

BOOK REVIEWS

CONSUMER GRIEVANCE REDRESSAL UNDER THE CONSUMER PROTECTION ACT (2002). By Deepa Sharma. New Century Publications Delhi. Pp. 288 Price Rs. 480/-.

PRIOR TO the adoption of the Consumer Protection Act, 1986 (CPA), legal measures for consumer protection existed in India since long under the common law and statutory law. But these measures were not adequate to protect the consumer interests, as they were scattered and did not provide any unified and effective machinery for redressal of consumer's grievances. The relief could be sought and granted under the law of contract and tort, apart from the different provisions under various legislations, *viz.*, Monopolies and Restrictive Trade Practices Act, Weights and Measures Act, Essential Services Maintenance Act, etc. They had their limited scope and confined only to defective and dangerous goods and not to services. Furthermore, the remedies were available through a regular suit in a court of law, which is a part of pyramidal structure of judicial system. The cumbersome court procedure and delay in the disposal of cases, made these remedies elusive.

Realizing the need for a comprehensive legislation, which could not only provide for legal protection to consumers from the exploitation by unscrupulous businessmen but also a separate unified enforcement machinery and foras to redress their grievances, the Consumer Protection Act, 1986 (CPA) was enacted by the Indian Parliament in December 1986. The CPA is a unique socio-economic piece of legislation, intended to protect and promote the interest of consumers of goods and services. One of the basic objectives of the CPA is to provide speedy and inexpensive redressal of consumer disputes for which a quasi-judicial machinery is sought to be set-up at the district, state and central levels. These quasi-judicial bodies shall observe the principles of natural justice and have been empowered to give relief of a specific nature and to award, wherever appropriate, compensation to consumers. Penalties for non-compliance of the orders given by the quasi-judicial bodies have also been provided.

Despite the fact that consumer protection is an upcoming area of almost every individual's interest, it has not attracted the desired attention of research scholars and authors. The few publications available on the subject do not deal with the subject comprehensively. The book under review tries to take stock of the operation of the Act and its actual impact in grievance redressal of consumers. It analyses the mechanism of grievance redressal of consumers provided under the CPA, and evaluates the approach of the consumer courts in providing relief against



the supply of defective goods, deficient services, over charging of prices and offering of unsafe or hazardous goods for sale. The study is supported by an empirical data to support the viewpoint of the author on the working of the Act.

The book is organized into seven chapters. Chapter 1 gives the rationale of consumer protection measures, genesis and objectives of the CPA and an overview of its regulatory measures, and the objective, scope and the methodology of the present study. It takes into account the movement of consumer protection in the country. However, it would have been better if the author, instead of merely citing the name of United Nations' Guidelines (p.4), had briefly given the contents of those guidelines.

Chapter 2 gives a brief review of 25 selected studies, conducted in India and abroad, on consumer awareness about statutory measures for the redressal of their grievances, consumer perception of the working of consumer disputes redressal forums, and the consumer complaining behaviour. While four of the studies reviewed were conducted by scholars outside India, 21 were conducted in India. This gives a fair view of the attempts made in India and abroad about the consumer education, the working of the statutory measures and access thereto.

Chapter 3 deals with the grievance redressal machinery set-up under the Act. It describes the composition, jurisdiction, and the powers of the district forum, state commission, and the national commission. With a view to evaluating their working, the author has studied the working of the state commission and district forum from Delhi only, which gives a fair glance of the working of these foras. For this purpose, the author has prepared an analytical summary of 200 cases decided by District Forum V (North-West Delhi) – one of the nine district forums set up in Delhi, 159 cases decided by the Delhi State Commission – one of the 32 state commissions functioning in the country, and 92 cases decided by the national commission, during the period of 1998-2000.

The various aspects of the mechanism of redressal of consumer grievances are dealt in chapter 4. With the help of decided cases, the author analyses and describes the various steps involved in the process of consumer grievance redressal. The relevant concepts have also been explained, which include: complaint, complainant, unfair trade practice, restrictive trade practice, goods, defect in goods, service, and deficiency in service.

The tables of the decided cases, prepared by the author, come handy for identifying the types of complaint/grievance involved: types of deficiency of service; defects in goods, unfair trade practices involved, offering of unsafe goods, etc.; types of complainant involved in the complaints: consumer, consumer associations, central and state governments, and 'class action'; nature of order passed or relief provided



by the redressal agency concerned, grounds of rejection of complaint, time taken by the agency, and frivolous complaints. Some leading cases decided by the Supreme Court have also been referred. This has increased the value of the study. It clearly brings out the impact of CPA in resolving consumer disputes.

A summary of leading cases on selected areas/segments decided by various consumer foras and the Supreme Court of India is given in chapter 5. These cases give a glimpse into the major issues involved in these cases and the kinds of disputes more often litigated before the court, viz, where the Act is not specific, through court's interpretation, the newer and wider areas have been covered under the Act. The issues pertaining to these cases are: deficiency in service such as education, electricity supply, financing, housing construction, insurance, medical negligence, telephone, transport, etc.; defects in goods, unfair trade practices, and frivolous and vexatious complaints.

A critique of the Consumer Protection (Amendment) Bill, 2002 has been given in the subsequent chapter.¹ In the context of this bill, the CPA has been evaluated and the need for the amendment has been discussed convincingly. At the end the major findings of the study are summarized. Based on the analysis of decided cases, many of these findings are not only interesting but also extremely useful for policy formulation.

A large number of tables, containing a wealth of statistical data and the summary of decided cases, are the hallmark of this concise but well written book which also enhances its relevance. The bibliography appended to the book contains particulars of leading books, articles and relevant legislations and sources of reported cases, which can be a useful reference source for further work in the ever-expanding area. The main strength of the book is the author's evaluation of the consumer courts' approach to the settlement of consumer disputes through a systematic analysis of a sizeable number of decided cases by courts and consumer foras with proper citation except the leading case of *Brij Mohan v. Dr. N.H. Banka* (p. 230), where the citation is missing.

In all, the book makes an interesting and informative reading. It is expected that it would be of immense interest to students and researchers in the fields of commerce, management and law. It is expected that the policy-makers in the field of consumer protection will also find the book useful.

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¹ The Bill has since been adopted as an Act and received the assent of the President on December 17, 2002.

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