer activists, selected 600 activists will be oriented towards informed reporting on consumer issues through district level media workshops

#### **Project Activities**

- State launch-cum-orientation of district partnering organisations
- Three Field Research Activities
- 100 Public Interfaces and Outreach Meetings
- 36 District Level Training Workshops
- Three State Feedback Roundtables
- 12 District Level Media Sensitisation Workshops
- Two State level Media Consultations
- Continuous – Advocacy on Consumer Issues emerged out of Field Research
- Celebration – National Consumer Day & World Consumer Rights Day
- Publication – Reports, Briefing Papers and Newsletters
- Documentation – Quarterly Reports, Annual Progress Reports, Activity Reports etc.
- Dedicated Project Webpage [www.cuts-international.org/cart/GRANIRCA](http://www.cuts-international.org/cart/GRANIRCA)

## Project Outputs

- 18 Bi-Monthly E- Newsletters (Consumer Dialogue)
- 12 Quarterly Newsletters (Consumer in Action)
- 8 Briefing Papers
- 3 Research Documents
- 2 Advocacy Documents
- Project Brochure
- Training Manual (*Printed in English and Hindi*)
- Activity Reports
- Annual Progress Reports and Quarterly Reports
- Posters
- Stickers
- Handouts



## Purpose

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The word advocacy is a combination of **Ad + Voca**. 'Ad' (means 'in favour of') and 'Voca' is to speak.... hence the literary meaning of the word 'advocacy' is to speak in favour of someone. In reference to social work, advocacy is to bring the social issues of marginalised, disadvantaged or unorganised sections of society to the person in authority to address issues.

There are various advocacy tools to choose from as per the requirement of the implementing organisation. Consumer Unity & Trust Society (CUTS) has a rich history of successful advocacy interventions on consumer issues.

This advocacy document present evidences of ground realities and suggest the corrective measures, so that concerned authorities can make informed decisions to address those issues.

The main objective of the advocacy document is to come out with key advocacy messages to be disseminated to concerned policymakers. Key findings concluded from various project activities such as baseline consumer survey, public interface meetings, etc., are incorporated in the advocacy document.

The GRANIRCA project was formally launched on March 17, 2009 and now it has completed its duration of three years. During the period every year one field research and many project activities were conducted and during the implementation project team got inputs/suggestions from wide range of stakeholders.

All those suggestions about consumer issues and the findings of the annual field study activity are collated to present before the authorities responsible for consumer protection at the state and national level for their consideration and action in form of this advocacy document.

The advocacy points raised here will be addressed for the protection of consumer interests and the larger social benefit in the State of Rajasthan. These issues can also trigger actions in other states and at the national level, as scenario in other states is not much different.

## Findings from Field Research of 1<sup>st</sup> Year (2010)

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The primary objective of the research was to find out the status and performance of the key authorities/institutions (listed below) responsible for strengthening consumer protection at the district level in all the 12 project districts:

- District Consumer Disputes Redressal Forum
- Collector of the District
- District Supply Officer
- Drug Control Officer/Inspector
- Chief Medical and Health Officer
- District Weights and Measures Inspector

The secondary objective was to build the capacity of district partners about the functions and schemes etc. of these departments as well as to initiate communication between them and the partners.

### Key Findings

- Out of 12, only seven district forums were having required three members, four were working with two members and District Forum at Sikar was defunct, having no member. Many members were not playing active role as envisaged under the Act.
- Very low percentage (only 26 percent) of cases was disposed within the prescribed period of 90 or 150 days under the Consumer Protection Act (COPRA).
- Very few (less than three percent) complaints were represented by consumers themselves without engaging any advocate.

- Appointment of drug inspectors at the District level was not satisfactory. They were given charge of two or three districts, which was hampering their work efficiency.
- Labs for testing of drugs/medicines in most of the districts were not established by the government and also they were not upgraded from time to time.

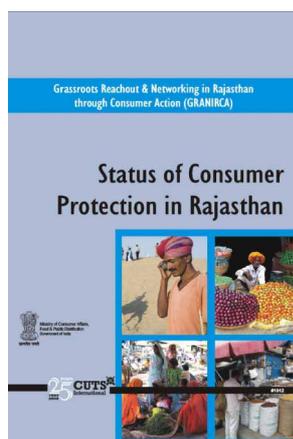
#### **Advocacy Issues and Recommendations**

- Consumer protection councils both at the State and District level should be made effective with immediate effect.
- The vacant positions at the district consumer forums should be filled for speedy redressal and resolution of consumer problems.
- There is need to enhance the resources and provide better infrastructure for active working of the district consumer forums.
- A separate Consumer Directorate should be set up in the state. Various consumer-related divisions should be brought under one common umbrella within the banner of Consumer Directorate, e.g., Weights and Measures, which is presently with Industries Department and similarly Food and Drug Inspector, who comes within the purview of the Medical and Health Department of the State government.
- Well-equipped product testing laboratories should be set up to keep a check on adulterated products in the market, preferably at the state and district levels.
- Advocates should be discouraged from entering the consumer forums, except in special circumstances.
- Information available at the district consumer protection councils, when made functional, should be published on the website.
- Price Control Commission should be set up at the State level in order to check and monitor inflation.
- State Consumer Welfare Fund should be made functional and the guidelines should be made public, in order to support small consumer organisations which have been in the field for years and are contributing to spreading consumer awareness at a greater magnitude.

