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STATEMENT OF THE PROBLEM

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HYPOTHESIS (ES)

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PERFORMANCE OF CONSUMER REDRESSAL AGENCIES IN HIMACHAL PRADESH

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ABSTRACT

Consumer disputes redressal mechanism has been established by the Government under Consumer Protection Act, 1986 to provide simple, speedy and inexpensive justice to the common and aggrieved consumers. This mechanism includes the agencies at District, State and National levels to resolve the grievances of consumers. As per provisions of the Act, Himachal Pradesh Government has established Consumer Disputes Redressal Commission (CDRCs) at State and District levels to provide justice to the consumers. Since their inception, State Consumer Disputes Redressal Commission (CDRC) and District Consumer Disputes Redressal Commissions (CDRCs) of Himachal Pradesh are meant for resolving the complaints of the consumers but cases of consumer disputes remain pending at both levels. This paper attempts to evaluate the performance of Himachal Pradesh Consumer Disputes Redressal Commission in term of disposal of cases by them. For analyzing the performance of the Commission, data have been analyzed with the help of percentage, correlation coefficient, mean and interpreted accordingly.

KEYWORDS

Himachal Pradesh state consumer disputes redressal commission, district consumer disputes redressal commissions, consumer protection.

JEL CODES

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1. INTRODUCTION

he Consumer Protection Act, 1986 is the most important law that has been enforced to protect the consumer rights. The Act makes provision for the establishment of appropriate machinery for the settlement of consumer disputes and redressal of consumer grievances at various levels. There are three tier Consumer Disputes Redressal Agencies functioning at District, State and National level known as District Consumer Disputes Redressal Commissions, State Consumer Disputes Redressal Commissions and National Consumer Disputes Redressal Commissions.

As per the Act, a District Consumers Disputes Redressal Commission (District Commission) has the responsibility to dispense justice to the consumers in each District, which deals with the transactions upto Rs. 1 crore and monetary relief. Forums are situated in the district headquarters. Further, the Act provides each State/Union Territory Consumer Disputes Redressal Commission (Sate/UT Commission), which deals with the cases in which the value of transactions and relief is between Rs. 1 crore to 10 crore which may amend time to time. It has jurisdiction of the whole State /UT in which it is constituted. It has the authority to hear appeals against the orders of District Commissions.

National Commission is the Apex authority situated at Delhi which deals with the cases where the value of transaction and relief is above rupees 10 Crore and it has authority to hear appeals against the orders of the State Commissions according to the Act. It consists of one president and four other members. It was constituted in the year 1988.

According to the provisions of the Consumer Protection Act, 1986, the State Government of Himachal Pradesh has established the State Commission and a District Forum in the first instance with its headquarters at State Capital Shimla which started functioning from 01.11.1989. At present, there are four whole time Districts Forums in the Himachal Pradesh namely; Shimla District Consumer Commission, Mandi District Consumer Commission, Una District Consumer Commission and Kangra District Consumer Commission at Dharamshala. The three-tier quasi-judicial machinery is meant for quick resressal and effectively performs in disposal of cases. The trend of pending cases determines the performance of these agencies. Keeping this in view, a study has been conducted to examine the performance of Himachal Pradesh Consumer Disputes Redressal Agencies with regard to disposal of cases.

2. REVIEW OF LITERATURE

Chaudhary's (2015)¹ study "Evaluation of Efficacy of the Consumer Disputes Redressal Agencies in India" reveals that Consumer Disputes Agencies are striving hard to dispose the cases and still a large number of cases are pending in Consumer Courts in India. Certain immediate measures through improvement in existing functioning of these agencies and by evolving new model of alternative by using information technology tools are needed as per the scholar. He also recommends that stake holders should be proactive to resolve the consumer problems so as to make business world the place of worth trading and transacting and Consumer Protection Councils are required to be strengthened so as to protect the rights of the consumers.

Manmohan and Auxcelian (2015)² stated in "Working Performance of Consumer Disputes Redressal Agency in India" that the redressal machineries in India are playing a vital role to protect the interests of consumers by providing justice to the aggrieved consumers and the government should take steps to evaluate the efficacy of redressal agencies to avail speedy justice and betterment of consumer welfare.

