

Redressal of Consumer Grievances through District Consumer Disputes Redressal Forums

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Abstract

Any individual who buys goods and services for personal consumption and not for commercial purpose are called consumers. There is nobody in the world that is left out of the class of 'consumers'. Immediately after a baby's birth, there arises a need for baby foods, feeding bottles, oil cloth, garments, medicines, etc. and thus bringing the baby to consumers' community. The consumer hood continues till one's last breath in the world and even after new cloth and materials are bought for performing one's funeral rites. The Consumer is said to be the pivot around which the entire business activities revolve. The term 'consumerism' has come into existence in the early 1960s when it was coined by the business community in the western world particularly in America. It is the social force designed to protect the interests of the consumers by organizing the consumers to bring pressure on business community to heed to their say.

The Consumer Protection Act, 1986 was enacted to provide for the better protection of the interests of the consumers. In fact the law on the subject meets the long-felt necessity of protecting common man from such wrongs for which the remedy under ordinary law for various reasons has become illusory. The importance of the Act lies in promoting the welfare of the society by enabling the consumers to participate directly in the market economy. The Consumer Protection Act, 1986 is no doubt a revolutionary piece of legislation which can grow into an important tool for development. The objective of the Act is to provide for the better protection of the interests of the consumers and for that purpose to make provision for the establishment of consumer councils and authorities for the settlement of consumer's disputes. The Act laid down that special consumer courts will be established all over the country to enable aggrieved consumer to knock all its doors for ready redress. This redressal machinery is to comprise district

forum, a state commission for redressal of consumer grievances at every state and union territory level and national commission at apex level in Delhi. District Forums are generally well within approach of the rural as well as urban consumers. In this paper, an evaluative analysis of the functioning of the four District Consumer Dispute Redressal Forums of Punjab state is undertaken.

Keywords: *Consumer, Consumer Protection, District Forums.*

1. Introduction

The consumer is the one who pays something to consume goods and services produced. A consumer is a person who purchases a product or avails a service for a consideration, either for his personal use or to earn his livelihood by means of self employment. The consideration may be paid, or, promised, or, partly paid and partly promised. It also includes a beneficiary of such goods/services when such use is made with the approval of such person. Consumerism is a movement that promotes the interest of buyers of goods and services. It strives to protect the consumer from unsafe or low quality products, fraudulent advertising, labeling, packaging and business practices that limit competition. It promotes adequate information about the producer so that consumer can take wise decisions in purchasing goods and services. Consumerism is an organized effort of consumers seeking redress, restitution and remedy for dissatisfaction they have accumulated in the acquisition of their standard of living. Consumerism is the policy or programme of protecting the rights and interests of the consumer. Consumerism is a form of advocacy that seeks to protect and broaden the rights and powers of consumers. It is a demand that marketers should give greater attention to consumers' wants and desires. It is a protest against abuses and malpractices in the marketing system.

Consumer protection is a group of laws and organizations designed to ensure the rights of consumers, as well as fair trade, competition, and accurate information in the marketplace. The laws are designed to prevent the businesses that engage in fraud or specified unfair practices from gaining an advantage over competitors. They may also provide additional protection for those most vulnerable in society. Consumer protection laws are a form of government regulation that aim to protect the rights of consumers. The government of India has taken a number of legal measures to enlarge the scope of consumer protection and make it effective through the State governments. There are several voluntary organizations and public associations which offer valuable services to protect the interests of consumers. The consumer co-operatives have also taken the responsibility of protecting the consumers by rendering yeomen service. Of the various legal remedies available, the principal legal protection is the Consumer Protection Act, 1986. Under this Act, the consumer get opportunities to entrust his grievances through the consumer forums organized at the district, state and national levels and other voluntary consumer organizations.

2. Review of Literature

Review of Literature is concerned with reviewing the available stock of literature related to the area of study. A lot of research work was done by various scholars on different aspects of consumer protection lie consumer awareness, consumer behavior and functioning of consumer courts.