- The vacancies in districts should be filled immediately and the recruitment process should start well in advance.
- Various departments should work in a proactive manner to protect the interest of consumers, not merely fulfil minimum targets.
- There should be separate department for legal metrology.
- Big districts should have more than one permanent District Forum.
- There should be proper follow up and monitoring of cases registered to ensure that the culprits are punished as soon as possible.
- The schemes of consumer clubs, financial assistance to consumers filing complaints, financial assistance to consumer organisations and reward to consumer activists should be provided adequate financial resources as well as proper implementation. These are crucial for ensuring consumer protection in the state.
- For better transparency and accountability, these departments should make proactive disclosure of their functions, schemes and action taken by them. Till date, the Consumer Fora do not have their websites even at the state level.

The details of the research were collated in form of a research document, which can be accessed form the project webpage at given below link:

[www.cuts-international.org/CART/GRANIRCA/pdf/Research\\_Report-Status\\_of\\_Consumer\\_Protection\\_in\\_Rajasthan.pdf](http://www.cuts-international.org/CART/GRANIRCA/pdf/Research_Report-Status_of_Consumer_Protection_in_Rajasthan.pdf)



## Findings from Field Research of 2<sup>nd</sup> Year (2011)

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The objective of this research under the second year of the project was to gauge the consumer awareness level on consumer issues at the grassroots level. For this, 2349 consumers were targeted in 12 project districts of Rajasthan.

Part A of the perception survey was to know their level of awareness and perception about consumer rights and issues. Part B was to know consumer perception about issues related to edible items, especially *Atta* and Ghee.

- 35 percent respondents were unaware of their rights as a consumer and 26 percent knew these partially.
- A sorry figure of almost 42 percent expressed their ignorance about their responsibilities as a consumer and only 21 percent said that they know these partially.
- 85 percent of the total respondents expressed their awareness of the general definition of consumer, 37 percent had heard about the Act and the rest either did not know about it or had very little knowledge.
- Only 10 percent of respondents went to consumer fora for seeking redressal.
- 53 percent respondents showed their awareness of demanding bills and 55 percent said that they knew about MRP and its importance.
- 77 percent see the manufacturing and expiry dates before purchasing goods and 85 percent out of this 77 simply avoid buying these.

- As many as 69 percent check packed items, their expiry and manufacturing dates, etc., and normally hesitate in purchasing such items.
- With regard to food and drug inspectors also, respondents had heard and knew about them, but were not aware as to under which department they fall.
- Only 36 percent respondents were satisfied with government efforts and the rest felt that government's efforts were not reaching down the line.
- The awareness of the available present law on food security was meagre. 67 percent of respondents were unaware about the availability of law as such.
- Respondents often hesitated in taking action against adulterators simply because they did not know as to where they should approach.
- *Shudh ke liye yudh* was known to 51 percent, but 50 percent of the respondents have termed it as only partially successful government-run campaign.
- Respondents were not satisfied with the role of the government in curbing adulteration, despite its recent initiatives such as mobile labs and *shudh ke liye yudh abhiyan* and often sudden raids on adulterators.
- 70 percent of the respondents reported that, after "Ghee", Edible Oil and Spices, basic commodities like *Aata* (Wheat flour), Milk, Pulses and Petroleum products are the most adulterated.

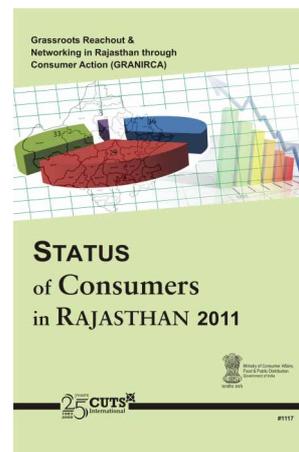
### Recommendations

The law should be implemented religiously within the objectives with which it was enacted, i.e. speed, just and economic redressal to consumers.

- Members should be appointed without political influences and connections.
- Retired judges or the judges on the verge of retirement should not be appointed as presidents of the District Forum, State Consumer Disputes Redressal Commission and National Consumer Disputes Redressal Commission.

