

## Nepal's Consumer Court: Evolving Jurisprudence, Past Lessons and Future Directions

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### Abstract

*This paper examines the establishment, structure, and evolving jurisprudence of Nepal's Consumer Court system, inaugurated in 2025 following the Supreme Court's directive and provisions of the Consumer Protection Act, 2075 B.S. The research analyses the court's legal foundation, jurisdictional authority, and operational framework within Nepal's judicial landscape, where it functions on par with District Courts while addressing specialized consumer disputes. The study explores international consumer protection models from India, the United States, South Africa, and China to contextualize Nepal's approach and identify potential directions for improvement. Key case laws from Nepal and abroad are evaluated to understand emerging judicial interpretations of consumer rights. The paper concludes by assessing three critical dimensions of consumer justice: accessibility of legal remedies, protection of vulnerable consumers, and safeguarding economic interests, while emphasizing the importance of ethical business practices and good faith doctrine in commercial transactions. This analysis provides valuable insights into the challenges and opportunities for Nepal's newly established Consumer Court to effectively address consumer grievances and foster fair marketplace practices in an increasingly complex economic environment.*

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## **Introduction**

Consumer Court is the specialized judicial body to achieve the fair, safe, and transparent trading in the market between the consumers and other business individual concerning the commodities and services whereby the Consumer Protection Act, 2075 section 2(d) defines the consumer as a person or an institution that consumes or uses any goods or services. In addition, United Nation Guidelines on Consumer protection (UNGCP) number II (3) defines the term “consumer” generally refers to a natural person, regardless of nationality, acting primarily for personal, family or household purposes, while recognizing that Member States may adopt differing definitions to address specific domestic needs. A consumer requires the protection against the malice producer, manufacturer, wholesaler, retailer and supplier.

Therefore, a consumer Court ensures the appropriate legal remedy in regards to the problem of defective products, unfair trade practices with a violation of consumer rights to use any goods and services having right to choose the qualitative goods and services at the competitive practise (Business 360°, 2020). There lies the meaningful and effective role of the consumer court to consider the cases of complaints from consumers regarding the defective products, misleading advertisements, overcharging, substandard products and so forth having a transactional relationship between a consumer and a business individual. The ultimate goal of consumer court is therefore to assure the fair-trade practise (Nandedkar, 2023).

The Movement for the Consumer rights reached the peak after the Second World War. Then US President John F Kennedy declared four rights i.e. the right to safety, right to be informed, the right to choose and the right to be heard (Khadka, 2017). Whereby the right to safety reads for the right to be protected against products and services that are hazardous to the health of Consumer at large. Right to be informed is essential for protecting consumers from fraudulent, deceitful or grossly misleading information, advertising, labelling or other practises. Similarly, the right to choose means that the consumers have the freedom to select from a range of products and services offered by different providers in the market. Additionally, right to be heard enshrines the consumers to have right to express about their opinions and concerns about the products and services they apply (Kennedy, 2023). These are the basic policy development by various international organizations, including the European Union, the Organisation for Economic Co-operation and Development (OECD) and the United Nations. In context of Nepal, the consumer rights evolved with the political changes in 2046 BS (1990) which took the broader of laws as Consumer Protection Act, 2054 BS (1998) and the regulation in 2055 BS (1999) thereafter. However, many manufacturers do not equip the products within the ambit of Consumer Rights accountability.

In context of Nepal, with the mandate of the Consumer Protection Act, 2075 BS (2018), Government requires to establish a Consumer Court. According to which Nepal established its first consumer court, a specialized court dealing with consumer complaints and grievances upon the order of Supreme Court on 8 Falgun, 2078 BS (20<sup>th</sup> February 2022). The Forum for Protection of Consumer Rights Nepal took a case to the Court whereby a division bench of justices Bam Kumar Shrestha and Nahakul Subedi issued the order to the Government for the establishment of consumer courts in all provinces for protecting buyers' interest amid repeated cases of unfair market practices (Prasain, 2024). However, the Ministry made a decision to commence with consumer courts in each district gradually after its navigation in Kathmandu. The Consumer Court is set up on the premises of the Department of cottage and Small Scale Industries, Tripureshwor.

