India being a developing country, is eager to promote the Industrial growth keeping in view the socio-economic objectives. The framework has been provided by several pieces of legislation including the Monopolies and Restrictive Trade Practices Act 1969 but failed to protect the ultimate consumers. For the first time in the history of the socio-economic legislations of this country, a comprehensive legislation, namely, the Consumer Protection Act 1986 has been passed to provide for better protection of the interest of consumers.
The Consumer Protection Act, 1986 extends to the whole of India except the State of Jammu and Kashmir. 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 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, Sale of Goods Act, Environment Protection Act, etc.

The Act provides setting up of Consumer Protection Councils of the Central and State levels to promote and protect the rights of the consumers and a three-tier quasi-judicial machinery for redressing consumer grievances. State includes union territories also. Thus, the Union territories may have their own State Council, District Forum and State Commission. The administrators of the Union territories have been authorised to exercise powers and discharge functions of State Government.

¹ Services include, banking, financing, insurance, transport, processing, supply of electrical or other energy etc and Railways & Airlines too.
Formation of Councils:

The Consumer Protection Act 1986 has envisaged the setting up of the Consumer Protection Councils at the Central and State levels, namely, the Central Consumer Protection Council and the State Consumer Protection Councils.

Central Consumer Protection Council Section 4 of Consumer Protection Act, 1986:

The Central Government is empowered to constitute the Central Consumer Protection Council which may consist of the following 150 members namely:

(a) The Minister incharge of Department of Civil Supplies who shall be the Chairman of the Central Council.

(b) The Minister of State (where he is not holding independent charge) or Deputy Minister in the Department of the Central Council.

(c) The Ministers of Food and Civil Supplies or Minister incharge of Consumer Affairs in States.

(d) Eight Members of Parliament - five from the Lok Sabha and three from the Rajya Sabha.

(e) The Commissioner for Scheduled Castes and Scheduled Tribes.

(f) Representatives of the Central Government Departments, autonomous organisations concerned with consumer interests not exceeding twenty.

1 Consumer Protection In India: Dr. V.K. Agarwal P.No. 469.
(g) Representatives of the Consumer Organisations or Consumers - not less than thirty five.

(h) Representatives of women - not less than ten.

(i) Representatives of farmers, trade and industries - not exceeding twenty.

(j) Persons capable of representing consumer interests not specified above - not exceeding fifteen.

(k) The Secretary in the Department of Civil Supplies shall be the member - secretary of the Central Council.

The Central Government has notified the Constitution of the Council with 115 members. The Council has held three meetings so far. The first meeting was held in September 1989 in which the emphasis was on promoting a strong and responsible consumer movement in the country. The second meeting was held in April, 1988, presided by Shri Sukhram, Minister of Food & Civil Supplies, Government of India and attended by Ministers of various States and other members of the Council, in which the focal point of discussion was the implementation of the Consumer Protection Act. In the third meeting which was held in September, 1988, again there was an emphasis on speedy and effective implementation of the Act by the State Governments and Union Territories Administrations.

The term of the Council shall be three years. The Council may meet as and when necessary, but not less than three meetings of

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1 Consumer Protection In India - Dr. V.K. Agarwal P. No. 469.

the Council shall be held every year. Each meeting of the Council shall be called by giving not less than 10 days notice in writing to every member, specifying the time, place and agenda of the meeting. However, no proceeding of the Council shall be invalid merely by reasons of existence of any vacancy in or any defect in the constitution of the Council.

**Power to Constitute Working Group:**

The Council is empowered to Constitute from amongst its members, such working groups as it may deem necessary. Every working group so constituted shall perform such functions as are assigned to it by the Central Council. It seems that such working groups may prove to be more useful and effective in dealing with the specific problems to be placed before the Council for its consideration. The resolutions by the Council shall be recommendatory in nature.

**Objects of Central Council:**

Section 6 of Consumer Protection Act provides that the objects of the Central Council shall be to promote and protect the rights of the consumers, such as:

a) The right to be protected against marketing of goods which are hazardous to life and property,

b) The right to be informed about quality, quantity, potency, purity, standard and prices of goods so as to protect the consumer against unfair trade practices.

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1 Consumer Protection In India - Dr. V.K. Agarwal, P. No.470.
(c) The right to be assured, wherever, possible access to a variety of goods at competitive prices.

(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 unscrupulous exploitation of consumers and

(f) The right to consumer education.

The Central Council may have a significant role in the formulation of Central Government economic policy. In addition it may respond to request for information and advice on particular issues relating to the protection of consumers. Although the decisions of the Councils are recommendatory but they may have a significant impact on the several authorities concerned with the matters of Consumer Protection.

State Consumer Protection Councils

The State Governments are also empowered to establish Consumer Protection Councils for their respective States. The State Council shall consist of such members as may be notified by the State Government by notification from time to time. The objects of every State Council like Central Council shall be to promote and protect within the State, the rights of the consumer as laid down in the clauses (a) to (f) of Section 6. So far 27 States and 7 Union Territories have set-up the Consumer Protection Councils under the

1 Hindustan Times (English) daily dated 7-1-89.
Act. But, how far these Councils have been successful in protecting the consumers' interest is not free from doubt.

Redressal of Consumer Disputes

The Consumer Protection Act, 1986 provides for the establishment of a three-tier quasi-judicial machinery for redressing consumer grievances as under:

A) District Forum
B) State Commission
C) National Commission


A Consumer Disputes Redressal Forum to be known as the "District Forum" is required to be established by the State Government with the prior approval of the Central Government in each district of the State.

Recently Government of Gujarat has set-up a Consumer Disputes Redressal Forum at Surat, Gandhinagar, Rajkot & Ahmedabad.

President of Surat District Forum is Shri A.A. Usmani, retired District Judge and two members, namely, Shri Nagindas Bardolia Ex-Mayor, Surat Municipal Corporation and Smt. Umaben Hakumatrai Desai. In Ahmedabad, President of District Forum is retired District Judge Shri P.A. Saiyed, and two members, namely Shri Sirejuddin Kazi and Kokilaben Vyas. In Rajkot District Forum, President is retired judge, Shri Bhojani and members, Shri Ashwin Mehta and Mandakiniben.

1 Sandesh (Gujarati Daily) Newspaper - dated 25-2-89.
2 Sandesh (Gujarati Daily) Newspaper - dated 21-4-89.
Chairman of the State Commission at Gandhinagar is retired High Court Judge Shri S.A. Shah and members Shri Manoharsinhji Jadeja and Lilaben Trivedi.

State of Bihar was the first State in setting-up consumer dispute redressal forum.

Chief Executive Councillor, Mr. Jag Praveschchandra announced the setting-up of a Consumer Disputes Redressal Forum for Delhi under the Consumer Protection Act 1986 Section 9(b) read with Section 16(1). He appointed Mr. M. P. Singh retired Sessions Judge, Uttar Pradesh as the President of the Delhi Forum. Dr. A.N. Saxena, retired Director General National Productivity Council and Mrs. V. Mohini Giri, President, War Widows Association and Chairman, Guide of Services as members of the forum.

