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O.P Garg's Commentaries on the Consumer Protection Act, 1986

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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's³ 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-regulation⁴ or business ethics are as important as law and social action litigation⁵ in the process of consumer protection. Moreover, my own research⁶ 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,⁷ consumer representation and lobbying⁸ and boycotts⁹.

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

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).

consumerism, advertising, consumer economics and consumer education. The author has also given a brief account of the discussion on the Consumer Protection Bill in Parliament under the heading 'Pre-Legislative Exercise' (pp. 10-12). According to the author, to decide about the framework of the 1986 Act, the consumer protection legislation and arrangements in other countries like Australia, New Zealand, United Kingdom and the United States were studied and their salient features were adapted to suit the Indian socio-economic conditions. Nevertheless, he argues that it is high time to supplement the provisions from the British legislation like the Trade Descriptions Act, 1968, the Fair Trading Act, 1973 and the Consumer Safety Act, 1978. According to the author, consumers in India are unorganised and are ignorant of their rights. He, therefore, suggests that the "strong and effective consumer movement will protect the consumer from the enormity of their problems." (p. 10). Garg argues that the "consumer movement should primarily concern with essential rights which are recognised as the nucleus of consumerism." (p. 10). He has expressed satisfaction that "the Consumer Protection Act, 1986 has marked the growth of the enlightened consumer movement in our country." (p. 18).

Chapter I (pp. 31-14) of this book deals with the definitions of the various terms given in the 1986 Act. Chapter II (pp. 125-31) has concentrated on the establishment and role of the Consumer Protection Councils. Chapter III, which is the lengthiest chapter (pp. 132-299) contains a detailed discussion on the Consumer Disputes Redressal Agencies. Chapter IV (pp.300-12) deals with the miscellaneous items. Like Gurbax Singh's book, the appendix of Garg's book also contains the Consumer Protection rules of the various States, as well as a list of appropriate laboratories and voluntary consumer organisations.

The chief merit of Garg's original work is that it is a section wise commentary on the 1986 Act. However, Sunil Kumar Mitra has also made an equally valuable contribution by commenting upon the provisions of the Act as amended by the Consumer Protection (Amendment) Ordinance, 1993 in the light of the recent case law. The book has primarily been written for the practitioners, yet the Bare Act of the Consumer Protection Act, 1986 does not find its place in the work. Nor the amended Act has been appended. Nor does one find a 'model form' of complaint or appeal. The chapters also appear to be bit imbalanced. Chapter III on the redressal agencies, in particular, is quite lengthy and could conveniently be bifurcated into two or three chapters. Similarly, chapter II on Consumer Protection Councils is too brief and could be enlarged. To sum up this book could be a useful tool for a practitioner in consumer law.

3. CONSUMER RIGHTS by M.J. Antony, 1990, Clarion, Delhi, Pp. 128, Price Rs.40/-

This is a small book that was also released in 1990. Written in non-technical language, the book "is intended to assist the consumers to be aware of