

Working of District Forums in Jharkhand

- A Study of the Perception of Presidents and Members



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Preface

In a market driven economy the consumers need to be protected. The Consumer Protection Act, 1986 is one of the most important welfare legislations enacted by the Government of India. The Act not only provides for better protection of the consumers but it also provides for a speedy three tier mechanism to redress the consumer grievances. There are 617 District Forums that have been set up in all the Districts of the country. Out of these 560 are functional as of today. The District Forums have been entertaining complaints from the consumers and since inception 2630580 cases have been filed in the Forums. 91 percent of the cases have been disposed of by these Forums inspite of problems relating to lack of funds, manpower and infrastructural facilities. With an overall disposal rate of 91 percent the District Forums have been instrumental in providing relief to a large number of consumers.

The District Forums are headed by the President and two other Members who are appointed by the State Government on the recommendation of a Selection Committee headed by the President of the State Commission.

Jharkhand is the twenty eighth state of India and has twenty one District Forums. 29544 cases have been filed since inception and 92.35 percent cases have been disposed of. The present study focuses on the Presidents and the Members of the District Forums of Jharkhand. Their perception on various aspects of the implementation of the Consumer Protection Act and the working of the forums has been presented in this brief report.

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*IIPA, New Delhi
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Executive Summary

The Consumer Protection Act was enacted in 1986 to provide better protection to the consumers. The state of Jharkhand came into existence in 2000 and in 2001 the Jharkhand State Consumer Disputes Redressal Commission was set up. Since inception upto 14.01.2010, 30455 cases have been filed in the District Forums in Jharkhand out of which 28105 cases have been disposed of and 2350 cases are pending. The disposal of cases stands to 92.28 percent. The study is an attempt to examine the implementation of the Consumer Protection Act in the state of Jharkhand and also to assess the effectiveness of the District Forums in disposal of the cases and the problems faced by them. The President and the Members of the District Forum constitute the backbone of the forum. They are required to discharge their functions as per the provisions of the Act. Therefore, an attempt has been made to analyse their views and perception so as to evaluate the functioning of the District Forums and the implementation of the Consumer Protection Act in the state of Jharkhand.

The state of Jharkhand is divided into 21 districts and the district forums have been set up in all the districts. The total strength of the Presidents and Members is 63. However, at present two posts of Presidents and four posts of Members are vacant. Therefore, the effective strength is 57 as per data available upto 14.01.2010.

Perception of the Presidents and Members of the District Forums

1. **Profile of the respondents-** The sample size consists of 35 respondents, which includes 7 Presidents and 28 Members. Out of the total respondents 34 percent of the respondents are women and 66 percent are males. As far as the age of the respondents is concerned 49 percent are above 60 years of age because of the appointment of retired district judges as Presidents of the Forums. 20 percent of the respondents are less than 40 years of age. 20 percent are between the

age group of 40-50 years and 11 percent belong to the age category of 50-60 years.

2. **Educational Qualification of the respondents** - 57.14 percent of them are law graduates, 22.86 are graduates, 5.71 percent have done LL.M, 5.71 have BSc degree, 5.71 possess MA and 2.86 M.Com degrees respectively. An overall look at the educational qualification reveals that most of the respondents are well qualified.
3. **Previous Occupation of the Respondents** - 25 percent of the respondents are from the judicial services, 20 percent are from government service, 11 percent are lawyers, 17 percent belong to the private sector, 9 percent are social workers and six percent are housewives. The District Forums have a mix of people from various professional backgrounds. This has brought in people with varied experience and backgrounds thereby enlarging the scope of the consumer movement.
4. **Understanding of Law-** Of the total respondents 62.86 percent are law graduates and 37.14 do not possess law degree but have degrees from other disciplines. Only 5.71 percent of the respondents, who do not possess law degree agreed that they experienced problems in discharging their functions. 51.43 percent said that they do not experience any difficulty in discharging their duties due to lack of a law degree. What is more interesting is that 42.86 percent of the respondents did not answer this question. 95.45 percent of the respondents with a law degree do not have any difficulty in passing a legal order, while on the other hand 30.77 percent of those not having a law degree have difficulties in passing a legal order.
5. **Knowledge of Consumer Protection legislations and other Procedures-** Only 11.40 percent of the respondents felt that to discharge their functions effectively it was not essential to know all the consumer protection legislations and the procedures. But they agreed that one should have a thorough understanding of the Consumer

Protection Act. Majority of them (88.60) accepted that to effectively discharge their functions it is imperative that one should have a thorough knowledge and understanding of the provisions of various laws and the procedures to be followed. 14 percent agreed that not knowing other consumer protection laws created difficulty in passing an order, while 86 percent said that it did not create any such difficulty.

6. **Functioning of the District Forum-** 91.43 percent of the respondents agreed that the functioning of the District Forums was good and only 8.57 percent said it was satisfactory. 94.29 percent agreed that the sittings of the District Forums were held regularly and the Members were punctual. As regards the working relationship between the Members of the District Forums, 77.14 said that the relationship was very cordial and they functioned like a team. However, 22.85 felt that even though the relationship was cordial but there were problems especially between the President and the Members.
7. **Major Hindrance faced by the District Forums-** 72 percent of them said that they lacked the required manpower and as such they were not able to function effectively. 58 percent felt that the problem was due to lack of laboratory testing facilities. It took a long period to get the report after the tests are done. Lack of funds was another major problem faced by 48 percent of the respondents. 45 percent felt that inspite of Central Government providing the fund, infrastructure remains a problem. Nearly 40 percent of the respondents felt that after filing the complaint the parties do not take the required interest which creates a lot of problem. 22 percent said that when a member retires his position is not filled up in time and due to the vacancy delay in disposal of complaints takes place over which the forums have no control.
8. **Need to Amend the Consumer Protection Act-** 37.14 percent of the respondents agreed that there was a need to amend the Act to provide more teeth to the Consumer Redressal Agencies.

9. **Fee Structure for Filing a Complaint-** 65.71 percent of the respondents are of the view that the prescribed fee is reasonable and any hike in fee will deter the consumer from coming to the consumer forums to file a complaint. 34.29 of them felt that it is unreasonable. Most of them felt that no fee should be prescribed for value of goods or services and the compensation claimed up to one lakh rupees.
10. **Level of Awareness among Consumers about Consumer Rights-** According to the respondents only 20 percent of the consumers are aware about their rights and 28.57 are aware to some extent. 51.42 percent of the consumers are not at all aware about their rights and the Consumer Protection Act. 68.6 percent of the respondents felt that the consumers do not approach the District Forums as they are ignorant about their rights and the existence of any redressal mechanism. 54.72 percent don't have much idea about the Consumer Protection Act, 22.9 percent are afraid of the technicalities involved in approaching a consumer court, 17.1 percent don't want to assert their rights, 17.1 percent don't have much faith in the long procedures and only 8.6 percent believe in mutual settlement rather than filing a complaint in the consumer forums.
11. **Involvement of NGOs in filing of Complaints-** 68.57 percent of the respondents are of the view that the NGOs must be involved in filing a complaint while 22.86 percent did not favour the involvement of the NGOs in filing a complaint.
12. **Representation by Advocates in the District Forums-** Nearly 66 percent of the respondents agreed that the advocates should represent the parties in the District Forums, while 31.43 felt that the advocates should be kept away from the consumer courts. The Members felt that there are a number of legal issues that the consumers are unable to understand and hence the disputes are taking longer time to settle.

13. **Difficulty in Execution of the Orders of the District Forum-** 37.12 percent agreed that there is a problem of non execution of the orders of the Consumer Forums.
14. **Efforts to Settle Cases through Mediation or Mutual Consent-** Majority of the respondents 91.42 percent are of the view that large number of complaints being filed in the District Forums could be solved through mediation or mutual understanding if there is a structured system available to the consumers before coming to the District Forums.
15. **Capacity Building Programmes-** 71 percent of the respondents have attended a training programme and 29 percent have not attended any training programme. However, among those who have attended a training programme 74.29 percent found the programme to be very useful and 22.86 benefited to some extent.
16. **Computer Literacy-** Nearly 74 percent of the respondents are not computer literate. Only 2.65 percent of the respondents are computer literate and 24 percent are computer literate to some extent.
17. **Consumer Awareness Programmes-** Nearly 70 percent of the respondents agreed that the responsibility for organising consumer awareness programmes should be with the District Forums for which the Central/ State Government should give adequate funds. 18 percent preferred the District Administration and 15.60 percent felt that it should be the responsibility of the State Government.

Findings and Suggestions

- ❖ The District Forums are functioning well, the sittings of the Forums are held regularly and the members are punctual. The delay in the disposal of the cases is because of other reasons and not due to the absence of the members. Most of them agreed that the work environment was very cordial and they functioned as a team.

- ❖ The District Forums have been facing a number of problems, like lack of manpower, funds, infrastructure, facilities for lab testing of products, non cooperation by the parties, etc. The computers have been acquired and installed but due to lack of manpower it is not of much help. The record rooms are not up to mark and there is not much space to store the records. Computerisation of the records is the need of the hour. The members do not have any financial power which is creating a lot of delay. Even adequate stationary is not available in some of the District Forums. Moreover, the working condition of the employees also needs to be improved.

- ❖ Most of the respondents are satisfied with the major provisions of the Consumer Protection Act. However, some feel that there is a need to amend the Act to give more teeth to the consumer courts. As far as the fee structure is concerned the majority of the respondents felt that is reasonable.

- ❖ Major impediment in the implementation of the Act is lack of awareness among the consumers. Due to this the consumers do not approach the consumer courts for redressal of their grievances. Efforts must be made to educate the consumers about their rights and also create awareness about the benefits of the Consumer Protection Act. The District Forums can play a major role at the District level in organising suitable awareness programmes for the consumers. At present the funds for awareness programmes are at the disposal of the District Administration and not the District Forum. Due to the lack of awareness about their rights and also the procedures under the Act, the consumers hesitate to approach the consumer forums in case of a complaint.

- ❖ Majority of the respondents felt that the NGOs should play a proactive role and help the consumers in filing of the complaints. Involvement of

NGOs in filing of the complaints will streamline the process and help in quick disposal of complaints. The consumers are not aware of the procedures of filing a complaint and the documents they are required to submit, the NGOs could themselves file the complaint on behalf of the consumers as provided in the Consumer Protection Act. This will avoid delay in disposal of cases.

- ❖ The procedures to be followed by the consumer courts are very simple but with the involvement of the advocates the process has become very technical and legal. Even though the Act does not envisage the involvement of an advocate yet based on their experience majority of the respondents are of the view that the advocates should represent the cases. As the manufacturers and service providers are hiring the services of advocates the consumer is at a loss as he lacks the required knowledge of the legal procedures. Moreover there are a number of technical issues involved, which only the advocates know.
- ❖ Execution of the orders of the District Forums is a major problem. The District Administration and particularly the police do not cooperate. No policeman is attached to the District Forums for execution of the orders of the forum. As a result large number of execution cases are pending mainly due to non-execution of warrant of arrest or attachment order by the police authorities. This is sending a wrong signal among the consumers. The Act needs to be amended and appropriate measures are required to be taken to ensure that execution of the orders of the forum is done in a time bound manner, otherwise the consumer will lose faith in the consumer courts.
- ❖ The members are in favour of ADR before the complaint is filed in the District Forum. There should be some mechanism, at the level of the producer/service provider so that the grievances of the consumers can be addressed by mutual settlement failing which the consumer can file a complaint in the District Forum. Majority of them agreed that they do

give an opportunity to the parties to settle their dispute through mediation or mutual consent. The Government of West Bengal has appointed District Consumer Welfare Officer who plays the role of a mediator. This system can also be introduced in other states provided a separate Department of Consumer Affairs is created as in the case of West Bengal.

- ❖ As the scope of the consumer courts and the nature of complaints being filed are increasing, it is important that efforts are made to build the capacity of the members. Training has to be more systematic. Users' manuals in the local languages should be prepared for the use of the members of the District Forums. It would be better if induction training programmes are organised for the members of the District Forums. The recommendation of the Shenoy Committee set up by the NCDRC should be accepted by the State Governments and funds are made available to organise such induction training programmes.

- ❖ Though the scheme of computerisation and computer networking of consumer forums was launched, but the working of the District Forums has not improved to a large extent. The District Forums are not able to take the full benefit of computerisation and computer networking. Adequate staff needs to be sanctioned for manning the computers. The members and other staff of the Forums should be imparted training in computer literacy and the operation of the software.

The enactment of the Consumer Protection Act in 1986 was a milestone in the history of consumer movement in the country. Before this even though there were a number of legislations to protect the consumers yet they were mostly punitive in nature and did not provide for a holistic protection to the consumers in a cost effective and time bound manner. There were no institutional mechanisms available to the consumers which would redress their grievances in a simple and expeditious manner unlike the civil courts which took a lot of time and money to decide a case. The Consumer Protection Act seeks to provide for better protection of the consumers and stipulates the establishment of authorities for the settlement of consumer disputes. The remedy provided under the Consumer Protection Act to the consumer is in addition to and not in derogation of the provisions of any other law for the time being in force.

The consumer has been defined as a person who buys any goods for consideration or hires or avails of any service for consideration, but does not include a person who avails of such services for any commercial purpose. The Act enumerates the six rights of the consumers and provides for speedy and simple redress to consumer disputes for which quasi – judicial machinery is sought to be set up at the district, state and the national level. The quasi judicial bodies are to observe the principles of natural justice and have been empowered to give relief of a specific nature and to award, wherever appropriate, compensation to consumers. Penalties for non compliance of the orders given by the quasi - judicial bodies have also been provided.

Establishment of Consumer Disputes Redressal Agencies

The Act empowers the state government to establish a consumer disputes redressal agency in each district. The state government, if it deems fit can establish more than one district forum in a district. The Consumer Fora is an alternative forum, less formal and more consumer friendly for providing, speedy and inexpensive justice. Cases are decided on the basis of justice, equity and good conscience, and Principles of Natural Justice are required to be adhered to. The rigors of the technicalities of civil law have no place. Some provisions of the civil law have been incorporated in the Consumer Protection Act which provides guidelines for conducting the proceedings and to receive evidence on affidavits. Strict rules of evidence and procedure do not come in the way of consumer fora. Material which has probative value and can pass the test of a reasonable man is accepted.

Each District Forum shall consist of a President, who is, or has been, or is qualified to be a District Judge and two other members, one of whom shall be a woman. The person to be a member should not be less than thirty five years of age, possess a bachelor's degree from a recognised university and be a person of ability, integrity and standing, and have adequate knowledge and experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration.

A person shall be disqualified as a member if he has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude or is an undischarged insolvent, or is of unsound mind and stands so declared by a competent court; or has been removed or dismissed from the service of the government or a body corporate owned or controlled by the Government; or has, in the opinion of the State Government, such financial or other interests as is likely to affect prejudicially the discharge by him of his functions as a member; or has such other disqualifications as may be prescribed by the State Government.

Every appointment is to be made by the State Government on the recommendation of a Selection Committee consisting of the President of the State Commission who shall be the Chairman of the Selection Committee, the Secretary, in-charge of the Law Department and the Secretary, in-charge of the Department dealing with Consumer Affairs in the state as members. In *State of Rajasthan and ors v Anand Prakash Solanki 2003 CTJ (SC) (CP)*, the Supreme Court on the issue of appointment by transfer of the members of the District Forum held that it is true that there is no cadre as such of the Presidents and Members of the District Forums contemplated by the Act. However, the existence of one cadre of such persons in the state is not the *sine qua non* to make available the powers of transfer. As more than one District Forum is constituted in a state, there is nothing wrong in the President and Member of the forum being appointed by transfer from another District Forum, subject to the requirement of sub-section (1A) of section 10 being satisfied. Such appointment by transfer shall be made by the state government but only on the recommendation of the Committee under Section 10(1A). Such appointment by transfer cannot be frequent or a routine feature. The power is there but is meant to be exercised sparingly and only in public interest or in such exigencies of administration as would satisfy the purpose of constituting the District Forum. The broader concept of transfer is a change of the place of employment within an organisation. Transfer is an incidence of public service and power to transfer is available to be exercised by the employer unless an express bar or restraint on exercise of such power can be spelt out. The power, like all other administrative powers, has to be exercised *bona fide*.

