

UNIT-VI CHAPTER 18

GRIEVANCE REDRESSAL MECHANISM

INTRODUCTION

Grievance Redressal mechanism is mandated in Government agencies and departments that are directly involved with serving citizens and organizations. The traditional approach to Grievance Redressal is handled through letters and complaint forms which has a little appeal and its usage rarely reflect the actual state of customer satisfaction. Now in the recent era government has also taken necessary steps to save the consumers. This chapter is an attempt to explain grievance redressal mechanism followed in India.

I. CHOOSE THE CORRECT ANSWERS

- The Chairman of the National Consumer Disputes Redressal Council is _____**
a) _____ b) _____
c) _____ d) _____
- The Chairman of the State Consumer Protection Council is _____**
a) Judge of a High Court b) Chief Minister
c) Finance Minister d) None of the above
- The Chairman of the District Forum is _____**
a) District Judge b) High Court Judge
c) Supreme Court Judge d) None of the above
- The State Commission can entertain complaints where the value of the goods or services and the compensation, if any claimed exceed _____**
a) Rs. 2 lakhs but does not exceed Rs. 5 lakhs
b) Rs. 20 lakhs but does not exceed Rs. 1 crore
c) Rs. 3 lakhs but does not exceed Rs. 5 lakhs
d) Rs. 4 lakhs but does not exceed Rs.20 lakhs
- The National Consumer Disputes Redressal Commission has jurisdiction to entertain complaints where the value of goods/ services complained against and the compensation, if any, claimed is _____**
a) Exceeding Rs. 1 crore
b) Exceeding Rs. 10 lakhs
c) Exceeding Rs. 5 lakhs
d) Exceeding Rs. 12 lakhs
- The District Forum can entertain complaints where the values of goods or services and the compensation if any claimed is less than _____**
a) Below Rs. 10,00,000 b) Below Rs. 20,00,000
c) Below Rs. 40,00,000 d) Below Rs. 50,00,000
- The International Organization of Consumers Unions (IOCU) was first established in _____**
a) 1960 b) 1965
c) 1967 d) 1987
- Consumer awareness covers the following:**
a) Consumer awareness about Maximum Retail Price (MRP)
b) Consumer awareness about Fair Price Shop
c) Consumer awareness about price, quality, and expiry date of the product
d) All of the above
- Complaints can also be filed by the _____**
a) Central Government
b) State Government
c) A group of consumers
d) All of the above
- A consumer has to be protected against _____**
a) Defects of product
b) Deficiencies of product
c) Unfair and restrictive trade practices
d) All of the above

ANSWERS

1	a	2	a	3	a	4	b	5	a
6	b	7	a	8	d	9	d	10	d

II. VERY SHORT ANSWER QUESTIONS:

1. What do you meant by Redressal Mechanism?

- ❖ Redressal mechanism is a management and governance related process used commonly in India.
- ❖ It covers the receipt and processing of complaints from citizens and consumers.
- ❖ It also includes the action taken on any issue raised by them to avail services more effectively.

2. What do you know about National Commission?

- ❖ The National Consumer Disputes Redressal Commission (NCDRC), India is a quasi-judicial commission in India.
- ❖ It was set up in 1988 under the Consumer Protection Act of 1986.
- ❖ Its head office is in New Delhi.
- ❖ The Commission is headed by a serving or retired judge of the Supreme Court of India.
- ❖ The National Consumer Disputes Redressal Commission (NCDRC) is also called as National Commission

3. State the meaning of the term State Commission?

- ❖ The State Government in consultation with the Centre.
- ❖ It has the same function as state level.
- ❖ The state consumer protection council is also known as "Consumer Disputes Redressal Commission".
- ❖ Both goods and services are included in the purview of the council.
- ❖ The State Consumer Protection Council is also called State Commission.

4. What is a term District Forum?

- ❖ It was established as per the Consumer Protection Act of 1986 and Section 9.
- ❖ The State Government in each district established a District Forum to protect the interest of aggrieved consumers in that district.
- ❖ The State Government can establish more than one District Forum in a district if it deems fit to do so.

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- ❖ Complaints can be filed with the forum by a consumer.
- ❖ It is not necessary that complaint should be filed only by the affected person.
- ❖ Others can also take up the matter with the District Forum.

5. How to register the complaints?

The complaint should be registered by the following ways:

1. Complaint can be registered within 2years from the date on which the cause of action has arisen, to the date on which the completion from the deficiency in service.
2. Stamp paper is not required for declaration
3. Complaint can be registered, in person, by the complainant or through his authorised agent or by post addressed to the Redressal Agency.
4. Advocates are not necessary.

