CHAPTER - I

INTRODUCTION
India is a vast and complex country with a population of more than one billion people, which accounts for nearly one fifth of total population of the world. When it gained independence in 1947, after two hundred years of colonial rule, the people of India gave themselves a written Constitution, which pledged to secure to all its citizens:

"Justice, social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity."

Judicial reform had been in the national agenda for quite some time. Increase in number of courts, introduction of modern methods of management, resort to alternate dispute resolution methods like mediation, conciliation and arbitration and revival of indigenous nyaya panchayats were some of the proposals made from time to time. All these were attempted with varying degrees of success. The Lok Adalats (peoples’ courts) became a popular instrument for negotiated settlement by parties themselves of a variety of litigations pending in such bodies like motor accident claims tribunals, family courts, labour courts and even criminal courts. Because the country had a State-controlled planned economic system, nobody seriously canvassed for consumer redressal forums. The ordinary tort and contract laws were thought sufficient to take care of consumer grievances. It was a seller’s market and caveat emptor was the dominant principle of commercial relations. Shortages, shoddy goods and services, corruption and inefficiency became the order of the day. The aggrieved people were to seek relief in Ombudsman-like

1 See Preamble to the Constitution of India, 1950
institutions (vigilance cell, Lok Ayukta, etc.) which could not give such remedies and relief which only judicial bodies could order. The result was frustration and an overload of the court system.

The unprecedented industrial disaster of December 1984 in the Union Carbide Factory in Bhopal killing over 2500 people in their sleep and injuring seriously ten times that number did shake the system out of its slumber. The inefficiency of the existing tort litigation was admitted even by the Government of India which took the matter on behalf of the victims to American courts for more expeditious disposal. The privileged status of the state-sponsored public sector and an ill-conceived legal doctrine that the government is not liable for the torts committed by its employees, kept down the number and extent of consumer grievances in the ad judicatory system. Tort law remained under-developed in India partly because of structural constraints and partly as a result of the continued prevalence of unhelpful legal doctrines developed in a bygone era.

It is one thing to give rights to consumers under various laws, and another to provide mechanisms for agitating those rights for appropriate remedies. The Indian legal system made promises to consumers but failed to fulfill them through necessary administrative arrangements. The legal system expects people to know their rights and assumes that they are capable of asserting those rights through appropriate bodies, when threatened. As two-thirds of Indian consumers lack these two basic requirements for access to justice due to poverty and illiteracy, the system offered little relief to them and they were left either to suffer in silence or to use direct action methods risking the consequences for violating rule of law.
1.1 EVOLUTION OF CONSUMER

- CONSUMER

The ancient man moved from place to place to hunt for food. He ate whatever he could find, such as fruits, nuts, berries, sweet roots and flesh of animals. He made use of wood and dry leaves from forests to make fire to keep himself warm and also to tenderize the meat he hunted. Today, man has evolved into seasoned producer and consumer of a large variety of goods and services. Thus, the concept of consumer, who may be described as a person buying a product or obtaining services from the market for his own use or consumption, has come into existence.

A consumer is defined as a person who buys goods and services and makes use of public utilities as well as natural resources like air and water. It refers to those who use goods and services for the satisfaction of their personal wants thus excluding buyers who purchase for manufacturing purposes or for resale.

According to Consumer Protection Act, 1986, a “Consumer” means any person who buys goods or hires any service for a consideration which has been paid or promised, or partly paid or partly promised, or under any system of deferred payment, and includes any user of such goods other than the person who buys such goods for consideration. It does not include a person who obtains such goods for sale or for any commercial purpose. The main characteristics of the definition of consumer can be stated as follows:
i) A Consumer is one who consumes either goods or hires or avails of any services.

ii) The word 'Consumer' is defined separately for the purpose of goods and services.

iii) For the purpose of goods, a consumer means a person belonging to any one of the following two categories:

a) One who buys any goods for a consideration.

b) One who uses such goods with the approval of the buyer.

iv) For the purpose of services, a consumer means a person belonging to any one of the following two categories:

c) One who hires any service or services for a consideration.

d) One who is beneficiary of such service.

v) A person who buys goods for commercial purposes is not a consumer. In other words, only a person who buys goods for private use or consumption only is a consumer.

