CHAPTER-VI

ANALYSIS, INTERPRETATION AND DISCUSSION ON

JUDICIAL TRENDS

6.0.0 INTRODUCTION

The new born infant is a helpless human being. He has neither friends nor, enemies. He is not aware of the social customs and traditions. He is not aware of realities of life. He is not even keen to achieve any ideal or value. But as he grows older, he is influenced by the informal and formal agencies of education. He develops his physical, mental and emotional self and social feelings. By and by, he develops sense of responsibility like his elders. He solves the problems of life successfully.¹

Thus, education instills in the child a sense of maturity and responsibility. Education bestows immense benefits upon a person. A well educated person is known all over the region because he is able to meet the conflicting challenges.

Education cultures the individual and helps him to fulfill his needs. Education develops the individual like a flower which distributes its fragrance all over the environment. Thus, education is a conducive process which develops child’s individuality in all its aspects-physical, mental, emotional and social.

With this all-around development, he becomes a responsible, dynamic, resourceful and enterprising citizen of strong, good, moral character who uses all his capacities to develop his own self, his society and his nation to the highest extent by contributing his best to national honour, national glory, national culture and national civilization of which he is an integral part.²

² Ibid.
On one hand, education develops personality of an individual in all fields and aspects making him intelligent, learned, bold, courageous and possessing strong good character, on-the other hand, it contributes to growth and development of society. It is only through education that moral ideals and spiritual values, as aspiration of the national and its cultural heritage is transferred from one generation to another for preservation, purification and sublimation into higher and higher achievements.

With the growth and development of individual, the society also develops to higher and higher levels of attainments. Thus, education is essential for the growth and development of individual as well as society. Therefore, there are few people who are not in some sense interested in education. Parents, teachers, school governors, ministers of region, and politicians, all have the word frequently on their lips, and all may be supposed to use it with a more or less definite notion of its meaning.

Selection and administration of questionnaire and scores obtained are of little value, unless these are properly analyzed and interpreted. This chapter includes analysis of cases related to role of consumer protection laws in education. The judicial trends drawn from analysis of cases have been also discussed in this chapter. The chapter also includes the analysis and interpretation of data and presentation of the obtained results related to the awareness about consumer protection laws among students and teachers.

6.1.0 ANALYSIS OF CASES AND JUDICIAL TRENDS

Education has great importance in our society. The important question which arises for considerations whether the educational institutions can be made liable for deficiency in service or not?. The second important question is
whether a student is a ‘consumer’ or not? These two important aspects are to be considered in detail in the light of various decisions.

There are two opposite views in this regard. According to one view, there is no justification to bring educational institutions and the students within the purview of the Consumer Protection Act. According to other view, education has been recognized as a fundamental right. Education is closely related to the future of the students. A heavy fee is charged from the students for imparting education. Thus, educational institutions and the students must be within the purview of the Act. It will be helpful in imparting better education to the students and it will be also in the National interest, as the future of the nation depends on good education also. The views of the different Commissions have not been consistent in this regard. Sometimes, the reliefs are granted by the District Forums or State Commission or National Commission whereas sometimes the relief is denied. In *APJ School v. M.K.*, the school was compelled to refund all charges like fee and annual charges except admission fee, when the parents got the admission of their child cancelled well before teaching session and the seat was filled by a new admission on similar charges. Retention of admission fee was sufficient to compensate the school for expenses incurred in admission. Whereas in *Saint John Medical College v. Prof. V.V. Joshi*, a contrary view was expressed. In this case, it was held by the State Commission that after the start of the new academic session, the demand of refund of fee, cannot be accepted. In this case, the plea of the complainant was that he did not get the desired stream, thus, he wanted to get the admission cancelled and was demanding refund of

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3 1993 CCJ 423 Delhi.
4 1990(1) CPR 269.
fee. Sometimes, the results of the students are delayed by the Universities or the educational board for a very long time. The results of the re-evaluation are also delayed for a very long time. In Registrar, Bangalore University v. Parida Ansari\(^5\) the results of re-evaluation of a candidate was delayed and the candidate had to appear in the supplementary examination and ultimately he passed both and an award of Rs. 5000/- was held to be just and proper. On the other side, the M.P. State Commission held in Society for Civil Rights v. Union of India,\(^6\) that consumer must be one who has hired the services for consideration and to be a consumer the nexus of hiring of service must be established. Payment of examination fee by the candidate for evaluation of the answer books to the University does not mean that the candidate has hired the services. Hire means payment by contract for the use of a thing or for personal service. In Manisha Samal v. Sambalpur University,\(^7\) University which issued an identical roll number to more than one examinee was held to be deficient in services but no liability was imposed because the other candidate with the same roll number did not appear and the apprehension of the complainant that her marks might have gone to the benefit of the other candidate was not borne out by the facts.

In Registrar, Evaluation, University of Karnataka v. Poornima G. Bhadari & Ors,\(^8\) the National Commission has held as under:

“In the light of the decisions already rendered by us in Joint Secretary, Gujarat Secondary Education Board v. B. Nithakkar, dated the 29\(^{th}\) September, 1995

\(^5\) 1993(2) CPR 345 Karnataka.
\(^6\) 1986-95 Consumer 760 (NS).
\(^7\) (1992)1 CPR 215 NC.
\(^8\) First Appeal No. 245/92 and followed in K. Ravi v. V.C. Mysore University, (1994)1 CPR 894 Kant.
and in some other similar cases decided earlier wherein we have consistently
taken the view that a University while valuing the answer papers or
undertaking the revaluation of answer papers or the re-checking of marks
awarded to a candidate at the instance of a candidate who had appeared for the
examination is not performing a service, which had been hired or availed of
for consideration and that no consumer dispute can, therefore, be said to arise
when a complaint made by the concerned candidate that the valuation,
revaluation or re-checking had not been properly done, the order of the State
Commission granting relief to such a candidate is clearly contrary to the
rulings of this Commission and it has necessarily to be set aside.”

In Registrar, University of Bombay v. Mumbai Grahak Panchayat,
Bombay, the National Commission has further held as under:
“We are clearly of the view that in carrying out its function of conducting the
examination, evaluating answer papers and publishing the results of candidates
the University was not performing any service for consideration and a
candidate who appeared for the examination cannot be regarded as a person
who had hired or availed of the service of the University for consideration.
The complainant was not therefore, a consumer entitled to seek any relief
under the Consumer Protection Act.”