- Members should have some sort of legal background so that they could actively take part in the forum’s proceedings.
- Lawyers’ presence should be restricted, though some respondents said that their presence should be made mandatory.
- The issue pertaining to consumers buying goods for the commercial purpose should be resolved, as it is creating confusion not only in consumers of all categories but in legal fraternity also.
- There should be some flexibility with regard to compulsion of producing bills and a system should be set in case consumer is not in a position to produce bills or other supporting documents.
- Time limit for giving redressal should be maintained.
- Vacancies of both members and presidents should be filled up prior to retiring of the incumbents.
- Active participation by media in all the workshops and getting acclimatised with the issues pertaining to consumer protection ultimately motivated them to work jointly on all such issues.

More details are available in the research document published , which is uploaded at the project webpage at given below link:  
[www.cuts-international.org/CART/GRANIRCA/pdf/Research\\_Report-Status\\_of\\_Consumer\\_Protection\\_in\\_Rajasthan\\_2011-English.pdf](http://www.cuts-international.org/CART/GRANIRCA/pdf/Research_Report-Status_of_Consumer_Protection_in_Rajasthan_2011-English.pdf)



# Findings from Field Research of 3<sup>rd</sup> Year (2012)

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## **Part A-Background Information of Respondents**

### **Part B-Level of Awareness of Respondents with regard to Electricity**

*(general information like category and reason for not accessing to electricity from those, who still do not have electricity connection of any category; awareness on regulatory commission, its functions, Feeder Renovation Programme and Lok Seva Guarantee Act etc.)*

### **Part C-Level of Satisfaction with regard to Electricity Services**

*(questions related to grievance redressal mechanism, problems sorted out through this system, electricity police stations and ombudsman and his role, questions related to connections, meters and billing).*

#### **From Part A**

Out of the total 2419 respondents from 12 districts, almost quarter of percent were female participants. 32 and 33 percent of the total respondents were graduate and higher secondary pass respectively. Remaining was divided among primary, upper primary or illiterate.

96 percent of these respondents had electricity at home, and out of this, 60 percent had agriculture, 84 percent had domestic, 4 had industrial and 8 with non-domestic category connections.

## Key Findings of the Research

### From Part B

96 percent of the respondents avail electricity connection and from the remaining four percent, a huge number of respondents, almost 68 percent, felt procedural delays as the main reason for not getting them to electricity services, whereas 10 percent from this four percent accounted for lack of proper infrastructure and 12 percent from this four percent only quoted exorbitant prices of electricity as the other concerns/reasons.

With regard to regulatory reform process, a huge number of respondents, almost 65 percent are still unaware of Rajasthan Electricity Regulatory Commission and its functions. This definitely indicates an improvement in the overall awareness on these reforms that started around 12 years back, sometime in year 2000. But it is a matter of concern that from the remaining 35 percent of respondents, who are aware or had heard about RERC or know about its functioning, 84 percent had not participated in any public hearing either on their own or through some organisation, which represents a disappointing picture of consumer participation in the regulatory reform processes.

Almost half of the respondents had rated feeder renovation programme as good project run by the government and found it useful and consumer-friendly. On the other hand, 59 percent are not aware of the new Public Service Guarantee Act.

### From Part C

On questions related to consumers' satisfaction, 59 percent respondents are still unaware of the available grievance redressal mechanism (GRM) adopted by utilities. From the remaining 41 percent, who are aware of GRM, 65 do not know about the process to access GRM. From the remaining 35 percent, who knows how to reach it, 74 had not lodged

any complaint and surprisingly 69 of the remaining 26 percent respondents, who had lodged any type of complaint, do not seem to be satisfied with the way their complaint was resolved.

From this set of 74 percent respondents, who had not lodged any complaint under GRM, 26 found the redressal system as huge time taking, 22 as worthless, 33 percent never felt the need for it presuming that it will automatically get resolved and rest quoted that they dis-believe in GRM.

Regarding receiving electricity connections after applying, 45 percent respondents found it difficult to get the connection, which almost take more than 30 days. In continuation, 53 percent were charged separately as additional amount while given connection.

63 percent respondents do not know electricity police stations (EPS) and from the remaining 37 percent, who knows it, 85 percent have never filed any complaint in EPS. From the remaining 15 percent, who have filed complaint in EPS, only 13 percent seemed satisfied with the response, they did get from EPF.

79 percent respondents are not aware of Ombudsman. From the remaining 21, who knows it, 83 never filed appeal of their complaints.

66 percent of the respondents reported problems/loss caused due to supply of high voltage and out of these 66 percent, 87 percent respondents reported that they did run to get compensation from the service providers on account of loss caused due to high voltage resulting in burning of electrical appliances and equipment etc. but in vein.

