Chapter Sixth - Development of Action Plan

Introduction
SWOT analysis is a conduct to analyze internal and external environment of any business and non-business organization. This analysis comprises four components i.e. strengths, weaknesses, opportunities and threats. Strengths and weaknesses are considered to be internal positive and negative factors, whereas opportunities and threats are conferred to external environment. The specific analysis (SWOT) is helpful in deciding a unique and effective strategy to meet competitive challenges. If an organization wants to lead in today’s competitive scenario, it has to sharpen its strengths and overcome its weaknesses in the light of opportunities. Although Consumer Forum is not a profit making organization, but there are internal and external factors which affect the functioning of Consumer Court to a great extent. It is, therefore, need of the hour to have tailor-made customized strategies and the researcher has no confusion in saying that the SWOT analysis is the key for longer and effective existence of Consumer Court. This chapter is divided in two sections i.e. SWOT analysis and development of action plan. SWOT comprises four components and all the components have been analyzed separately. After that, action plan has been developed based on analyzed factors.

SWOT Analysis
This section consists of exclusive SWOT analysis of Consumer Forum. The chosen factors are based on policy documents, websites and other published material along with consultation with some independent expert of business laws. All the factors were mentioned in the questionnaire under the question confined to SWOT. Thereafter, the questionnaire was executed to all the groups of respondents, i.e. aggrieved consumers, concerned officers, concerned lawyers and members of Consumer Forum. The respondents ranked these factors as per their experience with the functioning of Dispute Redressal Agency. Moreover, first rank was given highest weight and last rank was give lowest weight. The responses have been classified, tabulated and summarized according to the need of the study.
Analysis of Strengths of Consumer Forum

As we know strengths are positive factors, which improve the efficiency and effectiveness of any organization. An organization that wants to grow should focus on upgrading and polishing its strengths. The major identified strengths have been summarized as follows:-

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<th>Factors</th>
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<td>7</td>
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</tr>
</tbody>
</table>

- **Sources:** Survey
- **Rating Scale 1-7, T.R- Total Respondents.**
- **W.A – Weighted Score, R- Rank.**

The selected strengths are explained below in rank orders given in the last column of the table.

- **Judicial Power**

Judicial Power was ranked as top most strength of Consumer Forum, because due to judicial power Consumer Courts are different from other dispute redressal agencies, such as, Insurance and Banking Ombudsman. Consumer Courts are known as quasi-judicial body, since these courts have power to direct the companies for complying with its final orders. Each and every order made by District Court is enforceable as enforced by Civil Court, if there is a non-compliance of the order, the concerned person will be charged with any one or all of the following penalties. (1) Imprisonment for a term from one month to three years, (2) Monetary punishment from Rs. 2,000 to Rs. 10,000, or (3) With both. Despite having
judicial power, some complaints were reported of non-compliance with final orders and that is why this strength needs to be further strengthened.

- **Less Expensive**

The respondents have ranked the ‘less expensiveness’ as second top most strength of Consumer Forum. Only nominal fee is charged under the District Forum. Moreover, it has specifically been mentioned under provision Consumer Protection Act that no party either complainant or opposite party, is bound to hire any lawyer to fight his or her case. They (complainant and opposite party) are completely free to fight their own case without hiring the services of any lawyers. But practically speaking, opposite parties (companies) send its lawyers to represent the case, because of which complainants also have to hire lawyer since a common man (complainant) cannot face the arguments of lawyer representing opposite party. Hence, efforts should be made to make this legislation less expensive.

- **Wider Jurisdiction**

Wider Jurisdiction was ranked as third strength of Consumer Forum as per table 6.1, because after amendments in the Consumer Protection Act in 2002, a complaint amounting to rupees 20 lakhs can be filed to the District Consumer Forum, a complaint upto rupees 1 crore can be filed to the State Commission and all the complaints above one crore can be registered with National Commission. So, under the hierarchy of three Dispute Redressal Forum of CPA, jurisdiction is not limited like Insurance and Baking Ombudsman. Wider jurisdiction makes Consumer Court different from other Dispute Redressal Agencies.

