"Indian Consumers in New Age: A forward looking agenda to address the concerns of the common people" (Consumers Up)



Hon'ble Cabinet Minister, Consumer Affairs, GoJH Shri. Mathura Prasad Mahto Lighting the Lamp



Welcome of the Hon'ble Cabinet Minister, Consumer Affairs, Govt. of Jharkhand



Participants sharing their view points during the Regional Consultation

REGIONAL CONSULTATION

Hotel Capitol Hill, Ranchi, Jharkhand



August 31, 2012

Process Report

CUTS Centre for Consumer Action, Research & Training (CUTS CART): 277, Sindhi Colony, Bhaskar Marg, Bani Park, Jaipur 302 016, Rajasthan.

The Janaki Foundation: M - 15, Old Housing Colony, Adityapur, Jamshedpur. Jharkhand

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1. Background

Lack of consumer's access to adequate information, improper understanding about the redressal mechanisms/procedure as well as other socio – economic vulnerabilities of individuals and households are the reasons of the under-privileged class not getting justice.

To address the problem, CUTS is partnering with the Department of consumer affairs, Ministry of consumer affairs, Food and Public Distribution, Govt. of India under the consumer welfare fund to implement a one year project involving the Indian consumer organizations to address these new challenges and opportunities. The project envisages the following objectives on a Long term, Immediate and programmatic Indicators:

<u>Long-term Objective</u>: "To create an enabling environment for protection and promotion of consumer interest contributing towards the national interest"

<u>Immediate Objective</u>: "To bring out thematic report on the 'State of the Indian Consumer' and to enhance the knowledge of the Civil Society Organisations (CSOs) working on consumer issues in 4 identified states in India with the facts and information on the concerns of the Common people and on new generation consumer issues, with the aim to strengthen and take the Indian consumer movement forward"

The programme objectives are as follows:

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

2. Need for the Regional Consultation

Consumer movement in India originated with the necessity of protecting and promoting the interests of the consumers' against fraudulent, unethical and unfair trade practices. While the ushering of economic liberalization in early 90's resulted in many positive developments, vis-à-vis the enhancement of consumer interests, it has also thrown significant challenges which are to be addressed as concerns of common man as well as new generation consumer issues including those which are emerging from an evolving mosaic of utility regulations in India.



The Janaki Foundation partnered with CUTS to give shape to this initiative in the state of Jharkhand through the Regional Consultation in Ranchi on the central theme: "Indian Consumers in New Age: A forward looking agenda to address the concerns of the common people (ConsumersUp)" on August 31, 2012 at Hotel Capitol Hill in Ranchi, Jharkhand.

3. Objective

The objective of the Regional Consultation was to disseminate the findings of the Research facilitated as part of the project to assess the extent of realization of consumer rights and and to get the feedback from various stakeholders such as representatives of State Dept. of Consumer Affairs, consumer organizations, consumer redressal bodies, policy makers, media, academia etc. from the region for the preparation of the status of the Indian Consumer Report.

4. Proceedings

Chief Executive Officer, The Janaki Foundation, Jharkhand, Shri. Arun Kumar Tiwari welcomed the chief guest, the guest of honor and the participants illustrating the need for the dissemination and how the issue is of extreme importance in the growing context of the society.



Session I

Inaugural Address by the Hon'ble Minister,
Department of Consumer Affairs, Food and Public
Distribution, Government of Jharkhand – Shri.
Mathura Prasad Mahto: In the introductory
remarks, Hon'ble Cabinet Minister acknowledged
the CUTS and The Janaki Foundation for taking
ahead the discussion on very important issue of
consumer awareness and said that I cherish the
continuing contribution to the life of our



community and pay my respects to the elders and to those present today. He underlined the important role of the District Consumer Forums as envisaged under the Consumer Protection Act, 1986 and further emphasized the need to build the capacity of the Members of the District Forums so that justice could be delivered efficiently.

He described Consumer Protection Act as an excellent piece of Social Welfare legislation. He stressed that old people, women and the poor are the biggest sufferers at the hands of the manufacturers and service providers. For this, punitive damages having deterrent effect should be awarded by the Forums. He also said that efficiency and accountability are hallmarks of any good system.

