

## **CONSUMER PROTECTION**

### **OVERVIEW**

The industrial growth, international trade and commerce, technological developments have led to the expansion of business in our country. The market for consumer goods has also expanded and has created competition among the businesses. This has resulted in wide variety of choices for consumers not only in case of products but also in services. This has led to various legal issues in each and every sector in some or the other form. The Consumer Protection Act was enacted in 1986 for protecting the interest of consumers by establishing protection councils and dispute Redressal agencies for speedy Redressal of consumer disputes. The Consumer Protection Councils and Redressal Agencies are established in both central and state level to protect and advice the consumer's interests.

### **DEFINITION OF A CONSUMER**

As per Sec 2(1)(d) of The Consumer Protection Act, 1986

"consumer" means any person who buys any goods, hires or avails any services for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods and beneficiary of such services other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment when such use is made or services are availed of with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose and **does not include a person who avails of such services for any commercial purposes;**

Explanation: "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;

### **DEFECT**

As per Sec 2(1)(f) of The Consumer Protection Act, 1986

"**defect**" means any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for the time being in force under any contract, express or implied or as is claimed by the trader in any manner whatsoever in relation to any goods;

## **DEFICIENCY**

As per Sec 2(1)(g) of The Consumer Protection Act, 1986

"**deficiency**" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by a person in pursuance of a contract or otherwise in relation to any service;

## **CONSUMER DISPUTE REDRESSAL AGENCIES**

Consumer Forums have been established across the country for speedy Redressal of consumer disputes. Section 9 of Consumer Protection Act, 1986 provides three tier Consumer dispute Redressal agencies. They include

- District Forum at District level established by the State Government in each district of the state. District Forum has jurisdiction to entertain complaints where value of goods and services and compensation claimed does not exceed Rs 20 lakhs.
- State Consumer Dispute Redressal Commission at State level established by State Government with approval of Central Government. It has jurisdiction to entertain complaints where value of goods and services and compensation claimed exceeds Rs 20 lakhs but does not exceed more than Rs 1 crore.
- National Consumer Dispute Redressal Commission established by the Central Government. It has jurisdiction to entertain complaints where value of goods and services and compensation claimed exceeds Rs 1 crore.

## **HOW TO FILE COMPLAINT**

- The complaint can be filed on a plain paper.
- Stamp paper is not required for declaration.
- It should contain the details of the complainant and the opposite party.
- Complaint can be registered, in person, by the complainant or through his authorized agent or by post addressed to the Redressal Agency.
- It is not compulsory to engage a lawyer to file a case.
- The fees charged are very nominal according to the value of the claim

## COMPLAINT FORM

The link given below will guide the consumers to the complaint form

<http://admis.hp.nic.in/ehimapurti/pdfs/cmpleng.pdf>

## JURISDICTION

### PECUNIARY JURISDICTION

FORUM/COMMISSION	AMOUNT (Where the value of goods or services and the compensation, if any claimed)
DISTRICT FORUM	Does not exceed Rs. 20 Lakhs
STATE COMMISSION	Rs. 20 Lakhs and above but not exceeding one Crore
NATIONAL COMMISSION	Above one Crore

### TERRITORIAL JURISDICTION

- It has jurisdiction where the opposite party or each of the opposite parties resides or carries on business or has branch office or personally works for gain at the time of institution of complaint. This is applicable for both District forum and State Commission.
- If there are more than one opposite party, then in such case either the permission of the District Forum in case of District forum is given and permission of State commission in case of State Commission is given, or the opposite parties who do not reside, or carry on business or have a branch office, or personally work for gain, as the case may be, acquiesce in such institution.
- National Commission has jurisdiction to entertain appeals against the orders of any State Commission.

