

CONSUMER PROTECTION ACT

Consumer protection act

- The consumer protection act (1986) that came into force on 15th April 1987 is a milestone in the history of socio-economic legislation in the country. It is one of the **most progressive and comprehensive piece of legislations enacted for the protection of consumers**
- The main objective of the act is to provide for the better protection of consumers. Unlike other laws which are punitive or preventive in nature, the provisions of this act are compensatory in this act. The act is intended to **provide simple, speedy and inexpensive redressal to the customer grievances, and relief of a specific nature and award of compensation wherever appropriate to the consumer.**

Liable to this act:

- All medical /dental practitioners doing independent medical/dental practice unless rendering only free service.
- Private hospitals charging all hospitals.

- All hospitals having free as well as paying patients.

Not liable:

- It exempts only those hospitals and the medical/ dental practitioners of such hospitals which offer free service to all patients.

The act envisages a three-tier quasi-judicial machinery at the **National (national commission), state (state commission) and district levels (district forum).**

As per the consumer protection rules, 1987 a complaint filed in the consumer. Forum/commission shall be adjudicated, within period of 90 days from the date of notice by opposite party and within 150 days if it requires analysis or testing of commodities. The claim amount at different levels:

- **National commission- over 20 lakhs**
- **State commission- over 5 lakhs upto 20 lakhs**
- **District forum- up to 5lakhs.**

The consumer protection act, 1993 has introduced a new section, stating that the forums shall not admit a complaint unless if it is filed within 2 years from the date of cause of action.

The consumer protection act, 2002 has increased the claim amount at different levels.

District forum:

This shall consist of:

- A person who is or has been or is qualified to be a district judge who shall be its president.
- Two other members who shall be persons of ability, integrity and standing and have adequate knowledge or experience of or shown capacity in dealing with problems related to economics, law, commerce, accountancy, industry, public affairs or administration one of whom shall be a woman.

Jurisdiction of District forum:

- The district forum shall be jurisdiction to entertain complaints where the value of goods and services and the compensation if any, claimed does not exceed rupees twenty lakhs.

A complaint may be filed with a district forum by:

- The consumer to whom such service is provided or is agreed to be provided.

- Any recognized consumer association, whether the consumer to whom the service is provided or is agreed to be provided is a member of such association or not.
- One or more consumer, where there are numerous consumers having the same interest, with the permission of the district forum, on behalf of, or for the benefit of, all consumers so interested.

State commission:

It shall consist of:

- A person who is or has been judge of high court, appointed by the state government, who shall be its president.
- Two other members with qualifications and experience within the state.

Jurisdiction of state commission:

- The state commission shall be jurisdiction to entertain complaints where the value of goods and services and the compensation, if any claimed is between rupees twenty lakhs and rupees one crore.
- Revision petitions against the district forum.

Procedure of hearing appeal by state commission:

- Procedure of the state commission for entertaining original complaints is the same as for district forum
- Appeal may be decided ex parte in case the opposite party fails to file a reply to the appeal and /or fails to appear himself or through his agent or advocate on the date fixed.
- It may be decided on the merit, in case the appellant fails to appear on the date fixed for hearing

National commission:

This shall consist of:

- A person who is or has been a judge of the Supreme Court to be appointed by the central government who shall be its president.
- Four other members, one of whom shall be a woman.

The national commission shall have jurisdiction:

- To entertain: complaints where the value of goods services and compensation if any, claimed exceeds rupees one crore and appeals against the orders of any commission.

- To entertain revision petitions against the state commission.

Procedure to be followed by the National commission:

A complaint containing the following particulars shall be presented by the complainant in person or by his agent to the national commission or be sent by registered post, addressed to the national commission:

- The name, description and the address of the complaint.
- The name, description and address of the opposite party or parties.
- The facts relating to the complaint and when and where it arose.
- Documents in support of allegations contained in the complaint.
- The relief which the complaint claims.