Conclusion & Suggestions

**Suggestions:**

1. It is high time that consumer advice centres or advice bureau are to be set-up by the State for dissemination of consumer information, consumer education and redressal of grievances. These should co-operate with voluntary consumer association to protect consumer interests. A discernable consumer opinion is perhaps the best guarantee for the due implementation of the law.

2. The definition of service specifies the services of any description "made available to the potential user" but neither the term "made available" is defined in the Act nor the "potential user". The absence of the words "made available" and "potential user" in the definition of consumer creates necessity or interpretation. As a consequence the banking institutions enumerated in the definition of "service" always, remark that the complainant against them is not a consumer and the courts constituted under the Act have to interpret there contention, either accepting or rejecting it. Instead of coming across such a difficulty and enlarging the definition of "consumer" and "service" by interpretation, the Parliament should have used the word "avails" or "utilizes" in the definition of "consumer", or the words "made available" and "potential user" should have been included in the definition of consumer or atleast the persons availing the services of banks, etc, should have been called the consumers. It is suggested that the Parliament should amend the Act suitably so that there is not
ambiguity between the intent of law and its interpretation.

3. The definition of service, which used the words "Free of Charge" creates confusion. The term "Free of Charge" means services rendered without any remuneration e.g. a self-sufficient man teaching the poor students free, serving the handicaps etc. The intention of the Act is to exempt such persons from the purview of the Act, but not to the Government establishment who discharge service free of charge to its citizens under the welfare scheme of the Government. As such the word free of charge creates ambiguity and invites interpretation. On account of this ambiguity the Government hospitals are kept beyond the scope of the Act and the patients are not called consumers, since they do not pay any consideration to the hospitals, but the man who utilises the services of the Railway after purchasing a ticket has been included in the definition of consumer as consumer. Had a patient paid some entry fee in the hospital like a 3rd class ticket in the Railway of the Act. On account of the words "Free of Charge", the services of hospitals are denied to a citizen even though he is not only a tax payer but also a payer of salaries to the doctors and other public servants as it is the Government of the people, by the people, for the people. Such an ambiguous definition not only deprives the consumer of the free services rendered by the hospitals but also of many of the welfare departments of the Government. The words therefore, need clarification, so as to include all the
institutions, without any discrimination which render service to the citizens a either free of charge or with nominal entrance fee.¹

4. It is suggested that course regarding consumers protection should be introduced from schools to the colleges level.

5. It is suggested that each state should organise consumer meetings so as to have a dialogue between the manufacturers and the customers understand each other's problems.

6. Consumers should organise themselves to have a voice to be reckoned with. Being assertive consumers and by forming groups, that can provide the pressure for action by both businesses and Government.

7. With the proliferation of human needs in the consumer societies of today, it has become necessary to re-examine old notions of consumers protection such as consumer sovereignty, consumer choice and consumer satisfaction.

8. Most of rural India lacks the support of consumer organisations due to shortage of funds and other infrastructural facilities. It is suggested that the Government and other charitable institutions boost them.

9. A literary camp should be organised in order to thwart general awareness regarding rights, means and ways of consumer problems.

¹ All India Reporter, January 1992, Journal Section page No.3.
10. The enactment of consumer protection Act, 1986, is only the prime step for safeguarding the interests of the community, though the affected interests must remain vigilant at all times to ensure that the provisions of the law are enforced.

11. It is suggested that the policy makers and social activists to bring about the changes in an orderly manner through education, persuasion and dedication to the consumers.

12. It is suggested that consumer legislation should be backed by strong consumer movement at the grass root level.

13. It is suggested that the claims should be speedily adjudicated in order to maintain a good relationship between the administration and the consumer.

14. The Government should take preventive steps, maintains dialogue and remain in constant touch with consumer organisations.

15. It is suggested to set-up a Rating Committee by each State Government in order to provide hearing to all affected interests before fixing rates.