- **Compensatory in Nature**

Compensatory in Nature was ranked as fourth strength of Consumer Forum as per the table 6.1. If a case is adjudicated in favour of Complainant, Consumer Court makes the opposite party remit entire amount of claim with compensation for the mental harassment, litigation cost and interest for the delayed reimbursement. Although, there are so many cases in which no compensation was provided to the Aggrieved Consumers for the mental harassment and interest for the delayed reimbursement and that is why respondents ranked this strength at number four.
❖ **Hassle-Free Dispute Redressal**
This strength was placed at number five as per the table 6.1. There is no legal complexity in redressing disputes under Consumer Forum because procedure of filling complaint is very simple only nominal fee is charged for filling a complaint after that proceeding starts and then time come for the judgment. Moreover, under the Consumer Forum (both complainant and opposite party) are free to hire or not to hire services of Lawyer and that is why this legislation is known for providing hassle-free dispute redressal.

❖ **Wider Score**
Consumer Protection Act applies across the country except state of Jammu & Kashmir and all the sectors private, Public and cooperative are included under this Act. Moreover, all the complaints, either related with services or goods can be filed to District Consumer Forum unless specifically exempted by the Central Government. Hence, wider jurisdiction was ranked as sixth strength of Consumer Forum as per table 6.1.

❖ **Speedy Redressal**
Speedy redressal is also one of the strengths, but this strength was given lowest rank by the respondents as per table 6.1. Although it has been mentioned under the Consumer Protection Act that Dispute Redresal Agencies would redress the problem within three months or with prescribed time, but ground reality is different from whatever time has been prescribed therein. However, this Agency disposes cases speedier than Civil Courts. Hence, respondents considered ‘speedy redressal’ as a lowest strength of Consumer Forum. It is, therefore, need of the hour to make this legislation more speedy for justifying its establishment.
Analysis of Weaknesses of Consumer Forum

Strengths and weakness are always two sides of same coin. No organization can cope up without internal limitations. The Consumer Forum too is no exception. It also carries certain internal negative factors that sometime pull its efficiency and credibility. The selected weaknesses have been summarized below in the tabular form.

Table-6.2

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<th>S.N</th>
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<th>W.A</th>
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<td>Lack of Accountability of its Members</td>
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</tbody>
</table>

- Sources: Survey
- Rating Scale 1-7, T.R- Total Respondents.
- W.A – Weighted Score, R- Rank.

The selected weaknesses are explained below in rank orders given in the last column denoted by ‘R’.

Lack of Fair Judgments

Lack of fair judgment was ranked as top most weakness of Consumer Forum as per the able 6.2, since it was reported by the respondents especially by Aggrieved Consumers and Lawyers that these dispute redressal agencies have lacked fairness in judgments and seem to have been partial to the rich. Due to this weakness, cases remain in pending for long and judgments do not happen on time. To make these Courts fair and impartial, a monitoring authority should be established to monitor the proceedings and judgments.
Lack of Adequate Infrastructure

Lack of adequate infrastructure has been ranked as second top most weakness by the respondents as per table 6.2. Although according to the act, Dispute Redressal Forums have been set up across the country including Uttar Pradesh, but still proper infrastructure has not been provided to these Forums. Due to improper, unstructured, unfurnished and congested infrastructure, records get topsy-turvy and pending files remain untidy. Consequently, these Courts face lots of problems in smooth functioning. Hence, to smoothen the functioning, well structured infrastructure should be provided.

Inconsistent Performance

Inconsistency in performance was a major drawback and this weakness has been ranked at number three as per the table 6.2. There are some factors that cause inconsistency in performance such as, strikes, delay in appointment of members (Including president) and conflicts between its members. Due to inconsistency, these Courts have not been able to dispose the cases even equal to new registered cases and this difference results in heavy backlog of pending cases. To decrease the inconsistency in performance, suggested remedies should be taken under consideration; otherwise existence of Consumer Courts will be at risk.

