

Redressal Agency

The aims and objectives of the Act are achieved by

District Forum

State Commission

National Commission.

District Forum

- It shall consist of a person who is or has been or is qualified to be a District Judge as its President, 2 other members, one of whom shall be a woman
- Every member of the District Forum shall hold office for a term of 5 years or up to the age of 65 years whichever is earlier
- It shall have jurisdiction to entertain complaints where the value of the goods or services and the compensation, if any, claimed does not exceed Rs.20 Lacs.

A District Forum shall have the powers

- I. To remove the defect pointed out by the appropriate laboratory from the goods in question
- II. To **replace the goods** with new goods of similar description which shall be free from any defect
- III. To return to the complainant **the price**, or as the case may be, the charges paid by the complainant
- IV. To pay such amount as may be awarded by it as **compensation to the consumer** for any loss or injury suffered by the consumer due to the negligence of the opposite party

State Commission

- It is established by SG by notification
- It shall have jurisdiction to entertain complaints where the value of the goods or services and compensation, if any, claimed exceeds Rs. 20 Lacs but does not exceed Rs.1 Crore and appeals against the orders of any District Forum within the State.

National Commission

- It shall consist of a person who is or has been a Judge of the Supreme Court, as its President. Not less than 4 and not more than such number of members as may be prescribed and one of whom shall be a woman
- Every member of the National commission shall hold office for a term of 5 years or up to the age of 70 years which ever is earlier.
- It shall have jurisdiction to entertain complaints where the value of the goods or services and compensation, if any, the claim exceeds Rs. 1 Crore and appeals against the orders of any State Commission.

CONSUMER DISPUTE REDRESSAL AGENCIES

Establishment of Consumer Disputes Redressal Agencies.—

There shall be established for the purposes of this Act, the following agencies, namely:—

(a) a Consumer Disputes Redressal Forum to be known as the “District Forum” established by the State Government in each district of the State by notification: [Provided that the State Government may, if it deems fit, establish more than one District Forum in a district.]

(b) a Consumer Disputes Redressal Commission to be known as the “State Commission” established by the State Government in the State by notification; and

(c) a National Consumer Disputes Redressal Commission established by the Central Government by notification.

Composition of the District Forum.—

Each District Forum shall consist of— (a) a person who is, or has been, or is qualified to be a District Judge, who shall be its President;

(b) two other members, one of whom shall be a woman, who shall have the following qualifications, namely:—

(i) be not less than thirty-five years of age,

(ii) possess a bachelor’s degree from a recognised university,

(iii) be persons of ability, integrity and standing, and have adequate knowledge and experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration:

Provided that a persons shall be disqualified for appointment as a member, if he—

(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or

(b) is an undischarged insolvent; or

(c) is of unsound mind and stands so declared by a competent court; or

(d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or

(e) has, in the opinion of the State Government, such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member; or

(f) has such other disqualifications as may be prescribed by the State Government;]]

[(1A) Every appointment under sub-section (1) shall be made by the State Government on the recommendation of a selection committee consisting of the following, namely:—

(i) President of the State Commission —Chairman,

(ii) Secretary, Law Department of the State —Member,

(iii) Secretary, incharge of the Department dealing with consumer affairs in the State —Member:]

[Provided that where the President of the State Commission is, by reason of absence or otherwise, unable to act as Chairman of the Selection Committee, the State Government may refer the matter to the Chief Justice of the High Court for nominating a sitting Judge of that High Court to act as Chairman.]

[Every member of the District Forum shall hold office for a term of five years or up to the age of sixty-five years, whichever is earlier: Provided that a member shall be eligible for re-appointment for another term of five years or up to the age of sixty-five years, whichever is earlier, subject to the condition that he fulfils the qualifications and other conditions for appointment and such re-appointment is also made on the basis of the recommendation of the Selection Committee: Provided further that a member may resign his office in writing under his hand addressed to the State Government and on such resignation being accepted, his office shall become vacant and may be filled by appointment of a person possessing any of the qualifications mentioned in in relation to the category of the member who is required to be appointed in place of the person who has resigned: Provided also that a person appointed as the President or as a member, before the commencement of the Consumer Protection (Amendment) Act, 2002 (62 of 2002), shall continue to hold such office as President or member, as the case may be, till the completion of his term.]

The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the members of the District Forum shall be such as may be prescribed by the State Government:

[Provided that the appointment of a member on whole-time basis shall be made by the State Government on the recommendation of the President of the State Commission taking into consideration such factors as may be prescribed including the work load of the District Forum.]

Jurisdiction of the District Forum.—

(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 the compensation, if any, claimed [does not exceed rupees twenty lakhs].

(2) A complaint shall be instituted 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; or

(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 a 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, acquiesce in such institution; or

(c) the cause of action, wholly or in part, arises.

Useful links/ Sources:

<http://egazette.nic.in/WriteReadData/2019/210422.pdf>

<https://www.slideshare.net/sravanisravi96/consumer-protection-council>

<https://www.slideshare.net/atifghayas/cpa-28483926>

<https://www.slideshare.net/maheswarijaikumar/consumer-protection-act-india>

<https://m.economictimes.com/wealth/spend/heres-how-consumers-will-benefit-under-the-new-consumer-protection-act/articleshow/70711304.cms>

Disclaimer:

1. These notes are only for the students.
2. These are prepared after referring various books and websites.