CHAPTER : V

LEGAL PROVISIONS FOR
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INTRODUCTION:

In India, there are plethora of legislative enactments for protection of rights and interests of the consumers. The various Central Acts which are in force, do echo the spirit of 'Consumerism' in some way or other. The Central Government has passed many laws from time to time to ensure better protection for the consumers. Some of these legal statutes do not mention the concept of 'consumer interest' specifically, but practically they do have provisions to defend the cause of consumers in some manner. In this CHAPTER, it is intended to make a brief discussion on these legislative enactments, enacted to protect and secure the interests of the consumers in the country.

5.1. ECHO OF CONSUMERISM IN INDIAN LEGISLATIONS:

The various Legislations, which echo the spirit of consumerism are summarised in the following few pages:

(i) THE INDIAN PENAL CODE, 1860:

The Indian Penal Code, 1860 is the oldest penal law of the country, which contains the substantive law of crime. This Code has made some provisions which are worth noting in connection with consumer protection and satisfaction. It provides for penalties for offences - (i) relating to weights and measures (ii) affecting the public health, (iii) concerning counterfeiting the property mark, etc.

Sections 264 to 267 under Chapter XIII of the Code are related to the offences and punishments of various crimes connected with weights.
and measures. These Sections (Ss. 264 to 267) are related with the offences and punishments of fraudulent use of false instrument for weighing, fraudulent use of false weight or measures, any one in possession of false weight or measures and making or selling false weight and measures respectively. However, all the offences as mentioned under Chapter XIII of the Code, are based on 'mens-rea', that is the knowledge regarding the false weight or measures or their fraudulent use is necessary to attract the provisions provided under Sections 264 to 267 of the Code.

Similarly, Sections 272 and 273 deal with the offences relating to adulteration of food and drink. In both of these Sections the presence of 'mens-rea' is essential and the nature of the food or drink should be noxious or unfit for human consumption.

Sections 274 to 276 of the Code contain provisions for punishment of offences like adulteration of drugs, sale of adulterated drugs and sale of any drug or preparation as a different one. Provisions have been made vide Sections 277 and 278 of the Code for punishment of offences connected with public health and safety. Again Section 486 of the Code is related to the offences of counterfeiting the property mark. Thus, Section 486 punishes those who sell or have been in possession for sold goods, marked with a counterfeit property mark.

(ii) THE INDIAN CONTRACT ACT, 1872:

"The Indian Contract Act, 1872 enacted in 1872 was an endeavour of humanity in the larger sense to see that a man fulfils what he promises

\[\text{1. 'Mens-rea' – It is one of the principles of English Criminal Law and based on a maxim—'actus non facit reum, nisi mens sit rea', i.e., the act itself does not constitute guilt unless done with a guilty intention.}\]
to his fellow beings”

The law relating to contracts in the country is provided in the Indian Contract Act, 1872. This Act is related with that branch of law which determines the circumstances where promises made by the parties to a contract shall be legally binding on them. The Act also provides the remedies that are available in a court of law against a person who fails to perform his contract and prescribes conditions under which the remedies are available.

Under the Indian Contract Act, 1872, no person is allowed to enter into an agreement enforceable as contract by either means of co-ercion, undue-influence, fraud or mis-representation. Vide Section 17, the Act defines the concept of 'fraud' which includes suggestion as to a fact which is not true, the active concealment of a fact, a promise made without any intention of performing it, any other act fitted to deceive and any declared act of fraudulence. Section 19 of the Act, provides that, when the necessary consent to an agreement is caused by coercion, fraud or mis-representation, the agreement is voidable at the option of the party whose consent was so obtained.

(iii) THE SALE OF GOODS ACT, 1930:

The Sale of Goods Act of 1930 is another important legislative enactment in the country containing the spirit of consumerism.

Originally, the law relating to sale of goods was contained in Chapter VII of the Indian Contract Act, 1872. But it was repealed and

re-enacted by the Indian Sale of Goods Act, 1930. The Act provides certain safeguards to the consumers. The Act defines the contract of sale and prescribes 'conditions'\(^3\) and 'warranties'\(^4\) in the contract of sale.

