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Law of Consumer Protection in India

D.N Saraf

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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

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.

insurance services. He also describes the change that has come in the recent past as a result of the untiring efforts of consumer organisations, including filing of complaints against these monopolies. However, he still pleads for redefining the status, power, immunities, and methods of operation of public sector undertakings to ensure improvement in their performance.

Besides discussing the contract-based and tort-based remedies for defective consumer products, Saraf has made an in-depth study of the remedies available to consumers under the M.R.T.P. Act, 1984 and the Consumer Act, 1986. The chapter on the Consumer Protection Act (pp. 130-68) carries a section-wise commentary. Saraf frequently expresses his views on the language of the Act itself by criticising some of the provisions. There is an elaborate discussion of the case law filed by the CERC, including many cases which the author has himself argued as a representative of the CERC and other consumer organisations. At many places he expresses opinions different from those given in the judicial pronouncements. He boldly comments that certain decisions by consumer forums have "sounded the death knell of the emerging consumer jurisprudence in the country." (p. 137). The chapter is full of the author's own observations, criticisms, and even suggestions for amendment of the statute. The chapter on criminal law and consumer protection also makes good reading.

In the chapter on 'Framework of Consumer Protection' (pp. 205-35), the author attempts to suggest better mechanisms for consumer protection in India and highlights the role of the State agencies, self-regulation of business, both public and private, role of voluntary agencies, consumer education, and consumer advocacy which includes use of media, lobbying, demonstration and boycotts and public interest litigation. On the international front he has mentioned in detail the role of the IOCU and the UN Guidelines on Consumer Protection.

The author emphasises the activities and achievements of Ralph Nader in America under the two heads of consumer advocacy and lobbying (pp. 203-310). The American consumer movement owes a great deal to Nader's single man crusade against the mighty automobile industry. It must be submitted that India, too, needs dedicated activists like Nader to bring about radical changes with regard to consumer protection in the Indian society.

Saraf has brought the skill of his legal workmanship and practical experience to bear on this useful work and has been successful in putting across his views on the subject. The book will be found of much use to practitioners.

**5. CONSUMER PROTECTION LAW IN INDIA: AN ECO-LEGAL TREATISE
by R.K. Nayak, 1991, Indian Law Institute, Delhi, Price Rs.350/-**

This is also one of the recent works on the subject. The author's starting point is that consumerism is a social movement to safeguard the rights and