Paul and Sudhakaran (2018)³ have stated in their study entitled "A Critical Evaluation on the Performance of Consumer Disputes Redressal Commission in India" that the forums are functioning efficiently and have shown considerably high rate of disposal. But sufficient action should be taken to curtail the hike in the number of pending cases. Further, they realized that people especially those who belong to the rural sector, are still unaware of redressal mechanisms prevailing in the country and they are still being exploited. So, there should be more awareness programmes to educate consumers about their rights and privileges.

Minhas Shammi (2019)⁴ has inferred in his research "Consumer Disputes and Consumer Redressal Forums in India" that all the agencies at National, State and District levels are trying best to redress the grievances of the customers. But the performance of district consumer forums is higher as compared to the others agencies. The study suggests that the consumer cases should be finalized within reasonable time period so that faith of the consumers on the consumer protection commission and forums could be enhanced and for more effective performance of Consumer Disputes Redressal Agencies Central and States Government and should provide adequate staff to the National, State and District forums.

The aforesaid researches have been conducted at national level only. There is no study conducted earlier on the selected title. Further, it will provide more effective insight into the working of State Consumer Disputes Redressal Agencies, if it is analyzed every State-wise separately. Keeping this in view, the present study is conducted.

3. NEED AND IMPORTANCE OF STUDY

The three-tier quasi-judicial machinery must perform effectively in disposal of cases. The consumer redressal bodies should dispose the cases within the stipulated time frame. But, in reality the consumer cases hardly disposed off with in specified time period. A study is needed to find out the performance of Consumer Disputes Redressal Bodies in Himachal Pradesh. The results of the present study will surely helpful to improve the functioning of these Consumer Disputes Redressal Agencies of Himachal Pradesh.

4. SCOPE OF THE STUDY

The performance of Consumer Disputes Redressal Agencies was measured by analyzing the number of cases filed, disposed-off and pending with the Himachal Pradesh State and Districts Consumer Disputes Redressal Commissions. The required data were collected from the office and website of Himachal Pradesh Consumer Disputes Redressal Commission for the period between 2005 to 2020.

5. OBJECTIVES

The present study has been carried out with the following objectives:

- 1. To compare the performance of Consumer Redressal Bodies of Himachal Pradesh and performance of such agencies in India.
- 2. To analyze the performance of Himachal Pradesh State Consumer Disputes Redressal Commission.
- 3. To evaluate the performance of the District Level Consumer Redressal Commissions in Himachal Pradesh.

6. METHODOLOGY

In order to analyze the performance of Consumer Disputes Redressal Bodies working in Himachal Pradesh, data has been collected from the official records and websites of Himachal Pradesh Consumer Commission. The data has been tabulated and analyzed according to the need of the study. The performance of these bodies has been analyzed by applying percentage, correlation, means and ranking methods.

7. ANALYSIS AND DISCUSSION

In order to accomplish the objectives of the study, collected data have been analyzed, interpreted and the results have been discussed as below:

7.1 Performance of Consumer Disputes Redressal Bodies of India and Himachal Pradesh

The study investigated the comparative performance of various Consumer Disputes Redressal Agencies working National and Himachal Pradesh State levels to resolve the complaints of consumers as depicted in table 1 as under:

TABLE A: COMPARATIVE PERFORMANCE OF CONSUMER DISPUTES REDRESSAL BODIES OF INDIA AND HIMACHAL PRADESH AS ON 31 DECEMBER, 2020

	li	ndia	Himachal Pradesh		
Agency	State Consumer Disputes District Consumer Disputes S		State Consumer Disputes	District Consumer Disputes	
	Redressal Commissions	Redressal Commissions	Redressal Commission	Redressal Commissions	
Cases Filed Since Inception	962282	4391348	32790	69131	
Cases Disposed-off Since Inception	837347	4018139	32050	66615	
Cases Pending Since Inception	124935	373209	740	2516	
Percentage of Disposal	87.02%	91.50%	97.74%	96.36%	
Percentage of Pending	12.98%	8.50%	2.26%	3.64%	

