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## Law of Consumer Protection

Gurubax Singh

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**1. LAW OF CONSUMER PROTECTION by Gurubax Singh, 1990, Bharat Law Publications, Jaipur, Pp. Xliv+442.**

The above book is the pioneer work in the field.<sup>2</sup> After the enactment of the Consumer Protection Act, 1986 much need was being felt for a treatise on the subject. The work seems to have filled, to a considerable extent, the void in the legal literature. The book carries a well worded foreword by Balakrishna Eradi, J., President of the National Consumer Disputes Redressal Commission. The introduction to the book has been written by an expert from the Monopolies and Restrictive Trade Practices (M.R.T.P.) Commission who has made excellent comparisons between the M.R.T.P. Act and the Consumer Protection Act, giving deep insight into the working of these socio-economic pieces of legislation. The work also contains an exhaustive commentary on the Consumer Protection Act, 1986 together with the Central Consumer Protection Rules, 1987 and State Rules. The case law up to February 1990 has been cited throughout the work. Some of the leading judgements pronounced by the National Commission and State Commissions have been printed at the end of the book. This will be of immense help to practitioners. A list of appropriate laboratories and of voluntary consumer organisations, as well as a subject index of judgements have been given in the appendices.

One of the outstanding features of this book is that it contains a model form of complaint and appeal under the Consumer Protection Act, 1986. This is helpful for any individual complainant or lawyer wishing to file a complaint or appeal before the Consumer Forums.

Singh deserves appreciation for highlighting the role of various international institutions in the area of consumer protection e.g. the International Organisation of Consumer Unions (IOCU), General Agreement on Tariffs and Trade (GATT), United Nations Conference on Trade and Development (UNCTAD) and World Health Organisation (WHO). He has also suitably incorporated provisions concerning the topic as enshrined in the documents of these and other institutions. He stresses the need for an increased co-operation at international level. This part of the work appraises a researcher with the current international developments in the field. Though at first sight it may not appear so relevant for practitioners, it should be pointed out that experienced consumer protection organisations in India like the Consumer Education and Research Centre (CERC) in Ahmedabad have found reference to international standards and to foreign judgements very useful.

Singh has focused considerable attention on the role of voluntary consumer associations and social action litigation in protecting the consumer. He observes that, "the new trend has already made a tremendous impact upon the emerging

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<sup>2</sup> The book is now running into its third reprint (1991).

concept of consumerism throughout the country" (p.51) and that "the chances of obtaining consumer justice today are much more than they existed a decade or two ago" (p. 75.)

Though the author has made detailed reference to the Consumer Protection Act, 1987 of England, one does not find a word of comparison between the English Act and its Indian counterpart. Another point that deserves mention here is that Singh considers Ross Cranston's<sup>3</sup> conclusions as final that, "consumers are better protected by public law measures than by business self-regulation or private law." (p. 24). Thus he has not given adequate attention to the concept of business self-regulation. I would, however, submit that business self-regulation<sup>4</sup> or business ethics are as important as law and social action litigation<sup>5</sup> in the process of consumer protection. Moreover, my own research<sup>6</sup> has led me to the conclusion that legislation alone is not the panacea for consumer protection, especially in a third world jurisdiction like India, and that it must be supplemented by equally significant non-legal measures like consumer education,<sup>7</sup> consumer representation and lobbying<sup>8</sup> and boycotts<sup>9</sup>.

## **2. O.P. GARG'S COMMENTARIES ON THE CONSUMER PROTECTION ACT, 1986 by Sunil Kumar Mitra (Ed.), 1993, Vinod Publishing House, Delhi, Pp. Xlii+461, Price Rs.280/-**

This is another book that was released in 1990 and is now running in its second revised edition. Originally written by O.P. Garg himself, the present edition (1993) has been revised and edited by Sunil Kumar Mitra. Like Gurbax Singh's book, Garg's book is also primarily a section wise commentary on the Consumer Protection Act. The book is divided into four chapters and is preceded by an introductory chapter which contains a brief discussion on the topics like

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3 Ross Cranston, *Consumers and the Law*, (1978).

4 For a detailed study of the concept of business self-regulation vis-a-vis consumer protection in India, See: Gurjeet Singh, "Business Self-regulation and Consumer Protection in India: A critique." *Journal of Consumer Policy*, Vol. 16, No.1 (January-March), 1-33 (1993).

5 For a detailed study of the concept of Social Action Litigation in India with special reference to Consumer Protection, See: Gurjeet Singh "Group Actions and the Law: A Case Study of Social Action Litigation in India." *Journal of Consumer Policy*, Vol. 17, No. 4 (Forthcoming, 1994).

6 Gurjeet Singh, *Consumer Protection Law in India: A socio-Legal Study*, Unpublished Ph.d. Thesis, School of Oriental and African Studies, University of London.

7 For a detailed study of the topic of consumer education in India, See: Gurjeet Singh, "Consumer Education in India: A View Point" *Consumer Protection and Trade Practices Journal*, VI. 2 (forthcoming, 1994).

8 For an elaborate discussion on the topic of lobbying, See: Gurjeet Singh "Rationale of 'Lobbying' as an Instrument of Consumer Protection." *Consumer Protection and Trade Practices Journal* Vol. 2, No. 1 (January) 17-20, (1994).

9 For an indepth discussion on the topic of boycott, See: Gurjeet Singh, "Boycott - An Instrument of Consumer Protection." *Consumer Protection and Trade Practices Journal*, Vol. 1, No. II (November) 224-28 (1993).