Topics to be covered:

- **Consumer Protection Act:**
- Definition Of Consumer, Objectives.
- Consumer Grievance Redressal Mechanism.
- **Environment Protection Act:** Objectives, Features,
- Scope & Applicability
- Powers Of The Central Government
- Penalties And Provisions.
- Website Details Www.Legislative.Gov.In

Who is a consumer?

- Consumer means any person Buys any goods and services for personal use.

- Consumer means any person Buys any goods for consumption and not for resale and commercial purpose.

- Any person who buys any goods or service or is a user of such gods or service is known as consumer.

- Any person must satisfy two conditions to claim himself as a consumer :-

a) The service must have been rendered to him

b) He must have paid or promised to pay for the same.

Who is a consumer?

Consumer[sec. 2(1)(d)]

consumer means any person Buys any goods for consideration (a) which has been paid or promised or partly paid and partly promised or (b) under any system of deferred payment. *, but does not include a person who obtains such goods for resale or for any commercial purpose."* The use of such goods must be made with the approval of buyers.

Who is not a consumer?

- Consumer does not include a person who buys goods for resale or for any commercial purpose
- A person who obtains services without consideration

Defect[sec. 2(1)(f)] it means any fault, imperfection or short coming in the quality, potency purity or standards which is required to be maintained by law, expressed or implied or as claimed by the seller

Consumer Protection Act,1986

- The Consumer Protection Act, 1986 is a benevolent social legislation.

- The first and the only Act of its kind in India, it has enabled ordinary consumers to secure less expensive and often speedy redressal of their grievances.

- Act applies to whole of India except Jammu and Kashmir.



OBJECTIVES

The law relating to consumer protection is contained in the consumer protection act 1986. The act applies to all goods and services.

The purpose of the Consumer Protection Act is to prevent consumers from being exploited and harmed. The new Consumer Protection Act protects consumer rights and highlights what consumers are entitled to as well as the responsibility of suppliers of goods and services

Objectives of The Act

1. Better protection of interest of consumers. Protection of consumer rights.
2. Establishment of consumer councils & other authorities for the settlement of the consumer disputes.
3. Protection of rights of consumers: to promote &protect the rights of consumers
4. The right to be protected against marketing of goods or services which are hazardous to life and property

5. The right to be informed about the quality, quantity, potency, purity, standard and price of goods or services so as to protect the consumer against unfair trade practices
6. The right to seek redressal against unfair trade practices or exploitation of consumers
7. Right to consumer education.
8. Better protection against exploitation.
9. Ensure fair, competitive and responsible markets that work well for consumers and promote ethical business practices.
10. Provide remedies for deceived consumers.
11. To promote and protect the economic interests of consumers.
12. To improve access to information that consumers require, to make informed choices according to their individual needs.

13. To protect consumers from hazards to their well being and safety.
14. The right to be assured wherever possible, access to goods and services at competitive prices.
15. Protection of consumer rights.
16. Prevention of unfair trade practices.
17. Safeguarding against defective goods and deficient services.
18. Promotion of consumer awareness.
19. Ensuring access to speedy and effective grievance redressal.
20. Establishing Consumer Disputes Redressal Forums.
21. Encouraging fair trade and ethical practices.

Extent and Coverage of the consumer protection act:

- It provides consumer rights- to choose, to be heard, to be informed, to safety, education, and redressal
- Applies to all states – Except Jammu and Kashmir.
- A suit pending in civil court cannot be heard in consumer court

DO YOU KNOW YOUR CONSUMER RIGHTS?





Education

Heard





Safety

Consumer Rights

Redressal





Choose

Information



Rights of consumer

- Right to Consumer Education
- The right to disclosure and information:
- Right to Choose
- The right to representation
- Right to Seek Redressal
- Right to Safety
- Right to healthy environment
- Right to be Heard
- Right to be Informed
- Right to Basic Needs



What are my rights as a consumer?

- The right to consumer education :

  Consumers must be able to acquire the knowledge and skills needed to make informed and confident choices about goods and services, while being aware of basic consumer rights and responsibilities and how to act on them.

- **The right to disclosure and information:**

  Consumers must be provided with the facts needed to make informed choices to ensure their protection against dishonest or misleading advertising and labelling.