The Consumer survey, Department of Supplies Management, 2011 shows that 53.37 percent of Nepali Consumers were dissatisfied with the Government's approach for ensuring the consumer rights. This leads to majority voice to the government for establishment of Consumer courts (Nepal Sansar, 2025). Access and availability of dispute resolution and redress mechanisms with a development of fair, effective, transparent and impartial mechanism through administrative, judicial and alternative dispute resolution are a basic need of consumers, as recognised by the United Nations Guidelines for Consumer Protection. The Guidelines aims to assist the countries to formulate laws, regulation concerning the protection of consumer rights and set the standards for the formulation of related laws with due international cooperation. In accordance to which, it is believed that a Consumer Court facilitates the complex court cases, proceedings making the filing easier with minimal hassles and administrative complexities. Therefore, it is termed as a specialized court which primarily reads for the consumer-related disputes, conflicts and grievances. The consumer court is expected to have a meaningful control of food adulteration, artificial shortages, artificial price-hike and price manipulation, fake products and transaction. For an instance, with specific reference to Section 12, 14, 16,17,20,21 and 50 which can be summarized as it establishes a comprehensive safeguard against unfair business practices and protects consumer rights through several key mechanisms. It controls market manipulation by limiting profits to prescribed rates and banning coordinated efforts to artificially affect supply, demand, or pricing. Sellers and service providers must operate without discrimination on a first-come-first-served basis, display clear price lists, maintain quality standards, provide proper documentation, and honour warranties. The Act mandates transparent pricing through displayed price lists showing factory, wholesale, and retail prices, establishes government authority to create price information centres, and sets standards for reasonable profit margins based on production costs. In addition, consumers can seek compensation within six months for harm

caused by defective goods or services, with claims possible by individuals, consumer associations, or heirs of affected parties.

### **Methodology**

This study applies a doctrinal legal research methodology to review the institutional design, and legal framework of Consumer Courts in Nepal. The research method focuses on the assessment and application of primary legal sources, including statutory provisions such as the Consumer Protection Act, 2075, constitutional mandates (The Constitution of Nepal, 2015, Article 44 and 51(d)(7)), and relevant case references and government documents, such as notices in the Nepal Gazette. In addition, secondary sources such as scholarly articles, media reports (e.g., *My Republica*, *Food Safety Watchdog*), and statistical data published by the Department of Food Technology and Quality Control have been reviewed and analysed.

### **The Legal Authority: Consumer Courts on Par with District Courts**

The Consumer Court is established with a significant judicial power with jurisdictional authority equivalence to District Court to effectively resolve the consumer disputes and provide timely redressal to the aggrieved. An Appeal from the Consumer Court shall be made to the concerned High Court within thirty days against the decision made by the court (Consumer Protection Act 2075, Section 45). In addition, the Government of Nepal may dissolve the court at any time, however, the cases, complaints or petitions remained pending at the time dissolution after being filed in such court shall be ipso facto transferred to the concerned District Court having a territorial Jurisdiction (Consumer Protection Act, 2075, Section 47). By having this specialized courts on equivalency with district court, the Nepalese legal system acknowledges the importance of consumer protection in the broader judicial landscape.

#### **Dissolution or the Termination of Consumer Court:**

The consumer protection Act, (2075, Section 47), Government of Nepal may dissolve the Consumer Court at any time by notifying in the Nepal Gazette. If it gets dissolve, the pending cases at the time shall be transfer to District Court automatically having territorial jurisdiction, ensuring continuity of Justice and avoidance of procedural void.

#### **Purpose and Impact of the Consumer Court**

In context of Nepal, the major challenges to ensure the consumer rights is the concerned authority failure to educate the mass consumers about their rights (Khadka, 2017) leading to severe damage to the products and business transaction. Therefore, Nepal lacks consumer rights education which need the redressal for awareness programs strongly in a meaningful manner.

The Consumer Protection Act, 2018 reads for the consumers' rights to safe, fair and quality goods and services. The consumer court try to execute the same spirit in implementation.