In abovementioned cases, national commission did not treat a student a
consumer. However, in Tilak Raj of Chandigarh v. Haryana School Education
Board, Bhiwani, it was held by the State Commission that imparting of
education by the State clearly comes within the concept of service as defined
under clause (0) sub-section (1) of Section 2 of the Act. A more realistic views

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9 1(1994)CPJ 146 (NC).  
10 (1992)1 CPJ 76 Haryana.
taken in *Ravinder Singh v. M.D.U. Rohtak*, it was held by the National Commission that the colleges which did not forward the examination form of the students to the University is liable for negligence and deficiency of service because the students were deprived of their right to appear in examination. The National Commission ordered the college to pay Rs. 5000/- as compensation to each student. The institution which takes the examination is supposed to declare the result correctly. If there is some defect or incorrectness in the result it will be treated as deficiency of service. In *Registrar, University v. Pooja*, it was held that upon the basis of result declared by the University, a student is liable to get admission in a higher class and becomes eligible for a service or a training. If the result is not declared properly then student becomes entitled for the relief. The ‘Student’ has been held to be a consumer in abovementioned cases. Such type of complainant also came for decision before District Consumer Forum, Rohtak, in which it was alleged that the University has shown wrong marks in mark sheet and because of that future of the student had been effected. The District Consumer Forum, awarded a compensation of Rs. 1000/- to the complainant. An appeal was filed before State Commission by the University on the grounds that the University is an autonomous body and did not come within the scope of the Consumer Protection Act. The other plea taken by the University was that on the receipt of the complaint in this regard, the necessary correction was made by the University within 10 days, thus caused no loss to the student concerned. The State Commission did not accept the first plea. But only second plea was accepted. The State Commission reduced the amount of compensation from Rs. 1000 to Rs. 500.

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11 (1996)1 CPR 86.
The question again came for consideration before the National Commission in a revision petition titled as *Alex J. Rebello v. Vice Chancellor, Bangalore University and Ors.* Decided on 30-12-2002. The facts of the case are that:

That the complainant’s son was a student of Engineering College in Bangalore where after the writing of papers for the IIIrd Year, the University did not declare the result of the child on the grounds that he was absent. On representation for scrutiny he was awarded 7 and 8 marks respectively in the papers of Transmission Distribution and HV Lab. Technology and ‘Pulse and Digital’ Circuits. When revaluation was sought, the reply from the respondent was that there was no change in the marks. The prayers in the complaint was that opposite party be directed to transmit the answer sheets in respect of the above mentioned two papers so that District Forum could verify the correctness of the marks given, if need be, the papers be evaluated by foreign Professors and in the case of any lapse on the part of the respondent, award a compensation of Rs. 30,000/- The complainant had made the Chancellor, the Vice Chancellor and the Registrar personally responsible for this deficiency. The District Forum vide its order dated 21.8.1991 decided to proceed against the Registrar only. After hearing the parties the District Forum dismissed the complaint as not being maintainable in the light of principles laid down by the National Commission that the complainant in such cases do not hire the services of the respondent. An appeal filed by the petitioner before the State Commission met the same fate on the same grounds. This revision petition was filed by the petitioner before National Commission on 16.10.1997 which was found to be defective on the ground that only one copy of the
material/documents was filed. The petitioner/complainant appeared in person on the date of hearing i.e. on 11.12.2002. The said defects even now were not removed. Since, the petitioner was a senior citizen and had come all the way from Bangalore, the commission went ahead with the proceedings and heard him. The petitioner had come prepared with the written arguments, which were also taken on record.

It was held that this fact cannot be denied that in the first instance result of petitioner’s son was not declared as being absent but when after running around, the result was declared, the child was given 7 and 8 marks in two papers. While in similar circumstances the same District Forum awarded Rs. 5,000/- to the complainant, but petitioner’s complainant was dismissed as not being maintainable. He had specifically made allegation against the Chancellor, the Vice Chancellor and the Registrar so that awarded money could be recovered from them as laid down by the Supreme Court in Lucknow Development Authority v. M.K. Gupta. The District Forum erred in deleting the Chancellor and the Vice Chancellor from the array of respondents. According to petitioner he is a consumer as he had hired the services of the University, when examination fee of Rs. 81/- were collected from him and again when Rs. 200/- were collected from him and again when Rs. 200/- were collected from him for evaluation, result of which was not supplied within a reasonable time. The petition needs to be allowed and now he should be awarded compensation of Rs. 1.5 lakhs and cost of Rs. 20,000/-. There is only one point before us for determination whether the complainant is a ‘consumer’ within the meaning of its definition in Consumer Protection Act, 1986.
The National Commission relied upon two cases *Registrar, Evaluation, University of Karnataka v. Poornima G. Bhadari & Ors.* and *Registrar University of Bombay v. Mumbai Grahak Panchayat, Bombay*,\(^{13}\) and found no ground to interfere in the well reasoned orders of the State Commission and upheld the orders passed by the District Forum and the petition was dismissed. It was held by the National Commission that the students appearing in any examination cannot be treated as a consumer and the University is not performing any services while conducting examination, evaluating question papers and publishing the result. The National Commission upheld the same views in *Sachida Nandsharma Sharma v. Chairman CBSE* decided on 20-12-2002. It was held that educational institutions are not rendering any service while holding examination. An omission/commission regarding late declaration of result cannot be termed as deficiency in service.

In a recent decision of the National Consumer Disputes Redressal Commission, New Delhi in *Ruchika Jain*,\(^{14}\) it was held that consumer fora have no jurisdiction to pass an interim order permitting a student to appear in examination who is not eligible to appear according to prescribed cut off marks. The complainant Ruchika Jain was admitted in BDS course against management quota even though she had not obtained prescribed marks for admission in that course. Later she was not permitted to appear in the examination. She filed a complaint before the District Forum, Faridabad which passed an interim order directing the university to allow the complainant to sit in the examination which was to take place on the same day and the same was

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\(^{13}\) Supra.

confirmed by Haryana State Commission in revision. In a further revision to the National Commission by the educational institution it was held that passing of such an interim order was not the function of consumer fora and thus it set aside the orders of district forum and state commission by holding that such interim orders would amount to misconduct and were on the face of it illegal and arbitrary. It further directed that in future no such interim order shall be passed by the consumer form.

Though the above was sufficient to dispose of the revision petition, the National Commission went into the questions whether a student was a consumer and whether rendering of education by university/college could be held as service for consideration under the Consumer Protection Act. The state commission had in another similar case linked with Ruchika Jain, answered these questions in the affirmative relying on a case decided by the National Commission.15

However, the National Commission had, in a catena of cases16 decided by it held that giving admission to the students in university/college by charging fees did not make them consumers of education service under section 2(1)(d)(ii) read with section 2(1)(o) of the Consumer Protection Act. In Ruchika Jain it has again held that a hirer of education service for consideration and performance of statutory duties by a university or college in

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15 Bhupesh Khurana and Ors. v. Vishwa Budhu Parishad and Ors, 2000(3) CPR 49 (NC) relying on Bangalore Water Supply v. A. Rajappa, AIR 1978 SC 548, a case decided under the Industrial Dispute Act, 1947 holding university to be an industry engaged in the activity of education which is a service to the community.
16 Chairman Board of Examination v. Mohideam Abdul Kader, 1997(II) CPJ 49 (NC) followed in Praveen Rani v. Punjab School Education Board, 2004 (III) CPJ 70 (NC), relying on (1993)1 SCC 645. Similar view was taken in Registrar, University of Bombay v. Chairman, CBSE, 2004 CTJ 39 (CP) (NC) and Alex J. Rebells v. Vice Chancellor, Bangalore University and Ors. 2003 (1) CPJ 7 (NC).
laying down rules etc for conducting examinations, fixing eligibility criteria for permitting the student to appear in the examination or declaration of the results cannot be considered to be rendering education service for fees and, no complaint can be made for deficiency in service before the consumer forum.\textsuperscript{17} But this holding is in ignorance of a contrary view expressed in an earlier decision \textit{Sekar v. Registrar, Madurai Kamarajar University,}\textsuperscript{18} wherein the National Commission had opined:\textsuperscript{19}

The fact that the Universities are statutory bodies does not in the least render their services any less than the ‘Service’ as defined in the Act. Nor does it go outside the pale of the Act in the absence of any Notification issued by the Central Government exempting the services of Universities from the purview of the Act under Section 1(4). A student who appears for the University examination and pays necessary fees thereof certainly hires the services of the University for consideration and is a consumer within the meaning of section 2(1)(d)(ii) of the Act.

