CHAPTER-I
INTRODUCTION

1.0.0 INTRODUCTION

In the welfare state, education plays a very important role. It is the duty of state also to provide necessary educational facilities to the common man. We have been guaranteed a right to life and personal liberty under Article 21 of the Constitution. Article 21A provides “The state shall provide free and compulsory education to all children of age of six to fourteen years in such manner as the state may, by law, determine.” Article 21A added by constitution 86th (amendment) Act, 2002 makes education from 6 to 14 years old a Fundamental Right within the meaning of part III of the Constitution. Article 21 may be read with new substituted Article 45 and new clause (k) inserted in Article 51A by the constitution (86th amendment) Act, 2002. Thus the Constitution (86th amendment), 2002 enumerate the following new Directives (i) compulsory early childhood care and education for children. (ii) promotion of educational and economic interest of scheduled castes, scheduled tribes and other weaker sections.

The Constitutional provisions indicate that the government is serious about importing education to children of tender age. Various schemes have been started to encourage the children to come to schools. Various scholarship and stipends are also given to students of weaker sections of the society. The object of this principle is to abolish illiteracy from society. With the passage of time a number of private and government educational institutional have been established.
These educational institutions are importing general, special and technical education to the students. They also charge heavy fees from the students and sometimes even the basic facilities are also not available in their educational institutions. Hence, there arises a need for both students and their parents to be aware of their rights and undertake comprehensive assessment of their infrastructure facilities and validity of the courses before committing their hard earned money to such institutes. Thus there is a need for protection of education as a ‘service’ like other services.

Protection of various services of consumers is the main concern of Consumer Protection Laws.

It is said that Consumer Protection now is a serious concern of countries in every continent, in every stage of development, and even in every kind of ideology.¹ In early times, the consumer may have been able to protect himself since product were less sophisticated and could be inspected before purchase. But now the conditions have changed drastically. Many modern goods are technological mysteries. The consumer knows little or nothing about these highly sophisticated goods. In real life, products are complex and of great variety and retailers have imperfect knowledge. The principle of ‘caveat emptor’ (buyer beware) fails in these conditions. It is therefore, necessary that the consumer should have some means of redress when goods fail to live up to their promise or indeed cause injury.²

Getting to this stage has been a struggle. It has been a struggle against bad business which put profits before fairness and it was a struggle against inefficient, ignorant and sometimes we got the worst of business and public

¹ See Anwar Fazal, Forword to D.N. Saraf’s Law of Consumer Protection in India.
² Ibid.
enterprises locked in an arrogant and unresponsive entity, pretending to serve the public interest.³

As we know, consumers play an important role in the economy. They are the pillars of the economic structure and form the largest economic group in any country. Most of the economic activities of the government and non-government agencies are aimed at pleasing the consumers. Thus, consumption is the pivot around which all the economic activities move. Everybody is a consumer in one way or the other, but in the present socio-economic scenario, he is a victim of numerous problems as to the price, quality and quantity, etc. of goods and services. In this age of materialism, there is a constant pressure on the consumer to obtain the best or bargain get a good value for his money. In this exchange process, he is often cheated, fleeced and exploited. This is due to his ignorance, illiteracy, and weak economic position. Mahatma Gandhi as far back as 1934, held the customer in high esteem when he said: “The customer is the most important visitor in our premises. He is not dependent on us; we are dependent on him. He is not an interruption of our work; he is the purpose of it. He is not an outsider on our business; he is part of it. We are not doing him a favour by serving him; he is doing us a favour by giving us an opportunity to do so.”⁴

James Turner, a leading consumer activist, once remarked, “customers are to economists, what voters are to politicians. No doubt, voters are the life fluid of a democratic set up, without which democracy cannot survive. Truly speaking, consumers occupy a more important position in comparison to

³ Ibid.
voters. A human being as soon as he comes into existence, becomes consumer and remains so till he breathes his last, while for a voter there are certain conditions imposed by law”.  

In the primitive stage, the needs of the human being were few. They lived in forests and caves and continued to lead a life governed by the law of jungle. With the passage of time, people learnt to form social groups and knowledge dawned upon their evolving consciousness to create and develop a social environment to make life more secure. Initially, every family had to arrange its own food and shelter and gradually people started different occupations; farmer started producing wheat; weaver started manufacturing cloth and blacksmith or carpenter started making tools of agriculture and husbandry. “Barter System” came into existence, but it faced many difficulties with the increase in the volume of trade and production, it gave place to the commonly accepted commodity, known as money or currency as a medium of exchange and payment.  