Last Fiscal Year 2080/81, the Department of Food Technology and Quality filed approximately about 178 cases in total to the District Administration Office concerning the processed drinking water, sweets and confectionary, food and lentils, oil and ghee, milk and dairy products whereby the Department seized the goods that costs Rs. 11.64 million of amount (The Kathmandu Post, 2023) The department filed a case against Dugar Spices and Food Products, Budiganga, in Morang District Court for producing low-quality spices, and against Bhat-Bhateni Food Products, Kathmandu, in Kathmandu District Court for producing low-quality lentils (Prasain, 2024). The department filed a case against Dabur Nepal, Bara, in Kathmandu District Court for producing adulterated honey and against CG Oil and Derivatives, Birgunj, in Makwanpur District Court for producing low-quality edible oil (Prasain, 2024).

Likewise, a case was lodged against Varun Beverage, Ramgram, in Nawalparasi District Court for adulterated drink. The District Court, Kaski, filed a case against Pokhara Noodles for selling low-quality noodles. CG Foods, Devchuli, was also dragged into Nawalpur District Court for low-quality ready-made noodles (Prasain, 2024).

In these context Consumer Court plays the special role with regards to consumer related disputes, conflicts and grievances as aspired judicial bodies within a fast-track system ensuring the speedy justice. The court will be liable to give its verdict on cases related to compensation, offenses defined by the Consumer Protection Act, and government-specific issues related to consumer protection (My Republica, 2025). Having this obligation fulfilled by the Government of Nepal plays the significant role to foster a consumer-centric environment uprooting the consumer exploitation. The establishment of Consumer court will reduce this burden to the District Court and District Administration body-a quasi-judicial body with a specialized body for hearing with expertise and quality assessment. Therefore, this will ensure the efficient, faceless, paperless and right to compensation to the victims on time with due execution of social justice.

The establishment of Consumer Court gives a meaningful practise of Consumerism. Whereby Consumerism is the social movement that seeks to safeguard and strengthen the rights of the consumers in relation to the producer or supplier of goods and services (Reddy, 2002). Consumerism can be effectively promoted and implemented via right to information, right to protection, and right to redressal of grievances having an objective to protect the consumer rights and interest promoting their welfare. The term "consumerism" refers to the efforts taken by governments, businesses, consumers and their representatives and other organized organizations to safeguard the rights and interests of consumers. It began in the United States of

America as a social movement, then, it propagated across various regions of globe (Bello et al., 2016; Hima, 2016; Donoghue et al., 2015). Therefore, the broader perspectives of consumerism read for the awareness of consumer rights.

Consumerism is therefore the public demand for shaping the marketing practices to make them more informative, more responsive, more scientific, more truthful, and efficient and also for a concern with the quality of life. Hence, it ensures a vital aspect of socially responsible marketing.

### **Governing Laws: National laws and International Standards**

The protection of consumer rights is a constituted national mandate defining the consumer rights to quality products and services as a fundamental right of the people and its protection respectively (The Constitution of Nepal, 2015, Art. 44 and 51(d)(7)).

On 16<sup>th</sup> April, 1985, the General Assembly in resolution 39/248 first adopted the United Nations Guidelines for Consumer Protection i.e. UNGCP followed by its broader form by the Economic and Social Council on 26<sup>th</sup> July 1999 with resolution 1999/7 (UNGC,1985). Subsequently, the guidelines are promoted by the United Nations Conference on Trade and Development calling the member states to raise awareness of various means which the businesses, civil society organizations and the member states can use to advance the consumer protection concerning their quality rights in the private and public goods, services and products. The fundamental objective behind this framework was to lead the Governments for explaining and fortifying the consumer protection legislation and policies Acknowledging that consumers should be able to acquire non-hazardous; products and that they should also be able to support fair, egalitarian, and sustainable economic growth as well as the preservation of the environment and social development . This Guideline have the following objectives (UNGCP part I Objectives):

- a. To promote sustainable consumption;
- b. To advance cooperation internationally, in the area of consumer protection;
- c. To promote highly ethical behaviour among those responsible for creating and delivering services and goods to consumers;
- d. To aid nations in putting an end to unfair business practices by all organizations at the national and international levels that harm consumers;
- e. To promote the formation of autonomous consumer groupings;
- f. To enable manufacturing and distribution methods that are in line with consumer demands and preferences;
- g. To promote the creation of market circumstances that give customers more choice at a reduced price;

- h. To aid nations in establishing or maintaining effective consumer protection for their citizens.

