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## Consumer Protection Act - Objectives

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Prakash (Lawyer) 01 January 2008

### OBJECTIVES OF CONSUMER PROTECTION ACT

Consumer protection is essential for a healthy economy. We need Consumer Protection Act for the following:-

- Physical protection of the consumer.
  - Protection against deceptive and unfair trade practices.
  - Protection against all types of pollution.
  - Protection against the abuse of monopoly position and/or restrictive trade practices.
  - Protection of enjoying the rights.
- The consumer interest in the market place is the focus or the art of enlightened marketing mix. The business and consumerism both aim at the protection of consumer interest-business through self-regulation and consumerism through self-help. Consumerism invokes government assistance when business misbehaves and fails to fulfill special responsibilities.

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In exchange relationship normally, we have two

Seller

Buyer

However, in the modern market, the seller is organized and has professional skill, whereas the buyer is usually unorganized and amateur. Hence, we need consumer legislation and consumerism.

## RIGHT OF CONSUMERS

### Right to Safety

It means right to be protected against the marketing of goods and services, which are hazardous to life and property. The purchased goods and services availed of should not only meet their immediate needs, but also fulfill long term interests.

Before purchasing, consumers should insist on the quality of the products as well as on the guarantee of the products and services. They should preferably purchase quality marked products such as ISI, AGMARK, etc.

### Right to be Informed

It means right to be informed about the quality, quantity, potency, purity, standard and price of goods so as to protect the consumer against unfair trade practices.

Consumer should insist on getting all the information about the product or service before making a choice or a decision. This will enable him to act wisely and responsibly and also enable him to desist from falling prey to high pressure selling techniques.

### Right to Choose



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It means right to be assured, wherever possible of access to variety of goods and services at competitive price. In case of monopolies, it means right to be assured of satisfactory quality and service at a fair price.

It also includes right to basic goods and services. This is because unrestricted right of the minority to choose can mean a denial for the majority of its fair share. This right can be better exercised in a competitive market where a variety of goods are available at competitive prices.

#### Right to be Heard

It means that consumer's interests will receive due consideration at appropriate forums. It also includes right to be represented in various forums formed to consider the consumer's welfare.

The Consumers should form non-political and non-commercial consumer organizations which can be given representation in various committees formed by the Government and other bodies in matters relating to consumers.

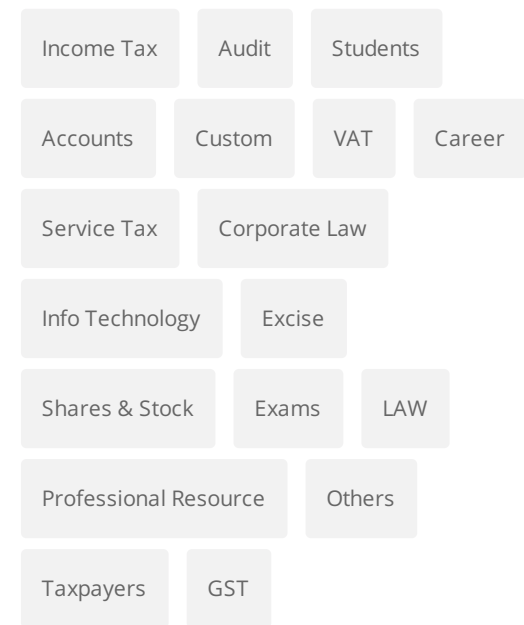
#### Right to seek Redressal

It means right to seek redressal against unfair trade practices or unscrupulous exploitation of consumers. It also includes right to fair settlement of the genuine grievances of the consumer.

Consumers must make complaint for their genuine grievances. Many a times their complaint may be of small value but its impact on the society as a whole may be very large. They can also take the help of consumer organizations in seeking redressal of their grievances.

#### Right to Consumer Education

It means the right to acquire the knowledge and skill to be an informed consumer



throughout his life. Ignorance of consumers, particularly of rural consumers, is mainly responsible for their exploitation. They should know their rights and must exercise them. Only then real consumer protection can be achieved with success.

