CHAPTER: VI
FUNCTIONING OF CONSUMER REDRESSAL FORUMS

6.1. Introduction:

In this chapter researcher has discussed about the consumer protection law and the consumer redressal forums which is established according to consumer protection law.

Under the consumer protection law the provisions given for the consumers benefit; along with this they should get their rights.

As consumers should get justice as soon as possible the provisions of three tier quasi-judicial forum has been established. According to the Consumer Protection Act the consumer forum has been established in every district.

For studying this subject researcher has selected Jalgaon district. In 1990 district consumer forum has been established in Jalgaon district. This district is a developed district of Maharashtra. In this district people prefer farming. They produce all grains, fruits, cotton etc.

Researcher belongs to Jalgaon district and from an agricultural family as well. That is why researcher is aware of the problem faced by peoples, customers and farmers for this purpose researcher has selected Jalgaon district so that the problems faced by the consumers will be understood.

In the year 1990, Consumer Redressal Forum is established in Jalgaon District. In Jalgaon district majority of people live in rural area. For agriculture, farmers do purchase seeds, fertilizers, and pesticides in the large quantity.

Because of this when sowing time comes the consumer has to face various problems like bogus seeds, fertilizers, medicines, shortage of seeds, etc. along with this they have to pay high prize for the same. From last 3 to 4 years the difficulties has been increased for the farmers.

In Jalgaon district from 1990 till date only four to five consumers have filed complaints relating to bogus seeds and fertilizers. The reason for this is the most of the consumers are illiterate and are not aware about their rights.
The consumer protection Act provides for a separate three-tier quasi-judicial consumer dispute redressal machinery, popularly known as consumer courts, at the national, state and district level to provide simple, speedy and free redressal against consumers’ complaints.

Filling of a simple complaint on plain paper with the details of the case with supporting documents seeking relief or compensation is enough and it is not obligatory to engage a lawyer.

According to the objects and purposes of the Consumer Protection Act, these quasi-judicial bodies observe the principal of natural justice while adjudicating consumer complaints against defective goods, deficient services and restrictive and unfair trade practices through summary trials.

In this chapter researcher also discuss the functioning of the consumer forum in ‘Jalgaon district’ and cases decided by the District forum in Jalgaon District.

6.2. Machinery under Consumer Protection Act, 1986²⁵⁸

Consumer redressal forum/courts are institutions that hear the grievance of the consumer of products or services of complaints/firms/ sellers/ shops regarding the alleged misspelling, unsatisfactory service for repair and maintenance against guarantees/warranties given, selling of defective products, accidents and damages caused by selling of unsafe products, and arrange for redressal of consumers grievance after finding out the truth. Their orders to the sellers of the products and services are legally binding.

The act also provides for establishment of consumer protection councils at the union, state and district level whose main objectives are to promote and protect the rights of consumer, Department of consumer affairs under Ministry of consumer affairs, food and Public Distribution is the nodal organization set up for the protection of rights of consumers, redressal of consumer grievance and promotion of standards of goods and services, etc.

²⁵⁸ Act no.68 of 1986.
6.3 Dispute Settlement Three Tier Mechanism:

The Consumer Protection Act provides for three-tier quasi-judicial Consumer disputes redressal machinery at the National, State and District levels, for expeditious and inexpensive settlement of Consumer disputes it includes

1. National Consumer Disputes Redressal Commission (NCDRC)
2. State Consumer Disputes Redressal Commission

The statutory powers and jurisdiction of the three are summarized here.

