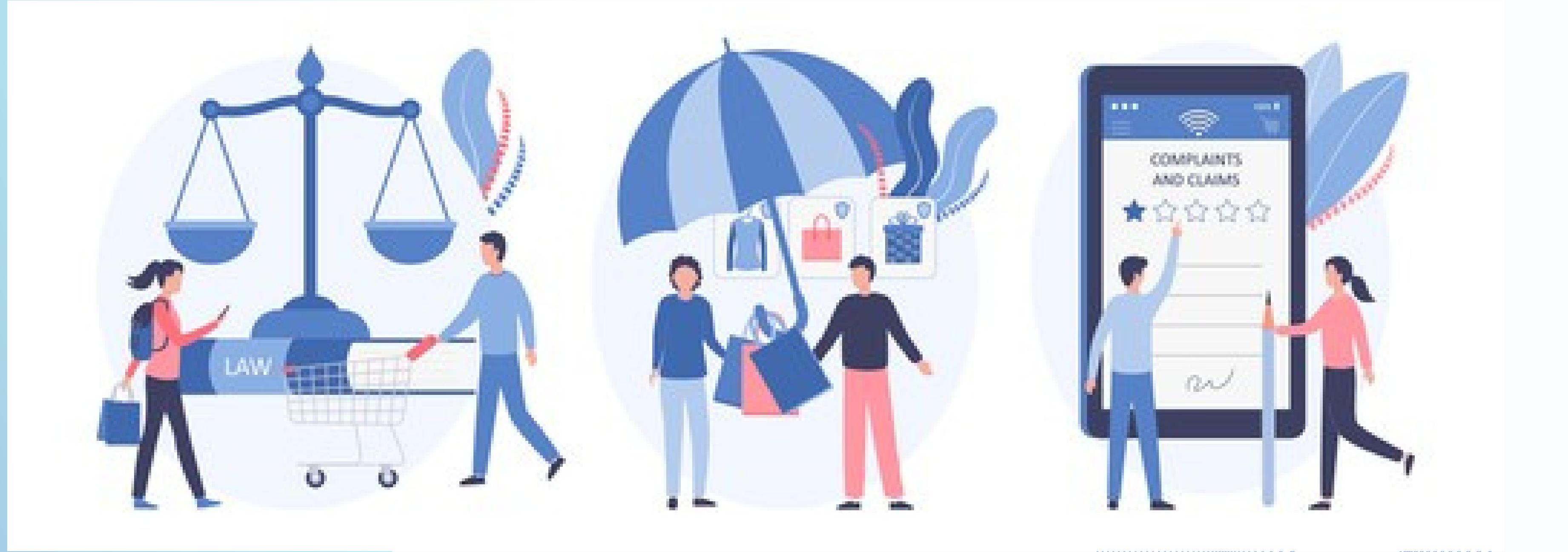


CONSUMER PROTECTION ACT

CONSUMER IS KING

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CONSUMER PROTECTION ACT

- Consumer Protection Act, 2019 is a law to protect the interests of the consumers. This Act provides safety to consumers regarding defective products, dissatisfactory services, and unfair trade practices.
- The new Consumer Protection Act was passed by Parliament in 2019. It came into force in July 2020 and replaced the Consumer Protection Act, 1986.



Need for new act

- The Digital Age has ushered in a new era of commerce and digital branding, as well as a new set of customer expectations. Digitisation has provided easy access, a large variety of choices, convenient payment mechanisms, improved services and shopping as per convenience. However, there are also associated challenges related to consumer protection.

CONTINUED

- To help address the new set of challenges faced by consumers in the digital age, the Indian Parliament passed the landmark Consumer Protection Bill, 2019 which aims to provide timely and effective administration and settlement of consumer disputes.
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WHO IS A CONSUMER AND WHO IS NOT?

Who is a Consumer?



As per section 2(1)(d), Consumer means:

- A person who buys or agrees to buy any goods for a consideration for personal use.
- One who hires or avails any services for a consideration.
- One who buys goods or hires services exclusively for the purpose of earning his livelihood as self employment. Thus a person buying one car, one truck, one sewing machine or one computer will be a consumer.
- Consumer does not include a person who obtains goods for resale or for any commercial purpose and who avails any service for any commercial purpose.

CONTINUED

- One who obtains goods or service on deferred payment basis. Eg: Hire purchase or Lease
- As per Consumer Protection Act 2019, Consumer includes a person who "buys any goods" and "hires or avails any services" by offline or online transactions through electronic means or by teleshopping or direct selling or multi-level marketing



CASE

Kody Elcot Ltd (seller) vs. Dr.C.P Gupta (buyer)

Gupta was running a nursing home & clinic. He bought medical equipment worth 3.85 lakhs but it started giving problem. Gupta filed complaint in luck now state commission & manufacturer was proved guilty so he appealed to National commission. Again the manufacturer was proved guilty. Held Gupta is a consumer by means of self employment and seller is liable.



