CHAPTER VII

SUMMARY OF FINDINGS, SUGGESTIONS AND CONCLUSION

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7.1 INTRODUCTION

Summary of the findings and the suggestions are given in this chapter. Suggestions are given so as to make the functioning of DCDRF Ramanathapuram in as effective way. The suggestions and recommendations discussed here have emerged from the discussion made in the foregoing chapters the discussions were based on the empirical data discussions, deliberations, views and observations with the persons connected with consumer movements especially the knowledgeable persons in the field of consumer laws and the functioning of DCDRF of Ramanathapuram District.

7.2 SUMMARY OF FINDINGS

In the introductory chapter, an attempt has been made to discuss, the importance of the present study, the statement of the problem, objectives of the study, scope of the study, methodology being employed here, and the hypothesis with sampling designs have been detailed here. Tools used here, collection of data definition of operational concepts, period of the study, frame work of analysis, limitations and the chapter schemes have been discussed.

The second chapter is devoted to review the previous studies regarding consumer organizations and their functioning have been over viewed for the purpose of having an idea about the functioning of consumer Forum. Both foreign studies and Indian studies regarding consumer grievances redressal agencies have been studied.

The third chapter contains the history of evolution and growth of consumer and consumerism. Here, the role of the government in consumer movement, the provision of Consumer Protection Act 1986, the procedural differences in the functioning of the civil
court and the consumer Forum, the profile of the study area are given in a detailed manner.

The fourth chapter evaluates the functioning of the Ramanathapuram District Consumer Disputes Redressal Forum, The procedures of making complaints in the Forum, so far the cases filed, settled and pending for disposal during the study period have been enshrined. Also the number of cases settled in favour and against the consumer are discussed here with necessary tables. The opinion of the consumers regarding filing cases has been studied with tables based on the questionnaire.

The fifth chapter of the report analyses the qualitative performance of District Consumer Disputers Redressal Forum of Ramanathapuram District. The attitude of the complainants regarding the functioning of the Forum and the opinion of the complainants have been analysed with necessary data. The attitude and opinion of the both complainant and defendants regarding the functioning of the Forum is detailed here with necessary tables.

The fourth chapter, fifth chapter and sixth chapter of the study with analyse the functions of the Rmanathapuram District Consumer Disputes Redressal Forum, evaluation of qualitative performance of DCDRF and opinion of the stakeholder on the functioning of the Forum respectively are discussed.

The following are the findings and the suggestions for the betterment of District Consumer Disputes Redressal Forum in Ramanathapuram District, Tamilnadu.

1. During the study period 2005-2012, 2310 complaints have been preferred to the Forum. Among them 1384 complaints (59.91%) succeeded. 926 (40.09%) are
pending for disposal. Stability was observed in total complaints as co-efficient of variation was less.

2. While the rate of disposal of complaints is decreasing that in pending cases is increasing. There has been a decreasing trend in the filing of cases. It is observed that the number of respondents who filed their complaints through consumer organization is minimum.

3. It comes to light that people with more income prefer to approach the Forum through advocates and not on their own.

4. It is observed that most of the respondents occupying higher position lodge their complaints through advocates.

5. The hypothesis that there is no significant relationship between socio-economic variables of the complainants and their attitude towards the method of lodging the complaints is rejected. As the calculated value of chi-square is more than the table value.

6. With regard to the opinion of the respondents on factors responsible for slow disposal of cases, all the eight factors taken into account are not equally responsible for it. Thus the null hypothesis is rejected.

7. Regarding the opinion of the respondents on the functioning of the District Forum, most of the respondents 169 (56.33%) were of the opinion that the procedures followed by DCDRF, are much time consuming.
8. With regard to the opinion of the respondents on the desirability of engaging advocates irrespective of age, majority of the respondents is in favour of engaging advocates.

9. It is learnt that the middle income group (Rs 10,000-20,000) is more in favour of engaging advocates, compared to the low income group to approach the Forum.

10. It is observed that most of the professional respondents are not in favour of engaging advocates.

11. There is no significant relationship between socio-economic variables of the complainants and their attitude towards the desirability of engaging advocates. The null hypothesis is accepted as calculated value of Chi-square is more than the table value at 5 per cent level of significance.