Likewise, the Act provides for transfer of property between seller and buyer, the duties of sellers and buyers etc. It also includes the provisions for the rights of unpaid seller against the goods and suits for the breach of the contract.

Where a buyer is injured by a product transferred to him under a contract of sale, subject to certain exceptions, he may rely on implied conditions and warranties as well as express undertakings of the seller. The seller will be liable if the goods donot come upto the standard required by the law even though he has taken all possible care. As regards product liability, these standards are implied by the Sale of Goods Act. Sections 14 to 17 of the Act, contain implied conditions and warranties which are deemed to be incorporated in every contract of sale of goods.

(iv) THE AGRICULTURAL PRODUCE (GRADING AND MARKING) ACT, 1937:

This legislation was enacted in 1937 to provide for the grading and marking of agricultural and other produce in the country.

Practically, from the act of fixing a grade identification mark, it may become possible for the consumers to believe that the goods with

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3. Condition : Condition is a stipulation essential to the main purpose of the contract of sale [Sec. 12(2) Sale of Goods Act, 1930]
4. Warranty : Warranty is a stipulation collateral to the main purpose of the contract of sale [Sec. 12(3) Sale of Goods Act, 1930]
grading mark are of definite nature or quality, and if the goods are different from the graded quality then it will be counted as an offence punishable under the Act.

Under Section 5B of the Act, the Central Government has been authorised to prescribe compulsory grade designations in respect of certain articles if it is of the opinion that it is necessary for the sake of public interest or for the protection of consumers that any schedule article or class of articles shall not be sold or distributed except after such article or class of articles is marked with the grade designation mark. Section 5A of the Act provides for penalty for selling of misgraded articles.

Vide the newly added Section 5C of the Act, a recognised consumer association is also empowered to make complaint for taking into cognizance of an offence punishable under the Act.

(v) THE DRUGS AND COSMETICS ACT, 1940:

The Drugs and Cosmetics Act, 1940 provides for regulation of import, manufacture, sale and standards of drugs and cosmetics, thereby protecting the interests of the consumers in the area of drug and cosmetic industries in India. The prime objective of the Act is to ensure that the drugs and cosmetics are of the required standards of quality, quantity, and strength and are packed in containers giving all necessary informations about them and their manufacturer.

The Act imposed restrictions on contaminated drugs with foreign matter which are manufactured and packed under insanitary conditions. Likewise, the Act specifically prohibits the import, manufacture, or
sale of adulterated drugs. Chapter II of the Act provides for the establishment of (i) Drugs Technical Advisory Board, (ii) Central Drugs Laboratory and (iii) Drugs Consultative Committee. The Advisory Board and the Consultative Committee are the Statutory Bodies under the Act.

Under Chapter III, the Act empowers the Central Government to exercise control on import of drugs. The Central Government may even prohibit the import of certain drugs and cosmetics.

Vide Section 26 of the Act, any person or any recognised Consumer Association, which has purchased drug or cosmetic is given the right to send the same for test or analysis to the Government Analyst on payment of the prescribed fees and also entitled to receive the report of test or analysis on the quality of drug or cosmetic, signed by the Government Analyst.

Section 32 of the Act provides procedure of taking cognizance of offences under Chapter - IV. According to the provision of this Section, prosecution under Chapter IV of the Act may be instituted by an inspector, or by the person aggrieved or by a recognised Consumer Association, whether such person is a member of that association or not.

"The Drugs and Cosmetics Act, 1940 is a consumer protection legislation, which is mainly concerned with standard and purity of drugs manufactured in India and control of the manufacture, sale and distribution of drugs. The Act was amended in 1986 to promote voluntary consumer movement and to ensure involvement of recognised consumer associations in the enforcement of the Act. The powers were conferred on the recognised Consumer Associations, so that legal action can be initiated by them on the basis of test reports given by the Government
To conclude, the Drugs and Cosmetics Act, 1940, aims at ensuring safety, health and welfare of the consumers.

(vi) THE INDUSTRIES (DEVELOPMENT AND REGULATION) ACT 1951,

The Industries (Development and Regulation) Act of 1951 is an another attempt by the Union Government in implementing the objectives of 'consumerism'. The Act provides for the development and regulations of certain industries and it specifically deals with the Central Government's power to control the price, supply, distribution etc. of certain articles. Vide Section 18G of the Act, the Central Government is empowered to regulate or prohibit any class of commercial or financial transaction of article, which is considered to be detrimental to the interest of the public.

