

**31**

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CONSUMER ACTIVISM

We have, so far, learnt that there are three different Forums, one each at the National, State and District level and these are classified on the basis of territory and pecuniary value of the complaint.

Alia lives in East Delhi and therefore, she can file a complaint in the Delhi Consumer Court situated in East Delhi. If she is not satisfied with the judgement, she can go to the next higher level i.e., State Commission located in Delhi. The next appeal can go to the National Forum. Most of the small cases are decided at the district level itself and, therefore, preferring an appeal may not be required. All the awareness about consumer goods and services creates a check on the unscrupulous tradesmen and the defective products which we do not want and which we never purchased.



OBJECTIVES

After studying this lesson, you will be able to:

- understand the meaning of the term ‘Consumer Activism’;
- appreciate the significance of Consumer Movement in India;
- define the Objectives, Goals and Tactics of Consumer Movement in India;
- learn how to file a Complaint Petition for defective goods; and
- know how to file a Complaint Petition for deficient services;

31.1 WHAT IS CONSUMER ACTIVISM?

The ‘Consumer Movement’ in India as a social force originated with the necessity of protecting and promoting the interests of consumers against unethical and ‘unfair trade practices’. Rampant food shortages, hoarding and the like gave birth to the ‘Consumer Movement’ in an organised form in the year 1960.



The movement succeeded in bringing pressure on the Government. A major step in this direction was taken in 1986 with the enactment of the 'Consumer Protection Act, 1986'.

Consumer Activism is activism undertaken on behalf of consumers, to assert consumer rights.

**INTEXT QUESTION 31.1**

1. Define 'Consumer Activism'.
2. In which year the Consumer Protection Act was enacted?
3. Whom does the CPA, 1986 protect?

31.2 CONSUMER MOVEMENT IN INDIA

Three elements are necessary for the ideology of a Consumer Movement. These are: identity, opposition and totality. Identity is the self and collective identity of the members of the Consumer Movement. Opposition is the identification and description of the adversary. Totality is the indication that the objectives will be achieved through struggle.

Consumer activists are those leading the consumers in the conflicts with producers, selling agencies etc. Consumers Activists do not only target producers and selling agencies, but also seek to elevate the awareness of consumers collectively with the purpose of altering consumer culture.

The 'Consumer Movement', as a social force, originated in India with the necessity of protecting and promoting the interests of consumers against unethical and unfair trade practices. Rampant food shortages, hoarding and the like gave birth to the Consumer Movement in an organised form in the year, 1960. The movement succeed in bringing pressure on the Government. A major step was taken in 1986.

The Parliament of India passed the Consumer Protection Act (CPA) 1986 with the aim to protect the interest of consumers in India. This Act makes provisions for the establishment of consumer councils and other authorities for the settlement of consumers' disputes and for such other matters connected therewith.

Under the Consumer Protection Act, 1986, consumer protection councils have been established at National State and District level with the object to increase consumer awareness.

Consumer Disputes Redressal Agencies i.e. District Consumer Disputes Redressal Forum (DCDRF), State Consumer Disputes Redressal Commission (SCDRC), also known as 'State Commission' and the National Consumer Disputes Redressal Commission (NCDRC) have been established under the provisions of the Consumer Protection Act, (CPA) 1986 for the redressal of consumers' disputes and for matters connected therewith.

**Notes****INTEXT QUESTION 31.2**

1. List the main reasons for the origin of Consumer Movement in India.

31.3 CONSUMER ACTIVISM – OBJECTIVES, GOALS AND TACTICS

The main aim of 'Consumer Activism' is that the State should protect the interests of consumers against unethical and unfair trade practices.

Goals include making quality goods and better services available to consumers. The ideal goal is to protect consumer's right to question the quality and standards of purchased goods.

Consumer activists tactics may include boycotts, petitioning the producer and seller of goods, government, media activism and organising 'interest groups'.