Section 20(6) of the Consumer Protection Act, 1987 of the United Kingdom defines the term "Consumer" as under:

(a) "Consumer (a) in relation to any good means any person who might wish to be supplied with the goods for his own private use or consumption;

(b) In relation to any services or facilities means any person who might wish to be provided with any services or facilities otherwise than for the purposes of any business of his; and
c) In relation to any accommodation means any person who might wish to occupy the accommodation otherwise than for the purposes of any business of his."

Oughton has made the following observation in the context of the British law of Consumer protection:

"In general, a consumer transaction involves three elements. Firstly, the consumer must be an individual who does not act in a business capacity. Secondly, the supplier must act in a business capacity. Thirdly, the goods or services supplied must be intended for private and not business use"².

In the United States, Ralph Nader, also known as the father of modern consumerism has taken the view that the term ‘consumer’ should be equated with the word ‘citizen’ and that consumer protection law should be regarded as an aspect of the protection of civic rights.³

In the Indian law of consumer protection, the definition of the term ‘consumer’ given in the Consumer Protection Act, 1986 in Section 2(1) (d) is fairly wide. It not only includes within its ambit any person who buys any goods or hires any services for consideration, but also includes any user of such goods or beneficiary of such services with the approval of the original buyer of hirer⁴.

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³ Ralph Nader as cited in Oughton, ibid.; p.1.
⁵ Census 2011: Population Totals
• **CONSUMERS IN INDIA**

Consumers all over the world are the same as far as their basic needs and desires are concerned. However, the forces operating on the Indian consumer are far different from those that operate on his western counterparts. Apart from cultural factors, there are socio-economic differences that distinguish India from the western countries. As a developing country, India is characterized by vast disparities in incomes, poverty, illiteracy, exploding population, which have a bearing on the consumption pattern as well as on the consumer movement.

i) Consumers in India are very heterogeneous in composition, both in terms of social and cultural aspects and economic status.

ii) India is the second largest country in the world, the population figure being over 121 crores according to 2011 census. Of these only 31.16% live in urban areas and 68.84 % live in rural areas. Of this about 40% live below the poverty line. As a result India is faced with a terribly low standard of living and a galloping population growth.

iii) Indian consumers are largely poor, illiterate, ignorant and apathetic and always remain at the receiving end.

Income disparities and high levels of poverty militate against the emergence of strong consumer organization, high rates of population growth create persistent shortages of goods and services and illiteracy leads to ignorance and builds resistance against change.
EVOLUTION OF CONSUMER:

• CONSUMER IN EARLY AGES

In pre-historic times, humans collected food and other needs from nature's plenty. As years passed they started producing / preparing their food and other articles from naturally available materials. Thus, production was for self consumption and for immediate dependents. Man was both a producer and consumer at the one and the same time. Therefore, there were no problems related to sale and purchase of goods. With the passage of time the needs of men and women increased and become varied. What they produced also left a surplus. Also, they needed to stay at one place to look after their produce. Gradually individuals realized that they are not capable of producing on their own everything they needed. So began socializing and mutual dependence.

This led to group living which resulted in sharing of responsibilities with others and exchanging individual products with that of others to fulfill varied needs. Thus, the system of barter i.e. exchange of goods for goods started. With this there arose the need to establish equivalence of goods, their quality and exchangeability.

• INDUSTRIAL REVOLUTION

The Industrial revolution which started in England in the late 18th century and spread to the Western Europe in the early 19th Century brought about unprecedented changes in the life style of people. The fast pace of progress in science and technology and the consequent mechanization of production led to mass production of
goods. This in turn required marketing of goods that have been produced and drew a clear line of distinction between the producer and consumer. Barter gradually gave the way to money as a medium of exchange. Coins and paper currency came to be used for the purchase of goods and hiring services. Industrialization also brought in its wake a number of effects that completely changed the face of the market and the consumer environment. Modern day concept of consumer as buyer and user of goods purchased from the market may thus be said to have emerged from industrialization. This has also been given rise to what is called Consumerism.

