PREFACE

A consumer is a user of goods and services. Any person paying for goods and services, which he uses, is entitled to expect that the goods and services are of a nature and quality promised to him by the seller.

The earlier principle of "Caveat Emptor" or "let the buyer beware" which was prevalent has given way to the principle of "Consumer is King". The origins of this principle lie in the fact that in today's mass production economy where there is little contact between the producer and consumer, often sellers make exaggerated claims and advertisements, which they do not intend to fulfill. This leaves the consumer in a difficult position with very few avenues for redressal. The onset on intense competition also made producers aware of the benefits of customer satisfaction and hence by and large, the principle of "consumer is king" is now accepted.

The Constitution of India seeks to ensure for its citizens—social, economic and political justice. However, as consumers face imbalances in economic terms, education levels and bargaining power, the National Consumer Policy aims to promote and protect consumer rights for just, equitable and sustainable economic and social development.

The need to recognise and enforce the rights of consumers is being understood and several laws have been made for this purpose. In India, we have the Indian Contract Act, the Sale of Goods Act, the Dangerous Drugs Act, the Agricultural Produce (Grading and Marketing) Act, the Indian Standards Institution (Certification Marks) Act, the Prevention of Food Adulteration Act, the Standards of Weights and Measures Act, the Trade and Merchandise Marks Act, etc which to some extent protect consumer interests. However, these laws required the consumer to initiate action by way of a civil suit, which involved lengthy legal process proving, to be too expensive and time consuming for lay consumers. Therefore, the need for a more simpler and quicker access to redressal to consumer grievances was felt and accordingly, it lead to the legislation of the Consumer Protection Act, 1986.

Industrial development in the field of manufactured goods has led to the influx of various consumer goods into the Indian market to cater to the needs of the consumers and a variety of services such as banking, financing, insurance, transport, housing construction, entertainment have been made available to the consumers.

In order to protect the consumers from exploitation and to save them from adulterated and substandard goods and deficient services the Consumer Protection Act came into force on 15th April 1986. The preamble to the Act states that the Act is legislated to provide for better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumer's disputes and for matters connected therewith. The Act recognises the following six rights of consumers:

- **Safety**: The right to be protected against the marketing of goods and services which are hazardous to life and property.
- **Information**: The right to be informed about the quality, quantity, potency, purity, standard and price of goods or services, as the case may be, so as to protect the consumer against unfair trade practices.
- **Choice**: The right to be assured, wherever possible, access to a variety of products and services at competitive prices.
• **Representation:** The right to be heard and to be assured that consumer's interests will receive due consideration at appropriate forums.

• **Redressal:** The right to seek redressal against unfair trade practices or restrictive trade practices or unscrupulous exploitation of consumers.

• **Consumer education:** The right to consumer education.

Furthermore, from the U.N. Guidelines for Consumer Protection, 1985, two other rights of consumers are inferred:

• **Basic needs:** The right to basic goods and services which guarantee dignified living. It includes adequate food, clothing, health care, drinking water and sanitation, shelter, education, energy and transportation.

• **Healthy environment:** The right to a physical environment that will enhance the quality of life. It includes protection against environmental damage. It acknowledges the need to protect and improve the environment for future generations as well.

Taking into account the needs of and priorities for consumers the objectives of the National Consumer Policy were laid down as follows:

a. Strengthen production and distribution patterns which are responsive to the needs of consumers, and with the goal of promoting sustainable consumption on an equitable basis;

b. Advocate and promote ethical conduct, transparency, consumer participation and responsiveness in the choice of appropriate technology and environmental responsibility in providing goods, services and technology to consumers at all levels;

c. Promote the development of market conditions which provide consumers with appropriate choices at fair prices and right quality, and lesser burden on the environment;

d. Promote assessment of consumer impact in every area of governance where consumer interests are affected;

e. Promote participation of consumers in every area of governance, particularly in the Panchayati Raj system;

f. Promote adoption of Citizens’ Charters for greater accountability and transparency in governance;

g. Encourage policies and programmes to enable sustainable production and consumption patterns; and

h. Promote regional and international co-operation in the field of consumer protection, sustainable consumption and production patterns.

However, the consumerism and consumer protection are yet working for harmony. It is debatable how the objectives of the policy have been achieved. There are issues surfacing and stretching on the level of protection achieved in India. The consumer awareness is still spreading in majority of the quarters and regions. How much is achieved and how much remains needs to be looked into.

In this backdrop, I decided to study the subject of consumerism vis-a-vis consumer laws in India. My guide Dr L.M. Porwal, Head of Department of Commerce V.S.S.D. College gave me immense encouragement and support to undertake study on this rather unique subject and bring forth the problems and difficulties, which are being faced in consumer protection movement. I wish to convey my heart felt gratitude to Dr. Porwal, who introduced me to this new world. I wish to convey my special gratitude to my father Sri Roshan Lal

I wish to acknowledge the great assistance and support received by me from Dr. Sanjeev Kumar, Group President (Legal & Corporate Affairs) Bajaj Hindusthan Ltd., who is a prolific author and researcher without whom, perhaps this research would have been difficult to be concluded.

I wish to thank to my husband Sri Ajay Kapoor, MLA for his unstinted support in carrying out my studies. I also wish to convey my gratitude to my brother-in-law Sri Vijaik Kapoor and my sister-in-law Mrs. Raman Kapoor, who gave me encouragement and support in my research studies. I also wish to thank my friends and 'gurujan', without whose support I would have not been able to carry out my work so speedily and effectively.

With this I commend my work to the august house of readers.

Kanpur
2nd March 2005