PREFACE

In the present day global market scenario, the word 'quality' has become the catchword for manufacturers and consumers alike. The modern market place has become highly competitive due to the onslaught of many producers and multinational corporations. Consumers find it extremely difficult to make a rational choice from among the large number of products available in the market. Consumers generally prefer to purchase those good that are best in quality and lesser in price. Quality thus becomes one of the most significant factors in customer decisions. Since consumers prefer quality products, manufacturers and sellers compete to produce quality goods to woo more customers. To the consumers 'quality goods' provide better performance, safety and satisfaction. For the manufacturers, better quality standards probably are the only factor that ensures their sustenance in the competitive market place. Quality in this sense arrests its significance to both consumers and manufacturers though differently.

It has long been said that market itself is the ideal regulator of all evils that may come up among traders. Free and fair competition among manufacturers in the market will adequately ensure a fair dealing to the consumers. However, these are pious hopes that markets anywhere in the world could not accomplish so far. Consumers are being sought to be lured by advertisements issued by manufacturers and sellers that are found often false and misleading. Untrue statements and claims about quality and performance of the products virtually deceive them. The plight of the consumers remains as an unheard cry in the wilderness. In this sorry state of
It is seen that the governmental endeavours to ensure quality in goods are diversified. Different tools are formulated and put to use, depending upon the requirements necessitated by the facts and circumstances. This thesis is an enquiry into these measures.

Chapter 1 is the introductory portion. The concept of quality, its relevance to consumers and the role of quality in the present day market are briefly examined in this Chapter. Quality control at times occurs as an outcome of the voluntary efforts from the part of certain manufacturers and sellers. These voluntary measures may arise as a part of the organizations' social commitment or due to market compulsions. In either case, consumers are benefited out of that. Voluntary measures adopted in this way in fact takes the form of self-discipline. Trade associations as a class can also encourage their members to pursue the code prescriptions formulated by it that contain many terms concerning adoption and improvement quality. Consumers by proper inspections made before and at the time of purchase can avoid goods of substandard quality. Consumers' preference for goods of better quality standards and voluntary codes adopted by traders together operate as self-regulatory schemes for quality control. Self-regulation as a method of quality control is examined in Chapter 2.

Even though the principles of liberalization and privatization that has taken place in the new economic policies of the governments, the significance of diverse
administrative measures cannot be ruled out in the area of consumer protection. The poor and illiterate consumers look to the governments for mitigating their grievances that are many. Licensing of trade activities, together with powers of inspection, search and seizure are very powerful tools in bringing in fair business standards in the market place. Administrative measures adopted as a means to control quality standards are analysed in Chapter 3.

Adoption and implementation of quality standards generally fall within the voluntary domain of the business houses. Even though the adoption of standards fixed by independent agencies are of considerable advantage to consumers, since its application remains within the violation of traders, quality standards in goods largely remains a dream. However, through the diverse activities that these agencies adopt, it is possible to inspire the businessmen to implement quality control measures that ensure enough standards for their products. An examination of the working of the agencies entrusted with the job of standard fixation and their impact on the improvement of quality standards are made in Chapter 4.

One of the most important enactments that have rendered substantial assistance to the buyers in ordinary sales transactions is the Sale of Goods Act, 1930. This Act has implied many terms into the sales contract, all meant to protect the buyers. An enquiry into these legal implications has been made in Chapter 5 with a view to assess its ability to ensure quality of the goods that the consumers purchase.
When quality standards are laid down by statutes, its non-compliance is generally dealt with under the criminal law and the civil law. While the criminal sanctions impose punishments on violators, civil law compensates the aggrieved for the loss or damage suffered due to the use of the substandard product. The impacts of the criminal and civil sanctions on improvement of quality are discussed in Chapter 6 and 7. The last chapter summarises the findings of the study and contains suggestions to improve the situation.

I have been helped by many in the preparation of this thesis. My own teachers, who later accepted me as their colleague, come to my mind first. I would like to mention the names of at least three of them viz. Prof. (Dr.) P. Leelakrishnan, Prof. (Dr.) N.S.Chandrasekharan and Prof. (Dr.) K.N.Chandrasekharan Pillai. They have inspired and encouraged me by instilling in my mind a sense of courage and confidence. I would also like to record my thanks to all colleagues in the Law School. Special mention must be made about my senior colleague and friend Dr. A.M. Varkey, Reader. He was kind enough to take up my job of taking classes while I was on leave on many occasions. He has taken much pain in getting the thesis corrected and also providing me with very valuable suggestions. Dr. D. Rajeev, Director and Dr. G. Sadasivan Nair, Professor, have been helping me always by their constant enquiries about the thesis. I am greatly indebted to them for their friendly cautions and persuasions.

I have been greatly benefited by the facilities made available to me at the Consumer Education and Research Center, Ahmedabad. Prof. Manubhai Shah, a great friend of our Law School and Managing Trustee of CERC was kind enough to
extend permission to use its Library. I also remember with thanks the immense help I received from the CERC Library staff especially the Librarian Mr. Mehta.

All the staff members in our Law School Library have been helping me in one way or the other. They have opened their files and hearts on my behalf. I am extremely thankful to them. Our Law School Office staff was rendering me all help that I needed, considering me as a member of the family.

Many are the students who have extended their help to me. Some of them helped me by leaving me alone. Some helped me willingly by going through the final draft. I remember with thanks the painful job of proof correction carried out by M/s. Thomas Roy Kadichini, R.K.Biju and Benoy Jose, Research Scholars of the Law School.

I also record my sincere appreciation to my wife and my sons Arun and Anoop in providing me a huzzle free environment at home that helped me significantly to finish the thesis.

Last but not the least, I record my appreciation to the commendable job taken up by Mr. G. Mohanan, Section Officer of the Law School and Mr. Sibiraj in getting the thesis neatly typed, formatted and printed.

They all made the work possible.