CHAPTER-IV

REVIEW OF RELATED LITERATURE

4.0.0 INTRODUCTION

In the word of Walter R. Brag (2002), “The literature in any field forms the foundation upon which all future work will be built”. Without knowing the past we cannot do some new work in a subject, it is very necessary that we should know the past of that subject.

According to JOHN W. BEST (2007), in his book ‘Research in Education’, “Practically all human knowledge can be found in books and literature, unlike other animals that must start a new with each generation, man built upon the accumulated and recorded knowledge of the past.”

Survey of related literature equip the investigator with adequate information regarding the field in general and the problem in particular. It provides the investigator an up to date information in the concerned field. The findings of earlier experiments encourage the new workers to embark upon useful project in education, on the basis of earlier experience, avoiding the past mistakes or defects. It will be useful to see as what has already been done concerning the problem at hand. Moreover research conducted in the respective fields have not been published owing to the lack of publishing facilities. Thus there is a scarcity of Indian literature as well researches in related field.

Survey of related literature is an essential pre-requisite to actual planning and execution of any research project. It is like surveying the area and judging the distance first and then to formulate a plan. It helps the researcher in avoiding duplication on the one hand, and in getting benefit from
similar studies on the other in respect of method adopted and devices used in the collection of data and their organization and interpretation. For all these reasons, search worker has to go through the available relevant literature before actually commencing the work of his own research.

In the words of Good, Barr and Scates “the competent physician must keep abreast of the latest discoveries in the field of medicine”. Obviously the careful students of education or investigation should become familiar with the location and use of source of educational information. Carler V. Good think “the key to the vast stock house of published literature may open doors to source of significant problems and explanatory hypothesis and provides helpful orientation for definition of the problem, back ground for selection of procedure and comparative date for interpretation of results, in order to be truly creative and original. One must read extensively and critically as a stimulus to thinking”.

The present study was taken to study the role of consumer protection laws in education and also to study the awareness about consumer protection laws among students and teachers. So in this study the decisions given by district fora, state commissions and national commission and courts are given. Similarly the studies conducted by different researchers are also given in this chapter. The review has been organized into two sections. The first section covers the studies related to decisions and second section covers the studies related to awareness to consumer protection laws.

4.1.0 STUDIES RELATED TO CONSUMER PROTECTION LAW

Barowalia studied ‘Commentary on Consumer Protection Act, 1986’ has explained each and every provision of the act in detail and incorporated
the rules framed by the central government and the state governments from
time to time. The law laid down by the Supreme Court, National Commission
and State Commissions have been incorporated at the appropriate places in the
book, and is a very comprehensive commentary on the Consumer Protection
Act.¹

Aggarwal’s studied ‘Consumer Protection Law and Practice’ on
consumer protection contains the latest judgements of the Supreme Court,
National Commission and State Commissions. The contemporary legislations
and case laws in other parts of the world, especially in the United States and
the United Kingdom, have also been referred to appropriately. This book also
contains the latest amendments to the Consumer Protection Act. While
explaining the provisions, the author has not shield away from expressing his
own view points.²

Practice’ a study of Consumer Protection Act, as a new instrument of social
justice. The basic concepts and definitions have been examined in general
terms in the context of established legal principles and also their applied
version. The book deals with different kinds of consumer goods and services
and analyses them subject wise on the basis of decisions delivered by the
National Commission and State Commissions. Some practical notes have also
been provided for guidance: how different District Forums are to be
approached for the purpose of filing complaints and appeals and for getting the
orders executed.³

¹ J.N. Barowalia, op. cit (3).
² V.K. Aggarwal, op. cit (4).

