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REVIEW ARTICLE

CONSUMER DISPUTES REDRESSAL AGENCIES

Consumer Disputes Redressal Agencies

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INTRODUCTION:

Tolerance has a limit. Consumer movements spearheaded the attacks and slowly but surely the lobby grew stronger and stronger day by day. Awareness in a consumer, that his rights were being sabotaged, grew from day to day. He realized that though on paper he was a king, nevertheless he remained a slave. The psychology under which the consumer in India had treated for decades that he had 'no choice' needed to be penetrated with an effective dose of making him feel like a 'King' and not merely think like a 'King.'

The consumer has to be aware of his rights and play a key role. This is possible through consumerism, it refers to wide range of activities of Government, business & independent organizations designed to protect right of the consumer as envisaged in Consumer Protection Act 1986 and ensuring right standards for the goods & services for which one makes a payment. The redressal agencies play an active role in providing relief to consumers, each district forum & above the district forum is the State Commission established in each state capital and above that is National Commission established in Delhi. From National Commission we can file an appeal to Supreme Court with regard to the territorial Jurisdiction of the redressal agencies. Complaint can be instituted within the limit of which opposite party (or) each of the opposite parties (or) any of the opposite parties resides or carries on business or has a branch office or personally works for gain or the cause of action wholly or in part arises.

OBJECTIVES OF THE STUDY:

- To study the consumer disputes redressal agencies.
- To provide suggestions for Redressal agencies.

CONSUMER DISPUTE

On a complaint before the Consumers Redressal Forums against a person, who denies or disputes the allegations contained in the complaint a consumer dispute arises. Separate allegations may form

separate disputes requiring separate finding on each dispute.

THREE-TIER CONSUMER DISPUTES REDRESSAL AGENCIES

Establishment of Consumer Disputes Redressal Agencies. - There shall be established for the purposes of this Act, the following agencies, namely:—

- (a) A Consumer Disputes Redressal Forum to be known as the "District Forum" established by the State Government in each district of the State by notification: Provided that the State Government may, if it deems fit, establish more than one District Forum in a district.
- (b) A Consumer Disputes Redressal Commission to be known as the "State Commission" established by the State Government in the State by notification; and
- (c) A National Consumer Disputes Redressal Commission established by the Central Government by notification.

10. Composition of the District Forum. —
(1) Each District Forum shall consist of,—

- (a) a person who is, or has been, or is qualified to be a District Judge, who shall be its President.
- (b) Two other members, one of whom shall be a woman. These members should be of sufficient integrity, reputation, experience or knowledge or they will be from among those persons who have proved their ability in solving problems relating to economics, accountancy, industry, public affairs or administration. Moreover, the members of district forum shall be at least graduate and shall not be less than 35 years of age.

Every appointment under sub-section (1) shall be made by the State Government on the

recommendation of a selection committee consisting of the following, namely:—

- (i) The President of the State Commission
— Chairman.
 - (ii) Secretary, Law Department of the State
— Member.
 - (iii) Secretary incharge of the Department dealing with consumer affairs in the State
— Member.
- (2) Every member of the District Forum shall hold office for a term of five years or up to the age of sixty-five years, whichever is earlier.

Provided further that a member may resign his office in writing under his hand addressed to the State Government and on such resignation being accepted, his office shall become vacant and may be filled by appointment of a person possessing any of the qualifications.

- (3) The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the members of the District Forum shall be such as may be prescribed by the State Government.
11. Jurisdiction of the District Forum.—(1) Subject to the other provisions of this Act, the District Forum shall have jurisdiction to entertain complaints where the value of the goods or services and the compensation, if any, claimed "does not exceed rupees twenty lakhs.
- (2) A complaint shall be instituted in a District Forum within the local limits of whose jurisdiction,—
- (a) The opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or carries on business or has a branch office or personally works for gain, or
 - (b) Any of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides, or carries on business or has a branch office, or personally works for gain, provided that in such case either the permission of the District Forum is given, or the opposite parties who do not reside, or carry on business or have a branch office, or personally work for gain, as the case may be, acquiesce in such institution; or
 - (c) The cause of action, wholly or in part, arises.

12. Methods for making complaint:

The method of filing a complaint in the District Forum is given in Section-12 of the Consumer Protection Act, 1986. Complaint can be filed or sent by post. Complaint can be filed by:

1. The consumer
2. One or more consumer
3. Any registered voluntary consumer organization
4. Central or state government
5. Legal heir or representative of a deceased consumer

PROCEDURE ON RECEIPT OF COMPLAINT

The District Forum shall on receipt of a complaint -

1. Refer a copy of such complaint to the opposite party directing him to give his version of the case within a period of 30 days or such extended period not exceeding 15 days as may be granted by the District Forum ;
2. Where the opposite party, on receipt of a copy of the complaint, denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the consumer dispute,
 - (i) On the basis of evidence brought to his notice by the complainant and the opposite party, where the opposite denies or disputes the allegations contained in the complaint ; or
 - (ii) On the basis of evidence brought to its notice by the complainant where the opposite party omits or fails to take any action to represent his case within the time given by the Forum ;
 - (iii) Where the complainant or his authorised agent fails to appear before the District Forum on such day, the District Forum may in its discretion either dismiss the complaint in default or if a substantial portion of the evidence of the complainant has already been recorded, decide it on merits. Where the opposite party or its authorised agent fails to appear on the day of hearing, the District Forum may decide the complaint ex-parte.

