



CONSUMER PROTECTION ACT, 1986

Introduction

In many instances, we use statements like “Consumer is the King”, and yes, he is treated as a King during the purchase of the product or the service.

Do you think after the purchase, the company still treats the same consumer as a King?

What If, a product or a service is not up to the standards or as per the specifications or as promised by the Organization? The entire scenario of consumer as King takes a drastic U-turn, the consumer is made to stand in long queues and when he gets his turn to express his grievance, the Customer representative smartly rejects most of the grievances mentioning that it is not covered as per the company policy or ask the consumer to revisit multiple times with no proper response.

Who is a Consumer?

One who buys or agrees to buy any goods or avails service for a sum which has been paid in full or promised to be paid or partly paid and partly promised to pay is a consumer.

Consumer Rights

- Right to Safety
- Right to be Informed
- Right to Choose
- Right to be heard
- Right to Seek Redressal
- Right to Consumer Education
- Right to Basic Needs
- Right to Healthy Environment.



Consumer Responsibilities

- Consumer must exercise his rights
- Cautious Consumer
- Filing complaint for redressal of genuine grievances
- Consumer should be quality conscious
- Insist on Cash Memo



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The Consumer Protection Act, 1986

An Act to provide for better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumers' disputes and for matters connected therewith.

Objective

- To provide better protection of the interests of the consumers,
- To make provision for the establishment of Consumer Councils and other authorities for the settlement of consumer disputes.

Unlike other laws, which are basically punitive or preventive in nature, the provisions of the Act are compensatory.

Important Features of the C.P. Act are

- i. The Act applies to all goods and services unless specifically exempted by the Central Government.
- ii. It covers all the sectors – private, public and cooperative.
- iii. The provisions of the Act are compensatory in nature.
- iv. It provides adjudicatory authorities, which are simple, speedy and less expensive.
- v. Establishment of Consumer Protection Councils at the National, State and District levels.

Consumer Rights under the Act are as follows

- a) The right to be protected against marketing of goods and services which are hazardous to life and property;
- b) The right to be informed about the quality, quantity, potency, purity, standard and price of goods or services, as the case may be to protect the consumer against unfair trade practices;
- c) The right to be assured, wherever possible of access to variety of goods and services at competitive prices;
- d) The right to be heard and to be assured that consumers interests will receive due consideration at appropriate fora;
- e) The right to seek redressal against unfair trade practices or restrictive trade practices or unscrupulous exploitation of consumers; and
- f) The right to consumer education



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HOW ENTIRE MECHANISM WORK

Who can make a complaint?

- One or more consumers to whom such goods/service are sold or delivered • Any voluntary Association Registered under the Companies Act, 1956
- The Central Government or the State Government.

On Whom Complaints Can be Made

Government, PSU, Private and Co-operatives

On what Sectors or Issues, Can Complaint be Made

Complaint against both Goods and Services, example, Electronics, Banks, Telecoms, Railways, Bribe, Selling Higher than MRP, Negligence, Fake Bills, False Fine, Causing Mental agony, Embarrassment etc.

CONSUMER COMPLAINT REDRESSAL MECHANISM

There are mainly 2 Consumer Complaint Redressals mechanisms:

1. Consumer Online Research and Empowerment (CORE) Centre

- On Line Registration, Visit Link: www.core.nic.in
- You can call to register your complaint @ 1800-11-4000 ○ (Timing: All Days Except National Holidays: (09:30 AM To 05:30 PM))
- SMS on this Number 8130009809

2. Consumer Dispute Redressal Commission

- National Consumer Dispute Redressal Commission (NCDRC)
- State Consumer Dispute Redressal Commission (SCDRC)
- District Dispute Redressal Commission (DCDRC)



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CONSUMER ONLINE RESEARCH AND EMPOWERMENT (CORE) CENTRE

www.core.nic.in

- Register online, obtain one time user-id and password by clicking on the New Consumer Signup link and Fill the Following

First Name		Last Name	
Gender		Age	
Contact No.		Alternative No.	
Email Id		Password	
Country		State	
City		Pin code	
Address		Aadhaar No.	

