

Consumer Protection in India – Need for Structured Reforms

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Abstract

The lifestyle changes and the dynamics of consumer need made the manufacturers produce extraordinary products, resulting in complexity. The emergence of complex items or products in the market gave the consumers less information or even no information about the product. Technological innovations have also created a space for people to expect more from the buyer's side. Consumer protection is one of the primary function in a welfare state. India enacted the Consumer Protection Act, 1986 (hereinafter referred to as CPA, 1986) and established a separate mechanism for resolution of consumer disputes. Even after three decades of the Act, the Act is yet to be implemented fully. People lack consumer education and the number of people approaching the forums established is very low.

This paper tries to explore the current level of consumer protection in India while analysing the effectiveness of redressing system established under the CPA, 1986.

Keywords: Consumer Protection Act, India, consumer education.

Introduction

Any individual of a society deserves basic rights and preserving this is the responsibility of the respective governments of every country. In that context, there emerged the concept of Consumer protection which served as a platform for the consumers to take legal Actions for any sort of discrepancy in the service or defect of product provided by the seller. The rights of any consumer cannot be fixed to any particular standard, instead differs from each circumstance the consumer has faced. (Meenu, 2006) Initial stages of the consumer protection laws were an unorganised system of norms, but as years passed legislations were made stiff and firm. The problems faced by consumers in the present day undoubtedly insist on the legislation and formulation of rules involving the participation of all the countries worldwide including the guidelines from the UN General Assembly. It is also notable to investigate the later developments of the consumer protection laws which created space for every single issue of the consumers. (Barowalia, 1996)

Consumer protection laws in India

The Indian Contract Act of 1872, the Sale of Goods Act of 1930, the Indian Penal Code of 1860, the Drugs and Cosmetics Act of 1940, the Usurious Loans Act of 1918, and the Agriculture Procedure (Grading and Marketing Act) of 1937 were enacted during the British era to protect the consumers. (Prasad, 2017)

Relevance of consumer protection was realised in the early 1980's and various monitoring methods were adopted to provide maximum support to consumers during any undesirable circumstance. But 6 years from then, in 1986 emerged most useful legislation to enhance this level of protection. This notable period was embedded with enactment of the Consumer Protection Act, which not only brought new terms but also directed the previous laws towards the same path having the base as support to consumers. From then several worthy laws and enactments were put to use

under this law i.e. many cases although falling under different laws, remedy could be sought under the Consumer Protection Act, 1986. Gradually this Act was made to follow the guideline of the UN in the year 1985. (Sapna Chadd, 2017)

In India, there are a number of laws enacted to protect the consumers ranging from the Constitution to consumer-centric laws such as the Consumer Protection Act, 1986. Restrictions are also applied to manufacturing and supply of products. No business can run without compliance to these consumer-centric laws and any violation would lead to legal sanction. Remedies are available to a consumer under civil and criminal laws. Under the criminal law, any fraudulent case relating to improper usage of weighing machines and selling of items which are weighed with errors will be strictly taken to the notice of the government and necessary action will be taken as per the Indian Penal Code, 1860. (Srinivasan, 2017)

The law of torts was developed under the British provided framework for fixing liability when a person suffers from the damaged product. This is especially seen in cases where the indirect user (anybody other than the buyer) of the product is harmed. It simply means that the manufacturer is ultimately responsible for the harm caused, even if there is no contract between the manufacturer and the person who used it i.e. beneficiaries. There are some cases where the consumer causes damage to himself by accident. All these laws relating to contract and tort are like another channel to solve the issue. But, there are provisions made by the Consumer Protection Act, 1986. These provisions aid resolution of various issues concerning problems due to consumption of a particular product. The provisions made are not to stop a person from taking it to the civil court, but to make it less expensive and to reduce the time taken for resolution by providing a three-tier dispute resolution mechanism. (Adukia, 2017)

