

37 *Consumer Protection* AGRAHAYANA 18. 1908 (SAKA) *Amdt.) Bill, Drugs and* 38  
*Bill, Standards of Weights and Measures*  
*(Amdt.) Bill, Standards of Weights*  
*and Measures, (Enforcement) Amdt.*  
*Bill, Essential Commodities (2nd*  
 11.37 hrs.

CONSUMER PROTECTION BILL, 1986,  
 STANDARDS OF WEIGHTS AND  
 MEASURES (AMENDMENT) BILL, 1986,  
 STANDARDS OF WEIGHTS AND  
 MEASURES (ENFORCEMENT) AMEND-  
 MENT BILL, 1986, ESSENTIAL COM-  
 MODITIES (SECOND AMENDMENT)  
 BILL, 1986, DRUGS AND COSMETICS  
 (AMENDMENT) BILL, 1986, PREVEN-  
 TION OF FOOD ADULTERATION  
 (AMENDMENT) BILL, 1986, MONO-  
 POLIES AND RESTRICTIVE TRADE  
 PRACTICES (AMENDMENT) BILL, 1986,  
 AND AGRICULTURAL PRODUCE  
 (GRADING AND MARKING) AMEND-  
 MENT BILL, 1986,

[English]

MR. SPEAKER : Now, the House will take up consideration of all the Bills mentioned at Serial Nos. 21 to 28 together for which three hours have been allotted. The Ministers will now move for the consideration motions in respect of all the Bills at Serial Nos. 21 to 28 one after the other.

SHRI MOOL CHAND DAGA : These are all important Bills. How can we discuss these together ?... (Interruptions)

MR. SPEAKER : They will be coming one after the other.

SHRI MOOL CHAND DAGA : You said that these would be discussed together.

MR. SPEAKER : You did not hear the later part. I said—one after the other, that is fill in the blanks. Please listen and then talk.

SHRI SHANTARAM NAIK : We would like to congratulate the Hon. Ministers because the consumers and the weaker sections will be benefited by this legislation.

THE MINISTER OF PARLIAMEN-  
 TARY AFFAIRS AND MINISTER  
 OF FOOD AND CIVIL SUPPLIES (SHRI  
 H. K. L. BHAGAT) : Sir, in the present  
 economic and social scenario, the subject of

consumer protection is of vital concern and importance for all of us because we are all consumers in one form or the other. Although various scientific and technological developments have brought about perceptible socio-economic changes, the consumer's control over the market mechanism has gradually diminished. His suzerainty in choice of goods and services has been greatly eroded by various forms of unfair, monopolistic and deceptive trade practices

Although there are a number of consumer protection laws such as the Essential Commodities Act, Prevention of Food Adulteration Act, Standards of Weights and Measures Act, MRTP Act, etc., the existing arrangements have not led to the growth of an effective consumer protection movement. These laws are either preventive or punitive in approach, and they do not provide for speedy relief and compensation to the aggrieved consumers. The procedures are long-drawn and cumbersome. Besides, at present, there is no statutory machinery which could function as a common platform for officials and non-officials to discuss the consumer problems and advise the Government on policies and measures needed to promote and protect the rights and interests of consumers.

Protection of legitimate rights and interests of consumers depends not only on the legal framework that could be provided for the purpose by the Government but more so on a strong voluntary consumer movement effectively functioning at the grass-root level and also on adequate response and cooperation from the trade and industry.

Our Government under the dynamic leadership of the Prime Minister, Shri Rajiv Gandhi, has accorded a high priority to the building up of such a movement in the country. 'Concern for the consumer' is included in the New 20 Point Programme. We are keen for the development of a broad-based and effective consumer movement in the country and for this purpose, a number of measures have been initiated. Assistance and cooperation of voluntary organisations, trade and industry, prominent citizens, youth and women would go a long way in the attainment of this objective. Consumer education is crucial for the success

[Shri H. K. L. Bhagat]

of our mission and for this purpose, the support of mass-media particularly, radio and television, etc., will be sought more meaningfully. To facilitate redressal of consumer grievances, the existing laws are being amended to confer specific rights on the aggrieved consumers or consumer organisations registered under the Companies Act or under any other law in force to file a complaint in the courts. Hitherto such a complaint could be filed only by government functionaries. In addition to the improvements in the existing infrastructure, it has been considered necessary to have a separate comprehensive consumer protection legislation which could provide for speedy, simple and inexpensive relief/compensation to the consumers. To make it effective, it was also felt that the redressal machinery should be available within easy reach of the consumers. To decide about the framework of this legislation, it was felt necessary that views of the concerned interests should be elicited. Therefore, an All India Seminar was held in New Delhi in January 1986 in which representatives of the State Governments, voluntary consumer organisations and Central Ministries/Departments participated. Suggestions emanating from this seminar and those received from prominent persons working in the field were considered in a number of inter-ministerial meetings. Consumer protection legislations and arrangements existing in this regard in countries like USA, UK, Australia and New Zealand were also studied. Good features were considered for suitable adoption and adaptation to suit our socio-economic conditions.

After careful consideration of various ideas, this Consumer Protection Bill, 1986—now the designation given to this Bill is slightly different for redressal of grievances, etc.—has been introduced for kind consideration of the House. This Bill is a landmark in the field of socio-economic legislation of the country. This comprehensive Bill is in addition to and not in replacement of any other law on the subject of consumer protection. The Bill enshrines the rights of the consumers to be promoted and

protected by the Consumer Protection Councils in the Centre and the States and the redressal machinery at the national, State and District levels. The legislation intends to provide prompt and meaningful remedy for consumer grievances, but its success will depend on effective implementation of its provisions by the Central and State Governments. More than that, I have no hesitation in saying that the success of the legislation would depend on the development of a strong broad-based voluntary consumer movement at the grass-root level.

I also take this opportunity to request my brethren in the trade and industry to rise to the occasion and set up consumer redressal cells within their organisations which would minimise consumer complaints and improve their image. Trade and industry should not only evolve a Code of Ethics for fair business practices but also implement them in letter and spirit.

Now, I may briefly summarise the salient features of the Bill—

- (i) To give speedy redressal to consumer complaints, the Bill provides for setting up of Consumer Dispute Redressal Forum in every District, a Commission at the State level and the National Commission at the Centre. The Forum in the District will have Original Jurisdiction to redress complaints upto a claim amount of Rs. one lakh. The State Commission will have original jurisdiction to settle claims upto an amount of Rs. 10 lakhs. The National Commission can entertain any claim for damages above Rs. 10 lakhs. The State Commission and the National Commission will be vested with appropriate Appellate and Revisionary powers.
- (ii) To promote voluntary consumer movement and to ensure involvement of consumers, the Bill provides for establishment of Consumer Protection Councils in Centre and the States. These Councils will have both non-official and official members. The objects of the



Councils will be to promote and protect the rights of the consumers.

