

## Consumer Rights and Justice in Malappuram District, Kerala, India

DR. MOHAMMAD AZVAR KHAN

Assistant Professor D/O Law  
AMU, Centre Malappuram, Kerala  
India

MOHD AMIR KHAN

Student of B.A.LL.B. VII Semester D/O Law  
AMU, Centre Malappuram, Kerala  
India

### Abstract:

*The objective of consumer protection is to provide for the better protection of the interests of consumers and for that purpose to make provisions for the establishment of consumer councils and authorities for the settlement of consumer disputes and for matters concerned here with. In order to protect the consumers from exploitation and to save them from adulterated and substandard goods and deficient services, the Consumer Protection Act came into force on 15<sup>th</sup> April, 1986 and it applies to the whole of India except the state of J&K. The special feature of this Act is to provide speedy and inexpensive redressal to grievances of the consumer and provide him relief of a specific nature and award compensation wherever it is appropriate. The aim of the Act is also to ensure the rights of the consumer, viz the right of choice, safety, information, redressal public hearing and consumer education. For the protection of these rights the consumer courts establish under the purview of Consumer Protection Act, the district consumer forum establish in Malappuram in 1992. The present paper emphasised the functioning of district consumer forum in Malappuram since its inception 1992 to 2013.*

**Key words:** Consumer Rights, Consumer Protection Act, Consumer Courts, District Consumer Forum, National Consumer Dispute

Redressal Commission.

## 1. Introduction

The enforcement of consumer rights and justice in Malappuram district kerala is satisfactory when it is compared with other parts of India. The average enforcement of these rights in Malappuram district is high in the average of national level. The District Consumer Forum of Malappuram has completed 21 year of journey, but the enforcement of consumer rights is still struggling. The *Consumer Protection Act*, 1986 aims at providing summary disposal of complaints of consumers with regard to civil wrongs suffered by them. It also provides for setting up central, state and district consumer protection councils mainly for educative and advisory functions, but it had hardly happen. For the settlement of disputes, quasi-judicial agencies have been setup by central and state governments. The state government have setup consumer disputes redressal forum at the district level. The central government has set up national consumer disputes redressal commission at the central level and many of these tribunals have been set up by some state governments after the intervention of the Supreme Court. After the enactment of *Consumer Protection Act*, a number of associations by the area of consumer forum have cropped up; they claim to help consumers by resolving disputes and providing consumer justice at cheaper rates. <sup>1</sup>

The act has been enacted with a view to provide speedy and inexpensive remedy to consumers and is aimed to protect the consumers from exploitation by traders and service providers. A complaint can be filed in writing if: (a) Consumer has suffered loss or damage as result of any unfair trade practice. (b) The goods purchased suffer from any defect. (c)The trader has charged a price in excess of the price displayed or fixed by any law. (d) The goods hazardous to life and safety are being offered for sale to public. (e) The service hired or awaited of, suffer from any deficiency. The Act provides that complaints

can be filed by: (a) A consumer (b) any registered voluntary consumer organization (c) The Central or State Governments. (d) One or more consumers on behalf of numerous consumers who are having the same interest.<sup>2</sup>This provision should be put to use rigorously and public interest litigation and pro bono public at all tiers of adjudication.<sup>3</sup>

## **2 Malappuram District an Outline.**

Malappuram district comes under the region of Southern India in the state of Kerala. Malappuram district came into existence on June 16, 1969. This district is composed of portion of the erstwhile Palakkad and Kozhikode districts. It was carved out of Ernad taluk and portions of Tirur taluk of Kozhikode district and portions of Perinthalmanna and Ponnani taluks of Palakkad district. The classic medieval center of learning Vedic and local politics, Thirunavaya, home of the traditional Ayurveda medicine, Kottakkal and one of the oldest centre of education of Islam the region, Ponnani are situated in Malappuram district along with rapidly expanding towns like Manjeri,<sup>4</sup> Perinthalmanna, ChEMmad and Edappal.

In 1921, present day Malappuram district witnessed a series of devastating revolts and massacres known as the Moplah rebellions, followed by decades of frozen economic, social, and political development. In the early years of the Communist rule in Kerala, Malappuram saw large land reforms under the Land Reform Ordinance. In the 1970s, huge oil reserves of Persian Gulf were opened to commercial extraction, and thousands of unskilled people migrated to "the Gulf" seeking fortunes. They sent money home, propping up a sleepy rural economy, and by late 20th century the region had achieved first world health standards and near universal literacy.<sup>5</sup> The present development, both economic and social, of the Malappuram District owes to the Kerala Gulf Diaspora.