<table>
<thead>
<tr>
<th>Amount of Compensation You Seek</th>
<th>Court</th>
<th>President</th>
<th>Other Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to Rs. 20 Lakh</td>
<td>District Consumer Disputes Redressal Forum</td>
<td>Must be qualified to be a District Judge.</td>
<td>Two other members; one must be a woman</td>
</tr>
<tr>
<td>Rs. 20 Lakh to Rs. 1 Crore</td>
<td>State Consumer Disputes Redressal Commission</td>
<td>Must be a person who is or has been a Judge of a High Court.</td>
<td>At least two other members.</td>
</tr>
<tr>
<td>Higher than Rs. 1 Crore</td>
<td>National Consumer Disputes Redressal Commission</td>
<td>Must be a person who is or has been a Judge of the Supreme Court</td>
<td>At least four other members.</td>
</tr>
</tbody>
</table>

You cannot file a complaint in a consumer court if two years have elapsed after the cause of action (such as payment of a bill or the incident that started the dispute with the company)

6.3.1. DISTRICT FORUM Sec.9

(a) a Consumer Dispute Redressal Forum to be known as the “District Forum” established by the State Government in each District of the State by notification.

Provided that the State Government may, if it deems fit, establish more than one District Forum in a District.

Composition of the District Forum- Sec. 10

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 qualification, namely

(i) be not less than thirty-five years of age,

(ii) Possess a bachelor’s degree from a recognized university,

(iii) be person 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.

Every appointment under sub-section (I) 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

2. Every member of the District Forum shall hold office for a term of five years or up to the age sixty—five years, whichever is earlier.

Jurisdiction of the District Forum: Sec.11

1) Pecuniary Jurisdiction: 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) Territorial: A complaint shall be instituted in a District Forum within the local limits of whose jurisdiction

a) The opposite party of each of the opposite parties, actually and voluntarily resides.

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, in such cases,
either the permission of the District Forum is given or the consent of the opposite party is necessary.

c) If the dispute is pending the civil court the consumer forum has no jurisdiction to entertain the same.

1. Manner in which complaint shall be made: Sec. 12

(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 recognised 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; or

(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.

Explanation. - For the purpose of this section “recognised consumer association” means any voluntary consumer association registered under the Companies Act, 1956 or any other law for the time being in force”.

Procedure on admission of complaint: Sec.13

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

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;

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);

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; 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 (l) 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,-

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;

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.

(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.

Finding of the District Forum:- Sec. 14

(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 but 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 them;

(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 services 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;

(1) 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.

A District Consumer Forum can hear cases for any company that operates an office or a branch in the district. It can also hear cases provided the actual reason why you are filing the complaint (such as sale or maintenance service that led to the defect) partially or fully occurred within the district. For this same reason, it is VERY IMPORTANT that you do not do business with any company that does not have local representation or one that makes you sign an agreement regarding the jurisdiction of the dispute.

The law provides that the District Consumer Disputes Redressal Forum has the same powers as a civil court under Code of Civil Procedure 1908.

The District Consumer Forum can order the company to take the following actions once it hears the complaint and decides that the company is at fault:

- Correct deficiencies in the product to what they claim
- Repair defect free of charges
- Replace product with similar or superior product
- Issue a full refund of the price
- Pay compensation for damages / costs / inconveniences
• Withdraw the sale of the product altogether
• Discontinue or not repeat any unfair trade practice or the restrictive trade practice
• Issue corrective advertisement for any earlier misrepresentation

Appeal :-Sec. 15

If you are not satisfied with the verdict from the District Consumer Court, you can appeal in the State Consumer Disputes Redressal Commission within a period of 30 days. If a verdict has been given against the company, it can appeal only after depositing 50% of the compensation to be paid to you or Rs.25000/-, whichever is lesser.

6.3.2 State Commission: Sec. 16

Composition of the state forum:

1) Each State Commission shall consist of -
   
   (a) A person who is or has been judge of a High Court, appointed by the State Government.

