

CONSUMER PROTECTION AND CONSUMER RIGHTS

I.B.Com

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Prepared By.Dr.B.AVUDAIAMMAL

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UNIT-1

1. HISTORY OF CONSUMER PROTECTION MOVEMENT IN INDIA

A. INTERNATIONAL DEVELOPMENT OF CONSUMER MOVEMENT

1. Discuss the International Development of Consumer Movement.

(or)

State the role of United Nations Organisation in Consumer Movement:

"The Consumer is the sole end and purpose of all production and the interest of the producers ought to be attended to only so far as it may be necessary for promoting that of the Consumer".

Introduction:

We are all consumers in one form or another. But in the present socio-economic scenario. We find that the consumer is a victim many unfair and unethical tactics adopted in the market-place. The untrained consumer is no match for the businessman marketing goods and services on a well organised basis and by well-trained professionals. He is very offended cheated in the quality, quantity and price of goods or services the consumer who was once the 'King of the market' has become the victim of it. He is not supplied adequate information as to the characteristics and performance of many consumer goods and suffers due to the unfairness

of many one sided standard forms of Contracts The modern economic, industrial and social developments have made the notion of "freedom of contract" largely a matter of fiction and an empty slogan so far as many consumers are concerned.

Doctrine of Caveat Emptor:

The Caveat emptor 'let the buyer beware' beware of the concerning the sale of goods. Assumed that the consumer responsible for protecting himself and would do so by applying his intelligence and expense In negotiating the terms of any Purchase. Caveat emptor qui ignorance non debet quod jus a se emit. Let a purchaser. Who ought not to be ignorant of the amount and nature of the interest which he is about to buy. Exercise proper caution. The theory - "let the buyer beware" permits the seller to disown his liability. The said doctrine may have been appropriate for transaction conducted. in village markets. In early times. The consumer may have been able to protect himself since the products were less sophisticated and could be inspected before purchase. But now the conditions have changed many modern goods are technological mysteries. The consumer knows little or nothing about these highly sophisticated goods. In our normal life, we see the products are complex and of great variety and consumers and retailers have imperfect knowledge. The doctrine of caveat emptor Thus has ceased to be appropriate as a general rule. The consumer need protection by law when goods fail to live up to their promises or indeed cause injury'.

International Development (or)

The Role of United Nations Organisation in Consumer Movement:

The United Nations Organisation was established on October 24, 1945 on the democratic principles. The Preamble of the Charter of the United Nations declares, "We the Peoples of the United Nations determined....• for the first time. The people are recognised as the important persons than the ruling persons. On the same foot. The Governments of all the countries began to respect the ordinary persons. •Welfare State' began to occupy the place of "Police State. Upto 19th century the people of all the countries in the world experienced only Police State. The then ruling governments also thought that Law and Order, protection from foreign countries. etc.. Were only the duties of their ruling however. Since the beginning of 20th Century and particularly after establishment of United Nations Organization. Their attitude was changed. Their outlook tremendously and evolutionarily changed into a sophisticated manner towards the ordinary citizens.

There are six principal organs established under the United Nations Charter. The Economic and Social Council is one of such organs. Article 55 to 60 of the United Nations Charter explains the objects and functions of this principal organ. This organ shall promote:

- (a) Higher standards of living, full employment. And conditions of economic and social progress and development;
- (b) Solutions of international economic, social. Health and related problems; and international cultural and educational cooperation;
- (c) Universal respect for and observance of. Human rights and fundamental freedoms for all without distinction as to race, sex. Language. or religion.

The object of the Economic and Social Council is to establish international economic, social. Cultural, educational. Health and related fields, and supervise them. The Economic and Social Council recognised the necessity of consumer protection in the late 1970s. and this principal organ thought that consumer protection was important for the economic and social development of the people. In 1977, the Economic and Social Council requested the General

Secretary to conduct a survey regarding the various institutions and legislations established in different countries on the subject of consumerism. Agam in 1979, the Council requested the General Secretary to submit a report on the proposals for measures on consumer protection to be taken by the States. In 1981, the Council stressed the necessity of formulating the Guidelines for the welfare of the consumers, which guidelines should be adhered by the States. The Council also asserted that such guidelines should give most importance to the people of developing countries.

