CHAPTER II
Consumer movement is new to India. It has its origin in co-operative movement of our country. We find various consumer co-operatives, credit co-operatives and agricultural co-operatives already established in our country. In the western countries consumer movement developed as an offshoot of environmental movement. The people in those countries agitated very much on the degrading environment and the increasing pollution caused by the various factories in their countries. Slowly this movement assumed the shape of consumer movement to protect the various rights of consumers against the trading malpractices of the business community.

India is a developing country and it has fifth place among the industrially developed countries. When industries are developing, commerce and trade also will increase and it leads to gradual increase in business and at that time the need for consumer vigilance will become imperative. Since commerce and trade have developed, the channel of middlemen between producers
and consumers also will increase and they add undue profits to the cost of goods and it causes to the increase in the price of the goods. Some sellers' intend to earn maximum illegitimate profit at the cost of consumer health and safety. To get the protection from these unfair practices, the urge to unite came from the consumers.

But when we compare with other countries in this aspect India has not developed so much, the reasons are many for this. Most of the people are illiterates and their ignorance in buying adds fuel to the problem. In the market, sellers and producers have their unions to protect their interests but the consumers have no unions. Because of the merges, poolings, and contracts among the sellers and producers they became the kings in the market, it gave the scope for unscrupulous trade practices. To face this bureaucratic neglect consumer movement has been developing gradually. So consumer movement is an outcome of the exploitation of consumers.

CONCEPT OF CONSUMERISM

Richard H.Buskirk & James T.Rothe define consumerisms, "Organized efforts of consumers seeking redress, restitution and remedy for dissatisfaction they
have accumulated in the acquisition of their standard of living".

While Philip Kotler says that, "Consumerism is not limited to organized efforts only but, is a social movement seeking to augment the rights and powers of buyers in relation to sellers".

David Aaker & George Day take an environmental view of consumerism as one that is increasingly interwoven with and converging on common issues. Consumerism encompasses the evolving set of activities of Governments, business, independent organisations, that are designed to protect the rights of consumers. Consumerism is concerned with protecting consumers from all organisations with which there is an exchange relationship. There are consumer problems associated with hospitals, libraries, schools, various Government agencies, business firms etc.

As senator Charles Percy observes, "Consumer Movement is a broad public reaction against bureaucratic neglect and corporate disregard of public".

In the above manner "Consumerism" is defined by various scholars. With all the above we can say that,
'Consumerism' means efforts and activities of consumers to face the unfair trade practices.  

GROWTH AND ORIGIN OF CONSUMER MOVEMENT IN INDIA

Consumer Movement entered in our country very late. At first this movement was started in America, Ralph Nadar was the father of this movement in America. He wrote a book "Unsafe at Heavy Speed" in 1965 on defects in the manufacture of cars. His suggestions on this defects gave some understanding about consumerism among people and also to the Government. After that due to his efforts, this movement entered into some other countries. Today so many countries are aware of this movement and they passed some Acts to protect the consumers.

President of America John F.Kennedy proposed four rights to consumers in 1962. They are: the right to

safety, the right to be informed, the right to choose and the right to be heard.

The foundation of co-operative movement in India was laid down by the Co-operative Credit Societies Act of 1904 which passed with a view to encourage thrift, self-help and co-operation amongst agriculturists artisans and persons on limited means. In spite of the fact that the Act of 1904 provided for organisation of co-operative credit societies only and is not provided for legal protection to societies formed for purposes other than credit, numerous attempts to form Consumer's Co-operative Societies were made during this period by combining the banking and distributive functions. The lucana was however, removed by the Co-operative Societies Act of 1912 which granted legal recognition to productive and distributive societies and central organisations. As a result, the number of consumers' societies which were about twenty three towards the end of 1911 rose to seventy eight towards the close of the first world war. Slowly it led to the Consumer Movement against the unfair trade practices. The statistics ---

showed that, forty six District Forums and 6 State Commissions were established after the two and half years of existence of the Consumer Protection Act. 

Consumer Protection Act was passed in 1986. Before the enactment of this Act, the consumer interests were protected through Law of Contract, Sale of Goods Act, Law of Torts, Indian Penal Code and other specific Legislations. The growing world opinion towards this movement caused an impact on the Indian consciousness and the result thereof was the enactment of Consumer Protection Act in 1986.

FACTORS LEADING TO CONSUMER MOVEMENT IN INDIA

There are many factors for the emergence of consumer movement in India. They are as follows:

I. **Consumer Exploitation**

   Because of illiteracy and ignorance Indian consumers are not vigilant and alert about the unfair trade practices. By taking this as advantage the sellers and producers slowly acquire the sovereignty in the market to get maximum illegitimate profits. Though some

consumers recognised this unscrupulous practices, but they were unable to face it because of the lack of unity among consumers.

