

SOCIETY, MEDIA AND CONSUMERISM A SOCIOLOGICAL ANALYSIS

Dissertation submitted to the Jawaharlal Nehru University
in partial fulfilment of the requirements
for the award of the Degree of
Master of Philosophy

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NEW DELHI
1991

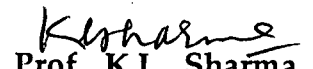


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CERTIFICATE

Certificated that the Dissertation entitled "Society, Media and Consumerism : A Sociological Analysis" by SHASHI BHUSHAN has not been submitted for a award of any degree to this or any other University. We recommend that the Dissertation may be placed before the examiners for the consideration of award of Degree of Master of Philosophy in study of social systems of J.N.U., New Delhi.


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For

Maa & Babujee

Acknowledgement

First of all, I would like to express my indebtedness to my supervisor **Prof. K.L. Sharma**, for his scholarly guidance and valuable suggestions which had been essential to organise my thoughts and presentation systematically.

I am grateful to **Dr. E.Haq**, whose friendly advices had kept me lively and confident.

The thoughts of **Pinky** and **Khushbu** made this rather cumbersome task look less difficult.

I want to make a very special mention of my friends **Deepak, Rajyalakshmi, Sudhir, Moon, Pankaj, Abhay** and **Vijay** who assisted me in all conceivable ways to get this work done. I am grateful, infact, to all my friends who sincerely wished to see me come out with this dissertation.

I am also grateful to **Sunita madam, Rawatji** and **Bharat**, who were nice enough to do the needful help as and when I required.

I am also thankful to the **University Grants Commission** for granting me **Junior Research Fellowship** which had kept me confident and out of any financial constraints in the whole academic pursuit.

The final thanks to **Amit Kulshreshth**, who very patiently worked on the computer to give my dissertation least possible errors and the most presentable shape.

Shashi Bhushan

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PREFACE

One of the oldest controversies in communication is whether a persuasive speaker is better advised to construct messages based on people's emotional needs or their rational bent. The argument stems from a fundamental difference in the way proponents of the two positions view the nature of humanity. Those who adopt a strict rationalist position argue that when faced with emotional arguments versus rational arguments, receivers tend to respond best to well-constructed, logical arguments. A rationalist position argues that *at heart* people are rational beings who respond favourably to emotional messages only when rational alternatives are not available. In contrast, those who argue for a nonrationalist position say that a person is essentially an emotional being, swayed by cleverly constructed messages that appeal to patriotism, love, self-interest, and other feelings that may not be rational in nature. Such a position would say that the use of evidence, logical structure, or tight organization is not persuasive unless the evidence, or structure, is used to make an appeal to the emotions.

Advertisers use one of these two positions to win the potential consumer spread over worldwide. They do not hesitate to take resort to glib or misinformation. The network of print and electronic media has enhanced the power of persuasion of these advertisers.

But the impact and effect differs in a class stratified society. Some sections of the society are more exposed and vulnerable to media persuasion. As the need of different sections of the society varies, it becomes essential to evaluate the influence of social environment on the behaviour of individuals and groups. This dimension of social influence over individual purchase decision acquires more prominence when we find that marketers are engaged in properly designing their product and promoting programmes accordingly to fetch a stable market.

This tug-of-war between consumers and producers give rise to the phenomenon of consumerism i.e. organised struggle for the consumers' rights.

The field of consumer behaviour consists of application of concepts and theories to consumers' decision making process borrowed from different disciplines related to the human behaviour. The important among them are Sociology, Psychology, Cultural Anthropology, commercial ethnography, and Economics.

Consumer behaviour, which is referred as acts that consists of searching, buying, evaluating and using products and services to satisfy consumer needs, becomes a complex phenomenon worthy for a serious enquiry.

CHAPTER ONE

THE OUTLINE

Every society makes a journey in terms of values and social beliefs through time. This changing pattern of society has attracted and continues to attract the attention of sociologists. This change has been perceived as linear development¹ by many thinkers and many thinkers opted to call it circular or spiral². Therefore each society has to be discovered anew by each generation. New enquiry should be in tune with the level of contemporary knowledge. It should help to interpret facts, processes and events of the past as a link for meaningful understanding of the present and a realistic perception of the future.

Change is the law of nature. But this change is not even for the entire system of the social network. The pace of change for some structure of the society is greater than the rest of the structure. The concept of cultural lag³ highlights the differential pace of change of the structures of the social system. Sometimes the change in the value system of the society is so sudden and fast that it not only shocks many of its members but also generates many tendencies that lead to strain in the existing social relationship. The concepts of alienation⁴, anomie⁵ and disenchantment⁶ come closer to this situation and often many members of the society take deviant⁷ course.

In the last decade, 'the Energetic Eighties', Indian society has witnessed a rather revolutionary change in its value system. The process of cultural integration has started, thanks to electronic media. During this period, the media, especially electronic media has spread its tentacles and emerged as a powerful source of information and entertainment. With the spread of communication network not only the 'reach' of the media has widened but also an information boom has taken place. During this period, the fruits of planning also trickled down to the masses and signs⁸ of prosperity became obvious in Indian society. The production of various consumer articles hitherto not produced in our country became

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Comte saw society as progressing through Theological and Metaphysical stages, before finally reaching the modern Positive age.
2. Sorokin regarded societies as better understood as subject to cyclical, through irregular, patterns of change.
3. The strain that exists between two correlated parts of culture or society that change at unequal rates of speed may be interpreted as a lag in the part that is changing at the slowest rate, for the one lags behind the other. Ogburn, W.F. and Meyer F. Nimkeff, *A Handbook of Sociology*, Eurasia Pub. House (Pvt.) Ltd. Delhi, p.596, (1964) 1979.
4. An individual's feelings of estrangement from a situation, group of culture. The term is used in Marx's *Economic and Philosophic Manuscripts* written in 1844 but not published until 1932.
5. A condition of society or of personal relation to society in which there exists little consensus or a lack of certainty on values or goals. The term is used by Durkheim in 1893.
6. A process which is destructive of human vitality and freedom, initiated due to the process of rationalisation. The term is used by Weber.
7. Merton, R. suggests that whenever there exists any disjuncture between culturally defined goal and the socially approved means available to individuals or groups, four logically possible responses are available. These are *innovation, ritualism, retreatism* and *rebellion* 1968, *Social theory and Social Structure*, Amerind Pub. Co. Pvt. Ltd., New Delhi, pp.185-246.
8. Various economic indicators point towards the trend of prosperity. *Gross Domestic Production* at 1980-81 prices rose from 42,871 cr. in 1950-51 to 1,97,419 cr. and similarly *Gross Domestic Saving* as percent of GDP rose from 10.2% in 1950-51 to 24.1% in 1980-81. *Foodgrains Production* has shown

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common place and the domestic market for such articles expanded manifold. With this the income and expenditure of Indian population have increased. Income and expenditure are social phenomena. Whereas income determines the class position of the individual, expenditure is vital for the ranking of the individual in various status groups of the society. And this desire to enhance social prestige leads individuals to conspicuous consumption⁹ trickle down effect¹⁰ and reference group behaviour¹¹. The growth of media escalated this process and certain consumer articles emerged as great levellers. Thus a new search for exclusive articles has been sparked off by the prestige seekers which thereby expanded the scope of advertisement and suggestibility. A new culture of comfortable material life started to gain more and more acceptability. The brave new generation become less thrift but more outgoing and exhibitionist. Thus a new consumer culture crept into the Indian society and the wide network of media facilitated its rapid growth in the country. At the same time media also increased the awareness of the consumers regarding goods and services offered to them.

TOWARDS THE DEFINITION

It would be worthwhile to differentiate consumer culture from consumerism. While consumerism means those social movements directed at protecting or advancing the rights of consumers, consumer culture means the cultural dominance, in modern capitalist societies, of an orientation to the marketing and consumption of goods and services.

The consumer movement is essentially the gift of capitalistic and surplus economy countries, where the consumer has a very wide choice. The consumer can choose from a variety of products offered to him and in this process he can reject products which do not satisfy him. On the other hand under socialism or communism, there was a bias against the consumers built into its basic approach as it left very little or no choice for the consumer under its dispensation, the state arrogated to itself the authority to decide what is good for the consumer and how much of any product or services he should consume. This invariably led to the imposition of an elaborate system of controls and regulation resulting in widespread shortages which ultimately became a hall-mark of socialism. It is significant that while consumer in market economies very rarely experience shortages, public psychology in countries that have opted for the statist models is attuned to the economics of scarcity.

In our country, the choice is limited and by the time the consumer comes to know about the worth of a product, he has lost a very valuable part of his time and money. This ignorance helps the flow of product to and from the retail

tremendous rise from 50.8 million tonnes to 170.6 million tonnes and crude oil during the same period rose from 0.3 mt. to 33.0 m tonnes. *Life expectancy* rose from 32 yrs to 59 years and *literacy rate* rose to 52.1%, in 1990-91. *Economic Survey 1990-91*, Government of India, Ministry of Finance.

9. Veblen, T., *The theory of the leisure class*, 1931, Viking Press reprinted in Bendix, R. and S.M. Lipset 1966, *Class, Status and Power*, London, pp.36-42.
10. Fallers, L.A., *Public Opinion Quarterly*, V.18 (1954), pp.314-321 reprinted in Bendix, R. and S.M. Lipset 1966, *Class, Status and Power*, London, pp.402-405.
11. Merton, R.K. and A.K. Rossi, *Continuities in Social Research 1950*, New York, *The Free Press* reprinted in Bendix R., S.M. Lipset, 1966, *Class, Status and Power*, London, pp.510-515.

counters, which results in the continued existence of products and organisations which are totally harmful to the interest of consumer. Ram Krishana Bajaj¹² argues that although measures have been initiated over the past ten years to liberalise the economy yet this has been done in an ad-hoc and half-hearted manner, more as a reluctant concession to economic realities than as a matter of conviction. In this matter, time is of essence and if we postpone the necessary measures, we will permanently lag behind in the economic race. Mentally, we are still living in the age of Fabian socialism. It is mainly because of the failure of the economic policies we have pursued all these years under the influence of socialism that issues like caste and religion have come to dominate our public life today.

In India, consumer culture is basically associated with the notion of social prestige. Our stratification model ranks those groups higher which have not only larger resource base but also larger spending potential. As Veblen¹³ argues that in the sequence of cultural evolution, the emergence of a leisure class concedes with the beginning of ownership. This is necessarily the case, for these two institutions result from the same set of economic forces. In the inchoate phase of their development, they are but different aspects of the same general facts of social structure. Supporting the argument of ranking on the basis of consumption, Lipset and Zetterberg¹⁴ observe that as an index to consumption class, total income is inadequate, although it obviously sets the ultimate limit for a person's consumption class. It is the way income is spent rather than the total amount, that determines a man's consumption class. The best operational index to consumption class is, therefore, not total income, but amount of income spent on prestigious or cultural pursuits. The fact, however, that lower prestige occupations now often have incomes at the level of white-collar occupations is likely to affect both the style of life and the political outlook of manual workers in a high income bracket and salaried members of the white-collar class in a relatively lower income position. A comparison of these two groups in terms of their consumption patterns or styles of life is thought to be of particular importance in forecasting future political behavior, as well as crucial for an understanding of the factors related to other types of mobility in different societies.

✓ THEORETICAL PARADIGMS

Veblen¹⁵ maintains that in any community where goods are held in severalty it is necessary, in order to his own peace of mind, that an individual should possess as large a portion of goods as others with whom he is accustomed to class himself: and it is extremely gratifying to possess something more than others...so long as the comparison is distinctly unfavorable to himself, the normal, average individual will live in chronic dissatisfaction with his present lot; and when he has reached what may be called the normal pecuiaiary standard of the community, or of his class in the community, this chronic dissatisfaction

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12. Ramakrishna Bajaj, Socialism's anti consumer bias, The Times of India, New Delhi, May 3, 1991.
 13. Veblen, op. cit., p.36.
 14. Lipset, S.M. and H.L. Zetterberg, Third World Congress of sociology, V.2 (1956) pp.155-177 reprinted in Bendix,R. and S.M. Lipset, 1966, Class, Status and Power, London, pp.561-573.
 15. Veblen, op. cit., pp.37-38.

will give place to a restless straining to place a wider and ever-widening pecuniary interval between himself and the average standard. The invidious comparison can never become so favorable to the individual making it that he would not gladly rate himself still higher relatively to his competitors in the struggle for pecuniary reputability.

The desire for added comfort and security from want is present as a motive at every stage of the process of accumulation in a modern industrial community; although the standard of sufficiency in these respects is in turn greatly affected by the habit of pecuniary emulation. To a great extent this emulation shapes the method and selects the objects of expenditure for personal comfort and discreet livelihood.

Besides this, the power conferred by wealth also affords a motive to accumulation...The prosperity for achievement and the repugnance to futility remain the underlying economic motive. The propensity exchanges only in the form of its expression and in the proximate objects to which it directs the man's activity...Relative success, tested by an invidious¹⁶ pecuniary comparison with other men, becomes the conventional end of action. Among the motives which lead men to accumulate wealth, the primary, both in scope and intensity, therefore, continues to belong to this motive of pecuniary emulation.

Veblen argues that in order to gain and hold the esteem of men it is not sufficient merely to possess wealth or power. The wealth or power must be put in evidence, for esteem is awarded only on evidence...The archaic theoretical distinction between the base and the honourable in the manner of a man's life retains very much of its ancient force even today. So much so that there are few of the better class who are not possessed of an instinctive repugnance for the vulgar forms of labour...From the days of the Greek philosophers to the present, a degree of leisure and of exemption from contact with such industrial processes as serve the immediate everyday purposes of human life have ever been recognized by thoughtful men as a prerequisite to a worthy or beautiful, (blissful) nor even a blameless human life. In itself and in its consequences the life of leisure is beautiful and ennobling in all civilized men's eyes.

This direct, subjective value of leisure and of other evidences of wealth is no doubt in great part secondary and derivative. It is in part of a reflex of the utility of leisure as a means of gaining the respect of others, and in part it is the result of a mental substitution. The performance of labour has been accepted as a conventional evidence of inferior force; therefore it comes itself, by a mental short-cut, to be regarded as intrinsically base.

While the leisure class existed in theory from the beginning of predatory culture, the institution takes on a new and fuller meaning with the transition from the predatory to the next succeeding pecuniary stage of culture.

16. The term *invidious* is used in the technical sense as describing a comparison of persons with a view to rating and grading them in respect of relative or value-in an aesthetic or moral sense-and so awarding and defining the relative degree of complacency with which they may legitimately be contemplated by themselves and by others. An invidious comparison is a process of valuation of persons in respect of worth.

Abstention from labour is not only an honorific or meritorious act, but it presently comes to be a requisite of decency. Abstention from labour is the conventional evidence of wealth and is therefore the conventional mark of social standing; and this insistence on the meritoriousness of wealth leads to a more strenuous insistence on leisure.

Veblen¹⁷ maintains that whenever the canon of conspicuous leisure has a chance undisturbed to work out its tendency, there will therefore emerge a secondary, and in a sense spurious, leisure class - abjectly poor and living a precarious life of want and discomfort, but morally unable to stoop to gainful pursuits. The decayed gentleman and the lady who has seen better days are by no means unfamiliar phenomena even now. This pervading sense of the indignity of the slightest manual labour is familiar to all civilised peoples, as well as to peoples of a less advanced pecuniary culture. In persons of delicate sensibility, who have long been habituated to gentle manners, the sense of shamefulness of manual labour may become so strong that, at a critical juncture, it will even set aside the instinct of self preservation...

The term 'leisure' does not connote indolence or quiescence. What it connotes is non-productive consumption of time. Time is consumed non-productive consumption of time. Time is consumed non-productively

1. from a sense of the unworthiness of productive work, and
2. as an evidence of pecuniary ability to afford a life of idleness.

But the whole of the life of the gentleman of leisure is not spent before the eyes of the spectators who are to be impressed with that spectacle of honorific leisure which in the ideal scheme makes up his life. For some part of the time his life is perforce withdrawn from the public eye, and this portion which is spent in private, the gentleman of leisure should for the sake of his good name, be able to give a convincing account. He should find some means of putting in evidence the leisure that is not spent in the sight of the spectators. This can be done only indirectly, through the exhibition of some tangible, lasting results of the leisure so spent - in a manner analogous of the labour performed for the gentleman of leisure by handicraftsmen and servants in his employ.

The knowledge and habit of good form come only by long continued use. Refined tastes, manners, and habits of life are a useful evidence of gentility, become good breeding requires time, application, and expense, and can therefore not be compassed by those whose time and energy are taken up with work. A knowledge of good form is prima facie evidence that portion of the well-bred persons life which is not spent under the observation of the spectator has been worthily spent in acquiring accomplishments that are of no lucrative effects. In the last analysis the value of manners lies in the fact that they are the voucher of a life of leisure. Therefore, conversely, since leisure is the conventional means of pecuniary repute, the acquisition of some proficiency in decorum is incumbent on all who aspire to modicum of pecuniary decency.

17. Veblen, *op. cit.*, p.40.

And hence, this conspicuous leisure of which decorum is a ramification grows gradually into a laborious drill in deportment and an education in taste and discrimination as to what articles of consumption are decorous and what are the decorous methods of consuming them.

Fallers¹⁸ argues that goods and services consumed are symbolic for social status. In a family division of labour, the husband and father *achieves* in the occupational system and thus provides the family with monetary income. Women, as wives and daughters have the task of allocating this income so as to maximize its status-symbolic value. Since women's clothing permits much subtlety of expression in selection and display, it becomes a great significance as a status-mobility symbol. The ideology of the *open-class* system, however, stresses broad *equality* as well as differential status. The tendency of women's dress fashions of *trickle down* fairly rapidly via inexpensive reproductions of originals created at fashion centres, helps to resolve this seeming inconsistency by preventing the development of rigid status distinctions.

In the widest sense, of course, the *trickle effect* applies not only to women's dress but also to consumption goods of many other kinds. Most similar to women's dress fashions are styles in household furnishings. Like women's dress styles, styles in household furnishings are to a substantial degree matters of taste and their adoption a matter of learning by lower status persons that they are status relevant. The trackling down of other types of consumption goods is to a greater degree influenced by long-term increase in purchasing power at lower socio-economic levels. Such consumers' durables as refrigerators and automobiles, being products of heavy industry and hence highly standardized over relatively long periods and throughout the industries which produce them, are much less subject to considerations of taste. They do, however, trackle down over the long term and their possession is clearly status-relevant.

The dominant tendency among social scientists has been to regard the trickle effect mainly as a *bettle of wits* between upper-status persons who attempt to guard their symbolic treasure and lower-status persons (in league with mass-production industries) who attempt to devalue the status-symbolic currency.

It would be most useful to discover more precisely just which type of status-symbolic consumption goods follow the classical trackle down pattern and which do not. Television sets, introduced in a period of relative prosperity seem to have followed a different pattern, spreading laterally across the middle income groups rather than trickling down from above. This example suggests another. Some upper-income groups appear to have shunned Television on the grounds of its *vulgarity* — a valuation shared by many academics. To what degree are preferences for other goods and services introduced, not at the upper income levels, but by the *intelligentia*, who appear at times to have greater pattern-setting potential than their relatively low economic position might lead one to believe? Finally, which consumption items spread rapidly and which more slowly.

18. Fallers, op. cit., p.402.

Fallers argues that the significance for the individual of the trickling down of consumption patterns must be seen in terms of his life-history and not merely in terms of short-term situations. It seems likely that two general patterns may be distinguished. On the one hand, individuals for whom success means primarily rising above their fellows may be more sensitive to those types of goods and services which must be chosen and consumed according to relatively subtle and rapidly changing standards of taste current at any one time at higher levels. Such persons must deal successfully with the more rapid devaluations of status-symbolic currency which go on among those actively battling for dominance. Such persons it may be who are responsible for the more short-term fluctuations in consumption patterns. On the other hand, the great mass of the labour force may be oriented more to long-term success in terms of their own life-histories-success in the sense of achieving a *better standard of living* without particular regard to differential statuses.

This *trickle down effect* can alternatively be viewed as reference group model and people actions can be comprehended with the notion of *anticipatory socialization*. The process of marginality and social strain also starts to find its roots.

Merton¹⁹ opines that for the individual who adopts the values of a group to which he aspires but does not belong, the orientation may serve the twin functions of aiding his rise into that group and of easing his adjustment after he has become a part of it. Those men who, through a kind of anticipatory socialization, take on the values of the non-membership group to which they aspire, find readier acceptance by that group and make an easier adjustment to it.

Anticipatory socialization, Merton further argues, is functional for the individual only within a relatively open social structure providing for mobility. For only in such a structure would such attitudinal and behavior preparation for status shifts be followed by actual changes of status in a substantial proportion of cases. By the same token, the same pattern of anticipatory socialization would be disfunctional for the individual in a relatively closed social structure, where he would not find acceptance by the group to which he aspires and would probably lose acceptance, because of his out-group orientation, by the group to which he belongs. This latter type of case will be recognized as that of the *marginal man*, poised on the edge of several groups but fully accepted by none of them.

This spread of consumer culture and high pace of the process of imitation is facilitated by the mass-media and expanding communication network.

The mass-media is a convenient short-hand term usually used to describe all those forms of communication that reach large audience. It includes film, television, radio, newspapers, magazines, popular literature and music. Mass communication is a recent development made possible by modern technology. It is a product of industrial techniques such as the steam-powered printing press, cinematography, and radio and television broadcasting and receiving equipment. As Marshall McLuhan has argued the mass media can be seen as *extensions of our*

19. Merton, op. cit., p.511.

senses - they allow us to see and hear beyond our normal sensory limits²⁰. But, unlike our predecessors, the bulk of our knowledge is not based on our own direct experience. It is mediated, or received second hand, via the media.

The mass media are products in two senses. They are like other products in that they are the result of an industrial process, and it is interesting to note how much the manufacture of a television programme or a popular magazine resembles the production of refrigerator or a washing machine. And second, we, as consumers, are able to choose only between those products that are available in the market place. As in other markets, the consumer of mass media products has very little control over their nature. One central feature of the mass media is that they are designed to allow a *one-way flow* of information. A small group of media professionals transmit messages to a much larger audience which has very little opportunity to reply. Media Sociologists such as **McLuhan** take an optimistic view of the mass media, which he sees as processing the power to reunite mankind in a new electronic community: the *global village*. Others²¹ look more sceptically at the special power of those who control the mass media to manipulate and suppress dissent. Another key feature of the mass media is their *speed*. They are capable of transmitting the same message simultaneously to a large audience.

Goffman's analysis of visual images of men and women in advertising illustrates, in a convincing way, how gender roles are reproduced in the postures, relative position, and expressions of men and women arranged by photographs and other image makers²². That such images seem *natural* to us is a strong reminder of the power of ideology to shape our thoughts without our conscious awareness. This *hidden* effect of ideology makes the measurement and assessment of media effects through survey techniques suspect.

Frederic Wertham argues that children find the characters in the comics so appealing that they strongly identify with them-coming to see the world through the eyes of the comic characters-with direct effects on behaviours and attitudes²³. **Cohen and Young** support by maintaining that whatever is seen, is then learnt and copied²⁴.

If it were the case that whatever is depicted in the media is copied, there would be real cause for concern-concern not only about popular culture such as certain films, TV programmes or videos, but also about *high* culture. *Classic* literature and art is not deficient in gruesome deaths and lustful passions, neither are contemporary news, current affairs, and documentary programmes. yet such products are not usually included in the moral campaigners' proposal for control.

Defining the role of media as a forceful persuader the American school of thought maintains that the audience can look after themselves. They stressed the

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20. McLuhan, M., 1964, *Understanding Media : The extension of Man*, New York.
 21. Cohen, S. and Young, J., 1981, *The manufacture of News : Deviance, Social problems and the mass media*, London.
 22. Goffman, E., 1979, *Gender Advertisements*, London.
 23. Wertham, F., 1953, *Seduction of the innocent*, New York.
 24. Cohen, S. and Young, J., op. cit.

defences, both social and psychological, that protected the audiences from the mass media. On a psychological level, it was argued, individuals were not simply *taken in* by the media. Members of the audience would instead respond to the message selectively. It has subsequently been developed into a model of media effects known as the *uses and gratifications* theory. This argues that different people satisfy different needs from the mass media; that different social groups may give quite different interpretations of the same media product, be it a radio soap opera, a television quiz programme or a news story.

But in India, where literacy level is low and suggestibility is high, mass media has assumed special significance. According to Operations Research Group (ORG)²⁵, in urban areas, life styles have been inalterably changed by the growth of media. The change in consumption patterns over the past few years in rural areas is even more striking. The demand for packaged consumer goods in the rural market, according to an ORG survey, went up from around Rs.750 crores in 1984 to over Rs.2,000 crore in 1989. By 1995, the demand is expected to cross the Rs.5,500 crore mark. And since mass media is emerging as the sole source of entertainment and as its reach is wide, the role of media has become not only important but also interesting for sociological investigation.

A deep sociological probe of the role of media in the third world countries vis-a-vis developed countries with special reference to the Indian situation in affecting consumers' decisions and bringing about awareness amongst them is the intention of this paper. Certain issues that logically come up at this level, like

1. has the media enough power to change the value system of the society or a part of it?
2. is the power of media over emphasised?
3. what one's class position, level of education and nature of occupation has to do with ones' consumer behaviour?
4. what is the role of State in this context?
5. what is the awareness level among the mass about their rights?
6. why the nature of consumerism is different between developed and developing countries?
7. what are the socio-psychological problems associated with this process?
8. what factors lead to variation with the society?

are discussed in detail in chapters that follow. With the help of present level of understanding, attempt has been taken to predict some future trends.

25. Srinivasan, R., *Literacy and the consumption curve*, The Times of India, New Delhi, April 21, 1991.

CHAPTER TWO

***THE LETHAL TRAP—Advertisement,
suggestibility and Media***

I. THE MEANING

The concept of persuasion has a clear and important focus in marketing. McGuire defines it simply as 'changing people's attitudes and behaviour through the spoken and written word¹.' One broad question is raised: How do commercial messages influence consumers' brand-related attitudes and, presumably through these attitudes, their purchasing behaviour?

