6.1. Conclusion

The consumer is the forgotten man of the modern Indian economy. He is the least organized and most centrifugal element in the circle of investment, production, sale and consumption. He is generally taken for granted as one who has no alternative then to buy, in order to live in the society. The consumer has to face number of problems day in and day out. Some of these problems are in the nature of unfair trade practices, misleading and deceptive advertisement, offering gifts and prizes, promotional contests etc. Modern technological developments have made a great impact on the quality, availability and safety of goods and services. Due to the total helplessness of the consumer in the corporate sector with its vast resources and control over the media, it has been found necessary to devise new methods of regulation and control. As a result plethora of legislations has been enacted to protect the interest of consumers.

In fact, laws to control and punish businessmen indulging in adulteration and short weights have existed in India since 400 BC. However, there was no organized and systematic movement to safeguard the interest of consumers. Various enactments were made by the Indian Government from time to time to protect the interest of consumers in India during the pre and post-Independence era. Under the enactments made before 1986, the consumer had to initiate action by way of civil suit, which meant a time
consuming and expensive legal process. Therefore, the need for a simple and quicker access to redress consumer grievances was felt. Accordingly the Consumer Protection Act, 1986 was enacted and amended in 2002. This is one of the most important and beneficial legislations to protect the rights of consumers and provides remedies in case of defective consumer goods or deficiency in services. The important measures to empower consumers are, right to information, education, representation and redressal. Any legislation, directly or indirectly related to consumer protection, is obliged to take due note of these rights. All these rights have been incorporated under the CP Act 1986 to safeguard the interest of consumers. The consumer has to be awakened to the task of making his or her own movement a success. For this purpose, better testing, information and other facilities have to be provided consumer literacy should be the main slogan and this should lead to creating consumer power in order to stop exploitation.

According to consumer protection activist, Ralph Nader, “The fiber of a just society in pursuit of happiness is a thinking active citizenry”. It is the extent of participation and the sense of involvement of the people that will lead to real and effective consumer movement. Consumer education should be an integral part of the basic curriculum of the education system imparting sufficient knowledge about health, nutrition, food adulteration, prevention of food bone diseases, product hazards, labelling, weights and measures, prices and credit, and conditions. Proper uses of media can be supportive in this regard. Presently the most important areas of concern are food, clothing, shelter, health-care, drinking
water, sanitation, education, energy and transportation.

Consumer protection has its roots in the rich soil of the civilization. Human values and ethical practices were given great importance in ancient India. The need for consumer protection is recognised by law makers in India in ancient times itself. It was a very well realised that a consumer is prone to exploitation on the part of the providers of goods and services. It is the duty of every organisation to satisfy consumer by providing quality goods and services at right place, time and right quantity at a fair price. For fifty five years the Sale of Goods Act of 1930 was the main source of consumer protection in India.

From the above the redressal agencies under the Consumer Protection Act, 1986 clearly proves that the Act has played a key role by its implementation that the interests of consumers are better protected then ever before which is seen clearly from tabular columns. However, it should be noted that it is not the legislation alone on which we can depend for safeguarding the interest of consumer. Consumer activists and associations are also equally needed to make consumer protection movement a success in the country. There should more awareness, education, understanding, about the rights and privileges on the part the consumers. Consumer Protection Act 1986 as amended upto date is a welcome initiative taken by the regulatory agencies of India to protect the consumers from unscrupulous practices of the tainted product and service providers.

The Consumer Protection Act, 1986, a milestone in the history of socio-
economic legislation in India. Its implementation has now opened up a wide scope for giving relief to the unprotected consumer in India. A unique three-tier quasi-judicial redressal mechanism has been established under the Act to offer quick and inexpensive justice to a vast number of consumers in the country. Besides consumers and their organizations, even the state has been given *locus standi* under this legislation to protect the consumers’ interests, primarily against unscrupulous traders and businessmen, which is in itself a revolutionary development. In addition, an endeavour has also been made by the legislature in India, by way of incorporating suitable amendments, to keep this legislation up to date. For instance, after its enactment in 1986, the Act has already been amended thrice. It was first amended by the Consumer Protection (Amendment) Act, 1991, second amended by the Consumer Protection (Amendment) Act, 1993, and then third amended by the Consumer Protection (Amendment) Act, 2002.

