

LOK SABHA DEBATES

LOK SABHA

Tuesday, December 8, 1998/Agrahayana 17, 1920
(Saka)

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER in the Chair]

INTRODUCTION OF MINISTERS

[Translation]

THE PRIME MINISTER (SHRI ATAL BIHARI VAJPAYEE): Mr. Speaker, Sir, with your kind permission, I would like to introduce to you and through you to the House the new members of my cabinet:—

Shri Jaswant Singh — Minister of Foreign Affairs
Shri Jagmohan — Minister of Communications
Shri Pramod Mahajan — Minister of Information and Broadcasting

11.01 hrs.

ORAL ANSWERS TO QUESTIONS

[English]

Disposal of Cases by Consumer Courts

*121. SHRI RAVI SITARAM NAIK:
SHRI ANANT GANGARAM GEETE:

Will the Minister of FOOD AND CONSUMER AFFAIRS be pleased to state:

(a) the number of consumer courts in the country at present State-wise;

(b) the number of cases filed/disposed of by the National Commission and various consumer courts at present, State-wise;

(c) the average time being taken by the Commission/courts to settle a case;

(d) whether the Government propose to simplify the procedure adopted by these Commission/courts to reduce the disposal time; and

(e) if so, the details thereof?

THE MINISTER OF CHEMICALS AND FERTILIZERS AND MINISTER OF FOOD AND CONSUMER AFFAIRS (SARDAR SURJIT SINGH BARNALA): (a) to (e) A statement is laid on the Table of the House.

Statement

(a) 32 State Commissions, 543 district fora besides the National Commission at New Delhi have been set up in the country for redressal of consumer grievances. The State-wise details of the State Commissions and district fora is given in Annexure-I.

(b) As per the information presently available with the Government, the details of the cases filed since inception, disposed of and pending in the State Commissions and the district fora are given in Annexure-II.

In the National Commission 14,666 cases have been filed since inception of which 8,667 cases have been disposed of and 5,999 cases are pending as on 1.11.1998.

(c) In view of diversity of the nature of cases and the volume of work involved in State Commissions and district fora, no precise estimation is possible regarding average time taken for disposal of a case. However, from the information available with the Government the average time taken for disposal of cases in different courts would in general range from two months to one year approximately.

(d) and (e) Proposals are under consideration to amend the Consumer Protection Act, 1986, which also contains proposals to reduce disposal time and also to make the Act more effective and purposeful.

ANNEXURE-I

State-wise details of State Commissions and District
Fora setup in the country

State/UT	State Commission	District Fora
1	2	3
Andhra Pradesh	1	25
Arunachal Pradesh	1	19
Assam	1	23
Bihar	1	55
Goa	1	2
Gujarat	1	20
Haryana	1	17
Himachal Pradesh	1	12
Jammu & Kashmir	1	2
Karnataka	1	21
Kerala	1	14
Madhya Pradesh	1	45
Maharashtra	1	34
Manipur	1	8
Meghalaya	1	7

1	2	3
Mizoram	1	3
Nagaland	1	8
Orissa	1	31
Punjab	1	17
Rajasthan	1	33
Sikkim	1	4
Tamil Nadu	1	24
Tripura	1	3
Uttar Pradesh	1	87
West Bengal	1	19
A&N Island	1	2
Chandigarh Adm.	1	2
D&N Haveli	1	1
Daman & Diu	1	2
Delhi	1	7
Lakshadweep	1	1
Pondicherry	1	1
Total	32	543

ANNEXURE-II

State-wise details of cases filed/disposed/pending in the State Commissions and District Fora

State/UTs	State Commission		
	Cases filed since inception	Cases disposed since inception	Cases pending
1	2	3	4
Andhra Pradesh	8502	6735	1767
Arunachal Pradesh	18	13	5
Assam	1037	348	689
Bihar	4458	1874	2584
Goa	675	624	251
Gujarat	6558	4320	2238
Haryana	6776	4802	1974
Himachal Pradesh	1824	1712	112
Jammu & Kashmir	3146	2296	850
Karnataka	6192	4127	2065
Kerala	10686	10149	537
Madhya Pradesh	5617	3312	2505