CONSUMERISM

The term “Consumerism” refers to the hidden range of activities of government, business and independent organizations that are designed to protect individuals from policies that infringe upon their rights as consumers.

The following factors may be said to have contributed to the growth of consumerism.

(a) Spread of education and knowledge has made people aware of better standards of living and their rights as consumers.

(b) Rising incomes have increased the purchasing power of people and their ability to spend more on consumption of goods and services.

(c) The rise in prices of products has created in consumers, an attitude to expect better quality. If they do not get goods worth their money, consumers are frustrated.
(d) Inflation in recent times has made purchasers think seriously about the quality, quantity and utility of products.

(e) There is a large variety of products, electrical and electronic products, for example with complex features introduced by new technology which has promoted consumers to expect perfection in quality standards.

"Consumerism" is likely to dominate the Indian market in the next millennium. The success of "consumerism" is a strong function of consumer awareness and the assistance the movement gets from the government. The consumer movement got a boost and moral support from the late U.S. President John F. Kennedy in the historic declaration in congress on March 15 1962, declaring four basic consumer rights (choice, information, safety and the right to be heard). Subsequently, March 15 every year is celebrated as world consumer Rights Day. However this annual ritual observation does not appear to have produced the desired results. A sub-continent like India with regional imbalances and diversity of languages requires not one but several Ralph Nadars.

The U.N. guidelines for Consumer Protection are meant to achieve the following objectives:

(a) To assist countries in achieving or maintaining adequate protection for their population as consumers;

(b) To facilitate production and distribution patterns responsive to the needs and desires of consumers;
(c) To encourage high levels of ethical conduct for those engaged in the production and distribution of goods and services to the consumers;

(d) To assist countries in curbing abusive business practices by all enterprises at the national and international levels which adversely affect consumers;

(e) To facilitate the development of independent consumer groups;

(f) To further international cooperation in the field of consumer protection;

(g) To encourage the development of market conditions which provide consumers with greater choice at lower prices.

It is interesting to note that in spite of U.N. recognition, encouragement from the developed countries and the pro active role played by the government, the consumer in India still does not get his due.

**CONSUMERS IN THE MODERN AGE**

Today's consumer is increasingly dependent also on common utility services like electricity and water supply, transport, communication, banking, insurance, hospitals etc. Those who are producers also need services both for private use as well as for production purposes. Similarly, providers of service depend on producers to have the means necessary for providing services. Today's consumer combines the role of the producer as well as the consumer and may be called a "prosumer". Thus, today most people are
prosumers i.e. producer and consumer rolled into one. All professionals are service givers and consumers too.

**CONSUMERS IN MARKET ECONOMY**

In a market economy or a high consumption society, the price of the commodity, service or production factor are determined according to the supply and demand of the market.

The concept of market economy revolves around Commercialism.

**Commercialism** can be defined as product marketing which promotes individual consumption to the detriment of buyers and society. Commercialism and Advertisement are designed to appeal to our senses. Commercialism implies negative connotation of selling through misleading advertisements. Advertisements give products and service message in a variety of ways. Advertisements are designed to appeal to our senses, our rational minds as well as our subconscious desires and vulnerabilities.

Market forces are exploiting every inch of space and every minute of time to persuade consumers to buy. What the consumers have to take control of is how-when-what or whether to buy at all or not. Advertising is just one aspect of Commercialism.

Commercialism has a negative influence on the self image of the consumer. Being a citizen and/or a person should be synonymous with being a consumer, which is what the present day consumer needs to understand.
1.2 CONSUMER MOVEMENT

BACKGROUND

The consumer movement in India is as old as trade and commerce. In Kautilya’s Arthashastra, there are references of the concept of consumer protection against exploitation by the trade and industry, short weightment and measures, adulteration and punishment for these offences. However, there was no organized and systematic movement actually safeguarding the interest of the consumers. Prior to independence, the main laws under which the consumer interest was sought to be safeguarded were the Indian Penal Code, Agriculture production, Grading and Marketing Act,1937, Drugs and Cosmetics Act,1940 etc.