Academics have been equally, if not more, committed to this question. Models of consumer attitudes dominate basic science developments. Again, this is most apparent in the area of advertising effectiveness. Persuasion is the basis of a variety of experimental hypothesis relating communication to attitude change.

American Marketing Association Committee has defined advertising as 'any paid form of nonpersonal sales presentation and promotion of ideas, goods or services by an identified sponsor to a large number of audience.' It can be illustrated as follows: If A tells something to B, it is communication, when A sells something to B, it is marketing. When A tells B to buy something, it is advertising. Thus advertising is marketing communication.

Advertising is a very familiar word. Everybody knows or thinks he knows, what advertising is. This is because from early morning till late at night, people are exposed to hundreds of messages through various media. All these messages aim to influence, to pursue and shape everybody's actions and decisions, and they do influence life greatly.

Ask a small child which toothpaste cleans teeth best? 'Colgate, of course' would be the reply. When brand consciousness has taken such deep roots in the child's mind, the influence of advertisements (ads) on adults' mind can not also be underestimated.

Advertising tells us how to brush our teeth and which brand of toothpaste will keep our teeth clean and healthy? How to dress? How to get sound sleep? How to make our money grow? How to add to our height? The prime motive of such messages is to promote sales of products, services and ideas. The messages communicated in a convincing way and most often we are satisfied with them.

Advertising in ancient times was crude when measured by present day standards but the basic reason for employing the technique was the same as now to communicate information and ideas to groups of people in order to change or reinforce an attitude. Three forms of advertising were used prior to the time the printing press began to open the door to the development of modern mass communication media.

1. Mc Guire, W.J., 1973, Persuasion, persistence, and attitude change, In I. Desola Pool, F.W. Frey, W. Schramm, N. Maccoby, and E.B. Parker (eds.) *Hand Book of Communication*, Chicago, Rand McNally.

1. **Trademark** - Pride in workmanship led only craftsmen to place their own individual marks on goods such as pottery. As the reputation of that artist spread by word of mouth, buyers came to look for his distinctive mark just as we look for trademarks and brand names on merchandise now.
2. **Signs** - Some traders painted commercial messages on prominent rocks along trade lanes. These messages extolled the wares that were for sale and were the form of outdoor advertising.
3. **Town Criers** - Men were paid to circulate through the streets of the city, advising the citizens of important news and announcing public events.

The industrial revolution expanded manufacturing in England and later on in the US. Mechanisation turned out goods faster than they could be absorbed in the region of manufacture. A need arose to extend markets geographically and the manufactures had to find a way of communicating the value of his products to people who knew nothing of his reputation. Advertising provided the needed communication vehicle. Later on it helped to raise consumption so that the full use of the machinery was possible and thus bringing about lower per unit costs of manufacture.

Advertisement is the use of a society's mass information system for economic purposes. As society has become more complex and as the technology of mass communication system has improved, more and more individuals and groups have used mass communication for economic purposes i.e. for buying and selling goods, personal services and ideas.

Advertising has become the middleman between the manufacturer and the consumer. Salesmanship has become a supplementary factor in consumer product sales. Buyers know the quality and features of a product or service they intend to buy well in advance. Therefore advertising helps to guarantee standard products and the quality of products improve. Psychologically, the consumers remain impressed by the constant quality of advertised product.

Advertising makes the retail sale of a branded product much easier. There is no need to get the item weighed or to count its contents since the branded pack is of specific quality, quantity, colour flavour etc. The branded product can be easily identified and the price is known.

Advertising has also helped to foster freedom of choice. The prospective consumer has a wide range to choose from amongst competing brands. Since the consumer is aware of the specific benefits of the brands, he can make a choice according to his needs.

Advertising is a good guide for buyers. It tells the potential buyers what products or services are available, their specialities, where they are available and their prices.

Advertising builds up the reputations of good branded products. No advertising campaign can create a wide market for a long time if the products are of poor quality. Buying the same brand a second time means the confidence that the buyer has in the product. Retailers also feel secure when stocking such

branded products. Both the retailer and the consumer are influenced by the reputation and prestige of the product.

Advertising reduces selling cost and selling price. The manufacturer can persuade the retailer to sell his products at a lower margin of profit. The retailer does act upon the suggestion of the manufacturer being impressed by the advertised product. The retailer does so because he can easily increase his turnover by selling advertised goods rather than changing higher prices for non-advertised products. Moreover, advertised products stored by the retailers are already pre-sold. Thus advertising reduces setting cost.

Advertising reduces the cost of production because it creates large demand. Manufacturers can achieve economy of scale.

Advertising has done a great deal in raising our standards of physical well being. It has accelerated the introduction of useful inventions. Despite increased marketing and raw material costs, advertising has helped to keep down prices. It has created seasonal traders and kept people employed. It guarantees dependability to the consumer. It has given the public knowledge to protect it against take goods.

II. THE VEHICLE CALLED MEDIA

Media are the agents through which advertisement messages are conveyed to the public. Selection of the best advertising media for a specific objective involves first determining the market to be reached and then deciding which media will most effectively carry the ads to the market within the available advertising budget.

Newspaper is a very effective medium. Even in a country like India where the majority of people are illiterate, the newspaper plays a vital role. Though they have limited reach but are within the reach of common man as they are priced less than periodicals and magazines. The ad in the daily newspaper can be expected to have a life of twelve hours or less. Even if the paper is not thrown away immediately, the chances that the ads will be read at a later time are minimal.

Magazines have multiple readership and have a relatively longer life span. It is a medium of specialised appeal.

Trade journals have limited circulation because they appeal to special audience. But for this very reason their effectiveness is high.

Salil Tripathi, writing about the new trend of ads in print media, reports that advertisers supplement now often carry ads and logos in the middle of the page². Instead of a double spread, some ad agencies buy triangular space on the left top and right bottom of pages. Film magazines now carry ads almost anywhere—running horizontally as strips, vertically as sidebars, and diagonally, interrupting the copy, with tantalising teasers like Dimple telling readers to turn

2. Salil Tripathi, Advertising : Cutting into corners, *India Today*, Nov. 15, 1990.

to page 65 to find out something new that she's discovered (it is crowning Glory, the soap).

With full-page colour ads in premier dailies costing about Rs.3 lakh per insertion, editors often find the pressure tremendous and the money, frankly, tempting. Innovative ads carry a premium ranging between 5% and 75% depending on the amount of intrusion, space, and also the rapport between the agency and the publication.

While print advertising continues to command the lion's share in ad budgets (at over Rs. 600 crore), future trends are unmistakable: ads are opting for television (annual share Rs. 200 crore) for product launches.

While appointments, classifieds and tender offer ads (about 80% of advertising), by their very nature, have got to appear in newspapers. Magazines can only focus on crumbs-though lucrative of consumer durables. However, television is a far more attractive medium for these products, especially national launches. "Innovations therefore inevitable", says Rajesh Pant, associate director,intas, "On a flat, unidimensional surface without sound how do you make your ad stand out?".

Outdoor advertising is one of the oldest forms of advertising. Hoardings, Posters, shop signs come into this group. It has two important advantages-repetition and reminder value. Hence it is designed to attract attention, identify the products immediately and deliver a brief and simplex message with appeal that creates impact.

Discussing the recent trends in outdoor advertising. Simran Bhargava argues that outdoor advertising has taken off from the ground, quite literally³. On the backs of buses, scooter stepneys, sails of boats, on blimps and balloons, on the branches of trees, on conveyor belts in airports and even on the bodies of cricketers, the ad man are making their marks. The possibilities are endless: outdoor advertising is becoming more astonishing everyday

Outdoor advertising, which started as an accessory medium has proved to have great recall value (in the consumer's mind) and is still more economical than anything else.

Once they only sold soaps or tyres with the almost plaintive message. Today the great outdoors can take on anything: share issues, jewellers, retailers, the butcher, the baker, the candle stick maker. The messages are no longer simple - they tease, they seduce, they leave the viewer with his mouth open.

Even with technology, the race is to the swift. Neon signs that simply go on and off are pass and frowned upon. There is so much else possible today, thanks to light emitting diodes (LED).

The main purpose of the window display is to arrest the attention of the passer-by or the man in the street. It is an attempt to convince him for the desirability of the product and induce him to enter the shop.

3. Simran Bhargava, Advertising : The great outdoor, *India Today*, June 30, 1988.

In recent times, television is becoming more and more popular. Television combines all the elements of the best personal salesmanship sight, sound, motion and demonstration - and it does this in colour. It arouses interest in the product and informs the potential consumers by involving them emotionally and takes by demonstrating the specific value of the product. The advertiser can give the impression that he is talking somewhat intimately with the individual listener. The emotional values of the spoken word and the visual demonstration are exceedingly effective in persuading prospective customers.

III. MEDIA & MARKETING

As the market place gets more competitive and consumers more discerning, manufacturers all over the country are cashing in on a new marketing buzzword-Relationship Marketing. Salil Tripathi and Shiv Taneja inform that now, they don't just knock at your door and hawk you vacuum cleaners and fire extinguishers-they inundate your mail box with junk mail, they observe your expenditure pattern and follow you to your favourite store and pounce on you with an unexpected product. And they've even begun to get you on the phone⁴.

But the first step remains direct mail. Till now restricted to Readers Digest books and Bull worker exercise equipments, the latest to jump on to the direct mail bandwagon is the sixty years old retail and export house, Burlington's.

Apart from direct mail, many companies are also taking to direct selling in a big way. And with good reason. For instance, every-time Eureka Forbes or a Ceasfire salesperson comes calling, he is in control of the situation, unlike in a retail outlet, where his brand is crying for attention with ten others confusing the consumer and making him postpone his decision endlessly.

Also cashing in on the consumer financing boom are companies such as Philips. Their modus operandi: they entice a body of captive consumers-usually the employees of a large company and offer them their products. The finance, in turn, comes from the mushrooming consumer financing companies such as 20th Century Finance, Classic Financial, or the SBI.

Clearly, institutional selling has proved to be a runaway success. Big orders (Rs. 30 Lakh plus) have already been bagged from big companies such as Telco and BHEL.

But direct selling and institutional selling are just the beginning of the story. A large chunk of the Indian market can be accessed through the powerful medium of the telephone. Quick to realise the vast potential of the humble little telephone, companies are increasingly making use of India's rapidly expanding telephone network for selling. Apart from the ease of it, selling on the phone is gaining popularity because its range is tremendous from small localities to large organisations, it can target them all.

Relationship marketing also makes use of another very lucrative method: sampling. When multinational giant Procter and Gamble (1989 turnover Rs. 70 crore) launched its premium priced whisper sanitary napkins, in all its launch

4. Salil Tripathi, Shiv Taneja, Marketing : The art of the sell, *India Today*, Dec. 31, 1990.

cities it claimed to have tapped every woman who has ever bought a branded napkin. Result: 70% of women tapped repeated orders for the product priced 17% higher than the competitors.

Probably the most innovative form of selling is what companies like Titan watches and Bata are currently engaged in. Apart from making use of institutional selling. Titan has also effectively employed what can be described as the 'follow-the-customer' strategy. Titan has identified the Titan man or woman-or the person who is most likely to wear a Titan-and based on his psychograph, catches him at jewellery stores, boutiques, book shoppes, and even restaurants or places, where he is least likely to find a watch-and displays an amazing array of fascinating watches.

But if some companies go all out to sell a particular product, there are others that sell entire life-style. For instance, Bata offers not just shoes any more, but outdoor gear, rucksacks, back packs and cloths. Same is the case with Raymond's Park Avenue collections.

Whether it is institutional selling, direct selling, sampling or simply just selling, the goal is now the same : to lock in a consumer so that he remains loyal to your brand till death do them part. The emphasis is now shifting to subtle sell : by identifying a consumer, showing that the company really cares for him-make him a lifelong ally. Although the initial expenses of this exercise may be high, it is the immense long-term value of a loyal customer that makes the money spent well worth it. Studies internationally have shown that a loyal customer pays back the initial investment-by being faithful to the brand and by publicising it through word of mouth-by a mind boggling multiplier of over zoo.

Thus, advertising involves the communication of a message to the public that message being designed to achieve an objective the objective will vary depending upon whether ad serves a business purpose or a public purpose.

Business objective include the aim of a seller to advice a potential buyer of goods and services for sale, their quality, their usefulness, their effectiveness, elements of information wh ich may affect the buyers decision to purchase the item advertised.

Public objective include ads placed by government authorities and public and put non-profit institution which aim at informing the public about a given situation and persuading it to heed the message, for example safe driving ads.

Of late, ads with social message become popular and many private agencies add glitter social campaign. Reporting this welcome trend, Suraject Dasgupta writes that government ads have always been the orphans of the trade - poorly attired, dull and generally neglected⁵. No longer, Suddenly, a fairy godmother has waved her magic wand and transformed them into Cinderellas. The message has become the medium. The new ads are sassy and attention grabbing.

Advertisement agencies have leaped into the business of marketing socially

5. Suraject Dasgupta, Advertising : Social Blitz, *India Today*, May 31, 1989.

relevant themes or products. Family planning campaigns or anti-dowry or death education campaigns were once the preserve of the government's Directorate of Advertising and Visual Publicity (DAVP). It used to have shoe-string budgets. Now the budgets are respectable. And top agencies are vying for a piece of the hottest action in town: social marketing.

Behind the trend is a growing official awareness of the role good advertising can play in propagating ideas. The launching of the five technology missions-on water, oilseeds, telecommunications, adult literacy and immunisation-has brought into focus the importance of communicating with rural areas.

Not all campaigns are intended to earn money. Lintas prepared its anti-dowry campaign on its own and then approached the media for free space. Still, social marketing campaigns earn agencies prestige and provide valuable marketing experience in rural areas - the market of the future.

For most agencies, social marketing has proved educative as well. Clarion's 'Clean Ganga' campaign found the use of sanskrit sholkas asking people not to pollute the river was viewed as a government ploy to spread Hinduism. The campaign had to be changed.

But most have been more than willing to learn. Clarion spent two months conceiving its contraceptive campaign. React's campaign on leprosy was an involved. For six months, employees visited leprosy patients, doctors and schools to get a feel of the problem., They discovered that even doctors hesitated to treat leprosy patients.Their experience resulted in a memorable campaign. What's been most challenging, however, has been developing campaigns for often illiterate rural audiences. For its iodised salt campaign, Ulka readied illustrated comics for free distribution in village schools. HTA plans to join hands with theatre groups for an anti-drug campaign in semi-urban areas.

IV. ADVERTISEMENT AND CONSUMER BEHAVIOUR

According to Firestone, there are two contents of advertising

1. informative content brings to the attention of a potential buyer the type of the commodity or service for sale, its quality, servicability, usefulness and price, and
2. persuasive content of an advertising message refers to that part of the ad that attempts to translate latent wants on the part of an individual into effective demand for a good or service, encouraging the prospective customer to purchase the specific product or service advertised⁶.

Consumer choice throughout the third world is increasingly being influenced by advertising and new products. Whether these phenomena operate to the advantage or detriment of consumers in these impoverished societies is a controversial and important question.

The basic argument is that consumers' purchases are governed by their

6. Firestone, D.J., *Economic implication of advertising*, Institute of Canadian Advertising presented by Britain. Methew Publication, London, 1967.

attitudes toward product alternatives and that advertisers can do something to effect those attitudes⁷. In fact, Mitchell and Colson argue that it is quite reasonable to suppose that by making effective ads, advertiser can influence the consumers attitude toward brands⁸. This is because researcher have recently found that consumers can form attitudes toward ads in addition to developing attitudes toward a brand and that a favourable attitude toward the ad may lead to a favourable attitude toward the brand being advertised. Although the process that accounts for the transfer of positive attitudes from an ad to the brand has not been unambiguously determined, it is likely that classical conditioning may be responsible. Thus, by pairing the positively viewed ad with a brand, some of the positive affect associated with the ad is conditioned to the brand.

Consumption and consumer behaviour is hardly a new subject, for perceptive contemporaries puzzled over other peoples expenditure. Accepting or rejecting new habits and new goods according to their perceptions. Defoe writing from the viewpoint of consumers, makes a fundamental distinction between people who cannot afford to consume, those who consume too much, and those in the middle of whom he approved⁹. Wedgewood from a manufacturer's viewpoint, makes a similar distinction, but adding that those in the middle were a potentially large and attractive market¹⁰. The interesting thing about these comments is that they both take it that upper, middle, and lower ranks could be distinguished on the basis of their consumption habits. Consumer behaviour does indeed imply a great deal more than whether or not some goods or services were available and used, which means that consumption cannot be discussed in isolation from other aspects of social and economic life.

Engel, Kollat and Blackwell have defined consumer behaviour as 'the acts of individuals directly involved in obtaining and using economic goods and services including the decision process that precede and determine those acts¹¹.'

Consumer behaviour results from individual and environmental influences. Consumers often purchase goods and services which they want others to accept. Consumer behaviour is, therefore, determined by the individuals psychological make-up and the influence of others. That is,

$B = f(P,E)$ Where B - Consumer behaviour

f - function

P - consumers personal influence

E - environmental influence

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7. Aaker, David A, and John G. Hyers, *Advertising Management*, New Delhi, Prentice Hall of India Pvt. Ltd., 1983, p.159.
 8. Mitchell, Andrew A. and Jerry Colson, Are product attribute beliefs the only mediator of advertising effects on brand attitude. *Journal of Marketing Research*, Vol. 18, 1981, pp.318-332.
 9. Defoe, Daniel, *Robinson Crusoe*, 1719.
 10. Josiah Wedgewood to Thomas Bentley, Aug. 1772 in *The selected Letters of Josiah Wedgewood*, ed. Ann Finer and G. Sage, London, 1965.
 11. Engel, J.F., Kollat, D.T., Blackwell, R.D., *Consumer Behaviour*, 2nd edition, New York, Holt, Rinchart and Winston Inc., 1973, p.5.

Consumer behaviour essentially involves choice, for individuals can't consume all the things they like and hence they must choose. The marketing man should therefore examine the events that precede and follow the purchase. The marketing man must be aware of the fact that although everyone is a unique person, there are similarities among people that make it possible to systematically study human behaviour.

Consumer behaviour is a complex phenomenon involving an understanding to explain and predict human actions in the consumption role. It is a process in which consumer acquires, organizes and uses the information for purchase decisions and satisfaction of his economic needs. Traditionally, marketing activities were directed towards the supply of goods and services to consumers and the marketing strategies, were based on the belief that consumer's buying decisions were largely influenced by product quality and features, price, discount, availability and product promotion. However, in recent years environmental factors such as social class, culture, ethnic groups etc. have been found to have dominant influence on consumer decision making process.

One useful way of interpreting behaviour and responses to the environment is to take specific account of how people endeavoured to present themselves to others in everyday situations. In order to foster particular image, people present themselves to others in ways that are analogous to actor's methods of presenting themselves to an audience. Various techniques are used for fostering particular impressions, such as facial expression, tones of voice, clothing and of course, physical surroundings.

This kind of 'presentation of self' does not apply in all situations and normally takes place at an automatic and subconscious level, but it is an everyday activity. Both in the home and elsewhere. In putting forward these views, Goffman¹² and later, Portnoy¹³ have distinguished between use of space in different parts of the living area.

When people are in the presence of others or when they are actively fostering their image, their behaviour is different from when they are doing essentially private things. Thus, there are 'front stages' which are the settings of activities in which people present themselves to others, and can be likened to a theatrical stage. The appearance and ambiance of the 'front stage' affect the way in which individuals or households can present themselves. Likewise, the 'back stage' is analogous to the back stage of a theatre. Thus we can attempt to interpret the social roles of some possessions by observing use of space and assessing the values that are placed on activities from the point of view both of the kinds of goods that are found in different parts of the house and of the kinds of activities that take place there.

That this is a useful approach is shown by the fact that some parts of houses are more valued than others. Rooms are used for different purposes because different values are attached to different parts of the living space.

12. Goffman, E., *The presentation of self in everyday life*, Harmondsworth. 1969.

13. Portnoy, Alice W., A micro-archeological view of human settlement space and functions in R.A. Gould and H.B. Schoffer (eds.) *Modern Material culture : The Archaeology of US*, London and New York, 1981.

According to Weatherill much writing on living standards is based on an attempt to distinguish between expenditure that are, in some sense, essential to maintaining physical life, and other goods and services. Here the vocabulary of necessity and luxury is frequently deployed¹⁴. The contrast has some point in enabling us to gauge what kinds of things are held to be important, but in practice it is not a sophisticated enough approach to enable us to understand the meaning of consumption, especially among the middle ranks. What are basic necessities? It is hard to know how to define a necessity in our own culture, different people have different purposes for wanting to do so.

The meaning of these terms vary with circumstances : the word luxury is normally used to convey the idea of consumption of costly and high-quality goods, food, or services, it can also carry some implicit judgement that luxuries are immoral. The word has also commonly meant something that is desirable but not indispensable, but possibly of higher quality and price than other goods of a similar nature: all that assemblage which is rather intended to please the fancy, than obviate the real wants, and which is rather ornamental than useful. The cultural aspect of luxuries is also recognized by their ability to mark the rank of the owner and thus communicate social position in a non-verbal way¹⁵.

A necessity could be defined as something necessary to maintain life, but this is an abstract definition and not a meaningful starting point for discussing consumption. One reason for this is because the people do not just have physical requirements: they value the non-material aspects of their lives, such as reading, religion, family life, friends, gossip, and games; they are aware of many satisfactions in life. What people as individuals or together as a society, feel is 'necessary' has also to be taken into account and can be understood only by observing their behaviour and priorities, as well as what they choose to own.

Many economists have tried to conceptualize the dichotomy of Luxury-necessity and theorised it differently. Engels's law (1857) implies that the rising standards of living (as a result of increasing incomes) will lead to a lower proportion of the consumption expenditure on food (necessary) items, while the expenditure on luxuries increases with the standard of living. The law, thus, divides the items of consumption into - necessary items and luxury items. Duesenberry gave his theory of Relative Income Hypothesis, on the basis of habit-persistence hypothesis, stating that the consumption behaviour is interdependent and consumption relations are irreversible over time¹⁶. He argued that consumption of an individual not only depends on his absolute income but also on his relative income i.e., on his percentile position in the income distribution. Further, the current consumption, thus, does not depend on the current income but also on the past level of consumption as it is practically difficult to reduce previously attained higher level of consumption than to reduce the savings.

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14. Weatherill, Corna, *Consumer behaviour and material culture in Britain 1660-1760*, Routledge, Great Britain, 1988, p.14.
 15. Douglas, Mary and Isherwood, B., *The World of goods : Towards an anthropology of consumption*, Harmondsworth, 1980, pp.112-118.
 16. Duesenberry, J.S., 1949, *Income Saving and the theory of consumer Behaviour*, Harvard Univ. Press, Cambridge, Mass.

Modigliani and Ando formulated the life-cycle hypothesis¹⁷. The underlying argument of consumption function is that consumption depends on the resources available to the consumer over his entire life span, the rate of return on capital and the age of the consumer.

The distinction of consumption items into luxury-necessary is important as it provides a base to examine the consumption behaviour. However note that necessary and luxury items are quite relative in nature to each other, therefore it is difficult to choose a priori any form of the Engel curve which may yield better identification of items in two categories.

Further, a particular item may be a necessary item for an individual at any particular time while the same may be the luxury item for another; Likewise, an item may be necessary for an individual at any particular time while the same item may be the luxury one for the same individual but at different time. So, it is neither advisable nor justified to select any Engel function arbitrarily.

According to Herbert Simon, traditional analysis rests on two basic assumptions¹⁸. This first is that the economic agent has a specific goal; for the producer it is to maximise profits and for the consumer to maximise utility. The second assumption is that the economic agent, producer or consumer is substantively rational-that is, his behaviour is appropriate to the achievement of given goals within the limits imposed by given conditions and constraints.

James argues that the only way in which a consumer can make the 'wrong' decision, according to traditional theory, is as a result of misinformation about relative prices¹⁹. But the traditional theory is incapable of dealing with misinformation about other aspects of goods which collectively define their quality. For this, it is necessary to recognize that goods embody a variety of characteristics and it is these rather than the goods themselves which are the object of consumer demands.

The relationship between material and social life can be deduced from the social meanings of physical surroundings. Therefore, mere information about ownership patterns of household goods and the contexts in which they are bought and used is not enough. The material goods are indicative of behaviour and attitudes. They have symbolic importance as well as physical attributes and practical uses. Through exploring the organisation of day-to-day life in households we can understand the specific practical and social situations with which consumption is associated.

In the traditional economic theory advertising affects consumer demand essentially through changes in tastes. Although this way of looking at the relationship has led to an interesting debate about the desirability of the wants so created, formed welfare economies has been totally unable to determine unambiguously the welfare effects of advertising.²⁰

17. Modigliani, F and Ando, A. 1963, The Life-cycle hypothesis of savings: Aggregate Implication and tests, *American Economic Review*, Vol.53, No.1, pp.55-84.
18. Simon, H. From Substantive to Procedural rationality in F. Hahn and M. Hollies (eds.) *Philosophy and economic theory*, OUP, 1979, p.67.
19. James, Jeffery, *Consumer choice in the third world*, Macmillan, London 1983, p.5.
20. James, *ibid.*, p.39.



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According to the characteristics approach, however, advertising influences demand not only through changes in tastes but also because of the information about product characteristics that it conveys. Tastes are represented by the relative importance the consumer attaches to characteristics, and changes in tastes are reflected in an altered set of weights.

The welfare effects that arise from the information conveyed by advertising are generally easier to assess. These vary according to the type of information that is conveyed, how it is evaluated and whether it influences consumer choice-which in turn depends on the type of utility function that is adopted.

V. THE GROUND REALITY

Be it Saree, jewellery or even bindi, everywhere class has brought innovations in designing and advertising has altered the tastes. In the beginning it became vogue among the affluent section of the society then slowly but surely it trickles down to the middle strata.