1	2	3	4
Maharashtra	12303	7812	4491
Manipur	78	33	45
Meghalaya	64	42	22
Mizoram	9	4	5
Nagaland	4	4	0
Orissa	5459	2824	2635
Punjab	3534	1961	1573
Rajasthan	15363	4995	10368
Sikkim	12	12	0
Tamil Nadu	9545	7705	1840
Tripura	192	135	57
Uttar Pradesh	19674	4354	15320
West Bengal	4287	3772	515
A&N Islands	14	11	3
Chandigarh Admn.	1661	1507	154

1	2	3	4
D & N Haveli	0	0	0
Daman & Diu	1	0	1
Delhi	7994	5564	2430
Lakshdweep	7	7	0
Pondicherry	439	399	40
Total	136529	81453	65076

State-wise details of cases filed/disposed/pending in the State Commissions and District Fora

State/UTs	District Fora		
	Cases filed since inception	Cases disposed since inception	Cases pending
1	2	3	4
Andhra Pradesh	96510	80265	16245
Arunachal Pradesh	159	136	23
Assam	6107	5210	897
Bihar	36078	23330	12748
Goa	2823	2363	460
Gujarat	52486	36431	16055

1	2	3	4
Haryana	58842	44259	14683
Himachal Pradesh	10815	9295	1520
Jammu & Kashmir	9684	7805	1879
Karnataka	52055	41180	10875
Kerala	90287	84552	5735
Madhya Pradesh	50844	40281	10563
Maharashtra	77153	69790	17363
Manipur	671	647	24
Meghalaya	193	152	41
Mizoram	226	195	31
Nagaland	74	71	3
Orissa	25728	22042	3686
Punjab	23102	20612	2490

1	2	3	4
Rajaasthan	103435	89489	13946
Sikkim	80	75	5
Tamil Nadu	44920	38815	6105
Tripura	792	641	151
Uttar Pradesh	189353	134673	54680
West Bengal	42652	37745	4907
A&N Island	148	140	8
Chandigarh Admn.	12950	10079	2871
D & N Haveli	28	23	5
Daman & Diu	61	30	31
Delhi	51194	37512	13682
Lakshdweep	31	30	1
Pondicherry	1451	1371	80
Total	1040932	829239	211693

SHRI RAVI SITARAM NAIK: Mr. Speaker, Sir, the total number of cases filed before the National Commission is 14,666. Out of them only 8,667 have been disposed of and 5,999 are pending. The number of cases filed before the State Commissions is 10,40,932 out of which 8,29,239 have been disposed of leaving 2,11,693 pending. Is the Government at all interested in simplifying the procedure and reducing the disposal time; and then why not the Consumer Protection Act be amended to fix the time for the disposal of the cases?

SARDAR SURJIT SINGH BARNALA: We are making efforts to simplify the procedure so that the cases are decided in the quickest manner. That is under consideration at this stage.

SHRI RAVI SITARAM NAIK: Because the cases are tried under the Consumer Protection Act written submissions and oral evidence are not taken. Therefore, a time limit has to be fixed.

SARDAR SURJIT SINGH BARNALA: Written submissions and oral evidence are also taken. In some cases even the lawyers appear and plead. That is why more time is taken some times.

[Translation]

SHRI ANANT GANGARAM GEETE: Mr. Speaker, Sir, there has been a continuous discussion about soaring prices for three days in the House and during this discussion hon'ble Members have given many suggestions. One of the suggestions was that the Essential Commodities Act should be made strict and at the same time it was also pointed out that too much time is taken in the disposal of cases in this context. According to the statement submitted by the hon'ble Minister, the population of our country is more than 90 crores and right from the beginning till today the number of cases registered are only about 10 lakhs which means only 10 lakh cases have been registered in the 90 crore population. The meaning is quite clear that too much time is taken in the disposal of these cases. This time factor prevents the consumer from going to the Court. I am putting forth a direct question. Too much time is taken in it. It has been stated in the statement that has been given to reduce time, that laws are being made strict and proposals are coming to reduce the time. I would like to tell the hon'ble Minister that the persons indulging in hoarding, black-marketing or adulteration are not afraid of the court. Such cases take a lot of time and judgements are delayed. As such, I would like to know from the Government whether it is considering to take a decision regarding fixing a time limit for the hearing of such cases.

