

Consumer protection act



THE CONSUMER PROTECTION ACT, 1986 Though consumer is the purpose and most powerful motivating force of production, yet at the same time consumer is equally vulnerable segment of the whole marketing system. Attempts have been made to guard the interest of the consumer in a sporadic way till 1986, when Government of India enacted a comprehensive legislation-Consumer Protection Act, to safe guard the interest of the consumer than ever before.

The Consumer Protection Act, 1986, applies to all goods and services, excluding goods for resale or for commercial purpose and services rendered free of charge and under a contract for personal service. The provisions of the Act are compensatory in nature. It covers public, private, joint and cooperative sectors. The Act enshrines the rights of the consumer such as right to safety, right to be informed, right to be heard, and right to choose, right to seek redressal and right to consumer education.

Consumer: A consumer is any person who buys any goods for a consideration and user of such goods where the use is with the approval of buyer, any person who hires/avails of any service for a consideration and any beneficiary of such services, where such services are availed of with the approval of the person hiring the service. The consumer need not have made full payment. Goods: Goods mean any movable property and also include shares, but do not include any auction able claims.

Service: Service of any description such as banking, insurance, transport, processing, housing construction, supply of electrical energy, entertainment, board or lodging. Nature of complaint: a) Any unfair trade practice or restrictive trade practice adopted; by the trader b) Defective goods

b) Deficiency in service c) Excess price charged ; by the trader
d) Unlawful goods sale, which is hazardous to life and safety when used

Consumer Courts: A three-tier-system a) National Consumer Dispute Redressal Commission: claims above Rs. 0 lakh (a) Consumer Dispute Redressal Commission or State Commission: Claims from Rs 5 to 20 lakh.

(a) Consumer Dispute Redressal Forum or District Forum: Claims upto Rs 5 Lakh
Complaint: A complaint, hand written or typed, can be filed by a consumer, a registered consumer organisation, central or state Government and one or more consumers, where there are numerous consumers having the same interest. No stamp or court fee is needed. The nature of complaint must be clearly mentioned as well as the relief sought by the consumer. It must be in quadruplicate in district forum or state commission.

Else, additional copies are required to be filed. Grant of relief: (a) Repair of defective goods (b) Replacement of defective goods (c) Refund of the price paid for the defective goods or service (d) Removal of deficiency in service (e) Refund of extramoney charged (f) Withdrawal of goods hazardous to life and safety (g) Compensation for the loss or injury suffered by the consumer due to negligence of the opposite party (h) Adequate cost of filing and pursuing the complaint Normally, complaints should be decided within 90 days from the date of notice issued to the opposite party.

Where a sample of any goods is required to be tested, a complaint is required to be disposed of within 150 days; it may take more time due to practical problems. Consumer Protection Councils: Councils have been setup in all states and at the center to promote and protect the rights and interest

of consumers. These councils are advisory in nature and can play important role in recommending consumer oriented policies to the state and central Government.