The consumer movement had gathered momentum in both developed and developing countries though its presence was felt in the late seventeenth century in America yet it had gathered strong foothold by the end of nineteenth century. Similarly, France, Japan, Italy, Switzerland, Canada, and other parts of Asian countries including India the phenomenon had created a new wave. The growing interdependence of the world economy and international characters of many business practices have contributed to the development of universal emphasis on the need of consumer protection. Numerous laws have been framed for the welfare of the people but this piece
of legislation in the form of Consumer Protection Act, 1986 has been so
designed that it encompasses all kinds of goods and services to help the
consumer in getting what he had paid for.

The consumer movement is a recent phenomenon in India as compared
to other developed countries and this is why a statute for the protection of the
consumers was enacted here only in 1986. The necessity of such a statute was
being felt for a considerable time as the consumers were being exploited by
the manufacturers, dealers and traders as also by those offering services of
various types. The experience showed that ordinary law was not sufficient
for giving the required protection to the consumers. It was also felt that the
procedure being followed in ordinary Courts was cumbersome and time
consuming which the consumers could hardly afford. It was considered
necessary to give special protection to the consumers with a view to provide
them easy and speedy relief. It was with this end in view that the Parliament
passed a legislation which is known as the Consumer Protection Act, 1986.

The study has made an attempt to explore the myth that consumer
protection is a new phenomenon in India. A glance through the ancient history,
even though cursory, has clearly shown that just like the West, which traces the
seeds of consumer protection to the ancient Talmudic law, India too has
centuries old history of consumer considerations dating back as long as
5000 B.C. Thus the point that the present study has focused on consumer
movement in India, as it is making its headway in the 1990s, will be owing only
some of its origin to the West, where it had more fully developed in the early
1960s, while Indian consumer protection jurisprudence itself is very old and appears today as a unique jurisprudence. After examining the ancient period, the present study has briefly highlighted the position of consumer protection during the medieval times and during the British regime.

The emergence of the problem of consumer protection in India in the post-independence period as well as the governmental response in the form of successive legislative enactments has also been seen. In addition, it has been shown throughout the study how even the public sector, like the private corporate sector, has primarily been non responsive to the genuine needs of the citizenry as late as 1990, when a large number of cases filed by consumers and their organizations against the public sector have virtually compelled them into increasing self regulation. Notwithstanding the presence of many independent pieces of legislation on the subject, the average Indian consumer has, till recently been a victim of exploitation.

The study has simultaneously shown the significance of the various developments at the international level like the United Nations’ endeavours by means of issuing Consumer Protection Guidelines and their impact on the national governments. Besides this, it has been shown how factors like emerging consumer voluntarism and judicial activism have cumulatively played their part in compelling the government of India to enact a full – fledged and comprehensive statute on consumer protection.

The study has focused on the redressal mechanisms established under the 1986 Act and the initial problems encountered by the various state
governments in the establishment of these mechanisms. With the help of the case law, it has been shown that, notwithstanding the enactment of the legislation in 1986, the redressal mechanisms could only be established in 1989. The establishment, composition, and the jurisdictional aspects and powers and functions of National Commission, State Commission and District Forum have shown steady progress in their achievements. However, yet they need to proactive in redressing the affected consumers.

One of the major themes of the present study has been to discuss the provisions of the Consumer Protection Act, 1986 itself, more particularly the functioning of the redressal mechanisms established under this Act. The study mainly concentrated on functioning of the Consumer Dispute Redressal Forum, Bellary. The study mainly focused on total complaints filed, disposed and pending before the forum till 30th April 2014, and how many complaints disposed in favour of consumers and against the consumers? How many complaints disposed within 90 days, above 90 to 150 days and above 150 days? And also elaborately discussed on various categories of complaints filed by the complainants.

Another core theme of the present study is the detailed discussion of the findings of the forum in relation to defective of goods, deficiency in service, unfair trade practice and restrictive trade practice. It also focused attention on the consumer rights and remedies granted by District Consumer Forum and also discussed various case laws of the CDRF, Bellary.

