CHAPTER - II

REVIEW OF LITERATURE

Studies on consumerism, consumer movement are infant stage in India as against developed nations.

Kotlar (1972)*1 defined consumerism "as a social movement designed to augment rights and powers of buyers in relation to sellers". He noted that six major factors contribute to the rise of consumerism in a national setting, structural conduciveness, structural strains, growth of generalized belief, precipitant factors, mobilization for action and social control.

William Stanton (1972)*2 defines consumerism as the actions of the individuals and organizations (consumer, Government and business) responding to consumer dissatisfactions in exchange relationships. It is both (1) a protest against perceived injustice and (2) efforts to remedy those injustices.

Barksdal and Darden (1972)*3 made across sectional study and found that consumers should high level of business and discontent over marketing practices.

Pat Tucker (1976)*4 reviewed the consumer reports published from U.S.A. He claims that consumer report does not carry absolute certain even though consumer reports are believed to be buyers' bible in U.S.

*3 - Barksdal and Darden (1972) Consumer Attitude towards Marketing and Consumerism-P.g.No-315
Barksdal and Perreault (1980)*5 conducted a study and found that there was little change in the attitude about consumer responsibility and consumers were continued to be unimpressed with truthfulness of advertisement.

Ragudu (1983)*6 analyses the consumer movement in India by giving the historical perspective. In his opinion consumer co-operative organization at various levels will solve the consumer problem.

Rama Rao (1984)*7 analysis consumer protection as a myth or reality and conclude that united and organized stand by all consumer councils alone can ensure people goods or service worthy of price.

Chaudhary (1984)*8 express that a definition of consumerism is rooted in the logic of human nature and behavior.

Pushpa Maheswari and Rajendra Maheswari (1984)*9 identified some issues of consumerism in India, and conclude a long and vivid exploitation all over the world force the consumers to organize and fight for their rights.

Pradeep Kumar Jain (1984)*10 studied the consumer protection in India is relation to under informed Indian buyer. He concludes that Indian consumers suffer in the form of ignorance about fraud, excessive price, high credit charges, product risk quality etc.

*5 - Barksdal & Perreault (Nov 1980) Consumer Responsibility; Indian Journal of Marketing; Pg.No.15-16
*6 - Ragudu (April 1983); Consumer Movement in India; Indian Journal of Marketing; Pg.No.20
*7 - Rama Rao( Sep 1984); Consumer Protection-Myth and Reality; Indian Journal of Marketing; Pg.No.21
*8 - Chaudhary (Aug 1984); Consumerism; Indian Journal of Marketing; Pg.No.13
*9 - Pushpa Maheswari and Rajendra Maheswari (Jan 1984); Issues of Consumerism in India; Indian Journal of Marketing; Pg.No.22-23
*10 - Pradeep Kumar Jain (Sep 1984); Consumer Protection in India; Indian Journal of Marketing; Pg.No.15
Jagit Singh (1985)*11 deals with consumer awareness and role of Voluntary Organizations. According to him Government can help voluntary consumer organizations financially and seek their cooperation in checking exploitation.

Gopal. R. Bhatt (1985)*12 traces the history of consumer protection movement in India. In 200 BC India imposed punishment on adulteration of grains and oil, so goes the history of consumer movement in India.

Thanu (1986)*13 also throws light on the historical background of consumerism in India. He also advocates voluntary association to play vital role in protecting consumer's interest.

Barker (1987)*14 studied the attitude and perception of consumers towards consumerism and related issues and found that product quality, deceptive advertising, and high prices were the main areas of concerned for the most.

Rajendra Kumar Nayak(1987)*15 in his study on “Consumer Protection Act, 1986: Law and Policy in India” points out that Act is a landmark in the history of the consumer protection movement in India. It concerns mainly the regulation of consumer disputes and creates specific redress agencies at district, state, and Union level. It also contains general provisions for consumer rights and for the organization of the consumer interests.

*11 - Jagit Singh (Jan 1985); Consumer Awareness and Role of Voluntary Organizations; Indian Journal of Marketing; Pg.No.16
*12 - Gopal. R. Bhatt (Nov1985); Consumer Movement in India; Indian Journal of Marketing; Pg.No.17
*13 - Thanu (Jun 1986); Historical Background of Consumerism in India; Indian Journal of Marketing; Pg.No.20-22
*14 - Barker (Feb 1987); Attitude and Perception of Consumers towards Consumerism; Indian Journal of Marketing; Pg.No.28
*15 - Rajendra Kumar Nayak (4th Dec 1987);Current Developments in Consumer Law; Journal of Consumer Policy; Pg.No.417-423
Thanulingam and Kochadi (1989)*16 evaluate consumer awareness in Madurai City, the study highlights the aspects of awareness towards consumer movements also awareness towards consumer food products, drugs, cosmetics, banking service etc.

