

## Consumer Protection Act 1986

One of the most important milestones in the consumer movement in the country has been the enactment of the Consumer Protection Act, 1986 to better protect the interest of the consumers.

The Act provides for a separate three-tier quasi-judicial consumer dispute redressed machinery, popularly known as consumer courts, at the national, state and district levels to provide simple, speedy and free redressed against consumers' complaints. Filing of a simple complaint on plain paper with the details of the case with supporting documents seeking relief or compensation is enough and it is not obligatory to engage lawyer.

According to the objects and purposes of the Consumer Protection Act, these quasi-judicial bodies observe the principles of natural justice while adjudicating consumer complaints against defective goods, deficient services and restrictive and unfair trade practices through summary trials. The Act applies to all goods and services and covers all sectors, whether private, public or cooperative.

### Amendments

The Act was amended in 1991 mainly to incorporate provisions for the quorum of District Forum, appointing persons to preside over State Commission/District Forum in case of absence of the President to enable the court function uninterruptedly. In 1993 the Act was again amended exhaustively to make it more effective and purposeful.

The Consumer Protection (Amendment) Bill, 2001 among other things addresses the issues of quicker disposal of complaints, widening the scope of the Act, strengthening the Consumer Courts. It is also proposed to establish a consumer protection council in every district in order to strengthen the consumer movement at the grassroots level.

### Definition's According Consumer Protection Act

(a) "complainant" means

- (i) a consumer; or
- (ii) any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956), or under any other law for the time being in force; or
- (iii) the Central Government or any State Government who or which makes a complaint;
- (iv) one or more consumers, where there are numerous consumers having the same interest;

(b) "complaint" means any allegation made by a complainant that -

- (i) an unfair trade practice or a restrictive trade practice has been adopted by any trader;
- (ii) the goods bought by him or agreed to be bought by him suffer from one or more defects;
- (iii) the services hired or availed of or agreed to be hired or availed of by him suffer from deficiency in any respect;

(iv) a trader has charged for the goods mentioned in the complaint price in excess of the price fixed by or under any law for the time being in force or displayed on the goods for any package containing such goods,

(v) goods which will be hazardous to life and safety when used, are being offered for sale to the public in contravention of the provisions of any law for the time being in force requiring traders to display information in regard to the contents, manner and effect of use of such goods. with a view to obtaining any relief provided by or under this Act;

(c) "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 or avails of 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 or avails of the services for consideration paid or promised, or 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;

Explanation : For the purposes of sub-clause (i), "commercial purpose" does not include use by a consumer of goods bought and used by him exclusively for the purpose of earning his livelihood, by means of self-employment;

(d) "consumer dispute" means a dispute where the person against whom a complaint has been made, denies or disputes the allegations contained in the complaint;

(e) "defect" means any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for the time being in force or under any contract, express or implied, or as is claimed by the trader in any manner whatsoever in relation to any goods;

(f) "deficiency" means any fault, imperfection, shortcoming 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;

(g) "District Forum" means a Consumer Disputes Redressed Forum established under clause (a) of section 9;

(h) "goods" means goods as defined in the Sale of Goods Act, 1930 (3 of 1930);

(i) "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 any other manufacturer and claims such goods to be goods made or manufactured by himself.

Explanation : Where a manufacturer dispatches 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 dispatched to it are assembled at such branch office and are sold

or distributed from such branch office;

(j) "National Commission" means the National Consumer Disputes Redressed Commission established under clause (c) of section 9;

(k) "State Commission" means a Consumer Disputes Redressed Commission established in a State under clause (b) of section 9;

(l) "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, housing construction, 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;

(m) "trader" in relation to any goods means a person who sells or distributes any goods for sale and includes the manufacturer thereof, and where such goods are sold or distributed in package form, includes the packer thereof;

(n) "unfair trade practice" means a trade practice which, for the purpose of promoting the sale, use or supply of any goods or for the provision of any service, adopts any unfair method or unfair or deceptive practice.