

PART II
SPECIAL FEATURES

THE CONSUMER PROTECTION ACT, 1986

1. It seeks to provide for better protection of the interests of the consumers.
2. The protection is against :
 - (a) marketing of goods hazardous to life and property
 - (b) unfair trade practices
 - (c) unscrupulous exploitation of consumers.
3. It also provides for speedy and simple redressal of consumer disputes.
4. It sets up consumer disputes redressal agencies at three different levels.
 - (a) District
 - (b) State
 - (c) National
5. Central Government or the State Government may file a complaint.
6. A consumer or any voluntary consumer association may also be the complainant.
7. Although the Act does not directly vest any power in the Executive Magistrates, they may play promotional role and can help a great deal in the advancement of consumer movement and also in the implementation of the consumer protection programme.

PREVENTION OF INSULTS TO NATIONAL HONOUR ACT, 1971

1. **Commencement** : It came into force on 23-12-71.
2. **Extent** : It extends to the whole of India.
3. **Object** : To prevent insults to National Honour.
4. **Offences** :
 - a) Insulting the Indian National Flag and Constitution of India, Penal Section 2.
 - b) Preventing the singing of National Anthem or causing disturbance to any assembly engaged in such singing. Penal Section 3.

Note : Proper respect is shown to the National Anthem by standing up when it is sung. No disrespect is shown by not joining in the singing (*Vide* AIR, 1987. SC 748)

5. **Nature of Offences. :**
- a) Offences under Section 2 and 3 are punishable with imprisonment up to 3 years or with fine or with both.
 - b) They are non-bailable and cognizable *Vide* part II of the First Schedule appended to the Code of Criminal Procedure.
6. **Constitutional Provisions :** Article 51 A of the constitution of India provides for Fundamental Duties, which include duties :
- a) To abide by the Constitution.
 - b) To respect National Flag and the National Anthem.

COMMISSION OF SATI (PREVENTION) RULES, 1989

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| 1. The State Government can delegate powers of District Magistrate or Collector Under Section 6 to other officers | Rule 3 |
| 2. Prohibitory orders Under Section 6 can be made by beat of drums etc. | Rule 4 |
| 3. 90 days notice to be given before making an order Under Section 7(1). The procedure for removal of temples or structures. | Rule 5 |
| 4. Procedure for making of removal Under Section 7(2). | Rule 6 |
| 5. Provision for preparation of inventory of all property or material obtained after removal of temple or structure. | Rule 7 |

THE MINIMUM WAGES ACT, 1948

- (a) It seeks to prevent exploitation of labour by fixing the minimum rates of wages.
- (b) It is a step in the direction of abolition of abuses and malpractices against the workers particularly those belonging to unorganized sectors and vulnerable categories.
- (c) It provides, among other things, for fixation/revision of minimum rates of wages, fixation of hours of work and payment of overtime wages.
- (d) It also creates offences and prescribes punishments therefor.
- (e) The Act is entrusted to be enforced at the grassroot level by the Inspectors appointed for the purpose, who generally work under the administrative control of the Labour Department of the State Government.
- (f) The Executive Magistrates, particularly the District Magistrates and Sub-District Magistrates have to play the part of co-ordinating agencies. In West Bengal, there are Co-ordination Committees operating at the District Level for monitoring the implementation of the Act, of which the District Magistrates are the Chairpersons.
- (g) This is piece of social legislation and as such, it is imperative to ensure its effective enforcement.

- (h) That apart, disputes between the Employers and Workers over payment of the minimum wages or other matters dealt with under this Act sometimes tend to give rise to a law and order situation, which ultimately may result in breach of public peace or disturbance of public tranquility. Hence, the Executive Magistrates as such, though not charged with mandatory duties under the Act, are indirectly and mediately involved in the minimum wages programmes.

RELIGIOUS INSTITUTIONS (PREVENTION OF MISUSE ACT) 1988

Object :

To prevent misuse of religious institutions for political and other purposes, such as storage of arms and ammunition, harboring of offenders of suspected offenders.