SCOPE OF CONSUMER PROTECTION ACT

1

Requirements to performance, composition, content, design, construction, finish , packaging of a consumer product.

2

Requirements as to kind, class,grade dimensions,weights,material.

3

Requirements as to precautions in storage, transporting and packaging.



4

Requirement as to the methods of sampling, tests, and codes used to check the quality of the product.



5

Requirements that a consumer product be marked with or accompanied by clear and adequate safety warnings or instructions, or requirements respecting the form of warning or instructions.

THE CONSUMER RIGHTS

The right market is formed by the right set of consumers who are aware, information and knowledgeable about the information they are being fed.



1

Right to Safety

Before buying, a consumer can insist on the quality and guarantee of the goods. They should ideally purchase a certified product like ISI or AGMARK.

2

Right to be informed

The buyers should be informed with all the necessary details of the product, make her/him act wise, and change the buying decision.

3

Right to Choose

Consumer should have the right to choose from a variety of goods and in a competitive price.

THE CONSUMER RIGHTS

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4

Right to Consumer Education

Consumer should be aware of his/her rights and avoid exploitation. Ignorance can cost them more.

5

Right to be heard

This means the consumer will get due attention to express their grievances at a suitable forum.

6

Right to seek compensation

The defines that the consumer has the right to seek redress against unfair and inhumane practices or exploitation of the consumer

THE CONSUMER GRIEVANCES UNDER CPA

The Consumer Protection Act (CPA) 2019 provides three-tier consumer dispute redressal mechanisms in India.

Consumers can file complaints regarding any product or service related issues, including defective goods, deficient services, unfair trade practices, and product liability.

1

District Consumer Dispute Redressal Forum (DCDRF)

This forum addresses complaints where the value of goods or services is less than Rs. 1 crore.

2

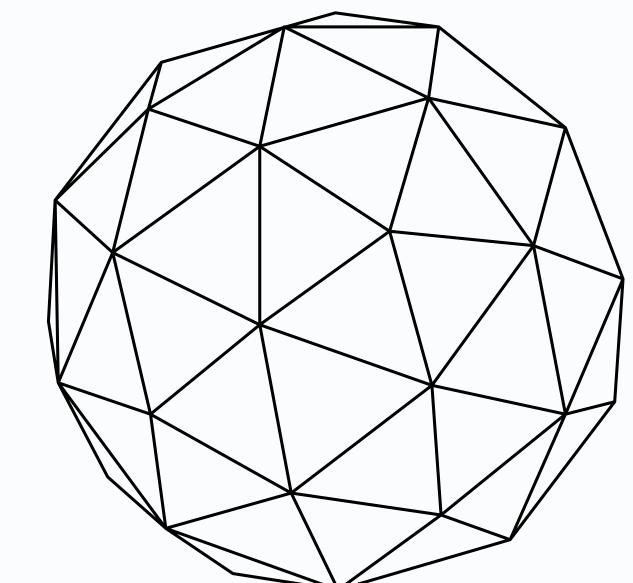
State Consumer Dispute Redressal Commission (SCDRC)

This commission deals with complaints where the value of goods or services is between Rs. 1 crore and Rs. 10 crores.

3

National Consumer Dispute Redressal Commission (NCDRC)

This commission handles complaints where the value of goods or services is above Rs. 10 crores.