In the “Barter System”, everybody produced best quality of goods or services and exchanged them. Consequently, there was no problem for the consumers. The industrial revolution and the development in the trade and commerce led to the vast expansion of the business and trade, as a result of which a variety of consumer goods appeared in the market to cater to the needs of the consumers. The organized sector of manufacturers and traders with better knowledge of markets came into existence thereby affecting the relationship between the traders and the consumers making the principle of consumer sovereignty almost inapplicable in the twentieth century. 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 consumer goods and services. People revolted against the unresponsiveness of both public and private institutions to human needs, this is labeled as consumerism, a socio-economic movement. The term Consumerism means the protection of rights and interests of consumers. It has played a significant role in fulfilling the minimum needs of consumers in terms of necessity, quality and purity. The emergence of consumerism is not sudden as it appears but it has taken several decades to come to the present concrete mould. With the advent of a modern consumer society, a perceptible transition has taken place in the basic structure of the society. But the consumer exploitation still exists in every country in one form or the other. In recent years, there has been an increasing public concern over the consumer issues all over the world.

1.1.0 CONCEPT OF CONSUMER

We all are consumers in one form or another. We purchase things, hire services to satisfy our needs. Prior to the Industrial revolution, the needs of human beings were very few and these needs were met through exchange of goods and methods of self-reliance. There was no competition as the concept of the market was not in vogue at all. The wants of people were not many. The Industrial revolution has ushered in radical changes in the lives of the human beings as regards the goods and articles consumed by them in their day-to-day life. It will be right to say that the industrial revolution has primarily been responsible for proliferation of human needs in respect of goods and services. With the process of industrialization this state of affairs has radically changed.

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As consumer goods flooded the market, the entrepreneurs and traders to sell these goods in the market place have used all methods, fair on unfair. Dependence to human beings on these industrial products is a fact of modern life. There is no doubt that life has become easy with the acquisition and use of products of industrial society. Rare of us will opt for firewood in place of gas or a bullock cart for a car. To remain in touch with global developments the modern facilities such as mobiles, computers, vehicles etc. have become necessity. Our style of life has changed with invention of gadgets and conveniences of all kinds. In the cost benefit equation, the disadvantages accruing from the dependence on these fruits of science and technology have been found to be insignificant.

As the industrial revolution progressed the modern city with all its glamour and evils was born. It has become a place of comfort and status for those who have capital and resources; it no doubt provides for a shelter and succor to those who as a result of displacement from traditional occupations followed by them for generations in the village slipped into unemployment and want. In the western hemisphere, the beginning of the industrial age marks also the onset of the movement for mass migration of people from rural to urban areas. As the cities go overcrowded and people learned to live in a culture of scarcity their dependence on the trades becomes manifest. Unlike the earlier age when a personal relationship between a seller and a buyer preceded an economic relationship, the new creed was marked by sophistication of business techniques and impersonal relations between the two. Taking advantage of the sheer helplessness of the consumer means, foul
and fair, were devised by the manufacturer, distributor and the retailer to have firm control on the market place.

A well-known jurist and economist Adam Smith in his classic work “The Wealth of Nations” has described market-place as a pillar of strength of consumer. According to him, market-place is the place where buyer and seller have personal encounters. But by the passage of time, the scenario has changed. In the present socio-economic scenario, we find that the consumer is victim of many unfair and unethical methods used or adopted the market-place. The consumers are mostly illiterate, poor, backward and also untrained. As against this the producers are relatively much more organized and they market, sell their goods and services. The consumer who was at once called “king of market-place” has now become the victim of it. The consumer is not supplied with adequate necessary information of consumer goods and their characteristics of features, advantages and disadvantages. So far most of the consumers are concerned, the modern industrial, economic and social developments have proved to be a matter of fiction and merely and empty slogan or an empty vassal.