- (iii) It shall apply to all goods or classes of goods or all services or classes of services except those which are specifically exempted by notification by the Central Government.
- (iv) The provisions of the Act shall be in addition to and not in derogation of any other law for the time being in force.
- (v) Necessary penal and punitive provisions have been incorporated to ensure that the proposed legislation is effective in protecting consumers.
- (vi) The complaint can be filed by a consumer or an organisation being a society registered under the Societies Registration Act or a company registered under the Companies Act, representing consumers or by the Central or a State Government.
- (vii) The complaint can be on account of any unfair trade practices resulting in loss or damage, defect in the goods, deficiency in the services, prices charged in excess of the prices fixed by or under any law or displayed on the goods/packets.

Hon'ble Members will agree that the proposed legislation will meet the objectives of providing speedy and inexpensive redressals to the aggrieved consumers and promote a strong and broad-based voluntary consumer movement in the country. I am sure that this important social and economic legislation will receive support from Hon'ble Members of this House.

I would like to add only two more words, that is, that each Indian is a consumer including a producer, a trader or an industrialist. This Bill is pro everyone against none. Not because I am a Member of the Cabinet. I wish to add and I have quoted the Prime Minister, how keen he is to protect the social and economic justice to millions and millions of people in India. He

has been pressing for this. He has been asking for this. But for him such a progressive Bill during the short time, after he took over, might not have come on record. Therefore, I want to place on record our grateful thanks with which the Prime Minister and the interest that he has taken.

With these words, I commend the Bill.  
I move :

“That the Bill to provide for the better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and others authorities for the settlement of consumer's disputes and for matters connected therewith, be taken into consideration.”

MR. SPEAKER : I have got four notices for amendments to the Consideration Motion. I will ascertain from those Members, whether they are going to press for that. Shri Dinesh Goswami. Not present. Shri Madhav Reddi.

SHRI C. MADHAV REDDI (Adilabad) :  
Not moving.

MR. SPEAKER : Shri Mool Chand Daga. Are you moving ?

SHRI MOOL CHAND DAGA (Pali) :  
Yes Sir, I am moving.

I beg to move :

“That the Bill to provide for the better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumer's disputes and for matters connected therewith be referred to a Joint Committee of the Houses consisting of 29 members, 19 from this House, namely :

1. Shri H. K. L. Bhagat
2. Smt. Chandresh Kumari
3. Shri Prakash Chandra

43 *Consumer Protection Bill, Standards of Weights and Measures (Amdt.) Bill, Standards of Weights and Measures (Enforcement) Amdt. Bill, Essential Commodities (2nd*

DECEMBER 9, 1986

*Amdt.) Bill, Drugs and Cosmetics (Amdt.) Bill, Prevention of food Adulteration (Amdt.) Bill, MRTP (Amdt.) Bill and Agr. Produce (Grading and Marking) Amdt. Bill.* 44

4. Shri Somnath Chatterjee
5. Prof. Madhu Dandavate
6. Shri Dinesh Goswami
7. Shri Indrajit Gupta
8. Shri Viridhi Chander Jain
9. Shri Dharam Pal Singh Malik
10. Shri Shantaram Naik
11. Shri K. S. Rao
12. Shri C. Janga Reddy
13. Shri Chiranji Lal Sharma
14. Shri Saleem I. Shervahi
15. Prof. Saifuddin Soz
16. Shri Simon Tigga
17. Shri K. P. Unnikrishnan
18. Shri Girdhari Lal Vyas
19. Shri Mool Chand Daga

and 10 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and Communicate to this House the names of 10 members to be appointed by Rajya Sabha to the Joint Committee." (3)

MR. SPEAKER : Shri Ram Bahadur Singh. Are you moving ?

SHRI RAM BAHADUR SINGH (Chapra) : Yes, Sir, I beg to move :

"That the Bill to provide for the better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumer's disputes and for matters connected therewith, be referred to a

Select Committee consisting of 8 members, namely :

1. Shri Basudeb Acharia
  2. Shri H. K. L. Bhagat
  3. Shri Dinesh Goswami
  4. Shri Indrajit Gupta
  5. Shri C. Madhav Reddy
  6. Shri G. G. Swell
  7. Shri Zainul Basher; and
  8. Shri Ram Bahadur Singh (29)
- with instructions to report by the 29th April, 1987."

MR. SPEAKER : Mr. Bhagat, now you please move for the consideration of the next Bill.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT) : Sir, I beg to move :

"That the Bill to amend the Standards of Weights and Measures Act, 1976, be taken into consideration."

I have not to say much at this juncture. I shall reply to the debate at the end.

MR. SPEAKER : Next Bill. Shri Bhagatji.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT) : Sir, I beg to move :

"That the Bill to amend the Standards of Weights and Measures (Enforcement) Act, 1985, be taken into consideration."

MR. SPEAKER : Next Bill. Shri Bhagat.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF FOOD AND CIVIL SUPPLIES (SHRI H. K. L. BHAGAT) : Sir, I beg to move :

"That the Bill further to amend the Essential Commodities Act, 1955, be taken into consideration."

45 *Consumer Protection AGRAHAYANA 18, 1908 (SAKA) Amdt.) Bill, Drugs and* 46  
*Bill, Standards of Weights and Measures*  
*(Amdt.) Bill, Standards of Weights*  
*and Measures (Enforcement) Amdt.*  
*Bill, Essential Commodities (2nd*  
*Cosmetics (Amdt.) Bill, Prevention of*  
*Food Adulteration (Amdt.) Bill, MRTP*  
*(Amdt.) Bill and Agr. Produce*  
*(Grading and Marking) Amdt. Bill.*

MR. SPEAKER : Next Bill. Kumari Saroj Khaparde.

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE): Sir, I beg to move :

“ That the Bill further to amend the Drugs and Cosmetics Act, 1940, be taken into consideration ”.

Sir, the Drugs and Cosmetics Act, was enacted in 1940 with an objective to control and regulate the import, manufacture, distribution and sale of the drugs and cosmetics. To combat the growth of spurious drugs, the Act was amended in 1982 to provide more effective measures to check such spurious drugs .