12. With regard to opinion of the respondents on factors upon which the complaints are in favour of engaging advocates, all the seven factors are not equally important.

13. As regards the opinion of the respondents on factors upon which the complainants are not in favour of engaging advocates all the five factors are equally important. With regard to opinion of the complainants on infrastructural facilities, most of the respondents opined (69%) that the infrastructural facilities are inadequate.

14. Regarding opinion on the proposal to establish a Forum at sub-divisional level, majority of all age groups is in favour of it.
15. The establishing of the Forum in sub-divisional level, is considered essential by all irrespective of sex, income and occupation.

16. With regard to the impact of dependant variables namely, sex, income and occupation on the proposal to establish the Forum at sub-divisional level the hypothesis has been framed.

17. There is no significant relationship between the socio-economic variables of the complainants and their attitude towards a proposal to establish a Forum at sub-divisional level, calculated value is more so the null hypothesis is rejected, So the factors influence the establishing of Forum at sub-divisional level.

18. It is understood that majority of the respondents (63%) is in favour of filing complaints, if it is exploited in future.

19. With regard to the opinion of the complainants on settled cases it is found that most of the respondents (87.88%) are not satisfied with the time taken by the DCDRF for settlement.

20. With regard to the reasons for approaching Consumer Forum, majority of the respondents (43%) feels that the deficiency in service is the chief warranting them to approach cause.

21. It is found that a large number of cases are filed against public sector undertakings such as Bank, Electricity and Postal Departments for deficiency in service.

22. The analysis pertaining to the nature of the redressal sought from the Forum discloses that majority of the complainants (40%) approaches it for compensation.
23. It is ascertained that most of the respondents come to know about the District Consumer Forum through newspaper and electronic media.

24. With regard to the time taken for furnishing the copy of the verdict it is found that, the majority of the complainants feels that the DCDRF does so within one month from the date of the pronouncement of it.

25. It is found that the time taken by the Forum from the date of the order to the date of execution, majority (45.45%) of the complainants feels that it is executed within one month. While 30.30 per cent of the respondents expresses that it is three months.

26. It is disheartening to note that no case is settled by the Forum within 90 days as per the provisions of the Consumer Protection Act, 1986.

27. With regard to the level of satisfaction of the complainants as to the total time taken, by the Forum for redressal of their grievance it is ascertained that the majority (87.66%) of them expresses in negative.

28. Majority of the complainants appears through advocates. As to the expenses involved in conducting the cases, it is observed that the majority of the complainants (62.12%) feels that it is moderate.

29. With regard to the opinion of the respondents on the fee paid to advocate, it is observed that majority (43.17%) of the respondents feels that it is high.
30. With regard to the knowledge of Voluntary Consumer Organisation majority of the complainants (56.33%) that they have prior knowledge about the Voluntary Consumer Organisation.

31. It is also observed that majority of 171 (94.33%) the consumers is not availing the services of Voluntary Consumer Organisation.

32. As regards the satisfaction regarding the services of Voluntary Consumer Organisation, majority (83.72%) of the complainants is satisfied with them.

33. With regard to proceedings of the Forum, majority of the respondents opines that they simple.

34. The analysis on the level of satisfaction of the respondents on the overall performance of the Forum, brings to light that majority (58.33%) of them is dissatisfied with it.

35. With regard to the amount of compensation demanded, by the respondents it is inferred that majority (240) 80 per cent of them demands less then Rs. one lakh.

36. It is also observed that only a few of the respondents claim up to Rs. 20 lakhs

37. With regard to the amount of Compensation offered, to the respondents, majority 48 (72.72%) of them received less than Rs. one lakh.

38. Despite the favourable order as regards compensation it is shocking to note that 12 respondents have not received it.
39. With regard to opinion on the judgment, of the Forum 54 (81.82%) complainants are satisfied with it leading to the conclusion that majority of them is happy over it.

40. It is learnt that majority of the dissatisfied respondents wants to prefer appeal against the order of the Forum.

41. It is ascertained that 34 respondents (51.52%) received the actual cost of the proceeding along with the compensation.