Hon'ble Mr. Justice Balakrishna Eredi, Judge of the Supreme Court assumed charge as President of the National Consumer Disputes Redressal Commission on 10-3-1988.

As provided for in Consumer Protection Act 1986, about 15 States and Union Territories have either set-up or are in the process of setting-up District Redressal Forums headed by District Judges.

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2 Hindustan Times (English) daily dated 25-8-88.
3 University to-day dated 1-5-88 P. No. 3.
4 Hindustan Times (English) daily dated 7-1-89.
Composition of the District Forum

The Act provides that each District Forum shall consist of a President and two members, to be appointed by the State Government. The President of the Forum is required to be a person who is or has been or is qualified to be a District Judge. Out of the two members of the Forum one must be a person of eminence in the field of education, trade or commerce and the other must be a lady social worker. The intention for having the members from other than the legal profession seems to be that the District Forum should be able to understand and appreciate the overall technical and social impact, while deciding the issues under the Act. The inclusion of a lady social worker in District Forum is of considerable importance keeping in view the nature and functioning of the Forum.

Every member of the District Forum shall hold the office for a term of five years or up to the age of 65 years, whichever is earlier, and shall not be eligible for reappointment. However, a member may resign his office in writing under his hand addressed to the State Government and on such resignation being accepted, his office shall become vacant. The vacancy so caused may be filled by the appointment of a person possessing any of the qualifications mentioned above in relation to the category of the member who has resigned 1(Section 10(2) of Consumer Protection Act 1986).

Jurisdiction of the District Forum

The District Forum shall have a jurisdiction to entertain complaints where the value of the goods or services and the compensation, if any, claimed is less than rupees one lakh. 1(Section 11(1) of the Consumer Protection Act 1986). A complaint

1Section 10(2) & 11(1) of the Consumer Protection Act - 1986.
shall be instituted in a District Forum within the local limits of whose jurisdiction (a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or carries on business, or personally work for gain or (b) any of the opposite parties, where there are more than one of at the time of the institution of the complaint, actually and voluntarily resides, or carries on business, or personally works for gain, provided that in such case either the permission of the District Forum is given, or the opposite parties who do not reside, or carry on business, or personally work for gain, as the case may be, acquiesce in such institution or (c) the cause of action, wholly or in part, arises.

Complainant:

A complaint in relation to any goods sold or delivered or any service provided, may be filed with the Forum by:

(a) the consumer to whom such goods are sold or delivered or such services provided,

(b) any recognised consumer association, whether the consumer to whom the goods sold or delivered or service provided is a member of such association or not, or

(c) the Central or the State Government.

It is evident from the aforesaid provisions that the complaint may be filed by the affected consumer himself or by any recognised consumer association even if that consumer is not the members of such association.

1 Section 12 of the Consumer Protection Act - 1986.
The recognised consumer association means any voluntary consumer association registered under the Companies Act, 1956 or any other law for the time being in force.

Further, the Central and State Governments have also been vested with wide powers to file complaint in relation to any goods sold or delivered or any services provided. The Government may file the complaint of their own, whenever they find that the goods sold are defective or services are deficient, or prices are over-charged.

For the first time, the registered consumers' associations have been recognised and have been assigned important role of protecting the consumers. Clause(n) of Section 2 of the Monopolies and Restrictive Trade Practices Act also defines "registered consumers' association. It means a voluntary association of persons registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force which is formed for the purpose of protecting the interests of consumers generally and is recognised by the Central Government as such association on an application made in this behalf in such form and such manner or may be prescribed. The Central has made the rules namely, the Monopolies and Restrictive Trade Practice (Recognition of Consumer Association) Rules, 1987 for the purpose. According to these rules, every consumer association which is desirous of being recognised as a registered consumers' association, must have not less than ten consumers as its members.

1 Explanation to Section - 12 of the Consumer Protection Act 1986.

2 Section 12(c) of the Consumer Protection Act, 1986.

3 Inserved by the Monopolies and Restrictive Trade Practices (Amendment) Act 1986 w.e.f. 1-6-1987 (Notification No.541(E) Dated 1-6-87.)
and shall make an application on the prescribed form with a requisite fee of Rs.500/- to the Central Government in the Department of Company Affairs. The Department of Company Affairs may after scrutiny, issue a certificate of recognition or may refuse to issue such certificate. The applicant shall be informed of the reasons for such refusal. Every registered consumers' association is required to furnish a copy of the certificate of recognition to the concerned consumer Disputes Redressal Commission established under the Consumer Protection Act.

**Consumer : Definition of:**

The term consumer has been defined in clause (d) of Section 2(1) of the Consumer Protection Act 1986. "Consumer" means any person who:

(i) buys any goods for a consideration which has been paid or promised or partly paid and 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 paid or promised or partly paid or partly promised or under any system of deferred payment when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose, or

(ii) hires any services for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment and includes any beneficiary of such services other than the person who hires the services for consideration paid or promised, partly paid and partly promised or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person.
The aforesaid definition of 'Consumer' is wide enough to include not only the person who buys any goods for consideration but also includes any user of such goods other than the buyer. Similarly, it covers any person who hires any services for consideration and also includes any beneficiary of such services other than the hirer. It does not include a person who obtains any goods for resale or for any commercial purpose. e.g.

(a) A patient is a consumer, when goes for a treatment to the doctor for consideration

(b) A client is a consumer when he receives the services of a lawyer for consideration

(c) When a person goes to a barber shop for hair cutting, he is a consumer

(d) One who receives the electric power supply from Electricity Board and pays the electric light bill is the consumer

(e) A railway, air or bus passenger who buys ticket for value is a consumer etc.

Concept of Consumerism :

"As early as in 1934, Mahatma Gandhi taught us the basic concept of consumer protection. He said:

"A customer is the most important visitor in our premises. He is not dependent on us. We are dependent on him. He is not an interruption in our work. He is the purpose of it. He is not an outsider on our business. He is a part of it, we are not doing him a favour by serving him. He is doing us a favour by giving us an opportunity to do so"."
Two centuries ago when Adam Smith wrote his monumental work "The Wealth of Nations, he saw the market place as the guarantor of the best interest of the consumer.¹

"Unsafe At Any Speed" which embodied Nader's sharp observations and starting conclusions about the short comings of the chevrolet corvair soon because one of the most talked about books in America. In the years that followed the implication of the book, an army of so called consumer advocates made their influence felt, and the movement slowly but steadily gathered momentum.²

The current consumer movement in the USA owes much to the activities of Ralph Nadar a 32 year old lawyer. He founded an organisation, the centre for the study of Responsive Law such as occupational safety and health laws, air pollution, air lines safety, nursing homes, the medical profession and many others³.

Adam Smith Observes.

Consumer is the sole end and purpose of all production and the interest of the producer ought to be attended to only so far as it may be necessary for promoting that of the consumer.⁴

In developed countries where market forces shape the destined of a business free enterprise system - consumer choice may have a decisive voice in compelling business to produce quality products with cost consciousness.