**Two Streams of Divergent Views**

There are, thus, two streams of divergent views in case law under Consumer Protection Act as regards giving of admission and nature of functions of our educational institutions. In \textit{Secretary, Board of Secondary Education, Orissa & others v. Ms. Sasmita Moharana,}\textsuperscript{20} it was held that “No doubt earlier the view was that the educational institutions were not rendering services as they were performing the statutory duty while holding examination.” However, the Supreme Court’s judgments in \textit{M.K. Gupta v.}

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\item[\textsuperscript{17}] Supra note 1 at 33-34.
\item[\textsuperscript{18}] A.P. 92/91.
\item[\textsuperscript{19}] Cited in Justice V. Balkrishna Eradi, Consumer Protection Jurisprudence 316(2005).
\item[\textsuperscript{20}] 2007(2) CPR 129 (NC).
\end{itemize}
Lucknow Development Authority, and GDA v. Balbir Singh have changed the view. Now, “Holding examination may be statutory duty, but administrative functions connected with such duty e.g. issuing correct marks sheets and certificates in time etc. is a part of service covered under Consumer Protection Act under the garb of non-statutory function.” In Ms. Sushmita Maharana case there was issuance of incorrect marks sheet by the Board of Secondary Education, Orissa. The state commission held it amounted to negligence of the staff of the educational institution and thus a deficiency in education service for which compensation of Rs. 10,000/- was awarded to the complainant. In appeal to the National Commission, two contentions were raised. Firstly, the consumer fora did not have any jurisdiction to entertain the complaint, for, holding examination was statutory duty. Secondly, there was no negligence as 54 lakh answer sheets were to be examined and there was possibility of some human error in some marks sheet that could not be treated as negligence or termed as deficiency in service on the part of the educational institution. The first contention was rejected distinguishing statutory function from administrative or non-statutory functions as stated above. The second was rejected as similar contention was rejected by the Supreme Court in the President, Board of Secondary Education, Orissa and Others v. D. Surankar and another. It was held that issuance of an incorrect marks sheet, even where large member of students appeared in the examination, amounted to negligence. It was further held that award of Rs. 10,000/- as compensation was not excessive but was on a lower side and dismissed the appeal.

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21 1994(1) SCC 243.
22 2004(5) SCC 65.
23 2007(2) CPR 129 (NC).
Thus, the rulings in *Sushmita Maharana*,\(^{25}\) and *Sekar*\(^{26}\) are in conflict with *Ruchika Jain*.\(^{27}\) Not only these but there are also other cases having divergent views as to giving of admission etc.

There are ample propositions in case law to show that a student is a ‘consumer’ and education is ‘service’ under the Consumer Protection Act:

(a) A candidate who pays fees to a university for appearing in examination is a consumer. Examination and publication of result is a service.\(^{28}\)

(b) Failure to issue roll number in time is a deficiency in administrative aspect relating to education service.\(^{29}\)

(c) Though students of an educational institution paying fees are consumers but consumers form, like civil courts, have no jurisdiction to declare a rule in the prospectus on non-refund of fees as illegal.\(^{30}\)

(d) For deficiency of service on the part of the examination hall supervisor/invigilator who mistakenly did not allow a student to take examination, the employer board is vicariously liable for compensation.\(^{31}\)

(e) The imparting of education by an educational institution for a consideration falls within the ambit of ‘service’ under the Consumer Protection Act and if there is a deficiency in service or an unfair trade

\(^{25}\) Supra note 27.
\(^{26}\) Supra notes 26.
\(^{27}\) Supra note 18.
\(^{29}\) *Controller of Examination, Himachal Pradesh University and Anr. v. Sanjay Kumar*, 2003 (1) CPJ 273 (NC).
\(^{30}\) *S. Venkata Pathy v. The Principal, Adhiyaman College of Engineering*, 1993 (1) CPR 595 (Mad.) But see also *Adhiyaman College v. S. Venkatapathy*, 1995(2) CPR 544 (NC) and *Homoeopathic Medical College and Hospital, Chandigarh v. Gunita Virk*, 1995(3) CPR 467 (NC).
\(^{31}\) *Chairman, Board of Examinations, Madras v. M. Abdul Kader*, (1996)4 CTJ 966 (CP) (NC).
practice, the institution shall be liable to compensate loss to the consumer (student).  

However, there are case law on the contra showing that a student is neither a consumer nor education a service:

(a) A candidate applying for a degree certificate is not a consumer.  
(b) Education as such does not come within the purview of (service) under the Consumer Protection Act.  
(c) A university or board in conducting public examination, evaluating answers papers, announcing the results thereof and thereafter rechecking of the marks of any candidate on application made by the concerned candidate is not performing any service for hire as they were performing their statutory duty while holding examinations.

The holding of the National Commission in Ruchika Jain that the relationship of teacher and student in an educational institution does not mean the hire of service because a student is not such a consumer which is linked in any way with the buyer of any economic goods and hiring of service cannot be linked with education, teacher and student seems to be erroneous. Thus there was total confusion because of conflicting decisions.

The question was decided by the Supreme Court in Bihar School Education Board v. Suresh Prasad Singh’s case which was decided on 4th

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33 Sri K. Ravi v. The Vice Chancellor, Mysore University, 1994 (1) CPR 894. But see N. Sreedharan Nair’s case to the contrary ibid.
35 The Registrar, University of Bombay v. Mumbai Grahak Panchyat, Bombay, 1994(2) CTJ 357 (CP) (NC). Reversing Mumbai Grahak Panchyat, Bombay v. Registrar, University of Bombay, 1993(1) CPJ 37 (Mah. SC); Joint Secretary, Gujarati Secondary Education Board v. Bharat Narottam Thakkar, 1994 (2) (CTJ 963 (CP) (NC); Panjab University and Anr. v. Inder Mohan, 1999 (II) CPJ 386 (NC).
Sept. 2009. In this case, The complainant was field by the respondent, Suresh Prasad Sinha on behalf of his minor son Rajesh Kumar. In the said complaint it was mentioned that Rajesh Kumar appeared in the Bihar Secondary School Examination in 1998. Rajesh Kumar and another student Sunil Kumar Singh were allotted the same Roll No. 496. Hence, the Centre Superintendent allotted to Rajesh Kumar Roll No. 496A and this was communicated to the Board office at Patna. The result of Rajesh Kumar was not published in spite of several letters written by him and hence he had to re-appear in the Board Examination the following year, and thus he had to suffer a loss of one year allegedly due to the fault of the Bihar School Examination Board (hereinafter referred to as the ‘Board’). The result of Roll No. 496A was not declared and it is alleged that this was because Rajesh Kumar had been given another Roll number. Hence the complainant prayed for compensation from the District Consumer Forum.

