Research Article

Defragmentation of Consumer Cases related to Banking Sector of Indian Legal Domain using Expert System

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ABSTRACT

According to the constitution of India justice is an important part in which a consumer justice and protection is one subpart. There are number of legislations were passed by the Indian Parliament but they fail to protect the interest of small consumers. In the Consumer Protection Act, 1986 was passed, to protect the interest of the consumers. The objective of this research paper is to develop knowledge database for determining jurisdiction type of consumer cases as per as Indian law as well as to generate next level knowledge database to determine the type of services opted or item purchased by the consumer which will help in further solving of consumer cases.

Key words: Consumer Case, Consumer Protection Act, Indian Legal Domain, Knowledge Based System, Rule Based System
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INTRODUCTION

The contemporary era is marked as the era of consumers. No country can knowingly or unknowingly disregard the interest of the consumers. This can be argued on the basis of fast enactment of consumer protection laws in almost all part of the world. Apart from the consumer protection laws in developed world, we could find the accelerated rate of lawmaking for consumers in developing countries like Thailand, Sri Lanka, Korea, Mongolia, Philippines, Mauritius, China, Taiwan, Nepal, Indonesia, Malaysia and other countries. India is not an exception to this rule. The Consumer Protection Act, 1986, is one of the examples that is to be treated as a milestone in the history of socio-economic legislation to protect the interests of the consumers in India. The main objective of the Consumer Protection Act is to ensure the better protection of consumers. Unlike existing laws which are punitive or preventive in nature, the provisions of this Act are compensatory in nature. The Act is also intended to provide simple, speedy and inexpensive redressal to the consumers' grievances, and relief of a specific nature and award of compensation wherever appropriate to the consumer. The act has been amended in 1993 both to extend its coverage and scope and to enhance the powers of the redressal machinery.

JURISDICTIONS OF CONSUMER CASES

Jurisdiction of consumer cases came under the following -

Jurisdiction of District Forum
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.
Jurisdiction of state commission
Subject to the other provisions of this Act, the State Commission shall have jurisdiction to entertain
i) Complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees twenty lakhs but does not exceed rupees one crore (R10 million); and
ii) Appeals against the orders of any District Forum within the State

Jurisdiction of National Commission

Subject to the other provisions of this Act, the National Commission shall have jurisdiction -

i) Complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees ten million and

ii) Appeals against the orders of any State Commission

METHODOLOGY USED FOR THE DEVELOPMENT OF KNOWLEDGE DATABASE

Here Knowledge database will develop with the help of certain rules as per as law discussed above -Jurisdiction Type Knowledge Database

Following are the rules designed for determining where the Consumer Cases will proceeds:-

i) Is the value of the goods or services and the compensation, if any, claimed is less than or equal to 20 lakhs?

ii) Is the value of the goods or services and compensation, if any, claimed is greater than 20 lakhs but less than or equal to 1 crore?

iii) Does the appeal is against the orders of any District Forum within the State?

iv) Is the value of the goods or services and compensation, if any, claimed is greater than 1 crore?

If the answer of Rule-1 is YES than the District Forum shall have jurisdiction, if the answer of Rule-2 or Rule-3 is YES than the State Commission shall have jurisdiction and if the answer of Rule-4 or rule-5 is YES than the National Commission shall have jurisdiction.
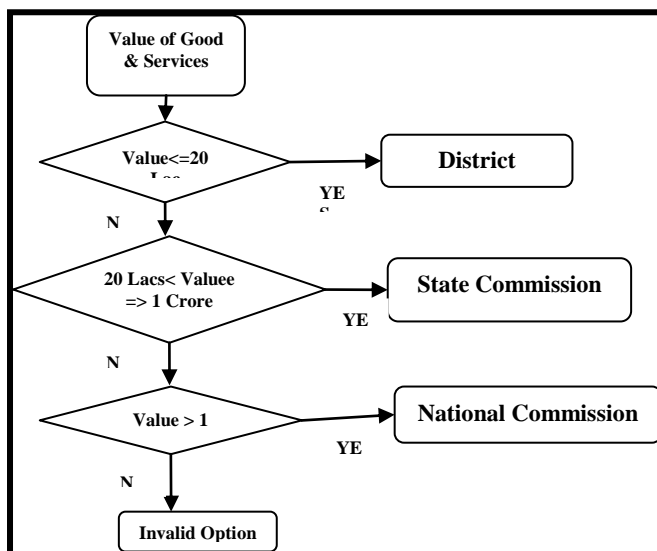