¹ Consumer Protection and Legal Contract - By P.Leelakrishnan P. No.10
² Consumer Protection and Legal Contract - By P.Leelakrishnan P. No.11
³ Consumer Protection - By A.K.Sen P. No.14
⁴ Consumer Protection and Legal Contract - By P.Leelakrishnan P.No.41.
A business exists for the consumer to satisfy his needs by providing appropriate goods and services.

Article 38 (1) of the Constitution imposes a duty on the State "to promote the welfare of the people" by securing and protecting a social order in which justice, social, economic and political, shall inform all the institutions of the national life. The Indian Constitution is made by the people, for the people and of the people.

Every one is consumer as we buy the goods or receive the services. The recent decades have witnessed a spate of legislation for consumer protection in almost all countries giving a twist to the common law doctrine of "Caveat-emptor" (buyer beware) and making it "Caveat venditor" (Seller beware).

The consumer is defined as one who purchases (or hire-purchases) goods for private use or consumption. Therefore, consumer is one who gets goods and services by paying for it. The public corporations, the public sector undertakings, the nationalised industries and the government are big consumers as well as producers. The railways, the post and telegraphs, the defence production departments are all both consumers as well as producers. Therefore, "Consumer" should mean the one who pays money as the price or the cost of goods and services and deserves to get what he pays for.

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1 Consumer Protection and Legal Control By P. Leelakrishnan Page No.121.
In any form of society, the centre of gravity of all trading, business and industrial activity revolves around the 'consumer' and he needs protection from the producer, the wholesaler and the retailer. He needs protection from being fleeced and cheated.

A consumer is a person who buys hires, possesses or acquires goods, services, rights for his own sake or for his family. The consumer may be an individual or an association or a family. Every person is a consumer in one transaction or the other. A consumer is an individual who uses goods and services and one who purchases goods and services for his final consumptions and not for the purpose of manufacture or resale. Consumer means a person who under a contract or otherwise, receives or accepts goods, property, services. He spends money for getting in return something which will be of use or convenience to him. In case of failure, he can enforce his rights and claim the relief.

We often read the placards/posters displayed on business premises which say customer is a V.I.P. Customer is our valuable asset, customer is always right, satisfaction of the customer is our motto, satisfaction of the customer is our satisfaction etc. But in practice it is otherwise. Till the sale takes place the dealer will be after the customer and the position changes after the transaction.

1 Consumer Protection and Legal Control - By P. Leelakrishnan Page No. 121.
2 Consumer Protection and Legal Control - By P. Leelakrishnan Page No. 178.
As Mr. Moore emphasises in his book "How to Handle Customer Complaints" that the most important people in any business must be the customers. Without the customer there would be no sales. Without sales there would be no product. Without the product there would be no staff. Without the staff there would be no senior management, no directors and no chairman. Without the customers to provide the formulations of this pyramid there would be no dividend for the share-holders.¹

Complaint:

Clause (c) of Section 2(1) of the Consumer Protection Act defines 'complaint', which means any allegation in writing made by a complainant that:

(i) as a result of any unfair trade practice adopted by trader, the complainant has suffered loss or damage,

(ii) the goods mentioned in complaint suffer from one or more defects.

(iii) The services mentioned in the complaint suffer from deficiency in any respect.

(iv) a trader has charged for the goods mentioned in the complaint a price in excess of the price fixed by or under any law for the time being in force or displayed on the goods or any package containing such goods, with a view to obtaining any relief provided by under this Act. The meaning of the expression 'unfair trade practice' for the purposes of the Consumer Protection Act - 1986 is the same as in Section 36A

of the Monopolies and Restrictive Trade Practices Act. But for a complaint under Sub-Clause (1) of Clause (c) of Section 2(1) of Consumer Protection Act, it is necessary that the complainant must have suffered loss or damage as a result of any unfair trade practice. Under the Consumer Protection Act 1986 Section 14 (1) the relief may be granted by directing the opposite party to remove the defect, to replace the goods, to return the price, and to pay compensation for loss or injury suffered by the consumer. Since the provisions of the Consumer Protection Act are in addition to and not in derogation of the provisions of any other law for the time being in force. It is left to the choice of the consumer to decide his cause of action.

(3) Complaint against defective Goods

The complaint may be in respect of the goods which suffer from one or more defects. The term 'goods' has the same meaning as defined in the Sale of Goods Act, 1930. According to Section 2(7) of the Sale of Goods Act, 'Goods' means every kind of moveable property other than actionable claims and money, and includes stock and shares, growing crops, grass and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale. The definition is comprehensive one. It includes grass, crops and standing timber which are agreed to be cut before sale or under the contract of sale. It also includes stocks and shares, but does not include building and structures.
The term 'defect' has been defined in Clause (f) of Section 2(1) of the Consumer Protection Act. 'Defect' means any fault, imperfection or shortcoming in the quality, quantity, potency, purity of standard which is required to be maintained by or under any law for the time being in force or as is claimed by the trader in any manner whatsoever in relation to any goods.

The definition is wide enough to cover all kinds of faults, or short comings in the quality, quantity, potency, purity or standard of goods. The 'trader' in relation to any goods means who sells or distributes any goods for sale and includes the manufacturer thereof, and where such goods are sold or distributed in package from includes the packer thereof. Thus the term trader is not restricted to only seller or distributor of the goods but also extends to the manufacturer and packer of such goods.

'Manufacturer' means a person who:

(i) makes or manufactures any goods or parts thereof or
(ii) does not make or manufacture any goods but assembles parts thereof, made or manufactured by others and claims the end-product to be goods manufactured by himself or
(iii) puts or causes to be put his own mark on any goods made or manufactured by other manufacturer and claims such goods to be goods made or manufactured by himself.

Where a manufacturer despatches any goods or part thereof to any branch office maintained by him, such branch office shall not be deemed to be the manufacturer even though the parts so despatched to it are assembled at such branch office and are sold or distributed from such branch office.

1 Consumer Protection in India 1986 - Dr. V.K. Agarwal Page No. 478.
2 Consumer Protection Act 1986. Sec. 2(1)(j)
Complaint against deficient service

The complaint may relate to any services which suffer from deficiency in any respect. The term ‘service’ has been defined in Clause (o) of Section 2(1) of Consumer Protection Act as under:

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

The aforesaid definition is similar to the definition of ‘service’ given in clause (e) of Section 2 of the Monopolies and Restrictive Trade Practices Act. The definition is very wide and inclusive. It includes amenities and facilities like provisions of finance, transport, energy etc which satisfy the various desire and needs of the society. The services rendered by Hotels, Cinemas, Laundries etc are also covered by the above definition.

The definition excludes two types of services, namely (i) rendering of any service free of charge or (ii) under a contract of personal service. It may be noted that the services like medicine, law, accountancy, engineering etc have not been specifically enumerated. But it seems that these services are also covered within the scope of the above definition since these are available to potential users.

