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AN ANALYSIS ON DISPOSAL OF CONSUMER CASES WITH SPECIAL REFERENCE OF BIRBHUM CONSUMER DISPUTES REDRESSAL FORUM

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ABSTRACT: The consumer Protection Act 2019 has been enforced in order to redress the grievances of the consumers as a replacement to the Consumer Protection Act 1986. In this present study the author aims at focusing the role of consumer District Redressal Commission in Birbhum to redress the grievances of the consumers. Here the author collects the data of five years for the disputes cases registered in the Birbhum District Consumer Commission. This study is the combination of doctrinal and non-doctrinal method where, Secondary data has been collected by the author from various sources like newspapers, Journals, Periodicals and online searching website for consumer Disputes Cases (Confonet). Primary data has been collected by vising the Birbhum District Commission.

KEYWORDS: District Commission, Birbhum, Consumer, Consumer Complaints, Redressal of Consumer Complaints, Unfair trade practice, Deficiency in Service

1. EVALUATION OF THE PROBLEM

The Consumer Protection Act 1986(CPA) aims to protect and promote the interests of the consumers in a unified and effective manner. A consumer is an individual who compensates to consume the goods and services produced by a manufacturer to satisfy the personal wants. A person who purchases goods for the purpose of livelihood can be termed as a consumer. Consumer is a backbone of national financial system and it plays a vital role for the development of the nation. Swami Vivekananda said that consumer is a king. But the reality is that most of the cases the consumers are treated very badly. They are exploited by traders, manufacturers and dishonest businessman. In order to safeguard the interest of the Consumers, the Consumer Protection Act was passed in the year of 1986.This particular Act provides for three consumer Disputes redressal agencies in order to protect the self of the consumers. These agencies are working in the District level, state level and National Level Forums in West Bengal. There are total 25 District Consumer & total 629 District Forums (replaced by the word commission by 2019 Act) for District level. There exist total 35 of State Commissions for state level. There also exists one National Consumer Disputes Redressal Commission. Our Consumer Protection Act 1986 provides that a consumer complaint shall be decided within three months where sample testing is necessary and six months where sample testing is not necessary. A complaint under the Consumer Protection Commissions can be filed if loss or damage is caused to the consumer due to unfair contract, unfair or restrictive trade practice of trader or service provider, the article purchased by a consumer is defective, the services availed by a consumer suffer from any deficiency, a trader or service provider, as the case may be, has charged for the goods or for the servicer mentioned in the complaint a price in excess of the stipulated price, Goods or services which will be hazardous to life and safety, when used, are being offered for sale to the public, a claim for product liability action can also be made against the product manufacturer, product seller or product service , as the case may be. But the researcher through the help of various literatures and books and journals gathers the knowledge that a large number of consumer complaints are pending all over India. Here the researcher would like to know the effectiveness of the Birbhum District Consumer Disputes Redressal Commission for redressing the grievances of the consumers in order to know the actual level of implementation of the Consumer Protection Act.

2. Objectives Of The Study

i. There are twofold objectives of this research. The first objective of this research is to find out the applicability of the consumer protection Act in dealing with the cases relating to unfair Trade Practice in the District Forum particularly in Birbhum District Consumer Disputes Redressal Forum.

ii. Another objective of this research is to access the performance of the forum in redressing the grievances of the complainants who are the victims of unfair trade practice.

3. Research Question

I. What is the level of implementation of the Consumer Protection Act in the District of Birbhum?

II. Is the number of consumer cases filed in Birbhum commission, an actual reflection of actual number of section 12 violations occurring in reality in Birbhum?