- Bolazinb (2012) in his article “The Role of Consumer Protection Agency and The Judiciary on Consumer Protection” has discussed various laws and organizations designed to ensure the rights of consumers as well as fair trade competition and the free flow of truthful information in the marketplace.
- Patil, Ashok R. (2011) in his paper entitled “A Study on consumer Protection through Maintenance of Product Safety & Standards in India” has reviewed and criticized the various pieces of legislation passed in India in relation to consumer protection. He considered that product safety standards play an important role in our daily lives. He quoted a list of laws which are made to take care of consumers he concluded that without the people’s active participation, the government as alone body, cannot protect consumers from defective products. Effectiveness of various laws and legislations has to rely upon alertness of consumers and sincerity of authorities in their implementation.
- Singh S. S. and Chadha, Sapna (2014) in their paper entitled “Consumer Protection in India - Some Reflections” have considered that the growing

interdependence of the world economy and international character of many business practices have contributed to the development of universal emphasis on consumer rights protection and promotion. The need of the hour is for total commitment to the consumer cause and social responsiveness to consumer needs. This should, however, proceed in a harmonious manner so that our society becomes a better place for all of us to live in.

- Nair, Indira (2012) in her paper entitled “Assessment of Consumer Awareness amongst Undergraduate Students of Thane District- A Case Study” made an attempt to study the level of awareness amongst undergraduate students of Thane District. Any individual who buys goods and services for personal consumption and not for commercial purpose are called consumers. Consumers form the largest economic group in any country. They are the pivots of all economic activities. The advancement of technology and the advent of sophisticated gadgets in the markets and the aggressive marketing strategies in the era of Globalization have not only thrown open a wide choice for the consumers but also rendered the consumer vulnerable to a plethora of problems associated with such rapid changes. There is an urgent and increasing necessity to educate consumers so that they can be protected against the exploitation of the manufacturers and sellers. In spite of the various initiatives undertaken by the Government to educate and promote welfare to the consumers, the analysis of the primary data collected from 758 undergraduates” students from six different colleges located in six different talukas of Thane District revealed that the level of consumer awareness is limited. This paper tried to suggest some measures that should be undertaken by the Government, business houses and consumer themselves to protect the interest of the consumers. An enlightened consumer is an empowered consumer. An aware consumer not only protects himself from exploitation but induces efficiency, transparency and accountability in the entire manufacturing and services sector.
- Singh, Avtar’s book (1994) has examined the basic concepts and definitions as used in the Consumer Protection Act, 1986 in general terms, in the context of established legal principles. This book analyses different fields of consumer goods and services, subject-wise, depending upon the decisions delivered by the state and national commissions. The author has discussed in detail the applicability of the Consumer Protection Act, 1986 to various services like airlines, banking, housing, insurance, posts and telegraphs and telecommunications. Towards the end of the book, some practical notes have also been provided for enabling the readers and practitioners to

understand the way in which different consumer disputes redressal commissions and forums are to be approached for the purpose of filing complaints and appeals and for getting their orders executed.

- Garg, O.P. (1990) has provided an exhaustive section wise commentary on the subject. He has explained the consumer's position under American, British and Swedish laws. He has also dealt with the role of national and international consumer organizations in consumer protection.
- Singh, Gurjeet (1978) has discussed the historical perspective of the problem of consumer protection in India. He has highlighted the role of the central and state consumer protection councils established under the Act and some of the controversies arising out of the judicial decisions on issues like commercial purpose, service rendered free of charge and services rendered under the contract of personal services. He has examined the functions of redressal mechanism envisaged and established under the act and he highlights the problems associated with the establishment of consumer forums throughout the country. He has also focused on several new developments and emerging trends in the Indian consumer protection jurisprudence. He has emphasized the role of non-legal measures for consumer protection such as consumer education, consumer representation, consumer boycotts and international co-ordination.
- Singh, Gurbax's book (1989) contains an exhaustive commentary on the Consumer Protection Act, 1986 together with the central Consumer Protection Rules, 1987. Some of the leading judgments pronounced by the National Commission and various State Commissions have been printed at the end of the book and a list of appropriate consumer product testing laboratories and voluntary consumer organizations have been given in the appendices. One of the outstanding features of this book is that it contains a model form of complaint and appeal under the 1986 Act. Besides discussing the functioning of the redressal mechanism under the Act of 1986, he has also briefly highlighted the role of various international institutions in the area of consumer protection. He has focused attention on the role of voluntary consumer associations and social action litigation in protecting the consumer. He has observed that the new trend had already made a tremendous impact upon the emerging concept of consumerism throughout the country and the chances of obtaining consumer justice today are much more than they existed a decade or two ago.
- Gulshan, S.V. (1994) has pointed out the position of Indian consumers and their problems. He has appraised the consumer protection act and its allied acts. The details of redressal machineries at

