REVIEW OF LITERATURE
CHAPTER II

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2.1 Introduction

2.2 Literature Review
2.1 INTRODUCTION:

Review of Literature is an important aspect of the Research work as it helps in unfolding specific problems and in drawing some hypothesis. Keeping this in mind, literature connected with the problem in hand has been reviewed glancing it from various sources viz., relevant books, journals, reports, research projects/surveys etc. There has been a plethora of studies made by many scholars. After coming into force of the consumer protection act 1986 literature in the form of books, journals and articles in the newspaper has seen the light of the day only in the late 1990.

2.2 LITERATURE REVIEW:

Among the journals, the following are noteworthy. Consumer Confrontation, Indian Journal of Marketing, Indian Socio-Legal Journal, Journal of the Indian Law Institute, Indian Marketing, Indian Management. The articles which were appeared initially focused on the provisions and the language of the Act as the functioning of the Act had not begun properly.

There are several consumer law reporters- All India Consumer Protection Cases, Consumer Cases, Consumer Protection and Trade Practices Journal (CTJ), Consumer Protection Cases (CPC), Consumer Projection Judgments (CPJ), Consumer Protection Reporter (CPR) and Current Consumer Cases. These journals provide sufficient material to a researcher in the form of decided cases and in the form of articles. They will cope with the complete needs of researchers in the future.

J.N. Barowalia's commentary on 'The Consumer Protection Act, 1986, Second Edition-2000' is an exhaustive treatise concerning the protection of rights of the consumers in society. The author has made sincere efforts to provide a complete code on the subject by explaining each and every provision of the Act in detail and further incorporating the rules framed by the Central Government and the State Governments in exercise of the powers vested by
section 30 of Act. The law laid down by the Supreme Court of India on the subject and the judgments of the National Consumer Disputes Redressal Commission and the State Commissions have been incorporated at the appropriate places in the book. As the Consumer Protection Act is still in its infancy, it is necessary that the recognized consumer associations, the group of consumers, labour unions, voluntary organizations and the government should create consumer awareness to strengthen the consumer protection movement and for the redressal of consumer disputes.

Justice A.M. Ahmadi, Chief Justice of India has penned the foreword to this book and Justice K. Jayachandra Reddy the Chairman Law Commission of India, has written introduction to this book.

In his foreword the Chief Justice A.M. Ahmadi writes that the onus for ensuring that business activity is geared, not only towards profits but also towards serving society and consumers at the grass roots, falls upon the state agencies and voluntary consumer protection organizations.

Justice K. Jayachandra Reddy in his introduction to the above book notes that “Consumer Protection is a subject of fundamental importance to human society. In an economy with well-organized sector of suppliers of goods and services on the one hand and the un-organized sector of consumers on the other, the enactment of the Consumer Protection Act, 1986 is the landmark in the history of social welfare legislation in India which has provided for the better protection of the interests of consumers by making provision for the establishment of the consumers councils and other authorities for the settlement of consumer disputes and for matters connected therewith.”

Justice V.R. Krishna Iyer opines about the book as “The preamble itself has occupied 180 pages because all allied matters have been covered under that chapter. Indeed, it sums up the whole scheme of the legislation and thus
prepares the reader to penetrate the learning and meaning packed in the pages that follow. Dealing with the “short title, extent, commencement and application” the author has spread his treatment over nearly 90 pages. Prolixity is not necessarily a virtue but when scholarship finds expression in numerous pages the toil of reading through is rewarded. All that I can say is that he has covered a vast area. He has left scarcely anything connected with consumerism untouched, and touched none that he did not adorn and exhaust.

The various provisions of the Act have been thoroughly examined and the structure of the legislation has, been set out with analytical success. The fora of resolutions of dispute and the families necessary for invoking the jurisdictions of the tribunals have been covered in the book. There is no doubt that lawyers will find the book useful.” - Justice V.R. Krishna Iyer in The Hindu.

The researcher feels that this book in itself is a comprehensive guide to Judges, Advocates, Redressal Agencies, Voluntary Organisations, Consumers and Students. One can rely on it very safely.


