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“An Analytical Study of the Role of the Consumer Forum in Protecting Consumer Interests in Sidhi District {M.P.}”

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ABSTRACT

Consumer protection is one of the most important aspects of modern governance and economic administration. This research paper critically examines the role played by the Consumer Forum in Sidhi District of Madhya Pradesh in safeguarding consumer interests. The paper discusses the legal framework under the Consumer Protection Act, 2019, the functioning of the District Consumer Forum, major challenges faced by consumers, and the effectiveness of consumer redressal mechanisms in semi-rural districts.

I. INTRODUCTION: -

Consumer rights in India have gained significant prominence in recent years, reflecting a growing awareness of consumer issues and the need for protection in an increasingly complex market. The foundation for these rights was laid with the Consumer Protection Act of 1986, but the landscape has evolved dramatically since then, especially with the introduction of the Consumer Protection Act, 2019. This updated legislation aims to address contemporary challenges faced by consumers in various sectors, including e-commerce and services.

At its core, consumer rights encompass the right to safety, the right to be informed, the right to choose, the right to be heard, and the right to seek redress. These rights are essential for ensuring that consumers can make informed decisions, receive fair treatment, and seek justice when wronged. As India continues to develop economically, the protection of consumer rights has become increasingly critical, not only to empower individuals but also to foster fair business practices and enhance overall market integrity. This introduction sets the stage for exploring the current state of consumer rights in India, including key legislative frameworks, recent developments, and their implications for consumers and businesses alike.

II. Objectives of the Study: -

The objectives of the present study are to examine the role of the Consumer Forum in Sidhi District, analyse the legal provisions relating to consumer protection, identify challenges faced by consumers, and suggest reforms for strengthening consumer justice mechanisms.

The Constitution of India incorporates the philosophy of consumerism in the provisions relating to Directive Principles of State Policies. In Articles 38, 39, 42, 43, 46 and 47 provides that the state shall strive to secure a social order for the promotion of welfare of the people; it shall direct its policies in such a way that operation of economic system does not result in the concentration of wealth and means of production to the common detriment, it shall make provision for securing just and humane conditions of work and for maternity relief; it should endeavour to build an economic organization or to make suitable legislation to ensure a decent standard of life to all the workers who constitute the bulk of the consumers.¹

It should promote educational and economic interests of schedule castes, scheduled tribes and other weaker sections and it shall also raise the level of nutrition and standard of living and improve public health. Article 46 of the Indian constitution provides that state shall endeavour to protect the economic interest of the weaker section of its population and also protect them from social injustice and all forms of exploitation which means all kinds of harassments and frauds in the market place. This also includes people should be entitled to unadulterated stuff injurious to public health and safety. This principle amply reflects the inclusion of the philosophy of the concept of consumerism in article 47 of the Indian Constitution.²

1. Consumer Protection Act, 2019

2. Government of India, Department of Consumer Affairs, "Consumer Rights Awareness."ⁱ

Research Methodology

The present study is doctrinal and analytical in nature. Secondary sources such as books, research articles, government reports, judicial decisions, and online legal resources have been used. The study also examines relevant case laws relating to consumer protection.

Consumer Rights in India

Consumers are entitled to several rights including the right to safety, right to information, right to choose, right to seek redressal, and right to consumer education. These rights aim to protect consumers from exploitation and ensure fair market practices.

Probably, with the expansion of electronic and digital world the “haves” of the future will be controlled by digital economies and “have notes”, will be those who are forced to stay offline. Future consumers will have to make sense of varied phenomena such as increasingly subliminal advertising, social networks, free-economy and technological as well as scientific advances, we will also witness the rise of ‘consumerism’ to counter citizen centric priorities; and the rise of brandocracies, over and above the current sway of bureaucracies. Increasingly the companies, brands and corporations will have to submit to rating according to their ethical, social and environmental credentials rather than their abilities to generate profits.

A radically different world from our own awaits future consumers, where they will require different tools and techniques to work, enjoy leisure time and find success and happiness. Therefore, a safe and healthy lifestyle can be provided for future consumers, by today’s consumers, policy makers and markets. Any serious plans for ‘greening’ the future require all stakeholders – holders to rebuild a sustainable relationship with environmental resources so that not only are the needs of the present met but also those of the future generations. It is becoming increasingly clear that ‘Green’ lifestyles must combine an access to traditional or cultural knowledge, an understanding of current issues, and use of science and technology. Besides which the core proposition of the product, service and experience these create will simultaneously have to protect the environment and benefit the consumer.

