



ESCAPISM FROM CONSUMER RIGHTS MECHANISM- AN EXPLORATION

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ABSTRACT

Protection of Consumer Rights is a relevant issue since Vedic era, but the mechanism to protect the interest of consumer was altered time to time. In India there are six rights given to consumers and a mechanism known as consumer fora to protect their interest. But there is wide gap between the number of people who felt cheated or dissatisfied in their purchase and the people who called consumer fora to seek redressal for their grievance. This paper basically tries to explore and identify the reasons behind the situation. Why consumers escape to visit consumer fora, when there is a wide network of consumer forums around the country and operating the mechanism successfully. To explore the reason, response from 100 consumers were taken and further analyzed. Responses were descriptive in nature so tabulated and categorized in 30 unique categories. Lengthy process, Lack of confidence, Complexity of the process, Lack of assurance of redressal, Lack of Importance, Interest, Willingness and casual approach or apathy was found to be the prominent reasons behind the escape of consumers to utilize the consumer rights mechanism.

KEYWORDS: Consumer Right, Consumer Protection and Consumer Rights Mechanism,

INTRODUCTION

Since the evolution of market and trade there are number of people who have felt cheated to their purchase or dissatisfied with the product and Services. Nobody can say that what incepted first market and trade or greed and Black marketing. Even this was known to the administrators and rulers of the Vedic period too and that was the reason behind the provision for the consumer rights in the Veda and Upanishads. Researchers are trying to identify the provisions and rights mentioned in Vedas. According to English calendar there is nothing beyond B.C. (Before Christ) but as per Hindu mythology Vedas are the words said by Bramha the Hindu God and being Hindu God there is no calendar to determine the inception of Bramha and distribution of his thoughts. After listening to the Vedas, listeners passed it to other scholars in the same way they received, that's why Vedas are also known as 'Shruti', which means which have been collected and passed by saying or listening. So the concern for consumer interest is not new to the world, it was just ignored or not disbursed properly.

Credit for present Consumer rights in India goes to the American President John F. Kennedy, who raised his concern for consumer rights in his historical speech in America. As result of this the following eight consumer rights formed the basis of the 1985 United Nations' Guidelines for Consumer Protection The Right to Choose, The Right to Information, The Right to Safety, The Right to be Heard, The Right to Redress or Remedy, The Right to a Healthy Environment, The Right to Service, The Right to Consumers Education. Further

the member nations designed their consumer rights and mechanism accordingly. As per 'consumerdaddy'ⁱ Consumer protection is connected to Stone Age cave man when a seller sold a product to a buyer and the sellers have to fulfil the satisfaction of the buyer. Today's consumerism finds its origin in the 19th and early 20th century after the historical speech of United State Congress in 1872, very first of its kind consumer protection law. Then the next feather on cap was the Sherman Anti-Trust Act, 1890, this act prevents and limits the formation of cartels and monopolies that challenge the very frame of consumer rights. Apart from minor legislations it was the beginning of 20th century that marked the revival of consumer protection movement.

In India, The Consumer Protection Act was enacted in 1986 to Indian constitution and The Consumer Protection Act, 1986 gives six rights to consumers to safeguard themselves from the exploitation and unethical practices of the traders.

- **Right to Safety-** The right to be protected against marketing of goods and services which are hazardous to life and property
- **Right to Information-**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
- **Right to Choose-**Consumer has the right of access to a variety of goods and services at competitive prices. In case of monopolies, say, railways, telephones etc., it

means right to be assured of satisfactory quality and service at a competitive price.

- **Right to be heard-** The consumers' interests will receive due consideration at appropriate forums. It also includes the right to be represented at various forums formed for ensuring consumers' welfare.
- **Right to Redressal - Consumers have the right to seek redressal** against unfair or restrictive trade practices and unscrupulous exploitation. It also includes the right of fair settlement of genuine grievances of consumers.
- **Right to consumer education-** It gives the right to acquire knowledge and skills to be an informed consumer.ⁱⁱ

