

Standing Committee

STANDING COMMITTEE ON
FOOD, CIVIL SUPPLIES AND
PUBLIC DISTRIBUTION
(1995-96)

TENTH LOK SABHA

13
ACTION TAKEN REPORT ON FOURTH REPORT OF THE
COMMITTEE ON CONSUMER PROTECTION

THIRTEENTH REPORT



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LOK SABHA SECRETARIAT
NEW DELHI

December, 1995/Agrahayana, 1917 (Saka)

THIRTEENTH REPORT

STANDING COMMITTEE ON FOOD, CIVIL SUPPLIES AND PUBLIC DISTRIBUTION

(1995-96)

(TENTH LOK SABHA)

*(Action Taken Report on Fourth Report of the Standing Committee on
Food, Civil Supplies and Public Distribution on Consumer Protection)*

Presented to Lok Sabha on

21 FEB 1996

Laid in Rajya Sabha on



LOK SABHA SECRETARIAT
NEW DELHI

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CONTENTS

CORRIGENDA TO THE 13TH REPORT (TENTH LOK SABHA) OF THE
STANDING COMMITTEE ON FOOD, CIVIL SUPPLIES AND PUBLIC
DISTRIBUTION (1995-96)

Page	Para	Line	For	Read
1)	-	1	LIST OF THE MEMBERS OF THE DEPARTMENTALLY RELATED	COMPOSITION OF
1)	-	13	Shri G.R. Krishna	Shri G.Y. Krishnan
1)	-	5 (from bottom)	Member	Members
1.3		15	Ns	Nos.
1.13		6 - 8 (from bottom)	Delete The Committee find that even in National Capital Territory of Delhi out of 18,081 cases filed since inception 6900 cases are still pending.	
-		3	Government/UT Administration	Governments/UT Administrations
-		13	Administration	Administrations
-		8	Government	Governments
-		7 (from bottom)	BIDS	BIS
-		1 (from bottom)	1.16	1.16 of
-		2	WHICH	WHICH FINAL

CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE	(iii)
INTRODUCTION	(v)
CHAPTER I Report	1
CHAPTER II Recommendations/observations which have been accepted by the Government	5
CHAPTER III Recommendations / observations which the Committee do not desire to pursue in view of Government replies	8
CHAPTER IV Recommendations/observations in respect of which replies of Government have not been accepted by the Committee	13
CHAPTER V Recommendations/observations in respect of which final replies of Government are awaited	15
APPENDICES	
APPENDIX I Minutes of the sitting of the Standing Committee on Food, Civil Supplies & Public Distribution (1995-96) held on 18.12.95	16
APPENDIX II Analysis of Action Taken by Government on the recommendations contained in the Fourth Report of Standing Committee on Food, Civil Supplies & Public Distribution (10th Lok Sabha)	18

LIST OF THE MEMBERS OF THE DEPARTMENTALLY RELATED STANDING
COMMITTEE ON FOOD, CIVIL SUPPLIES AND PUBLIC DISTRIBUTION
(1995-96)

CHAIRMAN

Shri Shyam Bihari Misra

MEMBERS

Lok Sabha

2. Shri B.M. Mujahid
3. Shri G. Devaraya Naik
4. Shri N. J. Rathva
5. Shri Avtar Singh Bhadana
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7. Shri A. Jayamohan
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11. Shri Bijoy Krishna Handique
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13. Shri Lakshman Singh
14. Shri K. J. S. P. Reddy
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20. Shri Kabindra Purkayastha
21. Prof. Ram Kapse
22. Shri Lal Babu Rai
23. Shri Shashi Prakash
24. Shri Ram Awadh
25. Shri Chhote Singh Yadav
26. Shri Syed Masudal Hossain

* Ceased to be Member of the Committee w.e.f. 15-11-95.