## COURT FEE

### DISTRICT FORUM

Sl. No.	Total Value of goods or services and the compensation claimed	Amount of fee payable
1	Upto one lakh rupees – For complainants who are under the Below Poverty Line holding Antyodaya Anna Yojana Cards	NIL

<b>2</b>	Upto one lakh rupees – For complainants other than Antyodaya Anna Yojana card holders.	Rs. 100
<b>3</b>	Above one lakh and upto five lakh rupees	Rs. 200
<b>4</b>	Above five lakh and upto ten lakh rupees	Rs. 400
<b>5</b>	Above ten lakh and upto twenty lakh rs.	Rs. 500

### **STATE COMMISSION**

<b>Sl. No.</b>	<b>Total Value of goods or services and the compensation claimed</b>	<b>Amount of fee payable</b>
<b>1</b>	Above twenty lakh and upto fifty lakh rupees	Rs.2000
<b>2</b>	Above fifty lakh and upto one crore rupees	Rs.4000

### **NATIONAL COMMISSION**

<b>Sl. No.</b>	<b>Total Value of goods or services and the compensation claimed</b>	<b>Amount of fee payable</b>
<b>1</b>	Above one crore rupees	Rs.5000

### **ACT**

#### **The Consumer Protection Act, 1986**

The link given below will lead the consumers to the act

[http://ncdr.nic.in/bare\\_acts/Consumer%20Protection%20Act-1986.html](http://ncdr.nic.in/bare_acts/Consumer%20Protection%20Act-1986.html)

#### **The Consumer Protection Bill, 2018**

[http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/1\\_2018\\_LS\\_Eng.pdf](http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/1_2018_LS_Eng.pdf)

It is a BILL to provide for protection of the interests of consumers and for the said purpose, to establish authorities for timely and effective administration and settlement of consumers' disputes and for matters connected therewith or incidental thereto

## **CONFONET (Computerization and Computer Networking of consumer Forums in Country)**

Confonet stands for Computerization and Computer Networking of Consumer Fora in Country. It is an internet based Case Monitoring System developed for automating the work flow of the consumer forums, starting from case registration until announcement of judgment .The project aims at improving operational efficiency, co-ordination, accessibility, and speed in judicial administration and to set Information Communication Technology (ICT) infrastructure at Consumer Redressal forums all over India. It also aims at providing E-Governance.

The Case Monitoring System under the ConfoNet provides automation of all the activities undertaken at the Consumer Forums at the National, State and District Levels. The registration of complaints, recording of court proceedings, issue of notices, generation of cause lists, recording of judgments, record-keeping and generation of statistical reports and all other court related activities are carried out through the standardized software.

Click on the link given below to know more about ConfoNet

<http://confonet.nic.in/default.htm>

### **FAQ's**

1. Who is a Consumer?
2. A Consumer is a person who purchases a product or avails a service for a consideration, either for his personal use or to earn his livelihood by means of self employment. The consideration may be: a) Paid b) Promised c) Partly paid and partly promised. It also includes a beneficiary of such goods/services when such use is made with the approval of such person.
3. Who is not a Consumer?  
A person is not a consumer if he/she purchases any goods or avails any service free of charge; purchases a good or hires a service for commercial purpose; avails any service under contract of service.
4. What are Goods?  
“Goods” means every kind of movable property other than actionable claims and money, and includes stock and shares, growing crops, grass and things attached to or forming part of the land, which are agreed to be severed before sale or under the contract of the sale.
5. What is a Defect?  
“Defect” means any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for time being in force or

under any contract, express or implied, or as is claimed by the trader in any manner whatsoever in relation to any goods.

6. What are Services?

“Service” means service of any description which is made available to potential users and include, but not limited to, the provision of facilities in connection with banking, financing, insurance, transport, processing, supply of electrical or other energy, board or lodging or both, housing construction, entertainment, amusement or the purveying of news or other information, but does not include the rendering of any service free of charge or under a contract of personal services.

For further queries visit the link given below

<http://consumerhelpline.gov.in/ConsumerCourt.pdf>

**REFERENCE**

<https://www.lawctopus.com/academike/consumer-dispute-redrsal-agencies/>

<https://gama.gov.in/ConsumerGrivences.aspx>

[http://ncdrc.nic.in/bare\\_acts/Consumer%20Protection%20Act-1986.html](http://ncdrc.nic.in/bare_acts/Consumer%20Protection%20Act-1986.html)

[http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/1\\_2018\\_LS\\_Eng.pdf](http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/1_2018_LS_Eng.pdf)

<http://consumerhelpline.gov.in/ConsumerCourt.pdf>

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