Simran Bhargava reports innovations in sarees²¹. 'It is the symbol of traditional, unchanging India - the saree: staid, standard and almost sacred. Now, the most traditional of Indian garments has a new look coming that is anything but boring.'

The new urge is to put together not just a saree, but a look. The nouvelle saree can be worn with leather boots, funky jewellery, jackets, Cartier bracelets, eight feet long plaits. Ultimately, designers say, the saree is the sexiest of all garments.

Blouses, for instance, are doing a fashion furround that's quite acceptable even to the purists. The permutations are endless; five pleat puff sleeves, Nehru collars with a brooch, backless blouses, peck-a-boo blouses, long blouses with slits at the side, and even rough Khadi with slinky crepe sarees.

Either way, the saree is heading toward a different look. The innovation in the saree world is reaching out both ways: the avant garde as well as a revival of antique traditions like the kantha (hand done in earth tones).

Kusum Sawhney believes that fake jewellery provides the outlet through which middle class women satisfies their high class ambitions²². Imitation jewellery explains the reference group behaviour of middle class women.

Less than half a decade ago, the term designer jewellery would have conjured up wistful visions of international exclusivity like Christian Dior and Gucci - all of them located financially in the stratosphere, out of reach of a slobbering middle class. But then suddenly designers' stuff went democratic: it became affordable for those who wanted to look better but just couldn't pay so much as the affluent elite for a dangle from the ears or a choke on throat. Now, having taken a long, nomadic route through the west, designer jewellery has blazed its way into India as well. And it is adapting to Indian aesthetics with

21. Simran Bhargava, Sarees : Exotic Experiments, *India Today*, Dec. 15, 1990.

22. Kusum Sawhney, Designer Jewellery : Fake but Fabulous, *India Today*, Nov. 15, 1990.

remarkable pace and passion. It looks good, it mimics traditional designs, stands weston virtuosity on its head-and to top it all you don't have to pay a king's ransom for it. You can pick up a pair of funky ear rings for as little as Rs 300 or splurge Rs. 18,000 on a ouffy look alike of an antique set.

Same is the case with bindies²³. While the usual velvet stick-ons are still to be found in the shops, the creative wave has produced bindis varying from the extremely ornate to the absolutely exclusive. The bindi revolution shows no signs of slowing down-each day, it seems, a new design appears.

It is not just the shop that are getting innovative. People are also taking the initiative and are coming up with designs that are virtual objects d'art. And if sarees are getting more bizzare, so are the bindis. The mood today is one of colour and movement, that thas given the bindi a fresh lease of life.

Advertisement and innovations brought in a new culture of spending and looking good. In recent years there have been a tremendous growth in fashion consciousness. Tania Midha reports that instant fashion, off the rack and ready-to-wear, now sports the labels of a bewildering range of purveyours with a mashrooming string of city outlets : Inter shoppe, Ravissant, Burlightons, Benzer, In style, Ritu's, Warehouse, International News, Vibes, Guy'n'Dolls²⁴. There's a new label being added almost every second day. Whether occupying prime space at the neighboubood market place or even the garage next door, high fashion is exploding - right at the doorstep.

Fashion consciousness has grown tremendously over the last few years and has spread to alsmost every corner of the country. Feeding this fashion epidemic is the growing number of boutiques and the reasons for their increasing popularity are not far to seek.

It is not that fashion consiousness has grown laterally only. It has involved teenagers too. As Simran Bhargava finds that the generation gap is alive and well²⁵. And never has it looked so good. School kids today have more energy, more fun and more cloths than anyone can remember. In the last few years, fashion has become a major preoccupation for teenagers, choreographed by the likes of Bruce Sprigston and Madonna.

Fashion, usually considered the privilege of college kids, has somehow sneaked into schools, especially in the big cities. Children, starting from age eleven, are spending more time and effort on themselves and it shows.

Those is no Indianness here, the look-a carefully cultivated street-smart image-is completely western, influenced more by music videos than anything else.

A really striking change is the invasiioin of make-up in school bags. Several class eight girls wear foundtion and lipstick.

23. Kusum Sawhney, Forehead Fantasies, *India Today*, Dec. 15, 1990.

24. Tania Midha, The fashion Business : looking good, *India Today*, Jan. 31, 1987.

25. Simran Bhargava, Teenage Fashion : Colour in the Classroom, *India Today*, Oct. 31, 1988.

It is true - kids have changed-since anybody's time. There is a generation gap every three years now. Kids today know their minds, they travel abroad-minus parents, and they are dating younger and younger. They argue, bribe or con parents into getting them what they want.

School is such a special place: here everybody knows you, the juniors are always looking up to the seniors and in the twelfth you become a hero. Seniors have, therefore, to live up to expectations and have to provide fresh channels for emulation.

A recent survey²⁶ in the country's four main metros by Pathfinders, a market research outfit, found that 57% of 18-30 years old belonging to the Rs 2,500 plus household income group owned colour Television sets. Some 67% had refrigerators at home and almost all respondents belonged to the wrist watch owning category. Marketers have another reason to salivate : the 18-30 age groups accounts for roughly a fifth of the country's population, and that's a lot of potential market worth fighting for.

And, there's a willingness to splurge. The pathfinders' survey found its respondent spending an average of Rs 47 per month on cosmetics, Rs 60 on snacks and Rs 21 on chocolates. That's not loose change for marketing men, for included in the sample were now-earners like students : 88% of the students in the sample had got pocket money. As for the rest : nearly half the 18-30 years olds earned Rs. 1500-2000 per month; 18% earned Rs. 2500-3500.

The number may not look sensational but targeting this age group makes sense from the long term point of view. Why? Because aspirational levels run high amongst youth. A quarter of the sample mentioned a car as something they wanted to acquire even though they couldn't afford it now.

Price is apparently an important consideration in this market. To sell to the upper end of the youth market, the appeal obviously has to be in terms of life-style.

With changing times, the nature of fashion photography and modelling have also changed. Advertisements become attractive, imaginative and direct. Now , they focus head-on to their target group and send message clearly and unambiguously.

Urmilla Deshpande tries to capture the the changing nature of fashion photography. Untill recently, the concept of fashion photography in India was vastly different from what it is in the west²⁷. Not having armies of magazines devoted entirely to fashion, it has so far mainly played a secondary role. Restricted only to advertisements, fashion photography has basically been used as a selling point for a whole range of products such as soft drinks, stereos and even cars. There are of course, some magazines which carry fashion spreads, but this does not creat enough work for all the existing photographers who want to specialize in the field and hope to make a career of it.

26. Surajeet Dasgupta, Marketing : Targetting a new generation, *India Today*, March 31, 1991.

27. Urmilla Daspande, Photography : Fashioning a life of glamour, *Economic Times*, 15 June, 1991.

Earlier fashion photographers were required to take fairly staid and conservative shots of models in sober Indian cloths. An old ad for Bombay Dying or Khatou, for example, usually featured a sari-clad woman posing with a man in a suit or a churidar-kurta. The setting would be traditional and the photographers would obviously have to tailor his composition and lighting to suit the mood.

Thankfully, the situations has changed dramatically in the last decade or so. With urban Indian youth beginning to borrow trends from the west, the Indian apparel industry in now concentatring on the manufacture of western style garments. Thousands of small and large fashion houses and as many designers have set up shop. The resulting need for slick ads has created a whole new market for fashion photography.

The photographer now is, in a sense, liberated from working within the limited constraints of traditional Indian norms. For instance, where 10 years ago a girl with short-cropped hair would never have made it as a model, the photographer can now have western-looking modles and can actually capture them in natural poses (as against stiff studis poses)-laughing, running and even looking directly into the sun. He can also experiment with unconventional lighting to lend moods to his pictures.

Compositions are no longer sqsquare and boring. Even the sari and the salwar-kameez have grown up, and can be sexy, fun, formal-whatever the 'occasion demands. Today, the woman is as likely to be wearing a suit as ride a motorcycle. Its just a matter of ads keeping up with the times.

Now, the recruitment base for modelling is widening. Sharmila Chandra²⁸ reports that Bombay's near total monopoly as a modelling and fashion capital of India is now being vigorously challenged by Delhi, once severed at as a provincial hick-town.

Today, the capital is replate with models, fashion photograph art directors and modelling agents, fashion designers and model co-ordinators enjoying varying degrees of recognition-and success. The floodgates opened in 1986-88. When many advertising agencies opened offices in Delhi and began to handle major accounts. Barely four years ago, Delhi models were relegated to the minor placing in the modelling ladder. But today clients no longer have to fly in Bombay models for advertising campaigns.

Several models in the capital like Firoz Gujral, Priya Kakkar, Queenie Singh, Sikha Swaroop, Sheena Singh, Ravi Dhawan, Mark Robinson and Gurpreet Singh Bajaj are among the most sought after in the country. What also says a lot is the fact that more and more young boys and girls of the capital mostly college going, coming from middle class, conventional families are attracted by the glamour, money and recognition offered by the modelling profession.

Bombay has inherent advantages-better infrastructural facilities, including state-of-the-art dubbing and editing studies. With most major advertising agencies opening offices in Delhi and handling major accounts, even the lack of infrastructure is fast being remedied.

28. Sharmila Chandra, Modelling : The Capital catwalks, *India Today*, Feb. 1990.

Part of the reason is that the advertising industry has witnessed tremendous growth in the last few years and Bombay has not been able to keep up with the demand, or produce enough fresh new faces as clients were demanding.

Delhi also has a more relaxed working atmosphere compared to fast paced Bombay. What has helped the industry to come in its own in the capital is the commercial splurge on television.

As a natural corollary to this growth to the manifold increase in the money involved in modelling. Delhi models were among the lowest paid in the business. But no longer.

VI. HISTORY OF MEDIA STUDIES

Before analysing the extent and content of media and problem associated with media research, it would be useful to look at history, in brief, of media studies. It is possible to see there main stages in the development of media study²⁹.

During the first stage, from the turn of the century until the late 1930's, the media were seen as possessing considerable power to influence behaviour and beliefs. A major contributor to this stage was the Frankfurt school made up of a group of German intellectuals opposed to Hitler. These writers saw the mass media playing a crucial role.

In the second stage of development of media study from about 1940 to the early 1960's, a much less harmful view of the role of mass-media was emerging from studies in America. Research into the influence of the media on voting behaviour and consumer choice showed that the media appeared to have little or no effect on the attitude and behaviour of the audience. It is important to realize that the idea of 'effect' that was being used here implied an immediate or short-term change. Thus it was recognized that the audience was not a shapeless mass but belonged to various social groupings. It was also argued that those people who had entrenched views were least likely to be affected by what the media said-only the ignorant and apathetic were likely to be influenced.

Finally, looking at the third stage in the development of research into the mass media, there appear to be several connected trends. First, the search for effects, though not abandoned, has been put into a less prominent place-partly because so much research in stage two came to the conclusion that the media had little or no effect.

More recently, the focus of research has shifted to the content of the mass media. Cohen and Young's³⁰ influential collection of articles on the media argued that effects were a secondary issue and concentrated on *the way in which the media select and present information*. A second major theme of recent has been the *process of media production*. This had led to studies of media organizations, their day-do-day operation, and the wider social, economic, and political

29. Mc Quail, Denis, 1987, *Mass Communication theory: An Introduction*, London, Sage Publications.

30. Cohen, S. and J. Young, 1981, *The manufacture of News: Deviance, Social problems and the mass media*, London, Constable.

structure within which they work³¹.

There can be no possibility of offering a single agreed theory which will explain what is going on and predict effects but it does help to begin with a single broad framework within which the essential processes and relationships can be located. This does involve a particular way of looking at mass communication, but does not necessarily prejudge the theoretical alternatives.

The main presuppositions underlying the chosen framework are as follows. First, *the media institution is engaged in the production, reproduction and distribution of knowledge in the widest sense of sets of symbols which have meaningful reference to experience in the social world.* The knowledge enables us to make sense of experience, shapes our perception of it and contributes to the store of knowledge of the past and the continuity of current understanding. Collectively the mass media differ from other knowledge institutions (e.g., art, religion, science, education, etc.) in several respects:

- they have a general carrier function for knowledge of all kinds thus on behalf of other institutions as well;
- they operate in the public sphere, accessible in principle to all members of a society on an open, voluntary, unspecific and low-cost basis;
- in principle, the relationship between sender and receiver is balanced and equal;
- the media reach more people than other institutions and for longer, *taking over* from early influences of school, parents, religion and so on.

A second main presupposition is that *mass media have, a mediating role between objective social reality and personal experience.* The notion of mass-media as occupying a place between ourselves and other people and things in space and time is a metaphor which invites the use of other metaphors to characterize the part played by mass media and the possible consequences of that part. The media are alternatively:

- a *window* on experience, which extends our vision, enables us to see what is going on for ourselves, without interference or bias;
- an *interpreter*, which explains and makes sense of otherwise fragmentary or puzzling events;
- a *platform* or carrier for information and opinion;
- an *interactive link* which relates senders to receiver by way of different kinds of feedback;
- a *signpost*, which actively points the way, gives guidance or instruction;
- a *fitter*, selecting out parts of experience for special attention and closing off other aspects of experience, whether deliberately and systematically or not;

31. Barrat, David. 1986, *Media Sociology*, London, Tavistock Publications.

- a *mirror*, which reflects back an image of society to itself-usually with some distortion by accentuating what people want to see of their own society or sometimes what they want to punish or suppress;
- a *screen* or barrier which conceals truth in the service of propagandist purpose or escapism.

Media is linked to the other institutions of the society. *First*, there are general normative and philosophical principles concerning the proper relationship of *press* to society, which are likely to be widely shared by *elites*, media and public. They include such general ideological presuppositions as liberty, social responsibility, rationality. *Secondly*, there are formal ties in law that put some limits on media freedom and in some cases give positive direction to the media. *Thirdly*, there are economic links which connect media with financial and work institutions. *Fourthly*, there are many informal links between media and society which go in both directions and have the character of exchangers. Which ever of these applies, the inevitable result is to place in media *nearer* to institutional sources and to centres of power in society than to their future audiences.

The media do provide more effective channels *down* than *up* and facilitate vertical communication (downwards) rather than lateral or bottom-up flows. They are also inevitably closer to organized political and economic power (as owners, controllers or sources) than to their audiences. The balance and equality lies only at the point of contact between receiver and media content (the television set or newspaper). Thus, the media do not monopolize all possibilities of acquiring knowledge and experience. but they do tend to serve as coordinator and common point of reference for the various pieces of separate experience and specialist knowledge, and for everything that we do learn or experience for ourselves they provide a massive supplement of vicarious experience and interpretation. Further, it is this supplement which is most widely shared and provides the common ground for social discourse.

VII. THEORIES OF MEDIA

Media sociologists can be divided into those who have a *media-centred* view and those having a *society-centred* view. The former stresses the means of communication as a force for change, either through technology or the typical content carried. The latter emphasizes the dependence of both on other forces in society, especially those of politics and money. From this second point of view, the forms of mass media are an outcome of historical change - a reflection and consequence of political liberalization and industrialization and a response to demands for servicing from other social institutions. There are strong and weak versions of media-centred theory and there are also possibilities for attributing causal influence to some media in some cases for some social institutions, without having to reject a general view of media as ultimately dependent on society.

The *society-centred* view is also open to differentiation, since the forces of *society* can either be formulated as a matter of class, culture and social structure broadly and collectively conceived, or as individual differences of interest, motive, or social location which account for selective use of, and response to,

communication, and subordinates media to the needs of personal and micro-social life. The media are seen as dependent, in much more specific ways, but the same broad conclusion—that people and society are users rather than used - in reached.

Now, it is a proper time to take a pause and ourselves within differing perspectives through which media is analysed. The various theories depicts the relationship between media and the society.

Mass society theory emphasizes the interdependence of institutions that exercise power and thus the integration of the media into the sources of social power and authority. Content is likely to serve the interests of political and economic power holders and although the media cannot be expected to offer a critical or alternative definition of the world, their tendency will be to assist in the accommodation of the public to their fate.

This theory gives a primacy to the media as cause and maintainer of mass society and rests very much on the idea that the media offer a view of the world, a substitute or pseudo-environment which is a potent means of manipulation of people but also an aid to their psychic survival under difficult conditions. As a theory of the media, it strongly involves the images of control and filtering the portrays the direction of influence from above downwards.

The *classical Marxist* position maintains media as a means of production, conforming to a general type of capitalist industrial form, with factors of production and relations of production. They are likely to be in the monopolistic ownership of a capitalist class, nationally or internationally organized and to serve the interests of that class. They do so by materially exploiting cultural workers (extracting surplus labour value) and consumers (making excess profits). They work ideologically by disseminating the ideas and world views of the ruling class denying alternative ideas which might lead to change or to a growing consciousness by the working class of its interests and by preventing the mobilization of such consciousness into active and organized political opposition.

Political-economic media theory asserts the dependence of ideology on the economic base and directs research attention to the empirical analysis of the structure of ownership and to the way media market forces operate. From this point of view, the media institution has to be considered as part of the economic system though with close links to the political system. The predominant character of the knowledge of and for society produced by the media can largely be accounted for by the exchange value of different kinds of content, under conditions of pressure to expand markets, and by the underlying economic interests of owners and decision makers. These interests relate to the need for profit from media operations and to the profitability of other branches of commerce as a result of monopolistic tendencies and process of vertical and horizontal integration (e.g. into oil, paper, telecommunications, leisure, tourism, etc.). The approach centres on media as an economic process leading to the commodity (content), there is an interest variant of the political economic approach which suggests that media really produce audiences, in the sense that they deliver audience attention to

advertisers and shape the behaviour of media publics in certain distinctive ways.

Marxist critical theorists and members of the *Frankfurt School* can be represented as combining a media-centred view with one of class domination. However, they do not neglect social and material form and their general view of media power is one which emphasizes conservation of the existing order rather than change.

The universal, commercialized, mass culture was the chief means by which this success for monopoly capital had been achieved. The whole system of mass production of goods, services and ideas had more or less completely sold the system of capitalism, along with its devotion to technological rationality, consumerism, short-term gratification and the myth of *classlessness*. The commodity is the main ideological instrument of this process since it seems that fine art and even critical and oppositional culture can be marketed for profit at the cost of losing critical powers.

Hegemonic theory of media has concentrated less on the economic and structural determinants of a class-biased ideology and more on ideology itself, the forms of its expression, its ways of signification and the mechanisms by which it survives and flourishes with the apparent compliance of its victims (mainly the working class) and succeeds in invading and shaping their consciousness. The difference from the classical Marxist and political-economic approach lies in the recognition of a greater degree of independence of ideology from the economic base.

The theoretical works of *Pulantzas* and *Althusser* has contributed to the grounding of this approach, directing attention to the ways in which the relationships of capitalism have to be reproduced and legitimized according to the more or less voluntary consent of the working class itself. The tools for carrying out such work have largely been provided by developments in semiological and structural analysis which offer methods for the uncovering of covert meaning and underlying structures of meaning.

The social-cultural approach seeks to attend to both messages and public, aiming to account for patterns of choice and response in relation to the media by a careful and critically directed understanding of the actual social experience of sub-groups within society. The whole enterprise is also usually informed by an appreciation of the efforts of power holders to manage the recurrent crises of legitimacy and economic failure held to be endemic in industrial capitalist society.

Structural-functionalist approaches explain recurrent and institutionalized activities in terms of the *needs* of the society. As applied to the media institutions, the presumed needs have mainly to do with continuity, order, integration, motivation, guidance and adaptation.

The mechanisms which produce this contribution from media to society are primarily the needs and demands of participants in society, whether as individual members, or collectivities. By responding to each separate demand in consistent ways, the media achieve unintended benefits for the society as a

whole. Thus, structural functional theory requires no assumption of ideological direction from the media (although it does assume ideological congruence) but depicts media as essentially self-directing and self correcting, within certain politically negotiated instrumental rules. While apolitical in formulation, it suits pluralist and voluntarist conceptions of the fundamental mechanisms of social life and has a conservative bias to the extent that the media are likely to be seen as a means of maintaining society as it is rather than as a potential source of change.

Nearly everywhere, the media are expected to advance national interests and prompt certain key values and behaviour patterns, but especially so in times of crisis. And in certain developing societies as well as in many socialist states, a mobilizing role is formally allotted to the media

The overall result in the following set of basic ideas about media purpose in societies

I. Information

- providing information about events and conditions in society and the world.
- indicating relations of power.
- facilitating innovation, adaptation and progress.

II. Correlation

- explaining, interpreting and commenting on the meaning of events and information.
- providing support for establishing authority and norms.
- socializing.
- co-ordinating separate activities.
- consensus building.
- setting orders of priority and signalling relative status.

III. Continuity

- expressing the dominant culture and recognizing subcultures and new cultural developments.
- forging and maintaining commonality of values.

IV. Entertainment

- providing amusement, diversion, the means of relaxations.
- reducing social tension.

V. Mobilization

- campaigning for societal objectives in the sphere of politics, war, economic development, work and sometimes religion.

CHAPTER THREE

LOOSENING THE NOOSE—
*Government, legislations and people's
participation*

I. THE POSITION OF CONSUMER

The consumption is the sole end and purpose of all production activities. The interest of the producers need to be attended to, only so far as it may be necessary to promote that of the consumers. But in the mercantile system, the interest of the consumer is persistently sacrificed to that of the producer and it seems that the production is envisaged and not consumption, as the ultimate end and object of industry and commerce¹

The economy of any nation rests mainly on the consumers ability to respond to the fluctuations of the market. The consumer exercises economic vote everytime he buys. This vote in our competitive economic system means life and death for the producer. Thus, in any form of society, the centre of gravity of complete trading business and industrial activity revolves around the consumer.

In the complex economies of today's world, however, even a competitive market does not provide assurance to consumers. Today's consumer is at the mercy of those forces over which he has little or no control at all and he continues to be exploited by the professional, informed, powerful and organised class of sellers. In order to provide an asylem to the unprotected lot of consumers, developed the consumer movement — a movement initiated by the consumers to protect their rights and interests from the nefarious practices of parties having vested interests. In the present day set up, consumers in India have been one of the most neglected lot, having to put up with buying spurious goods and getting poor service because of shortage of goods and lack of competition. They often become a victim to the market techniques of the producers who always try to strengthen their position through modern market devices. Today consumer is an easy prey in the hands of commercial and industrial establishments. As a result, control has considerably decreased. Modern business methods have greatly enhanced the hands of the consumer by introducing new and subtle forms of deceit such as misleading ads, false representations, etc.

In India, the consumer living in the sellers market, has always remained neglected and unprotected against the atrocities of business. Consumers are frequently cheated, fleeced and exploited by suppliers instead of getting fair deal in exchange process. Sellers look to their own interest undermining the needs, wants and values of the consumers. Indian consumers are a mixture of people with various religion, customs and habits. Literacy level is low and purchasing power is poor. Further, with the advancement of technology and science production has become more sophisticated. Large varieties are being introduced in the market. Under such conditions, an average consumer would find it difficult to identify the quality product. All these factors create conditions conducive for the business community to adopt malpractices which are against

1. Smith, Adam, 1880, *An Inquiry into the Nature and causes of the wealth of Nations*, 2nd ed., oxford, The clarendon Press, P. 244.

the interests of consumers. They resort to all kinds of unhealthy trade practices, such as hoarding, black marketing, charging exorbitant prices, adulteration, supplying substandard products, using false weights and measurers, deceptive advertising and so on. Whether it is adulteration of foodstuff or the quality of railways, banking or power services, the helpless consumer is always at the receiving end. Business malpractices and profit extortion reached their peak towards 60's and suppliers did not care to discharge social responsibilities responded to them for fair trading. To fight against the abuses of bellers, consumer movement known as consumer protection sprang up in the mid 60's as a countervailing force reflecting homogeneous feeling of rising tide of dissatisfaction, disillusionment and indignation of consumers. Consumers need to be protected from the wayward behavior of exploitation by unscrupulous traders.

II. CONSUMER RIGHTS AND CONSUMER PROTECTION

In Dec. 1986, the consumer protection Act, a legislation exclusively and wholly meant for the protection of consumers was enacted by the Government of India.

Consumers do not want to be manipulated, horns waggled, or lied to. they want truth, not just in lending, labeling and packaging, but in everything in the whole vast bewildering market place. This means the consumers want protection against sellers who deliberately, through acts of commission or omission defraud as otherwise, injure their costumers².

Consumer protection has very wide implications and it includes everything conceivable to protect the consumers, viz. free availability of quality goods, use of correct weights and measures, fair price, provision of hygienic conditions and environment, prevention of monopolies, protection of public property etc.

Though the consumer protection is a from of wide importance yet it can be stated that there are three important aspects of consumer protection.

1. *Physical protection of the consumer* - It includes all measures to protect the consumers against products that are unsafe or injurious to health or hygiene.
2. *Protection of economic interests of consumer* - It includes all measurers to protect the consumers against deceptive methods and unfair trade practices and prevention of abuse of monopoly position or restrictive trade practices.
3. *Protection of public interest and property* - It covers all those measures that tend to protect public property safeguarded, it is essential to evolve awareness of consumer rights among all concerned. Four basic rights of consumers, which must be given due recognition, are given below.
 1. *The right to safety* i.e. the right to get protection against things which are hazardous to life and health.

2. Feldman, Laurence P., 1976, *Consumer Protection, Problems and Prospects*, St. Paul, West Pub. Co. p. 10

2. *The right to be informed* i.e. the right to know facts about what he is buying.
3. *The right to choose* i.e. the right to be assured of a variety of quality goods at fair prices.
4. *The right to be heard* i.e. the right to get redressal of his grievances.

Here awareness of right is not sufficient to trigger off all the consumer movement, but there is much more to it.

In the west, consumer movement emerged after the countries reached a level of affluence which is characteristic of post industrial society. There was adequate production and distribution of essential as well as luxury products. Under these circumstances the objective of consumers was to seek more and more information about the merits of competent products and services and to collect the collective views of consumers in order to influence production.

