

PGTRB Commerce Study Material

CONSUMER DISPUTES REDRESSAL AGENCIES

	President/chairman	Members	Qualification	k. Experience	Claims limit/Jurisdiction	Time lag
National Commission	A judge or Retired judge of supreme court	5 members 1-President 1-Member women 3-others	Age not less than -35 years -bachelor degree	At least10 years in Economics,law, commerce, Accountancy, industry ,administration	Above1crore	To 5 years (or)up to age 70years (which ever is earlier)
State commission	A judge or retired judge of High Court	3 Member 1-President 1-woman 1-other	Age not less than -35 years -bachelor degree	At least10 years in Economics,law,c ommerce,Accoun tancy,industry.	Exceeding Rs 20 Lahks to 1 crore	5 years (or)up to age 67 years (which ever is earlier)
District Forum	District Judge (or) District Qualified judge	3 Member 1-President 1-woman (Social Worker) 1-other	Age not less than -35 years -bachelor degree	At least 10 years Education trade commerce	Upto Rs 20lakhs	5 years (or)up to age 65years (which ever is earlier)

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UNIT-II

CONSUMER RIGHT AND PROTECTION

- Consumer was treated as a king
- Consumerism is a sham of marketing – Peter drucker
- Caveat Emptor – Let the buyer beware – Virginiya H.Keravan.
- Caveat Emptor to Caveat venditor (Let seller beware) – virginiya H.Novar
- Consumerism came in to existence – 1960's for U.S.A business community.
- First movement of consumerism – 1900 – rising price
- Consumer protection Act – 1986
- Consumer protection in short as COPRA (CONSUMER PROTECTION ACT)
- Consumer protection Act was passed in Loksabha :9th – Dec – 1986
- Consumer protection Act was passed in Rajya sabha : 10th Dec - 1986
- Consumer protection Act was assented by the president of india :24 – Dec – 1986
- Consumer protection Act was published in Gazette of india on : 26th – Dec – 1986
- The COPRA Act came in to force with effect from: 15.04.1987
- The COPRA Act was enacted in the 37th year of the republic of india
- The COPRA Act was amended (or) Ordinance from 1991,1993,2002.
- COPAR Act is called charter of consumer.
- Consumerism is a social movements
- National consumer day – Dec 24
- World consumer day – Mar 15
- Consumer is a innocent - Mahatma Gandhi

- Consumer is a most important visitor in our premisesl. He is not dependent on us. We are dependent on him. He is not an outsider to our bussines. He is part of it. We are not doing him a favour by serving him. He is doing us a favour by giving us an opportunity to do so

- Mahatma Gandhi

- Consumer means any person who buys any goods or avails services for personal use for a consideration :1986 undersec 2 (1)(d)

The Act defines the various terms such as complaint are as follows:

- Complainant – Sec 2, Sub sec 1, Sub clause (b)
- Complaint - Sec 2, Sub sec 1, Sub clause (c)
- Consumer – Sec 2, Sub sec 1, Sub clause (d)
- Deficiency – Sec 2, Sub sec 1, Sub clause (g)
- Goods – Sec 2, Sub sec 1, Sub clause (i)
- Restrictive trade} – Sec 2, Sub sec 1, Sub clause (nnn)
Practice}
- Service – Sec 2, Sub sec 1, Sub clause (o)
- Unfair trade} – Sec 2, Sub sec 1, Sub clause (r)
Practice
- Defect – Sec 2, Sub sec 1, Sub clause (f)
- Member – Sec 2, Sub sec 1, Sub clause (jj)

CONSUMER PROTECTION COUNCILS:

Central council: (sec 4)

Chairman – union minister of consumer affairs – members official/Non official nominated by central Govt, - maximum restricted member 150 –
Atleast 1 meeting every year – object promote, protect, right of consumer.

State council : (sec 7)

Chairman - state minister of consumer affairs – members official/Non official nominated by central Govt – Notless than 2 meeting– object promote, protect, right of consumer with in state – Registered under the society registration Act.