Malappuram district comprises a vast wildlife collection

and a number of small hills, forests, little rivers and streams flowing to the west, backwaters and paddy, areca nut, cashew nut, pepper, ginger, pulses, coconut, banana, tapioca, and rubber plantations. Malappuram is one of two Muslim majority districts or Union Territories in south India other being Lakshadweep. The Hindu temples and Moplah mosques of the region are known for their colourful festivals. It is the most populous district in Kerala.<sup>6</sup> The populations include Muslims, Hindus, Christians, various tribal religion believers, Buddhists, Sikhs, Jains and others.<sup>7</sup>

According to the 2011 census Malappuram district has a population of 4,110,956,9 roughly equal to the nation of New Zealand<sup>8</sup> or the US state of Oregon.<sup>9</sup> This gives it a ranking of 50th in India (out of a total of 640) The district has a population density of 1,158 inhabitants per square kilometre (3,000 /sq mi) . Its population over the decade 2001-2011 was 13.39%. Malappuram has a sex ratio of 1096 females for every 1000 males, and a literacy rate of 93.55%.<sup>10</sup> Mallapuram has the highest fertility rates in Kerala.<sup>11</sup> Muslims (68.53%) constitute the majority of the population, followed by the Hindu (29.17%) and Christian (2.22%) communities.<sup>11</sup> Malayalam is the main language of the district. Other languages used in the district include Allar, a Dravidian language with 350 speakers;<sup>12</sup> and Aranadan, also Dravidian, kept alive by the low education level of its 200 speakers.<sup>13</sup>

A major driver of the local economy is the remittances of the migrants residing in the Middle East, by which banking sector in Malappuram has huge NRI deposits. And so it's natural for Malappuram to hold 9th position in Top Ten Towns with highest per capita bank deposits in India.<sup>14</sup> The city has a strong trader community in which hotels and bakery business out numbers, followed by the textile and medical sector. Tourism is the major crowd puller of the city. Places like Kottakkunnu, Shanthitheeram etc. attracts lakhs of people from all over the state. According to the industries department

of Kerala, visitors in the Kottakkunnu during festive season are more than 9 to 10 lakh. General engineering, cloth manufacturing, timber oriented business etc. are the commonly found industrial enterprises in the city. Almost 60 percent of employees in the city are part of service sector. Being the district headquarters, people working in different government offices contributes a major part in the commerce and the economy.

Malappuram district is an industrially backward area. There is one major industrial Estate (16 Industries and 8 mini industrial estates in the District – 51 working units) in the district. About 1,000 persons were assisted under PMRY scheme every year of self-employment scheme. Preliminary steps for establishing an industrial growth centre in 250 acres (1.0 km<sup>2</sup>) near palakkad, has been completed. There is a Kinfra Food Park and IT Park has at Kakkancherry. There is also a rubber based common facility centre and industrial estate Wood related business are widely seen in Malappuram district.

For e.g. at Kottakkal, Edavanna, Vaniyambalam, Karulai, Nilambur and Mampad; there are more than hundred wood related industries. Saw mills, furniture manufactures and timber sales are the most important business in Malappuram district. The Employees' State Insurance Corporation (ESIC) has a branch office at Malappuram

Malappuram is the first and only municipal body in the country to win an ISO 9001-2008 certification for quality management. It has been on a track of fast reforms for the past couple of years and has achieved the distinction of having zero pendency of files.<sup>15</sup>

### **3. Establishment of District Consumer Forum of Malappuram.**

The Consumer Justice System, as envisaged under the

*Consumer Protection Act, 1986*, was meant to help consumers to get redressal without the help of lawyers and through simple summary procedure that would facilitate quick disposal of cases. But today, the entire process of adjudication has become so technical that consumers feel that they cannot fight case without the help of a lawyer. And that renders the entire system of consumer justice expensive<sup>16</sup>and the whole purpose defeated. Unlike the civil courts, the consumer courts are quasi judicial bodies that need to follow a simple summary procedure for quick disposal of complaints. However, reputed adjournments and delay on the part of the state government in filling up the posts of presidents and members of the courts and unnecessary technicalities have all combined to slow down considerably the process of justice. While introducing the consumer protection Bill of 1986 in Parliament, the government had explained that the law was compensatory and not penal in character. And this very nature of the law would limit the time taken for setting a dispute, while at the same time promoting a healthy respect for consumers among manufactures, traders and service providers, the government had said. In other words, for the law to be effective the process of adjudication has to be quick and the compensation awarded by them fair and just. Since the advent of the era of globalization and liberalization, the notion of citizen as a receiver of administrative services has undergone a qualitative change. Now he is being considered as a customer/client whose satisfaction is one strong parameter for evaluating the administrative performance.<sup>17</sup>For the consumer, the forum available to him is consumer redressal commission at district, state and national level which had been created by *Consumer Protection Act, 1986*. The commission is an independent body responsible for speedy redressal of complaints relating to act of omission and commission. It can also take *suo-motu* action, wherever required. The district consumer forum of Malappuram has been established under Section 9 of the CPA in the year of 1992.