Gurbax Singh’s (1993) book ‘Law of Consumer Protection’ traces the development of consumer protection movement and the history of consumer legislations in different countries of the Western World and briefly summarises the objects of consumer laws and the importance of consumer guidance. It includes model petition of complaint and appeal, etc. for the guidance of consumers. It also provides comprehensive information on all aspects of the consumer protection and is of great assistance, value and utility to the Consumer Organizations, individual consumers as well as to the legal profession. Though this pioneer work has filled a void in the legal literature relating to consumer protection, it does not deal with the concept of consumer awareness as such. B.K. Das and S.S. Rao (1999) have authored a book on consumer protection. This book ‘A Commentary on Consumer Protection Act, 1986’ covers the relevant Central and State Consumer Protection Rules for knocking the doors of consumer redressal agencies. The book shows that the

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consumers very often suffer due to the poor, inefficient and negligent services which the public utility services are rendering.6

Sukhdev Aggarwal’s (2003) book ‘Commentary on the Consumer Protection Act, 1986’ containing comprehensive information on all topics of the Consumer Protection Act becomes helpful not only to the members for the legal profession, but also to the general public and the voluntary consumer organizations7. O.P. Garg’s book ‘The Consumer Protection Act, 1986’ deals with the subject of consumer protection in a historical retrospect and shows stage by stage the development of law relating to consumer movement in the country. The book is quite helpful to both the consumers and the producers.8

D.N. Saraf (1995) has also authored a book ‘Law of Consumer Protection in India’ on consumer protection and it deals with different kinds of consumer goods and services. This book helps in educating the consumers and producers and contains an extensive coverage of case laws from various Journals published in India.9 Gurjeet Singh’s10 (1996) book ‘The law of Consumer Protection in India: Justice within Reach’, covers all aspects of consumer protection and it is bound to be of great assistance, value and utility to consumer organisations, individual consumers as well as to the legal profession.

4.2.0 STUDIES RELATED TO AWARENESS

In addition to the commentaries on Consumer Protection Act, 1986, a few studies have been carried out on consumer awareness. One such study was

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made in the city of Baroda by Chandra and Patel. The study shows that the awareness among students about consumer protection laws was found to be generally low. However, the awareness among the second and third year students was found to be on an almost equal footing but higher than the first year students. The study also points out that even the students with legal educational background were found to be unaware of consumer rights but the legal awareness among under graduate students was far inadequate and extra efforts were needed to increase the awareness.\textsuperscript{11}

Another study was conducted by D.A.R. Subramanyam (1982) to elicit the opinion of educated consumers in Guntur district of Andhra Pradesh. It was found that a large majority of persons became aware of the terms, such as ‘consumer’, ‘consumer protection’, and consumer movement quite late and that too through newspapers and magazines. About a quarter of the respondents came to know about these terms during their casual discussions with their friends.\textsuperscript{12}

Kiran Singh (1992) conducted a study on consumer awareness in Hisar district and it was found that consumer awareness about consumer protection legislations, was lacking among both the rural and urban population. The study reveals that almost all people in rural areas and nearly 90 percent of the urban population had never heard of any consumer protection legislation.\textsuperscript{13}


Raghbir Singh, (1989) in his study conducted in the Union territory of Chandigarh, found that 51.6 percent of the consumers were fully aware of the existence of a District Forum in the city, while a good number of consumers 28.1 percent were not at all aware of it. Of these who were aware, 50 percent were found to be members of some consumer organisations. However the rest of the respondents said that although they felt the need, they did not have time to approach the District Forum. In their opinion, it was useless to become a member of consumer organisation.\textsuperscript{14}

Parkashvir (1993) has carried out a study on regulations of unfair trade practices in India. He conducted, \textit{inter alia}, a survey of consumer opinion about the effectiveness of various District Forums set up under the Act. The survey revealed that very few consumers 11.7 percent viewed them as very effective, whereas 13.8 percent of them had found the forum quite effective. Also, the number of consumers approaching the District Forums for the redressal of their grievances was found to be more than those approaching the Monopolies and Restrictive Trade Practices Commission.\textsuperscript{15} Although, the study is not directly related to the research problem under study by the researcher, yet it is useful for comparative analysis.