- User needs to open his / her registered email id and verify the email.
- Now log in with registered email & you will be directed to the complaint page.
- Complaint is made at this page with all related documents justifying the same.
- After registering the complaint either through Online, call, SMS a unique docket number is generated and given.
- Grievances received are sent to the concerned company / agency / regulator / ombudsman, as the case maybe, for speedy redress.
- Real Time Tracking: Action taken is updated on real time basis
- Time Limit: It may take up to a maximum of 60 days to arrive at a logical conclusion.

What if Consumer is not Satisfied with the On-line redressal

Consumer may take his case to following based on

- National Consumer Dispute Redressal Commission (NCDRC)
- State Consumer Dispute Redressal Commission (SCDRC)
- District Dispute Redressal Commission (DCDRC)

Note: Online redressal of Consumer Complaints at CORE, a consumer need not visit court at all.



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CONSUMER DISPUTE REDRESSAL COMMISSION

Pecuniary Jurisdiction of Commissions (Based on Value of Money)

Sl. No	Commission	Value of Goods and Compensation Claimed
1	District Commission	Upto Rs.20 Lakhs
2	State Commission	Rs.20 Lakhs to Rs.1 Crores
3	National Commission	Exceeding Rs.1 Crores

Fee for Filing a Complaint

Sl. No	Value of Goods and Compensation Claimed	Amount of fee payable
1	Upto 1 lakh	Rs.100
2	> = 1 lakh, but < 5 lakh	Rs.200
3	> = 5 lakh but < 10 lakh	Rs.400
4	> = 10 lakh but < 20 lakh	Rs.500

PROCESS

Complaint Draft

- Title or Header: Example, BEFORE THE COURT OF THE HON'BLE PRESIDENT, CONSUMER FORUM, BANGALORE URBAN DISTRICT AT BANGALORE
- Name, address of the complainant
- Name, address of the opposite party or parties.
- Facts of statements necessary to establish a cause of action.
- Explanation how the case falls within the jurisdiction of this forum
- Claim of Relief: In rupees and additional relief such as refunds, litigation costs, interest amount and for mental agony is given in breakup under different heads
- At the End of the complaint: Complainant Signature



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- VERIFICATION (I, NAME, the complainant above named do hereby verify and declare that what is stated above are true and correct to the best of my knowledge, belief and information)
- Place and Date

Additional Documents:

- An affidavit stating that the content in the complaint are true and correct (not compulsory)
- Copies of all the documents supporting the allegations such as copy of the bill warranty and guarantee documents
- Copy of the written complaint and notice made to the opposite party requesting him to rectify the product/refund/Relief

Submitting of Complaint

The complainant can present the complaint in person or by his/her authorized representative (A authorization letter) without engaging any advocate.

The complaint can be sent by registered post.

A minimum of 5 copies of the complaint is to be filed in the forum

What are mandatory requirements

Fee in form of Demand draft (DD) for Example of Rs100 made in favour of, The president, Bangalore Urban District Consumer Forum.

RPAD (Registered Post Acknowledgement Due) i.e. around Rs40 worth stamps on an envelope with address of Opposite Party at time of submitting the complaint.

Judgement

Receipt of a complaint: The Forum within 21 days must communicate to the Opposite Party upon acceptance of the complaint. The Opposite party is given a Maximum period of 30 Days to reply from the date of receipt of notice.

First Hearing: Reviewing the Reply from Opposite party and the complainant's argument and Judgement, May be given in First hearing or second if the prima facie is established without the requirement of additional analysis.



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What if You Missed the Hearing?

In situation, you were unable to represent your case as you were engaged somewhere else you can call up the PRO and get the next hearing date by giving the complaint number and the date of the hearing you missed. However, make sure that if you are absent at two consecutive hearings, the Consumer Court reserves its right to struck out the case. Even then there is some hop in the form of a letter that you can write addressing the Forum within a month of closure.

To Know: Duration of Grievance redressal

Case 1. If Does not require analysis

Every complaint shall be heard as expeditiously as possible and endeavor shall be made to decide the complaint within a period of three months from the date of receipt of notice by opposite party where the complaint does not require analysis or testing of commodities

Case 2. If requires analysis

If it requires analysis or testing of commodities, then the grievance shall be addressed within five months

Adjournment

No adjournment shall be ordinarily granted by the District Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum: Provided further that the District Forum shall make such orders as to the costs occasioned by the adjournment as may be provided in the regulations made under this Act. Provided also that in the event of a complaint being disposed of after the period so specified, the District Forum shall record in writing, the reasons for the same at the time of disposing of the said complaint.