As the society was Laissez Faire, the state used to intervene in the lives of the citizens very rarely. There were no effective laws to regulate the relationship between the buyer and the seller. This emboldened the traders to monopolies the market and the trader became the “king of the market-place”. There was no measure to check dereliction on the part of the traders unless the same amounted to serious offences. The principle of “Caveat Emptor” i.e. “let

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the buyer beware” was the rule of the day and assumed that the consumer was responsible for protecting himself and he would do so by applying his intelligence and experience in negotiating the terms of purchase.⁹ The conditions and the warranties, fixed by the manufacturer and the trader were biding on the consumers. The consumers came to be abused and exploited by the unscrupulous traders whose only object was to make profits at any cost. The doctrine of freedom of contract made the traders every more bolder in their pursuit of making more profit. All these factors culminated in a new phenomenon resulting in the abuse and exploitation of consumers. The consumers need the protection by law when goods fail to live upto their promises or caused injury indeed.¹⁰ This led to the consumer movement throughout the world and thus the concept of consumer came into existence and consumer protection became the primary duty of the state.

1.2.0 MEANING AND DEFINITION OF CONSUMER

A pertinent question that now arises in the present context is: who is a consumer and why does he need protection and from whom? In the answer, it may be pointed out that in simple words every human being who consumers anything for survival is a consumer. However, this word has been defined in specific sense. For instance, the Longman Dictionary of English Language defines consumer as ‘one who purchases goods or services’.¹¹ Similarly according to the Oxford English Dictionary, a consumer is ‘one who purchases

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⁹ Peter Smith & Dennis Swann, Protecting the consumer – An Economic and Legal Analysis (1979).
¹⁰ Ibid.
goods or pays for services’.  

The Oxford Advanced Learners Dictionary also defines consumer as a ‘person who buys goods of uses services’. However where as a consumer according to the Collins English Dictionary is ‘a person who purchases goods and services for his own personal needs’. The Random House Dictionary defines consumer as ‘a person or an organization that uses a commodity or services’.

Now, if we analyze all the five definitions mentioned above we find some differences among them. For instance, the first definition is very simple and straight forward one. Under this definition, anybody who purchases goods or services is a consumer. The second and third definitions are almost same except that instead of the words ‘purchases goods and services’ the words ‘pays for services’ have been respectively used. The fourth definition is clearer than the earlier three as it specifically defines the consumer as a person who ‘purchases goods and services for his personal needs’. The fifth definition, however, appears to be broader than all of them as it includes even an organization in the ambit of the term “consumer”.

Thus, the judicious admixture of all these definitions would consider a consumer as a person or an organization that purchases goods or services for their own personal needs. This is rather a broad definition. However, its ambit and amplitude shall primarily depend upon how we define or visualize the expressions ‘person’, ‘goods’, ‘services’ and ‘personal needs’. For instance, if we consider the purchase of goods by an organization for personal needs, then

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a construction company purchasing building material like sand, cement, bricks etc. for using them in construction of housing colony or a shopping complex would fall within the definition of the term ‘consumer’. Similarly, a vehicle purchased by a chartered accountants’ or solicitor’s firm for the purpose of traveling of its staff would be a purchase made by an organization for personal needs.

Notwithstanding the above definitions, the term ‘consumer’ has always been given a narrower meaning for the purposes of consumer protection law in almost all jurisdictions of the world.

For instance, the Consumer Protection Act, 1978 of Finland, defines ‘consumer’ as ‘a person who acquires consumer goods or services primarily for his personal use or for use in his private household’. Almost identical definition has been used in Section 1 of Draft Consumer Protection Act for Slovenia which defines ‘consumer’ as ‘a person who acquires goods and services in the first place for his personal use or in his/her household’.

Section 20(6) of the Consumer Protection Act, 1987 of United Kingdom defines the term ‘consumer’ as under:-

a) in relation to any goods, means any person who might wish to be supplied with goods for his own private use or consumption;

b) in relation to any services or facilities, means any person who might wish to be provided with any services or facilities otherwise than for the purposes of any business of his and

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17 Draft Consumer Protection Act, Slovenia.
c) in relation to any accommodation, means any person who might wish to occupy the accommodation otherwise than for the purpose of business of his.

The Molony Committee on Consumer protection in Britain regarded a consumer as one who purchases (or hires) goods for private consumption.\(^{18}\) This is in the context of British Consumer Protection Laws, the traditional view of a consumer or at least given by the thrust of modern consumer protection legislation, is of an individual dealing with a commercial enterprise.

