

PERFORMANCE APPRAISAL OF DISPUTE REDRESSAL FORUMS (DRFS)

Ms. Marinal Gupta, Assistant Professor, Sri Aurobindo College of Commerce and Management, Ludhiana.

E-mail address: mrinal176@gmail.com

Dr. Sarang Narula, Assistant Professor, University School of Applied Management, Punjabi University,

Patiala. **E-mail address:** sarangnarula@gmail.com

Article Info

Volume 83

Page Number: 3522 - 3537

Publication Issue:

July-August 2020

Abstract

Recognizing the unveiling of technological gyration in the present emulous and rivalrous business world coupled with ascending consumer expectations, and for assaying illusory, erroneous and deceptive business practices, cosmopolitan emphasis has been laid down by the Government of India on protection of consumers' interest and to make consumer an aware and informed consumer – for which the Ministry of Consumer Affairs and Public Distribution has embarked on enactment of consumer protection legislations, launch of novel consumer awareness campaigns, and ensuring the presence of three-tier consumer dispute redressal mechanism for public at large. The extant study has been carried out for assessing and measuring the performance of consumer dispute redressal forums. For this, the state of Punjab and Haryana constituted sample population and data was congregated from Punjab State Consumer Disputes Redressal Commission, Haryana State Consumer Disputes Redressal Commission and District Forums of districts selected for the study for a time period of 14 years. Statistical inferences reveal that dispute redressal forums should seek a new vision which embodies three cultures i.e. the culture of balance and harmony, the culture of trusteeship and stewardship, and culture of accountability to the future by fixing up time specific norms for adjournment of cases, setting up regional online help desks and additional district benches for speedy clearance of complaints, implementing 'Citizen Charters' in enforcing accountability of corporate sector, and ensuring a provision of 'Legal-Aid' for poor and illiterate litigants and reinstating faith in judicial system.

Article History

Article Received: 25 April 2020

Revised: 29 May 2020

Accepted: 20 June 2020

Publication: 10 August 2020

Keywords: Consumer dispute, dispute redressal mechanism, dispute redressal forums, performance appraisal of third party agencies.

Principle of Caveat emptor

The caveat emptor principle, which means let the buyer beware, was in practice for many years by the Courts of England. The term 'Emptor' in Latin language means buyer whereas the verb 'Cavere' means caution. This way the term caveat emptor indicates that the buyer should be cautious while buying any commodity or availing any service. Thus, buyer was relying more on his own skill or judgement. Once a buyer satisfies himself as to the suitability of the product for own usage, he would

not have any right to reject the product at a later stage as he has already made use of his knowledge and wisdom. That was a time when buyer was not having any recourse against the seller even in case of latent defect (a defect which can't be detected by reasonable examination). This acted as a deterrent for commercial activities because buyers were always apprehensive about the quality and utility of the product, though purpose of usage used to be pre-specified by the buyer. As per Sale of Goods Act 1893, disclosures expected from seller were

minimal, and buyer's intelligence to examine goods was given utmost importance. Buyer wasn't having any recourse for any unscrupulous activities of the seller. It's not the duty of a seller to provide goods to the buyer which is suitable for his/her usage. Rather it was the buyer who was supposed to exercise reasonable care while buying goods, as he can't hold the seller responsible if goods do not serve the predefined purpose. Reason responsible for transition from the principle of 'caveat emptor' to 'caveat venditor' was to provide adequate protection to the buyer who buys the goods in good faith. In order to strengthen the relationship between the buyer and seller, and to create a scenario wherein commercial transactions are encouraged, need was felt to dilute the principle of 'caveat emptor'.

The Dilution Process and Origin of Caveat Venditor

The case of '**Priest v Last 2 KB 148 (1903)**' propelled the transition from the principle of caveat emptor to caveat venditor, where the petitioner (Priest) purchased a hot water bottle from the defendant to be used by his wife. On its fifth use, hot water bottle burst, blistering her. It was defended that Priest did not state the purpose of buying hot water bottle. But the Hon'ble court decided that hot water bottle was not fit for "it's obvious and usual purpose" and was therefore unmerchantable. This was just a beginning of what could certainly be termed as the diminishing process of the rule of caveat emptor.

Another historic verdict was given by the House of Lords in the case '**Donoghue v Stevenson (1932) AC 562**', thereby placing more responsibility on the seller. In this case, May Donoghue had a meeting with her friend at a café in Paisley on August 26, 1928, where her friend placed an order for a bottle of ginger beer for Donoghue. After drinking a portion of the beer, Donoghue felt the presence of partially decomposed snail. As ginger beer was packaged in an opaque bottle, and therefore presence of snail wasn't evident to anyone. Donoghue suffered severe gastro-enteritis as a result of consuming the ginger beer. She sued the

manufacturer of the ginger beer, David Stevenson, for £500 in damages. The question which arises here is, 'Did Stephenson owe a duty of care to Donoghue even though there was no contract between them, and there was no fraud?' May 26, 1932 is an historic day because on this day only it was held by the House of Lords that when an article of food or medicine is sold by a manufacturer to distributor in a situation which prevents such distributor or the ultimate purchaser or consumer from discovering the defect just by inspection, it's manufacturer's responsibility to exercise reasonable care to ensure that delivered product is free from any such defect. This duty is owed even in the absence of any legal contract between the manufacturer and the consumer (**Lords Atkin, Thankerton and MacMillan**). This historic verdict created a new-fangled category of duty of care. As the rule of 'Caveat Venditor' has been subsequently upheld in many judgments, this proposition of law is a settled principle today and it seems that consumers' interests are far more protected.