## **District Consumer Redressal Forum:**

Section 10 of the *Consumer Protection Act*, 1986 deals with establishment of District Forum:

(a) a person who is or has been or is qualified to be a district judge, who shall be its president (b) two other members, one of whom shall be a woman, who shall have the following qualifications, namely: (i) be not less than thirty five years of age (ii) possess a bachelor's degree from a recognized university, (iii) be persons of ability, integrity and standing and have adequate knowledge and experience of at least ten years in dealing with problems relating to economics, law, commerce or administration. Provided that a person shall be disqualified for appointment as a member, if he: (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or (b) is an un discharged insolvent; or (c) is of unsound mind and stands so declared by a competent court; or (d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or (e) has, in the opinion of the State Government, such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member; or (f) has such other disqualifications as may be prescribed by the state Government; (1A) Every appointment under sub section (1) shall be made by the state government on the recommendation of selection committee consisting of the following, namely: (i) President of the State Commission– Chairman. (ii) Secretary, Law Department of the State – Member (iii) Secretary, in-charge of the Department dealing with consumer affairs in the State – Member Provided that where the President of the State Commission is, by reason of absence or otherwise, unable to act as Chairman of the selection committee, the state Government may refer the matter to the Chief Justice of the High Court of nominating a sitting judge of that High Court to act as

Chairman.

(2) Every member of the District Forum shall hold office for a term of five years or up to the age of sixty five years, whichever is earlier: Provided that a member shall be eligible for re-appointment for another term of five years or up to the age of sixty-five years, whichever is earlier subject to the condition that he fulfils the qualifications and other conditions for appointment mentioned in clause (b) of sub section (1) Such reappointment is also made on the basis of the recommendation of the selection committee: Provided further that a member may resign from his office in writing under his hand addressed to the state government and on such resignation being accepted, his office shall become vacant, and may be filled by appointment of a person possessing any of the qualifications mentioned in sub-section (1) in relation to the category of the member who is required to be appointed under the provisions of sub-section (1A) in place of the person who has resigned: Provided also that a person appointed as the president or as a member or, before the commencement of the *Consumer Protection (Amendment) Act, 2002*, shall continue to hold such office as president or member, as the case may be, till the completion of his term. (3) The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the members of the District Forum shall be such as may be prescribed by the State Government: [Provided that the appointment of a member on whole time basis shall be made by the State Government on the recommendation of the President of the State Commission taking into consideration such efforts as may be prescribed including the work load of the District Forum.<sup>18</sup>

Section 11 of *Consumer Protection Act, 1986* deals with the Jurisdiction of the District Forum (1) Subject to the other provisions of this Act, the District Forum shall have jurisdiction to entertain complaints where the value of the goods or services and the compensation, if any, claimed does not exceed rupees

twenty lakhs.

(2) A complaint shall be instituted in a District Forum within the local limits of whose jurisdiction: (a) The opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or carries on business or has a branch office or personally works for gain, or (b) Any of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides, or carries on business or has a branch office, or personally works for gain, provided that in such case either the permission of the District Forum is given, or the opposite parties who do not reside, or (carry on business or have a branch office, or personally works for gain, as the case may be, acquiesce in such institution, or (c) The cause of action, wholly or in part, arises.<sup>19</sup>

#### **4. Working of District Consumer Forum Malappuram.**

The consumer justice system had borrowed processes and systems from the civil courts that were inimical to speedy justice and absorbed them to such an extent that it was not easy to change. Besides, some of the provisions, such as those that prohibited adjournments, were so weak that they gave ample scope for violation. Even now, an attempt is being made to plug several lacunae in the law and strengthen it. The amendments are currently before the Parliament.

Consumers need an inexpensive and quick grievance redressal mechanism to ensure that manufacturers and service providers are accountable for the price and quality that the consumers are entitled to. Accordingly, it is necessary to provide several methods of grievance redressal including those which are available in accordance with the provisions of the Consumer Protection Act.<sup>20</sup> *Consumer Protection Act, 1986* enables the ordinary consumers to secure less expensive and often speedy redressal of their grievances. The Act mandates

establishment of Consumer Protection Council at the Centre as well in each States and District, with a view to promoting the consumer awareness.

The provision of this Act covers “goods as well as services”. The goods are those which are manufactured or produced or sold to consumers through whole sellers and retailers. The services are in the nature of transport, telephone, electricity, housing, banking, insurance, medical treatment etc. If, the consumer is not satisfied by the decision of the District Forum, he can appeal to the State Commission and against the order of State Commission a consumer can appeal in the National Commission <sup>21</sup>

The district consumer dispute redressal forum was established in malappuram under consumer protection Act in 1992. From 1992 to 2013 the total number of cases filed before forum are 9625, and the total percentage of disposal is 95%. This shows effectiveness of the forum in the disposal of disputes.