SARDAR SURJIT SINGH BARNALA: Sir, the main question is related to consumer protection. For the question raised by the Hon'ble Member, there is a separate law and I had already assured the House that efforts were being made to make this law strict. The cases which you are referring to, do not fall under this law. It is related to general compensation and whatever cases are taken up, are decided. There are summary courts, summary procedures under this law, so it is tied that there could be quick judgements.

[English]

SHRIMATI GEETA MUKHERJEE: Sir, as a Member of the Consumer Protection Council in West Bengal, I find that absence of judges is a very big factor. So, what is the Government's thinking about supplying enough judges so that the cases can be dealt with speedily?

SARDAR SURJIT SINGH BARNALA: Judges do not come under Special Commodities Act or for that matter anybody else. So, these judges have to be appointed by the State Governments. Sir, the State Governments have to take action in that matter. And, if the hon. member insists on that, I will request the Chief Minister to appoint judges early where so far no judge is appointed.

SHRI FRANCISCO SARDINHA: Sir, the purpose of forming the State Commission, District Commission is to give redressal to the grievances of the consumers. But what we have seen is that the cases are pending for so many years. I would like to know up to now whether there is a moratorium on time for disposal of such cases.

Secondly, I would like to know how many cases from Goa - this, the Minister has not given - are pending with this National Commission, for how long?

SARDAR SURJIT SINGH BARNALA: Normally, 90 days' time is given to the defendant for his information. In cases where some technical problems are involved and some exercise in that direction has to be made, then, 150 days' time is given. Normally, the case has to be decided in that period but sometimes, it takes longer because of various reasons. Sometimes, the witnesses do not appear; sometimes, even the defendant does not appear in the cases for a long time; sometimes, there is a shortage of judges as Shrimati Geeta Mukherjee was saying; and, sometimes, the quorum is not complete. These are the reasons why delay occurs. Otherwise, effort is made to clear the cases as early as possible.

SHRI FRANCISCO SARDINHA: Mr. Speaker, Sir, how many cases are pending with the National Commission

as far as Goa is concerned? The Minister has not answered this question. I would like to know that.

MR. SPEAKER: This is not the procedure. You have asked the supplementary. I have allowed you.

SHRI FRANCISCO SARDINHA: But he has not answered that.

[Translation]

SHRI MOHAN SINGH: Mr. Speaker, Sir, the Consumer Protection Act was made so that Consumers could get justice in time and for this purpose a period of 90 days was fixed. But we are seeing that what to speak of 90 days, pendency is piling up in this court also like ordinary courts. One of the reasons behind it is lawyers' entry into it. Which is a major cause of delay in the disposal of these cases. I would like to know from the hon'ble Minister whether he would enact such a law as could prevent lawyers from entering these fora and the consumers themselves could, as this Act earlier intended, get their cases registered and disposed.

SARDAR SURJIT SINGH BARNALA: As I had earlier stated that some amendments are likely to be made in it so that cases could be disposed without delay. The intention behind it is to dispose the cases soon. The Department of Law is examining the proposal, we have given and after getting their approval we will amending it soon.

[English]

SHRI C. GOPAL: Hon. Speaker, Sir, from the statement it is seen that there are 24 consumer courts in Tamil Nadu. At present there are some 33 districts in Tamil Nadu. I would like to know whether the Central Government is having any intention to start consumer courts for each district. I would also like to know from the hon. Minister whether there is a proposal from the Government for starting more consumer courts in Tamil Nadu.

SARDAR SURJIT SINGH BARNALA: Sir, the district fora is constituted by the State Governments. They are entitled to constitute one district forum in every district and if necessary, even more than one. So, they can constitute extra fora also. But in Tamil Nadu, only 24 district fora have been constituted so far. The State Government is competent to increase the number. We do not have any power to ask them or to force them to have them in every district.

