

Promotion and Protection of Consumer Rights: Role of District Consumer Forums

¹Dr.L.Narayana Swamy, ²Prof.M.Venkateswarlu

*Assistant Professor in Commerce SG Govt. Degree College, Piler
Professor in Commerce S V University, Tirupati.*

Date of Submission: 08-07-2020

Date of Acceptance: 23-07-2020

ABSTRACT

Consumers constitute the largest economic group in any country and are considered to be the core of all our economic activities. They need greater attention from all dimensions of marketing sphere. The consumer is the forgotten man of the modern Indian economy. He is the least organized and the most centrifugal element in the circle of investment, production, sale and consumption, and is generally taken for granted as one who has anyhow to buy in order to live. Therefore, protection of their interests and rights is very important. As a matter of fact, this is the major goal of any modern welfare state. The District Consumer Redressal Forums play a vital role in protecting consumer rights.

KEYWORDS:-Complainant, Complaint, Consumer Rights, Consumer Protection, District Forums.

I. INTRODUCTION

Consumer Protection Act, 1986(Section 9) provides for establishment of Consumer Disputes Redressal Agencies. These are: (1) District Forum, established by the State Government in each district of the state (ii) State Commission, established by the State Government, in the state and (iii). National Commission established by the Central Government.

The State Government may, however, establish more than one Forum in a District, wherever necessary.

An aggrieved consumer may file a complaint with either of agencies, keeping in mind the provisions of sections 11, 17 and 21, which define their jurisdiction.

Jurisdiction of the District Forum

Section 11 provides that:

- 1) The District Forum shall have jurisdiction to entertain complaints where the value of goods or services and the compensation, if any, claimed is less than 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 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 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 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 provides that 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 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 recognized 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; or
- 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 so interested; or
- d) The Central or State Government.

Explanation to section 12 provides that “recognized consumer association” means any voluntary consumer association registered under the

Companies Act, 1956 or any other law for the time being in force.

II. PROCEDURE ON RECEIPT OF COMPLAINT

Section 13 provides that:

- 1) The District Forum shall, on receipt of a complaint, if it relates to any goods-
 - a) refer a copy of the complaint to the opposite party mentioned in the complaint 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.
 - b) Where the opposite party on receipt of a complaint referred to him under clause (a) 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 that shall proceed to settle the consumer dispute in the manner specified in clauses (c) to (g);
 - c) where the complaint alleges a defect in the goods which cannot be determined without proper analysis or test of the goods, the District Forum shall obtain a sample of the goods from the complainant, seal it and authenticate it in the manner prescribed and refer the sample so sealed to the appropriate laboratory along with a direction that such laboratory make an analysis or test, whichever may be necessary, with a view to finding out whether such goods suffer from many defects alleged in the complaint or from any other defect and to report its findings thereon to the District Forum within a period of 45 days of the receipt of the reference or within such extended period as may be granted by the District Forum;
 - d) before any sample of the goods is referred to any appropriate laboratory under clause (c); 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 test in relation to the goods in question;
 - e) the District Forum shall remit the amount deposited to its credit under clause (d) to the appropriate laboratory to enable it to carry out the analysis or test mentioned in clause (c), and on receipt of the report from the appropriate laboratory, the District Forum shall forward a copy of the report along with such remarks as the District Forum may feel appropriate to the opposite party;
 - f) if any of the parties disputes the correctness of the findings of the appropriate laboratory, or disputes the correctness of the methods of analysis or test adopted by the appropriate laboratory, the District Forum shall require the opposite party or the complainant to submit in writing his objections in regard to the report made by the appropriate laboratory;
 - g) the District Forum shall thereafter give a reasonable opportunity to the complainant as well as the opposite party of being heard as to the correctness or otherwise of the report made by the appropriate laboratory and also as to the objection made in relation thereto under clause (f) and issue an appropriate order under section 14.
- 2) The District Forum shall, if the complainant received by it under section 12 relates to goods in respect of which the procedure specified in sub section (1) cannot be followed, or if the complaint relates to any services –
 - a) refer a copy of such complaint 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;
 - b) where the opposite party, on receipt of a copy of the complaint, referred him under clause (a) denies or disputes the allegations contained in complaint, or omits or fails to take any action to represent his case within the time given by the District Forum that shall proceed to settle consumer dispute -
 - i. on the basis of evidence brought to its notice by the complainant and the opposite party, where the opposite party denies or disputes the allegations contained in the complaint, or
 - ii. On the basis of evidence brought to its notice by the complainant the opposite party omits or fails to take any action to represent his within the time given by the Forum.
- 3) No proceedings complying with the procedure laid down in sub-section
- (1) and (2) shall be called in question in any court on the ground that the principles of natural justice have not been complied with.
- 4) For the purposes of this section, the District Forum shall have the same powers was are vested in a civil court under the Code of Civil Procedure,

1908 while trying suit in respect of the following matters, namely:

- i. the 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 producible as evidence;
 - iii. the reception of evidence on affidavits;
 - iv. the requisitioning of the report of the concerned analysis or test from the appropriate laboratory or from any other relevant source;
 - v. issuing of any commission for the examination of any witness; and
 - vi. any other matter which may be prescribed.
- 5) Every proceeding before the District Forum shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code 1860, and the District Forum shall be deemed to be a Civil Court for the purposes of section 195, and chapter XXVI of the code, of Criminal Procedure, 1973.
- 6) Where the complainant is a consumer under section 2(b) (iv) [i.e. in the case of class complaints], the provisions of rule 8 of order 1 of Civil Procedure Code, 1908 shall apply subject to the modification that every reference therein to a suit or decree shall be construed as a reference to a complaint or the order of the District Forum thereon.

III. FINDINGS OF THE DISTRICT FORUM

Section 14 provides that

- 1) If, after the proceeding conducted under section 13, 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 take one or more of the following things, namely:
 - a) to remove the defect pointed out by the appropriate laboratory from the goods in question;
 - b) to replace the goods with new goods of similar description which shall be free from any defect;.
 - c) to return to the complainant the price, or as the case may be, the charges paid by the complainant;
 - d) to pay such amount as may be awarded by it as compensation to the consumer for any loss or

injury suffered by the consumer due to the negligence of the opposite party.

- 2) Every order made by the District Forum under sub-section (1) shall be signed by all the members constituting it, and if there is any difference of opinion, the order of the majority of the members constituting it shall be order of the District Forum.
- 3) Subject to the foregoing provisions, the procedure relating to the conduct of the meetings of the District Forum, its sittings and other matters shall be such as may be prescribed by the State Government.

REFERENCES

- [1]. David Aaker & George S. Day: **“Consumerism Search for ConsumerInterest”**, New York Free Press, 2019
- [2]. Neelamegham, S: **“Marketing Management and Indian Economy”**, Vikas’ Publishing House Pvt. Ltd., New Delhi, 2019
- [3]. William T. Kelly: **“New - Consumerism - Selected Readings”**, Columbus-Ohio - Grid Publishing, U.S.A, 2018
- [4]. Gulshan, S.S: **“Consumer Protection and Satisfaction, Legal and Managerial Dimensions”**, New Age International Publishers, 2017
- [5]. Bhagawati, P.N: **“Consumer Protection in India”**, Memiograph, Third Conference on Consumer Protection in India, Surat, 2016



**International Journal of Advances in
Engineering and Management**
ISSN: 2395-5252



IJAEM

Volume: 02

Issue: 01

DOI: 10.35629/5252

www.ijaem.net

Email id: ijaem.paper@gmail.com