

Maharashtra State Board 12th Organisation of Commerce and Management Solutions Chapter 7 Consumer Protection

1. (A) Select the correct options and rewrite the sentence

Question 1.

In India, the Consumer Protection Act was initiated in the year

- (a) 1947
- (b) 1989
- (c) 1986

Answer:

- (c) 1986

Question 2.

The President of District Commission is a

- (a) District Judge
- (b) High Court Judge
- (c) Supreme Court Judge

Answer:

- (a) District Judge

Question 3.

The main objective of the consumer organization is to protect the interest of the

- (a) consumer
- (b) trader
- (c) producer

Answer:

- (a) consumer

Question 4.

..... is the highest authority to settle the consumer dispute under Act.

- (a) State Commission
- (b) National Commission
- (c) District Commission

Answer:

- (b) National Commission

Question 5.

The Government has established to settle the consumer disputes by compromise.

- (a) District Commission
- (b) Lok Adalat
- (c) Consumer organisation

Answer:

- (b) Lok Adalat

Question 6.

National Commission has members.

- (a) 2
- (b) 3
- (c) 4

Answer:

- (c) 4

Question 7.

District Commission entertains complaints of consumer for compensation which is less than

- (a) one crore
- (b) ten lacs
- (c) ten crore

Answer:

- (a) one crore

Question 8.

..... is celebrated as World Consumer Day.

- (a) 24th December
- (b) 26th January
- (c) 15th March

Answer:

(c) 15th March

Question 9.

In modern competitive market, consumer is regarded as the

- (a) King
- (b) Agency
- (c) Owner

Answer:

(a) King

1. (B) Match the pairs

Question 1.

Group A	Group B
(A) King of the market	(1) 1930
(B) National Commission	(2) Socialist
(C) Mumbai Grahak Panchayat	(3) Exceeds Rs ten crore
(D) Sale of Goods Act	(4) Non-Government Organisation
(E) Consumer Right	(5) Consumer
	(6) Legislative Measures
	(7) Exceeds Rs one crore but does not exceed Rs ten crore.
	(8) 1956
	(9) Consumer Protection Act
	(10) Right to Information

Answer:

Group A	Group B
(A) King of the market	(5) Consumer
(B) National Commission	(3) Exceeds Rs ten crore
(C) Mumbai Grahak Panchayat	(4) Non-Government Organisation
(D) Sale of Goods Act	(1) 1930
(E) Consumer Right	(10) Right to Information

1. (C) Give one word/phrase/term for the following statement

Question 1.

The commission which entertains case where the value of the goods or services paid as consideration does not exceed Rs one crore.

Answer:

District Commission

Question 2.

A legal action initiated in a court of law regarding a matter of general public interest.

Answer:

Public Interest Litigation

Question 3.

Organizations which aim at promoting the welfare of the people.

Answer:

Non-Government Organizations

Question 4.

The right of consumer which is about safety and protection to his life and health.

Answer:

Right to Safety

Question 5.

One who consumes or uses any commodity or service.

Answer:

Consumer.

1. (D) State whether the following statements are True or False

Question 1.

The seller has to recognize the rights of Consumer.

Answer:

True

Question 2.

Consumer Protection Act provides protection to the producer.

Answer:

False

Question 3.

Consumer Protection Act is not required in India.

Answer:

False

Question 4.

Lok Adalat can rightly be described as "People's Court".

Answer:

True

Question 5.

Consumer, being the king of market, does not have any responsibility.

Answer:

False

1. (E) Find the odd one

Question 1.

District Commission, State Commission, NGO, National Commission.

Answer:

NGO

Question 2.

District Judge, High Court Judge, Commissioner, Supreme Court Judge.

Answer:

Commissioner

1. (F) Complete the sentences

Question 1.

National Commission is to be established by Government.

Answer:

Centred

Question 2.

Any person who does not agree with the decision of District Commission can appeal to the

Answer:

State Commission

Question 3.

State commission has members.

Answer:

four

Question 4.

The President of National Commission is judge.

Answer:
Supreme Court

Question 5.

National Commission entertains complaints of consumer for compensation that exceeds Rs

Answer:
ten crore

Question 6.

The Consumer Protection Act established tier quasi judicial system for consumer protection.

Answer:
three

1. (G) Select the correct option and complete the following table

(High Court Judge, Four, Consumer Organisations, does not exceeds Rs one crore, 2019)

	Group A	Group B
A.	Amount of compensation in District Commission	_____
B.	_____	State Commission
C.	Consumer Protection Act	_____
D.	_____	Non-profit and non Political organisation
E.	Members of National Commission	_____

Answer:

	Group A	Group B
A.	Amount of compensation in District Commission	Does not exceed Rs one crore
B.	High Court Judge	State Commission
C.	Consumer Protection Act	2019
D.	Consumer Organisations	Non-profit and non Political organisation
E.	Members of National Commission	4

1. (H) Answer in one sentence

Question 1.

When do we observe a National Consumer Day?

Answer:
On 24th December every year we observe a National Consumer Day.

Question 2.

Who is a consumer?

Answer:
A consumer means any person who buys any goods, hires any service or services for a consideration which has been paid or promised to be paid in future or under any system of deferred payment.

Question 3.

What information should one check before buying a product?

Answer:
Before buying a product the consumer should enquire about the quality, quantity, price, utility of goods and services, etc.

Question 4.

Which forum is set up at the national level for redressal of consumer complaints?

Answer:
National Consumer Disputes Redressal Commission or National Commission is set up at the national level for redressal of consumer complaints.

Question 5.

Who shall be appointed as President of National Commission?

Answer:

A person, who is or has been a Judge of the Supreme Court, shall be appointed by the Central Government as the President of National Commission in consultation with Chief Justice of India.

Question 6.

When do we observe World Consumer's Rights Day?

Answer:

On 15th March every year we observe World Consumer's Rights Day.

1. (I) Arrange in proper order

Question 1.