In India the main cause for this consumer movement is expansion of consumer exploitation. Incidences of consumer exploitation are many types, and consumers are exploited in many ways in the below manner.

a) Adulteration

In food grains, spices, drugs, articles, even in baby food adulteration is there, sometimes it led to the death of human beings.

b) High Prices

Though maximum retail price was printed on the article some businessmen overcharging the goods, by saying that 'local taxes are extra'.

c) Creating Artificial Scarcity

To increase the prices, sellers and producers sometimes are creating the artificial scarcity to the essential commodities by which they get illegitimate maximum profits.
d) Services After Sales

Dealers, sellers and producers are thinking that, their responsibility will close after sales of goods, when consumer wants services within the guarantee period they don't take care of them and even sometimes they may test the tolerance of consumers.

e) Treatment During The Sales

If any buyer ask about the price, quality and quantity, the seller will feel and may tell recklessly, (though the goods are there) 'we have no such type of goods; go and ask in another shop'.

Improper behaviour of sellers at rationing shops, misleading advertisements, sub-standard quality, duplication, etc., are some of the incidences of consumer exploitation which are not difficult to trace out because consumer movement is not that powerful even now in India.

II. Literacy Programmes

National Literacy Mission, Total Literacy Campaign Programmes also contributed to the consumer movement by the programmes of eradicating illiteracy. When the people are
becoming literates they are aware of price, demand, malpractices etc.

III. **Contribution from Voluntary Consumer Organisations**

By establishing the libraries, though informal discussions, workshops and training programmes on consumer education some voluntary institutions are propagating this movement among consumers. Some of them are:

- Indian Federation of Consumer Organisations (New Delhi).
- Voluntary Organisation in Interest of Consumer Education (VOICE), New Delhi.
- Consumer Awareness and Research Society, Hyderabad.
- Consumer Education and Research Centre, Ahmedabad.
- Consumer Guidance Society of India (CGSI), Bombay.
- Consumer Council of India, Madras.
- Visakha Council of India, Visakhapatnam.
- Karnataka Consumers Service Society, Bangalore.
- Consumer Unity & Trust Society (CUTS), Jaipur.
- Universal Consumer Association, Guntur.
Some Consumer Organisations and their activities

- to organise seminars, workshops and training programmes.
- acceptance and settlement of consumer complaints.
- Propaganda through publications and public meetings.
- establishing libraries and preparing pamphlets, brochures, wall posters etc., propaganda material.
- conducting consumer research etc.

Consumer Guidance Society of India (CGSI)

The Consumer Guidance Society, a voluntary, non-profit, non-political organisation was established in India in 1966 by nine housewives and a few social workers. The CGSI acts as a laisoning board for consumer grievances. It acts as the unofficial ombudsman of consumers. Today, the consumer association working with over two thousand five hundred members and five branches at Hyderabad, Dandeli, Pune, Thane and Kottayam.

**Consumer Ombudsman (Lokayukta)**

The Consumer Ombudsman (a Consumer Protection Agency) is the chief of Central Consumer Council appointed by the Government. It is in-charge of enforcing and administering the consumer protection Acts. It can speed up legal processes in dealing with trade practices.

**Grahak Panchayats (Buying Clubs)**

The Movement of Grahak Panchayat started in Pune under the Yuvak Maha Mandal led by Shri. Bindu Madur Joshi. There are now three hundred and fifty consumer groups consisting of forty families. So far Bombay has hundred such groups mostly in the greater Bombay area.

**Central Consumer Cooperative stores**

At the end of June 1977 there were four hundred and fifty six Central wholesale consumer Cooperative Stores fourteen State Federation of Consumer Cooperatives, eight State Level Marketing

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Cum-Consumers Federation and the National Co-operative Consumers' Federation (NCCF) at the apex level.

**STRUCTURE**

<table>
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<th>N.C.C.F.</th>
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<td>National</td>
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14 state Federations of Consumer Co-operatives and 8 State level Marketing Cum-Consumer's Federations

- 456 wholesale/Central Consumers Co-operative Stores
  - (one or more for each City/District)
- 180 Departmental Stores
- 3539 Branches of wholesale stores
- 15165 Primaries
- 5.8 million consumer families (Figure relate to year 1977-78)

The First National Convention of Consumer Activists was organised at Town Hall, Ernakulam (Cochin) on September, 29-30 and October 1, 1990. Delegates presented their views on 'How should consumer protection be directed?'.

The following proposals emanated from the exercise:

1. Consumer education should be popularised and consumer awareness level should be raised.

2. Public enterprises disregard consumer interests. They should be geared to better consumer service. They should be brought within the purview of MRTP Act and all move to take public enterprises out of the purview of the Consumer Protection Act should be defeated.

