

LAW AREA NAME : GENERAL
SECTION NAME : LAW AND THE CITIZEN
SUB SECTION NAME : CONSUMER RIGHTS

LAW IN BRIEF

India has the largest consumer base in the world. In order to protect consumers from exploitation by unscrupulous elements, the consumer protection Act has been enacted.

A consumer has a RIGHT to

Safety,

Information,

Choose,

Be Heard,

Redressal,

Consumer Education,

LAW IN DETAIL

All of us are consumers of goods and services.

A consumer under the Act is:

"One who buys any goods, hires any service or services for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment."

Note : A person is not a consumer if he purchases goods for commercial purpose or resale purposes. However, a person is a consumer if he purchases goods for the purpose of earning his livelihood by means of self-employment.

Under the Act, a complaint can be made in writing in the following circumstances.

- If you have suffered or damage as a result of any unfair trade practices adopted by the trader.
- If the goods purchased suffer from any defect.
- If the services hired/availed of suffer from deficiencies in any respect.
- If you have been charged a price in excess of the price displayed or fixed by or under any law for the time being in force.
- If, the goods hazardous to life and safety, when used, are being offered for sale to public in contravention of any law for the time in force.

The Forums/Commissions can order the following reliefs:

- Removal of defects from the goods.
- Replacement of the goods.
- Refund of the price paid.
- Award of compensation for the loss or injury suffered.
- Removal of defects or deficiencies in the services.
- Discontinuance of unfair trade practices/restrictive trade practices and directing not to repeat them.
- Withdrawal of the hazardous goods from being offered for sale.
- Award for adequate costs to parties.

PROCESS FOR SOLUTION

Complaint Under which Section ?

Section 11, 12 - District Forums, Section 15 - State Commission, Section 19 - National Commission, Section 23 - Supreme Court.

Whom to complain / where to complain?

The following can make a complaint under the Act.

- A consumer
- Any registered voluntary consumer organization.
- The Central Government.
- The State Government / Union Territory Administration.
- One or more consumers on behalf of numerous consumers who are having the same interest(class action complaints).
- The complaint should be supported with affidavit of party witness if any.

The jurisdiction of the various forms is as follows:-

DISTRICT FORUM :- If the cost of goods or services and compensation asked for is up to Rs. 20 lakhs.

STATE COMMISSION :- More than Rs. 20 lakh is and up to Rs. 1 Crore.

NATIONAL COMMISSION :- More than Rs. 1 Crore.

How to file the Case ?

- The complaint is to be filed within two years from the date on which cause of action has arisen.
- Minimal fee for filing a complaint. Even an affidavit does not need stamp papers. A complaint can be sent by post or presented in person by complainant or his authorized agent.
- Usually the Forums Require 3-5 copies of complaint.

What Next ?

Appeal against District Forum's final order to State Commission within 30 days

Appeal against State Commission's final order to National Commission within 30 days

Appeal against National Commission's order to Supreme Court within 30 days. Any order which is not a final order may be challenged in revision before respective higher commissions

- There is no fee for filing appeals in the State and National Commissions.
- Procedure is the same as that of complaint except that the application has to be accompanied by the copies of the orders appealed against with reasons for filing appeals.

ALTERNATE REMEDIES

The consumer can approach consumer organizations who may endeavour for a settlement between the consumer and the opposite party.