Sivaram Reddy (1990)*17 analysed Government Policies and consumer interest with reference to food materials, milk products and concludes that Government harms consumer's interest not accidentally but knowingly through disputable policies and decisions.

Narendra Kumar and Neena Bathra (1990)*18 studied consumer rights- awareness and actions, the study shows that consumers are aware of their rights but a very few consumers are exercising them. This is not because the consumers are lethargic but because to the unsatisfactory response to their Voice.

Consumer protection in India by Dr.D.R.Saxena (1990)*19 has pointed out that Because of large population India it has the large number of consumers, therefore, in the large interests of the consumers, or the society as a whole, it is necessary to enact an appropriate law in the light of the development and experience of other countries., While drafting the law for the said purpose, principle or idea behind the institution should in mind. He should have all powers & perform all functions duties of to get judgment for a common man.

*16 - Thanulingam and Kochadi (Dec 1989);Consumer Awareness in Madurai city; Indian Journal of Marketing; Pg.No.21
*17 - Sivaram Reddy (Jun 1990)Government Policies and Consumer Interest; Indian Journal of Marketing; Pg.No.30
*18 - Narendra Kumar and Neena Bathra (Nov1990);Consumer Awareness and Actions; Indian Journal of Marketing;Pg.No-12
*19 - Dr.R.Saxena (1990) - Consumer Protection in India- Central India law quarterly
The consumer movement in India for health by Girimaji P during October 1993*20 has come out with thought that passage of the Consumer Protection Act in India in 1986 would encourage consumers to stand up for their rights and lead to an overwhelming number of disputes in consumer courts. Existence of the act has stimulated the creation of many consumer organizations across the country. The number has such organizations has more the doubled in the last few years so that there are now 600-800 organizations in the voluntary sector. The movement has not blossomed because not all of the organizations are active enough to make an impact, there has hardly been any unified action which would demonstrate their strength, and there has been no active consumer participation in the movements. Consumers claim that the lack of consumer education makes them passive and apathetic, and blame consumer organizations. The majority of consumers in the country are even unaware of the existence of consumer courts to which they make take their grievances. The author acknowledges criticism that the Indian consumer movement is elitist and considers the need to focus upon rural consumers.

"A Modern model of consumption for a sustainable society" by Ursula Hansen & Ulf Schrader*21 on 1997 in Journal of consumer policy has said "The importance of consumption in modern societies is constantly growing. To guide consumer oriented policy, a model of consumption is needed which reflects consumers increased significance. The model of consumption prevailing in the theory of market economies as well as in consumer policy was traditionally based upon the notion of Consumers sovereignty. This model served both as a description and as the ethical foundation of the market economy. In the first part of this paper, the authors show the need for a new model of consumption by making clear the descriptive and normative shortcomings of consumer sovereignty. The second part presents the idea, the ethical foundation, and the contents of the new model of "sustainable consumption." This model is proposed to serve as a guideline for both responsible consumers and consumer policymakers and for all institutions concerned with the creation of a sustainable development.

*20 - Girimaji.P (1993 Oct; 1(5); Consumer Movement in India; Health for Millions; Pg.No-18-20
According to Consumer protection Regime of India by Pradeep S Mehta, CUTS, 1998*22 has brought out that every consumer in own interest has to realise the role and importance in the right perspective. In a competitive economic environment, the consumer has to exercise the choice either in favour of or against the goods and services. The choice is going to be vital. S/he should realise the importance and prepare to exercise her/his rights with responsibility. After the entire dictum in democracy is, the citizens get a government they deserve. Similarly, the consumers in society get a position in the market depending upon what they do or do not do. It is agreed that 'consumer empowerment and protection' in India has a long way to go.