The Act imposes prohibition of use of funds of religious institutions for any political party or political activity.

It also bans congregation in a religious institution for propagation of political ideas.

Offences for contravention of the prohibitions Under Section 3, 4, 5, and 6 are punishable with imprisonment up to 5 years and fine up to Rs. 10,000.

The Act does not confer any power upon the Executive Magistrates.

Police officers have the authority to act, the offences Under Section 7 being cognizable.

PATR III

LIST OF IMPORTANT SOCIAL LEGISLATIONS IN INDIA

A. GENERAL

1. Constitution of India 1850 (Relevant Provisions).
2. Indian Penal Code, 1860 (Certain Sections only).
3. Criminal Procedure Code, 1973 (Certain Sections only).

B. PUBLIC HEALTH

1. The Vaccination Act, 1880.
2. Epidemic Diseases Act (No. III), 1897.
3. Indian Drugs Act, 1950.
4. Prevention of Food Adulteration Act, 1954.
5. Drugs (Control) 1950.
6. Maternity Benefit Act, 1961.
7. Registration of Birth and Deaths Act, 1969.
8. Medical Termination of Pregnancy Act, 1971.
9. Indian Steam Vessels Act, 1971.
10. The Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975.
11. The Quarantine Act.

12. The dangerous Machines (Regulation Act, 1983).
13. The Mental Health Act, 1987.
14. The Narcotic Drugs and Psychotropic Substances Act, 1985.
15. The prevention of Illicit - Traffic in Narcotic Drugs and Psychotropic Substance Act, 1988.

C. LABOUR WELFARE

1. The Workman's Compensation Act, 1923.
2. Indian Mines Act, 1923.
3. The Indian Trade Union Act, 1926.
4. Indian Dock Labours Act, 1934.
5. The Payment of Wages Act, 1936.
6. The Employer's Liability Act, 1938.
7. Weekly Holiday Act, 1942.
8. The Minimum Wages Act, 1948.
9. Industrial Disputes Act, 1947.
10. The Factories Act, 1948.
11. The Employees' State Insurance Act, 1948.
12. Industrial Disputes (Banking and Insurance) Act, 1949.
13. Plantation Labour Act, 1951.
14. The Employees' Provident Fund Act, 1952.
15. The Contract Labour (Regulation and Abolition) Act, 1970.
16. The Bonded Labour System (Abolition) Act, 1976.
17. The Dangerous Machines (Regulation) Act, 1983.
18. The Dock Workers (Safety, Health and Welfare) Act, 1984.
19. Bidi and Cigar Workers' (Conditions of Employment) Act, 1986 with Welfare Rules 1977.
20. Equal Remuneration Act, 1976.
21. Motor Transport Workers Act, 1961.
22. Working Journalists and Other Newspapers Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955.

D. PRISON AND CORRECTION

1. Prisons Act, 1894.
2. The Reformatory Schools Act, 1897.
3. Prisoners Act, 1900.
4. Transfer of Prisoners Act, 1950.
5. Prisoners (Attendance in Courts) Act, 1955.
6. The various State Borstal Schools Acts.
7. The Probation of Offenders Act, 1958.

E. MORALS

1. The Public Gambling Act, 1867.
2. The Dramatic Performances Act, 1876.
3. The Cinematograph Act, 1952.
4. Young Persons Harmful Publication Act, 1952.
5. The Drug and Magic Remedies (Objectionable Advertisement) Act, 1954.
5. The Young Persons (Harmful Publications) Act, 1956.
7. Harmful Publication Act, 1956.
8. The Indecent Representation of Women (Prohibition) Act, 1986.
9. Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976.

F. CHILDREN

1. Apprentice Act, 1950.
2. Female Infanticide Prevention Act, 1970.
3. The Child Marriage Restraint Act, 1929.
4. The Children (Pledging of Labour) Act, 1933.
5. The Hindu Minority and Guardianship Act, 1956.
6. Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960.
7. The Children Act, 1960 (for Union Territories).
8. The Employment of Children Act, 1978.
9. The Juvenile Justice Act, 1986.
10. The Child Labour (Prohibition and Regulation) Act, 1986.