3. Steps should be taken to secure proper and adequate representation of consumers in various advisory committees and councils constituted by the governments.

4. Rooting out corruption should be given priority in the consumer action programme.

5. Appearance of lawyers in the district forums should be prohibited by law. Consumer organisations should acquire the skill to present the complaints on behalf of the complainants.

6. MRTP Act should be amended and the MRTP commission should be revitalised.
IV. **Contribution from Business Community** Immediately after passing of the Consumer Protection Act a number of associations, such as the Federation of Indian Chamber of Commerce and Industry (FICCI), The Associated Chambers of Commerce and Industry of India (ASOCHAM), etc., had all come out with their own codes of ethics. It should be appreciated that many business units have generously provided financial assistance to consumer organisations in achieving goals of the consumer. FICCI has launched a Consumer Business Forum under the presidency of Shri Ramkrishna Bajaj. Many trade associations are requested by FICCI to establish Consumer Relations Cell.

V. **New Concepts like 'Social Responsibility of Business and Industries'** In some business firms separate units, complaints cell, advisory boards are established to deal with the complaints and to educate the consumers.

VI. **Government Efforts to Protect the Consumer Interests** The government provides financial and

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other sorts of encouragement for the establishment and development of consumer organisations. Aid will be given to the organisations through the below departments of Central Government.

- Ministry of Civil Supplies, Consumer Affairs and Public distribution.
- Ministry of Science and Technology.
- Ministry of Environment and Forests
- Rajarammohan Rai Library Foundation (only for libraries)

Every year at the end of June 30th Consumer Organisations should send their applications to the State Government. Among all the applications, State Government will select three applications and send them to the Central Government before July 31st. Central Government will release funds on the basis of 75% grants or less than Rs.25,000/- whichever is less.  

In the 20 point programme introduced by the late Prime Minister, Smt. Indira Gandhi included consumer protection in point No.17.

Consumer Protection Legislations passed by the Government

The following Acts of Parliament govern most areas of consumer rights.

2. Banking Regulation Act 1949.
12. Court Fees Act 1870.
15. Dentists Act 1948.
16. Drugs and Cosmetics Act 1940.
22. Forfeited Deposits Act 1850.
29. Indian Evidence Act 1872.
32. Indian Medical Degrees Act 1916.
34. Indian Partnership Act 1932.
35. Indian Penal Code 1880.
36. Indian Stamp Act 1899.
38. Indian Wireless Telegraphy Act 1933.
<table>
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<tr>
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<th>Title</th>
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<tbody>
<tr>
<td>41</td>
<td>Legal Practitioners' Act 1879.</td>
</tr>
<tr>
<td>42</td>
<td>Legal Tender (Inscribed Notes) Act 1964.</td>
</tr>
<tr>
<td>43</td>
<td>Life Insurance Corporation Act 1956.</td>
</tr>
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<td>44</td>
<td>Limitation Act 1963.</td>
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<td>47</td>
<td>Negotiable Instruments Act 1881.</td>
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<td>49</td>
<td>Pharmacy Act 1948.</td>
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<td>50</td>
<td>Poisons Act 1919.</td>
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<td>51</td>
<td>Post Office Cash Certificates Act 1917.</td>
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<td>52</td>
<td>Preference Shares (Regulation of Dividends) Act 1960.</td>
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<tr>
<td>55</td>
<td>Prevention of Food Adulteration Act 1954.</td>
</tr>
<tr>
<td>56</td>
<td>Prize Chits and Money Circulation Schemes (Banking) Act 1978.</td>
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<td>57</td>
<td>Prize Competitions Act 1955.</td>
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<td>59</td>
<td>Specific Relief Act 1963.</td>
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<tr>
<td>60</td>
<td>Standards of Weights and Measures Act 1976.</td>
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<td>61</td>
<td>Trade and Merchandise Marks Act 1958.</td>
</tr>
</tbody>
</table>
63. Usurious Loan Act 1918.

Some of the above Acts affect consumer directly, and some other indirectly.

VII. Increase in Consumption and Change in the way of Living. According to the Operation Research Group, demand for packaged products is increasing more rapidly in urban areas. Changes in per capita income way of living and increase in consumption will have the influence on demand. To face this demand whenever industries and production increases, it lead to the merges, poolings and contracts among sellers and producers to avoid the unnecessary competition among them and to acquire the sovereignty in the market. While this time unity will come among the consumers to face the unfair trade practices.
**TABLE 1**

CONSUMPTION OF PACKAGED PRODUCTS

<table>
<thead>
<tr>
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<th>Consumption of Toilet Soaps</th>
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<tbody>
<tr>
<td>Urban area</td>
<td>94.4%</td>
</tr>
<tr>
<td>Cities</td>
<td>97.0%</td>
</tr>
<tr>
<td>Class - I (Urban area)</td>
<td>95.0%</td>
</tr>
<tr>
<td>Class - II (Urban area)</td>
<td>92.3%</td>
</tr>
</tbody>
</table>