CONSUMER MOVEMENT IN THE MODERN PERIOD

Consumer movement in the present form came into being only in the 1930’s in the west and only in the 60’s in India. The basic objectives of consumer movement world wide are as follows:

(a) To provide opportunity to the consumers to buy intelligently.

(b) Recognition of reasonable legitimate consumer expectations.

(c) Protection against fraud, misrepresentation and unsanitary and unjust products.

(d) Participation of consumer representatives in management of aspects affecting consumers.

(e) Promoting consumers interests
The basic reasons for the development of consumer movement in India are different from those in the west. In western countries, consumer movement was the result of post industrialization affluence, need for more information about the merits of competing products and to influence producers especially for new and more sophisticated products.

In India, the basic reasons for the consumer movement have been:

(a) Shortage of consumer products; inflation of early 1970s.

(b) Adulteration and the Black Market.

(c) Lack of product choices due to lack of development in technology

(d) Thrust of consumer movement in India has been on availability, purity and prices.

The factors which stimulated the consumer movement in recent years are:

(a) Increasing consumer awareness.

(b) Declining quality of goods and services.

(c) Increasing consumer expectations because of consumer education.

(d) Influence of pioneers and leaders of consumer movement.

(e) Organized effort through consumer societies.
PRESENT CONDITION OF CONSUMER MOVEMENT IN INDIA

Though the CPA has emerged as the most powerful instrument in favour of consumer right but the condition of consumer rights in India cannot still be said to be satisfactory. The trend is that the rate of complaint filing is falling year by year. The reason why the cases of cheating are not being reported or brought to the notice of the consumer forums is not that the things are going fine; actually people are not interested to bring it to the notice of the forums. It shows the faith of people is declining in the system of redressing these cases. Long queue due to large pendency of cases and delay in disposing the cases are the main reason why people do not want to fall in trouble and normally avoid complaining.

PROBLEMS OF CONSUMER MOVEMENT

(a) Large number of cases pending in district forums, state commissions as well as national commissions.

(b) There is a shortage of judges. Over 250 vacancies exist for members in addition to 42 posts of Presidents who head district and state forums which yet remain to be filled up.

(c) Consumer courts lack in infrastructure facilities.

(d) The remuneration paid to the judges and the members is meager.

(e) Sometimes courts are situated at distant places and the complainants do not find it easy to go and attend the hearings.
(f) Consumers are not well aware of their rights even though
government is putting lot of efforts to increase the consumer
awareness.

(g) Participation of people is another road block in the success of
consumer movement in India.

INTERNATIONAL DEVELOPMENTS

The international plain also influenced the Consumer Protection
Act. On 9th April, 1985, General Assembly of the United Nations
Organizations unanimously adopted a set of general guidelines for
consumer protection. This was made possible due to the strong
lobbying by the International Organization of Consumer Union (IOCU)
and also due to the efforts by Ralph Nader, the father of consumer
movement in the World.

The U.N. Guidelines were passed in 1985 and since then, most
of the developing countries including India, passed laws to strengthen
the hands of the consumer. In the history of economic and public
welfare legislations in India, the year 1986 marked the beginning of
new generation laws: To cite a few examples, the Environment
Protection Act and Consumer Protection Act were passed in 1986. We
also had a number of Amendment Acts in 1986. They are (1) Drugs &
Cosmetics (Amendment) Act, 1986; (2) Prevention of Food Adulteration
(Amendment) Act, 1986; (3) The MRTP (Amendment) Act, 1986; (4)
Standards of Weights Measures (Amendment) Act, 1986 and (5)
Standards of Weights and Measures Enforcement (Amendment) Act,
1986.
All these developments in a single year took place for a common objective, that of promotion and protection of consumer rights and interests. However, the enactment of laws alone is not a solution for consumer problems unless such legislation is supplemented by effective enforcement and fool-proof implementation. It may also be pointed out that there should be an effective linkage between the law and the consumers so that quick and inexpensive justice could be taken to their doorsteps - a much cherished dream of the foundling fathers of the Indian Constitution. It is in this context that the role to be played by voluntary consumer groups assumes underlying significance. Since the enactment of the Consumer Protection Act, 1986, there has been a mushroom growth of consumer organizations in India. However, leaving aside a few prominent groups like the CERC, CGSI, Common Cause, and VOICE etc., the functioning and impact of most other consumer organizations is, at best, localized. As a matter of fact, consumer organizations do face lots of problems. For instance, most consumer organizations are urban-based whereas the majority of the Indian population lives in rural areas. Moreover, they lack adequate infrastructure, dedicated activists, enough financial resources, and necessary moral support from state and local governments. These factors act as stumbling block in their day-to-day functioning; nevertheless, these organizations are certainly doing their maximum to further consumer and societal interests.

