Government has fulfilled its obligation to protect consumer interests by enacting enough and more legislative measures from time to time.

4.1.1 Most important among them are: The Agricultural Produce (Grading and Marketing) Act, 1937 empowers the Government to lay down grades and standards for various agricultural products such as wheat, atta, rice, spice, condiments, vegetable oils, ghee, butter and honey. The enforcement authorities under the Act are Directorate of Marketing and Inspection under Department of Rural Development in the Ministry of Agriculture and Rural Development. Even though products are graded under AGMARK, food adulteration is common and widespread in India.

4.1.2 Indian Standards (Certification Marks) Act, 1952 aims at ensuring quality control with the co-operation of manufacturers and traders. Later, to make the system more effective Bureau of Indian Standards (BIS) was set up under the Bureau of Indian Standards Act, 1986. The Bureau has several laboratories for testing the standards of products on the basis of which licences to use the 'ISI' Marks are granted to the producers.
4.1.3 The Prevention of Food Adulteration Act (1954) aims at protecting the consumer from the hazards of food adulteration. It is designed to curb and remedy the widespread evils of food adulteration and to ensure the sale of wholesome food to the people. The State Governments are empowered under the Act to appoint Food Inspectors for enforcement of the Act. Ministry of Health and Family Welfare is the nodal agency to ensure the relevant actions. In spite of this about 1600 people who happened to consume adulterated edible oil distributed by the Public Distribution System (PDS) in West Bengal got paralysed.

4.1.4 Essential Commodities Act, 1955 provides "for the control of production, supply and distribution of, and trade and commerce in, essential commodities", is one of the poorly implemented acts. In order to identify the essential commodities for different areas and for monitoring of products and retail prices of consumer goods, a separate Department of Civil Supplies and Co-operation was set up in 1974. The subsequent Amendment in 1980 to prevent black marketing and maintenance of supplies of essential commodities allowed strongest punishments to the guilty.

4.1.5 Standards of Weights and Measures Act, 1976 aims at the establishment of weights and measures based on International System of Units, approval of prototypes of weighing and measuring instruments and control and regulation of weights and measures and commodities in the packaged form. The act is implemented by the Controller of Legal Metrology in each state.
4.1.6 Monopolies and Restrictive Trade Practices (MRTP) Act, 1969 was enacted to enquire into monopolistic and restrictive trade practices. It was amended in 1984 to cover unfair trade practices. In 1986, the Act was further amended to enable consumers or their associations to file a complaint directly with the MRTP Commission. However, the MRTP Commission being located in Delhi remained far from the reach of consumers. The Act distinguishes itself by virtue of its power to grant monetary compensation to the aggrieved for the loss or injury suffered.

4.2 Redressal Machineries

4.2.1 The MRTP Commission and its Director General of Investigation and Registration (DGIR) with its "Free legal aid cell" failed miserably to keep pace with the ever mounting complaints filed by consumers as shown in table 4.1.

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Table 4.1

Details of complaints/enquiries conducted and disposed of by the M R T P C

<table>
<thead>
<tr>
<th>Year</th>
<th>Partial</th>
<th>Restrictive Trade Practices</th>
<th>Unfair Trade Practices</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Complain</td>
<td>Open-</td>
<td>Rece-</td>
</tr>
<tr>
<td></td>
<td>Enquiries</td>
<td>ing</td>
<td>ing</td>
</tr>
<tr>
<td></td>
<td></td>
<td>balance</td>
<td>balance</td>
</tr>
<tr>
<td>1986</td>
<td>Complaints</td>
<td>189</td>
<td>550</td>
</tr>
<tr>
<td></td>
<td>Enquiries</td>
<td>179</td>
<td>229</td>
</tr>
<tr>
<td>1987</td>
<td>Complaints</td>
<td>541</td>
<td>1376</td>
</tr>
<tr>
<td></td>
<td>Enquiries</td>
<td>283</td>
<td>1665</td>
</tr>
<tr>
<td>1988</td>
<td>Complaints</td>
<td>1333</td>
<td>1639</td>
</tr>
<tr>
<td></td>
<td>Enquiries</td>
<td>818</td>
<td>480</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>3343</td>
<td>5939</td>
</tr>
<tr>
<td></td>
<td>Percentage</td>
<td>34.91</td>
<td>65.09</td>
</tr>
</tbody>
</table>

