

## **Consumer Protection (Amendment) Act, 2002**

### **Section 2 - Amendment of Section 2**

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In the Consumer Protection Act, 1986 (68 of 1986) (hereinafter referred to as the principal Act), in section 2, in sub-section (1),-

(a) in clause (b), after sub-clause (iv), the following sub-clause shall be inserted, namely :-

"(v) in case of death of a consumer, his legal heir or representative;"

(b) in clause (c),-

(i) in sub-clause (i), for the words "any trader", the words "any trader or service provider" shall be substituted;

(ii) for sub-clauses (iv) and (v), the following sub-clauses shall be substituted, namely :-

"(iv) a trader or the service provider, as the case may be, has charged for the goods or for the services 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 exhibited by him by or under any law for the time being in force;

(d) agreed between the parties;

(v) goods which will be hazardous to life and safety when used are being offered for sale to the public,-

(A) in contravention of any standards relating to safety of such goods as required to be complied with, by or under any law for the time being in force;

(B) if the trader could have known with due diligence that the goods so offered are unsafe to the public;

(vi) services which are hazardous or likely to be hazardous to life and safety of the public when used, are being offered by the service provider which such person could have known with due diligence to be injurious to life and safety;"

(c) in clause (d),-

(i) in sub-clause (ii), the following words shall be inserted at the end, namely :-

"but does not include a person who avails of such services for any commercial purpose";

(ii) for the Explanation, the following Explanation shall be substituted, namely :-

'Explanation.-For the purposes of this clause, "commercial purpose" does not include use by a person of goods bought and used by him and services availed by him exclusively for the purposes of earning his livelihood by means of self-employment;';

(d) for clause (j), the following clause shall be substituted, namely :-

'(j) "manufacturer" means a person who-

(i) makes or manufactures any goods or part thereof; or

(ii) does not make or manufacture any goods but assembles parts thereof made or manufactured by others; or

(iii) puts or causes to be put his own mark on any goods made or manufactured by any other manufacturer;';

(e) for clause (nn), the following clauses shall be substituted, namely :-

'(nn) "regulation" means the regulations made by the National Commission under this Act;

(nnn) "restrictive trade practice" means a trade practice which tends to bring about manipulation of price or its conditions of delivery or to affect 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 services which has led or is likely to lead to rise in the price;

(b) any trade practice which requires a consumer to buy, hire or avail of any goods or, as the case may be, services as condition precedent to buying, hiring or availing of other goods or services;';

(f) in clause (o), for the words "users and includes the provision of", the words "users and includes, but not limited to, the provision of" shall be substituted;

(g) after clause (o), the following clause shall be inserted, namely :-

'(oo) "spurious goods and services" mean such goods and services which are claimed to be genuine but they are actually not so;';

(h) in clause (r),-

(i) after sub-clause (3), the following sub-clause shall be inserted, namely :-

"(3A) withholding from the participants of any scheme offering gifts, prizes or other items free of charge, on its closure the information about final results of the scheme.

Explanation.-For the purposes of this sub-clause, the participants of a scheme shall be deemed to have been informed of the final results of the scheme where such results are within a reasonable time published, prominently in the same newspapers in which the scheme was originally advertised;";

(ii) after sub-clause (5), the following sub-clause shall be inserted, namely :-

"(6) manufacture of spurious goods or offering such goods for sale or adopting deceptive practices in the provision of services.".