In his foreword to the book Menon writes that in India the country’s judicial system consisting of about 7500 courts could cater to the needs of only
less than half the population. For a long time, courts and tribunals continued to here the grievances of the middle and upper classes of Urban Society leaving the rural masses to content with whatever informal systems of dispute resolution available in the mofussil areas. Even then courts were overburdened. The court system accumulated massive arrears of cases. In 1990s it reached a staggering figure of 20 million litigations. Menon observes that, it was obvious that the system would crack under its own weight if something drastic is not done to revamp the judicial process'. In this situation Menon says it is one thing to give rights to consumer under various laws and another to provide mechanisms for agitating those rights for appropriate remedies. He notes that consumer education is a unique feature of Indian Consumer Protection Legislation.

Werner Menski in his introduction to the above book, notes that almost unnoticed by the world, modern Indian law has come of age in the past few decades and is now among the most innovative jurisdictions, at the forefront of struggles to secure justice for the common citizen. Further he observes that, this has not been achieved simply by borrowing from the west, as most people would like to believe, and as the media constantly suggest. According to Menski, and rightly so, that by itself, of course, justice, even consumer justice, will never feed empty stomach. Yet, if it offers basic facilities for redressing consumer complaints, if it helps to provide cleaner drinking water and better access to basic facilities, or contributes to reducing unacceptable level of pollution & corrupted contamination, then we are beginning to see real achievements.

Gurjeet Singh’s Eight Chapter book is a good source for both academicians and researchers on the law of consumer protection. In this research work, Singh analyses the CPA, 1986, Redressal mechanisms under it and also highlights the increasing ambit and amplitude of the CPA, 1986. Singh analyses the role played by Social Action Litigation and Environment Litigation under the chapter New Developments and Emerging Trends in

Singh concludes by propagating three basic themes that run through his research work. First, it has been shown that the enactment of the CPA, 1986 was the outcome of a large number of developments at the national as well as international level. Secondly, the study has demonstrated the successful functioning of this legislation and the resultant effects. Thirdly, it has been argued that, notwithstanding the enactment of any amount of beneficial legislation, it must be backed by the political will to implement and followed by necessary infrastructure to enforce it. Above all, he has argued that legislation must be supplemented by equally significant non-legal measures to effectively tackle socio-economic problems like consumer protection in a third world jurisdiction like India.

'The Consumer Protection Act' by O.P.Garg provides an exhaustive section wise commentary on the subject. The author has explained the consumers' position under the American, British and Swedish Law. He has dealt with the role of National and International consumer organizations in Consumer Protection. However, the remaining part of the book is devoted to a section wise commentary of the 1986 Act. Further because of new causes and also due to the amendments in the Act, the law which was existing at the time of publication has considerably changed.

'Law of Consumer Protection' by Gurbax Singh is the pioneer work containing a commentary on the Consumer Protection Act 1986 together with the Central Consumer Protection Rules 1987 and State Rules. The book throws a lot of light on all aspects of consumer protection covering both the sales of
goods and the rendering of services. Leading judgments, a list of appropriate consumer product testing laboratories and of Voluntary Consumer Organizations have been given. It contains a model form of complaint and appeal under the Act. Singh has highlighted the role of various international institutions in the area of Consumer Protection. For example General Agreement on Tariffs and Trade (GATT), the International Organization of Consumer Unions (IOCU), United Nations Conference on Trade and Development (UNCTAD), and World Health Organization (WHO). He has incorporated provisions of these organizations, further stressing the need for co-operation at the international level which appraises a researcher with the current international development in this field. He has dealt with the CERC in Ahmedabad making reference to the international standards and to foreign judgments. He has focused attention on the role of Voluntary Consumer Organizations and social action litigation in protecting the consumer. He has observed that the new trend had already made a tremendous impact on the emerging concept of consumerism throughout the country and the chances of obtaining consumer justice today are much more than existing a decade or two ago. Dr. Singh has done a signal service to the Indian consumer by bringing out the well thought out publication, truly it is a goldmine of information.