As a result, the consumer movement in the west has resulted in greater concern for the claims being made by producers about their sophisticated products and in evaluation of alternative products and services available to the consumers.

Whincup thinks it is perhaps right to say that consumer protection is a cause which only wealthy nations can afford to worry about - a country which has already answered its citizens more persisting needs of food and shelter³. And which begins to offer them an element of choice, as in the affluent west, where consumerism has been the product of spontaneous voluntary movement by the masses who are educated, fully conscious towards their rights as consumers and the existence of an efficient infra-structure that helps them to propagate their view points. Consumer movement, therefore, could gather momentum and establish its impact on all concerned.

However, in a developing country like ours, characterised by population explosion, illiteracy, poverty and unemployment, which is striving to attain a modicum of economic well being, the plight of the Indian consumer is really woeful. This situation is made worse by unfair trade practices, galloping inflation, adulteration, scarcity and low morale of public administration. Yet in this vast country of millions, there has been beginning of a consumer resistance movement here and there, though it has not made any significant dent on the surface of consumer protection. It is, therefore, imperative that consumers must organise effectively against the onslaughts of potent forces of exploitation and force the business class to provide a fair deal in the market place.

In India, basic reasons for the origin of consumer protection have been quite different as compared to the west.

1. First of all, it was the shortage of essential consumer products and the inflation of early 1973-74 that gave the fillip to the consumer movement. It was not because the consumer was confronted with the abundance of

3. Whincup, Michael H., 1979, *Consumer Legislation in the UK and the Republic of Ireland - a study prepared for the EC commission*, London, Van Nostrand Reinhold Co. p-3

products. consumer encountered shortages, adulteration and black market prices.

2. Secondly an Indian housewife has tended to be more discriminating customer than her western counterpart because (a) She has less money for discretionary spending and (b) She has more time to spend to compare and decide on purchases. Thus the principal factors that contributed to consumers movement in India either directly or indirectly can be summerised as follows:

1. Relative rise in prices, especially of day-to-day consumption goods.
2. Poor product and service performance.
3. Acute and frequent shortages of several products in the market
4. Deceptive advertising
5. Sale of substandard, hazardous, unsafe, spurious and duplicate products
6. Sale of adulterated products in the market without paying attention to the detrimental effects on the health of consumers.
7. Withholding of inventories in anticipation of supply- demand disequilibrium
8. Area restrictions on the distribution to sell products and obligation of distribution not to sell below a prescribed minimum.
9. Rising level of income and educational standards and increasing awareness of consumers and organised efforts through consumer societies.
10. Increased leisure time
11. Sectoral affluence of society
12. Irrational buyer behavior
13. Frequent violation of warranties and guaranties by several of the suppliers including the reputed firms.
14. Environmental pollution.
15. overcharging, underweight and gradual deterioration in the quality of products.

Like other social phenomena, consumer protection also passed through a process of evolution. The first phase in the west was one of protest and investigations. In India too, there has been an element of protest and militancy although not on the same scale as in the west because (a) origin of consumer protection in India has been related to shortage and inflation and (b) the government has been very responsive to consumer needs and has taken legislative steps.

The second phase is that of tightening implementation of existing legislation and increasing the scope of legislation. We are currently going through this phase with the weights and measures Act, Packaged commodities order etc. The only point to be noted about legislation is that we should moderate our enthusiasm to copy more legislations from western countries. For instance, it is far more important in India to enforce existing legislations with regard to adulteration of food, edible oil and other essential items used by poorer sections than be passing ore legislations which apply mainly to products used by the urban elite.

The third phase, which is the one we have to prepare for and which is of the maximum importance, is that of co-operative response from industry. Consumer protection can be effective only with positive and responsible reaction from industry because legislations by itself can only provide a framework. For industry to provide such a response, it is necessary for the government to realise some of the issues being faced by the manufacturers and to help them solve these. On the other hand, industry has to realise that it can survive in the long term only by meeting the aspirations of the consumers.

There are three agencies for ensuring consumer protection

1. Government, by having special acts and implementing those acts strictly and by taking administrative measures like fair price shops and co-operative stores
2. Self-help i.e. consumer organisation itself
3. Business, by self regulation and by giving fair deal to the retailers and customers

The co-operative efforts of the consumers, business and the government are essential to protect the consumer rights.

III. CONSUMERISM — DEFINITION

Philip Kotler considers consumerism as social movement seeking to argument right and powers to buyers in relation to sellers⁴. Another definition provided by Aakar and Day includes individuals as well as organisations who pursue consumer interest by strengthening the position of the consumer in the market place⁵. They define consumerism in the following way *it refers to the widening range of activities of government business and independent organisation that are designed to protect individuals from practices that infringe upon their rights as consumers.*

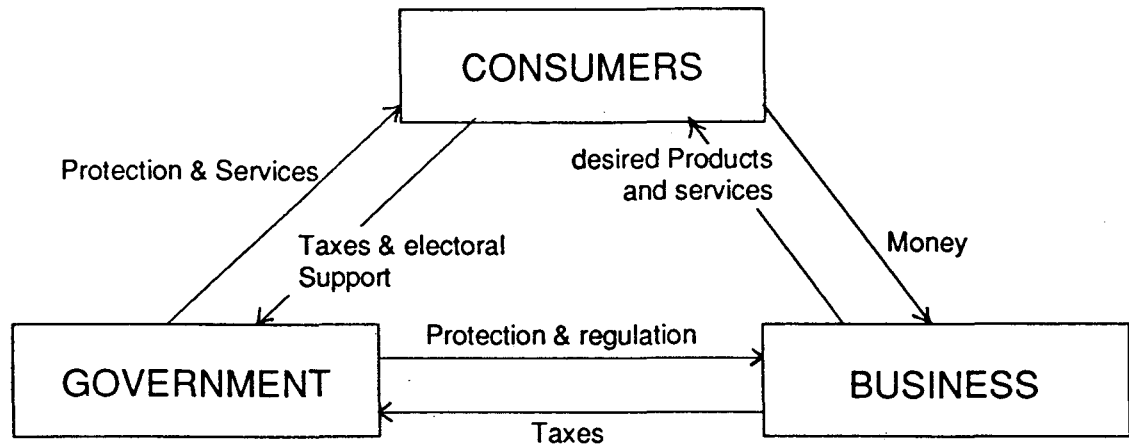
Consumer movement can be described as the organisations activities and altitudes of consumers in their relations to the distribution of goods and services i.e. in exchange relationship between buyers and sellers. In this exchange relationship, the balance of power generally exists in favour of sellers who are organised, well informed and possess professional insight of commercial activities,

4. Kotler, P., what consumerism means for marketers, *Harvard Business Review*, May- June 1972, p.49

5. Aakar, DA and Day, GS., A guide to consumerism, *Journal of marketing*, vol. 34 July 1970 pp. 12-19

thereby leading to consumer exploitation. This exploitation fans the fire of consumers dissatisfaction.

Thus, consumerism involves the actions of individuals and organisations (consumer himself as buyer, government as regulator of commerce and business as producer/distributor/seller of goods and services) in response to consumers dissatisfaction arising from exchange relationship. The relationship between consumer, government and business is shown in figure along with the various variables exerting influences on each group.



The concept of consumerism evolved out of this disharmony in these relationship which tend to work against the interests of the consumers, whereby the consumers are unable to get the desired goods and services inspite of the money offered by them and the problem may be solved or aggravated depending on the enforcement of regulatory and protective measures by the government.

IV. DEVELOPMENT OF CONSUMER MOVEMENT

The consumer movement in its present form emerged essentially during the 1960's in the USA and is often associated with the name of **Ralph Nadar**, although its origin goes back to the turn of the century⁶.

Before the emergence of industrial revolution, the life was individualistic and self reliant to sustain. Most of the goods did not carry any brand name or trade mark. The prudent consumer knew the merchandise and avoided the purchase of shobby products but had almost no protection against the frauds and deception by traders.

Industrialisation led to the growth of large scale production of goods and services, which resulted in number of problems e.g. labour movement from rural to urban areas, thus congertion of cities, hazardous working conditions, and progressive and populist sought the idea of social and economic change.

German and Eckert trace is origin from 1962, when the US President **J.F. Kennedy** gave his first presidential message to the Congress in which he

6. Gardiner and Gardner, 1976, *Consumerism-a new force in society*, Lexington Books, DC, Heath and co., Toranto, p.x

enunciated four basic rights of the consumer⁷. viz

1. The right to safety
2. The right to choose
3. The right to be informed
4. The right to be heard

Inspired by this historic pronouncement of the consumers right, a large number of publications appeared focusing on the issue from different perspectives. The following are the best sellers of the period. **Rachaci Carson's** *The Silent Spring* (1962) on environmental pollution, **Michael Harrinton's** *The other America* (1962) on poverty and credit, **Mavrin Newberger's** *Smoke Screen* (1962) on cigarettes and its effect on the public welfare and **Richard Harrison's** *The Real Voice* (1964) on drug supply. The most thought provoking work was that of **Ralph Nadar's** Book - *Unsafe at any speed*, which revealed how unsafe a General Motors car was for the public. This fact made him a pioneer to promote the concept of consumers movement. His growing popularity in this movement stimulated him to expose many more scandals, involving misuse of the marketing tactics in the field of drugs, foods fabrics, etc The government action and inaction during this period further strengthened the wave for organised consumer's strides for protection.

Consumerism has become world wide phenomenon. In April 1960, The International organisation of Consumers Union (IOCU) was launched at a conference at the Hague. The chartered members were: Consumers union of US, Inc. Consumers Associations, Consumentum Bond of the Hague and the Association des consommateurs, Brussels.

It provided an interchange of educational materials and established a technical committee to represent consumers on international standardization bodies. It also moved to assist consumers in less developed nations by obtaining consultative status with the food and Agricultural Organisation (FAO), The economic and social Council for Asia and Pacific (ESCAP), The UN Education and social cultural Organisation (UNESCO) and other UN agencies concerned with raising standards of living in the less developed countries.

The development of consumer standards and consumer testing also emerged in the eastern Europe. Yugoslavia had a federal board on the family and the household to strengthen the role of consumers. The Soviet Union established a consumer institute which undertakes comparative testing.

As Asia, leadership in the testing field belonged to Japan, where there was competition between the Japan consumers Association and Japan Consumers Union.

7. **Garman, Thomas E. and Eckert, Sidney W.**, 1979, *The consumers' world-Economic issues and money management*, 2nd ed., MC Graw Hill Book Co., pp. 51-57.

A number of embryonic movements were formed in **Korea, the Philippines, Malaysia and India**. The strongest organisations in the Pacific area, however seemed to be those in **Australia and New Zealand**.

In sum, the world consumer movement has grown most rapidly in more advanced nations that have the discipline of quality control, well trained government inspection services and discerning consumers. The unresolved problem in international consumer protection, however, continues to be that of discovering methods of aiding the low-income consumers in nations that have never known an honest civil service and that have two levels of business ethics and consumer competence.

The consumer movement has come to acquire tremendous significance for the efficient and equitable functioning of the entire economy and it encompasses a wide range of issues relating to the market place as well as the vested interest of the diversified groups which move in and out of the market at different periods of time. It has also started dealing with the environmental phenomenon in its perspective by throwing ample light on issues of adapting to new technology as well as on traditional concern with the movement of goods and service.

In order to make the market place more responsive to consumer needs, the consumer movement may become concerned with the form as well as the types of changes being demanded by the interested groups.

V. CONSUMERISM NOW

Mark Green argues that consumerism is political and a political system by definition requires conflict⁸. Consumerism is therefore nothing but fight for transfer of power from the hands of seller to buyer. In this transition of power, it has been suggested that focus should be on government rather than on the businessman as it is the former which can be easily influenced to initiate the action. However it should not be forgotten at the same time that exclusive reliance on government would not be of much use when the government itself function as a monopoly and not functioning up to expectations of the masses and the concept of consumerism will also lose its ground it, therefore, become equally important that consumerism uses the pressure tactics on government agencies as well which are not found responsible enough to understand and improve upon the root cause of the problem.

It is interesting to note that consumerism is not a point in time but a sequence as the process of consumerism involves a number of stages from discussion of problem to enactment of legislation and then to implementation of laws to its effectiveness in coping with the problem. Much of the gains or effects of the consumer movement would be lost if the movement itself is not sustained and supported at all the stages.

Further more, it may be noted that the consumer movement is not reducible to an organisation⁹ It is not constructed as consumer's union or consumer affairs

8. **Green, M.**, Where is consumerism going, in *Gardiner and Gardner, 1976 op. cit p. 83*.

9. **Schon, Donald A.**, Consumerism in perspective, in *Gardiner and Gardner, 1976 op. cit p.1*

office. It is a social movement rather than a group of persons or organisations and, therefore depends more upon the confidence, interest and active support of the individuals constituting the group.

Adrinne Jones feels the arrival of consumerism as a new force in our social policy is something for which we should be grateful¹⁰. Consumerism in personal social services is self - evidently a good thing. It commands a broad political consensus and offers the possibility of a new vision for the weary and embattled Personal social services. What is remarkable is not that consumerism's day has come now but rather that it has not come before. And we should pause to wonder why.

Consumerism was not a feature of the personal social Services when we were planning for growth. It has come into its own during a period of retrenchment, both financially and political. And it is the consensus which has encouraged consumerism to flourish that may, in time, prove to be a cause of its failure. Consumerism, rather like community care, is a strategy which appears to unite left, centre and right. But this apparent consensus obscures the enormous political and ideological difference from which consumerism emanates. If consumer-led strategies for the personal social services are to endure, then the ideological foundations must be explicit. We should avoid drawing too close an analogy with the market place because personal social services development is not based on a model of consumer driven market forces but on a complex combination of political mandate- what professionals deem appropriate according to their understanding of the problem, statutory requirements and so on.

But in practical terms, what does consumerism mean ?

Who are our consumers ? Obviously they are those who receive our Services - our clients - but the other group whose claims as consumers must be recognised are carers as all know, most of the community care received by the majority of disabled people is provided by another member of their household- their informal carer.

A consumer-led strategy for personal social services also implies;

- (a) that we know from our consumers what they want;
- (b) that we know what their carers (paid and unpaid) consider that they need;
- (c) That we are able to devise a pattern of service which represents a carefully negotiated balance between these two sets of views;
- (d) that services are available when our consumers need them;
- (e) that the service is delivered in an acceptable way;
- (f) that our services provide a stepping stone rather than an obstacle to participation in the life of the community, as a full and valued citizen.

10. **Jones, Adrienne.**, Collaboration with Consumers: Learning How to listen in Isobel Allen (ed) *Hearing the voice of the consumer*, Policy studies Institute, Bourne offset Ltd, Iver Bucks, 1988 pp. 53-61.

Choice and consumers control are inseparable partners.

So consumerism becomes both a means to more effective and sensitive service delivery but it also stands as an end in itself.

Like virtue, consumerism attracts, in equal measure, general approval mixed with rather more specific suspicions, fears and irritations. Its superficial popularity can easily lead to the less sophisticated into either or both of two uncomfortable errors. As with virtue, the first, and more serious error, is actually to try to practice it. The second is to try to define it. Individuals who attempt to put virtue or consumerism into practice are often a great nuisance. They challenge cosy and conventional practices, and they may well make the rest of us feel inadequate in comparison. The temptation to ridicule or sideline the actively virtuous is strong. Those who commit the less error of attempting definition may not suffer ridicule, but they do become prone to frustration. This is because it soon becomes apparent that, beneath the general approbation of non-specific virtue, lurks a bewildering variety of contrasting and sometimes contradictory notions of what *operational* virtue comprises.

Consumer theorists argue that there is an imbalance of power between those who provide goods and services, and those for whom they are provided. The former possess all the advantages of corporate power and organisation, resources, and political influence. The latter, in the market place at least, have the choice of buying or not buying or not buying a product or service, and where competitive markets exist of choosing according to their own preferences. They carry weight, therefore, only as the sum of their individual choice.

To shift the balance of power in favour of consumers, those representing their interests have isolated five key factors which provide a structural underpinning of consumerism. These are the principles of *access, choice, information, redress and representation*¹¹. People must first of all have access to the benefits offered by a product or service (without access, they cannot get in). Their choice of products and services must be as wide as possible to establish some measure of consumer sovereignty, and they need as much information as possible, both to enable them to make sensible choices, and to make the fullest possible use of whatever, it is they are seeking. They will also need some means of communicating their grievances when things go wrong, and receiving adequate redress. Finally, they need some means of making sure that their interests are adequately represented to those who take decisions affecting their welfare.

These five tenets were first developed in relation to goods and services sold in the market place. Consumer choice plays a key role here. People have different requirements and preferences, differing ability to pay, and different views on what constitutes value for money. Where choice exists, individuals can influence the profits and (one assumes) the behavior of producers by selecting goods and services with the right mix-for them of price and quality. The existence of competition tends to work in favour of consumers by operating to keep prices down and quality up for each mix that is produced.

11. Potter, Jenny, Consumerism and the Public Sector: How well does the coat fit ? In Consumerism and beyond, *Public Administration*, vol.66 Summer 1988 pp.149-164

As the consumer movement has widened its sphere of interest, these five principles have been increasingly applied to services in the public sector :to the public utilities, to services provided by local government and to the National Health Service. As a set of principles, they provide a useful starting point for encouraging a more consumer-oriented approach to the provision of public services, but they need to be adapted to take account of the special nature of the public sector.

Most public services are provided because they are considered to be in the public interest, and working for the public good. They are broadly of two kinds : those designed to give people access to services they would not otherwise be able to enjoy, and those concerned with some form of social control. At the same time, the resources of the public sector are finite and limited, and distributed as an act to political will. This creates an immediate dilemma for the pure application of consumer principles on the one hand, the nature of public services suggests they are of the utmost importance to those consumers who want to use them ;on the other hand, the interests of individual consumers must constantly be juggled against the interests of the community as a whole, and of other groups who make up that community.

Access

Because those who pay for public services and those who benefit from them are not necessarily the same people, the cardinal consumer principle of access cannot be translated into an automatic consumer right. Deciding who shall have access to what is a political responsibility, and one that in local government is clearly the province of elected members.

Consumerist contributions to the debate about access are generally of two kinds. On the hand, they call for the definition of clear and explicit criteria on which to base these vitally important decisions about how services should be rationed. They insist that these criteria are brought into the open, because only in this way can the decisions be understood and challenged. The value of this approach can be illustrated in relation to council house avocation policies. Unless you know the criteria an authority applies, you cannot effectively press your case as a prospective tenant, nor can you argue for different, perhaps more equitable rules.

The other approach is to encourage access more in the sense of accessibility. Public services are large, bureaucratic, enclosed organisations, structured and run according to their own rules, and often for their own convenience. To an outsider they present the impenetrable facade of a walled city. Improving access, and examining the barriers to access, is a thread running through the work of Stewart and Clarke for the local Government Training Board (1987). One stop shops developed by councils such as Westminster are an example. And the general move to decentralize services and authorities will usually have better access as an aim, although not necessarily the sole or most important one.

Choice

Consumers choice is another principle that cannot, in the public sector, be

translated into an absolute right. Of course choices exist within many parts of the public sector, and the range is being extended all the time, most recently and dramatically by the creation of city technological colleges as an alternative to schools provided by local education authorities. But because the provision of public services usually involves redistributing costs and benefits within society, individual consumer choice cannot be the sole driving force that dictates who benefits, and who pays. Indeed, it is plainly not relevant to some services at all. The parent whose child is being taken into care, for example, would probably 'choose' not to have the service at all.

It is often argued that representative democracy allows individuals to choose who shall make their choices for them. Even in system of representative democracy, however, these decisions need to be informed by some knowledge of what consumers (and the public generally) actually want, like 'need, and are willing to pay for. The voting slip cast in the ballot box every few years cannot be used to signal consumers' preferences in any but the grossest fashion.

The consumerist argument is that where consumers cannot express their preferences directly through exercising their choices, other mechanism must be found to make sure their interests are taken into account by decision-makers. One of the routes favored by, among others, the National Consumer council¹², has been the development of performance measurement in away that can incorporate consumers' views. This route applies many of the lessons learned from classic management and marketing theory. It involves identifying consumers preferences, defining clear and measurable political objectives that state what services should achieve for their intended beneficiaries (individual service users aid the wider community), developing criteria for evaluating aspects of service that matter to consumers, and bringing this kind of performance information into the public domain.

A *consumers approach* to performance measurement differs from that practiced in most public services in its insistence that consumers' interests and those of the wider public-should be brought into the heart of the evaluative process. The arguement goes that if the ultimate purpose of public services is to serve the public, measures of consumer and community benefits are the most important measures of all. They confer meaning on all the others, and provide a context within which it is possible to consider questions of efficiency and economy.

Performance measurement of this kind can be applied to most services provided by the public sector. It offers a useful substitute for consumer choice, as long as consumers' interests and preferences are properly identified and taken into account. For some services, however, particularly those provided for vulnerable groups such as mentally ill people and children in care, the absence of choice must be tackled on a more individual level. When people cannot make choices for themselves (either because they are considered incapable, or because society has taken away their ability to make choices) it is very easy to overlook their interests.

12. National Consumer Council, 1986. *Measuring up : consumer assessment of local authority services - a guideline study*. London NCC

The response has been to develop the notion of individual right. *Clients Rights*, the influential report produced by a working party of the National council for voluntary organisations¹³, was concerned not so much with enunciating rights for clients of social services departments-as this could be achieved only on a very abstract level but with practical ways of giving clients some dignity in essentially subservient situations and making sure they were able to express their point of view. This approach is also relevant to the health service. The King's Fund centre's¹⁴ work on priority care groups starts by expressing key principles which emphasize the value, needs and rights of the individual, and then attempts to translate these principles into examples of good practice.

The point is that choice is a crucial consideration in relation to the public sector. Where individuals have the power to choose (and an appropriate range of options to choose from), services can become sensitive to their real needs and preferences. But because of the redistributive nature of the public sector, consumer choice cannot be the sole mechanism for reconciling competing claims on the public purse. Where individuals are not able to make choice directly, other mechanisms must be developed to ensure that their interests are taken into account.

Information

The case for the third consumer principle, information, is more easily made. Indeed, information takes on an even greater importance in the public sector, because the services at state are likely to be crucial to consumers' welfare, and because the imbalance in the amount of information possessed by providers and consumers is often so wide.

As in the private sector, individual consumers of public services need information to enable them to make the best choices about the services they want to use, and how to derive maximum benefit from them. They also need more general information if they or their representatives are to have any real say in the way public services are run.

They need information about goals and objectives; about the standards of service authorities aim to provide, and the standards achieved; about their rights to a service, and their responsibilities in using them; about why decisions are taken, and about what those decisions actually are. Information of this kind can confer real power, if by power one means the ability to influence change without it, consumers are merely whistling in the dark.

Redress

Redress, the fourth consumer principle, also takes on major importance in the public sector. Individuals have an obvious need for mechanisms to settle their grievances quickly, simply and fairly. But the existence of redress mechanisms can bring wider benefits, by acting as a check on the actions of service providers,

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13. National council for voluntary organizations, 1984, *Clients Rights : report of an NCVO working party*. London : Bedford square Press.
 14. King's fund centre., 1986. *Living well into old age : applying principles of good practice to services for people with dementia*. London : King's Fund Publishing office.

and by constituting a form of quality control that allows services to identify and put right any underlying problems in their management systems policies and practices.

The report on complaints procedures in local government, produced by the University of Sheffield¹⁵, provides a fairly dismal record of how responsive authorities are to the principle of redress. Less than half the authorities surveyed even claimed to have authority-wide procedures for handling complaints and of these, only a small proportion gave any publicity to their procedures. (Many claims about having a complaints procedure were in any case suspect) Just over a third of authorities claimed to have adopted the code of practice on complaints procedures produced by their own local authority associations and the commissions for Local Administration in England. Some insisted they had never heard of it. Few authorities used complaints as a form of quality control, and few undertook any form of statistical analysis. Social services departments had the best record here, but only one in five analysed their complaints. The authors found evidence to suggest existence of a submerged body of complaints which administrative cultures help to suppress.

Although the report was largely concerned with practice, something about officers' attitudes towards complaints and complaints emerged as well, most starkly in the belief of some officers that complaints to the Ombudsman were made largely by malcontents and misfits who have problems other than the one complained of.

Representation

Representation is one of the more problematic of the five consumer principles. Taken literally, it means simply that the views of consumers should be adequately represented to decision-makers at all points in the system where decisions are taken concerning their interests.

As a principle, it must be reasonably uncontroversial on an individual level. It can be seen in action in the development of forms of advocacy for particularly vulnerable individuals such as people with mental handicaps. It is also generally accepted within public services that are run at arms length from politicians, such as the publicly-run utilities, and the National Health service. Because consumers of these services are generally unorganized and lack resources of their own, official recognition of the need for representation has been institutionalized in bodies established to represent consumers' interests, paid for out of public funds.

The principle becomes much more difficult to apply to services provided by local government, because a formalized and democratic system of representation already exists. Elected members can bang their fist on the ballot box as proof of their legitimacy and claim quite reasonably to represent the interests of the constituents, to right their wrongs and put forward their point of view.

The traditional consumer response has been to argue that while members

15. Lewis, N., H. Seneviratne and S. Craknell, 1987. *Complaints procedures in local government*. Sheffield. University of Sheffield, Centre for criminology and Socio-legal studies.

are elected to take decisions on behalf of individuals and the community, they cannot possibly hope to know everything about consumers preferences. These need to be identified and represented to them, so that they can base their political decisions on facts rather than untested assumptions. The current crop of opinion surveys carried out among local government residents and service users, and patients in the health service, can be seen as a form of representation by research. Measuring UP, the National Consumer Councils report on performance evaluation within local government, also falls squarely into this mould ;it can be viewed as an attempt to make representative democracy work better, rather than a subversive attack on the system itself.

It is here that the traditional consumer movement, and the five principles it has put forward, are in danger of being overtaken by the development of forms of participatory democracy in which users, and local communities, are given the opportunity not just to put forward their point of view, but to assume responsibility for the decisions themselves. It takes only a small, logical step to progress from the principle of representation to that of participation, but it marks a giant leap in the way most public services are currently run.

