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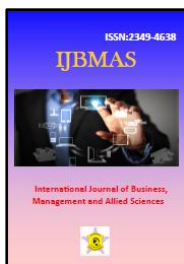
**THREE TIER MECHANISM OF CONSUMER DISPUTES REDRESSAL IN  
INDIA WITH SPECIAL REFERENCE TO THEIR FUNCTIONING**

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**ABSTRACT**

To carry out any type of Business, there must be consumer. Without consumers, no goods can be sold, no services can be provided. So it is very important to take due care of the needs of the consumers. This study critically analyzed the three tier mechanism of Consumer disputes redressal in India. This mechanism is present at District, State and National level. For the analysis of the functioning of these forums, secondary data was collected and analyzed. During the analysis, it was found that out of total cases filed in the district forums since inception, 92.43% cases were disposed of till date. The disposal rate of all State Commissions was 85.67%. However the disposal rate of the National Commission was better than State commissions i.e. 86.26%. Thus the disposal rate of district forums was found higher than national as well as state commissions. The overall level of functioning of the three tier mechanism was found satisfactory. Further to this out of 669 total District forums, 29 were found non-functional i.e. only 640 District forums are functional in India. As far as vacant positions are concerned there were 416 positions lying vacant in various forums. There is an urgent need to revive the non-functional Forums at the earliest to provide timely and speedy justice to the consumers.

Keywords: Disposal Rate, Pendency, Redressal Forum, National Commission, Functional

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**Introduction**

Consumer is the necessity to carry out each and every type of business. If consumer is not there, nothing can be sold out. Thus, it is utmost necessary that the rights of all consumers are properly taken care of. The preference, demands and priorities of the consumer must be taken care of in an effective manner. In India Consumer Protection act was passed in 1986. It enables the ordinary consumers with a right to avail less expensive and speedy redressal of their grievances. As per Consumer Protection Act, 1986, certain rights are provided to the consumers in India. These are (i)

Right to Safety (ii) Right to be Informed (iii) Right to Choose (iv) Right to be Heard (v) Right to Seek Redressal (vi) Right to Consumer Education.

### Consumer Redressal Mechanism: Structure and Functions

As per right to seek redressal, the consumers in India are provided with a three tier structure redressal agencies at National, State and District levels for speedy disposal of consumer disputes. Any consumer is allowed to file a complaint in consumer forum. As per consumer protection Act, a consumer is anybody who buys some goods or avails any services with consent of the seller, or the even the service provider in return of a consideration.

Table 1: Structure of Consumer Disputes Redressal Mechanism

Name of Agency (Count)	Established by	Constitution	Complaint can be filed for value	For appeal within 30 days
District Forums (669*)	State Government	President and Two Members	Less than Rs 20 Lacs	State Commission
State Commissions (35)	State Government	President and Two Members	Rs 20 Lacs to One Crore	National Commission
National Commission (1)	Central Government	President and Four Members	More than Rs One Crore	Supreme Court of India

\*Out of which 29 non-functional

Further, any complaint can be filed within two years from the date on which the cause of action had arisen. For admission of complaint even after the lapse of two years, sufficient cause is to be shown for the delay. As per norms, every complaint needs to be disposed off within a period of three months from the date on which the opposite party has received the notice.

### Review of Literature

Through review of literature, an understanding of work already done along with unexplored areas is developed. It can help in making the present study more direct and effective. On the present topic of study the available literature is discussed in details as given below.

During a research carried out in Thiruvanimthapuram, the capital of Kerala, **Kumar (1995)** reported that less than 30 % and 20 % of the consumers were aware of the district forum and state commission respectively. However the level of awareness regarding the national commission was only 8 per cent. The researcher further advised to minimize the legal formalities to attract common man.

**Sudan (2002)** during in his study conducted at Jammu reported that there is a need for establishment of mobile consumer courts.

During a research, **Garg (2010)** reported that as per overall performance; the District Consumer Disputes Redressal Forums are assigned first rank, followed by National Commission and State Commission respectively. So, the grass root level agencies are determined to provide speedy justice to the consumers. There is still need of speedy disposal of the pending cases at state and national level, by creating additional benches.

**Singh and Singh (2011)** during a study reported that Lack of facilities, Lack of staff, Delay in the appointment of Authority established and Delayed tactics are the main factors behind lesser number of complaints being registered by the consumers in the Consumer Redressal Forums.