A number of laws have been enacted in India to safeguard the interest of consumers and protect them from unscrupulous and unethical practices of the businessmen. Some of these Acts are as follows -

- Drug Control Act, 1950
- Agricultural Products (Grading and Marketing) Act, 1937
- Industries (Development and Regulation) Act, 1951
- Prevention of Food Adulteration Act, 1954
- Essential Commodities Act, 1955
- The Standards of Weights and Measures Act, 1956
- Monopolies and Restrictive Trade Practices Act, 1969
- Prevention of Black Marketing and Maintenance of Essential Supplies Act, 1980
- Bureau of Indian Standard Act, 1986
- Consumer Protection Act, 1986
- Competition Act, 2002

Consumer Protection Act of 1986

India has a number of common laws in order to redress grievances of the consumers. The problems relating to consumers and unfair practices of businessmen are specially handled by the Act called, Consumer Protection Act of 1986. As already mentioned, this Act does not suppress the common laws or provisions which has been existing for a very long time. The Act is considered only as a specialising category and an alternative method to fight for the rights of a consumer. The Act can be implemented in all the areas/fields of goods and services and against government

undertakings, private and corporate sectors. Marketing techniques at times take the consumers for granted and thus consumers are highly affected. Such issues are given extra attention by inclusive definition of unfair trade practices and restrictive trade practices and thus the Act was considered as one of the best legislation. Like the name indicates, the Act serves the consumer in dealing with various kinds of unfair practices against producers, sellers and manufacturers. (Ghosal, 2017)

As an initiative to defend the consumers, the Act insists more on consumer rights to know about the class of durability, quality, and purity of the product. This particular feature of the Act makes its presence inevitable. The Consumer Protection Act has been functioning effectively for the past three decades and its now in hands of the consumers to make it more productive. Popularising the Act among people all over the country is one way to combat the exploitation of consumers by business sector. This will also speed up the achievement of the Act's primary goals. (Muker, 2017)

The foundation for this vibrant initiative was made in the year 1985 and it started with the adoption of UN guidelines on consumer protection. After this series of Activities took place in order to reveal an Act like Consumer Protection Act in December 1986. Some of them are, National Workshop of Consumer Protection organised by the National Consumer Protection Council which consisted 28 members. The Act implies on the following rights. (Infoline, 2017)

Right to be protected in case of harm due to marketing/purchase of goods

Right to be notified or informed regarding the product's features and qualitative aspect to resist from unjust business practices

Right to reach goods at competitive or reasonable prices

Right to be recognized or have representation at the consumer forum to protect consumer interest

Right to be redressed at the time of exploitation by the inequitable trade practices

Right to have consumer education

The Act prescribes specific time period to dispose of the cases. In the case where testing of products is not required, the time given for disposal is 90 days. In other cases, it is five months. Other changes include fees to be paid if the complaint has been filed before the consumer grievance redressing agencies. Another exclusive change was that the Act specified or stated the qualifications need to become a member of the consumer redressing agencies. This was to ensure better contribution from the part of the agencies since sound knowledge can take the Act in the most optimistic way. The change made was towards the recognition of services. In addition to products, services causing harmful effects were also considered in the Act to make necessary actions against the service provider. (Singh, 1997)

The Act, amended in the year 1991, brought changes majorly in the field of proceedings and orders. With the amendment, it was stated that any proceeding from the district forum can be conducted by the President and one member. The president and another member who conducted the proceeding were given the power to sign any order made by the district forum. In case of difference in opinions given by the president and a member during a proceeding, the point can be taken to other member and the majority of opinion is taken as the order of the district forum. Under circumstances of a vacancy in the office for the President post, any qualified person from the district forum or state commission can be appointed as the president for a short period of time. Even after so many changes being made, the Act was amended again in the year 1993. (J.K., 2017)

