

**WORKING OF REDRESSAL AGENCIES**

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**ABSTRACT**

*India is a vast country where a majority of consumers are poor, helpless & disorganised. It is now realised that every consumer is neither knowledgeable nor well informed. He expects support & protection from unscrupulous seller. The common consumer is not in that state to approach civil court for quick, cheap & speedy justice of their complaints. Consumer Protection Act 1986 (CPA) is the nicest gift our government has given to us as consumer. By using consumer courts as Redressal Machinery framed for protection & welfare of consumers. Many customers have been able to get back their money from sloofy builders, dishonest shopkeepers, shady sellers of a kind and even from government organization such as railways.*

*The paper focus on the mechanism of Redressal of grievances of consumer regarding how to protect the consumers & how to accept the consumer complaints can be filed. As per the act consumer is entailed to repair of defective goods, refund of price paid for the defective goods or services, replacement of defective goods, removal of deficiency in services in order to turn them from unhappy customer into satisfied one.*

**Keywords:** *consumer, complaint, redressal machinery.*

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## INTRODUCTION

Each one of us is a 'Consumer' right from the day the child comes in the womb till the day one goes to the grave like from the milk of child and the coffin for a dead body is the consumer of some commodity. Talking of India with world's second largest population here the issues relating to consumer affects the entire million people since everyone is a consumer in one way or the other. The consumer has to be aware of his rights and play a key role. This is possible through consumerism, it refers to wide range of activities of Government, business & independent organizations designed to protect right of the consumer as envisaged in Consumer Protection Act 1986 and ensuring right standards for the goods & services for which one makes a payment.

The redressal agencies play an active role in providing relief to consumers, each district forum & above the district forum is the State Commission established in each state capital and above that is National Commission establish in Delhi. From National Commission we can file an appeal to Supreme Court with regard to the territorial Jurisdiction of the redressal agencies. Complain can be instituted within the limit of which opposite party (or) each of the opposite parties (or) any of the opposite parties resides or carries on business or has a branch office or personally works for gain or the cause of action wholly or in part arises.

## OBJECTIVES OF STUDY

- To study the functioning of Redressal Agencies working in Haryana.
- To study the settlement of complaints by these redressal agencies.
- To provide suggestions for improvements of functioning of Redressal Agencies.

## RESEARCH METHODOLOGY

The paper is an attempt to understand the working of Redressal Agencies, who can file a complaint & the procedure of filing a complaint, findings and powers of redressal agencies. How to appeal against the order of Redressal Agencies. In the last the various type of penalties which can be imposed by the Redressal Agency due non acceptance of their orders are also discussed. Survey & observation method is used to carry out the research.

### Working of Redressal Agencies

With regard to the matter of making a complaint District Forum (section 12). The complaint can be filed by

- 1) The consumer to whom such goods are sold or delivered or agree to be sold or delivered or such service provided or agreed to be provided.

- 2) Any recognized consumer association whether the consumer to whom the goods sold or delivered or agreed to be sold or delivered or services provided or agreed to be provided is a member of such association or not.
- 3) One or more consumers where there are numerous consumers having the same interest, with the permission of district forum, or on behalf of, or for the benefit of all consumers interested or.
- 4) The Central Government or the State Government as the case may be, either in its individual capacity or as a representative of interests of consumers in General.

**Who can file a complaint:**

According to Consumer Protection Act complaint is relation to any goods/servicing delivered /provided or agreed to be delivered/ provided may be filed with a district forum by:

- 1) The consumer to whom such goods are sold or agreed to be sold.
- 2) Any recognised consumer association whether the consumer to whom the goods sold or agreed to be sold is a member of such association or not.
- 3) One or more consumers where there are numerous consumers having the same interest with the permission of district forum, on behalf of or for the benefit of all consumers so interested.
- 4) The central govt. or state govt. as the case may be either in its individual capacity or as a representative of interests of consumers in general.