75 percent of the respondents reported about the insufficient (in terms of quantity) supply, while 69 were totally unsatisfied with the quality.

In case of changing faulty meters/transformers etc., 33 percent specified nearly seven days' time to get these. 68 percent complained about fast running of their meters, which resulted into rapid change in reading.

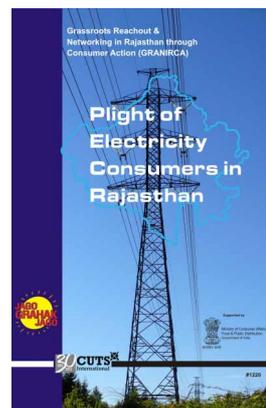
In an interesting question, respondents were asked as to whether the distribution companies pay to the consumers 5 percent of the cost as compensation for taking more than the prescribed time limit to get the meter replaced, a huge number of 80 percent said that they never received any such compensation.

53 percent of the respondents said that electronic meters were much more efficient and worthy than the normal meters. This result totally disapproves the myths about this kind of meter among consumers.

53 percent seemed satisfied with their complaints being rectified for defective billing.

For more details please refer the research document available at project webpage at given below link:

[www.cuts-international.org/CART/GRANIRCA/pdf/Research\\_Report-Plight\\_of\\_Electricity\\_Consumers\\_in\\_Rajasthan\\_English.pdf](http://www.cuts-international.org/CART/GRANIRCA/pdf/Research_Report-Plight_of_Electricity_Consumers_in_Rajasthan_English.pdf)



## Major Achievements: Outcome of the Project

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- The District Consumer Protection Councils (DCPCs) were constituted in all the 33 districts of Rajasthan in the year 2010 by the State Government.
- Good representation of various link departments in all project activities.
- Increased and more informed reporting of consumer issues by the media.
- State government establishment of two more district foras at Jaipur and one more in Jodhpur district.
- Process for filing up the vacant position at district fora began. In some district persons with required legal experience were appointed as President in the District Forum instead of long practice of appointing only retired district judges.
- CUTS re-nomination in Central Consumer Protection Council.
- Build capacity of 12 partners CSO to take on consumer issues in their respective districts.
- Constitution of district level PDS vigilance committees in all 33 districts.
- Establishment of State Consumer Helpline 1800-180-60-30.
- Establishment of Consumer Complaint Handling and Advisory Services (CHIAS) in 12 project districts.
- Formed network core group at project districts to sustain project objectives after the project tenure.

## Listening to Consumers: Consumer Complaint Handling and Advisory Services (CHIAS)

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Over a decade, Complaint Handling Information and Advisory Service (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). This was even prior to the formal launch of the DCIC scheme in the country by DoCA in 2000.

Looking at the magnitude of responses and successes, even after completion of DCIC field-testing CUTS CART sustained the functioning of the DCIC as CHIAS; contributing towards consumer education and protection, and continued its interventions with own resources. Further, it was analysed in context with European Consumer Centres and found to be suitable in reducing the burden of the District Consumer Forums (DCFs) in India.

The scope and dimension of the CHIAS has expanded, in addition to providing advice to aggrieved consumers and educating the common citizens about their rights as a consumer, constant negotiations with various service providers, informal interface with service utilities and providers, settling the consumers' disputes, including dealing with the second-generation consumer issues. As a result of such interventions, several complaints are settled directly without approaching the DCFs.

Thus, without any additional financial burden CHIAS has been activated and incorporated as a activity under “Grassroots Reachout and Networking in Rajasthan through Consumer Action” (GRANIRCA) project in 12 districts of Rajasthan to enhance strong consumer movement at the grassroots in the State by ensuring an enabling environment for protecting consumer’s interests, which will, in turn, would contribute towards the national interest.

*For more details please visit:  
[www.cuts-international.org/CART/  
Complaints\\_handling\\_Information\\_and\\_Advisory\\_Services.htm](http://www.cuts-international.org/CART/Complaints_handling_Information_and_Advisory_Services.htm)*

## Efforts do Pay: Some Success Stories

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Here are some case studies of issues resolved through CHIAS under the project. We have selected only 1 case study from each 12 districts.

Case Study 1: Errant LIC ordered to pay compensation to Widow Kaushalya (Dausa)
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<p>This is the case of a widow named Kaushalya Devi, wife of Late Mohanlal Sharma, a resident of Dausa District against Life Insurance Corporation of India. Mohanlal Sharma insured himself for ₹2,00,000 through <i>Jeevan Anand</i> Beema Policy of LIC with a half yearly premium of ₹7,885 for 18 years on August 02, 2008. He nominated his wife Kaushalya Devi as a nominee. After paying the second premium, he suddenly died of high fever on June 15, 2009. After the death of her husband, Kaushalya Devi demanded the claim, but she was denied saying that since the insurer died within eight months and twenty-five days of purchasing policy, so there should be a proper investigation in this matter.</p>
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After the investigation, Insurance agency informed that the insured person died of a disease called Herpes Simplex Encephalitis and not of high fever, which she had given the reason of his death. Mohanlal Sharma was suffering from the disease before purchasing the policy and he had a treatment for the same in a hospital in Jaipur. The claimant was well informed of all this but still he provided wrong information about his health while taking the policy. So the agency is not liable to pay any amount to the nominee as a claim, because it was a case of forgery.