- (iv) Where any party to a complaint to whom time has been granted fails to produce his evidence or to cause the attendance of his witnesses or to perform any other act necessary to the further progress of the complaint, for which time has been allowed, the District Forum may notwithstanding such default :-
- (a) If the parties are present, proceed to decide the complaint forthwith ; or
- (b) if the parties or any of them is absent, proceed as mentioned above in (b) (iii) ;
- (v) The District Forum may, on such terms as it may think fit at any stage, adjourn the hearing of the complaint but not more than one adjournment shall ordinarily be given and the complaint should be decided within 90 days from the date of notice received by the opposite party where complaint does not require analysis or testing of the goods and within 150 days if it requires analysis or testing of the goods.

FINDINGS OF THE DISTRICT FORUM

If, after the proceedings, the District Forum is satisfied that any of the allegations contained in the complaint about the services are proved, it shall issue an order to the opposite party directing him to do one or more of the following things:

1. To return to the complainant the charges paid.
2. Pay such amount as may be awarded by it as compensation to the consumer for any loss or injury suffered by the consumer due to the negligence of the opposite party.
3. To remove the deficiency in the services in question.
4. To provide for adequate costs to parties.

APPEAL AGAINST ORDERS OF THE DIST. FORUM

Any person aggrieved by an order made by the District Forum may appeal against such order to the State Commission within a period of 30 days from the date of the order. The State Commission may entertain an appeal after 30 days if it is satisfied that there was sufficient cause for not filing it within that period.

STATE COMMISSION

It shall consist of -

1. A person who is or has been a Judge of a High Court, who shall be its President;
2. Two other members (as for District Forum).

JURISDICTION OF THE STATE COMMISSION

The State Commission has jurisdiction to entertain -

1. Complaints where the value of services and compensation claimed exceeds rupees 5 lakhs but does not exceed rupees 20 lakhs;
2. Appeals against the orders of any District Forum within the state;
3. Revision petitions against the District Forum.

PROCEDURE TO BE FOLLOWED BY STATE COMMISSION

Same as for District Forum.

PROCEDURE FOR HEARING APPEALS

The State Commission may, on such terms as it may think fit and at any stage, adjourn the hearing of appeal, but not more than one adjournment shall ordinarily be given and the appeal should be decided within 90 days from the first date of hearing.

APPEALS AGAINST ORDERS OF STATE COMMISSION

Any person aggrieved by an order made by the State Commission may appeal against such order to the National Commission within a period of 30 days. The National Commission may entertain an appeal after 30 days if it is satisfied that there was sufficient cause for not filing it within that period

NATIONAL COMMISSION

This shall consist of -

1. A person who is or has been a Judge of the Supreme Court, who shall be its President. (No appointment under this clause shall be made except after consultation with the Chief Justice of India).
2. 4 other members (qualifications: As for District Forum /State Commission).

JURISDICTION OF THE NATIONAL COMMISSION

The National Commission shall have jurisdiction -

- (a) To entertain
 - (i) Complaints where the value of services and compensation claimed exceeds rupees 20 lakhs; and
 - (ii) Appeals against the orders of any State Commission.
- (b) To entertain revision petition against the State Commission.

PROCEDURE TO BE FOLLOWED BY THE NATIONAL COMMISSION

A complaint containing the following particulars shall be presented by the complainant in person or by his agent to the National Commission or be sent by registered post, addressed to the National Commission :-

1. The name, description and the address of the complainant;
2. The name, description and address of the opposite party or parties, as the case may be, so far as they can be ascertained;
3. The facts relating to the complaint and when and where it arose;
4. Documents in support of the allegations contained in the complaint;
5. The relief which the complainant claims.

The remaining procedure and the procedure for hearing the appeal is similar to that for State Commission.

APPEAL AGAINST ORDERS OF THE NATIONAL COMMISSION

Any person, aggrieved by an order made by the National Commission, may appeal against such order to the Supreme Court within a period of 30 days from the date of the order. The Supreme Court may entertain an appeal after 30 days if it is satisfied that there was sufficient cause for not filing it within that period.

LIMITATION PERIOD

The District Forum, the State Commission or the National Commission shall not admit a complaint unless it is filed within 2 years from the date on which the cause of action has arisen. In case there are sufficient grounds for not filing the complaint within such period, extension may be granted.

DISMISSAL OF FRIVOLOUS OR VEXATIOUS COMPLAINTS

Where a complaint instituted before the District Forum, the State Commission or the National Commission, as the case may be, is found to be frivolous or vexatious, it shall, for reasons to be recorded in writing, dismiss the complaint and make an order that the complainant shall pay to the opposite party such cost, not exceeding 10,000 rupees, as may be specified in the order.

PENALTIES

Where a person against whom a complaint is made or the complainant fails or omits to comply with any order made by the District Forum, the State Commission or the National Commission, as the case may be, such person or complainant shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to three years, or with fine which shall not be less than 2,000 rupees but which may extend to 10,000 rupees or with both. In exceptional circumstances the penalties may be reduced further

SUGGESTIONS:

The Indian Courts and other redressal agencies should act verily at the first hour to curb the problems faced by the consumers and all agency should act promptly in order to get the law and order at an very instance of time to enable the consumers to get their rights they deserve as he is the King of the market.

CONCLUSION

The Consumer Council at national, state and district level are significantly contributing to provide justice to the consumers who are in need. The mechanism of Consumer Protection Act, 1986 provided consumer from different categories based on the value of the case to take the assistance of district, state and national commission.

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