

Therefore, they could not fulfil the commitments.

As far as the private builders are concerned, we cannot compare the private builders with the governmental agencies. We have some social obligations and we fulfil those social obligations.

**SHRI PAWAN KUMAR BANSAL:** I am amused by this answer. I always thought that the development authorities are the nodal agencies for planning things. But we are told that the ban was imposed and the DDA had nothing to do with it. But in any case it is found from the answer of the Minister - which is quite clear - that Rs. 1.62 crores were taken from the people who had responded to the advertisement. I would like to know even in the situation that prevails now, whether the Government would at least consider giving them alternative gifts. Would a policy like that be framed, that in a given case if they cannot honour the commitment to the people who respond to the advertisement, it would be ensured that they do not suffer are not forced to go to the courts?

**SHRI M. ARUNACHALAM:** After the advertisement we have received 219 applications for Nehru place commercial flats. Out of these 219, 133 have been selected by a draw. Out of these 133, 99 allocates have taken back their deposits because of the hes. Out of the remaining 99 people 39 have opted for Bikaji Cama Place, 20 have already been allotted and eight will be given in Bikaji Cama Place and Six will be adjusted in Laximi Vagar or Janak Puri as per their choice.

[*Translation*]

**SHRI MADAN LAL KHURANA:** Mr. Speaker, Sir, I feel that this has not been done in a proper way, because in Delhi, land allotment is done in two ways. At present, commercial plots are not allotted but auc-

tioned and the revenue earned from such auctions is used for construction of flats for the weaker sections of the society. So, I would like to know from the hon. Minister whether it is true that the official policy in this regard in Delhi is to auction commercial plots, instead of allotting them and utilising the profits accruing from them to construct M. I. G. and L. I. G. flats as well as provide E. W. S. flats at cheap rates to the needy? If this is true, I would like to know the names of those people who got possession of the flats in Nehru Place following the last draw of lots. Were these flats allotted to big shots? What are names of those who were allotted flats, on the basis of draw of lots and at what prices were they given away? Earlier the practice was to auction such plots. When did you start this draw allotment scheme? This is the first (a) part of the question and the second (b) part of my question is (*Interruptions*)... as I said, large amount of money was collected from the people and nothing was given to them in return. This is a very serious issue as crores of rupees were collected from the people and then the scheme was abandoned. In this context, I would like to know the number of such cases, in which money was collected from the people and the schemes shelved later on and the money withheld?

[*English*]

**SHRI M. ARUNACHALAM:** Sir, as far as Nehru Place commercial complex in concerned, the draw was conducted on 5.9.1984. As far as other areas are concerned, I may inform the hon. Member that no area has been abandoned.

#### **Consumer Protection Measure**

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\*494. **SHRI LAL K. ADVAI:**  
**SHRI P. C. THOMAS:**

Will the PRIME MINISTER be please to state:

(a) the salient recommendations made by the High Level Working Group constituted by the Government to review the consumer protection measures;

(b) the response of the Government to each of these recommendations; and

(c) other suggestions for protection of consumers, including those for amending the Act, received from different sources?

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). A High Power Working Group was constituted to suggest suitable recommendations to the Government for making the Consumer Protection Act, 1986 and MRTP, 1969 more effective. The Working Group has submitted its report. The main recommendations of the Working Group are:—

- (i) to enlarge the definitions of 'consumer' and 'complaints' to cover those who purchase goods for self-employment and cases arising out of likely loss/injury to consumer;
- (ii) to bring services in hospitals run by Government and local bodies and mandatory services provided by local bodies within the purview of the Act;
- (iii) to allow consumer organisations to file complaint on behalf of consumers;
- (iv) to give additional power to three tier redressal agencies such as

powers to issue cease and desist order, recall of defective and un-seat goods etc.

- (v) to increase the monetary jurisdiction of State Commissions and District Forums;
- (vi) to dispense with the procedure of seeking prior approval of Central Government in setting up the State Commission and District Forums;
- (vii) to provide a separate Chapter on Rights of Consumers in the Act;
- (viii) to restrict the role of lawyers in the three tier redressal agencies;
- (ix) to bring the decision of the National Commission/State commissions/District Forums within the Article 323 B of the Constitution so as to exclude writ Jurisdiction of High Court; and
- (x) to streamline the procedure for appointing the non-official members of the three tier redressal machinery etc.

