

THE TAMIL NADU DR.AMBEDKAR LAW UNIVERSITY, CHENNAI

**DEPT OF DISTANCE EDUCATION
SYLLABUS**

Post Graduate Diploma in Consumer law and Protection

PAPER – I

Evolution of Consumer Movement

1. Consumer movement and consumer protection in India, historical perspectives, the post independence scenario.
2. Comparative Study of consumer protection in India, U.S.A. and Europe.
3. Concept of consumerism, consumer justice and consumer sovereignty, and development of public policy and consumer justice.
4. Study of Consumer behaviour in market economy and marketing system in India.
5. Countervailing influence: Responsibility of manufacturers, producers organisations, Gandhian principle of trusteeship.
6. Consumer groups and tools of consumer organizations: Consumer action groups, consumer resistance, consumer boycotts, lobbying, consumer guidance.
7. International treaties that influenced consumer protection: International Convention on Consumer Justice, role of Consumer International (CI), International Activities for Consumers Protection, FAO, ILO, WIPO, WHO, UNCTAD, UN guidelines for Consumer Protection.
8. Emergence of new Consumer Movements: Green Consumerism, Cyber Consumerism.
9. Consumer education: Consumer awareness of rights and duties, lack of awareness, particularly in rural areas and amongst the farmers, lack of access to information.
10. Role of media in consumer protection, social effect of advertisement, remedies for false and deceptive advertisement, code for commercial advertisements.
11. Electronic Media as a source of consumer information

Recommended Books:

- ❖ Gordon Barrier, The Development of Consumer Law and Policy (1984)
- ❖ Joel R. Ivans, Consumerism in the United States and Inter- industry Analysis
- ❖ Foo Gaik Sim, 10 CU on Record, A Documentary History of the International Organisation of Consumer Unions 1969-90.
- ❖ United Nations Guidelines on Consumer Protection, 9th April 1985
- ❖ Swapnendu Mishra, Consumer Protection In India.
- ❖ Agarwal, Meenu Daya, Consumer Behaviour and Consumer Protection in India.
- ❖ DN Mishra, Consumer Protection India.
S S Chahar, Consumer Protection Movement in India : Problems and Prospects.

PAPER II

CONSUMER JUSTICE AND WELFARE

1. Constitutional perspective of consumer justice: Social Justice and welfare - Rights of producers and traders versus rights of consumers- Right to legal services - Public Interest Litigation - Speedy justice.
2. Right of Healthy Life and Environment: Concept of environment - Causes of environmental pollution - Protection of forests and places of public resorts - Salient features of Environmental Protection Act, 1986.
3. Concept of Human Rights: Protection of Human Rights Act, 1993 - Constitution of National Human Rights Commission, functions and powers of the Commission, Human Rights Courts, special investigation teams.
4. Common Law and Consumer: Liability for negligence and duty to take care - Caveat emptor and caveat venditor - Liability for nuisance - Liability for hazardous and dangerous activities - Liability for unsafe products : Product liability - Compensation - Nature and scope - Accountability of public authorities and liability of irresponsible public officials – Redressal mechanism under Criminal law.
5. Essential Commodities Act, 1955: Regulation and prohibition of the production, supply and distribution of essential commodities, supply and pricing, power of search and seizure, confiscation, public distribution system and its shortcomings.
5. Company Law and Consumer: Kinds of Shares, allotment and calls on shares, rights of shareholder and forfeiture of shares - Company Deposit Rules, rights of deposit holders, restrictions on companies for accepting public deposits - Shareholders and deposit holders of non-banking Financial Institutions - Non Banking Financial Companies and Investors Rights under Company Law and RBI Guidelines - SEBI
7. ISI certification, AGMARK, Trade and Merchandise Mark, Drugs and Cosmetic Acts and Rules – Food safety and Standard Act, 2006.
8. Concept of Public Utility Services, related laws and consumer: Electricity – Electronic and Tele Communication – Transport (Road, Rail, Air and water) – Insurance – Banking - Local bodies and civil amenities – Housing – Clinical Establishment Act (Health)

Recommended Books :

- ❖ Dilip K. Sheth, Treatise on Consumer Protection Law, 2001, Snowwhite.
- ❖ Essential Commodities Act, 1955
- ❖ The Bureau of Indian Standard Act, 1986, Trade and Merchandise Act, 1985 (2002)
- ❖ The Protection of Human Rights Act, 1993, SEBI Act, 1992
- ❖ The Competition Act, 2002, The Consumer Protection Act, 1986, The Essential Commodities Act, 1955