**INTEXT QUESTION 31.3**

1. Explain the goals, objectives and tactics of Consumer Movement in India.

31.4 COMPLAINT PETITIONS

In Consumer Courts (quasi judicial consumer disputes redressal bodies), formed under the Consumer Protection Act, 1986 a consumer can seek redress for his/her grievance, relating to defective goods or deficient services. Sample complaint petitions for both the cases are given here. These are just for illustration only. The exact contents of the petition will depend on the facts of the case. Assuming that the pecuniary loss suffered is less than Rs. 20 lakhs, these petitions have been made as applicable to a District Forum. In case the value of loss is more, the petition has to be changed accordingly, as applicable to a State Consumer Disputes Redressal Commission or the National Consumer Disputes Redressal Commission.



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31.4.1 Sample Complaint Petition for ‘Defective Goods’

Case Example:Mr. ‘X’ purchases a mixer grinder from ‘M/s Y & Co.’ operating in the same town, in December 2012. Even within the warranty period of 1 year the grinder fails. ‘M/s Y & Co.’ fails to rectify the defect. The manufacturer ‘M/s Z Ltd.,’ was also unable to rectify the mixer grinder. Frustrated, Mr. ‘X’ finally approaches the District Forum.

31.4.2 Sample Complaint Petition for Defective Goods

BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL
FORUM, <NAME OF THE DISTRICT>

Consumer Dispute Case No/20 <Year of filing>

A Petition under Section-11 of Consumer Protection Act
and

In the matter of

Mr. ‘X’

<Address of Mr. ‘X’> Complainant

vs.

1. Proprietor,
M/s ‘Y & Co.’
<Address of Y & Co.>

2. Managing Director,
M/s ‘Z’ Ltd.,
<Address of Z>Opposite Parties(O.P.)

To

Hon’ble President and
Members of District Forum
<Name of District>

May it please your honours

This complaint petition is being filed on behalf of Mr. ‘X’,<Address of ‘X’>, referred hereafter as Complainant, and is as follows

1.0 That this Complaint Petition is being filed under Sec. 2(1)(b)(i) of the Consumer Protection Act, 1986.

2.1 That the opposite party No. 1 is engaged in the business of selling Consumer **durables** like refrigerator, TV, Mixer Grinder, etc. **to the public for a consideration**, apart from other activities. (Description about the O.P.)

2.2 That the Opposite Party No. 2 is the manufacturer of 'A' brand mixer grinders and other electrical household gadgets and that the mixer grinders of O.P. No. 2 are sold in retail by O.P. No. 1. (Description about the O.P.)

(Narration of the incident)

3.1 That on 26th December 2012 (date of purchase), the complainant purchased one 'A' brand Mixer Grinder, SI. No.....(Details about the equipment purchased) manufactured by O.P. No. 2 from the show room of O.P. No. 1, vide Cash memo No...(Cash memo /Cash receipt No.), a photocopy of the said document is furnished at Arenexure - I.

Annexure

3.2 That the mixer grinder abruptly stopped functioning (Nature of problem encountered) on 8th January 2013 (when)

and the matter was immediately reported to O,P. No. 1. As per his advice the defective mixer grinder was handed over in their Service Centre, on 9th January 2013. A photocopy of the Service Centre receipt is furnished at Annexure - II.

3.3 That the mixer grinder was returned back after rectification on 24th January 2013.

3.4 That the mixer grinder was put to use on 25th January 2013. After running hardly for 5 minutes, the mixer grinder once again totally failed.

3.5 That the Complainant immediately reported the matter to O.P. No. 1 and also complained to O.P. No. 2. Copy of the letter is furnished at Annexure - 111, (Furnish important relevant documents.)

3.6 That as per the advice of O.P. No. 1 the defective Mixer Grinder was once again handed over to their Service Centre on 30th January 2013. There was inordinate delay in rectifying the defect by O.P. No. 1. In April 2013 O.P. No. 2 advised O.P. No. 1 to replace the Mixer Grinder, Copy of the said letter is furnished at Annexure - IV.