Summing up, it may be argued that notwithstanding the enactments and the near successful functioning of the Consumer protection Act, 1986, a vast majority of the Indian population, living in the rural areas and prone to various types of exploitation due to illiteracy and ignorance, still needs to be educated, informed and
protected from the clutches of the unscrupulous traders and unethical professionals.

**1.3 AN OVERVIEW OF CONSUMER PROTECTION ACT, 1986**

- **SALIENT FEATURES OF THE CONSUMER PROTECTION ACT, 1986**

1. The term “Consumer” has been clearly defined under the Act.

2. The consumers have been given a legal right to approach the Consumer Courts for settlement of consumer disputes.

3. Special consumer courts (known as Consumer Dispute Redressal Agencies) have been established under the Act, at District, State and National level.

4. Consumer now need not go to ordinary Civil Courts which are costly, time consuming and not easily accessible.

5. The consumer courts give quick and inexpensive remedy by following simple procedure. There is no court fee and the consumer can participate in the court proceedings even without an advocate.

6. The Act dismisses the legal principle of Caveat Emptor (Buyer Beware) and incorporates the new principle Caveat Venditor (Seller Beware).
7. Complaint with the consumer forum can be lodged by (a) consumer (b) Voluntary Consumer Association (c) Central or State Government (d) any person or persons representing the group of persons having the same interest. This is a diversion from the earlier principle of privity of contract.

8. Complaint under the Act can be filed before the consumer court for the cause of action arisen under any law such as Sale of Goods Act, Drugs and Cosmetics Act etc., against i) the unfair practice or restrictive trade practice adopted by the opposite party; ii) Defect in goods purchased; iii) Deficiency in service hired; iv) Excess price charged over the prescribed price; v) Supply of hazardous goods endangering life and safety.

9. Consumer Protection Councils have been established under the Act at Central and State levels to promote and protect the interests of the consumer. Ministry of Consumer Affairs shall handle its chairmanship.

10. Certain rights of the consumer have been statutorily recognized and the Consumer Protection Councils have been entrusted with the task of ensuring these rights.

11. Services rendered by public utilities like Railways, Telecommunications, Electricity Boards and other governmental bodies like Development Authorities, Banks, Insurance companies are covered under the Act. For any deficiency in service provided even by the government by charging some money (for consideration) a consumer can file a complaint.
12. Education is a service even when provided by the University.

13. Medical services provided by private hospitals and private doctors are covered by the Act.

14. Even barter transactions are covered under the Act.

15. The Act provides both compensatory and specific relief to the consumer.

16. Consumer Courts can take up the complaints even though the issue was agreed to be referred to an arbitrator.

17. The Act applies to all goods and services.

**RIGHTS OF CONSUMERS**

The Consumer Protection Act, 1986 seeks to promote and protect the rights of consumers in multifarious ways. Some of the rights that are given to the consumers under the Act are:-

a) The right to be protected against marketing of goods (and services)\(^5\) which are hazardous to life and property;

b) The right to be informed about the quality, quantity, potency, purity, standard and price of goods (or services, as the case may be)\(^6\) so as to protect the consumer against unfair trade practice;

c) The right to be assured wherever possible, access to a variety of goods (and services)\(^7\) at competitive prices;

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\(^5\) Inserted by the Consumer Protection (Amendment) Act, 1993.