Robin Hambleton feels that the idea of *getting closer to the consumer* has enjoyed a resurgence within the private sector during the 1980s. There are many strands to this but one study of successful American companies¹⁶. *In Search of Excellence* has been particularly influential. The authors of this book argue the despite all the lip service given to market orientation, in many times the customer is being either ignored or regarded as a nuisance. Their findings were summarised as follows : the excellent companies really are closer to their customers. That is it. Other companies talk about it : the excellent companies do it¹⁷. The authors went on to argue that excellent companies are obsessed with customer service, with quality and with listening to users. In a more recent book¹⁸, Peters goes further and argues that there are only two ways to create and sustain superior (private or public sector) performance in the long term : first, take exceptional care of your customers and, second, constantly innovate. These authors go on to suggest that successful companies need not a *market orientation* but to *smell of the customer's*.

According to **Christine Morrison**, the underlying assumptions of consumerism are firstly that consumers know what they want and secondly that they can articulate these wants by making demand¹⁹. Our experience tells us that people want what they know rather than know what they want. For example: If a new worker in a project suggests changing the regular wednesday bingo session into a yoga session, there is likely to be uproar ! There is a tendency to reject new ideas and resist changes to the familiar. Many people are inherently conservative they like what know, even if they do complain about it.

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16. Hambleton. Robin, Consumerism, decentralization and local democracy in *Public Administration*, op.cit pp.125-132
 17. Peters, T.J. and R.H. Waterman, 1982. *In Search of excellence : lesson from American's best run companies*, New York , Harper and Row, p.156
 18. Peters, T.J., and N, Austin, 1985. *A passion for excellence : the leadership difference*, Glasgow, Fontana / Collins
 19. Morrison, Christine, Consumerism- lessons from community work in *Public Administration* op.cit. pp. 205-213.

The public service orientation²⁰ sets service for the public as the key organisational value, providing motivation and purpose both for the local authority and its staff. These authors argue that service for the public can provide a shared vision for those involved with local government at a time when local authorities are under attack. Their ideas draw on the private sector thinking outlined earlier but extend beyond the mechanistic transfer of consumerist ideas from the market place to the public sector. They claim that concern for the citizen as well as the customer distinguishes the public service orientation from the concern for the customer that should mark any service organisation. The emphasis is both on the customer for whom the service is provided and on the citizen to whom the local authority is accountable.

Limitations of Consumerism

The first stems from the fact that many of these ideas have been imported from the private sector where, within limits, the consumer enjoys a degree of *power* by virtue of personal choice. If a retailer in the *market place* is too expensive or sells a shabby product, it is possible (for most of us) to shop elsewhere. There are, of course, constraints on this consumer *power*. For example ; poor, infirm consumers may be insufficiently mobile to take their business elsewhere. Also it has been clear for at least thirty years that the market is able to create desires and shape consumer wants in a subtle but extremely effective ways. Vance packard's book, *The Hidden Persuaders*²¹. points out that communication, arguably the kegnote of the consumerist/public service approach, can be a means whereby an organisations control over the users of its services is enhanced. However, allowing for these constraints, the private sector consumers has the power of choice.

Advocates of the market approach have encountered serious problems when trying to extend consumer choice within the public sector. Even when services are privatized, individual consumer choice is not enhanced thus individual cannot switch their refuse collector, their fire service, their water company, their electricity board etc. In the public sector we have built up political structures to provide a mechanism for holding service provides (whether public servants or private contractors) accountable to he citizen . For these services, which are effectively monopolised, the consumer derives power from political control, not from the ability to exercise choice within the market place. The consumerist / public service approach fails to address the issues raised by this distinction-in particular the imbalance of power in the server-served relationship which arises when the consumer has little or no choice.

The second major limitation of the consumerist/public service approach is that it has difficulty in coping with the needs of groups of consumers. Many public services provide a collective rather than an individual benefit. Clean air, roads, street lighting, environmental quality, environmental health, police protection and schooling are just some of the services provided and concerned on a collective basis. In short, a large range of decisions which affect peoples lives

20. Stewart J. and H. Clarke. 1987. The Public Service Orientation : Issues and Dilemmas, *Public Administration* vol. 65 pp. 161-177.

21. Packard, Vance, 1957. *The Hidden Persuaders*, London, Longman.

cannot sensibly be made by individuals operating in isolation- they must be conceived politically. This is not to imply that existing arrangements for democratic control of public service organisations are inadequate. On the contrary we need improved mechanisms for enabling different groups of consumers and citizens to influence political decision making about the collective provision of services.

In line with other recent critiques of consumerism in the health service²² and of the public service orientation in local government²³, we can conclude that there are advantages to be gained by importing consumerist ideas from the private sector and adapting them to public service needs. However, to date, these consumerist ideas have failed to reduce the disparity of power between the users and providers of public services. In addition, they have failed to address questions concerning the need to strengthen citizenship and local political control of decision making about the collective provision of services. The risk is that we will have lip service to consumers coupled with little or no challenge to established ways of working.

Devenney argues that the hidden assumption prevalent among many professions is that demand is generated by need, and that need is only experienced by those helpless sections of the community which cannot help themselves and who are therefore unable to take part in any formulation of policy or targeting of provision²⁴. This nonsensical variant of social Darwinism relates to a homogeneous mass of people who are not fit enough to service without the passive consumption of support expertly supplied by the professional according to the priorities of the politician.

Of course the reality is that there are many kinds of need reflecting an infinite range of historical disadvantage. How can the professionals then assess and exercise their skills without detailed local understanding ? This is vital in order to identify the true needs of the community and not those preconceived by training or dogma. And again, without this local community input, how can the political evaluate priorities ? without the active participation of the users at the point of need, the professional may scatter valuable resources into a void and the politician operate in a vacuum. Without decentralisation of control and information based on mutual cooperation, can the user and professional fully achieve their common goal of having needs met ?

Beresford echoes similar views. He argues that the new consumerism may also disappoint some of the expectations surrounding it²⁵. These can be predicted from the post war experience of the consumer movement generally, especially at the lower end of the market, which insofar as they are concerned with people who are poor, social services parallel. Paper rights and public regulations have consistently failed to keep pace with market imperatives not offering people,

22. Wrinkler, F. 1987. Consumerism in health care : beyond the supermarket model, *Policy and Politics* pp.1-8.

23. Rhodes, R.A.W., 1987. Developing the public service orientation. *Local Government Studies*, May/June PP.63-73.

24. Devenney, Mike, Consumer -led Services : Fashionable Dogma or practical Necessity ? In *Hearing the voice of the consumer*. 1988, op.cit. p 13-19.

25. Beresford, Peter, Consumer views : Data collection or Democracy. in *Hearing the voice of the consumer*, 1988. op.cit.pp. 37-51

particularly those with less economic choice adequate safeguards. The Consumerist approach also essentially imposes on rather than responds to users of goods and services. It begins with the *product producer's needs*, not with the consumers needs. It concerns are whether people will accept a certain kind of product, whether it should create another need, or present an existing product differently.

Finally, the democratisation of social services might be the most important and right minded objective, but it is also the most difficult to achieve. So we can expect to encounter all the problems of diversion, dilution and self deception as we look for large scale change through rose tinted glasses.

Whether people will get involved and want to get involved depends on what involvement *means*. We found in our large scale study of planning and participation that efforts to involve people in local services, unintentionally or otherwise, tended to have race, gender, age and class biases. If we want to achieve a more broad based involvement then it must be offered on peoples own terms. We have got to stop mimicking the models of traditional policy development, which so often happens unconsciously, and search for more appropriate forms and processes. These must also be accompanied by the kinds of safeguards that will assure people it is actually *worth* getting involved in the first place and that their views will not just be taken away to be filed or reinterpreted. Only then are we likely to move beyond the small core of token or professional consumers or activists speaking for the rest of us, which tends to be the common situation now, and which can be used as an argument for restricting access even further.

Perhaps because of the poverty of much of the debate about participation, there is a tendency for such involvement to be seen as monolithic. However it is far from an all or nothing affair. Not only are there different degrees of participation, from consultation to an executive say, but there are different spheres for involvement in social services, including participation in ones own case, in the running and management of services and in their planning and development. There are also different settings for it - residential, fieldwork domiciliary and day care each of which would affect the nature and forms of involvement. Personal social services also pose particular issues for increased user participation and these need to be addressed. For example, contact with social services is often temporary or sporadic rather than continuous. How would consumer involvement be maintained ? would it be possible to avoid the involvement of users at one time conflicting with the wants and needs of users at another?

Questions like these often seem to have frightened commentators away from pursuing a democratic approach to consumer involvement. The explanation may lie, in part at least, in a larger issue : the very limited role of citizenship in our society. Because most of us are able to play so little part in local life and services, there seems to be a concern that the result will be to deluge people with enormous and probably unpleasant duties and responsibilities. In a society like ours where public participation is so difficult and restricted, that may be the case for the public spirited or 'busybodying' minority who get involved. But extending user involvement should have the opposite effect.

We would not have to be involved in everything all the time. Our participation could have a beginning and an end. It might last only as long as we were using social services or trying to get day care for our underfives. Flexibility should be the by word, allowing people to withdraw and get involved again according to other demands and developments in their lives. Participation could be tailored to meet our own individual preferences. We may only want a say in our own case, while the preparedness of others to take part in the planning and development of services would make sure that remained possible. At another time we might want to be more involved.

There is no reason why being involved should be dreary and unpleasant. Resources and support services would be needed to avoid unnecessary obstacles to peoples participation, offering, for instance, child care, an attendance service, travelling expenses and accessible transport for people with disabilities. Most important, training for participation would be needed. Involvement is not the norm in our society. Most of us are ill-equipped to make the most of such opportunities. We need training to increase our confidence, gain new skills and develop old ones, find out how to acquire information and learn to work in groups.

Some of the ramifications of listening to the voice of the consumer is as follows : *First*, if services are more closely based on what people want then we may expect them to change. let us take one example, the tendency of some social services to segregate and congregate people. This is to be seen in provision like adult training centres for people with mental handicaps, days centres for old people and work-shop for people with disabilities. There is some evidence, for instance, that those using old peoples lunch clubs and day centres like them but that a larger proportion of old people prefer not to use them²⁶. If as users we have a more active part in shaping the services on offer, it is to be expected that we may decide to charge some of them.

There is a second implication for social services arising from this. There may also be changes in *who* uses them. At present that use tends to be relatively narrow. They are used by a larger percentage of people in certain groups, notably old people, but essentially their clientele is comparatively small. This can make for an important difference between them and other public services like education or health. Because use is statistically unusual and may also be associated with stigma and disrepute, social services users may be seen to be different from other people. Their interest and those of other members of the community may sometimes appear to conflict, and in some cases, of course, they do conflict. We should remember this because any process of listening to consumer views must make possible negotiation between them and other citizens as well as between different types of users themselves.

In pursuing the goal of involvement, it would be mistaken to restrict our attention to consumers. Our commitment should extend to all three of the key groups involved-service users, workers and other local people. A preoccupation

26. *Growing old in Brighton : A development Group exercise in Brighton 1977-79*, DHSS, Social Work Service Development Group and Social work service Southern region. East Sussex County Council Service Department, HMSO, 1980.

with only one of these constituencies, whichever it is, is likely to be divisive as well as less effective in the long run. There are two issues here. Not only does everyone have a right to a say in services, whether it is the services they use, work in or where they live, but it is only through such involvement that the negotiation of differences between them is likely to be possible. In my experience, exclusion and the powerlessness that goes with it are crucial causes of conflict and discrimination between disadvantaged people.

There is another implication for social services raised by increasing citizen-involvement. It is not just that democratisation could mean changed services for more people. Inherent in it also is a different distribution of *power*. Social Service departments are organised on the basis of a hierarchy of power. They are also subject to the control of a political authority. While the balance between the hierarchy and politicians may have changed over the years, the balance between them and service users and other local people has not significantly altered, even in left-Labour authorities where there has been particular discussion of democratisation in the context of proposals for decentralisation. The latter have sometimes been the battleground for struggles between heads of different departments, managers and grassroots workers. Generally arguments for more accountable decentralised services have not extended to changes in the existing political and administrative structure, even if sometimes additional public forums been created to sit alongside them.

CHAPTER FOUR

MASK UNVEILED—
Present State of affairs

I. SOCIAL CONCEPTION OF CONSUMPTION

Dating atleast from Veblen's classic *Theory of Leisure class*, sociologists and kindred scholars have critically analyzed consumption styles in industrial societies. Numerous lines of criticism have emerged, which implicitly contain significant theoretical questions : Does the intensified consumption of advanced industrial society simply reflect 'Human nature' and the insatiability of wants? Is it largely culturally determined? Should it be explained as the result of the material and structural constraint presented by the relations of production characteristic of advanced capitalism? While such questions have recieved considerable theoretical treatment, rarely have social critiques of consumption used *empirical* material to test their ideas : typically, they have used evidence only anecdotally¹.

Those authors designated here as cultural stress the symbolic realm-how share norms, values and cognitive systems regulate consumption styles and quantities. Those conceived as materialist treat consumption behaviour as a function of socioeconomic constraint. A critical theory perspective on consumption is also distinguished, which explicitly recognizes the importance of both cultural and material factors.

Cultural Perspective

Veblen offers a cultural perspective in which consumption and leisure behaviour are means to achieve and communicate prestige as defined within a particular cultural or subculture². He argues that in all societies which have developed beyond a minimum of subsistence, and which have the institution of private property, consumption of goods and services *invariably proceeds* from the motive of *pecuniary emulation* meaning the desire for social honour resulting from ownership, use, and display of prestigious goods and services. In Veblen's view, this motive certainly predominates among *leisure classes*, yet is important even among classes lower in the social structure. Consumption of goods, services and leisure is not a response to material needs, nor an adaptation to the structural position a consumers occupies in the economy, but instead expresses a drive for prestige characteristic of predatory societies.

Although derived from a single motive, conspicuous consumption shows itself variously, as culturally specified '*canons of taste*' and '*reputability*' give specific content to this drive. In one society, employing gaudily dressed servants may be the preferred method to display one's means and thereby gain honour, whereas in another having a conspicuously unemployed wife serves the same function. Similarly, what lower class members recognize as adequate to gain honour is regulated by a different cultural code than among elites³.

A recent scholar who, like Veblen, pays particular attention to the variation

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1. Lacy, Micheal G, Cultural, Materialist, and Critical theory approaches to consumption critique : Explorations toward an empirical project, *Sociological Spectrum*, vol.9 no.4 pp.361-378,1989.
 2. Veblen, Thorstein, 1934(1899), *The theory of the leisure class*, New York, Modern Library
 3. Veblen, 1934,ibid,p. 21

across classes in taste and reputable activity is **Pierre Bourdieu**; who in distinction describes subtle variations in the practice and meaning of consumption within and across classes⁴. Although Bourdieu also expresses materialist themes, he fits best here as representing a culturalist perspective. While recognizing material influences, he distinctly emphasizes the cultural regulation of consumption practices, and it is that theme which will be stressed here.

Bourdieu relies on three basic concepts. There are *economic capital*, *cultural capital* and *habitus* which in Bourdieu's formula, are the chief factors underlying the diversity of life styles and tastes⁵. *Economic capital* refers to resources grounded in the purely economic dimension of stratification; it is roughly equivalent to class in the Weberian sense. *Cultural capital*, by contrast, connotes the non-economic resources in a system of stratification, such as prestige, education, appreciation of high culture, language usage, family background, self-presentation skills characteristic of certain status groups and so forth. As **Berger** suggests, a distinctive feature of Bourdieu's work is to conceive of both forms of capital as operating within markets⁶. Thinking this way about economic capital is not novel, but Bourdieu is unusual in applying a market perspective to cultural assets. He thus speaks of the economic market value of a cultural resource like graceful personal comportment, or symbolic profit from the ability to appreciate fine art. In this way, Bourdieu's analysis extends the rational economic actor to the cultural dimension of stratification. Thus Bourdieu interprets data showing the differences between occupational groups in attention to physical presentation of self as "*proportionate to the chances of material or symbolic profit they can reasonably expect from it.*"⁷

Bourdieu's conception of social structure in its relevance to consumption simultaneously comprises several dimensions. Locations within a social structure may be characterized according to :

1. *volume* or amount of capital
2. *mix* ('composition') of cultural and economic capital; and
3. changes in volume and composition a person or category of persons has experienced over biographical or historical time⁸.

Bourdieu's multidimensional conception of stratification somewhat resembles *status crystallization*⁹ as formulated by **Lenski**. Bourdieu repeatedly presents data showing how differences in the capital composition typical of particular occupational groups underlie differences in members' tastes for food, cinema, music, and sport. Further, social trajectory (e.g. respondent's father's occupation) has substantial empirical explanatory power even when other relevant factors are taken into account.

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4. Bourdieu, Pierre. 1984. *Distinction: A social critique of the judgement of taste*. trans. Richard Nice. Cambridge, Mass. Harvard.
 5. Bourdieu, 1984, *ibid*, p.101.
 6. Berger, Benett. 1986, "Review Essay: Taste and Domination" *American Journal of Sociology* Vol.91 pp 1445-1453.
 7. Bourdieu, 1984, *op.cit.* p.202
 8. Bourdieu, 1984, *ibid*, p.114
 9. Lenski, G, 'Social participation and status crystallization' *American Sociological Review*, Vo.21,no.4, 1956 pp.458-464

Bourdieu's multidimensional conception of class functions alongside the principle of rational pursuit of gain in both the economic and cultural realms of capital. Intellectuals preferring avant garde theater and cinema optimally use their capital resources : Lacking economic capital to consume expensive material goods while possessing high education and learned sensibility, intellectual consumers of the avant grade maximize prestige returns on their particular capital resources. This contrasts sharply with the strategy of the dominant classes (high in economic capital but lower in cultural capital), for whom the 'conspicuous spending' of a night at expensive theaters and restaurants would maximize symbolic profit¹⁰.

Habitus connotes a deeply internalized disposition, influenced by both the individual's childhood and current class position. *Habitus* is the *generative principle of judgement* and also of the *system of classification* that underlie the *space of lifestyles* characteristic of different classes¹¹. Bourdieu theorizes the *habitus* as dependent on *objective conditions of existence* and *position in structure*, thus, he commonly speaks in terms of class *habitus* or the *habitus of a class fraction*. Nevertheless, he argues the lifestyle characteristic of a group is directly determined by its *habitus*, so the view that material constraints or possibilities directly determine lifestyle is an error. Instead, he asserts that while material factors underlie the *habitus*, the latter provides the structure of values directly determining lifestyle choices. Bourdieu best illustrates this argument when discussing working class lifestyles, which reflect a *taste for the necessary*. The working class *habitus* derives from material privation experienced in the past and present. Nevertheless, it has a certain independence such that members make a *virtue of necessity* rejecting tastes (e.g. high culture offered on television) that are materially possible but inconsistent with the class *habitus*.

An equally subtle and eclectic cultural approach is offered by Douglas and Isherwood, who attempt a cultural perspective that bridges anthropology and economics¹². Their view, like Veblen's treats consumption as little related to material needs, and as inescapably a social process. They argue that consumption practices cannot be abstracted out of the whole fabric of cultural life, so that the economist's construction of a rational individual consumer is misleadingly abstract. Consumption serves a wider range of social purposes than envisioned in the conventional view, which recognizes only *material welfare, psychic welfare* or *competitive display* as functions of consumption. They emphasize the *meditating* role that goods play in the totality of social life, recognizing that goods enable and are the medium of a great range of interpersonal relations. Douglas and Isherwood¹³ also criticize the *veterinary* approach to consumption, which pretends value-neutrality but in fact analytically and morally emphasizes consumption oriented towards *real* material needs, relegating all else to a residual and relatively unimportant category of *spiritual* and *envy* needs.

Douglas and Isherwood characterize their own view as an *information* approach. Goods function as a symbolic medium *needed for making visible and*

10. Bourdieu, 1984. op.cit.p.270

11. Bourdieu, 1984, ibid. pp.170-71

12. Douglas, Mary and Baron Isherwood. 1978. *The world of Goods*. New York: W.W.Norton

13. Douglas and Isherwood, ibid,1978. p.16

stable the categories of culture. Illustrating what they call *marking services*, Douglas and Isherwood¹⁴ show how a household's choice of food and dining utensils communicates the cultural importance of holiday events. Similarly, the food styles, domestic decoration, and clothing characteristic of urban North Americans serve as part of a code that communicates the kind of person one is, one's values, one's education and so forth. Goods consumed in such a context convey meaning and carry information, rather than simply increasing prestige or sustaining self-concept.

Besides being a medium of communication, consumption regulates access to information. They discuss how knowledge about employment possibilities requires staying involved with one's workmates, one's family and friends, keeping in touch with relatives, etc. Shared consumption facilitates access to such information sources, and in many cases may even be a culturally prescribed requisite of interaction.

Thus, they propose a thoroughly social conception of consumption, though in a more subtle and pervasive way than the typical perspective among sociologists. While few sociologists would advocate a narrowly individualistic perspective on consumption behaviour, the sociological notion of social influence on needs, dating at least from Durkheim, has usually stressed how culture defines needs, the appropriate goods and services to meet needs, and what items count as prestigious. Douglas and Isherwood go further, recognizing goods as a medium of communication that underlies and facilitates the entirety of social life. Consumption is driven by a wider range of purposes than typically imagined.

Looking generally at the cultural approach, it can be seen to focus on cultural and cognitive over material motivations. Despite recognizing material influences, notably in the case of Bourdieu, those taking a cultural perspective treat consumption behaviour as most proximally a response to ideational factors.

Materialist Perspective

The materialist perspective distinctly emphasizes material over culture constraints. Given the Marxist outlook of its representatives, it is not surprising that it stressed constraints growing out of the mode and relations of production. They see consumption as largely imposed by the needs of a capitalist system. While recognizing that culture influences consumption behaviour, they understand consumption culture as either a deliberate ideological creation of capitalists or as adaptation of the consumer to the deprivations and contradictions of life under advanced capitalism.

Preteceille and Terrail's *Capitalism, Consumption and Needs* stands among the more sternly materialist perspectives on consumption¹⁵.

'A materialist approach to the problem of needs' as they characterize their approach, demands regarding consumption as determined by production; the

14. Douglas 1977. *ibid* p.124

15. Preteceille, Edmond and Jean-Pierre Tersial, 1985, *Capitalism, Consumption and Needs*, New York, Basil Blackwell

primacy of production, and the wedding of consumption needs to the production system, are axiomatic for them.

Preteceille and Terrail insist that sociological studies of consumer spending in advanced industrial societies must start with *needs as the reflection of objective requirements for the reproduction of the labour force*, and thus avoid an erroneously idealist and voluntarist focus on the values and *free choice* of the *rational consumer*¹⁶. For example, they insist on the importance of variation and change in the intensity of work, the effect this has on reproduction requirements, and the ultimate effect intensity has on consumer spending. Besides direct effects of worklife on consumption, Preteceille and Terrail also point to the constraints imposed by the social conditions of reproduction, as when poor-quality mass transport makes owning an automobile an objective need rather than a subjective preference. Consumption is similarly constrained by the labour-time costs of consumption-time spent travelling to stores, time spent spending, and time spent preparing purchases goods for use. They argue that recent economic trends have particularly constrained working class couples, as they have lost free time due to changes in worklife, while dropping wages have simultaneously forced such couples to choose cheaper commodities that entail more consumption work.

In Gorz's view, contemporary consumers' high levels of consumption may not indicate higher levels of affluence¹⁷. In advanced industrial societies, the link between 'more' and 'better' has dissolved. The conditions of reproduction have changed, so that more goods and services are necessary to maintain the same level of satisfaction.

Two ways in which advanced industrial life leads consumers toward intensified consumption may be extracted from Gorz's work. There has been a *degradation of production*. The commodities the industrial economy offers have deteriorated in quality and in the efficiency with which they satisfy needs. The goods efficiency of needs satisfaction has declined as more goods become necessary to yield a given level of satisfaction. Gorz cites expensive and materially wasteful packaging of dairy products, and less durable light bulbs and automobiles as examples of goods that cost more and/or less durable, yet do not satisfy basic needs in a better way.

A second constraint imposed by advanced industrial life is *environmental degradation*. As the socioeconomic environment has become harsher and less supportive, consumers have purchased more commodities merely to stay even. Gorz points to declining availability and deterioration in quality of goods and services that correspond to 'collective needs' such as 'education, city planning, cultural and recreational services'¹⁸. He also speaks conventionally of environmental degradation, citing air, water, and noise pollution, the decline in community, and increase in crime.

16. Preteceille and Terrail, 1985, *ibid*, p.106

17. Gorz, Andre, 1980, *Ecology as Politics*, Boston, South End

18. Gorz A; 1967, *Strategy for Labour*, Boston, Beacon pp.82-3

Critical theory perspective

Between the symbolic emphasis of the cultural perspective and the stress on economic constraint of the materialist perspective in a view most closely associated with writers in the critical theory tradition. They take account of the cultural element, describing a commodity culture in which needs are increasingly wedded to the commodities that purport to satisfy them. They also recognize material factors, as their understanding of consumption needs and behaviour takes the peculiarities of the twentieth century capitalist economy as its context. Advanced industrial society entails full-blown *commodity fetishism* that is the primary means of legitimation; mass consumption is a key source of *capital's domination of the working class*¹⁹. Commodity culture expresses a false consciousness imposed from above rather than an autonomous consumer culture.

This line of thinking derives from Adorno and Horkheimer²⁰ and Marcuse²¹ and has been developed further by modern critical theorists. In these writings, the culture of commodity consumption is seen as channeling dissatisfaction into commodities, and as compensating for the social psychological deprivations of advanced capitalism with a surfeit of consumption goods. In doing so, twentieth century capitalism has not only solved legitimation issues, but has also mitigated the problem of selling surplus production by increasing the range of needs that are satisfied by purchased commodities rather than non market means.