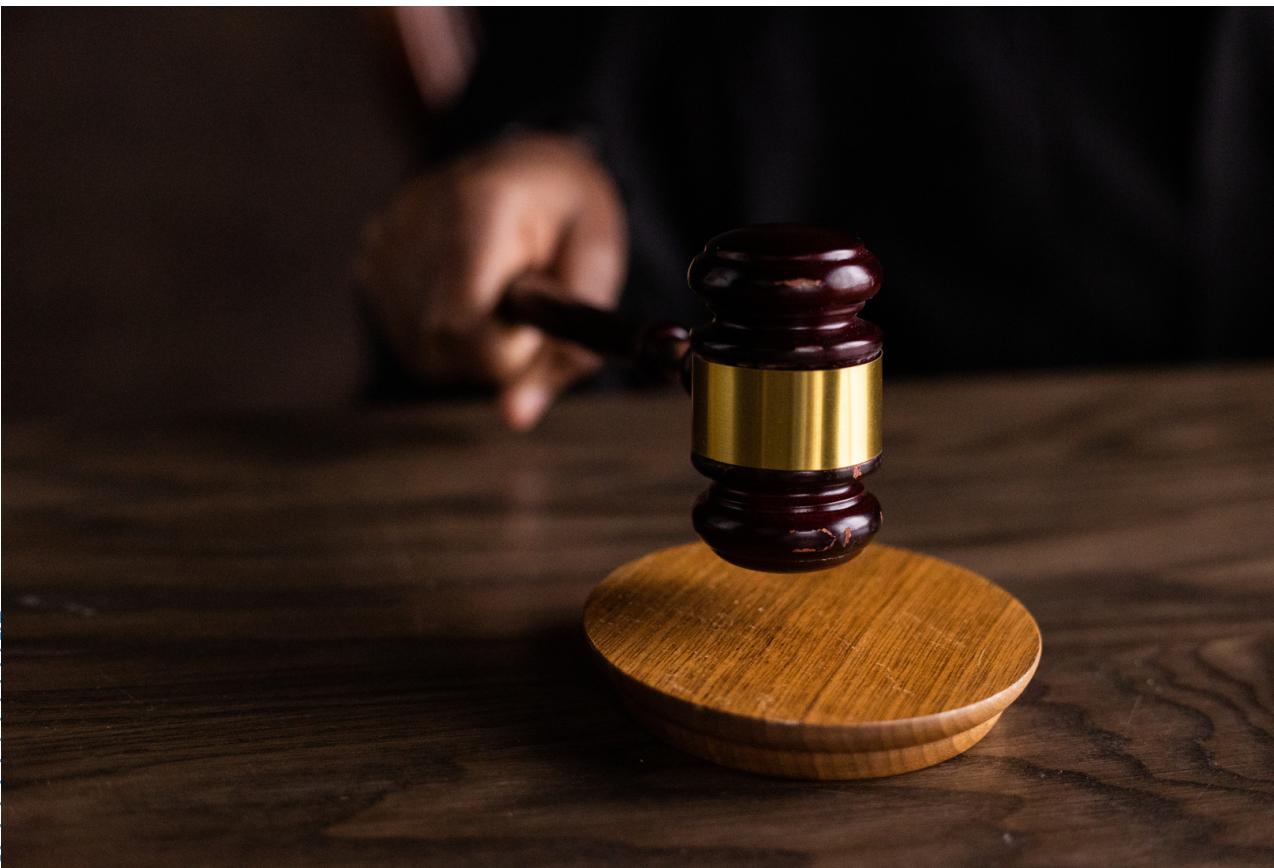


THE CONSUMER GRIEVANCES UNDER CPA

In addition to these forums, consumers can also file complaints with the Central Consumer Protection Authority (CCPA), which has the power to investigate, recall, and impose penalties for misleading advertisements and unfair trade practices. The CCPA has pan-India jurisdiction and can take action against violations under the Consumer Protection Act..



THE DISTRICT CONSUMER DISPUTE REDRESSAL FORUM (DCDRF)



The District Consumer Dispute Redressal Forum (DCDRF) is the first level of the three-tier consumer dispute redressal mechanism under the Consumer Protection Act in India. The DCDRF is established at the district level and handles complaints related to defective goods, deficient services, unfair trade practices, and product liability.

The jurisdiction of the DCDRF is limited to cases where the value of goods or services is up to Rs. 1 crore.

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THE STATE CONSUMER DISPUTE REDRESSAL FORUM (SCDRF)



The State Consumer Dispute Redressal Commission (SCDRC) is the second level of the three-tier consumer dispute redressal mechanism under the Consumer Protection Act in India. The SCDRC handles complaints related to defective goods, deficient services, unfair trade practices, and product liability that are valued between Rs. 1 crore and Rs. 10 crores. The SCDRC has the power to award compensation and issue orders to rectify the defects in the goods or services.

THE NATIONAL CONSUMER DISPUTE REDRESSAL FORUM (NCDRF)



The National Consumer Dispute Redressal Commission (NCDRC) is the highest level of the three-tier consumer dispute redressal mechanism under the Consumer Protection Act in India. The NCDRC handles complaints related to defective goods, deficient services, unfair trade practices, and product liability that are valued above Rs. 10 crores. The NCDRC has the power to hear appeals against the orders of the SCDRC.

CONCLUSION

How consumer protection violations not only end in costly lawsuits and damages. They also have a ripple effect that changes the market's view of a company for years to come.

Just like a personal relationship, a consumer's trust is hard to win back once broken



1

CPA is fundamental to markets and its consumers through which any kind of malpractices are curbed

2

There are six important rights that a consumer has which he/she can use to sue the service/company/product that has done injustice with him/her

3

The consumer has 3 tier redressal system with him/her which he/she can approach to compensate for the loss he/she has suffered through