**Table 1. Malappuram District Consumer Forum Year Wise Breakup of Case Filed/Disposed 1992 -2013**

S. No.	Year	Cases Filed	Cases Disposed	Pending	Percentage
1.	1992	1507	1131	376	75%
2.	1993	1306	1126	556	86%
3.	1994	692	702	546	101%
4.	1995	363	799	110	220%
5.	1996	508	504	114	99%
6.	1997	555	367	302	66%
7.	1998	562	576	288	102%
8.	1999	366	404	250	110%
9.	2000	370	339	281	92%
10.	2001	422	445	258	105%
11.	2002	339	285	312	84%
12.	2003	336	339	309	101%
13.	2004	147	27	429	18%
14.	2005	92	0	521	0%
15.	2006	85	2	604	2%
16.	2007	126	310	420	246%
17.	2008	287	458	249	160%

18.	2009	356	373	232	105%
19.	2010	250	295	187	118%
20.	2011	313	274	225	88%
21.	2012	339	251	319	74%
22.	2013	294	192	422	65%
<b>Total</b>		<b>9625</b>	<b>9204</b>	<b>421</b>	<b>95%</b>

*Sources:* Monthly Statement of Report of District Consumer Dispute Redressal Forum, Malappuram

Table 1 gives an account of the cases filed, disposed and pending in Malappuram District Consumer forum up to December 2013, 9625 cases were filed till Dec 2013 out which 9204 cases were disposed and 421 cases are still pending in the forum, it also seems that rate of disposing cases was highest in the year of 2007 and 1995 as well but in 2005 and 2006 the forum have disposed only 2% cases and reflection of which can be seen in the last 3 years.

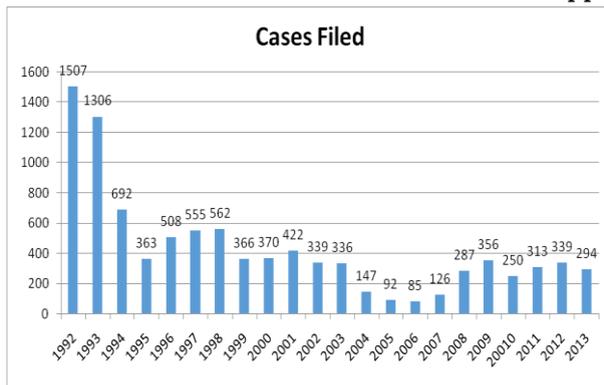
Wherever the laws of India admit the operation of consumerism a worldwide developing thinking about the rights of the consumer determined by law on consumer protection, the most effective law of the present socio economic scenario. Now-a- days the consumer finds his self as a victim of many unfair and unethical tactics adopted in the market place. The consumer is trapped in industrializationary competition, while all the development in industries is only for consumer. The untrained consumer is no match for the businessmen marketing goods and services on an organised basis and by trained professionals.<sup>22</sup>

#### **4.1. Cases Filled in District Consumer Forum of Malappuram**

Consumer Disputes Redressal Agencies are expected to provide suitable compensation to the consumers to the extent of damage suffered. There are no guidelines provided on how to arrive at the quantum of compensation in the Act except in cases in which the loss has been suffered by a large number of consumers. The minimum compensation of 5 per cent of the

value of goods or services, of course, there are some binding precedents on this matter. The quantum of compensation to be awarded is exclusively at the discretion of the Forums. This discretion cannot be used perfunctory. Depending on the facts and circumstances of each case the quantum of compensation is to be decided. The decisions of higher courts would provide guidance to a greater extent on this subject.<sup>23</sup>

**Figure1. Total Cases Filled in Consumer Forum of Malappuram**



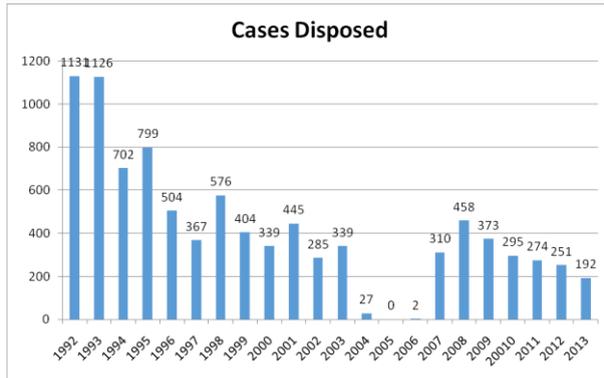
Sources: Monthly Statement of Report of District Consumer Dispute Redressal Forum, Malappuram

From Figure 1 we can see that in 1992 and 1993 the maximum number of cases i.e. 1507 and 1306 respectively were filed in the forum, on the other hand in 2005 and 2006 consumer filed minimum cases i.e. 92 and 85 respectively.