National Commission, District Commission, State Commission.

Answer:

District Commission, State Commission, National Commission.

Question 2.

District Judge, Supreme Court Judge, High Court Judge.

Answer:

District Judge, High Court Judge, Supreme Court Judge.

1. (J) Correct the underlined word and rewrite the sentence

Question 1.

An appeal can be filed against the order of the National Commission to the State forum.

Answer:

Supreme Court

Question 2.

National Commission is established by the State Government.

Answer:

Central Government

Question 3.

District Commission is also referred as People's Court.

Answer:

Lok Adalat

Question 4.

In India, sellers are widely dispersed and are not united.

Answer:

consumers

Question 5.

National Commission entertains complaints where the value of the goods or services paid as consideration does not exceed Rs one crore.

Answer:

District Commission.

2. Explain the following term/concept:

Question 1.

District Commission.

Answer:

(1) Meaning : A consumer redressal agency established by the State Government in each district to give relief or settle the disputes of consumers who complain against manufacturers or traders, is called District Commission.

(2) Territorial Jurisdiction : District Commission can exercise its jurisdiction within the limits of its district.

(3) Monetary jurisdiction : District Commission has the jurisdiction to entertain complaints where the value of goods and services, including compensation, if any, does not exceed Rs 1 crore.

(4) Appeal : Any person not satisfied with the order of District Commission can appeal against it to the State Commission within 45 days from the date of the order in such form and manner may be prescribed.

Question 2.

National Commission.

Answer:

Meaning : A consumer disputes redressal agency at the national level established by the Central Government by notification is known as National Commission. It is also called as National Consumer Disputes Redressal Commission.

Composition : The National Commission shall consist of:

(a) President: A person who is or has been a Judge of the Supreme Court to be appointed by the Central Government as President of National Commission. Such appointment shall be made after consultation with the Chief Justice of India.

(b) Tenure : Every member of the National Commission shall hold office for a term of 5 years or up to the age prescribed whichever is earlier.

Question 3.

State Commission.

Answer:

Meaning : A consumer disputes redressal agency at state level established by each State Government is known as State Commission.

Composition : Each State Commission shall consist of:

(a) President : A person who is or has been a Judge of a High Court, shall be appointed by the State Government as the president of the State Commission in consultation with the Chief Justice of the High Court.

(b) Members : The number of other members shall not be less than 4 or not more than such number of members as may be prescribed in consultation with the Central Government.

(c) Tenure : Every member of the state commission shall hold office for a term of 5 years or up to the age of 67 years whichever is earlier.

Question 4.

Lok Adalat.

Answer:

Lok Adalat : Lok Adalat, i.e. People's Court is established by the government to settle the disputes by compromise. It is the effective and economical system for quick redressal of public complaints and grievances. In this system the aggrieved party can directly approach the Lok Adalat with his complaint. In Lok Adalat, issues are discussed immediately and decisions are taken without delay.

The order passed by the Lok Adalat is given statutory recognition. In public sector, some organisations such as Railways, Maharashtra State Electricity Distribution Co. Ltd (MSEDCL). Maharashtra State Road Transport Corporation (MSRTC), Insurance Companies, Banks, etc. regularly hold Lok Adalat to resolve consumer's problems through compromise.

Question 5.

Janhit Yachika.

Answer:

Public Interest Litigation (Janahit Yachika) : As name indicates it is a legal action initiated in a court of law in regard to a matter of general public interest. Under this, any person can approach a court of law in the interest of the public and ask for justice. It does not involve individual interest but interest of unrepresented groups of the society. After studying and verifying the case, the court gives justice which will benefit the specific group of society or entire society. It can be filed by any party which may not be related to grievance. In some cases Janahit Yachika can be filed in the High Court as well as in Supreme Court directly.

3. Study the following case/situation and express your opinion

Question 1.

Mr. Ashok visited a shop to buy a pair of shoes for Rs 700. The salesman forced him to buy a pair of bigger size shoes of ordinary company by claiming this size would be suitable to him. After reaching home, he discovered that shoes are still too big for him. He complained about the shoes to the shopkeeper. It was denied by the shopkeeper to replace the shoes despite of availability of stock. In above case-

(i) Which right has been violated?

(ii) Comment on the right which has been violated.

(iii) Where can Mr. Ashok file his complaint?

Answer:

(i) In the above case, Right to Choose has been violated.

(ii) In India, the choices are available to consumers to select goods and different services like telecommunications, travel and tourism, banking, electronics, consumer goods, etc. According to right to choose, consumer should be given full liberty to select an article as per his requirements, liking and purchasing capacity. The seller cannot force or compel the customer to buy specific product or service. In this manner monopoly is avoided and prevented.

(iii) According to the Right to be Heard, Mr. Ashok can lodge complaint to the consumer forum. Mr. Ashok can also file online complaint through portal or mobile applications to the trader as well as to the appropriate consumer commission or forum.

Question 2.

Mrs. Meera a resident of Nagpur District bought a washing machine worth Rs 50,000 without cash memo with a warranty period of 2 years. After 1.5 years she noticed some defect and asked the company to repair or replace it. The company did not accept her complaint despite of the defective product.

In the above case,

- (i) Suggest suitable redressal machinery to protect her right.
- (ii) If she is not satisfied with the decision given by redressal machinery, where should she appeal?
- (iii) What was the negligence of Mrs. Meera while buying the washing machine?

Answer:

(i) According to Right to Redressal, Mrs. Meera should file complaint for fair settlement of claim. This right enables Mrs. Meera to demand repair or replacement or compensation for defective product i.e., in above case washing machine supplied. Three tier quasi-judicial consumer dispute redressal machinery is established for the settlement of claim. Mrs. Meera can file complaint in District Commission established in her district as the value of machinery does not exceed Rs 1 crore.

(ii) If Mrs. Meera is not satisfied with the order or judgement given by District Commission, then she can appeal against such order to State Commission within 45 days from the date of such order, in such form and manner as may be prescribed.

