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Awareness regarding procedure of filing and pursuing complaints in district consumer redressal forum

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Abstract

The research paper aimed to assess the consumer awareness about procedure of filing and pursuing complaints in the district consumer redressal forum. For the present study survey method and stratified random sampling technique were employed to collect the data. Samples of 104 consumers were selected from Diwani Civil Court, situated in the Agra city of Uttar Pradesh, India. Data was collected through a self-structured questionnaire. The questionnaire comprised of 20 questions about the awareness with regard to procedural formalities of filing and pursuing complaints in consumer forum. To achieve the objectives, the score of respondents regarding the procedural awareness of filing and pursuing complaints and nature of complaints filed with consumer form were compared across socio-demographic variables. For the analysis of the data, Percentage, Mean, Standard Deviation and Student t-test methods were used. Statistical analysis of the study indicated significant differences across age, sex, education level, occupation and annual income. The study concluded that consumers need to be educated and made aware by consumer organizations and government more about the procedure of registering complaints and seeking redressal with the intention to protect the consumer interest by effective utilization of established consumer protection mechanism.

Keywords: Consumer, complaints, consumer forum, consumer protection, redressal

Introduction

All human beings including the manufacturer who generates goods and services are consumers because they also consume goods and services produced by other. "All living being are genuine or potential consumer of goods and services either they created or bought in exchange of money, work and other goods" (Kulkarni & Mehta, 2013) [7].

Now a day, common Indian customer is deprived, rudely addressed uninformed, innocent, unorganized, neglected as well as sometimes feeble and helpless. Due to illiteracy and ignorance, consumer is being widely scattered and unorganized so highly exploited in diverse ways. Consumers are very vital segment of any financial system. These ongoing atrocities against consumers' can be broken only through consumer protection.

Consumer Protection Act 1986

Consumer Protection Act, 1986 has come to the salvage of common man. Indian Government established Consumer Forums in India under Consumer Protection Act, 1986. Especially, consumer court is the special purpose court that deals with cases concerning consumer disputes and grievances. And also defend the basic privileges of the consumers, such as: -

- 1) Right to Safety against the marketing of goods and services which are hazardous to health
 - 2) Right to Informed about quality, quantity, purity, and prices of goods so as to protect beside unfair trade practices
 - 3) Right to Choose satisfactory products and services at a fair price
 - 4) Right to be Heard & assured that consumers interest will receive due deliberation at appropriate forums
 - 5) Right to be redressed or fair settlement of just claims. Basically, the aim of consumer forum is to provide simple, less expensive, speedy and quick justice to the consumers and to spare them from the harmful products as well as unfair or restricted trade practices.
- Consumer Forum established in three levels:

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- i) National Commission which deals cases with beyond one crore rupees,
- ii) State Commission which deals cases with below one crore rupees, and
- iii) District Forum which deals cases equivalent and below twenty lakh rupees.

Initially, there was no court charges, but currently a nominal fee is payable while filing a petition.

Table 1: Fee Payable for Filing a Complaint

S. No.	Total Value of Compensation Claimed	Amount of fee payable
District Forum		
1.	Up to one lakh rupees	100
2.	Above one lakh and up to five lakhs	200
3.	Above five lakhs and up to ten lakhs	400
4.	Above ten lakhs and up to twenty lakhs	500
State Commission		
1.	Above twenty lakh rupees and up to fifty lakhs	2,000
2.	Above fifty lakh rupees and up to one crore rupees	4,000
National Commission		
1.	Above one crore rupees	5,000

Source: Rao (2012)

Procedure of Filing a Complaint in Consumer Forum

The complaint can be filed within two years from the date on which cause of action has arisen. The complainants need not to appoint a lawyer or a legal representative.

1. Firstly, Register the written complaint with affidavit either personally or by post or mail. A complaint should be comprised with following information and evidences: (i) Name and address of the complainant and opposite party or parties, (ii) Description of the fact of the complaint, (iii) Documentary evidence collaborating the complaint, (iv) Relief expected as redressal of complaint, (v) Signature of the complainant or his authorized agent.
2. Within 21 days from registration of complaint, Consumer Forum sends a copy of Complaint to the opposite party to appear before the concerned Consumer Forum to put his or her version within the said time or 30 days and this period may be extended to 45 days, if it is justified.
3. When no laboratory test is required or complaint relates to the service: -
 - If opposite party admits the complaint, then judgment is done on the basis of merit of the case or documents produced before the forum.
 - If opposite party denies the allegations made in the complaint, judgment is done on the basis evidences brought to the notice of District Forum.
 - If the opposite party fails or omits to respond within time, District Forum proceeds forward and made it as ex-party on the basis of evidence brought to its notice by the complainant.
4. If the laboratory test is required:
 - District Forum asks to the complainant to deposit the fees that would be charged by authorized laboratory for testing goods, then proceed to send the defective goods for seeking the opinion of the authorized laboratory after the required test whether the goods are defective or not.
 - Laboratory sends back the sample with report to the District Forum within 45 day or this period may be extended. After receiving the report, Forum sends a copy of report to the opposite party with its own remarks.