In its written statement in reply the Board stated that the Consumer Forum had no jurisdiction in the matter as the complainant was not a consumer, as defined in Section 2(1)(d) of the Act. It was also alleged that on the application of the examinee the strong room was searched and it was found that the serial number of his answer book of Advanced Maths did not tally with the serial number in the attendance sheet. While the answer book of the student found in the strong room was bearing serial number 148774, the attendance sheet serial number was 148744. Hence, the result was not published.

The District Consumer Forum found that the complainant had filed the Registration Receipt as well as the Admit Card, and the case of the
complainant was admitted so far as appearance of Rajesh Kumar in the examination was concerned. It was held that if the serial number of the answer book did not tally with that which was noted in the attendance-sheet, that has to be explained by the Board and not by the student. Hence the District Consumer Forum allowed the complaint and ordered the Board to pay compensation of Rs. 12,000/- with an interest of 12% to the complainant.

Against the said order the Board filed an appeal before the State Consumer Redressal Commission under Section 14 of the Act, which was dismissed on 9.9.2002. In the order dated 9.9.2002, one of the contentions raised by the Board was that the complainant is not a consumer within the meaning of Section 2(1)(d) of the Act. It seems that that plea was not, in fact, decided by the State Consumer Commission.

The appellant Board then filed a further appeal before the National Consumer Commission under Section 19 of the Act, which was dismissed by the impugned judgment dated 24.10.2002. Against the said impugned judgment and order this appeal had been filed by the Board under Section 23 of the Act.

The question that arose for our consideration was whether a statutory School Examination Board comes within the purview of the Consumer Protection Act. There is some confusion and divergence in the decisions of the National Commission on this issue. In some cases, it has been held that Examination Board do not come within the purview of the Act. In some other cases, the Commission has held that though holding of examinations is a statutory function, issue of marks-sheets and certificates etc., is an administrative function, and therefore, the Examination Boards are amenable
to the jurisdiction of Consumer Fora if there is negligence amounting to
deficiency in service, in such consequential administrative functions.

It was held that the Board is a statutory authority established under the
Bihar School Examination Board Act, 1952. The function of the Board is to
conduct school examinations. This statutory function involves holding
periodical examinations, evaluating the answer scripts, declaring the results
and issuing certificates. The process of holding examinations, evaluating
answer scripts, declaring results and issuing certificates are different states of a
single statutory non-commercial function. It is not possible to divide this
function as partly statutory and partly administrative. When the Examination
Board conducts an examination is discharge of its statutory function, it does
not offer its “services” to any candidate. Nor does a student who participates in
the examination conducted by the Board, hires or avails of any service from
the Board for a consideration. On the other hand, a candidate who participates
in the examination conducted by the Board, is a person who has undergone a
course of study and who requests the Board to test him as to whether he has
imbibed sufficient knowledge to be fit to be declared as having successfully
completed the said course of education; and if so, determine his position or
rank or competence vis-à-vis other examinees. The process is not therefore
availment of a service by a student, but participation in a general examination
conducted by the Board to ascertain whether he is eligible and fit to be
considered as having successfully completed the secondary education course.
The examination fee paid by the student is not the consideration for availment
of any service, but the charge paid for the privilege of participation in the
examination.
The object of the Act is to cover in its net services offered or rendered for a consideration. Any service rendered for a consideration is presumed to be a commercial activity in its broadest sense (including professional activity or quasi-commercial activity). But the Act does not intended to cover discharge of a statutory function of examining whether a candidate is fit to be declared as having successfully completed a course by passing the examination. The fact that in the course of conduct of the examination or evaluation of answer-scripts, or furnishing of mark-sheets or certificates, there may be some negligence, omission or deficiency, does not convert the Board into a service-provider for a consideration, nor convert the examinee into a consumer who can make a complaint under the Act. We are clearly of the view that the Board is not a ‘service provider’ and a student who takes an examination is not a ‘consumer and consequently, complaint under the Act will not be maintainable against the Board.

It was held by the Supreme Court that the principles laid down in *Lucknow Development Authority v. M.K. Gupta*, 36 1994(1) SCC 243 are not applicable in this case. It was held that the Board is not carrying on any commercial or professional or service oriented activity. No benefit is conferred nor any facility provided by the Board for any consideration. Therefore, the above said decision was held not to be applicable in this case.

Again the question came for consideration before the Supreme Court in *Maharshi Dayanand University v. Surjeet Kaur* which was decided on 19 July, 2010.

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36 1994(1) SCC 243.
The dispute arose when the respondent felt aggrieved by the action of the appellant refusing to confer the degree of B.Ed. on her. The background of the facts giving rise to the case was that the respondent took admission in the academic session of 1994-95 as a regular student to pursue the course of M.A. in Political Science from Government College, Gurgaon. The respondent appeared in the Part II Examination in May, 1995 as a regular candidate and in the same academic session of 1994-95 she also applied for admission in the B.Ed. (correspondence course) without disclosing the fact that she was already pursuing the regular course of M.A. in Political Science. The University at the time of preparation of the results of M.A. in Political Science discovered that the respondent had been pursuing her B.Ed. course in violation of Clause 17(b) of the General Rules of Examination and accordingly the respondent was informed that in view of the aforesaid rules she should exercise her option to choose anyone of the courses.

The respondent voluntarily and consciously opted for pursuing her course of M.A. in Political Science and forewent her B.Ed. degree course.

Subsequently, the University as a general measure of benefit granted an indulgence through Notification dated 16.3.1998 giving a further chance to such Ex. Students who had not been able to complete their post-graduation/B.Ed. courses within the span of prescribed period as provided for under the rules. The supplementary examinations in this regard were announced by the University in the month of December, 1998.

The respondent applied under the said Notification for appearing in B.Ed. examination and succeeded in appearing in the examinations and also passed the same. The Appellant-University refused to confer the degree of
B.Ed. on the respondent. Aggrieved, the respondent approached the District Forum in the year 2000 praying for the relief which was ultimately awarded in the impugned order of National Commission. The District Forum passed an order in favour of the respondent vide judgment and order dated 24.9.2004 and directed the appellant to issue the B.Ed. degree and also award Rs. 1,000/- as compensation to the respondent. This order was passed by the District Forum despite a specific objection taken by the appellant that the District Forum had no jurisdiction to entertain such a complaint and award any such relief.

Aggrieved, the appellant filed an appeal before the State Commission and the same was allowed vide judgment dated 19.10.2005. The judgment of the District Forum was set aside holding that the District Forum should not have entertained the complaint. The respondent aggrieved by the order of the State Commission preferred a revision under Section 21 of the Consumer Protection Act, 1986 (hereinafter referred to ‘Act 1986’) before the National Commission which had been allowed by way of the impugned order. The National Commission took notice of the issue relating to the entertaining of the complaint and the jurisdiction of the District Forum to hear the same. The National Commission relying on its larger Bench judgment in F.A. No.643 of 1994 dated 31.5.2001 held that imparting of education by the educational institutions for consideration falls within the ambit of service as defined under the Act and further relying on the judgment of this Court in the case of Bangalore Water Supply and Sewerage Board v. A. Rajappa & Ors.,\(^\text{37}\) held that in view of the ratio of the said decision and the peculiar facts of the case,

\(^{37}\) AIR 1978 SC 548.
the respondent was entitled for the relief claimed and accordingly the appellant was directed to issue the B.Ed. degree.