Ewen extensively documents the creation through advertising of contemporary commodity culture²². He argues that retailers deliberately and successfully created new capitalist consumers who sought all satisfaction through commodity purchases and whose self-identity derived from their possession of and relation to commodities (the 'commodity self'). Though his view recognizes the importance of the cultural sphere, characterizing it as voluntarist or idealist would be inaccurate. The commodity culture as conceived by Ewen did not emerge through a 'natural' or universal process, but as a deliberate creation in response to the 'deficiencies' in consumptive inclinations of economically traditional immigrant workers of the early twentieth century, and in response to the tendential over-production crisis that emerged under conditions of mass production.

James O' Connor attributes this process, first of all, to a cultural factor, the survival of a Romantic ideal of individual experience, that has dwolved into contemporary consumerism. Secondly, he points to the disappearance of traditional community life. Third, he notes a break with a natural world of sensuality. O' Connor argues that all three of these forces derive from the conditions of alienated labour and the repression of social and inner life it entails.

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19. O'connor, James, 1984, *Accumulation Crisis*, New York, Basil Blackwell p.150
 20. Horkheimer, Max and Theodor Adorno. 1972 (1944) *Dialectic of Enlightenment*, New York : Seabury.
 21. Marcuse, Herbert, 1968 (1937) 'The Affirmative character of Culture' pp.88-133 in Herrt Marcuse (ed.) *Negation: Essays in critical theory*, Boston: Beacon.
 22. Ewen, Stuart. 1974. 'Advertising as Social production' pp.130-152 in H.Reid (ed.) *Up The Mainstream*. New York: David Mckay.

Leiss in his essay *the limits to satisfaction* explores the relation of needs and commodities in advanced industrial society²³. Like other critical theorists, Leiss assumes that arising level of commodity consumption is a central element of the legitimation system of advanced industrial societies.

A unique feature of Leiss's approach is his emphasis on consumers' interpretative difficulties in a high-intensity market setting. Faced with an incredible and expanding range of increasingly complex commodities, consumers cannot understand the qualities and functions of goods and services well enough to discern what will best satisfy their perceived needs. Further, interpretive problems result from the tendency toward fragmentation of need satisfaction. In a high intensity market setting, each commodity satisfies only an isolated piece of the consumers' needs, so the consumer must construct a gestalt of satisfaction out of an array of consumption experiences.

Leiss claims, Kinship with a critical tradition that distinguishes between wants and need, the false and the true. However, he rejects the objectivism of this view, as it represents poorly the experience of advanced industrial consumers, for whom supposedly ground for separating true from false. He argues that in an expanding market economy dominated by production for exchange, individuals tend to fixate on commodities as means for need satisfaction and conversely ignore the possibilities of satisfying needs through domestic labour, interpersonal interaction, and other non-market processes. Thus, structural change in the relative prominence of commodities and pure use-values is a significant basis for consumers' confusion about their needs in relation to the means for satisfying them.

III. CONCEPTUALISING MODERN CONSUMPTION

Campbell argues that Weber's thesis was predicated on the assumption that the Industrial Revolution constituted the most significant upheaval in the system of producing manufactured goods that the world had ever witnessed, an upheaval linked with the emergence of modern capitalism²⁴. This assumption was not his alone, but was shared by most of the social theorists of his day, being the subject of considerable investigation and debate. Controversy raged principally over its causes, not its form, however, for there was a general agreement over what constituted modern productive capitalism. The same could not be said for consumption. If as now seemed to be the case, economic historians were coming to hold the view that the Industrial Revolution also witnessed a major revolution in consumption, there was no adequate theory as to what might be the nature of *modern* consumption.

Largely this was because the subject of consumer behaviour had been left almost exclusively to economists, who typically operate with an ahistorical framework of assumptions, treating consumer behaviour as basically the same for all peoples at all times. First, it was necessary to establish that a theory of modern consumer was needed, secondly, that neither classical economics nor Veblen had provided one which was adequate, thirdly, that a hedonistic theory

23. Leiss, William, 1976. *The Limits of Satisfaction*. Toronto. Univ. of Toronto press

24. Campbell, Colin, 1987, *The Romantic Ethic and the spirit of consumerism*, Oxford, Basil Blackwell p.6

of social action is fundamentally different from those utilitarian-based perspectives currently embodied in economics, and fourthly, that a theory of modern hedonistic conduct can indeed account for the distinctive features of modern consumer behaviour.

At first, historians directed their attention to what appeared to be the most obvious influence upon demand for goods, the size of the market, with the consequence that population growth became the focus of attention. This *extension of the market* thesis raised certain difficulties, however, not least the circularity of causation which it seemed to suggest. What is more, the evidence from the third world did not support such an argument, pointing instead to the probability that increases in population if taken by themselves, simply lead to greater poverty without any effective increase in demand²⁵. Attention therefore shifted to the idea that the crucial event must have been an increase in spending power consequent upon a rise in the standard of living²⁶. This thesis was also soon recognized as presenting difficulties as there is ample evidence to show that consumers do not automatically use surplus income to satisfy new wants. Indeed, only the modern consumer typically does this, the traditional consumer being more inclined either to save or to translate his extra wealth into leisure. As Perkin observes, peasants characteristically hoard a surplus against the day when they may need to replace an ox or dower a daughter²⁷. While Nair describes how, when peasants suddenly acquire wealth through the introduction of a cash crop, they are inclined to pay others to do their work, translating their new-found prosperity into leisure²⁸. Even if one accepts that the attitudes of consumers in the eighteenth century was not identical to those of third world peasants, it is still highly important to distinguish, as Eric Jones does, between the presence in a population of 'a new ability to buy in essentials and a new *willingness to do so*, and hence to explain how traditional attitudes are overcome²⁹.

It is clear that Veblen's theory of conspicuous consumption together with the stress which he placed upon the role of the leisure class occupies a central position in Mckendrick's account of the emergence of a modern consumer society. In the first place, he attributes a key role to the part played by the rich whom he considers to have *led the way* in ushering in the new era of consumption through a veritable *orgy of spending* in the 1760s and 1770s. Additionally and crucially, however, he stresses how it was the fact that the middle ranks of society imitated the rich in this extravagance, and were in turn imitated by those beneath them, which constituted the crucial development giving rise to a new propensity to consume. The story which he tells therefore is one of 'social imitation and emulative spending penetrating deeper' than ever before through the closely packed ranks of eighteenth century society, a process which he

25. Gilboy, Elizabeth W., 'Demand as a factor in the Industrial Revolution' in RH Hartwell (ed.), *The Causes of the Industrial Revolution in England*, 1967, London, Methuen, pp.122-123.

26. Mckendrick, Neil, John Brewer and JH Plumb, *The Birth of a Consumer Society. The Commercialization of 18th century England*, 1982, London, Europa Publication, p.180.

27. Perkin, Harold, 1969, *The origins of Modern English Society*, London, Routledge and Kegan Paul, p.91

28. Nair, Kusum, 1962, *Blossoms in the Dust: The Human factor in Indian Development*, New York, Frederick A. Praeger p.56.

29. Jones, Eric C, 'The fashion Manipulators: consumer taste and British industries 1660-1800' in Louis p. Cain and Paul J Uselding (eds.), *Business Enterprise and Economic change: Kent state*, Ohio. Kent State Univ Press, 1973 p.200

explicitly refers to as the 'Veblen effect' and considers to have become a force throughout society 'only in the last two centuries.'

The manipulation of Social emulation was itself only possible via the medium of fashion, there being no other available mechanism through which manufacturers could so directly affect the ambitions or envious desires of consumers. The emergence of the modern fashion pattern is thus the crucial ingredient in any explanation of why either emulation on the part of consumers or manipulation on the part of producers should have begun to take such novel and dynamic forms in the eighteenth century.

It seems to be the case that the very considerable expansion of demand in the early part of the Industrial Revolution was essentially middle class in origin. Contrary to popular impression, the manufacturing industries most closely associated with the early industrial revolution were those producing rather than capital goods and among these, those which produced objects for *luxury* consumption predominated. According to **Thirsk**, it is clear from the examples, that such products as toys and games, novels, beauty products, flowering plants and above all, fashionable clothes, were hardly the sort of purchases which those other than the very rich could easily designate as *necessities*³⁰.

Looked at in a broader perspective, the idea that modern mass Luxury consumption has come about as a consequence of the dissemination downwards through society of that way of life which had previously prevailed among a small aristocratic elite does involve something of paradox. For although this theory has received some support following its initial formulation by **Sombart**³¹ and **Veblen**, with the consequence that it is built in to such theories of economic modernization as Rostow's, it is at odds with that view of the industrial revolution and the emergence of modern industrial societies which was advanced by **Marx** and **Weber**. For, in the opinion of those theorists, the emergence of a modern *capitalist* society was achieved by a bourgeoisie who confronted and overcame the existing ruling class, displacing their feudal world-view with a modern *rational* ideology. In this view, the ethic of the triumphant bourgeoisie, whether Protestant or merely capitalist in form is asserted against the older, aristocratic one, eventually sweeping it aside.

Certain crucial features were noted, however, about the consumer revolution. It was, for example, a predominantly middle-class affair, and consisted chiefly of a new demand for luxury or non-essential products. At the same time, it was clearly related to large changes that were taking place in English society, ones which involved a shift in values and attitudes. Obvious examples here are the enthusiasm for leisure and leisure time pursuits, the rise of the novel with the associated demand for fiction, and the cult of romantic love. These changes, were, in their turn, observed to provoke opposition from those who adhered to traditional values, and thus required some justification.

According to **Veblen**, the need for pretige drives consumption. Assuming

30. **Thirsk, Joan**. 1978. *Economic Policy and Projects: The development of a consumer society in early modern England*, Oxford, Clarendon Press.

31. **Sombart, Werner**, 1978. *Luxury and Capitalism* (introduction by Philip Siegelman) Ann Arbor, Michigan, Univ of Michigan Press.

that more highly commodified³² consumption is more prestigious (at least within some sub-cultures) the greater a consumer's prestige needs the more commodified her/his consumption should be. Measuring *prestige needs* directly would be problematic, but two indirect measures suggest themselves in the form of situations that intensify prestige needs.

1. *Status inconsistency* (e.g. low occupational prestige or education coupled with high income)
2. *Upward or downward mobility* in socioeconomic status, whether intra or intergenerational.

The status inconsistent or status mobile individual should have greater prestige needs and exhibit more highly commodified consumption. Another application of Veblen would involve taking his idea that leisure and goods consumption are substitutes in the competition for prestige, according to which a household's consumption of commodified leisure and commodified goods ought to vary inversely. Finally, taking Veblen's implicit admonition to regard consumption as disconnected from material needs, we should expect substantial variation in commodification among consumers who have quantitatively and qualitatively similar material needs.

The study of Laumann and House, for example, showed that the *nouveaux riches* were the group most likely to engage in conspicuous consumption, largely because of their especially strong need to validate a newly acquired social position³³. Groups who felt secure in their social status, or who manifested no particular desire to be upwardly mobile, displayed no such market tendency to conspicuously consume. At the same time, the *nouveaux riches* were very conscious of the necessity to consume conspicuously with *taste* if their claim to higher status was to become accepted. Those who they regarded as *tastemaker*, however were not members of the traditional elite *leisure class* but professionals whose job it was to advise on such matters, people like architects, decorators, interior designers and fashion correspondents. In accepting their definition of what was regarded as tasteful, the *nouveaux riches* were in effect rejecting the standards of the more traditional upper class. Apart from supporting the suggestion that the status system of modern societies is more complex than Veblen claimed, this research suggests that the social dimensions of status and taste do not necessarily coincide, and that one cannot simply be subsumed under the other³⁴.

Following Bourdieu's arguments would suggest that commodification ought to vary according to the amount and composition of capital, and the habitus characteristic of the class fraction to which the individual belongs. Take as an example class fractions like intellectuals that

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32. Person's consumption pattern is more commodified to the extent that she or he fulfills a larger portion of wants/needs through the purchase of goods and services, rather than through domestic labour or other nonmarket processes.
 33. Laumann, Edward O. and James S House, Living -Room styles and Social Attributes: The Patterning of Material Artifacts in a modern Urban community in HH Kassarian and TS Robertson, *Perspective in Consumer Behavior*, 1973, Glenview, Scot, Foresman, pp.430-40
 34. Lynes, Russel, 1959, *The Tastemakers*, New York: Grosset and Dunlop 3

1. are low in economic capital, so that the habitus reflects the necessity of saving by eschewing purchased commodities, and
2. in which the physical skills to satisfy needs through noncommodified consumption are relatively rare, so that their prestige market value is high.

Here, commodification should be lower than among working class fractions for whom many such skills have no scarcity value, or among the newly arrived fractions of the economically dominant, in which conspicuous material consumption is possible yet still given the prestige accorded to the novel. Bourdieu's insights would also dictate the importance of considering natal class background of an individual, presuming that she or he is likely to retain a habitus characteristic of the class of origin. One interesting hypothesis would be that class of origin is more predictive of commodification than is current class position.

Using Douglas and Isherwood's *informational approach*, we would expect relatively little relationship between a household's degree of commodification and the material constraints it faces. A relationship should, however, be between an individual's need for constructing a meaningful social world and his/her consumption. Considering commodity consumption and ownership as a medium of communication would also suggest a positive relationship between urban residence and commodified consumption. In the relative anonymity of urban settings, display of commodity consumption (whether competitive or not) offers a means to communicate identity and values to others without engaging in more intimate interaction. Another of Douglas and Isherwood's insight is the recognition of commodity consumption as means of access and prop for social life.

Taking consumption as primarily dependent on class-related constraint, as Gorz and Preteceille and Terrial do, would direct us away from the interactional, subcultural, or social psychological relationships suggested above. Instead, commodification should be positively related to variables such as intensity and duration of work for pay, and degree of severity of the environment for reproduction. Intensity and duration of work could be measured directly, or might-even be inferred from the typical requirements of particular occupations. The severity of the environment might be gauged by the availability of various public services in the area (e.g. parks, mass transit, inexpensive public recreations and entertainments). This kind of comparison ought not be made across urban and rural areas, since their socioeconomic environments are so distinctly different. Consumers in urban areas reproduce themselves in more fully capitalist environments with objectively fewer opportunities (e.g. garden plots, space for self-repair of automobiles) for non market satisfaction of needs.

The critical theory perspective uniquely emphasizes that consumption reflects a commodity fetishism of belief. Here the relationship between some attitudinal measure of commodity culture and a measure of actual behaviour is relevant. Taking reflections concerning consumers confusion about needs and commodities, we would expect consumer vulnerability to confusion to be positively related to commodified consumption.

Characteristics of individuals or households identified by one perspective or another as expected correlates of commodification include status inconsistency, status mobility, amount of informal social interaction, class position, amount of unconstrained time, intensity and duration of participation in paid labour, age, education, and attitudes towards commodity consumption. All the perspective, for different reasons, suggest the importance of rural-urban differences.

III. CONSUMER BEHAVIOUR

The difference in meaning between the concept of need and satisfaction on the one hand, and those of desire and pleasure on the other is central to consumer behaviour. The former relate to a state of being and its disturbance, followed by action to restore the original equilibrium. Hence a state of need is a state of deprivation, in which one lacks something necessary to maintain a given condition of existence, and realization of this leads to exploratory activity in the environment in order to find what ever is capable of remedying this lack. The paradigm for this model is food-seeking arising from an awareness of hunger. By contrast, pleasure is not a state of being so much as a quality of experience. Not properly in itself a type of sensation, pleasure is a term used to identify our favourable reaction to certain patterns of sensation³⁵. The paradigm for this model is the initiation of sexual activity following an encounter with a potential mate. It can be seen from this that satisfaction-seeking and pleasure-seeking are basically very different kinds of activity, the first suggesting a process of being *pushed* from within to act so as to restore a disturbed equilibrium, whilst the second implies one of being *pulled* from without in order to experience greater stimulation.

Consumer decision making is viewed as a multi-stage process. By conveying information about characteristics, advertising influences the consumer's perception of products and thereby his choice between them. The welfare effects of this pre-choice influence of advertising are assessed with the aid of techniques of scaling product characteristic used mainly in psychology and marketing³⁶.

Even the most cursory examination of the pages of glossy magazines and the contents of television commercials will serve to reveal how many ads are concerned with the topic of *romance*, or with images and copy which deal with scenes which are *remote from everyday experience imaginative* or suggestive of *grandeur* or *passion*. And it is not just romance in the narrow sense which features so prominently in conjunction with perfumes, cigarettes or lingerie ads - it also that the pictures and stories used are typically *romantic* in the broader sense of buying exotic, imaginative and idealized, whilst the very purpose of ads, of course, is to buy the products which are featured in other words, to consume³⁷.

The fact that basically *romantic* cultural material is commonly used in ads in this fashion has often been noted and hence one could say that a general awareness of the link between *romanticism* and *consumption* already exists. The assumption which has largely prevailed among social scientists, however, indeed

35. Ryle, Gilbert, *Dilemmas*, 1954, Cambridge, Cambridge Univ, Press

36. James, Jeffrey, 1983, *Consumer choice in the third world*, London. Macmillan

37. Campbell, 1987, *Op.cit.*p-1

among academics and intellectuals in general, has been that it is the advertisers who have chosen to make use of this material in an attempt to promote the interests of the producers they represent, and consequently that the relationship should be seen as one in which romantic beliefs, aspirations and attitudes are put to work in the interests of a *consumer society*.

Those at the top of the social scale have a need to invent new fashions in order to maintain their superiority over those immediately below who, out of emulative desires, are copying their patterns of consumption. This is equally true for those in the next subordinate stratum, and so on, down of the status system. As soon as any one social group looks like catching up with the fashion prevalent among those above, the members of the superordinate group will adopt a new fashion in order to maintain their superiority. In this way, fashions are introduced, spread and replaced all through the power of social emulation³⁸.

Because consumers often rationalize their behaviour in the manner posited by the psychological theory of cognitive-dissonance it is shown that advertising also has important welfare effects after a choice has been made. The exclusive concern of most existing approaches with the pre-choice influence of advertising underestimates its true impact on consumer choice³⁹.

New products are almost always developed in and for the socio-economic conditions prevailing in rich countries. For this reason it is argued that they tend to have an inequitable welfare impact when introduced in developing countries. Sometimes, their introduction may even cause absolute losses for the poorest members of these societies.

IV. HISTORY OF CONSUMER MOVEMENT

To counter this position, consumer movement arose all over the world. When one talks about the consumer movement, one presumes that it means voluntary efforts to promote consumerism. This is not the correct interpretation of the term. Consumer movement means efforts to safeguard the buying public from dangerous or inferior goods, services and from fraudulent and other unfair selling practices.

Taking this definition as the basis, one can say that there has been a consumer movement ever since trade and commerce started developing. Some controls were always exercised on the form and distribution of goods in order to protect consumers. For example in India, Arthashastra of Kautilya describes standardisation of weights and measures and control on coinage. Similar controls existed in all developed societies of that age⁴⁰.

However, the guiding principle of all commerce was *caveat emptor* (let the buyers beware). This principle was based on three presumptions that the buyer is in contact with the manufacturer has adequate knowledge of the products available to choose wisely, and knows what he wants. The industrial revolution,

38. Campbell, 1987, *ibid.* p-56

39. James, 1983, *op-cit.*

40. Pandit, Gyan, 'History of world consumer movement' in a seminar on 'Youth and Consumerism: Preparing the youth for consumer action' 11th & 12th sept. 1985, Delhi.

which brought in its wake mass production, sophisticated goods and world wide marketing, negated these three presumptions. The rise of monopoly houses and aggressive persuasive ads which give no information about the products made consumers further vulnerable.

Governments in industrially advanced countries attempted to protect consumer interests by regulating the quality, price, labelling, and advertising of goods. A number of strict laws were passed on the subject. The process started with legislation on food and drugs and now covers most of the essential items. In spite of these efforts, gaps continue to exist partly because of ignorance and partly because governments are reluctant to impose strict controls on business and industry on account of the pressure that these organised groups can exert. The result is that consumers do not get the protection they need. The recognition of and the desire to remove this imbalance has given rise to voluntary efforts for consumer protection as distinct from legislation by the governments. It may be mentioned that a large part of these voluntary efforts is directed to force the governments to legislate and rectify or cover the gaps which continue to exist.

The first known voluntary efforts to protect consumers interests took place in 1927 in the United States of America. or U.S.A. Mr. Stuart Chase, an economist, and Mr. F.J. Schlink, an engineer, wrote a book *Your money's worth*. The book proves that the Government department did not pay sufficient attention to the real value of goods that they were intending. The expose was an instant success and Schlink formed an association called *Consumers Research*. Later, Arthur Kallet, a close associate of Schlink, was an aggressive consumerist, and wanted to explore new areas, formed a splinter group in 1936 called *consumers union of the United States*, The aim of this splinter group was to provide consumer information and assistance on matters relating to family income...to initiate and cooperate with individual and group efforts seeking to create and maintain decent living standards.' These objectives have been incorporated and adopted by consumer groups all over the world.

Consumer Union remains totally independent of either industry or government. Its finances are derived from members numbering 2,50,000. Most other consumer organisations differ from the Union in this regard as they are financed wholly or partly by governments. For example, in Sweden the government took over the Institute of consumer information in 1957. In 1957, consumer union further broadened its interests and became more concerned with obtaining justice for consumers.

The period 1930-50 saw rise in the number of voluntary consumer groups in the United States and formation of new groups in UK and Europe. In Great Britain, *Consumers' Association*, an independent, self-financed organisation was formed which attended to product testing and giving information to consumer. In Germany, consumers Union of working Community started the fight against incomplete labelling and agitated for standardisation. In France, two organisations started product-testing, but one of these had to close down this activity on account of consumer apathy.

As industrialisation came to Asia, Voluntary consumer groups were

formed in Asian countries. The most notable such groups exist in Malaya and Japan. In Malaysia, the consumer Association of Penang with a membership of 300, concerns itself with food, nutrition, health, sanitation, education and ecology. There are five recognised voluntary groups in Malaysia, their total membership is 12,600. Even with the small membership, the groups are active and are in a position to mobilise public opinion effectively on crucial issues. The consumer movement in Japan is totally distinctive. There are nine recognized voluntary groups with a collective membership of 25 million. One organisation is fully financed by the government and five do not depend on the government for finances at all. One very effective organisation is known as *Shufurengokai*. This organisation is almost exclusively made up of women activists. It has 445 women groups as its members, and informs its members about its policy decisions and names of manufactures through its monthly magazine *shufurendayori*. It is probably the only consumer organisation in the world that blacklists manufacturers and informs all the members about the decision. This organisation has successfully carried out the strategy of boycott and forced erring manufactures to attend to consumer complaints and preferences. Another distinguishing feature of the Japanese voluntary groups is that they are extremely well-organized and cooperate with each other.

As consumerism through voluntary groups becomes more pervasive, new groups with new strategies are coming into existence. The best known such group is the one established by **Ralph Nadar**. Ralph Nadar and his raiders have received great publicity. Nadar has evolved his own style for consumer protection. He directs campaigns against selected manufacturers and their products. His successes have been considerable and one of the strategies of success has been adverse publicity of manufacturers. The latest strategy is to acquire single shares of stocks in large companies in order that his raiders may monitor and, if necessary, criticise from inside the operation and activities of these companies. Of late, consumer groups are also venturing into new areas like ecology, nuclear power, armaments etc.

An important development took place in the world of voluntary consumer groups in 1960. Five premier consumer organisation from USA, UK, Netherlands, and Belgium formed *the International Organisation of Consumer Unions*. The need for such an organisation was felt in the interest of developing uniform business techniques throughout the world, particularly in marketing, advertising, and manufacturing. In addition to regional groups like the committee of contact, Euro-testing arrangement, IOCU, was also expected to act as the clearing house for testing methods. Gradually, it has become an international forum of all known consumers problems faced the world over. It has standing committees on testing, education and development. It also has four working groups on health, transnational, library and documentation and new information. It also has a programme called Consumer Interpol, which concerns itself with dumping of banned and injurious products in developing countries. IOCU is affiliated to a number of international bodies like OCOSOC of the UN, Economic and Social Commission for Asia and the Pacific, UNIDO, UNICEF, FAO, WHO, Councils for Europe, International Standards Organisation Committee etc. It now has a

membership of ILO organisation.

Voluntary consumer groups now exist in 89 countries, and one can now safely say that it is a world movement.

Consumer movement was started in India in 1966 by Consumer Guidance Society of India, Bombay who have branches in five cities. They have been doing laudable work in their field i.e. public Distribution. Redressal of Complaints etc. and also takes out its monthly magazine named *Keemat* which highlights their achievements and also publish important information for the education of consumers. It's very informative and useful⁴¹.

The consumer action forum of Calcutta was founded in 1972. In the beginning they used to survey the market of vegetable, fish and poultry and could immediately have the things removed from the market if they were found stale and substandard. The organisation is very active in Calcutta and also takes out its monthly magazine. On May 8th 1978. The Consumer Services society was registered in Delhi and started working in full swing. To start with, this organisation had five members and grew with years and today it has more than five hundred members. Each executive member is looking after the interest of their resident consumers of their own areas. Aims of this society are to mould public opinion, organise consumers and to resist economic malpractices. The society has held many seminars, exhibitions and symposiums to voice the feelings and demands of consumers against rigging of prices, adulteration in foodstuff and other anti-social practices such as hoarding, black marketing, profiteering misleading advertisements, mislabelling, wrong claims, short weights and measurers. This society organised processions in front of sweet shops in Delhi before every Diwali for few years to prevent the shopkeeper not to charge more or increase prices of sweets abruptly before such festivals and for this purpose the other organisation named Mahila Dakshata Samiti was started in 1975 as Price Resistance Society (Mahangai Virodhi Sanstha) and have been actively engaged in bringing awareness to the consumers. Every half-yearly, they organise exhibitions and Seminars to educate the consumer.

