



# State of the Indian Consumer 2012

Indian Consumers in the New Age: A Forward Looking  
Agenda to Address the Concerns of the Common People

## OVERVIEW





# STATE OF THE INDIAN CONSUMER REPORT 2012

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

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**Note**

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## Introduction

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### Key Messages

- In India, even after 25 years, only 20 percent consumers know about the Consumer Protection Act (COPRA) and who has heard about consumer rights is just 42 percent. However, these findings are still encouraging considering the fact that five years ago the consumer awareness level was just 18 and 34 percent respectively.
- There are various laws and regulations that directly or indirectly influence citizens' right to basic needs. However, in spite of this basic right, it is still a distant dream mainly due to the lack of proper implementation of various schemes/programmes to ensure this right.
- In order to make the sustainability approach both successful and sustainable, India needs to have a process of giving incentives to producers of green goods through preferential allocation of resources, facilitate development of infrastructure, additionally there is a need to make the supply chains of resources and technology more efficient and effective.

- Safety has been dealt in at least 25 different Indian acts. What is lacking is a periodic monitoring mechanism to ensure that rules and regulations are being implemented to minimise risk. This periodic monitoring can be done by an Independent Safety Commission which should have the ability to make it enforceable by law in the event of non-compliance.
- There is an increasing felt need for an introduction of consumer issues with more emphasis in school and college curriculum, establishment of consumer clubs in education institutions, increasing involvement of civil society organisations in consumer awareness programmes would further strengthen consumer education.
- The strength of the right to choice of consumers is directly proportional to the level of competition in the economy. Competition provides consumers with variety in goods and services, while keeping a check on the price and thus compelling each producer to improve quality.
- There is also a need for massive awareness campaigns and information dissemination among the consumers about the existing legal remedies available to consumers.
- To make the grievance redressal process more convenient for consumers an effective consumer education with respect to consumer rights need to be provided and the existing mechanism for grievance redressal need to be further strengthened.

## Background

On March 15, 1962, US President John F. Kennedy while addressing the US Congress stated ‘Consumers by definition include us all. They are the largest economic group, affecting and affected by almost every public and private economic decision. Yet they are the only important group who are not effectively organised, whose views are often not heard.’

During this historic speech, he coined four basic rights for consumers. They are: *The right to safety* to be protected against the marketing of goods which are hazardous to health or life; *The right to be informed* to be protected against fraudulent, deceitful, or grossly misleading information, advertising, labelling, or other practices, and to be given the facts he needs to make an informed choice; *The right to choose* to be assured, wherever possible, access to a variety of products and services at competitive prices; and in those industries in which competition is not workable and government regulation is substituted, an assurance of satisfactory quality and service at fair prices; and *The right to be heard* to be assured that consumer interests will receive full and sympathetic consideration in the formulation of government policy, and fair and expeditious treatment in its administrative tribunals.

To realise these consumer rights, he underlined the need for strengthening existing government programmes, improvising government organisations, and the need for enacting new legislations.

Subsequent years saw the addition of few other rights. Finally, the Consumers International (CI), former International Organisation of Consumer Unions (IOCU), the umbrella body for 220 organisations in over 115 countries, expanded the charter of consumers rights contained in the US Bill to eight. These eight rights are: Right to Basic Needs; Safety; Choice; Information;

Consumer Education; Redressal; Representation; and Healthy environment.

This charter had a universal significance as they symbolised the aspirations of the poor and disadvantaged. On this basis, the United Nations, in April 1985, adopted its Guidelines for Consumer Protection, which was further expanded in 1999.

### **UN Guidelines on Consumer Protection**

The guidelines call upon governments to develop, strengthen or maintain a strong consumer policy, and provide for enhanced protection of consumers in the following areas:

- (i) physical safety;
- (ii) protection and promotion of consumer economic interests;
- (iii) standards for safety and quality of consumer goods and services;
- (iv) measures enabling consumers to obtain redressal;
- (v) measures relating to specific areas (food, water, and pharmaceuticals); and
- (vi) consumer education and information programme.