42. Out of 300 respondents, 186 are of the opinion that appointing a substitute whenever the president goes on leave will improve the functioning of the Forum. According to them all its members must be made to attend the meetings regularly, the cases for trial on each day must be put up on its notice board and the appearance of the parties must be reduced as much as possible.

43. It is observed that the consumer awareness ranks as the foremost factor in consumer protection movement. Subsequently importance has been given to enforcement of law, maintaining of social responsiveness and the active role of consumer organization in the district.

44. With regard to level of awareness of defendants as to the Consumer Protection Act 1986, and the functioning of District Forum most of the Government / Quasi Government respondents are fully aware of them and existence. It is interesting to note that private business house respondents (55.17%) are fully aware of the Act but not of the existence of the Forum.
45. With regard to relative importance of the factors responsible for the sluggish disposal of cases, eight factors namely, too many complaints, complex and technical procedure, Short duration court (Number of days in week), Short period of sitting (Number of hours in a day), Frequent adjournment of cases, Non-observation of punctuality by members of the Forum, Lack of monitoring of disposal of cases by the state Government, Resistance to change in work culture in the Forum had been taken into account, there was no significant relationship between the eight factor responsible for the sluggish disposal of cases, the null hypothesis is rejected.

46. The analysis discloses that the majority 24 (41.38%) of the Government/Quasi Government are of the opinion that the procedure followed by the District Forum is time consuming. At the same time, the majority of the private business house respondents opined that the procedure followed for settling the dispute is quite complex in nature.

47. As the answer for the question whether it is desirable to engage advocates for representing the case there is no significant relationship between the three factors namely, Advocates represents the cases most efficiently, Advocates help the Forum to dispose the cases quickly, Opposite parties do not spare time for the courts and hence the null hypothesis is rejected.

48. It is the opinion of the majority (89.66%) of the Government/Quasi Government respondents and also private business house respondents (71.43%) that the establishment of the Forum at such sub-divisional level is unnecessary.
49. The Study throws light on the fact that majority of the respondents are not fully satisfied with the infrastructure facilities available in the Forum at present.

50. For the question whether the respondents are satisfied with the settled cases the answer is in the negative.

51. While most of the individual respondents are of the opinion that the Consumer Protection Act 1986, is the best among the legislations enacted in India so far, the business community feels that the Act is not a conducive one for the betterment of the economy.

52. Regarding the impact of enactment Consumer Protection Act, majority of the respondents accepts that it has not created much change in the attitude of the business community and they are as they were.

53. It is pleasant to note that most of the respondents are of the view of DCDRF is easily accessible.

54. All the stakeholders strongly agreed that the procedures followed by DCDRF are very simple when it is compared to a civil court.

55. Most of the stakeholders agree that conducive environment for the settlement of the disputes prevails in DCDRF.

56. Most of the stakeholders are of the opinion that the Forum is not able to dispose of the case within the statutorily stipulated time limit of 90 days or 150 days.
57. Regarding the delay in the disposal of the cases, most of the stakeholders are of the opinion that the frequent and long adjournments, delay in filling up vacancies in the Forum and improper planning are the main reasons for the delay.

58. The DCDRF is not encouraging most of stakeholder to argue the cases themselves though the appointment of an advocate for this purpose.

59. Out of 227 respondents 50 (22.03%) feels that their cost in conducting a case in DCDRF is far less as compared to that in a civil court.

60. It is observed that advocates with less then five years of experience engage themselves in conducting cases in DCDRF.

61. It is shocking to learn that the majority of the advocates respondents is not having membership in consumer organizations.

62. Regarding the opinion of the advocates, on the procedures followed in disposal of cases, majority of them is the opinion that the procedures followed in DCDRF in redressing grievances are simple as compared to those in civil courts.

63. Regarding the opinion of the advocates on the time taken for disposal of cases, majority (54%) of them is of the opinion that the time taken by the Forum is not reasonable.

64. As to the infrastructure in the District Forum, majority (64.45%) the advocates is of the opinion that it is insufficient.
65. For the question whether the establishment of the Forum at the sub-divisional level would pay dividend the answer from most of the advocates is in the negative.