Every member at the District Forum shall hold office for a term of five years or up to the age of sixty five whichever is earlier. A person may resign his office by writing to the State Government. The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the members of the District Forums shall be such as may be prescribed by the state government.

Jurisdiction of the District Forum

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. 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 a 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.

Manner in which complaint shall be made

Section 12 of the Act provides for the manner in which a complaint in relation to any goods sold or delivered or agreed to be sold or delivered or any service provided or agreed to be provided may be filed in the district forum by: (a) the consumer to whom such goods are sold or delivered or agreed to be sold or delivered or such service provided or agreed to be provided; (b) any recognised consumer association whether the consumer to whom the goods sold or delivered or agreed to be sold or delivered or service provided or agreed to be provided is a member of such association or not; (c) one or more consumers, where there are numerous consumers having the same interest, with the permission of the District Forum, on behalf of, or for the benefit of, all consumers or interested, or (d) the Central or the State Government as the case may be, either in its individual capacity or as a representative of interests of the consumers in general.

Every complaint filed shall be accompanied with such amount of fee and payable in such manner as may be prescribed. On receipt of the complaint the District Forum by order may allow the complaint to proceed with or be rejected. It is further provided that a complaint shall not be rejected unless an opportunity of being heard has been given to the complainant. The admissibility of the complaint shall be decided within twenty one days from the date on which the complaint was received. Provided where a complaint has been admitted by the District forum, it shall not be transferred to any other court or tribunal or any other authority set up by or under any other law for the time being in force.

Procedure on admission of complaint

On admission of a complaint if it relates to goods, the District Forum shall refer a copy of the admitted complaint, within twenty one days from the date of its admission to the opposite party directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum. The opposite party on receipt of a 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 forum shall proceed to settle the consumer dispute in the manner specified. Where the complaint alleges a defect in the goods which cannot be determined without proper analysis or tests of the goods, the District Forum shall obtain a sample of the goods from the complainant, seal it and refer the sealed sample to the appropriate laboratory for testing along with directions. The findings are to be reported to the District Forum within forty five days of the receipt of the reference. The District Forum may require the complainant to deposit to the credit of the Forum such fees as may be specified for payment to the appropriate laboratory for carrying out the necessary analysis or tests to the goods in question.

Every complaint shall be heard as expeditiously as possible and endeavour shall be made to decide the complaint within a period of three

months from the date of receipt of notice by opposite party where the complaint does not require analysis or testing of commodities and within five months, if it requires analysis or testing of commodities. No adjournment shall be ordinarily granted by the District Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum. Further the District Forum shall make such orders as to the costs occasioned by the adjournment as may be provided in the regulations under the Act.

The District Forum shall have the same powers as are vested in a civil court under Code of Civil Procedure, 1908 while trying a suit in respect of the following matters; (i) summoning and enforcing the attendance of any defendant or witness and examining the witness on oath; (ii) the discovery and production of any document or other material object producible as evidence; (iii) the reception of evidence on affidavits; (iv) the requisitioning of the report of the concerned analysis or tests from the appropriate laboratory; (v) issuing of any commission for the examination of any witness.

Findings of the District Forum

If after conducting the proceedings, the District Forum is satisfied that the goods complained against suffer from any of the defects specified in the complaint or 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; (i) to remove the defects, (ii) to replace the goods with new goods of similar description, (iii) to return to the complainant the price or the charges paid by the complainant, (iv) to pay such amount as may be awarded as compensation to the consumer, (v) to remove the defects or deficiencies in the services in question,(vi) to discontinue the unfair trade practice or restrictive trade practice, (vii) not to offer the hazardous goods for sale, (viii) to withdraw the hazardous goods from being offered for sale,(ix) to cease manufacture of hazardous goods, (x) to pay such sum as may be determined by it, if it is of the opinion that loss or injury has been suffered by a large number of consumers who are not identifiable

conveniently. Provided that the minimum amount of sum so payable shall not be less than five percent of the value of such defective goods sold or services provided to such consumers. The Forum can also direct to issue corrective advertisement to neutralise the effect of misleading advertisements at the cost of the opposite party responsible for issuing such misleading advertisements. It can also impose adequate costs to the parties.

The manner in which proceedings of the District Forum is to be carried out are also laid down. It provides that every proceeding of the District Forum shall be carried out by the president and at least one member sitting together. Every order made by the District Forum shall be signed by its President and a member or members who conducted the proceedings. It is further provided that where the proceeding is conducted by the President and one member and they differ on any point or points, they shall state the point or points on which they differ and refer the same to the other member for hearing on such point or points and the opinion of the majority shall be the order of the District Forum.

Administrative Control and Enforcement of Orders

According to Section 24B (2) the State Commission shall have administrative control over all the District Fora within its jurisdiction in respect of matters: (i) calling for periodical return regarding the institution, disposal, pendency of cases; (ii) issuance of instructions regarding adoption of uniform procedure in the hearing of matters, prior service of copies of documents produced by one party to the opposite parties, furnishing of English translation of judgements written in any language, speedy grant of copies of documents; (iii) generally overseeing the functioning of the District Forums to ensure that the objects and purposes of the Act are best served without interfering in any manner with their quasi-judicial freedom.

In *State of U.P and ors v. Jeet S. Bisht 2002 680 (SC) (CP)* the Supreme Court held that keeping in view the provisions of Section 24B wherein the National Commission has to exercise administrative control over

State Commissions and District Forums throughout the country, no officer of the executive is to carry out inspection of the District Forums and exercise any administrative control thereon. Further for the said purpose one post of Additional /Joint Registrar placed in hierarchy between the Registrar and Deputy Registrar be created and manned in the NCDRC at the earliest.

Section 25 of the Act provides that, where an interim order made under this Act is not complied with, the District Forum may order the property of the person, not complying with such order to be attached. In case any amount is due from any person under an order made by the District Forum the person entitled to the amount may make an application to the District Forum and the District Forum may issue a certificate for the said amount to the Collector of the district and the Collector shall proceed to recover the amount in the same manner as arrears of land revenue. As per Section 27 of the Act, in case a trader or a person against whom a complaint is made or the complainant fails or omits to comply with any order made by the District Forum, such a trader or person shall be punishable with imprisonment for a term which shall not be less than one month but may extend to three years, or with fine which shall not be less than two thousands rupees but which may extend to ten thousand rupees or with both.

The Research Study

The Consumer Protection Act was enacted by the government of India in 1986 for better protection of the consumers. The state of Jharkhand came into existence in 2000 and the State Consumer Disputes Redressal Commission was set up in December 2001. Up to March 2002 for periods ranging between sixteen months and thirty six months the posts of the Presidents and the Members remained vacant and no Consumer Protection Councils were established at the state level and the district level. However, upto 14. 01. 2010 in Jharkhand 30455 cases have been filed in the district forums since inception out of which 28105 cases have been disposed of. 2350 cases are pending. The disposal of cases stands to 92.28 percent.

The study is an attempt to examine the implementation of the Consumer Protection Act in the state of Jharkhand and also to assess the effectiveness of the District Forums in disposal of the cases and the problems faced by them. The President and the Members of the District Forum constitute the backbone of the forum. They are required to function as per the provisions of the Act. They are appointed by the State government on the recommendations of a selection committee for a term of five years or upto the age of sixty five years whichever is earlier. Certain qualifications are prescribed both for the President and the Members.

The broad objectives of the study are:

1. To evaluate the implementation of the Consumer Protection Act in the state of Jharkhand.
2. To critically examine the perception of the Presidents and Members of the District forums towards the Consumer Protection Act.
3. To identify the nature of problems being faced by the Presidents and Members of the District Forums in their functioning.
4. To recommend suggestions for improving the working of the District Forums.

Methodology and Data Collection

Jharkhand is divided into twenty two districts and each district has a district forum for redressal of consumer's grievances. Out of these only twenty one District forums are functional as per data available up to March 2009. In these twenty one forums there are six vacancies, two of Presidents and four of members of the district forums. In the State there are a total of fifty seven Presidents and Members of the District Forums. The Data was collected through a structured questionnaire, which was administered to a sample size of 35 respondents which included seven Presidents and twenty eight Members who had come to IIPA to attend the Five day Orientation Training Programme. Apart from the questionnaire discussions were also held with

them regarding the working of the district forums and the problems faced by them. Various reports and other published material were also scanned. The data so collected was tabulated and is presented in a report form. Table 1 indicates the number of Presidents and the Members of the sample size and the coverage of the District Forum.

Table 1
Sample Size, Position and Coverage of the Respondents

| District | President | Members | Total |
|----------------|-----------|-----------|-----------|
| Ranchi | 0 | 2 | 2 |
| Lohardagga | 0 | 1 | 1 |
| Gumla | 1 | 1 | 2 |
| Simdega | 1 | 1 | 2 |
| Palamu | 0 | 1 | 1 |
| Latehar | 0 | 1 | 1 |
| Garhwa | 0 | 1 | 1 |
| West Singhbhum | 0 | 1 | 1 |
| Saraikela | 0 | 1 | 1 |
| East Singhbhum | 1 | 1 | 2 |
| Dumka | 1 | 1 | 2 |
| Jamtara | 0 | 2 | 2 |
| Sahebganj | 0 | 2 | 2 |
| Godda | 0 | 2 | 2 |
| Hazaribagh | 0 | 1 | 1 |
| Chatra | 1 | 2 | 3 |
| Koderma | 1 | 0 | 1 |
| Giridih | 1 | 2 | 3 |
| Dhanbad | 0 | 2 | 2 |
| Bokaro | 0 | 1 | 1 |
| Deoghar | 0 | 2 | 2 |
| Total | 7 | 28 | 35 |

IMPLEMENTATION OF CONSUMER PROTECTION ACT

Jharkhand State – A Profile

Jharkhand is popularly known as Vananchal (meaning land of woods). The state of Jharkhand was carved out from the state of Bihar on November 15, 2000. The date is important as it also marks the birth anniversary of the legendary Bhagwan Birsa Munda. The state capital is Ranchi, which is also the industrial city of the state. Jharkhand shares its border with the states of Bihar to the north, Uttar Pradesh and Chhattisgarh to the west, Orissa to the south, and West Bengal to the east. According to legend, Raja Jai Singh Deo of Orissa had declared himself the ruler of Jharkhand in the 13th century. It largely comprises forest tracks of Chhotanagpur plateau and Santhal Pargana and has distinct cultural traditions. In post-Independence era, the Jharkhand Mukti Morcha started a regular agitation which impelled the government to establish the Jharkhand Area Autonomous Council in 1995 and finally a full-fledged State. For a long time, Jharkhand remained as a part of Bihar, but after Indian's independence, the demand for a separate state of tribals started gaining momentum. In the last fifty years, the tribes of this region fought against the hegemony of Northern Bihar, a region that gained from the mineral deposits of this region like anything.

For a greater part of Vedic age, Jharkhand remained obscured. During the age of Mahajanpadas around 500 BC, India saw the emergence of 16 large states that controlled the entire Indian subcontinent. The supremacy of the janpads was often decided by the power of swords and bows and axe and other weapons. The region around Jharkhand was extremely rich in its mineral resources including iron and the janpad that controlled this region, Magadha, eventually controlled most of the country. The power of Magadha continued to occupy central state in Indian subcontinent for a long time and saw the emergence of mighty empires such as Mauryas and Guptas. After the

end of last big Hindu empire of Guptas, India saw emergence of a number of numerous regional powers who tried to control this region. Same was the case with Muslim Sultans of Delhi and their feudatories in Bengal, who tried to control this mineral-rich area. British identified this region as a great source of raw material for their booming industries back home and to exploit the region to its full potential, established a vast network of railway line. Calcutta was developed as a major port to export raw materials from this region to England.

Birsa Munda (1875-1900) and Sidho and Kanho are the legendary heroes of the tribals of this state who fought against the oppressive rule of the British government. Birsa Munda, now regarded as god, fought for the tribal's natural right over forests and land that was mercilessly being acquired by the British for exploitation. After a long fight, Birsa Munda was captured by the British authorities and died in prison. Sidho and Kanho were another set of revolutionaries among the tribals, now regarded as a tribal heroes.

The region is enshrouded in the hills and forests inaccessible to a large segment of people. The tribes of this state are living here for thousands of years but there has not been much change in their life and culture over the ages barring last few decades. Many scholars now believe that the language used by tribes in the state of Jharkhand is identical to the one used by Harappan people. This has led to a great interest in the deciphering of Harappan inscriptions using rock paintings and language used by these tribes.

Historical Background

According to some of the historians, even before the period of Magadha Empire the state of Jharkhand existed and was distinct in its geo-political, cultural entity. Raja Jai Singh Deo of Orissa was accepted as the ruler of Jharkhand by its people in the 13th century. The local tribal heads had developed into barbaric dictators who could govern the province neither fairly nor justly. Consequently, the people of this state approached the more powerful rulers of Jharkhand's neighbouring states who were perceived to have a more fair and just governance. This became the turning point in the history of the region wherein rulers from Orissa moved in with their armies

and created states that were governed for the benefit of the people and involved their participation, thus ending the barbarism that had marked the region for centuries. The good tribal rulers continued to thrive and were known as the Munda Rajas, and exist to this day. (These are regions which are still semi- autonomous, the degree of autonomy depending on the size of each specific Munda Raja's domain.)

During the Mughal period, the Jharkhand area was known as Kukara. After the year 1765, it came under the control of the British Empire and became formally known under its present title, "Jharkhand" - the Land of "Jungles" (forests) and "Jharis" (bushes). Located on Chhota Nagpur Plateau and Santhal Parganas, it has evergreen forests, rolling hills and rocky plateaus with many places of keen beauty like Lodh Falls.

The subjugation and colonization of Jharkhand region by the British East India Company resulted in spontaneous resistance from the local people. Almost one hundred years before India's First War of Independence (1857), adivasis of Jharkhand were already beginning what would become a series of repeated revolts against the British colonial rule.

The demand for a separate Jharkhand state can be traced back to the early 1900s, when Jaipal Singh, an Indian Hockey captain and Olympian, suggested the idea of a separate state consisting of the southern districts of Bihar. The idea did not become a reality, however, until August 2, 2000, when the Parliament of India passed the Bihar Reorganization Bill to create the state of Jharkhand, carving 18 districts out of Bihar to form Jharkhand state on 15 November 2000. It became the 28th state of India.

The total number of districts in Jharkhand is 22. A district of Jharkhand is headed by a Deputy Commissioner who is over all in-charge of the administration in the particular district. He has to perform triple functions as he holds three positions: at once he is the Deputy Commissioner, the district Magistrate and the Collector. As a Deputy Commissioner he is the executive head of the district with multifarious responsibilities. As the District Magistrate he is responsible for maintaining the law and order situation in the district. As

the Collector he is the Chief Revenue Officer of the district, responsible for revenue collection and recovery. The Police Administration in the district is under the control of Superintendent of Police (SP). To decentralize the authority in administrative set up, a district is divided into one or more subdivisions, further divided into tehsils and blocks.