Sir, the Act and rules in the present form have prescribed the standards and quality of drugs, the conditions of their manufacture, sale, distribution, and import. The licensing authorities inspectorate authorities are required to carry out regular inspections. The amending Bill enables any person or any recognised consumer association to launch prosecution in a court of law against the manufacturer or a dealer in drugs when the person who has used this drug is aggrieved. The intention of the present legislation is to confer powers on the Consumer Associations in the country to draw legal samples of drugs, and send them for test. On the basis of the test report or even otherwise, if the consumer of the drug is harmed in any way, he should be enabled to launch prosecution either by himself or with the assistance of the Consumer Associations. The House will agree that since the drug control measures are essentially for protecting public health, it is necessary that the public should also have powers to protect their rights by launching prosecution.

Two Sections of the Act are being amended. Firstly, Section 26 of the Act which now enables a purchaser of a drug to send the sample for test to the Government Analyst is being expanded by giving the same power to any recognized consumer Association to get the sample tested from the Government Analyst. Secondly, Section 32 of the

Act is being amended. This Section now gives power only to the Drug Inspector to launch prosecution. By amendment of this Section, any aggrieved person or a recognized Consumer Association shall also have the power to launch prosecution.

Experience has shown that an individual hesitates to come forward to exercise such powers invested on him under the provisions of the Act because of time factor and legal complications involved.

The House will agree that these powers are necessary to strengthen the consumer movement in the country, so that wherever action to prosecute a defaulting drug manufacturer or dealer is not taken by the State Drug Control authorities who enforce these provisions, such action can be taken by the aggrieved persons or the Consumer Association. This step, I am sure, will help in ensuring a stricter compliance of the regulations of quality control discipline by the manufacturers and also the ethics of sale of drugs by the dealers.

Since these measures are for protecting public health and for assisting the consumer movement I would recommend to the House to accept these new measures as given in the Bill.

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (KUMARI SAROJ KHAPARDE) : I beg to move :

“That the Bill further to amend the Prevention of Food Adulteration Act, 1954, be taken into consideration.”

Sir: This is another consumer protection legislation which is designed to prevent adulteration of foodstuffs. The House is well aware that the Prevention of Food Adulteration Act was enacted in 1954. Over the years, the Act has been amended in 1964, in 1971 and again in 1976, to include provisions for severe penalties to the offenders and to plug loopholes in the implementation of the Act.

[Kumari Saroj Khaparde]

The rules framed under this Act lay down minimum quality standards for various food articles. The rules also outline detailed labelling provisions, so that consumers get correct information about the products purchased by them. The basic framework of the Act is thus oriented towards consumer protection.

Food is the basic need of every individual. It is no denying the fact that quality of food has a definite bearing on the quality of human life, both physical and mental. An article of food not conforming to the standards is deemed to be 'adulterated'. In case the article contravenes any of the labelling provisions by which a consumer could be duped, the food article is termed as 'misbranded'. Sale of 'adulterated' and 'misbranded' article of food is a punishable offence under the Act.

It is well known to the august House that no amount of administrative action will be adequate to achieve the objective of the food laws, till the consumers are deeply involved in the programme. Consumer consciousness and consumer awareness are the needs of the hour.

With this objective in mind, I now put the present Bill contemplating to further amend Section 12 and 20 of the Act, defining consumer associations, and entrusting them with the power of collecting samples for analysis and taking legal action against the offender. I also recommend to this House to pass this piece of legislation. Thank You.

THE MINISTER OF STATE IN THE DEPARTMENT OF INDUSTRIAL DEVELOPMENT IN THE MINISTRY OF INDUSTRY (SHRI M. ARUNACHALAM): On behalf of Shri J. Vengal Rao, I beg to move :

"That the Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969, be taken into consideration."

THE MINISTER OF STATE IN THE DEPARTMENT OF RURAL DEVELOPMENT IN THE MINISTRY OF AGRICULTURE (SHRI RAMANAND YADAV): I beg to move :

"That the Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937, be taken into consideration."

MR. SPEAKER : Motions moved :

"That the Bill to provide for the better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumer's disputes and for matters connected therewith, be taken into consideration."

"That the Bill to amend the Standards of Weights and Measures Act, 1976, be taken into consideration"

"That the Bill to amend the Standards of Weights and Measures (Enforcement) Act, 1985, be taken into consideration."

"That the Bill further to amend the Essential Commodities Act, 1955, be taken into consideration."

"That the Bill further to amend the Drugs and Cosmetics Act, 1940, be taken into consideration."

"That the Bill further to amend the Prevention of Food Adulteration Act, 1954, be taken into consideration."

"That the Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969, be taken into consideration."

"That the Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937, be taken into consideration."



SHRI C. MADHAV REDDI (Adilabad) : Mr. Speaker, the much awaited and much promised Bill is at last before us on the last day of the session. The seminar was held in the month of January, the first month of this year and in the last month of this year...

MR. SPEAKER : It is just very near to January.

SHRI C. MADHAV REDDI : The government waited for one year. I welcome this Bill. Better late than never. The Hon. Minister described this Bill as a landmark in the field of socio-economic development of the country. I do not know to what extent I subscribe to this view, but I certainly felt that it is a very good beginning and he deserves our congratulations. I am sure, in the course of time, when he is going to implement this Bill because, as he himself said, everything will depend upon implementation of the provisions of this Bill, when he does this successfully, I am sure, he will earn the name of Ralph Nadar of India.

Before I come to the various features of this Bill and also a bunch of seven Bills which are before us, ordinarily I would have opposed the manner in which a bunch of these seven Bills is being rushed through in this House on the last day of the session because that had been the practice of the government in the past, but in respect of this particular Bill, which is so important and which is so essential for the protection of consumers, I do not want oppose even the procedure with which the Bill is being brought.

MR. SPEAKER : I will not like you to oppose it on that score.

SHRI C. MADHAV REDDI : And consistent with that view, I had withdrawn my motion for referring the Bill to the Joint Select Committee.

MR. SPEAKER : No, I will not allow.

PROF. N.G. RANGA : Thank you.

SHRI C. MADHAV REDDI : But as I said, this is not a perfect Bill. There are

many loopholes, many lacunae and there are a lot of amendments given. I hope in the same spirit the Hon. Minister is going to accept some of the amendments moved by the members when we take up clause-by-clause consideration.

Sir, the consumer movement in this country is very weak as has been explained by the Minister and there is no protection to the consumer.

12.00 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

This Bill has got two important features. one relates to the consumer education and the other relates to the redressal of consumers' grievances. It has been well conceived because education is very important, for which the Bill envisages the establishment of a Consumers' protection Council, at the national level as well as at the State level but the Bill brings about the need to develop a number of consumer organisations in the private organisations, voluntary organisations in the country. It has been left entirely to the people's initiative.