He focused on the need to protect the Consumers in the market economy and stressed on the need to focus on Rural Consumers, who lack awareness and are being exploited. He emphasized the need to Protect Consumer Rights and stressed that monopoly is worst for the Consumers. In order to serve the interest of Consumers better, there is a need to develop a spirit of satisfactory service delivery amongst the business community.

He further stated that within the short time that he has been in charge of the department, his endeavours have been towards improving the quality of life of common man. He initiated several measures for ensuring food security and livelihood security for the people of the state and stated that his efforts have also strengthened and reoriented the PDS system to ensure that benefits reach every household. Sugar distribution through PDS has started for the first time since creation of Jharkhand. Over 12000 new Public Distribution System shops are being opened through women self-help groups

who are being given Rs.10,000/- as Seed money from government besides bank loan. To keep check on rising prices of essential commodities department have opened over 1244 Suvidha Stores wherein over 4 —lakh persons have already shopped up-till now. However, he still seeks inputs from the learned practitioners assembled here to strengthen the supply and access of the citizen centric services.

Session II

Theme : Opening Address.

Facilitator : Mr. George Cheriyan, Director – CUTS, International



Mr. George Cheriyan informed the participants that The Indian Consumer Protection Act (1986) completed 25 years of coming into force on December 24, 2011. Taking into consideration this aspect, Consumer Unity and Trust Services (CUTS) conceptualised a proposal well in advance, submitted, discussed and finalised it with the Department of Consumer Affairs, Government of India. The Memorandum of

Understanding was formally signed with the Department of Consumer Affairs, on November 04, 2011 to implement the project entitled 'Indian Consumers in the New Age: *A Forward Looking Agenda to Address the Concerns of the Common People*' (ConsumersUp) lasting for a period of 12 months.

The key activity of the project is to bring out a credible report on the State of the Indian Consumers. The report will have chapters on each of the consumer rights, consisting of an analysis of the state of implementation of the consumer rights based on a comprehensive literature review and findings of a comprehensive field research, based on a quantitative and qualitative sample survey covering 19 states and 3 union territories.

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



The project is being implemented in the following **4** (Four) states; namely Haryana, Tripura, Jharkhand, and Karnataka but for the research purpose, the additional *3 Union Territories* (Chandigarh, Delhi and Pondicherry) 15 states are selected namely, Kerala, Andhra Pradesh, Madhya Pradesh, Bihar, Chhattisgarh, Goa, Gujarat, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Uttarakhand and West Bengal.

Session III

Theme : Presentation of the key findings of the Research on consumer awareness.

Facilitator : Mr. Amarjeet Singh, Project Coordinator, CUTS – Jaipur



Mr. Amarjeet in his presentation oriented the participants on the understanding of the term consumer, the orientation towards consumer rights and consumer protection issues. In his address, Mr. Amarjeet 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 thus is: "Anybody who chooses any goods or services and spends money to obtain them and uses them to satisfy his or her own needs" taking this as an example, he explained to the participants about the various Laws / regulations related to consumer protection. Some of the statutory rights granted to the consumers as per the Act are:

- 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



Elaborating the findings of the Research in Jharkhand, Mr. Amarjeet informed that the sample size covered in Jharkhand is 332 consisting of 80 (urban), 252 (rural). BPL (129), APL (203), Male (169), Female (163). Targeted districts: Ranchi, Dhanbad, Pakur and West Singhbhum. Some of the Key Top line findings for Jharkhand are:

- 17% Jharkhand respondents are using public distribution system (PDS) as preferred source for food grains. Close to 70% of respondents meet their drinking water demand through public water supply. About 58% and 56% of respondents are using private toilet and community toilet respectively. About 14% consumers receive more than 20 hours of electricity supply on a normal day and only 25% are aware about electricity regulator. 09% of the respondents use LPG, 35% wood as the fuel for cooking. 47% of the respondents send their children to study in government schools and almost 86% respondents believe that access to education has increased due to Right to Education (RTE). Close to 65% respondents have rated healthcare facility as "fair". According to 60% respondents generic medicines are not avilable easily. Only 33% respondents are fully satisfied with the Government's effort to ensure ensure adequacy, accessibility and affordibility of basic needs.
- ISI is the most known certification referred by 71% respondent followed by ISO (06%) while making a purchase.
- About 69% respondents always check weight/quantity of product before purchasing, 17% respondents always check price of the product before making a purchase. Around 08% respondents are aware about Consumer Protection Act 1986. RBI is the most common name recognized by 41% respondents followed by TRAI (30%).
- Cost of transaction fee (16%), Documentation Requirements (11%), access time (09%) are the three main barriers in choosing alternative product/ services.
- Over 73% of consumers normally voice their complaints to seller (the last person in the supply chain
 who directly interacts with the user). 97% respondents have never actually made a formal complaint.
 Only 3% respondents have approached to sellers for grievance redressal, while none of the
 respondent have approached consumer forums or sector ombudsman for redressal.
- More than 55% respondents are Satisfied with the Present Grievance Redressal Mechanism. 68% respondents do not know about internal redressal mechanism of a company and only 07% respondents believe that the internal redressal mechanism is transparent and accountable. 20% believe that the external redressal mechanism is independent and accountable. Only 06% believe that the present grievance redressal mechanism is empowered to compensate aggrieved consumer.
- 69% respondents are aware about consumer rights, 81% are aware about "JagoGrahakJago". 88% of respondents reported TV as most effective means of communication for consumer education followed by Radio (07%).
- Only 11% are aware about the process of public consultation or consumer representationin government platforms and only 03% participated in such consultation. Lack of awareness among the people (35%) is the most important reason followed by Lack of interest among People (29%) for not participating in such event.
- Only 02% respondents are aware about environmental friendly certifications and initiatives. 57% respondents those who know about such products always tend to buy such products, 71% of



respondents those who know about such products and are willing to pay some extra money to buy such products.

Session IV

Theme : Open Discussion on the Key Findings

Moderator : Shri. George Cheriyan, Director – CUTS, Jaipur.

Facilitators :

• Sri Prakash Roy, President Consumer Forum, Ranchi, Jharkhand.

 Shri. Naresh Prasad Singh, Jt. Secretary, Department of Consumer Affairs, Govt. of Jharkhand.

• Shri. George Cheriyan, Director – CUTS, Jaipur.

• Shri. Hari Ballabh Singh Arsi, Consumer Union, Jamshedpur.

Shri. J.K. Bhagat, Sanrakshan, Patna, Bihar.

• Shri. P.C.Sahu, Secretary, BIRD, Ganjam, Orissa.



Sri Prakash Roy, President, District Consumer Forum, Ranchi, Jharkhand in his speech put forward the following issues that seek attention for protecting the interests of the consumers.

- No format for filing complaint (in line with Saral....)
- Effort to focus on universalization across the nation
- To consider on levying of the fee taken for filing the complaint – which is proportionate to the amount of the complaint
- Provisions of Legal Aid to complainant >Rs.500/= through consumer forums
- Apathy from the premier government medical institutions to seek medical opinion in terms of treatment due to negligence of the doctor. (requires a panel of experts for field of medical negligence to expedite consumer complaints and fix accountability)
- Addressing issues of acceptance of consumer forum requests via a directive/legislation from government institutions/undertakings. (including the point of complaining against the institution that is not charging for the services it is discharging – provision of Ombudsman/Lokpal)
- Decisions from National Commission ---- affecting the functioning of state and district forums (ex. BNSL/private telecom operators alternative forum through appellate authorities at state level........
- Focus should be on consumer to empower them to file the complaint with full power.



Shri. N.P.Singh, Jt. Secretary – Food and Civil Supplies, GOJ in his address informed the audience the following:

- 8% awareness on Consumer Act
- To focus on awareness (mass and mid media) – rural and urban areas of Jharkhand
- Effort to curb the leakage (supply issues) from 60% to be taken care of..
- To focus on empowerment issues
- Health/Rural/water and sanitation mission/.....awareness and

convergence issues... to focus upon.

- Service Guarantee / strengthening consumer forum/courts (issues related to disposal of cases)
- Decentralized Institutional mechanisms for redressal (down till village level)



Shri. Hari Ballabh Singh Arsi ji, Founder Member of the Consumer Union, Jamshedpur, Jharkhand highlighted that:

- Very low awareness of consumer act.
- Inhibition barriers in consumers to visit the consumer court. (to address the behavioral parameters)
- Seeking assistance to facilitate issues and cases from professionals.....
- Taking the awareness through sessions in schools/colleges/professional institutions etc so as to educate consumers from the nascent stage.....
- Strengthen service guarantee through service guarantee act and fix accountability.
- Convergence issues (BPL/RTE/.....)