'Law of Consumer Protection in India' by Mr. D.N. Saraf is a original research which has examined the basic principles of major consumer law in the country. The work is divided into eight chapters and answers all most all queries of a researcher as well as other readers in addition to a commentary on the Act. The book is full of the author's own interpretations in addition to the ones given by the Consumer Tribunals. The experience of working with the CERC in Ahmedabad has enabled Mr. Saraf to understand concepts and comprehend consumer problems. He has traced the evolution of Consumer Law by referring to the developments in U.K, U.S.A and India. He considers that the enactment of legislation is the first step for safeguarding the interest of the community as an instrument of social change. Mr. Saraf has put heavy
responsibility on the policy makers as well as social activists to bring out changes in society. Accordingly he has warned that the consumer legislation must be backed by strong consumer movement at the gross root level.

‘Consumer Protection Law in India: An Eco - Legal Treatise’ by R.K.Nayak is an important work advocating that the consumer is guardian of his own rights and has criticised the Behaviour of Indian Consumers holding them responsible for their exploitation. The Consumer needs to be educated and informed to defend their rights. The effective method of safeguarding the interests of consumers is the participation of Voluntary Consumer Protection Agencies and consumer themselves in the free market. Consumerism in India is yet to take birth to become a people’s movement. Consumer Forums should encourage the complainants to approach them without assistance of Lawyers to prevent judicialisation of the whole process, a trend against which consumer activists have been warning. It is incumbent on the Forums to see the post decisional enforcement of their orders. He has dealt with the problems of consumers from a historical perspective. He has discussed the role of government in Consumer Protection and examined issues like implied warranty, misleading advertising and its control, identification of unfair trade practices and civil and criminal protection of Consumers. He has suggested for the establishment of a consumer Ombudsman and a separate ministry of Consumer Affairs in India. He concludes with an observation that the most effective method of safeguarding the interest of consumers is not greater intervention by the state but active participation of voluntary consumers protection agencies and consumers themselves in the premarket economy.

‘Law of Consumer Protection - Principles and Practice’ by Avtar Singh is a recent work dealing with a study of the Consumer Protection Law as a new instrument of social justice. He has examined the basic concepts and definitions in the context of settled legal principles and also their applied version. This book has approached different fields of consumer goods and
services and analyzed them subject wise depending upon the decisions rendered by the National and State Commission. He has incorporated relevant Anglo -American decisions on the subject. According to him, the main purpose of the Act is to afford some measure of protection to the ultimate consumer of goods or users of services. He states that doctrine of "Caveat Emptor" (let the buyer beware) has been replaced by the Doctrine of "Caveat Venditor" (let the seller beware). According to him, as a result of this change of legal philosophy business is heavily regulated on behalf of the consuming public. Consumers have got various remedies against their exploitation. Besides discussing consumer remedies under the Consumer Protection Act, 1986, he has also discussed these remedies under the Sale of Goods Act, 1930. Singh has also discussed in detail the applicability of the Consumer Protection Act, 1986 to various services like airlines, banking, housing, insurance, posts and telegraphs and telecommunications etc. As a matter of fact, he has virtually touched every type of services within the jurisdiction of the 1986 Act. The book contains a list of addresses of all the redressal agencies established under CPA. The chapters on 'Consumer Rights' and on 'Commercial Purpose' have been written by the author very well.

This book is a valuable addition to the existing literature on the subject and very useful for academic researchers as well as for the practitioners.

'Consumer and the Law' by R.M. Vats has dealt with the complex problem of consumer protection in a very simple way. The book has highlighted the gaps in the consumer protection regime in India. According to the author notwithstanding the fact that consumer is the king is an age old saying but he is being dethroned every day. He has discussed the provisions of the Sale of Goods Act 1930 with emphasis on Indian and English cases. He has highlighted the remedies available to the buyer in the form of the law of Contract and discussed the protection available to the consumers under the Consumer Protection Act 1986. He has examined the relationship between the
manufacturers and the buyers and discussed the position of consumer vis-à-vis various types of services. He has discussed the legal implications of the various methods adopted by the manufacturers to introduce their products in the market. He has answered most of the questions concerning sale of products to the buyers by the manufacturers through various methods. The book has dealt with offences against the consumers under the Indian Penal Code 1860, the Drugs and Cosmetics Act 1940, the Prevention of Food Adulteration Act 1954, Essential Commodities Act 1955 and the Trade and Merchandise Marks Act 1958. One finds elaborate discussion on the topics of consumer rights and duties vis-à-vis banking industry as well as insurance industry. Similarly, this is perhaps the only book which has discussed the law of hire purchase so elaborately and lucidly. The appendices to the book contain the provisions of the Indian Contract Act, 1872, the Sale of Goods Act, 1930, the Hire Purchase Act, 1972; and the Consumer Protection Act, 1986, respectively. This book is a valuable addition to the literature on the Consumer Protection Law.

