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CONSUMER PROTECTION

Question 3:

Explain the redressal mechanism available to the consumers under the Consumer Protection Act.

ANSWER:

Under the Consumer Protection Act, a three-tier machinery has been set for the redressal of consumer grievances and complaints. The machinery works at the District level, State level and National level and are known as District Consumer Dispute Redressal Forum (or District Forum), State Consumer Dispute Redressal Commission (State Commission) and National Consumer Dispute Redressal Commission (National Commission) respectively. The following is a brief explanation of the machinery under the Consumer Protection Act.

1. **District Forum**

District Forum is set up in each district by the concerned State Government. It comprises of a president and two or more members, one of whom should be a woman. A consumer can file a complaint in a District forum in case the value of goods in question, along with the compensation that is claimed is less than Rs 20 lakh. As the Forum receives the complaint, it refers it to the concerned party against whom the complaint is registered. After considering the tests and reports and on hearing both the concerned parties, the forum passes a judgement order. Moreover, in case the party filing the complaint is not satisfied with the order, an appeal can be filed in the State Commission within 30 days of passing the judgment.

2. **State Commission**

The State Government sets up State Commission for the redressal of consumer grievances. Alike District Forum, State Commission also comprises of a President and two or more members one of whom should be a woman. In State Commission, a complaint can be filed by a consumer in case the value of goods /services in question along with the compensation claimed is more than Rs 20 lakh but is less than Rs 1 crore. After receiving the complaint, the commission refers the complaint to the party against whom the complaint is registered. If necessary, the sample of the good are sent for testing in the laboratory. After considering the tests of the reports and on hearing the

concerned parties, the commission passes an order. An appeal can be filed against the order of the Commission before the National commission within 30 days of judgement.

3. National Commission

The National Commission is set up by the Central Government. It consists of a President and four or more members one of whom is a woman. A consumer can file a complaint in the National Commission in case the value of goods in question along with the compensation claimed is more than Rs 1 crore. After referring to the sample proofs and on hearing the concerned party, the commission passes an order. In case the aggrieved party is not satisfied with the order, an appeal can be filed before the Supreme Court.

Available Reliefs

In case the concerned forum passes an order in favour of the aggrieved party, it can pass one or more of the following directions to the opposite party.

- i. Repair the defective goods or remove the deficiency in the service.
- ii. Replacement of the defective good with a new one.
- iii. Refund the price paid by the consumer for the good or the service.
- iv. Payment of compensation in cash for the loss or injury suffered.
- v. Payment of punitive damages.
- vi. Removal of misleading advertisement and issue of a correct advertisement.
- vii. Payment of an appropriate amount (not less than 5% of the good in question) to be credited to Consumer Welfare Fund.
- viii. Ceasing the manufacturing of hazardous goods.