The victim contacted our District Partner K B Memorial Social Welfare Society, Dausa that works for consumer rights. After hearing

the matter, it was decided to file a case in the District Consumer Forum. One of GRANIRCA project partner, Kamlesh Kumar Bohra decided to fight the case for the victim and after fighting for almost three years the Forum provided the judgment in favour of Kaushalya Devi and asked the agency to pay her the insured amount with the interest of three years at the rate of nine percent per annum and the court fee of ₹2,000. The declaration came on May 17, 2012.

**Case Study 2: Roshan Gehlot got his money back  
wrongly deducted at ATM (Jodhpur)**

Roshan Gehlot, a resident of Jodhpur is having bank account in UCO Bank, Jodhpur. He tried to withdraw ₹8000 from the ATM of Punjab National Bank on February 08, 2012, but due to some technical problems he did not receive the cash, instead he received the mini statement of debiting ₹8000 from his account. The incident occurred at night. He immediately informed Tejweer Choudhary of Native Institute of Desert Awareness and Knowledge Society (NIDAN), GRANIRCA District Partner for Jodhpur to which he was asked to inform both the banks immediately and register the complaint but it was not possible so he filed the complaint online. Next day on February 09, 2012, he personally visited the bank and informed about the situation.

Gehlot was informed by the member of the organisation that as per the provision bank should credit the deducted amount within 12 working days. If the bank fails to do so, he can file a complaint in the Forum. With the rigorous efforts of the organisation, Gehlot received the deducted money exactly on the 12<sup>th</sup> working day, i.e. on February 20, 2012.

**Case Study 3: Aware consumer got his grievance  
redressed without legal action (Kota)**

Seeta Sharma, wife of Mahesh Sharma residing at Ladpura block of Kota district purchased a mobile of ₹2700 from a store in Kota. It was of spice brand. But, after a few days it was having problems. She complained to the shopkeeper with a proper bill as evidence and asked him to replace the handset with the new one. The shopkeeper refused to replace the defective handset.

The lady was an active consumer and had attended various PIMs and DLTWs organised by Oxford *Shikshan Prashikshan Evam Vikas Sansthan*, Kota one of the partner of CUTS under the GRANIRCA project. She contacted Anwar Ahmed Khan of the organisation and Rambahadur Kulsreshta, Member of District Consumer Forum and asked for their advice. They send her to the shopkeeper and asked her to warn that if he will not replace the handset she will file complaint to the District Consumer Forum. On hearing this, dealer assured her not to file any complaint and replaced her mobile instantly. This is how an aware consumer can fight against injustice.

#### **Case Study 4: Jarga village's electricity transformer replaced (Dholpur)**

The transformer of a street in Jarga village of Dholpur district was burnt for almost four years and there was no electricity in that locality. In spite of this the residents of that locality regularly received electricity bills. Despite their regular complaints in this regard to officials of *Jaipur Vidyut Vitran Nigam limited* (JVVNL) no action was taken against the issue.

Seeing, this the villagers went to our district partner, Rakesh Kumar Parmar of *Samajik Vikas Sansthan* and asked him to intervene. After collecting evidence from few more villagers he sent legal notice to the officials of JVVNL asking them to resolve the issue. However, seeing that no steps were being taken by the officials, Rakesh Parmar along with few people met with the Associate Engineer of JVVNL, Baseri who after hearing the issue assured them to resolve it. After few days their bills were surrendered and a new transformer was installed in their area.

#### **Case Study 5: Consumer got new mobile in place of defected one (Banswara)**

Surendra Pagariya, a resident of Rati Talai in Banswara district purchased a Micromax handset mobile model X600 for ₹4000 from Taqdeer Mobile shop, Banswara on January 26, 2011 with a warranty period of one year. But he found that the product is defective from the date of purchase. He asked the shop owner to replace the set but the owner replied it will not be replaced rather he will rectify the defects and correct the set. But, after 10 days the mobile was with shopkeeper and his behaviour was quite rude to the consumer.

At last, Surendra approached *Wagad Vikas Sansthan* (WVS), GRANIRCA District Partner for guidance and help. A letter of complaint in which the shopkeeper was asked to replace the handset or rectify the defects within one week and hand it to the aggrieved customers was written by the organisation and Surendra was asked to hand it over to the shopkeeper. Within one week, Surendra was provided with a new handset with the help of regular follow up by WVS.

