

LOK SABHA DEBATES

LOK SABHA

Wednesday, April 8, 1992, Chaitra 19,
1914 (Saka)

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER In the Chair]

ORAL ANSWERS TO QUESTIONS

[English]

Amendments to CPA, 1986

*592. SHRI G.M.C. BALAYOGI: Will the PRIME MINISTER be pleased to state:

(a) whether the Government propose to bring any amendments in the Consumer Protection Act, 1986 with regard to the powers, functions and salaries of the Members of District Consumer Protection Forums;

(b) if so, the details thereof; and

(c) the number of cases and appeals finalised by the District Forums, State Commission and National Commission, State-wise, till February, 1992?

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS & PUBLIC DISTRIBUTION (SHRI KAMALUDDIN AHMED): (a) to (c). A Statement is laid on the Table of the House.

STATEMENT

(a) and (b). The High Power Working Group which was constituted to suggest

suitable amendments to the Consumer Protection Act, 1986 has recommended to confer more judicial powers on the Consumer Disputes Redressal Forums (District Forums) such as power to remove defects and deficiencies in the services in question; to issue interim injunctions, cease and desist orders; to give directions for recall of defective and unsafe goods proving hazardous to health and safety of consumers; to provide costs; to direct issue of corrective advertisements etc. The recommendations are under consideration of the Governments etc. In addition the Working Group has also recommended to increase monetary jurisdiction of the District Forums from Rs. 1 lakh to Rs. 5 Lakhs. The salaries and other terms and conditions of service of the President and Members of the District Forums are prescribed by the State Governments under the rules framed by them for this purpose.

(c) As per information received from National Commission, 706 cases (including appeals and revision petitions) have been disposed of out of 1224 cases filed, so far. The upto date information in respect of State Commissions and District Forums is being obtained from the State/UTs and will be laid on the Table of the House.

SHRI G.M.C. BALAYOGI: Sir, under Section 10(1) of the Consumers Protection Act, two members of the District Forums shall be persons of eminence in the field of education, trade or commerce and a lady social worker. But, unfortunately, the members appointed on political considerations in the State Forums have nothing to do with consumerism or connected with it. Sometimes, business people are also being appointed. If consumerism is to be fostered,

then real consumer activities should be identified and then members should be appointed. Only then the purpose of Consumers Protection Act will be served. Now, I want to know from the hon. Minister, through you Sir, whether the Government is going to contemplate guidelines for the appointment of members to the forums from the fields of education, trade, chambers of commerce, rotary lions clubs, consumers councils and social and women organisations.

SHRI KAMALUDDIN AHMED: The Working Group has recently recommended certain amendments and they are under the consideration of the Government and this is also one of them about the appointments of the members of the District Forums and State Commissions. They have made some suggestions.

SHRI G.M.C. BALAYOGI: My second supplementary is this. Sir, the Act is proving very popular and many people with various grievances are knocking at the door-steps of the forums for redressal of their grievances. Moreover, matters under the CPA relate to the strong business people and the weak consumers. Even cases which are not directly within the scope of the Consumers Protection Act are also disposed of satisfactorily by these forums. These forums are also facing a problem from the presiding officers. I want to know from the hon. Minister, through you Sir, whether the Government is going to bring more departments like the municipalities, Government Departments and professionals within the jurisdiction of the CP Act and whether the Government is contemplating to constitute regular forums to deal with the cases in order to avoid pendency in forums.

SHRI KAMALUDDIN AHMED: The forums have jurisdiction over all the institutions and there are no exemptions as such. And the District Forums are functioning properly. The number of cases that have been filed before the District Forums will speak about the number of complaints that are coming up.

SHRI SUKH RAM: Sir, as per the provi-

sion of the Act or the rules made there under, the District Forums, State Commission or the National Commission is required to dispose of the complaints within the specific period. Will the Government ensure strict implementation of this provision? It has no legal position at present, will the Government consider amending the rules or the provision of the Act making it compulsory for the district forum, the State Commissions and the national Commission to dispose of the complaints within the specific period? Otherwise, cases will go on piling as it is happening in the case of High Courts and the Supreme Court and there will be a subsequent demand for setting up an additional district forum, National and State Forums. Will the Government consider it and ensure that there is strict compliance so that the complainants' grievances are removed well in time?