Consumer Protection Act, 2019

The Consumer Protection Act, 2019, introduced several key provisions aimed at strengthening consumer rights:

Section 2 (1) (d), Definition of Consumer:

This section defines a consumer as any person who buys goods or services for personal use and not for resale or commercial purposes. This broader definition ensures that more individuals are covered under consumer protection laws.

Section 3, Establishment of Consumer Protection Councils:

The Act mandates the formation of Central and State Consumer Protection Councils to promote consumer interests and advise on consumer-related matters.

Section 17, National Consumer Disputes Redressal Commission (NCDRC):

This section establishes the NCDRC as the apex consumer redressal body, responsible for handling complaints of significant value and addressing issues of national importance.

Section 41, E-commerce Regulations:

This provision introduces specific rules for e-commerce platforms, including requirements for transparent disclosure of product information, return policies, and a grievance redressal mechanism.

Section 47, Penalties and Compensation:

The Act stipulates higher penalties for unfair trade practices and provides for compensation to consumers for loss or damage caused by defective goods or deficient services.¹

Three tier consumer grievances machinery under the consumer protection act :-

Establishment of Consumer Disputes Redressal Agencies: -

- 1) National Consumer Disputes Redressal Commission - National Commission.
{Exceeding 1 Crore}
- 2) State Consumer Disputes Redressal Commissions - State Commission.
(Exceeds Rs. 20 Lakhs but does not exceed Rs. 1 Crore)
- 3) District Consumer Disputes Redressal Forums - District Forum.
(Not exceeding Rs. 20 Lakhs.)

District Consumer Disputes Redressal Forum is the lowest Forum in the first instance for redressal of Consumer Disputes.

III. Role of District Consumer Forum in Sidhi:-

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 lakh. The District Consumer Forum in Sidhi plays a crucial role in resolving disputes relating to defective goods, insurance claims, medical negligence, electricity billing, banking services, and mobile network issues. The Forum provides affordable justice and acts as an important institution for consumer welfare.²

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1. Acc. To the Sec. 3, 17, 41-E, 47 of the Consumer Protection Act, 2019
 2. According to the survey of the Sidhi district

The Consumers should form non-political and non-commercial consumer organizations which can be given representation in various committees formed by the Government and other bodies in matters relating to consumers.

Justice is a consumer product and must therefore meet the test of confidence, reliability and dependability like any other product if it is to survive market scrutiny. It exists for the citizenry 'at whose service only the system of justice must work'. Judicial responsibility, accountability and independence are in every sense inseparable. They are, and must be, embodied in the institution of the judiciary."

WHO CAN FILE A CONSUMER COMPLAINT:

A complaint can be filed in a District Forum by :-

- Consumer
- Any recognized consumer association
- One or more consumers where there are numerous consumers having the same interest.
- The central or state government.
- In case of death of a consumer, his legal heir or representative.

Limitation period for filling a complaint :-

- District forum or state commission or the national commission within 2 years from the date on which the cause of action arises. The forum/commission concerned can overlook the delay for recorded reason {section 24A}
- Appeals are required to be filed within 30 days from the date of receipt of the court's order.
- It may be noted that these time frames are not absolute limitations. If the Consumer Forum is satisfied that there was sufficient cause for not filing the complaint within the prescribed period, it can entertain a complaint beyond limitation time. However, the Forum must record the reasons for condensation of delay.

IV. Right's of Consumer :-

In India there is basically several right of consumer which distinguish and elaborate it with different aspect and principal that specifies the right of consumer and that are describe below: -

1. Right to Safety:-

This consumer right is defined as the 'right to be protected against marketing of goods and services which are hazardous to life and property. The purchased goods and services availed

should not only meet their immediate needs, but also fulfil long term interests. Specifically significant in areas such as healthcare, food processing and pharmaceuticals, this right spans across any domain that could have a serious impact on the consumers' health or well being such as Automobiles, Travel, Domestic Appliances, Housing etc. Violation of this right is almost always the cause of medical malpractice law suits in India. Every year, it is estimated that thousands, if not, millions of Indian citizens are killed or severely hurt by unscrupulous practices by hospitals, doctors, pharmacies and the automobile industry.