In April 1978, the All India Coordination Committee framed and adopted the constitution of All India Body, namely, Indian Federation of Consumer Organisations which was registered in May 1978 and the *Indian Federation of Consumer Organisation* was thus launched, with Justice J.L. Nain as the President who was authorised by All India coordination committee to elect an Executive Committee. IFCO was registered with an objective and aims to encourage, promote and foster a strong independent, non-political and non-communal movement in India by bringing together, for concerted action on behalf of the consumers, all consumer associations working in accordance with the accepted principles of the consumer movement, free from commercial interests directly or indirectly and to provide a forum in which national and regional bodies working for the consumer may discuss their problems and workout possible solutions and to help to organise consumer organisation in different states of the country with priority for protection of consumers in rural and tribal areas to make

41. Rekhi, Kalilah, 'Consumer movement in India' in a seminar on 'Youth and Consumerism: preparing the youth for consumer action', 11th and 12th sept.1985, Delhi.

recommendations to the Central and state governments, International and National organisation, public bodies and institutions on consumer issues and to conduct, undertake and participate in exhibitions and seminars.

Federating limits of IFCO are entitled to get help for furtherance of their aims if they get grant from government of India. IFCO also publishes their monthly magazine *IFCO report* which gives all the information and helps to educate the consumers. IFCO local based units i.e. *Consumer Forum*, *South Delhi Housewives Association* and *Consumer Welfare Society* are doing laudable work in Delhi.

V. CONSUMERISM IN ACTION

People are always concerned with rising prices and therefore every move of the government to check prices, adulteration or malpractices in business is welcomed. As early as late seventies when government sponsored co-operative stores began to appear in cities, an atmosphere of hope began building up. Hindu⁴² lauds "Superbazaars have become effective instruments for ensuring goods of a certain minimum quality and in intervening effectively to hold the price line in check. By periodically cutting prices, the Superbazaar has on occasion even compelled wholesalers to reduce their profit margin". Chaudhari⁴³ argues that the consumer co-operatives is not at was with other forms of economic enterprises; it is at was with the principle of exploitation and dis-service. The consumers of India are victims of rampant adulterations, roaring prices, underweighting and many other malpractices and underhand dealings indulged in by the private traders. Consumer co-operatives are expected to act as a strong counter force against such malpractice and to safe guard the interests of the consumers at large.

In our economy the trade channel consists of various intermediate agencies charging commissions at the various levels or adding margins at various levels right down from the point of production to the point of consumption. The consumers price is, as economists say, greater than the purchasers price at the producer's level by 30% or more. Herein again the consumer co-operative can eliminate some or all of these middlemen between the production stage and the consumption stage and cut down the margin for the benefit of both the producer and the consumer.

Thereafter, from time to time, serious and sincere attempt has been made by the government to ensure that the consumer gets his/her due in society. For this, various legislative measures had been taken. (see Appendix)

Though, a long series of legislative measures were taken after independence, it was realised that the interest of consumer could not be protected to the extent desired. Firstly, the law of consumer protection was not contained in any one statue and the multi faced enforcement machinery could not be made more effective. (partly overcome by the consumer Protection Act, 1986, see Appendix.) Secondly, how many petty consumers can fight their rights through the High

42. Nitish Chakavarty, Effective instrument of social service, *Hindu*, Madras, 9 Dec. 1976.

43. N. Chaudhari, Consumers co-operatives: A national need, *Amrita Bazar Patrika*, Calcutta, 28 Nov. 1976.

Court and again through the Supreme Court (if the State so chooses) against the state machinery which has all the resources at hand to put up a stiff resistance. The same is true of their fights against manufacturers or traders also who are better organized and are well aware of how to look after themselves, when compared to the consumers generally and the petty consumers particularly who are unorganized, helpless and are ignorant of their rights.

To take care of these hurdles in the way of effective consumer protection, need was felt to enact a law exclusively for the protection of the consumers. Thus, the consumer protection Act, 1986 came into being. (see Appendix)

Drawing inspiration from the father of the consumer movement, **Ralph Nadar**, taking guidance from the tools and techniques perfected by consumer groups in the west and the east, and sharing research results of international importance, the consumer groups in India are transcending national barriers. There has been a far-fetching impact of consumer movement upon regulatory measures. The consumer groups of the world have formed an organisation named International Organisation of Consumer Union (IOCU) which acts as a central co-ordinating agency. Recently in March 1988 IOCU has added one more right to the seven rights of the consumers *the right to basic needs* on the occasion of the world consumer rights day⁴⁴.

To make the consumers aware of their rights, and to educate them against malpractices of business, there is a need for the organised consumers. None would agree that legal measures alone, are necessary and sufficient for consumer protection. If there is really demand on part of the consumers for effective protection of their interests, protection would, for sure, come to their rescue. In other words, if the consumers remain glum over their rights, none else can really help them protect their interests. Self help or self-protection, though a partial remedy to save from exploitation from unfair trade practices and other problems, is indeed primary requisite and hence equally desirable.

Consumer movement as a social force has a short history. In the year 1930 the first open resentment against business malpractices was expressed in USA. The trend continued in the 1940's but slowly declined in 1950's and early part of the 60's. A sudden interest in the fundamental right of the consumer emerged with the one man crusade of **Ralph Nadar** who through his campaign ensured a fair deal to American consumer. Today whether it is a highly developed country like West Germany or socialist country like Poland, consumers everywhere are fighting for their rights.

Indian consumer also has launched various self-defence measures. The seeds of consumerism were sown by the late **Shri C. Rajagopalachari** by setting up the first consumer centre in Madras. However, in true sense, the consumer movement started when the consumer Guidance Society of India (CGSI), a pioneer institution, was established in 1966 in Bombay by nine housewives. Now, it has a number of branches in different parts of the country for example **Delhi, Bangalore, Surat, Cochin, Hyderabad, Madras, Trivendrum, Trichu, Kottayam, Vishakapatnam** etc. Consumer education is one of the important

44. *Northern India Patrika*, Allahabad, March 26, 1988.

tasks of CGSI. Surveys, talks, seminars, exhibitions and demonstrations are organised round the year for consumer education. *Consumer education for low income group* the project launched by the society has been very successful.

Many consumers, increasingly aware of their rights are now seeking redressal of their grievances under the provision of the Act from the Bihar State Commission, set up under the consumers' Protection Act of 1986⁴⁵. And the complaints are varied from a dispute on the rate of interest to be paid by a bank, to a defective television set, or may be even a discoloured saree. Understandably the Act is sending shock waves through the blase trading community as well as public utility services.

The state commission is armed with powers to punish. If its orders are not implemented, it can sentence defaulters to imprisonment upto three years, levy a fine upto Rs.10,000 or do both. Parties can appeal against its orders, first to the national commission, which started functioning barely a couple of months ago, and then to the Supreme Court.

As it is, the consumers are not enjoying a smooth run. They have to put up with inordinate delays before their cases are decided. Besides the delay, there are infrastructural problems. To tackle the pervasive problem of adulterated foodstuff, spurious medicines, fertilisers and underweighing. The consumer guidance Society (CGS) society sought laboratories in each district for prompt testing and reports. One has been set up by the CGS in Jamshedpur, but it offers to set up similar laboratories in other district, provided the government agrees to bear the cost, but has met with no response.

The CGS has met with greater success in bringing out a tabloid, *Consumer Action*, which perports to educate its readers on the rights on the rights as consumer.

Even as the struggle to implement the Act is being waged, amendments are being sought in it to make it obligatory for shops to display notices alerting consumer of their right to complain about poor quality or exorbitant prices.

If that happens, the winds of change visible in the state may take on greater strength and direction. The consumer may finally begin to receive all that he pays for.

Business has been operating in India since the last 40 years or so in a sheltered and protected environment. It has been largely a seller's market which has made businessmen insensitive to consumer satisfaction. Because of this the Government has been able to transfer all blames, for their incorrect economic policies, at the doors of businessmen. As a result, consumer has also been let to believe that business houses are only interested in making money by all means-fair and foul. An atmosphere of confrontation and mistrust has thus been created between the consumer and the businessmen which is not in the larger interest of business and also the consumer.

45. Uttam Sengupta, Bihar: Growing Power, *India Today*, Aug.15, 1989.

Khorakiwala⁴⁶ argues that there is basically no conflict of interest between business and consumer. Consumer is not against businessmen per se because business plays a necessary and a useful role to ensure that consumers get the right product and the subsequent services. The consumer is against unfair business practices and therefore seeks protection from the government and through organised efforts the consumer tries to expose unethical business for its unfair business practices. Adherence to fair business practices is in the long term interest of business itself. A consumer who is not satisfied with the product or services cannot be expected to patronise such products or services for long. Therefore practice of fair business, which is bound to result in ultimate consumer satisfaction, is not only beneficial but essential for the business to grow. Therefore, there is commonality of interest between the consumer and business as both would want fair business practices to be more prevalent and common than they are today.

Chandra⁴⁷ echoes similar sentiments. He argues that the consumer movement is meant to preserve the best in the entrepreneur system. It is also a passionate plea to remove small blemish here and there which spoils the fair image of Indian industry. Business must also ensure that public interest has precedence over corporate profitability. This is essential because business concerns are man made institutions. They will continue to function so long as they promote the interest of society. By responding to the desires of the consumption community, business will advance its own interests.

If a person spends some time on comparison shopping, he will be shocked by the varied prices of the same product from market to market and often in the same shopping centre. Let a chief executive of a business house occasionally shopping for a product he wants and he will appreciate the bewilderment of the consumer. The customer asks why the producer does not print the retail price on every item instead of leaving it to his local agent to do so. What is the difficulty in adopting the unit pricing system?

Considering these things, the rhetoric of consumer protection is based on the reality of dissatisfaction over purchase.

According to **Pandit**⁴⁸, commercial interest are mostly concerned with making a fast buck and have refused to shoulder their social responsibility for ensuring quality, purity and safety in their products. They spend virtually nothing on research and development. Consumer organisations are weak, disorganised and lacking a mass base. The result is that in spite of the steps taken by the government, and the good intentions of consumer activists, the field continues to remain open for exploitation by commercial interest.

46. **Fakhruddin Khorakiwala**, 'Consumer, trader must coexist', *The Times of India*, New Delhi, Feb 7, 1991.

47. **Jug Parvesh Chandra**, 'Consumers want their money's worth', *The Times of India*, New Delhi, 7 Feb 1991

48. **Gyan Pandit**, 'Traders exploiting buyers', *The Times of India*, New Delhi, 7 Feb. 1991

CONCLUSION

AT CROSS ROADS

As the stratification system of the society tends to move towards more openness, the desire for emulation tends to increase. Media provides channels for communication and thus aggravates the process of emulation. Consumerism connotes the quest for consumers' rights, which is the indicator of high level of consciousness in the society.

After the independence, the process of industrialization and urbanization is getting fresh impetus. The pace of the process is getting faster and by consequences, many social institutions and social values are going under the process of metamorphosis - Old values are dying or fading out and thereby paving the way for new social values. Modesty, thrift and hard work are getting obsolete. Realism, hedonism and host of other practical values are taking their place. People are getting more individualistic, matter-of-factness is increasing and today people do not hesitate in calling a spade a spade.

In this way, Indian society is witnessing clash of two cultures - materialist and spiritual and trying hard to make a synthesis of the two.

P.C. Joshi maintains that culture resolves the tension between the constraints arising from an ossified and antiquate social structure and the possibilities of the new era¹. The vision and the concepts as well as the human agents of renewal and transformation are generated and shaped in the cultural domain (that is the realm of social consciousness) through the process of intense self-questioning. This leads to a dramatic encounter between the old and the new, between forward-looking and backward-looking ideas and impulses within the minds and souls of men and women.

Culture is at once the creative expression of this encounter, it also provides the forces and the resources for this encounter. It is through the medium of culture that the battle between interest groups is transformed into a battle of ideas and values. Men and women must first articulate their new dreams and aspirations in words and in images before they realise them through deeds; they must first formulate their aims and goals in thought before they achieve them in practice. This is what happens *in* and *through* culture, though reinterpretation of cultural traditions as well as through cultural renewal; through search for roots and for new horizons; and through achieving a synthesis at a higher level between the old and new.

Since independence, India is on her quest for the happy blend of materialism and spiritualism. But on occasions, these diverging ideologies have resulted into social stress and tension. Forty years is not long enough a period for a country like India to achieve the ideal of synthesis between material values and spiritual values. At the same time the experience of forty years is substantial enough to judge in which direction is India going. Joshi argues that once again India is moving towards a widening chasm and an accentuating tension between

1. Joshi, P.C., 1989. *Culture, communication and social change*, Delhi, Vikas Publishing House Pvt. Ltd.
2. Joshi, P.C., *op. cit.*, p.290

tradition and modernity². Once again we witness the division between the modernisers and the traditionalists pulling India in two opposite directions. At one end the modernisers seem to be taking India in the direction of unbridled consumerism and rootless cosmopolitanism of a burgeoning, new middle class. These are releasing forces which tend to widen the cultural gulf between town and village, classes and masses, centre and periphery; they also tend to erode the national cultural identity which was the precious legacy of the pre-independence renaissance. At another end, the exponents of tradition are re-interpreting tradition in a manner which widens the cultural gulf between religion, ethnic and regional communities; between dominant castes and oppressed castes; between the male and female and between the youth and the non-youth members of the national community. The traditionalists are thus pulling India in the direction of revivalism, fundamentalism, male chauvinism, national chauvinism and parochialism. They are causing the erosion of the spirit of enlightenment and emancipation generated by the pre-independence renaissance.

The British rule created a new historical contingency in India by creating a middle class with its roots neither in tradition nor modernity. With industrialisation and urbanisation, the volume of middle class increased manifold and they dispersed throughout the length and breadth of the country.

The middle class is not so much ignored as taken for granted by many sociologists who regard it as less of a 'problem' for class analysis than the working class. There is an apparent assumption that 'we all know' that the middle class is substantially advantaged by the reward system in western industrial societies, that it dominates economic, political, cultural institutions, and that understandably, it wishes to preserve these privileges.

King et. al. point out that with the rise of the middle classes a new pattern emerged and work and home life became more and more separate³. This process started among merchants and the early professions; and spread with industrialization. The home became the distinctive place of leisure and personal life 'childhood', now became an extended period of social learning and the idea was born that childhood experience determines adult personality and behaviour. As we see the needs of middle class parents at this time give an enormous impetus to the development of specialised educational institutions.

Shorter observes that the modern family has three crucial characteristics which distinguish it from its predecessors⁴. *First*, the conjugal bond is based on a 'romantic' conception of the relationship between husband and wife; the stresses, emotional attachment and self-fulfilment over economic and pragmatic considerations. *Second*, children assume prime importance; the family becomes child-centred. *Third*, the family becomes relatively isolated from the wider society. Shorter, however, tends to neglect underlying social and economic factors, for the emergence of the modern family form is linked to the development individualism and economic activity of the middle class.

3. King, Roger, John Raynor and Dallas Cliff, 1981, *The middle class*, New York, Longman, p.147

4. Shorter, E., 1977, *The making of modern family*, Fontana

It is believed that the modern *symmetrical family*, so called because of the emphasis on an equal relationship between husband and wife, percolated in the society as living standards, housing and education improved. The movement for women's rights, the use of modern contraceptive techniques and the notion of marriage as a partnership, all have served to delineate the contours of modern family life. They also note a tendency for the family to become a self-enclosed enclave for purely personal satisfaction.

Kinship networks are extremely important for middle class families. They provide flows of economic aid, emotional support and a host of minor services. This is most likely to be the case where family held property is substantial. Kinship ties are seen as different from friendship ties but they do take some of their characteristics from them. The families recognised geographical mobility as an occupational necessity and proximity was not seen as crucial for the relationship to be 'close'. Letters, visits and most importantly, telephone calls enabled relationships to be maintained over long distance and over substantial periods of time. Connections with the family are associated with the life cycle, being typically important for young children, diminishing through adolescence and early adulthood, but becoming progressively more important after marriage and the birth of grand children. Relationships between parents and children, although close, are also highly realistic, for there is apt to be a very cool, rationalistic appreciation of the parents; virtues and faults and an almost clinical attitude at times towards responsibilities for parents⁵.

The middle class (as measured by occupation) participates in a much wider range of leisure and recreational activities, particularly non-home-based leisure, than do working class people, although a majority of all leisure activity and leisure time is centred on the home, irrespective of social class, watching television is by far the major leisure activity and constitutes the nub of a family and home-centred pattern of leisure.

Bell argues that modern culture has separated from its close tie with the economy and with the rise of mass consumption, and a rising standard of living, is characterized by hedonism, consumption and instant pleasure⁶. Thus culture no longer legitimates work and occupational roles as the essence of achievement or as ends in themselves, but reinforces spending and enjoyment.

Young people have generally benefited from the growth of leisure which features prominently in their life-styles, and the development of a 'youth culture' is a manifestation of this.

Though the consumption space has gripped the entire nation and the younger generation is spending larger portion of their income compared to older generation. This is more true in the case of urban India and that too, among the well-off in the middle class. Thus, the arrival of *consumer culture* in India is evident. It is the *status differentiated* and *market segmented* culture of modern societies, in which individual tastes not only reflect the social locations (age,

5. Firth, R. et. al., 1969, *Families and their Relatives : Kinship in a middle class sector of London : an anthropological study*. Routledge, p.449

6. Bell, D., 1975, *The cultural contradictions of Capitalism*, Heinemann

gender, occupation, ethnicity, etc.), but also the social values and individual life singles, of consumers.

Whereas, previously sociology has tending to regard consumer culture as manipulative and stage managed, it is today evident that neither a model of cultural manipulation nor a model of individual '*consumer sovereignty*', as preferred by economists, alone adequately describes the processes involved. As indicated by Featherstone, in modern capitalist consumer societies consumption:

- a) provide inducement to work;
- b) has become a significant source of status differentiation for all social groups;
- c) is a major source of our pleasure, and our dreams⁷.

All three of these aspects of consumer culture must be seen as involving complex and sometimes contradictory, relations. On the one hand, new manipulations of wants undoubtedly occur, e.g. as with elements of the fictitious 'nostalgia' and 'pastiche' generated in association with tourism and the new 'heritage' industry. On the other hand, production is increasingly oriented to specialist needs, allowing greater culture variety and greater individual choice and self-expression.

The growth of consumer culture is facilitated by advertising. Advertising is the process and the means (press, film, T.V. etc.) by which the availability and the qualities of commodities and services are notified to a wider public. Some have argued that in modern societies consumption entails the 'active manipulation of the sign', so that the sign and the commodity have come together in the production of the 'commodity-sign'.

It is in such a context that the power of advertising has been a central issue in modern sociology. In the 1950's the novelist J.B. Priestley coined the term *admass* to describe the drive to consumption which was fuelled by mass advertising promotes consumption as a solution to personal and political problems⁸. Advertising creates 'false needs' which are met in a fundamentally unsatisfying way by conspicuous consumption, in the belief that well being and peace of mind are provided by the purchase of commodities.

It is argued that advertising organizes both media content and structure, and effectively operates as a system of patronage supporting capitalist production values rather than democratic political values. Markets and sections of populations which are not attractive to advertisers and manufactures, such as older people and people with low incomes, are not serviced the mass media because of this dependence on advertising.

In reaction to all these, organisations have grown up the aim of informing and protecting the consumer of goods and services. Consumerism involves more than being nice to consumers, though even this simple idea could be put

7. Featherstone, N. 1990, 'Perspectives on consumer culture', *Sociology*, Vol.24

8. Packard, V. 1957, *The Hidden Persuaders*, London, Longmann.

into practice a little more effectively. It demands a searching review of the relationship between providers and those for whom services are provided, and it suggests a fundamental shift in perspective that places the interests of consumers and the wider public at the heart of the way services are planned, delivered and evaluated. ↘

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LEGISLATION IN INDIA ON CONSUMER PROTECTION

In India, a number of law have been enacted for consumer Protection. These relate to standardisation, grading, Packing and Branding; Prevention of unfair Trade Practices, Food adulteration; Short Weights and Measures; misleading advertisements, hoarding, profiteering and the like. However, the law do not seem to have kept pace with the changing times and sophistication in economic crime. We give below a short note on the various law relating to consumer protection.

1. The Drugs Control Act, 1950 empowers the Government to control the sale, supply and distribution and price marking of drugs; fix the maximum price which may be charge for drugs and the maximum quantity which a person may possess.
2. The Drugs and Cosmetics Act. 1940 seeks to control the quality of drugs and cosmetics. It is obligatory under the Act to obtain a licence to manufacture or sell any of the articles mentioned and to do so without a licence is an offence.
3. The Drugs and Magic Remedies (Objectionable Advertisements Act, 1954 prohibits advertisements of drugs for certain diseases like blindness, heart disease, paralysis, epilepsy, leucoderma, obesity and sexual impotency. Publication of advertisement of drugs for procurement of miscarriage in women or prevention of conception, advertisements for maintenance or improvement of the capacity of human beings for sexual pleasures and correction of menstrual flow in women are prohibited.

The Act also prohibits advertisement of magic remedies like talisman, kavacha and charms as cures for the prevention, mitigation or treatment of diseases.

4. The Dangerous Drugs Act, 1930 controls misuse of habit-forming drugs like morphine and opium. Inter-State movement of narcotic drugs is also regulated.
5. The Poisons Act, 1919 regulates the import, possession and sale of poisons and empowers notification of certain substances as poison.
6. The Prevention of Food Adulteration Act, 1954 protects the consumer from the hazards of food adulteration.
7. The Monopolies & Restrictive Trade Practices Order, 1969 : Under Section 39 of the MRTTP Act, 1969, resale price maintenance has been declared void and no manufacturer/wholesaler can compel a retailer to resell at a fixed minimum price. All agreements relating to restrictive trade practice (like tying arrangements, exclusive dealings, price cartels and boycott of association members) must be registered under Section 33. Under Section 31, the Government is entitled to refer to the Monopolies Commission any monopolistic trade practice indulged by monopolistic undertaking. Under Section 37, the commission has the authority to investigate into any restrictive trade practice and can hold that the same is prejudicial to the public interest.
8. Pursuant to the provisions of the Indian Standards Institution (Certification Marks) Act, 1952 the ISI has formulated a number of standards for food-stuffs, drugs, cosmetics, utensils, textiles, electrical appliances, furniture, sports goods, paints, carpets, detergents and the like.
9. The Agricultural Produce (Grading and Marking) Act. 1937 provides for the grading and marking of agricultural produce, Under this legislation, the AGMARK covers several commodities including vegetable oils, ghee, butter, eggs, some fruits and vegetables, pulses, chillies, jaggery and spices.
10. The Trade and Merchandise Marks Act. 1958 provides for the registration and better protection of trade marks and thus the exposure of the consumers to deception or confusion is considerable reduced.

11. The Emblems and Names (Prevention of Improper Use) Act, 1950 seeks to prevent improper use of certain emblems and name such as the National Flag, Shivaji Mahatma Gandhi, Jawaharlal Nehru, the Prime minister of India and Ashok Chakra for professional and commercial purposes. These provisions also help to check the exploitation of the names of national heroes and religious symbols for commercial purposes to deceive the gullible public.
12. Sections 19 and 73 of the Indian contract Act, 1972 deal with the buyer's right to avoid agreements made without free consent and to compensate for loss and damage caused by breach of contract.
13. Section 14 to 16 of the Indian sale of Goods Act, 1930 deal with implied warranties and conditions as to title, quality or fitness of goods and set out the exceptions to the maximum "Caveat Emptor" (buyer beware).
14. The Specific Relief Act, 1963 provides for specific performance and rescission of contracts and granting of injunctions in certain cases.
15. Under the Carriers Act, 1965 carriers are liable to the owners for loss or damage to property delivered to the carrier.
16. The Standards of Weights and Measures Act, 1956 together with the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 establishes standards of weights and measures and specifies the declarations such as the name and address of manufacturer/packer, name of commodity, net quantity, month and year of manufacture and sale price of the commodity to be printed on the packaged commodities.
17. The Essential Commodities Act, 1955 provides for the control of production, supply and distribution of essential commodities. Under the "Essential commodities" coal, petroleum products, sugar, cement, kerosene, foodgrains, vegetable oils, soaps and matches are some of the items listed. Almost all these commodities have control orders attached to them. State Governments have been delegated powers under the Act under which dealers can be called upon to display price lists and stock position in addition to the issue of cash memos.
18. The Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 provides for detention of any person with a view to prevention of blackmarketing and maintenance of supplies of commodities essential to the community.
19. The Indian Penal Code, 1860 does provide for consumer protection by way of punishment to offenders in certain cases. For example, Section 264 to 267 relate to false weights and measures. Section 272 to 276 relate to the adulteration of food, drink and drugs, Section 479 to 489 relate to false property, non-cognisable/bailable under the Code of Criminal Procedure, 1973.

Needless to say, in addition to all the above, the consumer has the rights as a citizen to invoke the provisions of Articles 32 and 226 of the Constitution of India and to approach the Supreme Court or the High court by filing writ petitions. Furthermore, articles 39 (b) and (c) direct the State to ensure that the ownership and control of the material resource of the community are distributed for the common good and that the operation of the economic system does not result in the concentration of wealth and the means of production. The MRTP Act has for its genesis the above Directive Principles of State Policy.

20. Apart from the above, the Law of Torts entitles a consumer to take action for damages in the case of certain civil injuries, e.g., air or noise pollution. Even unregistered trade marks are protected in "passing off" action which indirectly protect the consumer's interests.
21. The Industries (Development and Regulation) Act, 1951 provides for the development and regulation of certain industries by (a) licensing them (b) establishing development councils with very wide functions (c) empowering investigation of and collection of

statistics relating to industrial undertaking and (d) issuing control orders relating to the supply, distribution and price of certain articles, e.g., Cement Control Order, 1967 and Paper (Production & Regulation) Control Order Aug, 1979.

22. The Hire Purchase Act, 1972 stipulates conditions of ownership, possession, guarantee etc in respect of hire purchase transactions.
23. The Household Electrical Appliances (Quality Control) Order makes it compulsory on the part of all electrical appliances' manufacturers to manufacture domestic electrical appliances strictly according to the ISI standards. Safety standards and quality of material to be used are spelt out under this order.
24. The Fruit Products Order 1955 relates to the licensing of fruit products and quality of processed fruit products such as fruitdrinks, jams, fruit juices etc.