In “A new era in consumerism “by K. Srinivasan by the year 1999*23 for consumer suggests that In the next millennium, every consumer in his own interest has to realise his role and importance in the right perspective. Each citizen in a democracy derives his power at the time of elections and exercises it through the ballot. In a competitive economic environment the consumer has to exercise his choice either in favour of or against the goods and services. His choice is going to be vital and final. He should realise his importance and prepare himself to exercise his rights with responsibility

In “Economic Concerns and Consumer Protection”*24 a paper that was presented in Delhi productivity seminar by the year 1999 by then central vigilance director Mr.N.Vittal has specified that Consumer Protection Courts have been headed by Judges and there have also been consumer activists. By and large the Consumer Protection Courts seem to extending their jurisdiction and cover not only manufacturing but also services like insurance, banking, transport, rail, road, air, water, telecom, legal, medical, water & electricity supply, construction etc. This is a healthy trend. What is needed is speedy disposal and effective implementation of the decisions of the Consumer Protection Courts.

*22 - Metha.S.Pradeep (1998); How to survive as Customer; CUTS
*24- N Vittal Central Vigilance Commissioner (23.10.99); Economic concern and consumer Protection- the Delhi Productivity Seminar, New Delhi
Mr. Srinivasa Narayanaswami*25 for “The Hindu” in his study about “Milestones of consumer movement” by the year 1999 has pointed that the Eighties witnessed an upsurge in the number of consumer groups coming up across the country and a disturbing factor with a good number of consumers groups is gross inadequacy of financial resources. A milestone during the early Nineties was the development of synergy by and among the VCOs by the formation of State level and nation level federations. It began with Tamil Nadu in 1990 and was followed by States like Gujarat, Orissa, Andhra Pradesh and West Bengal. FEDCOT (Federation of Consumer Organisations - Tamil Nadu and Pondicherry) is noteworthy among the State Level Federations of VCOs.

In “Regulatory responsibilities for consumer protection” by Vinod Shrivastava and Marika Robertson*26, CORE International, Inc has come out consumer protection policy with a minimum, consumer protection procedures and rules should foster the following goals common to regulatory best practices:

- Public access to the regulatory body and its processes
- Public education
- Public perception of fairness
- Fairness in fact
- Balancing the powers of various parties
- Efficient utilization of the regulatory entity’s commission resources
- Timely resolution of complaints

*25 - Narayanaswami Srinivasa(31st oct 1999): Mile Stones of Consumer Movement; The Hindu
*26 - Vinod Shrivastava and Marika Robertson (Feb 2000); Regulatory Responsibilities for Consumer Protection; www.coreintl.com
Creating customers written by K.Ramesh*27 by 2001 has specified that "consumer protection" is a truncated view. Common-sense dictates that if enough opportunities are created for people to increase their earning capacity, security levels and standard of living, it will result in consumerism. Thus, the Government has a greater responsibility in creating more consumers, instead of leaving it to mega companies, who will survive on the spending habits of the existing consumers. Till then, 'consumer protection' would only mean protecting the consumer from becoming extinct!"

D.P.S .Verma*28( march 2002) of Delhi university has surveyed the major developments of consumer protection measures of India and has presented the result as after implementing the protection Act in India by 1986 we cannot deny that significant developments has happened in getting justice. He has also said that we have to definitely accept that speedy actions are taken up for consumer complaints in recent days.

Consumer Affairs prepared by S. Bandopadhyay*29 has pointed out in the year 2002 that many sections of the population, particularly the poorer and weaker sections, are not aware of the measures taken by the Government for their benefit and are, therefore, unable to assert their rights. Therefore, the Department of Consumer Affairs has taken several measures addressing the concerns of food security of the poor and for promoting consumer rights.

*27 - K.Ramesh (10th May 2001); Creating Customers; Business Line.
*29 - Bandopadhyay.S (6th Aug 2002); In the Services of Consumer; Press Information Bureau-Government of India
In “Consumer Protection in a Developing Market” by Mr. R. Muralidharan*30 by the year September 2003 has found out that while the institution of contract dates back several thousand years, consumer protection as a movement is relatively of recent origin. Under classical British Common Law, goods transactions are governed by the Sale of Goods Act with inbuilt protection for the consumer. The consumer movement in the US is the object of envy of consumers in other countries, thanks to three aspects — the courts do not recognise a monetary ceiling on product liability, the contingency fee system which enables the lawyer to charge the litigant only if the litigant wins the case, and the award of penal or exemplary damages. The Consumer Protection Act (CPA) 1986 has changed things for the better for the Indian consumer and the recent Delhi High Court pronouncement in the Uphaar Tragedy case is an encouraging milestone in consumer protection. The consumer is reasonably protected against the unreasonable terms and conditions under the standard form contract. Moreover, today no company wants to be seen as an entity responsible for unjust business practices. But many times the consumer chooses to suffer injustice and exploitation in silence. The need of the hour is a well-informed consumer and consumer movements willing to espouse causes aggressively.