**Constitution and composition of Consumer Court** (The Consumer Protection Act, 2075 B.S., Section 41-46)

Consumer Protection Act (2075, Section 41) empowers the Government of Nepal to compose a Consumer Court through announcement in Nepal Gazette, as deemed essential. The courts are established to settle all cases related to consumer except the matter mention in section 40(1) of the same act. The Act reads for the tripartite composition of the court that encompasses both the judicial and administrative expertise. The Court comprises of:

- I) District Judge – Concerned respective District, designated by the government, serving as the Chairperson
- II) Gazetted Second- Class Officer – representative from Nepal Judicial Service, also designated by the government, serving as a member
- III) Gazetted Second-Class Officer – From Government of Nepal, designated as Member

In addition, the chairperson and the member's designation must be notified in Nepal Gazette. Furthermore, such appointments require consultation with the judicial council for District Judge and Judicial Service Commission for the judicial Service office, ensuring procedural oversight and institutional legitimacy.

Consumer Protection Act (2075, Section 42) describes the jurisdiction and internal decision-making process of the consumer court. Jurisdiction has to be collectively exercised by all the members as elected according to Section 41 with specific provisions for quorum and procedural conducts:

- Procedural matter may be concocted with presence of a single member.
- Matters involving detention must require at least two members
- In instances of divergent opinion, the chairperson opinion prevails in procedural matter if present. For final decision, the case must be aligned with the chairperson's opinion or if absent then the senior Member decision shall prevail. If the matter cannot be solved then the matter should be sent to concern High Court, whose decision shall be binding.

To preserve the dignity and authority of Consumer Court of the Consumer Protection Act (2075, Section 43) confers power to initiate proceedings for contempt of Court. If found proof, Court may impose a fine not exceeding ten Thousand, Imprisonment up to one year, or may be both. But if the offender asks for apology and court found it satisfactory then court, may excuse or reduce the sentence.

The Consumer Protection Act (2075, Section 44) reads that Consumer Court or the Director General of the Department may compel any person, office or institution to produce relevant documents or necessary evidence for settlement. Non-Compliance may result in fines not exceeding One thousand per instance, unless justified reason is submitted and accepted within given time.

The Consumer Protection Act (2075, Section 45) reads for the Appellate Jurisdiction that aggrieved parties may appeal to concerned High Court within thirty days after the decision of Consumer Court.

As per Consumer Protection Act (2075, Section 46) reads for the execution of decisions. If it is specified in the decision or order that the decision or order is to be executed by any particular agency or official, the same agency or official shall execute the decision or final order made by the court and if it is not specified as such, it shall be executed by the concerned District Court.

### **State Practise and International Standard**

Consumer Court has been subject to distinct approaches by distinct nation reflecting their legal traditions, economic development and social priorities. The varying model demonstrates the different between judicial specialization, accessibility, enforcement powers and remedies available to the consumers. The practises can be enlisted as:

#### **India**

In India, there is a commission which is named as National Consumer Disputes Redressal Commission (NCDRC), whereby it is a quasi-judicial body established in 1988 under the provisions of the Consumer Protection Act, 1989. Now it's been replaced by the consumer protection Act, 2019. Its main function is to solve the highest-level consumer dispute redressal body in India, which head quarter is located in New Delhi (NCDRC, 2025).

The system is structured in three tiers as per the Consumer Protection Act, 2019

- a) District Consumer Disputes Redressal Forum (DCDRF) (Consumer Protection Act, 2019, Section 28) – This forum deals with the complaints where the values of goods or services and compensation claimed does not exceed the prescribed monetary entrance for district level.
- b) State Consumer Dispute Redressal Forum (SCDRF) (Consumer protection Act 2019, Section 42)- In this forum appeals from the District Consumer Disputes Redressal Forum and original complaints within its financial jurisdiction.



