

# CONSUMER PROTECTION LAW<sup>1</sup>

## Course Outline

### Class Hours

<b>MODULE 1 – AN INTRODUCTION TO CONSUMER PROTECTION LAW AND POLICIES</b>	<b>3</b>
<b>MODULE 2 – CONSUMER RIGHTS</b>	<b>3</b>
<b>MODULE 3 – LEGISLATIVE FRAMEWORK ON CONSUMER PROTECTION IN INDIA</b>	<b>6</b>
<b>MODULE 4 – SALIENT FEATURES OF CONSUMER PROTECTION ACT</b>	<b>12</b>
<b>MODULE 5 – SOME IMPORTANT AREAS COVERED UNDER THE C.P. ACT AND CASE LAWS</b>	<b>12</b>
<b>MODULE 6 – EMERGING CONCERNS IN CONSUMER PROTECTION AND LAW</b>	<b>6</b>
<b>Total Class Hours</b>	<b>42</b>

---

<sup>1</sup> Course Teacher: Anirban Chakraborty, Assistant Professor

## **COURSE OBJECTIVE**

Consumer considerations and their protection are very old concepts, but in the last decade there has been a significant development in this branch of law. Globalization of trade, market-dominated economy, information revolution and emergence of e-commerce has further enhanced this process. A greater importance has been assigned to consumer law at a global basis. All these factors have increased more scope for research and advocacy for creating a consumer friendly regulatory framework. The Indian legal framework has also undergone a substantial change to comply with the international norms. The subject has received tremendous importance among the contemporary legal fraternity in India. The legal experts are emphasizing on the need for teaching consumer law very seriously to present generation law students for making them equipped to handle issues relating to this branch of law. In this background the present course will aim to introduce the students to the existing law and practice relating to consumer protection.

### **Learning Outcome**

1. Students will have a comprehensive understanding about the existing law on consumer protection in India.
2. Students will be conversant with major international instruments on consumer protection
3. Students will be aware of the basic procedures for handling consumer dispute.
4. Students will be able to appreciate the emerging questions and policy issues in consumer law for future research.

### **Teaching Methodology**

The teaching of the course will be conducted by using a combination of methods including

- Short lectures
- Guided reading
- Experiential Learning

## Detailed Course Structure

### **Module – I: AN INTRODUCTION TO CONSUMER PROTECTION LAW AND POLICIES.**

- Development of market and consumer relations
- Globalization and consumerism
- Consumer movement in the global context
- Legal frame work and policy challenges

### **Module – II: CONSUMER RIGHTS**

- Genesis of the consumer rights – UN role
- Right to safety
- Right to be informed
- Right to choose
- Right to be heard and assured.
- Right to redressal
- Right to consumer education

### **Module–III: LEGISLATIVE FRAMEWORK ON CONSUMER PROTECTION IN INDIA**

- Evolutionary steps of Consumer Protection Laws in India- a historical perspective
- Some Consumer friendly Legislations
  - ◆ Prevention of Food Adulteration Act, 1954
  - ◆ Standards of Weights and Measures Act, 1976
  - ◆ The Drugs and Magic Remedies (Objectionable Advertisement) Act 1954
  - ◆ MRTP Act
  - ◆ Sale of Goods Act, 1930
- Consumer Protection Act, 1986-the vision of the legislation

### **Module – IV: SALIENT FEATURES OF CONSUMER PROTECTION ACT**

- Objective of the legislation

- Definitions
- Three tier system of grievance redressal system
- Jurisdiction of the Consumer Fora's
- Complainants that can be made under the C.P. Act.
- Relief available to consumer
- Appeals, limitations, adjournments and other procedures
- Amendments to C.P. Act
- An Appraisal of C.P. Act with all its amendments
- Advisory Councils

#### **Module – V: CASE LAW IN CONSUMER PROTECTION**

- Goods – Case laws on manufacturing defects
- Service Sector – Airlines, Banking, Insurance, Housing
- Medical negligence
- Lawyers negligence

#### **Module – VI: EMERGING ISSUES IN CONSUMER PROTECTION AND LAW**

- WTO and Consumer Protection
- E-Commerce and Consumer Rights
- Role of Civil Society in Consumer Protection
- Access to justice and Consumer Laws
- ADR in resolution of Consumer disputes
- Data protection

### **Basic Readings**

#### **Suggested Text Book (Every student must buy this text**

Eradi , *Consumer protection jurisprudence*, (Butterworths , 2005)

#### **Module – I**

- **Consumerism – caveat vendor**, Sumul. J. Power, 38 Ins. Counsel J. 221, 1971 (CD).

