

## CONSUMER PROTECTION ACT, 1986

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In early days the seller sells the wrong products to their consumer. Some sell adult rated product to the consumer from which the consumer has to face the problem. At the time of late 18's, 19's and 20's the people don't the usage of many products but they are using in the wrong way. In short, we can say there was no information of the product and there was lack of consumer protection.

Keeping many things in mind the Federal Trade Commission was created on September 26<sup>th</sup>, 1914 when President Woodrow Wilson signed the Federal Trade Commission Act into law. The FTC opened its door on March, 16<sup>th</sup>, 1915.

As same the bench of constitution maker keeps in the mind about the consumer and make a strong law against the seller who sold wrong product to their consumer and named that Consumer Protection Act 1986. According to this law everyone including a firm, a company, an individual and A Hindu Undivided Family have the right to exercise their consumer right for the purchase of any good and services made by them.

As a consumer we should know our rights as well as about the court procedure that follow with the infringement of one right.

As general, the consumer rights in India are listed below: -

- The right to be protected from all the hazardous good and services.
- Right to know about everything about the goods and services.
- Right to complete the consumer education.
- Right to seek redressal, whenever consumer right is having been infringed.
- Right to hear everything related to consumer protection.

- Right to free choice of goods and services.

The Consumer Protection Act 1986 have several other laws like Weight, Measure and Standard Act, can be formulated to ensure the fair competition in the market and free flow of correct information from goods and services provider to the one who use it.

The act was made to protect and aware the people about their right as a consumer and they can rise the voice against the exploitation of the rights that has been written in the act. This Act has provided a machinery whereby consumers can file their complaints. These complaints will then be heard by consumer forums with special powers so that action can be taken against erring suppliers and possible compensation is awarded to the consumer for the hardships he/she has undergone.

The consumer under this act can simply file a complaint online and from that they can choose the company name from whom you have purchased goods and services. But if you want to file a suit against the small shopkeeper then you can simply file a FIR. But there are also some non-profit organisation (NGO) who work for the consumer protection. The government has also taken so many steps to make aware about the consumer protection and there are so many organisations who have taken the steps to make aware the people about it.

### **CONSUMER REDRESSAL FORUM**

Under Consumer Protection Act 1986, every district in India should have at least one redressal forum, also known as consumer court. Here consumer can file a complaint against the seller and they heard the grievances. Above the

district forums are the state commissions. At the top is the National Consumer Disputes Redressal Commission in New Delhi.

A written complaint to the company is taken as proof that it has been informed. The complaint must be backed by copies of bills, prescriptions, and/or other relevant documents, and should have a deadline. Consumers can also complain through a consumer organization.

Claims of less than Rs5 lakh should be filed with a district forum, claims of Rs5-Rs20 lakh with the state commission, and claims of more than Rs20 lakh directly with the National Commission.

**To file the complaint:**

- The complaint should be filed within two years of buying the product or using the service
- It needs to be in writing. Letters should be sent by registered post, hand-delivered, email, or fax. Do not forget to take an acknowledgment
- The complaint should mention the name and address of the complainant and the person/entity against whom the complaint is being filed. Copies of relevant documents must be enclosed
- The consumer must mention details of the problem and the demand on the company for redressal. This could be a replacement of the product, removal of defect(s), refund, or compensation for expenses incurred, and for physical/mental torture. The claims, however, need to be reasonable
- You should preserve all bills, receipts, and proof of correspondence related to the case. Avoid using voice mail or telephone because such interactions are normally difficult to prove
- The complaint can be in any Indian language, but it is better to use English
- There is no compulsion to hire a lawyer. The main cost consists of correspondence and traveling to the consumer forum for the hearing

- Maintain a complete record of the emails and documents sent and received

### **Appeal**

An appeal is a legal instrument which enables persons dissatisfied with the findings of a consumer court to approach a higher court to present his case and seek justice. In the context of consumer forums:

1. An appeal can be made with the state commission against the order of the district forum within 30 days of the order, which is extendable for further 15 days (**Section 15**)
2. An appeal can be made with the National Commission against the order of the state commission within 30 days of the order or within such time as the National Commission allows (**Section 19**)
3. An appeal can be made with the Supreme Court against the order of the National Commission within 30 days of the order or within such time as the Supreme Court allows (**Section 23**)

### **RIGHT TO SAFETY**

According to consumer protection act 1986, right to safety means to make consumer be safe from the hazardous goods and safety they are taking. It is specific in some area like healthcare, pharmaceuticals, and food processing.

### **RIGHT TO INFORMATION**

According to consumer protection act 1986, Right to Information means that what the buyer is buying whether goods or services they should know about it. For example, if a consumer is buying a dish washer so the seller should tell all the function of the dish washer or if a consumer is registering for a service so the agent or any person who is related to that service should tell about it to the consumer in detail. That's why we say, 'buyers be aware' its means that buyers should be aware of the goods and service.

### **RIGHT TO CHOOSE**

According to consumer protection act 1986, Right to Choose means that the consumer has a right to choose whatever he wants whether goods or services. The seller can't force the consumer to buy the specific product.

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