**P.K. Majumdar** – ‘Law of Consumer Protection in India’. This book is a pioneer work and indispensable for day to day consultation providing the readers with comprehensive information on all aspects concerning the topic of consumer protection. In other words this is the most exhaustive commentary on the C.P.A. 1986. This is the book which contains extensive coverage of case-law from various journals published in India on consumer disputes viz., CPR, CPJ, CCJ, CTJ, CPC, CLC etc.

In the second edition apart from the subject index, commodities and service index has been given, which will be very useful for consumers to refer the case law on any commodity on service instantly without wasting the valuable time.

**Dr.V.K.Agarwal** – ‘Consumer Protection – Law and Practice’. Apart from commentary on each section of the CPA the book contains detailed reference material including Central and State Consumer Protection Rules, Consumer

This book proves to be a practical guide to the lawyers, chartered Accountants, Company Secretaries, Consumer Organisations, Government Officials and others who are concerned with the administration & enforcement of the Act. Even the students taking courses in Commerce, Management, Business Studies and Law are benefited.

Pushpa Girimaji's book - Consumer Rights for every one is one of the latest books on CPA, 1986 and on the working of redressal mechanisms under the Act. There are nine chapters in the book. In the first chapter on 'consumer and the courts', the author has raised many questions on her own and answered (which any consumer encounters when one tries to understand CPA or when one attempts to redress grievances). For example the author has answered questions like who can file a complaint, what kind of complaints can be redressed by these courts and pecuniary, territorial & appellate jurisdiction of these courts.

In the second chapter - titled, 'The Consumer Justice System', the author explains the functioning of the courts, the procedure followed by them and the compensation that the aggrieved consumers can claim. From the Third to the Eighth chapter the author specifically deals with specific services. These six chapters deal with Housing, Power Supply, Telecommunication, Railways, Life Insurance and Medical negligence. In all these six chapters the author has explained various concepts and issues pertaining to the above six services with relevant court orders. Problems of consumers are well anticipated by the author and a very good effort has been made in the book to clear the doubts that consumers may encounter in these six services. In the concluding chapter, the
The author discusses the problems of low awareness among consumers, of the high percentage of cases going against consumers, and the over-enthusiasm displayed by public sectors to file appeals against the judgments of consumer courts. The author wonders, even when they (Public sector) are at fault and the courts have given a clear verdict of 'guilty' against them, why public sectors are so enthusiastic to file appeals. The author at the end concludes by giving some tips to consumers as how to file a complaint. Here the author highlights the importance of keeping evidence, keeping records of transactions and the importance of writing effective complaints.

H.N. Giri's book – Consumers, Crimes and the Law is partly based on his doctoral study (University of Allahabad, D. Phil in law). Under the chapter "Consumer Interests and the Consumer Groups" – how VCOs have to work as pressure groups has been analysed. The researcher specially emphasizes test case litigation and public interest litigation as tools to protect the interest of consumers. He sees an analogy between balanced nutrition and consumer health protection. He states, 'Eating good food acts like medicine against the disease of hunger'. He further notes, ‘Drugs are the best friends and can be the worst enemies of human beings and their health’. He cautions consumers and VCOs to be careful about this. He writes – ‘The offences against consumers are also sometimes described as socio-economic offences, which somehow or other affect the health and material welfare of the entire community. These offences are committed by the middle class or upper class community during the course of their occupation, i.e., business, trade, commerce or profession. The motive of the offender in such offences is service or rapaciousness rather than hate or malice as in traditional offences. These are perpetrated through fraud rather than force and the act is deliberate and willful. The most common offences against the consumers are in the field of foodstuffs, drugs, medicines and cosmetics. Sometimes this causes extensive deaths, diseases and deformities among the people of the society'.
The researcher points out that ‘pro bono publico’ litigation can be filed against the manufacturers, producers or vendors who commit fraud against the health and welfare of the consumers through the process of sale of their commodities.

