

7. Consumer Protection

Q1 A) Select the correct answer and rewrite the sentence.

1. In India, the consumer protection act was initiated in the year

a) 1947 b) 1989 **c) 1986**

2. The President of District Commission is a

a) District Judge b) High Court Judge c) Supreme Court Judge

3. The main objective of the consumer organization is to protect the interest of the

a) Consumer b) trader c) producer

4. is the highest authority to settle the consumer dispute under Act.

a) State Commission **b) National Commission** c) District Commission

5. The Government has established to settle the consumer disputes by compromise.

a) District Commission **b) Lok Adalat** c) Consumer organisation

6. National Commission has members.

a) 2 b) 3 **c) 4**

7. District Commission entertains complaints of consumer for compensation which is less than

a) one crore b) ten lacs c) ten crore

8 is celebrated as World Consumer Day.

a) 24th December b) 26th January **c) 15th March**

9. In modern competitive market, consumer is regarded as the

a) king, b) Agency c) Owner

B) Match the pairs.

Group A	Group B
A) King of the market	1) 1930
B) National Commission	2) Socialist

C) Mumbai Grahak Panchayat	3) Exceeds Rs. ten crore
D) Sale of Goods Act	4) Non-Government Organization
E) Consumer Right	5) Consumer
	6) Legislative Measures
	7) Exceeds Rs. One crore but does not exceeds Rs. ten crore.
	8) 1956
	9) Consumer Protection Act
	10) Right to information

Ans: A-5, B-3, C-4, D-I, E-10

C) Give one word / phrase / term for the following sentence.

1. The commission which entertains case where the value of the goods or services paid as consideration does not exceed Rs. one crore.

Ans: District Commission

2. A legal action initiated in a court of law regarding a matter of general public interest.

Ans: Public Interest Litigation

3. Organizations which aim at promoting the welfare of the people.

Ans: Non Government Organizations

4. The right of consumer which is about safety and protection to his life and health.

Ans: Right to safety

5. One who consumes or uses any commodity or service.

Ans: Consumer

D) State whether following statements are true or false.

1. The seller has to recognize the rights of Consumer.

Ans: True

2. Consumer Protection Act provides protection to the producer.

Ans: False

3. Consumer Protection Act is not required in India.

Ans: False

4. Lok Adalat can rightly be described as "People's Court".

Ans: **True**

5. Consumer, being the king of market, does not have any responsibility.

Ans: **False**

E) Find the odd one.

1. District Commission, State Commission, NGO, National Commission

Ans: **NGO**

2. District Judge, High Court Judge, Commissioner, Supreme Court Judge

Ans: **Commissioner**

F) Complete the sentences.

1. National Commission is to be established by Central Government.

2. Any person who does not agree with the decision of District Commission can appeal to the

State Commission.

3. State commission has four members.

4. The President of National Commission is Supreme Court judge.

5. National Commission entertains complaints of consumer for compensation that exceeds Rs ten crore .

6. The consumer protection Act established three Tier quasi judicial system for consumer protection exist.

G) Select the correct option and complete the following table.

(High court Judge, Four, Consumer Organisations, does not exceeds Rs. one crore, 2019)

Group A	Group B
1) Amount of compensation in District Commission	A. <u>Does not exceed Rs. one crore</u>
2) <u>High court Judge</u>	B. State Commission
3) Consumer Protection Act.	C. <u>2019</u>
4) <u>Consumer Organizations</u>	D. non-profit and non Political organisation
5) Member National Commission	E. <u>5.4</u>

H) Answer in one sentence.

1) When do we observe a National Consumer's Day?

Ans: 24th December is observed as 'National Consumer Day'

2) Who is consumer?

Ans: A Consumer means any person who buys any goods, hires any service or services for a consideration which has been paid or promised or partly paid or partly promised or under any system of deferred payments.

3) What information one should check before buying a product?

Ans: adequate information about all aspects of goods and services like price, name of manufacturer, contents used, batch number if any, date of manufacture and expiry date, user manual and safety instruction etc. Should be checked before buying a product

4) Which forum is set up at the national level for redressal for consumer complaints?

Ans: National Consumer Disputes Redressal Commission is the forum setup at the national level for redressal of consumer complaints.

5) Who shall be appointed as president of National Commission?

Ans: A person, who is or has been a Judge of the Supreme Court, shall be appointed by the Central Government as the president of National Commission in consultation with Chief Justice of India.