(vii) THE DRUGS AND MAGIC REMEDIES (OBJECTIONABLE ADVERTISEMENTS) ACT, 1954:

This legislation has been enacted with a view to control and regulate the area of advertisements of drugs which otherwise may be objectionable.

The Act reflects certain amount of protection in respect of the interest of consumer. Section 3 of the Act prohibits the advertisement of certain drugs. Similarly, Section 4 prohibits misleading advertisement

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relating to drugs. Vide Section 5 of the Act, prohibitions have been imposed on the advertisements relating to magic remedies for treatment of certain diseases and disorders. Section 7 provides penalties for contravention of the provisions of the Act.

(viii) THE PREVENTION OF FOOD ADULTERATION ACT, 1954:

The Prevention of Food Adulteration Act, 1954 was enacted to eradicate the anti-social evil of food adulteration and ensuring purity in the articles of food.

The adulteration of food stuffs or food grains is one of the most vulnerable area, where protection of interests of the consumers is extremely necessary. The anti-social evil of adulteration is rampant in the nation's economy and exists almost everywhere. Practically, the consumer in the market is unable to know and realise to what extent he is subjected to the menace of adulteration.

Keeping in view the gravity of anti-social evil of adulteration in the society and in order to make the machinery, as provided under the Act, a more effective one to curb the increasing tendencies of adulteration, the said Act was amended in the year 1964.

To protect the interests of the consumers, several provisions have been made under the Act. Section 3 of the Act provides for constitution of a Central Committee for food standards to advise the Central and State Governments on the matters arising out of the administration of the Act and to carry out other functions assigned to it under the Act. Provisions have been also made vide Sections 5 to 7 of the Act for prohibition on import of certain food articles, law of sea customs and powers of customs officer, and prohibition on manufacture and sale of
certain articles of food. Sections 8 to 13 of the Act, incorporate provisions regarding analysis of food articles. Under the Act, provision has been made for the forfeiture of property (in respect of the offence committed) in addition to fine, imprisonment and publication of the name of the offender against the violation of the Act itself.

Under the Act, 'mens-rea' is not a constituent part of the crime. An act done contravening the provisions of the Act, no matter how innocently it is done, would liable to be visited with the penalty provided thereof.

(ix) THE ESSENTIAL COMMODITIES ACT, 1955:

For the larger interests of the consumers, the Essential Commodities Act, 1955 was enacted by the Central Government, which aims to secure equitable distribution of the essential commodities and their availability at fair-prices. The provisions have been made in the Act, for the control of production, supply and distribution of certain commodities in the trade and commerce. The chief purpose of the Act is to ensure that essential commodities are made available to our consumers at a reasonable price. The Act seeks to check the inflationary trends in prices and ensure equitable distribution of essential commodities amongst the consumers.

Section 2 (a) of the Act enumerates classes of commodities which are essential. Section 3 of the Act empowers the Central Government to regulate or prohibit the production, supply and distribution of any essential commodity. Section 7 of the Act provides for confiscation of essential commodity. For contravention of the provisions of the Act, penalty is provided under Section 7. Vide Section 12 (A), the State
Government has been empowered to constitute as many 'Special Courts' as it may consider necessary for the purpose of providing speedy trial of offences under the Act.

The Act has got amended on several occasions. By an amendment to the Act in 1986, recognised Consumer Associations have been empowered to make a report in writing of the facts constituting any offence under the Act.

(xi) THE TRADE AND MERCHANDISE MARKS ACT, 1958:

The Trade and Merchandise Marks Act, 1958 is the consolidated form of both the Trade Marks Act, 1940 and the Indian Merchandise Marks Act, 1889. The Act provides a comprehensive law in tune with consumer protection relating to registration and better protection of trade marks in the country.

The Act provides for the prevention of the fraudulent use of trade marks on merchandise. It contains provisions for rectification and alteration of trade marks as well as correction of registration and certification of trade marks. For contravention of the provisions of the Act, penalties are provided under Sections 78 to 82 and 88 of the Act.