SHRI N. JANARDHANA REDDY: Sir, this is an Act of the Central Government. I do not know whether the Government has specified the areas covered by the consumer courts. I would like to know which are the items that come under the consumer fora. For example, if a patient treated by a doctor wants to sue him, will it come under these fora or not? Similarly, for an irrigation canal dug by a contractor, can people go to consumer fora? So, I would like to know whether the Government is going to specify the particular areas of operation for these courts, or whether sky is the limit.

SARDAR SURJIT SINGH BARNALA: Sir, it has been provided that the Act applies to goods as well as services, so long as the purchases are not made for commercial or re-sale purposes. It also covers all the sectors whether private, public or cooperative. The provisions of the Act are compensatory in nature. The provisions are an addition and not derogation to any provisions of the existing laws.

SHRI N. JANARDHANA REDDY: Sir, the statement itself is vague, it is not specific. Kindly look into that.

SARDAR SURJIT SINGH BARNALA: Sir, this applies to all the cases of goods and services. As my hon. friend was saying, it applies to doctors, engineers and contractors also. These are all services and, therefore, it applies to them also.

[Translation]

SHRI VIRENDRA VERMA: Will the hon'ble Minister be pleased to state the number of cases pending for the longest periods of time out of the 55,076 cases at State level and 2,11,593 cases at the district levels? Whether it is a fact that these cases are not being disposed within the prescribed time limit?

SARDAR SURJIT SINGH BARNALA: It is true that some cases are disposed in time and some remain pending, as is common in the ordinary courts. In the ordinary courts the number of pending cases is even greater. As I have stated in my reply, out of the one lakh thirty six thousand cases that have come up before the State Commission, 81 thousand 453 cases have been disposed and 55 thousand cases are pending. When were these cases filed and since when are they pending, information in this regard is not available with us and we are not informed of it. It is tried that these cases are disposed as soon as possible. Similarly, in the district courts the number of disposed cases is quite good. About 70 percent cases are settled there in time. I think they are functioning satisfactorily.

SHRI RAJO SINGH: Mr. Speaker, Sir, the Government has stated in its reply that proposals for amendments in the Consumer Protection Act, 1986 are under consideration in which proposals regarding reduction in time taken in the disposal of cases and making the Act more effective and purpose oriented are included. Keeping in view all these difficulties of the Commission, be it at the state level or at the district level, whether Government propose to bring the Bill to be introduced regarding reduction of time in the disposal of cases during the current session?

SARDAR SURJIT SINGH BARNALA: As I have already stated that after receiving the opinions from the Department, action would be taken in this matter. Broadly, I would like to tell you about those proposals.

[English]

Simplification of Selection procedure for Presidents and members of the district fora

[Translation]

As Smt. Goeta Mukherjee was speaking, judges are not being appointed there.

[English]

Provision for reappointment of Presidents and members; provision of interim orders and provision to do away with *de novo* proceedings - *De novo*

[Translation]

has been started, once a judge went another judge would take up the case afresh, we are trying to stop this practice.

[English]

Provision for creation of benches in the state commissions and National Commission, and provision for the senior most member of the Consumer Fora to preside in case of absence of the President—

[Translation]

If the President is present the court will sit and if he is not present the court will not sit. Sometimes the President does have to go somewhere else and to take leaves making it impossible for the court to sit. One proposal is that some senior-most judge or member could preside.

[English]

To extend the provisions of the civil procedure Code with modification as may be necessary—

[Translation]

Sometimes after applying the Civil Procedure Code the notice and reply became long so we are trying to modify it.

[English]

Issue of notice to Opposite party within 21 days of the receipt of the complaint—

[Translation]

It took many days after the receipt of the complaint. So it has been proposed that notice should be sent to the opposite party after 21 days. There are many such things. We are doing all this so that it would take the least time.

[English]

White Paper on ISI Activities

+
*123. DR. SUGUNA KUMARI CHELLAMELLA:
SHRI CHADA SURESH REDDY:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Union Government have decided to launch joint operation with State Governments to check the activities of Pakistan's Inter-Services intelligence;

(b) if so, the plans prepared by the Union Government and the States to combat ISI activities in the country;

(c) whether the Union Government propose to issue a white paper on ISI activities in the country; and

(d) if so, the time by which the Union Government propose to lay the white paper on the Table of the House?

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): (a) to (d) A statement is laid on the Table of the House.