   (b) Two other members who shall be persons of ability, integrity and standing and have adequate knowledge and experience of at least ten years in dealing with problems relating of economics, law, commerce, accountancy, industry, public affairs of administration the recommendation of a Selections Committee consisting of the following members,. namely:-

   President of the State Commission - Chairman

   Secretary of the Law Department of the State - Member

   Secretary in charge of the Department dealing with Consumer - Member

   Affairs in the State

2) Every member of the State Commission shall hold office for a term of five years or up to the age of sixty-seven years, whichever is earlier:
Jurisdiction of the State Commission: Sec.17

1. Subject to the other provision of this Act. The State Commission shall have jurisdiction.

(a) **Monitory:** Original to entertain complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees twenty lakhs but does not exceed rupees one crore; and

(b) **Appellate:** To entertain appeals against the orders of an District Forum within the State and

(c) **Supervisory or Revisional:** to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any District Forum within the State.

The State Consumer Forum usually hears cases of three types:

1. Appeals from District Consumer Forums

2. Cases against companies that operates an office or a branch in the state.

3. Cases where the actual reason why you are filing the complaint (such as signing of an agreement or payment of a bill) partially or fully occurred within the state.

17A. **Transfer of cases.** - On the application of the complainant or of its own motion, the State Commission may, at any stage of the proceeding, transfer any complaint pending before the District Forum to another District Forum within the State if the interest of justice so requires.

18. **Procedure applicable to State Commissions.**- The provisions of Sections 12, 13 and 14 and the rules made there under for the disposal of complaints by the District Forum shall, with such modifications as may be necessary, be applicable to the disposal of disputes by the State Commission.

**Appeal: Section 19**

If you are not satisfied by the verdict from the State Consumer Court, you can appeal in the National Consumer Disputes Redressal Commission, within a period of 30 days. If a verdict has been given against the company, it can appeal only after
depositing 50% of the compensation to be paid to you or Rs.35000/-, whichever is lesser.

6.3.3 National Commission: Section 20

Composition of the National Commission:

1. The National Commission shall consist of-

(a) President: A person who has been a judge of the Supreme Court, to be appointed by the Central Government.

(b) Member: A person who shall be persons of ability, integrity and standing and have adequate knowledge and experience of at least ten years in dealing problems relating to economics, law, commerce, accountancy, industry, public affairs or administration: Every appointment under this clause shall be made by the Central Government of the recommendation of a selection committee consisting of the following, namely

(a) A person who is a Judge of the Supreme Court, - Chairman to be nominated by the Chief Justice of India.

(b) The Secretary in the Department of Legal Affairs- Member; in the Government of India

(c) Secretary of the Department dealing with consumer- Member

Jurisdiction of the National Commission: Section: 21

Subject to the other provisions of this Act, the National Commission shall have jurisdiction-

(a) Monetary: To entertain complaints where, the value of the goods or services and compensation, if any, claimed exceeds rupees one crore;

(b) Appellate: To entertain appeals against the orders of any State Commission;

(c) Supervisory or Revisional: To call for the records and pass appropriate orders In any consumer dispute which is pending before or has been decided by any State Commission where it appears to the National Commission.
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Power of and procedure applicable to the National Commission: Sec. 22

(1) The provisions of sections 12, 13 and 14 and the rules made there under for the disposal of complaints by the District Forum shall, with such modifications as may be considered necessary by the Commission, be applicable to the disposal of disputes by the National Commission.

(2) Without prejudice to the provisions contained in sub-section (1), the National Commission shall have the power to review any order made by it, when there is an error apparent on the face of record.

22A. Power to set aside ex parte orders: Where an order is passed by the National Commission ex parte against the opposite party or a complainant, as the case may be, the aggrieved party may apply to the Commission to set aside the said order in the interest of justice.

22B. Transfer of cases - On the application of the complainant or of its own motion, the National Commission may, at any stage of the proceeding, in the interest of justice, transfer any complaint pending before the District Forum of one State to a District Forum of another State or before one State Commission to another State Commission.

Appeal: Any person aggrieved by an order made by the Redressed agency may prefer an appeal against such order to the next higher level of agency within a specified period from the date of the order.

Appeal to the State Commission: 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 30 days from the date of the order.