**CONSUMPTION OF WASHING POWDER**

<table>
<thead>
<tr>
<th>Year</th>
<th>Consumption</th>
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<tbody>
<tr>
<td>1975</td>
<td>35.4%</td>
</tr>
<tr>
<td>1990</td>
<td>75.9%</td>
</tr>
</tbody>
</table>


VIII. **Some Other Factors Leading to Consumer Movement**

Sociological, political, technical and organizational changes, researches, workshops, seminars on consumer movement, support from Government, awareness among people, increase in literacy rate, widespread of consumer forums / associations, Federations, amendments in the Legislations to protect the consumer interests more effectively etc., are giving encouragement to strengthen this movement.
CONSUMER PROTECTION IN INDIA

The entire market depends upon the customers. According to their habits, fashions, needs, sellers should change their products. So the consumer is the king in the market. But really it is not so. There are many reasons for this, they are ignorance, lack of unity, awareness, illiteracy among consumers. Though some of the consumers are awakening the others through the consumer movement, but there is less response from the side of consumers. Without the protection from the side of Government, consumers alone can't face the unscrupulous trade practices, and the sellers who were playing the prime role in all the decisions of market. Government made some legislations to protect the consumer interests. Though these Acts came into existence, but they are not fully utilised by the consumers. They are not aware of those legislations. Many consumer organisations also established throughout India to help consumers and to protect their interests. Lack of funds effective management of the organisation, encouragement from the side of Government and consumers, are becoming obstacles to the protection of consumers.
"The earth provides enough to satisfy every man's needs, but not for anybody's greed".
- Gandhi

Some sellers threatening the consumers, whenever they questioning about products and asking the rules and laws. So the spirit should come from business concerns also. Entire sales are depending upon the customer. Now a days the competition is increasing among sellers. So they should treat customer in right manner then only they can survive in the market long time. This was recognised by the business concerns and in some firms consumer grievance cells are opened. Once the customer dissatisfied with the products and with the treatment from seller, it is difficult to attract that customer again.
CONSUMER PROTECTION ACT 1986

OBJECTIVES OF THE ACT

The Consumer Protection Act, 1986 (68 of 1986) 'COPRA' is a milestone in the history of socio-economic legislations in the country. It is one of the most progressive and comprehensive pieces of legislation enacted for the protection of consumers after an in-depth study of consumer protection laws and arrangements in the United Kingdom, U.S.A., Australia and Newzealand. Before its formulation, consultations with representatives of consumer, trade and industry were held. Various ideas and suggestions were also considered in a number of inter-ministerial meetings within the Government. The main objective of the new law is to provide for the better protection of the consumers. Unlike existing laws which are punitive or preventive in nature, the Act intends to provide simple, speedy and inexpensive redressel of consumer's grievances.

EXTEND AND COVERAGE OF THE ACT

The salient features of the Act are summed up as under:
- The Act applies to all goods and services unless specifically exempted by the Central Government.
- It covers all the sectors whether private, public or co-operative.
- The provisions of the Act are compensatory in nature.

RIGHTS OF THE CONSUMERS IN INDIA WHICH ARE ENSHRINED IN THE CONSUMER PROTECTION ACT, 1986.

1. RIGHT TO SAFETY

Right to safety means right to be protected against the marketing of goods which are hazardous to life and property. The purchased goods should not only meet their immediate needs, but also fulfill long term interests.

Before purchasing, consumers should insist on the quality of the products as well as on the guarantee of the products and services. They should preferably purchase quality marked products such as ISI, AGMARK etc.

11. Rights of the consumers, Published by Ministry of Food and Civil Supplies, New Delhi
2. RIGHT TO BE INFORMED

Right to be informed means right to be informed about the quality, quantity, potency, purity, standard and price of goods so as to protect the consumer against unfair trade practices.

Consumer should insist on getting all the information about the product or service before making a choice or a decision. This will enable him/her to act wisely and responsibly and also enable him to desist from falling prey to high pressure selling techniques.

3. RIGHT TO CHOOSE

Right to choose means right to be assured, wherever possible of access to a variety of goods at competitive price. In case of monopolies, it means right to be assured of satisfactory quality and service at a fair price.

It also includes right to basic goods and services. This is because unrestrained right of the minority to choose can mean a denial for the majority of its fair share. This right can be better exercised in a competitive market where a variety of goods are available at competitive prices.
4. RIGHT TO BE HEARD

Right to be heard means that consumer’s interests will receive due consideration at appropriate forums. It also includes rights to be represented in various forums formed to consider the consumer’s welfare.