**PROCEDURE ON RECEIPT OF A COMPLAINT:****District Forum:**

The complaint shall be filed with the required amount of fee. On receipt of the complaint the District Forum will first decide on admissibility of the complaint within 21 days if it is admitted a copy of complaint will be sent to the opposite party mentioned in the complaint within 21 days asking him to give his version of the complaint. The reply should be given in 30 days. The period can be further extended to 15 days if the opposite party denies or disputes the allegations in the complaint, or does not reply within the time. Complaint alleges a defect in the goods where analysis is required.

The District Forum shall obtain a sample from the complainant, seal it and refer it to the appropriate lab and ask the lab to produce the result within 45 days of the receipt of references or within such extended period as may be granted.

- The complainant may be required to deposit such fees for payment to the lab and the district forum shall remit it to the lab and on the receipt of the report, refer a copy to the opposite party along with the remarks of district forum.
- If any of the opposite parties, object the report the district forum may ask their objections to be submitted in writing & then a reasonable opportunity to be given to both side as to effectiveness of report and an appropriate order may be issued.
- If the complaint relates to goods in which analysis is not needed or if the complaint relates to service send a copy to opposite party with direction to give his version within a period of 30 days or such extended period not exceeding 15 days as granted by District Forum. But if the opposite party denies or disputes the allegations or omits or fails to take any action then the District Forum may proceed to settle
  1. On the basis of evidence of both sides or
  2. Or pass an ex parte order on the basis of evidence by the complaint where the opposite party omits or fails to take any action for representation.

Where the complainant fails to appear on the date of hearing it may either dismiss the case for default or decide it on merits. The case should be decided within a period of 3 months where analysis is not required & within 5 months where analysis is required.

#### **State Commission (Section 18)**

The same procedure is applicable to State Commission with regards to the manner of making complaint settlement & their findings.

#### **National Commission (Section 22)**

The same procedure is applicable to National Commission with regards to the manner of making complaint & their settlement.

#### **Powers of Redressal Agencies:**

The Redressal Agencies namely District Forum, State Commission & National Commission have all the powers of Civil courts such as (a) summoning & enforcing of witnesses and examining the witnesses on oath (b) discovery & production of any document or other material as evidence (c) Receiving evidence on affidavit (d) Requisitioning report of test or analysis from concerned council laboratory (e) Issuing commission for examination of witnesses (f) any other matter that may be prescribed by central or state government by rule.

**FINDINGS OF THE REDRESSAL AGENCIES:**

After conducting proceedings as per section 13, if the Redressal Agency is satisfied that the goods complained against suffer from defects or that allegations regarding deficiency in services are proved, it shall issue an order to other party directing him to do any one of or more of the following things.

- a) To remove the defects pointed by Laboratory.
- b) To replace goods with new goods free of defect.
- c) To return the price of goods or change of services paid by complainant.
- d) Compensation for loss or inquiry suffered by consumer due to negligence of opposite party.
- e) To remove defects in goods or deficiencies in the services question.
- f) To discontinue the unfair trade practices or the restrictive trade practices or not to repeat them.
- g) Not to offer hazardous goods for sale.
- h) To withdraw hazardous goods from being offered to sale.
  - To seize manufacture of hazardous goods and to desist from offering services which are hazardous in nature.
  - To pay sum seem as may be determined by it, if it is of the opinion that loss or inquiry suffered by large consumers who are not identifiable conveniently.
  - To issue corrective advertisement at the cost of opposite party to neutralize the effect of misleading advertisements.
- I) To provide adequate cost.

**LIMITATION OF PERIOD**

The complaint should be filed within 2 years from the date on which cause of action arose and after that it can be admitted by the redressal agencies if sufficient reasons are stated.

**APPEALS****To State Commission**

After the order of district forum the aggrieved person can filed within 30 days & it can entertain an appeal after that period provided sufficient cause is there.

**To National Commission**

After the order of State Commission the aggrieved person can file within 30 days it can entertain an appeal after that period provided sufficient cause is there.

**To Supreme Court**

After the order of National Commission an appeal can be filed in the supreme court within 30 days it can entertain an appeal even after that period provided sufficient cause is there.

**FINALITY OF ORDER**

If no appeal is preferred from the order of Redressal Agencies then their order shall be final. The decision can not be challenged in any other court on ground that natural justice has been violated.