Appeal to the National Commission: Any person aggrieved by an order made by the State Commission, may prefer an appeal against such order to the National Commission within a period of 30 days from the date of the order.

Appeal to the Supreme an appeal against such order to the Supreme Court within a period of 30 days from the date of the order.

The National Consumer Court handles five types of complaints:

- Complaints that has been sought or need to be transferred from one State Consumer Commission to another in the interest of justice.
• Appeals from State Consumer Disputes Redressal Commissions

• Consumer complaints that occurred in India, except in the State of Jammu and Kashmir

• Cases from State Consumer Commissions where there has been accusations or proof of material irregularity or illegal activities

• Cases where ex-parte (where verdicts have been passed in the absence of either parties) orders have to be set aside.

If you are not satisfied by the verdict from the National Consumer Court, you can appeal in the Supreme Court, within a period of 30 days. If a verdict has been given against the company, it can appeal only after depositing 50% of the compensation to be paid to you or Rs.50000/-, whichever is lesser.

6.4 What if These Bodies Fail?259

The consumer protection act provides for exclusive forums for consumer disputes in all district, states and national capital

• These forums have the power to direct the manufacturer/service provider to rectify the defect or pay compensation or any other reasonable remedy to the person complaining.

• If they do not follow the forum’s direction, they can also be imprisoned.

6.5. Unique Features of Consumer Forum:260

• No lawyer or agent is necessary for filling complaint or to make submission. If due to lawyer’s conduct consumer suffers, it is a deficiency in service open to redress.

• Small nominal fees payable. No charges for dispatching notices to opposite parties etc.

• Every complaint shall be heard and disposed of within 90 days (150 days in case of lab test) from the date of receipt of notice by the opposite party.

260 Ibid
Features of Consumer Forum under the Act, 1986:

1. The Act is a special piece of legislation for the better protection of the interests of consumers. In District Forum, State Commission and the National Commission, extensive participation is given to non-legal or non-judicial persons.

2. The Act has been enacted to give succors and relief to the affected or aggrieved consumers quickly with nil expense. The Forum created under the Act of 1986 is uninhabited by the requirement of Court-fee or the formal procedures of Court, civil or criminal. The consumer himself need not necessarily file a complaint. Any recognized consumers association can espouse his cause. Where a large number of consumers have a similar complaint, one or more can file a complaint on behalf of all. Even the Central Government or State Government can act on his/their behalf.

3. It is one of the benevolent social legislations intended to protect the large body of consumers from exploitation. The Act has come as a universal remedy for consumers all over the country and has assumed the shape of the most important legislation enacted in the country during the last few years.

4. It has become the vehicle for enabling people to secure speedy and inexpensive redressal of their grievances. With the enactment of this law, consumers now feel that they are in a position to declare "sellers are aware" whereas previously the consumers were at the receiving end and generally told "buyers are aware".

5. The Act postulates establishment of Central Consumer Protection Council and the State Consumer Protection Councils for the purpose of spreading consumer awareness. The Central Council is headed by Minister, incharge of the Consumer Affairs in the Central Government and in the State it is the Minister incharge of the Consumer Affairs in the State Government who heads State Council. To provide cheap, speedy and simple redressal to consumer disputes, quasi-judicial machinery is set up at each District, State and National levels called District Forums, State Consumer Disputes Redressal Commission and National Consumer Disputes Redressal Commission respectively. At present, there are 604 District Forums, 35 State Commissions with apex body as a National Consumer Disputes Redressal Commission (NCDRC) having its office at New Delhi. The District Forums are headed by the person eligible to be appointed as a District Judge. The State Commissions are headed by a person who is a Judge of High Court. National
Commission was constituted in the year, 1988. It is headed by a retired Judge of the Supreme Court of India. Hon'ble Minister for Consumer Affairs, Food & Public Distribution, and Government of India has established the Additional Bench of the National Commission on 24th September, 2003. The provisions of this Act cover ‘Products’ as well as ‘Services’. The products are those which are manufactured or produced and sold to consumers through wholesalers and retailers. The services are of the nature of transport, telephones, electricity, constructions, banking, insurance, medical treatment etc. The services are, by and large; include those provided by professionals such as Doctors, Engineers, Architects and Lawyers etc.