27. Shri Ramchandra Marotrao Ghangare
28. Shri Manoranjan Sur
29. Dr. (Smt.) K.S. Soundaram
30. Shri Birsingh Mahato

Rajya Sabha

31. Shri Sunder Singh Bhandari
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- *37. Shri Venod Sharma
- *38. Shri G.R. Krishna
39. Shri Ghufuran Azam
40. Shri Jagannath Singh
- **41. Shri Tindivanam G. Venkatraman
42. Shri Ramendra Kumar Yadav 'Ravi'
43. Shri Kanaksinh Mohansinh Mangrola
44. Smt. Chandra Kala Pandey
- †45. Shri O.S. Manian

SECRETARIAT

1. Shri S.N. Mishra — *Additional Secretary*
2. Smt. Roli Srivastava — *Joint Secretary*
3. Shri Krishan Lal — *Deputy Secretary*
4. Shri A.S. Chera — *Under Secretary*
5. Shri P.K. Sharma — *Editor*

* Ceased to be Member of the Committee w.e.f. 13-9-95 consequent upon their induction into Council of Ministers.

** Ceased to be Member of the Committee w.e.f. 24.7.95 consequent upon expiry of the term as Member of Rajya Sabha.

† Nominated to the Committee w.e.f. 7-8-95.

INTRODUCTION

I, the Chairman of the Standing Committee on Food, Civil Supplies and Public Distribution (1995-96) having been authorised by the Committee to submit the Report on their behalf, present this Thirteenth Report on Action Taken by Government on the recommendations contained in the Fourth Report of Committee (Tenth Lok Sabha) on Consumer Protection.

2. The Fourth Report was presented to Lok Sabha/Laid in Rajya Sabha on 23 August, 1994. The Government furnished their replies indicating action taken on the recommendations contained in the Report on 19 January, 1995. The Draft Action Taken Report was considered and adopted by the Standing Committee on Food, Civil Supplies and Public Distribution (1995-96) at their sitting held on 18 December, 1995.

3. An analysis of action taken by Government on the recommendations contained in the Fourth Report of the Standing Committee on Consumer Protection is given in Appendix II.

NEW DELHI;
21 December, 1995

27 Agrahayana, 1917 (Saka)

SHYAM BIHARI MISRA,
Chairman,
Standing Committee on Food,
Civil Supplies and Public Distribution.

CHAPTER I

REPORT

1.1 This Report of the Standing Committee on Food, Civil Supplies and Public Distribution deals with the action taken by Government on the recommendations contained in their Fourth Report (Tenth Lok Sabha) on 'Consumer Protection'.

1.2 The Report was presented to Lok Sabha/Laid on the Table of Rajya Sabha on 23rd August, 1994. It contained 16 observations/recommendations.

1.3 Action Taken Notes in respect of all the 16 observations/recommendations contained in the Report have been received and have been categorised as follows:

- (i) Recommendations/Observations which have been accepted by the Government:

Para Nos. 59, 64, 68 and 69

(Chapter-II, Total 4)

- (ii) Recommendations/Observations which the Committee do not desire to pursue in view of the Government's reply:

Para Nos. 56, 60, 61, 66, 67, 70 and 71

(Chapter-III, Total 7)

- (iii) Recommendations/Observations in respect of which replies of the Government have not been accepted by the Committee:

Para Nos. 57, 58, 62 and 63

(Chapter IV, Total 4)

- (iv) Recommendation/Observation in respect of which final reply of the Government is still awaited:

Para No. 65

(Chapter-V, Total 1)

1.4 The Committee need hardly emphasise that utmost importance should be given to the implementation of recommendations accepted by the Government. In cases where it is not possible for the Government to implement the recommendations in their letter and

spirit for any reason, the matter should be reported to the Committee in time with reasons for non-implementation.

1.5 The Committee desire that final reply in respect of the recommendation contained in Chapter V of the Report for which only interim reply has been given should be furnished to the Committee expeditiously.

1.6 The Committee will now deal with action taken by the Government on some of the recommendations.

Aid to Voluntary Organisations for Consumer Protection Activities

Recommendation (Para No. 57)

1.7 Stressing on the need for giving priority to Voluntary Consumer Organisations having a creditable record in the field of Consumer Protection, the Committee had observed :

“The voluntary organisations receiving aid from commercial houses be made ineligible for drawing funds from Govt. and priority be given to voluntary consumer organisations having a creditable record in the field of consumer protection”.

