

ROLE OF DISTRICT CONSUMER FORUM IN PROTECTION OF CONSUMER RIGHTS- A STUDY IN CHAMARAJNAGAR DISRICT

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INTRODUCTION

Marketing comprises all activities involved in serving the consumers and maximizing profits. Under the market driven economy buyer or consumer is the king. To satisfy these consumers and also to survive in the long run, firms will make an attempt to increase the sales by developing new markets or by offering variety products to the consumers. While doing so, firms may mislead the customers with the false advertisements, false weights and measures, delivering poor quality goods and services, etc. On the other hand, consumers have to be aware of not only of the commercial aspects of sale and purchase of goods. But also, about the health and security aspect. Always consumers should be aware of their rights and duties to take rational purchase decisions. The first consumer movement began in England after the Second World War. A modern declaration about Consumer rights was first made in the USA in 1962 where four basic consumer rights- choice, information, safety and to be heard were recognized. Ralph Nadar, consumer activist is considered as the father of consumer movement. On March 15, 1962, US President John F Kennedy made a historical speech about consumer rights as he introduced 'The Consumer Bill of Rights' in the US Congress. Ever since, countries all over the world have celebrated March 15 as the Consumer' Day.

Consumerism a power socio- economic movement is in a beginning stage in our country which requires a big boost to become a mass movement. Many countries have suffered due to exploiting attitude of the public sector service agencies, trade, manufacturer, auto dealer and service providing agencies. With a view to protect the interest of consumers, the Consumer Protection Act, 1986 was enacted by the Parliament which came into force from 24th Dec 1986. So, Dec 24th is celebrated as the National Consumer Day. The government of India has enacted more than 50 Acts which can be interpreted in favour of consumers. Among these Consumer Protection Act-1986 is the first and the only Act which has enabled ordinary consumers to secure, less expensive and often speedy redressal of their grievances. The Act mandates establishment of Consumer Protection Councils at the Centre as well as in each State and District, with a view to promoting Consumer awareness.

The Karnataka Consumer Disputes Redressal State Commission was established in the year 1989, four District Forums were also established at four division level districts headed i.e., Bangalore, Belguam, Gulbarga and Mysore in the year 1989-90. Further in the year 1991-92, 16 District Forums were established at the remaining districts which are existing districts at that time. And also 7 Districts Forums were established at the newly created districts of Karnataka during the year 2003.

Chamarajanagar District having four taluks namely, Chamarajanagar, kollegal, Gundlupet and Yalandur. In Chamarajanagar, Consumer Disputes Redressal Forum was established in the year 2003. Earlier this district having the jurisdiction at Mysore District Consumer Forum. After establishing the Forum entire Chamrajanagar district jurisdiction cases are filing at this forum.

CONSUMER COURTS

NATIONAL CONSUMER COMMISSION

(National Level)

STATE CONSUMER COMMISSION

(State Level)

DISTRIST CONSUMER FORUM

(District Level)

Composition of The District Forum:

Each District Forum shall consist of, (a) a person who is, or has been, or is qualified to be a District Judge, who shall be its President;(b) two other members, one of whom shall be a woman, who shall have the following qualifications, namely: (i) be not less than thirty-five years of age,(ii) possess a bachelor's degree from a recognized university, (iii) 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:

(c) Every appointment under sub-section (I) shall be made by the State Government on the recommendation of a selection committee consisting of the following, namely: —

- (i) the President of the State Commission - Chairman.
- (ii) Secretary, Law Department of the State - Member.
- (iii) Secretary in charge of the Department dealing with Consumer affairs in the State -Member.

Jurisdiction of The District Forum:

(1) Subject to the other provisions of Act, the District Forum shall have jurisdiction to entertain complaints where the value of the goods or services and the compensation, if any, claimed “does not exceed rupees twenty lakhs”.

(2) A complaint shall be instituted in a District Forum within the local limits of whose jurisdiction,

(a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or carries on business or has a branch office or personally works for gain, or

- (b) any of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides, or carries on business or has a branch office, or personally works for gain
- (c) the cause of action, wholly or in part, arises.

Manner in Which Complaint Shall be Made.

(1) 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 with a District Forum by –

- (a) the consumer
- (b) any recognized consumer association
- (c) one or more consumers,
- (d) the Central Government or the State Government,

(2) Every complaint filed under sub-section (1) shall be accompanied with such amount of fee and payable in such manner as may be prescribed.