(iii) Mrs. Meera did not collect or ask for cash memo and guarantee/warranty card for a period of 2 years as soon as she purchased the washing machine worth Rs 50,000.

4. Distinguish between

Question 1.

District Commission and State Commission

Answer:

	District Commission	State Commission
1. Meaning	A consumer disputes redressal agency at the district level established by the State Government is known as District Commission.	A consumer disputes redressal agency at the state level established by the State Government is known as State Commission.
2. President	A person who is or retired or qualified as a judge of a district court is appointed as president of the. District Commission.	A person who is or retired as a judge of a High Court is appointed as president of State Commission
3. Membership tenure	Every member of District Commission shall hold office for a term of 5 years or up to the age of 65 years whichever is earlier.	Every member of State Commission shall hold office for a term of 5 years or up to the age of 67 years whichever is earlier.
4. Area covered	It has jurisdiction over a particular District.	It has jurisdiction over a particular State.
5. Monetary jurisdiction	It has the jurisdiction to entertain complaints where the value of goods or services, including compensation, if any, does not exceed Rs 1 crore.	It has the jurisdiction to entertain complaints where the value of goods or services, including compensation, if any, exceeds Rs 1 crore but does not exceed Rs 10 crore.
6. Appeal	Any person not satisfied with the order of District Commission can appeal against such order to the State Commission within 30 days of the order.	Any person not satisfied with the order of the State Commission can appeal against such order to the National Commission within 30 days of the order.

Question 2.

State Commission and National Commission

Answer:

	State Commission	National Commission
1. Meaning	A consumer disputes redressal agency at the state level established by each State Government is known as State	A consumer disputes redressal agency at the national level established by the Centred Government is known as National

	Commission.	Commission.
2. President	A person who is or retired or qualified as a judge of a High Court is appointed as president of State Commission.	A person who is or retired as a judge of a Supreme Court is appointed as president of National Commission.
3. Membership Tenure	Every member of District Commission shall hold office for a term of 5 years or up to the age of 65 years whichever is earlier.	Every member of State Commission shall hold office for a term of 5 years or up to the age of 67 years whichever is earlier.
4. Area covered	It has jurisdiction over a particular State.	It has jurisdiction over the entire nation
5. Monetary jurisdiction	It has the jurisdiction to entertain complaints where the value of goods or services, including compensation, if any, exceeds Rs 1 crore, but does not exceed Rs 10 crore	It has the monetary jurisdiction to entertain complaints where the value of goods and services, including compensation, if any, exceeds Rs 10 crore.
6. Appeal	Any person not satisfied with the order of District Forum can appeal against such order to the State Commission within 30 days of the order.	Any person not satisfied with the order of the National Commission may appeal against such order to the Supreme Court within a period of 30 days from the date of the order.

Question 3.

District Commission and National Commission

Answer:

	District Commission	National Commission
1. Meaning	A consumer disputes redressal agency at the district level established by the State Government is known as District Commission.	A consumer disputes redressal agency at the national level established by Central Government is known as National Commission.
2. Nature of complaint	It can entertain only original cases which are within the local limits of district.	It can entertain original cases as well as appeals against the order of State Commission which are within the geographical limits of the entire nation.
3. Membership Tenure	Every member of District Forum shall hold office for a term of 5 years or up to the age of 65 years whichever is earlier	Every member of National Commission shall hold office for a term of 5 years or up to the age prescribed whichever is earlier.
4. Area covered	It has jurisdiction over a particular district.	It has jurisdiction over the entire nation.
5. Monetary jurisdiction	It has the jurisdiction to entertain complaints where the value of goods and services, including compensation, if any, does not exceed Rs 1 crore.	It has the jurisdiction to entertain complaints where the value of goods and services, including compensation, if any, exceeds Rs 10 crore.
6. Appeal	Any person not satisfied with the order of District Commission can appeal against such order to the State Commission within 30 days of the order.	Any person not satisfied with the order of National Commission can appeal against such order to the Supreme Court within a period of 30 days from the date of the order.

5. Answer in brief

Question 1.

Explain any four needs of consumer protection.

Answer:

The need of consumer protection is explained as follows:

(1) Need of participation of consumers : It is noticed that most of the organisations or manufacturing companies take certain decisions which directly or indirectly affect the consumers' interest without consulting them or their organisations. This leads to consumer exploitation. Only a Strong consumers' organisation can force business organisations to allow consumers to participate in the decision-making process.

(2) Lack of information : Today consumers live in a dynamic and complex world. Due to vast distance between manufacturer and consumer, it is very difficult to establish direct contact between them. Now market is fully flooded with domestic as well as foreign products due to globalisation and liberalisation. However, it is very difficult for the consumer to get correct and reliable information about the products before they are purchased. He has to rely on trial and error method or on advertisements. In both the cases chances of consumer exploitation cannot be denied.

(3) Ignorance : One of the important causes of consumer exploitation is ignorance of consumers. In India, consumers are mostly ignorant about their rights, market conditions, price levels, product details, etc. Many a time consumers are not aware that they are being cheated by the sellers. An appropriate system is required to protect consumers from business malpractices.

(4) Unorganised consumers : The consumers are widespread and unorganised. Moreover, they are not united. Hence, they are easily exploited by the producers and sellers. Sellers are in better position as compared to unorganised consumers. An individual consumer cannot fight against the powerful manufacturers or sellers.

Question 2.

State any four rights of the consumer.

Answer:

The rights of consumers are explained as follows:

(1) Right to Safety : The right to safety means the right to be protected against products, production processes and services which are hazardous to consumer's lives or health and property. It includes consumer's long term interest and immediate requirements. This right demands that consumer must get full safety and protection to his/her life and health in relation to medicines, food, electrical appliances, etc. AGMARK, ISI – Indian Standard Institute, BIS – Bureau of Indian standards, Hallmark, etc. are the safety standards prescribed by the Government of India (GOI).