- **The right to choice**
  Consumers should be able to choose from a range of products and services, offered at competitive prices, with the assurance of satisfactory quality.

- **The right to representation**
  Consumer interests should be represented in the making and execution of government policy, and development of products and services.

- The right to redress
  Consumers must receive a fair settlement of just claims, including compensation for misrepresentation, or shabby goods or services.
- **The right to safety**
  From a trade and industry perspective, consumers should be protected against production processes, products and services that are dangerous to health or life.
- **The right to a healthy environment**
  Consumers should be able to live and work in an environment that is not threatening to the well-being of present and future generations.
- **Right to be Heard:**
  Assurance that consumer grievances will be acknowledged and addressed appropriately.

Complaint [sec. 2(1)©]

- This act suggest that any allegations in writing made by a complainant with a view of obtaining any relief provided by or under this act.
- An unfair trade practice or a restrictive trade practice as been adopted by any trader or service provider
- The goods bought by him or agreed to be bought by him suffer from one or more defects
- The services hired or availed of or agreed to be hired or availed of by him suffer from deficiency in any respect

Who can complaint?

- A consumer
- Any voluntary consumer association registered under the companies act, 1956
- The central government or any state government, who or which makes a complaint
- One or more consumers, where there are numerous consumers having same interest
- In case death of a consumer his legal heir or representative.

NOTE :- A power of attorney holder cannot file a complaint under the Act

Three-Tier Consumer Disputes Redressal Agencies:

The Act establishes a three-tier system for grievance redressal:

- **District Consumer Disputes Redressal Commissions (District Commissions)** – lowest level
- **State Consumer Disputes Redressal Commissions (State Commissions)** – middle level
- **National Consumer Disputes Redressal Commission (NCDRC)** – apex body. The **NCDRC is the highest consumer court in India**, constituted under the **Consumer Protection Act, 1986**, and carried forward under the **Consumer Protection Act, 2019**.
- The Commission is headed by a **President who is a sitting or retired Supreme Court Judge** and has multiple Members with judicial or relevant legal experience.
- This system ensures **speedy and affordable justice** for consumers across India

- The national Commissions is headed by Department of Consumer Affairs of Central Government and by its respective Minister, and the State commissions are headed by respective minister of State Governments of the Consumer Affairs.
- At present, there are 678 District Commissions and 35 State Commissions. National Consumer Disputes Redressal Commission (NCDRC) is the apex body of all forums and councils.

Grievance Redressal mechanism:

1. Consumer Protection Commission, Jurisdiction & Monetary Limits

As per latest provisions, consumer dispute redressal structure under the **Consumer Protection Act, 2019** has three levels:

District Commissions (DCDRC) – up to ₹50 lakh
(early 1 crore)

State Commissions(SCDRC) – ₹50 lakh to ₹2 crore
(early 1 crore to 10 crores)

National Commission (NCDRC) –above ₹2 crore
(early above 10 crores)

2. Procedure for Filing a Complaint:

a) Eligibility to File a Complaint:

A consumer or one or more consumers, recognized consumer associations, or legal heir or representative of a deceased consumer can file a complaint.

b) Modes of Filing:

Complaints can be filed online through e-Daakhil portal, in person, or by post at the appropriate consumer commission.

c) Details Required:

Name and address of the complainant and opposite party, Facts of the case, details of the goods/services, deficiency or unfair trade practice, grievance details, relief or compensation claimed, Supporting documents (bills , receipts)

d) Procedure for filing the appeals: An Appeal against order passed by the

District Forum to ⇒ State Commission

State Commission to ⇒ National Commission

National Commission ⇒ Supreme Court

e) Fee for Filing:

A nominal fee is charged based on the value of goods/services.