**Case Study 6: Faulty refrigerator repaired  
on intervention of VCO (Jalore)**

Purav Raj, a resident of Ahor in Jalore district purchased a 165 Litre Voltas Refrigerator from Phalna Enterprises, Phalna with a warranty period of one year for the fridge and five year for the compressor. He collected the bill and warranty card for the products. Initially it was working well but after a few months there was some sound coming out from the compressor. He immediately contacted the shopkeeper about the problem but it was diagnosed and corrected after three months by the mechanic. He was told that the problem occurred due to the fluctuations of electricity and asked to install a stabiliser. He immediately installed the stabiliser to protect his refrigerator from further damage.

But, later on to his surprise he found that the chilling system of the fridge is having fault and it is not chilling. He again complained about the defect to the shopkeeper. But, after spending two months no mechanic came to repair the defects. Annoyed by this, Purav contacted *Sankalp Sansthan*, GRANIRCA district partner in Jalore, where he was asked to write a complaint letter against the shopkeeper and send it to the regional office of Voltas Company in Jaipur seeking reply within 15 days and asking them to repair the refrigerator. Within 15 days of his complaint his compressor was replaced with the new one and till now it is working properly.

#### **Case Study 7: Tulsi Bai got her electricity connection (Chittorgarh)**

Tulsi Bai, wife of Mangilal Sharma resident of Begu village in Chittorgarh district wrote a letter to Chittorgarh Resource Centre (CHD) our district partner against *Ajmer Vidyut Vitran Nigam Limited* (AVVNL) asking to connect electricity in her house. Despite depositing demand draft in AVVNL the Department did not connected electricity in their house.

CHD took the matter seriously and forwarded the complaint letter to the Associate Engineer of AVVNL asking him to provide electricity connection to the consumer as soon as possible. But after waiting for three months no action was taken on the issue. On this CHD again reminded the Engineer regarding the matter marking copy to the Superintendent Engineer of Chittorgarh. After regular follow up by the district partner in this matter finally Tulsi Bai got electricity connection after 10 months.

#### **Case Study 8: Shopkeeper fined for charging more than MRP (Sikar)**

Radheshyam Pareek, a resident of Sikar district purchased one kg of sweets from a sweet shop in Sikar. The MRP of the product was Rs 90 but he was charged ₹100. Seeing this when he asked the shopkeeper that he is charging ₹10 extra, the shopkeeper misbehaved with him.

Aggrieved by this Radheshyam filed a complaint against the shopkeeper in district consumer forum for charging extra amount than the MRP. A bench of district forum with Ganga Singh Shekhawat as President and Indira Chaudhry and Ashok Pareek as members gave the decision in favour of the consumer and asked the shopkeeper to pay the aggrieved consumer ₹2000 for the mental harassment and Rs 2000 as the expense incurred by him for filing complaint and other charges. In this way a message was conveyed to all the others shopkeepers in the district that charging any extra amount can be a punishable offence. The case was advocated by our district partner Mukesh Sikhwal of *Zila Upbhokta Jagran Samiti*, Sikar.

**Case Study 9: PDS dealer forced to replace  
bad quality wheat (Alwar)**

Jitendra Somwanshi of Sheopura area in Alwar district purchased BPL category of wheat from a ration shop. He had to pay for the sack as the shopkeeper assured him to refund the money after he return the sack. But, when Jitendra went to return the sacks to get his money back the shopkeeper denied him by saying that the sacks is of no use as it is torn. There was a heated argument between the Ration dealer and Jitendra.

Padma Devi, one of the field staff of our district partner *Shubham Mahila Prasikshan Sansthan*, Alwar intervened in the matter and asked the dealer to refund the money but he refused to do so. Then Jitendra was asked to contact the district office of the organisation who will guide him to get his case resolved. The organisation took the matter seriously and asked the dealer to refund the money immediately but the dealer denied to so. After this the organisation contacted District Supply Officer and complained about the dealer and requested him to solve the matter. On knowing this, the dealer was afraid and he agreed to take the sack back and refund the amount to Jitendra Somwanshi.

**Case Study 10: Orphan student got education loan (Churu)**

This is the story of an orphan student Ashok Kumar of a village Jhadsar Kalandhan in Churu district whose parents died during childhood. Somehow, he managed to pass his senior secondary exams. But, later on it was very difficult for him to further continue his study due to financial crisis. Somehow with the help of his neighbours he completed his graduation. While studying he qualified for MCA in an institute in Noida (Uttar Pradesh). This time his teacher Prem Prakash Dhayal told him to apply for study loan from a bank to carry his study forward.

