PREFACE

The enactment of the *Consumer Protection Act*, 1986, a milestone in the history of socio-economic legislation in India, has brought a qualitative change in the justice delivery system in the country. According to some of the consumer law experts, the implementation of this small statute has nearly revolutionized the entire Indian legal system. Although this Act was passed in the year 1986, its effective implementation started in the year 1991 when the Three-Tier Consumer Disputes Redressal Agencies envisaged under the Act were finally established and the process of decision-making gathered the much needed momentum. Since then, there has not been any looking back. As a result thereof, we have now in place a well established and adequately institutionalized Three-Tier Consumer Disputes Redressal Mechanism that is whole-heartedly engaged in the protection and promotion of consumer interests.

During the last twenty five years or so, there has been a sea change in the legal scenario in our country. If our legal system has now come to be recognized as one of the mature and authentic legal systems in the world, a significant credit needs to be given to the smooth and independent functioning of the Three-Tier Quasi-Judicial Consumer Disputes Redressal Agencies. Also known as the Consumer Disputes Redressal Commissions and Fora, these agencies have brought consumer justice within the reach of an ordinary man, thereby conveying the message to the aggrieved consumers that their complaints shall be readily entertained and that their grievances shall be effectively redressed.

The nearly effective implementation of the *Consumer Protection Act*, 1986 has led to the growth and development of a new consumer protection jurisprudence in our country. The law relating to consumer protection had to pass through a number of phases to reach where it has reached today. The most important amongst these phases being the phase between the year 1986 to 1993 when a large number of petitions were filed challenging the applicability of the Act and the governance of various services by this legislation. The process continued till the year 1993 when this law underwent a major change and the government conveyed the message loud and clear to one and all that the law shall apply to all goods and all services and
that the earlier it was understood the better it would be. Hence almost all controversies relating to the applicability of this law, that is, to the housing industry, to the educational services and to the medical profession were nearly resolved, some due to the radical decision-making by the Disputes Redressal Agencies and the others due to the amendment of the law.

The Consumer Protection Act, 1986 has been amended thrice, once each in the years 1991, 1993 and 2002. Whereas only a minor amendment was made in the year 1991, the law underwent major change in the years 1993 and in 2002 respectively. The third amendment in the law is also now on the anvil as the Consumer Protection (Amendment) Bill, 20011 has already been introduced in the Lok Sabha. With each amendment in the law, consumers have immensely been benefitted. Nevertheless, for some of the critics of this legislation, a lot yet remains to be done as there are a large number of deficiencies in the 1986 Act.

In the hierarchy of the Three Tier Quasi-Judicial Consumer Disputes Redressal Mechanism, the National Commission is the apex body, though an appeal against the decision of the National Commission is heard by the Hon’ble Supreme Court of India. The National Commission being the apex decision-making body, has been at the helm of affairs since the enactment of this Act. With some of the eminent retired judges of the Hon’ble Supreme Court of India being in saddle of the National Commission, the latter has made its presence felt in the Indian legal system. If today the consumer protection law has come to be considered as a full-fledged branch of knowledge and study, the credit for this can easily be given to the effective, radical and path-breaking decision making by this apex body.

The focus of this thesis is the role played by the National Consumer Disputes Redressal Commission in the growth and consolidation of the consumer protection movement in India. While writing this thesis, I have incurred a large number of intellectual debts and have also borrowed material from a large number of sources whom I have thankfully acknowledged in the foot notes as well as in the bibliography. However, any name missed through an oversight is deeply regretted. The law stated in this thesis is as it stood on 10 December 2013.

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