III. SHORT ANSWER QUESTIONS:

1. Is Consumer Protection necessary?

- ❖ Yes. Protection of Consumer is a necessary event.
- ❖ In reality, consumers are often exploited.
- ❖ A few firms enjoy monopoly power in the market place.
- ❖ A large majority of consumers are ignorant and illiterate and do not know their rights.
- ❖ They are poor and there is lack of unity among them.
- ❖ Due to these reasons, consumers are often deprived of their rights.
- ❖ They are often exploited through misleading advertisements, poor quality goods, fractional weights and measures, overcharging, etc.
- ❖ It is high time the government should take necessary steps for consumer protection.

2. Who are the members of the National Commission?

The National Consumer Disputes Redressal Commission has been constituted by a Notification.

1. The National Commission should have five members.
2. One should be from judiciary.
3. Four other members of ability, knowledge and experience from any other fields.
4. It should include a woman.

3. What is the Pecuniary Jurisdiction of the State Commission?

The Jurisdiction of the State Commission is as follows.

1. The State Commission can entertain complaints within the territory of entire state and where the value of the goods or services and the compensation, if any claimed exceed Rs. 20 lakhs and below Rupees One Crore.
2. The State Commission also has the jurisdiction to entertain appeals against the orders of any District Forum within the State.

4. Does District Forum exceed the claim limit of Rs. 20 lakhs? Explain the condition.

- ❖ No the District Forum cannot exceed the claim limit of Rs.20 lakhs.
- ❖ If the value of the complain exceeds the limit of Rs.20 lakhs the complaint should be made direct to the State commission.

5. Write a note on the Voluntary Consumer Organization.

- ❖ Voluntary consumer organisations refer to the organisation formed voluntarily by the consumers to protect their rights and interests.
- ❖ The following are some of the Voluntary Consumer Organisations:
 - The Department of Consumer Affairs(DCA)
 - The Consumer Welfare Fund(CWF)
- ❖ VCO's supported through CWF provide grants for diverse projects including comparative testing of products and services and dissemination of the findings.

IV. LONG ANSWER QUESTIONS:

1. Write the functions of the National Commission?

- ❖ The National Consumer Disputes Redressal Commission (NCDRC), India is a quasi-judicial commission in India.
- ❖ It was set up in 1988 under the Consumer Protection Act of 1986.
- ❖ Its head office is in New Delhi.
- ❖ The Commission is headed by a serving or retired judge of the Supreme Court of India.

- ❖ The National Consumer Disputes Redressal Commission (NCDRC) is also called as National Commission.

Members

The National Consumer Disputes Redressal Commission has been constituted by Notification.

1. The National Commission should have five members.
2. One should be from judiciary.
3. Four other members of ability, knowledge and experience from any other fields.
4. It should include a woman.

Jurisdiction

Section 21 of The Consumer Protection Act, 1986 describes, the National Commission shall have jurisdiction

1. To entertain a complaint valued more than 1 Crore.
2. Revised the orders of State Commissions.
3. To call for the records and pass appropriate orders from the State Commission and District Forum.

2. Explain the overall performance of State Commission.

- ❖ The State Commission is to be appointed by the State Government in consultation with the Centre.
- ❖ It has the same function as state level.
- ❖ The state consumer protection council is also known as "Consumer Disputes Redressal Commission".
- ❖ Both goods and services are included in the purview of the council.
- ❖ A consumer has to be protected against defects, deficiencies and unfair and restrictive trade practices.
- ❖ The State Consumer Protection Council is also called State Commission.

Members

Each State Commission shall consist of the following members.

1. A person who is or has been a Judge of a High Court appointed by the State Government as its President.
2. Two other members who shall be persons of ability, integrity and standing and have adequate knowledge or experience of or

have shown capacity in dealing with problems relating to economics, law, commerce, industry, public affairs or administration of them, one shall be a woman.

Jurisdiction

The Jurisdiction of the State Commission is as follows.

1. The State Commission can entertain complaints within the territory of entire state and where the value of the goods or services and the compensation, if any claimed exceed Rs. 20 lakhs and below Rupees One Crore.
2. The State Commission also has the jurisdiction to entertain appeals against the orders of any District Forum within the State.

Powers

The following are the powers of the State Commission.

1. The State Commission also has the power to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any District Forum within the State.
2. To produce before and allow to be examined by an officer of any of these agencies, such books of accounts, documents or commodities as may be required and to keep such books, documents, etc., under his custody for the purposes of the Act.
3. To furnish such information that may be required for the purposes of the Act to any officer so specified.

Appellate Forum

1. The State Commission's jurisdiction maybe original, appellate or revision. The State Commission may reverse or confirm the orders passed by the District Forum.
2. Any person aggrieved by an order of the State Commission may prefer an appeal to the National Commission within 30 days from the date of such order.

3. Explain the term District Forum and explain the functions of District Forum.

- ❖ As per the Consumer Protection Act of 1986 and Section 9 thereof the establishment of a District Forum by the State Government in each district is necessary today to protect the interest of aggrieved consumers in that district.