It was basically to widen the areas where consumer protection legislations are applicable. The changes also insisted on giving excess powers to redressing agencies to redress the grievances of the consumer, with regards to harmful effects by unfair trade practices. The amendment did not end here, instead continued to get changed in the year 2002. This amendment was to provide a

solution for an issue which was not addressed or resolved during the previous years. Though the scope was widened as the proceedings and passing of orders were too long. Disposal of cases were complained to be very slow. To bring this issue to a solution, the Act was amended in the year 2002. (V.K., 2009)

The Act also brought spurious good into the umbrella of unfair trade practices. As an initiative to make the functioning of the Act more prominent, strict rules were made in order to establish consumer councils at district, state and national levels. The Act also made necessary steps to continue the case even if the complainant expires. The complainants legal heir or any other legal person can be substituted in such cases. Decisions regarding issuing of orders were also made. Interim orders were allowed if there is necessity for it. Though issues regarding services were taken care of by the Act, commercial services were excluded from the horizon of the consumer redressing agencies. With the above changes and alterations made to the Act, it is evident that the Act has passed through various phases having its main goal as being pillar of support to the consumers. All the objectives and provisions of the Act are majorly concerned with the protection of consumers from exploitation. (Pathak, 2017)

Efficacy of Current Adjudication Mechanisms

The consumers, central part of the whole Act is protected and given support to the maximum so that the objectives of the act do not stay idle. Though there are a number of embedded undesirable errors in the Act, there is always a positive side which considerably reduces the chances of exploitation of the consumers by the producers or the sellers. As an addition to the objectives, other main thing that the Act focuses on is to create awareness about its benefits to those who are in need of it. Now, the need to remove the existing errors has arisen with the increasing necessity to make changes in the administration of these provisions too. The business and production sector has been developing technologically with the help of new techniques and this has now made the exploitation of consumers much easier than before. Marketing efforts of the marketers influence the buyers in such a way that they do not have to even think before they buy a product. High levels of influencing and advertising makes the consumer fall in their trap. Not all the businesses exploit consumers, but a few firms make use of the opportunity and sell faulty goods. Thus, having all this there comes a need for revision of new procedures for the betterment of administration. But in the end, it is not satisfying to state that yet there are so many consumers who do not obtain relief even after complaining. These may be due to accessibility, jurisdictional overlapping, procedural unfairness in standard form contract, role of president and other members, powers and function of adjudicating authorities, and status of court of record. (Mani, 2015)

Accessibility

The District Forum is set up mostly in the district headquarters but the regular courts and *gramanyalayas* are present at the taluka and the village level. The Consumer Protection Act, 1986 requires the aggrieved consumers to approach the district forum present in the district headquarters even though it may be very far and inaccessible. With this, the burden of commuting costs and time are also present.

Jurisdictional overlapping

The Consumer Protection Act is not the only act which protects the consumer and addresses their issues. There are so many other public organisations and quasi-judicial bodies which have the powers to save any consumer who is in need of support. Some of the organisations who act similar to Consumer Protection Act are The MRTP Act of 1969, Competition Act 2002, the Electricity Supply Act of 1948, the Insurance Act of 1938, The Indian Post Office Act of 1898, etc. The

Ombudsmen are set up for various sectors like insurance and banking which provide a similar remedy. Moreover, Government Departments are also setting up the *adalats* (a consensual alternative dispute resolution method) at the departmental level such *Dak Adalat* conducted by the post offices.

Procedural unfairness in standard form contract

Among all the available Alternative Dispute Resolution (ADR) methods, arbitration alone is of adjudicatory form. Others such as mediation, conciliation, judicial settlement etc. are non-adjudicatory. An agreement is necessary to seek remedy under ADR methods. In ADR methods, there is no involvement of the court or any other judicial body.