In the research about Consumer Protection: International Scenario by S. S. Singh, Sapna Chadah (IIPA)*31 by the year 2003 has stressed the following areas to be improved.

- Physical safety,
- Protection and Promotion of the consumer economic interest;
- Standards for the safety and quality of consumer goods and services;
- Distribution facilities for consumer goods and services;
- Measures enabling consumers to obtain redress;
- Measures relating to specific areas (food, water and Pharmaceuticals) and
- Consumer education and information programme

*30 - R. Muralidharan (sept 2003); Consumer protection in developing market; Management review
*31 - SS. Singh & Sapna Chanda(2003); Consumer Protection in India- Some Reflections; Indian Institute of Public Administration New Delhi.
J.Kistwarya, A.Sharma, N.Vyas and S.Sharma*32 in their study about consumer awareness regarding legislation organizations and consumer protection laws in 2004 has concluded that the awareness of legislation and protection for males is through printed media while for females is through friends and neighbours. Out of all consumer protection Act, most of the male and female respondents know about weight measurement Act but awareness towards household appliances Act is less. More percentage of male know about consumer organization and courts and females have less awareness towards that, the main reason that can be quoted for less awareness at national level is education.

Ms Soumi Home Roy *33 by then research assistant by 2004 in her study on “Is It Really Safe?” She said that although India is quite rich in laws it sadly lacks in their implementation. She pointed out the role of the study in making the consumers aware about the present scenario in India and their safety related rights so that they could push for improved legislation, standards and their implementation.

Consumer Protection Jurisprudence, by Justice V Balakrishna Eradi in 2004*34, is a title dealing with rights of the consumer and the mechanism available to safeguard consumer interest. The legitimate needs which this writing intends to meet are the promotion and protection of the socio-economic interests of consumers, availability of effective consumer redressal forums, the safety, security and well-being of consumers and consumer awareness.

Mr. Abhishek*35 in his work on “Sustaining the New Age Urban Indian’s Identity” in 2005 has stated that Consumerism has a positive effect because it creates a venue for individuals to craft new identities and adopt values that are more relevant to them.

*33- Soumi Home Roy (January 2004); Is It Really Safe? ; Consumer Unity & Trust Society
*34- Justice V Balakrishna Eradi(2004); Consumer Protection Jurisprudence; Law Book mart; Pg .No.36-39
*35- Abhishek Vinod Deshmukh (16th may 2008); The phenomenon of Consumerism;www.legal service India.com.
In a work about “Applicability of Consumer Protection Act to Banking Sector” studied on Feb 2005 by Subash Agarwal *36 states “Analysis of the various judgments of the Consumer Courts reveal that they have not only been awarding the value of the goods or services for the defect and deficiency in service but also the compensation for the mental agony and harassment

In “New face of youth consumerism” by Ms. Aarti Joshi *37 by the year September 2005 has said that media is playing an exclusive role to bring awareness about any thing that happens about any product in any nook and corner of the world. So without law itself people would start ignoring a product when there is a negative mark in the media.

Dr Gomathi Viswanathan*38 in her work on consumer protection in India by the year April 2006 has stated that consumers are a vulnerable lot for exploitation, more so in a developing country with the prevalence of mass poverty and illiteracy. India too is no exception to it. Instances like overcharging, black marketing, adulteration, profiteering, lack of proper services in trains, telecommunication, water supply, airlines, etc are not uncommon here. From time to time, the government has attempted to safeguard consumer's interests through legislations and the CPA 1986 is considered as the most progressive statute for consumer protection. Procedural simplicity and speedy and inexpensive redressal of consumer grievances as contained in the CPA are really unique and have few parallels in the world. Implementation of the Act reveals that interests of consumers are better protected than ever before. However, consumer awareness through consumer education and actions by the government, consumer activists, and associations are needed the most to make consumer protection movement a success in the country.

*36- Subash Agarwal (Feb-2005); Applicability of consumer protection Act to Banking sector- -The Chartered Accountant;Pg.No.12- 14

*37-Joshi; Arthi (Sep 2005); New face of Youth consumerism; Shri Leuva Patel Trust Sanchalit MBA Mahila College Amreli (Gujarat).