Beside these rights constitution also gives a three tier judicial mechanism known as consumer fora (in combined) to consumers to safeguard them and have made provisions for compensation for their loss and injuries. The consumer fora is a network of consumer courts in each and every district of Indian province where only consumers or any one on behalf of the consumer or consumer organisation can file the cases for the issues related to consumer concern. There is a limit

that the district courts can only hear the cases of amount below twenty Lakh. Then there is State consumer Dispute Redressal Commission at the capital of every province for the hearing of the cases on consumer issues of the amount above twenty lakh and below five crore and the cases on which judgment have been awarded by the district Consumer Forum but if either of the parties is not satisfied with the judgment of the forum. Further there is provision of National Consumer Dispute Redressal Commission at capital of the country for hearing the cases above five crore and the cases where judgement is awarded in lower court but either of the party is not satisfied with the judgement of the court. Instead of this, there is a provision to go to Supreme Court of India too. The Consumer fora are compensative in its nature instead of being punitive and have some special rights given to women, widow, physical handicapped and elderly consumers. As per the latest reports made available by the National Commission, the average disposal of cases in all three levels of Consumers Fora in the country is 91.20%. The total number of cases filed and disposed of in the National Commission, State Commissions and District Fora as on 31.12.2015, since inception, is given below.ⁱⁱⁱ

Sl. No.	Name of Agency	Cases filed Since inception	Cases disposed of Since inception	Cases Pending	% of Disposal
1.	National Commission	98952	88893	10059	89.83
2.	State Commissions	697964	601216	96748	86.14
3.	District Fora	3659486	3373529	285957	92.19
	Total	4456402	4063638	392764	91.19

LITERATURE REVIEW

Mittal & Gupta (2015) said that Indian Consumer has been the victim of exploitation because consumer education is at low level. Even those few consumers who are aware of their rights as consumers do not complain and shy away from taking up their grievances to consumer forums even if they were not satisfied with the compensation of seller. Most of the consumers decided not to purchase from that seller. It is suggested that more stringent action need to be taken on manufacturers/ sellers by the Government or respective authorities to increase the confidence of consumers in the system.^{iv}

Singh (2014) said that overall, the results of the study found that Jago Grahak Jago media campaign is useful to increase the level of the consumer awareness, though; there is no satisfactory behavioural and attitudinal change in their buying habits. The study supports the past studies that there is a great need to do something more to change the behaviour of consumers. Realizing that more than 70% population under the age of 35 years is using the internet in a big way, a major initiative is being taken to spread consumer awareness through the internet.^v

Bhattacharjee (2013) said that the level of consumer education and awareness among rural people is very much low and poor. The existing knowledge about consumer,

particularly, while purchasing a product is not adequate. So there is a need to increase the level of education and awareness. He suggested that Consumer awareness camps, seminars on consumer rights and government officials can play a positive role in this regard.^{vi}

Das (2012) found that more than 90% dissatisfied consumers said they would not do anything for their dissatisfaction. Only 2% consumers either asked compensation from retailer, or returned the product to retailer and filed cases in the consumer forum or court.^{vii}

Shukla (2011) said that media should play a key role by providing right information at the right time for consumers. He concluded that the exploitation of consumers is due to the absence of such a key role in Ignorance about prices and price behavior of market structure and fluctuations in the economic changes is not understood by ordinary consumers and therefore are victims of exploitation and consumer malpractices. Media in any form printed or electronic, is a mirror of the times and society we live in, it connects us with the world and the world to us.^{viii}

Khanooja (2010) said that the consumers agreed that they have been cheated in their purchase in one way or the other. Majority of the consumers when cheated took no action.^{ix}

Shifole & Bageshree (2009) in their article pointed out that the repeated floating of social advertising can bring attitudinal and behavioural changes among the consumers.^x

Kalpana & Natarajan (2008) found that even though people are aware of consumer protection measures available in India but the usage of the measures is poor. The reason that was found out is public are not comfortable with law, rules, courts etc.^{xi}

Sharma, Kaur & Gupta (2007) revealed that 95% of people felt exploited by seller at one time or other. No person in the sample found to approach the courts even if exploited because most of the person felt that the legal process is time consuming and cumbersome.^{xii}

Himachalam (2006) in his book analyzed the nature and severity of problem faced by consumers while buying. It is ironic to say that only 30.67% have chosen to complain the malpractices to the respective authorities. The reasons cited by consumers were many viz. no time, no big complaint, matter of one's fate etc.^{xiii}

Arora (2005) in her book described about the types of action taken by consumer for dissatisfaction of day-to-day products and said that results showed that consumers in general, did not complain due to lack of time. 55% always took action on finding fault as compared to only 29% never and 16% occasionally taking action. 60% percent respondents highlighted shortage of time for not taking any action despite their dissatisfaction.^{xiv}

RESEARCH METHODOLOGY

Research Problem- Although the given literature review defines some reasons behind consumers escape from the consumer court but they are not in detail so there is scope for the researcher to identify the possible reasons that why consumers escape from visiting consumer court in case of being cheated or dissatisfaction with product and services

Objectives of the Study- The Primary objective of this research is to identify the possible reason for consumers escape from consumer court in case of consumer rights.