In other words, according to the British Consumer Law, it can be said that a consumer transaction, in general, involves three elements:-

(i) The consumer must be an individual;
(ii) The supplier must act in a business capacity, and
(iii) The goods or services supplied must be intended for private, not business use.

In the United States, Ralph Nadar – also known as father of modern consumerism – has taken a view that the term ‘consumer’ should be equated with the term ‘citizen’ and that consumer protection law should be regarded as an aspect of the protection of civic rights. If Nadar’s ideology is adopted, nothing would remain out of the jurisdiction of consumer laws.

Coming to Indian Law of consumer protection, the definition of the term ‘consumer’s is given under Section 2(1) (d) (i) and (ii) of the Consumer Protection Act, 1986. The definition is wide. It says:- ‘Consumer’ means any person who:-

(i) Buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment when such use is made with the approval of such person but does not include a person who obtains such goods for resale or for any commercial purpose; or

(ii) Hires or avails of any services for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any beneficiary of such services other than the person who hires or avails of the services for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person but does not include a person who avails of such services for any commercial purpose;

Explanation :- For the purposes of this sub-clause (i) “commercial purpose” does not include use by a consumer of goods bought and used by him and services availed by him exclusively for the purpose of earning his livelihood, by means of self-employment.

It not only includes within its ambit any person who buys any goods or hires or avails of any services for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment. It also includes any user of such goods or beneficiary of such
services when such goods are used or services availed of with the approval of the original buyer or hirer.

It only excludes from this definition persons who obtain such goods for resale or for any commercial purpose. The term “commercial purpose” has not been defined in the Consumer Protection Act, 1986. However, the term “commercial purpose” has come for determination before the Consumer Forums in large number of cases and has also led to the pronouncement of apparently contradictory decisions by various Consumer Forums including the National Commission, thereby inviting a lot of criticism.

Similarly, this thing has also given rise to a lot of controversy over the inclusion or exclusion of a particular category of persons who purchase an item for self-employment or for their livelihood e.g. a widow purchasing a sewing machine or an unemployed youth purchasing an auto-tailor. However, due to the constant pressure, primarily by the consumer associations, the balance has titled in favour of the consumers as the National Commission, in its decision in a complaint titled as The Secretary Consumer Guidance & Research Society of India v. BPL India Ltd.\(^\text{19}\) has declared all these categories of people who purchase any instrument for their self employment to be within the ambit of the Consumer Protection Act, 1986. The National Commission has made the following observations in the above cases:

“Thus cases of persons who purchase goods or even machinery for self employment purpose without engaging in any trading or manufacturing business on a large scale for the profit making will not fall within the scope of

\(^{19}\) 1(1992) CPJ 140 (NC).
the exclusion clause in the statutory definition in Section 2(1)(d)(i) and hence such persons are consumers entitled to protection under the Consumer Protection Act, 1986.”

With the pronouncement of this decision and the decision in *Jyoti Marketing & Projects Ltd. & Anr. v. M. Pandian & Anr.* by the National Commission, which has been followed by similar decision by several State Commissions e.g. in *Surinder Kumar v. Escorts Ltd. & Anr.* the controversy relating to the meaning and interrelate to the word “Commercial Purpose” appears to have been set at rest, at least for the time being.

However, the consumer activists like S. Pushpavanam, Arun Kumar Bhatt, Prof. Manubhai etc., and even the officers of various CDRAs Like Justice Eradi had been demanding that the Consumer Protection Act should be suitably amended and besides other controversial terms, the term.

“Commercial purpose” should be more clearly defined. In this context it may be noted here that with the amendment of Consumer Protection Act, 1986 by the Consumer Protection (Amendment) Act, 1993 and subsequently by the Consumer Protection (Amendment) Act, 2002 the expression “commercial purpose” has been broadened. An explanation has been added to the section 2(1)(d)(i) which categorically says that “commercial purpose” shall not include use of goods bought by the consumer exclusively for the purpose of earning his livelihood, by means of self-employment. The explanation broadly affirms the decisions of the National Commission.