**Table -2
Profile of Jharkhand**

| | |
|------------------------------------|--|
| Capital | Ranchi |
| Population | 2,69,09,428 |
| Male Population | 1,38,61,277 |
| Female Population | 1,30,48,151 |
| Per Capita Income | Rs.4161.00 |
| Density of Population | 338 persons / Sq. KM |
| No. of Districts | 22 |
| No. of Sub divisions | 35 |
| No. of Blocks | 212 |
| No. of Villages | 32620 |
| No. of Villages Electrified | 14667 (45 % of total) |
| No. of Villages connected by roads | 8484 |
| National Highways | 1006 kms |
| State Highways | 4662 kms |
| Health Centers | 506 |
| Schools | 21386 |
| Total Geographical Area | 79.70 Lakh Hectares |
| Cultivable Land | 38.00 Lakh Hectares |
| Net Sown Area | 18.04 Lakh Hectares (25% of total area) |
| Net Irrigated Area | 01.57 Lakh Hectares (8% of net shown area) |
| Forest | 29% of total area |

Table 3
List of districts

| | | | |
|----------------------------|-----------------------|----------------|-----------------------|
| <u>Ranchi</u> | <u>Lohardaga</u> | <u>Gumla</u> | Simdega |
| <u>Palamu</u> | <u>Latehar</u> | <u>Garhwa</u> | <u>West Singhbhum</u> |
| <u>Seraikela Kharsawan</u> | <u>East Singhbhum</u> | <u>Dumka</u> | Jamtara |
| <u>Sahebganj</u> | <u>Pakur</u> | Godda | <u>Hazaribagh</u> |
| <u>Chatra</u> | <u>Koderma</u> | <u>Giridih</u> | <u>Dhanbad</u> |
| <u>Bokaro</u> | Deoghar | - | - |

Implementation of Acts and Rules relating to Consumer Protection

The Consumer Protection Act was enacted by Government of India to protect the interest of the consumers by providing simple, speedy and inexpensive redressal to the consumers' grievances. In Jharkhand, the State Commission came into existence in December 2001. As per the data available up to 27.2.2009, the post of the President and a Member of the State Commission remained vacant and the State Commission was non functional however now these posts have been filled up. But the delay in appointment is a major issue of concern. In the State Commission as per latest available data 4097 cases have been filed since inception and 3038 have been disposed of. The number of pending cases is 1059 and the disposal rate is 75.15 which are much lower when compared with other State Commissions.

As far as district forums are concerned, there are twenty two District Forums in the state of which one is not functional. In the District Forums the post of two Presidents and four members is vacant. As per the latest data available a total of 30455 cases have been filed in the district forums since inception of which 28105 cases have been disposed of, while 2350 cases remain pending with a disposal rate of 92.28 percent. According to the report of the CAG the consumer dispute cases are generally related to Banking, Medical Negligence, Telephone, Insurance, Housing, Electricity, Airlines, Railways etc. It has also been observed that an average of 16 months was

spent to dispose of a case by the State Commission as well as the District Forums. Many execution cases were pending mainly due to non-execution of warrant of arrest or attachment order by the police authorities.

There were shortages of staff in the District Forums. Infrastructural facilities such as waiting lounges, furniture, drinking water etc. were also inadequate mainly due to under utilisation of funds (Rs 1.21 crore). No Government laboratory was established, so testing of products was hampered to that extent. No action plan was prepared by the State Government for the protection of the rights, awareness and empowerment of consumers in the State. No District Information Centres were established except in Dhanbad.

Infrastructure Facilities

The establishment of the State Commission and the District Forum and providing infrastructural facilities, manpower, etc. for their effective functioning is the responsibility of the State Governments/ UTs. However, in order to supplement the efforts of the State Governments the Central Government provided a one time financial assistance for strengthening infrastructural facilities of the consumer fora in the states. Under the scheme of Integrated Project on Consumer Protection additional assistance has been extended to the states to meet the gap in infrastructure of consumer fora.

To improve the data base of the District Forums the government has undertaken a project for Computerisation and Computer Networking of Consumer Fora in the country through the National Informatics Centre under which all the consumer fora would be fully computerised and connected through network for exchange of information among the consumer fora and consumers. This would enable the consumer fora to access information faster leading to quicker disposal of cases.

ORG MARG Findings

In 2005 in order to review the implementation of the Act and Rules relating to consumer protection the Comptroller and Auditor General of India

commissioned the services of the ORG Centre for Social Research, a division of AC Nielson ORG-MARG Private Limited. The ORG MARG conducted a survey in the state of Jharkhand wherein a total of 1861 consumers spread across urban and rural areas were contacted. Besides 243 complainants, 7 manufacturers /service providers were interviewed. The survey found that overall 63 percent of the consumers at large gave importance to knowing the Consumer Protection Act but 88 percent were not aware of the consumer rights and 92 percent were unaware of Consumer Protection Act. The Act is envisaged to benefit all the consumers in urban and rural areas but only 4 percent of the rural population has heard about it. Formal sources of awareness- electronic and print media stand at 86 and 56 percent respectively and none of the aware consumers came to know about CPA from the NGOs. Overall only 10 percent reported to be aware of the existence of any redressal agency. Awareness on this among those aware of rights and CPA was higher. Around 40 percent aware of redressal agencies did not know the location of the district forum in their respective districts.

The survey also revealed that all complainants were literate. Their average monthly household income was Rs 8746. This implied that facilities provided by redressal agencies were availed by educated residents of urban areas and that too by the middle/upper middle strata of the community. Majority of the complaints (92%) were against services such as banking, insurance, communication and other financial services while only eight percent of the complaints were against products. Majority of the complainants came to know about the redressal agencies through electronic media, print media and others. NGOs were not a popular source of awareness.

An analysis of time taken at various stages of the cases show that on an average 3.6 days were spent for registering a case and 15.8 days were taken for serving notice, first hearing was held after 20.2 days. On an average 9.6 hearings were required to resolve the case. Around 34 percent of cases were still unresolved even after about 11 hearings and most of these cases were against electricity services. To resolve a case on an average 13.1 months were spent. In case of unresolved cases the same were pending for

past 38 average months. There were 34 cases where the order was passed and compensation was yet to be received. On an average the compensation was due for about 15 months. For those who received compensation the same was received within an average period of 3.7 months. On an average the complainant had to spend Rs. 2500 to resolve the case of which a large proportion comprised of advocate's fee.

Table 4
Yearly Statement of cases regarding State Commission / District Consumer Forums of Jharkhand for the year 2004

| Sl. No. | State Commission/ District Consumer Forum | Cases pending at the beginning of the year | No. of cases filed in the year | No. of cases disposed of in the year | Cases pending at the end of year |
|-----------------------|--|--|--------------------------------|--------------------------------------|----------------------------------|
| 1 | State commission | 144 | 562 | 306 | 370 |
| District Forum | | | | | |
| 2 | Dhanbad | 682 | 495 | 827 | 350 |
| 3 | Ranchi | 266 | 345 | 268 | 343 |
| 4 | East Singhbhum | 428 | 363 | 244 | 547 |
| 5 | Bokaro | 516 | 164 | 234 | 445 |
| 6 | Godda | 63 | 211 | 225 | 49 |
| 7 | Hazaribagh | 119 | 140 | 156 | 107 |
| 8 | Deoghar | 138 | 126 | 136 | 128 |
| 9 | Palamu | 38 | 159 | 132 | 65 |
| 10 | Kodarma | 73 | 75 | 116 | 32 |
| 11 | Garhwa | 73 | 104 | 96 | 45 |
| 12 | Dumka | 57 | 99 | 94 | 62 |
| 13 | Sahebganj | 70 | 63 | 88 | 45 |
| 14 | West Singhbhum | 60 | 55 | 69 | 46 |
| 15 | Chatra | 21 | 60 | 58 | 23 |
| 16 | Giridih | 53 | 46 | 54 | 45 |
| 17 | Gumla | 36 | 59 | 46 | 49 |
| 18 | Pakur | 36 | 21 | 33 | 24 |
| 19 | Lohardagga | 10 | 50 | 30 | 30 |
| 20 | Latehar | - | 14 | 5 | 9 |
| 21 | Simdega | - | - | - | - |
| 22 | Jamtara | - | - | - | - |
| 23 | Saraikela | - | - | - | - |
| | Total | 2703 | 2653 | 2911 | 2445 |
| | Grand Total | 2817 | 3215 | 3217 | 2815 |

Table 5
Statement of Cases filed / disposed of/pending in District Forums
(Updated on 14.01.2010)

| Sl. No. | Name of State | Cases filed since inception | Cases disposed of since inception | Cases Pending | % of Disposal | As On |
|-----------|---------------------|-----------------------------|-----------------------------------|---------------|---------------|-------------------|
| 1 | Andhra Pradesh | 176653 | 172153 | 4500 | 97.45 | 31.10.2009 |
| 2 | A & N Islands | 330 | 301 | 29 | 91.21 | 31.03.2006 |
| 3 | Arunachal Pradesh | 300 | 265 | 35 | 88.33 | 31.10.2009 |
| 4 | Assam | 13084 | 11730 | 1354 | 89.65 | 30.06.2009 |
| 5 | Bihar | 75919 | 65056 | 10863 | 85.69 | 31.10.2009 |
| 6 | Chandigarh | 39536 | 38520 | 1016 | 97.43 | 30.11.2009 |
| 7 | Chattisgarh | 29805 | 27273 | 2532 | 91.50 | 30.11.2009 |
| 8 | Daman & Diu and DNH | 129 | 103 | 26 | 79.84 | 30.09.2008 |
| 9 | Delhi | 204398 | 189858 | 14540 | 92.89 | 30.09.2009 |
| 10 | Goa | 5856 | 5272 | 584 | 90.03 | 30.11.2009 |
| 11 | Gujarat | 147102 | 124987 | 22115 | 84.97 | 30.11.2009 |
| 12 | Haryana | 187157 | 168177 | 18980 | 89.86 | 30.11.2009 |
| 13 | Himachal Pradesh | 50331 | 47520 | 2811 | 94.41 | 31.12.2009 |
| 14 | Jammu & Kashmir | 20792 | 18855 | 1937 | 90.68 | 31.12.2007 |
| 15 | Jharkhand | 30455 | 28105 | 2350 | 92.28 | 31.07.2009 |
| 16 | Karnataka | 126892 | 122256 | 4636 | 96.35 | 31.12.2009 |
| 17 | Kerala | 163073 | 154859 | 8214 | 94.96 | 30.11.2009 |
| 18 | Lakshadweep | 58 | 55 | 3 | 94.83 | 31.10.2009 |
| 19 | Madhya Pradesh | 146084 | 133775 | 12309 | 91.57 | 30.11.2009 |
| 20 | Maharashtra | 222376 | 204371 | 18005 | 91.90 | 31.10.2009 |
| 21 | Manipur | 1037 | 1012 | 25 | 97.59 | 30.09.2008 |
| 22 | Meghalaya | 322 | 308 | 14 | 95.65 | 31.03.2007 |
| 23 | Mizoram | 2065 | 2011 | 54 | 97.38 | 31.12.2006 |
| 24 | Nagaland | 246 | 205 | 41 | 83.33 | 30.6.2006 |
| 25 | Orissa | 79856 | 74996 | 4860 | 93.91 | 31.10.2009 |
| 26 | Puducherry | 2646 | 2470 | 176 | 93.35 | 30.11.2009 |
| 27 | Punjab | 124787 | 119452 | 5335 | 95.72 | 30.11.2009 |
| 28 | Rajasthan | 239011 | 219885 | 19126 | 92.00 | 30.11.2009 |
| 29 | Sikkim | 249 | 231 | 18 | 92.77 | 30.09.2009 |
| 30 | Tamil Nadu | 91321 | 82795 | 8526 | 90.66 | 31.10.2009 |
| 31 | Tripura | 2015 | 1807 | 208 | 89.68 | 30.09.2008 |
| 32 | Uttar Pradesh | 487126 | 405559 | 81567 | 83.26 | 30.11.2009 |
| 33 | Uttarakhand | 31035 | 28991 | 2044 | 93.41 | 30.11.2009 |
| 34 | West Bengal | 73094 | 67842 | 5252 | 92.81 | 31.08.2009 |
| | TOTAL | 2775140 | 2521055 | 254085 | 90.84 | |

Source: www.ncdrc.nic.in

Table 6
Information regarding Vacancy Position in the State Commissions and
District Forums
(Updated on 14.01.2010)

| States | State Commission | | District Forum | | As on |
|------------------------|------------------|-----------|----------------|------------|-------------------|
| | President | Member | President | Member | |
| National Commission | 0 | 0 | | | 30.09.2009 |
| Andhra Pradesh | 0 | 0 | 6 | 23 | 30.09.2009 |
| A & N Islands | 0 | 0 | 0 | 0 | 31.3.2006 |
| Arunachal Pradesh | 0 | 0 | 0 | 14 | 31.10.2009 |
| Assam | 1 | 0 | 1 | 2 | 30.11.2009 |
| Bihar | 0 | 0 | 1 | 16 | 31.10.2009 |
| Chandigarh | 0 | 0 | 0 | 0 | 30.11.2009 |
| Chattisgarh | 0 | 0 | 0 | 2 | 30.09.2009 |
| Daman & Diu and DNH | 0 | 0 | 0 | 0 | 30.09.2008 |
| Delhi | 0 | 1 | 0 | 1 | 31.12.2009 |
| Goa | 0 | 0 | 2 | 1 | 30.11.2009 |
| Gujrat | 0 | 2 | 5 | 23 | 30.11.2009 |
| Haryana | 0 | 2 | 2 | 10 | 30.11.2009 |
| Himachal Pradesh | 0 | 0 | 0 | 8 | 31.12.2009 |
| Jammu & Kashmir | 0 | 0 | 0 | 0 | 31.03.2009 |
| Jharkhand | 0 | 0 | 2 | 4 | 30.06.2009 |
| Karnataka | 0 | 0 | 2 | 2 | 31.12.2009 |
| Kerala | 0 | 0 | 0 | 1 | 30.06.2009 |
| Lakshadweep | 0 | 1 | 0 | 0 | 31.10.2009 |
| Madhya Pradesh | 0 | 1 | 0 | 32 | 30.11.2009 |
| Maharashtra | 0 | 4 | 6 | 10 | 30.09.2009 |
| Manipur | 1 | 0 | 0 | 1 | 31.12.2008 |
| Meghalaya | 0 | 0 | 0 | 0 | 30.06.2009 |
| Mizoram | 1 | 0 | 0 | 0 | 30.09.2009 |
| Nagaland | 0 | 0 | 0 | 0 | 31.12.2008 |
| Orissa | 0 | 0 | 3 | 3 | 31.10.2009 |
| Puducherry | 0 | 1 | 1 | 0 | 30.09.2009 |
| Punjab | 0 | 2 | 3 | 1 | 30.11.2009 |
| Rajasthan | 0 | 1 | 7 | 9 | 30.11.2009 |
| Sikkim | 0 | 0 | 0 | 0 | 30.06.2009 |
| Tamil Nadu | 0 | 1 | 0 | 12 | 31.10.2009 |
| Tripura | 0 | 0 | 0 | 0 | 30.09.2009 |
| Uttar Pradesh | 0 | 0 | 18 | 16 | 30.11.2009 |
| Uttarakhand | 0 | 0 | 1 | 7 | 30.11.2009 |
| West Bengal | 0 | 0 | 5 | 2 | 31.08.2009 |
| Total | 3 | 16 | 65 | 200 | |