III. What is the reason for dismissal of cases and for elongation of the time period for disposal of cases?

4. Review Of Literature

i. Padma and Karnik (1990)1 in their book entitled “Complaints Handling” target those people of consumer protection groups who deal with complaints. The authors explain the entire process of Complaint Handling in a simple effective language using actual complaints handling by consumer Education and Research centre as examples. They stress the need for scientific approach to complaints handling. The broad areas covered in this book are process, follow-up and analysis of complaints and setting up a complaints service. The authors make it clear that the main objective of a consumer protection group is bringing about a just and fair solution to any complaint lodged with them by the consumer. According to them when complaints throw light on the paucity of laws in a particular area, the consumer protection groups can lobby for new laws or amendments in existing law.

ii. Reddy and Ramesh (1998) conducted a study on the role of an independent agency to protect the consumer interest in twin cities of Hyderabad and Secundrabad. Hyderabad forum received 12,116 cases since its inception, of which 8,051 (66%) have been dispensed of and 4,065 (34%) cases were pending. Study also reported that only 19 per cent of them were fully aware of the Consumer Protection Acts and more than half of the respondents were partially aware of the consumer rights and 30 per cent were not aware of it. Awareness of consumer protection was more among men than the women. From the above studies reviewed it was clear that maximum number of respondents were aware of consumer welfare programmers i.e., Consumer Protection Act but very few consumers utilized the facilities.

iii. Sreevidya (1993) in her dissertation work entitled *"Consumer Justice and Public Utility Services"* assesses the working formula under the Consumer Protection Act, 1986 for rendering justice to the public utility Services.

iv. Lizzy (1996) in her PhD thesis entitled *"Women and Consumer Protection"* highlights the role of women in promoting consumerism in Kerala. She also suggests various measures for the speedy functioning of the consumer disputes redressal agencies in Kerala.

v. Sreevidya (1993) in her dissertation work entitled *"Consumer Justice and Public Utility Services"* assesses the working formula under the Consumer Protection Act, 1986 for rendering justice to the public utility Services.

5. Limitations Of The Study

As it has been explained in the introduction, the researcher will in her dissertation attempt to find out the instances of the Section 12 of the consumer Protection Act 1986 violations and seek to holistically study the cases filed in 2016. A detailed study has been undertaken, but due to paucity of time and resource constraint, the researcher will be able to only study 16% of the cases filed in this year.

6. Suppositions

i. The Consumer Protection Act in spite of its intention of protecting the consumers have failed to secure their faith and even though there is a large instance of UTPs happening in the country, including Birbhum District, very few cases are filed and much less is resolved.

ii. The researcher believes that this is because a large number of people are doubtful regarding the applicability of the Act to redress the grievances suffered due to the unfair Trade practice. There are many loopholes in the legislation due to which a large number of complainants fail to prove their case. Taking advantage of the loopholes or lack of clarity in the legislation, the opposite parties seeks protection from the penalty. A large number of cases remains pending even after expiry of a long period due to which the complainants have lost their interest towards the case. It appears that sometimes the opposite parties in fear of punishment or penalty try to settle the case of carrying the litigation, like, securing bank drafts etc, prevent people from proceeding to the Consumer Disputes Redressal Forum.

7. Research Methods

This research is a mixed of doctrinal and empirical method. The author has visited the Birbhum District Consumer Disputes Redressal Forum/Commission. Here the researcher has collected and used both primary and secondary data. Primary data's are collected from court records as obtained by the researcher by visiting the District consumer Forum, Birbhum and the researcher has collected the secondary data from books, journals, research papers, and CONFONET.

8. Historical Development Of The Consumer Protection Act

In India consumer had to buy what was offered and they had no choice even if the price was high, the quality and service was poor and terms of sales were unattractive and sometimes even unreasonable compared to situation prevailing in free economy countries. In U.S.A or Japan and Europe Consumers are not required to book a car or LPG connection for cooking or scooter by making a deposit with the company rather the manufacturer's offers credit to the buyer. Now that has started in India too in case of certain consumer durables where competition is tremendous. But there is also a matter of culture and business ethics.

In Indian Industry and trade the consumer is completely ignored even in the matter after sales service or keeping to their promise to repair or replacement. Consumers often felt helpless because our laws are very complicated, costly and time consuming and requires an advocate to plead the case. Often it was considered wise to get a thing repaired by incurring extra cost rather than endlessly requesting for company engineer to look into it. When these problems started growing with the enlargement of market for consumer durables, consumers and Government woke up.