*38- Dr Gomathi Viswanathan (2006);consumer protection in India;Pg.No. 76- 88
Johanna Gibson*39 in his study about “Consumer Protection” and “Consumer Strategies and the European Market in Genetically Modified Foods” points that presence of consumer organizations and increasing the number of organizations will not help to improve the protection by the year 2006 for Northwestern Journal of Technology and Intellectual Property.

Mr Agarwal and Ms Meenu *40 in their Consumer Behaviour and Consumer Protection in India by the year 2006 has concluded that a separate Department of Consumer Affairs which is created by the Central and State Governments to exclusively focus on ensuring the rights of consumers as protection.

Gurjeet Singh *41 in his study “Business Self-Regulation and Consumer Protection in India: Critique” by 2006 has examined the “Codes of Ethics” announced by business community in India. He has also endeavoured to cite a few recent cases argued before the Consumer Forums, particularly by the consumers' associations, where instead of resorting to protracted legal battles, industry has reconciled itself to consumers' demands. Thus the theme of the paper is to show how the 1986 Act has propelled the corporate sector to resort to self-regulation and to critically examine this new development. The author concludes by arguing that in order to achieve the much-cherished goal of social change in India, much still remains to be accomplished and that there is a need for a co-ordinate approach to solve the problem of consumer protection.

*39 - Johanna Gibson (Feb 2006) ;Consumer Strategies and the European Market in Genetically Modified Foods ; Northwestern Journal of Technology and intellectual property
*41 - Gurjeeth singh(Oct 1993); Business self regulation and Consumer Protection; Journal of consumer Policy;Pg.No.13-16
T. Udhaychandran *42 by then collector of Madurai during the year July 2006 has pointed out that "Most of the consumer awareness activities are centered around urban areas. They should spread to rural areas also," at capacity building programme organised by Federation of Consumer Organisations - Tamil Nadu and Pondicherry (FEDCOT).

Consumer protection in India by D. Himachalam *43 by 2006 has come out with Consumer sovereignty in the Indian market milieu is virtually a myth. The Indian consumer is only nominally a king, and in reality a person of no consequence. The root causes the average Indian consumer's plight are many: the generally low standard of living, widespread illiteracy, ignorance of the legitimate rights of consumers, lack of sufficient knowledge of the market milieu, and a persistent and negative tendency to resign him self to the exploitation in sheer helplessness.

Mr. Mansi Aggarwal *44 in his writings about “What Do You Need to Know about Consumer Awareness” has specified certain findings as the first and the foremost step for a consumer to prevent himself from cheating is to keep his eyes and ears open. Know or be aware of what is happening around you. Read the cases of various scams, thefts, burglaries, phasing scams etc. in that are highlighted in your local newspaper and also seen on television. This will keep you informed and conscious of what is going on and what can unfortunately even happen with you.

*42 - T. Udhaychandran(July 2006)Capacity Building;FEDCOT
*43 - D. Himachalam. Ambala Cantt(2006) Consumer Protection in India;Associated Publications;Pg.No-28-33
*44 - Mansi Aggarwal (14th oct 2005); What Do You Need to Know About Consumer Awareness; www.ezinearticles.com
In “Consumer Protection Act and the Medical Profession” by N. Satyanarayana, G. Vijaya Kumar*45 by the year 2006 has worked out a SWOT analysis which points the following