Source: www.ncdrc.nic.in

Table 7
Statement of Cases Filed / Disposed of / Pending in
the National Commission and State Commissions
(Updated on 14.01.2010)

| Sl. No. | Name of State | Cases filed since inception | Cases disposed of since inception | Cases Pending | % of Disposal | (Update on 14.01.2010) |
|---------|----------------------------|-----------------------------|-----------------------------------|---------------|---------------|------------------------|
| | National Commission | 62320 | 54654 | 7666 | 87.70 | 31.12.2009 |
| 1 | Andhra Pradesh | 24594 | 21382 | 3212 | 86.94 | 31.10.2009 |
| 2 | A & N Islands | 42 | 38 | 4 | 90.48 | 31.01.2008 |
| 3 | Arunachal Pradesh | 52 | 47 | 5 | 90.38 | 31.10.2009 |
| 4 | Assam | 2284 | 1346 | 938 | 58.93 | 30.11.2009 |
| 5 | Bihar | 13319 | 9681 | 3638 | 72.69 | 31.10.2009 |
| 6 | Chandigarh | 10465 | 9577 | 888 | 91.51 | 30.11.2009 |
| 7 | Chattisgarh | 5865 | 5245 | 620 | 89.43 | 30.11.2009 |
| 8 | Daman & Diu and DNH | 29 | 29 | 0 | 100.00 | 30.09.2008 |
| 9 | Delhi | 30183 | 29044 | 1139 | 96.23 | 31.12.2009 |
| 10 | Goa | 2103 | 1987 | 116 | 94.48 | 30.11.2009 |
| 11 | Gujarat | 31949 | 26699 | 5250 | 83.57 | 30.11.2009 |
| 12 | Haryana | 37246 | 24876 | 12370 | 66.79 | 30.11.2009 |
| 13 | Himachal Pradesh | 6494 | 5872 | 622 | 90.42 | 30.11.2009 |
| 14 | Jammu & Kashmir | 5776 | 5050 | 726 | 87.43 | 30.11.2009 |
| 15 | Jharkhand | 4097 | 3038 | 1059 | 74.15 | 31.07.2009 |
| 16 | Karnataka | 31947 | 29799 | 2148 | 93.28 | 31.12.2009 |
| 17 | Kerala | 22515 | 20385 | 2130 | 90.54 | 30.11.2009 |
| 18 | Lakshadweep | 16 | 15 | 1 | 93.75 | 31.10.2009 |
| 19 | Madhya Pradesh | 33915 | 30451 | 3464 | 89.79 | 30.11.2009 |
| 20 | Maharashtra | 48540 | 30715 | 17825 | 63.28 | 31.10.2009 |
| 21 | Manipur | 139 | 96 | 43 | 69.06 | 30.09.2008 |
| 22 | Meghalaya | 238 | 152 | 86 | 63.87 | 30.06.2009 |
| 23 | Mizoram | 162 | 149 | 13 | 91.98 | 30.11.2009 |
| 24 | Nagaland | 94 | 64 | 30 | 68.09 | 31.12.2006 |
| 25 | Orissa | 18968 | 11734 | 7234 | 61.86 | 31.10.2009 |
| 26 | Puducherry | 886 | 836 | 50 | 94.36 | 30.11.2009 |
| 27 | Punjab | 23088 | 17763 | 5325 | 76.94 | 30.11.2009 |
| 28 | Rajasthan | 42206 | 39049 | 3157 | 92.52 | 30.11.2009 |
| 29 | Sikkim | 35 | 31 | 4 | 88.57 | 30.09.2009 |
| 30 | Tamil Nadu | 20784 | 17894 | 2890 | 86.10 | 31.10.2009 |
| 31 | Tripura | 1179 | 1160 | 19 | 98.39 | 30.11.2009 |
| 32 | Uttar Pradesh | 56649 | 23263 | 33386 | 41.07 | 30.11.2009 |
| 33 | Uttarakhand | 3645 | 2945 | 700 | 80.80 | 30.11.2009 |
| 34 | West Bengal | 13273 | 12754 | 519 | 96.09 | 31.08.2009 |
| | TOTAL | 492777 | 383166 | 109611 | 77.76 | |

Source: www.ncdrc.nic.in

3

PERCEPTION OF THE PRESIDENTS AND MEMBERS OF THE DISTRICT FORUMS

In the legislative scheme of consumer protection, the District Forum is the most important redressal mechanism as the faith and confidence of the consumers in these adjudicatory bodies will depend to a large extent on the functioning of these forums. They are the first contact point for the consumers, where they seek redress to their grievances. The consumer forum provides the way to the consumers to get speedy and inexpensive justice against the producers and the service providers. The legislative basis for establishing this type of consumer forum is the Consumer Protection Act, 1986.

The District Consumer Forums are headed by the President and consists of two other members. They have prescribed qualifications and are appointed by the state government on the recommendation of a selection committee headed by the President of the State Commission. They are appointed for a fixed tenure of five years or till the attainment of sixty five years, whichever is earlier. The District forums are having prescribed procedure to follow but mainly follow the principles of natural justice and summary disposal of case. Their procedures are simple and inexpensive so that the consumer gets relief at the earliest and he need not spend much time and money. Perhaps this is a unique piece of legislation that provides for quick justice to the consumers.

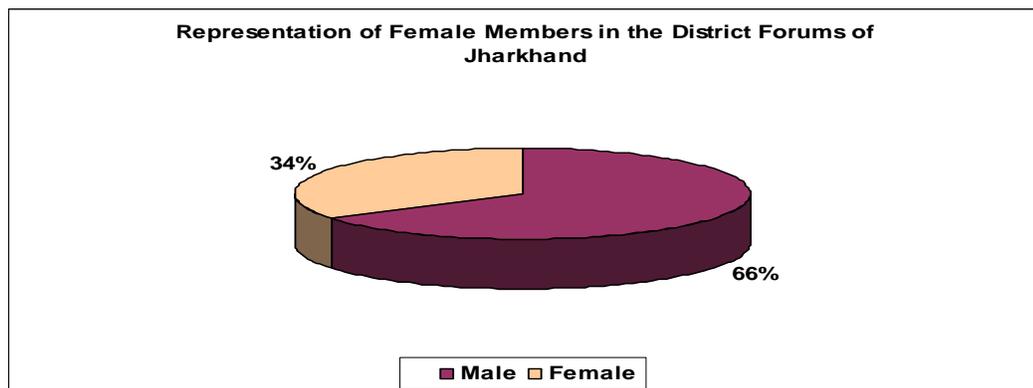
However, the working of the District forums has come into sharp criticism by various stakeholders. The delay in disposal of the cases, being the most important criticism. There have also been allegations that the lawyers have taken over the consumer courts and as the consumer is unaware of the legal procedures and processes he hesitates to file a complaint in the consumer court. During various interactions the point is stressed that the consumer courts are people's court and the interest of the consumers is supreme.

The Presidents and Members of the District forum play a major role in the delivery of justice and enhancing the faith of the consumers in the redressal mechanism. There have been various studies highlighting the reason for non disposal of cases, including the lack of manpower and infrastructural facilities. However, there is no study which focuses on the perception of the Presidents and the members of the district forums towards the Consumer Protection Act and the working of the redressal agencies. This study essentially fills that gap. It looks at various aspects with which the members of the forum have to deal with. There are 22 District forums in the State, out of which 21 are functional. Two posts of the Presidents and 4 of the Members are vacant. The effective strength remains at 57. The sample size consists of 35 respondents, covering seven Presidents and 28 members. For our analysis the term 'member' will include all the 35 respondents as no distinction is being made between the Presidents and the Members of the District Forum.

Profile of the Respondents

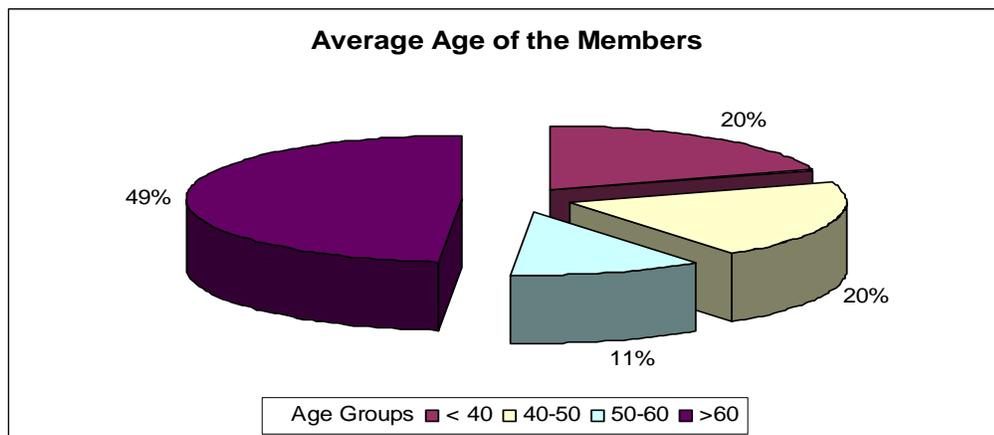
The Consumer Protection Act stipulates that one of the Members in the District Forum shall be a woman. This is not only to give due representation to the woman but also because women are more sensitive to issues relating to the consumers. This will also encourage women consumers to file a complaint in the district forum. Figure-1 indicates that 34 percent of the respondents are women and 66 percent are males.

Figure – 1



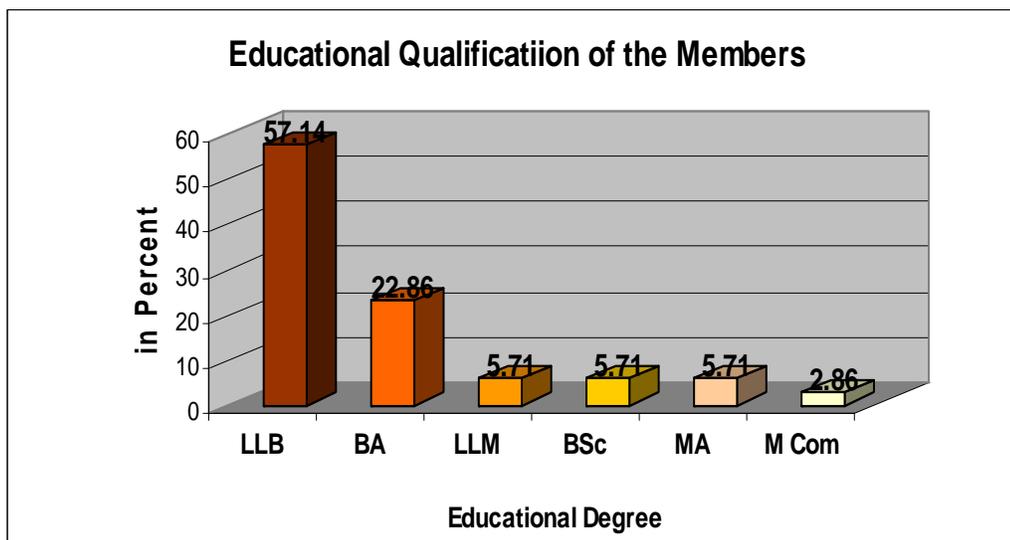
As far as the age of the respondents is concerned (Fig 2) 49 percent are above 60 years of age. The higher age is because of the appointment of retired district judges as Presidents of the forum. They are people with vast judicial experience and knowledge of law and their appointment due to non availability of serving district judges only enables the utilisation of a rich pool of retired judicial officers. They have also been able to guide the members in the interpretation of law. 20 percent of the respondents are less than 40 years of age. The minimum prescribed age for appointment as a member is 35 years of age. 20 percent are between the age group of 40-50 years and 11 percent belong to the age category of 50-60 years.

Figure - 2



As far as the educational qualifications of the respondents are concerned, Figure 3 reveals that 57.14 percent of them were law graduates, 22.86 were graduates, 5.71 percent had done LLM, 5.71 had BSc degree, 5.71 possessed MA and 2.86 M.Com degrees respectively. An overall look at the educational qualification reveals that most of the respondents were well qualified.

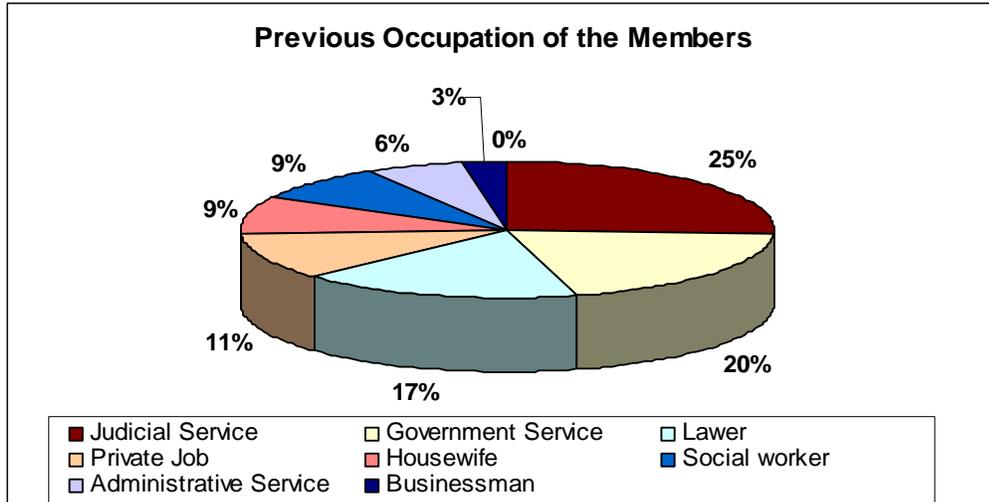
Figure - 3



Previous Occupation of the Respondents

The Consumer Protection Act provides that a person who is, or has been or is qualified to be a district judge shall be appointed as the president and two other members, who shall be persons of ability, integrity and standing and have adequate knowledge and experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration. The intention of the Act is that the president has to be a member of the judicial services keeping in view the nature of complaints being filed under the Act and the need for interpretation of law. However, to give representation to varied interests, persons who are appointed as members have to be persons of experience and knowledge. An analysis of the respondents previous occupation reveals that 25 percent were from the judicial services, 20 percent are from government service, 11 percent are lawyers, 17 percent belong to the private sector, 9 percent are social workers and six percent are housewives (Figure-4). The District Forums have a mix of people from various professional backgrounds. This has brought in people with varied experience and backgrounds thereby enlarging the scope of the consumer movement.

Figure – 4



Understanding of Law

The Consumer Protection Act and other Acts for protection of the consumers need to be interpreted and the judgements written. There are various legal terminologies and legal procedures that one has to know to understand the law and the basis of law. The procedures adopted by the consumer forums are quite similar to the proceedings of the court. At times a member with inadequate knowledge of law may find it difficult to understand a case and also write the judgements.