In the medieval period, the consumer protection continued to be prime concern of the rules. During Muslim Rule, a large number of units of weights were used in India[1]. During the sultanate period, the prices used were determined by local conditions.[2] During the rule Alauddin Khalji,[3] strict controls were established in market place[4]. In those days there was unending supply of gain to the city and gain- carries sold at prices fixed by the sultan. [5]There was a mechanism for the price enforcement in the market. Similarly, shop- keepers were punished for under weighting their goods. In the modern period, the British system replaced the age old traditional legal system in India. However, one of the outstanding achievements of British Rule in India was the formation of a unified nationwide modern legal system "Despite of the challenges of combing the British and Indian Legal systems," [6] the fabric of modern Indian Law…is un mistakenly Indian in its outlook and operation"[7] and the Consumer protection is not an exception to this perception. Some of the laws which were passed during the British regime concerning consumer interests are: The Indian Contract Act

1872, The sales of Goods Act of 1940, the Usurious Loans Act of 1918 and the Agriculture Procedure (Grading and Marketing Act)of 1937. These laws provided specific legal protection for the consumers.[8]

For fifty years, the Sale of Goods Act of 1930(SGA) was the excusive source of consumer protection in India. The SDG, drafted with precisions, is "an admirable piece of legislation". [9]It is also praised as a "Consumer Charter". The main protection for the buyer against the seller for defective goods is found in Section 16 of the Act. It provides exceptions to the principles of caveat emptor (Let the buyer be aware) and the interests of the buyers are sufficiently safeguarded. Phrases such as "skill and judgement of the seller, reliance on seller skill", and the test of "merchantable quality" provide effective remedies to the buyers. Courts interpreted these rules in the consumers favour.[10]The SGA was the exclusive consumer legislation until 1986, with the passage of the Consumer Protection Act of 1986 and Consumer protection Amendment Act of 2019, designed to supplement the remedies already provided under the SGA

Consumer Protection was also provided within India's Criminal justice system. The Indian Penal Code of 1860 has a number of provisions to deal with crimes against consumers. It deals with offences related to the use of false weights and measures[11], the sale of adulterated food and drinks, the sale of noxious food or drink, the sale of adulterated drugs.[12]

Consumer protection legislation enacted after India's independence from the Britain includes: The Essential Commodities Act of 1955, The Prevention of Food Adulteration Act of 1954 and the standard of weights and Measures Act 1976. A benefit of these Acts is that they do not require the Consumer to prove mens rea.[13] Rather "the offences are of strict liability, and not dependent upon any particular intention or knowledge". [14]Criminal law in the field of consumer protection has acquired much significance as consumers are less inclined to go to civil court for small claims. It has been said that "the fundamental value of criminal law in the field of consumer protection is a high one at

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[1] Maulana Hakim Syed About Hai, India-During Muslim Rule 127(Mohiuddin Ahamed trans,1977)
[2] S.R.Bakshi, Advanced History of Medieval India Vol.1287(2003)
[3] 1296-1316

[4] Irfan Habib, the price Regulations "ala"Uddin Khalji-A Defence of "za" Barnai, in Money and The Market in India 1100-170085(Sanjoy Subrahmayam ed.1998)
[5] Ibid.at 88

[6] Marc. Galanter, Law and Society In Modern India15(1997)
[7] Journal of Texas Consumer Law
[8] ibid
[9] Gorom Borrie & Aubrey L. Diamond, The Consumer, Society and The Laws65 (1964)
[10] Ibid
[11] Indian Penal Code No.45 of 1860, ch 13 SS264-67
[12] Ibid Ss.272-276
[13] Guilty mind
[14] D.N.Saraf, Law of Consumer Protection India 169 (1901)

consumer protection as pedigree".[15] Another view is that there has been an attempt to look at consumer protection as "public interest issue rather than as a private issue" to be left to individuals for settlement in court.