#### WHO CAN FILE A COMPLAINT?

The following can file a complaint under the Act:-

A consumer

Any voluntary consumer organization registered under the Societies Registration Act, 1860 or under the Companies Act, 1956 or under any other law for the time being in force

The Central Government

The State Government or Union Territory Administrations

One or more consumers on behalf of numerous consumers who are having the same interest.

#### WHAT CONSTITUTES A COMPLAINT?

Under the Act, a complaint means any allegation in writing made by a complainant in regard to one or more of the following:-

Any unfair trade practice as defined in the Act or restrictive trade practices like tie-up sales adopted by any trader

One or more defects in goods. The goods hazardous to life and safety, when used, are being offered for sale to public in contravention of provisions of any law for the time being in force

Deficiencies in services

A trader charging excess of price that is fixed by or under any law for the time being in force or

Displayed on goods, or

Displayed on any packet containing such good.

## WHERE TO FILE A COMPLAINT?

If the cost of goods or services and compensation asked for is up to rupees five lakhs, then the complaint can be filed in the District Forum, which has been notified by the State Government for the district where the cause of action has arisen or where the opposite party resides. A complaint can also be filed at a place where the branch office of the opposite party is located.

If the cost of goods or services and compensation asked for is more than rupees five lakhs, but less than rupees twenty lakhs then the complaint can be filed before the State Commission notified by the State Government or Union Territory Concerned.

If the cost of goods or services and compensation asked for exceeds rupees twenty lakhs then the complaint can be filed before the National Commission at New Delhi.

## HOW TO FILE A COMPLAINT?

Procedures for filing complaints and seeking redressal are simple. There is no fee for filing a complaint before the District Forum, the State Commission or the National Commission. A stamp paper is also not required. There should be 3 to 5 copies of the complaint on plain paper.

The complainant or his authorized agent can present the complaint. The complaint can be sent by post to the appropriate Forum / Commission. A complaint should contain the following information:-

The name, description and the address of the complainant.

The name, description and address of the opposite party or parties, as the case may be, as far as they can be ascertained.

The facts relating to complaint and when and where it arose.

Documents, if any, in support of the allegations contained in the complaint.

The relief, which the complainant is seeking.

The complainant or his authorized agent should sign the complaint.  
The complaint is to be filed within two years from the date on which cause of action has arisen.

#### RELIEF AVAILABLE TO THE CONSUMERS

Depending on the nature of relief sought by the consumer and facts, the Redressal Forums may give orders for one or more of the following relieves:-

Removal of defects from the good

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 or restrictive trade practices or direction not to repeat them, withdrawal of the hazardous goods from being offered to sale, or

Award for adequate costs to parties.

Regards

Prakash



••• [Late CA Sampat Jain](#) (Chartered Accountant) [🕒 02 January 2008](#)

THANKS FOR SHARING YOUR KNOWLEDGE ON THE ABOVE ISSUE.....PLEASE KEEP IT UP FOR THE BENEFIT OF OTHER THOUSANDS OF THE MEMBERS.....



••• (Guest)

In Mumbai where is the consumer courts/ different forums located to file different levels of complaints i.e Relief upto 5 lakhs, 10lakhs and 20 lakhs



• • • [ashish gupta](#) (advocate) [🕒 17 January 2008](#)

Dear Prakash, can any person seek complaint under the consumer protection act who has applied for the connection for the electricity and the same has not been installed but has been billed for the same without any connection Does this person is covered under the definition of the consumer



• • • [Irshad](#) (Article) [🕒 24 January 2008](#)

Thank you Mr Prakash for bringing on this topic.It was highly informative and useful...



• • • [keshava](#) (student) [🕒 04 February 2009](#)

Dear learned counsellors

Is it possible to file a reviewpetition in the state consumer commission for the orders passed by it under code of civil procedure section 151.

or else, we have to file appeal in the national commission for the remedial measure in any case?

please clarify

thanks and regards

Keshava



••• [Ravi Sharma](#) (B.Com) [🕒 13 December 2013](#)

Thanks for sharing this useful forum.



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