- c) National Consumer Dispute Redressal Commission (NCDRC) (Consumer protection Act, 2019, Section 42)-This is the supreme body, it adjudicates appeals against State commission decision and complaints exceeding high-value monetary limits.

The above hierarchical model ensures accessible justice, speedy trial and accountability in matter concerning consumer protection.

### **United States of America (USA)**

In America the Federal Trade Commission (FTC) (Cornell Law School. 2025) have a jurisdiction over the Consumer Dispute Resolution. It is a primary federal agency whose main responsibility is to protect consumer rights in America. It addresses the cases of Consumer dispute involving unfair, deceptive, or fraudulent practices in Business. FTC is established under (Federal Trade Commission Act, 1914), codified at 15 U.S. code § 41–58. The main function of the FTC is to investigate consumer complaints, to take enforcement against business violating consumer rights, promotes fair competition and prevents fraud; provide education and resources to consumers.

Also, the FTC doesn't adjudicate individuals dispute, it uses complaints to take collective enforcement actions and refer individuals to alternative dispute resolution mechanisms or other mechanisms.

### **South Africa**

In South Africa for the protection of Consumer right here is the establishment of National Consumer Commission (Consumer Protection Act, 2008, Section 85).It is established as an organ of state within the public administration, but as an institution outside the public service. In law it is a juristic and must exercise the function assigned to it in terms of this act or other law, or by the minister, in:

- a) The most cost-efficient and effective manner, and
- b) In accordance with the values and principles mentioned in the constitution.

### **People's Republic of China**

In China the Law Protection of the Rights and Interests of Consumers, protects the consumer rights. Here in (People's Republic of China Law on Protection of the Rights and Interests of Consumers, 2013, section 36) talks about the consumer organization which recognizes consumer association and other consumer organizations as legally established social entities to safeguard the lawful rights and interest of consumer. This institution/organization is established to conduct social supervision over goods and services in the market.

Under section 37 of same act it talks about the function of consumer associations, which includes

- a) Providing consumers with information and conclusion services
- b) Enhancing their awareness and ability to protect their rights
- c) Promoting civilized, environmentally friendly consumption practices.

The mentioned association may engage in inspection and supervision of goods and service in cooperation with relevant administrative departments. Such association are authorized to present matters concerning consumer rights to competent authorities. They may accept consumer complaints, mediate dispute and where necessary, appoint qualified experts to assess the quality of goods or service.

Moreover, Section 37 mentions that other lawfully established consumer organization are expected to comply with the applicable laws and regulation in promoting the protection of consumer rights.

### **Case Laws**

- I) Raghunandan Maru Vs. Nepal Electricity Authority, Central Office Durbarmarg, Kathmandu, 2076 Consumers should know the price and quantity of the goods they consume at the time of consumption. It would be neither just nor lawful to create additional liabilities and increase charges retroactively for goods already consumed by consumers. Therefore, electricity tariffs determined by the authorized commission cannot be collected with retroactive effect.
- II) Corporate Counselling and Legal Research Centre advocate Bharat Kumar Lakai vs. Nepal Government, Kathmandu 2072,

The present era is an era of modern communication, and it is not only time-consuming but also cumbersome for consumers to personally visit relevant offices to submit required information. Consequently, whenever possible, most government, non-government organizations, and institutions have adopted online services, committing to the campaign of creating paperless offices. This process not only enables consumers to obtain services easily, conveniently, and expeditiously without hassle, but it has also been demonstrated to save millions and billions of rupees in paper expenses in many offices where online services are implemented. Even in the respondent's written response, it is mentioned that adhering to old methods would make it difficult to correspond with domestic and foreign companies and institutions. It seems inappropriate in the current context for the petitioners, who are 21st century young legal

professionals, to file this petition seeking to halt such practices when they should instead be encouraging their clients regarding online processes and services.

**III) National Insurance Company Ltd. Vs. Hindustan Safety Glass Works Ltd. 1990**

In above mention case the insurance company refused to compensate the damage due to heavy rain during the mention time period. The insurance company denied to insured on basis that of policy is national insurance would not be liable for any loss or damage 12 month after the act of loss or damage. The insured filed a complaint to National Commission under provisions of Consumer Protection Act, 1986.