66. Out of the eight factors responsible for the delay in the disposal to the cases such as: Too many complaints, Complex and technical procedure, Short duration of court, Short period of sitting, Frequent adjournment of cases, Non-observation of punctuality of members of Forum, Lack of monitoring of disposal of cases by the Government and Resistance to change work culture in the courts ranks first. If the Government and Quasi Government are defendants while lack of punctuality in the members of the Forum takes that position in the call of private business houses.

67. It is observed that the opinion of the office bearers of the Voluntary Consumer Organisations on the desirability of the engaging advocates by the complainants, out of the five factors, such as Opinion on the factors responsible for the slow disposal of cases, Opinion on the desirability of engaging advocates by the complaints, Opinion on the infrastructure facilities available in the Forum, Opinion on a proposal to establish Forum at sub-divisional level and Relative importance of factors in consumer protection, consumer organization are ready to help the consumer without charging anything for the services is accepted by the majority.
68. Most of the office bearers of the consumer organizations are of the view that the space and staff available in the Forum is inadequate. While the furniture and the library available there is adequate.

69. Regarding their opinion on the establishment of sub-divisional Forum, most (15) of the office bearers of the consumer organizations.

70. Among the four factors such as: Consumer Awareness, Enforcement of Law, Social responsibility of business and Active role of consumer organizations. Active role of consumer organizations stands first among the four factors to protecting the interest of the consumers.

7.3 SUGGESTIONS

On the basis of the findings of the study the following suggestions are offered for the functioning of the DCDRF effectively and efficiently.

1. Suggestion to the Government

1. On an analysis of the working of the Ramanathapuram District Forum it is learnt that there is no criterion for awarding cost and rate of interest for the compensation allowed by the Forum. It varies from case to case. Hence, it would be better to have a criterion for calculating and awarding compensation and rate of interest.

2. For furnishing wrongful information even in advertently the consumer is fined heavily thereby deterring him from filing any complaint with the Forum. Hence, it is advisable to have a scrutinizing section in the District consumer Redressal
Forum to ascertain whether the complaint is fit for the probe or not. Further consumers should be informed about the consequences of misuse and abuse of the process of filing complaints with untrue information.

3. Generally it is learnt that the environment of the DCDRF is better than that of the Civil Court. But, the role of Non-legal members in the Forum should be constructive and conducive to improve the working atmosphere in DCDRF. They should be men of high qualification as far as Ramanathapuram Forum is concerned.

4. Without giving undue importance to the legal complexities, the District Forum should be simple in its grievance redressal process.

5. Ramanathapuram District Redressal Forum is meeting twice in a week. Hence, it is suggested that it would be better if the Forum meets throughout the week except holidays. Strict punctuality should be maintained regarding sitting time. Separate president exclusively for Ramanathapuram Forum should be appointed to deal with the cases effectively and efficiently.

6. If any vacancy arises in the Forum, it should be filled up immediately with qualified persons.

7. Instead of the present practice of appointing retired District Judges, as the president of the Forum judges at the verge of retirement may be appointed

8. The president and the members of the District Forum occupy respectable posts. Hence, they should be paid decent salary or honorarium and other allowances.
Now there is only a paltry amount is allowed. Vehicles should be provided to the president and the members so as to encourage them to participate in the movement eagerly.

9. It is learnt that insufficient infrastructural facilities are hurdles to the effective functioning of Ramanathapuram Forum. For example, it is functioning without having a separate building. Now it is in the corner of collector office campus without having any easy and neat pathway approachable. Hence, it is suggested to provide a separate office building with necessary infrastructures. It should have all the paraphernalia needed for a modern court.

10. Computerization is the order of the day. All the records of the cases and the proceedings of the Forum must be made as e-administered.

11. The state commission may supervise and monitor the functioning of the District Forum at regular intervals including the time taken for the disposal of cases.

12. Non-Judicial members in the District Forum should have proper training in the proceeding of the Forum.

13. To fulfill the expectation of the Consumer Protection Act, 1986, the redressal agencies such as District State Commission and National Commission should have intimate relations and coordination in dealing with the cases. It may pave the way for marked improvement in achieving the objects of the Consumer Protection Act, 1986.
14. Forum may be established at sub divisional level to reduce time and expenses on travel by the complainants.

