

Ways & Means of Consumer Protection, Redressal Agencies under Consumer Protection Act, 1986

1 Mark Questions

1. Besides a 'consumer', name any two parties who can file a .complaint before the appropriate consumer forum. (Compartment 2014)

or

Who can file a complaint under the Consumer Protection Act, 1986? (Delhi 2009)

Ans. A complaint under Consumer Protection Act, 1986 can be made by: (Any two)

- (i) Any consumer.
- (ii) Any registered consumers' association.
- (iii) The Central Government or any State Government.
- (iv) One or more consumers, on behalf of numerous consumers having the same interest.
- (v) A legal heir or representative of a deceased consumer.

2. How many members are required to constitute 'District consumer dispute redressal forum'? (Compartment 2014)

Ans. The District Forum consists of a President and two other members, one of whom should be a woman:

3. How can Business Associations act as a means of consumer protection? State.(Delhi 2012)

Ans. Business Associations act as a means of consumer protection as they lay down guidelines for their members in dealings with the customers.

4. Give any one relief available to a consumer who suffers due to consumption of an expired date medicine. (Delhi 2012)

Ans. Relief available to consumer: (Any one)

- (i) To refund the price paid for the medicine.
- (ii) To pay a reasonable amount of compensation for any loss or injury suffered by the consumer.
- (iii) To withdraw the defective good from sale.

5. State how self-regulation by business acts as a means of consumer protection. (All India 2012, 2009; Delhi 2009 C)

Ans. Self-regulation by business acts as a means of consumer protection by

- (i) Establishing ethical standards and practices in dealing with their consumers.

(ii) Setting up their customer service and grievance cells to redress the problems and grievances of their consumers.

6. When can a consumer get more than one relief for a complaint? (All India 2011)

Ans. If the Consumer Court is satisfied about the genuineness of the complaint, a consumer can get more than one relief for a complaint.

7. Which kind of cases can be filed in the State Commission under the Consumer Protection Act, 1986? (Delhi 2010 c)

Ans. Those cases can be filed in the State Commission under the Consumer Protection Act, 1986 in which compensation claimed exceeds Rs 20 lakh but does not exceed Rs 1 crore.

8. Which cases can be filed in the National Commission under Consumer Protection Act, 1986. (All India 2010)

Ans. Those cases can be filed in the National Commission under Consumer Protection Act, 1986 in which the value of the goods or services in question, along with the compensation claimed, exceed? 1 crore.

9. Which claims can be appealable before the Supreme Court under Consumer Protection Act? (All India 2009)

Ans. An order passed by the National Commission in a matter of its original jurisdiction is appealable before the Supreme Court. It means only those appeals where the value of goods and services in question, along with the compensation claimed exceed ? 1 crore and where the aggrieved party was not satisfied with the order of the National Commission can be taken to the Supreme Court.

10. Who can file a complaint on behalf of a deceased consumer? (Delhi 2009 c)

Ans. A legal heir or representative of a deceased consumer.

11. Is self-regulation by business necessary for consumer protection? How? (Delhi 2008C)

Ans. Yes, self-regulation by business is necessary for consumer protection because it is in their long-term interest to serve the customers well.

12. Mohit filed a case against Domestic Collings Ltd in the District Forum, but he was not satisfied with the orders of the district forum. Where can he appeal further against the decisions of district forum? (Hots; Delhi 2008)

Ans. Mohit can further appeal at the State Commission against the decision of the District Forum.

13. Amrit filed a case against Volvo Ltd in the State Commission but he was not satisfied with the orders of the State Commission. Name the authority to which he can appeal against the decisions of State Commission. (hots; All India 2008)

Ans. Amrit can approach National Commission to appeal against the decision of the State Commission.

14. How does a business use self-regulations for consumer protection?

Ans. Enlightened business firms realise that it is in their long-term interest to serve the customers well. Socially responsible firms follow ethical standards and practices in dealing with their customers. Many firms have set up their customer service centres and grievance cells to redress the problems and grievances of their customers.

3 Marks Questions

15. How are consumer grievances redressed by the three-tier machinery under CPA, 1986? Explain. (Foreign 2014)

Ans. The three-tier-machinery under CPA, 1986 consist of District Forum, State Commission and the National Commission. A consumer can file a case in District Forum if the value of goods and services along with the compensation claimed, does not exceed Rs 20 lakh, in the State Commission if the value of goods and services along with the compensation claimed is over Rs 20 lakh but less than rs 1 crore, and in the National commission, if the value of goods and services along with the compensation claimed is above Rs 1 crore. On receiving the complaint, the District Forum/State Commission/National Commission shall refer the complaint to the party against whom the complaint is filed. If required, the goods or a sample, thereof, shall be sent for testing in a laboratory. The court shall pass an order after considering the test report and hearing to the party against whom the complaint is filed.

16. Give the definition of 'Consumer' as per CPA, 1986. (Compartment 2014)

Ans. Under the Consumer Protection Act, 1986, the term 'consumer' has been defined as any person who buys goods or hires or avail any service for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment. It also includes any user of such goods with the approval of the buyer or any beneficiary of services when such goods or services are availed of with the approval of the person concerned but does not include a person who avails such services for any commercial purpose.

