Preface

Nobody is born as a consumer or as a seller but it is the relationship between two persons in a given transaction. Consumer transaction is that transaction in which one person buys goods or hires services for his consumption. In the present era of inter-dependency between members of society including global society every person, male or female, educated or uneducated; rural or urban; poor or rich; national or a foreigner can be consumer of one or other kinds of goods or services. Therefore, a person who is a seller in one transaction can be consumer in another transaction. The word ‘consumer’ therefore, literally speaking would include one and all.

In the modern market flooded with complex kinds of goods or services essential for maintenance or improvement of one’s standard of living, intervention of law for safeguarding the interest of consumers has become imperative and a consumer cannot be left to fend for himself against defective or hazardous goods or deficient or hazardous services or against certain kinds of malpractices of the traders or the service providers, who guided by their greedy instinct of maximization of profit are likely to endanger the safety and security of the innocent consumers.

The enactment of the Consumer Protection Act, 1986 was a milestone in the history of consumer protection in India. The Act is trinity of law of contract, torts and the criminal law as it borrows principles and concepts from all these three fields of law. Further, to ensure speedy justice and thereby to establish the rule of law in the market, the Act
establishes its own unique three tier quasi-judicial dispute settlement machinery with simple procedure to make it consumer friendly. The hallmark of this legislation is its express recognition of certain rights of consumers and creating mechanism for promotion and protection of those rights through realization of some of the stated rights of consumers depends on externalities. Another notable feature of this legislation is adoption of some novel concepts like 'consumer' which includes within its meaning even non-buyer of goods or hirer of service, 'service' and 'deficiency in service,' the liberal interpretations of which at the hands of judiciary has helped in ensuring a just market in India, if not wholly to at least to a large extent.

If the credit for enacting this wonderful legislation goes to legislators and the social organization which effectively lobbied for enactment of the legislation, the role of judiciary is no less significant. It goes to the credit of judiciary, especially the Supreme Court, which took lead in settling certain controversial areas of consumer protection law. The judiciary through its surgical skill has expanded the horizon of consumer jurisprudence by grafting some of the concepts having their place in the law of torts.

Though the Consumer Protection Act, enacted in 1986, has been amended several times yet, in the opinion of the researcher, it fails to protect completely the interest of consumer. The researcher has pointed out the shortcomings of the Act and has given suggestions to make the Act more effective in the ensuing study.