In addition to the remedies under contract and criminal law, consumers have rights under the tort laws. Based on its numerous legal intricacies, however, tort law is not the ideal remedy for the injured consumers in India. For example, the traditional doctrine of negligence imposes heavy responsibility on the plaintiff to prove each of its required elements. These essential legal requirements naturally encourage injured consumers to pursue legal remedies under different laws. Not surprisingly it is estimated that for about half a century from 1914-1965, only 613 tort cases came before the appellate courts.[16]

The orthodox legal requirement under the law of torts and contracts forced the policy makers to craft specific legislation to protect consumers. As a result, the consumer protection Act 1986 has been passed.

In 1986 the consumer Protection Act was passed to provide for the better protection of the interest of the consumers and for that purpose to make provisions for the establishment of consumer's councils and other authorities for the settlement of the consumer's disputes and for matters connected therewith.[17]

Before Consumer Protection Act was passed in 1986 there was none to hear complaints of consumers. The District forums and state and nation commissions have been taking the complaints very seriously and in many cases have ordered severe punishment both in case of goods and services. The definition on Defects[18], Deficiency[19], Restrictive and Unfair Trade Practices[20] are so wide that every dissatisfactions of consumer is covered and if he is deceived in any manner he can approach theThe judgement of the forum and commissions have encouraged the consumers to approach more frequently to these bodies. But with the increase in the number of the cases there are inordinate delays in listening to complaints and passing the orders. Further, with the passage of time it is becoming almost necessary to engage a lawyer though not required in law. This is making the system costly.

Actually the protection cannot be bye law alone but proper business culture and competition in the system is needed. With the increased competition and globalization consumer is cared better by MNCs and gradually Indian companies are also taking queue from them. However, as yet after service is far from satisfactory, sometimes even in in case of well reputed companies.

In certain cases considerable punishment has been awarded but there is much to learn from foreign companies who withdraw their product if found defective even without complaints. It has been reported in Economic Times of 21st September 2000 that "Honda Motor Co. today became the latest big Japanese manufacturer to recall potentially defective products, amounting a half a million cars in Japan.

The recall would cost 2.6 billion yen (Dollar 24 million): similarly Continental General Tire is expected to announce the recall of about 80000 tyres on the Navigator sport Utility vehicles made by Ford Motor co. over the fear of chunks of trade may come off (Economic Times 20th Sept.2000). Firestone announced the recall of 6.5 million 15inch tyrasamid growing reports they can shred and cause deadly accidents. The cost of withdrawal will be 400-500 million Dollars.

In India such things do not happen because there is no consumer movement like as is there is in USA. But it is certain that after passing of Consumer Protection Act things have started improving and more

[15] Goron Borrie, The Development of consumer Law and Policy: Bold Spirits and Timorous Souls 3(1984)
[16] See Wormell Vs. R.H.M. Agriculture(east), Ltd(1987)1 W.L.R 1901
[17] Preamble of the Consumer Protection Act 1986
[18] Section 2(1)(f) of the Consumer Protection Act 1986
[19] Section2(1)(g) of the Consumer Protection Act 1986
[20] Section 2(1)(r) of the Consumer Protection Act 1986

and more consumers are coming forward with their complaints. It has been reported in March 2001 that there is move to further strengthen the law so that delays in disposal of cases is reduced.

Now, coming to the researcher topic, unfair trade practice is a type of offence that has been recognized under the CPA 1986. Let us look at the relevant provision concerning this offence in following section.

In Re Institute if Personal Management and Industrial Relations the use of the word "recognized" after its name constitute unfair trade practice, as it gave a false impression that all its courses are recognized by the Punjab Government, Whereas , in fact only one course was recognized by the state Government.

In Re Gen India, the commission held that making false claim regarding the quality of refrigerator as being free from manufacturing defects and further is not providing satisfactory service by timely replacement in terms of the warranty in a breach of clause(vii). Also that subsequent replacement of the machine after the complaint has been filed with the commission was too late and did not wipe out the unfair trade practice indulged in by the respondent, as it deprived the consumer of the use of the refrigerator for a long period. A "cease and desist" order was passed requiring the respondent to refrain from indulging in such unfair trade practice amounting to breach of warranty on his part.

Therefore we see that consumer protection has been understood to be a necessity by the state. For the purpose of this Research, the researcher will be doing empirical work in the District of Burdwan to understand the instance of UTP in the Forum

9. Analysis Of Birbhum Consumer Disputes Redressal Forum

The researcher had visited the Forum for total period of 10 days for the purpose of this research and made the following observation.