G. WOMEN

1. Hindu Widow Remarriage Act, 1956 (since repealed by Hindu Widow's Remarriage Repeal Act, 1983).
2. Married Women's Property Act, 1974.
3. The Commission of SATI (Prevention) Act, 1987.
4. Immoral Traffic (Prevention) Act, 1956.
5. Women's and Children's Institutions (Licensing) Act, 1956.
6. Payment of Equal Remuneration Act, 1976.
7. The Muslim Women (Protection of Rights on Divorce) Act, 1986.
8. Hindu Marriage Act, 1955.
9. Special Marriage Act, 1954.
10. Shariat Application Act, 1937.
11. The Dissolution of Muslim Marriage Act, 1939.
12. Hindu Adoption and Maintenance Act, 1956.
13. The National Commission for Women Act, 1990.

H. HANDICAPPED

1. Lepers Act, 1898.
2. Prohibition of Begging Acts (State Laws).

I. ECONOMIC

1. Foreign Exchange Regulation Act, 1947.
2. Wealth Tax Act, 1957.
3. Gift Tax Act, 1958.
4. The Customs Act, 1962.
5. Estate Duty Act, 1963.
6. The Conservation of Foreign Exchange and Prevention of Smuggling Act, 1975.
7. Debt Relief Act, 1976.
8. Urban Land (Ceiling and Regulations) Act, 1976.
9. The Minimum Wages Act, 1984.
10. Essential Commodity Act, 1955.

J. SOCIAL

1. Denotification of the Criminal Tribes Act, 1952.
2. The Protection of Civil Rights Act, 1955.
3. Dowry Prohibition Act, 1961.
4. The Prevention of Damage to Public Property Act, 1984.
5. The Chit Fund Act, 1982.
6. The Prevention of Corruption Act, 1988.
7. The Religious Institutions (Prevention of Misuse) Act, 1988.
8. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
9. Co-operative Societies Act, 1912.
10. Fatal Accidents Act, 1955.
11. Public Provident Fund Act, 1968.

K. PERSONAL LAW (MARRIAGE, INHERITANCE, DIVORCE ETC.)

1. Caste Disabilities Removal Act, 1950.
2. Indian Succession Act, 1925.
3. The Hindu Inheritance (Removal of Disabilities) Act, 1928.
4. The Hindu Women's Rights to Property Act, 1937.
5. Dissolution of Muslim Marriage Act, 1939.
6. Wakf Act, 1954.

7. Special Marriage Act, 1954.
8. Hindu Succession Act, 1956.
9. Hindu Adoption and Maintenance Act, 1956.
10. The Family Courts Act, 1984.

L. LANDED PROPERTY

1. Urban Land (Ceiling and Regulations) Act, 1976.
2. Land Reforms Act, (State Laws).
3. Estate Acquisition Acts, (State Laws).
4. The Benami Transactions (Prohibition) Act, 1988.

M. TRADE COMMERCE AND CONSUMERISM

1. Monopolies and Restrictive Trade Practice Act, 1969.
2. The Standards of Weights and Measures (Enforcement) Act, 1985.
3. The Consumer Protection Act, 1986.
4. Ship Industrial Company (Special Provisions) Act, 1985.

N. ENVIRONMENT

1. The Water (Prevention and Control of Pollution) Act.
2. The Water (Prevention and Control of Pollution) Act.
3. The Air (Prevention and Control of Pollution), Act.
4. Wild Life (Protection) Act, 1972.
5. The Environment (Protection) Act, 1986.
6. Indian Forest Act, 1927.
7. Indian Forest (Conservation) Act, 1980.
8. Prevention of Cruelty on Animals Act, 1960.
9. Wild Life (Protection) Act, 1973.

O. ADJUDICATION

1. The Administrative Tribunals Act, 1985.
2. The Judges (Protection) Act, 1985.
3. The Legal Services Authorities Act, 1987.
4. The Railways Claims Tribunals Act, 1988.
5. The Family Courts Act, 1984.
6. Commission of Enquiry Act, 1952.