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FOREWORD

The legislative enactments in the recent years in the country reveal appreciably that protection of the consumers has been high governmental priority. It also finds place in the socio-economic 'Twenty Point Programme'.

A substantial corpus of law exists on the subject. To enact a law is a pious hope of law-makers that its objectives will be enforced in letter and spirit. It is the law which has to curb unhealthy trade and deceptive trade practices and unfair terms of contract in every possible manner. If laws are to be enforced effectively then it is essential to educate the common consumer about his basic consumer rights as defined in the Consumer Protection Act, 1986. To attain this avowed objective it is necessary to spread legal literacy among the common consumers and social workers so as to build up a strong consumer protection movement. In other countries where consumer movement has made advance in improving life conditions of the people, public and private organisations have played crucial role in shaping economy. In this regard production of enough simple literature, effective use of audio-visual and mass media to attain sufficiency of information to the consumers, are some of the indispensable measures needed to be implemented forthwith. A greater responsibility is devolved on the law and its instrumentalities to mould and set healthy trends to protect environment, face squarely the challenges between consumer protection and industrial growth and production, provide shelter, food and health to the millions, curb widespread adulteration, check staggering price rise and make available the easy and inexpensive socio-legal remedies.

Legislators, judges, law reformers, academics, lawyers and consumerists have to formulate positive schemes for the effective

implementation of the basic rights of consumers and work cohesively for creating an 'egalitarian consumerism' thus establishing a sort of consumer sovereignty in the country.

This fascinating and pervasive area of law affects the routine lives and interests of all the citizens, therefore it being a positive tool of social engineering must secure reasonably social and economic human rights.

I hope this book which is a legal treatise on consumer justice will not only help academics, lawyers, economists, consumerists but also stimulate universities and other educational institutions to promote inter-disciplinary studies with obvious objectives to promote competitive marketing conditions to improve the living conditions of disadvantaged segments of our people.

A systematic study and its publication as a treatise is timely and welcome research formulation of Prof. Nayak which is an outcome of the intensive scholastic legal engineering aimed at achieving the larger socio-economic interests of the vast consuming people as enshrined in the Constitution of India.

(S D Sharma)

(Shanker Dayal Sharma)



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FOREWORD

Consumer awareness ultimately leading to a statute governing the relationship between the consumer on the one hand and the manufacturer and the product-seller on the other is a recent event. Consumer protection can be effectively built up if the Act receives support of enlightened public opinion based upon a value system.

Consumer consciousness has been growing fast in India; yet it has not gone into the community in an effective way. The traditional attitude to suffer a wrong had led to a monopolistic situation both for the manufacturer and the product-seller. Until there is a general awareness in the community, the law cannot be effective.

The Consumer Protection Act of 1986 is a central legislation intended to subserve the cause of the consumers at large. Though an attempt has been made to provide a law taking into account the current situation of the economy and the prevailing scientific advancement in the process of manufacture of products, the law requires a lot of change to meet the constantly growing and changing needs of the community. Four years under the statute have already given rise to a feeling that several amendments are necessary in the Act in order that the statute may become purposeful.

The central body under the Act requires administrative control over the State units. The ambit of the law should perhaps be more clear and definite so that jurisdictional disputes may not too often be raised. The interaction between the aggrieved consumer and the manufacturing agencies should be perceptible.

There are still many States where the Act has not yet been effectively implemented; the infra-structure has yet to be set up and the benefit of the statute made available to the consumer.

Awareness in the community, greater accountability of the producer of the goods as also in respect of provision of services and appropriate vigil over infraction would ultimately bring about the benefit of the Acts to the ordinary consumer. A discernible consumer opinion is perhaps the best guarantee for the due implementation of the law.

Professor Nayak has long association with the Indian Law Institute. He has equally long association with the problems relating to consumers. In this book he has analysed the matter from every legitimate angle and has presented dependable reading material for everyone interested in the subject, I hope this book would receive its due recognition.



(Ranganath Misra)