9.1. Qualitative Data

The forum is situated at District:, PIN. At the time of visiting the researcher found out that there are three judges in the Forum, i.e.; The President and two member judges. The name of the President is Biswanath Konar. Soumen Sikhdar was one of the member judge and Miss Rina Mukherjee was another member judge.Between two member judges one was female member. The working days of Consumer Forum is Monday to Friday from 12o' clock to 3 pm. Steps (Hazira or petition) are required to be filed within 10 am to 12 o'clock on the morning. Apart from the judges there are 6 other official staffs including Peshkar and stenographer. There are also two female staffs. The researcher found that each working day is generally fixed for 2 admission hearings and 2 arguments along with various other hearings. These are the stages of disposal of a consumer complaint case. However there might be some cases where all the stages might not be applicable.

These stages are as follows:

i. Filing of the case
ii. Admission hearing
iii. Filing written version
iv. Filing written statement
v. Filing evidence by the complainant
vi. Filing evidence by the opposite parties.
vii. Questioning by the opposite parties
viii. Answer for questioner by the complainant
ix. Questioning by the complainant
x. Answer for questioner by the opposite parties
xi. Prayer for expert opinion by the complainant
xii. Answer of the expert opinion
xiii. Cross examination of the expert opinion
xiv. Argument
xv. Judgement

For the purpose of empirical work, the author collected cases that were filed and disposed of in 2016-2022.Before the author elaborates on her research and lays out her findings, she would like to explain a few terms that she encountered in her field research.For the purpose of the study, it needs to define two terms in relation to conclusion of consumer complaint cases. These are as follows:

a. Disposed of cases

b. Dismissed cases

a. disposed of cases:

Disposed of cases generally includes those cases, which have been concluded on the merit of the case. They may either be dismissed by the court for not having sufficient cause as insisted upon by the complainant. Alternatively disposed of cases may also include those cases that have been allowed and decreed upon.

b. Dismissed cases:

Dismissed cases can be generally defined as thoses cases which are dismissed due to some technical grounds like the following:

i. Dismissed due to non admission of the complaint.
ii. Dismissed due to non prosecution or Dismiss for default.
iii. Dismissed due to withdrawal of cases for various reasons.

Dismissed due to non admission

It means:

When complaint case as filed by the complainant become non admitted, due to lack of merit. In consumer complaint case, following points need to be satisfied:

a. Whether the complainant is a consumer or not?
b. Whether the case has been filed within 2 years from the cause of action?
c. Whether the purpose is a livelihood purpose of commercial purpose?

When it is satisfied that the purpose is a commercial purpose or the cause of action expires two years or the complainant is not at all a consumer before the opposite parties then the case becomes dismissed as non admitted.

Dismissed due to non- prosecution or Dismiss for Default

A case becomes dismissed due to non prosecution or for dismiss for default, when the following criteria satisfied:

a. When both the parties to the complaint case are not present during the period of hearing.
b. When the complainant or his authorized attorney is not present, during the period of hearing.

In the first case the court has the sole power to dismiss the case and in the second case when the complainant or his authorized attorney is not present, during the period of hearing.

In the first case the court has the sole power to dismiss the case and in the second case when the complainant or his authorized attorney has not been filed any steps during hearing dates, then either on written request petition of the opposite or on using its discretionary powers, the court may dismiss the case on the ground of non prosecution or dismiss for default.

Dismissed due to withdrawal of consumer cases

Withdrawals of cases have been made due to the following grounds:

a. Withdrawal due to settlement of cases outside the court and /or
b. Withdrawal due to some technical fault in the case.

9.2. Quantitative Data Collection

The author split the collection of data into two years 2016

In the year of 2016 total 153 complaints cases have been filed of which total 99 cases have been disposed of since 2022. Total 43 of the disposed complaints, which have been filed in the year 2016, have been declared in favor of the complainant and total 56 complaints filed in 2016 have been dismissed due to various reasons. In the year 2016 total 5 complaints are rejected as not admitted, 10 complaints have been dismissed due to withdrawal and 11 complaints have been dismissed due to not allowed on contest i.e; complainant has failed to prove his case and total 10 cases have been disposed of on default or non prosecution.