2. Right to Information:-

This consumer right is defined as the 'the right to be informed about the quality, quantity, potency, purity, standard and price of goods or services, as the case may be so as to protect the consumer against unfair trade practices. The key aspects are:

- The right to be given the facts needed to make an informed choice, to be protected against misleading advertising or labelling.
- The responsibility to search out and use available information.
- To read and follow labels and research before purchase.

Consumer should insist on getting all the information about the product or service before making a choice or a decision. This will enable him to act wisely and responsibly and also to desist from falling prey to high-pressure selling techniques. Without information on quality, quantity, potency, purity, standard and price of goods and services, consumers would not be able make the right decisions and protect themselves from abusive practices. Various interpretations of Article 19 (2) of fundamental rights clearly state that there should be a definite policy or uniform guidelines on the part of the state to help consumers make "informed choice".

3. Right to Choose:-

The Act defines this right as 'the right to be assured, wherever possible, to have access to a variety of goods and services at competitive prices. Competition, invariably, is the best regulator of a market place. Existence of oligopolies, cartels and monopolies are counterproductive to consumerism. In case of monopolies, it means right to be assured of satisfactory quality and service at a fair price. It also includes right to basic goods and services. This right can be better exercised in a competitive market where a variety of goods are available at competitive prices. The key elements of this right are:

- The right to choose products and services at competitive prices with an assurance of satisfactory quality.
- The responsibility to make informed and responsible choices.

In spite of a fair amount of legislation and other safeguards, the right to choice of the Indian consumer is far from realized. At the micro level, the individual is duped each and every day by dishonest traders, forced to buy items s/he does not require as part of tied- selling, and cheated by wrong weights and poor quality. Consumers in many parts of the country are deprived of supply of electricity, good roads, proper transport and other public services and utilities.

4. Right to be Heard:-

The right to be heard and to be assured that consumer's interests will receive due consideration at appropriate forums' is referred to as the right to be heard. This right is supposed to empower Indian consumers to fearlessly voice their complaints and concerns against products and companies to ensure their issues are handled efficiently and expeditiously. It also includes right to be represented in various forums formed to consider the consumer's welfare. The main aspects of the right are:

- The right to express consumer interests in the making of decisions.
- The responsibility to make opinions known.
- To join an association such as the Consumer Council to make their voice heard and to encourage others to participate.

Effective consumer representation ensures that the needs of all people are taken into consideration in policy formulation that directly affects their lives. By magnifying the voice of the individual, representation contributes to good governance and the achievement of social justice. It affords better and more durable decisions.

However, despite the existence of a number of administrative as well as organizational tools, the implementation of consumer's right to representation faces several drawbacks. The consumer movement in the country has not developed to the size and reach, which is required to serve the vast country and its huge population. Furthermore, a majority of consumer organizations are mostly confined to cities and urban areas. They are not being able to penetrate deep into society where the majority of poor, low income and disadvantaged consumers' However, to date the Government of India has not created a single outlet for the consumers to be heard or their opinions to be voiced.

5. Right to Seek Redressal:-

This right seeks to redress consumers against unfair trade practices or restrictive trade practices or unscrupulous exploitation. It also includes right to fair settlement of the genuine grievances of the consumer. The key aspects are:

- The right to be compensated for misrepresentation, shoddy goods or unsatisfactory services.
- The responsibility to fight for the quality that should be provided.
- To complaint effectively and refusing to accept shoddy workmanship.

The Indian Government has been slightly more successful with respect to this right. The Act has come as a panacea for consumers all over the country and has assumed the shape of practically the most important legislation enacted in the country during the last few years. It has become the vehicle for enabling people to secure speedy and in-expensive redressal of their grievances.

6. Right to Education:-

This right simply ensures that the consumers in India have access to informational programs and materials that would enable them to make better purchasing decisions. This right contains the provision to acquire knowledge and skills needed to make informed, confident choices about goods and services, while being aware of basic consumer rights and responsibilities and how to act on them. The main aspects are:

- The right to acquire the knowledge and skills necessary to be an informed consumer.
- The responsibility to take advantage of consumer opportunities. Take action by attending seminars and workshops.