Today we have a very effective organisation worth the many which are in the field of consumer protection. Some of them, such as in Delhi and Bombay metropolitan cities there are some consumer Guidance Societies of India in Bombay and Common Cause in Delhi, Consumer Education Research Centre, Ahmedabad and Karnataka Consumer Service Society, Bangalore. These are the only three or four organisations which are worth mentioning in this country. But the rest of official figure of 160 or 161 all of them are not actually active in the field of consumer protection. Now, there is a need for setting up a number of such institutions, providing them financial assistance and other assistance because of the provisions which we are making in this Bill they will be effective only if there is an initiative by the consumer organisations or some individuals. It is very rarely that consumers or individuals come forward and lodge a complaint in our country. It is an organisation

[Shri C. Madhav Reddi]

which takes up the cause. And then it is rightly said that the consumer who suffers who has got a grievance need not be a member of that consumer organisation. Anybody can take it up now. It is a very good suggestion. But now-a-days can an organisation can exist and resist? who is going to take up the cause? We are providing machinery at the district level, state level taluk level, but there must be somebody to make use of this machinery. And this is not being looked into and no momentum has been injected in the financial assistance, protection or encouragement, guidance to the consumer organisations in the country.

Sir, coming to the consumer redressal agencies the district level agencies will be a forum, a district forum and these redressal forums will also, not only take up the cases where compensation is to be paid, where a claim is paid but also in other cases where there is no claim or no question of claim is there.

In the Bill it is definitely mentioned that the claim is up to Rs. one lakh of rupees and then the jurisdiction of the district court will be there. But there are many claims where there are no complications and in which you can clinch the amount. What will happen in such cases? There only a direction has to be given to a manufacturer, "that you have changed the product." Or to the manufacturer that he should supply such and such quality product and so on and so forth. In all such matters we have to assume certain figures. And it is difficult to assume a figure which is to be mentioned clearly that not only in respect of the cases where an amount can be fixed with regard the position of the consumer, but also other cases the jurisdiction has to be clearly defined. The various other Acts which are being amended through these seven Bills, the subject matter is the same i.e. consumer protection. I do not know why all these amendments have not been brought forward in one single Bill. May be some technical flaw may be there. I would like to know why all these Bills have been brought. All these amendments which have been suggested are very essential, because, today

we find that in several of these Acts there is no protection for the consumer. Certain penalties have been prescribed, but there is no redressal. He cannot go to the court. In the case of agriculture, there is an 'AGMARK' system. But then it is voluntary; it is not compulsory. Now it is being made compulsory. Like that many of these amendments which have been suggested, are very essential and they will go a long way in giving protection to the consumer. I support all those amendments proposed in the seven Bills.

In this country, we have a protected market. We are having some sort of a seller's market. The producers have near monopoly including the public sector. In such an atmosphere where the market is protected, consumer has to depend upon the whims and fancies and mercy of the manufactures because there is no competition. If there is a competition, certainly the manufacturers would try to improve the product. Since we are working in a protected market, the consumer has no protection at all. It is only the manufacturer who gets protection. Then many of the consumer products are being manufactured by the public sector. Let us not forget that this is a two-edged weapon, because we are passing this Bill. Then at times, we have to use this weapon against our own public sector. The public sector will have to be very careful in the manufacture and in the supply of these goods. I do not know how the public sector can be freed from this Bill. Anything which the public sector manufactures or distributes, it comes within the purview of this Bill. It is very good that the public sector has been brought within the purview of this Bill. It has to observe the rules and see that the consumers are very well protected, the consumers are supplied goods which are not hazardous to their health and which are cheaper also.

There are two or three defects which I would like to point out at this stage. One is that when a consumer goes to a redressal forum or commission at the state level or national level, at the appellate stage, he produces a sample which, he claims, is defective and for which he should

be given compensation and so on and so forth. Now, this sample is sent to a notified laboratory. You will be notifying a number of laboratories in the country. And there some fee has to be paid. You are making the consumer to pay the fee. I am sorry to say that many of the consumers will be small people. They are not expected to make any payments on account of the fee which is to be paid to the laboratory. Sometimes, it is going to be exorbitant fee which can be exploited. For this, there should be a fund created. And along with the application if the consumer or consumer organisation says that he is not in a position to pay the fee, this fee should be paid out of a separate fund created and the consumer should not be asked to pay that fee.

Similarly, in a number of clauses, mention has been made of a limited company. I would like to suggest that a limited company is never incorporated for an organisation for consumer protection because a consumer protection organisation does not have a balance sheet. It has no profit and loss account because there is no profit there. All these organisations are only service organisations and they are to be registered only under the societies Registration Act and not as a company. So, wherever the word 'company' has come, it must be removed.

Like that, there are several lacunae in the Bill which, I am sure, will be removed in the course of implementation. When the Act is going to be implemented, I am sure, many improvements would be possible. I wholeheartedly support this Bill and I think that instead of referring this Bill to a Joint Select Committee where lot of pressures may be brought, it is better if we pass this Bill immediately today and if there are any defects, we remove those defects later on.

PROF. N. G. RANGA (Guntur) : Mr. Deputy Speaker, Sir, on the floor of the House, I wish to congratulate you at your personal level and wish you all the best in your life.

MR. DEPUTY SPEAKER : Thank you, Sir.

PROF. N. G. RANGA : Secondly, Sir, I wish to congratulate today my Hon. Friend, the Leader of the Opposition and all the parties also in this House, including my own, for having agreed to get this Bill passed quickly so that the Government would be able to do its part in protecting the consumers.

For a very long time we have been complaining that the consumers have been exploited in a merciless manner. As you all know, I am myself a *Kisan*. I am a representative of the *Kisans* and the *Kisans* have been the worst sufferers, especially at the grass-root level. When they go to the market and purchase fertilizers, insecticides and also machinery, and when they suffer at that level, what they produce would come to be reduced. They suffer and ultimately the consumers of agricultural products also suffer. We have been asking for protection for those people. The Hon. Speaker of this House himself has raised his voice in favour of the farmers, the *Kisans*, as against the adulterators, those who indulge in adulteration. There are the general consumers also who suffer very much when they go to purchase medicines or various other things also. There has not been any protection for them till now. Fortunately for us, some of our housewives led by some of our women Members of this parliament and of the previous parliament, have taken the initiative in bringing into existence Consumer Protection Committees in a number of cities. The work done by our friends Mrs. Dandavate and Mrs. Mukherjee of this House and also by the lady Members on the Congress side, comes very prominently to my mind. Mr. M. R. Pai is doing very good work in Bombay. So many others have also been doing this work. Even Indira Ji was conscious of the need for proposing such means for protecting the consumers, and now the present Prime Minister, Shri Rajiv Gandhi has had the good fortune of being advised by the various people, including the Seminar which was held here in Delhi, and the Government has come forward with this Bill. We are all in favour of it. How it is going to be implemented, how soon, in what manner and to what extent it is going to be implemented, the answer to all these things lies in the alacrity with which the bureaucracy would work. My Hon. friend

[Prof, N. G. Ranga]

Mr. Reddi has already given the instance of how the bureaucracy has been dragging its feet. For nearly one year, they have been working over this very simple Bill.