In 1995, the Guidelines were reviewed, and some issues, which needed further elaboration and expansion, were espoused by consumer organisations. Among these issues, was access to basic needs, appropriate regulatory policies, sustainable consumption etc.

The Guidelines also enable a country, particularly governments of developing countries, to identify its priorities, structure and strengthen their consumer protection policies and legislations. Hence, very soon, based on these guidelines, several governments enacted legislations and launched institutional structures to deal specifically with consumer issues. In this regard, India too, enacted a number of legislations for regulating the business and protecting



the interest of consumers. The most important among these legislations is the Consumer Protection Act, 1986 (COPRA) that got the assent of the President of India on December 24, 1986.

## **Consumer Protection Act 1986**

This law provides for better protection of consumers' interests and settlement of consumer disputes and allied matters. For this purpose, the Act provides for setting up consumer protection councils at the Central, state and district levels which are advisory bodies to promote and protect the rights of consumers. Unlike other laws, which are basically punitive or preventive in nature, the provisions of the acts are compensatory. Hence, it is indeed a very unique and highly progressive piece of Social Welfare Legislation. The enactment of this Act is largely considered as an important milestone in the area of consumer protection, giving the necessary impetus to the consumer movement in the country.

Furthermore, the Act enshrines the following six rights of the consumers – the right to be protected against the marketing of goods which are hazardous to life and property; the right to be informed about the quality, quantity, potency, purity, standard and price of goods so as to protect the consumer against unfair trade practices; the right to be assured, wherever possible access to variety of goods at competitive prices; the right to be heard; the right to seek redressal against unfair trade practices or unscrupulous exploitation of consumer; and the right to consumer education. Additionally, from the UN Guidelines, two other rights of consumers are inferred, i.e. the right to basic needs and the right to healthy environment.

To provide inexpensive and speedy redressal of consumer disputes, the Act has provisions for setting up quasi-judicial bodies in each District and State and at the National level, called the District Forums, the State Consumer Disputes Redressal Commissions,

and the National Consumer Disputes Redressal Commission (NCDRC) respectively. At present, there are 629 District Forums and 35 State Commissions with the NCDRC at the apex.

A written complaint can be filed before the District Consumer Forum for pecuniary value of up to ₹20 lakh, State Commission for value up to ₹ one crore and the National Commission for value above ₹ one crore, in respect of defects in goods or deficiency in service. However, no complaint can be filed for alleged deficiency in any service that is rendered 'free' of charge or under a contract of personal service.

The remedy under the COPRA is an alternative in addition to that already available to the aggrieved consumers by way of civil suit. While filing a complaint, an appeal or a petition under the Act, a consumer is not required to pay any court fees but only a nominal fee. Moreover, Consumer Fora proceedings are summary in nature. Every effort is taken to ensure that the aggrieved consumer is granted relief as quickly as possible, keeping in mind the provisions of the Act which lay down time schedule for disposal of cases.

<b>Total Number of Consumer Complaints Filed/Disposed since inception under Consumer Protection Law</b>				
<i>(As on September 09, 2012)</i>				
<b>Name of Agency</b>	<b>Cases filed since inception</b>	<b>Cases disposed of since inception</b>	<b>Cases pending</b>	<b>% of total disposal</b>
National Commission	76909	66560	10349	86.54
State Commissions	581102	485156	95946	83.49
District Forums	3169197	2928782	243415	92.32
<b>Total</b>	<b>3827208</b>	<b>3477498</b>	<b>349710</b>	<b>90.86</b>

Source: *ncdrc.nic.in*

Some of the State Commissions and District Fora are adopting the process of holding '*Lok Adalats*' (*People's Courts*) for speedy disposal of cases. The National Commission has also started holding *Lok Adalat*. The National Commission also holds Circuit Bench sittings. So far, the National Commission has held Circuit Bench sittings at Hyderabad, Bengaluru, Chennai, Pune, and Kolkata.

In addition to the existing five Benches of the National Commission, the Central Government has also sanctioned one additional bench for the National Commission for a period of five years for disposing off backlog of pending cases. Thus, for the past few years the consumer movement is gaining momentum and becoming more powerful, broad-based, effective and people-oriented. Consumer Protection Laws in fact are one of the most proactive laws of India. Also, amendments made to the Act in 1991, 1993 and most importantly in 2002, have strengthened the powers of consumer fora. For instance, through the last amendment, provision now exists for attachment and sale of property of a person not complying with the order. Presently an amendment is pending before Lok Sabha.