1.8 The Ministry in their Action Taken Reply have stated :

“Recommendation of the Committee has been noted for compliance. However, some exceptions may have to be made in the case of some well established organisations in the field”.

1.9 The Committee note that Government has agreed in principle to implement the recommendation of the Committee subject to a condition that some exceptions may have to be made in the case of some well established organisations working in this field. In this context, the Committee are of the view that voluntary consumer organisations are a vital link between the consumers and the manufacturers and play a catalytic role in protecting the interests of the former. However, the Committee recommend that with a view to mitigate chances of misuse of this concept of exception, some guidelines or norms must be fixed in this regard. The Committee would like to be apprised of the action taken.

Uniform criteria for disbursal of funds to States

Recommendation (Para No. 58)

1.10 Emphasising the need for uniform criteria for disbursal of funds to all the States, as the present dispensation had resulted in

gross anomalies where under large States were equated with small States, the Committee had recommended forming of guidelines for disbursing financial assistance to States to promote consumer protection activities keeping in view the population, its density and also the area of a State.

1.11 The Ministry in their Action Taken Reply have stated :

“The Ministry does not have a regular scheme to release financial assistance to the State Governments. Such assistance is given on the specific requests from the State Governments and subject to the availability of funds with the Ministry”.

1.12 The Committee note that the Ministry do not have a regular scheme to release financial assistance to the State Governments. However, such assistance is given on the specific requests from State Governments only. The Committee strongly recommend that while considering specific requests from the State Governments the criteria regarding population, density and area of the State should invariably be taken in view.

Pendency position of cases in Consumer Courts

Recommendations (Para Nos. 62 and 63)

1.13 With a view to minimising the number of cases dismissed due to technical reasons and stressing on the need to review the pendency position, the Committee had observed:

“More and more consumers are reposing their faith in the working of Consumer Courts by agitating their cases before them. The total number of cases filed in the State Commissions and District Forums were 32429 and 321610, respectively. The Ministry have admitted that only 31% and 40% cases were decided by State Commissions and District Forums, respectively within stipulated time and the number of cases dismissed due to technical reasons were 16%, 54% cases as State Commissions (17,514 cases) and 41%, cases at District Forums (1,31,860 cases) are still pending. The Committee find that even in National Capital Territory of Delhi out of 18,061 cases filed since inception, 6900 cases are still pending. The Committee find that even in National Capital Territory of Delhi out of 18,061 cases filed since inception 6900 cases are still pending. The Committee are alarmed at the pendency position and the dismissal of cases due to technical reasons and desire that the pendency problem, so endemic with India Judiciary should not also plague the Consumer Courts. The Committee recommend that steps should be taken to set up a Consumer Guidance Bureau,

with the sole objective of consumer counselling so that cases dismissed due to technical reasons are kept at the barest minimum. The Committee also recommend that Government should closely monitor and review the pendency position and take urgent steps to liquidate the arrears”.

With the view to curtail delay, the Consumer Protection Act has been amended recently, empowering the State Governments to set up more than one district forum in a district. The Committee, therefore, suggest that more district forums should be set up where necessary to liquidate the arrears and avoid piling up of cases in future. This will not only reduce the work load on the existing district forums but would also hasten the process of dispensation of justice.

1.14 In their reply the Ministry have stated :

“The observations of the Committee have been sent to the State Governments/Union Territory Administrations for implementation”.

1.15 The Committee are not satisfied with the reply given by the Government. The Committee had strongly recommended that steps should be taken to set up a Consumer Guidance Bureau with the sole objective of consumer counselling. The Committee, however, note with concern that the reply of the Government is silent about the setting up of such a Consumer Guidance Bureau. The Committee, therefore, reiterate their earlier recommendation for setting up of this Bureau.