Formulation of Hypotheses- The Objectives of this study is exploratory in nature; therefore, no hypotheses formulation was needed.

Sources of information- The present study is based partly on secondary data and partly on primary data. Secondary data has been collected and content analysis of existing literature has been done. This included Books, Newspapers, Magazines, Annual Reports, Journal and websites.. Primary data was collected directly from Consumers with the help of questionnaire developed over internet.

Sampling design-A researcher can select his/her research approach depending on which strategy best suits his/her research. The nature of research of this study is empirical and the research design is both, exploratory as well as descriptive. Random sampling technique was used for this study

Sample Size- 100 consumers

Sampling units/ Frame -Indian Consumers were the Sampling Units for this study.

Population/ Universe-The population of India was decided as Universe of this study.

Method of Data Collection-The objectives of the study has been achieved through collection and analysis of both secondary and primary data.

Secondary Data- The secondary data was principally drawn from different records and publications of Department of Consumer Affairs under Ministry of Consumer Affairs Food and Public Distribution, Government of India and other departments of Government of India.

Primary Data-Primary Data for the study has been collected from consumers with the help of Questionnaires.

Scale to assess the level of Awareness for Consumer Rights awareness

Yes	No	Don't Know/ Can't Say/ Somewhat know
1	-1	0

The questionnaire was pre-tested by interviewing of Government officials, Voluntary Consumer Organisations and Consumers themselves.

Statistical Tools used for Data Analysis- Data collected from respondents have been analysed with the help of computer software Statistical Package for Social Sciences (SPSS) and Microsoft excel. For identification of possible reason there was an open ended question and the response of that came in form of texts so, they were uniquely coded with some keywords and after coding for all of the statements, repeated ones were removed from the list which gave thirty unique reasons that why consumers do not visit consumer courts.

Reliability and Validity in Research- As seen in table below, the Cronbach alpha values is more than 0.6 which shows good internal consistency. Since overall reliability of questionnaire is above 0.6 which is considered good for social science researches, it may be concluded that the questionnaire is reliable.

Reliability Statistics

Construct	Cronbach's Alpha	No. of items
Consumer Rights Awareness.	0.737	13

Relevance of the Study- The study aimed to identify the possible reasons that why consumers escape from visiting consumer courts. When identified, this may help the policy makers to think that whether there is any scope for change in the current mechanism. An effort is made to suggest the remedies to fill in the gaps. In the process, the study attempts to pool Management thoughts and practices adopted, which will be helpful not only to Business Houses and Government of India, but also to Academics and Scholars of Management, Sociology, Psychology, Law, Journalism and Mass Communication etc.

Significance of the Study-The present study is concerned with Consumer Rights practices, Awareness Level of Consumers about their Rights given under Consumer

Protection Act 1986 and reasons why consumers do not practise their rights given under The Consumer Protection Act, 1986.

Data Analysis and Interpretation

Demographic Profile of the Respondents				
Gender	Male	Female		
	75	25		
Age	Below 20	21-30	31-40	40 Above
	4	79	11	5
Marital Status	Married	Unmarried		
	27	73		
No. of Family Members	>2	3-5	6-8	9<
	6	63	25	6
Literacy	Literate	Illiterate		
	100	0		
Educational Qualification	Secondary	Graduation	Post Graduate	Doctoral and Above
	3	12	62	23
Habitat	Rural	Urban		
	91	9		
Family Income	Below 20K	21K- 50K	51K and above	100K and above
	53	26	9	12

Consumer Rights Awareness (As per global rating question)

N Valid	100
N Missing	0
Mean	1.340
Median	1.000
Std. Deviation	.6849
Sum	134.0

Description of respondents on Consumer Rights Awareness (As per global rating question)

Consumer Rights Awareness				
	Frequency	Percent	Valid Percent	Cumulative Percent
No	10	10.0	10.0	10.0
Don't Know/ Can't Say/ Somewhat know	12	12.0	12.0	22.0
Yes	78	78.0	78.0	100.0
Total	100	100.0	100.0	

There was a Global rating question which asked that overall how much do you think that you are aware about the consumer rights. This was checked with the help of median which was calculated and equals to 1. 22% said that they are not aware or can't say anything and the remaining 78% had the perception that they are aware.

Further in Independent questions On **Right to Safety** 83% respondents said that they are aware of this right and 12% said unaware of it. On **Right to Information** 87% respondents

said that they are aware of this right and 9% said unaware of it. On **Right to Choose** 69% respondents said that they are aware of this right and 19% said unaware. On **Right to be Heard** 57% respondents said that they are aware of this right and 30% said unaware of this. On **Right to Redressal** 60% respondents said that they are aware of this right and 19% said unaware. On **Right to Consumer Education** 72% respondents said that they are aware of this right and 22% said unaware.