Presently, some more amendments in the COPRA, 1986 are under consideration. Thus, this Act and its subsequent amendments has brought fresh hopes to the otherwise besieged Indian consumer.

Prior to 1986, a number of other laws were enacted which can be interpreted in favour of consumers such as Contract Act, Sales of Goods Act, Torts, Indian Penal Code and procedure prescribed in the Civil Procedure and Criminal Procedure Codes. However, the Act enacted in 1986 is the most powerful one since it directly pertains to market place and seeks to redress complaints arising from there. Moreover, another important aspect is that this Act is supplementary in nature and has no overriding effect. It does not impede remedies available to consumers under other laws

and statutes. They continue to be in force for the protection of consumer's interest.

In addition, the recently enacted Right to Information Act (RTI), 2005 that opened up governance processes of our country to the common public which has far reaching implications for consumer protection as well. While consumer forums established under the COPRA are quasi-judicial and provide curative solution, the RTI Act follows preventive approach by seeking administrative remedy. Hence, a well-balanced approach towards both has the potential to protect consumer's rights in a more effective way.

Even though implementation of the COPRA is generally perceived to be a success, there are certain serious shortfalls with respect to achieving total consumer welfare. In recent years, though the modern technological developments have made large impact on the quality, availability and safety of goods and services, yet consumers are still victims of deceitful and unfair trade practices. Today's consumer faces new kinds of challenges like cyber crimes, plastic money and much more that affects him in a big way. Hence, now the phrases like 'Consumer is sovereign' and 'Consumer is the king' have become myths.

## **Awareness of Consumer Rights in India**

Consumers in India need to be more aware of their rights and should take this consumer movement to the rural India. Most of the recent studies highlight the fact that consumers in India are very much ignorant of their rights. For instance, the report of the study on COPRA commissioned by the Comptroller and Auditor General (CAG) of India conducted in July-August 2005 brought out that 66 percent of consumers were not aware of consumer rights and 82 percent were not even aware of the COPRA. In rural areas, only 13 percent of the population have heard of the COPRA.

With the completion of 25 years since the COPRA was enacted, it is an appropriate time to retrospect on the achievements and analyse the pitfalls to make the law more effective and efficient. This report addresses exactly what the State of the Indian Consumer is and intends to be. It is based on a comprehensive survey of consumer concerns, taking consumer rights as per the UN Guidelines on Consumer Protection as a yardstick. In this report, a total sample of 11,499 households including a reasonable (statistically significant) number of suppliers of those rights (members of consumer courts, departmental officials, etc.) have been surveyed to understand the state of the Indian consumer and derive policy lessons therein.

This report is a part of a national project implemented by CUTS entitled 'Indian Consumers in the New Age: A Forward Looking Agenda to Address the Concerns of the Common People' (ConsumersUp) in partnership with Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, Government of India supported under the Consumer Welfare Fund (CWF). Under this project, apart from conducting field research and generating this report, eight Knowledge Enhancement Workshops were organised by CUTS to enhance the capacity of consumer organisations to deal with emerging consumer issues. The preliminary findings were released through four regional meetings held in August 2012 in Bengaluru, Agartala, Chandigarh and Ranchi to get feedback from various stakeholders such as representatives of State Department of Consumer Affairs, consumer organisations, consumer redressal bodies, policy makers, media, academia, CSOs etc.

The report is divided into different chapters covering all consumer rights and consists of an analysis of the state of implementation of consumer rights in India based on a comprehensive literature review and findings of a comprehensive field research. This research was based on a quantitative and qualitative sample survey

covering 19 states and three union territories:- Haryana, Tripura, Jharkhand, Karnataka, Kerala, Andhra Pradesh, Madhya Pradesh, Bihar, Chhattisgarh, Goa, Gujarat, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, Uttarakhand, West Bengal, Chandigarh, Delhi and Pondicherry. In addition, the report consists of a synthesis chapter and a chapter on consumer awareness index.