16. Unless the suitable amendments are made in the Consumer Protection Act, 1986 as suggested above, the rights will not be fully availed of by the consumers as enacted in the said Act.
Conclusion

This Act is a beginning of relief to all and discrimination with none. Nobody is outside the sweep of the subject. Consumerism is all pervading. Each one of us is a consumer in one form or the other. Everyone is a consumer, the young and the old, rich and poor, workers and idlers, sellers and buyers, economists and industrialists, manufacturers and the traders. The act is not a mere logomachy but is eclectic.

The attempt of the Parliament is a matter of fact to eradicate the all pervading frauds of the trading community and the - Administrative bodies even being consistently played with the people of the country.

Higher valuation matters are given to state commissions and the National commission. No court fee is payable on consumer complaints. To provide speedy and simple redressal to consumer disputes, a quasi-judicial machinery is sought to be set up at the district, state and central levels. The Consumer Disputes Redressal Agencies are quasi-judicial machinery. For seeking entry into any judicial machinery, the straight jacket of the Civil Procedure Code and other prescribed uniforms are to be worn. These quasi-judicial bodies will observe the principles of natural justice. A pragmatic approach is contemplated for the speedy and simple redressal of the consumers' grievances. No court fee is payable on consumer complaints. Only three months time is fixed for disposal of the matters before the consumer forums. Justice delayed is justice denied. Swift and speedy justice is provided in the Consumer Forums. The subject is alluring and beneficial to all the advocates, the litigants in person more skillfully than in civil courts and getting beneficial and liberal justice. The mass-scale
frauds are being eradicated by the Consumers Forums. Thus the
Government has served the cause of humanity by providing an effective
machinery of Consumers Forums for the benefit of the poor as well
as the rich, free of court fee, easy approach even without a
counsel.

The Consumer Protection Act is more of a necessity rather
than of a matter of academic discussion. It emphasis on providing
basic goods and services. In this regard the United Nations
Guidelines for Consumer Protection and the comments of the United
Nations Secretary General are relevant.

"Finally, it may be noted that international co-operation
with regard to consumer protection is needed because the development
of consumer Protection Policy no longer requires that measures be
taken only at the national level. Since the world economy has
become so inter-depandant, National Consumer Protection Policy has
now required international dimensions. This is mostly due to
international character of business practices. In that the marketing
of goods and services is often done on multinational basis and in
many cases by transnational corporations and also due to the fact
that problems encountered by consumers are often not exclusive to
any one country. As a result, measures adopted to protect the
consumers in one country can have implications for consumers in
other countries. For instance, consumer protection measures, such
as national standards, intended to protect consumers in one country,
can become barriers to international trade by making it more
difficult for consumers in that country to choose among various
goods and to purchase those goods at the lowest possible price and
they may also affect consumers in exporting countries by depriving
them of the income generated by exports. Another area where
international co-operation is required is the exchange of information on banned and severely restricted products in order to enable importing countries to protect themselves adequately.¹

The Consumer Protection Act, 1986 seems to be in tandem with the provisions relating to unfair trade practices in the Monopolies and Restricted Trade Practices Act, 1969. This is very evident from the definition of the terms 'complaint', Section 2(c) of the Act, 'defect' Section 2(f) of the Act and 'unfair trade practice' Section 2(r) of the Act in the consumer Protection Act. The function of the Monopolies and Restricted Trade Practices Commission is to dive and fathom to detect where the cancerous root of monopolistic or restrictive or unfair trade practice is and on detection to uproot it. The Consumer Protection Act aims at the "better protection of the interest of consumers" and for the settlement of the consumers disputes. Thus this Act orient itself to the individual interest of each consumer and goes into settle the consumer disputes. The entire drill itemised in Section 13 of the Act and transposed in Section 18 of the Act as also the findings after the proceedings under Section 13 and actions envisaged in Section 14 and Section 18 of the Act revolve round a complaint, complainant, defect in goods in question and removal of the defects or replacement of the goods with new goods of the similar description. The Consumer Protection Act is functional in its appellation.