To find out the effective functioning of the Consumer Dispute Redressal Forum the following research issues were raised.
• Time factor regarding filing and disposal of complaints.
• Whether formalities for filing the complaints before the forum are lengthy and complex?
• Whether consumers are aware about their rights?
• Whether separate redressal agencies which have been established for consumer grievances are beneficial?
• Whether objectives of Consumer Protection Act, 1986 regarding speedy justice and execution of the order have been achieved in practice?

The above issues were elaborately discussed in the study. Regarding first issue is concerned time factor for filing complaints is not enough. Many consumers, due to unaware about their rights and existence of the District Consumer Forum. Time limitation may be expired when they want to file the complaints.

Regarding second issue is concerned formalities for filing the complaints before the forum is not lengthy and complex, even without the assistance of the advocate any consumer can file the complaint and run the cases independently.

Regarding third issue is concerned majority of the consumers are unaware about their rights and they do not know about the existence of the District Consumer Forum.

Regarding fourth issue is concerned separate redressal agencies which have been established to redress the consumers’ grievances are very much
beneficial to the consumers to get speedy justice and less formalities in procedural aspects and meagre amount of payment of fee for filing the complaints, these all made the redressal agencies are very much beneficiary to consumers.

Regarding fifth issue is concerned one of the objectives of the Act regarding speedy justice has not been achieved effectively in practice and execution is concerned it has been effectively achieved in practice.

6.2. Suggestions

1. Government has to provide sufficient infrastructure facilities such as suitable court room, office premises, and required administrative staff for the smooth and effective functioning of the redressal agencies and particularly the Bellary District Forum.

2. Publicity is given to the existence of the redressal machinery. Most of the consumers don’t know that they have such Fora for redressing grievances. Legal literacy must be propagated by the news papers and other stronger media like Television, and Radio regularly and also by publishing books and monographs on consumers’ rights. These agencies should take up the task of enlightening and educating the consumers.

3. The consumer should not be just satisfied, after he gets compensation. He must publicise among his friends and if possible, in mass media. So that the other sellers are cautioned and consumers are educated. A well informed consumer is the foundation of healthy society.
4. Government should adopt policies under which, if a product is found to be seriously defective and constitute a substantial and severe hazard even when properly used, manufacturers and distributors should recall it and replace or modify it, or substitute another product for it, if it is not possible to do this within a reasonable period of time, the consumer should be adequately compensated.

5. Governments should regularly review legislation pertaining to weights and measures and assess the adequacy of the machinery for its enforcement.

6. Governments should encourage and assist the consumer organizations and other interested groups, including the media, educational institutes, cooperates and provides suitable system to implement awareness programmes through organizations like Law Clubs, Law Clinics, Legal Aid, NSS etc.

7. Consumer protection and consumer rights are going to be the order of the day even in the future Indian society. Knowledge of consumer rights available remedies and procedures needs to be incorporated in to the minimum information content of the educational system at school and college levels either by appropriate syllabus content or by incorporating other learning methodologies like slide shows, short film, live demonstrations, skit, debates, quiz, poster making, etc., So that the future generations will have better awareness of the rights of consumers and of their obligations as producers of goods and
8. Bearing in mind the need to reach rural consumers and illiterate consumers, Governments should develop or encourage the development of consumer information programmes in the mass media.

9. Government should organize or encourage training programmes for educators and mass media professionals to conduct consumer educational programmes.

10. Information and other dispute resolving procedures should be made available to consumers.

11. Consumer education should become an integral part of the basic curriculum of the educational system, so consumer law should be kept as a compulsory subject at graduate or post graduate level.

12. Consumer Forum should be established even at taluka places. Fora at Taluka level will help the consumer to realize his rights as a consumer in the interest of large number of rural poor. Fora at Taluka level will ensure consumer justice delivery system to the poor, illiterate and disadvantaged people.

13. The major concern in the functioning of consumer disputes redressal agencies is in terms of non availability of the President at regular timings. Regular, full time President and members need to be appointed on regular basis for the efficient functioning of consumer disputes redressal agencies and for prompt disposal of complaints.

14. Each redressal agency should have a well equipped library for
reference where consumers can get laws and other relevant materials.