The learned Counsel appearing for the appellant had made three pronged submissions. He contended that the complaint could not have been entertained as the refusal of the appellant not to award the B.Ed. degree was well within its jurisdiction and it was not service much less a consumer service as defined under the Act for the District Forum to entertain the complaint. The second submission was that the rules as noted hereinabove did not allow a student to pursue two courses simultaneously and, therefore, the attempt made by the respondent without disclosing the fact of having already taken up another course i.e. Political Science in post-graduation disentitled her from any relief. As a corollary to the said submission, it was submitted that nondisclosure of this fact, therefore, did not entitle her to the award of B.Ed. degree more so, when her examination had already been cancelled and the order cancelling her examination had not been properly challenged. The third submission was that the National Commission has taken too sympathetic view for the respondent and while doing so the National Commission has not correctly appreciated the impact of the General Rules of Examination as quoted hereinabove and the Notification dated 16.3.1998 which even otherwise did not allow the respondent to qualify to appear in the B.Ed. examination.

The respondent along with her father appeared in person and vehemently tried to persuade court to believe that the respondent would be losing her career and that she should not be declined the benefits of her academic pursuits on any technically keeping in view the fact that the
University itself had allowed the respondent to appear in the examination and the order cancelling her result had been passed in violation of principle of natural justice without giving her any notice or opportunity. The other submissions that were raised are borrowed from the finding recorded by the National Commission which had been reiterated before court.

Before the Supreme Court embark upon the assessment of the rival submissions, it would be appropriate to reproduce Clause 17 of the General Rules of Examination as well as the Notification dated 16.3.1998 which are directly involved in the present context. “17 Unless otherwise provided, a person who:

(a) has already passed an examination of this or any other university shall not be permitted to re-appear in that examination for a corresponding examination,

(b) is a candidate for an examination in full subjects of this University cannot simultaneously read for, or appear at another examination of this University or of another University/Board. The bar shall not apply to a candidate appearing in an examination of the University for passing/re-appear papers or for improvement of division/result or for additional subject.”

A perusal of the General Rules of Examination leave no room for doubt that a candidate who is pursuing a regular course for an examination in full subjects of the University cannot be simultaneously permitted to appear in another regular course of the same University or of another University or Board. This prohibition, therefore, did not allow the respondent to even apply for admission in the B.Ed. correspondence course. The appellant was,
therefore, absolutely right in withholding this privilege from the respondent. The contention of learned Counsel for the appellant has therefore, to be accepted that the Rule being prohibitory in nature, the District Forum or the National Commission could not have issued a direction which violates the aforesaid statutory provision. It is settled legal proposition that neither the Court nor any Tribunal has the competence to issue a direction contrary to law and to act in contravention of a statutory provision.

It was held by the Supreme Court that the courts cannot give direction to any authority to act contrary to its own rules. The respondent cannot plead any estoppel either by conduct or against a statute so as to give any advantage of the fact that she was allowed to appear in the examination. While delivering the judgment, the reliance was placed on the earlier decision and the principles laid down in *Bihar School Education Board v. Suresh Prasad Sinha* case. The judgment of the District Forum and the National Commission were set aside by the Supreme Court.

Again the question came for, consideration before State Consumer Commission, Punjab in the form of four appears in case titled as *Maharashi Dayanand University, Rohtak through its Vice Chancellor v. Satvir Kaur and others* which was decided on 28.2.2011. The facts of this case are that,

It was pleaded by Satvir Kaur respondent No. 1 that she had taken admission in Master Degree Course (3rd Semester) in Computer Science after completing PGDCA. Respondent No. 3 M/SBRS College Bharat Nagar, Ludhiana supplied the prospectus to the respondent. As per the provisions of the prospectus the respondent had deposited a sum of Rs. 9000/- as fee for the 3rd semester on account of examination fee, study material, declaration of
results etc. plus Rs. 300/- as one time registration fee through bank draft on 31.1.2006. However, the appellant university and respondent No. 3 failed to supply the study material and also failed to start counseling and holding of practical sessions. No assignment or internal tests were given to the respondent. She approached the appellant university and respondent No. 3 for a number of times but to no effect.

It was further pleaded that the respondent No. 1 Satvir Kaur filed a complaint before the Deputy Commissioner, Ludhiana against the appellant university and respondent No. 3 to get the refund of fee and compensation for the loss of one precious year. The Deputy Commissioner called the parties. Respondent No. 3 had supplied only one book to respondent No. 1. He also gave in writing on 22.6.2006 before the Deputy Commissioner that since the other books have not been received from the appellant university, therefore, he was not in a position to supply the same to the respondent. Respondent No. 3 also refused to settle the matter in the office of the Deputy Commissioner, Ludhiana on which the respondent was advised to file a complaint in the Consumer Forum. Hence, the complaint for the refund of Rs. 9300/- with interest @ 18% p.a. Rs. 2 lacs were also demanded as compensation for the loss of one year. Rs. 1 lac was claimed as compensation for mental agony and harassment. Litigation expenses were also prayed.

Respondent No. 2 M/s Institute of Computer and Information Technology, Barnala filed the written reply. It was pleaded that respondent No. 2 had been impleaded as respondent with an ulterior motive to bring the matter in the jurisdiction of the District Consumer Forum, Sangrur although
there was no agreement between respondents No. 1 and 2. Hence dismissal of the complaint with costs was prayed.

Respondent No. 3 also filed the written reply. It was not denied that the respondent had deposited a sum of Rs. 9300/- with respondent No. 3 for availing distance education from the appellant university. This amount was remitted to the appellant university. The bank draft submitted by the respondent with respondent No. 2 was also in favour of the appellant university.

It was admitted that the respondent had filed a complaint against respondent No. 3 before the Deputy Commissioner, Ludhiana. The enquiry was conducted. The respondent had leveled false allegations against respondent No. 3. Respondent No. 3 had supplied 4 books and assignments to the respondent. He had also supplied one book which was received from the appellant university.

It was further pleaded that as per the rules, regulations and instructions of the appellant university, the respondent was to attend the classes minimum for 180 hours but the respondent attended the classes only twice. She was also given one CD. The complaint was filed by her against respondent No. 3 before the Deputy Commissioner, Ludhiana with malafide intention to get the refund. Since respondent No. 3 had supplied the required study material to the respondent but she had failed to attend the classes, therefore, she was estopped by her own act and conduct from demanding the refund. Dismissal of the complaint was prayed.
The appellant university also filed the written reply. It was pleaded that the appellant university was established for encouragement of interdisciplinary higher education and research with special emphasis on the studies of life sciences and environmental and ecological sciences. The appellant university provides education without any consideration and for the welfare of the society. The imparting of education by the appellant university is neither a service nor a trade or business but it performs a statutory duty. The jurisdiction of the District Consumer Forum, Sangrur was also denied. It was also denied that the respondent was a consumer, any complaint against the appellant university was not maintainable under the Consumer Protection Act. The performance of statutory duties by an university or a college in laying down criteria/rules/regulations for conducting examination, eligibility criteria for permitting the students to appear in the examination, declaration of result of a student evaluating the answer papers or re-checking of marks awarded to the students and such other activities undertaken by the appellant university can never be considered to be hiring of services. These are the statutory functions of the appellant university and, therefore, the complaint under the Consumer Protection Act was not maintainable.