1 Consumer Protection in India - Dr. V.K. Agarwal. Page No. 479.
The literal meaning of the word 'services' is work done to meet some general need, an act of helpful activity, the supplying of utilities as water, electricity, gas, required by public, supplying of repair, service, supplying of public communications or public transport. The use of the expression 'made available' to potential users in the above definitions reveals that the service must be made available to potential users who are willing to pay for the service. The expression, 'but does not include rendering of any service free of charge' indicates that the service must be rendered for remuneration.¹

The complaint can be made in respect of only those services which suffer from any deficiency. 'Deficiency' means any fault, imperfection, short coming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by a person in pursuance of a contract or otherwise in relation to any service. The definition is sufficiently wide to cover any fault, short coming etc in the quality, nature and manner of performance of any service.²

Complaint against Excess-Price

A complaint may be made against a trader who has charged for the goods a price in excess of the price fixed by or under law for the time being in force or displayed on the goods or any package containing such goods. This is a very important provision under

¹ Consumer Protection in India - Dr. V.K. Agarwal. P.No. 479.
² Consumer Protection Act - 1986 Section 2(1)(g).
which a relief may be claimed against overcharging or prices.
Now a days, it is a common practice to display maximum price with
local taxes extra on the package containing goods. Many times
it has been noticed that the retailers charge 15-20% more than
maximum price on the pretext of local taxes and they do not issue
any bill, cash-memo etc indicating such taxes. It is submitted
that such cases should also be covered within the scope of the
aforesaid provisions and the sellers and retailers should be held
liable accordingly.

**District Forum - Procedure of...**

Section 13 of the Consumer Protection Act - 1986 lays down
the procedure to be followed for the settlement of consumer dispute
by District Forum. According to these provisions the Forum shall
on receipt of a complaint relating to any goods or services refer
a copy of the complaint of the opposite party directing him by
to give his version of the case within a period of thirty days.
However, the period may be extended upto fifteen days by the
District Forum. Thus in case the opposite party be allowed to give
his version after the expiry of forty five days.

"Where the opposite party denies or disputes the allegations
contained in the complaint or omits or fails to take any action
to represent his case within the above stipulated time, the District
Forum shall proceed to settle the consumer dispute on the basis of
the evidence brought to its notice.\(^1\)

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\(^1\) Consumer Protection Act 1986 Section 13 (1) (a), and 13(2)(a).
However, where the defects alleged in the goods are such that they cannot be determined without proper analysis or test of the goods, the District Forum is required to obtain a sample of the goods from the complainant. The District Forum must seal the sample so obtained and authenticate it and refer it to the appropriate laboratory. The laboratory is required to submit its report to the Forum within a period of forty-five days of the receipt of reference or within such extended period as may be granted by the Forum. The Forum shall forward a copy of the report along with such remarks as it may feel appropriate to the opposite party. If any of the parties disputes the correctness of the methods of analysis or test adopted by the appropriate laboratory, the Forum shall require the opposite party or the complainant to submit in writing his objections in regard to the report made by the laboratory. The Forum thereafter give a reasonable opportunity to the complainant as well as the opposite party of being heard as to the correctness or otherwise of the report made by the laboratory and also as to the objection made in relation thereto and issue appropriate order under Section 14 of the Consumer Protection Act 1986.

According to Section 13(3) of the Consumer Protection Act 1986, which provides that no proceeding complying with the aforesaid procedure shall be called in question in any court on the ground that the principles of natural justice have not been complied with, the applicability of the principles of natural justice depends on (i) the scheme and policy of the statute (ii) nature of jurisdiction conferred on the authority (iii) character of rights of the persons

1 Consumer Protection Act 1986 Section 13(2)(b).
affected, and (iv) relevant circumstances disclosed in a particular case. Under the Consumer Protection Act 1986 the procedure to be followed requires referring of complaint to the opposite party, providing him an opportunity to give his version of the case, analysis or testing of the goods by appropriate laboratory and considering the evidence produced by the complainant and the opposite party. This procedure seems to be on the lines of the principles of natural justice.

For the purpose of the settlement of the consumer dispute under the Act, the District Forum has been vested with same powers as vested in a Civil Court under the code of Civil Procedure, 1908 viz:—

1. Summoning and enforcing attendance of
2. Examining witness on oath
3. The discovery and production of any documents or other material object producible as evidence
4. The reception of evidence on affidavits, etc.

District Forum shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code and the Forum shall be deemed to be a Civil Court for the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973. District Forum is a quasi-judicial body under Consumer Protection Act 1986 Section 13.

Every order made by the Forum shall be signed by all the members constituting it, and if there is any difference of opinion, the order of the majority of the members shall be the order of the Forum.

1 Consumer Protection Act 1986 Section 14(4).
Appeal against the Orders of the District Forum

Any person aggrieved by an order made by the District Forum may prefer an appeal against such order to the State Commission within a period of thirty days from the date of the order. However, the Commission may entertain an appeal even after the expiry of thirty days, if it is satisfied that there was sufficient cause for not filing it within that period.

State Commission

A Consumer Disputes Redressal Commission to be known as the 'State Commission' is required to be established by the State Government with the prior approval of the Central Government in the State.

Composition of the State Commission

Each State Commission shall consist of a President and two other members, to be appointed by the State Government. The President should be a person who is or has been a judge of a High Court, appointed by the State Government. The two other members should be persons of ability, integrity and standing and should have adequate knowledge or experience of, or have shown capacity in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration, one of whom should be a woman.

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1 Consumer Protection Act 1986 Section 15.
2 Consumer Protection Act 1986 Section 9 (b).
3 Consumer Protection Act 1986 16(1)(a).
Jurisdiction of the State Commission

The State Commission shall have jurisdiction to entertain complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees one lakh but does not exceed rupees ten lakhs and to entertain appeals against the orders of any District Forum within the State and to call for the records and pass appropriate order in any consumer dispute which is pending before or has been decided by any District Forum within the State.  

Procedure: The jurisdiction of the State Commission is original as well as appellate. The procedure for the disposal of disputes to be adopted by the State Commission shall be same as is to be followed by the District Forum. It may be noted that the State Government have yet to make their own rules in exercise of their powers under Section 30(2) of the Consumer Protection Act - 1986. It is submitted that the State Government may adopt the similar rules as laid down by the Central Government, namely, the Consumer Protection Rules 1987.

Appeal against the Orders of the State Commission

Section 19 of the Consumer Protection Act provides that person aggrieved by an order made by the State Commission on a complaint may prefer an appeal against such order to the National Commission within a period of thirty days from the date of the order, where the value of goods or services and compensation claimed exceeds rupees one lakh but not more than rupees ten lakhs. National Commission may entertain an appeal after the expiry of the said

1 Consumer Protection Act 1986 - Sec. 74.
period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

An appeal under Section 19 of the Act can be preferred only by a 'person aggrieved'. The words 'aggrieved' connotes some legal grievance e.g. deprivation of something an adverse effect on the title of something and so on. He must show that the order affects his own right or is not in accordance with law or confers a right on a person to which he is not entitled. It has a wider meaning.