1.16 The Committee also note that the entire responsibility regarding piling up of cases related to consumer protection, their early disposal and pendency has been shifted to State Governments. The Committee urge upon the Ministry to take urgent steps to liquidate arrears and apprise the Committee of the latest position in this regard by ensuring proper and speedy utilisation of the funds available with the consumer welfare fund for providing administrative set up to the consumer forums and increasing the number of benches.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Training Programme

Recommendation (Para No. 59)

The Committee note that training programmes have been organised for consumer activists, representatives of consumer organisations, State Government official and non-judicial members of the redressal agencies. Central Governments are conducting such programmes with the help of State Governments/well known training institutions in big cities. The Committee recommend that these programmes should be conducted in small towns and rural areas so that the message of consumer awareness is spread in these areas also. They also suggest that states where training programmes have not been held, should be given preference.

Reply of the Government

The recommendation of the Committee has been noted for compliance. The Ministry will instruct the training Institutes to conduct such programmes in small towns and Rural areas and also in places where they have not been held, so far.

[Ministry of Civil Supplies, Consumer Affairs and Public Distribution
OM No. 4/3/93-CPU Dt. 19.1.1995]

Comments of the Committee

The Committee would like to know the latest position about conducting training programmes in small towns and Rural areas.

Strengthening of Consumer Courts

Recommendation (Para No. 64)

Lack of infrastructural facilities relating to staff and accommodation, paucity of funds, non-filling up of vacancies, adjournment and absence of parties etc. have hindered the smooth functioning of Consumer Courts. It has come to the notice of Committee that even stationery items in adequate quantity were not available in some of the Consumer

Courts. The Supreme Court have recently prescribed some guidelines for providing requisite infrastructure for adequate follow up with the State Government/UT Administration in the light of the Supreme Court direction so that the shortcomings in these consumer forums are removed.

Reply of the Government

The matter was taken up with the State Governments/UT Administrations on a number of occasions to strengthen the consumer courts. Their common stand was lack of financial resources. Recently, the Ministry discussed the matter with the Planning Commission. It has agreed to provide extra plan funds to the States/UTs to strengthen the consumer courts. For this purpose, the State Governments/UT Administration have been asked to send their proposals to the Planning Commission along with their annual Plan Proposals of 1995-96. This will be one time assistance to them.

[Ministry of Civil Supplies, Consumer Affairs and Public Distribution,
O.M. No. 5/3/93-CPU Dt. 19.1.1995]

Comments of the Committee

The Committee may be apprised of the latest position in this regard stating as to which States/UTs sent their proposals to the Planning Commission and the funds provided to each State/UT.

Consumer Awareness

Recommendation (Para No. 68)

The Committee recommend that consumer organisations, as first step, should engage themselves fully with the task of spreading consumer awareness, specially in rural areas and to vulnerable sections of society which are yet to be integrated with the mainstream of consumerism as they neither have access to any information nor any infrastructure provided by the Government. The Committee desire that consumer organisations should strive to adopt an area specific and time bound approach, so that the message of consumer protection is received by one and all and radically disseminated. These organisations should adopt a cluster of villages/Panchayats/Blocks depending on the capacity and report with the community. Besides multimedia approach already been made use of, the Committee desire that village fairs and other social congregations should also be the target groups, to educate the rural folkmen.

Reply of the Government

The recommendation has been sent to all the consumer organisations for compliance.

[Ministry of Civil Supplies, Consumer Affairs and Public Distribution,
O.M. No. 5/3/93-CPU Dt. 19.1.1995]

Comments of the Committee

The Committee should be informed of the impact of recommendation on the consumer organisations.

Consumer welfare fund

Recommendation (Para No. 69)

The Committee note that the Consumer Welfare Fund has not been made operational although Rs. 7.89 crores has accumulated in it. The Committee are of the view that Consumer Welfare Fund is the first step in the direction of strengthening consumer movement. The Committee desire that Government should finalise the rules and make the fund operational without any further delay.

Reply of the Government

The Consumer Welfare Fund Rules were notified on 27.1.1994. The Fund has been made operational since 27.1.1994.