district, state and national levels form the highlights. The important decisions affecting consumers have been discussed in the book.

- Saraf, D.N. (1990) has critically examined the basic principles of major consumer laws in the country. This book contains a detailed commentary on the Consumer Protection Act, 1986. The author has traced the evolution of consumer law by referring to the developments in the United Kingdom, the United States and ultimately in India. He points out how the state regulation was necessitated due to the pressure of powerful consumer groups and observes that both in the UK and the US, the consumer movement preceded legislative reform. He has also described the change that has come about in the recent past as a result of the untiring efforts of consumer organizations including filing of complaints against the state monopolies. He has suggested better mechanisms for consumer protection in India and has highlighted the role of state agencies, self-regulation of business both public and private, the role of voluntary agencies, consumer education and advocacy which includes the use of media, boycotts, demonstration and public interest litigation.

3. Objectives of the study

Consumers need physical protection against products and services that are spurious, unsafe and endanger health and property and, therefore, his welfare. Consumer needs protection against deceptive and unfair trade practices followed by unscrupulous business community. These have to be curtailed through various measures of the government and non-governmental organizations. So, the objectives of the study are as follows:

1. To study the general provisions relating to District Consumer Disputes Redressal Forums as provided in Consumer Protection Act, 1986.
2. To study the functioning of District Consumer Disputes Redressal Forums.

4. Methodology

The study is based on the mixture of both primary and secondary data. The instrument for the study was a self-made questionnaire written in English language which was made specifically for the study. The primary data were collected through questionnaires from the superintends of District Consumer Disputes Redressal Forums of Doaba region of Punjab in India. The questionnaire as annexed was handed over to each of the study participants. The questionnaire was pre-tested for validity and reliability and modified accordingly. Questionnaire was handed over to all the respondents

by the investigator and later on collected from them. Apart from this, the secondary data were collected from journals, books, websites and published data. The respondents were selected on simple random method.

5. District Consumer Disputes Redressal Forum

A District Consumer Disputes Redressal Forum is known as the "District Forum". Section 9 of the Act provides for the establishment of a District forum by the State Government in each District of the State by notification. The State Government may establish more than one District Forum in the district if it deems to fit so.

6. Composition of the District Forum:

Section 10(1) provides that

- (1) 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 recognized 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 person 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) The President of the State Commission — Chairman.
- (ii) Secretary, Law Department of the State — Member.
- (iii) Secretary in charge 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.

(2) 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 fulfills the qualifications and other conditions for appointment mentioned in clause (b) of sub-section (1) 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 sub-section (1) in relation to the category of the member who is required to be appointed under the provisions of sub-section (1A) 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, shall continue to hold such office as President or member, as the case may be, till the completion of his term.

(3) 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.

7 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.

8 Manner in which complaint shall be made:

(1) 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 may be filed with a District Forum by –

- (a) the consumer to whom such goods are sold or delivered or agreed to be sold or delivered or such

service provided or agreed to be provided;

- (b) any recognized consumer association whether the consumer to whom the goods sold or delivered or agreed to be sold or delivered or service provided or agreed to be provided is a member of such association or not;
- (c) 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; r
- (d) the Central Government or the State Government, as the case may be, either in its individual capacity or as a representative of interests of the consumers in general.

(2) Every complaint filed under sub-section (1) shall be accompanied with such amount of fee and payable in such manner as may be prescribed.

(3) On receipt of a complaint made under sub-section (1), the District Forum may, by order, allow the complaint to be proceeded with or rejected.

Provided that a complaint shall not be rejected under this section unless an opportunity of being heard has been given to the complainant.