**ENFORCEMENT OF ORDERS OF THE DISTRICT FORUM, STATE COMMISSION OR THE NATIONAL COMMISSION**

- 1) Where an interime order made under this Act, is not complied with the District forum, or State Commission or National Commission as the case may be. May order the property of the persons not complying with such order to be attached.
- 2) No attachment made shall remain in force for more than three months at the end of which, if the non-compliance continues, the property attached may be sold and out of the proceeds the District forum, State or National Commission may award such damages as it think fit to the complainant and shall pay the balances if any to the party entitled thereof.
- 3) Where an amount is due from any person under an order made by district, state or national commission may issue a certificate for the said amount to the collector of the district who shall proceed to recover the amount in the same manner as arrears of land revenue.

**Dismissal of frivolous or vexations complaints:**

Where the complaint filed before District, State or National Commission is found to be frivolous or vexations complaint, it shall record the reasons, dismiss the complaint and make an order that the complainant shall pay the cost to the opposite party as compensation not exceeding Rs. 10,000/-

**PENALTIES**

1. Where the person against whom a complaint is made fails to obey the orders of District, State or National Commission, he shall be punishable with imprisonment for a term of not less than one month which can be extended to three years or with fine of not less than two thousand rupees which may extend to the thousand rupees or with both.

2. The District forum, State or National Commission shall have the powers of Judicial Magistrate of first class for the trial of offences under this Act for the purpose of the code of Criminal procedure.

So far as Consumer Protection Act is concern there is no doubt in pendency of cases as far as data collected upto Dec. 31<sup>st</sup> 2010 position is as under:

**Table No.1**

Particulars	Amount
Complaints Pending (I) (as on 1.1.2005)	10347
Appeal Filed (1.1.2005 to 31.12.2010) (II)	13511
Total Pending Complaints (I+II) (A)	23858
Complaints Disposed (B)	9996
Complaints pending off (C)	13862
% of disposed off (B/A)	41.90

(Source: Haryana State Commission, Chandigarh)

### **FINDINGS OF THE STUDY:**

Table 1 reveals that seeing the No. of complaints registered in the said period the consumers are more aware of their rights. Where as on the other hand seeing the figure of complaints disposed it is not satisfactory which shows ineffective functioning of State Commission and due to this %age of disposed off is also unsatisfactory.

Some of the factors responsible for it are as under:

1. Lack of facilities.
2. Lack of Staff.
3. Delay in appointment of Authority established.
4. Delayed tactics.

The objective of majority of NGO's (80%) is to provide knowledge for improving consumer awareness on how to seek redressal of their complaints. Whereas 10% of NGO's work with the objective of checking the distribution of various commodities and another 10% work with the objective of educating the consumer about various brands.

70% of NGO's uses advertisement in order to promote the idea of their organization and rest 30% prefer newspaper and other means to promote their ideas.

Maximum members of NGO's are from businessmen (60%) followed by servicemen (25%) and professional (15%).

(85%) of NOG's takes more than 19 days to settle a complaint. (5%) of NGO's takes 60-90 days and (10%) of NGO's takes 30-60 days to settle their complaints.

Maximum NGO's (65%) helps the consumer for out of court settlement of their complaints.

(30%) of NGO's take the help of Consumer Court and (5%) of NGO's goes for Civil Court.

Majority of the NGO's (80%) help in organizing Lok Adalat to settle consumer grievances and (20%) of NGO's don't support it.

## **SUGGESTIONS**

The government should take necessary steps to improve the functioning of Redressal Agencies for quick settlement of complaints by making them available with all necessary amenities such as infrastructure and staff facilities. It should also take necessary steps to avoid delayed tactics. In addition to the above the government should also carry out some consumer awareness campaigns and programs to improve general awareness of consumers of India.

## **CONCLUSION**

From the above the Redressal Agencies under the Consumer Protection Act 1986 clearly proves that the act has played a key role by its implementation that the interests of consumers are better protected than ever before which is seen clearly from tabular column. However it should be noted that it is not the legislation alone on which we can depend for safeguarding the interest of consumer. Consumer activities and associations are also equally needed to make consumer protection movements a success in the country. There should be more awareness, education, understanding, realization of the rights and privileges on the part of the consumers.

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