[Ministry of Civil Supplies, Consumer Affairs and Public Distribution,
O.M. No. 5/3/93-CPU Dt. 19.1.1995]

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE GOVERNMENT REPLY

Recommendation (Para No. 56)

The Committee find that the number of voluntary organizations being provided aid by the Ministry is barely 2.5% of the total number of organisations and the amount disbursed on an average works out to less than Rupees ten thousand per organisation. The Committee regret to note that the amount of aid as well as the number of organisations covered is very low. The Committee recommend that in order to provide thrust to consumer protection activities, additional funds should be made available to the organisations for their activities. The Consumer Welfare Fund could also be utilised in this direction after proper guidelines are evolved to prevent its misutilisation.

Reply of the Government

The Ministry is operating two schemes to give financial assistance to consumer organisations. In the first scheme, the financial assistance is given to the maximum of Rs. 25000/. The copy of the scheme and guidelines have been sent to all the consumer organisations. The release of assistance is small due to number of applications received. The Ministry is always willing to provide such assistance.

The second scheme is the grant of financial assistance from the Consumer Welfare Fund. The Fund has been made operational since 27.1.1994. The guidelines have been framed. Wide publicity has also been given to this Fund. So far, 17 applications have been cleared for assistance of Rs. 46,28,900/- from this Fund. Other applications received are under process.

[Ministry of Civil Supplies, Consumer Affairs and Public Distribution,
O.M. No. 5/3/93-CPU Dt. 19.1.1995]

Recommendation (Para No. 60)

The Committee are concerned to note that adequate participation of various States has not been ensured in the training programmes conducted for non-judicial members of State Commission and District Forums on legal aspects, including writing of judgement etc. and these

have been confined to just a few States. The Committee recommend that the training programmes be worked out as early as possible so as to give some participation to every State.

Reply of the Government

The training programmes for the Non-Judicial Member of the State Commission and District Fora are conducted at the Indian Institute of Public Administration. Such training programme is not confined to just few State Government/UT Administrations. Every year, the Ministry send a letter to all the States/UTs to send the nominations of the Non-Judicial Members of the State Commission/District Fora who has not attended such training earlier based on the feedback, the training programmes are scheduled.

[Ministry of Civil Supplies, Consumer Affairs and Public Distribution,
O.M. No. 5/3/93-CPU Dt. 19.1.1995]

Recommendation (Para No. 61)

The Committee are unhappy to note that financial assistance for this programme has been given just to two States (*viz.* Gujarat and Karnataka) to continue training programmes. The Committee recommend that the remaining States be also taken into consideration while disbursing such aid.

Reply of the Government

The Ministry do not have a scheme to give financial assistance to the State Governments for conducting such training programmes. However, if a specific request is received from a State Government for this purpose, the same is considered. Such assistance was given to Gujarat and Karnataka on a specific requests from them.

[Ministry of Civil Supplies, Consumer Affairs and Public Distribution,
O.M. No. 5/3/93-CPU Dt. 19.1.1995]

Recommendation (Para No. 66)

The Committee are not able to reconcile with the explanation provided by the Ministry that the fee charged by BIDS for testing consumer goods is not proving to be a deterrent. The Committee note, for instance that the testing charges for common consumer items such chocolates is Rs. 1350/-, Milk Powder Rs. 1650/-, Maida Rs. 750/-, Biscuits Rs. 375/-, Shoe polish Rs. 1800/-. The Committee are of the view that laboratory analysis charges are on a very high side, thus acting as a deterrent on consumers to file complaints before consumer

courts in case of defective consumer goods. The Committee recommend that the testing charge structure of BIS should be suitably revised downward.

Reply of the Government

BIS has got a well defined procedure for dealing with complaints against BIS certified products. In case a consumer is not satisfied with the quality of a BIS certified product he can make a complaint to the nearest BIS office and necessary investigation of the complaint is arranged. In case the complaint is found to be genuine, the redressal is arranged by way of replacing or repairs depending upon the product under complaint. Necessary tests are also carried out for establishing genuineness of the complaint and consumers are not required to pay any testing charges for BIS certified products even if the complaint is found not to be genuine after testing. It is therefore, felt that the BIS testing charges are not acting as a deterrent on consumer to file complaints before consumer courts in case of defective consumer goods.