Malnutrition among the poor is one of the important consumer problems in India. In his analysis of – “consumer, crime and the food”, the researcher writes that ‘the main reasons of malnutrition are: (i) short supply of food grains and their non-availability to the masses as a result of their poor economic condition; (ii) ignorance about the proper way of handling and cooking foodstuffs due to which the nutritive value of food is often lost; (iii) fraud played on the consumers by (a) adulteration of foodstuffs; (b) misbranding of food articles, and (c) supply of rotten or deteriorated or substandard foodstuffs.

The researcher suggests that legal therapeutic measures are to be made more effective. He suggests that publication of the names of offenders with their offence and the sentences imposed on them is a good means to prevent and control criminality relating to foods and drugs. He finds that ‘Society pays respect to these persons because people do not know them as offenders. Publication of the names of the offender with the offence committed and the punishment inflicted on them would serve three purposes:

i. The general consumer will be alert about such dealers and will not be defrauded in future;
ii. It will serve as a deterrent and preventive for other criminals of like nature;
iii. It will be a stigma on the accused to lose his prestige in society’.

The researcher notes that even though section 16(2) of the Prevention of Food Adulteration Act, 1954 and section 35 of the Drugs and Cosmetics Act, 1940 have provision for this, the implementation of the Acts has to be made effective throughout the country.
Sudharani Shrivastava in her book *Socio-Legal Aspect on Consumerism Law* have analysed the provisions of CPA, 1986 with reference to Consumer Protection Councils and Consumer Disputes Redressal Agencies. The author has also given State rules pertaining to CPA of different states in India.

*Consumer Protection and the Law* is the book edited by D. Himachalam. The book contains 19 articles. The book is informative. The article “Consumer Protection: Rational and Methods” by Francis Cherunilam, analyses exploitation of consumers and need for consumer protection. U.N. Lakshman in his article, “Consumer Protection in India”, analyses why consumerism is not powerful in India. He notes, “Docile and fear attitude of the common citizen in India, apathy of the consumers, increase in population, and lack of knowledge are the main reasons for weak consumer movement in the country”. B.R. Jena in his article entitled, “Consumer Movement in India—some recent efforts”, notes that environmental pollution, investor protection, medical practices and international trade are, he says, recent issues in consumer movement. N. Thanulingum analyses the role of co-operatives in the development of consumerism in his article entitled “Role of Co-operatives in Development of Consumerism”. He suggests that co-operatives can be involved in public distribution system and for protection against adulteration, under-weighment and price discrimination. He rightly concludes that if properly used, consumer co-operatives have a strong potentiality to protect the consumers. D. Himachalam in his article “Consumer Protection in India – A Brief Analysis”, traces the important steps taken to protect the interest of consumers. He finds that even though CPA is a landmark legislation, its implementation is not effective. He emphasizes the role of the media and the Government in activating consumer movement in the country.

Mohini Sethi and Premavathy Seetharaman in their book *Consumerism: a Growing Concept* traces different vital developments in consumerism in the Indian context. The book has been divided into four units.
The first unit of the book is an introduction to consumerism. The authors cite how Indian consumers are exploited and analyse the philosophy and objectives of consumer movement. The authors emphasize the importance of three objectives – product safety, solution to consumer problems and providing information to consumers. The authors claim that the consumer movement is picking up in India due to spread of education, consumer awareness, rising prices, inflationary trends, variety in goods, rising income, legislative measures and due to the role of VCOs. In the end they highlight how budgeting is to be done at family level. Under “savings and investments” heading the authors give guidelines for sound investments. In the second unit of the book authors have highlighted the importance of consumer education in consumer movement. They identify consumer rights and responsibilities as important topics for teaching consumerism. Under “Product Evaluation” stress has been given on buying drugs and medicines, food adulteration, selection of food articles, guarantee, availability of after-sale service, safety and saving of cost, time and energy on purchase of goods and services. Under unit three, “Marketing”, The authors have suggested consumers tips to decide what, where, when, how, and how much to buy.