Mr. J.K.Bhagat, Sanrakshan, Patna - Bihar

Consumer Protection Act
Free the supplies of the department



P.Ch.Sahu, Ganjam, Orissa

- Focus on increasing the Literacy Level (street play, Folk Media...on thematic and inviting feedback from the consumers) in a local dialect as per the geography and social customs – script in local language.
- Right to Education



The Janaki Foundation

- Explore and test linking issues with spiritual /religious leaders.
- Certificate in Consumer Program IGNOU to build cadre...
- Convergence issues to focus on rights and awareness (women participation and empowerment).

Other members who voiced their opinion to strengthen the access of the consumer rights, issues, protection and awareness are:

Shri. Vinod Nidhi ji, Sr. Lawyer, District Consumer Forum, Jamshedpur

- Utility services through consumer protection Act 1986 – evidenced based amendments needs to be provisioned for strengthening.
- Retd. Officers are placed in the consumer forums discussion to be focused on why factor at the National Level? Legal Service Guarantee Act
- Vacancy to filled up with priority
- Members court fee / to be deposited in which account head?



- Public Utility services Vacancy still not filled up.
- After President, it is the senior member who takes up the position.... This needs to be taken care of
- District Forum.....this also needs to be decentralized at the sub divisional level.

Shri. Chandra Deo Singh, BLKS, Ranchi, Jharkhand

- Focus on dilution issues
- Awareness to zero in from the Mohalla level.....
- Energize community level discussions and debate...

Shri. F.R. Mallick, Bihar

- Low awareness on Consumer Protection Act
- Steps for Redressal:
- Active participation solicited
- Decentralization focus with fixing of accountability set up provisions in regards
- Provisions of Forum of legal experts to deliberate on grievance redress at the national level.



Smt. Anita Jaiswal, Berojgar Kalyan Sangh, Ranchi, Jharkhand

• To focus on women empowerment issues

Shri. Ravi Shankar, Nav Manas Kalyan Samiti, Patna, Bihar

- <u>Awareness</u>: to have an indication of people who are aware
 of their rights and duties and who have moved forward to
 take up their issues also when they have put up the
 complaint what is the status of redressal.
- LIC
- PDS: Effort to Curb Leakage by fixing accountability in public service.

Summing up the discussion Shri. George Cheriyan, Director – CUTS, Jaipur raised the following issues and informed the participants the following:

- Filling up of the post is of prime importance the protect the consumer rights
- Right to Hearing Act enacted in Rajasthan and that amendments on the Act are in process and hence this is the right time to put in the words for incorporation.



5. Summing Up and Key Note Address

The Regional Consultation ended with a feedback from the participants and vote of thanks to all the



resource persons and participants by Mr. Abhimanyu Singh, CUTS Jaipur. Following conclusion emerged from the Regional Consultation:

- 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, Govt. of Jharkhand should be developed;
- More initiatives shall 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 PRI;
- The Legal Aid Councils should be extended to rural communities and promoted;



Annexures

- a. Agenda
- b. Attendance
- c. Print Media Coverage



a. "Indian Consumers in the New Age: A Forward Looking Agenda to Address the Concerns of the Common People" (ConsumersUp)