5. If the complainant fails to appear on the date of hearing before the court, court may dismiss complaint or may decide the case on its merits and if opposite party fails or omit to appear, court may settle the disputes as ex-party.
6. At the end, District Forum issues an appropriate order after hearing the both parties and considering evidence brought to its notice. The case should be decided within a period of 3 months where analysis is not required & within 5 months where analysis is required.

Need of the Study

Consumer is a backbone of national financial system. Clients play an imperative role in the expansion of a nation. Swami Vivekananda said "Consumer is a King." It is a good proverb but the ground reality is that the consumer is not well treated and addressed under the market operations, most of the manufacturers and traders have been adopting unfair trade practices and cheat consumers for the purpose of promoting sale and profit. In such scenario, protection of consumers becomes very difficult and complex due to lack of alertness and information.

Under the Consumer Protection Act, it was clearly mentioned that consumer forum would provide speedy, quick, less-expensive and time bound redressal to the complainants. Therefore, the researcher is anxious and wishes to know the state of awareness among the complainant consumers about the ultimate remedy available to them regarding the procedures of filing complaints in consumer forum.

Objectives

- To explore the nature of complaints filed with district consumer forum of Agra City.
- To assess the procedural awareness of filing & pursuing complaints in consumer forum.

Methodology

The present study was based on both primary and secondary data. The primary data were collected from both male and female consumers who belongs to Agra District. Apart from this, the secondary data were collected from journals, books, websites and published data. Survey method of investigation and Stratified random sampling techniques were used for data collection.

Sample

For the accomplishment of the objective, Agra city was conveniently selected for the study then researcher had randomly selected one consumer forum out of the two working in Agra which is situated at Diwani (Civil Courts) and downloaded the list of complainants through a specific website whose cases are fixed for hearing in the consumer forum. After that researcher was randomly selected 104 complainants (about 33%) out of the cause list of each day visited to the consumer forum for the collection of data.

Tools

For conducting the research, a Self-Structured Questionnaire was prepared with the help of existing literature to collect the data and information. Questionnaire was contained with appropriate form of 20 close-ended questions depends on the procedural awareness regarding filing and pursuing complaints in consumer forum. After it, the collected data were coded, tabulated and analyzed by using Percent, Mean, Standard Deviation, Student t-test methods.

Results

On the basis of objectives, analysis and interpretation of the data were described below: -

Objective 1: To explore the nature of complaints filed with district consumer forum

Table 2: Nature of complaints filed with the consumer forum

S. No.	Complaints related to	Sectors	Number of cases	Percentage
1	Products	Goods	7	6.73%
2	Services	Insurance	28	26.92%
		Banks	9	8.65%
		Nagar Nigam local bodies	1	0.96%
		Finance	3	2.88%
		Torrent Power	14	14.42%
		University	1	0.96%
		Water Service	6	5.76%
		Hospitals & Doctors	4	3.84%
		Cold Storage	3	2.88%
		Awaz Vikas	3	2.88%
		Agra Gas Company	1	0.96%
		Post Office & Post Master	5	4.80%
		UP Govt. (Transport)	1	0.96%
Misc.	17	16.34%		
	Total		104	100%

Objectives 2: To assess the procedural awareness of filing & pursuing complaints in consumer forum

Table 3: Mean differences of procedural awareness regarding of filing & pursuing complaints in consumer forum according to socio-demographic variables

Procedural Awareness of consumers regarding consumer forum						Statistical Values	
S. No.	Background Characteristics	Number (n)	Mean	S.D.	t- value	Sig.	
1.	Age	Up to 40 Years	48	39.42	2.057	<0.05	
		More Than 40 Years	56	37.46			
2.	Sex	Male	91	37.77	2.832	<0.01	
		Female	13	42.54			
3.	Education Qualification	Less Than Graduation	40	36.75	2.271	<0.05	
		Graduation and More	64	39.38			
4.	Occupation	Service	34	40.32	2.433	<0.05	
		Other	70	37.41			
5.	Annual Income	Up to 5 Lakhs	79	37.63	2.315	<0.05	
		Above 5 lakhs	25	40.68			

Discussion and Interpretation

The data analyzed in Table 2 and 3 is interpreted and discussed below:

The data of table 2 makes it clear that the majority of cases filed for seeking justice in consumer forum were regarding the complaints of services from government and private sector agencies they constitute 92.23% whereas the complaints pertaining to products were merely 6.73%. It was found that in consumer forum the cases related to different services were registered far more in number as compared to the cases for complaint against products purchased.