¹ Page No. 5 Law of Consumer Protection By Dr. Gurbax Singh.
The definition of the term 'consumer' in the Consumer Protection Act brings in an exception. It excludes a person who obtains the goods "for resale or for any commercial purposes". The entire philosophy underlying the Consumer Protection Act rests on this exclusion. The Act aims to secure the full satisfaction of the consumer in his purchase of goods or of service if he is the ultimate buyer. The Act is not a mere logomachy but is eclectic. The Act is more of a necessity rather than of a matter of academic discussion.

Our is mixed economy where the State has to function as provider, regulator, entrepreneur and umpire. All these aim in protecting the interest of the consumer in one way or the other. The Act is comprehensive legislation with its main thrust on giving speedy redressal and compensation to the consumers.

The provisions of the Act are in addition to and not in derogation of the provisions of any other law for the time being in force. The Act applies to all goods and services unless specifically exempted by the central Government by notification. For the first time in the history of the socio-economic legislation of our country, the role of the Consumer Organisations has been recognised in this Act and in other acts like the Standards of Weights and Measures Act, the drugs and Cosmetics Act, the Prevention of Food Adulteration Act, the Essential Commodities Act, the Agriculture Produce (Grading and Marking) Act, etc. The Act provides setting up of consumer protection councils at the Central and State levels to promote and protect the rights of the consumer, and a three-tier quasi-judicial machinery for redressing consumer grievances.
The Consumer Protection Act 1986 to confer and enable the consumer to have basic rights to be enforced and satisfied. Life a coin which has two faces, every person excepting those who live on the exploitation of others has a double status both as a producer and a consumer. He is at the giving as well as the receiving end. If he remembers this truth and maintain consistency in his conduct by doing to others as a producer or seller what he expects as a consumer from others, most of the problems of the consumer would not crop-up.

The identification, enumeration, amplification and elucidation of the relevant provision of the constitution demonstrates the availability of abundant legislative and administrative power in the constitution and the possibility for progressive interpretation by the judiciary in protecting the basic, essential, legitimate interests of the consumer. Towards this end the Consumer Protection Act, 1986, passed. Consumer sovereignty depends upon consumer vigilance, wakefulness, co-operation, continuous struggle and in the end, if necessary, by consumer constitutional revolution.

Starting with the age old rule of caveat emptor, the law and the judges were in favour of the seller. The nineteenth century provisions are quite inadequate to deal with the twentieth century methods of buying and selling. With the development of new commercial practices, new methods of trade transactions, varieties of hire purchase systems and consumer credits, self-service shops with sophisticated articles including those with scientific intricacies and so on, the buyer was found to be in a difficult situation. The law came to his rescue. Either as an alternative or as collateral relief, a civil liability in tort also developed
in favour of the consumer. Consumerism and consumer protection achieved a new impetus that institutions like "Consumer Ombudsman have come into existence".

By developing a system of checks and controls company legislation in India protects the consumer interests and attempts to reduce the dominance and monopoly of large corporations. Small firms producing basic consumer products need promotion. Government should give them aid. Regulated market facility should be made available to them. Licence of companies violating consumer protection requirements should be revoked. Control over pricing should be made effective. Listing in stock exchange should be made compulsory for all manufacturing companies.

"Consumer is sovereign" is a watchword among producers and sellers. Every production is planned to satisfy some need of the consumer. His likes, dislikes and preferences are systematically studied and products and services are planned to meet his requirements. Every attempt is to be made to satisfy and please the consumer. Consumer should make judicious buying decisions. Once the consumer is able to make judicious decisions, forces like consumer resistance will come into play and ensure good quality goods and services to the consumer at reasonable prices. This will restore the consumer to his original sovereignty.