Source: Records of National Consumer Disputes Redressal Commission, Delhi & Statistics of Himachal Pradesh State Consumer Disputes Redressal commission. From the analysis of table-A, it is revealed that the performance of Himachal Pradesh State Consumer Disputes Redressal Commission (97.74%) is higher than the performance of District Commissions (96.36%) of Himachal Pradesh as only 2.26 percent are pending at the State Commission while the rate of pendency is more (3.64) at Districts Commissions of Himachal Pradesh. At national level the performance of Districts Commission is better than the State Commissions whereas in Himachal Pradesh; the State Commission is performing better than the Districts Commissions. Further, it is concluded from the analysis that the disposal rate of Himachal Pradesh State as well as Districts Commission is higher than the disposal rate of all the State and Districts Commissions of India. On the other side, the rate of pendency is higher at National Level than the pendency rate of Himachal Pradesh Commissions.

7.2 Year-wise Performance of Himachal Pradesh State Consumer Disputes Redressal Commission

The trends of performance of the cases filed, disposed-off and pending with the Himachal Pradesh State Consumer Disputes Redressal Commission during the years 2005 to 2020 are as under:

TABLE B: YEAR-WISE PERFORMANCE OF HIMACHAL PRADESH STATE CONSUMER DISPUTES REDRESSAL COMMISSION AS ON DECEMBER 31, 2020

Years	Cases Filed	Cases Filed	Cases Disposed off	Cases Disposed off	Cases pending at	Cases Pending (%)	% of Dis-	% of
	in the year	(%) Growth	in the year	(%) Growth	the end	Growth	posal	Pending
2005	1195	-	851	-	1043	-	71.21	87.28
2006	1664	39.25	2040	139.72	667	-36.05	122.59	40.08
2007	2180	31.00	1935	-5.15	912	36.73	88.76	41.83
2008	1508	-30.83	1521	-21.40	899	-1.43	100.86	59.62
2009	1694	12.33	1789	17.62	804	-10.57	105.60	47.46
2010	1722	1.65	1689	-5.59	837	4.10	98.08	48.61
2011	1357	-21.20	1183	-29.96	1011	20.79	87.17	74.50
2012	1452	7.00	2021	70.84	442	-56.28	139.19	30.44
2013	1584	9.09	1673	-17.22	353	-20.14	105.62	22.29
2014	1945	22.79	1700	1.61	245	-30.59	87.40	12.60
2015	1089	-44.01	1132	-33.41	202	-17.55	103.95	18.55
2016	1309	20.20	1260	11.31	251	24.26	96.26	19.17
2017	1296	-0.99	981	-22.14	566	125.50	75.69	43.67
2018	1369	5.63	1164	18.65	771	5.48	85.03	56.32
2020	625	-54.35	715	-38.57	740	-4.02	114.4	118.4
		-0.17		6.16		2.87		
r	0.81							

Source: Statistics of Himachal Pradesh State Consumer Disputes Redressal commission, https://hpconsumercommission.nic.in/

Table-B depicts that every maximum growth has been recorded in the year 2006 (39.25%) followed by the year 2007 whereas maximum negative growth has been found in the year 2020 followed by the year 2015. In the year 2006, comparatively higher numbers of cases disposed off by the State Commission indicates that in this year the settlement rate was high but immediately in the preceding year i.e. 2005, pendency rate was very high and in the year 2020, the number of cases filed was minimum. It is worth to mention here that in the year 2006, 2008, 2009, 2012, 2013, 2015 and 2020, the disposal rates indicate clearance of the preceding pendency of the cases filed. Further, the trends of the cases disposed-off and lying pending with the State Consumers Disputes Redressal Commission indicate that consistency is not maintained by the Commission to dispose-off the cases filed causing inconsistent trends of pendency. Moreover, the results also indicate that there has been decline by 0.7 percent in the cases filed whereas; there has been a growth by 6.16 and 2.87 percent in the cases disposed-off and pending with the Commission during the research period.