Transition from the principle of caveat emptor, which is dying a slow death, to the principle of caveat venditor can be attributed to a more consumer oriented market. This transition will help in creating an appropriate balance between the rights and obligations of the seller and the buyer. Though it is the moral and ethical duty of the peddler to be true to his/her duty, yet several vendors / suppliers don't leave any stone unturned to exploit the consumer fraternity by following deceptive and fraudulent practices. They exploit and take undue advantage of the consumer folk by coddling themselves in disingenuous and devious advertisements, deceptive and defective packaging, and inadequate labeling; charging exorbitant prices; making misleading, false or exaggerated claims; offering adulterated, expired, and defective products; being deficient in services; offering poor after sale services; usage of false weight and measures; not delivering the product / service as per pre-decided terms of agreement; untimely delivery of products and services and so on. For safeguarding consumers' interest, plentiful

legislations have been enacted from time to time since aegis.

Though during the British period, Indian legal system was totally revolutionized and the English legal system was introduced to administer justice. Despite the challenges of combining the British and Indian legal systems, the fabric of modern Indian Law is unmistakably Indian in its outlook and operation; and consumer protection is not an exception to this perception. The Indian legal system experienced a revolution with the enactment of the Consumer Protection Act 1986 which was specifically designed to protect consumer interests. It is intended to provide justice which is less formal, involves less paper work, less delay and not expensive. The CPA has received wide recognition in India as poor man's legislation, ensuring easy access to justice. It won't be inappropriate to say that the CPA has instilled confidence among the "teeming millions" of impoverished litigants. The way in which the consumer forums are flooded with cases and the mode in which these cases are being disposed off creates an impression of "judicial populism" in the arena of consumer justice. Liberalizing the unbending and rigid procedural requirements, the CPA had introduced hassle-free methods of access to justice. A simple letter addressed to the consumer dispute redressal forums i.e. the National Commission, the State Commission and the District Forum, accompanied by nominal fee is sufficient enough to initiate legal action. It is suffice to mention that CPA is unique since it provides for setting up of quasi-judicial bodies vested with jurisdiction concurrently with the established courts for redressal of consumer disputes at the district, state and national levels. While reviewing various studies related to functioning and performance of consumer dispute redressal forums, it emerged that consumer folk, even when multi-tier dispute redressal machinery exists, feels devastated and distraught because of stretched time taken for resolution of complaint and piling of cases with National Commission, State Commission and

District Forums. Keeping in consideration the gaps identified, the present study focused at assessing and comparing the performance of CDRFs functional in the state of Punjab and Haryana.

Review of literature

It's a universal phenomenon that no effective research can be carried out without critically studying the literature that already exists in relation to it in the form of general literature and specific studies, as helps to eliminate the duplication of what has already been done, thereby giving a fair chance to identify the gaps that exists in the area of research. For assessing the performance of Dispute Redressal Forums (DRFs) various studies have been conducted globally, to identify the gap areas.

Studies conducted to assess and gauge the performance of dispute redressal forums – which are engaged in shielding consumers' from the business malpractices - revealed that foremost reason behind dismissal of majority cases was improper representation by the consumers, non-awareness about proceedings of the forum, delay in judgement delivery, frequent hiring of advocates, and insufficient personnel to handle consumer grievances. Inference drawn was that the government along with regulatory bodies should take obligatory steps to inculcate awareness among consumers about the functioning of disputes redressal forums (**Hannigan 1977; Lizzy 1993; Ramakrishnaiah and Siva Rami Reddy 2000**).

Critical review of performance of the Divisional Forum of Jammu exposed and publicized that inability to deliver results by dispute redressal forums was because of slow growth of the number of registered complaints, sluggishness in the disposal of complaints, limited financial jurisdiction of forums and low compensation for sub-standard products. It was suggested to make consumerism as a campaign more effective by establishing regulated markets, mobile consumer courts, voluntary regulation and establishment of a consumer affairs department. Another observation made was about governance aspect, which says though consumer legislations have been enacted, yet such laws could

not be implemented effectively. Thereby there arises a need to bring consumerism to the grass root level legally and administratively focusing on effective execution of legislations (**Sudan 2002**).

