India has the largest consumer base in the world. In order to protect consumers from exploitation by unscrupulous elements, the consumer protection Act has been enacted.

A consumer has a RIGHT to
- Safety,
- Information,
- Choose,
- Be Heard,
- Redressal,
- Consumer Education,

All of us are consumers of goods and services. A consumer under the Act is:
"One who buys any goods, hires any service or services for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment."

Note: A person is not a consumer if he purchases goods for commercial purpose or resale purposes. However, a person is a consumer if he purchases goods for the purpose of earning his livelihood by means of self-employment.

Under the Act, a complaint can be made in writing in the following circumstances.

- If you have suffered or damage as a result of any unfair trade practices adopted by the trader.
- If the goods purchased suffer from any defect.
- If the services hired/availed of suffer from deficiencies in any respect.
- If you have been charged a price in excess of the price displayed or fixed by or under any law for the time being in force.
- If, the goods hazardous to life and safety, when used, are being offered for sale to public in contravention of any law for the time in force.

The Forums/Commissions can order the following reliefs:

- Removal of defects from the goods.
- Replacement of the goods.
- Refund of the price paid.
- Award of compensation for the loss or injury suffered.
- Removal of defects or deficiencies in the services.
- Discontinuance of unfair trade practices/restrictive trade practices and directing not to repeat them.
- Withdrawal of the hazardous goods from being offered for sale.
- Award for adequate costs to parties.
### PROCESS FOR SOLUTION

#### Complaint Under which Section?

Section 11, 12 - District Forums, Section 15 - State Commission, Section 19 - National Commission, Section 23 - Supreme Court.

#### Whom to complain / where to complaint?

The following can make a complaint under the Act.
- A consumer
- Any registered voluntary consumer organization.
- The Central Government.
- The State Government / Union Territory Administration.
- One or more consumers on behalf of numerous consumers who are having the same interest (class action complaints).
- The complaint should be supported with affidavit of party witness if any.

The jurisdiction of the various forms is as follows:-

**DISTRICT FORUM** :- If the cost of goods or services and compensation asked for is up to Rs. 20 lakhs.

**STATE COMMISSION** :- More than Rs. 20 lakh is and up to Rs. 1 Crore.

**NATIONAL COMMISSION** :- More than Rs. 1 Crore.

#### How to file the Case ?

- The complaint is to be filed within two years from the date on which cause of action has arisen.
- Minimal fee for filing a complaint. Even an affidavit does not need stamp papers. A complaint can be sent by post or presented in person by complainant or his authorized agent.
- Usually the Forums Require 3-5 copies of complaint.

#### What Next ?

- Appeal against District Forum's final order to State Commission within 30 days
- Appeal against State Commission's final order to National Commission within 30 days
- Appeal against National Commission's order to Supreme Court within 30 days. Any order which is not a final order may be challenged in revision before respective higher commissions

- There is no fee for filing appeals in the State and National Commissions.
- Procedure is the same as that of complaint except that the application has to be accompanied by the copies of the orders appealed against with reasons for filing appeals.

#### ALTERNATE REMEDIES

The consumer can approach consumer organizations who may endeavour for a settlement between the consumer and the opposite party.