National Commission

The highest authority to settle the consumer disputes under the Act is an independent statutory body - the National Commission.

Composition of the National Commission:

The Act provides that National Commission shall consist of a President and four other members to be appointed by the Central Government.1

The National Commission headed by retired Supreme Court Judge Shri V.B. Eradi has started functioning.2

The President should be a person who is or has been a Judge of the Supreme Court. The person to be appointed as a member should be a person of ability, integrity and standing with adequate knowledge, or experience, or capacity in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration. One of the members should be a woman.

1 Consumer Protection Act - 1986 Sec. 20(1).
2 Hindustan Times (English) daily newspaper dated 7-1-89.
Vacancies: The President or a member of the National Commission may, by writing under his hand, resign his office at any time or may be removed from the office in accordance with the provisions of the Consumer Protection Rules. A casual vacancy so caused by resignation or removal is required to be filled by fresh appointment. Where vacancy occurs in the office of the President of the National Commission, the senior most member of the Commission holding office for the time being, shall discharge the functions of the President till a person appointed.*

Removal of the President and Members:-

The Central Government may remove the President or any member from office on any of the following grounds:—

(a) he has been adjudged an insolvent or

(b) he has been convicted of an offence which in the opinion of the Central Government, involves moral turpitude or

(c) he has become physically or mentally incapable of acting as the President or the member or

(d) he has acquired such financial or other interest as is likely to affect prejudicially his functions as the President or a member or

(e) he has so abused his position as to render his continuance in office prejudicial to the public interest.

* Consumer Protection Rules 1987 Sec. 12(3).
It may be noted that the State Governments have yet to make rules in this regard, under Consumer Protection Act. It is submitted that the State Governments may adopt the aforesaid rules with the necessary modifications for the removal of the President and members of their respective State Commissions and District Forums.

Term of Office and Remuneration

Rule 11 of the Consumer Protection 1987 says down, the salaries, honorarium and other allowances payable to the President and Members of the National Commission. According to these rules, where the President of the National Commission is a sitting judge of the Supreme Court, he shall enjoy all the benefits which he should have enjoyed as sitting judge of the Supreme Court, where the president is not a sitting judge of the Supreme Court, he shall receive a consolidated honorarium of Rs. 8000 per month. Other members, if sitting on whole time basis shall receive a consolidated honorarium of Rs. 6000/- per month or if sitting on part time basis, a consolidated honorarium of Rs. 300/- per day for sitting. The President and other members shall be entitled to travelling and daily allowance on official tours, at the same rates as are admissible to group 'A' officer of the Central Government.

According to rule 12 (2) the President and the members shall hold office for such period not exceeding five years, and shall be eligible for re-appointment. However, no President or a member shall hold office as such for a total period exceeding ten years or after he has attained the age of 65 years, whichever is earlier.

1 Consumer Protection Act - 1986 Sec. 30(2).
Jurisdiction of the National Commission

Section 21 of the Act provides that the National Commission shall have jurisdiction:

(a) to entertain (i) complaints when the value of the goods or services and compensation, if any, claimed exceeds rupees ten lakhs and (ii) appeals against the order of any State Commission and

(b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any State Commission where if appears to the National Commission that such State Commission has exercised a jurisdiction not vested in it by law or has failed to exercise a jurisdiction so vested or has acted in exercise of the jurisdiction illegally or with material irregularity.

Jurisdiction of the National Commission is original as well as appellate.

The original jurisdiction is limited to the complaints where the value of the goods or services and compensation exceeds rupees ten lakhs. The appellate jurisdiction is confined to appeals against the orders of any State Commission. Thus no appeal can lie to National Commission against the orders of the District Forum.

Procedure to be followed by the National Commission.

Section 22 of the Consumer Protection Act 1986, provides that the National Commission shall in the disposal of any complaints or of any proceedings, have the same powers as are vested in a Civil Court under the Code of Civil Procedure 1908 while trying a suit, in the matter of:
(i) summoning and enforcing the attendance of any witnesses and examining on oath

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

(iii) reception of evidence on affidavits

(iv) requisitioning of the report of the concerned analysis or test from the appropriate laboratory or from any other relevant source. Every proceeding before the commission shall be deemed to be judicial proceeding within the meaning of Section 193 and 228 of the Indian Penal Code and the Commission shall be deemed to be a Civil Court for the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure 1973. Thus, the proceedings before the Commission will be judicial proceedings.

As per the procedure laid down in rule 14 of the Consumer Protection Rules 1987, a complaint containing the following particulars shall be presented by the complainant in person or by his agent to the National Commission or be sent by registered post addressed to the Commission:

a) the name, description and the address of the complainant,
b) the name, description and address of the opposite party or parties, as the case may be, so far as they can be ascertained,
c) the facts relating to complaint and when and where it arise
d) documents in support of the allegations contained in the complaint
e) the relief which complainant claims.
On receipt of a complaint the National Commission has to follow the same procedure as is to be followed by the District Forum under Sub-Section (1) and (2) of Section 13 of the Act.

Procedure for Hearing the Appeal

The procedure to be followed by the National Commission for hearing the appeal has been prescribed in rule 15 of Consumer Protection Rules. According to these rules, the memorandum shall be presented by the appellant or his agent to the National Commission in person or be sent by registered post addressed to the Commission. The memorandum must set forth the grounds of appeal without any argument or narrative and must be accompanied by a certified copy of the order of the State Commission appealed against and such of the documents as may be required to support grounds of objection mentioned in the memorandum. Under Section 19 of the Act, the appeal is to be preferred within a period of thirty days from the date of the order of the State Commission. It shall be obligatory for the parties or their agents to appear before the National Commission on the date of hearing. The order of the National Commission on appeal shall be signed and dated by the members of the Commission and shall be communicated to the parties free of charge, within 90 days from the first date of appeal.

Appeal against the Order of the National Commission

Section 23 of the Act, provides that any person aggrieved by any order made by the National Commission on a complaint may prefer an appeal against such order to the Supreme Court within a period of 30 days from the date of the order, where the value of goods or services and compensation claimed exceeds rupees ten lakhs.
It may be noted that an order made by the National Commission on an appeal preferred from the orders of the State Commission shall be final and no further appeal against such orders shall be preferred to the Supreme Court.

**Enforcement of Orders and Penalties**

Every order of a District Forum, State Commission or the National Commission shall, if no appeal has been preferred against such order under the provisions of the Act, be final. Every such order may be enforced by the District Forum, State Commission or the National Commission, as the case may be, in the manner as if it were a decree or order made by a Court in a suit pending therein, Section 24 of the Act.

However, in the event of its inability to execute it, it shall be lawful for the District Forum, the State Commission or the National Commission to send such order to the Court within the local limits of whose jurisdiction (a) in the case of an order against a company is situated, or (b) in the case of an order against any other person the place where the person concerned voluntarily resides or carries on business or personally work for gain is situated. The Court to which the order is so sent shall execute the order as if it were a decree or order sent to it for execution.