3.Fee for filing a complaint

Forum	Value of Goods/Services	Fee
District Consumer Disputes Redressal Commission	Up to ₹5,00,000	No Fee
	₹5,00,001 to ₹10,00,000	₹200
	₹10,00,001 to ₹20,00,000	₹400
	₹20,00,001 to ₹50,00,000	₹ 1000
	₹50,00,001 to ₹1 Crore	₹ 2000
State Consumer Disputes Redressal Commission	₹2,00,00,001 to ₹ 4 Crores	₹3000
	₹4,00,00,001 to ₹6 Crores	₹4000
	₹6,00,00,001 to ₹8 Crores	₹5000
	₹8,00,00,001 to ₹10 Crores	₹6000
National Consumer Disputes Redressal Commission	Above ₹10 Crores	Rs.7000

7. Reliefs Available: The consumer commissions can provide the following reliefs:

1. Refund of the price paid.
2. Compensation for the loss or damage.
3. Replacement or repair of defective goods.
4. Removal of deficiency in services.
5. Discontinuation of unfair trade practices.
6. Payment of punitive damages, if applicable.

Role of the Central Consumer Protection Authority (CCPA):

- The **CCPA** investigates complaints and takes action against unfair trade practices, misleading advertisements, and violation of consumer rights. It works to **promote, protect, and enforce consumer rights.**
- The CCPA can **inquire into or investigate** cases relating to:
- **Unfair trade practices**
- **Misleading advertisements**
- **Violation of consumer rights**
- It has the powers to
- Order recall of unsafe or hazardous goods
- **Order refund of the price paid** to consumers
- Discontinue unfair trade practices
- Stop misleading advertisements
- Impose penalties on manufacturers, endorsers, and advertisers


ENVIRONMENTAL
PROTECTION ACT 1986

ENVIRONMENTAL PROTECTION

- Environmental Protection Act 1986 of the parliament of India. In the wake of Bhopal Tragedy, the government of India enacted the Environment Protection Act of 1986 under the Article 253 of the constitution.



Environment

- "environment" includes water, air and land and the inter- relationship which exists among and between water, air and land, and human beings, other living creatures, plants, micro-organism and property;

Environment pollutant

- "environmental pollutant" means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;

Environment pollution

- "environmental pollution" means the presence in the environment of any environmental pollutant;

ENVIRONMENTAL PROTECTION ACT -SCOPE

The **Environmental Protection Act (EPA)** serves as a comprehensive framework for environmental governance, aiming to prevent, control, and reduce pollution while promoting sustainable development.

While different countries have their own versions of the EPA, the core objectives remain similar across jurisdictions.

Below is an overview of its **scope:**

1. The scope of the Environment Protection Act, 1986 is very wide and comprehensive. Establishes emission standards for industries.
2. Implements measures for waste management, including hazardous waste disposal.
3. Regulates deforestation, land degradation, and wildlife conservation.
4. Requires project developers to assess environmental risks before initiating major industrial or infrastructural projects.
5. Regulates the production, use, and disposal of toxic chemicals and hazardous materials.
6. Promotes sustainable practices and renewable energy initiatives.

7. Regulates carbon emissions in alignment with global agreements like the Paris Climate Accord.
8. Requires industries to comply with environmental standards and obtain necessary clearances.
9. Assigns responsibilities to local, state, and national authorities for policy implementation.
10. Imposes legal obligations on individuals to prevent environmental harm.
11. Protects the rights of citizens to a clean and healthy environment.
12. Requires environmental clearance for large-scale projects like dams, highways, and urban development.

13. Aligns national policies with global environmental treaties and agreements.
14. Encourages multinational corporations to follow sustainable practices in line with international laws.
15. Encourages citizen involvement in environmental protection through legal provisions.
16. Empowers communities to raise concerns about environmental violations.

Applicability:

1. It is applicable throughout India.
2. It applies to individuals, industries, and government bodies.
3. It covers public and private sector organizations.
4. It applies to industrial, commercial, and developmental activities. Applicable to manufacturing, mining, energy, and construction sectors.
5. It controls air, water, soil, and noise pollution.
6. It regulates hazardous chemicals and wastes.
7. It applies to both urban and rural areas.
8. It applies to new as well as existing industries.
9. It covers environmental accidents and emergencies.
10. It protects biodiversity and ecosystems.
11. It applies to environmental impact assessment activities.
12. It extends to environmental disasters.
13. It applies to manufacturing and service sectors.
14. It includes prevention and control measures.
15. It ensures environmental safety and sustainability.

