Introduction:

(A) Consumer – A Concept
   1. Ordinary Meaning
   2. Dictionary Meaning
   3. Statutory Meaning
   4. A Comparative View

(B) Consumer Protection
   1. Meaning
   2. Aspects
   3. Devices
      a). Consumer Association
      b). Business Self Regulation
      c). Consumer Legislation

(C) Consumerism
   1. Meaning
   2. Need and Reasons

(D) Problems and Perspectives- A Brief Account
   1. Adulteration
   2. Corruption
   3. Deceptive Advertising
   4. Misbranding of Articles
   5. Monopolistic Trade Practice
   6. Restrictive Trade Practices
   7. Spurious Goods
   8. Unfair Trade Practices
   9. Violation of Weights and Measures

(E) Evil Effects of the Above Crimes – Consequences
   1. Interaction with some learned persons
   2. Concern Over the growing consumer crimes- A Comment
      a). Self Help
      b). Consumer Organization
      c). The Media
      d). Law and the Courts
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(B). Medieval Doctrines
   1. Doctrine of Mensrea.
   3. Caveat Emptor.
      a). New Developments –
         i). Conditions and Warranties.
         ii). Merchantable Quality
         iii). Fitness Purpose.

   1. U.N Guidelines.
      a). Objectives.
      b). General Principles.
      c). Guidelines.
      d). International Cooperation.
   2. United States.
   3. United Kingdom.
      a). Product Liability
      c). Misleading Price Indications
   4. Australia.
   5. India.

(D). Consumer Legislations in the State of J & K
   1. Ranbir Penal Code.
   4. The Dangerous Drugs Act.
   5. The Drugs and Cosmetic Act.
   6. Pharmacy Act
   7. Drug (Control) Act
   8. The Constitution.
      a). Preamble.
      b). Equality.
      c). Personal Liberty.
d). Social Order based on justice.
   i). Duty to raise standard of living and improvement of health.
11. The Drugs and Magic Remedies (Objectionable Advertisements) Act.
15. The Trade and Merchandise Marks Act.
16. The Specific Relief Act.
20. Cigarette (Regulation) of prevention, supply and Distribution Act.

Observation:

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State Consumer Protection Act- A Critique

Introduction:

Part - I

(A) Title, Extent and Preamble
   1. Title
   2. Territorial Extent.
   4. Application.
   5. Salient Features.

Part-II

(B) Definitions -
   1. Appropriate Laboratory.
   2. Branch Office
   3. Complainant
      a). Complaint Against Unfair and Restrictive Trade Practices.
      c). Complaint Against Deficient Services.
      d). Complaint Against Excess Price.
      e). Complaint Against Hazardous Goods.
   5. Consumer-A wide definition.
d). Consumer of Services.
   i). Hiring of Services.
   ii). Taxes whether constitute consideration for service.
   iii). Court Fee Whether Consideration for Service.
   iv). Tax and Fee Distinguished.
e). Beneficiary of Services.

6. Consumer Dispute.
7. Defect.
8. Deficiency.
11. Manufacturer.
12. Member.
14. Person.
15. Prescribed.
17. Service-
   a). Service Rendered free of charge.
19. Trader.
   a). Meaning of False or Misleading.
      i). False Representation Goods are of a Particular Standard etc.
      ii). False Representation Services are of a Particular Standard etc.
      iii). False Representation of any Re-built etc.
      iv). False Representation goods or services have sponsorship etc.
      v). False Representation Seller or Supplier has sponsorship etc.
      vi). False Representation concerning the need of any goods or services.
      vii). False Representation by Warranty or Guarantee not based on proper test.
      viii). Misleading Representation in a form of warranty or guarantee.
      ix). Misleading claims with respect to the price of goods or services.
      x). Misleading Facts disparaging goods, services or trade of another person

(C). Overriding Effect of the Act.
2. No conflict with other laws.
Part-III

State Consumer Protection Council:

1. Composition
2. Number of Meeting
3. Procedure for Meeting
4. Tenure and Vacancy
5. Object of the State Council.
   a). General Objects.
   b). Specific Objects.
      i). Right to Safety.
      ii). Right to Information.
      iii). Right to choose.
      iv). Right to be heard.
      v). Right to seek redressal.
      vi). Right to Education.

Consumer Disputes Redressal Agencies.