6) When do we observe World Consumer's Rights Day?

Ans: 15th March, 1962 is observed as World Consumer's Right Day.

I) Arrange in proper order.

1) National Commission, District Commission, State Commission.

Ans: District Commission, State Commission, National Commission.

2) District Judge, Supreme Court Judge, High Court Judge.

Ans: District Judge, High Court Judge, Supreme Court Judge.

J) Correct the underlined word and rewrite the following sentence

1) An appeal can be filed against the order of the National Commission to the State forum.

Ans: An appeal can be filed against the order of the National Commission to the Supreme Court.

2) National Commission is established by the State Government.

Ans: National Commission is established by the Central Government.

3) District Commission is also referred as People's Court.

Ans: Lok Adalat is also referred as People's Court.

4) In India, sellers are widely dispersed and are not united.

Ans: In India, Consumer are widely dispersed and are not united.

5) National Commission entertains complaints where the value of the goods or services paid as consideration does not exceed Rs. one crore .

Ans: District Commission entertains complaints where the value of the goods or services paid as consideration does not exceed Rs. one crore .

Q.2. Explain the following terms/ concepts.

1) District Commission.

Ans: A consumer dispute redressal commission at each district established by the State Government is known as District Commission.

Territorial Jurisdiction- Territorial Jurisdiction of district commission is entire district in which it is established.

Monetary Jurisdiction -District Commission shall have jurisdiction to entertain complaints where the value of the goods or services paid as consideration does not exceed Rs. one crore.

2) National Commission.

Ans: A consumer dispute redressal forum at the National level established by the Central Government by notification is known as National Commission. It is also called as the National Consumer Disputes Redressal Commission.

Territorial Jurisdiction- It can entertain original cases as well as appeals against the order of State Commission which are within the geographical limits of the state.

Monetary Jurisdiction - to entertain complaints where the value of the goods or services paid as consideration exceeds Rs. ten crore.

3) State Commission.

Ans: A consumer dispute redressal commission at the state level established by the State Government is known as State Commission. It is also called as State Consumer Disputes Redressal Commission.

Territorial Jurisdiction - It can entertain original cases as well as appeals against the order of

District Commission which are within the geographical limits of the state.

Monetary Jurisdiction - to entertain complaints where the value of the goods or services paid as consideration, exceeds Rs. one crore, but does not exceed Rs. ten crore.

4) Lok Adalat.

Ans: Lok adalat is the effective and economical system for quick redressal of the public grievances.

It can also be referred to as 'People's Court'. It is established by the government to settle disputes by compromise.

The aggrieved party can directly approach the adalat with grievance, and issues are discussed on the spot and decisions are taken immediately. Resolution of disputes by Lok Adalat gets statutory recognition. e.g. MSEDCL, MSRTC, Railway authority, Insurance Companies, Banks etc. organize regular Lok Adalat.

5) Janhit Yachika

Ans: Janhit Yachika is also known as Public Interest Litigation. Public Interest Litigation means a legal action initiated in a court of law regarding a matter of general public interest. It is a legal facility under which any person can approach to the court of law in the interest of the society. Its aim is to provide legal remedy to unrepresented groups of society. The party which is not related to grievance can

also file public interest litigation. It is filed in the High Court as well as Supreme Court directly in some cases.

Q.3. Study the following case/situation and express your opinion.

1) Mr. Ashok visited a shop to buy a pair of shoes of RS. 700. The salesman forced him to buy a pair of bigger size shoes of ordinary company by claiming this size would be suitable to him. After reaching home, he discovered that shoes are still too big for him. He complained about the shoes to the shopkeeper. It was denied by the shopkeeper to replace the shoes despite of availability of stock.
In above case

i) Which right has been violated?

Ans: In the above case, Right to Choose has been violated.

ii) Comment on the right which has been violated.

Ans: In India, the choices are available to consumers to select goods and different services like telecommunications, travel and tourism, banking, electronics, consumer goods, etc. According to right to choose, consumer should be given full liberty to select an article as per his requirements, liking and purchasing capacity. The seller cannot force or compel the customer to buy specific product or service. In this manner monopoly is avoided and prevented.

iii) Where can Mr. Ashok file his complaint?

Ans: According to the Right to be Heard, Mr. Ashok can lodge complaint to the consumer forum. Mr. Ashok can also file online complaint through portal or mobile applications to the trader as well as to the appropriate consumer commission or forum.