This Bill is of very great importance. Why should they take one year? They have been doing that in regard to every other Bill and many other activities of the Government. That is where this House has got to assert itself and assist and strengthen our Ministers. What is it that our poor Ministers can do except posing as Ministers unless the bureaucracy co-operates. If the Ministers assert themselves too much, then the bureaucracy has now begun to go on strike also as is happening in several States. So, we have got to be extremely careful as to how we would be able to control and also co-operate with and win the co-operation of the bureaucracy in providing protection in this direction and in many other directions also.

I am not in favour of the suggestion of my Hon. Friend, Shri Mool Chand Daga, that it should go to a Select Committee and also so many of these amendments—25 of them. They only indicate that the Bill is not very perfect. In many respects it needs improvement. But at the same time we need it so badly and we have been waiting for it for so long, that the House, I hope, would be willing to let it be passed here and now without having to go through the tardy process of Select Committee consideration.

Our Hon. Minister deserves congratulations, thanks as well as congratulations, more so congratulations because it is given to a very few Ministers to be able to father such a Bill as this which obtains universal approval from the whole of the House, this House as well as the other House I also hope and we have been waiting for it for a long time, all of us, producers as well as consumers. We the kisans are producers and we are also consumers. So is the position also of the industrial workers and the proletariat as well as unorganised labour all over the country. They have got their

organisation. They are also registered. Trade Unions organisations are registered. There are two All India organisations. Both of them are being recognised in various industries by the Government—the AITUC and the INTUC. All other branches are considered to be responsible organisations. We have also got the Krishak Samaj. This is also registered. Rural Peoples Federation, that is also registered. It does not matter whether they are registered under the Societies Act or under the Company Act. Anyhow, fortunately there is a provision for their being recognised by the Government. I had mentioned a few weeks back about the existence of these organisations and the need for the Government to invoke their co-operation in strengthening the consumers movement. I wish a mention would be made that the Government had taken notice of their existence for the purposes of this Bill, when it becomes an Act. But anyhow I hope the Government would take care to see that they provide representation on these various councils which are going to be brought into existence under the aegis of this Act and their co-operation would be invited and their representatives also would be invited to cooperate with it in implementing this Act.

I wish to congratulate once again our Prime Minister because in areas, in other directions, it is not so very easy for any Prime Minister, for any Government, for the matter of fact, how people are going to be benefited, to what extent they are going to be benefited. But in this direction it is easy. Therefore this is one of the easiest and at the same time one of the most universally recognised and welcome direction in which the 20 Point Programme can be expected to yield public good for the whole of the people irrespective of their class or caste or anything like that. So, I would like to make an appeal, if it is not unparliamentary, to the bureaucracy here as well as all over India and the courts also to go out of their way to cooperate with the Governments and the organisations concerned which would be brought into existence under this Act and help the consumers to get their fair deal.



[Translation]

\* SHRI ZAINAL ABEDIN (Jangipur) :  
 Mr. Deputy Speaker, Sir, this Consumer Protection Bill has been brought forth to protect the rights and interests of the consumers. Amendments to some other Acts, enacted at different times, have also been brought forth along with it with the same object in view to make them compatible with the provisions of this Bill, that is why we are discussing eight Bills together. The proclaimed objects of this Bill is good and laudable and hence I support the object of the Bill. But Sir, after this Bill is passed and it becomes an Act, I have my doubts as to how far it will really be able to protect the interest of the consumers. The interest of the consumers cannot be protected merely by enacting a legislation. Sir, the prevention of food adulteration Act was passed in 1954. But has food adulteration stopped after the passing of that Act? Not at all, rather food adulteration has increased considerably. In a recent survey it has been found that 25% to 70% of foodgrains are adulterated today. But for that how many culprits have been punished till today? Sometimes it has been published in the headlines of newspapers that several people have lost their lives due to poisonous foreign matter mixed in foodgrains. How many people have been punished for such adulteration? Therefore strict implementation of a legislation is the main thing. It is much more important than the mere enactment.

Sir, adulteration of foodstuffs can take place at three places. The manufacturer or producer can do it, the whole-saler can do it and the retailer can do it. If a consumer after purchasing something from a retailer finds that there is some defect or deficiency in the commodity purchased, then according to the provisions of the Bill he can lodge a complaint with the district forum against that retailer. It may so happen that the retailer is selling that commodity unaware of its adulteration, he is innocent and is in no way responsible for the

adulteration. The adulteration has been done either by the producer or the wholesaler. The retailer may not have the means to prove that he is not guilty himself. He is being punished for the crime committed by some one else. Therefore in most of such cases the possibility of the poor, illiterate retailer being punished for the crime of others, remains. It has been provided in the consumer protection Bill that when a district forum receives some complaint about a defect in some commodity, they will send a sample for analysis to the appropriate laboratory. I do not know how many appropriate laboratories are there in the whole country. Every district does not have such laboratories. Therefore various district forums will have to send their samples for examination and analysis to the appropriate laboratories in the State Capitals. I feel that when in this way samples from different districts accumulate at one centre, it will not be possible for that laboratory to discharge its responsibilities properly. It has also been provided in this Bill that before sending the samples to the appropriate laboratory, the District forums must collect the prescribed fees from the complainant. I think that this provision of collecting fees is depriving the poor consumer of his right to make a complaint itself. If a common poor consumer in a village, after he is cheated while purchasing a commodity, is further asked to pay a fee to lodge a complaint, then I think that the poor consumer is being deprived of his right to complain through this provision in the Bill.

Sir, clauses 4 and 7 of the Bill provides for the setting up of central consumer protection council and State consumer protection council respectively. The Chairman of the Central consumer protection council shall be the minister in charge of food and civil supplies in the Central Government. But the Bill does not specify who will be Chairman of the State Councils. It has only been said that there will be some non-official members and some official members therein. Now what will be the qualifications of the non-official members, who will select them, what will be the method of their selection etc. have not been specified in the Bill. It has also not been mentioned how many non-official

\*The Speech was originally delivered in Bangali.