The consumers should form non-political and non-commercial consumer organisations which can be given representation in various committees formed by the Government and other bodies in matters relating to consumers.

5. RIGHT TO SEEK REDRESSAL

Right to seek redressal means right to seek redressal against unfair trade practices or unscrupulous exploitation of consumers. It also includes right to fair settlement of the genuine grievances of the consumer.

Consumers must make complaint for their genuine grievances. Many a times their complaint may be of small value but its impact on the society as a whole may be very large. They can also take the help of consumer organisations in seeking redressal of their grievances.
6. **RIGHT TO CONSUMER EDUCATION**

Right to consumer education means the right to acquire the knowledge and skill to be an informed consumer throughout life.

Ignorance of consumers, particularly of rural consumers, is mainly responsible for their exploitation. They should know their rights and must exercise them. Only then real consumer protection can be achieved with success.

**STRUCTURE**

- To provide simple, speedy and inexpensive redressal of consumer grievances, the Act envisages a three tier judicial machinery at the national, state and district levels.

National Consumer Disputes Redressal Commission - known as National Commission.

Consumer Disputes Redressal Commission - known as State Commission.

Consumer Disputes Redressal Forums - known as District Forum.

The provisions of this Act are in addition to and not in derogation of the provisions of any other law for the time being in force.

WHO IS A CONSUMER?

All of us are consumers of goods and services. For the purpose of the Consumer Protection Act, the word 'consumer' has been defined separately for 'goods' and 'services'.

- For the purpose of 'goods', a consumer means a person belonging to the following categories:

  (i) One who buys or agrees to buy any goods for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment.

  (ii) It includes any user of such good other than the person who actually buys goods and such use is made with the approval of the purchaser.

Note: A person is not a consumer if he purchases a good for commercial or resale purposes. However, the word 'commercial' does not include use by consumer of goods bought and used by him/her
exclusively for the purpose of earning his/her livelihood, by means of self employment.

- For the purpose of 'services', a 'consumer' means a person belonging to the following categories:

  (i) One who hires or avails of any service or services for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment;

  (ii) It includes any beneficiary of such service other than the one who actually hires or avails of the service for consideration and such services are availed with the approval of such person.

WHO CAN FILE A COMPLAINT

Following can file a complaint under the Act:

- A consumer.

- Any voluntary consumer organisation registered under the Societies Registration Act, 1860 or the Companies Act, 1956 or under any other law for the time being in force.

- The Central Government.

- The State Governments or Union Territory Administrations.
- One or more consumers on behalf of numerous consumers who are having the same interest (class action complaints)

WHAT CONSTITUTES A COMPLAINT?

Under the Act, a complaint means any allegation in writing made by a complainant in regard to one or more of the following:

- any unfair trade practice as defined in the Act or restrictive trade practices like tie up sales adopted by any trader.
- one or more defects in the goods. That goods hazardous to life and safety, when used, are being offered for sale to public in contravention of provisions of any law for the time being in force.
- deficiencies in services.
- that a trader has charged a price in excess of the price.

(i) fixed by or under any law for the time being in force; or

(ii) displayed on goods; or

(iii) displayed on any packet containing such goods.
DEFINITIONS

(i) "goods" means goods as defined in the Sale of Goods Act, 1930 (3 of 1930). According to the Sales of Goods Act, 1930, "goods" means every kind of movable property other than actionable claims and money; and includes stock and shares, growing crops, grass, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale.

(ii) "service" means service of any description which is made available to potential users and includes the provision of facilities in connection with banking, financing, insurance, transport, processing, supply of electrical or other energy, board or lodging or both, house construction, entertainment, amusement or the purveying of news or other information, but does not include the rendering of any service free of charge or under a contract of personal service;

(iii) "restrictive trade practice" means any trade practice which requires a consumer to buy, hire or avail of any goods or, as the case may be,
services as a condition precedent for buying, hiring or availing of other goods or services;

(iv) "defect" means any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for the time being in force or under any contract express or implied or as is claimed by the trader in any manner whatsoever in relation to any goods.

(v) "unfair trade practice" the detail definition is given in the Consumer Protection Act, 1986 as amended by the Consumer Protection (Amendment) Act, 1993. It means a trade practice which, for the purpose of promoting the sale, use or supply of any goods or for the provision of any service, adopts any unfair method or unfair or deceptive practice including any of the following practices, namely:

- false or misleading representation
- bargain price
- offering of gifts, prizes, contests etc.,
- non compliance of product safety standard
- hoarding or destruction of goods
(vi) "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 be performed by a person in pursuance of a contract or otherwise in relation to any service.

WHERE TO FILE A COMPLAINT AND VALUE OF THE COMPLAINT?

below Rs. 5 lakhs - District Forum

If the cost of the goods or services and compensation asked for is less than Rupees five lakhs, then the complaint can be filed in the District Forum which has been notified by the State Government for the district(s) where the cause of action has arisen or where the opposite party resides.

