

## **Consumer Court - Record**

The Consumer Protection Act 1986 [CORPA] is an act of the parliament of India enacted in 1986 to protect the interest of consumers protection act 2019.

- It is made for the establishment of a consumer council and other arthritis of the consumer for the settlement of consumers' grievances and matters collected there with it.
- The act was passed in assembly in October 1986 and came into force on December 24th, 1986.
- The statue on the right was made before this COPRA Act.

### **Significance of the Statue:**

This statue is regarded as the 'Magna Carta' in the field of consumer protection for checking unfair trade practices.

- 'Defects on Goods' and 'deficiencies' in services as far as India is consumed.
- It has led to the establishment of a widespread network of consumer forum and appellate courts all over India.
- It has significantly impacted how businesses approach consumer complaints and have empowered consumers to a greater extent.

### **Consumer Protection Council:**

CPC are established at the nation, state, district level to increase consumer awareness .

Various Consumer Organizations:

To increase the awareness of consumers there are many consumer organizations and NGO's that have been established.

Consumer Guidance Society of India[CGSI]

The first consumer organization established in India in 1966.

It was followed by many others such as

1. Consumer Education and Research Center[Gujarat]
2. Bureau of Indian Standards
3. FEDERATION of Consumer Organization in Tamilnadu.
4. Mumbai Grahak Panchayat.
5. Consumer Voice [New Delhi]
6. Legal Aid Society [Kolkata]

7. Akhil Bharatiya Grahak Panchayat.
8. The Consumer Eye of India
9. United India Consumers Association.

#### **District Consumer Disputes Redressal Forum [DCDRF]:**

- Also known as the “district forum” established by the state government in each district of the state.
- The state governments may establish more than one district forum in a district.
- It is a district level court that deals with cases valuing up to 2 million.

#### **State Consumer Disputes Redressal Commission [SCDR]:**

- Also known as the ‘state commission’ established by the state government in the state.
- It is a state level court that takes up cases valuing less than 10 Million.

#### **National Consumer Disputes Redressal Commission [NCDRC]:**

- Also known as the “ National Commission ”, established by the central government.
- Deals with more than 10 Million valuing cases.

#### **Objective of Central Council:**

The objective of the central council is to promote and to protect the rights of the consumer such as :

1. The right to be protected against the marketing of goods and services which are hazardous to life and property.
2. The right to be informed about the Quality, Quantity, Potency, Purity, Standard and Price of the goods or services as the case may be to protect the consumer against unfair trade practices.
3. The right to be assured whenever possible access to a variety of goods and services at competitive prices.
4. The right to be heard and to be assured that consumer’s interest will be given due consideration at appropriate forums.
5. The right to seek redressal against unfair trade practice or restrictive trade practices or unscrupulous exploitation of consumers.
6. The right to consumer education.

#### **Jurisdiction/ Three Tier System of Council Counts:**

1. Subject to the other provisions of this act. The district forum shall have jurisdiction to entertain complaints where the value of the goods or services and compensation, if any, does not exceed rupees 20 lakhs.

2. A complaint shall be initiated in a district forum within the local limits of whose jurisdiction.
  - (a) The opposite party or each of the opposite parties, where there are more than one at the time of the institution of the complaint actually and voluntarily resides or carries on business or has a branch office or personally works for gain.
  - (b) Any of the opposite parties, where there are more than one, at the time of the institution of the complaint. Actually and voluntarily resides or carries on business or has branch office or personally works for gain, provided that in such case either the permission of the district forum is given or the opposite parties who do not reside or carry on business or have a branch office or personally work for gain as the case may be acquires in such institution.
  - (c) The cause of action, whole or in part arises, consumer courts do not have jurisdiction over matters where services or goods were bought for a commercial purpose.

#### **Jurisdiction of State Commission:**

Subject to the other provisions of this act, the state commission shall have jurisdiction

- (a) To entertain
  - (i) Complaints where the value of the goods or services and compensation if any claim exceeds rupees 20 lakhs but does not exceed rupees 1 crore.
  - (ii) Appeals against the order if any district forum within the state.
- (b) To call for the records and pass appropriate orders in any consumer dispute.

#### **Jurisdiction of National Commission:**

- (a) To entertain
  - (i) Complaints where the value of the goods or services and compensation, if any claim exceeds rupees 1 crore.
  - (ii) Appeals against the order of any state mayor.
- (b) To call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any state commission.

However, the supreme court of india has held that the jurisdiction of national commission under revision jurisdiction is very limited and can only be exercised when state commission exceeds its jurisdiction, fails to exercise its jurisdiction or this is material illegality in the order passed by the state commission.

#### **Rights provided by Consumer Court:**

The consumer rights provided by consumer courts in India are:

1. Right to safety
2. Right to information
3. Right to choose

4. Right to be heard
5. Right to redressal
6. Right to consumer education

#### **List of Consumer Courts in India:**

##### **1. National Consumer Dispute Redressal Commission[NCDRC]:**

- (i) It is a national level court that works in the whole country.
- (ii) It is the highest appellate authority court in the hierarchy.
- (iii) Concerned about 100 - 1 crore rupees.

##### **2. State Consumer Dispute Redressal Commission[SCDR]:**

- (i) It is a state level court that works on the whole state.
- (ii) Compensation claimed is above 1-10 crores.
- (iii) Appellate jurisdiction of our district forum.