On merits, it was admitted that the respondent had remitted an amount of Rs. 9300/- to the appellant university through respondent No. 3 for taking admission in Master Degree Course (3rd semester) in Computer Science. She had failed to attend the classes minimum for 180 hours. The roll number was also issued to her for appearance in the examination but she had absented herself from appearing in the examination for the reasons best known to her.
Therefore, neither the respondent was a consumer nor the complaint was maintainable against the appellant university nor the appellant university has committed any deficiency in service. Dismissal of the complaint was prayed for.

The learned District Forum accepted the complaint partly vide impugned order dated 20.2.2007 with costs of Rs. 2000/- and directed the appellant university to refund the amount of Rs. 9300/- with interest @ 9% p.a. The learned District Forum also directed the appellants and respondent No. 3 to make payment of Rs. 15,000/- to the respondent as compensation for the loss of one year.

The learned District Forum had accepted the complaint partly. The appeal was filed by the appellant-University with the prayer that the appeal be accepted and the judgment of the District Forum be set-aside. It was pleaded on behalf of the University that the appellant-University discharges its statutory functions while imparting education through Distance Education Board. The functions of the University are neither services nor a trade or business. The deposit of examination fee does not amount to hiring of services of the appellant-University by a student. In support of this plea, the learned counsel for the appellant put reliance on the decision given by the Hon’ble Supreme Court in Bihar School Education Board v. Suresh Prasad Sinha. The views expressed by the Supreme Court were retired by the Hon’ble Supreme Court in Maharshi Dayanand University v. Surjeet Kaur case also. In view of the plea raised by the University, it was held by the State Commission that a
student is not a consumer within the meaning of Consumer Protection Act and is not entitled for any relief under the Act.

The question again came for consideration before National Commission in a case titled as Additional Joint Secretary Commissioner of Govt. Examinations v. Srinivasulu & Anr. The facts of the case are that,

Respondent No. 1-V. Srinivasulu s/o Suba Rayudu was the complaint in this revision petition. He appeared for SSC Examination in March 1997 and succeeded in the said examination with third division. SSC certificate was, therefore, issued to him but it contained some mistakes. According to the complainant his surname was mentioned as ‘U’ instead of ‘V’ and his father’s name was shown as ‘Kotaiah’ instead of V. Subba Rayudu. His date of birth also came to be shown as 22.4.1981 instead of 6.6.1981. The complainant, therefore, addressed several letters to OP-School for rectification of the alleged mistakes but because of the time taken in the process, he lost three valuable academic years and could not pursue his studies for want of Secondary School Certificate. He, therefore, lodged a complaint before the District Forum, Prakasam District. The District Forum vide its order dated 21.3.2002 allowed the complaint and awarded a sum of Rs. 25,000 towards mental agony with interest @ 9% p.a. from 19.5.2000 till the realization along with a sum of Rs. 500 by way of costs. Aggrieved by this order, the petitioner herein who was OP-1 before the District Forum challenged this order of the District Forum before the A.P. State Consumer Disputes Redressal Commission at Hyderabad through an appeal. The State Commission did not find any reason to interfere with the order of the District Forum and dismissed
the appeal of the OP-1/appellant. The petitioner had now approached National Commission challenging this order of the State Commission passed on 13.9.2006 through the present revision petition.

In its revision petition, the petitioner had denied any deficiency in service in the matter and had also given details of the efforts made by the Authorities at different levels to carry out the corrections in the SSC Certificate of the complainant in accordance with the procedure in force. It was submitted that the Fora below had failed to appreciate the response filed by the petitioner/OP-1 while deciding the case against him and dismissing his appeal.

The learned counsel for petitioner was heard. Besides reiterating the submissions made in the revision petition, learned Counsel for the petitioner had mainly relied on the two important judgments given by the Hon’ble Supreme Court in the cases of *Bihar School Examination Board v. Suresh Prasad Sinha*,38 and *Maharshi Dayanand University, Rohtak v. Surjeet Kaur*.39 It was submitted that in view of the law laid down by the Apex Court in the first case the present dispute cannot be called a consumer dispute. In view of this, it was pleaded that the petition deserves to be allowed and the impugned order of the Fora below was liable to be set aside.

Having heard learned Counsel for the petitioner and considered the undisputed facts of this case, it was held that this case is squarely covered by the celebrated ruling given by the Hon’ble Supreme Court in the case of S.P. Sinha,40 wherein the Apex Court held as under:

38 IV 2009(8) SCC 483.
40 Supra.
“Process of holding examinations evaluating answer scripts, declaring results and issuing certificates are different stages of a single statutory non-commercial function. It is not possible to divide this function as partly statutory and partly administrative. When Examination Board conducts an examination in discharge of its statutory function, it does not offer its ‘services’ to any candidate. Nor does a student who participates in the examination conducted by Board, hire or avail of any service from the Board for a consideration. On the other hand, a candidate who participates in examination conducted by Board, is a person who has undergone a course of study and who requests the Board to test him as to whether he has imbibed sufficient knowledge to be fit to be declared as having successfully completed the said course of education; and if so, determine his position or rank or competence vis-à-vis other examinees. The process is not therefore a ailment of a service by a student, but participation in a general examination conducted by Board to ascertain whether he is eligible and fit to be considered as having successfully completed secondary education course. The examination fee paid by student is not the consideration for availment of any service, but the charge paid for privilege of participation in the examination. The Act does not intend to cover discharge of a statutory function of examining whether a candidate is fit to be declared as having successfully completed a course by passing the examination. The fact that in the course of conducting of examination, or evaluation of answer-scripts, or furnishing of mark-sheets or certificates, there may be some negligence, omission or deficiency, does not convert the Board into a service-provider for a consideration, nor convert the examinee into a
consumer who can make a complaint under the Act. The Board is not a ‘service provider’ and a student who takes an examination is not a ‘consumer’ and consequently, complaint under the Act will not be maintainable against the Board.”

The National Commission held that the petitioner cannot be called a service provider and the respondent who appeared in the examination cannot be treated as a consumer. Hence, petition is not maintainable under the Consumer Protection Act.

The Catina of the cases decided by the Supreme Court and the National Commission have settled down the controversy in this regard.

Now, it has been clearly established that a student is not a consumer and the educational institutions do not fall within the purview of the Consumer Protection Act, 1986.

Thus, there are two contrary views regarding this particular aspect. When there is degradation of moral values in the society and imparting education has ceased to be a holy profession. There is commercialization in educational field and the educational institutions are taking very high fee even when the basis infrastructure facilities are not available in the educational institutions.

The judicial decisions of various state commissions and national commission in some cases indicates that the functions of universities/boards/institutions have been divided into two categories.