(xi) THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT, 1969:

On the recommendations of the Mahalanobis Committee Report, 1954 and Mr. Justice K.C. Gupta Commission Report, 1965, the Monopolies and Restrictive Trade Practices Act, 1969 was passed by
the Parliament and came into force from 1st of June, 1970. The Act aims to prevent the concentration of economic power to the common detriment. It also provides for the control of monopolies in the country. The monopolistic and restrictive trade practices, which are in fact, against the interest of the public and opposed to the object and policy of a 'Welfare-State', have been prohibited under the Act.

The scheme of the Act provides for a dual machinery for the purpose of implementing the provisions of the Act. Section 5 of the Act requires the Central Government to establish the Monopolies and Restrictive Trade Practices Commission (MRTP Commission) for the purposes of the Act. Under Section 12 of the Act the MRTP Commission is empowered to conduct enquiry. Vide Sections 12 A and 12B, the Commission is empowered to grant temporary injunctions and to award compensation respectively. Section 12 B of the Act empowers the Commission to punish for contempt. Under Section 66, the Commission has been authorised to make regulations. The Central Government is empowered to appoint inspectors under Section 44 of the Act for making investigation of the matters related with monopolistic and restrictive trade practices. Section 67 empowers the Central Government to make rules to carry purposes of the Act.

Chapter VIII of the Act, contains nine Sections relating to offences and penalties for not complying with the different provisions of the Act.

Practically, The MRTP Act 1969, is a very important legal weapon in the hands of the consumers for protection of their rights and interests. Under Sections 10(a)(i), 36B(a), 27(1)(ii), 27A(1)(ii), any Consumer or
recognised Consumer Association can make a complaint to the MRTP Commission for instituting an enquiry regarding monopolistic and restrictive trade practices in the Country.

(xii) **THE HIRE PURCHASE ACT, 1972:**

The Hire Purchase Act, 1972, is another legislative enactment that aims to secure the interest of the consumer. Under the Act, the hirer (i.e., a consumer) has a right to obtain from time to time, the current state of his account in relation to the agreement. Section 6 of the Act implies that every hire-purchase agreement does contain certain conditions and warranties in favour of the hirer. Sections 8, 9 and 10 of the Act also provide for certain indefeasible rights of the hirer. Section 8 deals with passing of the property. Section 17 ensures the rights of hirer in case of seizure of hire-purchased goods by the owner. Section 20 of the act puts a restriction on owner's right to recover possession of goods otherwise than by proceeding through court of law after a specified proportion of hire purchase price has been paid or tendered.

From these provisions under the Act, it is obvious that this Act has extended a special protection to a hirer or a consumer.

(xiii) **THE CODE OF CRIMINAL PROCEDURE, 1973**

(CRPC, 1973):

The criminal law of the country is also aims to provide some protections to the consumers. Section 153 of CRPC 1973, empowers
any officer-in-charge of a police station to enter, without warrant, any place within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing, used or kept therein. Further, whenever there is a reason to believe that in such place weights, measures or instruments for weighing are false, he may seize the same and send information of such seizure to a magistrate having jurisdiction.

(xiv) THE WATER PREVENTION AND CONTROL OF POLLUTION ACT, 1974 :

The Act aims to (i) provide for the prevention and control of water pollution (ii) maintain wholesomeness of water (iii) establish 'Boards' with a view to prevent and control water pollution and (iv) confer on and assign to such 'Boards' powers and functions relating thereto.

Section 2 A of the Act defines the terms used in the Act. Here Central Board means Central Pollution Control Board and State Board means a State Pollution Control Board constituted under the Act. Sections 16 and 17 enumerates the functions of Central Board and State Boards respectively. Powers of the State Board are given under Section 20. Section 24 of the Act makes prohibition on use of stream or well for disposal of polluted water. Section 25 imposed restrictions on new outlets and new discharges. Section 33 empowers the Pollution Board to make application to court for restraining apprenended pollution of water in streams or wells. Likewise Sections 41 and 42 of the Act provide penalty for failure to comply with the directions or orders issued under the Act. Section 47 provides for penalty where an offence has been committed
under the Act by a company. Where the offence under the Act has been committed by any Government Department, penalty is provided under Section 48 of the Act.