Some of the major highlights of these research findings are that in India only 20 percent consumers are aware of the COPRA even after 25 years of its enactment, and with regard to consumer rights, it is just 42 percent. However, these findings are still encouraging, as seven years back, the consumer awareness was just 18 percent. The major cause for concern revealed by the survey is the fact that people are gradually losing trust on consumer redressal mechanisms.

### ***Right to Basic Needs***

Basic needs can be broadly described as the elements required for survival and normal mental and physical health of people. As far as its origin is concerned, it is not a new concept, as it is being used for a considerable period of time. The UN Guidelines have specified three areas in relation to basic needs. However, the Charter of Consumer Rights drafted by Consumers International identified seven types of goods and services and public utilities that come under the purview of basic needs. In the goods category, there are two: i.e. food and clothing. Healthcare, drinking water and sanitation, shelter and education are in the service category. In the public utilities services, transportation and energy are included. This takes the number of basic rights to eight. There is another basic right that has recently emerged in India – right to employment. Inclusion of this in the list further extends the list of basic needs to nine.

In the last one decade, India has put in place many laws that tend to empower its citizens which, in turn, could facilitate fulfilment of a number of basic needs. Recognising that income forms the base for realisation of fulfilment of basic needs, the government introduced National Rural Employment Guarantee Act (NREGA) in 2005. Various other laws and regulations focusing on issues such as universalisation of elementary education, housing for the poor, issues of unorganised workers, child hunger and malnutrition have been enacted. These regulations directly or indirectly influence citizens' right to basic needs. However, in spite of these legislations, this basic right still seems to be a distance dream, mainly due to its improper implementation.

The recent CUTS survey conducted as a part of this study found that only 22 percent respondents are satisfied with government's effort to ensure adequacy, accessibility and affordability of basic needs, whereas 53 percent respondents believe that the right to basic needs should be implemented properly to cover products and services such as food, housing, health, water, education, sanitation, energy, transport and communication.

### ***Right to Safety***

Right to safety means the right of the consumer to be protected against products, production processes and services which are hazardous to health or life. It includes concern for consumers' long-term interests as well as their immediate requirements. The UN Guidelines clearly mention the right to safety as one of the inalienable rights of the consumer. The Guidelines provide a framework for governments, particularly those of developing countries, to use in elaborating and strengthening consumer protection policies and legislation. They also intend to encourage international cooperation in this field.

Safety has been dealt in at least 25 different Indian acts. What is lacking is a periodic monitoring mechanism to ensure that the rules and regulations are being implemented to minimise risk. This periodic monitoring can be done by an independent Safety Commission which should be enforceable by law for non-compliance. Till such time that, such a Commission is established the Department of Consumer Affairs can proactively undertake this role and urge relevant authorities to form such a Commission.

Moreover, in India, to realise the right to safety, it is inadequate to just have Safety acts and policies in place. It is more important that acts and policies are well implemented, monitored and popularised among the masses, to ensure that people play a constructive and participatory role to ensure their own safety. Unfortunately, even in modern India, nearly 40 percent of consumers do not refer to any safety or quality certifications such as ISI, ISO, Agmark, Codex before making a purchase.

### ***Right to Choice***

The choices available to Indian consumers across the availability of goods and services have multiplied ever since the reforms of the early 1990s, whether in telecommunications, air travel, banking, electronics or fast moving consumer goods. The survey conducted by CUTS show that consumers' knowledge about this right is far from satisfactory.

Lack of awareness is the major reason for poor redressal and implementation of consumer laws. Very few consumers are even conscious of the fact that many sectors do not offer choices in products. During the survey, only 1.6 percent of respondents were able to correctly name at least one product or service that has only one or two producers or providers. This reveals how the Indian consumers are highly tolerant of oligopolistic practices. Likewise, poor implementation of government policies and laws



is another impediment to the right to choice. The gaps in public distribution system leaves the below poverty line consumers, who depend on rations, virtually choice less. Moreover, the lacuna and apathy of enforcing the Prevention of Food Adulteration Act (this Act is now replaced by FSS Act 2005) has resulted in flooding the Indian market with toxic fruits and vegetables, which consumers have no choice except to buy, because these are essential goods and there are no viable alternatives to procure them.