Where a trader or a person against whom a complaint is made fails or omits to comply with any order made by the District Forum, the State Commission or the National Commission, as the case may be,
such trader or person shall be punishable with imprisonment for a term which shall not be less than one month, but which may extend to three years, or with fine which shall not be less than two thousand rupees, but which may extend to ten thousand rupees or with both.

**Provisions as regards Protection of Office bearers**

The Act provides protection to the members of the Forum and the Commission for action taken in good faith. According to Section 38 of the Act, no suit, prosecution or other legal proceedings shall lie against the members of the District Forum, the State Commission or the National Commission or any officer or person acting under their direction for executing any order made by them or in respect of anything which is in good faith done or intended to be done by such member, officer or person under the Act or under any rule or order made thereunder.

(4) **Consumer Organisations**

(1) The consumer movement in India gained impetus with the formation of the Consumer Education and Research Centre, at Ahmedabad. The founder of this organisation is Shri Manubhai Shah, a retired General Manager of a textile mill in Ahmedabad with background of law. His famous case was against Ahmedabad Telephone. Consumer Education and Research Centre fought and got an interim order from Ahmedabad High Court that in case any consumer feels that he has been excessively billed, the Telephone Company must issue him a alternative bill based on the average of the last three quarters about which there was no complaint. Thus, the telephone subscribers are no longer bound by

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the company's order of 'pay now, complain later'.

(2) An important landmark in the consumer movement in India was the establishment of the Council for Business Practices at Bombay at the initiative of the noted industrialist Shri Ramkrishna Bajaj. The council has drawn up a code of conduct, which enjoins on all businessmen to charge only fair and reasonable price, not to indulge in hoarding and profiteering in times of scarcity, not to trade in spurious or sub-standard goods, to maintain accuracy in weights and measures and not to publish misleading advertisement.¹

(3) A heartening development has been the strong support extended to the consumer movement by the Federation of Indian Chambers of Commerce and Industry (FICCI). On more than one occasion its residents and other office-bearers have called upon the trade and industry to ensure fair practices in the larger interests of the nation and of their own. ²

(4) Government of India which had in the past few years taken some positive steps under the late Prime Minister, Indira Gandhi's Twenty Point Programme, to promote a strong consumer movement, came forward in this matter. ³

(5) Indian Federation of Consumers Organisations (IFCO), is concerned with the protection of consumer interests.

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¹ Consumer Protection - A.K. Sen Page No. 11.
² Consumer Protection - A.K. Sen Page No. 11.
It collects data on price rise, methods of adulteration of consumer goods and lapses in public services like the telephones, electricity and transport. It compiles concrete cases of hardships and inconvenience and bring the same to the notice of authority concerned for effective remedial steps. IFCO is proposing to enroll college and university students as volunteers and field workers with a view to creating better awareness of the consumer problems among the general public. It publishes a monthly bulletin to give publicity to its activities.


Justice P.N. Bhagwati of the Supreme Court of India, has rightly urged consumers to form associations to fight for consumer protection. There is need for developing local initiative at the non-official level. At present some voluntary consumer protection agencies are getting funds from the Government. This arrangement does not seem to be desirable as it limits their activities. It would be advisable for the Government of India to create a separate fund like the Market Development Fund to be used exclusively for financing organised activities in consumer protection. ¹

There should be a regular consumer programme on All India Radio and Doordarshan for better achievement and general awareness.

¹ Hindustan Times (English) daily dated 18-3-89.
The Food Corporation of India (FCI) has set up Consumer Grievance Cells at Zonal Regional levels for redressal of consumer grievances. Consumers are requested to lodge their complaints at the respective consumer grievance cells in the following centres for redressal of their grievances:

<table>
<thead>
<tr>
<th>No.</th>
<th>Centre</th>
<th>Address</th>
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<tbody>
<tr>
<td>1</td>
<td>Zonal Office (N)</td>
<td>Dy. Manager (R)</td>
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<td></td>
<td>New Delhi</td>
<td>Ansal Bhavan K.G. Marg</td>
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<td></td>
<td></td>
<td>New Delhi - 110 001</td>
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<td>2</td>
<td>Delhi</td>
<td>Sr. Regional Manager,</td>
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<td></td>
<td></td>
<td>FCI, Prabhat Kiran,</td>
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<tr>
<td></td>
<td></td>
<td>17, Rajindra Place,</td>
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<tr>
<td></td>
<td></td>
<td>New Delhi - 110 007</td>
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<tr>
<td>3</td>
<td>Haryana</td>
<td>Sr. Regional Manager,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>FCI, Haryana Region</td>
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<tr>
<td></td>
<td></td>
<td>Sector 17 C/SW 120/122</td>
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<td></td>
<td></td>
<td>Chandigarh</td>
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<td>4</td>
<td>Himachal Pradesh</td>
<td>Sr. Regional Manager,</td>
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<td></td>
<td></td>
<td>Mount View, Lower</td>
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<td></td>
<td>Jakhoo, Shimla</td>
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<td>5</td>
<td>Jammu &amp; Kashmir</td>
<td>Regional Manager,</td>
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<td></td>
<td></td>
<td>FCI, 46-C/D Gandhi Marg</td>
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<td>Jammu</td>
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<td>6</td>
<td>Punjab</td>
<td>Sr. Regional Manager,</td>
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<td></td>
<td></td>
<td>FCI Punjab Region</td>
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<tr>
<td></td>
<td></td>
<td>Sector 347/SC 355-357</td>
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<td>Chandigarh</td>
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<td>7</td>
<td>Rajasthan</td>
<td>Sr. Regional Manager,</td>
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<tr>
<td></td>
<td></td>
<td>FCI, D-39 Subhash Marg</td>
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<tr>
<td></td>
<td></td>
<td>Jaipur</td>
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<tr>
<td>8</td>
<td>Uttar Pradesh</td>
<td>Sr. Regional Manager,</td>
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<tr>
<td></td>
<td></td>
<td>FCI, 5/6 Habibullah Estate</td>
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<tr>
<td></td>
<td></td>
<td>Hazratganj, Lucknow</td>
</tr>
</tbody>
</table>

1 Hindustan Times (English) daily dated 18-3-89.
Drawbacks:

(1). The Consumer Protection Act, provided three-tier system, obviously result in great delays.

(2). District Forum covered almost four to five districts, being one district as head quarter, causes expensive to the consumers, lodging complaints and for appearance to the forum on each date.

(3). Most of consumers are ignorant of their legal rights against the remedies available. Sometimes, they are either unwilling or unable to pursue them due to procedural harassment.

(4). Voluntary consumer associations are not yet on a sound financial footing to litigate against the breach of the provisions of Consumer Protection Act.

(5). The unregistered voluntary consumer association is not competent to lodge a complaint on behalf of consumer or consumers, as per Section 2(b) of Consumers Protection Act - 1988.