[Shri Zaina] Abedin]

members will be there and how many official members will be there. I fear that if the number of official members become more and overwhelming then they will dominate and become the do intent factor in these councils. The councils will then run on bureaucratic methods and will fail to serve the real purpose. The interest and rights of the consumers cannot be protected merely by enacting laws. This Bill says that a consumer voluntary movement will have to be built up. Now, no movement can be generated through legislation. If a movement is to be built up, then the level of consciousness of the consumers shall have to be raised. They have to be made conscious of their rights. But the type of education that is required to awaken their consciousness about their rights, cannot be imparted through any legislation. For that purpose the mass-media can be used extensively. The masses can be educated through the radio, television, newspapers, magazines and other literature. I regret to say that so far the mass media has failed to discharge their responsibility in this respect. The Government has also failed to play its proper role in utilising the mass media to educate the public in this respect.

Sir, during the recent floods we saw that the hoarders hoarded all the essential commodities, created an artificial scarcity and thereby the prices of all essential commodities went sky-rocketing in the market. In such a situation which consumer can identify which hoarder? Against whom can be lodge a complaint and how? In such cases the Government should themselves identify the hoarders through their own agencies and take action against them accordingly. Otherwise the consumers will suffer.

Before I conclude, Sir, I will mention one more point. The public sector is very important for the consumers. But as we have often seen, leaving a side the long distance trains, the suburban railway trains mostly run without lights, fans or drinking water facilities and practically no passenger amenities. The telephones in the mufassil areas remain dead hour after hour, and sometimes people get staggeringly inflated ghost telephone bills. The rice and wheat

that is supplied through the ration shops is often unfit for human consumption. Many times while buying packaged food it is seen that on the packet it is written '1 Kg when packed'. But after it is packed, the weight is found to be much less. Who will be held responsible for this? Sir, when you buy a 50 Kg bag of levy cement, you actually get 40 Kg. or 45 Kg. of cement. In these cases the public sector shall have to shoulder the responsibility why has the public sector been kept outside the purview of this Bill? Does the Government want to say that it is only the private traders and producers who are cheating and deceiving the people, the Government shall put a halt to that but the exploitation by the Government and the public sector will continue? Is it the main object of this Bill? That is possible. Therefore, I hope that appropriate steps will be taken to repel the attack made on the consumers by the Government and the public undertakings. With that Sir, I once more extend my support to this Bill and conclude my speech.

[English]

SHRI. SHARAD DIGHE (Bombay North Central): Sir, I rise to welcome wholeheartedly the Consumer Protection Bill which has been brought before the House for consideration.

I must congratulate the Hon. Minister, Mr. H. K. L. Bhagat, so also the Prime Minister and the Government itself on having determined to bring this Bill in this session itself even on the last day and on showing their determination to get it passed, even though the time is very short. When I raised Half-an-Hour Discussion in this House on 11th November this year on this very subject namely, answer to Starred Question No. 9 of 4th November, 1986, I had assumed that the Government would bring an appropriate Bill in this session itself and, at that time, the model Bill was circulated among the public, even though thereafter it was clarified by the Hon. Minister that it was not a model Bill but they were merely notes. I had made several suggestions at that time and I am happy to note that many of those suggestions have been accepted by the Government in this Bill.

61 *Consumer Protection AGRAHAYANA 18, 1903 (SAKA) Amdt.) Bill, Drugs and 62*  
*Bill, Standards of Weights and Measures*  
*(Amdt.) Bill, Standards of Weights*  
*and Measures, (Enforcement) Amdt.*  
*Bill, Essential Commodities (2nd*  
*Cosmetics (Amdt.) Bill, Prevention of*  
*Food Adulteration (Amdt.) Bill, MRTTP*  
*(Amdt.) Bill and Agr. Produce*  
*(Grading and Marking) Amdt. Bill.*

First of all, I am very happy to see that this Bill covers everything, goods and services and does not exempt anybody.

In the model law that was circulated, the services were exempted and many of these Government undertakings were exempted but it is gratifying to note that Government has come forward now to cover everything to protect the consumers of this country.

It need not be emphasised that the condition of the Indian consumers is very pitiable and, according to the recent survey, the Indian consumer is cheated of about Rs. 1,600 crores a year through defective weights and measures alone. Therefore, it is very necessary to protect the consumers, as early as possible. When we give a slogan of more production, it is necessary, at the same time, to give social and economic justice to various classes of the people, especially the consumers. From this point of view, it is very gratifying that a very good law is being placed before this House.

I had commended at that time that consumers councils which would have been formed namely, Central Consumers Protection Council should not be packed with Ministers and bureaucrats. Now I am happy to see that those provisions have been removed and now in the Central Consumer Protection Council, only one Minister in charge of the Department of Food and Supply has been placed as the Chairman and other official and non-official members are represented in this Council. But I would request the Minister to make it clear that this provision, namely :

"Such number of other official or non-official members representing such interests as may be prescribed."

he will not pack up bureaucrats in these Councils because there is scope for keeping more and more Government servants. But I am sure looking to the spirit of this Bill, the Government will keep more and more non-official Members who are interested in the consumers' movement itself.

Similarly, my suggestion is that when we have formed the Consumer Disputes Redressal Forums at the district level. State level and national level, the composition of these show that it includes the interests of commerce and trade. My suggestion will be that in these forums also, the representative of consumers should be included along with commerce and trade because they are going to decide the disputes between traders and consumers. Therefore, when we include the representatives of the commerce and trade and education, then we should have representatives of the consumers themselves on these Consumer Disputes Redressal Forums on all these levels My submission is that a person of eminence in the field of education need not be there at all. Instead of that, a representative of the consumers should be there so that it will be protecting more and more interests of the consumers.

A reference was made by Hon. Member Shri Madhav Reddi regarding laboratory fees. Here also I agree. In clause 13 sub-Clause 1 (d) it has been provided that such fees as may be specified for payment to the appropriate laboratory for carrying out the necessary analysis or test shall be paid by the complainant. Perhaps, it may be due to the fact that the District Forums and other Forums may prescribe very large amount of fees and then it will not be possible for the consumers to take advantage of this laboratory test etc. Therefore, some minimum fees should be provided or Government should provide certain funds and from those funds, this can be subsidised and a nominal fee can be charged to the consumer for getting the test of the goods and defects about which he is complaining.

As far as complaints are concerned, they include not only quality, quantity but price also and these defects can be complained of under this provision. The definition of complaint, under Clause 2 sub-Clause 1 (c), has got, according to me, a little defect. It says : " 'complaint' means any allegation in writing made by a complainant that as a result of any unfair trade practice adopted by any trader, the complainant has suffered loss or damage". It is envisaged in the whole Act that complaints

[Shri Sharad Dighe]

can be made also by the consumers' organisations and even by the State. So, in this sense the State and the consumers' organisations cannot suffer any loss or damage. Loss or damage must have been suffered by some other consumers and they will be representing that consumer when making this complaint. Therefore, there is a little defect, according to me, and they are to be removed.