2) Mrs. Meera a resident of Nagpur District bought a washing machine worth Rs. 50,000 without cash memo with a warranty period of 2 years. After 1.5 years she noticed some defect and asked the company to repair or replace it. The company did not accept her complaint despite of the defective product.
In the above case,

i) Suggest suitable redressal machinery to protect her right.

Ans: According to Right to Redressal, Mrs. Meera should file complaint for fair settlement of claim. This right enables Mrs. Meera to demand repair or replacement or compensation for defective product i.e., in above case washing machine supplied. Three tier quasi-judicial consumer dispute redressal machinery is established for the settlement of claim. Mrs. Meera can file complaint in District Commission established in her district as the value of machinery does not exceed 1 crore.

ii) If she is not satisfied with the decision given by redressal machinery, where should she appeal?

Ans: If Mrs. Meera is not satisfied with the order or judgement given by District Commission, then she can appeal against such order to State Commission within 45 days from the date of such order, in such form and manner as may be prescribed.

iii) What was the negligence of Mrs. Meera while buying the washing machine?

Ans: Mrs. Meera did not collect or ask for cash memo and guarantee/warranty card for a period of 2 years as soon as she purchased the washing machine worth 50,000.

Q.4. Distinguish between.

1) District Commission and State Commission.

District Commission	State Commission
1. Meaning: A consumer dispute redressal forum at the district level established by the State Government is known as District Commission.	A consumer dispute redressal forum at the State level established by the State Government is known as State Commission.
2. President: A person who is sitting or retired or qualified to be District Judge.	A person who is sitting or retired or Judge of High Court, shall, be appointed by the State Government as the President of State Commission.
3. Member: Not less than two and not more than such number of members as may be prescribed, in consultation with the Central Government	Not less than four or not more than such number of members as may be prescribed in consultation with the Central Government.
4. Membership Tenure: The members can have the membership for a term of five years or	

upto the age sixty five years, whichever is earlier.	The members can have the membership for a term of five years or up to the age sixty seven, whichever is earlier.
5. Area covered It covers particular district	It covers particular state
6. Monetary Jurisdiction: To entertain complaints where the value of the goods or services paid as consideration does not exceed Rs. one crore.	To entertain complaints where the value of the goods or services paid as consideration, exceeds Rs. one crore, but does not exceed Rs. ten crore.
7. Appeal: Appeal against the District Commission can be made to the State Commission.	Appeal against the State Commission can be made to the National Commission

2) State Commission and National Commission.

Ans:

State Commission	National Commission
1. Meaning: A consumer dispute redressal forum at the State level established by the State Government is known as State Commission.	1. Meaning: A consumer dispute redressal forum at the National level established by the Central Government by notification is known as National Commission.
2. President: A person who is sitting or retired or Judge of High Court, shall, be appointed by the State Government as the President of State Commission.	2. President: A person who is or has been a judge of the Supreme Court, shall be appointed by the Central Government by notification is known as National Commission
3. Member: Not less than four or not more than such number of members as may be prescribed in consultation with the Central Government.	3. Member: Not less than four and not more than such number of members as may be prescribed.
4. Membership Tenure: The members can have the membership for a term of five years or up to the age sixty seven, whichever is earlier.	4. Membership Tenure: The members can have the membership for a term of five years or up to the age sixty seven years and president upto seventy years, whichever is earlier.
5. Area covered It covers particular state	5. Area covered It covers the entire country

6. Monetary Jurisdiction: To entertain complaints where the value of the goods or services paid as consideration, exceeds Rs. one crore, but does not exceed Rs. ten crore.	6. Monetary Jurisdiction: To entertain complaints where the value of the goods or services paid as consideration exceeds Rs. ten crore.
7. Appeal: Appeal against the State Commission can be made to the National Commission	7. Appeal: Appeal against the National Commission can be made to the Supreme Court.