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20 Ibid.
21 1992(1) CPR 781 (NC).
The thing which was implicit in the Consumer Protection Act, 1986 has been made explicit. Thus now the persons purchasing anything for the purpose of self-employment like a widow purchasing a sewing machine or handicapped person purchasing machinery for earning their livelihood – shall be able to file their complaints before the CDRAs. The inclusion of this provision in the Consumer Protection Act, 1986 has not only buried the controversy relating to the expression “Commercial Purpose” permanently, it is also likely to broader the definition of the word ‘consumer’ considerably in the context of the Consumer Protection Act, 1986. “Service” has been defined under Section 2(i)(o), which reads as— “Service” means service of any description which is made available to potential users and includes, but not limited to the provision of facilities in connection with banking, financing, insurance, transport, processing, supply of electrical or other energy, board or lodging or both 23 [housing construction] entertainment, amusement or the purveying a news or other information, but does not include the rendering of any service free of charge or under a contract of personal service.”

Another important definition in this regard is ‘Deficiency in Service’ which is given under Section 2(1)(g) which reads as—

“Deficiency” means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or has been undertaken to the performed by a person in pursuance of a control or otherwise in relation to any service”.

23 Ins. by Act 50 of 1993, S. 2(w.e.f. 18.6.1993).
Thus, the Consumer Protection Act also includes the scope of service which may be rendered to a potential consumer for consideration. The relief has been granted to the consumers when there has been found deficiency in service or any defects in the goods. The various types of deficiency in services such as relating to building and housing, transport, motor vehicle, loaning, shares and debentures, courier, telephone, insurance, life insurance, banking, air lines, travel agent, electricity, educational and medical services have been covered and dealt within the scope of the Act and the necessary reliefs have been made available to the complaints by the various Consumer Disputes Redressal Agencies. Out of the services ‘Nursing’ and ‘Medical’ ‘Services’ and the ‘Educational Services’ are considered to be most important for the society. There was a great controversy regarding ‘Medical Services’ rendered by the private practitioners for consideration. That controversy was settled down by the Supreme Court and it was held by the court in Indian Medical Association v. V.P. Shantha,\textsuperscript{24} that the patient who is consumer within the meaning of the act has to be awarded compensation for loss or injury suffered by him due to the negligence of the doctor or the nursing staff. Now the controversy relates to the other aspect whether the educational institutions also comes within the purview of the Act or not? This particular aspect has been examined in this study.

1.3.0 NEED OF THE STUDY

It is submitted that inspite of the Plethora of Laws enacted for protecting the interests of consumers, the real truth is that the efforts made so

\textsuperscript{24} 1995(6) SCC 651.
far towards ensuring protection of the interests of consumers have been like
dropping few “curative drops” in the “Ocean of Consumers miseries” and the
vast majority of people are not even aware of the fact that as consumers they
have been protected by innumerable legislations. What to say about illiterates
or rural masses even educated people are generally unaware of consumer
protection legislations. It has been seen that since independence although
various Acts were enacted especially to protect the consumers from
widespread exploitation by a network of manufacturers, businessmen, traders
and powerful groups, the common man remained as much unconcerned,
unmoved and unprotected as he was earlier prior to these enactments. He
accepted the state of affairs prevalent in the society as part of life instead of
bothering, complaining and fighting against the malady which had become
rampant, wide spread and deep.