Description of respondents on Consumer Rights Awareness (As per sum of independent questions)

	Right to Safety	Right to Information	Right to Choose	Right to be Heard	Right to Redressal	Right to Consumer Education
N Valid	100	100	100	100	100	100
N Missing	0	0	0	0	0	0
Mean	1.220	1.170	1.430	1.560	1.610	1.340
Median	1.000	1.000	1.000	1.000	1.000	1.000
Std. Deviation	.5238	.4726	.7000	.7152	.8152	.5898
Sum	122.0	117.0	143.0	156.0	161.0	134.0

Description of respondents on Right to be protected

Right to be Protected				
Valid	Frequency	Percent	Valid Percent	Cumulative Percent
No	12	12.0	12.0	12.0
Don't Know/Can't Say/Somewhat know	5	5.0	5.0	17.0
Yes	83	83.0	83.0	100.0
Total	100	100.0	100.0	

Description of respondents on Right to be informed

Right to be Informed				
Valid	Frequency	Percent	Valid Percent	Cumulative Percent
No	9	9.0	9.0	9.0
Don't Know/Can't Say/Somewhat know	4	4.0	4.0	13.0
Yes	87	87.0	87.0	100.0
Total	100	100.0	100.0	

Description of respondents on Right to be assured

Right to be Assured				
Valid	Frequency	Percent	Valid Percent	Cumulative Percent
No	19	19.0	19.0	19.0
Don't Know/Can't Say/Somewhat know	12	12.0	12.0	31.0
Yes	69	69.0	69.0	100.0
Total	100	100.0	100.0	

Description of respondents on Rights in case of Monopolistic

Rights for Monopolistic				
Valid	Frequency	Percent	Valid Percent	Cumulative Percent
No	30	30.0	30.0	30.0
Don't Know/Can't Say/Somewhat know	13	13.0	13.0	33.0
Yes	57	57.0	57.0	100.0
Total	100	100.0	100.0	

Description of respondents on Consumer Interest

Consumer Interest				
Valid	Frequency	Percent	Valid Percent	Cumulative Percent
No	19	19.0	19.0	19.0
Don't Know/Can't Say/Somewhat know	21	21.0	21.0	40.0
Yes	60	60.0	60.0	100.0
Total	100	100.0	100.0	

Description of respondents on Rights to Education

Valid	Frequency	Percent	Valid Percent	Cumulative Percent
No	22	22.0	22.0	22.0
Don't Know/Can't Say/Somewhat know	6	6.0	6.0	28.0
Yes	72	72.0	72.0	100.0
Total	100	100.0	100.0	

Consumer Rights Awareness on Consumer Rights Mechanism

	The Consumer Protection Act, 1986?	Ministry of Consumer Affairs Food and Public Distribution?	National Consumer Dispute Redressal Commission?	State Consumer Dispute Redressal cell?	District Consumer Forum?	Consumer Helpline?
N Valid	100	100	100	100	100	100
N Missing	0	0	0	0	0	0
Mean	1.610	1.390	1.560	1.610	1.310	1.480
Median	1.000	1.000	1.000	2.000	1.000	1.000
Std. Deviation	.7092	.6178	.6247	.6013	.5449	.5942
Sum	161.0	139.0	156.0	161.0	131.0	148.0

Awareness of The Consumer Protection Act, 1986

Valid	Frequency	Percent	Valid Percent	Cumulative Percent
No	35	35.0	35.0	35.0
Don't Know/Can't Say/Somewhat know	13	13.0	13.0	48.0
Yes	52	52.0	52.0	100.0
Total	100	100.0	100.0	

Awareness of Ministry of Consumer Affairs Food and PD

Valid	Frequency	Percent	Valid Percent	Cumulative Percent
No	25	25.0	25.0	25.0
Don't Know/Can't Say/Somewhat know	7	7.0	7.0	32.0
Yes	68	68.0	68.0	100.0
Total	100	100.0	100.0	

Awareness of National Consumer Dispute Redressal Commission

Valid	Frequency	Percent	Valid Percent	Cumulative Percent
No	42	42.0	42.0	42.0
Don't Know/Can't Say/Somewhat know	7	7.0	7.0	49.0
Yes	51	51.0	51.0	100.0
Total	100	100.0	100.0	

Awareness of State Consumer Dispute Redressal Commission

Valid	Frequency	Percent	Valid Percent	Cumulative Percent
No	49	49.0	49.0	49.0
Don't Know/Can't Say/Somewhat know	6	6.0	6.0	55.0
Yes	45	45.0	45.0	100.0
Total	100	100.0	100.0	