All agreements nowadays have within itself, a contract of the arbitration. It is more prominent in commercial agreements where the seller or the service provider makes the arbitration clause as a non-avoidable factor in the agreement. The victim signs the agreement without knowing the inclusion of the arbitration in the agreement or not understanding the arbitral process. This incomplete acknowledgement is due to the presence of more pages in the agreement. In reality, there is a very less chance of reading all the pages during acknowledgement. These booklets turn down the interest of the consumer to entirely read the agreement. Sometimes the conditions/terms of the contract are written in small letters which may be blur and invisible as well. Finally, this unfair practice by the person who is framing the agreement makes the consumer fall in the seller's trap. The complexity of the agreement also makes it impossible for the buyer to understand it completely. According to the Section 8 of Arbitration and Conciliation Act, 1996, the court has the power to direct the cases for arbitration. The Consumer Protection Act does not support this, but the consumers are forced to exercise arbitration due to the agreements made. And this arbitration proceeding greatly affects the proceedings of the consumer forums. Hence the evidence here proves that arbitration clause not only affects the consumer but also makes the consumer forums weak one not enabling it to exercise its duties.

Under the Law Commission Report (India, 2006), it is given that unjust advantage or unjust disadvantage to one party due to another party during the acknowledgement of a contract or unfair situations under which one party signs the contract is termed as a procedurally unfair contract. Of all the companies, banking and non-banking firms make the maximum of mistakes while formulating an agreement. These are the companies who make a layman easily trapped into their net. On other technique used by these firms is making the agreement more of uncommon terms. All the sentences and statements mentioned will not be easily understood. Making the agreement more professional and words with more intense meaning, the sellers easily exploit the buyers.

Role of President and other members

Under the Consumer Protection Act of 1986, there are six hundred and twenty-nine district forums, thirty-five state commissions and one national commission to carry out the redressing process easily and in a way that is very economical. During the initial years of the establishment of the Consumer Protection Act, there were certain restrictions being followed in the commissions. (Commission, 2017) It has laid a strict rule that every proceeding in the commission has to be conducted only in the presence of the President and a minimum of at least one member of the commission. In addition to this, the passed orders must be acknowledged by the members and president who witnessed the proceeding. But the later version of the act after the amendment made significant changes in the rules and regulations. During the absence of the President, the senior most member of the commission holds the power to conduct the proceeding. Any order passed by the President of the district forum [*Export Credit Guarantee Corporation of India Ltd., Varanasi v. Mohd. Aslam, Partner Mohd. Ibrahim and Sons & Another*, 1999 (2) CPR 106 (UP)], President of

the state commission (*Baroda Municipal Corporation v. Akhil BharatiyaGrahak Panchayat Ltd.*, 1992 CPC 768 (NC)) and the President of the National commission without considering the member's opinions will be directly taken as an illegal order. The amendment has also given the authority or legal power to the national and state commissions to make decisions on the Benches. The commissions are increasing in their capacity and the redressing techniques are being quicker like never before but this is not sufficient with the inherent defects and pendency. With all these intentions, the Act also takes the improvement or development of the consumer movement as its primary objective. Some issues include no power to impose criminal punishments, the complexity of the agreements between buyer and seller etc.

Powers and functions of the adjudicating authorities

The adjudicating authorities have amounted to a number of confusions in the procedures to be followed under the Act. This is due to the settlement which states, that the "Procedural laws" are to be followed only by the General judiciary and not the Adjudicating Authorities. There arose so many issues regarding uniformity of procedures in the Act due to this violation or settlement which was unfair. To terminate these problems of irregular procedures, necessary steps were taken by the national commission. With the approval of the central government, the national commission made few regulations which were termed as the Consumer Protection Regulation, 2005. These regulations made clear procedures and stated that the relief provided should be within the conditions of the Act. All the redressing agencies under the Act were insisted to follow the principles of natural justice to provide relief. There was another settlement made which meant that reliefs which cross the limits of those mentioned in the Act will not be accepted or granted (*Tarsem Lal Goyal v. Union of India*, (1993) 2 CPR 191 (Punj.)). Along with this, there was a clear statement which implied that all the forums have the same powers as granted in the civil court and the proceedings made are to be considered as legal or judicial proceedings.