**Singh (2012)** during the analysis of performance of consumer forums in Western Uttar Pradesh reported that performance inconsistency and slow speed of disposal are two major problems in consumer Redressal forums. The backlog of pending cases is another problem as proportion of pending cases is higher than that of new registered cases in the total registered cases. Majority of the District Forums are found inconsistent performer. It is found that none of the Forum was able to dispose of even 50% of the cases registered.

### Objectives of the study

The main objective of the study is to analyze the structure and functioning of consumer disputes Redressal mechanism.

## Material and Methods

To fulfill the objectives of the study, the present study is based on secondary data. The secondary data have been taken from the website of National Consumer Disputes Redressal Commission i.e. <http://ncdr.nic.in>. The data available was further analyzed.

## Results and Discussions

### 1. Analysis of Cases/Complaints Filed/Disposed of/Pending at various Redressal agencies

The study revealed the statement of cases filed/disposed of/pending at various levels is depicted in Table 2 and Figures 1 & 2.

Table 2: Total Number of Consumer Complaints Filed / Disposed since inception in Consumer Forums in India

Name of Agency	Cases filed since inception	Cases disposed of since inception	Cases Pending	Percentage of total Disposal
National Commission	113117	97571	15546	86.26%
State Commissions	760786	651797	108989	85.67%
District Forums	3995088	3692798	302290	92.43%
<b>TOTAL</b>	<b>4225291</b>	<b>3854650</b>	<b>370641</b>	<b>91.23%</b>

Source: Records of National Consumer Disputes Redressal Commission, New Delhi <http://ncdr.nic.in> {Data retrieved on 14.09.2017}

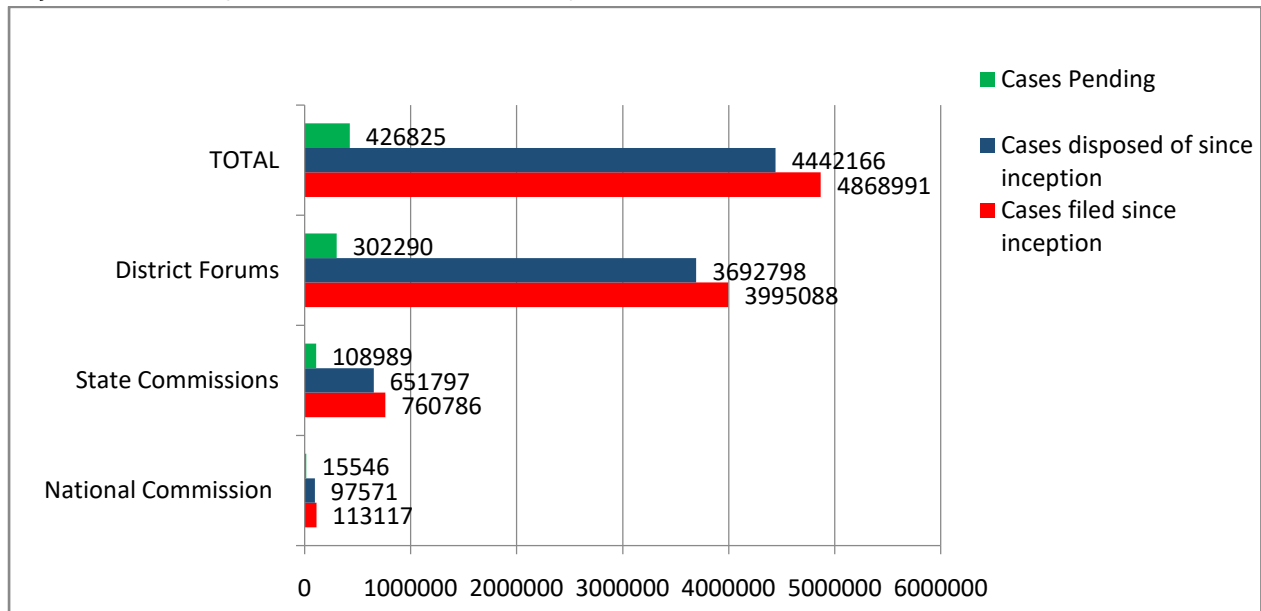


Figure 1: Total Number of Consumer Complaints Filed / Disposed since inception

It reveals that the total number of cases filed in the National Commission till July 31, 2017 is 1,13,117. Out of the which, 97,571 cases have been disposed of; whereas 15,546 are still pending. Thus the disposal percentage is 86.26%. Similarly, the cases disposed of by State commissions and district forums in total are 85.67% and 92.43% respectively.