Rs. 5 lakhs to 20 lakhs - State Commission

If the cost of the goods or services and compensation asked for is more than rupees five lakhs but less than rupees twenty lakhs, the complaint can be filed before the State Commission notified by the State Government or the Union Territory concerned.
Over Rs. 20 lakhs - National Commission

If the cost of the goods or services and compensation asked for, exceeds rupees twenty lakhs, the complaint can be filed before the National Commission at New Delhi.

HOW TO FILE A COMPLAINT?

Procedures for filing complaints and seeking redressal are simple and speedy.

- there is no fee for filing a complaint before the District Forum, the State Commission or the National Commission.
- the complainant or his/her authorised agent can present the complaint in person.
- the complaint can be sent by post to the appropriate Forum/Commission.
- a complaint should contain the following information.

  (a) the name, description and address of the complainant;
  (b) the name, description and address of the opposite party or parties, as the case may be, as far as they can be ascertained;
(c) the facts relating to complaint and when and where it arose;
(d) documents, if any, in support of the allegations contained in the complaint;
(e) the relief which the complainant is seeking;
- the complaint should be signed by the complainant or his/her authorized agent.
- the complaint is to be filed within two years from the date on which cause of action has arisen. (Proforma of a complaint is given in the page No.52)

RELIEF AVAILABLE TO CONSUMERS

Depending on the nature of relief sought by the consumer and facts, the Redressal Forums may give orders for one or more of the following reliefs:

(a) removal of defects from the goods,
(b) replacement of the goods
(c) refund of the price paid
(d) award of compensation for the loss or injury suffered.
(e) removal of defects or deficiencies in the services.
(f) to discontinue unfair trade practices or restrictive trade practices or not to repeat them.
(g) to withdraw the hazardous goods from being offered to sale, or
(h) to award for adequate costs to parties.

A model form of complaint is given below:

FORM OF COMPLAINT UNDER CONSUMER PROTECTION ACT 1986

To
The President,
National Commission/State Commission/
District Forum,
(Place ).

1. Name & address of the complainant :

2. Name & address of the opposite party :
   against whom complaint is being filed

3. Value & full description of the goods :
   or services complained about

4. Synopsis of complaint :

5. Redressal (Compensation & damages) :
   sought for and basis of the same

6. Supporting documents like invoice :
   cash memo, correspondence, statements
   or affidavit in case of no document

7. Witnesses or evidence in support of :
   complaint

Signature of Complainant
   or authorised agent and date.
PROCEDURE FOR FILING THE APPEAL

- Appeal against the decision of a District Forum can be filed before the State Commission within a period of thirty days. Appeal against the decision of a State Commission can be filed before the National Commission within thirty days. Appeal against the orders of the National Commission can be filed before the Supreme Court within a period of thirty days.

- There is no fee for filing appeal before the State Commission or the National Commission.

- Procedure for filing the appeal is the same as that of complaint, except that the application should be accompanied by the orders of the District Forum/State Commission as the case may be and grounds for filing the appeal should be specified.

TIME LIMIT FOR DECIDING COMPLAINT/APPEAL

The thrust of the Act is to provide simple, speedy and inexpensive redressal to consumer grievances. To ensure their speedy disposal the following provisions have been incorporated in the Act and the rules framed thereunder:
Appearance Compulsory  It is obligatory for the complainant or appellant or their authorized agents and the opposite parties to appear before the Forum/Commission on the date of hearing or any other date to which hearing could be adjourned.

Three or five months for complaints  The National Commission, State Commission and District Forums are required to decide complaints, as far as possible within a period of three months from the date of notice received by the opposite party where complaint does not require analysis or testing of the commodities and within five months if it requires analysis or testing of commodities.

Three months for appeals  The National Commission and State Commissions are required to decide the appeal, as far as possible, within 90 days from the date of hearing.

WHAT WILL HAPPEN TO THE COMPLAINT?

Now as one files the complaint the receiving officer will mark the filing attendance or advocate's attendance in case one has authorized so. One will get a complaint number and a date will be fixed for first hearing. In case of urgency or otherwise, the Forum may
give the complainant a short date to hear the complaint for admission. The opposite party is sent a notice from the District Forum to give his version of the case (written statement) within 30 days or such extended period of 15 days granted by the Forum. On the date fixed for hearing, the copies are exchanged and the complainant may file the rejoinder or replication reiterating the allegations in the complaint and refuting the defence set up by the opposite party. The dispute may even get settled on the first date of hearing if a pragmatic solution emerges. In case it is contested, then the complainant will get an opportunity to file his Affidavit as evidence in support of his/her case. And then finally, the complaint can be argued/disposed of.