Figure - 5

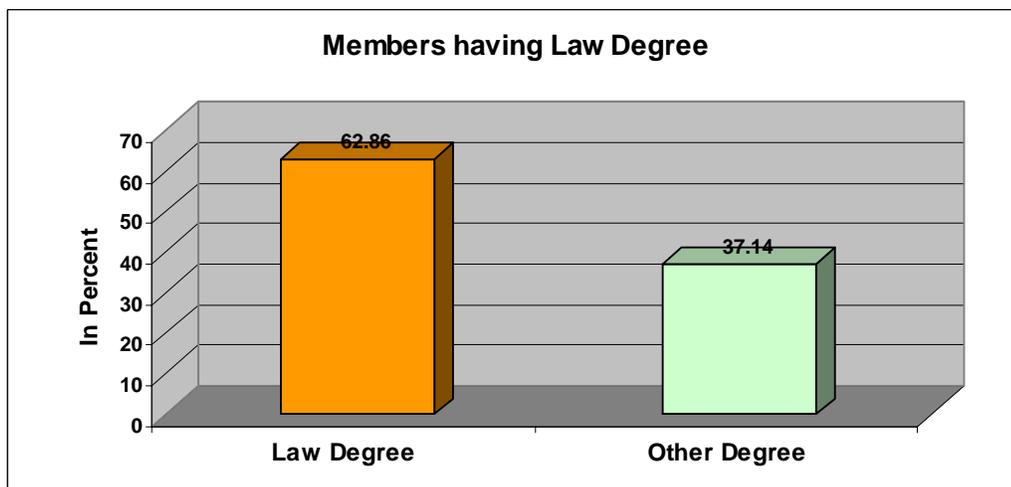


Figure 5 reveals the percentage of members having law degree. Of the total respondents 62.86 percent were law graduates and 37.14 did not possess law degree but had degrees from other disciplines. The next question of inquiry was whether persons not having law degree experienced any type of problem in their functioning as members of the adjudicatory body.

Figure - 6

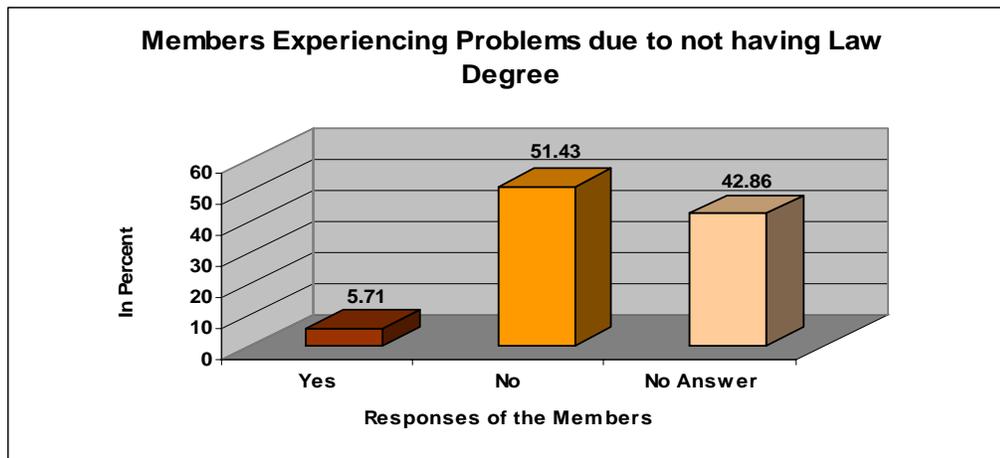
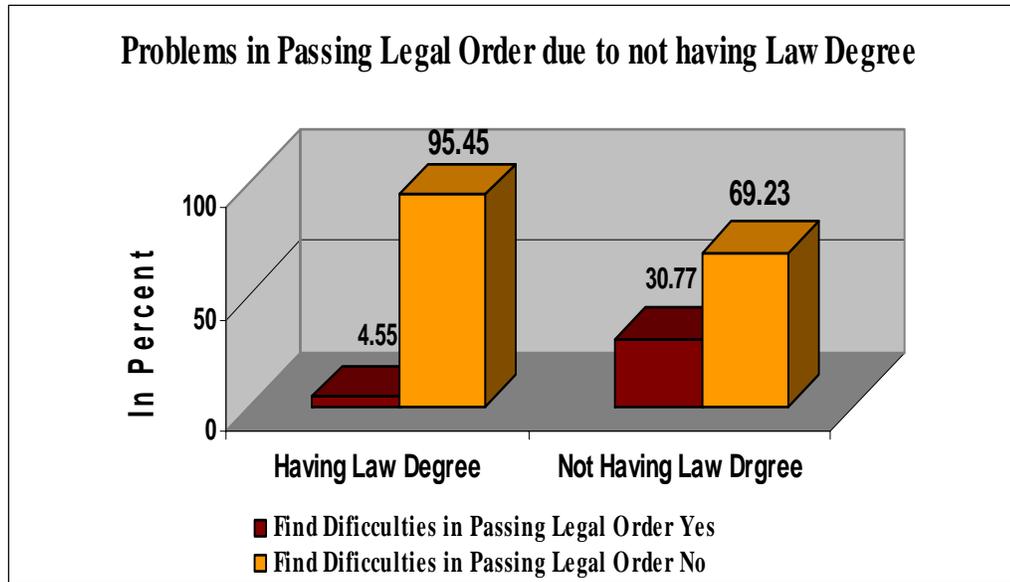


Figure 6 indicates that only 5.71 percent of the respondents who did not possess law degree agreed that they experienced problems in discharging their functions. 51.43 percent said that they did not experience any difficulty in discharging their duties due to lack of a law degree. What is more interesting is that 42.86 percent of the respondents did not answer this question. During the informal discussions with the Presidents of the District Forums they agreed that the members who did not possess law degree are unable to understand the proceedings of the forum and as a result they did not play an active role during the court proceedings. Such members lacked confidence and preferred that the Presidents conduct the proceedings. Many of them did not know the legal terms as well. Especially persons from the Hindi speaking areas did not feel comfortable with the legal terminology.

On further probing it was revealed that 95.45 percent of the respondents with a law degree did not have any difficulty in passing a legal order, while on the other hand 30.77 percent of those not having a law degree had difficulties

in passing a legal order. The difficulty mainly relates to understanding and interpretation of the legal issues and judgement writing. (Figure-7)

Figure-7



Knowledge of Consumer Protection legislations and other Procedures

To discharge their functions as members of the District Forum, the members need to have a thorough understanding of various consumer protection legislations and the procedures to be adopted to administer the Consumer Protection Act. Apart from the Consumer Protection Act there are a number of laws which protect the consumer in one way or the other. During the redressal of complaints reference to various other legislations dealing with specific protection to the consumers are referred. Therefore it is important that a member of the District forum is well versed with other laws and the procedures prescribed under such laws.

Figure 8

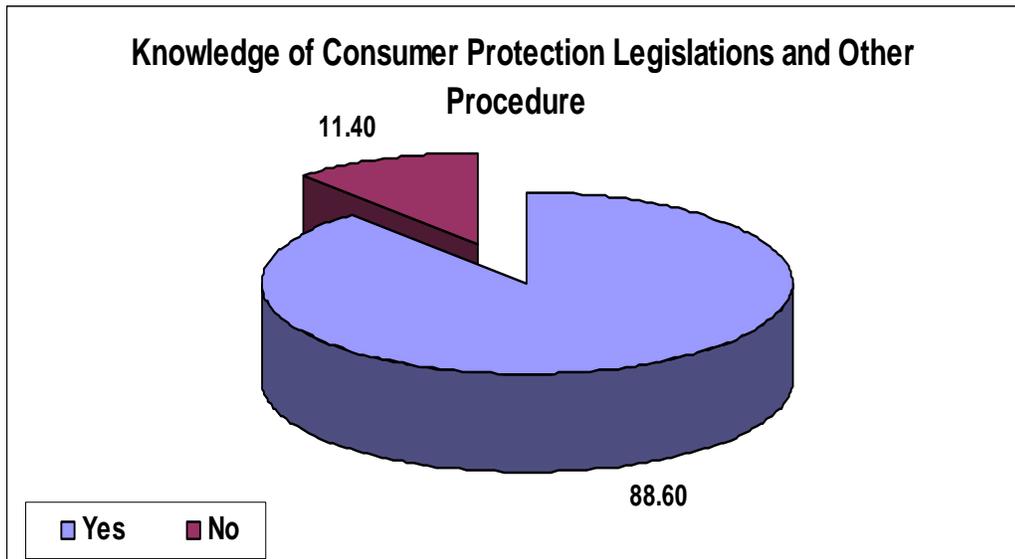
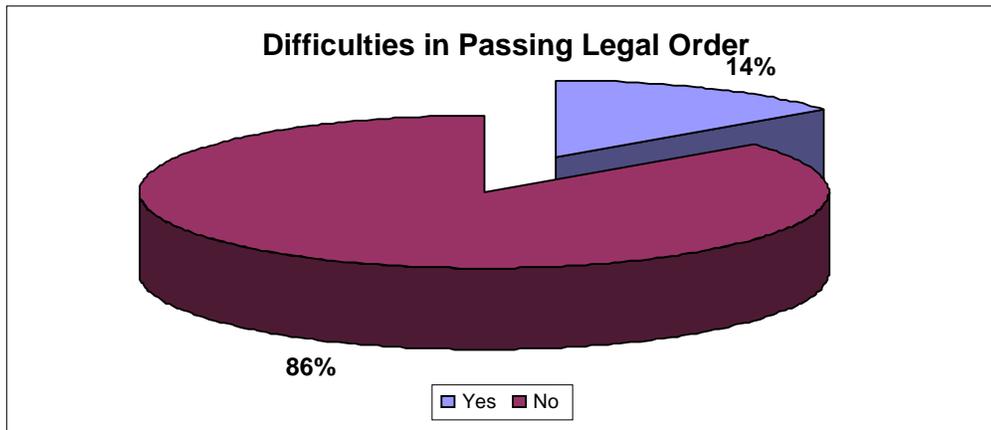


Figure 8 indicates that majority of the members (88.60) accepted that to effectively discharge their functions it is imperative that one should have a thorough knowledge and understanding of the provisions of various laws and the procedures relating to consumer protection. 11.40 percent of the respondents felt that to discharge their functions effectively it was not essential to know all the consumer protection legislations and the procedures. But they agreed that one should have a thorough understanding of the Consumer Protection Act. However, a higher percentage of the respondents (Figure 9) 14 percent) agreed that not knowing other consumer protection laws created difficulty in passing an order, while 86 percent said that it did not create any such difficulty. But the majority of the members agreed that it would be better if they are acquainted with the basic laws relating to consumer protection , as a variety of cases are being filed in the district forums. It only adds to the confidence and calibre of the members.

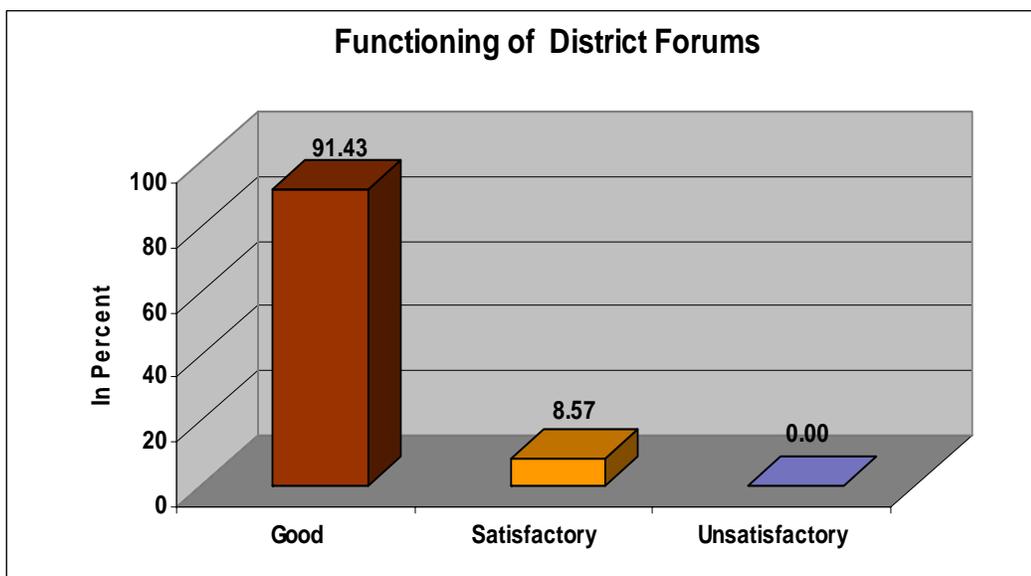
Figure- 9



Functioning of the District Forum

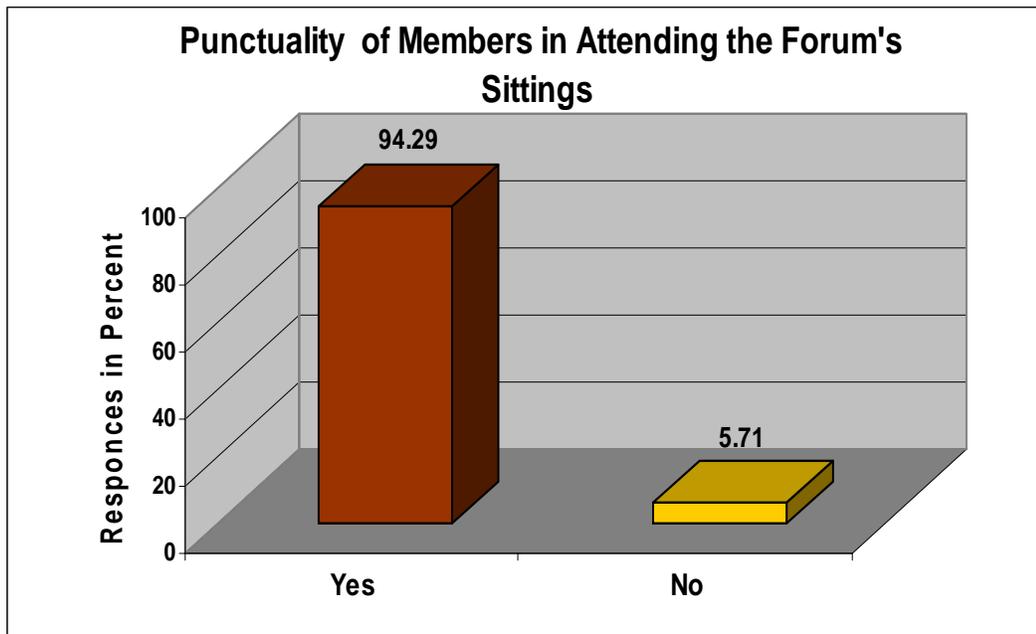
The District forums have been functioning well and as such they have been able to dispose of nearly 92 percent of the cases in the state of Jharkhand. This is also reflected in the response received, where 91.43 percent of the respondents agreed that the functioning of the District forum was good and only 8.57 percent said it was satisfactory. (Figure-10).

Figure - 10



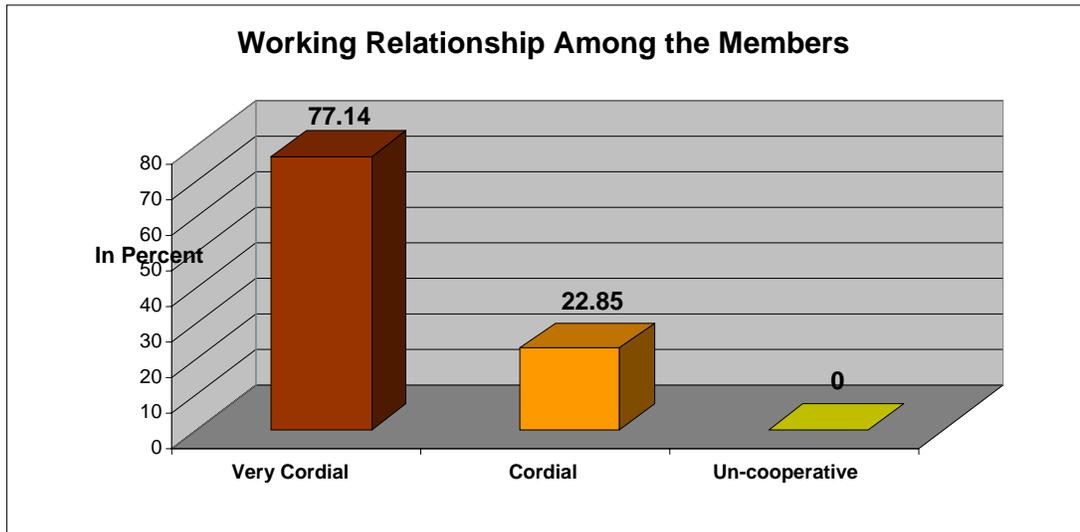
They felt that if the infrastructure and manpower of the District forums is improved the functioning could be still better. 94.29 percent agreed that the sittings of the District Forums were held regularly and the members were punctual (Figure-11).