On 17th December, 1982, The General Assembly of the United Nations adopted a Resolution on protection against products whose consumption and use have been banned. Withdrawn. Severely restricted or not approved by governments, On the repeated requests made by the Economic and Social Council. The Secretary General consulted With the Governments and various international organizations, and prepared draft Guidelines for consumer protection, and submitted such report to the Council. On 27-5-1983, Mr. Boutros Ghali, The Secretary General, had submitted a Report on Consumer Protection - Imitational Co-operation and co-ordination within the United Nations System" before the General Assembly and Economic and Social Councils

From 27-5-1983 onwards, The member States discussed negotiated deeply and seriously on those Guidelines. Lastly on AP 9, 1985, The General Assembly of the United Nations adopted the Guidelines for consumer protection, the primary Object of the guidelines were to provide guidelines to the Governments of all t countries, Particularly to the developing countries. That guideline is:

- ❖ To encourage consumer movement in the World:
- ❖ To afford high standard protection to the consumers in all t countries;
- ❖ To develop international co-operation in consumerism:
- ❖ To protect the consumers from hazards to their health and safety
- ❖ To promote and protect the economic interests of consumers:
- ❖ To formulate the effective, speedy and inexpensive legal remedies and redressal to the consumers:
- ❖ To curb the 'unfair trade practices' by businessmen against consumers;
- ❖ To see that the consumer has greater choice at tower prices;
- ❖ To encourage the highest ethical conduct in the business sales etc. etc.

The General Assembly of United Nations adopted a Resoluti0' Vide No.39/248, dated 9-4-1986 particularly on "Consumer Protection suggesting to take certain steps, viz..

1. the protection of consumers from hazards to health and safety
2. adequate required information of the goods shall be provided the consumers;
3. control misleading advertisements;
4. prevent the deceptive representation;
5. consumer education:
6. Effective consumer redress.

The Economic and Social Council adopted a Resolution No .61 July, 1988 requesting the member-States to adopt and implement tl Guidelines of 1983. However before that adoption of the Resolution the Indian Parliament had enacted "The Consumer Protection A 1986" With the inspiration of the Guidelines of 1983. It was appreciated by the Western and Eastern countries. Passing such Act by the Indi Parliament Inspired several other counties, which also began to enact such Acts in their countries other Organization and Organs which developed consume movement

1. World Health Organisation (WHO) : It is a specialised agency with multipurpose functions and well defined objectives. It started functioning with effect from 1st September, 1948. Its main object is that the people of the world should possess good health. To achieve this object, it supported consumer movement. It has been recommending the member-States for making the necessary legislations to safeguard the health and to supply the consumer goods. Medicines, Education in high standards. In 1981, it prepared "the International Code of Marketing of breast milk substitute. ,

2. Food and Agricultural Organisation (FAO). It was established on 1610-1945. It aims to raise the living standards, to increase the production of food-stuffs and to enhance the capacity of their distribution, to improve the conditions of the rural population and thus to improve the economic system of the world. In 1985, it prepared "the International Code of Conduct on the Distribution and use of Pesticides"

Conclusion:

Having gone through the above, one may clearly understand that the strong basis of the Consumer Movement and Consumer Protection starts from the establishment of United Nations Organisation.

B. CONSUMER MOVEMENT IN OTHER COUNTRIES.

1.Explain the development of Consumer Movement in countries other than India.

(or)

Explain the legislative measures of United States and Great Britain in Consumer Movement.