Improper Communication

Conflicts between judicial and non-judicial members were also a weakness ranked by the respondents at number four as per the table 6.2. Due to internal conflicts, judgments get delayed for long resulting in inefficiency of Consumer Courts. According to provision of CPA, one member (President) comes from the judicial background and two other members (including lady social worker) come from non-judicial background. Consequently their opinions do not match with each other or one another. Hence, conflicts arise between members regarding the judgments in the cases.
Irregular Functioning

Irregular functioning was the forth weakest point of Consumer Forum as per table 6.2. As it has already been discussed that strikes was the first chief hurdles in smooth functioning of Consumer Forum, since due to perpetual strikes, Consumer Forums do not get to function regularly, consequently, Forum becomes irregular in its functioning and when functioning becomes irregular, proceedings do not happen on prescribed time. So, to remove this problem, something needs to be done about perpetual strikes.

Lack of Accountability

Lack of accountability was also one of the major weaknesses and it has been ranked at number six by the respondents as per table 6.2. Members of Consumer Forums are not accountable for the work whatever they do and no specific provision has been framed under the Consumer Protection Act regarding this matter. If some inaccuracies emerge due to negligent behavior members, then no one of them (Members) takes responsibility and this result in ineffectiveness of Consumer Courts. Hence, separately Liability should be fixed for each and every member of Consumer Forum (including president) to deliver judgment within the time, and some provision should be framed under CPA to make members accountable for their work.

Shortage of Staff

Shortage of staff was the lowest weak factor of all the selected factors of weakness since it was ranked at number seven by the respondents as per the table 6.2. It was claimed by the members of Consumer Forum that due to shortage of staff, records and pending files are not managed properly and some official works do not complete on time. Because of which, it (Forum) become inactive and consequently, pending cases start increasing. Hence, proper staff should be provided to avoid unnecessary pending cases.
Analysis of Opportunities of Consumer Forum

Opportunities are external possible circumstances to explore maximum benefits on the basis of strengths. For Consumer Forum, opportunities are macro positive perceived factors affecting each and every Forum. The identified opportunities have been tabulated in the table 6.3.

Table- 6.3, Analysis of Opportunities

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<th>S.N</th>
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<th>T.R</th>
<th>W.A</th>
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<td>Establishment of CONFONET</td>
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<td>Strong Consumer Movement inside and outside the Country</td>
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<td>Involvement of NGOs</td>
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<td>Online Registration of Complaints</td>
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Ø Sources: Survey
Ø Rating Scale 1-6, T.R- Total Respondents.
Ø W.A – Weighted Score, R- Rank.

The selected opportunities are explained below in rank order given by respondents.

Establishment of CONFONET

Establishment of CONFONET was top most opportunity for Consumer Forum as per table 6.3. CONFONET is an abbreviation of Computerization and Computer Networking of Consumer Forum in Country. This network is designed to improve operational efficiency, co-ordination, accessibility and speed in judicial administration. Furthermore, CONFONET also aims establishment of information communication technology infrastructure at Consumer Redressal Forums all over India. In addition to this, this network aims at providing, e-governance, transparency, systematizing of working and time bound delivery of justice to the Consumers. By and large, this project will help in reducing huge backlog of pending cases and smoothening working of Consumer Forum.
Strong Consumer Movement inside and outside the County

Consumer rights and awareness promotional programs are the second best opportunity for the Consumer Forums. Consumers Movements such as, JAGO GRAHAK JAGO campaign has become immensely popular and is now being used by several Departments to communicate with consumers. From the response received through the Consumer Hiplines as well as the evaluation of the progress, it is now clear that there has been a huge impact on account of this multimedia campaign. This programme has been successful so far in propagating awareness about Consumers rights, Dispute Redressal Agencies under the Consumer Protection Act and unfair trade practices generally adopted by trader and manufacture.

New Grants Available

Availability of new grants under the eleventh five year plan has been ranked at number three as per the table 6.3. New grant has been released in the last financial year of eleventh five year plan. This grant was provided for establishing adequate infrastructure and computerizing Consumer Forum to make it technically efficient and effective. Implementation of released grant will ensure speedy, inexpensive and effective redressal to the consumers.