(B). Divisional Forum.
1. Composition.
2. Tenure and Vacancy.
3. Salary, Honorarium and other allowances.
4. Jurisdiction.
   a). Pecuniary Jurisdiction.
   b). Territorial Jurisdiction.
      i). Actually and Voluntarily Resides.
      ii). Carries on Business.
      iii). Has a Branch Office.
      iv). Personally works for gain.
      vi). Cause of Action.
5. Manner in which complaint is to be made.
6. Procedure on Receipt of Complaint.
   a). when Analysis or Test is not required.
   b). When Analysis or Test is required.
8. Remedies Available to Consumers.
   c). Return of Price.
   d). Compensation for loss or injury.
e). To remove the deficiencies.
f). Cease and Desist Order.
g). Not to offer hazardous goods.
h). To withdraw hazardous goods.
i). To provide for adequate costs to parties.

9. Order by the Divisional Forum
11. Appeal.

(C). State Commission.
   2. Appointment of President and Member.
   3. Terms and Conditions.
   4. Salary, Honorarium and other allowances.
   5. Vacancy in the Office.
   6. Jurisdiction.
      a). Original jurisdiction.
      b). Pecuniary jurisdiction.
      c). Territorial jurisdiction.
      d). Subject Matter.
      e). Appellate jurisdiction.
      f). Revisional Jurisdiction.

7. Procedure applicable to State Commission.
9. Appeal to High Court.
10. Mode of filing appeal
11. Finality of orders.
12. Frivulous and vexatious complaints.
13. Penalties.

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(B). Power to remove difficulties.
(C). Power of Govt. to make rules.
(D). Laying of Rules.

Observation:

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Impact of Landmark Judgments- Some Reflections.

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(A). Defective Goods
   1. Automobiles.
2. **Electronics.**
3. **Machines.**
4. **Miscellaneous.**

(B). **Deficient Services.**
1. **Banking**
   a). Denial of Credit Facility.
   b). Dishonouring Cheque.
   c). Amount Received but not Credited.
   d). Bankers Right of General Lines.
   e). Strikes or Lock-outs.
   f). Other Grounds.
2. **Building and Housing Service.**
   a). Deficiency in Service.
   b). Liability where there is delay.
   c). Imperfections or use of sub-standard material.
   d). Escalation of Construction Prices.
3. **Courier Service.**
4. **Educational Service.**
5. **Electrical Service.**
6. **Financial Service.**
7. **Insurance Service.**
   a). Life Insurance.
   b). Marine Insurance.
   c). Fire Insurance.
   d). Miscellaneous type of Insurance.
      i). Accidental Cases.
      ii). Burglary Cases.
8. **Medical Service.**
9. **Postal Service.**
10. **Telephone Service.**
    a). Disconnection of Service without notice.
    b). Excessive billing.
    c). Delay etc in cases.
11. **Transport Service**
    a). Air Service.
    b). Railway Service.
    c). Road Service.

(C). **Law Deduced from the above discussed cases.**

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Consumer Forums - Place of Sitting etc.

(A). Decided Cases of Divisional Forum Srinagar.
1. Defective Goods
   a). Automobiles
   b). Electronics.
2. Deficient Services
   a). Banking.
   b). Financing.
   c). Housing.
   d). Insurance.
   e). Postal.
   f). Telephone.

(B). Decided Cases of Divisional Forum Jammu.
1. Defective Goods.
2. Deficient Services.
   a). Banking Service.
   b). Building Service.
   c). Couriers Service.
   e). Insurance Service.
   f). Telephone Service.

(C). Decided Cases of State Commission Srinagar.
1. Defective Goods.
2. Deficient Services.
   a). Air Service.
   b). Banking Service.
   c). Insurance Service.
      i). Accidental Cases.
      ii). Burglary and Theft.
      iii). Cases Related Delay etc.
      iv). Fire Service.
   d). Postal Service.
   e). Cases Related to Passport.
   f). Telephone.

(D). Decided Cases of State Commission Jammu.
1. Defective Goods.
2. Deficient Service.
a). Air Service.
b). Banking Service.
c). Building Service.
d). Educational Service.
e). Insurance Service.
f). Medical Service.
g). Postal Service.
h). Telephone Service.
i). Transport Service.
j). Miscellaneous Cases.

(E). Cases Decided by the High Court.

1. Deficient Services.
   a). Consumer Dispute.
   b). Insurance Service.
   c). Miscellaneous.

(F). Some Glaring Judgments.

Observation :

Chapter-VII. 374-387
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