Introduction:

Today a number of countries all over the world have laws to regulate and Control unfair and deceptive trade practices and to provide adequate protection to the consumer. Before going to depth of the study of the history of Consumer Protection Movement in India. It 's necessary to see briefly some developments concerned With Consumer Laws the United States. United kingdom and Austria from whose we have been benefited in transplanting the Consumer Lawton of our country United States:

The United States as long ago as 1890. Enacted the first trust legislation Namely the Sherman Act, the Act declared 'even contract. Combination in the form of trust or otherwise conspiracy in restraint of trade or commerce to be illegal's this Act could not respond to the wide-spread pressures for Increased protection of consumers. To meet this demand. Two major legislations were passed in 1914, The Federal Trade Commission Act and the Clayton Act. The Federal Trade Commission Act IS the oldest and most 'prominent statute for the protection to consumers. (He authorised the Federal Trade Commission to correct unfair method of competition' in its implementation. the Commission moved protect consumers as an objective in and of Itself. rather than as at incident that would further competition. In 1938 the Act was amended by Wheeler-Lea Act extending the scope of the Act to cover 'unfair deceptive acts or practices' as well as 'unfair methods of competition Thus. the amendment provided three separate basis for the Federal Trade Commission's jurisdiction-unfairness. or deception. or unfit competitive methods. In 1975. The Magnuson-Moss Warranty Federal Trade Commission Improvement Act further strengthened the Commission's rule making and other authority over 'unfair and 'deceptive acts and practices', The Commission disorganized into two principal operating Bureau.The Bureau of Consumer Protection and the Bureau of

Competition. The Bureau of Consumer Protection has principal's responsibility of monitoring advertising. Labeling and descriptive practices.

In addition to aforesaid legislations, there are number of others legislations on consumer protection which cover, Consumer Credit Protection Act which requires certain disclosures in consumer credit sales and loan; the Consumer Leasing Act which deals with consumer leases. The Consumer Product Safety Act. The Federal Hazardous Substances Act etc. provide protection to the consumers in several ways. Further, The Uniform Commercial Code attempts to protect purchaser of goods through a requirement of 'good faith' and prohibition of 'unconscionable' practice. The provisions of the Code have been widely incorporated in subsequent Uniform or Model consumer protection statutes. United Kingdom:

In the United Kingdom There are number of legislations to protect the Interest of consumers. The most significant of them are the Fair Trading Act. 1973. The Competition Act. 1980 and the Consumer Protection Act 1987.

The Fair Trading Act, 1973 seeks to protect the consumers from consumer trade practices. and unfair practices. The main object of the Act was to encourage competition which is fair as between one business and another. And fair towards the consumer. By ensuring the trading standards are improved wherever possible and that unfair trading practices are stopped or changed, whether they be abused of a monopoly position, or practices which are.

The Competition Act 1980 has been enacted to make provisions for the control of anticompetitive practices in supply and acquisition of goods and the supply and securing of services; to provide for the investigation of prices and charges by the Director General of Fair Trading. And to make some amendments with respect to the Fair Trading Act, 1973 and the Restrictive Trade Practices Act. 1976.

The Consumer Protection Act. 1987 is a wide-ranging piece of legislation, creating both civil and criminal liability. The philosophy of the Act is that the best form of consumer protection is to promote competition. Supplying unsafe goods or misleading the consumers about the price is an unfair competition. Hence. If competition is to work effectively in practice, then the consumers must have sufficient information for them to make effective choices. The Act deals with three main aspects:

(i) Product Liability:

Part I of the Act provides a system of strict liability imposed upon a producer to respect of any damage caused by defective products. However, the complainant must prove a causal relation. Between the damage and the defect However Section 4 (i) of the Act enables the producer to avoid liability if he can prove any one defenses laid down under the Act (ii) Unsafe Goods: Part II of the Act introduces a general duty on all suppliers of consumer goods to ensure that the goods they supply are safe. Person who offers. or agrees to supply or supplies any consumer which fails to comply With the general safety requirement. Shall be guilty of an offence under the Act (III) Misleading Price Indications: Part III makes it a general offence to give misleading price indications to consumers in respect of any goods. Services accommodation or facilities, Australia:

In Australia the first anti-trust legislation was adopted in 1906. The Australian Industries Preservation Act. 1906 The Act was influenced by, and was substantially similar to

the Sherman Act, 1890 of the United States. Although the Act was amended to 1911. To overcome some difficulties but changes in attitudes. Two world wars and a world depression led to its being ignored for many years. '4 It was hardly the success of the 1906 Act that prompted the 1965 legislator. Namely, the Trade Practices Act, 1965. This Act repealed the 1906-Act the 1965-Act was influenced by the Restrictive Trade Practices Act, 1956 of the United Kingdom. Finally the Trade Practices Act, 1974 was passed which replaced the 1965 Act. There were some minor amendments to the Act before 1977. But the first major amendments were effected in 1977. Further significant amendments have since been made in 1978 and 1980. The Act is concerned with restrictive trade practices' and consumer protection." Part-V deals with consumer protection and is aimed at eliminating unfair competition in trade and commerce as well as strengthening the position of consumers. It prohibits false or misleading representation or advertisement: offering of gifts, Prizes or other free items with the intention of not providing them; bait advertising; referral selling. Further a corporation is prohibited to supply goods which do not comply with the prescribed consumer products safety standard.

C.CONSUMER PROTECTION MOVEMENT IN INDIA.

As a developing country, India's biggest problem is that of perennial shortages taking place in various types of consumer goods and services. The pressure of population is high. A large part of the population is below the poverty line and of the remainder the vast majority is a long way from affluence. There is ignorance of the consumer of his rights. Have not yet organised themselves into a powerful movement. Consequently, sellers' market situations frequently arise in respect of various goods. There has been a lack of due recognition to consumer organizations. All these have created a situation of a very safe heaven for the traders and a position of frustration and uncertainty for the consumers.

Indian Constitution and Consumer Movement:

Before Second World War the philosophy of laissez faire was prevailed. According to this philosophy. The Government's duties were limited only to the maintenance of law and order and defense of the country against external aggression. This Ideology of "Police State" was ruling all the nations since the establishment of United Nations Organisation. However. This oldest ideology was quashed by the new wave of thought of "Welfare State" and the active participation of general public in the administration by way of election. Majority Now majority of the member-States of the United Nations have adopted the democracy as their main ideology.] According to the democratic principles. The "Welfare State" has. Occupied in the place of 'lassiez faire'. The Indian Constitution has been framed on the same lines. Its objects are to strengthen and promote the concept of welfare state by seeking to lay down some socio-economic goals. The Preamble of the Constitution explains the goals of democracy for all the citizens of India The Constitution gives certain Fundamental Rights to them (Articles from. 12 to 35), which are most valuable. The Directive Principles (Articles from 36 to 51 -A) narrate certain principles directing the State to implement them to achieve social justice society. Thus the framers of the Constitution assumed that mere political democracy would be meaningless to a country of the crores of poor people without economic justice. Therefore, Directive Principles are the 'Basic to our social order' because they are framed to achieve welfare and social justice to the society these Principles do not impose any particular SOCIAL-economic philosophy on the country. These Principles have been playing a role in legislative and administrative policy, making the Country. Article 38 of the Indian

Constitution. 1950 lays down that the State shall secure a social order for the promotion of welfare of the people.

Article 38 - State to secure a social order for the promotion of welfare of the people:

- (1) The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in: Which justice. Social. Economics and political. Shall Inform all the. Institutions of the national life.
- (2) The State shall. In particular. Strive to minimise the inequalities in income. And endeavour to eliminate inequalities in status. Facilities and opportunities. Not only amongst individuals but also amongst groups of people residing in different areas or engaged different vocations.