Involvement of NGOs

Some Non-Government Organizations, such as Consumer Guidance Society of India and Consumer Coordination Council have done brilliant job in propagating consumer awareness about the Consumer Protection Act. These institutions receive complaints from aggrieved consumer and get them (complaints) settled with concerned business organization through dialogue. 70% complaints received by Consume Guidance Society of India have been resolved. These NGOs work as a mediator between complainants and opposite party in settling disputes. So, this is a great opportunities for Consumer Forums to involve NGOs in order to reduce the huge backlog of pending cases.
Online Complaints Registration

Online registration of complaints was also an opportunity as per table 6.3. Online registration of complaints at district level will reduce paperwork and storage of complaint files, which occupy major area of Consumer Forums, and this process will also be helpful in providing speedy, less-expensive and simple redressal to Aggrieved Consumers.

Establishment of Consumer Protection Councils

Consumer protection councils were established at the District level to promote consumers’ rights and make them aware of misleading or unfair trade practices adopted by trader, manufacturer and services providing companies. So, certainly these councils have been formed under the Act to support Consumer Forum in protecting aggrieved consumers from malpractices and negligent behavior of sellers. Co-ordination between Forum and Councils will help in achieving objectives set under the Act namely, speedy, less expensive and hassle-free. Hence, this opportunity has been ranked at number six as per the table 6.3.
Analysis of Threats of Consumer Forum

Threats are again a part of external environment of any organization. They are perceived negative factors which are uncontrollable but not unavoidable. All the Consumer Forums are bound to work under certain macro unfavorable conditions, known as threats. The researcher has tabulated some major threats identified by the respondents as per table 6.4.

Table-6.4 Analysis of Threats for Consumer Forum

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<th>S.N</th>
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<td>Encouragement to Fake Claims</td>
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<td>Disobedience with the Final Orders</td>
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<td>Lack of Awareness among Consumers</td>
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- Sources: Survey
- Rating Scale 1-7, T.R- Total Respondents.
- W.A – Weighted Score, R- Rank.

The possible threats are given below in rank order given by respondents.

Disobedience with Final Orders

Non-compliance with the orders is the biggest threat for Consumer Forum and this threat was given first rank by the respondents as per the table 6.4. So many complaints have been made by Aggrieved Consumer regarding this matter. Most of the companies (Insurance and Banking) do not comply with the final order of Consumer Courts if the judgment is made against of their interests and they deliberately (Companies) keep delaying order as long as possible. Disobedience of orders raises the serious doubts over judicial power of Consumer Forum. Because under the CPA, this legislation has been conferred with some judicial power, but huge difference seems to have been surfaced between theories and practices. So,
strong actions need to be taken to coerce the companies for implementing the order in the said time.

**Encouragement to Fake Claims**

On the one hand, establishment of Consumer Court under CPA has been as a major setback for the companies and a strong protection for the aggrieved consumers, but on the other hand, Consumer’ rights, given under CPA, have encouraged Consumers to misuse their given rights. There are so many cases in which Consumers made fake claims by misusing their rights. So, fake claims are also one of the major threats and to stop the fake claims, punishment should be increased for such types of baseless claims.

**Strikes**

Continuous strikes were also a threat as it was ranked at number three as per table 6.4. Due to perpetual strikes, functioning of Consumer Courts become irregular and inconsistent, consequently, it becomes almost impossible for Consumer Forums to hear the cases on due dates and judgments get delayed which results in slow speed of disposal.

**Lack of Awareness**

A survey, conducted by Times of India, revealed that 63% to 70% Consumers were not aware about Dispute Redressal Agencies established under CPA. Comparatively, awareness in rural areas was lesser than urban areas. Around 77% Consumers found unaware about their rights given under Consumer Protection Act. Although, Indian Government has launched some awareness campaign such as, JAGO GRAHAK JAGO, but still these campaigns are at fancy stage and need to be promoted further. Apart from that, Central Government with States Governments should make some other propaganda for enlightening the unaware Consumers especially about their rights and Dispute Redressal Agencies.

