

**THE CONSUMER PROTECTION ACT 1986****Rajni Devi**

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**INTRODUCTION:-**

One of the most important milestones in the area of consumer protection consumer movement in the country has been the enactment of consumer protection Act, 1986. This act was enacted to bet for protect the interests of consumer by creating an alternative disputes resolution mechanism exclusively for consumers. It is one of the most progressive and comprehensive piece of legislations creating an exclusive three- tier quasi judicial consumer disputes redressal machinery at the national, state and district levels. As on date, 627 District Forum a, 35 state commissions and the national commission have been established in the country.”A customer is the most important vistor 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. We are not doing him a favour by serving him. He is doing us a favour by giving us an opportunity to do so<sup>(1)</sup>.

**Scope And Extent of the ACT:-**

Extent of the consumer protection Act 1986 is explained as below:-

1. **Scope:** – It extends to the whole of India except the state of Jammu and Kashmir.
2. **Scope of Goods and Services:-** This Act is enforced on all goods and services unless central Government has provisions by issuing a notification.  
 “ Uppar and Sumangala (2009)<sup>(2)</sup> in their article Awareness of consumer welfare programmes among form families.” Made a study on awareness of consumer welfare programmes among farm families was undertaken during 2006 in Gadag District of Karnataka, consisting of 2000 respondents .
3. **Act not derogative of any other law :-** provisions of this are in addition to the provisions of other Acts being in force in the country. Therefore this act does not confine the scope of any other Act.
4. **Effect of the Act :-** The consumer protection Act was passed in India on 24<sup>th</sup> December 1986, it was eforced w.e.f. April 1987. This act was amended in 1991, 1993,2002 and 2005.  
 “ Consumer is the King” is a statement which sound well, but in reality it remains mere utopia in Indian marketing scene where the consumer is powerless entity. The situation is so disgusting that the doctrine of consumers sovereignty is more or less a myth and a dogma”(3)
5. **Objectives of the Act:-** consumer protection Act objectives of the Act consumer protection. Act was enacted for the protection of consumers from explanation and to provide for better protection of the interests of the consumers. Main objectives of this Act are as follow.  
 Better protection of the interests of consumers as said earlier, this act was enacted for the better protection of consumers interests protection of rights of consumers- This is also the objective of this act to protect and promote the rights of consumers. It includes right to safety to information, right to education etc.
6. **Establishment of consumer councils** – for the better protection of the interests and rights of consumers, the act provides for the establishment of consumer protection councils such as central, state council and district Council.  
 Kumar and Batra (1990)<sup>(4)</sup> in their article “consumer rights awareness and actions in small cities” examined the awareness regarding consumer protection rights.”

7. **Redressal of Consumer disputes:-** The act has made provision of remedial machinery for the cheap and prompt redressal ( settlement) of consumer disputes or grievances such as the district forum the state commission and the national commission.

8. **Protection against exploitation:-** The consumer are exploited by the use of various unfair trade practices. The act gives the right to the consumer to seek redressal against unfair trade practices and also the right to consumer education.

### 1. Definitions:-

**Appropriate laboratory** (sec-2(1) (a) It means a laboratory or organization

1. recognized by the central government
2. recognized by a state Government, subject to guidelines as may be prescribed by the central Government or
3. Any laboratory or organization established by or under any law for the time being force which is maintained, financed or aided by central Government, financed or aided by the central Government or a state Government. The laboratory must be established for carrying out analysis or test of any goods with a view determining whether such goods suffer from any defect.

### 2. Complainant :- (Sec-2 (1) (b) “Complainant means

1. A consumer or
2. Any voluntary consumer association registered under the companies act, 1956 or under any other law for the time being in force or
3. The central Government or any state Government who or which makes a complaint, or
4. One or more consumer where there are numerous having the same interest
5. In case of death of a consumer, his legal heir or representative by the consumer protection (Amendment) Act 2002

### 3. Complaint:- [ sec.2 (1) (c) ]

It means any allegation in writing made by a complainant with a view to obtaining any relief provided by or under this Act. The allegation in writing must be that

1. An unfair trade practice or a restrictive trade practice has been adopted by any trader or service provider.
2. The goods bought by him or agreed to be bought by him suffer from one or more defects,
3. The services hired or availed of or agreed to be hired or availed of by him suffer from deficiency in any respect. “Consumer are misguided through advertisement, which of ten give in complete and misleading information, The play of ward like free, new, super, high power, extra, etc. rule and ad scene.”
4. A trader or the service provider as the case may be, has charged for the goods or for the service mentioned in the complaint, a price in excess of the price
  - a) Fixed by or under any law for the time being in force.
  - b) Displayed on the goods or any package containing such goods.
  - c) Displayed on the price list
  - d) Agreed between the parties.
5. Goods which will be hazardous to like and safety when used are being offered for sale I love the public
6. Services which are hazardous or likely to be hazardous to life and safety of the public when used.

**4. Consumer:-** [ sec 2 (1) (d)]

“Consumer” means any person who:- a )Buys a good for a consideration which has been paid or promised or partly paid and partly premise or (b) under any system of deferred payment.

According to Mahatma Gandhi, father of Nation “A customer is the most important visitor in our premises. He is not an interruption in our work he is the purpose of it. We are not doing him favour by serving him Consumer does not include a person who obtains goods for resale or for any commercial purpose.(5)“**Commercial purpose**” does not include use by a person of goods bought and used by him and services availed by him exclusively for the purpose of earning his livelihood by means of self employment

**5. Consumer disputes:-** [ sec 2 (1) (e) ]

It means a dispute where the person against whom a complaint has been made denies or disputes the allegations contained in the complaint.

**6. Defects: -** [sec 2 (1) (f) ]

It means any fault imperfection or shortcomings in the quality, potency, purity or standard which is required to be maintained by or under any law for the time being in force under any contract, express or implied, or as is claimed by the trader in any manner what so ever in relation to any goods

**7. Deficiency: -** [sec 2 (1) (g)]

It means any fault imperfection short coming or inadequacy in the quantity, nature and manner of performance which(i)is required to be maintained by or under any law for the time being in force or (ii) has been undertaken to be performed by a person in pursuance of a contract.

“Nandini (2008)<sup>(6)</sup>. in his study, market are to safeguard consumer” highlighted the issue is online marketing in the light of the existing laws”

**8. Restrictive Trade Practice:-** [2(1) (nnn)]

It means a trade practice which tends to being out manipulation of piece or its condition of delivery or to effect flow of supplies in the market relating to goods or services in such a manner as to impose on the consumers unjustified costs or restrictions and shall include

- a) Delay beyond the period agreed to by a trader in supply of such goods or in providing the service which has led us is likely to lead to rise in the price.
- b) Any trade practice which required a consumers to buy, wire or avail of any goods or as the case maybe, service as condition precedent to buying, hiring, or availing of other goods or services.

“Consumers are misguided thorough advertisements which often give incomplete and misleading information. The play of words like free, new, super, high power, extra, etc rule and scene”(7)

**9. Service: -** [sec.2 (1)(O)]

It means service of any description which is made available to potential users. It includes provision of facilities in connection with (a) banking (b) financing (c) insurance (d) transport (e) processing (f) supply or electrical or other energy (g) board or lodging or both house construction (i) entrainment etc

“Prasad And Gandham (2008)<sup>8</sup> in his study significance of consumer protection and awareness programs.”

**Conclusion: -**

Consumer protection Act 1986 is one of most important social legislation act to protect the large no. of consumers and their rights. The act has provided so many facilities to consumer with the introduction of this Act, there are main three types of councils District, state and National commissions are provided various facilities to the consumers.

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