#### 4.2 Disposed Cases by the Consumer Forum Malappuram

Although *Consumer Protection Act*, was passed in the year 1986, but the consumer disputes redressal forums at district level started functioning from the year 1990 after the intervention of Supreme Court. The District Consumer Forum started its functioning in Malappuram from the year 1992 after 6 years from the enactment of *Consumer Protection Act*,

**Figure 2: Total Disposed Cases by the Consumer Forum Malappuram**



Sources: Monthly Statement of Report of District Consumer Dispute Redressal Forum, Malappuram

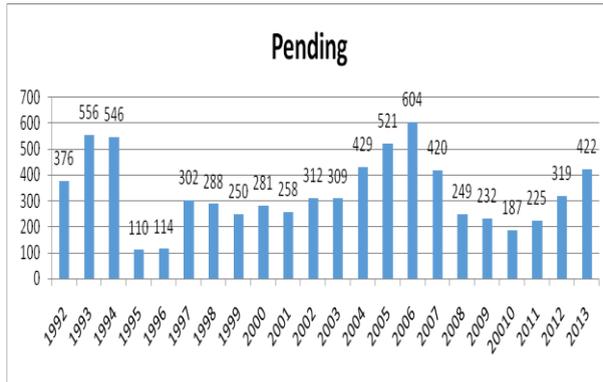
From the result given in figure 2 it has been observed that in the year of 1992 the District Forum disposed the large number of cases and in the year 2005 no cases were disposed off. But it shows in the figure 2 that only 126 cases were registered in the year of 2007 after these 310 cases were disposed in the year of 2007.

#### 4.3 Pending Cases in the Consumer Forum of Malappuram

As a pro-active measure, in July 2004 a Working Group was set up to examine the provision of the Act and consider relevant amendment to make the Act more meaningful, functional and vibrant. A number of proposed amendments were circulated to all State Governments, concerned Central Ministries and NCDRC in July 2006. Revised proposed amendments were re-circulated in 2009 and in light of the comments received on the draft proposal; the Department of Consumer Affairs in consultation with the Ministry of Law and Justice formulated "Consumer Protection (Amendment) Bill, 2010. In meantime some fresh additional comments of the Department of Financial Services were received on the proposed sections regarding unfair trade practice and unfair contract. These changes were got approved by the Ministry of Law and Justice and formed

part of the draft proposal of Consumer Protection (Amendment) Bill, 2011. The Bill was introduced in Lok Sabha on 16.12.2011. The Bill was referred to Standing Committee on Food, Consumer Affairs and Public Distribution on 26.12.2011.<sup>24</sup>

**Figure 3: Total Pending (Percentage wise) Cases in the Consumer Forum of Malappuram**



Sources: Monthly Statement of Report of District Consumer Dispute Redressal Forum, Malappuram

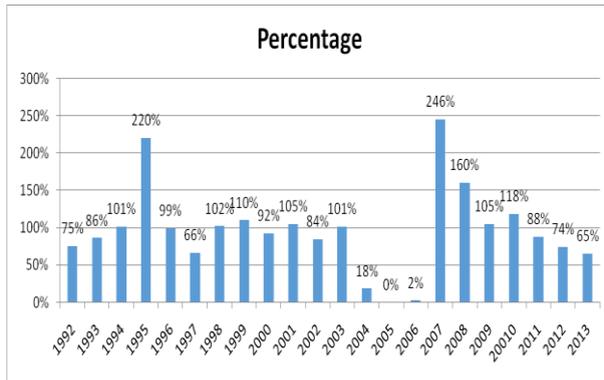
The result indicates that the number of cases pending in the year of 2006 were very high i.e. 604. The figure 3 also presents in the year of 1995 the lowest no of cases were pending. From this figure it is clear that, not a single year passed without pendency

#### 4.4 Disposed Percentage of the Cases Consumer Forum of Malappuram

It is not unusual that the contesting parties may refer to the provisions of the above legislations. As redressal of consumer grievances by Consumer Forums is described as additional remedy, and the provisions of *Consumer Protection Act* should not be applied in derogation to any other law, the members are required to know the salient feature above mention laws. There is good number of disputes filed before the Consumer Forums relating to which special enactments are made. Invariably, the

provisions of such Acts come up for discussion during trials. This necessitates the members to learn the impact of such provisions to the case on hand. Some legislation even may oust the jurisdiction of other courts. Further, special laws govern all the public utility undertakings and as such matters relating to such disputes are to be resolved in consonance with the spirit of that laws.<sup>25</sup>

**Figure 4: Total disposed Cases in the Consumer Forum of Malappuram**



*Sources:* Monthly Statement of Report of District Consumer Dispute Redressal Forum, Malappuram

The figure 4 gives an account of percent rate of total disposal cases by the District Consumer Forum of Malappuram. It highlights the important fact that in the year of 1995 and 2007 the disposal rate of the case was more than two hundred percent. It indicates that the lowest rate of disposal was in the year of 2005 and which was 0 percent. It was 2 percent in the year of 2006. From 1994 to 2003 the disposal rate was approximately 100 percent.