All these provisions under the Act, aim to secure the interest of the public at large, in the area of health and sanitation.

(xv) THE STANDARDS OF WEIGHTS AND MEASURES ACT, 1976:

The act aims at introducing standards in relation to weights and measures used in trade and commerce. The ultimate objective of the Act is to subserve the interests of the consumers.

The Act provides for the establishment of standards of weights and measures on 'metric-system'. Section 21 of the Act prohibits the use of non-standard weight or measure or numeral. Section 22 provides that no weight or measure shall be made or manufactured unless it conforms to the standards of weights or measures established by or under the Act. Section 23 prohibits inscription of weight, measure or number that is not in accordance with the standard unit of such weight, measure or numeration provided under the Act. Sections 50 to 53 of the Act provide penalties for contravention of these provisions.

Part IV of the Act deals with the regulation of inter state trade and commerce in weights, measures, and other goods. Section 39 makes special provisions as regards packaged commodities.

Moreover to these, the Act also provides for establishment of an
Indian Institute of Legal Metrology for training of inspectors and other persons in the field of enforcement of standard weights and measures in the country. The Act has empowered the voluntary organisations (whether or not the consumer is a member of the organisation) to make a complaint under the Act.

(xvi) THE PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES ACT, 1980:

With an objective to deal effectively with various malpractices, such as blackmarketing, hoarding, profiteering and unjustified rise in prices of essential commodities and for maintenance of their regular supply, the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 has been enacted in the country.

Section 3 of the Act provides for ordering a person to be detained with the object of preventing him from acting in a manner which might be prejudicial to maintenance of regular supplies of commodities essential to the public. Section 5 empowers the appropriate Government to regulate the place and conditions of detention.

This Act, in fact, facilitates 'Consumerism' in the country.

(xvii) THE ENVIRONMENT PROTECTION ACT, 1986:

The prime objective of the Act is to provide for the protection and improvement of environment and for the matters connected therewith. The genesis of the Act is in Article 48 A and Article 51 A of the Constitution of India. Vide Section 3 of the Act, the Central Government
has been empowered to take all such measures necessary for protection and improvement of the quality of the environment and prevention and control of environmental pollution. Under Section 12, the Central Government is authorised to establish one or more 'Environmental Laboratories' and appoint Government Analysts under the Act. Sections 15 to 17 provide penalties for contravention of the provisions of the Act. The Act aims to facilitate consumer welfare by securing a healthy environment.

(xviii) THE BUREAU OF STANDARDS ACT, 1986:

This Act has been enacted for harmonious development of the various activities relating to standardisation, marking and quality certification of products in the country. The Bureau of Indian Standards has been constituted under the Act and Section 10 lays down its functions. In case of any complaint about the quality of goods carrying the ISI mark, the consumer is entitled to approach the nearest Branch Office of the Bureau. It is expected that the Bureau will attend to the complaint to the satisfaction of the consumer.

Section 11 of the Act, prohibits improper use of the 'Standard Mark'. Section 33 provides for penalty for improper use of ISI Mark. The recognised Consumer Associations have been given 'Locus-Standi' to make a complaint for the cognizance of offence under the Act.

5.2 CONSTITUTIONAL PERSPECTIVE:

The Constitution of India is the "Supreme Law" of the country. The Preamble to the Constitution envisages not only political but also socio-economic justice to all the citizens of the country. The 'Directive
Principles' enshrined under Part - IV of the Constitution, incorporate several directions dealing with socio-economic justice including the protection of the consumers also, who are the constituents of the bulk population of the country.

The Constitution of India, vide Articles 38, 39, 42, 43, 46 and 47 under the Directive Principles of the State Policy provides that State shall strive to secure a social order for the promotion of welfare of the people; it shall direct its policies in such a way that operation of economic system does not result in the concentration of wealth and means of production to the common detriment; it shall make provisions for securing just and humane conditions of work and for maternity relief; it should endeavour to build an economic organisation or to make suitable legislation to secure a decent standard of life to all the workers who constitute the bulk of consumers; it should promote educational and economic interests of Schedule Caste, Schedule Tribes and other worker sections and it shall also raise the level of nutrition and standard of living and to improve public health. Though these provisions under the Directive Principles of the Constitution are not justiciable, but they are the cardinal principles and laudable objectives which are required to be converted into practicality from the paper work to improve the standard and quality of life of the workers or consumers.