POWERS OF CONSUMER REDRESSAL AGENCIES (Sec. 13)

The agencies under the Act, though act as quasi-judicial bodies yet enjoy wide powers of both Civil and Criminal Courts to adjudicate the disputes in a proper legal manner. They have been vested with the same powers as are in a Civil Court of competent jurisdiction under the Code of Civil Procedure, 1908, while trying a regular suit in the following matters:
(i) summoning and enforcing attendance of any opposite party or witness and examining the witness on oath.

(ii) discovery and production of any document or other material object producible as evidence.

(iii) reception of evidence by Affidavits.

(iv) requisitioning the analysis or test report from the appropriate laboratory or any other relevant source or expert.

(v) issuing any commission for examination or any witness.

(vi) any other matter which may be prescribed.

The proceedings are deemed to be judicial proceedings under Indian Penal Code and Forum is deemed to be a Civil Court under Cr.P.C.
At the initiative of consumer organisations a high power Working Group was constituted by the Ministry of Civil Supplies Consumer Affairs and Public Distribution under the chairmanship of Shri Nirmal Bose for the purpose of suggesting suitable amendments to the Act. The Working Group unanimously recommended amendment of several provisions of the Act for better protection of the interests of the consumers. The Consumer Protection (Amendment) bill 1993 was introduced in the Parliament incorporating majority of recommendations of the Working Group.

The Salient Features of the ordinance can be assessed as under:

The first significant amendment effected by the Ordinance is in respect of raising of pecuniary jurisdiction of the Consumer Courts. Section 11 and Section 17 of the Act have been suitably amended thereby raising the pecuniary jurisdiction of District Forum from Rs. 1 lakh to Rs. 5 lakhs and that of State Commission from Rs. 10 lakhs to Rs. 20 lakhs.

raising of pecuniary jurisdiction will increase the workload of District Forums as most of consumer complaints do not exceed Rs. 5 lakhs in value. It would be in the interest of the consumers that the State Government exercises the power conferred under Section 9 (a) ii by the Ordinance for establishing more than one District Forum in a district if it deems fit in large cities such as Delhi, Bombay, Madras, Ahmedabad etc. This will ensure speedy justice to the consumers.

Secondly, the Ordinance has amended Section 11 of the Act thereby granting the right to the complainant to institute complaint at any place where branch office of the opposite party of an establishment is situated. Section 2 (i) (aa) has also been inserted in the Act thereby defining the term 'branch office'. Prior to the amendment the National Commission interpreted Section 11 narrowly as a result of which the complaint against a corporation could only be instituted at a place where cause of action arose. The Ordinance accords relief to consumers in this respect.

Thirdly, right is granted to one or more consumers to institute complaint where there are numerous consumers having the same interest. Clause (iv) is inserted in Section 2 (i) (b) for the purpose.
Fourthly the definition of Unfair Trade Practices (UTP) has been incorporated at length in Section 2 (r) of the Act. Section 2 (i) c (i) has also been duly amended by deleting the words 'loss or injury' which was required to be proved earlier for sustaining the allegation of UTP.

Fifthly an explanation is inserted in Section 2 (i) (d) of the Act. This explanation sets at rest the controversy which prevailed prior to the amendment over Section 2 (1) d (i).

Sixthly inclusion of definition of the term Restrictive Trade Practice (RTP) in Sec. 2 (nn) of the Act envisages only one type of RTP namely, tie-up where a trader requires a consumer to purchase particular goods or avail of particular service as a condition precedent to purchasing the desired goods or availing desired service. Sec. 2 (1) (c) (i) of the Act has also been amended so as to include RTP as one of the grounds on which complaint can be instituted.

Seventhly the legislature has rightly appreciated the need to specifically include housing construction within the definition of Service in Sec. 2 (o) of the Act.
Eighthly Fora have been additional authority and power by virtue of insertion of Clause (e) to (i) in Sec. 14 (1) of the Act.

The fora can issue an order to opposite party directing him to:

- to remove defect or deficiency in the services in question
- to discontinue the Unfair Trade Practice or Restrictive Trade Practice or not to repeal them
- not to offer hazardous goods from being offered for sale
- to provide for adequate costs to parties

Ninthly the Ordinance has inserted the 4th ground of complaint vide Sec. 2 (1) (c) (iv) provides that the complainant can institute a complaint on the ground that the trader has failed to display the hazardous nature of goods on the label as required by law. It would have been better protection of consumer interest if complaint could perse be instituted on the ground that the trader failed to display the hazardous nature of goods whether requirement by law of display the same is mandatory or not.
Tenthly the limitation period of one year introduced by the Ordinance by insertion of Sec. 24 A(1) in the Act is against the interest of the consumer and in derogation of the ordinary Law of Limitation as provided in the Limitation Act, 1963. It is apparent discrimination to provide limitation period of one year in respect of actions before Consumer Forum whereas the same cause of action has generally a limitation period of three years for institution of suit in Civil Courts.