**Reluctance of Lawyers**

Reluctance from Lawyer’s side was another threat that could unnecessarily prolong the proceeding in the cases and this threat was ranked at number fifth as per the table 6.4. Although, Consumer Court never asks the consumers to hire services of lawyers, but due to
lawyer of opposite party, complainant has to hire services of lawyers because a common man cannot argue with lawyer in technicalities. Once the case goes to lawyers, they keep delaying it as long as their interests are served. To tackle this problem, some voluntary consumer organization should be included to expedite proceeding for providing speedy redressal.

**Lack of Reliability**

Lack of reliability was also one of the major threats for the existence of Consumer Courts and this threat has been given lowest rank by the respondents as per the table 6.4. Because some (21%) of the selected respondents had very negative approach and some (27%) of the aggrieved consumers expressed serious concern regarding this matter. So, complainants hesitate while filling complaints because they are not sure whether these Courts can provides them justice. Hence, lack of reliability was also one of the major threats.

**Recommended Action Plan**

An Action Plan is an outcome of SWOT analysis, an exclusive Action Plan has been framed after analyzing Strengths, Weaknesses, Opportunities and Threats of Consumer Forum. The researcher carries a perception that if customized action plan is properly implemented in Consumer Forum, it could definitely give tremendous positive results in terms of effective performance. The framed action plan is presented through flow chart given at the next page.
Suggested Action Plan has been designed in three parts i.e. Input, Processing and Output and each part of the plan has been explained separately.
**Input**

This part consists of strengths, weaknesses, opportunities and threats (SWOT) analysis of Consumer Forum. Analysis of SWOT is made after considering primary as well as secondary data. The researcher has made his best efforts to incorporate all the possible factors of SWOT after consulting with the respondents. Strengths and weaknesses have been considered to be internal positive and negative factors, whereas opportunities and threats have been conferred to external environment.

**Processing**

Processing expresses functional relationship between inputs and output. Unless processing starts, inputs cannot be transformed into output. In the other words, processing transforms inputs into output to achieve the set objectives. Moreover, correctness of inputs (Strengths, Weakness, Opportunities and Threats) is very important, because if inputs are not correct, output must not be desirable. So, to have desirable output, input should be correct, valid and reliable. The researcher has made his best efforts to conduct SWOT analysis very carefully. But careful analysis of SWOT is not enough unless it is implemented. It is, therefore, analyzed strengths should be maximized, weakness should be minimized, opportunities should be further explored and threats should be handled in very controlled manner.

**Output**

The Consumer Forum was established in India with some specific objectives, i.e. speedy, less expensive and simple dispute redressal. But unfortunately, it has not been successful so far to achieve the set objectives. So, ultimate objectives of this suggested action plan are to provide speedy, less expensive and hassle-free dispute redressal to the complainants or aggrieved consumers. If Consumer Forum executes this well-discussed suggested action plan, then speedy, less expensive and hassle-free dispute redressal will be a reality.
Conclusion

Although Consumer Forum is not profit making organization, it is a social and quasi-judicial body established with some specific objectives. But it also has its strengths and weaknesses, opportunities and threats. As far as strengths are concerned, judicial power was the top most strength followed by less expensiveness, wider jurisdiction and compensatory in nature. Speedy redressal was the lowest strength, which was a great cause of concern for this legislation. On the contrary, lack of fair judgment was the top most weakness followed by lack of adequate infrastructure and inconsistent performance etc. These serious weaknesses are causing threats for the existence of Consumer Court. Some opportunities are also available like (in ascending order), Establishment of CONFONET, consumer movement inside and outside the country and new grants etc. As far as threats are concerned, disobedience of the final order was top most threats preceded by encouragement to fake claims, lack of reliability in judgments and reluctance of lawyers etc. At the end of SWOT analysis, an exclusive action plan has also been suggested thoroughly based on SWOT analysis.