Article 46 under the Directive Principles of the Constitution provides that State shall endeavour to protect the economic interest of the weaker section of its population and also protect them from social injustice and all forms of exploitation. Besides other things, it also includes consumer exploitation which means all kinds of harrasments and frauds in the market place or business transactions and also less value of money in terms of quantity and quality which the consumer
Article 47 provides that it is the duty of the State to protect the health of its people and shall strive to raise their level of nutrition and standard of living. This Article has been incorporated to ensure that people shall be entitled to unadulterated supplies of goods and other consumable articles. This requires an effective check on the adulterated stuff which is injurious to public health and safety. This principle is a distinct reflection of inclusion of the philosophy of the concepts of 'Consumerism' in the Indian Constitution.

5.3 THE CONSUMER PROTECTION ACT, 1986 and THE CONSUMER PROTECTION (AMENDMENT) ACT, 1993:

The Consumer Protection Act, 1986, is the first legal instrument or the legislative enactment in favour of the consumers that enables the consumers to have institutional arrangement for speedy redressal of their various grievances. In India, although different legislations have been enacted against different form of exploitations, but all these are preventive in nature and not a compensatory one. Therefore, to provide the facility for redressal of grievances of the consumers through establishing institutional arrangements, the Government of India, has enacted the 'The Consumer Protection Act, 1986' (COPRA 1986) in the country. This Act has been specially designed to protect rights and interests of the consumers. The "COPRA 1986" which has been described as the most innovative law in the country and claimed to be one of the best in the world, confers several rights on the consumers and provides for a quick and easy access to justice. This Act is a compensatory one by its nature and is a direct approach to
safeguard the various rights and interests of the consumers in the country.

The Consumer Protection Act, 1986 was passed by the Lok-Sabha on the 9th of December 1986 and the same by the Rajya-Sabha on the 10th of December 1986. It received assent from the President of India on the 24th of December 1986 and has been published in the Gazette of India, Ext. Part II, Section 1 on the 26th of December, 1986 at pages 1 to 12. The Act came into force on 15th of April 1987. By July, 1987, all the provisions of the Act came into operation.

The Consumer Protection Act, 1986, contains a total of four Chapters and thirty one Sections. Besides these, the Rules thereunder also have been enacted. In order to facilitate more benefits and protections in favour of the consumers in the country, the Consumer Protection Act, 1986, has been amended in 1993 vide "The Consumer Protection (Amendment) Act 1993." This Act has received the assent from the President of India on the 27th of August 1993, and came into force on the 18th day of June 1993. The said Amendment Act widens the scope of the original Act.

The 'Preamble' to the Consumer Protection Act, 1986 (Act No. 68 of 1986), clearly states that it is an Act to provide for the better protection of the interests of the consumer and for that purpose, to make provisions for the establishment of Consumer Councils and other authorities for the settlement of various disputes of the consumers and for matters connected therewith.

5.4 SALIENT FEATURES OF COPRA, 1986:

The salient features of the Act can be summed up as under:
(a) The Act applies to all goods and services unless specifically exempted by the Central Government.

(b) It covers all the sectors whether - private, public or co-operative.

(c) The provisions of the Act are compensatory in nature.

(d) It enshrines the following rights of the consumers–

(i) the right to be protected against the marketing of goods which are hazardous to life and property;

(ii) the right to be informed about the quality, quantity, potency, purity, standard and price of goods so as to protect the consumers against unfair trade practices;

(iii) the right to be assured whenever possible, access to a variety of goods at competitive prices;

(iv) the right to be heard and to be assured that consumers' interest will receive due consideration at appropriate forums;

(v) the right to seek redressal against unfair trade practices or unscrupulous exploitations of consumers; and

(vi) the right to consumer education.

(e) The Act envisages establishment of Consumer Protection Councils both at the Central and State levels, whose prime objective will be to promote and protect the rights of consumers.

