CONTENTS

ACKNOWLEDGEMENT

Chapter No.  Page No.
1  INTRODUCTION  1-15
2. UNFAIR TRADE PRACTICES - A HISTORICAL RETROSPECT. 16-44
   (A) Civil Suit By Consumers : Tortious Remedy 17
   (B) Contractual Remedy 19
      i. Caveat Emptor 19
      ii. Freedom and Sanctity of Contract 23
      iii. Privity of Contract 26
   (C) US Reflections 30
   (D) Indian Perspective 35
3. DEFINITION OF UNFAIR TRADE PRACTICE 45-79
   (a) Unfair Doctrine 63
   (b) Unfair Doctrine : New Approach 68
      i. Consumer Injury 69
      ii. Violation of Public Policy 70
      iii. Unethical, Immoral or Unscrupulous Conduct 70
   (c) Deceptive Practices 72
4. COMMERCIAL ADVERTISING-LEGAL PERSPECTIVES 80-125
   (a) Constitutional Protection 85
   (b) Application of Mens rea 90
   (c) Standard of Protection 94
   (d) Defence of Puffing 99
   (e) Television Commercials 102
   (f) Comparative Advertising 105
   (g) Interpretation of Advertisements 116
5. SPECIFIC CATEGORIES OF UNFAIR TRADE PRACTICES 126-227
(a) False or Misleading Advertisements 126
(b) Bargain Offers 174
(c) Gifts, Prizes, Lotteries, Contests Etc. 189
(d) Goods Involving Risk of Injury 218

6. POWERS OF THE MRTP COMMISSION VIS-A-VIS UNFAIR TRADE PRACTICES 228-315
(a) Power To Grant Injunction 228
   i. Locus Standi For The Grant of Temporary Injunction 239
   ii. Application of Civil Procedure Code 1908 240
(b) Power To Grant Compensation 247
   i. Locus Standi For The Grant of Compensation 250
   ii. Application of The Limitation Act 253
   iii. Measure of Damages 254
   iv. Duty To Mitigate 258
   v. Application of Mens rea 261
   vi. Consumer Class Action 263
(c) Power To Review Orders 276
(d) Power To Punish For Contempt 282
(e) Power To Pass Cease And Desist Order 290
(f) Power To Order Corrective Advertisement 301

7. POWERS OF THE CONSUMER FORA VIS-A-VIS UNFAIR TRADE PRACTICES 316-389
(a) Power To Remove Defects and Deficiencies 319
(b) Power To Award Compensation 326
(c) Power To Enforce Orders 331
(d) Power To Pass Interim Orders 345
(e) Who Can File Complaint and against whom 363
(f) MRTP Act, 1969 V. Consumer Protection Act, 1986. 385

CONCLUSIONS AND SUGGESTIONS 390-418

BIBLIOGRAPHY