The judgement given by the National Commission is claim made by the insured is actionable. Additionally, the goods were insured at the time of incident and he claim next day. Thus, the commission rejected all the contentions urged by National Insurance and ordered to award an amount of rs. 21, 05,803.89 with interest at 9% per annum.

**IV) Manjeet Singh vs. National Insurance Company Ltd., 2010**

In his case, appellant had purchased a second-hand truck under a hire purchase agreement. Vehicle was insured by respondent insurance company. One day when the truck was going a passenger asked to stop the truck's driver give him a lift. When driver stopped the truck, the passenger brutally assaulted the driver and fled with the vehicle. A FIR was lodged and the respondent finance company was intimated about the theft. Insurance company rejected the claim on ground breach of term of policy. The complainant approached District Dispute Forum, State Commission and National Commission to compensate him for the loss. All of them rejected the case so at last he approached the Supreme Court.

Judgement from Supreme Court held that there was no fault of appellant. It can be considered as the breach of policy, but not fundamental breach to bring insurance policy to end and terminate the insurance policy. So, the judge directed the respondent insurance company to pay 75% of insured amount along with 9% interest from date of filing the claim. Thus, sum of compensation is Rs. 1,00,000.

## **Analysis and Conclusion**

### **Availability and Accessibility of legal remedy to consumers**

Each of us are consumers in one or another form, directly or indirectly having consistent interaction with the business market. However, the business market in the present socio-economic scenario is more driving the consumer as a victim with unfair and unethical business tactics and practices adopted in the market. This makes the consumer more vulnerable in regards to seek the justice. Thus, the Consumer Court should address these complications with an availability and accessibility of legal remedy with this regard. The Consumer have to inform about their rights, procedures and legal mechanism to redress their grievances. With this context a consumer has to be aware of the legal processes to apply in case they file a complaint. Therefore, consumer court: to be an effective dispute resolution mechanism, this has to ensure the availability and accessibility of legal remedy in juts, fair and reasonable manner.

### **Protection of vulnerable and disadvantaged consumers**

With globalization and development in the international trade and commerce, there has been substantial increase of business and trade, which resulted in a variety of consumer goods and services to meet the consumer needs. At the same time, consumers are often deceived in the quality, quantity and price of goods and services. All those consumers who are supposed to be the heart of all economic and industrial activities have to be protected from the hazardous substance that are harmful to their health and safety. There has to be a consumer education campaign consisting of the environmental, social and economic impacts of their choices concerning produced goods and services. It aware the consumers about the knowledge and skills necessary to understand financial risks and legal assistance with an expertise authority. This will protect the vulnerable and disadvantaged consumers from getting exploitation.

### **Protection for Economic interest of the consumers**

The Consumer Protection Act reads that a consumer shall be entitled to compensation for bodily, mental, financial, physical or other kind of harm and injury occurred as a result of defective production of goods (Consumer Protection Act, 2075, Section 50).In accordance to which the Consumer court has stated that in the case filed by Gautam, claiming that the hospital and its doctors were negligent during his father's treatment, he has demanded 5 crore rupees (50 million rupees) as compensation.(BBC News Nepali, 2025).

It was pointed out by Bello et al. (2020) that consumer will be in a better position to evaluate a business and its goods and services if they have a greater understanding of their rights. Business practise shall be executed in such a way that a consumer obtains the all-possible benefits from their economic resources. This shall ensure the satisfactory production and standard performance with fair business practices avoiding the adverse effect on economic interest of consumers.

### **Principle of ethical business practise and compliance to doctrine of good faith**

The doctrine of good faith and ethical business practise form the foundation of fair consumer transactions in the modern markets with a standard to protect the consumers while creating a sustainable business relationship. The commencement of the Consumer Court will make a business practise alert for ensuring fair and equitable treatment as an integral part of the business culture. This avoids the practises that harm the consumers. The concerned business shall not lead its consumers to an illegal, unethical and deceptive practises like fake advertisement, abusive marketing tactics and non-disclosure or false disclosure of the goods and services.

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