District council : (Sec 8 A)

Chairman – collector – notless than 2 meeting – promote , protact with in District

- *State* councils are Advisory bodies.
- District forum, state commission, or National Commission shall have the power of Judicial Magistrate.
- Three tier quasi Judicial Machinery called redressal Forum at National, State and District level.
- District forum is deemed to be a Civil court
- The Complaints filled with the district forum, state (or) National commission shall be disposed of with in 90 days (3 Months)
- The time can be Extended upto 150 days (5 Months) if analysis and testing of goods.
- Complaint can be submitted with in 2 years.
- The loss claimed by the consumers must be based on 'Deficiency of Service' of 'defect of the goods'.
- Appeal to state Commission (or) National Commission with in 30 days to 90 days.
- Appeal to Supreme Court against National Commission – 30 days.
- Central / National Commission is the Apex body at the national level.
- Penalty for the violation of the order of forum – A fine Rs 10000 (or) imprisonment (1 to 3 years) or both.
- Tamilnadu state frame the rules under the Act in 1988.
- Mr John F.Kennady [Former U.S.A President] summed up – 1962 consumer rights. As the right to safety, the right to be informed, The right to choose, the right to be heard.
- Consumer protection Act implements Except Jammu Kashmir State.
- Basic rights of consumers were first formulated by John F.Kennady.
- The year 1986 is a Magnacartna in the history in the consumerism.
- At present 629 District forum, 35 state commission in india.
- Presently head of National Commission – Honable Mr Justice Ashok bhan – former judge Supreme Court.
- Second bench of the National Commission started functioning from 24-Sep-2003.
- The first University of consumer certificate and Diploma courses provided – IGNOU.
- KEEMAT – First consumer Monthly Magazine in India – 1974 consumer education scheme introduced through the magazine.

- Maharashtra Education Board introduced Consumer education at the 9th std level in 1994.
- Father of consumerism – Ralph Nader (U.S.A) Lawyer – Against Motor Vehicle industry – Books “Unsafe at any speed” – also called Champion for the cause of consumer.
- General regulation of consumer protection Framed by – U.N General Assembly.
- In 1995 Nov 13, Medical services comes under the consumer protection Act by the degree of Supreme Court.
- In 1994 Mar 15, framed consumer health organization by Union Minister A.K Antony.
- **Consumer Ombudsman (Lo kauk tha)**
 - Consumer protection agency at Bangalore head commissioner – Chief of Central Consumer Council.
- Minority groups of consumers is called Low income consumers.

Consumer legislation in India :

- Sale of goods Act – 1930
- The Dangerous Drug Act – 1930
- The Agriculture Produce Grading and Marking Act – 1937
- The Drugs and Cosmetic Act – 1940
- The Drugs and Control Act – 1950
- The Emblems and Names Prevention of improper use Act – 1950
- The India Standards Institution Act – 1952
- [Certification Marks] [ISI Known as Bureau of Indian standards]
- The Drugs and Magic remedies advertisement Act – 1954
- The Prevention of food Adulteration Act – 1954
- The Essential commodities Act – 1955
- The Standards of weights and Measure Act – 1958
- The Trade and Merchandise Marks Act – 1958
- The MRTP Act – 1969
- Hire purchase Act – 1972
- Package commodities order – 1975
- The Prevention of Block Marketing and Maintenance of suppliers of essential commodities Act – 1980
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Non govt (or) Voluntary Organization in consumer Movement

- International Organization of consumer's Union (I.O.C.U)
- Consumer International - Apex body in world
- **Consumer Guidance Society of India (C G S I)**
 - Establish 1966 – Earlier Name is Association of women against rising expense [AWARE]
 - Pioneer of the Consumer society
 - National Award for consumer protection – 1991
 - Setup by a house wives and few social workers
 - KEEMAT Magazine published – Deal in 3 area Consumer education – Protection – Representation
- Consumer Education and Research Society - Ahmedabad
- Consumer Action Group (CAG) – CHENNAI
- Federation of Tamilnadu Consumer organization – Chennai
- The Tamilnadu Consumer Protection Council – Trichy
- Common cause – New Delhi
- Tamilnadu Consumers and Welfare Council – Salem.

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