(6). "Any Voluntary Registered Association " in the Section 2(b) of the Consumer Protection Act 1986 insists that a registered voluntary association should have main object to protect the interests of the consumer. It excludes any association whose main objects are not to protect the consumers.

(7). Section 2(m) of Consumer Protection Act 1986 says 'person' includes (a) a firm whether registered or not (b) a H.U.F. (c) a co-operative society. It is apparent 'consumer' is a
'person' who can be competent to lodge a complaint. When Section 2(m) includes an unregistered firm as a 'person', how the 'unregistered firm' can lodge a complaint or to go for appeal to the Supreme Court against the findings of a National Commission as it is expressly prohibited by S.69 of the Indian Partnership Act 1932, which says "No suit to enforce a right arising from a contract or conferred by this Act shall be instituted in any court, unless the firm is registered.

(8). The quasi-judicial bodies under the Act are empowered to give appropriate reliefs in the given case against the manufacturer for removal of defects pointed out by the appropriate laboratory or to recall the goods with new goods or to return the price or to pay compensation. But the authorities under the Act have no power to recommend for banning the dangerous products which are hazardous to life.

(9). The 'misleading description of goods' which amounts to framed on the consumer is not added as one of the grounds for complaint under Section 2(c).

(10). Many states failed to implement the Act effectively because of inadequate budget allocation, lack of trained analysis and enforcement staff and well equipped laboratories.
CASES
(G) Cases :-

Case - 1. Consumer Education and Research Centre  
V. State of Gujarat.

A leading High Court judgement, taking a board new of 
locus standi is consumer education and Research Centre V State 
of Gujarat. Here the Court granted locus standi to the Centre, 
a private trust devoted to the cause of consumer protection, when 
it challenged the action of the Government to wind up the Machhu-
II Dam Enquiry Commission set by the Government under the Commission 
of Inquiry Act, 1952 to investigate into the collapse of the 
Machhu Dam resulting in serious disorder to the community.¹

Case - 2. Ratlam Municipality V. Vardhichand.

An important case on the statute expressly giving locus standi 
to persons against a public wrong is Ratlam Municipality - V. 
Vardhichand. A magistrate on receiving the report of a polic 
officer or other information under Section 133 of the Criminal 
Procedure Code 1973, to make an order for remedying a public 
nuisance. In the case the Ratlam Municipality failed to carry 
out its duty of constructing drain pipes to carry the fifth, etc, 
on a particular road. The local residents decided to involve 
Section 133 of the Criminal Procedure Code 1973, against the 
municipality. The Supreme Court confirmed the order of the 
magistrate to remedy the situation. Lack of funds with municipality 
was not accepted as a defence. At times the statute may give a 
right to judicial review to any "Person aggrieved"².

¹ Decided on June 23, 1981.
² (1980) SCC 162
Case 3. Thanjavur Consumer Protection Council

V. Thanjavur Municipality.

Thanjavur is a special grade municipal town in Tamilnadu State. It has its electric power supply system within its territorial limits. This local body purchase power in bulk from Tamilnadu Electric Board at a fixed price and distribute the same various categories of consumers in their area at different rates higher than the rates fixed by Tamilnadu Electric Board for its own consumers. There is no rhyme or reason adopted by these civil councils in fixing power tariff. For example the power tariff for domestic consumption is 0.55 p per unit in Tamilnadu Electric Board. But the same is anything between 0.60 P and 0.90 P per unit in these municipalities.

Thanjavur Municipality by a resolution in June 1985 (No 201 dated 19-6-85) proposed to hike the domestic power tariff from 0.60 p unit to 0.80 from 1-7-1985. Thanjavur Consumer Protection Council moved the District Munsit Court and obtained an injunction against power tariff hike till the disposal of the case. (Case D.S. No. 455/1985). The Munsit decreed the case in favour Consumer Protection Council and restrained the Municipality from hiking the domestic power tariff by a permanent injunction on 3-2-1989, and also directed the Tamilnadu Electric Board to insist its licencees to maintain parity in power tariff for domestic consumption. This judgement gave an impetus to consumer movement in this part of the State.1

Case - 4. Complaint filed by Justice Udani Sinha of the Patna High Court against Hindustan Motors and the local dealer.

Justice Udani Sinha, sitting judge of the Patna High Court, filed a petition before the State Commission complaining defects and deficiencies in the Ambassador Car purchased from M/s. Hindustan Motors.

In response to the notice issued to M/s. Hindustan Motors, Calcutta, they have appeared before the Commission and undertaken to remove all defects and carry out denting and painting of the car within fifteen days to the satisfaction of the consumer.

Case - 5. District Forum complaint against Bata's shoe.

An advocate of Patna High Court, Shri Tej Bahadur Singh, filed a complaint before the District Forum that the North Star Shoe purchased by him had developed cracks but M/s. Bata were not prepared to exchange the shoe. As soon as notice was issued to Bata, they contacted the complainant, changed the shoes and reported compliance on the day of hearing. The consumer was satisfied.

Case - 6. Complaint against Railway authorities and the Railway Contractors for charging excess parking fee for scooters (Rs. 1/- instead of the fixed charges of 00.50 paise) at the Patna Railway Junction.

A complaint was filed by Shri Sanjay Sinha, Journalist, against excess charging of parking fee by the Contractor. Notices were issued to Divisional Railway Manager, S.P.G.R.P. etc. The Railway authorities have fined the contractor, G.R.P. have instituted a case against the contractor and the practice of excess charging has stopped. The District Forum in its order has issued directions to the Railway authorities.1

Case - 7. Cases decided by Bihar State Commission.

(i) A complaint was filed against an iron and steel dealer for charging excess price in connection with the sale of iron rods. The State Commission directed the return of amount of Rs. 12,500/- alongwith a compensation of Rs. 10,000/- to the complainant for his physical and mental torture and economic loss.

(ii) A complaint was filed against the railway authorities of Asansol complaining about the bad conditions of a retiring room at Madhur Railway Station. It was alleged that the bed sheet had not been provided, mosquito net was in a bad shape and the electric fan was not working. The State Commission ordered the payment of Rs. 500/- to the complainant as compensation.2

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1 Consumer Confrontation Vol. 8 No. 4 July August 1988 Page No.15
2 Consumer Confrontation Vol. 9 No. 4 July August 1989 Page No.10
(iii) A sitting judge of Patna High Court filed a petition before the State Commission complaining about defects and deficiencies in a car purchased by him. On the notice issued by the State Commission the manufacturer forthwith undertook to remove all defects and carried out denting and painting of the car to the satisfaction of the consumer.¹

¹ Consumer Confrontation Vol. 9 No. 4 July - August 1989 P.No.10
The following are the various complaints decided by the various District Forums of the different States.

Case - 8. Forums in Andhra Pradesh

(i) A complaint was made to Khammam Forum that the gas company was insisting on purchase of gas-stove manufactured by a particular manufacturer. The Forum directed the gas dealer not to insist on purchase of that particular stove.