\(^6\) Inserted by the Consumer Protection (Amendment) Act, 1993.
d) The right to be heard and to be assured that consumers' interests will receive due consideration at appropriate forums;

e) The right to seek redressal against unfair trade practices (or restrictive trade practices)\(^8\) of unscrupulous producers or suppliers of consumer goods and services, and

f) The right to consumer education\(^9\).

Thus the various consumers rights, recognized the world over, have been specifically incorporated in the 1986 Act. It may be specifically mentioned that prior to the 1993 Amendment, the consumers' rights to safety, information, redressal and representation etc were confined to goods only, as the term 'service' was not mentioned in the context of any of these rights. However, by the Amendment Act of 1993, the term 'service' has been added to all these rights.

\(^7\) Inserted by the Consumer Protection (Amendment) Act, 1993.

\(^8\) Inserted by the Consumer Protection (Amendment) Act, 1993.

\(^9\) These rights have been mentioned both in the prefatory note of the Objects and Reasons as well as in Section 6 of the 1986 Act.
CONSUMER DISPUTES REDRESSAL AGENCIES

Section 9 of the Consumer Protection Act, 1986 provides for the setting up of three Consumer Disputes Redressal Agencies each at the district, state and national levels. These are:

(1) Consumer Disputes Redressal Forum - The District Forum.

(2) Consumer Disputes Redressal Commission - The State Commission.

(3) National Consumer Disputes Redressal Commission - The National Commission.

These fora have been established in line with the guidelines provided by the United Nations. The United Nations guidelines of Consumer protection\(^{10}\) provide for measures enabling consumers to obtain redress in the following words:-

1. Governments should establish or maintain legal and/or administrative measures to enable consumers or, as appropriate, relevant organizations to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Such procedures should take particular account of the needs of low-income consumers.

2. Governments should encourage all enterprises to resolve consumer disputes in a fair, expeditious and informal manner, and to establish voluntary mechanisms, including advisory services and informal complaints procedures, which can provide assistance to consumers.

\(^{10}\) United Nations General Assembly Consumer Protection Resolution No.39/248 dated 9\(^{th}\) April, 1985
3. Information on available redress and other dispute-resolving procedures should be made available to consumers.

The consumer dispute raised in a complaint is settled by the Consumer Disputes Redressal Agency under the Consumer Protection Act in accordance with the procedure laid down in Section 13 of the Act which prescribes that the District Forum (as well as the State Commission and the National Commission) shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure in respect of summoning and enforcing attendance of any defendant or witness and examining the witness on oath; discovery and production of any document or other material object producible as evidence; the reception of evidence on affidavits; he requisitioning of the report of the concerned analysis or test from the appropriate laboratory or from any other relevant source; issuing of any commission for the examination of any witness; any other matter which may be prescribed\textsuperscript{11}.

A review of the provisions of the Consumer Protection Act discloses that the quasi-judicial agencies created by the Act are not courts, though invested with some of the powers of a civil court. They are quasi-judicial tribunals brought into existence to render inexpensive and speedy remedies to consumers. It is equally clear that these Fora/Commissions were not supposed to supplant but supplement the existing judicial system. The idea was to provide an additional forum providing inexpensive and speedy resolution of disputes arising between consumers and suppliers of goods and services. The forum so created is uninhibited by the requirement of

\textsuperscript{11} Indian Medical Association v. V.P. Shantha; III (1995) CPJ I (11) (S.C.)
court fee or the formal procedures of a court. Any consumer can go and file a complaint. Complaint need not necessarily be filed by the complainant himself; any recognized consumers' association can espouse his cause. Where a large number of consumers have a similar complaint, one or more can file a complaint on behalf of all and even the Central Government and State Government can act on his/their behalf. The idea was to help the consumers get justice and fair treatment in the matter of goods and services purchased and availed by them in a market dominated by large trading and manufacturing bodies. Indeed, the entire Act revolves around the consumer and is designed to protect his interest. The Act provides for 'business-to-consumer' disputes and not for 'business-to-business' disputes.\footnote{Laxmi Engineering Works v. P.S.G. Industrial Institute; AIR 1995 S.C. 1428 at page 1431; II (1995) CPJ (S.C.)}