SHRI KAMALUDDIN AHMED: By and large, the forums are functioning well and they are trying to dispose of the cases within the specified time. In certain matters, it becomes impossible for them. There would be delay in such cases where the report from the laboratory has not come or the person who is to be examined, is not able to come before the forum, etc. Otherwise, by and large, they are trying to dispose of the cases within the specified time.

SHRI SUKHRAM: A period of 60 days is provided if a person has to appear before the forum. As regards laboratory tests, etc. 90 days are already provided. The cases should be disposed of within that specified time limit.

Mr. Speaker: He has explained about the laboratory tests.

SHRI SUKH RAM: Even in the case of laboratory testers, they should not delay the cases for more than 90 days.

SHRI KAMALUDDIN AHMED: As I submitted earlier, by and large they are disposing of the cases within the specified time.

SHRI RAM KAPSE: The Government is considering amending the Act. When does it

propose to bring the amendments before this august House? Secondly, the Minister has stated now that many district forums are working properly. But I would like to know as to how many districts are actually there throughout India, where there are no forums. If they have no forums, the questions of their working well does not arise. I would like to know the number of districts which have no forums working.

SHRI KAMALUDDIN AHMED: The three States of Sikkim, Meghalaya and Nagaland have not at all formed the district forums. In these three states, the forums have not been formed. As per my knowledge, out of the 450 districts in the country, 360 districts have got these districts forums.

SHRI RAM KAPSE: What about the legislation?

SHRI KAMALUDDIN AHMED: Last week also I answered this question when Shri Advani put it. As I submitted earlier, the recommendations of the Working Group are under the examination of the Government and we are consulting the different Ministries which are involved in this. About 12 day back, the meeting of the Consumer Protection Council was held and they have made some recommendations. These recommendations are also under examination.

[Translation]

SHRI NITISH KUMAR: Mr. Speaker, Sir, I would like to know from the Government whether it is going to bring Public Distribution System within the jurisdiction of Consumer Protection Council. It has been reported in the newspapers that 49 per cent impurities has been allowed in the foodgrains which is distributed through the shops under Public Distribution System. I want to know whether the Consumer Protection Council can also investigate into the distribution of poor quality foodgrains to the poor and middle class people through the Public Distribution System? Will action be taken if Food Corporation of India and other officials are involved in it? What action will be taken against the

outlets of Public Distribution System which indulge in this malpractice?

[English]

SHRI KAMALUDDIN AHMED: The Consumer Protection Act covers all goods and services. As regards the 49 per cent impurities, I may submit that perhaps the report is not correct. I think this has been misreported. For the kind information of the hon. Members, I am going to clarify the whole point while replying to the Demands for Grant of my Department.

[Translation]

SHRI DATTA MEGHE: Mr. Speaker, Sir, as per my knowledge the District Consumer Protection Forums are not working in all the districts of Maharashtra. I would like to know whether the Central Government will inform the Maharashtra Government about the districts where these forums have not been constituted. The Maharashtra Government has not provided facilities to the Forum members which are being given in other States and there is no action on delay in the matter. The forums are not working effectively. Similarly, the facilities also have not been provided to the State forum, will the Central Government write to the State Government in this regard? What steps are being taken to make that forum effective?

SHRI KAMALUDDIN AHMED: There are 31 districts in Maharashtra and all the districts have the Consumer Protection Forums which are functioning. So far as the question of facilities is concern, it is a State subject and State provides these facilities.

[English]

Development of Biotechnology

*593. **SHRI M.G. REDDY:** Will the PRIME MINISTER be pleased to state:

(a) the steps taken for the development of biotechnology in India with special reference to the establishment of research institutions in Andhra Pradesh;