Finally, I would also like to suggest that in sub-Clause (j) of the same Clause, the manufacturer has been defined—perhaps the explanation will bring some difficulty as far as complaints are concerned: "Where a manufacturer despatches any goods or part thereof to any branch office maintained by him, such branch office shall not be deemed to be the manufacturer even though the parts so despatched to it are assembled at such branch office and are sold or distributed from such branch office". According to my suggestion, this explanation should not be put because the branch office will be exempted and the consumer or the complainant will have to find out the head office wherever it is or the main principal manufacturers and that will create some practical problems.

Lastly, I would like to submit that the pecuniary jurisdiction which is confirmed at the District, State and the national levels, should be removed because it is difficult to find out the value of the goods as well as compensation. If it is less or more, you will have to choose according to the different forums and that will give a lot of scope for litigation. Therefore, my submission is that the District should be able to try all cases irrespective of the value and the other forum should be restored with only appellate jurisdiction. That will give more and more protection to the consumers.

With these words, I wholeheartedly support this Bill.

**SHRI THAMPAN THOMAS (Mavelikara):** Sir, I welcome the idea behind the Bill and not the Bill as it is because the

Bill, I feel, is inadequate, insufficient and ill-conceived. The consumer protection movement cannot be contained by a Bill but it has to be contained by the movement. For that purpose, a movement will have to be built up. The first thing required is that there should be an awareness on the part of the consumers about the quality of goods, about the services which have to be rendered and all that. In that respect, when we look at, we see a country where even *kesri dal* which is so harmful to the health of the people is being distributed in Madhya Pradesh where people are having paralytic complaints. Recently I had read that the *kesri dal* of Madhya Pradesh was transported to Tamil Nadu, to Nagercoil, and we heard of paralytic complaints from those areas where the poor people had consumed *kesri dal*. If *kesri dal* which is supposed to have all venom, all poison, can be cultivated and distributed and it is permitted, how will those things be protected by this Bill is not known.

Another thing I will submit is about the Food Corporation of India which is a government agency for the purpose of storing and transporting foodgrains. Recently, in Kerala, some of the godowns were smelling very bad. We checked as to what had happened and it was found that rice worth about Rs. 2 crores was dumped in those godowns. The condition of the rice was such that it could not be even touched by human beings, and those workers who went and started the operation of removing the rice from the godowns fell unconscious and were removed to hospital. If a government agency which is supposed to supply foodgrains to the people can do such things, I do not know what consumer protection will be there with such an innocuous Bill. I have my own doubt about it. I will tell you what had happened with the Rs. 2 crore worth of foodgrains in Kerala. Those foodgrains were subsequently auctioned and given to private traders. Those private traders will mix it with their private stock and again supply to the people who are ignorant about it.

Therefore, I feel that a Bill of this nature is not sufficient for preventing these



things. Now, what is there in the Bill? Its approach is: you form a limited company to oppose adulteration. How far is it possible? I am associated with companies. I see that, if a company is registered and if the accounts are not submitted every year, they will be prosecuted and sent to jail. Will any voluntary body come forward and register themselves under the Companies Act and take upon themselves the burden of submitting the accounts, audited Balance Sheet and all that? It is impossible. It is not workable. If we want to build up consciousness and awareness among the people in this matter, then that has to be done by properly constituted Councils and bodies which work among the masses and which involve all the people. A company cannot do it. There are charitable and endowment societies which are registered, there are trade unions there are women organisations, there are student bodies and various such for a where this consciousness and awareness can be created and where they should be encouraged to bring these matters to the notice of the public and to protect them from such things. Therefore, my submission is that companies will not be able to help in any manner.

Even in respect of the constitution of various bodies, according to this Bill, the members will be coopted by the Government. Take a government where there are five partners in a coalition Ministry; whom will they nominate? They will nominate Dick or Harry whose political interests they want to promote in the village. And they will become finally like RTA Boards. You must have heard the story of the Regional Transport Authorities constituted in various districts for issuing permits. Political parties in power nominate their representatives to the RTA Boards; corruption is rampant there; they have become corrupt bodies. The same thing will happen here also if bodies are constituted with nominated members. The traders and blackmarketeers and those people who want to defraud the society will get into those bodies and see that their purpose is serviced. Therefore, having District Councils with nominations is not good. It will be detrimental to the interests of the people. If there has to be

something, some judicial forum along with people who are involved in it, with women representatives in it, people who know the things and who can assess, will have to be constituted. Therefore, the forums which are going to be constituted now are not going to serve the purpose.

I agree with the other suggestions made by my learned friends. Now I come to the pecuniary limitations given to court; it is a very fundamental point of law where there is a vicarious liability and a tortious liability. It is limited to a particular amount and given to a particular area of operation. So, it is unworkable. There should be a law for administration of justice and the fundamental principles of law will have to be looked into in the proper forum.

I am not going into much of the details. I would like to mention an important point on which some amendments have also been brought in. Only eight laws are brought in here, but even in those eight laws as has been pointed out by one of my friends—there are many defects where the real culprit is escaped and the person who happens to be there by chance is involved. So, my submission is that it will have to be checked.

Another important point which I would like to stress is that there is a consumer cooperative movement. The Hon. Minister is himself in charge of that. If we can support the consumer cooperative movement wherein individual members are involved for the purpose of procurement and distribution of articles for themselves, it would solve many problems. I submit that consumer cooperative society will have to be encouraged and developed as a national movement, by which the malady can, to a large extent, be avoided and proper check can be made on the Government sector and the private sector. The way out is to encourage the consumer cooperative movement.

DR. PHULRENU GUHA (Contai):  
 Sir most of the consumers are women and I am the first woman to speak on this Bill!

**MR. DEPUTY SPEAKER :** The next Speaker is also a woman who is very much ready.

**DR. PHULRENU GUHA :** I welcome the Consumer Protection Bill most heartily. I congratulate the Minister and the Government for bringing this Bill. There are a large number of Acts in our country, but there is no law so far to protect the consumer as a whole. Every human being is a consumer. I must confess that consumer movement is not developed in our country so far. With this Bill, I am sure, a real consumer movement will grow. Without proper consumer movement, this Bill cannot be fully used in the society as it is envisaged. The Government can only bring a Bill, but it is upto the people to use it and utilise it for the society.

In this connection I would like to say that the consumer education is very important. For that I suggest that there should be an educational centre for consumer. Mass media should be used for the consumer education also.

I am very glad that this Bill provides for goods and services. I am extremely glad that the Government has recognised the voluntary consumer associations. It is gratifying that any consumer can complain and action will be taken in a very short time. But, in this connection I would like to say that in Page-7 (d) it is mentioned that the consumer will have to pay whenever they complain. There are many poor consumers who will not be able to pay. So, some arrangements are to be made. I leave it to the Government at the moment and they should think over it and do something.