Further BIS testing charges are based on the actual expenses incurred by BIS and these charges are payable by the manufacturers of the items who apply for BIS certification mark for their products. BIS laboratories do not undertake commercial testing.

On a clarification sought, the Ministry, in a note *inter alia* stated:—

“If any complaint is received by them *i.e.* Bureau of Indian Standard in respect of ISI certified products, then they themselves carry out the test for establishing the genuineness of the complaint and the consumers are not required to pay any testing charge for it.”

Recommendation (Para No. 67)

The Committee note that comparative testing of consumer goods and services, hitherto popular in foreign countries, have made a beginning in our country also and consumer organisation like VOICE and CERC, have been entrusted with maiden ventures. Whereas VOICE has completed the task of comparative testing in colour TVs, CERC is conducting comparative testing in the field of food, pharmaceuticals and domestic appliances. While the Committee appreciate the trend of comparative testing being done by Consumer Organisation, they have some apprehension as to the expertise available with these organisations to fulfil the task undertaken. The Committee, therefore, recommend that financial assistance be given to the consumer organisations only after strict scrutiny of the availability of their in-house expertise and till such time that these organisations have not matured and evolved

fully, the comparative testing of goods should be within the domain of Government Agencies such as BIS and other laboratories set up by the Centre and State Governments.

Reply of the Government

The Ministry has noted the observation of the Committee for compliance. However, Government does not propose to involve itself in the field of comparative testing as it results in a lot of litigation at a later stage. Further, no where in the world, Government is engaged in such type of testing. Only consumer organisations are doing this work.

[Ministry of Civil Supplies, Consumer Affairs and Public Distribution,
O.M. No. 5/3/93-CPU Dt. 19.1.1995]

Recommendation (Para No. 70)

The Committee have been informed that the Civic Services rendered by the Municipalities/Local bodies are at present not covered by the Consumer Protection Act, 1986 due to certain legal hurdles. Funds raised by the State agencies to provide these services are directly or indirectly by the consumers in the form of taxes etc. In view of this, the Committee suggest that the legal aspects relating to their inclusion under the Consumer Protection Act, at the earliest.

Reply of the Government

Earlier, a High Power Working Groups was constituted under the aegis of the Central Consumer Protection Council to suggest suitable amendment to the Consumer Protection Act to make it effective. The Working Group suggested to bring the civic services within the purview of the Act. The suggestion was examined in consultation with Department of Legal Affairs. Department of Legal Affairs expressed the view that a legislation on civic services fall in State List of Schedule VII of the Constitution. This implies that subject of Civic Services should not form part of Central Legislation.

[Ministry of Civil Supplies, Consumer Affairs and Public Distribution,
O.M. No. 5/3/93-CPU Dt. 19.1.1995]

Recommendation (Para No. 71)

The Committee note that various agencies such as MRTP, Advertising Council of India, Doordarshan and All India Radio through Code framed by them to regulate the advertisements, Ministry of Health and Ministry of Civil Supplies, Consumer Affairs and Public

Distribution are primarily responsible to ensure that fraudulent and misleading advertisements are not issued in the media. The Committee, however, regret to note that despite these control measures, deceitful, misleading and fraudulent advertisements continue to be issued. The Committee recommend that Government should gear up their machinery and ensure that no such advertisements find their way in the media so as to protect consumer interests effectively. The Committee would like the Ministry to monitor the prevailing advertisement scenario and informed on the results achieved.

Reply of the Government

The Government, with a view to protect the interest of consumers, has taken a serious note of the complaints about misleading advertisements.

The matter of such advertisements, specially on electronic media was discussed in a meeting held recently between the Minister of Civil Supplies, Consumer Affairs and Public Distribution and Minister of State for Information & Broadcasting. In the meeting, it was decided that the Ministry of Civil Supplies will work as nodal Ministry to scrutinise and verify the complaints of misleading advertisements. After this, the complaints shall be passed on to the Ministry of Information and Broadcasting which has assured suitable action against such advertisements.