7.3 District-wise Performance of all the Districts Commissions of Himachal Pradesh

District-wise cases filed, disposed off and pending with the District Level Commissions are depicted and analyzed as under:

TABLE C: DISTRICT-WISE PERFORMANCE OF DISTRICTS COMMISSIONS OF HIMACHAL PRADESH AS ON DECEMBER 31, 2020

Sr No	Name of District Commission	Cases Filed Since Inception	Rank	Cases Disposed of	Cases Pending	% of	Rank	% of Pending
				Since Inception	Since Inception	Disposal		
1.	Mandi	13661	2	13594	67	99.51	2	0.49
2.	Kullu	2574	9	2534	40	98.45	3	1.55
3.	Lahaul-Spiti	48	12	48	1	100	1	-
4.	Shimla	14896	1	13887	1009	93.23	11	6.77
5.	Sirmour	3060	8	2834	226	92.61	12	7.39
6.	Kinnaur	352	11	329	23	93.47	10	6.53
7.	Una	5849	5	5609	240	95.90	8	4.10
8.	Hamirpur	4091	7	3901	190	95.36	9	4.64
9.	Bilaspur	5670	6	5443	227	95.99	7	4.00
10.	Kangra	10361	3	10146	215	97.92	4	2.08
11.	Chamba	1963	10	1900	63	96.79	5	3.21
12.	Solan	6606	4	6390	216	96.73	6	3.27
	Σ	69131		66615	2516	96.36		3.64
	x	5761		5551	229			
•	σ	4902		4730	273			
	r	0.99						

Source: Official Records of Himachal Pradesh State Consumer Disputes Redressal Commission.

As per table-C, it has been found that out of total filed cases (69131) the maximum number of cases filed with the District Commission of Shimla (14896) followed by Mandi (13661) and Kangra (10361) District Commissions and the disposal rate of Mandi, Kullu, Lahaul-Spiti, Kangra, Chamba and Solan has been recorded higher than the overall average disposal rate (96.36%). The results reveal that highest disposal rate against the filed cases has been recorded of Lahaul-Spiti (100%) followed by the District Commission of Mandi (99.51%). So, it can be concluded that as compare to other District Commission, the District Commission of Mandi and Kullu are performing better to resolve the complaints of consumers as they have the lowest pendency rate of the filed cases though the disposal rate of all the District Commissions is very high. In addition to this, the matter of grave concern is that average number of cases filed (5761) is more as compare to average number of settled cases (5551). However, correlation coefficient is significantly high between the cases filed and disposed-off.

7.4 Year-wise Performance of District Consumer Disputes Redressal Commissions of Himachal Pradesh: Year-wise

There has been a decline in the number of cases filed, disposed-off and pending with the District Level Consumer Disputes redressal commissions as per the following table:

TABLE D: YEAR-WISE PERFORMANCE OF DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSIONS OF HIMACHAL PRADESH AS ON DECEMBER, 31 2020

Years	Cases Filed	Cases Filed	Cases Disposed off	Cases Disposed off	Cases pending at	Cases Pending (%)	% of Dis-	% of
	in the year	(%) Growth	in the year	(%) Growth	the end	Growth	posal	Pending
2005	1868	-	1913	-	2866	-	102.40	153.43
2006	2105	12.69	1889	-1.25	3082	7.54	89.74	146.41
2007	2064	-1.95	2332	23.45	2814	-8.70	112.98	136.34
2008	2153	4.31	2290	-1.80	2677	-4.87	106.36	124.34
2009	2387	10.87	2253	-1.62	2811	5.00	94.39	117.76
2010	2229	-6.62	1956	-13.18	3084	9.71	87.75	138.36
2011	2298	3.10	1943	-0.66	3439	11.51	84.55	149.65
2012	2060	-10.36	2104	8.29	3395	-1.28	102.14	164.81
2013	2024	-1.75	2313	9.93	3106	-8.51	114.28	153.46
2014	1860	-8.10	1981	-14.35	2985	-3.90	106.50	160.48
2015	1613	-13.28	1718	-13.28	2880	-3.52	106.51	178.55
2016	1678	4.03	1882	9.55	2676	-7.08	112.16	159.48
2017	1546	-7.87	1592	-15.40	2630	-1.72	102.98	170.12
2018	1442	-6.73	1528	-4.02	2544	-3.27	105.96	176.42
2020	532	-63.11	378	-75.26	2516	-1.10	71.053	472.93
		-6.05		-6.3		-0.7		
r	0.91							

Source: Statistics of Himachal Pradesh State Consumer Disputes Redressal commission, https://hpconsumercommission.nic.in/.