The data of table 3 makes it clear that statistical value regarding procedural awareness of lower age group shown significantly higher mean values 39.42 and 37.46 respectively as compared to higher age group. It may be because of the reason that the subjects of lower age group have more interest towards the remedies available to the consumer at consumer forum and their methods as compared to the other age group. Kumar and Sakthiventhan, (2012) [8] observed that awareness of consumer protection is comparatively high among the young age respondents than others.

According to the above table 3, the comparison of the subjects divided according to the gender explicitly show that the mean value of female subjects was significantly more towards 42.45 against 37.77 respectively as compare to their counter parts.

The obtained t-value was significant at 0.01 level. Results of the study strongly indicated that the female consumers were well informed and sensitive towards their consumer rights, as they put more efforts and inclination to gather consumer related information, it was also found in a study Ha and Stoel (2004) that female consumers were found more likely to use the Internet to seek for consumer related information and use all means to procure information about the consumer matters than male consumers. Table 3 also explored that the subjects of higher educated have shown significantly higher mean scores 39.38 against the mean scores 36.38 respectively of the subject less than graduate. The procedural awareness of filing and pursuing complaints are directly related to the academic aspect of the legal administration system of consumer forums, therefore it is clear from the above table that subjects having higher educational qualification have shown significantly higher scores against their counterparts who are less educated. Sawarkar and Giram, (1996) [4] revealed that awareness of consumer protection act was more among graduate respondents (26.93 percent) than among non-graduates (21.73 percent).

In the above table 3, service class subjects were found to be higher mean scores 40.32 and 37.41 respectively than the other occupation subjects. The obtained data was significant at 0.05 level, it may be because of the reason that the subjects of

service class think and work more systematically and also they have more knowledge about legal and financial matter as they are more in touch of latest happenings and developments therefore subjects of service class were found more aware as compared to the subjects of other occupations. Table 3 also justified that the statistical results of different annual income shown that higher income subjects were significantly higher with the mean scores of 40.68 and 37.63 respectively as compared to the lower income subjects. People who are in higher income group have higher chances to deal in financial transactions and higher probabilities to think or discuss about the matters related to safety, security and their consumer rights because they may be having more chances to be cheated and exploited as consumer, therefore it was inferred that subjects who have enjoying higher income have shown higher procedural awareness as compared to lower income subjects, it was also found in the study Aaker and Day, (1982) that low income group consumer were most likely to be less aware consumers than higher income group and hence there is greater need for their protection. According to Khurana and khurana (2012) ^[6] all the respondents are having general awareness regarding consumer protection but in relation to procedural formalities, about fifty percent of the respondents showed totally unawareness. Study also found that all respondents have faced the situation of consumer exploitation in one way or other but only ten percent have approached to the consumer forum for justice.

Conclusion and Suggestions

It has been found in the study that all the respondents have faced the situation of consumer exploitation in one way or other and all the respondents have approached to the district forum for justice. The study shows that cases of different types of disputes filed in the district forum for seeking justice are more regarding the complaints of services rather than products. In the present research, it is found that respondents falling in the age range of up to 40 years are more aware as compared to higher age group respondents. It is revealed that female subjects are significantly more informed as compared to male subjects regarding the procedural awareness of filing and pursuing complaints in consumer forum. Results also indicates that higher educated subjects and who are in services concerning are significantly more alert and attentive as compared to their counter parts. It has been also found that respondents who belongs to higher income group have significantly higher consciousness as compared to lower income group. Therefore, it is concluded that consumer awareness is very vital for everybody in day to day life. Results of the study clearly shows that all the respondents are having general information about the consumer protection but in contrast to these, the procedural awareness are showing some different results. Most of the respondents don't know that there is no need to appoint a lawyer or a legal representative and consumer forum resolves cases within thirty days of filing complaints. Hence, it is also found that every respondent appointed a lawyer for hearing their cases. Even then there are many such cases pending in the consumer forum. It is seen in the existing research that huge amount is being spend by the government for creating awareness regarding protection, but procedural information of filing and pursuing complaints is not being shown in the advertisement and other ways. To resolve this situation, it hereby suggested that safety of consumer interest has become a matter of serious concern for the government as well as public bodies. Therefore, special advertisements should be created to educate

the consumers regarding procedure of filing complaints, where to file complaints and when to file complaints etc. Apart from this, local newspapers, cable operators, NGO's and consumer association should work more and more to inform and educate the consumers about the rights of consumers and availability of redressal mechanism to raise voice against exploitation. Thus, the exposure of media, training camps through Government and NGOs, educational institutions, workshops and conferences should disseminate the information and improve the awareness level of consumer rights and thereby increase utilization of their rights.

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