3.7 That the O.P. No. 1 did not bother to honour the directive of O.P. No. 2 and till date the Complainant is suffering due to non-availability of the Mixer Grinder.



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4.0 That the O.Ps had supplied defective good and they have to make good the losses suffered by the complainant.

PRAYER

In view of the submissions contained in the preceding paragraphs, the complainant most respectfully prays to the Hon'ble Forum to direct the Opposite Parties to

- (a) refund the cost of the Mixer Grinder, Rs. <Cost> along with 18% interest;
- (b) pay a sum of Rs. 10,000/- towards the physical strain and mental agony suffered by the complainant and his family members (compensation); and
- (c) pay a sum of Rs. 1,000/- towards cost of this petition (Cost);

for which act of kindness, the complainant shall, as is duly bound, ever pray.

Signature

(X) (Name)

Complainant

**INTEXT QUESTIONS 31.4**

1. Draft a complaint petition against the supply of defective goods.

31.5 SAMPLE COMPLAINT PETITION AGAINST RENDERING DEFICIENT SERVICES**31.5.1**

CASE Example : Mr. 'X' invests a sum of money with 'M/s Y & Co.', a NBFC (Non Banking Finance Company), operating in the same town, in December 2011. The deposit matures in December 2012, but the Company fails to honour its commitment. It does not pay the dues. Frustrated, Mr. 'X' finally approaches the District Forum.

31.5.2 Sample Complaint Petition against Rendering 'Deficient Services'

BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL
FORUM, <NAME OF THE DISTRICT>

Consumer Dispute Case No...../20 <Year of filing>

A petition under Section-11 of Consumer Protection Act, 1986

and

In the matter of

Mr. 'X'

<Address of Mr. 'X'>Complainant

Vs.

Chairman & Managing Director

'M/s Y & Co.'

<Address of 'Y & Co.'> Opposite Party

To

Hon'ble President and

Members of District Forum

<Name of District>

May it please your honour

This complaint petition is being filed on behalf of Mr. X,<Address of X>, referred hereafter as Complainant, and is as follows

1.0 That this Complaint Petition is being filed under Sec. 2 (1)(b)(i) of the Consumer Protection Act, 1986

2.0 That the opposite **party** is a NBFC, engaged in the business of accepting deposits from the public, apart from other activities. (Description about the O.P.)

(Narration of the incident)

3.1 That on 26th December 2011 (date of deposit), the complainant deposited a sum of Rs (amount deposited with the O.P.,) for a period of 1 year, vide Fixed Deposit receipt No...., a photocopy of the said document is furnished at Annexure - I.

3.2 That the F.D. matured on 25th December 2012 and the Complainant approached the office of the O.P., on 26th December 2012, for encashing the FD. But the staff of the Company, on some some pretext or the other delayed making the payment (Nature of problem encountered). Hence the Complainant wrote to the O.P., requesting his immediate intervention. A photocopy of the said letter is furnished at Annexure - II. But the Complainant has not been paid his dues till date.



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3.3 That the non-payment of the maturity value of FD, by the O.P., on the scheduled date, amounts to deficiency in service as defined under sec. 2(1)(g) of the Consumer Protection Act.

4.0 That the O.P. has inflicted enormous amount of mental agony and financial loss on the Complainant and his family.

PRAYER

In view of the submissions contained in the preceding paragraphs, the complainant most respectfully prays to the Hon'ble Forum to direct the Opposite **Party** to

- (a) pay the maturity value of the fixed deposit, Rs along with 18 % interest;
- (b) pay a sum of Rs. 10,000/- towards the physical strain and mental agony suffered by the complainant and his family members (compensation); and
- (c) pay a sum of Rs. 1,000/- towards cost of this petition (Cost);

for which act of kindness, the complainant shall, as is duty bound, ever pray.

