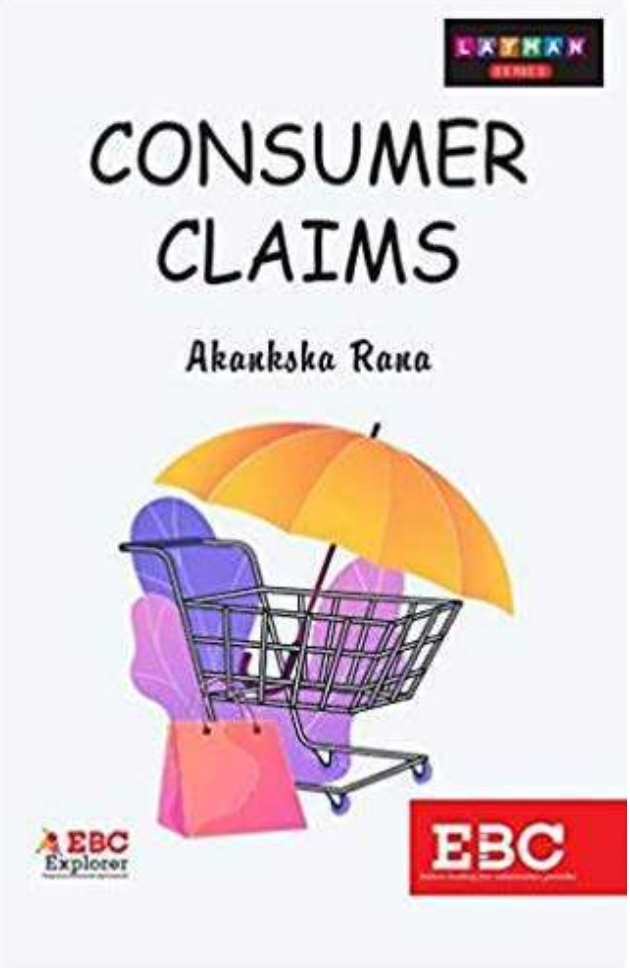
Book Review

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Consumer Claims

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EBC Explorer

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Price: Rs 395/-

The consumer markets in India have undergone a sea change since the economic liberalization measures initiated in the year 1991. The modern-day markets are highly commercialized and offer a plethora of goods and services. The penetration of Electronic Commerce and the expansion of global supply chains have changed the dynamics of the

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market like never before. The Consumer Protection Act, 2019 came up in response to the changing market landscape. The book *Consumer Claims* authored by *Ms. Akanksha Rana* came up to my notice through a friend of mine. I thought of sharing my views on this book which is part of EBC's Layman Series.

India has had a long history of consumer protection since the ancient times but consumers as a class have always been at the receiving end of exploitation by unscrupulous players in the market. The enactment of the Consumer Protection Act, 1986 was an acknowledgement of the power asymmetries between the consuming and the producing class. The act was enacted in a consumer centric design. The legislation aimed at addressing three major issues connected with the conventional courtroom litigation- time, cost and procedural technicalities (TCP).

At the outset, the author records the guidance of *Late Dr. Roopa Vajpeyi,* Vice President, Consumer VOICE and Prof (Retd) English and American Literature, Kamla Nehru College University of Delhi for her contribution to this book.

The author has rightly expressed serious concern with the consumer courts being flooded with advocates in sharp contrast with the intention behind the said legislation. The central theme of the book is addressing this very issue. The Layman Series attempts to empower consumers to *be their own lawyer*s!!

Chapter 1 titled *Consumer and Its Protection* traces the journey of consumer protection. The consumer protection act confines itself to Business to Consumer (B2C) disputes and Business to Business (B2B) disputes are not to be entertained under this act. The Commercial purpose interpretation under "*Are you a consumer*" part of the chapter explains this aspect with real life examples to give a clarification to the readers on the issue.

Chapter 2 Ombudsman highlights the complaint resolution through a mediator appointed in select sectors. Banking, Insurance and Electricity are the sectors where ombudsman offices are established. Chapter 3, 4 and 5 deal with substantive and procedural aspects of filing a complaint. The author acquaints the readers with the Central Consumer Protection Authority, mediation mechanism, unfair contracts and Product Liability action being introduced by the new 2019 legislation. The online filing of consumer complaints, aspects of Appeal and Review have also been explained in lucid manner. The model formats of Consumer Complaints before the District/State Commission and National Consumer Disputes Redressal Commission, Condonation of Delay, Appeal and Revision Petition also forms part of the Annexure.

As per the Computerization and Computer Networking of Consumer Forums in Country (ConfoNet) data, Housing accounts for 47.37%, Insurance 18.70% and Banking 7.28% of the total cases filed at NCRDRC as per sector-wise classification of cases. As per the Annual Report 2020-21, E-Commerce accounts for almost 28.5 % of total grievances filed in National Consumer Helpline. The author has brought this to light by incorporating separate chapters on Housing, Insurance and online shopping. Apart from the chapters on Medical services, Educational services and food Products deserve a mention as well.

Chapter 13 dealing with Responsibilities of a Consumer is very insightful text in the book. Human wants are unlimited but the means to satisfy them are limited. The Sustainable Development Goals SDG-12 deals with Responsible Production and Consumption. The natural resources have been overshot beyond limits in the modern times. The author has brought to focus the issues of sustainable consumption. Not many books on consumer law have touched upon the aspect of responsible and sustainable consumption.

One of the most interesting aspects of the book is the section on "*What you can do*". The author has suggested for the establishment of *Consumer Clubs* (Pg. no. 47). There is no doubt that setting up of consumer clubs can go a long way in enhancing consumer awareness. The classrooms truly are ideal platforms and the bottom-up approach surely can work wonders towards consumer empowerment. It is said that an ounce of mediation is worth a ton of litigation. The author has suggested litigation as only the last resort and has pushed the case for alternative mechanisms of dispute resolution in *Explore out of Court settlement* (Pg. No. 92)

The book doesn't contain a detailed discussion on the features of the 2019 legislation. It is important to note that Section 100 of the Consumer Protection Act provides "*The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force"* It is in backdrop of the said provision that the issue of concurrent jurisdiction arises. The book doesn't appraise the readers much on the issue of concurrent jurisdiction in consumer cases. The inclusion of literature on the debatable issue of member composition of District Consumer Disputes Redressal Commissions, State Commissions and National Commissions, problems in the functioning of the grievance redressal agencies and implementation bottlenecks would have added more weight to the book.

However, the author deserves accolades for bringing an easy to understand step by step guide for consumers to redress their grievance. It lays down a solid platform for the aggrieved consumers to seek redressal. While most books in the consumer area have concentrated either on Legal framework or on the consumer behavioral aspect, this text is a

good mix of both these features. The "*Tips on fingertips, Fun Facts, Learning by Experience, Quiz time*" make it an extremely engaging read. The book is surely a refreshing text on the subject. It's a Layman series in true sense of the term.

ABOUT THE AUTHOR:

Akanksha Rana, an alumna of CLC, is working as a Legal Manager in a Government of India Undertaking. She has almost 8 years of experience in contracts and litigation/ arbitration management. She is also actively associated with Consumers India, a Non-Profit Organization run by retired Senior Government Officers, for almost a decade. Apart from mentoring students in their study of important consumer issues, she guides aggrieved consumers in seeking redressal of their complaints through appropriate forum.