Consumer awareness and education is meant to ensure that the consumers have easy access to the knowledge and skills to be an informed consumer. Thus, the right to consumer education envisages the right to knowledge and skills needed for taking actions to influence factors, which affect consumers decisions. Consumer education may mean both formal education through school and college curriculums and also consumer awareness campaigns run by both governmental and non-governmental agencies

7. Right to Basic Needs :-

All consumers have the right to basic goods and services such as adequate food, drinking water, shelter, clothing, health care, electricity and education. These rights lay a foundation to lead a life with dignity and, therefore, give a meaning to citizen's rights. The key aspects are as follows:

- The right to basic goods and services, which guarantee survival.
- The responsibility to use these goods and services appropriately.
- To take action to ensure that basic needs are available.

The following eight needs constitute the inalienable right to basic needs: food; clothing; healthcare; drinking water and sanitation; shelter; education; energy; and transportation. Basic needs are important for everyone's survival and access to a decent standard of life. This is more important for a country like India, which has a history of the systematic denial of access to basic needs and services to the majority of its people.

8. Right to a Healthy Environment :-

This right means the right to live and work in an environment, which is non-threatening to the well-being of present and future generations. The right contains the following elements:

- The right to live and work in an environment that is neither threatening nor dangerous and which permits a life of dignity and well-being.
- The responsibility to minimize environmental damage through careful choice and use of consumer goods and services.
- To reduce waste, reuse products and to recycle whenever possible.

The United Nations Guidelines contain governments, which in partnership with business and relevant organisations of civil society, should develop and implement strategies to promote sustainable consumption through a mix of policies that could include regulations; economic and social instruments; sectoral policies in such areas as land use, transport, energy and housing; information programmes to raise awareness of the impact of consumption patterns; removal of subsidies that promote

unsustainable patterns of consumption and production; and promotion of sector-specific environmental- management best practices ¹

As far as the issue of a healthy environment is concerned, Article 21 of the Indian Constitution requires the State, inter alia, to protect life, which is construed as including the right to a healthy and safe environment. A healthy and safe environment is inalienably linked with sustainability and promotion of sustainable consumption. Moreover, the Directive Principles of State Policy direct the state to endeavour to protect and improve the environment, forests and wild life. Consumer protection in India thus has dual dimensions. It first has to ensure availability and access to basic needs of life to one section of the society; on the other hand, those with the purchasing power need to be protected against violation of their other rights. The consumer policy should strive to cover and address the interests of both the have-nots and haves.²

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1. National Consumer Disputes Redressal Commission (NCDRC)
 2. State Consumer Disputes Redressal Commission, Madhya Pradesh, Official Records

CONSUMER PROTECTION COUNCILS:-

The interests of consumers are enforced through various authorities set up under the CPA. The CPA provides for the setting up of the Central Consumer Protection Council, the State Consumer Protection Council and the District Consumer Protection Council.

1) Central Consumer Protection Council

The Central Government has set up the Central Consumer Protection Council, which consists of the following members:

- {a} The Minister in charge of Consumer Affairs in the Central Government who is its chairman,
- {b} Other official and non-official members representing varied interests.

The Council meets as and when necessary but at least one meeting is held in a year.

2) State Consumer Protection Council:

The State Council consists of:

- {a} The Minister in charge of Consumer Affairs in the State Government who is its chairman,
- {b} Other official and non-official members representing varied interests.

The State Council meets as and when necessary but not less than two meetings must be held every year.

3) District Consumer Protection Council

The District Council consists of:

- (a) The Collector of the district who is its chairman, and
- (b) Other official and non-official members representing varied interests.

The State Council meets as and when necessary but not less than two meetings must be held every year.

REMEDIES AVAILABLE TO AGGRIEVED CONSUMER:-

- To Remove the defects
- Replacement of the goods
- Refund of the price paid
- Removal of defects or deficiencies in the services
- Award of compensation for the loss or injury suffered
- Discontinue and not to repeat unfair trade practice or restrictive trade practice
- To withdraw hazardous goods from being offered for sale
- To cease manufacture of hazardous goods and desist from offering services which are hazardous
- in nature
- If the loss or injury has been suffered by a large number of consumers who are not identifiable conveniently, to pay such sum (not less than 5% of the value of such defective goods or services provided) which shall be determined by the forum
- To issue corrective advertisement to neutralize the effect of misleading advertisement
- To provide adequate costs to parties.