Provided further that the admissibility of the complaint shall ordinarily be decided within twenty-one days from the date on which the complaint was received.

(4) Where a complaint is allowed to be proceeded with under sub-section (3), the District Forum may proceed with the complaint in the manner provided under this Act.

Provided that where a complaint has been admitted by the District Forum, it shall not be transferred to any other court or tribunal or any authority set up by or under any other law for the time being in force.

9 Procedure on admission of complaint:

(1) The District Forum shall, on admission of a complaint, if it relates to any goods, —

- (a) refer a copy of the admitted complaint, within twenty-one days from the date of its admission to the opposite party mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum;

(b) Where the opposite party on receipt of a complaint referred to him under clause (a) denies or disputes the allegations contained in the complaint, or

omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the consumer dispute in the manner specified in clauses (c) to (g);

(c) where the complaint alleges a defect in the goods which cannot be determined without proper analysis or test of the goods, the District Forum shall obtain a sample of the goods from the complainant, seal it and authenticate it in the manner prescribed and refer the sample so sealed to the appropriate laboratory along with a direction that such laboratory make an analysis or test, whichever may be necessary, with a view to finding out whether such goods suffer from any defect alleged in the complaint or from any other defect and to report its findings thereon to the District Forum within a period of forty-five days of the receipt of the reference or within such extended period as may be granted by the District Forum;

(d) before any sample of the goods is referred to any appropriate laboratory under clause (c), the District Forum may require the complainant to deposit to the credit of the Forum such fees as may be specified, for payment to the appropriate laboratory for carrying out the necessary analysis or test in relation to the goods in question;

(e) the District Forum shall remit the amount deposited to its credit under clause (d) to the appropriate laboratory to enable it to carry out the analysis or test mentioned in clause (c) and on receipt of the report from the appropriate laboratory, the District Forum shall forward a copy of the report along with such remarks as the District Forum may feel appropriate to the opposite party;

(f) if any of the parties disputes the correctness of the findings of the appropriate laboratory, or disputes the correctness of the methods of analysis or test adopted by the appropriate laboratory, the District Forum shall require the opposite party or the complainant to submit in writing his objections in regard to the report made by the appropriate laboratory;

(g) the District Forum shall thereafter give a reasonable opportunity to the complainant as well as the opposite party of being heard as to the correctness or otherwise of the report made by the appropriate laboratory and also as to the objection made in relation thereto under clause (f) and issue an appropriate order under section 14.

(2) the District Forum shall, if the complaint admitted by it under section 12 relates to goods in respect of which the procedure specified in

sub-section (1) cannot be followed, or if the complaint relates to any services;

(a) refer a copy of such complaint to the opposite party directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum;

(b) where the opposite party, on receipt of a copy of the complaint, referred to him under clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the consumer dispute;

(i) on the basis of evidence brought to its notice by the complainant and the opposite party, where the opposite party denies or disputes the allegations contained in the complaint, or

(ii) ex parte on the basis of evidence brought to its notice by the complainant where the opposite party omits or fails to take any action to represent his case within the time given by the Forum.

(c) where the complainant fails to appear on the date of hearing before the District Forum, the District Forum may either dismiss the complaint for default or decide it on merits.

(3) No proceedings complying with the procedure laid down in subsections [1] and [2] shall be called in question in any court on the ground that the principles of natural justice have not been complied with.

(3A) Every complaint shall be heard as expeditiously as possible and endeavour shall be made to decide the complaint within a period of three months from the date of receipt of notice by opposite party where the complaint does not require analysis or testing of commodities and within five months if it requires analysis or testing of commodities:

Provided that no adjournment shall be ordinarily granted by the District Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum:

Provided further that the District Forum shall make such orders as to the costs occasioned by the adjournment as may be provided in the regulations made under this Act.

Provided also that in the event of a complaint being disposed of after the period so specified, the District Forum shall record in writing, the reasons for the same at the time of disposing of the said complaint.

