

PREFACE

During the last few years, a seemingly but perceptible revolution has been taking place in India by consumer awareness and the creation of new law governing the relationship between consumers and product sellers, manufacturers and others. Nevertheless, consumer revolution through law is in an infant stage but it is a good sign that consumer protection may become soon a reality and potential area of development through law. Consumer protection cannot be built up through spontaneous and geared up revolution based on our values alone. It has to be achieved through augmented and sustained efforts.

Consumer consciousness is growing across vast masses of consumers and a feeling has begun that they no longer need to suffer under the outmoded and ill-enforced existing laws. The new law or old ones should be aimed at ameliorating the living conditions of the suffering common consumers. The Consumer Protection Act, 1986—a central legislation—is aimed at fitting into the current system of economy and existing scientific advancement and serve the cause of consumers at large. The Act has laudable objectives. If implemented in true spirit, it will open a new era of consumerism and will result in establishing and developing consumer rule of law rather than rule of law of producers and sellers. It will also develop independent and unbiased sources of essential and scientific information absolutely necessary to arrive at a purchase decision. The Act can be a source of regulatory agencies which have the obvious responsibility to play an effective role in protecting consumer interest in various ways.

In the consumer protection movement, consumer associations, labour unions, consumer cooperatives and governmental and non-governmental institutions should nevertheless, actively involve themselves for resolutions of consumer disputes in and outside courts. Then great consumer masses will not remain silent spectators for their basic consumer rights being unenforced. If consumer organisations take a positive attitude and take into account the newly emerging industrial environment and pressure of public opinion then it will be a road to development of positive consumer law. Any consumer law cannot ignore to devise suitable standards of product quality, safety and defence against food deterioration. The lack of infrastructure and resources

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make the task difficult for the enforcement agencies and maintenance of said standards a rare phenomenon.

Today due to the overwhelming influence of multinational corporations, traditional products have been replaced by synthetic material in which waste and contamination are involved. Their impact is neither known nor analysed as a consequence they sell their products irrespective of the fact whether they fit in with the values of the people. Such corporations have captured the exiguous markets of the developing countries with unsafe and dangerous goods which are throwing traditional goods with obvious advantage for the consumers. This aspect of consumer protection needs to be studied thoroughly.

Although there is no international law of consumer protection at present, a lot of development has taken place in this area of great importance. There are specific guidelines of the United Nations on the subject for execution by governments and to assist them in achieving common justice for their populace in the marketplaces. The U.N. guidelines can be torch-bearer, as in principle, they include protection of consumers against health hazards and ensuring safety, economic interests, access to adequate information to have informed choices according to individual wishes and needs, education, availability to have effective consumer redress and freedom to form consumer and other groups or organisations and the role of such organisations to present their views in the decision making processes in which they are concerned.

The three-tier consumer disputes redressal agencies at the district, state and national levels as envisaged in chapter three of the Consumer Protection Act, 1986, can certainly work effectively and produce positive results. The Act is a hallmark in the direction of minimising to the extent possible the sufferings of the vast majority of consumers.

The herculean task of preparing a treatise such as this was undertaken not only with great industry but also with devotion and dedication to produce it as there is no work of this nature which exists in the country. The book is first of its kind which is heavily supported with national and international authorities, illustrative comments, comparative provisions of laws, decided cases, both Indian and foreign and legal and non-legal material in filtering the Indian consumer law—based on old and new values to make the reader's mind jerkless. In

fact this tome is intended to be versatile and compatible with the emerging consumer movement of the country.

The implementation of the enactment of 1986 in each state is changing rapidly. This treatise provides a most useful bridge from which one can survey the transitional phase of India's most socio-legally and socio-economically oriented consumer protection law. It does envisage a permanent link between the law and people, but it does not seek an end in itself as it purports to be a scholastic feat or product of legal engineering on a fastly changing field.

This treatise on consumer justice will be of immense use not only to the researchers, consumerists and members of the legal profession but also to those who wish to contribute in shaping public opinion on developing consumer protection law in India.

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