## **5. Cases filed by the various people in District Consumer Forum Malappuram**

It is particularly relevant in these days when Indian economy faces a severe economic crisis squeezing the real buying power of consumer. Sky- rocking prices have discomfoted his living

.Unscrupulous practices of business further strip off his resource. All of us are victims of exploitation really an epidemic. Hardly any business lets the opportunity slip. As a responsible citizen, consumer should organise other consumers in order to increase their bargaining power <sup>26</sup>

The scope of the Act includes the possibility of forthcoming consumers who wants to join such consumer activity. It also includes the protection to consumers against the private and public body and the statutory bodies as well.<sup>27</sup> The Act is to enable a consumer to ventilate his grievances before Forum where justice can be done without any procedural wrangles and hyper – technicalities.<sup>28</sup> When there is any defect, deficiency in service or unfair trade practice or price charged is excess then as a right complaint can be filed by the consumer before Consumer Redressal to get justice. Unfair trade practices are not only concerning the sale of goods but also cover the services, this view is laid down in *Mukesh Jain v. V.K. Gupta*.<sup>29</sup>

**Table 2 Total Cases by the various people till October 2013**

Categories of cases	Total cases filed	Disposed cases	Pending	Percentage
Senior Citizen	48	37	11	77.5%
Widows	0	0	0	0
Handicapped	0	0	0	0
<b>Total</b>	<b>48</b>	<b>37</b>	<b>11</b>	<b>77%</b>

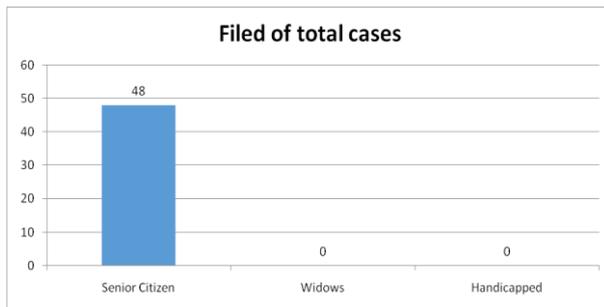
*Sources:* Monthly Statement of Report of District Consumer Dispute Redressal Forum, Malappuram

Table 2 gives an account of the cases filed, disposed and pending in Malappuram District Consumer forum up to December 2013 of Senior citizens, Physically Handicapped and Widows, the facts of the table states that only senior citizens have filed 48 cases out of which 37 were disposed and 11 are still pending in the forum, moreover not a single case was filled by widows and handicapped.

### 5.1 Cases Filled in District Consumer Forum of Malappuram by various people

There is no separate mechanism for the consumer courts to enforce their orders. Hence, the orders given by the consumer courts are sent to civil courts in whose jurisdiction the person against whom the order is given is residing or his properties are situated, for enforcement. In order to make the enforcement simpler a new procedure for enforcement has been stipulated by 2002 amendments. According to this new procedure the consumer courts are empowered to issue a certificate, for the amount due, to the collector of the district to recover the amount in the same manner as arrears of land revenue. In case an interim order of the consumer court is not complied with, the property of the person not complying with the order shall be attached.<sup>30</sup>

### 5.2 Cases Filled in Consumer Forum of Malappuram various people



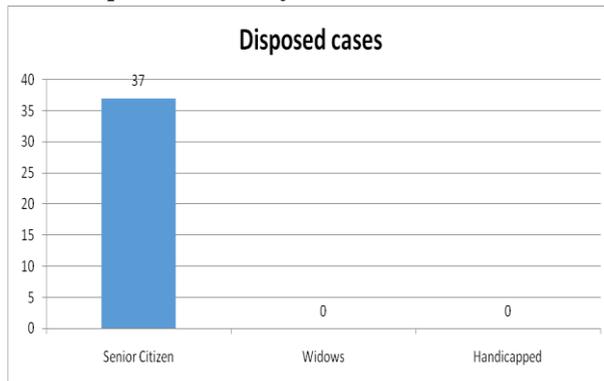
Sources: Monthly Statement of Report of District Consumer Dispute Redressal Forum, Malappuram

Figure 5 deals with the total no of cases filled by senior citizen, widows and handicapped, only senior citizen filled 48 cases in the forum and widow, handicapped did not filled any case yet.