All the advertisements through Doordarshan and All India Radio are subjected to commercial code for advertisements and misleading advertisements are immediately taken off from the telecast or broadcast on receiving legitimate complaints. The consumer can complain to the Doordarshan/All India Radio or the Ministry of Civil Supplies and Consumer Affairs against misleading advertisements.

[Ministry of Civil Supplies, Consumer Affairs and Public Distribution,
O.M. No. 5/3/93-CPU Dt. 19.1.1995]

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

Recommendation (Para No. 57)

The Committee also recommend that voluntary organisations receiving aid from commercial houses be made ineligible for drawing funds from Govt. and priority be given to voluntary consumer organisations having a creditable record in the field of consumer protection.

Reply of the Government

Recommendation of the Committee has been noted for compliance. However, some exceptions may have to be made in the case of some well established organisations in the field.

[Ministry of Civil Supplies, Consumer Affairs and Public Distribution,
O.M. No. 5/3/93-CPU Dt. 19.1.1995]

Comments of the Committee

[Please see Paragraph No. 1.9 of Chapter I of the Report]

Recommendation (Para No. 58)

The Committee note that a uniform criteria for fund disbursal to all the States has not been evolved resulting in gross anomalies where large States like U.P., Bihar etc. have been put at par with smaller States like Lakshadweep, Goa, Sikkim etc. The Committee recommend that guidelines should be laid down for disbursing financial assistance to States to promote consumer protection activities, keeping in view the population, its density; and also the area of a State.

Reply of the Government

The Ministry do not have a regular scheme to release financial assistance to the State Governments. Such assistance is given on the specific requests from the State Governments and subject to the availability of funds with the Ministry.

[Ministry of Civil Supplies, Consumer Affairs and Public Distribution,
O.M. No. 5/3/93-CPU Dt. 19.1.1995]

Comments of the Committee

[Please see Paragraph No. 1.12 of Chapter I of the Report]

Recommendation (Para Nos. 62-63)

The Committee observe that more and more consumers are reposing their faith in the working of Consumer Courts by agitating their cases before them. The total number of cases filed in the State Commissions and District Forums were 32429 and 321610, respectively. The Ministry have admitted that only 31% and 40% cases were decided by State Commissions and District Forums, respectively within stipulated time and the number of cases dismissed due to technical reasons were 16% to 54% cases at State Commissions (17,514 cases) and 41% cases at District Forums (1,31,860 cases) are still pending. The Committee find that even in National Capital Territory of Delhi out of 18,061 cases filed since inception 6900 cases are still pending. Committee are alarmed at the pendency position and the dismissal of cases due to technical reasons and desire that the pendency problem, so endemic with Indian Judiciary should not also plague the Consumer Courts. The Committee recommend that steps should be taken to set up a Consumer Guidance Bureau, with the sole objective of consumer counselling so that cases dismissed due to technical reasons are kept at the barest minimum. The Committee also recommend that Government should closely monitor and review the pendency position and take urgent steps to liquidate the arrears.

With the view to curtail delay, the Consumer Protection Act has been amended recently, empowering the State Governments to set up more than one district forum in a district. The Committee, therefore suggest that more district forums should be set up where necessary to liquidate the arrears and avoid piling up of cases in future. This will not only reduce the work load on the existing district forums but would also hasten the process of dispensation of justice.

Reply of the Government

The observations of the Committee have been sent to the State Governments/Union Territory Administrations for implementation.

[Ministry of Civil Supplies, Consumer Affairs and Public Distribution,
O.M. No. 5/3/93-CPU Dt. 19.1.1995]

Comments of the Committee

[Please see Paragraph Nos. 1.15 & 1.16 Chapter I of the Report]

CHAPTER V

RECOMMENDATION/OBSERVATION IN RESPECT OF WHICH REPLY OF THE GOVERNMENT IS STILL AWAITED

Recommendation (Para No. 65)

