

# CONSUMER LAW

by Ashleen Mal'am

Q who is a consumer?

A- Somebody who consumes certain goods or avails certain services for which he pays, is called as a consumer.

Q who is not a consumer?

A- One who does not pay for the goods one consumes or for the services one avails of is not a consumer. However when a person is given free service as part of other paid services, he is a consumer.

Is a patient undergoing treatment a consumer?

A- A patient who is availing of medical services of a doctor or a hospital is very much a consumer. However a doctor cannot be held guilty of negligence if he acts in good faith & in accordance with the established medical practice.

Hiring of services of a doctor on payment is service. Patient paying for services rendered in a hospital is a consumer.

(\*) Patient in private nursing home is a consumer.



(\*) Person getting free services at hospitals is not a consumer.

Q Is student a consumer?

A (\*) A candidate who pays fees to a university for appearing in examination is a consumer.

(\*) A candidate applying for revaluation of examination paper is a consumer.

(\*) Students of an educational institutions are consumers.

(\*) Student paying tuition fee is a consumer.

Q What are the rights of a consumer?

A (\*) The rights to be protected against the marketing of goods & services which are hazardous to life & property.

(\*) The rights to be informed about the quality, quantity, purity, standard & price of the goods & services.

(\*) Right to be assured wherever possible access



to a variety of goods & services at competitive prices.

(c) The right to be heard & to be assured that consumer interest will receive due consideration at appropriate forums.

(c) Right to consumer education.

Q What is consumer dispute?

A- A consumer dispute means a dispute in which a consumer makes a complaint of deficiency against the goods or services that one buys or pays for.

Q What is deficiency in service?

A- Deficiency in service means any faults, imperfections, shortcomings in the quality, nature & manner of performance which is required to be maintained by the service provider.

Q What is defect?

A- Defect means any fault, imperfection or shortcoming in the quality, quantity, purity or standard which is required to



be maintained by manufacturer, producer or trader of a good.

## \* Main provisions of Consumer Protection Act

A → Consumer Protection Act is the main law governing the field of consumer rights.

This law was made in 1986. The objective of this law is to provide for better protection of the interest of the consumer. This law has been amended (4) four times - I<sup>st</sup>: in 1991, II<sup>nd</sup>: in 1992, III<sup>rd</sup>: in 2002 & latest: in 2005.

→ It has been amended to remove certain inadequacies format and make it widely applicable & more effective. Changes in 2002 made some substantial changes in the act. The purpose of these amendment was to make the provisions of the act more effective by providing for speedier disposal of complaints, giving more powers to the forums by doing away with the short-comings which could be identified during the course of its usage. Whenever a consumer finds that goods bought or services availed of by him suffered from some defect or deficiency, he may use this



law & file a complaint before <sup>the</sup> appropriate forum.