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<tr>
<th>Strengths</th>
<th>Weaknesses</th>
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<tr>
<td>Valued as noble profession</td>
<td>Highly technical orientation of the Medical field</td>
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<td>Professional pride that doctors have</td>
<td>Declining credibility of medical Profession.</td>
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<td>Giant strides in the medical profession</td>
<td>Highly prevalent professional jealousy.</td>
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<td>Significant proportion of doctors</td>
<td>Lack of objectivity and empirical Nature of several regimens</td>
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<td>Government commitment to protect the Rights of the Consumers.</td>
<td>Growing commercialisation of medical profession.</td>
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<td>Strong consumer movement in the country</td>
<td>Inept medical record keeping</td>
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<td>Influence of international consumer Movement</td>
<td>Lack of sufficient staff in the consumer Forums.</td>
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<td>The Hippocratic Oath that doctors Take at the time of Graduation.</td>
<td>Attitude of lawyers in frequently asking for adjournments.</td>
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<td>Vigilant press.</td>
<td>Huge back log in clearing medical cases in consumer forums.</td>
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<tr>
<th>Opportunities</th>
<th>Threats</th>
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<td>Growing patient consciousness for quality care.</td>
<td>Low level of awareness Among patient.</td>
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<td>Successful application of the CPA to other services/goods.</td>
<td>Illiteracy and low socio-economic Status of patients.</td>
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<td>Possibility of introducing medical audit has made.</td>
<td>Exaggerated claims encouraged by mercenary type lawyers.</td>
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<td>Possibility of strengthening of MCI Agreeing to the application of CPA</td>
<td>Tendency of insurance companies to opt for out of court settlements.</td>
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<td>Realisation of need for regular CME programmes.</td>
<td>Strong opposition extended by the IMA.</td>
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<td>Proven instances of medical negligence.</td>
<td>Growing urge to practice defensive medicine.</td>
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Consumer Protection And Right To Information By Praveen Dalal*46 who is advocate, Arbitrator and Consultant, Supreme Court of India has rightly pointed out that the protection of consumers is not only a responsibility of the State but also a mandate against commercial and business entities. A satisfied consumer base is essential for the successful existence of commercial enterprises. At the same time consumer matters must be taken care of by the use of Information and Communication Technology in India.

By September 2007 Mr. Aastha Khurana*47 has specified that regarding in consumer awareness as “There are no legal formalities for filing the complaint. Suppose, you find yourself cheated by trader or a manufacturer and wish to make a complaint to consumer court, you can write the details on a plain paper. Attach the supporting documents, that is, guarantee or warrantee card and cash memo with the complaint and submit it in the district consumer court. You do not have to go to any lawyer or professional for legal assistance. You yourself can plead the case in the consumer court. Since, the enactment of the Consumer Protection Act and even before that, newspapers and magazines have been responding to the needs of consumers. Apart from publishing articles, columns etc newspapers have also tried to come to the rescue of harassed consumers and it is very easy to approach the consumer courts”. He has said that most of the consumers fear that there will be lot of formalities and that is the reason people are hesitating to approach when they are deceived.

Mr.Payal Jain*48 in his “society and culture” by the year 2007 has stressed that every consumer in own interest has to realise the role and importance in the right perspective. In a competitive economic environment, the consumer has to exercise the choice either in favour of or against the goods and services.

*46-Praveen Dalal(march 2007);Consumer protection and right to information;www.cic.gov.in
*47-Aastha Khurana(September 2007); Consumer Awareness;www.theviewnewspaper.net
*48- Payal Jain (Dec 29-2007) Consumer Protection; Society and Culture Magazine-Pg.No.20-24
In 60-year-old India, consumer freedom has just entered 20’s by Smita Aggarwal\(^{*49}\) by 2007 has stressed that rural consumer protection is still in infant stage compared with metros and cosmopolitans and it should be remembered that Indian population’s majority lives in rural.

In a study about “Consumer welfare and development” by Bhanoji Rao\(^{*50}\) in the year September 2007 has pointed out that “Despite all the noise about the retail revolution, it is impossible to get the same brand of product in different places and at various retail outlets. One must be lucky to get what one wants. The shop, and not the shopper, decides on what is available in the store and, hence, what one has to consume”.

In a post about consumer protection and awareness by Mr. Mahesh\(^{*51}\) on July 2007 has overcome his anger against banking sectors by stating “New Generation Private Sector Banks that specialize in looting with the latest techno-social weapons. A large private sector bank with extremely cold blooded employees works tirelessly to make your bank balance vanish into thin air. We should be grateful that they don’t charge interest on our deposits. That is their level of honesty. Bank executives chase poor people with home and vehicle loans. Once you are trapped, the overworked executives take a break and hand the baton over to gundas who are looking to diversify their careers.”

Consumer Protection Through Legislation: An Appraisal Of The Consumer Protection Act 1986 by Biswajit Chatterjee\(^{*52}\)(2007) has come out with suggestions for the womb to the tomb we are influenced by business world where each of its participants promises to give or deliver something or promises to sell or render quality services, but fails in reality. Self-regulation as well as social responsibility is the need of the hour.