The Impact of the Past Legislations in Consumer Protection Movement:

As enunciated above by our Constitution. Consumer Justice is part of Social and Economic Justice. Following the constitution's mandate. a number of legislations have been enacted in the field of Consumer Protection relating to standardisation. Grading. Packing and branding prevention of food adulteration. Short weights and measure hoarding. Proficiency. Etc. They are:

- 1) Drugs (Control) Act, 1960;
- 2) Drugs and Magic Remedies (Objectionable, Advertisements) Act 1954;
- 3) Prevention of Food Adulteration Act'. 1954;
- 4) Essential Commodities Act. 1955;
- 5) Prevention of Black Marketing and Maintenance of Supplies of Essential Commodities Act, 1980;
- 6) Essential Services Maintenance Act, 1968;
- 7) Trade and Merchandise Marks Act, 1958;
- 8) Standards of Weight's and Measures Act, 1976;
- 9) Bureau of Indian Standards Act. 1986;
- 10) The Monopolies and Restrictive Trade Practices Act. 1969.

Some pre-Independent legislations are: (I) Indian Contract Act 1872; 2. Sale of Goods Act, 1930; a. Agricultural Production (Grading and Marketing Act, 1937); 4. Drugs and Cosmetics Act, 1940.

But all these are scattered pieces of legislations. The litigation under these legislations are disproportionately costly and troublesome to the small consumer. The procedures are complex. Cumbersome and time consuming and the remedies available are limited in scope. Thus, the impact of these legislations in protecting the consumer has been relatively small,

The Impact of M.R.T.P. Act:

Mean while as to protect consumers. Our Parliament enacted the Monopolies and Restrictive Trade Practice Act in the year 1969 with the object to prevent concentration of economic power and to control monopolistic and restrictive trade practices. The provisions of the Act, proceeded on the assumption that if dealers. Manufacturers or producers could be prevented from distorting competition. The consumers would get a fair deal. The emphasis

was on competitive market and it was thought that the competitive market would provide the required protection to the consumers but that was only partly true. There is now greater recognition that consumers need to be protected not only from the effects of retentive trade practices but also from the practices which are resorted to by the trade and industry to mislead or dupe the customers". The effect IS to shift the emphases on detection and eradication of frauds against the consumers, particularly belonging to weaker sections of society. If a consumer IS thus falsely induced to enter into buying goods which do not possess: quality and do not have the care for ailment advertised. it IS apparent that consumer is beings made to pay for quality of things on falserepresentation. Obviously such situation cannot be accepted. The consumer protection must have a positive and active Thus. The Sachet Committee suggested that the unfair trade Practices like misleading advertisements and false misrepresentations. Sales batty and switch selling,Offering of gifts and prizes With Intention of not providing them. Conducting promotional contests, Supping, goods that do not comply with safety standards and hoarding and destruction of goods should be prohibited."In the light of these; recommendations. The MRTP Act was amended in 1984 to incorporate inter alia. New provisions for the regulation of unfair trade practices

The Advent of Consumer Protection Act:

Under the above circumstances our Indian Parliament had enacted the Consumer Protector Act. 1986 to provide better protection to the interests of the consumers, The Act is a comprehensive legislation with its math thrust on providing sample. Speedy and inexpensive redressal of consumer gnevances. The Act came into force on April 15, 1987 except Chapter Ill which came into operation from July 1. 1987.

Conclusion:

By the advent of Consumer Protection Act. 1986. Consumer awareness has been developed in endure India. Consumer societies and organizations' are formed in the villages. Towns and capitals the consumers began to question. Clam the rights over the quantity and quality of the goods and services, now the Consumer Movement has spread in entire world including India very rapidly and successfully. Now the principle and law of philosophy of Caveat emptor is more seen in the law of sales. Only Caveat Venditor and Consumerism shall rule over the Law of Sates.

D. SLOW DEVELOPMENT OF CONSUMER PROTECTION MOVEMENT IN INDIA.

4. Discuss the reasons for slow-development of Consumer Movement in India.

(or)

“Consumer Protection in India is still in its infancy” Comment.