## 5.2 Disposed Cases by the Consumer Forum Malappuram by various people

In many of the laws enacted prior to *Consumer Protection Act, 1986* the main focus is on punishing the erring traders or manufacturers for violating the rule of law. But there is no relief for the consumer who becomes a victim of such unethical business practices or unlawful activities. There are no provisions for recompensing the injured. But under *Consumer Protection Act, 1986* the consumer courts are empowered to award compensation for any loss or injury suffered by the consumer due to the negligence of the seller, manufacturer or service provider. In contrast with various other laws this Act does not provide for punishment to negligent and erring businessmen but make them pay compensation for their wrongs, to the extent of damages suffered by the consumers and in deserving cases, even punitive damages are awarded to consumers.<sup>31</sup>

**Figure 6: Total Disposed Cases by the Consumer Forum Malappuram**



Sources: Monthly Statement of Report of District Consumer Dispute Redressal Forum, Malappuram

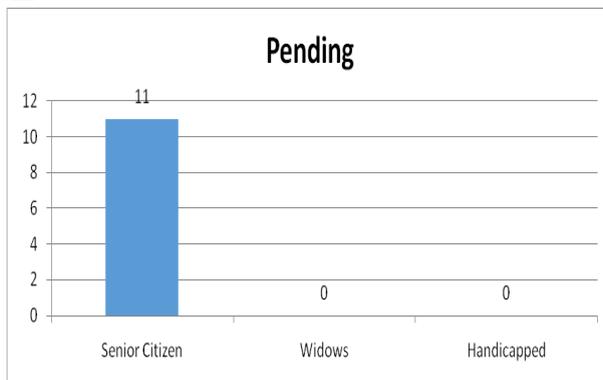
Figure 6 gives the account of the total no cases disposed by the forum of senior citizen, widows and handicapped, only senior citizen filled 48 cases in the forum out which 37 were disposed by the forum.

## 5.3 Pending Cases in the District Consumer Forum of

### Malappuram by various People

While introducing the Consumer Protection Bill of 1986 in Parliament, the government had explained that the law was compensatory and not penal in character. And this very nature of the law would limit the time taken for settling a dispute, while at the same time promoting a healthy respect for consumers among manufacturers, traders and service providers, the government had said. However, the computation of damages by these courts in most cases is too conservative and meagre to be just and too small to have any salutary effect on the opposite party. In *Lucknow Development Authority v. M.K. Gupta*<sup>32</sup> the Supreme Court had said that compensation should serve the dual purpose of recompensing the individual while simultaneously bringing about a qualitative change in the attitude of manufacturers and service providers. But for that to happen, compensation should be large enough to make an impact.<sup>33</sup>

**Figure 7: Total Pending Cases in the Consumer Forum of Malappuram**



Sources: Monthly Statement of Report of District Consumer Dispute Redressal Forum, Malappuram

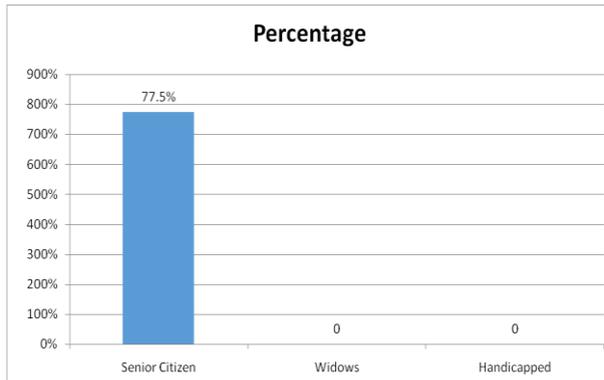
Figure 7 states the account of the cases pending in the forum of senior citizen, widows and handicapped, only 11 cases of senior citizens are pending in forum

### 5.4 Disposed Cases in (Percentage) the District

## Consumer Forum of Malappuram

Dismissal of frivolous or vexatious complaints: In order to prevent abuse of Consumer Protection Act certain safeguards are provided. As per the provisions of this Act the frivolous and vexatious complaint is not only be dismissed, but the person who makes such complainant may be asked to pay costs to the other party, which may extend up to Rs.10, 000.<sup>34</sup>

**Figure 8: Total disposed Cases in the Consumer Forum of Malappuram**



*Source:* Monthly Statement of Report of District Consumer Dispute Redressal Forum, Malappuram

From figure 8 it is clearly visible that the senior citizens filed 48 cases and out of which 37 was disposed, so the forum disposed 77.5% cases and 33.5% cases are still pending.