Fig. 1 Flow of Jurisdiction in Consumer Cases

Service Type Knowledge Database

In this database we will design the set of rules which will determine the type of consumer services

a) Is the complaint related to items?
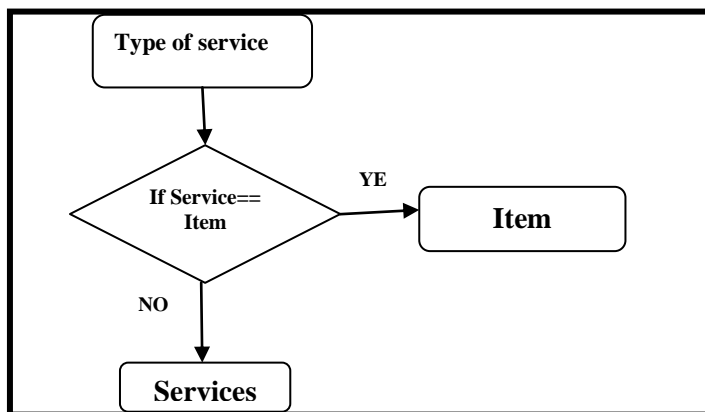
b) Is the complaint related to services?

Fig. 2 Flow of Service Type in Consumer Case

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If the answer of Rule-a) is YES than it can be further classified into types of item purchased according to the following rules -

i) Is complaint related to housing?

ii) Is complaint related to electronics?

iii) Is complaint related to automobiles?

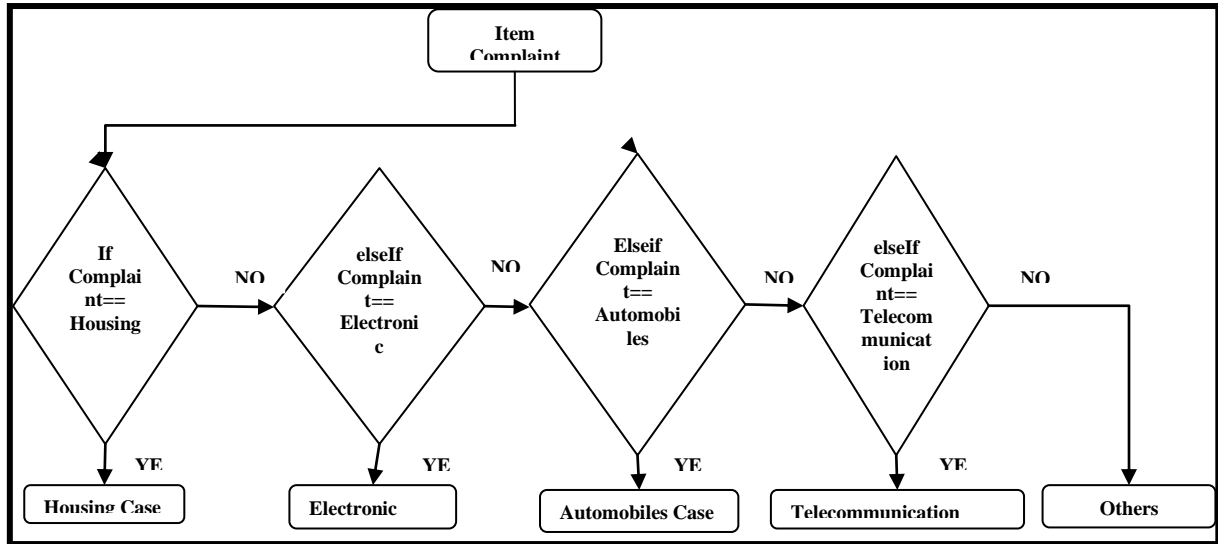iv) Is complaint related to telecommunications?