V. Suggestions and Reforms: -

Consumer awareness programs, digital accessibility, strengthening infrastructure, legal literacy campaigns, and time-bound disposal of cases are essential for improving the efficiency of Consumer Forums in districts like Sidhi.

As the economy grew and e-commerce began to flourish in the 2000s, the limitations of the 1986 Act became apparent. Issues like online fraud, misleading advertisements, and inadequate product safety highlighted the need for a more robust legal framework.

1. The suggestions broadly relate to draft rules on e-Commerce, Mediation, Direct Selling, Qualification for appointment, method of recruitment, procedure of appointment, term of office, resignation and removal of the President and members of the State Commission and District Commission etc.
2. There is provision in the Consumer Protection Regulations 2005 for listing & disposal of cases filed by or against senior citizens, physically challenged, widows & persons suffering from serious ailments on priority basis.
3. Persons who may file complaints & represent person before consumer Fora: Held Authorized agents who are non-lawyers can represent, appear and argue cases filed

under the Consumer Protection Act before consumer district forums. Further held that the Act of 1986 is a special piece of legislation for the better protection of the interests of consumers. Before concluding, the apex court considered American, English and Australian laws that permitted similar non-legal representation in certain areas before quasi-judicial bodies or subordinate courts.¹

4. Directions issued to State and Central Government

1. C. Venkatachalam v/s Ajitkumar C. Shah and others (2011) 9 SCC 707

Conclusion:-

The Consumer Forum in Sidhi District has significantly contributed toward protecting consumer interests and promoting consumer awareness. However, infrastructural deficiencies, lack of legal literacy, and procedural delays continue to affect its effectiveness. Strengthening the institutional framework and improving awareness can further empower consumers.

Any person aggrieved by an order made by the District Forum may prefer an appeal to the State Commission in the prescribed form and manner. Similarly, any person aggrieved by any original order of the State Commission may prefer an appeal to the National Commission in the prescribed form and manner. Any person aggrieved by any original order of the National Commission may prefer an appeal to the Supreme Court.

All such appeals are to be made within 30 days from the date of the order provided that the concerned Appellate authority may entertain an appeal after the said period of thirty days if it is satisfied that there was sufficient cause for not filling it within that period. The period of 30 days is to be computed from the date of receipt of the order by the appellant.

Hon'ble Supreme Court ruled that a high court cannot entertain a writ petition against the orders of the consumer fora for which the law prescribes a statutory channel of appeal. The Court observed that a proper channel for appeals is prescribed under the Consumer Protection Act. When the legislature provides a statutory mechanism for appeals to a higher court or tribunal, it would not be proper to permit the parties to bypass such statutory remedy provided by law and instead approach the High Court in its writ jurisdiction under Article 226 of the Constitution of India.¹

Accordingly, it directed the high courts to exercise caution while entertain writ petitions. It further directed that this order should be circulated to all the high courts and brought to the notice of all the HC judges.

This ruling will save consumers the harassment of needlessly being dragged by the opponent to the HC to frustrate and tire them out.

1. Cicily Kallarackal V/S Vehicle Factory (2012) 8 SCC 524

The Apex Court has taken the view that wherein unauthorized medical treatment is administered, same is unfair trade practice and administering allopathic medicine by person who is qualified in Ayurvedic medicine cannot be approved of. Thus held by the Apex Court:

The child & mother suffered physical & mental injury due to misrepresentation made by respondent.

Further held that it was not proper for National Commission to divert 50% compensation of Rs 5 lakhs awarded by it, to consumer Legal Aid Account. Punitive/exemplary damages, Deceptive practice by making false statement. Thus, the Apex Court enhanced the compensation amount from Rs.5 lacs to Rs. 15 lacs. In the light of the judgement mention below: -

BHANWAR KANWAR V/S R.K.GUPTA & ANOTHER (2013) 4 SCC 252

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- C. Venkatachalam V/S Ajitkumar C. Shah and others (2011) 9 SCC 707
- Cicily Kallarackal V/S Vehicle Factory (2012) 8 SCC 524
- Bhanwar Kanwara V/S R.K.Gupta & Another (2013) 4 SCC 252