4/5 Marks Questions

17. State any eight reliefs available to a consumer under the provision of CPA, 1986. (Compartment 2014)

Ans. The reliefs available to a consumer under the CPA, 1986 are:

- (i) To remove the defects in goods or deficiency in services.
- (ii) To replace the defective product with a new one, free from any defect.
- (iii) To refund the price paid for the product.
- (iv) To pay a reasonable amount of compensation for any loss suffered.
- (v) To pay punitive damages in appropriate circumstances.
- (vi) Not to offer hazardous goods for sale.
- (vii) To withdraw the hazardous goods from sale.
- (viii) To cease the manufacture of hazardous goods.

18. Anita purchased a book from Satish book stores. While reading the book, she found that ten pages were missing. She approached the book seller and complained about the missing pages. The seller promised that if the publisher was ready to change the book, he would change the same. After one week, the seller informed Anita that the publisher had refused to change the book. Where can Anita file a complaint against the seller of the book? Give reason in support of your answer. Also, explain who is a consumer as per Consumer Protection Act, 1986. (hots; Delhi 2011 c)

Ans. Anita can file a complaint against the seller of the book in the District Forum. District Forum is established by the State Government in each district. In District Forum, only such complaints can be filed in which the value of goods or services and the compensation claimed is not more than Rs 20 lakhs. **Consumer as per CPA, 1986** Under the Consumer Protection Act, 1986, the term 'consumer' has been defined as any person who buys goods or hires or avail any service for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment. It also includes any user of such goods with the approval of the buyer or any beneficiary of services when such goods or services are availed of with the approval of the person concerned but does not include a person who avails such services for any commercial purpose.

19. Harish purchased a medicine from Bhatia Medical Stores for his son, who had high fever. Even after giving the medicine his son's condition did not improve and he had to be hospitalised. Doctor informed Harish that medicine given to his son was spurious. Harish complained about this to Bhatia Medical Stores. As-a result, Bhatia Medical Stores decided to file a complaint against the manufacturer in the consumer court. Can Bhatia Medical Stores do this? Give reason in support of your answer. Also, explain who is a consumer as per Consumer Protection Act, 1986. (HOTS; Delhi 2011 C)

Ans. 'Bhatia Medical Stores' cannot file a complaint against the manufacturer in the

consumer court because Bhatia Medical Stores is not a consumer in this case. He is not a user but has obtained medicine for resale purpose/commercial purpose.

Meaning of Consumer as per Consumer Protection Act, 1986 Anita can file a complaint against the seller of the book in the District Forum. District Forum is established by the State Government in each district. In District Forum, only such complaints can be filed in which the value of goods or services and the compensation claimed is not more than Rs 20 lakhs.

Consumer as per CPA, 1986 Under the Consumer Protection Act, 1986, the term 'consumer' has been defined as any person who buys goods or hires or avail any service for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment. It also includes any user of such goods with the approval of the buyer or any beneficiary of services when such goods or services are availed of with the approval of the person concerned but does not include a person who avails such services for any commercial purpose.

20. Explain the following as ways and means of consumer protection

(i) Consumer awareness

(ii) Government (Delhi 2008)

Ans. (i) Consumer awareness A well informed consumer will safeguard himself from unfair trade practices. A consumer should be well informed about his rights, duties and reliefs available to him. Only then, he would be in a position to raise his voice against unfair trade practices and safeguard his interests. In addition to this, an understanding of his responsibilities would also enable a consumer to safeguard his interest.

(ii) Government The government can protect the interest of the consumers by enacting various legislations. CPA is one of them which provides 3-tier system of redressal to the aggrieved consumers. The legal framework in India encompasses various legislations which provide protection to consumers.

6 Marks Questions

21. Reena purchased one litre of pure desi ghee from a shopkeeper. After using it, she had a doubt that it is adulterated. She sent it for a laboratory test which confirmed that the ghee is adulterated. State any six reliefs available to Reena, if she complains and the consumer court is satisfied about the genuineness of the complaint. (HOTS; All India 2011; Delhi 2011)

Ans. Reliefs available to Reena are:

- (i) To replace the adulterated ghee.
- (ii) To refund the price paid for the product.
- (iii) To pay a reasonable amount of compensation for any loss or injury/sickness suffered by her due to the negligence of the manufacturer.
- (iv) To pay punitive damages in appropriate circumstances.

- (v) To withdraw the adulterated ghee from sale.
- (vi) To cease manufacture of adulterated ghee.

22. Prakhar purchased an ISI mark electric iron from Bharat Electricals. While using, he found that it was not working properly. He approached the seller and complained for the same. The seller satisfies Prakhar by saying that he will ask the manufacturer to replace this iron. The manufacturer refused to replace and Bharat Electricals decided to file a complaint in the consumer court. Can Bharat Electricals do this. Why? Also explain who is a consumer as per Consumer Protection Act, 1986. (HOTS; All India 2011; Delhi 2011)

Ans. Bharat Electricals cannot file a complaint. This is because Bharat Electricals is not a consumer as per Consumer Protection Act, 1986 because they bought the goods for resale or for commercial purpose. Under the Consumer Protection Act, a consumer is defined as:

- (i) A person who buys goods for consideration which has been paid promised, or partly paid and partly promised or under any scheme of deferred payment. It includes any user of such goods, when such use is made with the approval of the buyer but does not include a person who obtains goods for resale or any commercial purpose.
- (ii) Any person who hires or avails any service for consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment. It includes any beneficiary of services when such services are availed of with the approval of the person concerned but does not include a person who avails of such services for any commercial purpose.