The Foreword to the book in written by Justice, V. Balakrishna Eradi, the first President of National Consumer Disputes Redressal Commission. Justice Eradi rightly writes “I have great pleasure in recommending this book as an excellent treatise on the important topic of consumerism which encompasses the whole range of topics covered by the wide expression Consumerism”.

S.K. Grover’s book Trade Mark / Brand Duplication and Consumer Protection is a modified version of his Ph.D. Thesis submitted to the University of Delhi, Delhi. The researcher analyses the consumer perception in identifying and buying the desired branded/trade-marked product. The book highlights the spurt in unscrupulous activity of trademark duplication which has shaken the confidence of consumers in such products. For protecting consumers from trade
mark/ brand duplication, the author recommends that the authorities, particularly the Bureau of Indian Standards, Weights and Measures, Drug Controller and the local Health Authorities have to make their administrative supervision effective.

I, Satya Sundaram in his book *Consumer Protection in India* writes "A vast entity of consumers have been practically reduced to a neglected entity in the nation's economy. The author stresses the importance of new consumer protection methods like more Janata (people) shops, need for Janataka Hotels, Community Kitchens to help consumers (He cites the example of the 'Indira Community Kitchen which was registered as a public trust started in Pune in June, 1974). He finds that public distribution systems have an important role to play in a developing country like India. He cautions that unless the purchasing power of the rural people is stepped up, public distribution cannot be a success in rural areas.

Siddiqui Sirajuddin and C.R. Sarma in their research project report *Organisation for Consumer Protection* traces the important aspects of consumer problems and underlines the areas in which action is to be taken. In their research findings on consumers, they say 'they have found a 'startling' picture'. They find that: (a) The awareness level, among the poor, about their exploitation is high. They do not have the necessary means to fight for their rights. The organizations working with these people observe that the poor are receptive and, given some support, are very active in demanding their rights, (b) the middle class people are unwilling to spend time and money to fight for their rights and get their grievances redressed. This is mainly because the process involved is lengthy and time consuming and the cost of redressal may be much higher than the initial cost of the item. The rich are not affected either by adulteration or by substandard quality, (c) Consumer education and protection has not yet become institutionalized in the country. The researchers have suggested four strategies for tackling the various problems of consumers. One is to resort to legal action by VCOs or by the people themselves. The
other is to educate the people so that they do not get cheated in the market place. The third is Legislations and regulatory agencies and the fourth self-regulation by industry.

They find that VCOs have an important role to play in protecting Indian poor consumers. They write that the approach of VCOs must be different from those of other NGOs. They write, ‘The fundamental drive to work with the poor rather than for the poor is particularly significant in a programme like consumer protection, where the individual habits, attitudes and activities of the poor persons in their everyday lives are so vital part of the programme. Unlike educational and training programs, or employment programmes, or health programmes all of which are based on professional services, consumer programmes usually involve the actions of the poor when they are alone in a shop or with a peddler in their homes’. Researchers further write that ‘consumer action programme, to be effective must involve a substantial proportion of the target area’s residents in a programme that provides them with motivation, consumer education, credit facilities and information on the availability of needed services and other opportunities. And it must do this in ways which encourage residents to work together and which will give them experience in planning and making decisions on their own. They identify, low income, lack of consumer awareness, inadequate information, fraud and deception legal exploitation, inadequate housing, lack of public and social facilities, lack of education and benefits of government schemes not reaching them are basic problems of the poor consumers.

Three books have been released after passing of Consumer Protection Act 1986 which are neither textbooks nor research works. Even then they are useful for a researcher from the literature point of view.

1. ‘Consumer Rights’ by M.J.Anthony19 is intended to assist the consumers to be aware of their rights and remedies. It provides useful
information regarding artificial shortages, black marketing, defective weights and measures, food adulteration, misleading advertisements and other types of consumer frauds. He has made an attempt to enlighten consumers on how to enter into contractual obligations and hire purchase agreements, about mail order sales and buying from individuals. He has tried to convey how vigilant consumer can get justice from the courts. He has laid emphasis on consumers to be assertive and has encouraged them to approach the appropriate authorities fearlessly in the event of any fraud. He has expressed view that despite the passage of four years, the Act has not been able to make a dent in the situation. The Commissions and Forums are now functioning well giving quick justice to consumers. Even a post card giving minimum information is sufficient for initiating the proceedings. A consumer can approach the Forums through Consumer associations irrespective of whether he is a member of such an association or not. The book deals with an elaborate discussion on the working of banks, insurance companies, professional services and public utilities in relation to consumers. The glossary of legal words and addresses of Consumer Organizations are commendable. The aim of book seems to inform the average Indian consumer about the market mechanism and to encourage assertiveness about his rights. The book has been written in non-technical diction.