Figure -11



The delay in disposal of the case is not because of their not being punctual but because of other reasons. Asked about the working relationship between the members of the District Forums, 77.14 said that the relationship was very cordial and they functioned like a team (Figure 12). However, 22.85 felt that even though the relationship was cordial but there were problems especially between the president and the members. It was revealed that in some District Forums the President being from the judicial background did not give importance to the members and tried to dictate terms. At times there was non cooperation from the members as well. However, this was largely within manageable limits. It depends on the approach of the President of the forum.

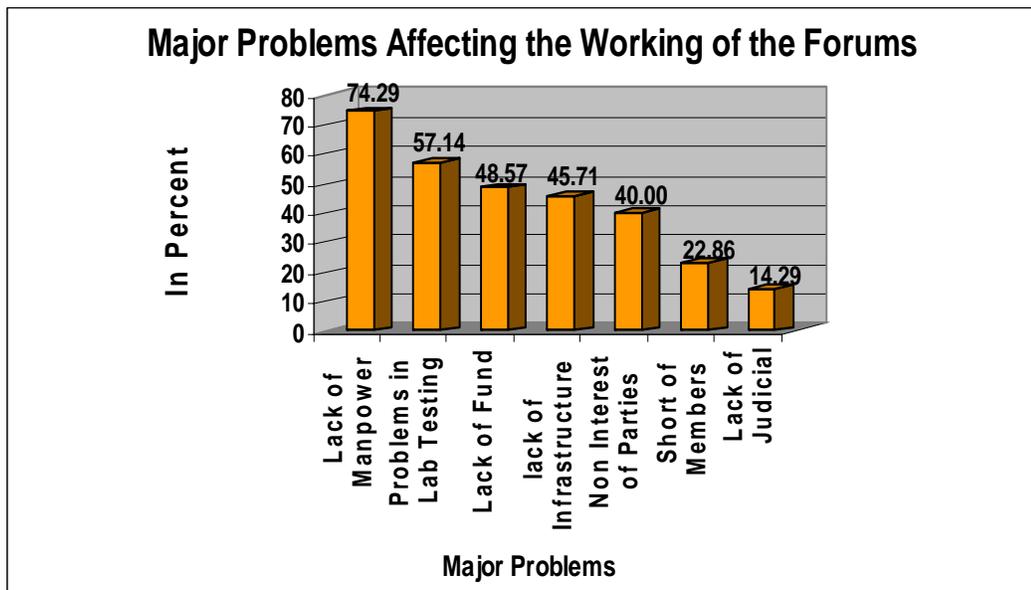
Figure -12



Major Hindrance faced by the District Forums

The District Forums have been facing a number of problems, which is affecting their functioning. The District forums located in the backward districts face several problems. The members were unanimous about the problems being faced by the District Forums. Figure - 13 reveals the response of the members regarding the problems faced by the District Forums. 72 percent of them said that they lacked the required manpower and as such they were not able to function effectively. 58 percent felt that the problem was due to lack of laboratory testing facilities. It took a long period to get the report after the tests are done. Lack of fund was another major problem faced by 48 percent of the respondents. In spite of the Central Government providing funds the infrastructure facilities remain poor (45 percent). Nearly 40 percent of the respondents felt that after filing the complaint the parties do not take the required interest which creates a lot of problem. 22 percent said that when a member retires his position is not filled up in time and due to the vacancy delay in disposal of cases takes place. They felt that the process of filling up the vacancies should be initiated at least six months before the term of a member comes to an end. Since this is not done the post remains vacant for a long time which affects the functioning of the District Forums.

Figure - 13



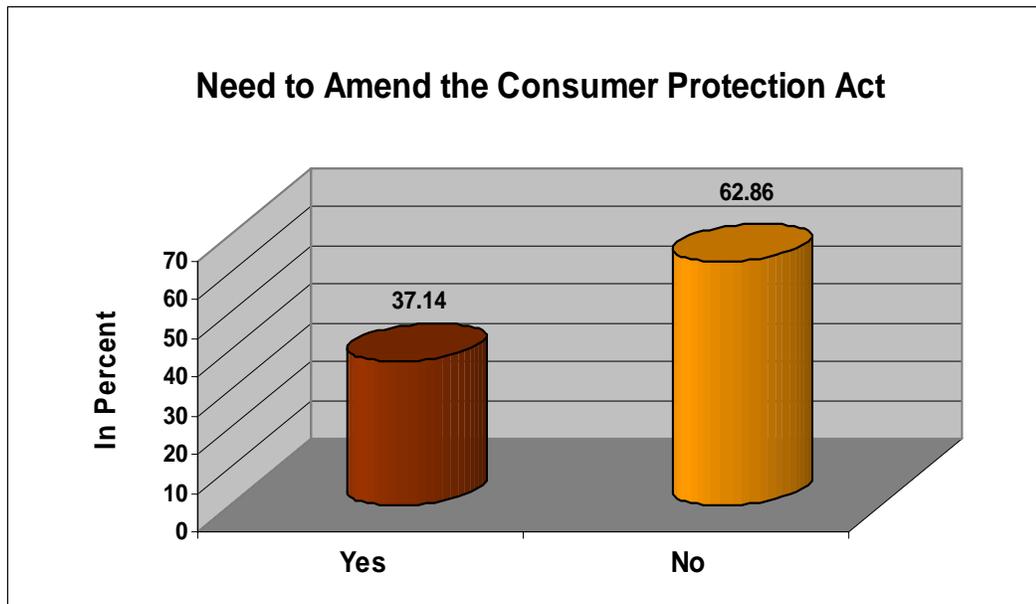
During the discussions they pointed out that inadequate manpower and infrastructure facilities were the major problems being faced by the District Forums. They also highlighted that they lacked the financial power as well as resources to manage the day to day working of the District Forums. It was also revealed that the state government had withdrawn the DDO powers of the President of the District Forum and as such they face a number of problems. They have to depend on the district administration for execution orders to be carried out and very often the district administration did not cooperate. There is no adequate staff to man the record room and other functions of the District Forum. As the awareness is increasing, more and more cases are being filed. However, the sanctioned staff strength remains the same inspite of an increase in the workload.

Need to Amend the Consumer Protection Act

In view of the various problems faced by the members in effectively implementing the Consumer Protection Act, the next question posed was whether there was a need to amend the Consumer Protection Act. 37.14 percent of the respondents agreed that there was a need to amend the Act to

provide more teeth to the consumer redressal agencies (Figure – 14). They expressed happiness that the Government is considering to bring about the fourth amendment to the Act. However, on further probing they could not specify which provisions of the Consumer Protection Act need to be amended. They were of the view that next amendment should ensure the execution of the orders of the District Forums.

Figure - 14



Fee Structure for Filing a Complaint

Section 12 (2) of the Consumer Protection Act provides that every complaint filed under sub – section 1 shall be accompanied with such amount of fee and payable in such manner as may be prescribed. In compliance of the order contained in the Gazette Notification GSR175 E dated 5th march, 2004 communicated by the Ministry of Consumer Affairs, Food and Public Distribution every complaint filed under sub section (1) of section 12 shall be accompanied by a Fee in the form of cross demand draft drawn on a Nationalised bank or through a Cross Indian Postal Order. The prescribed fee is Rs.100 for value of goods and the compensation up to one lakh rupees, Rs. 200 for one lakh and above but less than five lakh, Rs.400 for five lakh rupees

and above, but less than ten lakh and Rs 500 for ten lakh rupees and above, but not exceeding twenty lakh (Figure-15).

Figure -15

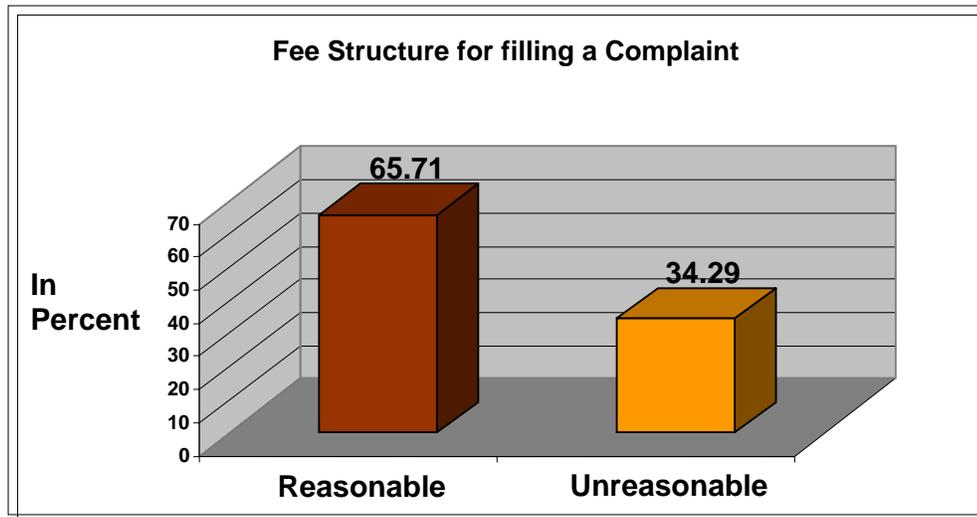


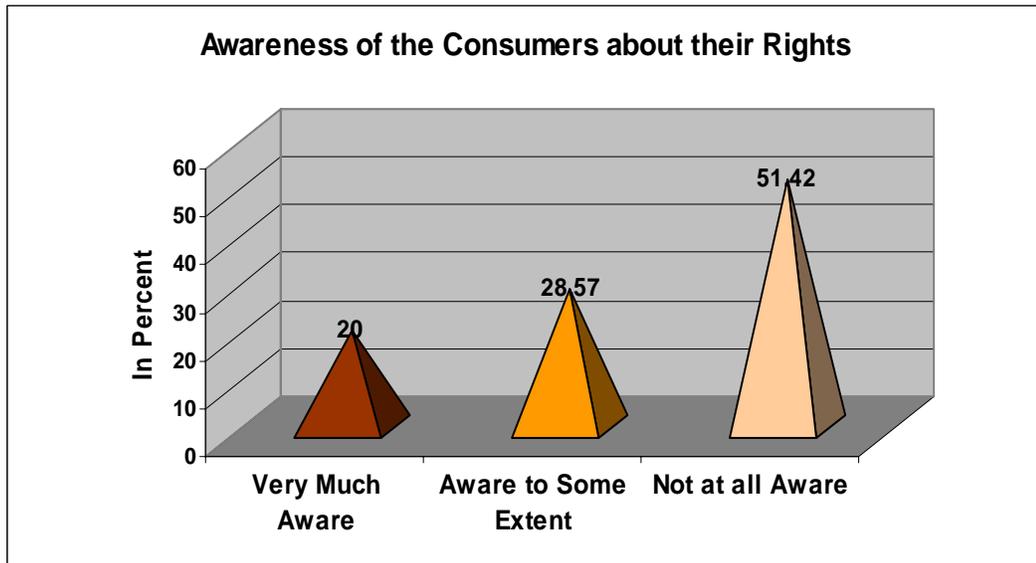
Figure 15 reveals that 65.71 percent of the respondents are of the view that the prescribed fee is reasonable and any hike in fee will deter the consumer from coming to the consumer forums to file a complaint. 34.29 percent of them felt that it is unreasonable. When probed further most of them felt that no fee should be prescribed for value of goods or services and the compensation claimed up to one lakh rupees.

Level of Awareness among Consumers about Consumer Rights

Right to Consumer Education is one of the rights of the consumers. However, inspite of the Act being in operation for more than two decades, the level of awareness among the consumers about their own rights and obligations is very low. Therefore, they continue to be exploited by the producers and the service providers. Lack of information about a product limits his right to choose. Moreover the consumer is also not aware about the redressal mechanism in case of a complaint. The members have been interacting with various consumers and they were asked to rate the level of awareness among the consumers. According to the respondents only 20 percent of the consumers were aware about their rights and 28.57 were

aware to some extent (Figure -16). 51.42 percent of the consumers are not at all aware about their rights and the Consumer Protection Act.

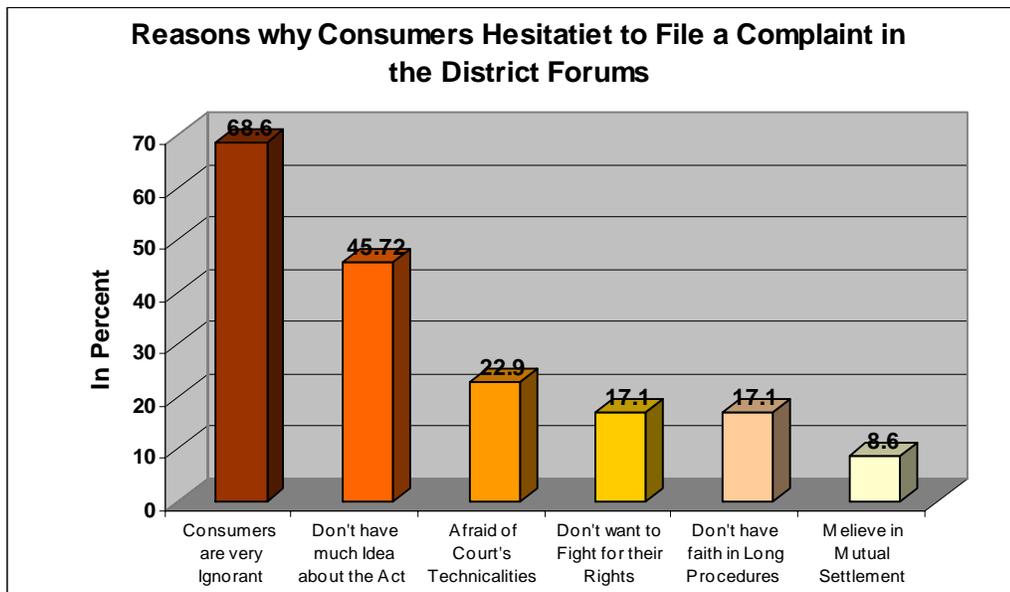
Figure -16



It was also revealed during the discussions that many of the consumers who file their complaints are also not aware about the Consumer Protection Act and its various provisions. According to them lack of awareness is the major reason for the continued exploitation of the consumers.

Due to lack of awareness the consumers hesitate to approach the District Forums for redressal of their grievances as indicated by the respondents in the Figure -17. 68.6 percent of the respondents felt that the consumers do not approach the District Forums as they are ignorant about their rights and the existence of any redressal mechanism. 54.72 percent don't have much idea about the Consumer Protection Act, 22.9 percent are afraid of the technicalities involved in approaching a consumer court, 17.1 percent don't want to assert their rights, 17.1 percent don't have much faith in the long procedures and only 8.6 percent believe in mutual settlement than filing a complaint in the consumer forums.