3) District Commission and National Commission

District Commission	National Commission
1. Meaning: A consumer dispute redressal forum at the district level established by the State Government is known as District Commission.	1. Meaning: A consumer dispute redressal forum at the National level established by the Central Government by notification is known as National Commission.
2. President: A person who is sitting or retired or qualified to be District Judge.	2. President: A person who is or has been a judge of the Supreme Court, shall be appointed by the Central Government by notification is known as National Commission
3. Member: Not less than two and not more than such number of members as may be prescribed, in consultation with the Central Government	3. Member: Not less than four and not more than such number of members as may be prescribed.
4. Membership Tenure: The members can have the membership for a term of five years or upto the age sixty five years, whichever is earlier.	4. Membership Tenure: The members can have the membership for a term of five years or up to the age sixty seven years and president upto seventy years, whichever is earlier.
5. Area covered It covers particular district	5. Area covered It covers the entire country
6. Monetary Jurisdiction: To entertain complaints where the value of the goods or services paid as consideration does not exceed Rs. one crore.	6. Monetary Jurisdiction: To entertain complaints where the value of the goods or services paid as consideration exceeds Rs. ten crore.

7. Appeal: Appeal against the District Commission can be made to the State Commission.	7. Appeal: Appeal against the National Commission can be made to the Supreme Court.
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Q.5. Answer in brief.

1) Explain any four needs of consumer protection.

Ans: Refer **Q.7(3)**

2) State any four rights of the consumer.

Ans: Refer **Q.7(1)**

3) Explain any four responsibilities of the consumer.

Ans: Refer **Q.7(2)**

4) State the role of NGO in consumer protection.

Ans: The main aim of these NGOs is to study the trend of prices in the market and publish them for the information of consumers and to agitate against the malpractices of traders.

Role of NGOs in Consumer protection and Education:

i) To organize campaigns and various programmes on consumer issues to create social awareness.

ii) To organize training programmes for the consumers and make them conscious of their rights and modes of redressal of their grievances.

iii) To publish periodicals to enlighten the consumers about various consumer related developments.

iv) To provide free legal advice to members on matters of consumer interest and help them to take up grievances.

iv) To interact with businessmen and Chambers of Commerce and Industry for ensuring a better deal for consumers.

v) To file Public Interest Litigation on important consumer issues, such as ban on a product injurious to public health.

Q.6. Justify the following statements.

1) The Consumer Protection Act was passed in the interest of consumers.

Ans: (1) The Consumer Protection Act came into force from 1986. Thereafter the Ministry of Law and Justice proposed new act in 2019. The Act has for the first time recognised six rights of the consumer

- (i) the right to be protected against marketing of hazardous goods.
- (ii) the right to be informed about the price and features of goods.
- (iii) the right to make a choice out of a variety of goods.
- (iv) the right to make a complaint against unsatisfactory goods.
- (v) the right to seek redressal against unfair trade practices.
- (vi) the right to consumer education. All the above rights are in the interest of the consumer and not the seller.

(2) The Act has made provision for the establishment of Consumer Protection Councils at the central and state levels for promoting and protecting these rights.

(3) The Act has created a quasi-judicial machinery consisting of the District Commission, State Commission and National Commission to entertain complaints and to give fair justice to the aggrieved consumers. The Act prescribes punishment of imprisonment not less than one month which may extend to 3 years and a fine which shall not be less than Rs. 25,000 which may extend to Rs. 1 lakh or with both for guilty person.

(4) The strict enforcement of these rights creates a competition among the sellers. Consequently, the consumers get quality goods at fair prices. The government has also adopted various measures for creating public awareness about the rights of consumers. Various programmes are shown on television channels as well as programmes are broadcasted by All India to educate consumers.

2) Consumers have many responsibilities.

Ans: Consumers have many responsibilities such as

1) Consumer should use his rights: Consumers have many rights with regard to the

goods and services. They must be aware of their rights while buying.

2) Cautious consumer: The consumers should understand their responsibilities while buying goods and services. While buying, the consumer should enquire about the quality, quantity, price, utility of goods and services etc.

3) Filing of complaint: It is the responsibility of a consumer to approach the officer concerned, if consumers have some complaint about the goods and services.

4) Consumer must be quality conscious : The consumers should never compromise on the quality of goods. They should not buy inferior stuff out of greed for less prices. If the consumers behave like this, there cannot be any protection for them from any sector.

5) Beware from exaggerate advertisement : The seller informs the consumer about their goods and services through advertisement.

6) Demand of Receipt and Guarantee/ warrantee card: Consumer should always ask for invoice for the goods purchased.

7) Pre-Plan for buying: The important responsibility of consumers is that they should not buy in hurry.

8) Organized efforts: Consumer should undertake responsibility for the protection of their rights and safeguarding their interests.

3) Aim of consumer organization is to protect the rights of the consumer.