2. 'Consumer Viewpoint' by Bajaj is a collection of articles written by himself on Consumer protection which were appeared in newspapers. Bajaj has been a close follower of Mahatma Gandhi’s Philosophy of trusteeship in business. The articles contain the message of business self-regulation in different forms interalia including accuracy in weights and measures, ethical advertising, fair pricing, prompt after sale servicing, selling unadulterated products and opening ‘consumer affairs cells’. He has been instrumental in establishing Fair Trade Practices Association (FTPA) now known as Council for Fair Business
Practices (CFBP). He has emphasized upon the business community to follow the Gandhian ideology of trusteeship and regulate itself in the interest of the consumers by adopting code of ethics. The book is useful for a researcher interested on the topic of business self regulation in the context of Consumer Protection in India.

3. 'Medical Profession and Consumer Protection Act' by Jagadish Singh is of great help to a researcher engaged in studying of the issues relating to the applicability of the Consumer Protection Act 1986 to the medical profession. The book deals in detail the doctor-patient relationship in the light of moral, ethical, medical and legal considerations. He has highlighted the duty of reasonable care and skill on the part of a doctor towards his patient and the concept of professional negligence. The author has pointed out three things in case the Supreme Court upholding the pleas of the Consumer Forums by bringing the medical profession within the ambit of the Consumer Protection Act: A protective provision be made to balance the effects of the Act, a higher penalty for filing false, frivolous, vexatious complaints, no publicity be given till the Consumer Forum holding professional guilty of negligence or misconduct. He lists some do's and some don'ts for the doctors. The professional indemnity insurance has been dealt with in the book. The book aims at creating awareness in Doctors to make them more alert in discharging their duties and thereby safeguarding their interests.

Recent Survey Report on the evaluation of the effectiveness of the Implementation of the Consumer Protection Act 1986 by S.S. Singh and M.K. Balachandran of Indian Institute of Public Administration New Delhi deserve a special mention and it was sponsored by the Ministry of Civil supplies, Consumer Affairs and Public Distribution. In the report several useful and workable suggestions have been made.
Some other works related to Consumer protection in India are available. For instance, “Public Interest Litigation in India”. A critique by Agrawala23, “Public Interest Litigation: A Profile by Mridul24, “Social action through Law” Partnership for Social justice by Gandhi and “Judicial Activism and social change” by Bhatia25 provide useful literature to any researcher working in the field of public interest litigation.

There are publications of the various consumer organizations in India. Two consumer groups deserve mention-Consumer Education and Research Centre (CERC) Ahmedabad and Consumer Guidance Society of India (CGSI) Mumbai.

CERC is the biggest and one of the most powerful consumer groups in India which had organized many All India Seminars to evaluate the performance of the Consumer Protection Act 1986 vis-a-vis different public sector undertakings. It has published three major thematic issues of their journal- Consumer Confrontation26 on Banking, Insurance27 and Telephone28. The CERC has published a Manual29 on Media and Consumer Protection. Recently it has published three volumes of its Consumer Education Series30. All of these journals and all the Consumer Education series are valuable and authoritative sources on the issues of Consumer education.