\(^{*49}\) Smita Aggarwal(16thAug2007) In 60-year-old-Consumer Freedom; Indian Express
\(^{*50}\) Bhanoji Rao (September 18th 2007); Consumer Welfare and Development are Inseparable; Business Line
\(^{*51}\) Mahesh (July 2007); Consumer Protection and Awareness; www.pagalguy.com
The Phenomenon of Consumerism by Mr. Abhishek Vinod Deshmukh*53 of Hidayatullah National Law University, Raipur by May 2008 has stressed that the more guidelines are required because there are always two sides of a coin, each instance of Consumer affairs could be easily termed as another ‘Consumer mistreatment’. By the time market forces have time to operate, far too many consumers are dead, maimed, or impoverished. Within a nation-state, national laws may prevent some of this harm, but once national boundaries are crossed, their effectiveness is limited, and consumers can hope for very limited protection. If online trade proliferates and consumer fraud becomes a major problem, nation-states and commercial interests that provide online access are fairly restricted in the action they may take to curb unacceptable and deleterious practices. Certainly if consumers perceive online commerce as a hazardous place to make purchases, they will not choose this alternative, and a major opportunity for electronic commerce may be forfeited. Consequently, there is strong motivation for reputable business to observe high commercial standards of behaviour.

Consumers have the social responsibility of exposing the manufacture/supplier or the service provider for resorting to illegal trade practices. Unethical noting like ‘Goods once sold will never be taken back’ are in sharp contrast to the practice in some of the developed countries, where the sellers declare, ‘In case you are not fully satisfied with our product, you can bring the same to us within a month for either replacement or return of your money.’ This is the result of consumer consciousness. The consumer movements can be winner movements only with our active involvement by knowing our rights and enforcing them. It requires a voluntary effort involving the participation of one and all. It is necessary that consumers take action with solidarity to get a fair deal and timely redressal. An alert consumer is a safe consumer says Neeraja Rashmi*54 in her study about consumer awareness by August 2008.

*54 - Neeraja Rashmi (August -2008); Study about Consumer Awareness.
Changing Doctor-patient relationship with special reference to the consumer protection Act by Mr. Shalu Nigam and Prof Anjalai Gandhi \(^{55}\) has brought out that the respondents believe that the Consumer Protection Act is making a profound impact on the doctor-patient relationship. It is making both positive and negative implications on cost and quality of care. One of the implications of the Act is that it is warning the doctors regarding their accountability and is also awakening patients regarding their rights and responsibilities. Thus, the concept of consumerism has strengthened since the medical services were brought under the ambit of the Act.

Awareness about consumer rights by Ms. Chitra.C.S \(^{56}\) during October 2008 has come out in her study that knowledge about the basic rights of the consumers has not fully reached the consumers and also existence of consumer forums hasn’t got in to the minds of the common people lot. So it is the time even after 20 years of bringing the Act a strong awareness campaign is must from educated to not educated.

In a study by Mr. A. Rajendra Prasad \(^{57}\) on “Caveat emptor and consumer protection law” says the fruits of law are meant for vigilant and out for negligent. The principle of caveat emptor envisages that a man must use his own judgment or skill in entering into a contract or at least he must take care that the terms of contract secure to him what he wants. But the Consumer Protection Act extends its benefits even to a ‘negligent’ consumer who has not complied with the provisions of Sec. 16 of the Sale of Goods Act, 1930 and thereby, impedes the well recognized tenets of Contract Law. The Consumer Protection Act is ridiculous to undermine the philosophy of caveat emptor, which warns the buyer to be more cautious, by granting abundant relief's to the aggrieved buyer or consumer. Now, it is the task of judges to see to what extent they can admit the seller's defense of caveat emptor to avoid liability, while facing the claims under the Consumer Protection Act.

\(^{55}\) Shalu Nigam, Prof Anjalai Gandhi (1\(^{st}\) may 2008); Changing Doctor-Patient Relationship with special Reference to the Consumer Protection Act; www.jmi.nic.in

\(^{56}\) Chitra.C.S (October -2008); Awareness about Consumer Rights; Management Review.