In these harsh realities, taking clue from the U.N. Guidelines, the
parliament in the year 1986 under the dynamic leadership of young Prime
Minister who dreamt of building a new India for 21st Century enacted the
special law for Consumer Protection namely, the Consumer Protection Act,
1986, which appeared to be a sliver lining and it was hoped that in course of
time this new special law would succeed in achieving its proclaimed
objectives of providing better protection of the interests of consumers which
included the protection of certain internationally recognized basic rights of
consumers and the redressals of consumers grievances by setting up consumer
disputes redressal agencies speedily in simple and inexpensive manner. This
new special law raised great hopes in the heart of consumers of getting their
grievances redressed without facing the torturous exposure of traditional civil courts but these hopes have been shattered to a large extent for various reasons. Although more than Lacs of complaints have been filed so far before the special non-traditional courts – known as consumer Disputes Redressal Agencies only 50 percent cases have been disposed of so far and if immediate steps are not taken to remove those reasons, the new mechanism provided by the new special law is also bound to breakdown, like the existing judicial system due to heavy load of mounting arrears resulting with the delayed dispensation of consumer justice to the common man. In reality, the consumer protection movement is still waiting to take off. Whatever, little seems to have been achieved during the last years in respect of consumer protection, it has been confined mostly to a few persons-residing in urban areas. It would not be an exaggeration to say that the consumer protection movement in India is presently an urban-based elitist movement and the vast majority of population living in urban and rural areas has no concern with it. The reasons of this apathetical attitude, unawareness and ignorance are manifold which have to be found out and need not be repeated. Nonetheless, the primary reason, to the mind of the people, seems to be that so far no serious steps have been taken for creating an environment in the society having consumer protection oriented culture, while implementing the Consumer Protection Act 1986, during the past years the entire resources and energy of the implements have been concentrated on the second objective of the new special law viz., ‘To provide speedy and simple redressal to Consumer Disputes”, the first objective of the new special law, viz., “To promote and Protect the Rights of Consumers”
which included the primary and controlling right-right to consumer education had been totally forgotten or neglected. The indifference towards the creation of an appropriate cultural environment which could motivate the common man – as consumer – to assert his rights and fight against exploitation can be judged by the fact that no consumer activist, legal aider, public spirited person or voluntary organization has approached the Supreme Court as yet through Public Interest Litigation or otherwise for judicial directives to the authorities made responsible for promoting and protecting these basic rights to discharge their statutory duties. Till today, Consumer Problems are seen as very much an individual affair which a consumer is expected to solve on his own and therefore, very little hue and cry is raised publicly when any consumer is exploited individually.

No law, however, best and perfect it might can solve the problems of the society for which it is being enacted unless the proper cultural environment for the operation of that particular law is created. This is more important and necessary for social welfare and economic laws which are directly governed and regulated by societal values or morality of persons affected by such laws. Pertinent question creeps into the mind that whether such a fertile consumer protection oriented – environment existed at all at the time of the enactment of the Consumer Protection Act 1986, or it exists today or it is expected to be created in the near future, in which consumer could be ensured protection in a country like India in which vast majority of population – Particularly of rural areas – is economically not in a position to bargain in the market with the supplier of goods or services or to take risk of annoying such supplier by filing
a complaint against him because the first reaction would be that not only that particular supplier but all the suppliers of goods and services would stop giving goods or services to him on credit and he would be forced to face either starvation or scarcity. Similarly, most of the utility services are monopolized these days and, therefore, whoever musters courage to react to the deficient services and move ahead for seeking relief, the first step initiated from the side of the provider of services happens to be to deprive such person from the facility of such services. Further, most of the persons living in villages are not mentally prepared for claiming the protection which is said to be guaranteed by this new special law because of personal relationship with the suppliers. In this scenario, the foremost task is to take effective steps to make the consumer economically strong so that he can individually not only raise voice against the exploitation and the exploiters but also can resist the pressure – physical, social and economic exerted by the exploiters in case the consumer opts for seeking protection of his interests in respect of goods and services promised by the legislative measures. In addition to striving for such economic upliftment of the consumers and making them financially viable, spreading of consumer education amongst the consumers and those persons who are either responsible for the exploitation of consumers or have potentials to exploit them, must be launched on priority basis country wide as a national campaign on war footing with social mission touching every head and hart and in this National Consumer education/Literacy campaign persons from every walk of life, profession, vocation, religion, sex, etc. should be as far as possible, associated and involved.
Not only this in the new era of *Laissez Faire* due to the changed economic policies of the country, the consumer has also to change. The apathy of the past will have to be shed and the Indian Consumer has to emerge stronger. He can no longer look upon the government as helping factor or expect others to fight his battles for him. It is also not enough merely to become conscious of one’s rights as consumers. Every Indian has to become a responsible consumer which means that he must become equally conscious of his duties. The new age and the changed circumstances call for heightened and responsive consumer awareness. It is undisputed that the New Special Law Consumer Protection Act, 1986 meets the long felt necessity of protecting the common man from such wrongs for which the remedy under ordinary law for various reasons had become illusory inspite of the existence of good number of legislations and regulations permitting the state to intervene and protect the interests of consumers because these legislative measures had become a haven for unscrupulous ones as the enforcement machinery either did not move or it moved inefficiently and ineffectively. It attempts to remove the helplessness of a consumer which he faces against powerful businessmen as ‘a network of rackets’ or a society in which “producers have secured power” or providers of utility services who have monopolized the services or the might of public bodies which have degenerated into store house of inaction. It has left the common man helpless, bewildered and shocked and making him apathetic. However, Law is not wholly self-explanatory or self-executing, its efficacy depends heavily on the sound judgment and faithful execution of those who are made responsible for its implementation and the proper implementation of
the Law with the dedicated aim of achieving its avowed objectives in real sense, requires strong political will.