(f) To provide simple, speedy and inexpensive redressal of consumer grievances, the Act envisages a three-tier quasi-judicial machinery at the National, State and District levels.
(g) 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.

5.5 CONSUMER PROTECTION COUNCILS:

One of the salient features of the Consumer Protection Act, 1986 is the provision for establishment of Consumer Protection Councils both at the Central and State levels under Sections 4 to 8 of the Act, in order to promote and protect the interests of the consumers. Under Section 4(1) of the Act, the Central Government may, by notification, establish a Council to be known as the 'Central Consumer Protection Council'. The Act also specifies who will be the members of the Central Council under Section 4(2). Section 6 of the Act states the objectives of the Central Council.

Under Section 7 of COPRA, 1986, the provision has been made for the establishment of Consumer Protection Councils in the States. According to Section 7(1), the State Government may by notification, establish a Council to be known as the 'State Consumer Protection Council'. Section 7(2) specifies the members of the State Council. Likewise, Section 8 of the Act enumerates the objectives of the State Councils.

5.6 CONSUMER DISPUTES REDRESSAL AGENCIES:

Consumer Disputes Redressal Agencies as provided by the COPRA, 1986, are in fact, the institutional arrangements to redress the grievances of consumers. The Act provides for the establishment of three-tier quasi-judicial institutions for the settlement of consumer
disputes in the country. Under section 9(a) of the Act, Consumer Disputes Redressal Forum, known as District Forum is to be established by the State Government in each district of the State by notification. Similarly, under Section 9(b), the Consumer Disputes Redressal Commission at the State level is to be established and known as 'State Commission'. The National Consumer Disputes Redressal Commission, known as 'National Commission' is to be established by the Central Government under section 9(c) of COPRA, 1986.

The provisions relating to the composition and Jurisdiction of District Forums have been made under Sections 10 and 11 respectively. Sections 16 and 17 of the Act, provide for composition and Jurisdiction of the State Commission. Likewise, Sections 20 and 21 of the COPRA, 1986, state the provisions for composition and Jurisdiction of the National Commission.

Manner in which complaint shall be made before the District Forum has been provided under Section 12 of the Act. Section 13 provides the procedure to be adopted by the District Forum on receipt of complaint from the consumer. Vide Section 15 of the Act, any person aggrieved by an order of District Forum may prefer an appeal against such order before the State Commission within the specified period. Any person aggrieved by an order made by the State Commission may prefer an appeal against such order before the National Commission within the specified time under Section 19 of the Act. Likewise, under Section 23 provision has been made for appeal before the Supreme Court, against the order of National Commission by the aggrieved party. Practically the Act has set up a hierarchy of bodies under it, with the power to hear appeals at every stage. The intention of legislature appears to be that the
District Forum or the State Commission as well as the National Commission should be allowed to perform their duties speedily and without any interruption.

Section 24 of the Act is related with the finality of orders made by the Redressal Agencies. The newly added Section 24A [as inserted by the Consumer Protection (Amendment) Act, 1993] states the limitation period for filing complaint before the Redressal Agencies and also has made provision for condonation of delay, if any, in filing the complaint. Section 25 deals with the enforcement of orders by the District Forum, State Commission or the National Commission.

Under Section 26, provision has been made for dismissal of frivolous or vexatious complaints. The provision for penalties for non-compliance of the orders made by the Redressal Agencies, has been given under Section 27 of COPRA, 1986.

The Consumer Protection (Amendment) Act, 1993, has enhanced the pecuniary jurisdiction of the Redressal Agencies. As provided by this Amendment Act, the District Forum now have the jurisdiction to entertain complaints where the value of the goods or services and the compensation, if any, claimed does not exceed rupees five lakhs. Similarly, the State Commission shall have jurisdiction to entertain complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees five lakhs but does not exceed rupees twenty lakhs. The National Commission, after the said Amendment Act, now have the pecuniary jurisdiction to entertain complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees twenty lakhs. The National Commission started to function from December 27, in the year 1988, with Honourable Justice V.B. Eradi as
the first Chairman of the Commission. An elaborate discussion on the
functioning of Assam State Commission and the District Forums of the
State is incorporated in the following CHAPTER (CHAPTER-VI).

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