The table revealed that the number of complaints and cases pending increased significantly during the period from 1986 to 1988. This trend was consistent with the increase in trade practices that were considered restrictive or unfair. The table also shows a notable increase in the number of enquiries, indicating a growing public interest in trade practices and the activities of the M R T P C.
The Table revealed that the number of complaints and cases pending disposal were increasing simultaneously. Moreover the Commission failed not only in making the erring business enterprises-through misleading advertisements-to issue corrective advertisements, but also in notifying its findings in this regard to the public.²

The clause in the MRTP Act excluding the government o-operative and the public sector units including banking and insurance services, and omission regarding the procedure for filing of application to recover compensation for the loss or damage caused by monopolistic or restrictive or unfair trade practice discouraged effective consumer protection.

Consumers or consumer organisations never galvanised into action against the unethical trade practices of businessmen or against the omissions in the MRTP Act.

4.2.2 The redressal machineries set up by the Railways, Telephones, Insurance Companies etc. and the redressal agencies such as MRTP Commission and the Department of Administrative Reforms and Public Grievances (DARPG) set up in 1985 were not able to secure consumer protection because of the inordinate delay in disposal of complaints.

The Department of Administrative Reforms and Public Grievances (DARPG) receive and dispose of complaints, the details of which are shown in table 4.2.

### Table 4.2

Number of Complaints received and disposed of by the DARPG from 1975 to 1990

<table>
<thead>
<tr>
<th>Year</th>
<th>Received</th>
<th>Disposed of</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No.</td>
<td>No.</td>
</tr>
<tr>
<td>1975</td>
<td>12,27,691</td>
<td>10,07,724</td>
</tr>
<tr>
<td>1976</td>
<td>9,13,687</td>
<td>8,26,422</td>
</tr>
<tr>
<td>1977</td>
<td>9,75,606</td>
<td>9,32,802</td>
</tr>
<tr>
<td>1978</td>
<td>10,64,030</td>
<td>N.A</td>
</tr>
<tr>
<td>1979</td>
<td>10,44,198</td>
<td>N.A</td>
</tr>
<tr>
<td>1980</td>
<td>11,63,959</td>
<td>N.A</td>
</tr>
<tr>
<td>1981</td>
<td>12,49,024</td>
<td>9,31,617</td>
</tr>
<tr>
<td>1982</td>
<td>11,94,973</td>
<td>9,80,878</td>
</tr>
<tr>
<td>1983</td>
<td>11,40,024</td>
<td>9,30,472</td>
</tr>
<tr>
<td>1984</td>
<td>9,49,348</td>
<td>8,68,628</td>
</tr>
<tr>
<td>1985</td>
<td>N.A</td>
<td>N.A</td>
</tr>
<tr>
<td>1986</td>
<td>N.A</td>
<td>N.A</td>
</tr>
<tr>
<td>1987</td>
<td>N.A</td>
<td>N.A</td>
</tr>
<tr>
<td>1988</td>
<td>12,34,341</td>
<td>9,95,323</td>
</tr>
<tr>
<td>1989-90</td>
<td>12,69,510</td>
<td>10,61,239</td>
</tr>
</tbody>
</table>

The table revealed that the statistics for the years 1978, 1979 and 1980 are partly missing and for 1985, 1986 and 1987 the details are a complete blank. The lack of spirit and dedication of the Central Government Body for the common cause of consumer protection is evident from this.

