

CASE STUDY ON CONSUMER PROTECTION ACT

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Ranjith is an app developer in a reputed IT Company in Bangalore. He is from Coimbatore, and he graduated from IIT Madras. All his dreams came true after he graduated and got a job in a reputed company and earned very high when compared to his friends. He is the team leader of 8 technicians. He is empathetic, a good motivator, and a good leader. Sridhar, one of the team members of Ranjith, is from a remote village. As there are no facilities such as transport, hospital, schools, banks, etc., it is hard for the people there to yield a smooth lifelike developed area. Sridhar needs to travel 10 hours to Bangalore with many struggles in travel as he has to reach the junction by two-wheeler for about 3 hours, and from the railway junction, he has to travel 7 hours to reach Bangalore. It takes a lot of time for him to travel, and it also stresses him out. Sridhar is the only source of income for his family. He is 35 and was married recently, his marriage was solemnized at his native. Now he is unable to take his wife with him due to many reasons. As he is separated from his family, he might visit often.

Sridhar was recognized as the best team member at work. His wife always nags him to take her with him, but the situation at his office is at risk. As the pressure from his wife increases day by day, he is put into a situation where he has to quit the job. Then he discussed his situation of his with his team leader Ranjith. He advised him not to quit the job and also encouraged him to continue and told him that he would get a good package after completing this project which changed his mind about staying there. One day, he got information that his father was admitted to a hospital which is 30 kilometers far away from his hometown. There is no other option left for him to choose rather than this hospital and that hospital is run by a trust, and the services provided are not free, but a minimal amount is collected from the patients for administration purposes. The doctor diagnosed that his father had to undergo surgery immediately. The medical expenses would be around Rs.50, 000/- but they have to pay only Rs.5000/- for the surgery, and the trustees will pay the remaining. Sridhar got only two days off from his work. His father has undergone the surgery he will be normal within a month. As the situation of his family is at ease, he now returns to work.

As the project should have been completed on time, and already they ran out of time, the team members and Ranjith are working sincerely. When Sridhar is at work, he gets to know that his father is severely infected by the surgery. He is now confused. Sridhar's family members admitted his father where the surgery was done. Days passed by, but his father showed no improvements. Sridhar met the doctor to discuss his father's condition, and the doctor replied irresponsibly and also he came to know that the surgery was done by the training doctors. This drove Sridhar insane, and he was pissed. As there was no good service available in that hospital, he discharged his father from the hospital. Sridhar has a friend who is an advocate, and he advised him to take legal action against the hospital for the negligent act and to claim compensation for the pain, suffering, and mental agony.

Questions to discuss:

1. Can Sridhar sue the hospital?
2. If yes, is he entitled to file a petition in a consumer forum for remedies? Discuss on what grounds?
3. What are the remedies available to Sridhar's father and his family?

TEACHING NOTE

SYNOPSIS:

This case study discusses the negligent act of the hospital authorities by undergoing surgery negligently through training doctors. This case study explains the rights of a person in availing of services from a service provider and the remedies

available against the hospital authorities. This case study would help the students to understand who a consumer is, where to file a case, and the remedies available to an aggrieved person under the law. This would help the students to understand Consumer Protection Act 2019 in detail.

Keywords: Consumer, Remedies for consumer, civil remedies, Negligent Act, etc.,

Target Group:

The targeted groups are students of MBA/LLB, and where the students would gain knowledge of the topics such as the definition of consumer and other key definitions, key features of the Consumer Protection Act 2019, the difference between the 1986 Act and the 2019 CP Act, who can file a complaint, rights of consumers and the remedies available for consumers.

Learning Objectives:

- To understand who is a consumer and who is not a consumer
- To understand the consumer dispute redressal machinery available
- To understand the rights of consumers.
- To understand the remedies available to the aggrieved consumers

Teaching strategy suggested:

In the classroom, faculty can start the discussion by asking some basic questions like who is a consumer and who is not a consumer. This would create curiosity among the students, and they would answer according to their knowledge. Based on the reply, faculty can explain the other topics in the Consumer Protection Act. Faculty can stretch the discussion beyond single sessions for explaining the entire Act. This way the learning of this case study can be achieved by the faculty in the classroom.

Questions to be discussed:

1. Can Sridhar sue the hospital?
2. If yes, is he entitled to file a petition in a consumer forum for remedies? Discuss on what grounds?
3. What are the remedies available to Sridhar's father and his family?

Case Discussions:

Faculty can use the following teaching note while explaining this case to the students:

1. Can Sridhar sue the hospital?

Faculty can ask students to give solutions to this, and faculty can have an interactive session to teach this case. This question has to be discussed with the definition of consumer under the Consumer Protection Act 2019. Faculty can explain who is a consumer and who is not a consumer, and this makes the students understand the important definition of this Act.

2. If yes, is he entitled to file a petition in a consumer forum for remedies? Discuss on what grounds?

The first question discussion would help the students to answer this question. While discussing the definition, the question of whether he is a consumer can be fixed. Here, the faculty has to explain to the students that Sridhar has paid Rs.5000/- for the surgery, though he has paid only a small amount, and the remaining is paid by the trust, his father comes under the purview of the Consumer, and he is entitled to file a complaint in Consumer forum. Now, faculty can explain the grounds on which consumer complaints can be filed. Faculty would discuss the deficiency in service, and that would be the grounds for filing a complaint.

3. What are the remedies available to Sridhar's father and his family?

Faculty can explain all the remedies available under the Consumer Protection Act and suggest the appropriate remedy for Sridhar and his family. This would help the students to understand the remedies that are available to the consumers and how to choose the appropriate remedy based on the facts and circumstances of the case.

Case Study on Consumer Protection Act

Pre-reading suggested:

N.D.Kapoor, Elements of Mercantile Law, Sultan Chand & Sons, 38th revised edition 2020.

Case teaching experience:

The facts and circumstances narrated in the case would attract the students' attention. It is the foremost duty of the faculty to insist the students for the background study suggested above. This would make the class more interactive while discussing. This case study would also be helpful in acquiring knowledge about the key topics in the Consumer Protection Act in a detailed manner.

Teaching Aids:

It is advisable that faculty can prepare notes/PowerPoint presentations to explain the learning objectives of the case and also to have a lengthy discussion accordingly.
