

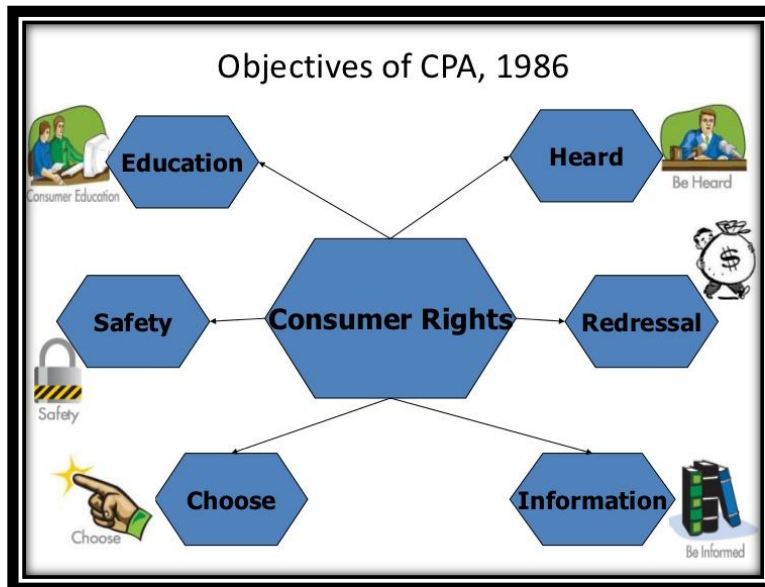
## Consumer Protection Act (CPA), 1986

CPA 1986 was passed on December 24, 1986. It has since been amended thrice, in 1991, 1993 and 2002. The act seeks to provide better protection of consumer's interest, through speedy and in expensive redress of their grievances, through a three-tier adjudicative machinery, set up at the district, state and the national levels.

### FILING OF COMPLAINT

#### Who Can File a Complaint?

- ❖ Any Consumer
- ❖ Any Consumer's association (which must be registered)
- ❖ The Central Government or any State Government
- ❖ One or more consumers on behalf of numerous consumers having common interest and
- ❖ Legal heir of representative of the deceased consumer (in case of a death due to medical negligence)



### GROUNDINGS OF FILING A COMPLAINT

A person can file a complaint on any one of the following grounds:-

1. An Unfair Trade Practice
2. Defect in goods
3. Deficiency in service
4. Charging of prices in excess

5. Offering any hazardous goods or service

## **WHERE TO FILE A COMPLAINT?**

Consumer Court is the special purpose court, in India, that deals with cases regarding consumer disputes and grievances. These are judiciary hearings set up by the government to protect the consumer rights. Its main function is to maintain the fair practices by the sellers towards consumers. Consumers can file a case against a seller if they are harassed or exploited by sellers. The court will only give a verdict in favour of the consumers/customers if they have proof of exploitation, i.e., bills or other documents. If a consumer does not have the proper documents required for filing a case then it would be very difficult for the consumer to win or even file a case.

The forums where a complaint can be filed are:-

1. District Forum (upto 20 lakhs)
2. State Commission (exceeds 20 lakhs to 1 crore)
3. National Commission (exceeds 1 crore)

## **PROCEDURE OF FILING A COMPLAINT**

- ❖ A written complaint can be filed by complainant along with supporting documents.
- ❖ No need of engaging any advocate
- ❖ Relief sought by complainant must be specified

## **RELIEF AVAILABLE TO THE VICTIM**

- ❖ Removal of defect from goods
- ❖ Replacement of defective goods
- ❖ Refund of price paid
- ❖ Payment of compensation
- ❖ Cease and desist order
- ❖ Issue of corrective advertisement
- ❖ Payment of punitive damages

## **CONSUMER PROTECTION BILL, 2018**

Consumer protection Bill, 2018 was introduced in the Lok Sabha in January 2018. It is intended to repeal and replace the old act with the new one. The bill was referred to the Parliamentary Standing Committee of the Ministry of Food, Consumer Affairs and Public Distribution, which recommended certain amendments to the Bill.

## **Highlights of the Bill**

- The Bill replaces the Consumer Protection Act, 1986. The Bill enforces consumer rights, and provides a mechanism for redressal of complaints regarding defect in goods and deficiency in services.
- Consumer Dispute Redressal Commissions will be set up at the district, state and national levels for adjudicating consumer complaints.
- The Bill establishes a Consumer Protection Authority to investigate into consumer complaints, issue safety notices for goods and services, and pass orders for recall of goods and against misleading advertisements.
- If a consumer suffers an injury from a defect in a good, he may file a claim of product liability against the manufacturer. The consumer must establish seven conditions in order to prove such a claim.
- The Bill classifies six contract terms as 'unfair'. These cover terms such as (i) payment of excessive security deposits; (ii) disproportionate penalty for a breach ; (iii) unilateral termination without cause; (iv) one which puts the consumer at a disadvantage.