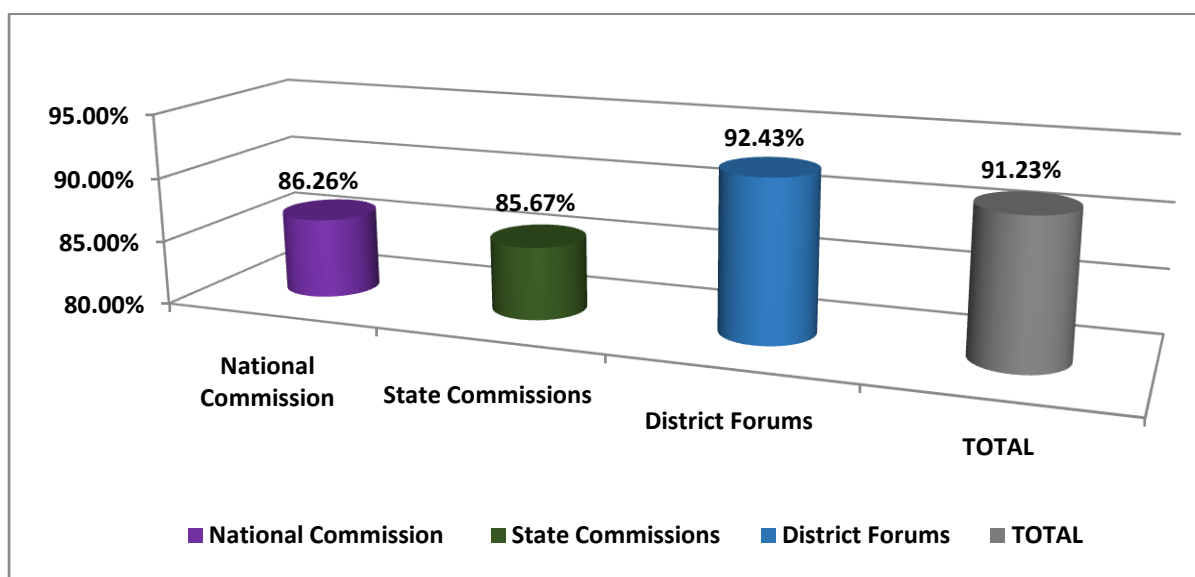


Figure 2: Percentage of Total Disposal of Cases

It is evident that district forums are performing better than national and state commissions as far as the redress the grievances of the consumers are concerned.

## 2. State-wise Analysis of Cases filed/disposed of/pending in District Forums

The study revealed the statement of state-wise cases filed/disposed of/pending at district forums is depicted in Table 3. During the analysis it was revealed that performance of district forums in 22 State/ Union Territory was above the national average i.e. 92.43% as far as percentage of disposal is concerned. Mizoram, Andhra Pradesh, Chandigarh is among Top Three States as far as disposal rate is concerned. However the Percentage disposal was lowest in Lakshadweep, Bihar and Chhattisgarh. From this data analysis, it is clear that district forums are functioning at a satisfactory level as far as speedy disposal of the cases filed is concerned.

Table 3: State-wise details of cases file/disposed of/ pending in District Forums of all States

Sl. No.	Name of State	Cases filed since inception	Cases disposed of since inception	Cases Pending	Percentage of Disposal	As On
1	Andhra Pradesh	118235	116445	1790	98.49%	30.06.2017
2	A & N Islands	767	720	47	93.87%	30.06.2015
3	Arunachal Pradesh	515	486	29	94.37%	30.06.2017
4	Assam	16157	14736	1421	91.21%	30.06.2016
5	Bihar	101216	86712	14504	85.67%	31.03.2017
6	Chandigarh	57260	55658	1602	97.20%	30.06.2017
7	Chhattisgarh	49463	43841	5622	88.63%	31.07.2017
8	Daman & Diu & DNH	56704	55070	1634	97.12%	31.03.2011
9	Delhi	254168	236589	17579	93.08%	31.03.2015
10	Goa	7303	6892	411	94.37%	31.07.2017
11	Gujarat	215367	198217	17150	92.04%	30.06.2017
12	Haryana	254810	245239	9571	96.24%	30.06.2017
13	Himachal Pradesh	64769	62106	2663	95.89%	31.05.2017
14	Jammu & Kashmir	20792	18855	1937	90.68%	31.12.2007
15	Jharkhand	40024	35803	4221	89.45%	30.06.2017
16	Karnataka	193964	184794	9170	95.27%	31.07.2017
17	Kerala	208991	198403	10588	94.93%	30.06.2017

