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## Consumer Rights

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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

their rights and remedies.” (p. 10) It provides useful information regarding artificial shortages, black marketing, defective weights and measures, food adulteration, misleading advertisements and other types of consumer frauds. Through this work, an attempt has been made by the author to enlighten many consumers on how to enter into contractual obligations and hire purchase agreements, about mail order sales and buying from individuals. With the help of Indian and foreign case law examples the author tries to convey how the vigilant consumer could get justice from the law courts. He asks consumers to be assertive and encourages them to approach the appropriate authorities fearlessly in the event of any fraud. However, he warns that, “there is still a long way to go before consumers in India attain the confidence of their counterparts in most western countries.” (p. 10) The book enumerates various enactments on the subject, including the Consumer Protection Act of 1986, but like most other authors he expresses his dissatisfaction, saying that “despite the passage of four years, the Act has not been able to make a dent in the situation.” (p. 5) I would, however, argue that this pessimistic assessment is no longer correct in 1994. The Commissions and Forums established under the Act are now functioning well and are providing better justice to consumers.

The book contains an elaborate discussion on the functioning of banks, insurance companies, professional services and public utilities in relation to consumers. The glossary of legal terms and addresses of various Indian Consumer Associations are commendable. The aim of the book is to inform the average Indian consumer about the market mechanism and to encourage us to be assertive about our rights. However, it would have been useful if the author had explained briefly the simplified methods of filing complaints before the various institutions established under the Consumer Protection Act, since many consumers drop the idea of approaching courts simply because of the intricate procedure. There is now no need for any court fee for filing a complaint, and even a simple post-card carrying the basic minimum information is sufficient for initiating the judicial process. Further, the consumers need to be informed that the language of the Act has been kept flexible to encourage social action groups and voluntary consumer organisations to approach the Forums on behalf of consumers. A consumer can approach these Forums through consumer associations irrespective of whether he or she is member of such association or not. Quite a good number of cases on behalf of consumers have been successfully argued by these associations in the recent past.<sup>10</sup>

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10 See for example: *Mumbai Grahak Panchayat v Lohia Machines Ltd.*, I (1991) CPJ (Consumer Protection Judgements) 26; *Common Cause v Delhi Electricity Supply Undertaking*, I (1991) CPJ 113; *Akhil Bharatiya Grahak Panchayat v Chairman, Life Insurance Corporation of India*, I (1991) CPJ 171; *Jagtiul Consumer Welfare Council v Sri Raveender Sharma & Others*, I (1991) CPJ 376; *Consumer Protection Council v Lohia Machines*, I (1991) CPJ 527; *Consumer Education & Research Society v Godrej Soaps Ltd.*, I (1991) CPJ 589; *Consumer Action Group v Madras Metropolitan Telecom Board*, II (1991) CPJ 48; *S. Pushpavanam v The General Manager*, II(1991) CPJ 64; *The General Manager*,

One does not find any mention of the role of the media in the field of consumer protection in this work. It may be submitted that in modern times the media has an increasingly important role to play in highlighting consumer grievances. In any case the book is useful for an average Indian household and is relevant for lawyers, too.

#### **4. LAW OF CONSUMER PROTECTION IN INDIA by D.N. Saraf, 1990, N.M. Tripathi, Bombay.**

The book is an excellent piece of original and painstaking research. Written primarily to meet the academic needs of the students of commerce, economics, management and law, the book "critically examines the basic principles of major consumer laws" (p. x) in the country. The work is divided into eight well researched chapters and answers most queries of the readers, who may be academics, consumer activists, researchers or lawyers. However, the book is also likely to be of much use to practitioners as it contains a detailed section-wise commentary on the Consumer Protection Act, 1986.

The practical experience of working with the country's largest and probably most active consumer organisation, the CERC in Ahmedabad enabled the author to develop clarity of concepts and detailed comprehension of consumer problems throughout the work.

Professor Saraf has traced the evolution of consumer law by referring to the developments in the United Kingdom and United States and ultimately in India. He clearly reveals "how the state regulation was necessitated in a big way due to the pressure of powerful consumer groups" (p. 13) and observed that both in the United Kingdom and United States the consumer movement preceded the legislative reform. He, however, considers that "the enactment of legislation, though important, is only the first step for safeguarding the interests of the community" (p. 22), since "there are limitations on the role of law as an interests of the community" (p. 22), Saraf puts heavy responsibility on the policy makers as well as social activists to bring about changes in the society. Accordingly he warns that the consumer legislation must be backed by a strong consumer movement at the grass-root level.

Saraf discusses the profile of an average Indian consumer in relation to State monopolies like airlines, railways, telecommunications, and banking and

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*Southern Railway v The Chairman Madras Provincial Consumers Association*, II (1991) CPJ 106; *Indian Photographic Co. v H. D. Shourie*, II(1991) CPJ 142; *Consumer Education & Research Society v Canara Bank & Ors.* II (1991) CPJ 148; *Akhil Bharatiya Grahak Panchayat v Gujarat Gram Gruh Nirman Board*, II (1991) CPJ 218; *L.M.L. Ltd. v Grahak Parishad, Surat*, II (1991) CPJ 269; *Consumer Education & Research Society v Skypak Couriers*, 1991 (II) CPR (Consumer Protection Report) 462; *Thiruvalluvar Transport Corp. v The Consumer Rights Protection Council, Madurai*, (1991) CPR 484; *Shri Lingraj Mohanty v M/s. Lohia Machines Ltd.*, 1991 (II) CPR 694; and *Grahak Hit Suraksha Mandal v Chairman, Gujarat Electricity Board, Baroda*, 1991 (II) CPR 699.