The study titled “Resolving Business Disputes Speedily” threw light on the breathing judicial system which has been marked with corruption, malpractices and abuse of power, and bludgeon workload on personnel working in forums. Analysis revealed that clubbing and striking pressure resulted into poor quality judgement, absence of real justice and moderate delay in administration of consumer complaints. For resolution, speedy and efficacious settlement of business disputes and alternative dispute resolution (ADR) mechanism can provide solution via tools of negotiation, mediation, conciliation along with arbitration, thereby making it possible for both of the parties to assemble and ponder upon issues concerning consumer and business. Major limitation of these tools i.e. need of physical presence of both the parties and mediating at a particular place on number of occasions is prompting business community to think of another dispute resolution mechanism i.e. Online Dispute Resolution (**Aggarwal 2006; Januja 2007**).

Aniban for his study on examining the performance of consumer forums in West Bengal and its interface with major stakeholders chose four specific dispute redressal forums i.e. Kolkata Unit I, North 24 parganas, Bankura and Darjeeling. Data on statement of filing, disposal and pendency of complaints lodged with selected DRFs was collected from office of Directorate of Consumer Affairs government of West Bengal and presiding officers of individual forums for the period 2002-04. Perusal of data indicated that percentage of disposal of cases increased remarkably as a result of which number of cases lying pending also got reduced considerably. But the disappointing fact was that time taken for redressal of a complaint was more than 90-150 days i.e. prescribed time frame. Analysis revealed that lack of proper infrastructure, inordinate delay in disposal of cases, procedural hiccups, need for appointing lawyer, inadequate manpower,

inadequate financial support by the government are few glaring lacunas that need to be dealt with. Number of consumers seeking redressal in urban DRFs comes at a higher proportion than rural DRFs. A significant chunk of complaints lodged with opted DRFs pertained to defective goods, medical negligence, unfair trade practices, provident fund, insurance, electricity, banks etc (**Chakvabarty Aniban 2010; Chadah 2010**).

For identifying the nature of problems being faced by the Presidents and Members of the District Forums, examine 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, a sample of 35 was selected of which 7 respondents were president and rest 28 respondents were members of different district forums. 72% of sampled respondents were of the opinion that due to lack of trained manpower, functioning of district forums is unsatisfactory. Just 20% of the sampled respondents were found to be aware about consumer rights declared under COPRA 1986. Due to procedural difficulties and time consuming process, 68.6% of the respondents do not approach District Forums. Since inception, 30,455 cases were filed in the District Forums of Jharkhand, of which 28,105 cases have been disposed of, which clearly shows 92.28% disposal of cases. Though the scheme of computerization and computer networking of consumer forums has been launched, but the working of the District Forums has not improved to a large extent. Training needs to be imparted to members and other staff of the district forums (**Mishra 2010**).

For evaluating and assessing the working of quasi-judicial machinery, stratified random sampling technique was used to select five states from six regions of India with a sample of 2,000 consumers and 175 complainants, wherein responses were collected using interview Schedule method, focus group discussion and formal meetings. Among those who had filed a complaint in the District Forums, 77.6% were of the view that complaint was handled to their level of satisfaction whereas 65.9% reported

unfriendly forums. 33.3% respondents opined that redressal procedure was time consuming and for 8% respondents, distance between place of residence and district forum acted as deterrence. Involvement of the lawyers, non-cooperative attitude of personnel, undue adjournments, lack of product testing facilities, delay in disposal, poor management of records, inadequate bandwidth leading to poor internet connectivity and also irregular power supply, shortage of manpower and desired skill and knowledge of the members manning the District Forums, inadequate compensation and infrastructure served as a hindrance to make consumer dispute redressal machinery more effective (**Misra, Chadah and Pathania 2013; Gurusamy P, Manochithra P and Princy J 2014**)

A study was conducted to identify issues having direct or indirect bearing on the filing of cases. For this, complaints lodged with the forums for 10 year time frame i.e. 1998 to 2007 were analyzed, which were sorted out according to case filing distribution, departmental distribution, year wise distribution, respondent distribution, individual distribution, status of the cases, period limitation distribution, causative factor for litigation, role and responsibility analysis and other salient findings. Analysis depicted more cases were from surgery department. Role and responsibility analysis showed that 3 cases were direct responsibility, 12 cases were joint responsibility and 6 cases were shared responsibility. (**Sahoo, Satpathy, Arya and Lathwal 2014**).

Sampling Design and Hypothesis Testing

Keeping in consideration the gaps identified, the present study focused at assessing and comparing the performance of CDRFs – which have been established as per the provisions of the Consumer Protection Act 1986 and are functional as well in the state of Punjab and Haryana - for which data for a period of 12 years - starting from 2005 – was gathered relating to following dimensions:

- Number of cases filed with / disposed of / lying pending with the State Commission of Punjab and Haryana since inception
- Number of cases filed with / disposed of / lying pending with the District Forums of Punjab and Haryana since inception
- Number of cases disposed of within the prescribed time frame by the State Commission and the District Forums of Punjab and Haryana
- Number of cases lying pending with the State Commission and District forums of Punjab and Haryana for more than 5 years