(ii) On receiving a complaint Nargonda Forum directed the Depot Manager of Transport Corporation to refund the excess fare collected from two passengers.

Case - 9. Patna Forum

(1) A complaint was filed against charging of additional amount for repairing of amplifier, alongwith battery, which failed to work before expiry of the guarantee period. The District Forum ordered the replacement of equipment and refund of the excess amount charged.

(2) On a complaint filed about the de-colouring of saree within one month of its purchase, the Forum directed the replacement of saree.

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1 Consumer Confrontation Vol. 9 No. 4 July-August 1989 P.No.9.

2 Consumer Confrontation Vol. 9 No.4 July-August 1989 P.No.8.

For Delhi Forum P.No.9.
Case - 10. Delhi Forum.

(i) A complaint was filed for the supply of poor quality furniture and for its replacement. The Forum directed payment of compensation of Rs. 2100/- to the satisfaction of complainant.

(ii) A complaint was filed against DESU for issuing bills on average basis. The Forum ordered the bills to be based on correct reading.\(^1\)

\(^1\) Consumer Confrontation Vol. 9 No. 4 July-August 1989. P.No.8. For Delhi Forum P. No.9.
SUGGESTIONS.

Consumer Protection Act 1986 is a new enactment. The Indian consumers are almost not much aware of the laws, therefore a vigorous consumer education should be organised to create consumrism i.e. mass consciousness about consumer's place and right in the social set-up.

Consumers should organise councils and committees to react to market phenomena with a "Complaint service".

A system of consumer advice and a monitoring service of consumer information should be sponsored and supported by the Government.

Social service societies and non-governmental organisations should take up the cause of consumerism.

Consumer protection statutes on the would of British statutes (which safeguard the consumer against the risks of bodily injury from manufactured articles, e.g. the congenital disabilities (civil liability) Act - 1976) to safeguard the consumer from dangerous products and adulterated good incorporating provisions for severe penal sanctions and for adequate compensation must be enacted soon.

In a consumer action for the relief in respect of goods bought, the court must take a lenient view. If the court is convinced, the court should not insist on the detailed evidence as in other litigation.
The role of the Government in providing consumer protection is very vital. While granting licences under the Industries (Development and Regulation) Act, 1951, the government can lay down the norms for maintaining standard, quality, and price.

The newspapers and other periodicals form a stronger media for the protection and ventilation of consumer's interest. So these agencies should take up the task of enlightening and educating the consumers. They should set aside a page or a column one in a week to air the grievances of the consumers or for educating cautioning the consumers.

As unity is strength, the consumers must unite and form an association. Consumers as an organisation can fix up the price in consultation with experts. They can appoint experts to check up the purity of the goods and prevent adulteration of fund. It can advise the consumers on the use of certain goods, food, drugs and its effects etc.

Government must open up more fair price shops and supply all essential goods, with sufficient quantity.

There should be legal aid centre everywhere so as consumers will be able to make of the legal aid especially free and easy legal aid.

All production is meant for consumption. Therefore, the producers and the consumers must realise their responsibility to each other.

The consumer awareness is most important "Rights can rust unless they are used". Self-regulation is better than legislation. Self-interest promotes alienation. In fact, any one who stands
up to his right, is also helping to protect every one's right, so that consumer does not have to seek the protection of the law.

A consumer complaint cell could be utilised to settle any consumer disputes before it goes to the district Forum or the State or the National Commission.

It is suggested that the consumer protection councils should develop themselves as study groups to review the provisions of existing laws to prevent overlapping of legislations and dual authorities, besides minimising the cost of implementation, encouraging honest business and stressing self-regulation by business.

Provisions for imprisonment except for major offences have to be modified because no businessman would afford protection of consumers' interest without ruining himself.

Power to inspectors to arrest a person unless the item was vital has to be withdrawn. Imprisonment would not lead to any benefit for consumers, it leads to harassment and exploitation of the trades.

Course regarding consumers protection should be introduced from schools to the colleges level.

Seminar, workshops, talks, essays and elocution contests for colleges and schools, discussions on TV, releasing publications over a period of one year and thereby promote the consumer movement.

It is suggested that each State should organise consumer meetings so as to have a dialogue between the manufacturers and
the customers to understand each other's problems and redress the grievances of the consumers, if any.

It is suggested that the Government of India also legislate, so that a manufacturer or trader compulsorily has to become a member of a responsible body and follow the Code of Conduct, for, infringement of any rule or regulation would earn expulsion of that erring member.

Expand consumer education to the families of employees through talks, seminars and demonstrations on how to curb adulteration of food and other commodities.

Encourage consumer protection in institutions by instituting a Trophy for the best student in the consumer protection courses.

Institute a special reward under the company's Brainwave Scheme for the "Best service to the customer".

Consumerism should be a part of the National movement and for success of the consumer revolution it should be made into a people's movement with forms on people's active participation.

Local taxes should be made uniform throughout the country so that it is included in the printed price of packaged commodities and the consumer is not over charged. By the traders in the name of local taxes extra.

Testing laboratories should be set-up at the Governmental and the institutional level at least in every district Headquarter where tests for adulteration can be undertaken.

Encourage the development of market conditions which provide consumers with greater choice at lower prices.
It is suggested that for the benefit of consumers various watch dog committees should be set-up to monitor public services like electricity, transport etc.

Two pronged campaign, to improve the administrative set-up and to make the consumer more aware. Improve the distribution system in tribal area. Unless we create a general awareness about consumer protection, unfair practices will continue.

District Forum as Forum will function at District Headquarters and not from Taluka Headquarters with the result that redressal would be inaccessible to the masses.

The consumers protection Act 1986 is unfair as it entered to the needs of the rich and urban middle class and not the poor, more attention should be given to the poor and their upliftment.

Time limit for deciding case is more i.e. 3 months, instead of it should curtailed to 30 days to inspire feelings of speedy redressal to the consumers. As the Act is meant for the promotion and protection of the consumers only.
CONCLUSION

The Consumer Protection Act 1986 is enacted for the protection of consumers from adulterations, hoarding, excessive pricing, cheating etc.

Consumer is sovereign, and this sovereignty depends upon consumer vigilance, wakefulness, co-operation, continuous struggle and it necessary, by consumer constitutional revolution.

15th March is celebrated as consumer Day. This is the greatest victory of the consumers.

Consumer justice is a part of social and economic justice as provided in the constitution. It implies the availability of consumer goods and services to a consumer at a reasonable prices without compromising on quality, quantity and standards.

The Government accords high priority to consumer protection and has taken a number of measures to safeguard the interests of the consumer. However, the success of legal and administrative measures will hinge greatly on a sustained and effective consumer movement throughout the country.

The Government can act as a catalyst in providing a suitable administrative and legal framework, but the real protection will come from the consumers themselves.

The consumer movement is still in its infancy in the country. Multi-pronged efforts are required for its success especially in rural areas in India.

Like old saying, that a Nation gets the Governments it
deserves, the consumer will only get the kind of products and services he is willing to accept.