Ans: The role of Non-Government Organisations (NGOs) in consumer protection is explained as follows :

(1) NGO organise campaigns and various programmes on consumer issues to create social awareness.

(2) They initiate and organise training programmes for the consumers and make them aware and conscious of their rights and various modes of redressal of their grievances.

(3) They publish journals and periodicals at regular interval to make the consumers understand and keep them informed about various consumer related developments.

(4) They provide legal advice free of charge to the members on the matters of consumer interest and help them to put up grievances before appropriate authority.

(5) NGOs active members interact (communicate) with the businessmen and Chambers of Commerce and Industry for ensuring better deal for the consumers.

(6) They file Public Interest Litigation (Janhit Yachika) on important consumer issues like ban on a product or medicine injurious to public health. They also file cases in the court of law to safeguard the rights and protect the interest of general public.

(7) Few examples of NGOs working for the consumers are Consumer Guidance Society of India (CGSI), Voluntary Organisation in Interest of Consumer Education (VOICE), Consumer Education and Research Centre (CERC), Consumers Association of India (CAI), Mumbai Grahak Panchayat (MGP), Grahak Shakti (GS), etc.

Q.7. Attempt the following.

1) State rights of the consumer.

Ans: Some of the rights of the consumer's are as follows:

1) Right to Safety: This right protects consumers against products, production processes and services which are hazardous to health or life. It includes concern for consumer's long-term interests as well as their immediate requirements. According to this right, consumer must get full safety and protection to his life and health.

2) Right to Information: According to this right, consumer should be provided with adequate information about all aspects of goods and services like price, name of manufacturer, contents used, batch number if any, date of manufacture and expiry date, user manual and safety instruction etc. This right also enables consumer to select right product or service.

3) Right to Choose: According to this right, consumer should be given full freedom to select an article as per his requirement, liking and purchasing capacity. The right to choose is related to the concept of free market economy. As per this right, the seller cannot compel consumer to buy particular product and hence monopoly is prevented.

4) Right to be heard: Every business organization should listen and solve the complaints of consumers. According to this right, consumers have opportunity to voice their complaint to the consumer forum. Consumers also give suggestions to manufacturer or trader on certain matters such as quality, quantity, price, packaging

etc. Now a days, consumers can file online complaints through portal or mobile applications.

5) Right to Consumer Education: Every consumer has the right to know about consumer rights and solutions to their problems. This right creates consumer awareness. An aware consumer can make rational choice of goods and services and protect his rights and interests from the exploitation of unscrupulous businessmen. Thus, consumer education becomes a priority concern.

6) Right to Represent: The act provides an opportunity to individuals and consumer groups to represent consumer's interest before consumer forum. The act allows the consumer to be represented by a person who is not a professional advocate. This provision is in recognition of consumer's right to represent.

7) Right to Redress: This right enables the consumer to demand repair or replacement or compensation for defective products and for poor services. According to consumer protection Act, three tier quasi-judicial consumer dispute redressal machinery is established for settlement of claims such as District Commission at District level, State Commission at state level and National Commission at national level. Consumers are protected from business malpractices.

8) Right to Healthy Environment: All consumers have a right to healthy and clean environment.

According to this right, consumer can demand actions against the pollution causing business organizations. All consumers have the right to healthy and clean environment in present and future.

9) Right to Protect from unfair business practices: As per this right all consumers are protected against unfair business practices such as black marketing, profiteering, faulty weights and measures, exorbitant prices, adulteration etc.

10) Right against spurious goods: This right is against the marketing of goods which are hazardous to health, spurious and pose a danger to life itself.

2) State responsibilities of the consumer.

Ans: Consumers should exercise their rights and responsibilities while purchasing products or services. These are as follows:

1) Consumer should use his rights: Consumers have many rights with regard to the goods and services. They must be aware of their rights while buying.

2) Cautious consumer: The consumers should understand their responsibilities while buying goods and services. While buying, the consumer should enquire about the quality, quantity, price, utility of goods and services etc.

3) Filing of complaint: It is the responsibility of a consumer to approach the officer concerned, if consumers have some complaint about the goods and services. A delay in complaint may result in expiry of guarantee or warrantee.

4) Quality conscious: The consumers should never compromise on the quality of goods. They should not buy inferior stuff out of greed for less prices. If the consumers behave like this, there cannot be any protection for them from any sector. It is also the responsibility of the consumers to buy quality goods. The symbols such as ISI, AGMARK, Hallmark, FPO, FASSAI etc. are indicative of the good quality of the goods.