15. When the consumer appears personally in the Forum due to his inability to engage a lawyer and the defending organization engages a lawyer the President of the Forum may recommend the District Legal Aid Center to provide legal assistance to the complainants.

16. Above all it is suggested that the Consumer Protection Act may be suitably amended to help the consumers in modern ways.

II. Suggestion to the officials of DCDRF

17. Delay in rendering Justice should be avoided. The Forum should have powers to grant ‘interim order’ in order to prevent the businessmen from co-existing the consumers during the trial.

18. Speedy disposal of cases is advocated by the experts in consumer matters. It is learnt that it is not possible to solve the problem within the stipulated time. Hence it is necessary to review the existing time bound redressal in order to eliminate its adverse effects.

19. To avert delay and to have an effective functioning of DCDRF, the number of members might be increased by providing adequate funds. A separate monitoring agency may be formed to Oversee the DCDRF.
20. The frequency of appearance by the consumer before the Forum may be reduced. Frequent visit will increase the cost of the trial, which is against the objectives of the Consumer Protection Act, 1986.

21. It is learnt that negligent tortfeasers are responsible for the consumer’s trouble and the cases in the Forum. Hence, they may be compelled to pay the administrative cost of the DCDRF based on the compensation proposed.

22. District Forum should redress the cases quickly within the stipulated time. If the case is not disposed of within the period the case may be considered as old and a special attention should be bestowed on it for disposal at the earliest.

23. Adjourning the case often should be avoided. Adjournment must be permitted only when there is exceptional circumstance or on humanitarian ground. This will reduce the cost of the proceeding and cause quick disposal of the cases, as the District is economically backward.

**III. Suggestion to the Advocates**

24. It is true that the involvement of Lawyers in DCDRF is advantageous to the consumers. But, the advocates, as in civil courts, use to seek adjournment often. It makes the trial time consuming and more complicated. As the consumer laws are against involvement of lawyers in consumer cases, it is advisable to reduce their presence to make redressal measures simple.
IV. Suggestion to the Voluntary Consumer Organizations

26. The Voluntary Consumer Organisations, for safeguarding the interests of the consumers, must take further / additional steps to create awareness about the consumer rights and responsibilities.

27. Steps may be taken by Voluntary Consumer Organisations to conduct seminars and workshops involving mainly, the public.

V. Suggestion to the Consumers

28. It is suggested that consumer should be vigilant, while buying goods and service.

29. In case of any dispute, they may instead of engaging a lawyer they argue themselves may represent to the Forum as per the provisions of the law enacted exclusively for the purpose. It could reduce the cost of the proceeding to them.

30. Unnecessary complaints against the Government / Quasi Government and the business houses should be avoided.

31. Consumers are the king of any business, but this privilege should not at any cost be misused leading to unnecessary litigation.

5.4 CONCLUSION

In the foregoing pages, the nature and the functioning of Ramanathapuram District Consumer Redressal Forum was discussed in detail. It has not been effectively and efficiently dealing with cases arising in the district. If adequate staff and number of working days are increased its function would be highly appreciated by everybody in the area.
The very purpose of enacting the Consumer Protection Act 1986 is to provide speedy and economic relief to the grievances of consumers where as the present scenario in the district is not that much commendable.

The producers/ providers of service in the District must realize that their activities based on social responsiveness to the consumer needs would be highly appreciated.

7.5 SCOPE FOR FURTHER RESEARCH

While conducting the present study, certain aspects could not be dealt with in detail in view of study objectives and constraints of time and cost, Besides findings also provide certain clues on the basis of which the following priority areas can be selected for further research.

1. Historical developments of Consumer Protection Laws in India
2. Functioning of Consumer Protection Agencies in India
3. Case Study of Consumer Disputes Redressal Commission.
4. Case Study of Consumer Disputes Redressal Forum
5. Role of Voluntary Consumer Organizations in Consumer Protection
6. Case Study of Voluntary Consumer Organization
7. Comparative study of rural and urban Consumer Organizations
9. Role of Business Organizations in Consumer Protection