- (3B) Where during the pendency of any proceeding before the District Forum, it appears to it necessary, it may pass such interim order as is just and proper in the facts and circumstances of the case.
- (4) For the purposes of this section, the District Forum shall have the same powers as are vested in a civil court under Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:—
- (i) the summoning and enforcing the attendance of any defendant or witness and examining the witness on oath;
 - (ii) the discovery and production of any document or other material object producible as evidence;
 - (iii) the reception of evidence on affidavits;
 - (iv) the requisitioning of the report of the concerned analysis or test from the appropriate laboratory or from any other relevant source;
 - (v) issuing of any commission for the examination of any witness, and
 - (vi) any other matter which may be prescribed.
- (5) Every proceeding before the District Forum shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Code (45 of 1860), and the District Forum shall be deemed to be a civil court for the purposes of section 195, and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).
- (6) Where the complainant is a consumer referred to in sub-clause (iv) of clause (b) of sub-section (1) of section 2, the provisions of rule 8 of Order I of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) shall apply subject to the modification that every reference therein to a suit or decree shall be construed as a reference to a complaint or the order of the District Forum thereon.
- (7) In the event of death of a complainant who is a consumer or of the opposite party against whom the complaint has been filed, the provisions of Order XXII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) shall apply subject to the modification that every reference therein to the plaintiff and the defendant shall be construed as reference to a complainant or the opposite party, as the case may be.

10 Finding of the District Forum:

- (1) If, after the proceeding conducted under section 13, 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 do one or more of the following things, namely:

- (a) to remove the defect pointed out by the appropriate laboratory from the goods in question;
- (b) to replace the goods with new goods of similar description which shall be free from any defect;
- (c) to return to the complainant the price, or, as the case may be, the charges paid by the complainant;
- (d) 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.

Provided that the District Forum shall have the power to grant punitive damages in such circumstances as it deems fit;

- (e) to remove the defects in goods or deficiencies in the services in question;
- (f) to discontinue the unfair trade practice or the restrictive trade practice or not to repeat it;
- (g) not to offer the hazardous goods for sale;
- (h) to withdraw the hazardous goods from being offered for sale;
- (ha) to cease manufacture of hazardous goods and to desist from offering services which are hazardous in nature;
- (hb) to pay such sum as may be determined by it if it is of the opinion that loss or injury has been suffered by a large number of consumers who are not identifiable conveniently:

Provided that the minimum amount of sum so payable shall not be less than five per cent. of the value of such defective goods sold or service provided, as the case may be, to such consumers:

Provided further that the amount so obtained shall be credited in favour of such person and utilized in such manner as may be prescribed;

(hc)to issue corrective advertisement to neutralize the effect of misleading advertisement at the cost of the opposite party responsible for issuing such misleading advertisement;

(i) to provide for adequate costs to parties.

(2) Every proceeding referred to in sub-section (1) shall be conducted by the President of the District Forum and at least one member thereof sitting together:

Provided that where a member, for any reason, is unable to conduct a proceeding till it is completed, the President and the other member shall continue the proceeding from the stage at which it was last heard by the previous member.

(2A) Every order made by the District Forum under sub-section (1) shall be signed by its President and the member or members who conducted the proceeding:

Provided that where the proceeding is conducted by the President and one member and they differ on any point or points, they shall state the point or points on which they differ and refer the same to the other member for hearing on such point or points and the opinion of the majority shall be the order of the District Forum.

(3) Subject to the foregoing provisions, the procedure relating to the conduct of the meetings of the District Forum, its sittings and other matters shall be such as may be prescribed by the State Government.

11 Appeal:

Any person aggrieved by an order made by the District Forum may prefer an appeal against such order to the State Commission within a period of thirty days from the date of the order, in such form and manner as may be prescribed. Provided that the State Commission may entertain an appeal after the

expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not finding it within that period. Provided further that no appeal by a person, who is required to pay any amount in terms of an order of the District Forum, shall be entertained by the State Commission unless the appellant has deposited in the prescribed manner fifty per cent of that amount or twenty-five thousand rupees, whichever is less.

12 Finality of orders:

Every order of a District Forum shall be final, if no appeal has been preferred against such order under the provisions of this Act.