5) Beware from exaggerate advertisement: The seller informs the consumer about their goods and services through advertisement. Usually the sellers exaggerate the quality of their goods in advertisements. Therefore, it is the responsibility of the consumers to identify the truth of advertisement.

6) Demand of Invoice and Guarantee, Warrantee Card: Consumer should always ask for invoice for the goods purchased. It is the responsibility of consumer to check details mentioned on the guarantee or warrantee card. If the goods purchased are of inferior quality, these documents are useful to settle all kinds of disputes with the seller.

7) Pre-planned buying: The important responsibility of consumers is that they should not buy in hurry. It means that the consumers should make an estimate of the goods they want to buy along with their quantity required. They should also take in consideration the place from where to buy the things.

8) Organized Efforts: Consumer should undertake responsibility for the protection of their rights and safeguarding their interests. Consumers can work for and support the consumer protection associations for consumer welfare.

3) State the need of consumer protection.

Ans: In modern competitive market, consumer is regarded as the 'King of Market' hence consumer protection is required due to the following reasons:

1) Need of participation of consumers: It is noted that business organizations take decisions which affect the consumers' interest without consulting the consumer or

their organizations.

Only a strong consumer organization can pressurize business organizations to allow consumer participation in the decision making process.

2) Lack of information: It is very difficult to establish direct contact between consumer and manufacturer because consumers live in a dynamic and complex world and they are widely scattered. Today's markets are full of domestic as well as imported products therefore it is very difficult to get correct and reliable information about product before they purchase.

3) Ignorance: Ignorance of consumers is the main cause of exploitation by business. Consumers in India are mostly ignorant about their rights, market conditions, price levels and product details. A system is required to protect them from business malpractices.

4) Unorganized Consumers: Consumers are widely scattered and are not organized, On the other hand sellers are in better position than consumers and they are powerful. Consumers are under the influence of businessman. An individual consumer cannot fight against these powerful sellers.

5) Spurious Goods: There is increasing supply of duplicate products. It is not possible for an ordinary consumer to distinguish between a genuine product and its imitation. It is necessary to protect consumers from such exploitation by ensuring compliance with prescribed norms of quality and safety standards.

6) Misleading Advertising: Some businessmen give misleading information about quality, safety and utility of products. Consumers are misled by misleading advertisement and do not know the real quality of advertised goods. A mechanism is needed to prevent misleading advertisements.

7) Malpractices of Businessmen: Fraudulent, unethical and monopolistic trade practices by businessmen lead to exploitation of consumers. Many times consumers get defective, inferior and substandard goods and services. Certain measures are required to protect the consumers against such malpractices.

8) Trusteeship: According to Gandhi an philosophy businessmen are trustees of the society's wealth. Therefore, they should use this wealth for the benefit of people.

4) State the role of NGOs and consumer protection.

Ans: The main aim of these NGOs is to study the trend of prices in the market and publish them for the information of consumers and to agitate against the

malpractices of traders.

Role of Consumer organizations & NGOs in Consumer protection and Education:

- i) To organize campaigns and various programmes on consumer issues to create social awareness.
- ii) To organize training programmes for the consumers and make them conscious of their rights and modes of redressal of their grievances.
- iii) To publish periodicals to enlighten the consumers about various consumer related developments.
- iv) To provide free legal advice to members on matters of consumer interest and help them to take up grievances.
- iv) To interact with businessmen and Chambers of Commerce and Industry for ensuring a better deal for consumers.
- v) To file Public Interest Litigation on important consumer issues, such as ban on a product injurious to public health.

5) State the composition and monetary jurisdiction of district Forum.

Ans: District Commission:

Meaning - A consumer dispute redressal commission at each district established by the State Government is known as District Commission. Composition - Each District commission shall consist of the following.

- a) **President:** A person who is sitting or retired or qualified to be a District Judge.
- b) **Member:** not less than two and not more than such number of members as may be prescribed, in consultation with the Central Government.
- c) **Tenure:** Any person appointed as President or a member of the District Commission shall hold office as such as President or as a member till the completion

of his term for which he has been appointed. The members will hold office for a term of five years or upto the age of sixty five years, whichever is earlier.