After gathering desired information from State Consumer Disputes Redressal Commission of Punjab and Haryana, data was statistically analyzed and compared using various statistical techniques such as t-test and growth rate. The following hypothesis were subjected to analysis and comparison:

- H01 There exist no significant difference with regard to the performance of CDRFs with reference to the period under study
- H01(a) No significant difference exists in the performance of 'National Commission' with reference to period under study
- H01(b) No significant difference exists in the performance of 'State Commission' with reference to period under study
- H01(c) No significant difference exists in the performance of 'District Forums' with reference to period under study

Analysis and Interpretation

After comprehensive perusal of data and statistical analysis, observations were made, which have been categorized under four categories mentioned below:

- Sectoral distribution of cases
- Growth rate with respect to number of cases filed / disposed of / pending cases
- Progress of disposal of cases
- Time-based pendency of cases

Detailed observations have been mentioned here-in-under:

I. Sectoral Distribution of Cases

Table 1
Sector wise Filing of Cases with NCDRC

Sector	Number of Cases Filed	Percentage
Housing	17,629	23.17
Insurance	13,837	18.19
Banking	4,441	5.84
Medical	1,954	2.57
Electricity	1,841	2.42
Finance	881	1.16
Service Deficiency	538	0.71
Defective Goods	499	0.66
Transport	484	0.64
Telecom	402	0.53
Others	33,584	44.14
Total	76,090	100.00

Interpretation: Sector-wise filing of the cases with NCDRC for the period 2007 to 2017 is depicted in the table. Analysis of the data reveals that out of the total 76,090 cases filed with NCDRC, maximum number of the cases filed i.e. 23.17% are relating to housing sector. 18.19% of the total filed cases are related to insurance, 5.84% cases are associated with banking sector, whereas cases coupled with medical, electricity and finance sector are 2.57%, 2.42% and 1.16% respectively. Less than 1% cases are linked with defective goods, transport and telecom sector.

Table 2
Number of Cases Filed / Disposed of / Pending with the State Commission of Punjab and Haryana (since inception)

Category / State	Sector-wise Filing of Cases				Sector-wise Disposal of Cases				Sector-wise Pendency of Cases			
	Punjab		Haryana		Punjab		Haryana		Punjab		Haryana	
Banking	1,843	5.60%	1,479	3.30%	1,403	4.70%	1,432	3.20%	440	13.20%	47	5.50%
Medical	881	2.70%	1,131	2.50%	742	2.50%	1,115	2.50%	139	4.20%	16	1.90%
Telephone	1,206	3.60%	1,097	2.40%	1,205	4.00%	1,097	2.50%	1	0.03%	0	0%
Insurance	6,831	20.60%	7,765	17.20%	5,153	17.30%	7,463	16.80%	1,678	50.30%	302	35.50%
Housing	1,715	5.20%	8,418	18.60%	1,414	4.70%	8,227	18.50%	301	9%	191	22.40%
Electricity	7,197	21.70%	14,350	31.70%	7,155	24%	14,275	32.20%	42	1.30%	75	8.80%
Airlines	20	0.10%	36	0.10%	19	0.10%	35	0.10%	1	0.03%	1	0.10%
Railways	98	0.30%	42	0.10%	96	0.30%	41	0.10%	2	0.06%	1	0.10%
Others	13,364	40.20%	10,895	24.10%	12,632	42.40%	10,677	24.10%	732	21.88%	218	25.70%
Total	33,155	100%	45,213	100%	29,819	100%	44,362	100%	3,336	100%	851	100%

Interpretation: Table 2 outlines the number of cases filed with / disposed of / lying pending with the State Commission of Punjab and Haryana. As far as the State Commission of Punjab is concerned, maximum number of complaints (21.7%) are related to the electricity department, followed by insurance and banking sector wherein the number is 20.6% and 5.6% respectively. For the state of Haryana, majority of the cases (31.7%) are related to electricity department and lower number of cases (0.1%) are for airlines. Number of filed cases relating to banking sector, medical services, telephone sector, insurance and railways is higher in Punjab as compared to their counterpart, Haryana. Whereas for housing sector, more number of cases was filed in Haryana than Punjab. Maximum number of cases i.e. 32.2%, 18.5% and 16.8% has been disposed of in the State Commission of Haryana concerning electricity, housing and insurance sector respectively, whereas lower number of cases disposed of are linked to airlines and railways (0.1% each). Similarly, in the State Commission of Punjab, higher disposal is related to the sector of electricity (24%) and insurance (17.3%). Number of disposed of cases relating to banking, telephone sector and insurance were higher in Punjab as compared to their counterpart, Haryana. Whereas, in case of housing and electricity sectors, more number of cases was disposed of in Haryana than in Punjab. Maximum number of pending cases in the State Commission of Punjab are concerning insurance (50.3%) and banking (13.2%) sector, whereas lowest number of pending cases are related to airlines (0.03%) and railways (0.06%). Similarly, in the State Commission of Haryana, maximum pendency is related to the sector of insurance (35.5%) and housing (22.4%). Except housing and electricity sector, number of pending cases appears to be on higher side for the state of Punjab than its counterpart namely Haryana.

