Book Review

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New Measures for Consumer Protection

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New Measures for Consumer Protection
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The world, in general, has come a long way from the times of *laissez faire*, the free market economy to a regulated market economy. The consumer markets in India too have taken a giant step since the economic liberalization measures initiated in the year 1991. The historical policy reforms have enabled the manufacturers to freely participate in the markets and the increase in number of market players has resultantly offered consumers with a plethora of goods and services. It is on account of the never ending consumption pattern that the consumers remain the commercial center of attraction for all businesses. Over the years, the rights of the consumers have been acknowledged and recognized in the form of legislative framework as well. However, they are still a weak lot and the gaps still exist at implementing levels. Given the economic and social vulnerabilities, the consumers still remain easy targets of exploitation by various unscrupulous business activities and with the advent of online mode, the challenges are increasing manifold for giving real effect to consumer rights. Some time back I came across the book "*New Measures for Consumer Protection"* authored by Dr. Sheetal Kapoor.

The publication titled "*New Measures for Consumer Protection"* is a lucid presentation of all major aspects of consumer empowerment. The book is divided into 10 chapters. Chapter 1 deals with the background of the Pre and post liberalization regimes. It gives a short insight into various flagship schemes- *Jago Grahak Jago*, Startup India, *Jan Dhan Yojana* and others that are aimed at consumer empowerment. The chapter also traces

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the development in the area of consumer protection in international sphere. Chapter 2 orients the readers on the conceptual framework of '*consumer*'. It is important to note that Section 2(d) of the Act defining the consumer clearly conveys the legislative intent by excluding commercial purpose from the purview of this legislation. It thus seeks to appraise only B2C and not B2B transactions.

The author has painted a good picture of the history of consumer protection in India and the hitherto developments in consumer movement in chapter 3. The text gives a good description of Mahatma Gandhi's economic ideas and the need to distinguish between need and greed. Gandhi's strong push for Swadeshi (local products), the focus on local resources, local employment, cooperation and interdependence deserve a special mention. His ideals of trusteeship role of business is most relevant in today' times than ever before.

The author has highlighted the important role that consumers can play in environmental conservation, preventing labor exploitation and others. The author has emphasized-*Who makes it, who needs it and who profits from it* as the guiding principles for consumers while buying a product. However, it requires both an increase in the efficiency of consumption as well as a change in consumption patterns which itself is a herculean task.

Chapter 5 and 6 deliberate on the Consumer Protection Act and the organizational set up provided under the act. The author has referred to the report by ASSOCHAM to reveal the lack of awareness among consumers as to how and where to file a complaint for redressing a consumer grievance. The chapters mentions about the 3 tier redressal mechanism provided under the act and the relevant pecuniary and territorial limits. It is important to note here for the readers that the new Consumer Protection Act, 2019 has enhanced the pecuniary jurisdiction of District, State and National Commissions and many other consumer friendly measures have been brought in as well.

The author has also referred to the Porter Diamond Theory of National Advantage in chapter 7. The same has been well explained in the text that governments can proactively play a significant role in accelerating the pace of development of a nation in this ever challenging economic environment.

Chapter 8 deals with a very interesting area of Ethical and Legal aspects of advertising. The advertisements are aimed at creating awareness, providing information and resultantly helping the consumers make an informed buying decision. However, in the era of cut-throat competition in the market, the instances of misleading advertisements is on expected lines. The author has stated ignorance and illiteracy as the foremost factors responsible for the

poor consumers getting swayed by the catchy advertisements and advocated for the social responsibility of advertisers. The chapter also contains an interesting discussion as to ethical dilemma and ethical lapse.

Chapter 9 of the book is possibly the most important text in the book as it deals with sectoral regulators. The Consumer Protection Act is an umbrella legislation that seeks to protect the rights of the consumers. Apart from this legislation, the government has also set up certain industry specific regulators to further the protection of interest of consumers. The author has laid down a good account of the areas of Banking (Banking Ombudsman Scheme), Insurance (Insurance Ombudsman), Telecom (Telecom Regulatory Authority of India), Food Safety (Food Safety and Standards Authority of India). The inclusion of these regulators in the book gives a good insight to the readers of the alternate channels available for redressal of grievances.

The state has to play an active role of promoting welfare of the people by policy interventions. Competition is the foundation of a market mechanism which works efficiently by ensuring availability of good and services and at competitive prices as well. Chapter-10 of the book deals with Competition Law. The author has talked about the various prevailing practices- tied up arrangements, discriminatory pricing, predatory pricing to the detriment of the consumers. The aspects of Anti-competitive arrangements and abuse of dominant position have been well discussed and the author has rightly pushed for the case of fair competition in the market as a key driver of the global economy.

The book well recognizes that the global supply chains and growing international trade have made a huge impact on the accessibility of a wide range of goods and services. However, the consumers are still at the receiving end of exploitative business practices. In the quest for never ending financial rewards, the business houses indulge into food adulteration, selling spurious goods, using deceptive weights, poor after sales service, misleading advertisements, etc. The author has strongly advocated for the responsible corporate behavior from business houses. There has to be a consensus that for a long lasting and stable economy, it is imperative for all the stakeholders to come together. There needs to be increased focus and attention on ensuring superior consumers value satisfaction.

Overall, the book is comprehensive in the sense that it mentions the genesis of the consumer movement, role of consumer organizations in India and UNGCP Guidelines 2015. All the recent developments in the field of Consumer Affairs such as the *Bureau of Indian Standards Act 2016*, *Legal Metrology Act 2009*, *Food Safety and Standards Act* and industry regulators have been covered. The significant and far reaching judgements by the National

Commission and the Supreme Court shaping the future of consumer jurisprudence also form part of the book.

The readers would be able to better appreciate the regulatory framework of the business environment by understanding the industry-consumer interface in the real world. The book surely addresses the needs of the readers and will surely help even a layman to develop a strong foundational understanding of the various aspects of consumer protection.

ABOUT THE AUTHOR:

Dr. Sheetal Kapoor serves as a Professor in the Department of Commerce at Kamala Nehru College, University of Delhi. She has a teaching and research experience of 26 years. An alumna of Delhi School of Economics, she is also a recipient of *Sahityak Samman* award for her contribution in Consumer Rights from the Supreme Court Guild in 2014. She has also worked as the Principal Investigator for consultancy projects from Centre for Consumer Studies, Indian Institute of Public Administration, New Delhi.