Societal response to consumer movement: Government: The author has discussed ‘Government institutions for consumer protection’, She cites a
number of institutions starting from ‘Indian Association of Consumers’ which was set up in 1956 with the “financial backing of the planning commission”. The author writes, ‘But it did not even last as a nine-day wonder’. Nothing much came out of the government effort until the formation of the consumer protection councils at the national and state levels under the CPA, 1986. The author writes, ‘however, though these councils had become a statutory permanent establishment, it was so only on paper, while in reality a number of the state councils had not met even once; many of them just once; and almost none of them on a regular and continuous frequency since being constituted.’ On public utilities and public sector undertakings and consumer protection, she writes, ‘The government had taken on itself the task of providing certain essential services, such as railways, posts and telecommunications, water, electricity etc. These had been taken over to ensure that the citizen, the consumer, gets his essential services without having to pay through his nose for it, and at the same time to assure of timely and quality treatment’. However, in reality, the consumer has not really been helped even after the essential services have become government monopolies. On the other hand, the situation has only worsened. Further she writes, ‘Even after the passage of specific Acts (like CPA, 1986) to protect the consumer, the PSUs and government departments continue with their don’t care and callous attitudes’. In the concluding chapter ‘Lessons for the Consumer and the Consumer Activist’ – she writes for strong voluntary action through the network of VCOs. She writes “Concerted action through a centralized agency to act as a vocal mouthpiece, and become a loudly-crying child whose voice will be heard over the others of the business groups, or even arouse the sleeping bureaucrats from their impassiveness to the consumer needs and problems; and a vocal and effective mouthpiece in the government itself, are two of the urgent requirements for the movement to move ahead”.

*Societal Response to Consumer Movement: Business:* In this book the author writes about the changing attitude of business from “Caveat Emptor” to
“Caveat Venditer”. The author writes about the ‘self-regulation’ measures taken by different business associations to protect the interest of consumers. She cautions consumers and consumer activists that “Businessmen have been reacting only to the extent to which consumers have been assertive and demanding”. Hence, Indian consumers are to be more assertive.

Emergence and Formation of Consumer Groups – A Perspective: In this book, the emergence and formation of consumer groups in India has been traced through four different stages. The book deals with 30 VCOs and other consumer related organizations, five Federations of VCOs and one Foundation (German based) which gives support to consumer protection activities.

The period 1900-1959 is considered an era of emergence of consumer movement in India. 1960-69, the second stage which is identified as ‘Consumers – fighting for their rights’. The editor claims that the third stage of the consumer movement (1970-79) emerged as a result of the inadequacies of direct action and establishment of professionally managed consumer organizations. Through this stage the editor claims that the movement started ‘spreading its roots’ in the country. She claims that ‘passing the CPA, 1986 has given rise to the fourth stage. This act is a milestone in the annals of the consumer movement in India. This stage has resulted in the ‘dawn of a new-era’ (1980-1989). During this stage many VCOs came into existence in the country, before and after the passing of CPA.

The concluding chapter of the book ‘A concerted effort to an united approach’ refers to various efforts made on the national level to establish a ‘central agency’ of VCOs. It also highlights the role of state level federations in Tamil Nadu and Gujarath, CICO and CCC at the national level and IOCU (Present Consumer International) and German based foundation – Friedrich Naumann Foundation in Consumer Protection Movement, at the international level.
In order to make proper use of media for consumer protection, CERC has published a manual - on Media and Consumer Protection. The emphasis is given in the manual to analyze the advantages and disadvantages of various opportunities available with different print, electronic and unconventional media.

The Consumer Guidance Society of India (CGSI) is one of the best organization in India serving the cause of Consumers. CGSI publishes its monthly journal *Keemat* (price) that contains important consumer information regarding product testing, consumer meets, consumer complaints and other international news. The Grahak Jagruthi Sapthaha (Consumer Awareness Week) is an annual function of CGSI. The slogan of the society for increasing consumer awareness is Grahak – Seva, Suraksha, Santhosh (Consumer, Service, Safety and Satisfaction)

Almost all books deal with the topic of rationales of Consumer Protection. A researcher is required to make a proper choice according to the requirement of the research project in hand. Though there is a threadbare discussion on all aspects concerning the consumer protection, there is no direct study on the topic of consumer awareness in India with emphasis on the Consumer Protection Act 1986.

The present research work will definitely make an excellent academic addition to the existing literature on the subject which will lead for further research in the field.
References:


10. Agarwal V.K., “Consumer Protection-Law and Practice”


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Business. Similarly the titles of the series for 1993 were: (1) Advertisements: The Hidden Persuaders, (2) Emergence and Formation of Consumer Groups – A perspective, (3) Warranties and Guarantees: Reading the small Print, and (4) Safety in Household: Electrical Appliances.