1. Administrative
2. Educative/Statutory
As for as deficiency in administrative function is concerned the students have been treated as a consumer and has been given reliefs in case of late declaration of result, wrong dispatch of roll number, error in mark-sheet etc. in some cases. However as for as educative functions/statutory functions are concerned, educative part is not treated as ‘service’ availed by student for considerations. This is not a healthy trend. There are various institutions which are playing with the future of students. They are charging high fees but lack teaching and other infrastructure facilities. The grievances of the students go unheard at various forms. Right to education becomes meaningless. There is urgent need to make a change in the attitude. As we have already discussed various types of services availed or hired for consideration have been included within the scope of the Consumer Protection Act, 1986. Telephone, Postal, Banking Housing Construction, Transport, Courier, Medical and other services are included within the scope of the Act. If there is deficiency in any of the services the aggrieved person may claim relief under the Act. In the modern period education has ceased to be mission. Teaching has ceased to be a pious profession. There are a number of institutions, tuition and coaching centres who are providing education and training to various students. Such institutions give attractive advertisement and charge heavy fee, though teaching and other infrastructure are not available with them. They cheat such students and the innocent students can’t claim any remedy under the consumer protection Act. There are various administrative lapses on the part of university/boards. The time and money is wasted to get the discrepancies removed by he students. To make the educational institutions more responsible, they should also be within
the scope of the consumer protection Act, 1986. There is urgent need to review the decisions given by the Supreme Court.

6.2.0 RESULTS RELATED TO AWARENESS ABOUT CONSUMER PROTECTION LAWS

The subsidiary objective of the present study is to study the awareness among students and teachers about consumer protection laws. The data related to these objectives was collected by using the selected questionnaire. The data was analysed and the results are given as under:

6.2.1 RESULTS RELATED TO GENERAL AWARENESS ABOUT CONSUMER PROTECTION LAWS, CONSUMER RIGHTS AND CONSUMERS SPECIFIC RIGHTS AMONG STUDENTS

One of the subsidiary objective of the present study was to ascertain the awareness about consumer protection laws, consumer rights and consumer’s specific rights among students of Rohtak district. The data was collected by using the selected tool keeping in view the objectives of the study. The obtained data was analysed and is given in Table

Table 6.1

<table>
<thead>
<tr>
<th>Respondents</th>
<th>No. of Respondents</th>
<th>Results in % Yes/No</th>
<th>$\chi^2$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male Students</td>
<td>100</td>
<td>Yes 55 No. 45</td>
<td>4.98</td>
</tr>
<tr>
<td>Female Students</td>
<td>100</td>
<td>Yes 40 No 60</td>
<td></td>
</tr>
<tr>
<td>Rural Students</td>
<td>100</td>
<td>Yes 32 No 68</td>
<td>19.26</td>
</tr>
<tr>
<td>Urban Students</td>
<td>100</td>
<td>Yes 63 No 37</td>
<td></td>
</tr>
<tr>
<td>Under Graduate</td>
<td>100</td>
<td>Yes 29 No 71</td>
<td></td>
</tr>
<tr>
<td>Post Graduate</td>
<td>100</td>
<td>Yes 66 No. 34</td>
<td>4.25</td>
</tr>
</tbody>
</table>
From Table 6.1 it is clear that on an average only 47.5% students have general awareness about consumer protection laws, consumer rights and specific rights. The remaining 52.5 percent students have no awareness regarding the above said areas. When male and female students are compared in these areas of awareness, only 55% students have general awareness while only 40% female students are awareness. Similarly, the students belonging to urban areas are more aware (63%) and only 32% college students belonging to rural areas are aware. The percentage of postgraduate student is more (66%) while only 29% graduate students are aware about consumer protection laws. The remaining 71% undergraduate students are not aware about these laws. The calculated \( \chi^2 \) value for students belonging to rural, urban areas, graduate and postgraduate and male and female is with 1 df. The calculated value of \( \chi^2 \) for all the categories of respondents is higher than the table value (3.84). This means that male students differ in their awareness about consumer protection laws, consumer rights and specific rights. Similarly, all other categories of students, i.e. female, rural, urban, graduate and postgraduate all differ in the awareness.

6.2.2 RESULT RELATED TO STUDENTS AWARENESS ABOUT CONSUMER PROTECTION COUNCILS, CONSUMER FORA, SELECTION PROCEDURE AND QUALIFICATIONS OF PRESIDENT AND MEMBERS

The another area of the questionnaire consist of the questions to check the awareness about consumer councils, consumer for a, the selection
procedure and qualifications of the president and members. The responses of students were analyzed and are presented in table 6.2

**Table 6.2**

Table showing the percentage and $\chi^2$ value of awareness

<table>
<thead>
<tr>
<th>Category/Class of people</th>
<th>No. of Respondents</th>
<th>Results in % Yes/No</th>
<th>$\chi^2$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male Students</td>
<td>100</td>
<td>Yes 57 No. 43</td>
<td>2.88</td>
</tr>
<tr>
<td>Female Students</td>
<td>100</td>
<td>Yes 45 No 55</td>
<td></td>
</tr>
<tr>
<td>Rural Students</td>
<td>100</td>
<td>Yes 37 No 63</td>
<td>15.68</td>
</tr>
<tr>
<td>Urban Students</td>
<td>100</td>
<td>Yes 65 No 35</td>
<td></td>
</tr>
<tr>
<td>Under Graduate</td>
<td>100</td>
<td>Yes 30 No 70</td>
<td></td>
</tr>
<tr>
<td>Post Graduate</td>
<td>100</td>
<td>Yes 72 No. 28</td>
<td>35.29</td>
</tr>
</tbody>
</table>

Table 6.2 reveals that only 57% of male students are aware about the consumer councils, district form, procedure and qualification of the president and members while the remaining 43% have no awareness. In case of female students only 45% are aware while 55% female students are not aware about these areas. On analysis of data related to students belonging to rural and urban area, it reveals that only 37% rural students are aware while in case of urban students this percentage is quite high (65%). The post graduate students percentage is higher (72%) as compared to undergraduate students percentage (30%). The remaining 70% undergraduate students are not aware about consumer fora, councils etc.

The calculated $\chi^2$ value is more than the table value at 0.05 level which indicates that all the categories of students differ in their awareness regarding the areas of awareness. The reasons for being more awareness among urban students may be establishment of courts, consumer fora and other judicial complexes in the city. Similarly the reasons for more percentage of PG
students having awareness may be the interaction of the students with the students of law faculty in the campus.

6.2.3 RESULT RELATED TO AWARENESS ABOUT PROCEDURE, FEE, REMEDIES AND PUNISHMENT AMONG STUDENTS

The questionnaire also contains the questions to check the awareness among students about the procedural laws, fee, punishment and remedies. The data related to this aspect was analysed and is given in table 6.3.