6. A written complaint, as amended by Consumer protection (Amendment) Act, 2002, can be filed before the District Consumer Forum (up to Rupees twenty lakhs), State Commission (up to Rupees One crore), National Commission (above Rupees One crore) in relation to a product or in respect of a service, but does not include rendering of any service free of cost or under a contract of personal service. The service can be of any description, the illustrations given above are only indicative and not exhaustive.

7. The Consumer Protection Act is an alternative and the cheapest remedy available to the aggrieved persons/consumers by way of civil suit. In the complaint/appeal/petition submitted under the Act, a consumer is not required to pay any court fees or even process fee. Proceedings are summary in nature and endeavour is made to grant relief to the parties in the quickest possible time keeping in mind the spirit of the Act which provides for disposal of the cases within possible time schedule prescribed under the Act. If a consumer is not satisfied by the decision of the District Forum, he can challenge the same before the State Commission and against the order of the State Commission a consumer can approach the National Commission.

8. To attain the objects of the Consumer Protection Act, the National Commission has also been conferred with the powers of administrative control over all the State Commissions by calling for periodical returns regarding the institution, disposal of cases. National Commission is empowered to issue instructions:

1. Adoption of uniform procedure in the hearing of the matters;
2. Prior service of copies of documents produced by one party to the opposite parties;

3. Speedy grant of copies of documents; and

4. In genuine cases where the parties are unable to engage the services of an advocate Bar Association of NCDRC also provides legal aid to needy people.

### 6.6. Introduction of Consumer Forum in Jalgaon District:

The Consumer Protection Act is enacted in the year 1986 for better protection of the interest of Consumer. For that purpose the Consumer Councils and other authorities for settlement of consumer disputes such as the Consumer Disputes Redressal Forum in each district, State Consumer Commission in the State and the National Commission at the center is established by the Government.

In the year 1990, Consumer Disputes Redressal Forum is established in Jalgaon District. President and other members are appointed as per the provisions under the said Act. The Place of sitting is New Administration building, Beside All India Radio Station Jalgaon, Maharashtra-425001.

This quasi-Judicial Machinery has been set up with a view to provide speedy and simple redressal to consumers in rural as well as urban area and observe the principles of natural justice.

12,100 consumer complaints have been filed in the Jalgaon District Consumer Redressal Forum till 2012 out of this 9625 consumer complaints are being disposed of. 2664 enforcement applications are pending before the Forum.

The post of the president and members are vacant in the entire 2012 year. Recently one president is appointed for Dhule and Jalgaon District. That is single president in charge of two Districts. How could single people work for two districts where number consumer Complaints is increasing day by day? It results into pendency of cases and delay in justice.

Due to load shading for three to four hours in a day, working in the Forum stands stock still. The Forum is doing continuous follow up with the Maharashtra State Electricity Distribution Company Limited. However all in vain till date. The

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262 15th March 2013, Lokmat Newspaper.
Government has created online platform for filing complaint, how could this platform function without electricity. Government is failed to provide basic infrastructure to the forum. The Forum is itself waiting for justice. Absence of basic amenities at forum is also one of the reasons for its failure.