The analysis of table-D reveals that maximum rate of growth has been recorded in 2006 and during the research period between 2005 to 2020, positive growth is recorded in the number of cases filed and pending with the District Level Commissions in five years indicating that the disposal rate has remained comparatively high thus efficiency in performance. Further, in the year 2005, 2007, 2008, 2012, 2013, 2014, 2015, 2016, 2017, and 2018, the disposal rate of cases has exceeded by hundred percent which means that the past pendency is also cleared by the Districts Commissions of Himachal Pradesh. It is a matter of grave concern that the number of pending cases is higher than the number of filed showing slow process of settlement of cases by the Districts level Commissions. It is analyzed that during the research period overall the cases filed, disposed-off and pending with these agencies have declined by 6.05 percent, 6.3 percent and 0.7 percent respectively.

8. FINDINGS

- The disposal rate of Himachal Pradesh State as well as Districts Commissions is higher than the disposal rate of all the States and District Commissions of India. Thus, the performance of Himachal Pradesh CDRAs is better as compare to all the Consumer Disputes Redressal Agencies of India as the rate of pendency is lower at Himachal Pradesh CDRCs.
- When compared, the Himachal Pradesh State Commission's performance is better than that of the Districts CDRCs of Himachal Pradesh.
- > The trends of the cases disposed-off and lying pending with the State CDRC indicate that consistency is not maintained by the Commission to dispose-off the cases filed causing inconsistent trends of pendency. Further, there has been decline in the cases filed whereas; there has been a growth in the cases disposed-off and pending with the Commission.
- > The District Commission of Mandi and Kullu are performing better to resolve the complaints of consumers as they have the lowest pendency rate of the filed cases though the disposal rate of all the District Commissions is very high. But the average number of settled cases (5551) is less than the average number of filed cases (5761).
- > It is a matter of grave concern that the number of pending cases is higher than the number of filed showing slow process of settlement of cases by the Districts CDRCs. Analysis shows that overall the cases filed, disposed-off and pending with these agencies have declined.

9. SUGGESTIONS

On the basis of observation and findings of the study, following suggestions can be made to improve the effectiveness of Consumer Disputes Redressal Agencies:

- > Districts Consumer Dispute Redressal Commissions have to review their working so that the pending cases be disposed at a fast rate to bring smoothness to give justice to consumers at the right time.
- > The correlation between the cases filed and disposed-off is highly positive which shows that the performance of the redressal agencies is good but the rate of disposal should be increased further to decrease the pendency of cases.
- > There is need to identify the reasons for delay in disposal of cases.
- > Consumer redressal agencies should be equipped with the sufficiency of experts, infrastructure facilities and services at the first priority so that the redressal of consumer cases be redressed and expedited.
- > Awareness programmes need to be organized to make consumer aware about their rights and to apply for redressal of their matters by the concerned agencies.

10. CONCLUSION

It is concluded that Consumer Redressal Agencies of Himachal Pradesh at State and Districts levels are performing efficiently for the redressal of consumer complaints as the rate of pendency is very low in the State. The working of Districts Commissions should be reviewed to speed up the disposal rate. Consumer must be aware about their rights as a consumer so that they can protect their rights in every possible way.

11. LIMITATIONS OF THE STUDY

The study is confined to evaluate the number performance of Consumer Disputes Redressal Commissions of Himachal Pradesh based on number of cases filed, disposed-off and pending. In order to evaluate the performance, 15 years data have been collected.

12. SCOPE FOR FURTHER RESEARCH

- > Performance evaluation by applying parametric and non-parametric test.
- > Consumer performance regarding the functioning of Consumer Disputes Redressal Bodies in Himachal Pradesh.
- > Comparatively performance evaluation between Himachal Pradesh and Other States.

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