- ❖ The State Government can establish more than one District Forum in a district if it deems fit to do so.
- ❖ Complaints can be filed with the forum by a consumer.
- ❖ Complaints can also be filed by the Central or State Government or by a group of consumers.
- ❖ It is not necessary that complaint should be filed only by the affected person.
- ❖ Others can also take up the matter with the District Forum.

Members

1. A person who is or who has been or is qualified to be, a District Judge as its President.
2. Two other members who shall be persons of ability, integrity and standing and have adequate knowledge or experience of or who have shown their capacity in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration.
3. Out of such two other members' one shall be a woman.

Jurisdiction

The District Forum can entertain complaints within the territory of genuine district and where the value of goods or services and the compensation if any claimed is less than Rs 20 Lakhs.

Powers

- ❖ Every proceedings before the District Forum shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code and the Forum shall be deemed to be Civil Court.
- ❖ If the value of the complaint exceeds this limit of Rs 20 Lakhs the complaint should be made direct to the State Commission.
- ❖ Further the District Forum also may pass orders against traders indulging in unfair trade practices, sales of defective goods or rendering deficient services, the turnover of goods or value of services does not exceed Rs 20 Lakhs.

Appellate Forum

1. The aggrieved party can prefer appeal against the order passed by the District Forum to the State Commission.

4. What is the Voluntary Consumer Organizations? Explain its functions.

- ❖ Consumer is a broad label for any individuals or households that use goods and services produced within the economy.
- ❖ Voluntary consumer organisations refer to the organisation formed voluntarily by the consumers to protect their rights and interests.

Objectives

1. The Department of Consumer Affairs (DCA) operates the Consumer Welfare Fund (CWF). The primary objective of the CWF is to strengthen the Consumer Advocacy Movement in India.
2. A wide network of Voluntary Consumer Organization (VCO) is doing commendable work to raise awareness amongst consumers.
3. To strengthen consumer protection and welfare and to provide counselling, guidance and mediation services.
4. VCO's supported through CWF provides grants for diverse projects including comparative testing of products and services and dissemination of the findings.
5. Steps have been taken to enhance transparency and to digitalise the government's interface with its citizens.

Accelerating Consumer Awareness/ Educating Consumers

The first priority of a consumer organization is to accelerate consumer awareness towards their rights. To accomplish this task the following efforts are made:

- i. To publish brochures journals and monographs.
- ii. To arrange conferences, seminars and workshops.
- iii. To educate consumers to help themselves.
- iv. To provide special education to women about consumerism.

ADDITIONAL QUESTIONS:**I. CHOOSE THE CORRECT ANSWERS:****1. The maximum age limit of a person who can be a member in National commission is _____.**

- a) 65 b) 70
c) 35 d) 60

2. Among the following in which of the forum there is a compulsion that a female should be a member?

- a) District Forum b) State Commission
c) National Commission d) All of the above

3. Any appeal against a forum must be done in a higher forum within _____ days.

- a) 45 b) 30
c) 60 d) 90

4. Statement I: The State commission may reverse or confirm the orders passed by the District Forum.

Statement II: The aggrieved party can prefer appeal against the order passed by District Forum to the State Commission.

Codes:

- a) Both statements are true.
b) Both statements are false.
c) Statement I is true, but Statement II is false.
d) Statement I is false, but Statement II is true

5. Assertion(A): A file can be filed by a complainant against the seller, manufacturer or dealer of goods, or against the provider of services.

Reason(R): Consumer Protection Act postulates the consumer to protect their rights.

- a) Both (A) and (R) are true and (R) is the correct explanation of (A).
b) Both (A) and (R) are true, but (R) is incorrect explanation of (A).
c) (A) is true, but (R) is false
d) (A) is false, but (R) is true.

6. There are _____ district forums are working at present.

- a) 260 b) 620
c) 340 d) 430

7. Assertion(A): Complaints can be registered within 2 years from the date on which the cause of action has arisen, to the date on which the completion from the deficiency in service.

Reason(R): Advocates are necessary for registering the complaints.

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- (a) Both (A) and (R) are true and (R) is the correct explanation of (A).
 (b) Both (A) and (R) are true, but (R) is incorrect explanation of (A).
 (c) (A) is true, but (R) is false
 (d) (A) is false, but (R) is true

8. The 'defendant' identified in the Consumer Protection Act 1987 includes which of the following?

- i) The Manufacturer ii) The importer
 iii) The Supplier iv) The marketer
 a) i only b) ii,iii,iv
 c) i and iv d) All of the above

9. The chairman of the district consumer protection council is _____.

- a) District magistrate
 b) Collector of the District
 c) MP of the district
 d) None of these

10. The following is not a consumer _____.

- a) The Insurance company
 b) A licensee to run a phone
 c) A lottery ticket holder
 d) All of the above

ANSWERS									
1	b	2	d	3	b	4	a	5	a
6	b	7	c	8	d	9	b	10	d

II. VERY SHORT ANSWER QUESTIONS:

1. Who can make complaint?

1. A consumer as defined under Consumer Protection Act, 1986
2. A registered Voluntary Consumer Association
3. Central Government
4. State Government / Union Territory
5. One or more consumer representing numerous consumers having the same interest.