Ashok applied for study loan in State Bank of Bikaner and Jaipur, Taranagar, but his application was rejected by the bank officials and he was denied of loan. Knowing this Ashok with his teacher approached to *Manav Pragati Sansthan*, our district partner in Churu, and asked for proper guidance. The organisation contacted Branch Manager of the bank and asked the reason for disapproval of the loan. Finally,

with the rigorous effort of the organisation and continuous follow up with the bank staff the loan was granted to Ashok and now he is carrying his study forward.

#### **Case Study 11: Consumer got new printer (Tonk)**

Ashish Jain, resident of Uniyara Tehsil in Tonk district purchased a printer from Kota worth ₹5000 with a guarantee of one year. But, it got defected within five months of its purchase. He went to the local shopkeeper, but since it was under the warranty period the shopkeeper advised him to visit the service centre of the company. After contacting the service centre he was told that the drum of the printer is having problem and needs to be replaced. The dealer refused to replace it and asked him to contact to Kota dealer.

On contacting the dealer in Kota, he was refused by the dealer saying that it cannot be replaced. Then he contacted Gopal Lal Saini of MMM Shikshan & *Jan Seva Sansthan* our district partner of Tonk, who contacted the dealer in Kota and asked him to resolve the case and replace the printer. The dealer denied this but after threatening him of going to consumer forum; he finally agreed to replace the printer without charging any extra money. In this way Ashish Jain got justice with the help of the organisation.

#### **Case Study 12: Rajesh got new battery of fan (Bundi)**

Rajesh Jain, a resident of Balchand Pada in Bundi district purchased an electric fan from Gurunanak Electric Centre, Bundi on January, 2012. The manufacturing date of the battery as indicated was 2010, but the shopkeeper manipulated and made it 2012. After one week of purchase, the battery stopped working as it was an expired piece. When Rajesh contacted with the shopkeeper he refused to replace it. Seeing no other alternatives, he contacted Rajeev Saxena of *Richmonds 'Kala Sabitya* and *Shikshan Society*, our district partner and asked him to intervene in the matter. With the regular efforts and interventions by the organisation, the shopkeeper finally agreed to replace the products and provided relief to the consumer.

## Advocacy Interventions

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1. Including media and other stakeholders in the project advisory and resource group.
2. Involving media, policymakers and the implementing authorities in all project activities.
3. Submission of project activity and research reports to the Central and state governments.
4. Submission of memorandum to the Central and state governments on identified consumer issues.
5. Organising state level feedback roundtable meetings involving consumers, media, policymakers and the implementing authorities.
6. Organised media workshops at district and state levels.
7. Circulating project findings and news on consumer issues to wider level through printed newsletters, e-newsletters and a dedicated project webpage.
8. Raising consumer issues with policymakers in other formal/informal meetings.

## Advocacy Issues Emerged during the Project Interventions

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1. Consumer Complaints should be disposed of within prescribed period in the Act

*Section 13 (3A) of Consumer Protection Act., 1986 provides that Every complaint shall be heard as expeditiously as possible and endeavour shall be made to decide the complaint within a period of three months from the date of receipt of notice by opposite party where the complaint does not require analysis or testing of commodities and within five months if it requires analysis or testing of commodities:*

*Provided that no adjournment shall be ordinarily granted by the District Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum:*

*Provided further that the District Forum shall make such orders as to the costs occasioned by the adjournment as may be provided in the regulations made under this Act.*

The objective of the act is to provide quick relief to consumers but in reality it is not happening. As found in the field research under the project in year 2010 that only 26 percent of cases are being disposed within the prescribed period of 90 or 150 days under the Consumer Protection Act (COPRA).

The delay in disposal by consumer fora is defeating the very purpose of the Act. The reasons behind the delay should be worked out to provide justice to aggrieved consumers on time.

## 2. Vacancies in Consumer Fora should be filled on time

It is evident that there are many posts of president and members which are vacant for long time mainly in District Fora as well as in State Commission. Although the state government is well aware of the term of appointment and retirement of presidents and members, but the process to appoint new persons is not started before hand to fill vacancies on time.

The vacancies are the main reasons behind delay in disposal of cases. There should be timely process to prepare a list of candidates selected to fill the vacancies.

Many states are appointing only retired district judges as President in District Fora, which also result in delay in filing up vacancies. But as provided in Section 10 of the Act (given below) a person qualified to be a district judge is eligible to be president district forum. It is better to appoint persons with required legal experience as President instead of retired judges.

Members should be appointed without political influences Constitution of State Consumer Protection Council.