(2) Right to Information : The consumer has a right to get correct and adequate information of all aspects of goods and services like price, name of manufacturer, contents used, batch number, date of manufacture and expiry date, use manual and safety instructions, etc. This information helps the consumers to make right choice of goods and services. This right is applicable to medicines, food products, spare parts and other consumer products or services.

(3) Right to Choose : According to this right, the consumer has full freedom to select or choose the product or service as per his/her liking, requirement and purchasing capacity. The seller cannot force a consumer to purchase a particular product. This right aims at removing monopoly. The choices available to consumers in India include goods and different services such as telecommunications, travel and tourism, banking, electronics, Fast Moving Consumer Goods (FMCG) etc.

(4) Right to Be Heard : It is the responsibility of every business organisation to listen and solve difficulties, complaints and grievances of the consumers. This right gives an opportunity to the consumers to express and voice their complaints to the consumer forum. The consumers also have rights to give suggestions to the manufacturer as well as to the trader on the quality, quantity, price, packaging, etc. of the products they use. Nowadays consumers can file online complaints through portal or mobile applications.

Question 3.

Explain any four responsibilities of the consumer.

Answer:

The responsibilities of the consumer are explained as follows:

(1) Consumer should use his rights : The consumers have many rights in respect to the goods and services they purchase. They must be aware of their rights while buying the products. They can use their rights if they are misled by advertisement or get faulty or defective articles.

(2) Cautious consumer : The consumers should be alert while dealing with the trader. They should be aware of their responsibilities while buying goods and services. Before buying any product or service, the consumer should make detail enquiry about the quality, quantity available, price, date of manufacture, expiry date, utility of goods and services, etc.

(3) Filing of complaint : If consumer has complaint about the products or services he has purchased, he should immediately approach the officer concerned and lodge complaints about the products or services. A delay in making complaints loses the rights and results in expiry of guarantee or warranty. If consumers ignore the dishonest acts of the traders, it may indirectly amount to encouragement to unethical business practices.

(4) Quality conscious : It is the responsibility of the consumers to buy quality goods. They should never compromise on the quality of goods. They should never buy inferior goods out of greed at lesser prices. For such behaviour of consumers, there is no protection. It is the responsibility of the consumer to ensure about the quality symbols like, ISI, AGMARK, Hallmark, Fruit Products Order (FPO), Food Safety and Standards Authority of India (FSSAI), etc. These are indicative of the good quality of the goods.

Question 4.

State the role of NGO in consumer protection.

Answer:

The role of Non-Government Organisations (NGOs) in consumer protection is explained as follows:

- (1) NGOs organise campaigns and various programmes on consumer issues to create social awareness.
- (2) They initiate and organise training programmes for the consumers and make them : aware and conscious of their rights and various modes of redressal of their grievances.
- (3) They publish journals and periodicals at regular interval to make the consumers understand and keep them informed about various consumer) related developments.
- (4) They provide legal advice free of charge to the members on the matters of consumer interest and help them to put up grievances before appropriate authority.
- (5) NGO's active members interact (communicate) with the businessmen and Chambers of Commerce and Industry for ensuring better deal for the consumers.

6. Justify the following statements

Question 1.

The Consumer Protection Act was passed in the interest of consumers.

Answer:

(1) The Consumer Protection Act came into force from 1986. Thereafter the Ministry of Law and Justice proposed new act in 2019. The Act has for the first time recognised six rights of the consumer:

- the right to be protected against marketing of hazardous goods
- the right to be informed about the price and features of goods
- the right to make a choice out of a variety of goods
- the right to make a complaint against unsatisfactory goods
- the right to seek redressal against unfair trade practices
- the right to consumer education. All the above rights are in the interest of the consumer and not the seller.

(2) The Act has made provision for the establishment of Consumer Protection Councils at the central and state levels for promoting and protecting these rights.

(3) The Act has created a quasi-judicial machinery consisting of the District Commission, State Commission and National Commission to entertain complaints and to give fair justice to the aggrieved consumers. The Act prescribes punishment of imprisonment not less than one month which may extend to 3 years and a fine which shall not be less than ? 25,000 which may extend to Rs 1 lakh or with both for guilty person.

(4) The strict enforcement of these rights creates a competition among the sellers. Consequently, the consumers get quality goods at fair prices. The government has also adopted various measures for creating public awareness about the rights of consumers. Various programmes are shown on television channels as well as programmes are broadcasted by All India to educate consumers.

Question 2.

Consumers have many responsibilities.

Answer:

The responsibilities of the consumer are explained as follows:

(1) Consumer should use his rights : The consumers have many rights in respect to the goods and services they purchase. They must be aware of their rights while buying the products. They can use their rights if they are misled by advertisement or get faulty or defective articles.

(2) Cautious consumer : The consumers should be alert while dealing with the trader. They should be aware of their responsibilities while buying goods and services. Before buying any product or service, the consumer should make detail enquiry about the quality, quantity available, price, date of manufacture, expiry date, utility of goods and services, etc.

(3) Filing of complaint : If consumer has complaint about the products or services he has purchased, he should immediately approach the officer concerned and lodge complaints about the products or services. A delay in making complaints loses the rights and results in expiry of guarantee or warranty. If consumers ignore the dishonest acts of the traders, it may indirectly amount to encouragement to unethical business practices.

(4) Quality conscious : It is the responsibility of the consumers to buy quality goods. They should never compromise on the quality of goods. They should never buy inferior goods out of greed at lesser prices. For such behaviour of consumers, there is no protection. It is the responsibility of the consumer to ensure about the quality symbols like, ISI, AGMARK, Hallmark, Fruit Products Order (FPO), Food Safety and Standards Authority of India (FSSAI), etc. These are indicative of the good quality of the goods.