Regional Consultation on Consumer Issues

Hotel Capitol Hill, Ranchi, August 31, 2012

Programme Schedule

09.30 am	Arrival, Registration & Tea	The Janaki Foundation (JF) & CUTS
10.00 am		Inaugural Session
	Welcome	A.K.Tiwari, Chief Executive Officer
		The Janaki Foundation (JF)
	Inaugural Address by Chief	Shri Mathura Prasad Mahto
	Guest	Minister-in-Charge,
		Department of Consumer Affairs, Food & Public
		Distribution, Government of Jharkhand, Ranchi
	Opening Address	Shri George Cheriyan
		Director, CUTS International
	Presentation of Key Findings	Shri Amarjeet Singh
		Project Coordinator, CUTS
	Address by Guest of Honour	Shri Ajay Kumar Singh , IAS
		Secretary to Government of Jharkhand
		Department of Consumer Affairs. Food & Public
		Distribution, Government of Jharkahnd, Ranchi
	Address by Special Guest	Hon'ble Justice Shri . D. P. Singh
		President, Jharkhand State Consumer Disputes
		Redressal Commission, Ranchi
11.30 am		Tea Break
12.00 noon		Open Discussion
	Open Discussions on the Key	Key Responses (maximum 10 minutes each)
	findings	Padam Mohan Mishra, Secretary, USKS, Kanpur
		Nagar (UP)
	Moderator: George Cheriyan	J K Bhagat, Sanrakshan, Patna (Bihar)
		P C Sahu, Secretary, (BIRD) (Odisha)
		H.B.S. Arsi, Founder Member, Consumer Forum,
		Jamshedpur (Jharkhand)
	Responses by other key Stakeho	lder representatives
1.55 pm	Summing up & Vote of thanks	Abhimanyu Singh
		Project Officer, CUTS
2.00 pm	Lunch & Departure	







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ConsumersUp

Regional Consultation

August 31, 2012, Ranchi (Jharkhand)

Organised by: CUTS International in collaboration with The Janaki Foundation

Supported by: Department of Consumer Affairs, Ministry of Consumer Affairs, Food & Public Distribution, Government of India

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उपभोक्ता मुद्दे पर क्षेत्रीय विचार–विमर्श में मंत्री ने कहा

वरीय संवाददाता 🗷 रांची

राज्य के खाद्य, सार्वजनिक वितरण और उपभोक्ता मामलों के मंत्री मथुरा प्रसाद महतों ने कहा है कि झारखंड में उपभोक्ता संरक्षण कानूनों को मजबूती प्रदान की जायेगी. उपभोक्ता अपने अधिकारों के प्रति जागरूक रहें, इसके लिए प्रचार-प्रसार करने की जागो ग्राहक जागो कंपेन की जानकारी नहीं है लोगों को : अमरजीत सिंह

कदर इंटरनेशनत के परियोजना संयोजक अमरजीत सिंह ने कहा है कि संस्था की ओर से 19 राज्यों और तीन केंद्र शासित प्रदेशों में कराये गये सर्वेक्षण के चौंकानेवाले नतीजे आये हैं. केंद्र सरकार की जागो चाहक जागो कंपेन के बारे में 50 प्रतिशत आबादी को जानकारी नहीं है, कहा कि देश भर में 61 प्रतिशत कंज्यूमर शिकायतों के बारे में दुकानदार को बताते हैं. 93 प्रतिशत को इन शिकायतों से कोई मतलब नहीं है. सिफ तीन प्रतिशत लोग ही उपभोक्ता संरक्षण अदालतों की शरण में जाते हैं. केंद्र की प्रस्तावित खाद्य सुरक्षा कानून के बारे में सिर्फ 14 फीसदी ही जानरूक हैं. आज भी देश की 26 प्रतिशत आबादी केंद्र सरकार की खब्बा अभियान की जानकारी रखती है.

आवश्यकता है. सामुदायिक भागीदारी से ही उपभोक्ताओं को जागरूक करने में सफलता मिलेगी, राज्य की दस प्रतिशत से कम आबादी ही उपभोक्ता संरक्षण अधितियम के प्रति जागरूक हैं, जो चिंता का विषय हैं. श्री महतो शुक्रवार को राज्य के उपभोक्ताओं के मुद्दे पर क्षेत्रीय विचार-विमर्श विषयक कार्यशाला का उदघाटन कर रहे थे. कंज्यूमर यूनिटी एंड ट्रस्ट सोसाइटी (कट्स) इंटरनेशनल के निदेशक जार्ज चेरियन ने कहा कि ग्रामीण बाजार में 55% बीमा उत्पाद और उपभोक्ता सामग्रियों से संबंधित 70% प्रोडक्ट बाजार में बिकता है. पर उपभोक्ताओं की शिकायतों के बारे में सिर्फ 3% मामलों का ही निबटारा होता है, जो चिंता का विषय है. विचार-विमर्श के दौरान सामने आनेवाली बातों को 11 व 12 अक्तूबर को केंद्रीय उपभोक्ता मामलों के मंत्रालय की रिपोर्ट में प्रस्तुत किया जायेगा. कार्यक्रम में जमशेदपुर के जानकी फाउंडेशन ने उपभोक्ता कानूनों की जानकारी दी.