(3) On receipt of a complaint made under sub-section (1), the District Forum may, by order, allow the complaint to be proceeded with or rejected:

(a) Provided that a complaint shall not be rejected under this section unless an opportunity of being heard has been given to the complainant:

(b) Provided further that the admissibility of the complaint shall ordinarily be decided within twenty-one days from the date on which the complaint was received.

Role of Consumer Forums

The consumer court is the main thing to create the awareness about the consumer rights. if there is any difficulty when buying and selling some things, then the consumer court will help to the consumers to get rid from that particular problem. if the consumer not satisfied in the product or services, then they can apply in the court to get the justice and compensation. They guide consumers on how to file cases in the consumer court. On many occasions, they also represent individual consumers in the consumer courts. These voluntary organizations also receive financial support from the government for creating awareness among the people.

STATEMENT OF THE PROBLEM

Consumer rights are an integral part of our buying behaviour and it should become our way of life. In our day today life we will take a decision to purchase many goods and those decisions must always be a rational decision. Consumers have to be aware not only of the commercial aspects of sale and purchase of goods and services. But also, they should be aware of their rights and duties as rational human beings. There are many ways where customers may be cheated by the sellers. On the one hand, to protect the interest of consumers and their rights, the government has taken initiative to start the Consumer Forum at the National level, State level and District level. But many are unaware of the existence and usefulness of the Consumer Forum.

NEED FOR THE STUDY: In a competitive market the availability of goods and services are more and consumers have got many choices. In present market scenario some of the producers and sellers may use some illegal ways to attract the consumers like supplying the poor quality of products. To attract the consumers to purchase, they use creative advertisements. That time consumers are victims of poor quality, unsafe, under measurement, adulteration and false promises. To protect the interest of the consumers' government has taken initiative to start the consumer forum in central, state and district level. It is very much essential to know the consumer awareness about the District Consumer forum and how much they are utilizing the benefits of the Consumer Forum. The effectiveness and efficiency of these consumer forums are to be measured. It is also necessary to know whether these consumer forums are achieving the set purpose or not.

OBJECTIVES

1. To study the role of District Consumer Forum.
2. To analyse the trends in complaints in Chamrajanagar.
3. To analyse the awareness about the Consumer Forum and the duration for different types of complaints.
4. To study the different types of settled cases in the Forum.
5. To find out the problems in filing the consumer complaints and suggest the ways to overcome the problems.

RESEARCH METHODOLOGY

The study is carried out on the basis of primary and secondary data. For the purpose of collecting primary data about the ROLE OF DISTRICT CONSUMER FORUM IN PROTECTION OF CONSUMER RIGHTS structured questionnaire is prepared and distributed to the consumers and sellers in Chamrajanagar. And also, interaction is made with the advocates and members of District Forum.

This study is also based on secondary data. For this purpose, books, journals, articles, files and reports of District Consumer Forum are referred. Various Websites are also visited to collect the information.

BREAK UP SAMPLE SIZE: The study is based on 100 sample size. The Random sampling technique is used to collect the data. Out of 100 sample size, 50 for consumers and remaining 50 for sellers of Chamrajanagar District.

LIMITATIONS OF THE STUDY: Study is only confined to Chamrajanagar District. The sample size is so small i.e. 50 from consumers and 50 from sellers. But universality does not reflect the responses of the universe as a whole.

FINDINGS:

- In Chamrajanagar District Consumer Forum, while studying about the category wise cases it is observed that majority of cases filled are due to deficiency of service in banking, insurance, electricity, few medical negligence, and remaining are miscellaneous category. In the banking category the deficiency occurred while non-repayment of deposits, heavy interest rates on loans.

- In insurance sector the cases filled were belongs to agriculture insurance, repudiation of claims in life insurance etc, in the electricity category cases filled relating to disconnection of electricity without notice, crop burnt due to short circuits etc, in medical negligence case deficiency in treating the patient. In miscellaneous category the cases filled are about housings, deficiency in non-supply of information under RTI Act, etc.