Fig. 3 Flow of Item Type Complaint in Consumer Cases

If the answer of Rule-b) is YES than it can be further classified into types of services opted according to the following rules -

i) Is complaint related to banking?

ii) Is complaint related to educational issues?

iii) Is complaint related to postal issues?

iv) Is complaint related to medical issues?

v) Is complaint related to railway issues?

vi) Is complaint related to transportation?
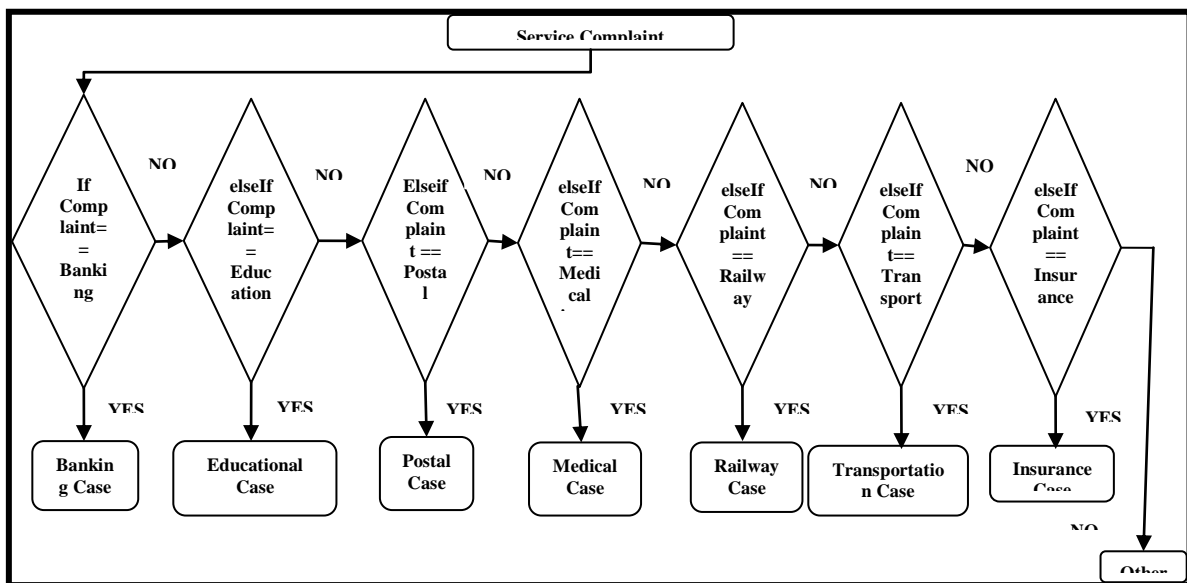
vii) Is complaint related to insurance?

Fig. 4 Flow of Item Type Complaint in Consumer Cases

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Defragmentation of Consumer Cases Related to Banking Services
Cases related to banking services can be defragmented accordingly
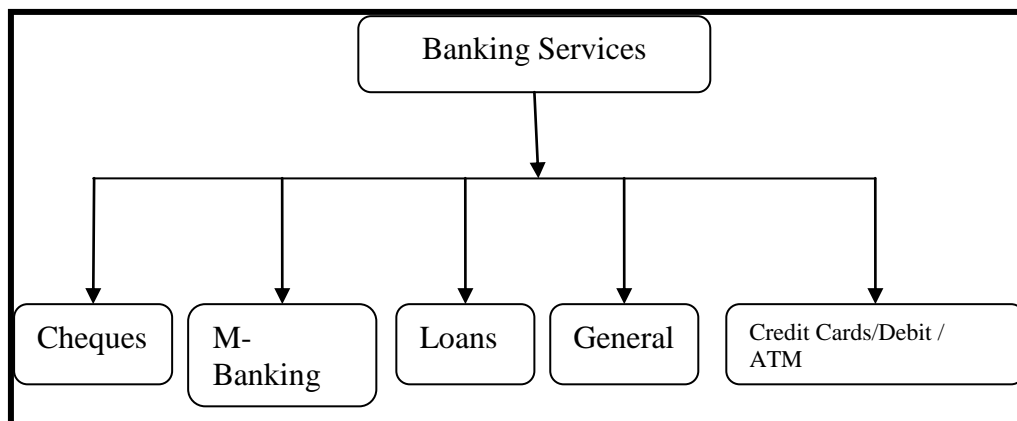