III. SHORT ANSWER QUESTIONS:

1. When the complaints can be made?

A complaint may be made in writing under the following circumstances:

1. Loss or damage is caused to the consumer due to unfair trade practice of a trader.
2. If the article purchased by a consumer is defective.
3. If the services availed of by a consumer suffer from any deficiency.
4. When the price paid by a consumer is in excess of the price displayed on the goods or when the price is in excess of the price fixed under any law in force.
5. Goods, which will be hazardous to life and safety, when used are being offered for sale to the public in contravention of the provisions of any law

IV. LONG ANSWER QUESTIONS:

1. What are the particulars that should be furnished along with the complaint?

The complaint should contain the following particulars:

1. The name and complete address of the complainant
2. The name and complete address of the opposite party/parties
3. Date of purchase of goods or services availed
4. Amount paid for the above purpose
5. Particulars of goods purchased with number or details of services availed
6. The details of complaint, whether it is against Unfair Trade Practices/supply of defective goods/deficiency in service provided/collection of excess price, should explicitly be mentioned in the complaint petition.
7. Bills/receipts and copies of related correspondence, if any.

2. How does the consumer forums give relief to the Consumers?

- ❖ The District Forum / State Commission can order the following reliefs to the consumers:
- ❖ To remove the defects in the goods pointed out
- ❖ To replace the goods
- ❖ To return to the complainant the price of the goods
- ❖ To pay such amount of compensation for the loss or injury suffered by the consumer
- ❖ To discontinue the unfair trade practice or not to repeat it

- ❖ To withdraw the hazardous goods from being offered for sale
- ❖ To provide the cost of expenditure incurred by the complainant.

3. What is the appeal provision?

1. Aggrieved by the orders issued by the District Consumer Redressal Forum appeal, petition can be filed before State Consumer Dispute Redressal Commission within 30 days from the date of receipt of orders
2. Aggrieved by the orders issued by the State Consumer Dispute Redressal Commission appeal petition can be filed before National Consumer Dispute Redressal Commission within 30 days from the date of receipt of orders
3. Aggrieved by the orders issued by the National Consumer Dispute Redressal Commission appeal petition can be filed before Supreme Court of India within 30 days from the date of receipt of orders
4. No fee is charged for registering an appeal petition before State / National Consumer Dispute Redressal Commissions
5. The appeal petition has to be filed with the grounds for appeal with copies of orders of the lower redressal agencies and registering procedures are same, as is being done in the case of registering complaint.

4. What are the steps to be followed in education the consumers?

The following are the steps involved in educating the consumers.

i) Collecting Data on Different Products and testing them

- ❖ These organizations collect samples of different products from time to time and test them.
- ❖ After that the results of the tests are declared to public.
- ❖ In this way, these organisations provide prior information to consumers about the authenticity of product and protect them.

ii) Filing Suit on Behalf of Consumers

- ❖ Whenever a consumer fails to raise his voice of protest regarding his complaints, these consumers' organisations come to the rescue

and file a case in the court, on behalf of a consumer.

- ❖ By giving this service to the consumers, the consumers get a feeling that they are not alone in their struggle.

iii) Organising Protests against Adulteration etc.

- ❖ The consumer's organizations play a significant role in eliminating the evil of adulteration, hoarding black-marketing and under-weight selling.

iv) Helping Educational Institutions

- ❖ These organizations advise the educational institutions the way to prepare courses of study keeping in view the interests of the consumers.

v) Promoting Network of Consumer Association

- ❖ Consumer organizations are trying to grow their numbers.
- ❖ They want to cover all the regions of the country so that consumers of all the regions are benefited by their services.

vi) Extending Support to Government

- ❖ Consumer organisations keep informing the government agencies about adulteration, artificial scarcity, inferior quality produce etc. to help the government.

5. What are the steps involved in filing a complaint in Consumer Court?

The first step in filing a consumer complaint is to send a legal notice to the seller or company. A legal notice must be drafted with the help of a consumer court lawyer and include the following:

- ❖ Details of the consumer like name, address, product or services purchase details of the company, etc.
- ❖ Necessary details of the problem faced and describe the deficiency in service.
- ❖ Action taken by the company in response to the customer complaint
- ❖ Action expected from the company.
- ❖ Time period given to the company to take action
- ❖ The legal action that will be taken upon failure by the company in sending a reply to the legal notice.