Table 3
Number of Cases Filed / Disposed of / Pending with the District Forums of Punjab and Haryana (since inception)

Category / State	Sector-wise Filing of Cases				Sector-wise Disposal of Cases				Sector-wise Pendency of Cases			
	Punjab		Haryana		Punjab		Haryana		Punjab		Haryana	
Banking	9,338	5.50%	13,376	5.70%	9,125	5.50%	12,174	5.50%	213	6.40%	1,202	9.30%
Medical	2,524	1.50%	4,185	1.80%	2,411	1.40%	3,722	1.70%	113	3.40%	463	3.60%
Telephone	10,116	5.90%	16,735	7.10%	10,077	6%	16,501	7.40%	39	1.20%	234	1.80%
Insurance	22,195	13%	34,137	14.50%	21,329	12.80%	30,182	13.60%	866	26.10%	3955	30.70%
Housing	6,653	3.90%	24,916	10.60%	6,448	3.90%	24,061	10.80%	205	6.20%	855	6.60%
Electricity	50,506	29.60%	64,524	27.50%	50,239	30%	63,577	28.60%	267	8%	947	7.30%
Airlines	2,046	1.20%	132	0.06%	2,023	1.20%	101	0.05%	23	0.70%	31	0.20%
Railways	1,060	0.60%	615	0.26%	1,037	0.60%	584	0.26%	23	0.70%	31	0.20%
Others	66,026	38.80%	76,352	32.48%	64,457	38.60%	71,182	32.09%	1,569	47.30%	5170	40.30%
Total	170,464	100%	234,972	100%	167,146	100%	222,084	100%	3,318	100%	12888	100%

Interpretation: Table 3 shows data sector-wise number of cases filed / disposed of / lying pending with various District Forums of Punjab and Haryana. As far as the district forums of Punjab is concerned, maximum number of complaints (29.6%) have been related to the electricity department, followed by insurance and telecom sector wherein the number is 13% and 5.9% respectively. For the district forums from the state of Haryana, majority of the cases (27.5%) are related to electricity department, followed by 14.5% cases from insurance sector, which is further followed by housing sector (10.6% cases) and lowest number of cases (0.06%) are for airlines. Number of filed cases relating to banking sector, medical services, telecom sector, insurance and housing sector are higher in Haryana as compared to their counterpart, Punjab. On the other hand, for electricity, airlines and railways sector, more number of cases are filed in Punjab than Haryana. Maximum number of cases disposed of in the district forums of Haryana are concerning electricity (28.6%), insurance (13.6%) and housing (10.8%) sector, whereas lower number of cases disposed of can be related to airlines (0.05%) and railways (0.26%). Similarly, in the district forums of Punjab, higher disposal is related to the sector of electricity (30%), insurance (12.8%) and telecom sector (6%). Number of disposed of cases relating to banking, electricity, airlines and railways sector is higher in Punjab as compared to their counterpart, Haryana. Whereas in case of medical, insurance, housing and telecom sector, number of cases disposed of in Haryana is higher than in Punjab. On the other hand, maximum number of pending cases in district forums of Punjab are concerning insurance (26.1%) and electricity (8%) sector, whereas lowest number of pending cases is related to airlines (0.7%) and railways (0.7%). Similarly, for district forums from the state of Haryana, maximum pendency is related to the sector of insurance (30.7%) and banking (9.3%). Except electricity, airlines and railways sector number of pending cases appears to be on higher side for the state of Haryana than its counterpart namely Punjab. Pending cases concerning Airlines and railways is really low in both the states.

II. GROWTH RATE WITH RESPECT TO NUMBER OF CASES FILED / DISPOSED OF / PENDING CASES

Table 4

Exhibition of Consumer Cases (CC), Revision Petitions (RP) and First Appeal (FA) Or Appeal (A) For the Filed, Disposed of and Pending Cases

Year	Cases filed			Cases disposed of			Pending cases		
	CC	RP	FA / A	CC	RP	FA / A	CC	RP	FA / A
Growth rate	25.14%	-19.36	4.71%	9.19%	-29.82%	7.89%	48.44%	35.79%	45.02%
t-value	1.657	2.18	0.424	0.625	3.521	0.695	3.755	6.084	7.037
p-value	0.149	0.072	0.687	0.555	.012*	0.513	.009**	.001**	.0001**

Interpretation: Exhibition of consumer cases (CC), Revision Petitions (RP) and First Appeal (FA) or Appeal (A) for the filed, disposed of and pendency cases is done in the table 4. Growth rate of filed consumer cases was 25.14%. Whilst, filed revision petitions witnessed a negative growth rate of 19.36%, unlike filed first appeal or appeal cases where positive growth rate of 4.71% was observed. The t-values and p-values for the filed cases of different petitions and appeals is non-significant at 5% level of significance concluding growth rate is non-significant for Consumer Cases, Revision Petitions and First Appeal or

Appeal in filed cases. Disposed of consumer cases noted a growth rate of 9.19% with p-value 0.555, designating non-significant change, in case of disposal of revision petitions, negative 29.82% growth rate is shown with p-value .012, specifying significant change in the number of cases disposed of and at last disposal of first appeal or appeal cases, there is a growth rate of 7.89% with p-value 0.513, stipulating non-significant change. 48.44% growth rate can be discerned in pending consumer cases. Pending revision petitions also had a positive growth rate of 35.79% and pending first appeal or appeal cases had the growth rate 45.02%. The growth rates are significant for the consumer cases, Revision Petitions and First Appeal or Appeal in pending cases.