The Indian consumer's right to choice, as enshrined in the COPRA 1986, can only flourish by the elimination of various factors which currently impede it. The strength of the right to choice of consumers is directly proportional to the level of competition in the economy. Competition provides consumers with variety in goods and services, while keeping a check on price and compelling each producer to improve quality.

### ***Right to Information***

For a consumer, the right to be informed means the right to be given the facts needed to make an informed choice. There are enough rules and regulations in place which compel the manufacturers and packers to provide the essential information to the consumers. What is lacking is a strict enforcement and monitoring. Also, there is a need for massive awareness campaign and information dissemination among the consumers about the existing legal remedies available to an aggrieved consumer. As per the Survey, currently only 20 percent respondents are aware of or have heard about COPRA 1986, while only 14 percent have knowledge about the Weights and Measures Act 1976.

More importantly, there is a dire need for stringent and effective labelling laws. The existing labelling laws have diluted over the years. The Legal Metrology Act is an example. Earlier, the Standards of Packaged Commodity Rules was truly standardised.

However, recently the Rules have been modified and products like biscuits, cookies and other products can be sold in different standard packages. As a result, consumers are unable to compare the prices and quantities. Therefore, there is a need for strengthening the consumer advocacy.

Finally, there is a need to frame a law to deal exclusively with providing information to consumers – be it food products, medicines, motor vehicle spare parts or any other consumer products.

### ***Right to Consumer Education***

Educated and informed consumers are essential for the emergence and sustenance of an efficient market. An educated consumer can make a rational choice of goods and services and protect his rights and interests from the exploitation of unscrupulous businessmen or service providers. Where literacy rate is high and social awareness is greater, the consumers cannot be subjected to exploitation. Thus, consumer education becomes a prime concern. The UN Guidelines on Consumer Protection lay great emphasis on consumer education. The Guidelines impose an obligation on governments to develop or encourage the development of general consumer education and information programmes, bearing in mind the cultural traditions of the people concerned.

In India where bulk of consumers are in rural areas, they are susceptible to easy exploitation by unscrupulous business practices. An intensive, broad-based multimedia campaign is slowly yielding results, as the percentage of consumers who are aware of their rights and interests are increasing. The survey conducted by CUTS found that 42 percent respondents are aware about consumer rights, while 52 percent of consumer organisations have reported spreading consumer awareness as a major tool for promoting consumer rights. About 51 percent respondents were aware of *Jago Grahak Jago* campaign. Thus, introduction of consumer issues

with more thrust in school and college curriculum, establishment of consumer clubs in education institutions, increasing involvement of CSOs in consumer awareness programmes would further strengthen consumer education.

### ***Right to Redressal***

It is the duty of the welfare State to give guarantee to everyone in this country a right to live with human dignity, free from exploitation. In India, there are a large number of laws, which have provisions for protecting consumers. Also, the consumers' can seek redressal through judicial and quasi-judicial State organisations and through various other codes of practice, i.e. the informal redressal delivery system. However, ignorance on the part of consumers, procedural delays and lack of vigorous implementation make it a non-functioning mechanism. Also, it has been noted that a large number of cases are not redressed within the stipulated time frame prescribed by the law due to various reasons.

Our survey revealed some startling information regarding consumers' right to redressal. Nearly 93 percent respondents have never actually made a formal complaint, while only 3 percent respondents registered their grievances with the company and or the producer. Additionally, only 0.3 percent respondents approached consumer forums for grievance redressal, while 0.1 percent people approached sector ombudsman for redressal. A major percentage of respondents, 78 percent, respondents rated the grievance redressal process as "difficult".

Few of the major reasons or limitations cited by the President and other members of State Consumer Disputes Redressal Commissions and District Consumer Disputes Redressal Forums are frequent adjournments sought by advocates and or parties, lack of adequate administrative support staff, educational status

of complainant, vacant position of president, members, limited number of benches, limited infrastructure (Computers, office etc.), delay in lab testing, limited training initiatives and financial status of complainant for a sustained follow-up which may prove to be time consuming as well as involve some hidden expenses of work time among other issues.