Pecuniary Jurisdiction

The forums established under the Consumer Protection Act, 1986 has pecuniary jurisdiction. The district forum under the Section 11(2), can admit cases valued not more than rupees two million. The next in hierarchy, the state commission permits cases only valued between rupees one million to rupees10 million under the Section 17. The national commission handles all complaints and cases valued more than rupeesten million. The question is whether the value of goods and services are to be considered or compensation sought to calculate the pecuniary jurisdiction. The law and the judiciary are not clear on this aspect.

Powers to determine matters summarily

The general judicial terms and conditions state that the redressing agencies under the act can handle or has the power to deal with only matters which has a summarily nature. This statement was again made clear and reinstated by the Supreme Court (*Trai Foods Ltd. v. National Insurance Company and Ors.* III (2012) CPJ 17 (SC)). Thus, it is evident that there is no possible jurisdiction for the redressing agencies to handle matters which do not come under the purview of matters of summarily nature (*Procalor Photographics Pvt. Ltd v. OCL Photo Industries Pvt. Ltd* (1992 CPC 201 (Chandigarh))).

Power to grant interim relief

The concept of interim or temporary relief gave chance to many conflicting and divergent opinions from everyone. The issue continued until there was a clear establishment to convey the actual or set rule with respect to the interim relief. Confusions were mainly due to improper allocation of powers and duties. There was no particular law or legislation which stated the power to provide interim relief. There was a case where the state commission permitted the district forum to

proceed with interim order and relief having in consideration the inconvenience and loss caused by the opposite party. Also, these interim reliefs are provided on the basis of *prima facie* case. So, with this case there is an interpretation that redressing agencies have the power to give interim relief (*Chita Rajan Dey v. Mrinal Kant Chakraborty*, III (1996) CPJ 155 (West Bengal S.C.D.R.C)). There is one more case in comparison with the previous one and the latter happened with the *Bombay Dyeing & Manufacturing Co. Ltd. V. Union Bank of India* (I (2001) CPJ 1 (N.C.)). In this case, the national commission held that the consumer forums have not been given with the power to give interim relief. Only financial relief can be given with the powers of the consumer forums.

In *Morgan Stanley Mutual Fund v. Kartick Das* (II (1994) CPJ 7 (S. C.)), the Supreme Court observed:

“A careful reading of the above discloses that there is no power under the Act to grant any interim relief of (sic) even an ad interim relief. Only a final relief could be granted.”

These two extremes of usage of power or misdirected factors were put to an end by the amendment act of 2003 under the section 13 (3B). It says that the district forum has the authority to pass an interim order if the produced facts are fair and just.

In *Bhupender Kumar v. Angrej Singh* ((2009) 8 SCC 766 at para 19), the Hon’ble Supreme Court held that,

“The decree for specific performance of the contract is in the nature of preliminary decree and hence one can expect that the proceeding would continue under the control of the Forums till either party move for passing the final decree.”

Yet, there is a dilemma if the adjudicating authorities can grant interim relief under specific performance of the contract.

Power of review or recall of the order

There exists no embedded power to recall or review any order passed. It may happen when there is legal permission from the law and by any involvement by it into the complaint. In *Ghaziabad Development Authority v. Nishi Agarwal*, II (1998) CPJ 138), the modified order of the district forum was once taken before the state commission. The commission opined for the review of the previous order. Since there is no particular provision made for the review of the orders under the Act, the order made for the second time should have been suspended or set aside. In West Bengal State Commission (*Smt. Manju Nag v. CESC Ltd*, I (2001) CPJ 174), there was an order made for which the commission was not permitted to review its own order. As a contradiction, the Supreme Court in *Satyam Fibres (India) Pvt. Ltd.*, (AIR 1996 SC 2592: (1996) 5 SCC 550) had directed that the Constitutional, Administrative, Statutory authorities have the power or authority to review their own orders or judgements made. This power is not exercised over all the cases, instead of limited to only a few specific complaints. In the middle of all these varied powers and malfunctioning commissions, the Act clearly states that only the National Commission has the power to review or recall its own order. This settlement is prominently given in section 22(2) and section 22A under the Act.