The Ordinance has made several other amendments with respect to selection of members of consumer courts by selection committee, provision for imposing fine upto Rs. 10,000/- on complainant for frivolous and vexatious complaints, Administrative Control of National Commission and State Commission etc.

The attention of the law makers is particularly drawn towards the recommendations of the Working Group with respect to the following:

(i) Inclusion of health services and mandatory duties or services of state or local authorities rendered free of charge within the definition of service under Section 2 (1) (o).
(ii) Suo-moto initiation of proceedings before the Consumer Fora by consumer organisations.

(iii) Restrictive role of lawyers in order to attain the object of speedy remedy to the consumers.

(iv) Grant of additional powers to Consumer Fora viz., interim injunctions, award for punitive damages in suitable cases, provision for review etc.

(v) Immunity to consumer organisations taking up consumer cases for protecting the rights of consumers in respect of anything done by them in good faith.

(vi) Transfer of cases filed in regular courts prior to the enactment of the Act to consumer redressal agencies under the Act.

SOME RECENT TRENDS IN INDIA'S CONSUMER MOVEMENT

Consumer Protection Act was reviewed in December 9, 1993 at National Consumer Conference in Delhi, which was organised by the Central Government in our country. Mr. P.V. Narasimha Rao, Prime Minister of India, National Commission Chairman Justice Balakrishna Erade, Civil Supplies Minister Mr. Kamaluddin Ahmad, Mr. A.K. Antony
in-charge of Central Consumer Activities etc., were participated in this conference.

In India 3,21,610 cases are registered in District Forums between 1986-93. In this 1,88,178 cases were solved, among them 75,366 cases were solved within three months. If we saw the cases which were registered in forums, Andhra Pradesh got first place in India. In the State of Sikkim only 8 cases were registered in these 7 years (1986-93). Andhra Pradesh has secured first place in the establishment of consumer organisations also by having about 500 registered ones.

In one of the previous conferences Central Consumer Protection Council urged the Government to establish an institution to deal with the consumer activities at national level. Civil Supplies Minister also demanded to establish this institution in Andhra Pradesh which secured the first place in the activities of Consumer Movement. With this institution training programmes can be conducted on adulteration, quality and on different consumer protection legislations for forum members, teachers, students. With the help of this institution judgment copies of different consumer cases can be translated in regional languages also.

Training programmes, refreshing courses, certificate courses are introducing on different aspects, etc., importance of consumer protection, consumer rights, consumer protection Acts by the "Education and Research Institute of Consumer Affairs", New Delhi. These courses will be useful to the persons who wants to establish consumer organisations, and to work at consumer cells in public and private enterprises.

Like ISI and AAG marks, ECO mark is introducing in India to protect the environment from industrial pollution. Nineteen products are coming into the market with this ECO mark on the name of "Environment Friendly Products". ECO mark will be given to the products which will pollute the environment in least level by the Bureau of Indian Standards. The first ECO mark was given to the Water Detergent Company in Bombay. 15

Consumer movement is becoming a social movement in India, because of the increase in consumption also. The demand for packaged products is increased 34.5%.

**TABLE - 2**

<table>
<thead>
<tr>
<th>Year</th>
<th>Demand (Rs. Crores)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>1237</td>
</tr>
<tr>
<td>1990</td>
<td>5475</td>
</tr>
<tr>
<td></td>
<td>4238</td>
</tr>
</tbody>
</table>

TABLE - 3

Details of Consumer Cases Registered and Solved

between 1986 - 93.

<table>
<thead>
<tr>
<th>Name of the State</th>
<th>Cases Registered</th>
<th>Cases Solved</th>
<th>Cases in which Judgment favours to the Consumers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>51,508</td>
<td>38,053</td>
<td>22,360</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>43,277</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>39,320</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Kerala</td>
<td>32,393</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Sikkim</td>
<td>8</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

in India 3,21,610 1,88,178 77,867

Notes: * The number of registered, solved, and favoured to consumers included data upto 31-12-1993 in respect of Andhra Pradesh.

CONCLUSION

It can be concluded from the foregone discussion that consumer movement is fast spreading in the nook and corner of the country especially since the Consumer Protection Act came into existence in 1986. It can also be noticed that though many consumer legislations were framed after independence, no law has ever made such an impression in the minds of consumers as of C.P.Act. With the latest trends revealing the setting up of full time consumer forums in all the districts of our country, consumer legislation is poised towards a major break through. What is importantly needed is consumer education through all possible means like press and media, courses offered through universities, and colleges, schools and relevant training programmes, for, consumer educated is consumer protected.