G. Savarkar, (1996) in his study conducted in Marathwada has found that a majority of the respondents 51.33 percent were totally ignorant of the Consumer Protection Act’s measures, 49.12 percent of the respondents were unaware of the District Forum’s set up under the Act and 54.38 percent of the respondents did not know how to file a complaint. It was also found that 36.84


percent respondents did not insist on a purchase receipt. He conducted that the main reasons, why dissatisfied consumers did not file complaints before any District Forum, were the lack of awareness about the Consumer Protection Act’s measures and the absence of the purchase document. The study is useful as literature on consumer awareness, but for the present study, it has its limitations for being limited to the consumers of Marathawada only.

G. Bhashyam, in his study has examined the working of District Forums in Andhra Pradesh and the extent of consumer awareness about the provisions of the Consumer Protection Act. The study further reveals that among the urban respondents, 82 percent were aware about the provisions of the Consumer Protection Act and the remaining 18 percent did not have any awareness about the consumer protection legislation. Among the rural consumers, 68 percent of the respondents were found to be aware about the Act and 32 percent were not. Moreover, 78 percent of the 175 urban respondents, and 77 percent of the 225 rural respondents, were found to be aware of their rights as consumers. Income wise analysis of the respondents shows that the respondents from very low income group got to know about the Consumer Protection Act from the television, people from middle income and the high income groups got the relevant information from newspapers and magazines. Among the illiterate groups, 50 percent people come to know about the Act through the radio and from neighbours and friends. For the present study, it has its limitations for being limited to Consumers of Andhra Pradesh only.


E.A. Lizzy, (1993) in his study on the efficacy of the consumer redressal agencies in Kerala, found that the literacy levels were correlated to the filing of complaints in the District Forums. The study revealed that the number of complaints received by the redressal agencies was high, where the literacy rate was high or almost equal to the state average literacy rate of 89.81 percent.18 Although, the study is confined to the redressal agencies of Kerala State, yet it is useful for our study for making a comparative analysis.

Rabi Narayan Kar (1995) has made a comparative study of the working of Delhi and Dhenkanal District Forums. He found that the rate of case disposal was tardy and the backlog of the cases was on the increase, particularly in Delhi. He suggested, interalia, wider participation of consumer associations in the forums and imparting of consumer education by the government. The study is confined to the District Forums of Delhi and Dhenkanal district.19 For the present study, it has its limitations for being limited to Delhi and Dhenkanal.

Anil Kumar Dyani, (1989) in his study found that product discontentment among consumers was quite high; that only five out of ten dissatisfied consumers filed complaints and out of these only three were provided any relief. Where virtually no relief was provided, the consumer did not pursue the complaint any further and none at all went to the courts. Dhyani’s study also revealed that consumer awareness regarding consumer protection laws was disappointingly low. The study is confined to the two

North Western Urban towns of Uttar Pradesh.\textsuperscript{20} For the present study, it has its limitations.

Sunita Zalpuri Kaul, (2000) in her study focused on the contribution of these consumer courts to the development of consumer law. The output in terms of redressal decisions delivered by the authorities under the act has far exceeded the expectations.\textsuperscript{21}

Dinesh Lal Bajracharya, (1998) in his study observed that Consumers in India were more organized than in Nepal and hence the number of consumer organisations here was much larger. Moreover, Nepalese Consumers were not aware enough to get united for class action. His study also revealed that the factors discouraging consumers from remedial action were mainly of a legal nature and pertaining to consumer’s self-constraining behaviour. Prominent among these were consumer’s indifferent attitude 74 percent, lack of faith in legislative measures 73.6 percent, avoiding involvement in disputes 72.8 percent, lack of time 68 percent and consumer lethargy 56.6 percent.\textsuperscript{22}

The study although not directly related to the problem probed by the researcher, yet it is useful otherwise.