Provisions as to appeal

All the appeals against orders are taken to the very next commission which acts as a head to the commission or a forum which issued the order. If the orders given by the district forum by original jurisdiction do not satisfy the complainant or opposite party, appeal can be made against the order to the state commission under the sections 15, 17(2) and 27A of the Consumer Protection Act. Section 21A (2) and section 19 of the Consumer Protection Act states that appeals against orders by the state commission can be brought before the national commission. Similarly, the appeals against orders from the national commission can be made to the Supreme Court under the section 23 of the

act. The period allotted for appeals is thirty days which at times may be extended in case there is a necessity due to the conditions of “sufficient cause”. Having all this clear, the Act lacked proper explanation for appeals against interim or interlocutory orders (*Kashatriya Kalyan Sanstha v. Shantilal Amritlal Kapadia*, 1996 (1) CPR 129). These provisional orders are very temporary and had no set standards for appeals against it. In *Kashatriya Kalaya Sanstha v. Shantilal Amritlal Kapadiya* case (*Supra*), there was an interim order passed followed by an appeal against it. But, the high court mentioned to dismiss the appeal having the point that no appeals can be made against temporary orders. As a contrary rule (*A. v. B*, I (1996) CPJ 264 (Cal H.C.)), the section 17 and section 21 have made provisions for the state commission and the national commission to handle appeals against the interim or interlocutory orders. This states that both the commissions have the power to take or admit appeals even in such dilemma of orders. However, the reasons for these errors or poorly standardised functioning of the commissions is due to general provisions in the place of specific mentions. This directly means that the power to admit the appeals is mentioned, but on the conditions or criteria on which it should be taken is unspecified. All the appeals are taken randomly and thus there are differences between each commission functioning all over the nation.

Status of “Court of record”

The term “court of record” denotes any court whose proceedings are recorded for further use or investigation. This recorded material is purely for evidential purpose and thus, it takes the role of the precedent in the upcoming proceeding/case. Also, the mentioned evidence in the record cannot be questioned by any court while taking it for any purpose. The use of these records is possible in any court only if there is a separate provision of law. The “court of record” is not a term which can be used to all the courts and is only limited to two courts. The High court and the Supreme Court are the two courts which have been awarded the status or permission to call it as “court of record”. It has been established under the Arts. 215 and 219 of the Constitution of India. Coming to the commissions, not even one of the state and national commissions have been given with the “court of record” power.

In addition to this, there is no provision which takes these commissions as a precedent for the following proceeding. The lower consumer forums never share the decisional power with the higher forums and this clearly means that the administrative control is also disturbed partially. This status of “court of record” can be well understood in the following situation (*Mahabubnagar Citizens Council (Regd. Society) v. District Consumer Disputes Redressal Forum, Mahabubnagar*, 1996 LAWS(APH) 8). The district forum issued a circular stating that a consumer association has the right to apply for complaints only if the complainant is a member of the association. If not, the complaint will stand cancelled. Unfortunately, the decision of this circular was taken by the state commission. Thus, the order was challenged to the high court due to dissatisfaction and the high court handled it thereon. The investigation revealed that the state commission has no right to set a precedent since it lacks the status of “court of record”. Having this, the circular was declared void with the statutory provision. The example now makes it clear that the state commission or the national commission in spite of having an administrative control over the lower forums, cannot be taken as a “court of record”.