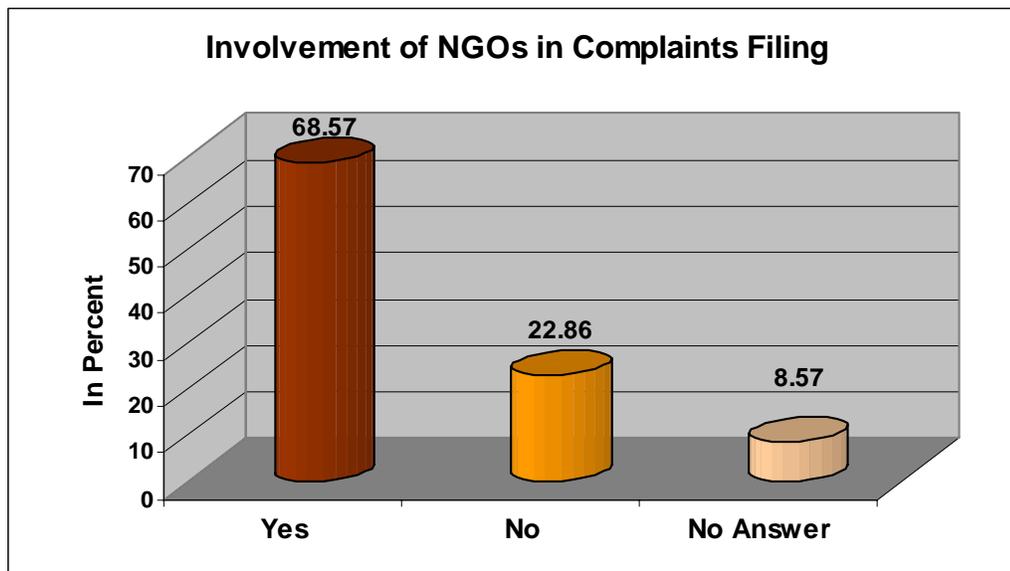
Figure - 17



Involvement of NGOs in Filing of Complaints

The NGOs are playing an important role in consumer education and awareness. The Consumer Protection Act (section 12(b)) also recognises the importance of the NGOs and provides that a complaint can be filed by any recognised consumer association whether the consumer to whom the goods sold or delivered or agreed to be sold or delivered or service provided or agreed to be provided is a member of such association or not. The respondents were asked about the involvement of the NGOs in filing a complaint. According to Figure-18, 68.57 percent of the respondents were of the view that the NGOs must be involved in filing a complaint while 22.86 percent did not favour the involvement of the NGOs in filing a complaint. According to them the consumers are not aware about the procedures of filing a complaint and the documents that are to be submitted while filing a complaint. The NGOs can play a proactive role in this regard and help the consumers to file their complaints. The NGOs could themselves file a complaint on behalf of the consumers. This will streamline the process to a large extent and help in speedy disposal of cases.

Figure -18

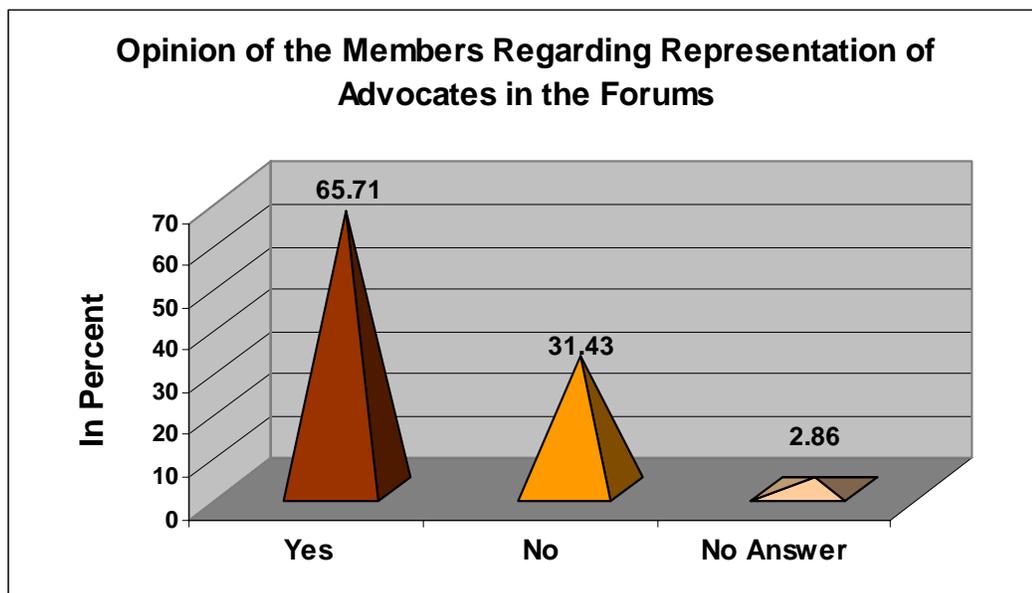


Representation by Advocates in the District Forums

The objective of the consumer courts is to deliver speedy justice, follow the principles of natural justice and summary disposal of cases. Many of the legal procedures are not followed so that justice is delivered quickly and in an inexpensive manner. The consumers are saved from the hassles that one goes through in the courts. The procedures have been kept so simple that the consumer can himself file his complaint and also argue his case. The objective of the Act also was to avoid long litigation and involvement of advocates. However, the consumer courts have nearly been taken over by the advocates. The delay in disposal of the cases and the investment of time and money has forced people to file a complaint through the advocates defeating the various objectives of the Consumer Protection Act. As a result of the involvement of the advocates the proceedings of the District Forums are becoming very technical and complicated. However, the members of the District Forums prefer that the parties are represented by the advocates (Figure - 19). Nearly 66 percent of the respondents agree that the advocates should represent the parties in the District Forums, while 31.43 felt that the advocates should be kept away from the consumer courts. The members felt

that there are a number of legal issues that the consumers are unable to understand and hence the cases are taking longer time to settle. Moreover the manufacturers and the service providers are hiring advocates to appear on their behalf, which puts the consumer to a disadvantage as the advocates are well versed in law and legal procedures. Therefore, a level playing field can be provided if both the parties are represented by the advocates. They were also of the view that some sort of legal aid should be provided to the poor consumers who file a complaint.

Figure - 19

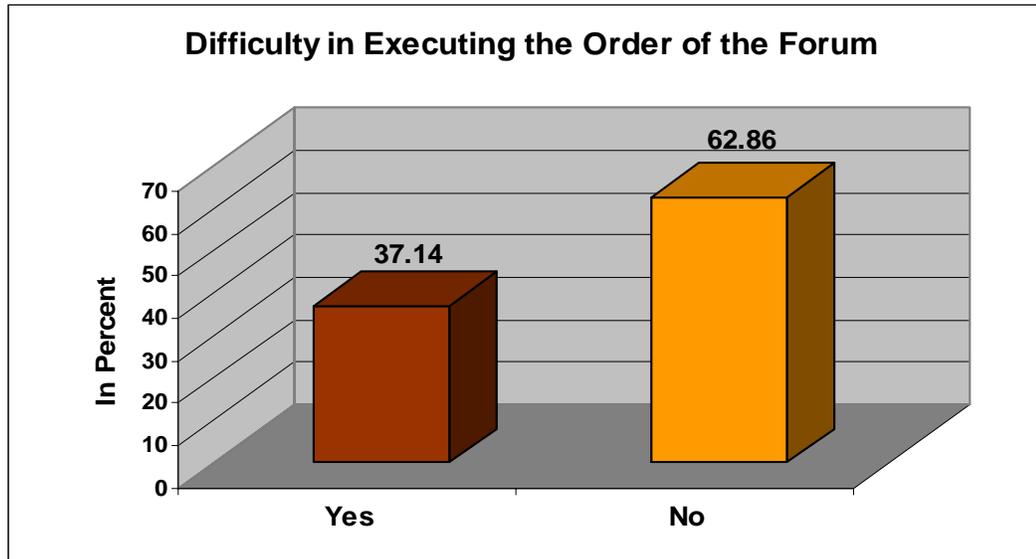


Difficulty in Execution of the Orders of the District Forum

One of the major difficulties faced by the district forums is the non execution of their orders. Figure - 20 reveals the opinion of the members regarding the execution of the orders. 37.12 percent agreed that there is a problem of non execution of the orders of the Consumer Forums. They were of the view that this was due to the non cooperation of the district administration. Moreover, a large number of execution cases were pending mainly due to non – execution of warrant of arrest or attachment order by the police authorities. They also expressed that more powers need to be vested in

the District Forum to ensure the execution of the orders otherwise the consumers will lose faith in the consumer courts.

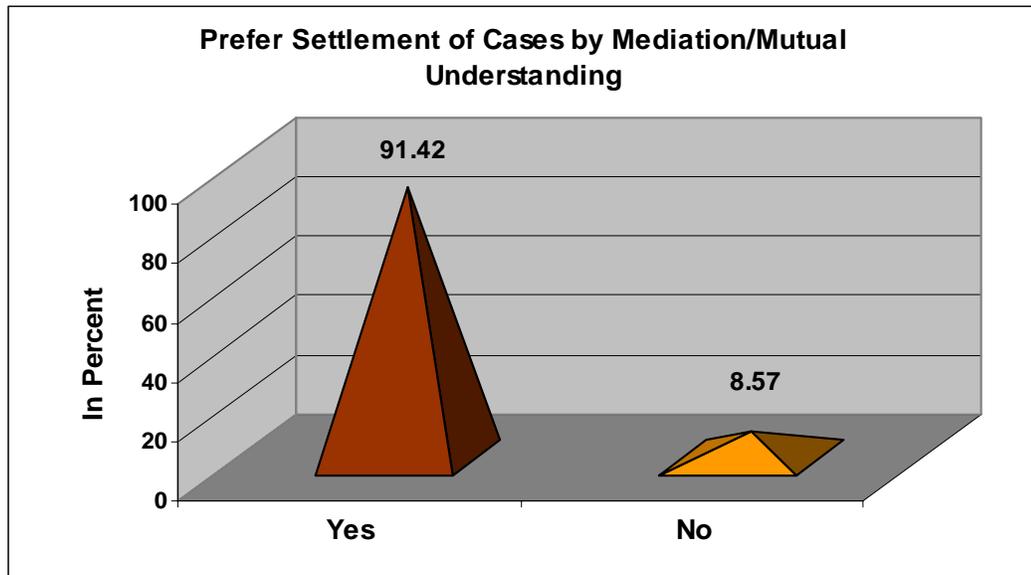
Figure - 20



Efforts to Settle Cases through Mediation or Mutual Consent

The spirit behind the Consumer Protection Act is not to punish or harass the consumer but to give him speedy justice and compensate for the loss. In view of the delay in disposal of the cases, efforts should be made to settle the cases through mediation and mutual consent before a complaint is filed in the District Forum. The producers as well as the service providers should be encouraged to set up a system of grievance redressal for the consumers as a first point towards complaint redressal. Majority of the respondents 91.42 percent were of this view (Figure - 21). They felt that a large number of complaints being filed in the District Forums could be solved through mediation or mutual understanding if there is a structured system available to the consumers before coming to the District Forums. However, majority of them also agreed that they give the parties an opportunity or encourage the parties to settle the complaint mutually even after a complaint is filed in the District Forum

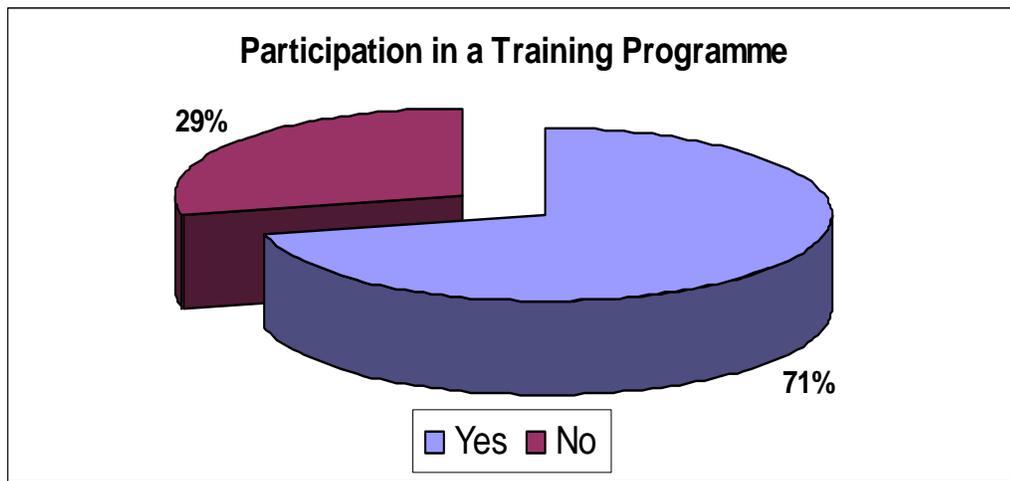
Figure - 21



Capacity Building Programmes

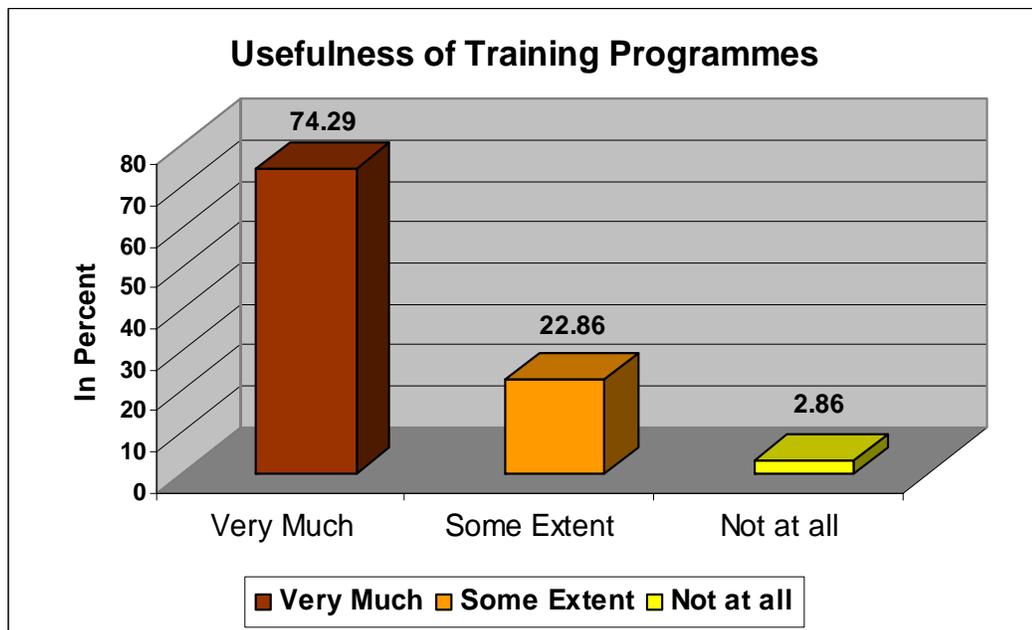
The capacity building programmes for the Presidents and the Members of the District Forums are being organised by the Indian Institute of Public Administration, New Delhi under the guidance of the NCDRC. The five day orientation programmes focus on enhancing the knowledge and developing the skill of the Presidents and the Members so that they can discharge their functions effectively. A variety of inputs are given during the programme which includes a thorough understanding of the CPA, latest judgements of the National Commission and the Supreme Court, case laws, judgement writing, judgements in various service sectors, etc. The programmes are held once in a quarter or on a specific request of a State Commission. Figure - 22 reveals that 71 percent of the respondents have attended a training programme and 29 percent have not attended any training programme. However, among those who have attended a training programme 74.29 percent found the programme to be very useful and 22.86 benefited to some extent (Figure - 23).

Figure - 22



They felt that the training programmes provided them with the latest developments in consumer laws and also enabled them to clarify a number of issues relating to the procedures being followed in the District Forums. The Members of the forum felt that since they did not have a judicial background such training programmes benefited them to a large extent.