Table 5

Number of Cases Filed / Disposed of / Pending with the State Commission of Punjab and Haryana

Year	Punjab			Haryana		
	Cases filed in year	Cases disposed of in year	Cases pending in year	Cases filed in year	Cases disposed of in year	Cases pending in year
Growth rate	1.308%	10.29%	1.51%	-11.74%	9.96%	-60.16%
t-value	1.007	4.865	0.658	6.05	0.839	3.753
p-value	0.344	.001**	0.529	.0001**	0.426	.006**

Interpretation: Table 5 delineates the number of cases filed, disposed of and pending year-wise with the State Commission of Punjab and Haryana. Punjab noticed the positive growth rate of 1.308% in the number of cases filed comparing to Haryana where negative growth rate of 11.74% found in time span of 2005-2014. The value of t 1.007 and p-value 0.344 concludes that growth rate is non-significant for Punjab, although, with t-value 6.05 and p-value .0001, the growth rate of Haryana for filed cases appears to be significant. In Punjab, higher growth rate of 10.29% for disposal of cases is observed in comparison to growth rate of 9.96% in Haryana. The p-values 0.001 and 0.426 indicate that the growth rate is significant for disposed of cases in Punjab, whereas, growth rate is non-significant in Haryana. Haryana witnessed a decreasing growth rate (60.16%) of pending cases as compared to Punjab where positive growth rate (1.51%) is seen for the specified time period. Growth rate is non-significant in the pending number of cases in Punjab with p-value .529, whereas, growth rate is significant in the pending number of cases in Haryana with p-value .006.

Interpretation: Table 6 represents the number of cases filed, disposed of and pending in the District Forums of Punjab and Haryana. Punjab noticed the positive growth rate of 1.92% for cases filed with the district forums in comparison to Haryana where negative growth rate of 4.60% is found. The value of t 0.972 and p-value 0.359 concludes that growth rate is non-significant for Punjab, although, with t-value 2.598 and p-value .032, the growth rate of Haryana for filed cases is significant. In Punjab, positive growth rate of 2.63% for disposal of cases is observed in comparison to negative growth rate of 1.82% in Haryana. The p-values 0.144 and 0.325 indicate that the growth rate is non-significant for cases disposed of in Punjab and Haryana. Punjab witnessed a decreasing growth rate (4.92%) for pending cases as compared to Haryana where positive growth rate (0.02%) is seen for the time period of 2005 to 2014. Growth rate is non-significant for pending number of cases in Haryana with p-value 0.999, whereas, growth rate is significant in the pending number of cases in Punjab with p-value 0.018.

Table 6
Number of Cases Filed / Disposed of / Pending in the District Forums of Punjab & Haryana

Year	Punjab			Haryana		
	Cases filed in year	Cases disposed of in year	Cases pending in year	Cases filed in year	Cases disposed of in year	Cases pending in year
Growth rate	1.92%	2.63%	-4.92%	-4.60%	-1.82%	0.02%
t-value	0.972	1.617	2.957	2.598	1.049	0.002
p-value	0.359	0.144	.018*	.032*	0.325	0.999

III. PROGRESS OF DISPOSAL OF CASES

Table 7
Progress of Disposal of Cases in State Commission

Particulars	Punjab		Haryana	
	No.	%age	No.	%age
Total cases filed since inception	33,155		45,213	
Cases disposed of (Number and %age)	29,819	90%	44,362	98%
Cases disposed of within prescribed time frame (Number and %age)	3,801	11%	10,874	24%
Cases pending	3,336		851	

Interpretation: Progress of disposal of cases in State Commission is given in the table 7 for Punjab and Haryana. Out of the total 33,155 and 45,213 cases filed since inception in Punjab and Haryana, 90% and 98% of the cases have been disposed of respectively and only 11% and 24% cases are disposed of within prescribed time frame. 3,336 cases are pending in Punjab in comparison to 851 cases in Haryana.

Table 8
Progress of disposal of cases in District Forums

Particulars	Punjab		Haryana	
	No.	%age	No.	%age
Total cases filed since inception	1,70,464		2,34,972	
Cases disposed of (Number and %age)	1,67,136	98.0%	2,22,084	94.51%
Cases disposed of within prescribed time frame (Number and %age)	93,336	55.0%	38,119	17.16%

Cases pending	3,318		12,888	
---------------	-------	--	--------	--

Interpretation: Progress of disposal of cases in District Forums is given in the table 8 for Punjab and Haryana. Out of the total 1,70,464 and 2,34,972 cases filed since inception in the district forums of Punjab and Haryana, 98% and 94.51% of the cases have been disposed of respectively and 55% and 17.16% cases are disposed of within prescribed time frame. 3,318 cases are still pending in Punjab as comparing to 12,888 cases in Haryana.