- **In search for consumer justice**, Donald B. King, 23 J. Legal Educ. 151, 1970 – 71 (CD).
- **Law regarding sale of defective goods – a journey from caveat emptor to caveat venditor**, J.K. Yadav.
- **A new era in consumerism**, K. Srinivasan, The Hindu, Oct. 31, 1999 (CD).

### Module – II

- **An integrated consumer policy**, CUTS (Briefing Paper), 1996 (CD).
- **Consumer welfare and development are inseparable**, Bhanoji Rao, Business Line, Sept 18, 2007 (CD).

### Module – III

- **Consumer Protection Act, 1986: object and purpose of the Act and need to avoid references of consumers' complaints to civil courts**, T.N. Pandey, (2004) 2 Comp LJ 107.

### Module – IV

- **Democratization of justice: The Indian experiment with consumer forums**, Robert S. Moog, 2002.
- **Consumer Protection Act, 1986: structural loopholes in consumer court's constitution – a brief analysis**, Anupam Goyal, JILI Vol. 41, No. 2, 1999.
- **Speedy justice under the Consumer Protection Act: A critical evaluation**, Dr. V.K. Agarwal, (2004) 2 Comp L.J 97.
- **Consumer Protection Act - the road map ahead**, Rajender Chaudhry, Press Information Bureau, Govt. of India, 2006 (CD).

### Module – V

- **Consumer protection law**, V. Sudesh, Annual Survey of Indian Law, 2005 (Vol. XLI), ILI Publication.

### Module – IV

- **Consumer interest and sustainable development in international trade law**, Prepared by Institute of International and European Environment Policy, 2003 (CD).
- **Political institutions and democracy in information society**, James Love, 1999. (CD).
- **Access to justice for consumer – an EC prespective**, Geraint Howells, University of Sheffield.(CD)

### Statutory and Case Materials

- Consumer Protection Act, 1986

- National Consumer Policy (Draft) , 1998 (CD)
- United Nations Guidelines for Consumer Protection. (as expanded in 1999) (CD)
- Consumer Protection Act and the Supreme Court, Published by CUTS, 2007 (CD).

## **Other Reading Materials**

### **Books**

1. Law of Consumer Protection in India, D.N. Saraf, N.M. Tripathi (1990).
2. Public Utility Services under the Consumer Protection Act, Mamta Rao, Deep & Deep, (1999).
3. Is it Really Safe? Girimaji & Roy, CUTS, (2004).
4. State of the Indian Consumer, CUTS, (2001).
5. Consumer Protection, Dr. V.K. Agarwal, 6<sup>th</sup> edition, Bharat, (2008).
6. Consumer Protection Law in India : An Eco-Legal Treatise on Consumer Justice, R.K. Nayak, N.M. Tripathi, (1991).
7. International Perspective on Consumers Access to Justice, Ed. Rickell & Telfer, (2003).
8. International Consumer Protection, Dennis Cambell, (1995).
9. Consumer Law in the information society, Wilhelm & son et. al. (2001).
10. Consumer Law, Iain Ramsay, (1992).
11. Consumer Protection in the 21<sup>st</sup> Century: A Global Perspective, William T. Vukowich, (2002).

### **Articles**

1. Remedies for consumer protection: prevention, restitution, or punishment, Dorothy Cohen, Journal of Marketing, Vol. 39 (Oct 1975) p. 24.
2. The consumer ombudsman, Donald B. King, 79 Com.L.J. 355, (1974).
3. Challenge to the lawyers: Philippines, Lilia D. Ling, 12 Int'l Legal Prac. 93 (1987).
4. Who speaks for the consumer, Susan S. Silbey, 1984 Am. B. Found, Res. J. 429, (1984).
5. Determination of complex issues under the Consumer Protection Act: a question of jurisdiction, Dr. V.K. Agarwal, (2004) 3 Comp LJ 9.
6. Consumer Protection Act, 1986: Supreme Court recent elucidations and interpretations, V. Gopalan, CLC/XII/(2002).
7. Are consumer rights human rights, Sinai Deutch, 32 Osgoode Hall L.J. 537, (1994).
8. Consumer class litigation, Laird C. Kirkpatrick, 50 Or. L. Rev 21, (1970-71).
9. Litigation in the consumer interest, Howells & James, 9ILSAJ Int'l & Comp. L1 (2002).
10. Government & consumer, Richard J. Barber, Michigan Law Review, Vol. 64. No. 7 (1966).

11. Consumer protection in china after accession to the WTO, A. Brooke Overby, 3 Syracuse J. Int'l & Com 347 (2005-06).
-