



## **Role of Consumer Protection Councils**

**Dr. Poornima Sharma**

Assistant Professor Institute of Leadership Development, Jaipur, Rajasthan Skill University, Rajasthan, India

### **Abstract**

The interest of consumers are sought to be promoted and protected under the Act by establishment of Consumer Protection Council at the central and state level. These Councils are advisory bodies. Chapter II of the Consumer Protection Act. I 986 comprising of sections 4 to 8 deals with Consumer Protection Councils. In terms of the Act, the Central Government first constituted the Central Consumer Protection Council (CCPC) on I .6.1987 and it has been reconstituted from time to time. The CCPC was last constituted in May, 2003 for three years. So far, the Council has held 23 meetings. The last meting was held on 16.7.2003.

**Keywords:** Councils, Consumer, Consumer Protection

### **Introduction**

The interest of consumers are sought to be promoted and protected under the Act by establishment of Consumer Protection Council at the central and state level. These Councils are advisory bodies. Chapter II of the Consumer Protection Act. I 986 comprising of sections 4 to 8 deals with Consumer Protection Councils. In terms of the Act, the Central Government first constituted the Central Consumer Protection Council (CCPC) on I.6.1987 and it has been reconstituted from time to time. The CCPC was last constituted in May, 2003 for three years. So far, the Council has held 23 meetings. The last meting was held on 16.7.2003.

### **Central Consumer Protection Council**

Section 4 provides that the central government may by notification establish a council to be known as the Central Consumer Protection Council (hereinafter referred to as the Central Council) which shall consist of the following members, viz;

- a. The minister In charge of consumer affairs who shall be its chairman
- b. Such number of other official or non-official members representing such interest as may be prescribed.

The membership has been thus left to the rule making power of the government. The Consumer Protection Rules were promulgated in 1987. As per the Consumer Protection Rules, the Central Council shall consists of 150 members and the term of the council shall be 3 years.

Section 5 of the Act provides that the Central Council shall meet as and when necessary but at least one meeting shall be held every year. The Central Council shall meet at such time and place as the Chairman may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed. Section 6 states the objectives of the Central Council as being promotion and protection of the rights of the consumers.

### **State Consumer Protection Council**

Section 7 provides for the establishment of State Consumer Protection Councils by State Governments (by notification) to be known as Consumer Protection Council. The State Council shall consist of a Minister in charge of Consumer Affairs of the State Government who shall be its Chairman and such other official and non-official members representing such interest as may be prescribed by the State Government. The State Council shall meet as and when necessary but not less than two meetings shall be held every year. The procedure to be observed in regard to the transaction of its business at such meetings shall be prescribed by the State Government. As per section 8, the objectives of the State Consumer Protection Councils are described in Section 7 to be same as those of the Central Council, namely the points, enumerated in Section 6.

### **Consumer Disputes Redressal Agencies**

A three-tier system of Consumer Disputes Redressal Agencies in the Districts, States and the Centre is envisaged by Section 9 of the Act. The District Forum is at the base level. Next in hierarchy is State Commission. Both District fora and State Commission are constituted in each State. At National level and at the top of the hierarchy is National Commission. The objects of setting up of these forums is to provide inexpensive redressal to consumer related litigation without much of legal technicalities and formalities.”

### **District Forum**

A Consumer Disputes Redressal Forum known as the “District orum” is established by the State Government in each District of the State [sec-2(h) & Sec. 9(a). The state Government may, if it deems fit establish more than one District Forum in a district.

### **Composition**

Each State Government shall establish in each district a Consumer Redressal Forum, Known as District Forum. Each

### **District Forum shall consist of**

1. **President:** A person who is, or has been, or is qualified to be a District judge shall be the President of District Forum.
2. **Members:** A District Forum shall have two other members who shall be persons of ability, integrity and have adequate knowledge or experience or have shown capacity in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration. One of the two members shall be a woman.

Every appointment shall be made by the State Government, on the recommendation of a Selection Committee consisting of the following, namely:

1. The President of the State Commission - Chairman :
2. Secretary, Law Department of the State - Member
3. Secretary in charge of the department dealing with consumer affairs in the state - member.