Keeping in view the aforesaid perspectives in mind there is urgent need of consumer awareness otherwise the Act will fail to achieve the desired objective. The ordinary person should be made aware of this be medicinal legislation other legislations for protecting interests of consumer are mainly penal in nature. The new special consumer protection law, i.e. the Consumer Protection Act, 1986 was enacted primarily for providing better and additional protection of the Interests of Consumers.

1.4.0 STATEMENT OF THE PROBLEM

The problem in hand is stated as under: ROLE OF CONSUMER PROTECTION LAW IN EDUCATION : A CRITICAL ANALYSIS OF JUDICIAL TRENDS

1.5.0 OPERATIONAL DEFINITIONS OF KEY TERMS USED

The key terms used in the present study are operationally defined as under

(1) Consumer Protection Law

We are all consumes in one form or the other. It is the foremost duty of the state to protect interests of consumers in a welfare state. There was special emphasis to protect the interest of consumers during the ancient times. Before independence and after independence various pieces of legislation have been passed to protect the interest of the consumers. In the modern age of science and technology, when the goods in the market are of complex nature, the principle of ‘caveat emptor’ can’t be applied. Thus, to provide speedy,
inexpensive and good justice to consumers, the consumer protection Act, 1986 was passed. The Act provides a simple procedure to file the complaint and to dispose off the same. Various rights have also been provided to the consumers. The main object of this law is to provide speedy and additional reliefs to the consumers of goods and services.

(2) Judicial Trends

A three tier mechanism has been provided in the Consumer Protection Act, 1986. At district level there is District Consumer Forum, at state level, there is state commission. At the National level we have National Commission. Various types of ‘services’ provided or availed for consideration come within the scope of the Consumer Protection Act, 1986. Sometimes divergent views are expressed by various State Commissions or National Commission on a particular aspect. Thus the investigator has to analyse the decisions given by the state commissions and national commission to arrive at the conclusion. The critical analysis of the decisions is called judicial trends. The judicial trends indicate the views of the courts and commission on various aspects of the issue. In addition to analysis of judicial trends, the investigator feels that the awareness of Consumer Protection Law should also be studied as the awareness is essential for the proper execution of these laws.

1.6.0 OBJECTIVES OF THE STUDY

The main objectives of the present study are as under:

(1) To study the decisions given by various district fora, State Commissions and National Commission.

(2) To derive judicial trends based on these decisions.
Subsidiary objectives

(1) To study the awareness of consumer protection law among students and teachers.

(2) To compare the awareness of consumer protection law among male and female students.

(3) To compare the awareness of consumer protection law among rural and urban background students.

(4) To compare the awareness of consumer protection law among male and female teachers.

(5) To compare the awareness of consumer protection law among teachers belonging to rural and urban areas.

(6) To offer suggestions for developing awareness about consumer protection laws.

1.7.0 HYPOTHESIS

The following hypothesis were formulated for verification.

(1) The prevailing judicial trends differ from the earlier trends in consumer protection laws.

Subsidiary Hypothesis

(1) There will be no significant difference in awareness of consumer protection laws between students belonging to rural and urban areas.

(2) There will be no significant difference in awareness of consumer protection laws between male and female students.

(3) There will be no significant difference in awareness of consumer protection laws between male and female teachers.
There will be no significant difference in awareness of consumer protection laws between the teachers belonging to rural and urban areas.

**1.8.0 DELIMITATION OF THE STUDY**

The study could be conducted on a wide range but due to lack of time and resources the study is delimited as under:

1. The study has been delimited to the decisions related to education of various state commissions and National commission, District consumer forms, High courts and supreme court.

2. The study is delimited to Rohtak district of Haryana state.

3. The study is delimited to 200 students studying in final year of undergraduate and post graduate classes (100 urban = 50 male + 50 female) and 100 rural = 50 male + 50 female.

4. The study is confined to 200 teachers working in schools only.

5. Doctrinal and descriptive survey methods of research are adopted in this study. Therefore it suffers from all such infirmities which such techniques are normally infested with.