9.3. Analysis:

The author in her field study analysed total 17 cases filed in the years 2016.

The author has covered the cases in her filed study mostly related to the products like Mobile Phones, Tablets, Mobile Insurance Policy, car, Life Insurance Policy etc. The researcher has observed that in most of the cases the complainant has filed their cases through their Ld. Advocates and a few numbers of cases had been filed by the complainants themselves. Similarly, the researcher had observed that the Opposite Parties almost in all cases were defended themselves by appointing their Ld. Pleaders and by the panelled Advocate of their company.

The analyst found out that the expert opinion is generally needed in medical negligence and various kinds of cases against the Insurance companies. Here the author had analysed the cases where the expert opinion is not essential for the disposal of the case. The author found out that amongst the cases that had been dismissed, most of the cases had been dismissed because the complainant did not choose to come or could not come.

The author found out that most of the cases had taken more than six months for its disposal. Therefore it is evident that in the District of Birbhum, the statutory limit was not being adheared to. This has been already explained by the researcher elaborately in her explanation that amongst 153 cases, only 16 cases were disposed off within six months. The maximum number of cases e.g. 31 took one year for the disposal and 32 cases tool as long as two years.

The author found out some cases which have been disposed off within one or two months but after taking due diligence it has come to the knowledge that those cases have been dismissed due to non admission or withdrawal by the parties. It comes to the knowledge of the researcher that a large number of cases have been heard ex parte. Sometimes cases have heard ex parte due to the non appearance of the opposite parties even after the service of summons or some times due to non filing of written version within 45 days of appearance by the Opposite Parties. Sometimes the court has been found to give a chance again to the Opposite Party to file written version even after crossing of its statutory time limit with or without imposition of cost to the Opposite Parties for such delay.

In case of the decreed complaints the Opposite Parties are directed to follow the award as given by the Ld. Forum, which may either be an order requesting the refund of the amount or replacement of the product amount, along with an order towards litigation cost and harassment cost to the complainant. This order has to abided by within 45 days, if the other party fails to comply with the decisions of the Forum.

The author found out that the amount of awarded compensation cost and litigation cost is not fixed and variable, dependent on the facts and prayer/claim of the complaint case. The Ld. Forum also enjoys the power to award interest, payable by the opposite party, upon the total awarded amount. The amount of interest is also not fixed and to impose the interest is the discretion of the Ld. Forum.

In the Consumer Protection Act 1986, there is no possibility of awarding an imprisonment sentence to the loosing party in the Consumer Complaint Case. However if the loosing party fails to comply with the order and the original complainant chooses to proceed to the forum with an execution case then there is a possibility of awarding an imprisonment sentence. Birbhum District Consumer Disputes Redressal Forum now Commission is aiding by the statutory requirement.

Therefore the forum in the consumer Complaint case can and has imposed orders to refund of money or replacement of product along with the necessary compensation and litigation cost deemed appropriate. It had been found by the researcher that Forum cannot impose more than Rs. 7500/- as the litigation cost but it has the discretionary power to impose any amount as compensation. In many cases the Forum had imposed Rs.10000/- as compensation cost. Sin most of the cases the Forum imposed cost on the Opposite Parties. Amount of cost is different in different cases. Maximum cost was Rs,5 thousand as imposed by the Forum against the Opposite Parties.The researcher found that minimum compensation is Rs.500/-. The researcher looked out 12 cases and expert opinion was taken in none of the cases. Due to lack of time it was not possible to cover the cases where expert opinion was needed and to look at what was the value of such opinion. Six cases were heard ex parte and six cases were disposed off on contest. The amount of filing charge or court fees depends upon the amount of compensation, litigation cost and cost for mental agony and harassment and the price of the product or the repairing cost and cost for mental agony and harassment and the prices of the product or the repairing cost and cost for mental agony as mentioned in the prayer portion.