### *Section 10 of Consumer Protection Act, 1986 provides:*

**Composition of the District Forum** — (1) Each District Forum shall consist of—

- (a) a person who is, or has been, or is qualified to be a District Judge, who shall be its President;
- (b) *two other members, one of whom shall be a woman, who shall have the following qualifications, namely:—*
  - (i) *be not less than thirty-five years of age,*
  - (ii) *possess a bachelor's degree from a recognised university,*
  - (iii) *be persons of ability, integrity and standing, and have adequate knowledge and experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration:*

### 3. Establishment of Consumer Protection Councils

*Consumer Protection Act, 1986 provides*

**Section 7 - The State Consumer Protection Councils** (1) The State Government shall, by notification, establish with effect from such date as it may specify in such notification, a Council to be known as the Consumer Protection Council.

**Section 8A (1)** The State Government shall establish for every district, by notification, a council to be known as the District Consumer Protection Council with effect from such date as it may specify in such notification.

**Section 6 describes the Objects of the Central Council, which are also the objects of State and District Council in their respective areas.**

The objects of the Central Council shall be to promote and protect the rights of the consumers such as,—

- (a) the right to be protected against the marketing of goods and services which are hazardous to life and property;
- (b) the right to be informed about the quality, quantity, potency, purity, standard and price of goods or services, as the case may be so as to protect the consumer against unfair trade practices;
- (c) the right to be assured, wherever possible, access to a variety of goods and services at competitive prices;
- (d) the right to be heard and to be assured that consumer's interests will receive due consideration at appropriate forums;
- (e) the right to seek redressal against unfair trade practices or restrictive trade practices or unscrupulous exploitation of consumers; and
- (f) the right to consumer education.

The Act has provided for establishment of councils from National to district levels, which have objectives to protect interests of consumers. But at many level even these councils do not exist and if exist they are not functional to fulfil their objectives. So

there it is the need of hour to establish, activate and empower these councils in real terms to attain the objectives of the Act.

**4. Need separate Consumer Department/Directorate for better coordination among departments working for consumer protection**

Usually consumer affairs is part of Food & Public Distribution Department in most of states. The departments have main focus on Food & Public Distribution and consumer affairs are the last and least priority for them.

There is separate department of Consumer Affairs at Central level and some states, such as Kerala and Jammu & Kashmir have also taken initiatives for a separate department at state level. Moreover, there are various departments, agencies dealing with consumer issues which work in their own close sections without any coordination with other agencies.

So there should be a separate department of Consumer Affairs to coordinate the functioning of all agencies/department mandated to protect interests of consumers. Such a Directorate of Consumer Affairs was announced in Budget – of Rajasthan, but till date it has not come out of files.

**5. Well-equipped product testing laboratories should be established at district level**

Presence of well-equipped product testing laboratory nearby can be a great help for consumer to get the product tested and also to take legal action if the products are not of good & required quality. But such laboratories are not easily accessible for them. There is need to establish such labs up to the district level.

**6. District Fora and State Commission proceedings should be made online**

The Department of Consumer Affairs, Ministry of Food and Consumer Affairs, Government of India initiated a process of Computerisation and Computer Networking of Consumer Fora (CONFONET <http://confonet.nic.in/>) in the country. It is an internet based Case Monitoring System developed for automating the work flow of the consumer forums, starting from case registration until announcement of judgment.

This is very important and crucial steps to bring transparency, accountability and accessibility in working of consumer fora. Despite this in reality most of the District Fora and even the State Commission proceedings are not online.

All the proceedings of all consumer fora should be made online to bring in public domain. As a next step, online complaint filing should be allowed and made possible. So that consumer can file and monitor their complaints from anywhere.

**7. Lawyer's presence should be discouraged in consumer fora**

The consumer fora are meant to provide quick, inexpensive and easy relief to consumers in their grievances that's why these are called forum not court and not bound by strict legal procedures. The intention behind is that the aggrieved consumers can directly approach these fora without any advocate. But in practice most of the cases are being filed through advocates, not directly by consumers. Consumers have not only to spend for advocate fee but it also brings other problems of delays and complicating the process by them.

**8. There should be separate department for legal metrology**

In the state of Rajasthan, Legal Metrology department is under Industrial Department, with less than one inspector for a district.

Given the importance of the issue some other states, such as Delhi, Kerala and Maharashtra etc. have a separate department of Legal Metrology. The department handle important consumer issue of weight & measures and also packaged commodities. So there should be a separate department with proper fund, function and functionaries.

**9. The schemes of consumer clubs, giving awards to consumer activists and financial assistance to consumer organisations are not carried out in true spirit**

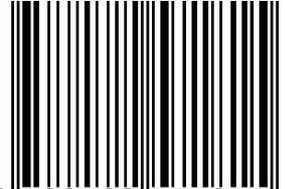
These important initiatives were taken by state of Rajasthan in past but now most of these have been discontinued.

Hence, there is need to revive these to boost the consumer movement in the state.

**10. Optimum use of State CWF in order to support & promote small VCOs.**



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