Fig. 5 Types of Banking Related Consumer Cases

Knowledge Database for Banking Cases
In this database we will design the set of rules which will determine the type of issues related to banking services.
a) Is the case is related to Cheque issues?

b) Is the case is related to M-Banking Issues?

c) Is the case is related to Loan Issues?

d) Is the case is related to General Issues?

e) Is the case is related to Credit Cards/Debit Cards/ ATM?

f) Others

If the answer of Rule-a) is YES than it can be further classified into different types of issues related to Cheque according to the following rules -
i) Non credit of cheque collected.

ii) Cheque misplaced.

iii) Cheques bounce for fault of the bank.

iv) Cheque missing from drop box.

v) Others

If the answer of Rule-b) is YES than it can be further classified into different types of issues related to loan according to the following rules -
i) No connection despite new PIN being issued.

ii) Poor quality service.

iii) Change in mobile number not updated.\

iv) Payment done through M-Banking debited twice\

v) Payment done for mobile recharge but no credit in the prepaid service.

vi) Incompatible with lower version mobile.

vii) Others

If the answer of Rule-c) is YES than it can be further classified into different types of issues related to loan according to the following rules -
i) Non –issuance of proper receipt on loan payment

ii) Non observances of RBI Directives on interest rates

iii) Non acceptance of application for loans without furnishing valid reason to the applicant

iv) Non adherence to the provision of fair practices code for lenders as adopted by the bank.

v) Non observance of RBI guidelines on engagement of recovery agents by bankers.

vi) Non observance of any other direction or instruction of the RBI as may be specified by the RBI for this purpose from time to time.

vii) Others

If the answer of Rule-d) is YES than it can be further classified into different types of issues related to loan according to the following rules -
i) Payment of lower interest rate on a fixed deposit.

ii) Interest paid on excess amount deposited in violation on PPF.

iii) Cash wrongly debited but not credited back by the bank.

iv) Non payment of pension fund.

v) Fraudulent transfer of money from the account.

vi) Others

If the answer of Rule-e) is YES than it can be further classified into different types of issues related to loan according to the following rules -

i) Credit card statement not being delivered.

ii) ATM/Credit Card /Debit Card lost.

iii) Unsolicited cards being issued.

iv) Unsolicited loans with credit cards facilities being offered.

v) Endless marketing calls from banks after reaching a threshold limit for availing various types of loans.

vi) Default informing credits information Bureau before following the due procedure for credit card repayment.

vii) Card issuing bank unilaterally upgrading the account for the holder

viii) ATM not dispensing the money but debiting the amount.

ix) Pre closure charges at the time of pre-closure of credit facilities.

x) No use of ATM card but service charge of 3500/- deducted

xi) Lower amount dispensed from the ATM.

xii) Others

CONCLUSION

On the basis of the decision obtained from Knowledge Database (KDB), we will conclude the jurisdiction type of the consumer cases after that from the next level of the KDB we will find out the service type of the consumer cases on the basis of set of questions asked from the user where user can be lawyer or common man who want to know about the proceedings of his case. The result thus obtained will help in making decision about the jurisdiction type and service type of cases for developing knowledge based expert system for Consumer Protection Act. The set of rules generated in KDB can be increased or decreased depending upon the real world problem. The paper helps general public to understand the legal cases related to banking sector and does not try to replace judges and advocates but can help these professionals to decide the problems.

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