The legislative measures, but for the MRTP Act which provided for payment of compensation, are either preventive or punitive in approach and did not provide for speedy redressal to the aggrieved consumers. None of them covered public undertakings, co-operatives and service undertakings. Moreover, they failed to create awareness among consumers regarding the exploitation prevailed in the market. The root cause of this is over-centralisation of power-political and economical in the hands of few giving scope for unhindered exploitation of consumers. Even though the Third All India Consumer Conference held in Surat in 1976 recommended a separate legislation with overall supervisory powers over the existing laws for consumer protection, such an Act came into force only in 1986 breaking the oppositions by bureaucrats and public servants.

4.3 Consumer Protection Act, 1986 (COPRA)

COPRA, 1986 is a landmark in the field of socio-economic conditions of consumers with its important provisions for protection of consumer rights and redressal of consumer grievances.

The Act is superior to other legal measures in the field of consumer protection in the following aspects.
a) It is the most expedient, least expensive and quite effective weapon in the hands of consumers; because the remedy is free from court fee and prolonged litigation which is not available under any other Act.

b) It has provided an elaborate three-tier quasi-judicial machinery in all the districts for seeking redressal for consumer grievances, whereas other redressal machineries like MRTP Commission and DARPG situated only at the capital city limit the scope to redress consumer grievances of common people.

c) The Act covers all goods and services including banking, financing, insurance, transport, processing, supply of electrical or other energy, boarding or lodging or both, housing construction, entertainment, amusement or the purveying of news or other information, but does not include the rendering of any service free of charge.

d) The Act provides for remedy by way of compensation to the aggrieved consumers, whereas in other legislative measures the offenders are punished or imprisoned which was never implemented effectively to put a stop to the unfair trade practices owing to the pressure and bribe extorted by the businessmen.

4.3.1 Government Bodies for Consumer Protection under COPRA

COPRA provides for the establishment of a Central Consumer Protection Council (CCPC) and a State Consumer Protection Council,
one in each state, for the promotion and protection of consumer rights.

Central Consumer Protection Council is the apex body consisting of the Minister in Charge of the Department of Food and Civil Supplies of the Government of India as its chairman and such number of other official and non-official members representing such interests as may be prescribed in Section 3 of Consumer Protection Rules, 1987. The council appoints working groups to investigate in detail matters relating to consumer problems, so that redressal machinery can be strengthened.

Consumer Protection Councils at the State level are established by a notification issued by the respective state governments. These councils consist of such number of members as may be specified by the state governments by notification from time to time.

### 4.3.2 Consumer Dispute Redressal Agencies (CDRAs)

Section 9 of the Act provides for the setting up of the CDRAs viz., District Fora, State Commission and National Commission which makes the Act unique, because in no other countries separate courts or tribunals are set up exclusively to settle consumer disputes to provide speedy and inexpensive justice to the consumers.
4.3.3 **Composition of the District Forum**

Each district forum consists of three members, one of whom shall be the president. A person who is or has been or is qualified to be a District Judge is eligible to be the President of the Forum. The other two members shall be persons of ability, integrity and standing and have adequate knowledge or experience of or have shown capacity in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration, one of whom shall be a woman. As per the original Act any lady social worker can be the lady member.

4.3.4 **Appointments, qualifications and terms of appointment of the members in the CDRAs**

A study conducted by CERC, Ahmedabad in October 1990 on the socio-economic background of the members of the District Fora in the State of Gujarat revealed that majority were appointed on the basis of their active participation in various political parties which is on par with the appointments in Kerala.3

Apart from statutory qualifications it is an accepted norm in a "Rule of law" society that decision-makers in the courts, tribunals and quasi-judiciary bodies should be unbiased and impartial.

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The existing system in India does not secure independence of the personnel of consumer adjudicating agencies from the Departments of Food and Civil Supplies. The existing system violates the basic structure of the Indian Constitution i.e. the independence of adjudicating bodies set up to settle the disputes. Thus the quasi-judicial bodies have been kept in a state of perpetual dependence on administrative departments with a view to impair their independence. There was a move for setting up a separate Directorate of Consumer Affairs in the Civil Supplies Ministry which was turned down by the Government with a view to curtail the Government expenditure.5

To ensure that the persons appointed perform judicial functions without fear or favour they should be appointed in consultation with the members of the judiciary and there should be a separate Ministry for Consumer Affairs.