IV. TIME-BASED PENDENCY OF CASES

Table 9
Time wise Pendency of Cases

Particulars		Case pending for > 5 years	Case pending for > 3 years	Case pending for > 2 years
State Commission	Punjab	11	452	532
	Haryana	2	0	0
District Forums	Punjab	1	5	6
	Haryana	220	2,258	2,892

Interpretation: Perusal of the contents of table 9 inform the time period for which cases have been lying pending with the State Commission and District Forums of Punjab and Haryana. In State Commission of Punjab, 532 cases are pending for a period of more than 2 years, followed by 452 cases which are pending for more than 3 years and 11 cases for more than 5 years, whereas in Haryana only 2 cases are pending for more than 5 years. But different trend is observed for District Forums. 6 cases remain pending for more than 2 years in Punjab as comparing to 2,892 cases in Haryana. Only 1 and 5 cases are lying pending with the District Forums of Punjab for a period more than 3 and 5 years respectively. In contrast to this, 2,258 and 220 still remain un-disposed of with the district forums of Haryana. This reveals that though Consumer Protection Act 1986 attempts to resolve consumer dispute within 90 days in normal course of business, yet time taken by the forums in addressing the consumer grievances remains at higher level. Thus, a conscious effort needs to be made to make consumer dispute redressal machinery more efficient.

Suggestions of the study:

Recognizing the need of protecting consumers' interest, following are the suggestions to make consumer protection machinery effective:

- **Reinstating faith in judicial system:** All those officials, who are bestowed with the responsibility to deliver justice to aggrieved, should not shift their responsibility to future generations so as to restore public faith in the judicial system. An independent judiciary, after giving due weightage to consumers' expectations from the judiciary, through technological involvements can innovate the way justice is delivered and dispersed. Judiciary's focus

should be on 'how to deliver justice' than 'what to deliver'. All the procedures and traditions which deny or degrade justice should be dispensed away without further delay. This will encourage the aggrieved to approach consumer dispute redressal forums for resolution of their grievance.

- With the advent of online markets, the digital marketing platform is gaining momentum with each passing day. The digital world is replacing the orthodox modes of market and marketing at rapid pace. Taking this into consideration, the government and NGOs, engaged in creating consumer awareness, should focus on digital platform to fulfill

their goals. It is because of the busy and hectic schedule of the individuals that they can access and go about these digital campaigns as per their convenience. Even the availability of digital material will enable the consumer to use it as a ready reckoner as and when desired.

- Though Centre for Consumer Studies in collaboration with Indian Institute of Public Administration recurrently conducts training programs for the members of the forum to acquaint them about the functioning of quasi-judicial bodies and make them learn the art of writing judgment, yet a conscious effort needs to be made to organize such training programs at state and district level as well.

- Composition of the three tier adjudicatory machinery of NCDRC, SCDRC and DFs reveals that except the presiding officer, no other member need to possess any legal qualification and experience. It is suggested that a minimum legal qualification should be prescribed for all the members of consumer dispute redressal forums.

- As per the provisions of the Consumer Protection Act 1986, a complaint lodged with consumer forum should be resolved within a time span of 90 days where testing of the mentioned goods is not required and within a time span of 150 days where testing of the mentioned goods is required. Whereas, analysis of data divulges that time taken in majority of the cases is much more than the prescribed timeframe due to frequent adjournments by the judges and prolongment of cases by the lawyers (may be because of their personal interest). It is therefore recommended that time specific norms be laid down for adjournment of cases so as to check unfair and unjust practices of the judges and lawyers.

- At times, lawyers instigate aggrieved consumers to lodge frivolous complaints and make highly inflated claims, giving them false hope that such claims are maintainable, to extract more money from suffering fraternity. It is, therefore, suggested that services of advisory functionaries be provided to consumers, where they would get advice on their claim rather than directly falling prey to ill wishes of

the lawyers. This, in turn, would lessen the burden on the CDRFs as they will have to handle lesser number of complaints. Along with this, every consumer should have well stocked library, where consumer may consult desired consumer literature before lodging complaint with the forum.

- Although the CPA provides a provision of additional benches for quick disposal of cases lying pending with the National Commission as well as State Commission, there is no such provision for the District Forum. Therefore, the CPA shall be amended to make a provision of additional district benches for speedy clearance of complaints lodged with the District Forums.