➤ **TALUK WISE FILING OF CASES**

Chamarajanagar - 94.0%

Kollegal- 3.5%

Gundlupet- 2.0%

Yalandur- 0.5%

TOTAL- 100%

Out of the cases filled before the Chamarajanagar District Consumer Forum, after studying filled cases individually and in bulk, it is found that almost all of the consumers who filled complaints are from Chamarajanagar taluk i.e. 94% and only few consumers are from Kollegal taluk i.e. 3.5%, Gundlupet taluk i.e. 2%, and Yalandur taluk i.e.0.5%. Out of 94% consumer from the Chamarajanagar 53% from the urban and 47% from rural areas. With regard to Kollegal, Gumdulpet and Yalandur taluk the complaints are from urban area and nil in rural areas.

- Any products are purchased they will receive the bill in the name of head of the family normally male person. So, the complaints are lodged in the name of male. As per the survey majority of complainants filed are male.
- When we purchase and use the product if there is any problem arise normally complain is given to sellers first. As per the survey 44% sellers receiving complaints from consumers about their products.
- As per the survey 36% respondents says that still there is a consumer exploitation. 63% consumer says that there is decrease in consumer exploitation.
- To avail the benefits of any programs of government education is essential like that only the educated people are making use of consumer forum. As per the survey only educated people coming forward to make complaints.
- As per the survey 60% consumers are ready in filling complaints in the consumer forum if they come across any problem and 40% are not ready in giving any complaints.
- As per the survey 94% complainants are belongs to Chamarajanagar Taluk even though the Forum having jurisdiction of entire district because lack of awareness and longer distance.
- As per the survey majority of cases dismissing even though there is deficiency of service by the opposing party.
- As per the survey 80% of cases taken more than average time for disposing. Because nonappearance of opposite party, non- availability of supported documents, sending of defective products for lab.
- Consumers expressed their inability to get the compensation immediately after the order passed.

- According to survey 33% consumers are partly satisfied with the judgment.
- As per the survey forums not have enough funds to conduct consumer awareness programs.

SUGGESTIONS

- The product manufacturing date is very essential to every product especially if it is the food item and the consuming time is expired, it will be poisonous. That is why every consumer must and should check the expiry date.
- District consumer Forum provide proper consumer education to the general public and for the others while purchasing goods and getting services for their benefits.
- Forum must take initiative to make advertisement boards about consumer's rights at the village Panchayath level and Taluk Panchayath level.
- Forum must take initiative to conduct awareness programs at the Panchayath level and school level all over the district.
- Even though consumer courts working effectively, still there is a consumer exploitation because of consumer unawareness. For this forum takes step to establish grievance cells at the village and taluk Panchayat level.
- When the consumer filling complaint in consumer court, it is necessary to provide supported documents. If it is not there, the case will be dismissed. Because of this every consumer must and should collect supported documents like purchase bills, warranty or guaranty cards, bonds, etc... consumer forum can educate the customer to collect these.
- Forum must take initiative to advertise in T.V, radio and newspapers and consumer bulletins about their rights.
- The process of filing complaints is not known to everyone and they feel it is difficult. Because of this, forum must take initiative to make awareness programs about the process of filing complaints the rural level.
- The forum is at district headquarters there must be one cell at Taluk level for filing and registering the complaints.
- Sellers should be aware of consumers rights and consumer court. And also, they should make prompt selling i.e. quality oriented at MRP rate and regularly checking of expiry date before selling. It leads to decrease in consumer complaints.
- Forum must take initiative for pay the compensation by the opposite parties to the complainants on the day of order itself.
- The consumers have opportunity to prefer an appeal before the State Commission against the order passed by the District Forum with regard to compensation awarded.

CONCLUSION

Consumer Protection Act is enacted to give protection to consumer by safeguarding the interest and rights of the consumer, but consumers' hardly use their rights due to lack of awareness and ignorance. It is

necessary to provide them physical safety, protection of economic interest, access to information, satisfactory product standard and statutory measures for redressal of their grievances.

India is one of the countries that have exclusive courts for consumer redressal. The consumer redressal process is becoming cumbersome and time consuming. Many a times, consumers are required to engage lawyers. These cases require time for filling and attending the court proceedings etc... In most purchases cash memos are not issued hence evidence is not easy to gather. Moreover, most purchases in the market are small retail sales. The existing laws also are not very clear on the issue of compensation to consumers creates by defective products. Nevertheless, there is scope for consumer to realize their role and importance. It is often said that consumer movement can be effective only with the consumer's active involvement. It requires a voluntary effort and struggle involving the participation of one and all.

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