6.7 Analysis of the Consumer Disputes Decided By the Jalgaon District Consumer Redressal Forum

Jalgaon District Consumer Redressal Forum is established in 1990. Till the end of December 2012, total number of Consumer Complaints filed before the Forum is 12,100 out of which 9625 is filed under Section 12 of the Act and disposed of. 2665 enforcement application are being filed before the Forum, out of which only 4 applications are disposed of. It shows 5135 consumers’ disputes are pending and many consumers are waiting for justice. These consumer disputes are mainly for defects in goods and services. Different consumer complaints filed before the Forum since its inception till the end of December, 2012 are as under:

<table>
<thead>
<tr>
<th>Sr.No.</th>
<th>Particulars of Complaint</th>
<th>Disposed of</th>
<th>Pending</th>
<th>Total</th>
</tr>
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<tbody>
<tr>
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<td>1501</td>
<td>5862</td>
</tr>
<tr>
<td>2</td>
<td>Complaints against banks mainly relating to dishonour of cheques, Demand drafts, fixed deposits, rate of interest, loan transactions, wrong entries in pass book etc.</td>
<td>311</td>
<td>114</td>
<td>428</td>
</tr>
<tr>
<td>3</td>
<td>Complaints against airlines</td>
<td>2</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>4</td>
<td>Consumer Complaint relating to defects in telecommunication service</td>
<td>263</td>
<td>59</td>
<td>322</td>
</tr>
<tr>
<td>5</td>
<td>Consumer complaint against Indian Post</td>
<td>183</td>
<td>15</td>
<td>198</td>
</tr>
<tr>
<td>6</td>
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</tr>
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<td>Consumer Complaints against Indian Railway</td>
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<td>Consumer Complaints relating to Road transport</td>
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<td>Consumer Complaints relating to medical negligence</td>
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<td>Consumer Complaints relating to investment in shares</td>
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<tr>
<td>15</td>
<td>Consumer Complaints against LPG distributors</td>
<td>5</td>
<td>2</td>
<td>7</td>
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<tr>
<td>16</td>
<td>Consumer Complaints against companies/distributors etc. of seeds and agricultural tool and machinery</td>
<td>159</td>
<td>74</td>
<td>233</td>
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<tr>
<td>17</td>
<td>Miscellaneous Applications</td>
<td>782</td>
<td>16</td>
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6.7.1. Analysis of the cases relating to rural consumer:

From the inception of the Consumer Forum in Jalgaon District in 1990 to December 2012 only 233 complaints filed by the rural consumers relating to Agricultural Product. i.e. Low quality seeds, seedling, pesticide and insecticide.

That all complaint filed by the cultivator and farmers in Consumer Forum, for the recovery of losses because of low quality agriculture product.
The rural consumers facing the various problems in their day to day life relating to defective product and deficiency in services, but not a single complaint filed before the consumer forum through the rural people except the cases relating to Agricultural product.

In this topic researcher analyze the complaints which are filed in the District Consumer Forum in Jalgaon. And try to find out the position of the rural people in Jalgaon District, and the problem which are facing by the rural consumer.

The complaints filed under section 12 of the Consumer Protection Act by the cultivator and farmer because of;

1) Low quality seedling of chili.
2) Corn seeds ‘Gayatri 102’
3) Cotton seeds ‘Nirmal seeds co.’
4) Cauliflower seeds.
5) Bajara seeds etc.
6) Poor quality fertilizers.
7) Low quality pesticides.

All the complainants asserted that for the all above reasons they have not got the proper crop and suffered heavy losses.

From the above cases it comes to conclusion that, the cases that are filed and got to justice to them the number of such cases are less, but that which is rejected are more in number as such.

After studying the above cases the researcher comes to conclusion that all above cases are related to low quality seeds, chemical fertilizers, pesticides and insecticides. It is proved that all the complaints that related to agricultural material which are finally proved to be low quality and adulterated.

In all the above cases the concern officers or the expert in that field have given their opinion which is supported the complaint. But due to the lack of strong evidence the consumers do not get justice.
The concern officers or expert opinion have given and filed before the forum in the above complaint but still the consumer is not get enough justice.

It seems that those who purchased that low quality seeds, seedling, fertilizers pesticides and insecticides do not get proper receipt dealing with the products and consumers name. This is the reason why the complaints are rejected.