13. Limitation period for filing of Complaint:

The District Forum shall not admit a complaint unless it is filed within two years from the date on which the cause of action has arisen. However, if the complainant satisfies the District Forum, that he had sufficient cause for not filing the complaint within such period, such complaint may be entertained after recording its reasons for condoning such delay.

14.Fee for filing Complaint

Every complaint filed shall be accompanied by a fee as specified in the table given below in the form of crossed Demand Draft drawn on a nationalized bank or through a crossed Indian Postal Order drawn in favour of the President of the District Forum.

Table 1: Fee for filing Complaint in District Forum

S.No.	Total Value of goods or services and the compensation claimed	Amount of fee
1.	Up to one lakh rupees – For complainants who are Below Poverty Line holding Antyodaya Anna Yojna Cards	Nil
2.	Up to one lakh rupees – For complainants other than Antyodaya Anna Yojna card holders	Rs. 100
3.	Above one lakh and up to five lakh rupees	Rs. 200
4.	Above five lakh and up to ten lakh rupees	Rs. 400
5.	Above ten lakh and up to twenty lakh rupees	Rs. 500

The complainants who are Below the Poverty Line shall be entitled for the exemption of payment of fee for complaints up to rupees one lakh on production of an attested copy of the Antyodaya Anna Yojna card.

15 Findings of the study

Through the enactment of Consumer Protection Act, 1986, an attempt has been made by the legislature in India to provide a cheap and speedy remedy to the aggrieved consumers by way of an alternative to the time consuming and expensive process of civil litigation. The philosophy and main object of the Consumer Protection Act is to provide expeditious justice to the aggrieved consumer.

Before the enactment of the Consumer Protection Act, 1986, consumer complaints were heard by the ordinary courts. This led to delay and reluctance of consumers to approach courts by consumers for justice. To overcome this, the Consumer Protection Act, 1986 envisaged a three-tier quasi-judicial redressal mechanism. As per the provisions of Consumer Protection Act, a District Forum is to be established in every district.

A consumer complaint can be filed by the consumer, or any recognized consumer association, or one or more consumers having the same interest, or . the central or state government.

On receipt of a complaint the forum shall refer the same to the opposite party, directing to give his version, within 30 days. If the opposite party denies or disputes the allegations, or fails to represent his case, the forum shall dispose of the complaint on the basis of the evidence available. Accordingly the forum can order for appropriate remedies. In this regard, the forum is vested with all powers of a court to summon and enforce attendance of witness, produce any document or material as evidence, request product test or appraisal, appoint any commission for examining witness, or for any other matter. The parties of a compliant are to appear before the forum on the date of hearing. The forum is to decide a complaint within a period of three months from the date of notice received by the opposite party, where product testing is not required, and if product testing is necessary, within five months. The limitation period as to the filing of a consumer complaint is one year from the date on which the cause of action occurred.

Forum is authorized to dismiss any complaint found to be frivolous or vexatious, and to impose costs up to Rs. 10,000 on complainants who bring false complaints.

There are 20 District Consumer Disputes Redressal Forums in Punjab. The researcher has selected four DCDRF as samples to study their profile which are covered under Doaba Region:

- ❖ Jalandhar District Consumer Disputes Redressal Forum
- ❖ Hoshiarpur District Consumer Disputes Redressal Forum
- ❖ Kapurthala District Consumer Disputes Redressal Forum
- ❖ Nawan Shahr (SBS Nagar) District Consumer Disputes Redressal Forum

The Redressal Forum is a quasi-judicial body, functioning throughout year. It has no summer vacation as enjoyed by the civil and criminal courts. The following are the profile of sample DCDRF.

15.1 No. of Staff Members in the Sample DCDRF

The District Consumer Disputes Redressal Forum (DCDRF) consists of a President and two members. The President is generally a District Judge or a person who is qualified to be a District Judge. The other two members are chosen by a committee consisting of the President if the State Commission, Secretary of Law Department and the Secretary of Civil Supplies and Consumer Protection, in the respective states. The two members shall be persons of integrity and ability with knowledge of Economics, trade, public affairs and so on. Of the two members, one shall be a woman member. The members can hold office for a period of five years or up to the age of 65 years whichever is earlier. They are not eligible for reappointment. They draw salary and other allowances as prescribed by the State Government. The forum cannot function in the absence of the President. But it can function even if one member is present along with the President. As per the present norms of the government, each Consumer forum should have one office superintendent, one head clerk, one lower division clerk, one reader, two office assistants and two peons. At the time of study, all four Districts Forums have fulfilled the requirement of 11 staff members.