Introduction:

In India the seller's dōminate the market the consumers are ignorant of their rights. Besides they are not organized. The setup by private persons seek their selfish ends first and then leave some crumbs to the consumers in the same way as the Union Leaders in the Labour Organization devour most of the gains got (fn behalf of the workmen by them. Labour

Unionism has been made a trade or business by such vested while collared leaders who later on assume high positions. legal as well as constitutional on getting themselves rid of lacks and incapacities. The consumer organisations are mostly paper organisations with no worthwhile number of educated and well to do individuals. They get benefits of the consumer movement because the Governments are apt to give benefits to consumers. The Consumer Protection Councils also are not active but mostly to get their remunerations and allowances from the Public Revenue. and are adding burden on the Public Finance. Much hue and cry is made for Improvement of consumers' status. But the consumers are there where they were.

Reasons for slow development of Consumer Movement in India:

1. Enormous growth of population:

In these backward countries the curse of increased population is one of the major causes. India's population was increased from 36 crores to 94 crores within 50 years. The land not grown up in the said ratio. To feed the growing population a major problem for the ruling parties. It is also one of the major causes for the slow development of consumer movement.

2. Illiteracy:

It is also one of the major causes for the poorness and non. development of economy. The literate people can plan the". India got only 50% literacy (that too on papers and statistics actually this figure comes 'to only 25%) after Ots 50 independence. The literate people can ask the seller and can seek t remedies against the defective goods and defective services. the majority people of India are illiterates, They do not know t rights. Hence they sleep •n the darkness,

3. Legal awareness:

The legal principles say that 'Vigi/antibus non dorm bus juba subvention (The law helps to those who are Vigilant a not those who sleep over their rights), the majority of the people are illiterates. In literate Indians also legal awareness little,

4. Political corruption:

The political leaders always exploited the country Out of the years of independence rule majority of period, Congress ruled t country. There are several scams came into' light and known to the people, and cases are running in the courts. This shows that t ruling parties. Whichever the parties may be. Aimed to rob the people. They did not formulate the correct policies to educate the people. They concentrated only on vote bank. power and money. They got it. The people are pushed into troubles. Now the Indian people became political awareness.

5. Infrastructure

Since Independence the ruling parties did not pay any attention for the development of the infrastructure in the country. The railway lines roads bridges were constructed by British rulers. Only a few new constructions were undertaken that too to get the share ten the project amount. The public fund was shared by the contractors and political leaders. When there is no

infrastructure, no country shall be developed. It affects on the quality of consumer goods in this vast country.

6. Lack of leadership on moral footing:

There is a vacuum of moral leaders like Mahatma Gandhi. in India of today who would utter:

A consumer is the most important visitor in our premises. He is not dependent on us. We are dependent on him. He is not an interruption in our work. He is a part of it. We are not doing him a favor by serving him. He is doing us a favor by giving us an opportunity to do so."

The Founding fathers of the Republic of saw a dream of socialist India. Consequently big industries and corporations were formed in the public sector to give more benefit to the common consumers and not exploitation or harassment of theirs. But the things were reverse under the lawless Governments. The officers-in-charge of public corporations came out to be mostly dishonest and the workmen lethargic and undexterous ultimately most of the public corporations ran in losses and the Governments were compelled to sell them or transfer them to private sector. the private traders. Groups or Companies. The Electricity Department is failing in nearly all the states of India due to gross disorder and corruption in this department. Similar is the position in Telecom. Railway Department and State Road Transport Corporations. There is a flood of scams in various public undertakings in which even the Chief Ministers are found involved.

The growing number of dishonest political leaders and public representatives, The MPs and MLAs, are the main stumbling blocks in the way of development of consumer movement. Until the consumers organised to such a vast extent that they check by their votes the entry of such immoral leaders into the administration in any sphere. The development of consumerism would remain only a dream in India.