(5) Beware from exaggerated advertisement: The sellers always provide various information of the products or services through advertisements to buyers. Many a time they exaggerate the facts in their advertisements. It is the responsibility of the consumers to find out or identify the truth of advertisement and then buy the products, or services.

Question 3.

Aim of consumer organization is to protect the rights of the consumers.

Answer:

The role of Non-Government Organisations (NGOs) in consumer protection is explained as follows:

(1) NGOs organise campaigns and various programmes on consumer issues to create social awareness.

(2) They initiate and organise training programmes for the consumers and make them : aware and conscious of their rights and various modes of redressal of their grievances.

(3) They publish journals and periodicals at regular interval to make the consumers understand and keep them informed about various consumer related developments.

(4) They provide legal advice free of charge to the members on the matters of consumer interest and help them to put up grievances before appropriate authority.

(5) NGO's active members interact (communicate) with the businessmen and Chambers of Commerce and Industry for ensuring better deal for the consumers.

(6) They file Public Interest Litigation (Janhit Yachika) on important consumer issues like ban on a product or medicine injurious to public health. They also file cases in the court of law to safeguard the rights and protect the interest of general public.

(7) Few examples of NGOs working for the consumers are : Consumer Guidance Society of India (CGSI), Voluntary Organisation in Interest of Consumer Education (VOICE), Consumer Education and Research Centre (CERC), Consumers Association of India (CAI), Mumbai Grahak Panchayat (MGP), Grahak Shakti (GS), etc.

7. Attempt the following

Question 1.

State rights of the consumer.

Answer:

The rights of consumers are explained as follows:

(1) Right to Safety : The right to safety means the right to be protected against products, production processes and services which are hazardous to consumer's lives or health and property. It includes consumer's long term interest and immediate requirements. This right demands that consumer must get full safety and protection to his/her life and health in relation to medicines, food, electrical appliances, etc. AGMARK, ISI – Indian Standard Institute, BIS – Bureau of Indian standards, Hallmark, etc. are the safety standards prescribed by the Government of India (GOI).

(2) Right to Information : The consumer has a right to get correct and adequate information of all aspects of goods and services like price, name of manufacturer, contents used, batch number, date of manufacture and expiry date, use manual and safety instructions, etc. This information helps the consumers to make right choice of goods and services. This right is applicable to medicines, food products, spare parts and other consumer products or services.

(3) Right to Choose : According to this right, the consumer has full freedom to select or choose the product or service as per his/her liking, requirement and purchasing capacity. The seller cannot force a consumer to purchase a particular product. This right aims at removing monopoly. The choices available to consumers in India include goods and different services such as telecommunications, travel and tourism, banking, electronics, Fast Moving Consumer Goods (FMCG) etc.

(4) Right to Be Heard : It is the responsibility of every business organisation to listen and solve difficulties, complaints and grievances of the consumers. This right gives an opportunity to the consumers to express and voice their complaints to the consumer forum. The consumers also have rights to give suggestions to the manufacturer as well as to the trader on the quality, quantity, price, packaging, etc. of the products they use. Nowadays consumers can file online complaints through portal or mobile applications.

(5) Right to Consumer Education : The consumers have right to know about consumer rights and solutions to their problems. This is to create awareness among the consumers to make rational choice of goods and services and to protect themselves from the exploitation of unscrupulous (dishonest) businessmen. In this regard, the government, media and various Non-Government Organisations (NGOs) can play an important role to create awareness among the consumers and to educate them, e.g. Jago Grahak Jago campaign.

(6) Right to Represent : The Consumer Protection Act, 2019 gave an opportunity to individual consumer as well as to consumer groups to be represented by a person who is not professional advocate for consumer's interest or complaint before consumer forum. This provision made in the Act in recognition of consumers' right to represent.

Question 2.

State responsibilities of the consumer.

Answer:

The responsibilities of the consumer are explained as follows:

(1) Consumer should use his rights : The consumers have many rights in respect to the goods and services they purchase. They must be aware of their rights while buying the products. They can use their rights if they are misled by advertisement or get faulty or defective articles.

(2) Cautious consumer : The consumers should be alert while dealing with the trader. They should be aware of their responsibilities while buying goods and services. Before buying any product or service, the consumer should make detail enquiry about the quality, quantity available, price, date of manufacture, expiry date, utility of goods and services, etc.

(3) Filing of complaint : If consumer has complaint about the products or services he has purchased, he should immediately approach the officer concerned and lodge complaints about the products or services. A delay in making complaints loses the rights and results in expiry of guarantee or warranty. If consumers ignore the dishonest acts of the traders, it may indirectly amount to encouragement to unethical business practices.

(4) Quality conscious : It is the responsibility of the consumers to buy quality goods. They should never compromise on the quality of goods. They should never buy inferior goods out of greed at lesser prices. For such behaviour of consumers, there is no protection. It is the responsibility of the consumer to ensure about the quality symbols like, ISI, AGMARK, Hallmark, Fruit Products Order (FPO), Food Safety and Standards Authority of India (FSSAI), etc. These are indicative of the good quality of the goods.

(5) Beware from exaggerated advertisement: The sellers always provide various information of the products or services through advertisements to buyers. Many a time they exaggerate the facts in their advertisements. It is the responsibility of the consumers to find out or identify the truth of advertisement and then buy the products, or services.

(6) Demand of Invoice and Guarantee, Warranty Card : After purchasing the products, the consumer should ask for cash memo, guarantee or warranty card. The consumer should read and understand the contents of guarantee or warranty card. He should preserve the cash memo and guarantee or warranty card. If the products purchased are of inferior quality or become defective these cards are useful to settle the disputes and claim compensation or replacement of articles.

(7) Pre-planned buying : It is the responsibility of the consumer to make proper planning before buying any product. He should make an estimate of products they want to buy and quantity required, money to spend, etc. He should also decide in advance from which place to buy the products. He should not buy any product in a hurry or without thought.