Table 1: Data of consumer complaint cases during 2016

Basis	Number of cases
Cases filed	153
Cases disposed off	99
Cases allowed in favour of the complainant	43
Cases dismissed due to various reasons	56
Pending Cases	54

Table 2: Disposed of /dismissed cases due to various reasons, filed in the year 2016

Basis	Number
Dismissed as not admitted	5
Dismissed for default	20
Dismissed due to withdrawal /out of court settlement	10
Dismissed on contest / not allowed (cases go on favour of the opposite parties)	21

10. Conclusion And Suggestion

i. The Consumer Protection Act 1986 is a kind of social legislation. It intends to protect the large body of consumers from unfair trade practices of the tainted product and service providers.

ii. Consumer Forums/Commissions can give certain reliefs. These are the follows:-Removal of defects from the goods, Replacement of the goods, Refund of the price paid, Removal of defects or deficiencies in the service, Award of compensation for the loss or injury suffered, Discontinue and not to repeat unfair trade practice or restrictive trade practice, to withdraw hazardous goods from being offered for sale, to cease manufacture of hazardous goods from being offered for sale, to cease manufacture of hazardous goods and desist from offering services which are hazardous in nature, if the loss or injury has been suffered by a large number of consumers who are not identificable conveniently, to pay such sum determined by the commission, to issue corrective advertisement, to provide adequate costs to parties.

iii. A Complaint shall consist of certain particulars. These are the follows:-Name and complete address of the complainant, Name and complete address of the Opposite Parties, Date of purchase of goods or services availed, Amount paid for the above purpose, Particulars of the goods purchased with numbers of details of service availed, Details of complaint, whether it is against Unfair Trade Practices/supply of defective goods/ deficiency in service provided/ collection of excess price, should explicitly be mentioned in the complaint petition, Bills/ receipts and copies of connected correspondence, if any, relief sought for this Act, Complaint should be signed by the complainant or his authorised agent.

iv. A complaint when made in the District Forum/Commission shall be filed in three sets and where it is filed in the National Commission, it shall be filed in four sets with additional sets equal to the number of opposite parties.Every complaint shall clearly contain particulars of dispute and the relief claimed and shall also be accompanied by copies of such documents as are necessary to prove the claim made in the complaint. A consumer can argue his own case or can be represented through authorized or agency.

v. With the advent in technology, digitization has become norm of the day. E-Commerce, direct selling have redefined the market and provided a new dimension to consumer-seller relationship. These practices besides providing ease of transaction have also posed certain challenges for the consumers to deal with. With the aim to address the new challenges faced by consumers in the digital era and provide timely and effective administration and settlement of consumer disputes, the Parliament, passed the landmark Consumer Protection Bill, 2019 on 6 August 2019.

vi. The Consumer Protection Act, 2019 received the assent of the President of India and was published in the Official Gazette on 9 August 2019. Barring a few provisions, the New Act has come into force from 20th July 2020 with government notifying Rules and provisions like Consumer Protection Councils, Consumer Disputes Redressal Commissions, Mediation, Product Liability and punishment for manufacture or sale of products containing adulterant / spurious goods.

vii. The New Act replaces the more than three-decade old Consumer Protection Act, 1986. The 1986 Act has been in operation for more than 33 years, still there were deficiencies and shortcomings with respect to its operation which made it difficult for the consumers to get relief. The Act was amended from time-to-time to bring it in accordance with changes brought about by liberalization, globalization and digitalization. But it failed to achieve desired objective of providing better protection of the interests of consumers.

viii. It has been observed in this study that subjects of higher age group are more in favour of the effectiveness of Consumer Forum as compared to lower age group subjects. Results also indicate that female complainants hold better option for the effectiveness of consumer Forum as compared to male subjects. It has been also found that subjects having higher income believed the consumer Forum to be an effective way of getting justice as compared to lower income group.

ix. The observations and collection of data and analysis prove the supposition of study as correct for a majority of cases. However there were certain cases that the Consumer Protection Act is after all not absolutely redundant. The observation and collection of data by the researcher shows that the Consumer Protection Act 1986, in various cases has achieved success by protecting the interests of the buyers and thereby redressing the grievances of the buyers.