In order to make the grievance redressal process more convenient for consumers, an effective consumer education programme on consumer rights should be initiated. A Providing free technical and legal assistance to complainant will make the process more convenient for consumers.

While summing up we can say that the consumer movement and education has a very long way to go. Consumers need to be educated about rights and responsibilities through concerted publicity and awareness campaigns. Needless to say such campaigns should give special emphasis to vulnerable groups such as women and children, students, farmers, rural families and the working class.

### ***Right to Representation***

Although UN Guidelines universally recognised consumer rights including Right to Representation way back in 1985, India has a unique tradition of recognising common consumers Right to Representation since ancient times. The COPRA also provides unique opportunity to consumer groups and individuals to represent the consumer interest or consumer causes before consumer courts. The Act allows the consumer to be represented even through a person who is not a professional advocate. This provision is in recognition of consumers Right to Representation.

Apart from the COPRA, there are other Indian statutes which provide for Consumer Representation. Like the Electricity Act

2003 that provides for two-fold Consumer Representation in the power sector and the Telecom Regulatory Authority of India (TRAI).

The survey conducted as a part of this study throws light on the poor level of awareness and participation by consumers in such consumer consultations and representations. Among the consumers surveyed, only 23 percent are aware about the process of public consultation or consumer representation. Of these, only 28 percent of them have actually participated in such events. Some of the common barriers faced by consumers and consumer bodies from making effective representation include issues like lack of funding, expertise and training facilities etc.

Since Indian laws are increasingly recognising the importance of right to representation and providing for such consumer representations before various regulatory authorities, it is about time that consumer bodies gear up to accept the challenge and take adequate steps to train their activists for ensuring effective representation of consumer cases.

### ***Right to Healthy Environment***

The Right to Healthy Environment, as one of the Consumer Rights, is a kind of afterthought since earlier the safety of the environment was perhaps never in question. Consumers need to understand that only a safe environment can safeguard their rights. If consumers were to take a close look at their immediate surroundings and consumption patterns, they would find that they themselves are responsible for causing environmental pollution to a large extent. For instance, use of hundreds of cleaning aids and a lot of non-biodegradable packaging is responsible for environmental problems like water and soil pollution and waste disposal.

In the consumer's right to healthy environment, the UN Guidelines limit their recommendations to environmental issues related to the use and misuse of pesticides and chemicals. While in India, there is a comprehensive law with respect to the healthy environment – The Environmental Protection Act, 1986. The Act provides the guidelines for the management of hazardous wastes etc., for example, it consists of safety report, safety audit etc. However, when it comes to implementation, the effectiveness of this law gets diluted.

Role of government and NGOs is important to promote sustainable consumption through environmental education and public awareness campaigns sponsored by the Centre and state governments and advocacy groups. At present, only 13 percent respondents are aware of certifications and initiatives viz. Energy Star Rating, Bharat and or Euro Emission for Automobiles, Organic Food & Natural Textiles and Recyclable Plastic etc. and among them, 28 percent always tend to buy such products.

To make the sustainability approach successful, India needs to follow the approach of providing incentive to producers of green goods through preferential allocation of resources (land and raw material), facilitating development of infrastructure and making the supply chains of resources and technology more efficient and effective. Furthermore, there is a need to create a decentralised institutional framework for diffusion of information to the consumers at large. These are perhaps achievable, if the following measures can be adopted:

- Strengthen legislation relating to regulation and control of pesticides and chemicals including preventative and compensatory provisions;
- Mandatory labelling and education programmes obliging manufacturers to notify hazards to government and users;

- Sensitisation of manufacturers and users of pesticides and chemicals; and
- International cooperation in regulation of trade in banned and severely restricted pesticides and chemicals.

Mahatma Gandhi had rightly said:

*A customer is the most important visitor on our premises. He is not dependent on us. We are dependent on him. He is not an interruption in our work he is the purpose of it. We are not doing him a favour by serving him. He is doing us a favour by giving us the opportunity to serve him.*







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