The Consumer Protection Act has certainly made a breakthrough. The Act is a new experiment to meet the new situations created by the modern economic system. The justice in the courts under the act should be speedy and less expenses to achieve the spirit behind the Act. The basic education to the consumers specially to the students from the school level, creation of consumer
co-operatives as in developed countries will organise propaganda through the media and above all, the commitment of the Government will really bear fruits of the Act. The real purpose here is not to make it easier to secure compensation, but to increase the feeling of responsibility of the supplier and to reduce the risk of faulty goods or of expense. The consumer is not interested in getting damages but in getting the goods and services that he wants and in avoiding the risk of injury.¹

The Consumer Protection Act 1986 (68 of 1986) is a milestone in the history of socio-economic legislation in the country. It is one of the most progressive and comprehensive pieces of legislation enacted for the protection of consumers. The new law has been enacted after in-depth study of Consumer Protection Laws and arrangements in the U.K., U.S.A., Australia and Newzealand. 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 redressal to the consumer's grievances. For this purpose, the Act envisage, a three-tier quasi-judicial machinery at the National, State and District levels. The Act enshrines certain rights of the consumers and provides for the setting up of Consumer Protection Councils in the Centre and the States. The objective of these Consumer Protection Councils will

be to promote and protect the rights of the consumers. The title of the Act spells out clearly the main object of the Act. From the title of the present Act, it would be evident that the main object of the Act is to protect the consumers against variety of malpractices of the manufacturers, traders and any person dealing with various articles and services.

There can be no two opinions concerning the justification of consumer interest in the field of commerce and industry. In public enterprises, it is all the more important to pay sufficient attention towards consumers as they have been established primarily to deliver goods to the masses. Consumer interest should always be given top priority in public sector undertakings.

"Consumer satisfaction is our motto" this should not remain only on paper as a lofty ideal but should be practiced in right earnest to usher in an era of public welfare. Only then the mammoth investment made in the public sector can be justified. Draastic steps are needed to protect the consumer from the jaws of inefficient management of public sector undertakings.

Since the problems are manifold and arise daily, it is quite impossible to think of an Indian Consumer moving to the court for the redressal of his problem. Otherwise he will be left but with no other work except with fighting for his rights as consumer. The result is that the consumer is busy searching for a solution to his problem outside the court of law. This has also given rise to the demand for better protection to the consumers all around.
Consumer education for our country is a must for
(i) creation of critical awareness (ii) Active consumer
involvement (iii) Imbibing social responsibility (iv) Realising
ecological responsibility and (v) Solidarity of consumers.

The Consumer Protection Act can be described as a magnificent
project heralding the dawn of a new era and revolutionising the
entire field of consumer protection, education and guidance.
Its greatest attraction is its convenient channel of justice
through District Forum and its simple, unfettered non-cumbersome
procedure which sets the law in motion with a mere complaint
on a plain paper. The Act has emphasized on speedier justice
by allowing only one adjournment during the entire proceedings.
It has opened a new era in the field of business in India. It
imparts a new dimension to the concept of law as a tool of social
engineering.

Consumer Protection now is a serious concern of countries
in every continent, in every stage of development and even in
every kind of ideology. It has been a struggle against bad
business, a struggle against ignorant. Within the last 40 years
many laws have been enacted to safeguard the consumer interest.
The list of consumer laws on the statute book is a formidable
one viz The Consumer Protection Act, 1986. To remain in touch
with global developments the modern facilities such as telephone,
radio, television and dish-antenna have become a necessity.
Our style of life has changed with inventions of gadgets and
conveniences of all kinds, and so the The Consumer Protection
Act, 1986.
Consumer activists have in a big way been a catalytic agent for recent legislation in consumer matters. The enactment of legislation, though important, is only the first step for safeguarding the interests of the community. However, benevolent the legislation might be, the affected interests must remain vigilant at all times to ensure that the law is enforced. Therefore, consumer legislation should be backed by strong consumer movement at the grass root level.

The Act is a hallmark in the direction of minimising to the extent possible the sufferings of the vast majority of consumers. We have a long way to go to educate the consumers, especially those in the rural area, about their rights.