(8) Organised efforts : The consumer is expected to shoulder the responsibility to promote and protect the interests of his own and other consumers. He should join the group or organisation which is working for the welfare of consumers. It is the responsibility of every consumer to unite for the welfare of all the consumers.

Question 3.

State the need of consumer protection.

Answer:

The need of consumer protection is explained as follows:

(1) Need of participation of consumers : It is noticed that most of the organisations or manufacturing companies take certain decisions which directly or indirectly affect the consumers' interest without consulting them or their organisations. This leads to consumer exploitation. Only a Strong consumers' organisation can force business organisations to allow consumers to participate in the decision-making process.

(2) Lack of information : Today consumers live in a dynamic and complex world. Due to vast distance between manufacturer and consumer, it is very difficult to establish direct contact between them. Now market is fully flooded with domestic as well as foreign products due to globalisation and liberalisation. However, it is very difficult for the consumer to get correct and reliable information about the products before they are purchased. He has to rely on trial and error method or on advertisements. In both the cases chances of consumer exploitation cannot be denied.

(3) Ignorance : One of the important causes of consumer exploitation is ignorance of consumers. In India, consumers are mostly ignorant about their rights, market conditions, price levels, product details, etc. Many a time consumers are not aware that they are being cheated by the sellers. An appropriate system is required to protect consumers from business malpractices.

(4) Unorganised consumers : The consumers are widespread and unorganised. Moreover, they are not united. Hence, they are easily exploited by the producers and sellers. Sellers are in better position as compared to unorganised consumers. An individual consumer cannot fight against the powerful manufacturers or sellers.

(5) Spurious Goods : The consumers also face a major problem of duplicate goods. Some traders cheat the consumers by supplying them duplicate or defective goods of the popular brands. It is not possible for the consumers to find difference between genuine and duplicate product. It is therefore necessary to protect the consumers from such exploitation by fixing prescribed norms of quality and safety standards.

(6) Misleading advertising : Sometimes the advertisements of goods and services shown on television, in newspapers and magazines are misleading. They make tall claims about the benefits of the products but do not disclose the drawbacks. Most of the consumers are misled by the misleading advertisement and do not know the real and true quality of advertised products. Appropriate system or mechanism is required to prevent misleading advertisements.

(7) Malpractices of Businessmen : Many businessmen adopt fraudulent, unethical and monopolistic trade practices to earn more money. This leads to exploitation of consumers. Some times consumers get defective, inferior and substandard goods and services. Appropriate measures are necessary to protect the consumers against such malpractices.

(8) Trusteeship : The Gandhian philosophy states that businessmen are the trustees of the society's wealth. So they should not misuse the society's wealth for their own benefits. They should use the wealth of the society for the benefit of the people.

Question 4.

State the role of NGOs and consumer protection.

Answer:

The role of Non-Government Organisations (NGOs) in consumer protection is explained as follows:

(1) NGOs organise campaigns and various programmes on consumer issues to create social awareness.

(2) They initiate and organise training programmes for the consumers and make them : aware and conscious of their rights and various modes of redressal of their grievances.

(3) They publish journals and periodicals at regular interval to make the consumers understand and keep them informed about various consumer related developments.

(4) They provide legal advice free of charge to the members on the matters of consumer interest and help them to put up grievances before appropriate authority.

(5) NGO's active members interact (communicate) with the businessmen and Chambers of Commerce and Industry for ensuring better deal for the consumers.

(6) They file Public Interest Litigation (Janhit Yachika) on important consumer issues like ban on a product or medicine injurious to public health. They also file cases in the court of law to safeguard the rights and protect the interest of general public.

(7) Few examples of NGOs working for the consumers are : Consumer Guidance Society of India (CGSI), Voluntary Organisation in Interest of Consumer Education (VOICE), Consumer Education and Research Centre (CERC), Consumers Association of India (CAI), Mumbai Grahak Panchayat (MGP), Grahak Shakti (GS), etc.

Question 5.

State the composition and monetary jurisdiction of district commission.

Answer:

Composition : Each District Commission shall consist of-

- President : A person who is or has been a judge of a district court is appointed as president of the District Commission.
- Members : The number of other members shall not be less than 2 and not more than such number of members as may be prescribed in consultation with the Central Government.
- Tenure : President and every member of the District Commission shall hold office for a term of 5 years or up to the age of 65 years whichever is earlier.

Monetary jurisdiction : District Commission has the jurisdiction to entertain complaints where the value of goods and services, including compensation, if any, does not exceed Rs 1 crore.

Question 6.

State the composition and monetary jurisdiction of state commission.

Answer:

(2) Composition : Each State Commission shall consist of:

- President : A person who is or has been a Judge of a High Court, shall be appointed by the State Government as the president of the State Commission in consultation with the Chief Justice of the High Court.
- Members : The number of other members shall not be less than 4 or not more than such number of members as may be prescribed in consultation with the Central Government.
- Tenure : Every member of the state commission shall hold office for a term of 5 years or up to the age of 67 years whichever is earlier.

Monetary Jurisdiction : To entertain complaints where the value of the goods or services and compensation exceeds Rs 1 crore but is not more than Rs 10 crore.

Question 7.

State the composition and monetary jurisdiction of national commission.

Answer:

Composition : The National Commission shall consist of:

(a) President: A person who is or has been a Judge of the Supreme Court to be appointed by the Central Government as President of National Commission. Such appointment shall be made after consultation with the Chief Justice of India.

(b) Tenure : Every member of the National Commission shall hold office for a term of 5 years or up to the age prescribed whichever is earlier.

Monetary Jurisdiction : To entertain the complaints where the value of the goods or services and compensation exceeds Rs 10 crore.

8. Answer the following

Question 1.

Who is Consumer? Explain the rights of the consumers.