4.3.5 Infrastructure Facilities

Most of the Fora are ill-equipped in terms of space, staff, office equipments, library facilities and facilities for litigants.6 George, Baju (1992), recommended that sufficient staff, stationery and other amenities should be provided in the Fora.7

Infrastructural facilities in terms of billing, secretarial staff, library and grants should be sine-qua-non for granting approval to the setting up of the Fora. The part-time nature of the Fora has brought about evils of its own which shall be put to an end as early as possible.

4.3.6 Vacancies in the CDRAs

When a vacancy of the president occurs in the CDRAs it is not filled promptly leading to delayed redressal procedures.

4.3.7 Procedural Justice

The procedure to be followed by the CDRAs on receipt of a complaint has been dealt with in detail in Section 13 of the Act and Rules 14 and 4 and 5 of the Central and State Governments respectively. The Fora are vested with the same powers as a Civil Court under the Code of Civil Procedure, 1908 while trying a suit in the following six occasions.

a) Summoning and enforcing personal attendance of any defendant or witness
b) Discovery and production of evidence
c) Reception of evidence on affidavits
d) Issuing of commission for the examination of any witness
e) Requisitioning of the report of the concerned analysts or test from any relevant source
f) Any other matter which may be prescribed.
Thus the proceedings under COPRA remain free from technicalities in cases other than the six mentioned U/S 13 (4).

This indicates that there is no legal requirement that the pleadings should be in a particular form. There are no legal technicalities regarding the amendment of the complaint, inclusion or exclusion of necessary or proper parties etc.

When a complaint is filed, one copy is sent to the opposite party, directing him/her to give a reply within a period of 30-45 days as may be granted by the CDRAs. In case the opposite party denies the alleged defect, the goods are sent to an appropriate laboratory by the CDRA at the cost of the complainant. The laboratory is supposed to send the result within 45 days or within the period granted by the CDRA.

In cases where a test report is not required as is the case with services, the opposite party has only to deny or accept the complaint. A reply can be given to the CDRA giving his version of the facts. The parties will have the right to lead evidence and cross examine. In case the opposite party does not file a reply or appear in person, the CDRA is authorised to proceed ex-parte and decide the complaints on merit. The Indian Evidence Act has not been made applicable specifically. But, unfortunately, the technicalities prevailing in the civil courts have crept into the proceedings before CDRAs leading to delay and abuse of the redressal system.

National Commission in 'N.K.MODI VS FAIR AIR ENGINEERS PRIVATE LIMITED' (1993) has held that the Consumer Disputes
Redressal Agencies are not judicial bodies. As widely perceived, the endeavour of parliament has been to ensure that these agencies function in a totally informal manner, free from the shackles and trappings of courts.

The flexibility in procedure seems to have downgraded the status of the CDRA, which is empowered to punish a person who fails to comply with the order passed by it. Also for non-compliance of the orders, the proceedings under the contempt of Court Act can be initiated. Often CDRA's have failed in fulfilling the legislative objections because of the interference of lawyers, who took unfair advantage of the parties not represented by advocates. While the presidents appreciated the languages of their own people the poor Indian Consumer was made mute spectator of the proceedings.

4.3.8 Who can be Complainants?

As defined under section 2(1)(b) the Act provides locus-standi the (right to complain) to a consumer, numerous consumers having the same interest (i.e., class action), Voluntary Consumer Organisations and State and Central Governments.