- ❖ The Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980
- ❖ R.F.V. Heuston and R.A. Buckley, Salmond & Heuston on the Law of Torts, 20th Edition, ULP.
- ❖ Renu Sobti, Medical Services and Consumer Protection in India : Cases Reviewed up to April 2001.
- ❖ Introduction to the Law of Torts and Consumer Protection by Avtar Singh and Harpreet Kaur (2013)
- ❖ Law Relating to Electricity with Special Reference to Consumer Protection Law by Vats R.M. (2002)

PAPER - III

CONSUMER PROTECTION ACT, 1986

1. Concept of Consumer: Consumer in India - Consumer of goods and services - Professional services - Medical, legal, educational and welfare services.
2. Rights of Consumer under the Act, nature and characteristics
3. Definitions: complainant, consumer dispute, defect, deficiency in service, service, unfair trade practices, restrictive trade practices, Class action.
4. Consumer Protection Councils, role, objects, and composition.
5. Structure, composition, powers and functions of District Forum, State Commission and National Commission.
6. Law of compensation, approach of Consumer Forum while awarding compensation.
7. Procedure to be followed by consumer redressal agencies, provisions regarding execution of the decision and Appeals.
8. Landmark Judgments of Supreme Court, High Courts, NCDRC, District and State Commission.
9. Practice and Procedure: Indian Penal Code (IPC) 1908, Definition of document, procedure to produce a document in a court of law false document, forge a document, mischief, trespass, fraud and cheating - Indian Evidence Act, 1872 - Definition of evidence, documents, acts, admissions, statements and admissibility - Criminal Procedure Code (1974), Definition and Procedure of Search and Seizure – Right to Information Act, 2005, - Prevention of Money laundering Act, 2002.
10. The Chit Fund Act, 1982

Recommended Books:

- ❖ Mr.L.N.Rajah, Law of Consumer Protection, 2 Volumes, Wadwa publication, 2009.
- ❖ Anirban Chakraborty on Law on Consumer Protection – Advocacy and Practice, LexisNexis, 2014.
- ❖ S.K. Verma, Treatise on consumer Protection Laws.
- ❖ P.K. Majumdar, Law of Consumer Protection in India
- ❖ Anoop K. Kaushal, Practical Guide to consumer Protection law
- ❖ Justice S.N. Aggarwal, Supreme Court on Consumer Protection Act by (2013)
- ❖ Law of Consumer Protection: Advocacy and Practice by Anirban Chakraborty (2014)
- ❖ Landmark Judgments on Consumer Protection Law by NCDRC (2011)

PAPER IV

OVERVIEW OF CONSUMER RELATED LAWS

1. Overview of related laws: Food adulteration: salient features of the Prevention of Food Adulteration Act, 1954 - Drugs and Cosmetics Act, 1954 - Standards of Weights and Measures (Package Commodities) Rules 1977 – Competition Act, 2002 – The Drugs and Magic Remedies (Objectionable and Advertisements) Act, 1954 – The Tamil Nadu Prize Schemes Prohibition Act, 1979.
2. Contract Act 1872 - Right to be assured, access to variety of goods at competitive price- (sale-purchase contract) - b) Contract Act, 1872, What agreement are contracts, free consent (Sec.- 10- 30), the consequences of breach of contracts, rights of parties, agents and principal (Sec.226-232 and 238) Definitions: Sec.2) Proposal, acceptance, agreement, consideration, contract, misrepresentation, fraud, void agreements, discharge of contract, contract of guarantee –
3. Negotiable Instruments Act, 1881, Definition of Banker, Chequeholder: Negotiable instrument, dishonour of cheque for insufficiency of funds etc, cognizance of offences
4. Sale of Goods Act. 1930. Definition of contract, sale and agreement to sale
5. Law relating to warranty and guarantee.
6. Right to Information Act 2005
7. Carriers Act, 1865, Definition of common carrier, liability of carrier (Sec. 3,4,5 & 8), negligence of carriers & limitation (Sec. 9 & 10)

Recommended Materials:

- ❖ Indian Penal Code 1908 (amended in 2002) (Sections - 29,172,173, 425,441, 463, 466, 472).
- ❖ Indian Evidence Act, 1872 (amended in 2000) (Sections - 3,17,35,39 & 65) 2001,
- ❖ The Indian Contract Act, 1872 (Sections 10 to 30, Sections 73,102,211,215,226,227,228,230, to 233 and 238).
- ❖ Negotiable Instrument Act, 1881, 2002 (Section 3,8,12,130,142).
- ❖ The Carriers Act, 1865,(2002).
- ❖ The Sale of Goods Act, 1930, (2000) (Sections - 2(1), 2(4), 2(11), 4,5,11,12,12,18, & 20.
- ❖ M.P. Furmston, Cheshire and Fifoots': Law of Contract, 9th - Edn. Butterworths.
- ❖ Consumer Protection Cases (A Monthly law Journal)
- ❖ Right to Information Act 2005.