The Consumer Protection Act, 1986

Received the assent of the President on December 24, 1986 and published in the Gazette of India, Extra Part II, Section I, dated 26th December, 1986.

1. Short title, extent, commencement and applications

- (1) This Act may be called the Consumer Protection Act, 1986.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification, appoint and different dates may be appointed for different States and for different provisions of this Act.
- (4) Save as otherwise expressly provided by the Central Government by notification, this Act shall apply to all goods and services.

2. Definitions

- (1) In this Act, unless the context otherwise requires -

(a) "appropriate laboratory" means a laboratory or organisation recognised by the Central Government and includes any such laboratory or organisation established by or under any law for the time being in force, which is maintained, financed or aided by the Central Government for carrying out analysis or test of any goods with a view to determining whether such goods suffer from any defect;

- (b) "complainant" means -

- (i) a consumer; or
- (ii) any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956), or under any other law for the time being in force; or
- (iii) the Central Government or any State Government, who or which makes a complaint;

- (c) "complaint" means any allegation in writing made by a complainant that -

- (i) as a result of any unfair trade practice adopted by any trader, the complainant has suffered loss or damage;
- (ii) the goods mentioned in the complaint suffer from one or more defects;
- (iii) the services mentioned in the complaint suffer from deficiency in any respect;
- (iv) a trader has charged for the goods mentioned in the complaint a price in excess of the price fixed by or under any law for the time being in force or displayed on the goods or any package containing such goods.

with a view to obtaining any relief provided by or under this Act;

- (d) "consumer" means any person who,-

- (i) buys any goods for a consideration which has been paid or promised or partly paid or partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly

paid or partly promised, or under any system of deferred payment when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose; or

- (ii) hires any services for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any beneficiary of such services other than the person who hires the services for consideration paid or promised or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person;
- (e) "consumer dispute" means a dispute where the person against whom a complaint has been made, denies or disputes the allegations contained in the complaint;
- (f) "defect" means any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for the time being in force or as is claimed by the trader in any manner whatsoever in relation to any goods;
- (g) "deficiency" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by a person in pursuance of a contract or otherwise in relation to any service;
- (h) "District Forum" means a Consumer Disputes Redressal Forum established under clause (a) of Section 9;
- (i) "goods" means goods as defined in the Sale of Goods Act, 1930 (3 of 1930);
- (j) "manufacturer" means a person who -
 - (i) makes or manufactures any goods or parts thereof; or
 - (ii) does not make or manufacture any goods but assembles parts thereof made or manufactured by others and claims the end-product to be goods manufactured by any other manufacturer and claims such goods to be goods made or manufactured by himself.

Explanation - Where a manufacturer dispatches any goods or part thereof to any branch office maintained by him, such branch office shall not be deemed to be the manufacturer even though the parts so despatched to it are assembled at such branch office and are sold or distributed from such branch office;

- (k) "National Commission" means the National Consumer Disputes Redressal Commission established under clause (c) of Section 9;
- (l) "notification" means a notification published in the Official Gazette;
- (m) "person" includes,-
 - (i) a firm whether registered or not;
 - (ii) a Hindu undivided family;
 - (iii) a co-operative society;
 - (iv) every other association of persons whether registered under the Societies Registration Act, 1860 (21 of 1860) or not;

- (n) "prescribed" means prescribed by rules made by the State Government, or as the case may be, by the Central Government under this Act;
 - (o) "service" means service of any description which is made available to potential users and includes the provision of facilities in connection with banking, financing, insurance, transport, processing, supply of electrical or other energy, board or lodging or both, entertainment, amusement or the purveying a news or other information, but does not include the rendering of any service free of charge or under a contract of personal service;
 - (p) "State Commission established in a State under clause (b) of Section 9:
 - (q) "trader" in relation to any goods means a person who sells or distributes any goods for sale and includes the manufacturer thereof, and where such goods are sold or distributed in package form, includes the packer thereof;
 - (r) the expression "unfair trade practice" shall have the same meaning as in Section 36-A of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), but shall not include an unfair trade practice adopted by the owner of an undertaking to which Part A of Chapter III of that Act, applies or by any person acting on behalf of, or for the benefit of, such owner.
- (2) Any reference in this Act to any other Act or provision thereof any which is not in force in any area to which is not in force in any area to which this Act applies shall be construed to have a reference to the corresponding Act or provision thereof in force in such area.
- 3. Act not in derogation of any other law -** The provisions of this Act shall be in addition of the provisions of any other law for the time being in force.
- 4. The Central Consumer Protection Council**
- (1) The Central government may, by notification establish with effect from such notification, a Council to be known as the Central Consumer Protection Council (hereinafter referred to as the Central Council).
 - (2) The Central Council shall consist of the following members, namely
 - (a) the Minister in charge of the Department of Food and Civil Supplies in the Central Government, who shall be its Chairman, and
 - (b) such number of other official or non-official members representing such interests as may be prescribed.
- 5. Procedure for meetings of the Central Council**
- (1) The Central Council shall meet as and when necessary, but not less than three meetings of the Council shall be held every year.
 - (2) The Central Council shall meet at such time and place as the Chairman may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed.
- 6. Objects of the Central Council -** 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 which are hazardous to life and property;
 - (b) 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;
 - (c) the right to be assured, wherever possible, access to a variety of goods 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 unscrupulous exploitation of consumers; and
 - (f) the right to consumer education.
- 7. The State Consumer Protection Councils**
- (1) The State Government may, 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 for ... (hereinafter referred to as that State Council.)
 - (2) The State Council shall consist of such number of members as may be specified by the State Government by notification from time to time.
- 8. Objects of the State Council** - The objects of every State Council shall be to promote and protect within the State the rights of the consumers laid down in clauses (a) to (f) of Section 6.
- 9. Establishment of Consumer Disputes Redressal Agencies** - There shall be established for the purposes for this Act, the following agencies, namely
- (a) a Consumer Disputes Redressal Forum to be known as the "District Forum" establishment by the State Government with the prior approval of the Central Government in each district of the State by notification;
 - (b) a Consumer Disputes Redressal Commission to be known as the "State Commission" established by the State Government with the prior approval of the Central Government in the State by notification; and
 - (c) a National Consumer Disputes Redressal Commission established by the Central Government by notification.
- 10. 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 to be nominated by the State Government, to be its President;
 - (b) a person of eminence in the field of education, trade or commerce,
 - (c) a lady social worker.
 - (2) Every member of the District Forum shall hold office for a term of five years or up to the age of 65 years whichever is earlier, and shall not be eligible for re-appointment:

Provided that a member may resign his office in writing under his hand addressed to the State Government and on such resignation being accepted, his office shall become vacant and may be filled by the appointment of a person possessing any of the qualifications mentioned in sub-section (1) in relation to the category of the member who has resigned.
 - (3) The salary or honorarium and other allowances payable, to, and the other terms and conditions of service of the members of the District Forum shall be such as may be prescribed by the State Government.
- 11. Jurisdiction of the District Forum**
- (1) Subject to the other provisions of this Act, the District Forum shall have jurisdiction

to entertain complaints where the value of the goods or services and the compensation, of any, claimed is less than rupees one lakh.

- (2) A complaint shall be instituted a District Forum within the local limits of whose jurisdiction -
- (a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or carries on business, or personally works for gain, or
 - (b) any of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides, or carries on business, or carries on business, or personally works for gain, provided that in such case either the permission of the District Forum is given, or the opposite parties who do not reside, or carry on business, or personally work for gain, as the case may be, acquiesce in such institution; or
 - (c) the cause of action, wholly or in part, arises.

12. Manner in which complaint shall be made - A complaint, in relation to any goods sold or delivered or any service provided, may be filed with a District Forum by -
- (a) the consumer to whom such goods are sold or delivered or such service provided;
 - (b) any recognised consumer association, whether the consumer to whom the goods sold or delivered or service provided is a member of such association or not; or
 - (c) the Central or the State Government.

Explanation - For the purpose of this section "recognised consumer association registered under the Companies Act, 1956 (1 of 1956, or any other law for the time being in force.

13. Procedure on receipt of complaint -

- (1) The District Forum shall, on receipt of a complaint, if it relates to any goods-
- (a) refer a copy of the complaint to the opposite party mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum;
 - (b) where the opposite party on receipt of a complaint referred to him under clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the consumer dispute in the manner specified in clauses (c) to (g);
 - (c) Where the complaint alleges a defect in the goods which cannot be determined without proper analysis or test of the goods. the District Forum shall obtain a sample of the goods from the complainant, seal it and authenticate it in the manner prescribed and refer the sample so sealed to the appropriate laboratory along with a direction that such laboratory make an analysis or test whichever may be necessary, with a view to finding out whether such goods suffer from any defect alleged in the complaint or suffer from any other defect and to report its findings thereon to the District Forum within a period of forty- five days of the receipt of the reference or within such extended period as may be granted by the District Forum;
 - (d) before any sample of the goods is referred to any appropriate laboratory under clause (c), the District Forum may require the complainant to deposit to the credit of the Forum such fees as may be specified, for payments to the appropriate laboratory for carrying out the necessary analysis or test in relation to the goods in question;

- (e) the District Forum shall remit the amount deposited to its credit under clause (d) to the appropriate laboratory to enable it to carry out the analysis or test mentioned in clause (c) and on receipt of the report from the appropriate laboratory, the District Forum shall forward a copy of the report along with such remarks as the District Forum may feel appropriate to the opposite party;
 - (f) if any of the parties disputes the correctness of the findings of the appropriate laboratory, or disputes the correctness of the methods of analysis or test adopted by the appropriate laboratory, or disputes the correctness of the methods of analysis or test adopted by the appropriate laboratory, the District Forum shall require the opposite party of the complainant to submit in writing his objections in regard to the report made by the appropriate laboratory;
 - (g) the District Forum shall thereafter give a reasonable opportunity to the complainant as well as the opposite party of being heard as to the correctness or otherwise of the report made by the appropriate laboratory and also as to the objection made in relation thereto under clause (f) and issue an appropriate order under Section 14.
- (2) The District Forum shall, if the complaint received by it under Section 12 relates to goods in respect of which the procedure specified in sub-section (1) cannot be followed, or if the complaint relates to any services,-
- (a) refer an copy of such complaint the to opposite party directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum;
 - (b) where the opposite party, on receipt of a copy of the complaint, referred to him under clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum the District Forum shall proceed to settle the consumer dispute -
 - (i) on the basis of evidence brought to its notice by the complainant and the opposite party, where the opposite party denies or disputes the allegations contained in the complaint, it
 - (ii) on the basis of evidence brought to its notice by the complainant where the opposite party omits or fails to take any action to represent his case within the time given by the Forum.
- (3) No proceedings complying with the procedure laid down in sub-section (1) and (2) shall be called in question in any court on the ground that the principles of natural justice have not been complied with.
- (4) For purposes of this section, the District Forum shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit in respect of the following matters, namely -
- (i) the summoning and enforcing attendance of and defendant or witness and examining the witness on oath;
 - (ii) the discovery and production of any document or other material object producible as evidence;
 - (iii) the requisitioning of the report of the concerned analysis or test from the appropriate laboratory or from any other relevant source;
 - (v) issuing of any commission for the examination of any witness; and

(vi) any other matter which may be prescribed.

- (5) Every proceeding before the District Forum shall be deemed to be a judicial proceeding within the meaning of Section 193 and 228 of the Indian Penal Code (45 of 1860), and the District Forum shall be deemed to be a civil court for the purposes of Section 195, and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

14. Finding of the District Forum

- (1) If, after the proceeding conducted under Section 13, the District Forum is satisfied that the goods complained against suffer from any of the defects specified in the complaint or that any of the allegations contained in the complaint about the services are proved, it shall issue an order to the opposite party directing him to take one or more of the following things, namely:-
- (a) to remove the defect pointed out by the appropriate laboratory from the goods in question;
 - (b) to replace the goods with new goods of similar description which shall be free from any defect;
 - (c) to return to the complainant the price, or, as the case may be, the charges paid by the complainant;
 - (d) to pay such amount as may be awarded by it as compensation to the consumer for any loss or injury suffered by the consumer due to the negligence of the opposite party.
- (2) Every order made by the District Forum under sub-section (1) shall be signed by all the members constituting it and, if there is any difference of opinion, the order of the majority of the members constituting it shall be the order of the District Forum.
- (3) Subject to the foregoing provisions, the procedure relating to the conduct of the members of the District Forum, its sittings and other matters shall be such as may be prescribed by the State Government.

- 15. Appeal** - Any person aggrieved by an order made by the District forum may prefer an appeal against such order to the State Commission within a period of thirty days from the date of the order, in such form and manner as may be prescribed;

Provided that the State Commission may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

16. Composition of the State Commission

- (1) Each State Commission shall consist of -
- (a) a person who is or has been a Judge of a High Court, appointed by the State Government, who shall be its President;
 - (b) two other members, who shall be persons of ability, integrity and standing and have adequate knowledge or experience of, or have shown capacity in dealing with, problems relating to economics, law, commerce, accountancy, industry, public affairs or administration, one of whom shall be a woman :

Provided that no sitting Judge of a High Court shall be appointed under this sub-section except after consultation with the Chief Justice of that High Court.

- (2) The salary or honorarium and other allowances payable to, and the other terms and

conditions of service (including tenure of office) of, the members of the State Government.

17. Jurisdiction of the State Commission - Subject to the other provisions of this Act, the State Commission shall have jurisdiction -

(a) to entertain -

(i) complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees one lakh but does not exceed rupees ten lakhs; and

(ii) appeals against the orders of any District forum within the State; and

(b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any District Forum within the State where it appears to the State Commission that such District Forum has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested or has acted in exercise or its jurisdiction illegally or with material irregularity.

18. Procedure applicable to State Commissions - The procedure specified in Section 12, 13 and 14 and under the rules made thereunder for the disposal of complaints by the District Forum shall, with such modifications as may be necessary, be applicable to the disposal of disputes by the State Commission.

19. Appeals - Any person aggrieved by an order made by the State Commission in exercise of its powers conferred by sub-clause (i) of clause (a) of Section 17 may prefer an appeal against such order to the National Commission within a period of thirty days from the date of the order in such form and manner as may be prescribed:

Provided that the National Commission may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

20. Composition of the National Commission

(1) The National Commission shall consist of -

(a) a person who is or has been a Judge of the Supreme Court, to be appointed by the Central Government, who shall be its President;

(b) four other members who shall be persons of ability, integrity and standing and have adequate knowledge or experience of, or have shown capacity in dealing with, problems relating to economics, law, commerce, accountancy industry, public affairs or administration, one of whom shall be a woman:

Provided that no sitting Judge of Supreme Court shall be appointed under this sub-section except after consultation with the Chief Justice of that Court.

(2) The salary or honorarium and other allowances payable to and the other terms and conditions of service (including tenure of office) of the members of the National Commission shall be such as may be prescribed by the Central Government.

21. Jurisdiction of the National Commission - Subject to the other provisions of this Act, the National Commission shall have jurisdiction, -

(a) to entertain -

(i) complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees ten lakhs; and

(ii) appeals against the orders of any State Commission; and

(b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any State Commission where it appears to the National Commission that such State Commission has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity.

22. **Procedure applicable to the National Commission** - The National Commission shall, in the disposal of any complaints or of any proceedings before it, have the powers of a civil court as specified in sub-section (4) and (5) of Section 13 and follow such procedure as may be prescribed by the Central Government.

23. **Appeal** - Any person, aggrieved by an order made by the National Commission in exercise of its powers conferred by sub-clause (i) of clause (a) of Section 21, may prefer an appeal against such order to the Supreme Court within a period of thirty days from the date of the order:

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

24. **Finality of orders** - Every order of a District Forum, State Commission or the National Commission shall, if not appeal has been preferred against such order under the provisions of this Act, be final.

25. **Enforcement of orders by the Forum, the State Commission or the National Commission** - Every order made by the District Forum, the State Commission or the National Commission, as the case may be, in the same manner as if it were a decree or order, made by a court in a suit pending therein and it shall be lawful for the District Forum, the State Commission or the National Commission to send, in the event of its inability to execute it, such order to the Court within the local limits of whose jurisdiction, -

(a) in the case of an order against a company, the registered office of the company is situated, or

(b) in the case of an order against any other person, the place where the person concerned voluntarily resides or carries on business or personally works for gain, is situated, and thereupon, the court to which the order is so sent, shall execute the order as if it were a decree or order sent to it for execution.

26. **Dismissal of frivolous or vexatious complaints** - Where a complaint instituted is found to be frivolous or vexatious, the District Forum, the state Commission or, as the case may be, the National Commission, may dismiss the complaint.

27. **Penalties** - Where a trader or a person against whom a complaint is made fails or omits to comply with any order made by the District Forum, the State Commission or the National Commission, as the case may be, such trader or person shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to three years, or with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees, or with both:

Provided that the District Forum, the State Commission or the National Commission, as the case may be, may, if it is satisfied that the circumstances of any case so require, impose a sentence of imprisonment or fine, or both, for a term lesser than the minimum term and the amount lesser than the minimum amount, specified in this section.

28. **Protection of action taken in good faith** - No suit, prosecution or other legal proceedings shall lie against the members of the District Forum, the State Commission or the National Commission or any officer or person acting under the direction of the District Forum the State Commission or the National Commission for executing any order made by it or in respect of anything which is in good faith done or intended to be done by such member, officer or person under this Act or under any rule or order made thereunder.

29. Power to remove difficulties

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

- (2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

30. Power to make rules

- (1) The Central Government may, by notification, make rules for carrying out for provisions contained in clause (b) of sub-section (2) of Section 4, sub-section (2) of Section 5, clause (vi) of sub-section (4) of Section 13, Section 19, sub-section (2) of Section 20 and Section 22 of this Act.

- (2) The State Government may, by notification, make rules for carrying out the provisions contained in sub-section (3) of Section 10, clause (c) of sub-section (1) of Section 13, sub-section (3) of Section 14, Section 15 and sub-section (2) of Section 16.

31. Laying of rules

- (1) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

- (2) Every rule made by a State Government under this Act shall be laid as soon as may be after it is made, before the State Legislature.

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- (3) The constitution of the Central Consumer Protection Council and the Working Groups -

- 1). The Central Government shall, by notification in the Official Gazette constitute the Central Consumer Protection Council (hereinafter referred to as the Central Council) which shall consist of the following 150 members namely:-

- (a) the Minister in-charge of Department of Civil Supplies who shall be the Chairman of the Central Council;
- (b) the Minister of State (where he is not holding independent charge or Deputy Minister in the Department of Civil supplies who shall be the Vice-Chairman of the Central Council;
- (c) the Minister of Food and Civil Supplies or Minister in-charge of Consumer Affairs in States;
- (d) eight Members of Parliament-five from the Lok Sabha and three from the Rajya Sabha;
- (e) the Commissioner for Scheduled Castes and Scheduled Tribes;

- (f) representatives of the Central Government Department autonomous organisations concerned with consumer interests-not exceeding twenty;
 - (g) representatives of the Consumer Organisations or consumers-not less than thirty-five;
 - (h) representatives of women-not less than ten;
 - (i) representatives of farmers, trade and industries-not exceeding twenty;
 - (j) persons capable of representing consumer interests not specified above not exceeding fifteen;
 - (k) the Secretary in the Department of Civil Supplies shall be the member secretary of the Central Council.
- 2). The term of the Council shall be three years.
- 3). Any member may, by writing under his hand to the Chairman of the Central Council, resign from the Council. The vacancies, so caused or otherwise, shall be filled from the same category by the Central Government and such person shall hold office so long as the member whose place he fills would have been entitled to hold office, if the vacancy had not occurred.
- (4) Procedure of the Central Council - under sub-section (2) of Section 5, the Central Council shall observe the following procedure in regard to the transaction of its business -
- 1). The meeting of the Central Council shall be presided over by the Chairman. In the absence of the Chairman, the Vice-Chairman shall preside over the meeting of the Central Council. In the absence of the Chairman and the Vice-Chairman, the Central Council shall elect a member to preside over that meeting of the Council.
 - 2). Each meeting of the Central Council shall be called by giving not less than ten days from the date of issue, notice in writing to every member.
 - 3). Every notice of a meeting of the Central Council shall specify the place and the day and hour of the meeting and shall contain statement of business to be transacted thereat.
 - 4). No proceedings of the Central Council shall be invalid merely by reasons of existence of any vacancy in or any defect in the constitution of the council.
 - 5). For the purpose of performing its functions under the Act, the Central Council may constitute from amongst its members, such working groups as it may deem necessary and every working group so constituted shall perform such functions as are assigned to it by the Central Council. The findings of such working groups shall be placed before the Central Council for its consideration.
 - 6). The non-official members shall be entitled to first class to and from Railway fare and a daily allowance of one hundred rupees per day for attending the meetings of the Central Council or any working group. Members of Parliament shall be entitled to travelling and daily allowances at such rates as are admissible to such members.
 - 7). The resolutions passed by the Central Council shall be recommendatory in nature.
- (5). Additional powers of the National Commission, State Commission and District Forum -
- 1). The National Commission, the State commission and the District Forum shall have power to require any person, -

- (a) to Produce before, and allow to be examined and kept by an officer of the National Commission, the State Commission or the District Forum, as the case may be specified in this behalf, such books, accounts, documents or commodities in the custody or under the control of the person so required as may be specified or described in the requisition, if the examination of such books, accounts, documents or commodities are required for the purpose of this Act;
 - (b) to furnish to an officer so specified, such information as may be required for the purpose of this Act.
- (2) (a) Where during any proceedings under this Act the National Commission, the State Commission or the District Forum as the case may be, as any ground to believe that any book, paper, commodity or document which may be required to be produced in such proceeding are being, or may be destroyed, mutilated, altered, falsified or secreted, it may, by written order authorise any officer to exercise the power of entry and search of any premises. Such authorised officer may also seize such books, papers, documents or commodities as are required for the purpose of this Act:

Provided that such seizure shall be communicated to the National Commission, the State Commission or the District Forum, as the case may be, as soon as it is made or within a period not exceeding 72 hours of making such seizure after specifying the reasons in writing for making such seizure.

- (b) The National Commission, the State Commission or the District Forum, as the case may be, on examination of such seized documents or commodities, as the case may be, may order the retention thereof or may return it to the party concerned.
- (6). Procedure to be followed by the National Commission
- 1). A complaint containing the following particulars shall be presented by the complainant in person or by his agent to the National Commission or be sent by registered post addressed to the National Commission:-
 - (a) the name, description and the address of the complainant;
 - (b) the name, description and address of the opposite party or parties, as the case maybe, so far as they can be ascertained;
 - (c) the facts relating to complaint and when and where it arose;
 - (d) documents in support of the allegations contained in the complaint;
 - (e) The relief which complaint claims.
 - 2). The National Commission shall, in disposal of any complaint before it as far as possible, follow the procedures laid down in sub-sections (1) and (2) of Section 13 in relation to complaint received by the District Forum.
 - 3). On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties or their agents to appear before the national Commission. Where the complaint or his agent fails to appear before the National Commission on such days, the National Commission may in its, discretion either dismiss the complaint for default or decide it on merits. Where the opposite party or its agent fails to appear on the date of hearing, the National Commission may decide the complaint ex-parte.
 - 4). National Commission may, son such terms as it deems fit and at any stage of the proceedings, adjourn the hearing of complaint but the complaint shall

be decided, as far as possible, within a period of three months from the date of notice received by opposite party where complaint does not require analysis or testing of commodities and within five months if it requires analysis or testing of commodities.

5). If after the proceedings conducted under sub-rule (3) the National Commission is satisfied with the allegations contained in the complaint it shall issue orders to the opposite party or parties, as the case may be, directing him or them to take one or more of the things as mentioned in sub-section (1) of Section 14. The National Commission shall also have the power to direct that any order passed by it, where no appeal has been preferred under Section 23 or where the order of the National Commission has been affirmed by the Supreme Court under that section, be published in the Official Gazette of through any other media and no legal proceedings shall lie against the National Commission or any media for such publication.

(7). Procedure for hearing the appeal

- 1). Memorandum shall be represented by the appellant or his agent to the National Commission in person or be sent by registered post addressed to the Commission.
- 2). Every memorandum filed under sub-rule (1) shall be in legible handwriting preferably typed and shall set forth concisely under distinct heads, the grounds of appeal without any argument or narrative and such grounds shall be numbered consecutively.
- 3). Each memorandum shall be accompanied by a certified copy of the order of the State Commission appealed against and such of the documents as may be required to support grounds of objection mentioned in the memorandum.
- 4). When the appeal is presented after the expiry of the period of limitation as specified in the Act, the memorandum shall be accompanied by an application supported by an affidavit setting forth the facts on which the appellant relies to satisfy the National Commission that he has sufficient cause for not preferring the appeal within the period of limitation.
- 5). The appellant shall submit six copies of the memorandum to the Commission for official purpose.
- 6). On the date of hearing or on any other day to which hearing may be adjourned, it shall be obligatory for the parties or their agents to appear before the National Commission. If appellant or his agent fails to appear on such date, the National Commission may in its discretion either dismiss the appeal or decide ex-parte on merits. If the respondent or his agent fails to appear on such date, the National Commission shall proceed ex-parte and shall decide the appeal on merits of the case.
- 7). The appellant shall not, except by leave of the National Commission, urge or be heard in support of any ground of objection not set forth in the memorandum but the National Commission, in deciding the appeal, may not confine to the grounds of objection set forth in the memorandum;
- 8). The National Commission, on such terms as it may think fit and at any stage, adjourn the hearing of the appeal, but not more than one adjournment shall ordinarily be given and the appeal should be decided, as far as possible within 90 days from the first date of hearing.
- 9). The order of the National Commission on appeal shall be signed and dated by the members of the National Commission and shall be communicated to the parties free of charge.

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