18	Lakshadweep	87	74	13	85.06%	30.06.2017
19	Madhya Pradesh	232411	216276	16135	93.06%	30.06.2017
20	Maharashtra	380405	342531	37874	90.04%	31.01.2017
21	Manipur	1297	1240	57	95.61%	31.12.2015
22	Meghalaya	1005	925	80	92.04%	31.03.2015
23	Mizoram	3771	3733	38	98.99%	30.06.2015
24	Nagaland	652	598	54	91.72%	30.09.2015
25	Odisha	110156	102227	7929	92.80%	30.06.2017
26	Pondicherry	3207	3020	187	94.17%	31.07.2017
27	Punjab	192830	187341	5489	97.15%	31.05.2017
28	Rajasthan	370704	336023	34681	90.64%	30.06.2017
29	Sikkim	338	324	14	95.86%	31.03.2015
30	Tamil Nadu	116173	107091	9082	92.18%	30.06.2017
31	Telangana	90884	86280	4604	94.93%	30.06.2017
32	Tripura	3558	3422	136	96.18%	31.12.2016
33	Uttar Pradesh	672780	597323	75457	88.78%	30.04.2017
34	Uttarakhand	40963	38090	2873	92.99%	31.05.2017
35	West Bengal	113362	105714	7648	93.25%	31.03.2017
	<b>TOTAL</b>	<b>3995088</b>	<b>3692798</b>	<b>302290</b>	<b>92.43%</b>	

Source: Records of National Consumer Disputes Redressal Commission, New Delhi <http://ncdrc.nic.in> {Data retrieved on 14.09.2017}

### 3. State-wise Analysis of Cases filed/disposed of/pending at State Commissions

The study revealed the statement of state-wise cases filed/ disposed of/ pending at State Commissions is depicted in Table 4. During the analysis it was found that performance of state commissions in 22 State/ Union Territory was above the national average i.e. 85.67% as far as percentage of disposal is concerned. Tripura, Andhra Pradesh and Himachal Pradesh were among the top performers in disposing the consumer complaints. However the Percentage disposal was lowest in Telangana, Uttar Pradesh, and Odisha states.

**Table 4: State-wise details of cases file/disposed of/ pending in State Commissions**

Sl. No	Name of State	Cases filed since inception	Cases disposed of since inception	Cases Pending	Percentage of Disposal	As On
1	Andhra Pradesh	32789	31931	858	97.38%	30.06.2017
2	A & N Islands	111	106	5	95.50%	30.06.2015
3	Arunachal Pradesh	103	92	11	89.32%	30.06.2017
4	Assam	2995	2549	446	85.11%	30.06.2017
5	Bihar	18953	16072	2881	84.80%	31.03.2017
6	Chandigarh	18876	18271	605	96.79%	30.06.2017
7	Chattisgarh	12475	11948	527	95.78%	31.07.2017
8	Daman & Diu & DNH	25	20	5	80.00%	31.03.2011
9	Delhi	46465	39892	6573	85.85%	30.06.2017
10	Goa	2948	2833	115	96.10%	31.07.2017
11	Gujarat	55355	50337	5018	90.93%	30.06.2017
12	Haryana	49509	47644	1865	96.23%	30.06.2017
13	Himachal Pradesh	9716	9458	258	97.34%	30.06.2017
14	Jammu & Kashmir	9038	7549	1489	83.53%	31.05.2016
15	Jharkhand	6103	5543	560	90.82%	30.06.2017
16	Karnataka	56132	47306	8826	84.28%	31.07.2017
17	Kerala	30144	27781	2363	92.16%	30.06.2017
18	Lakshadweep	18	16	2	88.89%	30.06.2017
19	Madhya Pradesh	52618	42957	9661	81.64%	30.06.2017

20	Maharashtra	76712	61508	15204	80.18%	31.01.2017
21	Manipur	170	164	6	96.47%	31.12.2015
22	Meghalaya	300	285	15	95.00%	31.03.2015
23	Mizoram	230	216	14	93.91%	30.06.2017
24	Nagaland	165	136	29	82.42%	30.09.2015
25	Odisha	25258	18438	6820	73.00%	30.06.2017
26	Puducherry	1100	1029	71	93.55%	31.07.2017
27	Punjab	37148	35895	1253	96.63%	31.05.2017
28	Rajasthan	64687	58366	6321	90.23%	30.06.2017
29	Sikkim	57	54	3	94.74%	31.03.2015
30	Tamil Nadu	28214	24616	3598	87.25%	30.06.2017
31	Telangana	2542	863	1679	33.95%	30.06.2017
32	Tripura	1766	1740	26	98.53%	30.06.2017
33	Uttar Pradesh	81621	55573	26048	68.09%	30.04.2017
34	Uttarakhand	6055	5023	1032	82.96%	31.05.2017
35	West Bengal	30388	25586	4802	84.20%	31.03.2017
	<b>TOTAL</b>	<b>760786</b>	<b>651797</b>	<b>108989</b>	<b>85.67%</b>	

Source: Records of National Consumer Disputes Redressal Commission, New Delhi  
<http://ncdrc.nic.in> {Data retrieved on 14.09.2017}

From this data analysis, it is clear that performance of State commissions is satisfactory in speedy disposal of the cases filed.