Awareness of District Consumer Forum

Valid	Frequency	Percent	Valid Percent	Cumulative Percent
No	23	23.0	23.0	23.0
Don't Know/Can't Say/Somewhat know	4	4.0	4.0	27.0
Yes	73	73.0	73.0	100.0
Total	100	100.0	100.0	

Awareness of Consumer Helpline

Valid	Frequency	Percent	Valid Percent	Cumulative Percent
No	38	38.0	38.0	38.0
Don't Know/Can't Say/Somewhat know	5	5.0	5.0	43.0
Yes	57	57.0	57.0	100.0
Total	100	100.0	100.0	

- **On Awareness of The Consumer Protection Act, 1986** 52% respondents said that they are aware and 35% said unaware of it.
- **On Awareness of Ministry of Consumer Affairs Food and PD** 68% respondents said that they are aware and 25% said unaware of it.
- **On Awareness of National Consumer Dispute Redressal Commission** 51% respondents said that they are aware and 42% said unaware.
- **On Awareness of State Consumer Dispute Redressal Commission** 45% respondents said that they are aware and 49% said unaware of this.
- **On Awareness of District Consumer Forum** 73% respondents said that they are aware and 23% said unaware.
- **On Awareness of Consumer Helpline** 57% respondents said that they are aware of and 38% said unaware.
- Given below is the list of possible reasons which was identified and coded by providing keywords to the 100 descriptive responses. After providing keywords to the descriptive response paragraphs, repeated ones were precisely removed as per the decision taken while designing the research methodology for the research.

Reason behind the escape of Consumers from Consumer Court

1. Lack of Time (Busy Schedule)
2. Lack of Importance
3. Lack of Willingness
4. Lack of Interest
5. Lack of Coordination
6. Lack of Promotion
7. Lack of Knowledge and Information
8. Lack of Speedy justice
9. Lack of Swiftness
10. Lack of Awareness of Process
11. Lack of Assurance of Redressal
12. Lack of Faith on System (Consumer Forums & Dispute Redressal Mechanism)
13. Lack of Resources
14. Lack of Confidence
15. Lack of Convenience/ Inconvenience
16. Lack of Idea at time
17. Time Consuming Process
18. Lengthy Process
19. Complexity of Process (Complicated)
20. Tedious Work
21. Myths about policies

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22. Corruption
 23. Casual Approach, Apathy of Personnel involved
 24. Hassles Involved in Dispute Redressal Mechanism
 25. Improper Regulation
 26. Negligence
 27. Avoidance of Confrontation
 28. Location and Proximity of forum
 29. Adequate Psychological Condition
 30. Not suggested by family and friends
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SUMMARY, CONCLUSIONS AND RECOMMENDATION

Like previous studies on consumer rights awareness, this study also shows that there is gap between consumer awareness and practice. 78% of the consumers have been found aware to consumer rights and 22% have been found unaware.

On the issue of awareness of consumer dispute redressal mechanism more than 50% said aware except to the awareness of State Consumer Dispute Redressal Commission which was found only 45% people aware of it.

As per objective of this research reason for escape from consumer court have been identified and listed. After observing the reasons minutely it may be said that various inferences and decisions can be taken from it. Some of them are imaginary ones which may be reformed through proper promotion. Some of them are peoples' imagination towards the system but, final conclusion can be drawn after taking response from consumer on these thirty reasons that which reason is more important for them. So, the conclusion of this research has designed the way for future researches.

LIMITATIONS OF THE STUDY

Despite its significance, this study has some limitations.

- Data collection was a limitation of this study. Data was collected from only 100 consumers over internet. Thus, the generalization of the study findings may be difficult.
- Resource and limited availability of secondary data were also major limitations.
- Since the study is based on the articulated views of the respondents, which may not have been free from their individual understandings and biases, in spite of the researcher's efforts to get them as objectively as possible, some untraced mistakes may have crept into the study.

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- ⁱ As per Consumer daddy's website (<http://www.consumerdaddy.com>) they claim that, consumerdaddy is a website of the consumers, by the consumers, for the consumers. Originally started as a social venture in the United States by a group of non-resident Indians to protect their consumer interests, Consumerdaddy has now evolved into a professional enterprise with the mission to promote consumerism and protect consumer interests throughout the world. Consumerdaddy is incorporated in the Commonwealth of Virginia, USA and operates primarily from our headquarters in Sterling, Loudoun County. From time to time, we also run campaigns across various cities in the United States and India to help increase consumer awareness about the benefits of Consumerdaddy.
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