1.4 **NEED FOR CONSUMER PROTECTION ACT**

Economic history of man proved that the principle of *Caveat Emptor* (Let the buyer beware) is unreasonable and that the consumer is a "king" is a myth. In a market economy, the more organized and dominant presence of the seller and a large variety of products and services over flooding the market baffles the consumer, who is conventionally unorganized, confused and less aware, thus often becoming the victim, and hence there is a cause of alarm. The industrial revolution and the development in the international trade and commerce had led to the vast expansion of the business and trade, as a result of which variety of consumer goods have appeared in the market to cater the needs of the consumers and also a host of services have been made available to the consumers like insurance, transport, electricity, housing, entertainment, finance and banking. A well organized sector of manufacturers and traders with better
knowledge of markets has come into existence, thereby affecting the relationship between the traders and the consumers, making the principle of consumer sovereignty almost inapplicable since the second half of the twentieth century. The advertisements of the goods and services in the television, newspapers and magazines influence the demand for the same by the consumers although there may be manufacturing defects or imperfections or shortcomings in the quality, quantity and the purity of the goods or there may be deficiency in the services rendered. In addition, the production of the same item by many firms has led the consumers, who have little time to make selection, to think before they make a purchase. For the welfare of the public, the vice of adulterous and sub-standard articles in the market has to be checked. People's participation is the only answer to protect the consumers from the nefarious designs of the unscrupulous traders.

Consumer protection is not a new problem for India. This was, inter alia, one of the prominent socio-economic problems inherited by the nation with its independence in 1947. Since then, the enactment of various consumer-oriented laws by the national and state governments from time to time to tackle this malady bear ample testimony to its existence and ramification.

Little could be achieved in the field of consumer protection through the implementation of the various provisions dealing with consumer protection in the Code of Civil Procedure, 1908, the Indian Contract Act, 1872, the Sale of Goods Act, 1930, the Indian Penal Code, 1860, the Standards of Weights and Measures Act, 1976 and the Motor Vehicle Act, 1988.
The existing laws on consumer protection were not very well-suited to the present day needs of the consumer. They either had cumbersome procedures that caused inordinate delay or they were costly and inaccessible to the common man. Moreover, the existing laws were somewhat trader-oriented and hence not very helpful. Under Contract Act, a person not a party to the contract cannot sue.

The Monopolies and Restrictive Trade Practices Act, 1969, and the Prevention of Food Adulteration Act, 1954 have provided relief to the consumers in the past, but the Consumer Protection Act, 1986 is a landmark legislation in terms of protection of consumers from the exploitation of traders, from adulterated and sub-standard goods and services and for the better protection of the interest of consumers.

When buyer and seller are not placed on equal footing; consumer education and awareness is a far cry; market information is either not available or available in a distorted form and where consumers are not able to assert their rights aggressively, it is always possible that they are taken for a ride by the unscrupulous industry. Hence, the consumer needs special support and specific protection measures in law.

Consequently, Consumer Protection Act was passed in 1986 and was brought into force in the year 1987.
1.5 PURPOSE OF STUDY

The purpose of the present study is to evaluate the consumer dispute redressal mechanism for the protection of consumer rights under the Consumer Protection Act in India with special reference to the District consumer Forum at District Lucknow and also study the extent of awareness of the rights of consumers amongst the masses at District Lucknow (U.P.). The study aims:

1. To sensitize the people and making them aware of various malpractices in the course of production, selling and advertising.

2. To create an awareness about the legal rights of the consumers and to assess the present level of awareness amongst the masses.

3. To know the causes and real reasons of consumer disputes and conflicts.

4. To highlight the methods of consumer protection and consumer dispute redressal mechanism provided under the Consumer Protection Act, 1986.

5. To judge the effectiveness of the consumer dispute redressal mechanism.

6. To suggest measures for strengthening the methods of consumer protection and consumer dispute redressal mechanism.
The present study seeks to analyze the types, causes and settlement of consumer disputes at District Level and also suggest the ways and means through which the redressal mechanism can further be strengthened in the interest of consumers.