A controversial point in this regard is that a person who obtains goods for resale or commercial purposes is excluded from the definition of consumer. Another controversy is that the services rendered free of charge or under contract of personal service are not included in the definition of services. In essence it appears that services for resale or for commercial purposes fall within the purview of CDRA's, whereas goods bought for resale or for
commercial purpose remain outside the ambit of the CDRA. For instance, commercial undertakings are allowed to file disputes relating to hired services such as telephones, banking, insurance etc. while disputes regarding goods bought for commercial purpose or resale are not entertained at the Fora. Such exclusion-inclusion clauses in the definition of consumer leading to restrictive jurisdiction in respect of disputes relating to goods will defeat the objective of the legislation. Regarding the question of a buyer of goods for commercial purposes who is also a victim of unfair trade practice as per Section 2(l)(c)(i) the Gujarat State Commission held that the Commission would not consider whether an unfair trade practice had been adopted as the goods had been purchased for commercial purpose.\(^9\)

However logically this decision is not correct as unfair trade practice is an independent head of jurisdiction irrespective of the fact whether the goods had been purchased for commercial purpose.

The National Commission had clarified that unfair trade practice relates not only to purchase of goods but also to deficiency of services hired.\(^10\) This order is not used by the CDRAs.

Under Section 2 (l)(b)(ii) a Voluntary Consumer Organisation can be a complainant even though juristically, a complainant is a

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\(^9\) CERC and Reckon Diagnostics Vs Blue Star Ltd; & Ors, Complaint No.16/90, Order dated 2.12.1990.

party to the proceedings and not a representative of the consumer who is the real complainant. Similarly the Prevention of Food Adulteration Act, Weights and Measures Act, MRTP Act, Essential Commodities Act etc. were amended to provide locus-standi to registered VCOs for vindication of rights conferred on the weaker section of the society, who are not able to make effective use of these legislative measures.

The VCOs can make use of this opportunity for public interest litigation than protecting private rights.

State and Central Governments are also able to file complaints in the CDRAs being the guarantors of public interest protection. Yet till date they have not taken up any dispute.

4.3.9 Jurisdiction

The pecuniary, territorial and subject matter jurisdiction of the CDRAs has been defined U/S 11(1) and (2) of COPRA 1986.

In general the value of goods and/or services is to be decided on the basis of value of goods and services and the amount of compensation. Subsequently it was held that the complainant has the undisputed right to fix the value of the claim, and, for this purpose, it could exclude the value of goods in computing the net value of the claim. It was also held that the objection on the ground of pecuniary jurisdiction should be raised in the early stage of proceedings, failing which it cannot be raised at the appellate stage.
The territorial jurisdiction to entertain a complaint U/S 11(2) of the Act has been dealt with in three provisions which are almost identical to the Section 20 of Civil Procedure Code. Accordingly a suit against an ordinary trader as well as a corporation can be filed at any place where it has a branch office.

Subject matter jurisdiction covers five areas viz.,

- defects in goods
- deficiency in services
- unfair trade practices
- charging of excessive prices of goods and
- goods which will be hazardous to life and safety

4.3.9.1 Defects in goods

Defects in goods U/S 2(1)(i) has almost the same meaning as under section 2(f) of the Sale of Goods Act 1930. Defect has been interpreted as the deviation from the standard specified by laws or in the alternative claimed by the trader himself, either express or implied. On the other hand if the goods do not satisfy the claims made by the trader it is essentially an unfair trade practice and can be instituted as cases under unfair trade practices. Regrettably this view has not been made use of by litigants.

It is worth noting that standards are fixed and determined only for few goods. Indian market is flooded with non-standardised, non-packaged commodities, standards of which are not known. Therefore a common man who is ignorant of the interpretations of the Act is denied justice.
4.3.9.2 Deficiency in Services

Service has become an integral part of modern living with comfort. COPRA compensates those who suffer loss or injury as a result of deficiency in services. The Act defines service as "Service of any description which is made available to potential users". As such almost all service-providing undertakings are amenable to CDRA.

A matter of concern is that service does not include the rendering of any service free of charge or under a contract of personal service. The rationale of the exemption granted to free services, even if the injury occurs, at a time when majority of Indians are compelled to seek free services owing to financial crisis is undigestible. Thus, service facility, in fact, is available only to rich, well-to-do sections of the society, who can buy services. As a result, for majority of Indians in a social welfare state like India receiving free services cannot get justice when providers of service cause injury or loss to poor Indians.