The Committee observe that the tendency to file writ petitions in High Court against the judgements of Consumer Courts and freedom of lawyers to plead cases before Consumer Courts have taken their toll by delaying the justice against the objectives of speedy and inexpensive justice. The Committee, therefore, recommend that the decisions of Consumer Courts which are enforceable like any the decree of Civil Court should be brought under purview of Article 323 (B) of the Constitution so as to exclude the writ jurisdiction of High Courts. The Committee are also at the complete loss to understand the rationale behind the engagement of lawyers to plead before consumer courts when they have been specifically barred to practice in Family Courts and Industrial/Labour Tribunals. With the arrival of lawyers in the Consumer Courts area, the claimants are often hard hit as they can ill-afford the exorbitant fees charged by the lawyers. The Secretary admitted during evidence that there are certain legal and technical points in barring lawyers from appearing before consumer forums. In view of this, the committee, recommend that lawyers should be allowed to appear only (i) when the complainant has engaged the services of a lawyer (ii) if the Consumer Court due to the legal complexity of the case permits the engagement of lawyer.

Reply of the Government

Earlier, the Ministry has constituted a high power working group to suggest suitable amendment to the Consumer Protection Act 1986, to make it more effective. The said recommendation will be placed before it for consideration.

[Ministry of Civil Supplies, Consumer Affairs and Public Distribution,
O.M. No. 5/3/93-CPU Dt. 19.1.1995]

Comments of the Committee

Impact of the recommendation of the Working Group should be communicated to the Committee.

NEW DELHI,
21 December, 1995

30 Agrahayana, 1917 (Saka)

SHYAM BIHARI MISRA,
Chairman,
Standing Committee on Food Civil,
Supplies and Public Distribution.

APPENDIX I

STANDING COMMITTEE ON FOOD, CIVIL SUPPLIES AND PUBLIC DISTRIBUTION

Minutes of the sitting of the Committee held on 18th December, 1995

The Committee sat from 15.30 Hours to 17.30 Hours on 18.12.1995.

PRESENT

Shri Sunder Singh Bhandari — *In the Chair*

Lok Sabha

2. Dr. (Smt.) Padma
3. Shri V. Krishna Rao
4. Shri Bijoy Krishna Handique
5. Shri Lakshman Singh
6. Dr. Ramkrishna Kusmaria
7. Shri Kabindra Purkayastha
8. Prof. Ram Kapse
9. Shri Ram Awadh
10. Shri Manoranjan Sur
11. Shri Birsingh Mahato
12. Shri Naresh Kumar Baliyan

Rajya Sabha

13. Smt. Chandra Kala Pandey
14. Shri O.S. Manian

SECRETARIAT

1. Smt. Roli Srivastava— *Joint Secretary*
2. Shri Krishan Lal — *Deputy Secretary*
3. Shri A.S. Chera — *Under Secretary*
4. Shri R.S. Kambo — *Assistant Director*
5. Shri P.K. Sharma — *Editor*

2. The Committee, in the absence of the Chairman of the Committee chose Shri Sunder Singh Bhandari, MP to act as Chairman for the sitting in terms of Rule 258 (3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

(i) Consideration and adoption of Draft Thirteenth Report.

3. The Committee considered the draft Thirteenth Report on Action Taken by the Government on the Recommendations contained in the Fourth Report of the Standing Committee on Food, Civil Supplies and Public Distribution, on Consumer Protection. The Committee adopted the report without any amendment.

4. Consideration and adoption of Draft Fourteenth Report.

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5. Consideration and adoption of Draft Fifteenth Report.

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APPENDIX II

(Vide Introduction of the Report)

Analysis of Action Taken by the Government on the recommendation contained in the Fourth Report of Standing Committee on Food, Civil Supplies & Public Distribution (Tenth Lok Sabha)

I	Total Number of Recommendations	16
II	Recommendations/Observations which have been accepted by Government	
	Sl. Nos. 59, 64, 68, 69	
	Total	4
	Percentage	25
III	Recommendations/Observations which the Committee do not desire to pursue in view of the Government's replies	
	Sl. Nos. 56, 60, 61, 66, 67, 70, 71	
	Total	7
	Percentage	43.7
IV	Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee	
	Sl. Nos. 57, 58, 62, 63	
	Total	4
	Percentage	25
V	Recommendations/Observations in respect of which final replies of Government are still awaited	
	Sl. No. 65	
	Total	1
	Percentage	6.3