Note: A Consumer himself can advocate his own case in consumer forum, no need for Lawyers



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IMPORTANT RECENT SUPREME COURT JUDGEMENTS ON CONSUMER FORUM

1. High court cannot entertain a writ petition against the orders of the consumer fora

Certain manufacturers, traders and service providers try to bypass the statutory channel of appeals. Instead, a writ petition is filed in the HC, challenging the consumer fora orders. The motive being to frustrate the consumer, who would find it costly and tedious to contest the case in HC.

In a landmark judgment, the Supreme Court recently ruled that a high court cannot entertain a writ petition against the orders of the consumer fora, for which the law prescribes a statutory channel of appeal.

Appeal

Any person aggrieved by an order made by the District Forum may prefer an appeal against such order to the State Commission within a period of thirty days from the date of the order. Any person aggrieved by an order made by the State Commission may prefer an appeal against such order to the National Commission within a period of thirty days from the date of the order

2. Can't give beyond 45 days for Opposite Party for replying

Supreme Court has ruled that a Opposite party will not get more than 45 days for replying to a complaint in a consumer forum. The court said this period cannot be extended under any circumstances.

If an opposite party fails to do so, the right to submit a written statement shall be closed and the case may be decided straightaway in the complainant's favour.

Interpreting Section 13(2)(a) of the Act, the bench said that this provision has to be given a strict interpretation in view of the legislative mandate, which wanted a speedy disposal of these cases, preferably within six months.



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FEW INTERESTING CONSUMER FORUM JUDGEMENTS

1.Man, gets Rs100 per day compensation from bank for deficiency in services

Issue: Samokhoo Prajapati tried to withdraw Rs10,000 from an ATM machine of PNB but the cash was not dispensed. A second attempt to withdraw the cash also failed, but he received an SMS of Rs20,000 debited from his account even when the cash was not dispensed by the ATM.

Judgement: Consumer court directed the bank to re-credit amount of Rs20,000 wrongly debited from the complainant's account and also pay Rs2,000 towards his expenses in pursuing the complaint and to pay Rs100/day as compensation

2.Consumer forum slaps Southern Railways with Rs30,000 fine for wrong fining

Issue: The Southern Railway fined a couple for ticketless travel in excess.

After the couple explained their situation and said they were prepared to pay the fine, the TTE insulted them and made them wait for more than an hour. He then issued a receipt for Rs4,444 towards excess fare charges.

The couple then inquired about the fine amount from the station master at Chennai Central, who informed them that the maximum fine amount for ticketless travel in the EMU from Tambaram to Beach was Rs260.

Judgement: Rs30,000 as Compensation for wrongly fining a couple for ticketless travel.

3.Cafe Coffee Day (CCD) to refund Rs466 and a relief of Rs10,000 for mental agony, harassment and cost of litigation.

Issue: Vishal Gargi, visited Cafe Coffee Day and ordered coffee and snacks worth Rs233. He tried to pay the bill twice through his credit card, but due to some error in the machine, the receipt was not generated. Finally, he paid the bill amount of Rs233 in cash. Later, the complainant came to know from his bank account statement that the amount had been debited twice from his credit card in the name of the OP. Thereafter, he requested the OP to refund the amount, but to no avail



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4. Women robbed Rs6000 on Train, Railways asked to Pay Rs64,000

Issue: Western Railway, by the advertisement and citizen's charter has given commitment to their passengers for providing safe, secure and dependable train service But a woman and her son were robbed of Rs6000 in the train

Judgement: Of the Rs64,000 compensation amount, Rs50,000 was for the mental agony caused to the complainant, Rs3,000 for the expenses the family incurred after Raj(Son) went into severe depression and developed a phobia of trains; Rs6,000 was towards the cash that was stolen, and Rs5,000 towards costs of the complaint.

5. Failure to provide veg food trays to 2 children costs Railway Rs15,000

Issue: The Norther railway staff served breakfast to the complainant, his wife and father-in-law but did not provide any breakfast to his son and daughter saying that they “do not have any left”

Judgement: The consumer forum, therefore, directed the Railways to refund the amount charged towards two vegetarian food trays to the complainant along with a compensation of Rs15,000 for deficiency in services, which also includes Rs500 as cost of litigation.



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