Services rendered under a contract of personal service is excluded U/S 2(1)(0) from the definition of service. The clause allowing professional services to be exempted under the banner of contract of personal services is suicidal.

A critical study revealed a distinction between contract for services and contract of services. In the case of 'contract for services' neither master-servant relationship exists, nor sufficient freedom of action. On the other hand, in a contract of service the provider of service agrees to provide his work-skill in
the performance of some service to his master in consideration of remuneration. Then the services of doctors, lawyers etc. will fall under the "contract for services". Therefore these services come within the purview of the Act, e.g. the services rendered by the government in government hospitals.

Consumer Protection Act, 1986

This Act has excluded any service, which is availed free of cost and service of a personal nature from its ambit. But the consumer of the health care industry cannot be excluded from the Act because it is not only doctors who are involved in the health care, but the pharmaceutical industry, the medical equipment companies and other ancilliary industries also. There is an unfair discrimination of patients as patients who pay for medical care in private hospitals are protected by the Act and those who do not pay for similar health care in government hospitals are left to suffer in silence.

In an action for negligence against a doctor the complainant has to prove that

1 The doctor was under a duty to take reasonable care to avoid or not to cause damage.

2 There was breach of duty on the part of the doctor.

3 The breach of duty was real cause of damage or such damage was reasonably foreseeable.  

12 Ibid.....P 434
Since the District Fora, State and National Commission are following the same procedure of scrutiny of evidence and substantiation of claims as the Civil Courts and the president is qualified to be a judge why consumers should go to another court? In U.K and the U.S patients approach the Civil Court if they are dissatisfied with a medical practitioner because they have no other option. 13

4.3.9.3 Unfair Trade Practices

The CDRAs are authorised to deal with unfair trade practices having the same meaning as in Section 36 A of the MRTP Act, 1969. This means a trade practice which for the purpose of promoting the sale, use or supply of any goods or for the provision of any services, adopts one or more of the unfair trade practices (1 to 10). But the provision under Section 2(1)(c)(i) of COPRA (1986) is almost unused. The intention of this provision can be successful only if CDRAs are equipped with the powers to issue interim orders.

Even though the CDRAs can issue cease and desist orders in the same manner as under Section 36 D of the MRTP Act, in the absence of a provision similar to Section 12 A of MRTP Act, CDRAs cannot issue interim injunction which will enable an aggrieved to prevent the trader from pursuing the illegal course of action with immediate effect.
Another unfair trade practice is charging of excess price i.e. more than what is shown on the packet or fixed by law, in which case consumer can file a complaint U/S 2(l)(c)(iv). Surprisingly one cannot complain if excess charge is imposed in respect of services. But the relief is that these complaints can come under unfair trade practices. The National Commission has observed in its Order dated 24.4.1990 in a review petition No.3/1990 that "when there has not been any fixing of price of an article by law nor a display of the price on the package containing the goods or on the goods themselves, the Act does not contemplate any complaint being instituted on the ground that the price charged for the article is excessive". This order is said to be retrograde and unconvincing because there is no uniform price policy in India and in local and rural markets traders charge prices discriminately.

4.3.10 Original and Appellate Jurisdiction

The State and National Commissions have been vested with original jurisdiction (Section 17 and 21).

Unfortunately the National Commission has refused to accept the fact that "as a court of original jurisdiction it is a trial court".

Consequently the National Commission held that in cases involving elaborate oral and documentary evidence it is open to it to decline jurisdiction and refer the party to his ordinary remedy
According to the Commission the procedure for disposal of complaints under the Act has been laid down in Section 13 of the Act the provisions of which are made applicable to proceedings before the National Commission by Rule 14(2) of the Consumer Protection Rules, 1987.