Signature

(X) (Name)

Complainant

AFFIDAVIT

I,..... Son of,
and residing at

do hereby solemnly affirm and declare as under

1. That the facts stated in the complaint petition paras to in Vs. being filed before the Hon'ble (District Consumer Disputes Redressal Forum (, Place) /State Consumer Disputes Redressal Commission(, State)/ National Consumer Disputes Redressal Commission, New Delhi are true to the best of my knowledge and based on the records maintained by me, which I believe to be true.

Deponent

Verification

Verified at <Place>, on this day of <Month> <Year> that the contents of the above affidavit are true and correct to the best of my knowledge and belief.

Deponent**Note:**

1. The Affidavit has to be sworn before the Notary, on a Rs. 10/- non-judicial stamp paper.
2. The details of Place, State, Month, Year are to be filled as per actual.
3. Complainant or Appellant is the Deponent.

**INTEXT QUESTIONS 31.5**

1. Draft a sample complaint petition for rendering 'deficient services'.

**WHAT YOU HAVE LEANT**

- 'Consumer Activism' is activism undertaken on behalf of consumers, to assert consumer rights. The Consumer Protection Act (CPA) was enacted in the year. 1986 to protect the interests of consumers against unethical and unfair trade practices.
- The main reasons for the origin of Consumer Movement in India were rampant food shortages, hoarding and the like. The necessity of protecting and promoting the interests of consumers against unethical and unfair Trade practices were other important reasons for the origin of Consumer Movement in India.
- The Consumer Courts (Quasi-judicial consumer disputes redressal bodies), formed under the Consumer Protection Act, (CPA) 1986. A consumer can seek redress for his/her grievance, relating to 'defective goods' or 'deficient services'.
- The Consumer Protection Act, 1986 is an Act passed by the parliament in 1986 with the aim to protect the interest of consumers in India. It makes provisions for the establishment of Consumer Councils and other authorities for the settlement of consumers disputes and for matters connected



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**Notes**

therewith. Under this Act, Consumer Protection Councils have been established at National, State and District level with the object to increase consumer awareness.

- Consumer Disputes Redressal Agencies i.e. District Consumer Dispute Redressal Forum (DCDRF), State Consumer Disputes Redressal Commission (SCDRC) also known as State Commission and National Consumer Disputes Redressal Commission (NCDRC) have been established under the provisions of this Act for the redressal of consumers' disputes and for matters connected therewith.
- Sample Complaint Petitions for the redressal of disputes relating to (i) supply of 'defective goods' and (ii) for rendering 'deficient services' to the consumer have been drafted in this lesson for the benefit of learners.

**TERMINAL QUESTIONS**

1. Define 'Consumer Activism'.
2. Discuss briefly the Objectives, Goals and Tactics of Consumers' Movement in India.
3. Explain the significance of Consumers' Movement in India.
4. Draft a sample Complaint Petition for the supply of 'Defective Goods'.
5. Draft a sample Complaint Petition for 'Deficient Services'.

**ANSWERS TO INTEXT QUESTIONS****31.1**

1. 'Consumer Activism' is activism undertaken on behalf of consumers to assert consumers rights.
2. The Consumer Protection Act was enacted in the year 1986.
3. The Consumer Protection Act (CPA), 1986 protects the interests of consumers against unethical and unfair trade practices.

31.2

1. The main reasons for the origin of consumer movement in India were rampant food shortages, hoarding and the like. The necessity of protecting

and promoting the interests of consumers against unethical and unfair trade practices were the other reasons for the origin of 'Consumer Movement' as a social force.

31.3

1. The goals of consumer movement in India are as follows:
 - (i) providing better goods
 - (ii) providing better services

The main objective is that the state should protect the interests of consumers against the unethical and unfair trade practices.

Consumer activist tactics may include boycotts, petitioning the producers of products government media activism and organising interest groups.

31.4

1. Refer to 'Sample Petition' at 31.4.2

31.5

1. Refer to 'Sample Petition' at 31.5.2

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