x. But in the other cases, in spite of its several provision for protecting the interest of the consumers have failed to protect the interest of the consumers and taking advantage of the loopholes of this Act the sellers, trade and service providers seek protection in various instances. The Consumers lost their interest because the cases have not been solved within the statutory time of six months; it takes the High cost for carrying the case. The blad truth is that consumer courts do not have enough benches to hear the cases. Companies do not fear a consumer's voice in a court, where it has legal eagles on its side and there is not an audience looking on. Most of the cases dismissed due to lack of necessary papers and documents. A seller gets no penalty. Consumers loose their cases due to the malpractices done by the dishonest sellers and service providers.

xi. A large number of people have no knowledge about the Consumer Protection Act and Consumer Forum. Consumer awareness is an act of making sure the buyer or consumer is aware of the information about products, goods, services, and consumer rights. Consumer awareness is important so that buyer can take the right decision and make the right choice. Consumer awareness refers to two key concepts. These are the follows:

xii. How knowledgeable potential consumers are about your brand, services or products and how conscious customers are of their needs or wants in relation to the companies offerings. Consumers have the right to information, right to choose, right to safety, right to heard, right to seek redressal, right to consumer education. But the bitter true is that most of the consumers are unaware of their so called rights as provided by the consumer protection Act. That's why a large number of people has zero concept about this District Consumer Disputes Redressal Forum. Not only that a large number of people in our society do not have the idea whether there exist any option or not against the cheat as done by the dishonest sellers and market providers. A very small number of people have the idea about this District Consumer Disputes Redressal Forums and their roles. Sometimes the Forums take a long time to dispose of the cases. Due to this people looses the faith and confidence from the effectiveness of the District Forum. The Government and NGOs working for consumer welfare should arrange programs in every locality to increase consumer awareness about their rights and about the utilities of the Consumer Protection Act. Seminars are required to be conducted. Quality test should be conducted by the organization after which they can release the result and educate the consumer with the quality of the product that consumers have been using since ages. There are certain NGOs which help the consumers in solving issues and addressing their grievances. They can play the role of mediators in linking consumers to other agencies to file complaints and solve the problems. They can help the consumers to stand for their rights. The malpractices in consumer good and contamination in products are showcased to consumers. They are to be made aware of every thing related to products so that if in case they are in some problems related to products they can approach the concerned people to resolve.

xiii. The NGOs should set certain principles when they are established. Political interference should be totally avoided. If politicians are involved, then the aim of the establishment will be of waste. It will be like a political party only. In the same way NGO's should not get any bribes and mislead consumers. They should be fair in their evaluation and reveal what is the true regarding the products. Publicity should be avoided. It is a service organization, so if publicity comes then the purpose of the organization will not be fulfilled. If a NGO is fair enough to reveal all details of the products, they should be ready to face the consequences. They should also be ready to face the consequences. They should have a high tolerance level and violence should be restored at any case.

xiv. At the end of the study the author suggests that amendments should be made again in the Consumer Protection Act to make the Provisions of the Act more specific and protecting the interest of the consumers. The limitation period of two years for the filing of the case, after the instance of unfair trade practice suffered by the consumers should be elongated at least up to 5 years from the happening of the UTP, because the Opposite Parties take advantage of the limitation period. Further, the researcher recommends that a penalty be fixed onto the Forum and errant advocates for grant of adjournments and delaying the cases unnecessarily. This would perhaps go a long way to ensure that consumer cases are limited disposed off.

xv. The author further suggests that the filing cost and other incidental cost incurred for proceeding with the case, should be reduced to help the common people to knock the door of the Forum in case of UTP as suffered by them. The author suggests that there should be at least two consumer forums in a District where the District covers a large area to make the people easier to file their case to their nearby consumer forums.

xvi. Mobile courts could also be set up which can go to different places which can hear the complaints summarily and decide matters. The menace of foreign goods has invaded the markets. Now days the markets are flooded with eatables and other consumer goods which are not undertake any guarantee for their safety or usefulness.

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