Monetary Jurisdiction - District Commission shall have jurisdiction to entertain complaints where the value of the goods or services paid as consideration does not exceed Rs. one crore.

6) State the composition and monetary jurisdiction of state commission.

Ans: State Commission:

Meaning - A consumer dispute redressal commission at the state level established by the State

Government is known as State Commission. It is also called as State Consumer Disputes Redressal Commission.

Composition - Each State Commission shall consist of

a) President: A person who is sitting or retired Judge of High Court, shall be appointed by the State Government as the president of State Commission in consultation with Chief Justice of High Court.

b) Member: Not less than four or not more than such number of members as may be prescribed in consultation with the Central Government.

c) Tenure: The members will hold office for a term of five years or up to the age of sixty seven years, whichever is earlier.

Monetary Jurisdiction - to entertain complaints where the value of the goods or services paid as consideration, exceeds Rs. one crore, but does not exceed Rs. ten crore.

7) State the composition and monetary jurisdiction of national commission.

Ans: National Commission

Meaning - A consumer dispute redressal forum at the National level established by the Central Government by notification is known as National Commission. It is also called as the National Consumer Disputes Redressal Commission. **Composition** - National Commission shall consist of -

a) President: A person, who is or has been a Judge of the Supreme Court, shall be appointed by the Central Government as the president of National Commission in consultation with Chief Justice of India.

b) Member: Not less than four and not more than such number of members as may be prescribed.

c) Tenure: The members will hold office for a term of five years or up to the age prescribed, whichever is earlier.

Monetary Jurisdiction - to entertain complaints where the value of the goods or services paid as consideration exceeds Rs. ten crore.

Q.8. Answer the following.

1) Who is consumer? Explain the rights of the consumers.

Ans: The word 'Consumer' is derived from the Latin word 'Consumere' which means, to eat or to drink. The consumer is the one who consumes or uses any commodity or service available from natural resources or through a market. A Consumer means any person who buys any goods, hires any service or services for a consideration which has been paid or promised or partly paid or partly promised or under any system of deferred payments.

1) Right to Safety: This right protects consumers against products, production processes and services which are hazardous to health or life. It includes concern for consumer's long-term interests as well as their immediate requirements. According to this right, consumer must get full safety and protection to his life and health.

2) Right to Information: According to this right, consumer should be provided with adequate information about all aspects of goods and services like price, name of manufacturer, contents used, batch number if any, date of manufacture and expiry date, user manual and safety instruction etc. This right also enables consumer to select right product or service.

3) Right to Choose:

According to this right, consumer should be given full freedom to select an article as per his requirement, liking and purchasing capacity. The right to choose is related to the concept of free market economy. As per this right, the seller cannot compel consumer to buy particular product and hence monopoly is prevented.

4) Right to be heard: Every business organization should listen and solve the complaints of consumers. According to this right, consumers have opportunity to

voice their complaint to the consumer forum. Consumers also give suggestions to manufacturer or trader on certain matters such as quality, quantity, price, packaging etc. Now a days, consumers can file online complaints through portal or mobile applications.

5) Right to Consumer Education: Every consumer has the right to know about consumer rights and solutions to their problems. This right creates consumer awareness. An aware consumer can make rational choice of goods and services and protect his rights and interests from the exploitation of unscrupulous businessmen. Thus, consumer education becomes a priority concern.

6) Right to Represent: The act provides an opportunity to individuals and consumer groups to represent consumer's interest before consumer forum. The act allows the consumer to be represented by a person who is not a professional advocate. This provision is in recognition of consumer's right to represent.

7) Right to Redress: This right enables the consumer to demand repair or replacement or compensation for defective products and for poor services. According to consumer protection Act, three tier quasi-judicial consumer dispute redressal machinery is established for settlement of claims such as District Commission at District level, State Commission at state level and National Commission at national level. Consumers are protected from business malpractices.

8) Right to Healthy Environment: All consumers have a right to healthy and clean environment.

According to this right, consumer can demand actions against the pollution causing business organizations. All consumers have the right to healthy and clean environment in present and future.

9) Right to Protect from unfair business practices: As per this right all consumers are protected against unfair business practices such as black marketing, profiteering, faulty weights and measures, exorbitant prices, adulteration etc.

10) Right against spurious goods: This right is against the marketing of goods which are hazardous to health, spurious and pose a danger to life itself.

2) Explain the ways and means of Consumer Protection.