## 5. Conclusion & Suggestions

The setting up of the dispute redressal machinery only to secure and enable speedy justice to the aggrieved consumers, a large number of services come under the purview of the CPA. These services ranged from transport to banking and medical to consumable items. The major services come under the purview of this Act, are, the Airlines Service, Banking services, Courier Services, Electricity, Housing Construction Service, Insurance i.e., Life Insurance and General Insurance, L.P.G. Gas

Cylinder, Medical Services, Postal Service, Telephone Service, Railways, Motor Vehicle etc. The services provided are often found to be of below standard quality. The delivery of these services, is at large not attained in time and spirit consequently, the ultimate sufferer is the consumer. The loss of time and the money are never compensated wholly. If the partial compensation is made, it is always delayed for long. The deficiency in providing these services is the major cause of concern for the consumers. There are large numbers of cases filed and disposed of. It is difficult to study and examine all the cases therefore, it is endured to analyze the selected important cases decided by the District Consumer Forum of Malappuram from its inception

There are the various factors which are contributing in delay of disposal of cases. The reasons are:

- (i) The Forum's quorum does not complete time to time.
- (ii) In General and Unobjectionable adjournment.
- (iii) The main respondent: Electricity department, Telecommunication department, Insurance Company etc. do not submit the written statement timely.
- (iv) The third category staffs are not adequate.

In the light of the above discussion some suggestive measures must be adopted by the Consumer redressal agencies. The measures as follows:

1. There has been derogation or poaching on the jurisdiction of *Consumer Protection Act* in some of the areas due to the orders passed by the Courts. Such loopholes in the Act should be plugged through appropriate amendments to the Act and Rules.
2. Computerisation and Networking of consumer fora across the country so that consumers can file complaints and access their case status online.
3. Setting up counselling and a mediation mechanism at pre-litigation stage and so as to reduce the burden of consumer courts and resolve disputes through out of court settlements.
5. Provision of adequate infrastructure to Consumer as to make

them function effectively.

6. Moving, from manual system to computer based system to bring in more efficiency and transparency.

## NOTES & REFERENCES

1. The object of *Consumer Protection Act*, 1986
2. *Id* Section 2(1) (b)
3. Nomani, M. Z .M. 2010. "Public Interest Litigation Movement and Consumer Protection in India." In *Higher Education: Issues and Challenges*, edited by A.R. Kidwai.
4. pp. 396, Malayala Manorama Yearbook 2006, Kottayam, 2006 ISSN 0970-9096.
5. "Summer Journey 2011." *Time*. 21 July 2011.
6. "District Census 2011." Census2011.co.in. 2011. Retrieved 2011-09-30.
7. *Supra* note 5
8. "District Census 2011." Census2011.co.in. 2011. Retrieved 2011-09-30.
9. Jump up US Directorate of Intelligence. "Country Comparison: Population". Retrieved 2013-06-29. "New Zealand 4,143,101 July 2011 est."
10. *Supra* note 11
11. Jump up "2010 Resident Population Data". U. S. Census Bureau. Retrieved 2011-09-30. "Oregon 3,831,074
12. Lewis, M. Paul. ed. 2009. "Allar: A language of India." *Ethnologue: Languages of the World* (16th edition ed.). Dallas, Texas: SIL International. Retrieved 2011-09-28.
13. Lewis, M. Paul. ed. 2009. "Aranadan: A language of India". *Ethnologue: Languages of the World* (16th edition ed.). Dallas, Texas: SIL International. Retrieved 2011-09-28.
14. Top Ten Banking Towns. <http://www.mapsofindia.com/top-ten-cities-of-india/top-ten-wealthiest-banks-india.html>
15. <http://www.thehindu.com/news/national/kerala/firstinindia-iso-tag-for-malappuram/article5720209.ece>

16. P. Girimaji. 2009. "Consumer Courts in the Country." *Yojna* 15 (Feb.2009).
17. *Ibid.*
18. S.10. *Consumer Protection Act*, 1986
19. *Id.* s. 11
20. NCRDC.nic.in
21. *Ibid*
22. Shrivastava, Sudharni. 1998. *Socio-Legal Aspect on Consumerism*. 1<sup>st</sup> edition. 199.
23. 26<sup>th</sup> Report of Standing Committee on Food, Consumer Affairs on Consumer Protection (Amdt.) Bill, 2011, pp.1-2.
24. See. *Supra* note 19 Section 14
25. Murth, P.V.V. Satyanarayana. 2006. *Consumer Justice*. 1<sup>st</sup> ed. 41.
26. Agrawal, R. C. and Meenu Agrwal. "Economic Analysis of Consumer Behaviour and Consumer Protection." In *Consumer Behaviour and Consumer Protection in India*, edited by Meenu Agrawal. 154.
27. Shukla, M.N. 2005. *Law of Torts & Consumer Protection Act*. 17 Edition, Reprint 2005, 24.
28. *State of Karnataka v. Vishwabharati House Bldg. Cooperative Society* (2003) I CPJ 1(SC).
29. II (1992) CPJ 439 (NC).
30. *Supra* note 25.p41.
31. *Ibid.*
32. (CA no 6237 of 1990).
33. *Ibid.*
34. *Ibid.*