#### 4. Status of Vacant Positions in Consumer Forums

As per Table 5, As far as National commission is concerned there are three positions of members those are vacant. In 35 State commissions there are vacancies of 26 members. The position of District Forums is very alarming, Out of 669 District Forums, 93 president posts and 294 positions of Members are lying vacant.

**Table 5: Status of vacant positions in Consumer Forums in the Three Tier Mechanism in India**

Sl. No.	Forum	President	Member			As on
	<b>National Commission</b>	<b>0</b>	<b>3</b>			<b>30.06.2017</b>
	<b>States</b>	<b>State Commission</b>		<b>District Forum</b>		
		President	Member	President	Member	
1	Andhra Pradesh	0	1	4	27	30.06.2017
2	A & N Islands	0	1	0	0	30.06.2015
3	Arunachal Pradesh	0	0	0	11	30.06.2017
4	Assam	0	0	3	8	31.05.2017
5	Bihar	0	0	0	11	28.02.2017
6	Chandigarh	0	0	1	0	30.06.2017
7	Chhattisgarh	0	0	2	27	30.06.2017
8	Daman & Diu and DNH	0	0	0	2	31.12.2014
9	Delhi	0	0	2	4	30.06.2015
10	Goa	0	0	0	0	31.07.2017
11	Gujrat	0	0	4	6	30.06.2017
12	Haryana	0	0	2	1	30.06.2017
13	Himachal Pradesh	0	0	0	13	30.06.2017
14	Jammu & Kashmir	0	0	0	0	31.05.2017
15	Jharkhand	0	0	1	5	30.06.2017
16	Karnataka	0	0	5	16	31.07.2017
17	Kerala	0	0	1	1	06.05.2017

18	Lakshadweep	0	1	0	1	30.06.2017
19	Madhya Pradesh	0	1	0	42	30.06.2017
20	Maharashtra	0	2	10	17	30.11.2016
21	Manipur	0	3	0	0	29.02.2016
22	Meghalaya	0	0	1	4	30.09.2015
23	Mizoram	0	1	0	0	30.06.2015
24	Nagaland	0	0	0	0	31.12.2014
25	Odisha	0	0	0	0	30.09.2015
26	Puducherry	0	1	0	0	30.06.2017
27	Punjab	0	3	10	12	31.05.2017
28	Rajasthan	0	7	12	25	31.05.2017
29	Sikkim	0	0	0	0	31.12.2014
30	Tamil Nadu	0	0	12	13	30.06.2017
31	Telangana	0	1	10	20	30.06.2017
32	Tripura	0	0	0	0	30.06.2017
33	Uttar Pradesh	0	2	11	19	30.06.2017
34	Uttarakhand	0	0	0	3	31.05.2017
35	West Bengal	0	2	2	6	31.03.2017
	<b>TOTAL</b>	<b>0</b>	<b>26</b>	<b>93</b>	<b>294</b>	

Due care must be paid in this regard as vacant positions lead to slow work flow. The forums are already overburdened with the cases, so adequate staff should be provided.

### 5. Functionality of the Forums

National as well as all the State forums are functional and working but, out of 669 District Forums as on 30.06.2017, 29 District Forums are non-functional in various states like Chhattisgarh, Bihar etc. There is an utmost need for revival of the forums so that speedy justice could be provided to the consumers.

### Suggestions

As far as working of the forums is concerned at National, State and district level with regard to overall cases pending since inception, it is good. But due care must be given to make remaining 29 District Forums functional. Also the forums where the positions of staff are vacant must be filled immediately so that timely justice could be provided.

### Conclusion

The available three tiers mechanism was designed to ensure the easiest accessibility to the courts in the India. By making availability of necessary amenities like staff and infrastructure and facilities, quick disposal of cases can be assured. The performance of all the Redressal agencies at three levels was found satisfactory. Procedural Simplicity is the main positive aspect of these courts. Further, effective steps need to be taken to ensure proper functioning for timely justice in the forums. As it is truly said "Justice delayed is Justice denied"

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