Ans: The prevailing judiciary system is not sufficient enough to protect consumers, therefore, there are various ways and means of consumer protection. They are as follows.

1) Lok Adalat: Lok adalat is the effective and economical system for quick redressal of the public grievances. It can also be referred to as 'People's Court'. It is established by the government to settle disputes by compromise. The aggrieved party can directly approach the adalat with grievance, and issues are discussed on the spot and decisions are taken immediately. Resolution of disputes by Lok Adalat gets statutory recognition. e.g. MSEDCL, MSRTC.

2) Public Interest Litigation (Janahit Yachika)

Public Interest Litigation means a legal action initiated in a court of law regarding a matter of general public interest. It is a legal facility under which any person can approach to the court of law in the interest of the society. Its aim is to provide legal remedy to unrepresented groups of society. The party which is not related to grievance can also file public interest litigation. It is filed in the High Court as well as Supreme Court directly in some cases.

3) Redressal Forums:

Under the Consumer Protection Act, 2019, a system has been set up to deal with the consumer grievances and disputes at district, state and national level. Any individual consumer or association of consumers can file a complaint with respective commission depending on the value of goods and claim for compensation. The main aim of these commissions is to provide for simple, speedy and inexpensive redressal of consumer's grievances.

4) Awareness Programme:

To increase the level of awareness among the consumers the Government of India has initiated various publicity measures. State and Central Government regularly publishes journals, brochures, booklets and various posters depicting the rights and responsibilities of consumers, redressal machineries etc. Several audio-video programmes on consumer awareness are broadcasted on various channels and through social media.

5) Consumer Organizations:

Consumer Organizations have been active in India to promote and protect consumer interests. Consumer movement is well settled in India and helping individuals to seek quick and adequate redressal of their grievances. It is necessary to strengthen consumer movement throughout the country.

6) Consumer Welfare Fund (CWF):

Department of Consumer Affairs has created consumer Welfare Fund for providing financial assistance to strengthen the voluntary consumer movement particularly in

rural area. This fund is used for training and research in consumer education, complaint handling, counselling and guidance mechanisms, product testing labs and so on.

7) Legislative Measures:

A number of laws have been enacted in India to safeguard the interest of consumers and protect them from unethical practices of businessman. Some of these laws are as follows:

- Sale of Goods Act, 1930

- Essential Commodities Act, 1955

- Standard of Weights and Measures Act, 1956

There are a number of laws to safeguard the interests of consumers, but these acts could not provide complete and fair justice to consumers. Therefore, an exclusive Act has been advocated in the form of Consumer Protection Act, 2019.

3) Explain the three tier quasi-judicial machinery under the Act.

Ans: The three tier quasi-judicial machinery as follows:

1) District Commission:

Meaning - A consumer dispute redressal commission at each district established by the State

Government is known as District Commission.

Territorial Jurisdiction - Territorial Jurisdiction of district commission is entire district in which it is established.

Monetary Jurisdiction - District Commission shall have jurisdiction to entertain complaints where the value of the goods or services paid as consideration does not exceed Rs. one crore.

Appeal - Any person aggrieved by an order made by the District Commission may prefer an appeal against such order to the State Commission within a period of forty-five days from the date of the order, in such form and manner, as may be prescribed.

2) State Commission:

Meaning - A consumer dispute redressal commission at the state level established by the State

Government is known as State Commission. It is also called as State Consumer Disputes Redressal Commission.

Territorial Jurisdiction - It can entertain original cases as well as appeals against the order of District Commission which are within the geographical limits of the state.

Monetary Jurisdiction - to entertain complaints where the value of the goods or services paid as consideration, exceeds Rs. one crore, but does not exceed Rs. ten crore.

Appeal - Any person aggrieved by an order made by the State Commission may prefer an appeal against such order to the National Commission within a period of thirty days from the date of the order in such form and manner as may be prescribed.

3) National Commission

Meaning - A consumer dispute redressal forum at the National level established by the Central Government by notification is known as National Commission. It is also called as the National Consumer Disputes Redressal Commission.

Territorial Jurisdiction - It can entertain original cases as well as appeals against the order of State Commission which are within the geographical limits of the state.

Monetary Jurisdiction - to entertain complaints where the value of the goods or services paid as consideration exceeds Rs. ten crore.

Appeal - Any person, aggrieved by an order made by the National Commission may prefer an appeal against such order to the Supreme Court within a period of thirty days from the date of the order.