The effectiveness of CPA, 1986 - Justice ArijitPasayat Report

In the year 2016, there was a committee formed by the Supreme court for analysing the functioning of consumer forums in India (*State of U.P. and Ors. V. All U.P. Consumer Protection Bar Association* (Civil Appeal no. 2740 of 2007)). This committee was headed by Mr Justice ArijitPasayat, former Judge of the Supreme Court. The committee was established for few main objectives such as (a) examination of the infrastructure of the state commission and assessing if

there is a need for improvement with remedial measures (b) the commissions and forums at all levels were checked for vacancy of member positions and if any they were planned to refill the positions (c) the necessity for extra benches in the national and state commissions and district forum (d) examining the qualification required for appointing non-judicial members (e) examination of the administrative powers of the officers in responsibility in the state commissions and district forum which is currently present and which should be given in future (f) examination of the salary and other services provided to the members of the commission (g) assessing the needs of the staff to provide them with all the necessary facilities to act as an efficient support staff (h) establishment of separate cadre of staff for national commission, state commission and district for a (i) examination of other unidentifiable issues which have not been solved for a very long time. Since its establishment, the committee has been disposing of its duties in the most productive way. The committee made its examination on existing conditions of consumer forum in states of Orissa, Maharashtra, Punjab, Haryana, Andhra Pradesh, Telangana, Jammu and Kashmir, Tamil Nadu, Bihar and Jharkhand. In national level, the National Consumer Disputes Redressal Commission of New Delhi was also taken for assessment by the committee.

With the examination, the committee has come up with the finding that the established commissions are more diverted from its real objectives. In comparison with the set agenda and the reality, the committee has in reality where a number of activities of the commissions did not adhere to the regulations of the commissions always. The committee submitted a temporary report on the held examination stating the level of diversion of the Consumer Protection Act from the way it was desired to be. The establishment of the Consumer Protection Act of 1986 was major to protect consumers from being exploited. The goal was achieved, but it had equal damaging effects on the status of the commission for the way it performed. The main reason for this level of deviation is marked to be due to poor infrastructure. In the end, all the deficiencies of the functioning of the whole system occur majorly due to improper facilities in the location.

Basic needs such as fans and lights in the courtrooms were also an issue when the committee visited the states for examination. These issues might look very simple and delicate but the effects of it would adversely react and make the whole process of handling a case hard. It was also found that there were very fewer stenographers in the court. This is a major mistake since dictations cannot be noted down and this is limit the written evidence of the case. The records of the handled and to be handled cases are very important in any court/forum. These files have to be maintained properly with adequate facilities and database to track the cases if possible. But unfortunately, the files have been misplaced and eaten by termites due to the absence of shelves and cupboards. No provision was available for proper arrangement of these files and the retrieval of the same also becomes quite hard. Peons should be present in all the courts for making clerical work easier and faster. The absence of clerical work by the peons will lead to prolonged time for disposal of cases. The members of the commission cannot be spending time on retrieval of files from the record room.

Proper assistance should be provided for them to make sure that they concentrate only on the cases admitted. But all these needs and specifications are missed in the commissions. Next is the irresponsible attitude of the state government towards the maintenance of the consumer forum. The central governments have made necessary aids to serve the national commission with the best of facilities. Also, the construction work was also headed or provided by the central government in order to ensure smooth functioning of the commission. The state commission has failed to carry out its work with respect to the commissions under it. It has not filled the vacancies of the state commission and has also lacked in providing necessary facilities of construction. Hence the parliament now focuses on certain issues regarding the improvement of the state commission. The

revealed results are thus in the nature of changing the whole system of operation, especially infrastructure.

Conclusion

Despite being in operation for three decades, the Consumer Protection Act, 1986 has failed to create the impact it was intended to. To add, the consumer education as well has not improved significantly. Moreover, the new amendment proposed to the law which includes mediation for dispute resolution instead of the decision by consumer forum suggests that the government has accepted the failure of the system and is trying to privatise the justice system. Again, the consumer forum was themselves an alternative when created. With the inefficiency, the new mediation cells which are proposed under the new bill will try for amicable resolution of the disputes. Proper appointments and good infrastructure continue to be the primary requirement for these consumer forums. To strengthen these forums, human resources and infrastructural remodelling is necessary.

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