In her study, Sharmila Thakur (1992) observed that executives recognized business failings in the area of advertisements, complaint processing and pricing, but felt that government intervention was necessary in

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\item \textsuperscript{22} Dinesh Lal Bajracharya, Regulations of unfair advertising practices in India and Nepal, unpublished Ph.D. Thesis, Department of Commerce, Delhi University, Delhi 1998.
\end{itemize}
order to protect consumers. Students seemed to be more concerned about consumer problems like inadequate product, information and adulteration besides complaint redressal; however, they were not favourably inclined towards the idea of government regulation in business. Instead, they seemed to prefer self-regulation, thus upholding the marketing concept.\textsuperscript{23} The study is not directly related to the problem of the researcher.

Gurjeet Singh, (1995) in his study suggested that the significance of social litigation vis-à-vis consumer protection has to be visualized, appreciated and encouraged. Only then the dream of consumer protection will become a reality for the ordinary Indian consumer.\textsuperscript{24}

Deepa Sharma’s (2005) study has analysed the mechanism of grievance redressal of consumers as provided under the Consumer Protection Act in providing relief to the consumers against defective goods, deficient services, unfair trade practices, restrictive trade practices and overcharging,\textsuperscript{25} etc.

Narinder Kumar and Neena Batra (1990) have conducted a survey on consumer rights – awareness and actions in small cities. The study indicates that consumers are well aware of their rights, but only a few consumers exercise them. This is not because consumers are lethargic or inactive or impotent, but the real cause for not availing their rights is the unsatisfactory response of their voice.\textsuperscript{26}


\textsuperscript{25} Deepa Sharma, op. cit(1).

Besides several commentaries and studies on consumer protection, some articles have been carried out on consumer awareness.

G.N. Sahu (1981) in his article explains that consumerism concerns the entire society as everybody is a consumer of some kind or the other of goods/services. According to him, the problems of consumers in India are: over charge, under weight, adulteration, imitation, defective packing and bad services by fraudulent, deceptive, unethical and unscrupulous businessmen. The problems are accentuated by the illiteracy, ignorance and lack of awareness of the majority of Indian consumers about their rights. Consumers can be relieved of this menacing problem, if both the government and general public join hands with all sincerity.27

Neelam Singh’s (2001) article deals with the consumer protection in the developing and developed countries. In the developed countries the role of media is widespread and extremely effective and potent tool of consumer protection through consumer education. On the contrary, the developing countries, where a large chunk of consumers belong to low income bracket are facing the problems of non availability of essential commodities and price escalation and hence need egalitarian consumerism to overcome the consumer grievances.28

Gurjeet Singh (1996) in his article stresses that Media can play a vital role in moulding public opinion and so it can be used as a potent tool for consumer education.29 In another article K. Srinivasan explains consumerism

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in India and according to him, every consumer in his own interest has to realise his role and importance in the right perspective. In a competitive economic environment, the consumer has to exercise his choice either in favour or against the goods and services.  

Jag Parvesh Chandra (1993) highlights that consumer in reality is not the ‘King’ because he is mostly at the mercy of market forces and advertising hype.  

H.K. Awasthi’s (1999) article describes the complete procedure of the Consumer Protection Act and he stresses that consumer guidance is vital for the protection of the consumers. The Consumer Protection Act is a milestone in the history of socio-economic legislations in India.  

S. Mustafa Alam Naqvi (2000) in his article explains consumerism and the role of the judiciary in protecting the interest of the consumers.  

Balkrishna V. Eradi’s (1991) article deals with consumer protection in India. He makes suggestions for making people aware of their rights as consumers.  

Subir K. Bhatnagar (1999) in his article explains the problems of the consumers and highlights the consumer protection strategies.  

