

Name of the Scholar : EQBAL HUSSAIN
Name of the Supervisor : PROF. V. K. GUPTA
Faculty : LAW
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THE SPECIAL REFERENCE TO HOUSING
AND ELECTRICITY

ABSTRACT

The industrial revolution and the development in the international trade and commerce has led to the vast expansion of business and trade, as a result of which a variety of consumer goods have appeared in the market to cater to the needs of the consumers and a host of services have been made available to the consumers.

The very purpose of production is consumption and it should be consumer-oriented. However, usually the sellers indulge in diversified malpractices such as adulteration of goods, inferior quality, underweighment, sale of sub-standard goods, deceptive packing and labeling, misleading advertisement, hoarding, cornering, profiteering and the like. Such malpractices in trade may enrich seller but at the cost of consumers.

In India, however, to address the above issues relating to the consumer problems the Consumer Protection Act, 1986 was passed. The present study was undertaken to analyze the solution provided in the Act for those problems of the consumers. The study has also covered the analysis of the issues of consumer in respect to housing and electricity particularly in the State of Delhi and Uttar Pradesh and its remedy available in the Act.

The study, which is spread over total eight chapters, makes an attempt to trace the economical and historical back ground of consumer protection and the consumer movement in India as well as in other countries. It also analyzes various legal principles of liability in dealing with the consumer cases and the critical examination of the Consumer Protection Act, 1986. In the light of the Act, specific study has also been made in the state of Delhi and Uttar Pradesh to point out the role of consumer protection councils in promotion of consumer rights, housing problem and electricity problems.

Based on the analysis of the secondary data, reports and case study decided the consumer courts, finally the study arrives at certain conclusion and also makes a number of recommendations.

The brief findings of the study is that the Consumer Protection Act, 1986, provides two types of mechanism. One is the consumer Protection Councils to be constituted at Centre, State and District levels aiming to promote and protect the consumer rights enshrined under the Act and other one is the establishment of the three-tier quasi-judicial bodies to redress the consumer grievances. The present study indicates that at the Centre level the Consumer Protection Council is functioning very well and the Department of Consumer Affairs being a nodal Department in the field of consumer protection has initiated a number of steps to promote a responsible and responsive consumer movement in the country. But at the State level particularly the States under study (i.e. Delhi and U.P.) the condition of the Consumer Protection Councils is very bad. In both the States the Consumer Councils at district level have not been constituted. The State Commission in Delhi has not been re-constituted since 2002, hence the goal of the Act to promote and protect the consumers' right is yet to be achieved.

So far the efficacy of the Consumer Courts is concerned; the analysis of the data reveals that the performance of the National Commission and the District Forums are satisfactory. However, the State Commissions are still cutting sorry figure and the reasons have been analyzed above. Therefore, it needs the immediate attention of the government. The vacant positions in the consumer courts are also responsible for poor performance of the courts which has already been examined.

The analysis of the study further reveals that a large majority of the consumers are subject to abject poverty and misery resulting from poverty; ignorance, illiteracy, social backwardness, lack of social awareness and a passive outlook on life, there is a great necessity to protect their interest as consumers from ruthless and shameless exploitation by the traders as a class. Therefore, for the effective implementation, the Act is needed to be supplemented by the supportive enforcement system such as self-regulatory institutions in trade and industries, public participation in management bodies, the consumer literacy through educational institutions and media and subsidized research support on consumer complaints through public laboratories.