15.2 Types of Cases

Consumers Disputes Redressal Machinery entertains and redresses grievances which come under Consumer Protection Act, 1986. Cases relating to Unfair Trade Practices, Banking Services, Insurance Company Services, Medical Services, Electrical Services, Finance Companies, Housing Board and Issue of Shares and Debentures. Though teachers and students are not consumers, the deficiency of service of the educational institutions can be brought under the Act.

15.3 Details of Cases filed by Complainants

The consumer can file cases directly or through various sources liked voluntary consumer organizations, eminent lawyers and others. The officials of the sample consumer forums stated that consumers should come forward to file cases by themselves, not through other agencies, in order to avoid unnecessary expenses. Moreover, the consumers can file cases directly due to the fact that they need not follow any formalities as in the Civil Court. Researcher has collected the details of cases

filed of all four DCDRFs in 2011, 2012, 2013, 2014 and 2015 year wise (Table 2).

Table 2: No. of Cases filed

S. No.	DCDRF	No. of Cases Filed				
		2011	2012	2013	2014	2015
1.	Jalandhar	566	608	520	464	543
2.	Hoshiarpur	318	254	277	277	244
3.	Kapurthala	94	94	84	66	72
4.	SBS Nagar	254	204	146	137	139

Source : Secondary data

15.4 Settlement of Cases

As per Consumer Protection Act, 1986, the Forums have to settle the consumers' grievances within 90 days from the date of notice received by the opposite party. According to the information furnished by the authorities working in the Forums, heavy work-load, lack of trained and experienced lawyers were prominent reasons for their inability to complete the cases within 90 days.

15.5 Bases for Disposal of Cases

When consumers file cases in the forums, the cases have to be disposed off on some basis. Cases can be disposed off on the pressure exerted by the petitioner, pressure exerted by the respondent, pressure of the Lawyer, nature of case, etc. According to the information furnished by the authorities working in the Forums, they disposed off the cases on the basis of its nature.

Consumer Forums reject frivolous or vexatious complaints. They also reject cases on technical grounds. They consider cases which come under Consumer Protection Act. As information furnished by the authorities, a majority of the cases are dismissed due to the absence of the petitioner or the absence of one party.

15.6 Grant of Compensation

The aggrieved consumer gets award of compensation from the other party through the Consumer Forum as per the norms of Consumer Protection Act, 1986. Normally the forum asks the other party to remit the prescribed amount (based on decree) as compensation within the prescribed time. The petitioner can get compensation from the party after producing the copy of the decree awarded by the forum.

16 Conclusion

Since an individual consumer is considered more vulnerable to exploitation and harassment by the manufacturers and distributors or sellers because of environmental complexities of business operations,

technological changes, application of mass production techniques, vast resources, manpower and acrimonious advertising, it is necessary that the various groups of society namely, government, judiciary, business units, traders, voluntary associations of consumers are to play their due role to protect and promote the consumer interest-economic, social and environmental, all rolled into one. The success of the consumer movement depends upon the consumers' involvement and government cooperation. The best interest of consumers can only be protected through effective cooperation among consumers, businessmen and government.

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Questionnaire

1. Name of the Forum

2. How many staff members do you have at present? _____

3. What are the types of cases you deal with?

- | | | | |
|------------------------------------|-----|--------------------------|-----|
| (a) Unfair trade practices | () | (f) Banking Services | () |
| (b) Insurance Company Services | () | (g) Educational Services | () |
| (c) Medical Services | () | (h) Electrical Services | () |
| (d) Housing Board | () | (i) Finance Companies | () |
| (e) Issue of Shares and Debentures | () | (j) All the above | () |
| | | (k) None of these | () |

4. Mention the number of cases filed by the complainants through the following (year wise).

2011 2012 2013 2014 2015

- (a) Directly
(b) Through Voluntary organizations