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30 K. Srinivasan, “Consumerism in India in the next millennium”, *Upabhokta Jagaran*, vol. 9, (No. 3), September 1999, pp. 9-11.  
33 S. Mustafa Alam Naqvi op. cit (2), p. 53-64.  
Robert N. Mayer (2000) in his article traces the history of consumerism in the world and compares the American consumerism with the consumerism in other countries and their inter-relations.36

P. Venkatesan (1998) in his article holds that an alert consumer is a protected consumer and it is the need of the hour. He makes an attempt to explain the whole procedure of the Consumer Protection Act.37

H.K. Mudgil (2000) in his article narrates the socio-economic movement and makes suggestions for the fruition of consumer movement in India, especially Haryana, where it is in a nascent stage.38

Renu Arora’s (1998) article traces that consumer movement is like a triangle where the coordinated activities of the voluntary organisation, the government and business create the triangle of the consumer movement, in which the voluntary organisations play the key role.39

Pushpa Girimaji’s (1999) article deals with the complicated issues on food safety vis-à-vis new technologies like genetically modified food and irradiated food. Consumer protection is more complex than before.40

P.K. Ghosh (2000) in his article traces the consumer rights of the consumer and he stresses that consumer education is a powerful tool that can take consumers from the current disadvantageous position in the market place to one of strength.41

Pratima P. Mathew’s (2000) article highlights that market has emerged as a big force controlling life style and thought process of people of all age groups, irrespective of their socio-economic background. No one seems to have escaped from the clutches of commercialization.\(^\text{42}\)

Vijendra B. Khamesra’s (1980) article deals with consumer protection in India and stresses that the Indian Consumer needs to be educated about his rights, as has been done in the U.S.A. Consumer protection is possible in India, but effective enforcement by legislation and a sustained drive to educate the people are necessary.\(^\text{43}\)

A.K. Saxena (1978) in his article analyses and comparing the Indian and Western Consumerism concludes that major causes for consumerism in India are: soaring prices, poor and sub standard products and service performance, inadequate production, gross adulteration, arbitrary weight and measures, deceptive advertising and publicity campaign.\(^\text{44}\)

P.D. Bhajantari (1998) in his article explains that consumer protection is nothing but to provide safeguard against the basic rights of consumers. He suggests for consumer protection, a four pronged strategy to be adopted. He stresses that government is ambivalent due to its confused role as a protector of democracy and vote catcher.\(^\text{45}\)

D.A.R. Subramanyam and M.S. Narayan (1990) make an effort in their article to identify the efforts and loopholes in the administrative machinery,

weaknesses of co-operatives and appraise the efforts of some of the voluntary organisations and suggest ways and means to strengthen them.\textsuperscript{46}

H.C. Chaudhry (1982) in his article offers a penetrating insight into the issues involved in the consumer protection movement. He explains that the government, business and society shall find it useful in enlightening themselves of the emerging forces emanating from the buying side of business and understanding the social, political, economic and psychological aspects of Indian consumer movement.\textsuperscript{47}

Suryanarain T. Sastry’s (1992) article deals with the role of voluntary organisations in creating consumer awareness. An individual consumer always remains in weak position in market against the organized seller. The voluntary consumer organisations play a vital role in educating the consumers by providing them timely and adequate information about various goods and services. They act as liaison with the government as well as with the manufacturers.\textsuperscript{48}

Harish S. Oza (1987) in his article reveals that the philosophy of marketing is based on consumer and consumer is not only the heart of marketing, but also the controller of marketing functions. However, the idea of consumer supremacy and consumer sovereignty is definitely fallacious in free market economy. He emphasizes that in reality consumer may be ‘king’ of corporate activities, but his ‘kingdom’ remains on paper only.\textsuperscript{49}

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\item \textsuperscript{46} D.A.R. SUbramanyam and M.S. Narayana, “Consumer from Dormancy to Dominancy,” \textit{Indian Journal of Marketing} vol. XX, (No. 5), January 1990, pp. 17-20.
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It is clear from the review of literature that consumer protection is an upcoming area for research, but it has not received adequate academic attention presently. No serious attempt has been made to examine consumer awareness, working of District Forums and the behaviour of the consumers in Haryana. This is a field where no significant study has been made so far and there exists a gap in the body of literature. The present study is a modest attempt to fill this gap in the literature and add to the knowledge.