7. Inactive and disorganised consumer organisations:

There are about 200 consumers organisation in India. Most of which are inactive and fake societies. Some of them are recognised consumers associations. These also have proved only business transactions. They have no propaganda machinery to approach the common consumers and awaken them of their rights. A few of them however are faring well in their duties obligations to assist the aggrieved consumers. There should be a consumer Organisation in every village and taluk Of a city or every ward of a town.

8. Defects in the Consumer Disputes Redressal Agencies:

Of course. There are no adverse and negative comments for the establishment of the Consumer Disputes Redressal Agencies, All the consumers welcome this system, however. There are certain vices and worst things happening in this system also. They are

(i) Prescribed period for enquiry:

The Act prescribed certain period for disposal of every complaint. The act says that the complaint before the Consumer Disputes Redressal Agencies should be decided within 90

days from the date of notice received by the opposite but in practice. The Agencies ate too much time. I' IS reconsider legal principle that "Delayed Justice is defeated justices.

(ii) Distance of Agencies:

The Agencies are situated at District Centre. State Capital Centre's Capital the most of the consumers reside in rural areas very far areas to the capital cities. It is not possible for consumer to approach them incurring huge expenditure. Hence It needed to establish the Consumer Disputes Redressal Agencies Taluk Village level.

(III) Vacancies of the Presidents and Members:

After establishment of Consumer Fora, the State Government forgets them. They could not appoint the person for the posts Presidents and Members of Distinct Fora and also to the State this attitude is seen in entire India by every State Government. In case of falling of vacancies' due to resignations. Deaths: Ill-health. Etc. unwanted huge delay is taken by every State Government. Non-appointment of vacancies also affect on the functioning of redressal agencies.

(iv) Partiality of the State Government:

Of course the framers of the Act have taken most minute precautions to prevent the political interference. However. There a allegations in the appointments of the Members of District Fora some of the State Commissions by the Ruling Party by appointing their party members. It should be eradicated.

(v) Corruption in ministerial staff:

There are allegations about some of the ministerial staff for their corruption. Now this is crept to the remoistened staff of the redressed agencies. Some of the ministerial staff is habituated to corruption and demanding for issuing certified copies, for sanding summons the opposite parties. For sending the goods for laboratory etc. practice should be controlled.

(vi) Advocates

The Act intends to provide speedy, simple and Inexpensive a also coupled With free from legal procedure. It does not want the legal procedure. which is not known to the ordinary consumers. Her it wants to avoid the intervention of the Advocates, However. it doe not specifically prohibited the appointment of the Advocates. Taking this as a chance. the litigants are appointing the advocates. Hang the agencies have become the lawyer's playing fields. who at' instrumental to seeking endless adjournments. This leads incessant expenses for the consumers. and also leads unnecessary delay proceedings. Thus these redressal agencies have -also become lust tike the ordinary Civil Courts MI India.

(vi) Scarcity of ministerial staff:

The State Government does hot take full-fledged concentration I on the consumer disputes redressal agencies. Hence several redressal agencies, full pledged ministerial staff, equipment and 'buildings are not provided till today

(vii) Pending cases:

There are about 3% Lakhs cases pending before the consumers I disputes redressal agencies at the end of the year 1998 even though these Agencies work with harboriously there are several reasons enunciated above and others which cannot be explained on paper. The same reasons, which are responsible for the country's huge backlog of litigation in the civil courts are also applicable to consumer redressal agencies. Whatever the reasons may be, these agencies seem to take the litigation path of judiciary

(viii) Legislative faults:

The framers of the Act intended to solve the consumer grievances in a speedy, simple and inexpensive manner. However their Intention is diluted by the subsequent framed Consumer Protection Rules, 1987. Example: The Act 1986 provides that the redressal agencies 'shall dispose the complaints within 90 days'. The Consumer Protection Rules 1987 which were made thereunder stipulate that the fora 'shall' dispose off the cases within 90 days 'as far as possible'. The phrase 'as far as possible' is sufficient to the litigants to seek adjournment of the complaints for months together.