U/S 13(2) and (2) of the Act it is shown beyond doubt that the statute does not contemplate the determination of complicated issues of fact involving oral and documentary evidence and their scrutiny. As a result and subsequent to the National Commission's action many Fora are found evading adjudication of disputes which demand use of judicial techniques to arrive at the truth. This has caused a great deal of agitation among the consuming mass. It is nowhere mentioned that CDRAs are bodies of Summary Jurisdiction. Voluntary Consumer Organisation should act as an eye opener to the government officials in this regard. The government should take remedial actions against this consumer exploitation.

4.3.11 Quantum of Compensation

Owing to the conservative, legalistic and backward-looking approach of the National Commission with regard to quantum of compensation admissible to a party has become almost non-operational. The National Commission\(^\text{15}\) insisted that it is

\(^\text{14}\) Special Machines Vs P.N. Bank and Ors, (1) [1991], Consumer Protection Journal, 78, National Commission.

necessary for a party to prove that due to the wrongful act of the opposite party he has suffered actual loss or injury. Grant of compensation only on the basis of the expenditure incurred is not at all justifiable.

4.4 Remedies under the Consumer Protection Act:

The remedies under the Act are stated U/S 111 (1) a, b, c and d, (2) and (3).

Clauses a, b & c are as per with civil law remedies and in some cases superior to those provided by the Sale of Goods Act, 1930, as the repair/replacement/return of price are dependent also on the imperfection or shortcoming or purity or standards fixed by law in addition to those dependent up on breach of condition or warranty alone.

The most applauded one is that mentioned Under Section 14 (1)d by which a complainant gets compensation for any loss or injury suffered by the consumer due to negligence of the opposite party. The award of compensation often rests upon proving that loss or injury was caused due to negligence of the opposite party.

4.5 Judgement Writing

As per the provisions in the Civil Procedure Code 1908 in the use of courts which are not courts of small causes, Order 20 Rule 4(2) of the Code provides that the judgement shall contain: Studies on Fora judgements indicated that, the absence of specific provisions with reference to the form and contents of judgements of Fora in the COPRA 1986, good judgement writing has become a rare phenomenon.
The important functions of a judgement can be enumerated as under:

1. In the particular case for litigation the judgement represents the climax of the process of adjudication.

2. The psychological aspect is that it is intended to satisfy the natural curiosity of the parties to litigation to know what happened to their cases.

3. The contents and the form of judgements and the manner in which it is written assume a practical importance when and if it is appealable. The court of appeal can more easily confirm, modify or set aside the judgement of a trial forum if the mental process of trial judge is intelligently reflected in the judgement. Since the question of law decided by a District Forum or a State Commission can be a precedent for the future in general it possesses a legal importance. This necessitates the need for adequate discussion in support of the conclusions as these are more vigorously challenged in appeal than pure conclusions of facts.

As per the provisions in the Civil Procedure Code 1908 in the case of courts which are not courts of small causes, Order 20 Rule 4(2) of the Code provides that the judgement shall contain:
a a concise state of the case
b the points for determination
c the decision on those points and
d the reasons for such decisions.

Therefore the amendment of the Act is the need of the day. The Supreme Court has observed that "The Provisions of the Act have
to be construed in favour of the consumer to achieve the purpose of
enactment as it is a social benefit oriented legislation. The
primary duty of the Court while construing the provisions of such
an Act is to adopt a constructive approach subject to that it
should not do violence to the language of the provisions and is not
contrary to attempted objective of the enactment".16

16 Lucknow Development Authority Vs M.K.Gupta III (1993), CPJ, 7
(Sc).

1. Women make up 50 per cent of the world's population consti-
   tuting 6.7 billion people. 2
2. Jagaraj, V., "Women and Management - I", in Chandra Sekar,
   Sampurna, (Ed.), Women's Resource and National Development A
3. Acharya, Sarthi, "Women's Work and Economic Development", in
   Maheshwari, Krishna Raj (Ed.), Women's Studies in India, Popular
4. Jao, H.S. "Appropriate Technology Delivery System and Skill
   Uplgradation for Women Entrepreneurs" in Kalbach, Chetana (Ed.),
   Social and Economic Dimensions of Women's Development, Discovery