This situation has helped the seller and manufacturer for its benefit. The same thing would happen in future as the company seller would not write the product name and consumers name on the receipt. Also the poor ignorant consumer would become the victim to this situation.

It says that the consumer forum gives decision on natural justice. But where is natural justice in regard to this.

In some above cases it is decided the false complaint filed by the consumer. If it would be a false complaint then one or two person filed it but here the crops of 9 to 10 farmers (consumers) are suffer a loss. Then how it would be possible the all complaints are false.

The loss of crops due to fertilizers is seen all equal but still the consumers due to not get Justice.

The main reason is that the poor ignorant farmers do not have the sufficient knowledge about the Law. They do not know what precautions are to be taken while purchasing the agricultural product. They do not know how important it is for proper bills covering the name of the product and consumer’s name. If there is an awareness regarding this then they would certainly get justice.

The cases which are filed about the low quality seeds, seedling etc. finally the result show that the consumer who are at loss are due to low quality and impure agriculture material.

Those who filed complaint got justice but those who did not file complaint because of their ignorance of the knowledge of Law are at loss they do not know why they are suffer losses. They only blame their destiny responsible. They neither file the complaint nor requested the officers to give them justice.

The important thing is that the low quality seeds and pesticides are found faulty till the sale of this product has not stopped. The consumer forum does not have
right to stop the sale so those who file complaint in court get justice the others do not get justice.

In Jalgaon District 15 Taluka and 1510 villages. The 70% of people living in villages means rural areas. The low quality seeds; fertilizers etc. that has entered in market from 2007 in Jalgaon District became the cause of overall loss of the farmers or consumers.

In comparison with the overall loss complaints are not more than 2 to 3 percent. This situation shows the condition of the consumers in rural area.

The very important thing is from these complaints not a single complaint is decided in the forum within the 90 to 150 days. But every complaint is decided in forum near about 1 year or more.

The consumer forum is focusing on this issue they fill that all the pending cases should be decided as early as possible.

6.8 Response to the System:

Knowledge and awareness is pivotal to the human progress. Consumer awareness is about making the consumer aware of his/her right. Education is a lifelong process of constantly acquiring relevant information, knowledge and skills. Consumer education is an important part of this process and is a basic consumer right that must be introduced at the School Level. Consumers by definition include all citizens who are by and large the biggest group who are affected by almost all governmental, public of private decisions. The most important step in consumer education is awareness of consumer rights. However consumer education is incomplete without the responsibilities and duties of consumers and this influences individual behavior to a great extant.

Consumer awareness is the knowledge that a consumer should have about his/her legal rights and duties. It is must for a consumer to follow these rights. It is implemented for the protection of the consumer, so that the consumer is not exploited by the seller of the products. In the context of a democratic form of government, which depends for its sustenance upon the enlightenment of the public, awareness is at once a social and political necessity.
The Parliament has failed to achieve objectives of the Consumer Protection Act, 1986. Not many efforts have been taken by the Government to create awareness about legal rights of the Consumer and how it is to be protected. Resultant of which is very few consumer can take recourse to the legal remedy available under the Act.

Consumer Complaints filed before the Jalgaon District Consumer Forum since its inception are very few\(^\text{263}\). More than sixty percent of the total number Consumer Complaints are filed against the co-operative bank and majority consumers are urbanities in these Complaints.

In rural area farmers purchased seeds and other agricultural goods. An investment in seed is an investment in your future. High quality seed produces reliable results including strong plants and uniform crops. Inferior seed leads to disappointing crop yields or, even worse, products that can’t be sold on the market.

The farmers do not pick the distributor at random. He asked people whom he trusted to make a recommendation. Both he and the distributor knew the importance of seed quality. I find on the basis of the evidence that the farmer was relying on the distributors’ ‘skill and knowledge’.

Farmers do not realize that a batch of seed is defective until well after they have gone through the labour and expense of preparing and planting their fields. Once defective seed has begun to sprout and a problem is noticed, there is often little a farmer can do to salvage the crop and the remainder of the growing season. Worse, these seeds can continue to sprout year after year, causing further problems. For these reasons, defective seeds can have a huge and prolonged financial impact on a farmer.