Objectives Of The Act…

The **Environmental Protection Act, 1986 (EPA) was passed with the following objects:**

1. To provide protection and improvement of environment.
2. The main objective of the act is to protect &improve the environment which includes water, air, land &human being, other living creature &plants.
3. Prevention of hazards to human beings and other living creatures, plants, and property.
4. For prevention and control of environmental pollution.
5. Laying standards for quality of environment.
6. Restriction of areas for location of industries.
7. Safeguards for handling hazardous substances.
8. Research relating to environmental pollution.

Objectives Of The Act…

9. The main task is to enact general laws for environmental protection, which could be unfolded in areas of severe environmental hazards.

10. Providing deterrent punishment to those who inculcate in endangering the human environment, safety and health.

11. Creation of authority for government protection.

12. Coordinating the activities of various regulating agencies which is done under the existing law.

13. The main goal for the environment should be sustainable development and it can be regarded as one of the goals for Environment Protection Act, 1986.

14. Sustainable development includes achieving the object and the purpose of the act as well as the protection of life under Article 21 of the Indian Constitution.

Powers of the Central Govt…

The act has been brought into force from November, 1986. Its salient features are:-

- Conferring powers on the central government.

1. This Act may be called the Environment (Protection) Act, 1986.
2. It extends to the whole of India.
3. It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint for different provisions of this Act and for different areas.
4. Take all necessary measures for protecting quality of environment.
5. Co-ordinate actions of states, officers and others authorities under this act.
6. Plan and execute a nation wide programme for prevention, control and reduction to environmental pollution.
7. laying down standards for the quality of environment in its various aspects;

8. Lay down standard for discharge of environmental pollutants.
9. Empower any persons to enter, inspect take samples and test.
10. Appointment or recognize government analysts.
11. Establish or recognize environmental laboratories.
12. Lay down standards for quality of environment.
13. Restrict areas in which any industries, operations or process may not be carried out, subject to certain safeguards.
14. Lay laying down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;

15. Constitute on authority for exercising powers.
16. Delegate powers to any officer of a state authority. laying down procedures and safeguards for the handling of hazardous substances;
17. laying down standards for emission or discharge of environmental pollutants from various sources whatsoever: Provided that different standards for emission may be laid down under this clause from such sources;

Regulation of Industrial Locations: It has the authority to restrict the areas in which industries or operations may be carried out, ensuring that certain environmentally sensitive zones are protected from industrial activities.
Procedures and Safeguards for Handling Hazardous Substances: The government prescribes procedures and safeguards for the handling of hazardous substances to prevent accidents and environmental pollution.
Inspection and Investigation: Authorized officials can inspect any premises, equipment, or manufacturing processes and collect samples for analysis to ensure compliance with environmental standards.
Establishment of Environmental Laboratories: The Central Government can establish or recognize environmental laboratories to analyze samples and ensure adherence to environmental norms. en.wikipedia.org
Appointment of Officers and Delegation of Powers: It can appoint officers to oversee compliance with environmental laws and delegate powers to state authorities or other officials as necessary. en.wikipedia.org+1Trade.gov+1

Issuance of Directions: The government has the power to issue directions to any person, officer, or authority, including orders to close, prohibit, or regulate any industry, operation, or process to prevent environmental pollution. en.wikipedia.org
Rule-making Authority: The Central Government can make rules to carry out the purposes of the Act, covering aspects such as the procedures for handling hazardous substances, prohibition and restrictions on the location of industries, and procedures for safeguarding environmental quality. en.wikipedia.org
Establishment of Authorities: Under Section 3(3) of the Act, the Central Government is empowered to establish authorities charged with the mandate of preventing environmental pollution in all its forms and tackling specific environmental problems that are peculiar to different parts of the country. moef.gov.in
These powers enable the Central Government to take comprehensive and effective measures to protect and improve the environment, ensuring sustainable development and the well-being of the population.

Penalties and Provisions (15 Marks)

1. The Act provides strict penalties to ensure compliance with environmental laws:
2. Imprisonment up to 5 years for violations.
3. Fine up to ₹1,00,000 for offences.
4. Additional fine for continuing offences.
5. Imprisonment up to 7 years for continued violations.
6. Penalties applicable to individuals and companies.
7. Seizure of polluting materials.
8. Provision for citizen suits after notice.
9. Punishment for repeated offences.
10. Strong restriction against polluters.