

# THE CONSUMER PROTECTION ACT (CPA), 1986

- The CPA is a piece of comprehensive legislation and recognises six rights of the consumer, namely:
  - 1.) Right to safety.
  - 2.) Right to be informed.
  - 3.) Right to choose.
  - 4.) Right to be heard,
  - 5.) Right to seek redressal and
  - 6.) Right to consumer education.
- Consumers with complaints can approach the Commissions at the District, State and Central level. There is no court fee and the consumer does not have to go through lawyers.
- The Supreme Court declared that doctors were like any other providers of service under contract, and therefore are under the same obligation to compensate the purchaser (patient) for any deficiency in the quality of their services.
- Under this Act, a complaint means any allegation in writing made by a complainant in regard to one or more of the following:
  - 1.) He has suffered a loss or damage as a result of any unfair trade practice adopted by any trader;
  - 2.) The goods/service mentioned in the complaint suffer from one or more defects.
  - 3.) A trader has charged for the goods mentioned in the complaint a price in excess of the price which is fixed by the law, displaced on the goods or displaced on any packet containing such goods.
- Negligence means that a person who holds himself ready to give medical advice and treatment implied undertakes that he is possessing the skill and knowledge for that purpose. Such a person, when consulted by a patient, owes him certain duties, namely a duty of care in deciding what treatment to give or a duty of care in the administration of that treatment. A breach of any of those duties gives a right of action for negligence to the patient. Doctors with independent practice, unless rendering only free service, private hospitals charging all, and all hospitals free as well as paying patients, doctors/hospitals paid by an insurance firm for treatment of a client or an employer from that of an employee, are liable for any negligence.
- If the Cost of the Services or goods and compensation asked for, is less than Rs. 2 lakh, then the complaint can be filed in the District Forum. If the cost is more than Rs. 2 lakh but less than 20 lakhs, the complaint can be filed before the State Commission and for higher amount the complaint can be filed before the National Commission at New Delhi which shall decide the case within a defined period.
- Ministry of Consumer Affairs, Food & Public Distribution, Government of India has instituted Swami Vivekanand National Award to encourage Voluntary Consumer Organisation, Women and Youth for people's participation in consumer movement. Bureau of Indian Standards (BIS) has formulated quality standards for over seventeen thousands items. Five regional reference standards laboratories of weight & measures of central government have been operating in India (Standards of weights & measures) (Enforcement) Act 1985. Consumer awareness programmes have been operational through AIR, Doordarshan, and print media.