Conclusion

Realizing the need to promote consumerism and protect consumers' interest, the CPA provides for regulations to ensure transparency in business practices, accountability and participations of all the stakeholders. Performance of the Act, over a period of three decades, has shown its' acceptance and legal preference by aggrieved consumers to exercise their consumer rights. It has brought disinterested ones to an organized platform of consumer forums, whom they can approach for resolution of their grievances. The way in which consumer forums are flooded with cases and the manner in which such cases are being disposed off creates an impression of "judicial populism" in India. Though CPA through its' cost effective mechanism has revolutionized the Indian legal system, yet handling consumer grievances in orthodox manner has posed a great legal challenge for judiciary. Presence of sense of commitment amongst the operators of law would ensure culture of good governance, wherein the consumers would feel protected and there won't be a single reason for lodging a complaint. Consumer movement should seek a new vision which embodies 3 new cultures, i.e., the culture of balance and harmony, the culture of trusteeship and stewardship and culture of accountability to the future.

References

1. Aradhya, S., & Acharya, S. (2012). Consumer Protection Act–Awareness?. *International Journal Medical and Dental Science*, 1(1), 1-8.
2. Auxcelian, M. A., Jerome, A., Singh, K., & Govind, S. (1988). Functional History of Consumer Disputes Redressal Machineries of Tamil Nadu: An Analytical Study.
3. Barker, A. T. (1987). Consumerism in New Zealand. *International Marketing Review*.
4. Chopra, A., Goel, V., Gupta, N., Suri, V., Sagar, S., & Kaur, G. Awareness of Consumer Protection Act (CPA) among dental fraternity of North India and its implications on the profession.
5. Cornwell, T. B., Bligh, A. D., & Babakus, E. (1991). Complaint behavior of Mexican American consumers to a third party agency. *Journal of Consumer Affairs*, 25(1), 1-18.
6. Emmanuel, N. C., Aham, A. V., & Cosmas, N. A. (2016). Protecting the Nigerian consumer: an expository examination of the role of consumer protection council. *International Journal in Management & Social Science*, 4(3), 529-542.
7. Ford, G. T. (1978). Adoption of consumer policies by states: some empirical perspectives. *Journal of Marketing Research*, 15(1), 49-57.
8. Gupta, R. (2013). Consumer awareness regarding consumer protection act 1986. *EXCEL International Journal of Multidisciplinary Management Studies*, 3(4), 76-86.
9. Gurusamy, P., Manochithra, P., & Princy, J. (2014). A study of Consumer awareness on Consumer Protection Council-A special reference to Coimbatore District. *International journal of scientific research vol. 3 Iss. 7 July 2014*, 103-104.
10. Hannigan, J. A. (1977). The newspaper ombudsman and consumer complaints: An empirical assessment. *Law and Society Review*, 679-699.
11. Ishak, S., & Zabil, N. F. M. (2012). Impact of consumer awareness and knowledge to consumer effective behavior. *Asian Social Science*, 8(13), 108.
12. Janjua, S. S. (2007). ADMINISTRATIVE MACHINERY FOR CONSUMER'S INTEREST: AN ANALYTICAL STUDY. *The Indian Journal of Political Science*, 523-532.
13. Kaynak, E., Kucukemiroglu, O., & Odabasi, Y. (1992). Consumer complaint handling in an advanced developing economy: An empirical investigation. *Journal of Business Ethics*, 11(11), 813-829.
14. Kishtwaria, J., Sharma, A., Vyas, N., & Sharma, S. (2004). Consumer awareness regarding legislation organisations and consumer protection laws. *Journal of Social Sciences*, 8(1), 69-72.
15. Kolodinsky, J. (1995). Usefulness of economics in explaining consumer complaints. *Journal of Consumer Affairs*, 29(1), 29-54.
16. Krishnakumar, B., & Sakthiventhan, S. (2012). A study on consumer protection awareness among rural consumers in Cuddalore District. *IJEMR*, 2(6), 1-15.
17. Kumari, G. V., & Narasaiah, P. V. (2019). Consumer protection and role of district consumer forums-an empirical study with reference to Chittoor district. *research journal of social sciences*, 10(7).
18. Lizzy, E. A. (1993). Consumer Redressal Agencies: How Effective? Kerala

Experience. *Economic and Political Weekly*, 1638-1639.

19. Singh, J., Nayak, M., & Bala, K. (2014). Awareness and satisfaction of consumer regarding to consumer protection act in Haryana. *ACADEMICIA: An International Multidisciplinary Research Journal*, 4(1), 37-57.
20. Solaiman, M., & Belal, A. R. (1997). Protection of Consumers' Rights in Bangladesh: Issues and Challenges. *Decision*, 24(1), 131.
21. Stern, L. L. (1967). Consumer protection via increased information. *Journal of Marketing*, 31(2), 48-52.
22. Taylor, K. (1997). A regret theory approach to assessing consumer satisfaction. *Marketing letters*, 8(2), 229-238.
23. Varadarajan, P. R., Bharadwaj, S. G., & Thirunarayana, P. N. (1992). Attitudes towards Marketing Practices, Consumerism and Government Regulations: A Study of Managers and Consumers in an Industrializing Country. *Journal of International Consumer Marketing*, 4(1-2), 121-158.