Answer:

[A] Meaning : The word 'consumer' is derived from the Latin word 'consumere' which means 'to eat or drink'. Accordingly consumer is one who consumes or uses any product or service available to him either from nature or through market. In other words, a consumer means any person who buys any product, hires any service or services for certain consideration in exchange of money which has been paid or promised to be paid in future for consumption or use and not for resale. For instance, if a businessman purchases furniture for selling it to the buyers, he is not a consumer. But if he buys a sofa set for his own use in his house, he becomes a consumer. We are all consumers when we use or consume foodgrains or use services like railways, hospitals, banks, etc.

[B] Rights of the Consumers : The rights of the consumers are shown:

Consumer Rights:

1. Right to Safety
2. Right to Information
3. Right to Choose
4. Right to be Heard
5. Right to Consumers Education
6. Right to Represent
7. Right to Redress
8. Right to Healthy
9. Environment
10. Right to Protect from Unfair Business Practices
11. Right against Spurious Goods

The rights of consumers are explained as follows:

1. Right to Safety : The right to safety means the right to be protected against products, production processes and services which are hazardous to consumer's lives or health and property. It includes consumer's long term interest and immediate requirements. This right demands that consumer must get full safety and protection to his/her life and health in relation to medicines, food, electrical appliances, etc. AGMARK, ISI – Indian Standard Institute, BIS – Bureau of Indian standards, Hallmark, etc. are the safety standards prescribed by the Government of India (GOI).

2. Right to Information : The consumer has a right to get correct and adequate information of all aspects of goods and services like price, name of manufacturer, contents used, batch number, date of manufacture and expiry date, use manual and safety instructions, etc. This information helps the consumers to make right choice of goods and services. This right is applicable to medicines, food products, spare parts and other consumer products or services.

3. Right to Choose : According to this right, the consumer has full freedom to select or choose the product or service as per his/her liking, requirement and purchasing capacity. The seller cannot force a consumer to purchase a particular product. This right aims at removing monopoly. The choices available to consumers in India include goods and different services such as telecommunications, travel and tourism, banking, electronics, Fast Moving Consumer Goods (FMCG) etc.

4. Right to Be Heard : It is the responsibility of every business organisation to listen and solve difficulties, complaints and grievances of the consumers. This right gives an opportunity to the consumers to express and voice their complaints to the consumer forum. The consumers also have rights to give suggestions to the manufacturer as well as to the trader on the quality, quantity, price, packaging, etc. of the products they use. Nowadays consumers can file online complaints through portal or mobile applications.

5. Right to Consumer Education : The consumers have right to know about consumer rights and solutions to their problems. This is to create awareness among the consumers to make rational choice of goods and services and to protect themselves from the exploitation of unscrupulous (dishonest) businessmen. In this regard, the government, media and various Non-Government Organisations (NGOs) can play an important role to create awareness among the consumers and to educate them, e.g. Jago Grahak Jago campaign.

6. Right to Represent : The Consumer Protection Act, 2019 gave an opportunity to individual consumer as well as to consumer groups to be represented by a person who is not professional advocate for consumer's interest or complaint before consumer forum. This provision made in the Act in recognition of consumers' right to represent.

7. Right to Redress : Right to redress implies fair settlement, just and reasonable claims of the consumers. In other words, consumer has the right to receive a fair amount of compensation or get the articles replaced or repaired free of cost for defective products and for poor services received from the manufacturer or trader. It is done through the Consumer Protection Act, 1986 under which District Commission, State Commission and National Commission are established. Thus, consumers are protected from cheating and malpractices.

8. Right to Healthy Environment: A consumer has a right to have a clean and healthy physical environment which is badly affected by pollution of noise, air and water. This is the direct effect of speedy industrialisation. Certain industries like chemicals, fertilisers, etc., add considerably to the pollution. As per this right, consumer can demand actions against such business organisations. Businessmen and companies must take suitable measures to control pollution. All consumers have right to clean and healthy environment in present as well as in the future.

9. Right to Protect against Unfair Business Practices : This right protects the consumers against any kind of unfair business practices. The consumers have right to reuse the voice against the unfair business practices adopted by any trader e.g. using false measurement (weights), hoarding or stocking products to create artificial scarcity, black marketing, profiteering, adulteration, charging exorbitant high prices, selling goods after their expiry dates, etc.

10. Right against Spurious Goods : This right is against the marketing of goods which are health hazards, spurious (false or not genuine) and pose a danger to life itself. This right protects public health and life.

Question 2.

Explain the ways and means of Consumer Protection.

Answer:

The ways and means of consumer protection are stated as follows:

1. Lok Adalat (People's Court)
2. Public Interest Litigation (Janhit Yachika)
3. Redressal Forums
4. Awareness Programmes
5. Consumer Organisations
6. Consumer Welfare Fund
7. Legislative Measures

1. Lok Adalat : Lok Adalat, i.e. People's Court is established by the government to settle the disputes by compromise. It is the effective and economical system for quick redressal of public complaints and grievances. In this system the aggrieved party can directly approach the Lok Adalat with his complaint. In Lok Adalat, issues are discussed immediately and decisions are taken without delay. The order passed by the Lok Adalat is given statutory recognition. In public sector, some organisations such as Railways, Maharashtra State Electricity Distribution Co. Ltd (MSEDCL), Maharashtra State Road Transport Corporation (MSRTC), Insurance Companies, Banks, etc. regularly hold Lok Adalat to resolve consumer's problems through compromise.

2. Public Interest Litigation (Janahit Yachika) : As name indicates it is a legal action initiated in a court of law in regard to a matter of general public interest. Under this, any person can approach a court of law in the interest of the public and ask for justice. It does not involve individual interest but interest of unrepresented groups of the society. After studying and verifying the case, the court gives justice which will benefit the specific group of society or entire society. It can be filed by any party which may not be related to grievance. In some cases Janahit Yachika can be filed in the High Court as well as in Supreme Court directly.