Some farmers obtain loan to purchase seeds and other agricultural equipment. In these circumstances also rural farmers are reluctant to approach to the Consumer forum because it is established at District Place, It is quite expensive, technical and farmers are not sure whether they get justice at Forum. It is not possible for farmers to approach to the State Commission in Appeal. Consumer Complaint relating to defects in seeds and other agricultural equipment filed before the Jalgaon District are very few that is 233 only.

It shows that farmers tolerate exploitation as he is not aware about his rights and those who are aware can’t afford expenses for the entire process that is filing of Complaint till it is decided finally.

Survey conducted through the ‘LOKMAT’ Newspaper on consumers in urban area on Consumer Day that is 15\textsuperscript{th} March 2013. Researcher have made following observation:

1. There is no full time president and member in the many District Forums in the State of Maharashtra. One President is in charge of two or more districts.

2. Packaged goods many times contain less quantity of what is printed on packing. However 65\% consumers never check the same.

3. Whether the food is adulterated? 37\% Consumer said, ‘No’. 43 \% Consumers said, ‘Yes’ and 20\% consumers said sometime.

4. Whether have you been cheated by the companies or any other commercial organisations? 33\% of Consumers said, ‘Yes’.

5. Do you know about the Consumer Protection Act and Consumer Disputes Redressal Mechanism? 54\% said, ‘Yes’. 46 \% Consumers said, ‘No’

6. Have you ever filed a Complaint in Consumer Disputes Redressal Forum. 90\% Consumer said , ‘No’. 10 \% Consumers said, ‘Yes’.

The above Survey shows that very few Consumers in urban have approached to the Consumer Forums in the District. Consumers in Rural area is still very far from the Consumer Disputes Redressal Mechanism created by the Government due to illiteracy, technicalities in filing Complaints, absence of awareness about their rights, legal illiteracy, delayed justice, etc.

Therefore it is necessary to take steps to create legal awareness and simultaneously to bring some changes in the present Consumer Disputes Redressal Mechanism which will give speedy, easy and less expensive justice to all Consumers.

6.9 Conclusion

The above Survey shows that very few Consumers in urban have approached to the Consumer Forums in the District. Consumers in Rural area is still very far from the Consumer Disputes Redressal Mechanism created by the Government due to
illiteracy, technicalities in filing Complaints, absence of awareness about their rights, legal illiteracy, delayed justice, etc.

Many villages locate far from the Districts. All the Consumer Councils and Forums established under the Act are at Districts only. If any rural consumer would like to file a complaint against any manufacturer/producer/service provider he has to come to district. Reaching at district is not enough he has to get his Complaint typed on a plain ledger paper, it should be in specific format. Moreover in the year 2012, National Consumer Commission introduced several technical rules for filing Complainant which should be strictly followed and failure of which results into returning the Complaint or rejecting the Complaint. How could poor, middle class or even upper class consumer comply with these requirements?

The three-tier consumer forums, set up under the Act are in urban areas. This makes it difficult for rural consumers to approach the forum. Moreover, though the forum have been set up as special courts, the non-extension of their benches in rural areas makes accessibility a big problem and leading to poor public participation.

The fact is that majority of consumers in the country are even unaware of the existence of consumer forums to which they can make their grievances.

The absence of laboratories at district level to test disputed products further makes the process delayed.

The law and the consumer court system suffer from the following drawbacks:

- Consumer courts are not known to be devoid of corruption, like other courts in our country.

- Consumer courts are overwhelmed and underfunded. The government paints very rosy statistics that 84% of cases in National Consumer Commission, 77% of cases in State Commission and 91% of cases in District Consumer Forums are disposed. However, it does not tell you how long it takes to dispose a case, nor how many cases are dispose in the favour of the consumer.