Table 6.3

<table>
<thead>
<tr>
<th>Category of Respondent</th>
<th>No. of Respondents</th>
<th>Results in % Yes/No</th>
<th>$\chi^2$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male Students</td>
<td>100</td>
<td>Yes 35 No. 65</td>
<td>2.38</td>
</tr>
<tr>
<td>Female Students</td>
<td>100</td>
<td>Yes 25 No 75</td>
<td></td>
</tr>
<tr>
<td>Rural Students</td>
<td>100</td>
<td>Yes 20 No 80</td>
<td>8.16</td>
</tr>
<tr>
<td>Urban Students</td>
<td>100</td>
<td>Yes 40 No 60</td>
<td></td>
</tr>
<tr>
<td>Under Graduate</td>
<td>100</td>
<td>Yes 24 No. 76</td>
<td>3.42</td>
</tr>
<tr>
<td>Post Graduate</td>
<td>100</td>
<td>Yes 36 No. 64</td>
<td></td>
</tr>
</tbody>
</table>

Table 6.3 reveals that as far as the awareness regarding the procedure, fee, punishment and remedies are concerned only 30% students are aware about these aspects while the remaining 70% are not aware. The analysis of data related to different groups of students shows that 35% male students are aware whereas only 25% female students are aware about these areas. The percentage of students who are aware is more in urban areas students (40%) than in rural areas (20%). The table also reveals that percentage of postgraduate students is (36%) which is higher than the percentage of undergraduate students which is 24% only. The remaining 76% undergraduate and 64% postgraduate students are not aware about the procedure, fee, punishment and remedies under consumer protection laws. The calculated $\chi^2$
value is more than table value (3.84) which means all the categories of students differ in the awareness about the procedure, fee, punishment and remedies of consumer protection laws.

6.2.4 RESULTS RELATED TO GENERAL AWARENESS ABOUT CONSUMER PROTECTION LAWS, CONSUMER RIGHTS AND SPECIFIC RIGHTS AMONG TEACHERS

The one of the subsidiary objective of present study was to study the awareness about consumer protection laws among teachers and compare the awareness of teachers with respect to gender and locality. The data related to these objective was collected and analysed and presented as under 6.4.

Table 6.4

<table>
<thead>
<tr>
<th>Class of Respondents</th>
<th>No. of Respondents</th>
<th>Results in %</th>
<th>$\chi^2$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male Teachers</td>
<td>100</td>
<td>Yes 72</td>
<td>1.47</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No. 28</td>
<td></td>
</tr>
<tr>
<td>Female Teachers</td>
<td>100</td>
<td>Yes 64</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>No 36</td>
<td></td>
</tr>
<tr>
<td>Rural Background Teachers</td>
<td>100</td>
<td>Yes 66</td>
<td>0.49</td>
</tr>
<tr>
<td></td>
<td></td>
<td>No 34</td>
<td></td>
</tr>
<tr>
<td>Urban Background Teachers</td>
<td>100</td>
<td>Yes 70</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>No 30</td>
<td></td>
</tr>
</tbody>
</table>

Table 6.4 reveals that 68% teachers are aware about the consumer protection laws, consumer rights and consumers specific rights. The table also shows the percentage of male teachers who are aware is more (72%) as compared to the percentage of aware female teachers (64%). It is also clear from table 6.4 that percentage of aware teachers having rural background is 66% which is less than the percentage of urban background teachers (70%) who are aware about consumer protection laws, consumer rights and consumers specific rights. The
calculated $\chi^2$ value for male-female teachers and rural-urban teachers is (1.47 and 0.49) respectively with 1 df.

### 6.2.5 RESULT RELATED TO AWARENESS ABOUT CONSUMER COUNCILS, CONSUMER FORA AMONG TEACHERS

One of the important aspect of awareness was to see the awareness about consumer council, district fora, procedure of selection of chairman and member and their qualifications. The data collected was analysed and presented in table 6.5.

<table>
<thead>
<tr>
<th>Category of Respondents</th>
<th>No. of Respondents</th>
<th>Results in % Yes/No</th>
<th>$\chi^2$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male Teachers</td>
<td>100</td>
<td>Yes 68, No. 32</td>
<td>0.162</td>
</tr>
<tr>
<td>Female Teachers</td>
<td>100</td>
<td>Yes 61, No 39</td>
<td></td>
</tr>
<tr>
<td>Teachers with Rural Background</td>
<td>100</td>
<td>Yes 62, No 38</td>
<td>0.34</td>
</tr>
<tr>
<td>Teachers with Urban Background</td>
<td>100</td>
<td>Yes 66, No 34</td>
<td></td>
</tr>
</tbody>
</table>

Table 6.5 shows the percentage of teachers (male and female) who have awareness about consumer fora, procedure of selection. The 68% male teachers have awareness about this criteria while remaining 32% teachers are not aware. The percentage of aware female teachers is 61% which is less than percentage of aware male teachers (68%). Overall 64.5% teachers are aware of these areas. The table also reveals that 62% teachers having rural area background are aware while in case of teachers with urban background it is 66%. The remaining 38% teachers belonging to rural area and 34% belonging to urban area are not aware.
The calculated $\chi^2$ value in case of male and female teachers is (0.162) which is lower than the table value. This means that there is difference in the percentage of teachers regarding awareness. The calculated $\chi^2$ value in case of teachers belonging to rural and urban area is (0.34) which is less than table value. This implies that there exist no difference in awareness of teachers.

6.2.6 RESULT RELATED TO AWARENESS AMONG TEACHERS ABOUT PROCEDURE, FEE REMEDIES AND PUNISHMENT

The data was also collected to study the awareness about procedure, of filing complaints fee, punishment and remedies. The data was analysed and presented in table 6.6

<table>
<thead>
<tr>
<th>Class of Respondents</th>
<th>No. of Respondents</th>
<th>Results in % Yes/No</th>
<th>$\chi^2$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male Teachers</td>
<td>100</td>
<td>Yes 66 No. 34</td>
<td>1.045</td>
</tr>
<tr>
<td>Female Teachers</td>
<td>100</td>
<td>Yes 59 No 41</td>
<td></td>
</tr>
<tr>
<td>Teachers with Rural Background</td>
<td>100</td>
<td>Yes 61 No 39</td>
<td>1.05</td>
</tr>
<tr>
<td>Teachers with Urban Background</td>
<td>100</td>
<td>Yes 64 No 36</td>
<td></td>
</tr>
</tbody>
</table>

It is clear from table 6.6 that only 66% male teachers are aware about the procedure of filing complaints in consumer fora, its fee, punishment and remedies. The remaining 34% male teachers are not aware about these aspects. The percentage of female teachers with awareness about these aspects is comparatively low (59%) as compared to their counterpart male teachers. The
table also shows the percentage of teachers with rural and urban areas background. The table reveals that 61% teachers having rural area are aware about these aspects while the percentage of teachers with urban background is slightly more (64%). The remaining 39% teachers having rural background and 36% teachers with urban background are not aware about the procedure, fee, penalties and remedies given by district fora, state and national commission. The calculated $\chi^2$ value of male/female teachers is 1.045 with 1 df and $\chi^2$ value of rural/urban teachers is 1.05 with 1 df. Both values are less than table value (3.84) at 0.05 level of significance. This implies that null hypothesis is accepted and there exists no significant difference in awareness of male/female teachers and rural/urban teachers in this aspect of awareness.

The judicial trends indicate that there are divergent views of different state commission regarding inclusion of education within the scope of the Consumer Protection Act, 1986. The Supreme Court and the National Commission have settled this controversy by upholding that ‘student’ is not a consumer and the educational institutions are not within the scope of consumer protection law. The analysis of the collected data also indicate that the students, teachers and the general public is not aware about consumer protection laws. Unless and until the people are aware about the consumer protection law, enactment of law is not going to serve any purpose. It is the need of the day that the people be made aware of consumer protection rights and the Supreme Court should also adopt a more realist approach.