Conclusion:

While seeing the above it would be clear that the Consumer Protection Movement in India IS very slowly developing and It IS still In its Infancy.

CONSUMER PROTECTION ACT, 1986**Introduction:**

The Consumer Protection Act is a beneficial statute² enacted to confer additional consumer rights and to preserve and guard the existing one under the law It suffices to mention that the concise statute proudest a stripe. Inexpensive and expeditious rem for the enforcement of those rights, It creates a hierarchy of redressal agencies and also provides for sanction to carryout their orders. I It its somewhat manifest that the Act is a spectral statute satisfying long felt need for creating an Jurisdiction for both conferment of additional consumer rights and the preemptory an expeditious enforcement thereof.

Structure:

The Act came into force on April 15. 1987 except Chapter III which came Into operation from July I. 1987. The provisions of the Act at in addition to and not in derogation of the provisions of any other law for the time being in force the premasters are supplementary nature and have no overriding effect

The Act envisages the formation uf the Consumer Protection Councils at the Central and State levels²⁶ Themain objects of the Councils are to promote and protect the rights, of consumers%.

The Act provides a three-tier quasi-judicial machinery at the National , State and District levels for redressing consumer gnevances It is significant to note that the Act recognizes the rote of the consumer organisations in assisting the consumer in seeking justice through this nation-wide network of consumer disputes redressal, agencies as envisaged under the Act:

The Act applies all goods and services in private, public or the co-Operative sector. Thus. The consumer can initiate an action by complaint under the Act against the defective goods or dificientservices rendered even by the public sector or government undertakings such as Airlines, Banks, Telephones, Railways. State Electricity Boards. State Roadways, State Housing Boards, etc;

Amendments to the Act

The Act was first amended by the Consumer Protection(Amendment) Act, 1991. The amendments came into force w.e.f. June15, 1991. The Amendment Act was to repeal and replace the Consumer Porte on (Amendment) Ordinance, 199t The Amendment Act made it clear that their proceeding of the District Forum may be conducted by the P es dent and one member and not necessarily by all the member he Amendment Act inserted new provisions regarding the filling up Of the vacancy in the office of the President and also the vacancies or defects in appointment not to invalidate the orders of the District Forum. the State Commission and the National Commission.

The comprehensive amendments were. made in the Act by the Consumer Protection (Amendment) Ordinance, 1993²⁷promulgated by the President of India on June 18,M99 'The Ordinance was issued during the pendency of the Consumer Portion (Amendment) Bil 993 which was introduced in the Raja Sabha on March 31. 1993.) the ordinance was containing all t e amendments which w e Idled in the Amendment Bill. 1993 The ordinance has now been repealed and replaced by the Consumetion (Amendment) Act, 1993 With some additions and modifications.

The Salient features of the Consumer Protection (Amendment) Act. 1993 are as follows.

1. The scope of the Act has been enlarged so as to enable one or more consumers to file class action complaints on behalf of group of consumers having the same interest.
2. Some kinds of restrictive trade practices have been brought within the purview of the Act and complaints relating to such restrnct.ve trade practices may be filed with the redressal agencies.
3. The definition of 'Unfair trade practice contained in Section 36A the Monopolies and Restrictive Trade Practices Act. 1969 has also been incorporated in the Consumer Protection Act.
4. The goods bought and used by a consumer exclusively for the purpose of earning his livelihood. By means of employment have been excluded from the scope of 'commercial purpose'
5. The scope of the definition of 'service' has been extended inserting 'house construction' in the definition.

6. The provisions have been inserted in the Act for the constitutor of selection committees for the selection of non-judicial memberof various redressal agencies.
7. The limits of the pecuniary jurisdiction of the District Forum, The State Commission and the National Commission have been increased.

A limitation period of two years for filing complaints has been provided.

The provisions have been made to confer additional powers on the redressal agencies to award costs to the parties; and to order to recall the goods which will be hazardous to life and safety of the people. etc.2