15. Every college should have consumer cell to create awareness among the consumers.

16. The whole world is moving on a fast track, paperless governance, e-governance have become the order of the day. Therefore keeping in tune with the technological advancements, the Act should not only permit but also encourage e-filing of complaints in order avoid delay and to bring in promptness.

17. Though the scheme of computerisation and computer networking of consumer forum was launched, but the working of the district forum has not improved. The District Forum is not able to take full advantage of computerisation and complete the networking. Adequate staff needs to be sanctioned for manning the computers. The Members and other staff of the forum should be imported training in computer literacy and the operation of the software.

18. Government, Advocates, College Students and NGO’s should be arrange seminars, workshops and involved in consumer awareness activities.

19. Government should appoint advocates to handle the complaints of the consumers who need the assistance irrespective of their economical status.

20. On technical grounds many complaints are being dismissed, it will cause great hardship to consumers to seek redressal against their grievances. Rules regarding technicalities for filing the complaints should be made liberal.
21. Redressal Agencies should not consume more time for delivering the judgment and should dispose the complaints within the time limitation which has been prescribed under the Act.

22. Regarding jurisdiction is concerned the complaint should be allowed in the forum where consumer resides or carries business. This option should be added under the section 11 of the Act.

23. District Consumer Forum which has been situated in D.C. Office premises Bellary is convenient far away from the Old Central Bus Stand and New Central Bus Stand and also Railway Station to the advocates and complainants to travel. But more complainants told that Advocates are not available in this place to handle the complaints. It causes inconvenient to the complainants to travel. So it may be shifted to the premises of the District Court.

24. Government should release the fund to District Consumer Forums to conduct consumer awareness programmes.

25. District Consumer Forums should conduct consumer awareness programmes at least once in a month in rural and urban areas.

26. The provision of payment of fee for filing the complaints should not be there. Then only it will be helpful to the consumers who are economically backward to come forward for filing the complaints.

27. Time limitation for filing the complaints should be removed from the Act. Since, many consumers are unaware about the time limitation i.e., 2 years which has been prescribed under the Act. Sometimes they
cannot file the complaints within the time limitation due to unawareness of the time limitation as well as existence of the District Consumer Forum. If they file the complaint beyond the time limitation, the complaint will be dismissed. It will cause great hardship to the consumers who need to get justice and it also violates the rights of the consumers to seek redressal against their grievances. It indirectly avoids the consumers for filing the complaints against the unscrupulous traders and producers of goods.

28. Consumers have to observe the following cautions while purchasing the goods:

i) Every consumer ought to know his/her rights and responsibilities of the seller.

ii) Consumers should be aware about the standard of weights and measures while purchasing the products.

iii) Consumers should check date of manufacture and date of expiry when buying goods. These are more important in case of medicines, canned or tinned foods or packed drinks which are in limited duration.

iv) Consumers must check all the warranties, guarantees and instruction manuals are received by them along with the goods. If seller fails to issue warranty and guarantee cards where these are provided by the manufacturers, consumers should demand the seller to issue warranty and guarantee cards.
v) Consumers must demand the bill of purchase or cash memo and must retain the same. This would serve as proof of purchase and can be helpful in the event any defect in the product. Without such evidence of purchase, it would be very difficult to impose liability on the seller.

vi) Where sale is by description, consumer should check whether the goods supplied by seller correspond to the description or claim made by him in respect of its quality, quantity, measurement or specification. If sale is by sample, the goods supplied should correspond to the sample in quality and standards.

vii) Consumers must purchase goods from reputed and recognized shops. One must be sure whether the seller has a right to sell the goods and having a clear title over the goods. Consumer should be aware about the spurious goods in the market and unfair trade practices which are adopted by the sellers to attract the consumers and making increase in the sale of goods.

viii) Consumers should not abuse the provisions of the Consumer Protection Act, 1986. Under the Act, vexatious or frivolous complaint is liable to be dismissed with costs.

ix) Consumers must prefer ISI marked goods. In case of food commodities, insist on properly packaged and sealed foods preferably with an ‘AGMARK’ certificate.

x) Consumers must demand the supply of goods at a reasonable
price. In case of packed commodities where price has been fixed it should not exceed the price shown on the packet.