Central Consumer Protection Council discussed the report of Working Group on 31-3-1992. Government would examine these recommendations and then come up with appropriate amendments to the Act.

(c) Some of the suggestions received from the States and other sources are:

(i) promotion of more voluntary consumer organisations;

(ii) grant of financial assistance to consumer organisations;

(iii) introduction of consumer education in schools/colleges;

(iv) A publicity campaign to generate awareness amongst the consumers about their rights etc.

**SHRI LAL K. ADVANI:** Sir, the consumer Protection Act excludes from its purview those who receive services free of charge. Services are covered. But those who receive services free of charge are excluded. The result is that a victim of medical negligence in a Government hospital cannot claim compensation because he is not a consumer as defined by this Act. He is served free of charge. It applies even to hospitals which are run by civic bodies, etc. This is one of the recommendations made by a High Power Group among many recommendations. What the Government propose to do in this regard?

**SHRI KAMALUDDIN AHMED:** Yesterday, Central Consumer Protection Council met and had considered all the ten recommendations made by the Working Group. Right now I may not be able to tell the Government's reaction because I have to consult the Ministry of Health and Family Planning. This is one of the very important recommendations which has been made by the Working Group. And about the hospital services and the housing, which were just being discussed in the earlier question, even the housing societies and the local bodies which are rendering the services in the field of municipalities and housing services, they also are sought to be brought under the purview services, they also are sought to be brought under the purview of the Consumer Protection Act. I can only submit to the hon. Member that we will consider this. This is a very important question. A number of implications will be there. The organisations concerned with the medical profession are opposing this recommendation. They also had come yesterday and they are also opposing this recommendation. I can only say at this moment that since it has come to the Government only yesterday, we will con-

sider about these recommendations and we will come forth with a legislation.

**SHRI LAL K. ADVANI:** I have pointed out this only as an instance. Otherwise I would say that though we have enacted this law in 1986, it is a well intentioned piece of legislation, at the level of implementation it has been floundering badly. It has poorly implemented. Firstly, the consumer movement in this country is yet young. I want to have a specific assurance from the Government in this regard.

Now, a High Power Group had gone into the various shortcoming and made its recommendations. The Minister has said that the Central Consumer Protection Council has also met. We have the Session upto the middle of May. Some of these recommendations can be implemented by an Executive Order and some would of course be by an amendment to the law. Is the Government willing to commit that taking into account the importance of this particular matter, it will make up its mind soon and before this Session ends come forth with a specific Executive Order as well as with necessary amendments?

**SHRI KAMALUDDIN AHMED:** Sir, I very much like to come with the Bill to amend this Act in this Session itself provided the inter-Ministerial consultations are over much before the end of this Session. I would like to inform the hon. Members that these ten recommendations mainly deal with different provision of the Act. Of course, as regards the executive orders, as the hon. Members has said, it may be possible for us. But the amendment to the Act has to take place. A number of consultations with the other Ministries have to be made.

**SHRI P. C. THOMAS:** Sir, it is alarming and really surprising to note that the High Power Committee has also recommended under recommendation no. 8 to restrict the

role of lawyer in the three tier redressal agencies. I am sure you will agree to this as a competent lawyer and you can see...

MR. SPEAKER: No. I am not practising.

SHRIP. C. THOMAS: Sir, there are very many hon. Members just like Shri Somnath Chatterjee and others, who are practising now, also. I am sure under the black coat and the black gown....

MR. SPEAKER: It is your question that 'are you going to allow the lawyers' ?

SHRI P. C. THOMAS: Sir, I have not finished. There is a real urge to fight for justice.

MR. SPEAKER: Please come to the question. There are other hon. Member also.

SHRI P. C. THOMAS: So, my question is will the Government see that restrictions of this nature, restricting the public to get their real right by appointing a lawyer should not only be not accepted but also will the Government see that the poor consumer is really given the service of good lawyer for fighting for his cause?

SHRI KAMALUDDIN AHMED: Sir, I am also a non-practising lawyer. I do appreciate the concern of the hon. Member. I can only say that the general consensus in the Protection Council yesterday was to bar the entry of the lawyers. The main intention was to have speedy disposal of the cases and this is not only thing. A number of tribunals have also said. (*Interruptions*). In a number of tribunals the entry of layers is barred. (*Interruptions*).