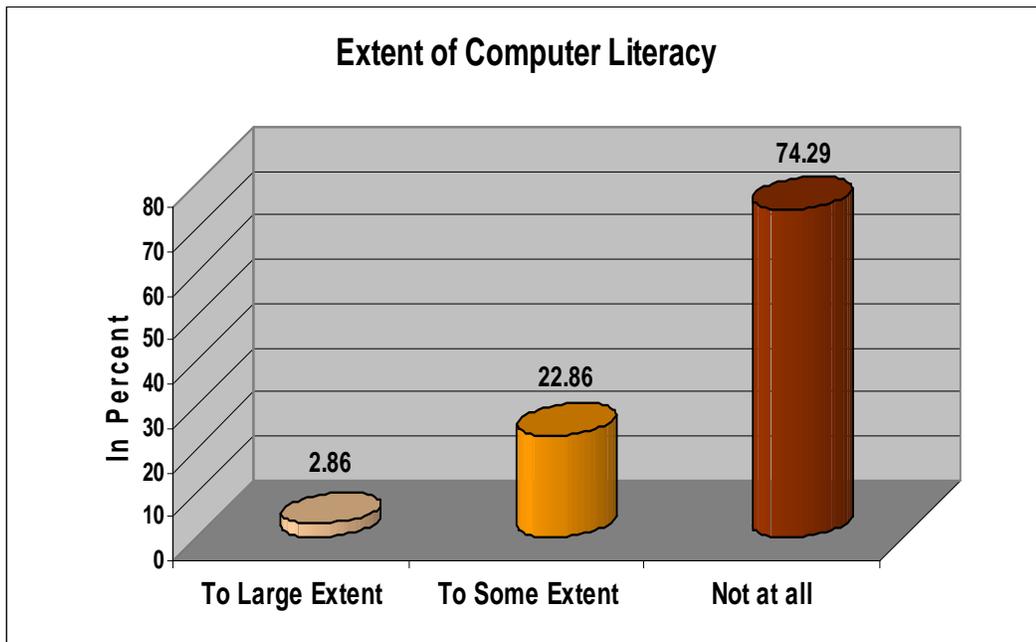
Figure - 23



Computer Literacy

A scheme for Computerisation and Computer Networking of Consumer Fora in the country has been launched through the National Informatics Centre. The objective of the scheme is to provide I.T. solutions in order to achieve e- governance, transparency, efficiency of consumer fora and to facilitate disposal of cases in a time bound manner. Under the scheme the NIC is providing the necessary hardware, developing the software application, as well as providing necessary training to the officials of the consumer fora. The scheme is designed to help in systematizing processing of various types of cases, data and generation of reports and also facilitate better administrative control. It is also designed to enable the consumers to file their complaints online and see the status of their cases on the website. The controlling agency for implementing the project is State Information Officers and District Information Officers.

Figure – 24

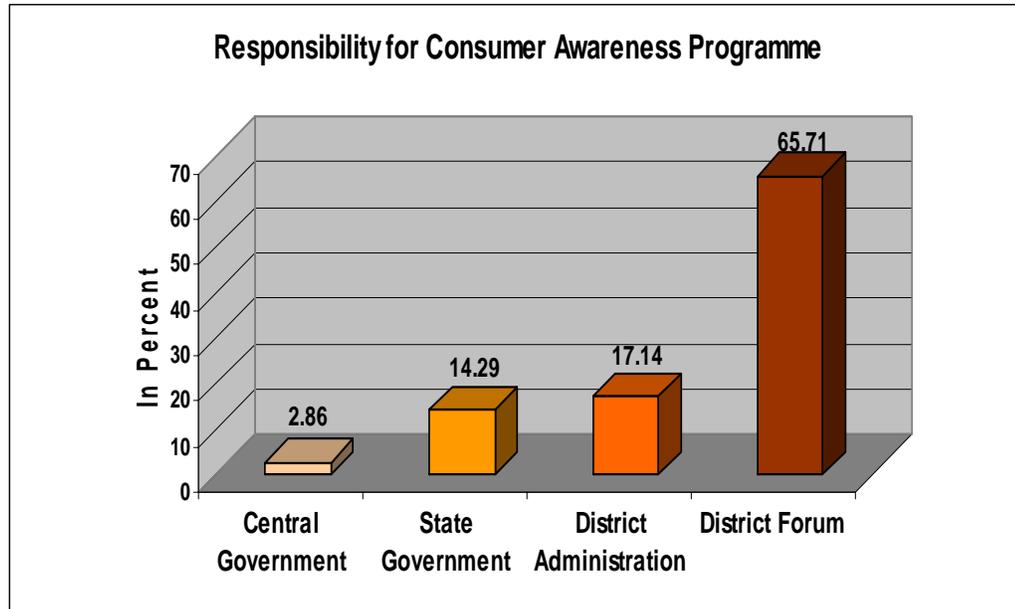


To build the capacity of the members and the officials of the State Commission and the District Fora a State level 'Training cum Workshop' on CONFONET Project was organized at State Consumer Dispute Redressal Commission, Ranchi from 21st to 26th July 2008. Members and officials from the 22 District Consumer Forums and the State Commission participated in the workshop. The purpose was to build the capacity of the officials so that they can take over the CONFONET project as it should not be left solely on the "Technical Support Persons" as they are appointed for a limited period of time. The training cum workshop was organized in two batches of three days each. On the opening day basics and computer fundamentals were dealt with considering the requirements of the participants. The other two days were fixed for live demonstration of "Case Monitoring System" followed by "hands on" of the software, taking backups and for Uploading of Cause List and Judgments on the website.

Even though a three day 'Training cum Workshop' on CONFONET Project was organized at State Consumer Dispute Redressal Commission, Ranchi from 21st to 26th July' 2008 in which Members and officials from the 22 District Consumer Forums and the State Commission participated, yet the level of computer literacy among the members is very low. Nearly 74 percent of the respondents are not computer literate even though they have attended the workshop (Figure - 24). Only 2.65 percent of the respondents are computer literate and 24 percent are computer literate to some extent. There is a need to enhance the computer skills of the members so that the functioning of the district forums can be improved and the process streamlined. Computer hardware and software have been installed in all the district forums of the state yet only 4034 records have been entered. The DIC should take the responsibility to train the members and the officials in computer application of the District Forums in their districts respectively instead of organising workshops for whole of the state. The members should be encouraged to become consumer friendly.

Consumer Awareness Programmes

Figure - 25



The ORG – MARG survey also revealed that the activities for consumer awareness were neglected in the state and efforts to educate the consumers about their rights were not undertaken by the State Government. During the discussions the respondents revealed that no funds are available to the District Forums for organising awareness programmes. They said that even when the National Consumer Day is celebrated by the concerned district administration they are not even invited to participate in such programmes. They have no funds at their disposal to even celebrate the National Consumer Day or the World Consumer Day. Most of them agreed that adequate funds must be made available to the District Forums to organise consumer awareness programmes.

Nearly 70 percent of the respondents agreed that the responsibility for organising consumer awareness programmes should be with the District Forums for which the central/ state government should give adequate funds (Figure- 25). 18 percent preferred the district administration and 15.60 percent felt that it should be the responsibility of the State Government.

5

FINDINGS AND SUGGESTIONS

1. The study reveals that nearly 50 percent of the respondents are less than forty years of age and 20 percent are between 40-50 years of age while 20 percent are more than 60 years of age. Nearly 63 percent are law graduates. They come from a variety of backgrounds; 25 percent are from the judicial services, 29 percent from the government services and 17 percent from the administrative services. Most of the members were well versed with the Consumer Protection Act but had little knowledge about other consumer protection legislations. They had problems in passing legal orders due to this.
2. The District Forums are functioning well, the sittings of the Forums are held regularly and the members are punctual. The delay in the disposal of the cases is because of other reasons and not due to the absence of the members. Most of them agreed that the work environment was very cordial and they worked as a team.
3. The District Forums have been facing a number of problems, like lack of manpower, funds, infrastructure, lab testing of products, non cooperation by the parties, etc. The computers have been acquired and installed but due to lack of manpower it is not of much help. The record rooms are not up to mark and there is not much space to store the records. Computerisation of the records is the need of the hour. The members do not have any financial power which is creating a lot of delay. Even adequate stationary is not available in some of the District Forums. Moreover the working condition of the employees also needs to be improved.

4. Most of them are satisfied with the major provisions of the Consumer Protection Act. However, some feel that there is a need to amend the Act to give more teeth to the consumer courts. As far as the fee structure is concerned the majority of the respondents felt that is reasonable.
5. Major impediment in the implementation of the Act is lack of awareness among the consumers. Due to this the consumers do not approach the consumer courts for redressal of their grievances. Efforts must be made to educate the consumers about their rights and also create awareness about the benefits of the Consumer Protection Act. The District Forums can play a major role at the District level in organising suitable awareness programmes for the consumers. At present the funds for awareness programmes are at the disposal of the district administration and not the District Forum. Due to the lack of awareness about their rights and also the procedures under the Act, the consumers hesitate to approach the consumer forums in case of a complaint.
6. Majority of the respondents felt that NGOs should play a proactive role and help the consumers in filing of the complaints. Involvement of NGOs in filing of the complaints will streamline the process and help in quick disposal of complaints. The consumers are not aware of the procedures of filing a complaint and the documents they are required to submit, the NGOs could themselves file the complaint on behalf of the consumers. This will avoid delay in disposal of cases.
7. The procedures to be followed by the consumer courts are very simple but with the involvement of the advocates the process has become very technical and legal. Even though the Act does not envisage the involvement of an advocate yet based on their experience majority of the respondents are of the view that the advocates should represent the cases. As the manufacturers and service providers are hiring the

services of advocates the consumer is at a loss as he lacks the required knowledge of the legal procedures. Moreover there are a number of technical issues involved, which only the advocates know.

8. Execution of the orders of the District Forums is a problem. The District Administration and particularly the police do not cooperate. No policeman is attached with the District Forums for execution of the orders of the forum. As a result a number of execution cases are pending mainly due to non – execution of warrant of arrest or attachment order by the police authorities. This is sending a wrong signal among the consumers. The Act needs to be amended and appropriate measures are required to be taken to ensure that execution of the orders of the forum is done in a time bound manner, otherwise the consumer will loose faith in the consumer courts.
9. The members are in favour of ADR before the complaint is filed in the District Forum. There should be some mechanism, at the level of the producer/service provider so that the grievances of the consumers can be addressed by mutual settlement failing which the consumer can file a complaint in the District Forum. Majority of them agreed that they do give an opportunity to the parties to settle their dispute through mediation or mutual consent. The Government of West Bengal has appointed a District Consumer Welfare officer who plays the role of a mediator. This system can also be introduced in other states provided a separate Department of Consumer Affairs is created as in the case of West Bengal.
10. As the scope of the consumer courts and the nature of complaints being filed are increasing, it is important that efforts are made to build the capacity of the members. Training has to be more systematic. Users' manuals in the local languages should be prepared for the use of the members of the District Forums. It would be better if induction training programmes are organised for the members of the District

Forums. The recommendation of the Shenoy Committee set up by the NCDRC should be accepted by the State Governments and funds are made available to organise induction training programmes.

11. Though the scheme of computerisation and computer networking of consumer forums was launched, but the working of the District Forums has not improved. The District Forums are not able to take full advantage of computerisation and computer networking. Adequate staff needs to be sanctioned for manning the computers. The members and other staff of the Forums should be imparted training in computer literacy and the operation of the software.

DISTRICT CONSUMER DISPUTE REDRESSAL FORUM

Complaint Form

To,

The President
District Forum

1. Name and Address of the complainant:
2. Name and Address of the Opposite Party:
3. Details of Goods/Service for which the complaint petition is being filed:
4. Synopsis of complaint:
5. Value of Goods/Services:
6. Date of cause of Action:
7. Details of Cash Memo/Receipt etc. (if any):
8. Evidence / Witness in Favour of the Complaint:
9. Attempt made for settlement:
10. Claimed Value:
 - (i) Principal Amount:
 - (ii) Compensation, if any:
 - (iii) Cost of litigation, if any:
11. Prayer:
12. whether any case is pending in any other court, in this regard:
13. Court Fee Details:

D.D./P.O. No :

Date :

Amount :

Signature of Complainant

District Consumer Forums in Jharkhand

E. Singhbhum(Chaibasa) Consumer Disputes Redressal Forum
The President
Sakehi Court Campus
Sakehi
Jharkhand - 831001
Tel :- 0657-2435597

Dumka District Consumer Disputes Redressal Forum
The President
Collectorate Campus
Dumka
Jharkhand - 81401
Tel :- 06434-226122

Sahebganj District Consumer Disputes Redressal Forum
The President
In front of District Treasury
Sahebganj
Jharkhand - 816109
Tel :- 06436-224587

Pakur District Consumer Disputes Redressal Forum
The President
Besides Civil Court
Pakur
Jharkhand - 816107
Tel :- 06435-220746

Palamandu District Consumer Disputes Redressal Forum
The President
Collectorate Campus
Palamau
Jharkhand - 822101
Tel :- 06562-227893

Hazaribagh District Consumer Disputes Redressal Forum
The President
Collectorate Campus
Hazaribagh
Jharkhand - 825301
Tel :- 06546-261465

Chatra District Consumer Disputes Redressal Forum
The President
Besides Collectorate Campus
Chatra
Jharkhand - 825401
Tel :- 06541-223392

Kodarma District Consumer Disputes Redressal Forum
The President
Collectorate Campus
Kodarma
Jharkhand - 825410
Tel :- 06534-252599

Dhanbad District Consumer Disputes Redressal Forum
The President
Collectorate Campus
Dhanbad
Jharkhand - 826001
Tel :- 0326-2312209

Giridih District Consumer Disputes Redressal Forum
The President
Near Collectorate Campus
Giridih
Jharkhand - 815301
Tel :- 06532-224633

Gumla District Consumer Disputes Redressal Forum
The President
Besides Civil SDO Office
Gumla
Jharkhand - 835237
Tel :- 06524-222098

Ranchi District Consumer Disputes Redressal Forum
The President
Collectorate Campus
Ranchi
Jharkhand - 834001
Tel :- 0651-2208817

Lohardagga District Consumer Disputes Redressal Forum
The President
Near Subdivisional Office
Lohardagga
Jharkhand - 835302
Tel :- 06526-222898

Garhwa District Consumer Disputes Redressal Forum
The President
Collectorate Campus
Garhwa
Jharkhand - 822114
Tel :- 06561-223733

Godda District Consumer Disputes Redressal Forum
The President
Near SDO Residence
Godda
Jharkhand
Tel :- 06422-220614

Saraikela District Consumer Disputes Redressal Forum
The President
Collectorate Campus
Saraikela
Jharkhand

Simdega District Consumer Disputes Redressal Forum
The President
Near Civil Court
Simdega
Jharkhand

Latehar District Consumer Disputes Redressal Forum
The President
Near SDM Office
Latehar
Jharkhand

Jamtara District Consumer Disputes Redressal Forum
The President
Officers Club, Near Dak Bungalow
Jamtara
Jharkhand

W. Singhbhum(Chaibasa) District Consumer Disputes Redressal Forum
The President
W. Singhbhum(Chaibasa)
Jharkhand

Bokaro District Consumer Disputes Redressal Forum
The President
Collectorate Campus
Bokaro
Jharkhand - 827001
Tel :- 06542-223363

Deoghar District Consumer Disputes Redressal Forum
The President
Collectorate Campus
Deoghar
Jharkhand - 814112
Tel :- 06432-231718

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2. Government of India, Consumer Protection Act, 1986
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