Every member of the District forum shall hold office for a term of five years or upto the age of 65 years whichever is earlier. The member shall not be eligible for re-appointment. A member may resign his office in writing addressed to the State Government. On such resignation being accepted, the office of the member shall become vacant and may be filled up by the appointment of a person possessing any of the above qualifications as applicable to the category of the member who has resigned.

The salary or honorarium and other allowances payable to the members and the other terms and conditions of service of the members of the District forum shall be prescribed by the State Government (Sec. 10).

### **Jurisdiction of the District forum.**

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 as per the Consumer Protection Amendment Act, 2002. Jurisdiction is based on the claim sum laid by the complainant and not on the basis of relief granted. The value of the goods or services is irrelevant. However, where no compensation is claimed, the value of the goods or services will determine monetary claim and jurisdiction.

A complaint, in relation to any goods sold or delivered or agreed to be sold or delivered or any service provided or agreed to be provided for may be filed with a District Forum by

1. The consumer
2. Any recognized consumer association, whether the consumer is a member of such association.
3. One or more consumers. where there are numerous consumers having the same interest with the permission of the district forum. on behalf of or for the benefit of all consumers so interested : or
4. The central or the State Government (Sec. 12).

### **Powers of District forum**

The District Forum shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure 1908.

namely -

1. The summoning and enforcing attendance of any defendant or examining the witness on oath;
2. The discovery and production of any document or other material object as evidence;
3. The receipt of evidence on affidavits;
4. The requisitioning of the report of the concerned analysis or test from the appropriate laboratory or from any other relevant source;
5. Any other matter which may be prescribed [sec. 13(4)]

The District Forum shall have power to require any person:

1. To produce or allow to be examined books, accounts, document or or commodities in the custody of the person;
2. To furnish such information as may be required
3. To authorize any officer to search any premises and seize books, papers, documents or commodities as required and which are likely to be destroyed, mutilated, altered, falsified or secreted.

After examination of such seized documents or commodities, the District-Forum may order the retention thereof or may order the return of the same to the party concerned (Rule 10). It is for the consumer to establish with evidence that the defects alleged in the goods exist. Similarly, onus is on the consumer where he alleges deficiency in service. After being satisfied that the defect or deficiency, as the case may be, exists, the District forum may pass such orders as it deems fit in accordance with the above provisions. Forum has power to recall its judgment or orders if it is obtained by fraud.

### **Finding of the District Forum: Relief to the Complainant**

After the proceeding is conducted, if the District Forum is satisfied that the goods complained against, suffer from any of the defects specified in the complaint or that any of the allegations contained in the complaint about the services are proved, it shall issue an order to the opposite party directing him to:

1. Remove the defect from the goods as pointed out by the appropriate laboratory ; or
2. Replace the goods with new goods of similar description which shall be free from any defect ; or
3. Return to the complainant the price, or, as the case may be, the charges paid by the complainant ; or
4. 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;
5. To remove the defects or deficiencies in the services in question;
6. To discontinue the unfair trade practice or the restrictive trade practice or not to repeat them;
7. Not to offer the hazardous goods for sale;
8. To withdraw the hazardous goods from being offered for sale;
9. To provide for adequate costs to parties (Sec- 14).

### **References**

1. Peter Drucker - Management: Tasks, Responsibilities Practices (New York: Harper and Row, 1973, 64-65.

2. The New Encyclopaedia Britannica Macropaedia, 11, 511.
3. Dictionary of Economics by Harold S, Slounand, Arnold J Cuschan Third edition (revised) - published by Barnus and Noble INC, New York, 202.
4. Philip Kotler–Marketing Management–Analysis, planning, implementation and control- 9<sup>th</sup> Ed Prentice Hall Inc. New Delhi, 1990, 9.
5. Peter Drucker. Partin Memorial Lecture given before the American Marketing Association, Philadelphia, 1957.
6. David S Dunbar. The politics of the economics of advertising Journal of advertising research, 8.78-March, 1968 copy right by the Advertising Research foundation.
7. Saxena N. Ever Expending Definition of Consumer, Central Chronicle, 2007.
8. Sivaprakasham P, Rajmohan S. Consumer Protection Legislative Measures, Yojana, December, 1999.
9. Mehta V, Consumer Becoming King in India, Assam Tribune, 1999.