SHRISOMNATH CHATTERJEE: I support the ban on lawyers.

SHRI KAMALUDDIN AHMED: What the

hon. Members has said is not a very valid point.

SHRI SOBHANADREESWARA RAO VADDE: I would like to know from the hon. Minister whether in view of the fact that important aver like banks and telephone securs where the consumers, the people are not getting adequate satisfactory services, the Government will consider bringing these sectors also within the purview of the Consumer Protection Act? I would also like to know from the hon. Minister what steps the Government is going to take in the very near future to enlighten the public regarding the right to know and to fight the injustice the damage that has been caused to them? You must provide more funds through the media about whatever information the public wants to know.

SHRI KAMALUDDIN AHMED: Sir, a number of steps have been taken to bring the awareness among the consumers and the hon. Members is also aware of that. In the State of Andhra Pradesh itself there are more than 180 voluntary organisations engaged in the Consumer Awareness and Consumer Education programmes.

SHRI PETER G. MARBANIANG: Sir, I would like to point out that the need of protection of the consumes is very much felt in the North Eastern States where the people are backward illiterate. We find that almost all the State in the North Eastern Region have not set up Consumer Protection Courts. I would like to know from the hon. Minister as to what are the suggestions of the High Level Working Group to set up such courts in the North Eastern States?

SHRI KAMALUDDIN AHMED: Sir, we have requested the State Governments. Even the Supreme Court has also directed. But three States, i. e. Sikkim, Meghalaya and Nagaland are yet to form the State District Forums and the State Commissions.

**SHRI BRAJA KISHORE TRIPATHY:** Sir, May I know from the hon. Minister whether in the proposed amendment, the Government will also consider the proposals submitted by the State Government and to strengthen the Consumer Forms Can the financial help also to be provided in the proposed amendment?

**SHRI KAMALUDDIN AHMED:** Sir, that is one problem which the State Government have been continuously representing to the Central Government. They are complaining of the financial constraints. They have also approached the Planning Commission to see that the recurring expenditure is treated as plan expenditure. But, Planning Commission has not agreed to. They have their own difficulties and we are trying to find ways to solve this problem.

[*Translation*]

#### **Minimum Needs Programme**

\*495. **SHRI KASHIRAM RANA:** Will the Minister of PLANNING AND PROGRAMME IMPLEMENTATION be pleased to state:

(a) whether Central assistance being provided to Gujarat for the Minimum Needs Programme has been curtailed;

(b) if so, the amount curtailed during the last three years;

(c) the names of programmes for which the said amount of assistance has been curtailed; and

(d) the reasons therefor?

**THE MINISTER OF STATE OF THE MINISTRY OF PLANNING AND PROGRAMME IMPLEMENTATION (SHRI H. R. BHARDWAJ):** (a) No, Sir.

(b) to (d). Do not arise.

**MR. SPEAKER:** The scoop of this question is confined to matter relating to the State of Gujarat only.

**AN HON. MEMBER.:** Therefore, Members from Gujarat should be given the chance to speak.

**SHRI KASHIRAM RANA:** Mr. Speaker, Sir, in his reply, the hon. Minister has stated that the central assistance being provided to Gujarat for the Minimum Needs Programme has not been curtailed, but I would like to say that the Central is doing injustice to Gujarat in many other matters, whether it be allocation of gas, coal supply of foodgrain quota filed for the State. I am mentioning this here because on the basis of the quota allocated earlier, minimum 10 kilograms and Maximum 40 kilograms of wheat used to be provided, but since last month it has been reduced to half with minimum 5 kilos and maximum 20 kilograms. Similarly a minimum of 5 kilograms and a maximum of 20 kgs of rice used to be given, but now it has come down to minimum of two kilos and a maximum of 5 kilos. Now, if the Central assistance being provided to Gujarat for the Minimum Needs Programme has not been curtailed, then I would like to know from the hon. Minister the amount of assistance provided by the Union Government in the last two year?

[*English*]

**MR. SPEAKER:** Can you give last year's and this year's figures?

**SHRI H. R. BHARDWAJ:** Sir, this gas and other things are not covered, but on the minimum needs programme the Centre has not generally made any cuts in any State, but the States do have their own problems and those problems will be discussed in the Eighth Plan. My information is that up to seventh Plan there was no cut.