##### **3. District Consumer Dispute Redressal Forum [DCDRF]:**

- (i) It is the district level court that works on the whole district.
- (ii) Compensation claimed is above 20 lakhs.
- (iii) Appellate jurisdiction of our state consumer court.
- (iv) Only consumer protection & prevention act cases can be taken up.

#### **Process to file a complaint:**

1. The process to file a complaint with consumer court in India is as follows.
  - (a) First you will need to buy a copy of the consumer protection act -format.
    - File & fill the format with simple guidelines
    - Draft should be clear & concise.
    - Facts & supporting documentation
    - Mandatory Documentation draft
    - Affidavit attachment
    - Part of evidence & references on the file
    - Evidence should be photo copies
    - Vakalatnama - signature/with documents
    - Submit @ court for s.r. Numbers

## **Consumer Movement:**

1. The consumer movement as a social force originated with the necessity of protecting and promoting the interests of consumers against unethical and unfair trade practices.
2. Rampant food shortages, hoarding, black marketing, adulteration of food and edible oil gave birth to the consumer movement in an organized form in the 1960.
3. The movement succeeded in bringing pressure. A major step was taken in 1986 by the Indian Government with enactment of the consumer protection act of 1986.

### **Objectives:**

Main function of consumer court is to provide some extra privilege to the consumer and to maintain the practice by the seller of the service provider toward the consumer.

### **Power to Remove Difficulties:**

1. If any difficulty arises in the giving effect to the provisions of this act. The central government may by order in the official gazette make such provisions of this act as appear to it to be necessary or expedient for removing the difficulty.
2. Provided that no such order shall be made after the expiry of a period of 2 years from the commencement of this act.
3. Every order made under this section shall as soon as may be after it is made be laid before each house of parliament.
4. Shall be void if not laid before each house of parliament within the period specified in the order.
5. Power to make rules  
(i) the central government may be notified under subsection (2) by the district forum committee.
6. Provided that where the notice was properly addressed. Prepaid and duly sent by registered post act due. A declaration referred to in this subsection shall be made notwithstanding the fact that act has been lost or misled or for any other reason has not been received by the district forum.
7. The SCDRC/NCDRC, as the case may be within 30 days from date of issue of notice.
8. The notice required to be served on the opposite party or to complaint shall be deemed to be sufficiently served, if addressed in the call if the opposite party to the place where business or profession is carried and in case of complaint the place where such person actually and voluntarily resides.
9. Approaching a consumer court is very simple and extremely cheap as one can represent oneself without having to be like a lawyer and not required to pay any court fee but just a nominal fee.
10. Protection of action taken in the good faith. No suit, prosecution or other legal proceedings shall lie against the members of the district forum.
11. The SCDRC/NCDRC on for executing any orders made by it or in respect of anything which is a good faith done or intended to be done by such number. Officer or person under this act or under any rule or order made under.

**Service of notice:**

1. All notices required by this act to be served in the manner hereafter mentioned in the sub section.
2. The service of the notice may be made by delivering or transmitting a copy there by registered post acknowledgement due addressed to the opposite party against whom a complaint is made or to the complaint by the speed post or by the district forum.
3. When an acknowledgement or any other receipt purporting to be signed by the opposite party or his agent or by complaint received by the district forum/NCDRC/postal article containing the notice is received back by such district forum, SCDRC/NCDRC with an endorsement purporting to have been made by a postal employee or by any person authorized by courier service to the effect that the opposite party or his agent or complaint had refused to take delivery of postal article containing the notice furnished.

**Powers of the National Commission to make Regulations:**

1. The national commission may with the previous approval of the central government, by notification make regulations not inconsistent with this act to provide for all matters to which provision is necessary or expedient for the purpose of giving effect to the provisions of this act.
2. In particular and without prejudice to the generality of the foregoing power such regulation may make provisions for the cost of adjournment of any proceeding before the district forum. The state commission or national commission as the case may be which a party may be ordered to pay.

To make rules for carrying out the provisions contained in the clause.

(a) Subsection (1) of section 2.

(b) Clause (b) of subsection (2) of section 4.

Subsection (2) of section 5, subsection(2) of section 12, clause (vi) of subsection(4) of section 13 clause (1b) of subsection(1) section 14, section 19 clause (b) of subsection (1) and subsection (2) of section 20, section 22 & section 23 of this act.

The state government may by notification make rules for carrying out the provisions contained in clause (b) of subsection (2) and subsection(4) of section 7, clause (b) of subsection (2) and subsection (4) of section 8A, clause (b) subsection (1) and subsection (3) of section 10, clause (c) of subsection (1) of section 13 clause (hb) of section (1) and subsection (3) of section 14, 25 and clause (b) subsection (1) & (2) of section 16 of this act.

**Rules and Regulations to be laid before each house of Parliament:**

1. Every rule and every regulation made under this act shall be laid as soon as may be after it is made before each house of parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before expiry of the session after said, both houses agree making any modification in the rule or regulation or both houses agree that the rule or regulation

should not be made the rule or regulation shall thereafter have effect only in such modified form or be of as no effect as the may be. So however, any such modification or annulment shall be without prejudice to the validity of anything previously done.

2. Every rule made by a state government under this act shall be laid as soon as may be after it is made before the state legislature.
3. This act may be called the COPRA act 1986.
4. It extends to the whole of India except the state of Jammu and kashmir.
5. It shall come into force on such date as the central government may by notification appoint and different dates may be appointed for different states and for different provisions of this act.
6. Same as otherwise expressly provided by the central government by notification this shall apply to all goods and services.

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