3. Redressal Forums : Under the Consumer Protection Act, 2019, Consumer Dispute Redressal agencies have been established by the Government to protect the rights of consumers and to offer speedy and inexpensive redressal for their complaints. These agencies are District Commission at district level. State Commission at state level and National Commission at national level. Any aggrieved consumer or association of consumers can file a complaint with respective commission depending on the value of goods and amount of claim for compensation.

4. Awareness Programmes : The Government of India has initiated various publicity measures such as use of journals, brochures, booklets and various posters depicting the rights and responsibilities of consumers redressal machineries, i.e. consumer courts, observation of International (World) Consumer Rights Day on 15th March and National Consumer Day on 24th December every year to create awareness among the consumers about their rights and responsibilities. Various consumer related programmes are also telecast on various TV channels and broadcasted on radio, FM channels and social media to create awareness among the consumers.

5. Consumer Organisations : Many consumer organisations such as Consumer Guidance Society of India, Grahak Panchayat, Grahak Shakti, Consumers' Association, etc., are active throughout India to fight for consumers' rights through protest, campaigning, lobbying, etc. Consumer movement is also well active in India and helps individuals to get quick and adequate compensation and justice for their grievances. It is also necessary to strengthen consumer movement throughout India.

6. Consumer Welfare Fund (CWF) : This fund is created by the Department of Consumer Affairs for providing financial help to voluntary consumer movement specially in rural areas. This financial assistance is used for training and research in consumer education, complaint handling, counselling and guidance mechanism, product testing labs, etc.

7. Legislative Measures : The Government of India has passed several acts such as Sale of Goods Act, 1930; Essential Commodities Act, 1955; the Standards of Weights and Measures Act, 1956; Bureau of Indian Standards Act, 1969; Food Safety and Standards Act, 2006; National Food Security Act, 2013, etc. to protect the interest of consumers from unethical practices of businessmen.

However, these laws could not protect the consumers as such and therefore the Government of India has passed a powerful Act known as Consumer Protection Act, 2019 to protect the interest of consumers.

Question 3.

Explain the three tier quasi-judicial machinery under the Act.

Answer:

The Consumer Protection Act, 2019

provides for three-tier quasi-judicial machinery as follows:

1. District Commission

2. State Commission
3. National Commission

1. District Commission :

A. Meaning : A consumer redressal agency established by the State Government in each district to give relief or settle the disputes of consumers who complain against manufacturers or traders, is called District Commission.

B. Composition : Each District Commission shall consist of-

- President : A person who is or has been a judge of a district court is appointed as president of the District Commission.
- Members : The number of other members shall not be less than 2 and not more than such number of members as may be prescribed in consultation with the Central Government.
- Tenure : President and every member of the District Commission shall hold office for a term of 5 years or up to the age of 65 years whichever is earlier.

C. Qualifications : The members of a District Commission shall have the following qualifications :

- Age : The age of each member should not be less than 35 years.
- Education : They should possess a Bachelor's Degree from a recognised University.
- Experience : Members should have adequate knowledge and experience of at least 10 years in dealing with problems related to economics, law, commerce, accountancy, industries, public affairs or administration.

D. Territorial Jurisdiction : District Commission can exercise its jurisdiction within the limits of its district.

E. Monetary jurisdiction : District Commission has the jurisdiction to entertain complaints where the value of goods and services, including compensation, if any, does not exceed Rs 1 crore.

F. Appeal : Any person not satisfied with the order of District Commission can appeal against it to the State Commission within 45 days from the date of the order in such form and manner may be prescribed.

2. State Commission:

A. Meaning : A consumer disputes redressal agency at state level established by each State Government is known as State Commission.

B. Composition : Each State Commission shall consist of:

- President : A person who is or has been a Judge of a High Court, shall be appointed by the State Government as the president of the State Commission in consultation with the Chief Justice of the High Court.
- Members : The number of other members shall not be less than 4 or not more than such number of members as may be prescribed in consultation with the Central Government.
- Tenure : Every member of the state commission shall hold office for a term of 5 years or up to the age of 67 years whichever is earlier.

C. Qualifications : The members shall have the following qualifications:

- Age : The age of each member should not be less than 35 years.
- Education : They should possess a Bachelor's Degree from a recognised University.
- Experience : Members should have adequate knowledge and experience of at least 10 years in dealing with problems related to economics, law, commerce, accountancy, industries, public affairs or administration.

D. Territorial Jurisdiction : The State Commission entertains original cases as well as appeals against the order of District Commission within the geographical limits of the state.

E. Monetary Jurisdiction : To entertain complaints where the value of the goods or services and compensation exceeds Rs 1 crore but is not more than Rs 10 crore.

(6) Appeal : Any person aggrieved by an order passed by the State Commission may make an appeal against such order to the National Commission within a period of 30 days from the date of the order in such form and manner as may be prescribed.

3. National Commission

A. Meaning : A consumer disputes redressal agency at the national level established by the Central Government by notification is known as National Commission. It is also called as National Consumer Disputes Redressal Commission.

B. Composition : The National Commission shall consist of:

- President: A person who is or has been a Judge of the Supreme Court to be appointed by the Central Government as President of National Commission. Such appointment shall be made after consultation with the Chief Justice of India.
- Tenure : Every member of the National Commission shall hold office for a term of 5 years or up to the age prescribed whichever is earlier.

C. Qualifications : The members shall have the following qualifications :

- Age : The age of each member should not be less than 35 years.
- Education : They should possess a Bachelor's Degree from a recognised University.

- Experience : The members should have adequate knowledge and experience of at least 10 years in dealing with problems related to economics, law, commerce, accountancy, industries, public affairs or administration.

D. Territorial Jurisdiction : National Commission entertains original cases as well as appeals against the order passed by the State Commission which are within the geographical limits of the state.

E. Monetary Jurisdiction : To entertain the complaints where the value of the goods or services and compensation exceeds Rs 10 crore.

F. Appeal : Any person who does not agree with the order of the National Commission can appeal to the Supreme Court within 30 days from the date of such order.

ALLguidesite