\(^{57}\) A. Rajendra Prasad (Dec 2008); Caveat Emptor and Consumer Protection Law; Pg.No.46-49
In a battle against the injustice, a consumer is a small fry against the monolith bank. But the justice seems to have prevailed under the aegis of the Consumer Protection Act. The message seems to have rightly been taken by the Courts below from the landmark judgment rendered by the Supreme Court in Lucknow Development Authority vs. M.K. Gupta [1994 (1) CPR 569]*58 where the Apex Court has remarked — Under our Constitution sovereignty vests in the people. No functionary in exercise of statutory power can claim immunity, except to the extent protected by the statute itself. Public authorities acting in violation of constitutional or statutory provisions oppressively are accountable for their behaviour before authorities created under the statute like the commission or the courts entrusted with responsibility of maintaining the rule of law. Each hierarchy in the Act is empowered to entertain a complaint by the consumer for value of the goods or services and compensation. The word “compensation” is again of very wide connotation. It has not been defined in the Act. According to the Dictionary it means, Compensating or being compensated; thing given as recompense; In legal sense it may constitute actual loss or expected loss and may extend to physical, mental or even emotional suffering, insult or injury or loss. Therefore, when the Commission has been vested with the jurisdiction to award value of goods or services and compensation it has to be construed widely enabling the commission to determine compensation for any loss or damage suffered by a consumer, which in law is otherwise included in wide meaning of compensation. The provision in our opinion enables a consumer to claim and empowers the Commission to redress any injustice done to him. The Commission or Forum in the Act is thus entitled to award not only value of the goods or services but also to compensate a consumer for injustice suffered by him.

*58- R.Saxena (2008) - Compensation; Central India law quarterly
A "New Approach" to Standards and Consumer Protection by Jane Winn and Nicolas Jondet*59 on December 2008 for Journal of consumer policy has come out as consumer use of information and communication technology (ICT) products grows, the importance of ICT standards in consumer markets also grows. While standards for manufactured products were once developed at the national level in formal standards bodies, standards for ICT products today are more likely to be developed by informal standards bodies that target global markets, creating new challenges for national consumer protection laws. As part of the process of creating a single market, the EU developed an innovative and successful form of "co regulation" known as the "New Approach" that coordinated the work of legislators and standards developers to reduce technical barriers to trade in the internal market. In order to protect consumer interests in markets for ICT products effectively, another "New Approach" is needed to coordinate the work of global ICT standard-developing organizations with the goals of national and regional consumer protection laws.

A study about "Consumer Protection in India Some Reflections" by S. S. Singh Professor of Justice & Administration, IIPA, New Delhi & Sapna Chadah*60 Assistant Professor, consultancy Project on Consumer Protection and Welfare IIPA, New Delhi, has brought out that "The efficient and effective programme of Consumer Protection is of special significance to all of us because we all are consumers. Even a manufacturer is a consumer of some other goods. If both the producers and consumers realize the need for co-existence, adulterated products, spurious goods and other deficiencies in services would become a thing of the past. This should proceed in a harmonious manner so that our society becomes a better place for all of us to live in."

*59-Jane Winn and Nicolas Jondet(December 2008); "New Approach" to Standards and Consumer Protection; Journal of Consumer Policy; Pg.No.23

*60 - SS.Singh & Sapna Chanda (May 2008); Consumer Protection in India- Some Reflections; www.lipa.irnet.in
Green Consumerism – Issues and Implications by Mrs.P.Santhis and Dr.U.Jerinabi*61
Department of Commerce, Avinashilingam Deemed University, Coimbatore and
N.Mohandas Gandhi, Assistant Professor, Department of Mechanical Engineering
Kumaraguru College of Technology, Coimbatore, Tamil Nadu has come out with
Green consumerism can be described as the use of individual consumer power to
promote less environmentally damaging consumption, while still satisfying consumer
wants and needs. Green consumerism means a great deal more than simply changing
over from an earth-bashing product to a slightly more environmentally sensitive one. It
means questioning both, the nature and volume of consumption.

S.Pushpavanam*62 on his “Consumers need to be aware of their rights and exercise
them” for “The Hindu” by March 2009 has pointed that “The problem with Indian
consumers is that they have low expectations, improper perception and lack of
awareness about solution-options. For example, when a student leaves an institution
soon after joining, getting back the certificates is not enough. He is entitled to a refund
of the fees paid. It is the shopkeeper who is answerable for defective goods but not
service centres or distributors. Instead of forcing the municipality to fight mosquito
menace, we buy at least three mats, coils or liquid-containers for three rooms and spend
nearly Rs 1,500 per annum. Instead of forcing the municipalities to clear the garbage, we
would rather pay organisations like Exnora to clear the garbage, besides paying taxes to
the municipality.

*61 - P.Santhis and Dr.U.Jerinabi(May 2008); Green Consumerism-Issues and Implications; Indian

*62 - S.Pushpavanam(March 2009); Consumers need to be aware of their rights and exercise them;
The Hindu.