I strongly suggest that there should be an equal number of women in the Council. Not only in the Council, but also in all the districts and states. I also strongly suggest that the number of officials should be as limited as possible; otherwise it will be a place for the officials only. It is also said that whenever there is a complaint on any goods produced by the big traders, it will be looked into. I am afraid, the big traders have enough money and they will utilise their unearned money and will, at the end, prove

that their production is not disqualified. So, I should request the Minister to take great care of this aspect.

On page 6 under 13 (a) it is said within the time given by the District Forum. I would suggest when the rules are framed please specify the time. Do not leave it to the District Forum because they may take very very long time as we usually see. Again I draw your attention to page 7 about the time-limit. Specifying the time-limit should not be left to them. The rules should be framed and the time-limit should be specified.

There are two more points. One is that it is said when a complaint is made the complaint is to be made to the place where the company is situated. It is humanely impossible. A company is in Bombay and a person is complaining in a district of West Bengal. How is it possible unless he or she is a rich person.

My second point is that on page 11 you have said "which is extended to three years or with fine". The word 'or' should be deleted because whenever there is a question of fine the traders will be able to give money as money is no consideration for them.

In conclusion I would like to suggest that the Bill should be passed no doubt today but in course of its working when we find that some amendment is needed then I would request the Minister that he may come to the House with the required amendment. With these words I whole-heartedly support the Bill.

**SHRIMATI GEETA MUKHERJEE (Panskura) :** Sir, although I do not agree to the bombastic claims made by the Minister that it is a historic event in the socio-economic situation yet I have general sympathy towards the objective.

I am afraid that this Bill has been somewhat hastily drafted. There are no answers to many questions which may arise in the mind of the people who go through this Bill. Some such examples have already been given but I would like to mention in my own way

one or two. Take the question of District Forum. What will the District Forum do after the complaint has been made? I find that a part of it is factually related to adulteration because it is quality, then price and service. In the quality of goods take the question of drugs. Often we buy drugs from the retail market. One consumer may be educated enough to pay the fee for the laboratory and then it is proved that the particular drug is adulterated. If it is proved then the consumer will be compensated. I would like to understand firstly who will be giving this compensation? There are various agencies in this deal—the manufacturer, the wholeseller and the retailer. It is not specified here who will be asked to pay the price, who will be asked to replace and who will actually be asked to compensate. Then the question will naturally be that it will be the person at the last point; that is, the selling point. If they are multi-national corporations of drugs or large national monopoly concerns, who may themselves have adulterated, we shall not be able to hook them. So, these things are not at all brought out clearly here without which, even if something is proved, complications will arise.

Then, another question comes to my mind in this regard. Suppose I am a consumer, I have gone in for some complaint and it has been proved that I was given adulterated food and I am compensated. For argument's sake, let us take this. I would like to know what happens to the whole adulterated goods in the store out of which a particular consumer might have bought some goods and then got compensated. I do not see any such thing has been mentioned in this Bill or contemplated as to who will take that action. Surely if a consumers movement is built up, it cannot be that millions of consumers will really act individually. Even if a particular society acts, one does not know how they can be compensated because each one of them did not buy; only one of them might have bought. Therefore, what would be the impact on the stockists, manufacturers with regard to their sale to millions of other consumers, which would be a similar kind of malafide. These questions are not at all tabled here.

I belong to one of the women's organisations which go in for this movement pretty often. Of course, the question raised is with regard to the registration under the Companies Act. That seems to be really a very funny proposition. Do you expect my organisation to be registered under the Companies Act to do this? Only under the Registration of Societies Act we can do. Naturally it has not been properly studied. What I would particularly like to raise in this connection is that consumers movement has to be encouraged. Side by side, the responsibility for taking normal administrative action against the black marketeers profiteers and against those who go in for adulteration cannot be given only to these bodies. It seems to me that with the best of intentions in this Bill, this might become a cosmetic exercise unless the principal functions of the administrative system are not carried out. I think that these two are very much complementary and in the name of the consumer protection, etc., the principal function and the principal responsibility of the administrative machinery to move against these people must not be put into the background.

Lastly, I do not believe that all such small small bills here and there can make any substantial change in today's situation where the entire market is thrown open to the capitalist system and its own laws breed corruption, which brings black-marketing and exploits the people to the maximum. Therefore, the principal thing must not be forgotten that it is the ruling party which is wedded to capitalism and that is at the root of the consumer's trouble.

[Translation]

SHRI HARISH RAWAT (Almora):  
 Mr. Deputy Speaker, Sir, we had been waiting for such a step from the Government since long and on behalf of crores of consumers of the country, I would like to thank Hon. Shri Bhagat and the Government of India. While introducing this Bill Shri Bhagat said that this Bill was not against anyone. I would like to bring this point to his notice that whereas this Bill is in the interest of crores of the people, it is also directed against

[Shri Harish Rawat]

the interest of a class, which we may call the exploiters or hoarders or adulterators. It is certainly against them. Till now, it was difficult to prosecute them, but now through this Bill a movement will start in the country and it will be easier to punish them. Therefore, I wish to thank Hon. Shri Bhagat for bringing this Bill and also for identifying the root causes as well as the shortcomings.

Mr. Deputy Speaker, Sir, we often used to talk in the House and outside the House about building up a consumer movement, but due to lack of actual protection from the Government's side, we were not able to do so. Now, this Bill will provide protection to the consumers and the people working for the rights of the consumers. There might be some technical lacunae in this Bill, but we cannot know them so soon and moreover it is on an experimental basis. When this is implemented, then we will monitor it and the lacunae found in the Bill will be removed by the Government.

Mr. Deputy Speaker, Sir, Hon. Shri Bhagat has mentioned a point in the Statement of Objects and Reasons of this Bill. I want to invite his attention towards that point. He says that we are educating the consumers through this Bill. This is most important. The important point is not of making a council only, but to educate the people. But it has not been clarified in clear terms as to what will be the process of educating people, what mechanism will be adopted for that. How will they be educated apart from setting up a Council and a Forum; how will we make use of our publicity media, and what sort of help and how much grant will be given to the various organisations working in this field. The Bill does not say anything in this regard. Therefore, I request the Hon. Minister that while answering the points raised by us, he should also explain to us as to how this Bill will help in educating the people. Merely saying "to educating people" will not do. He must make clarifications regarding the measures to be adopted and the grant to be given, etc.

Sir, there is provisions for a Council and a Forum in this Bill. Actually, creation of a

body at the Central, State or district level is not going to serve the purpose. We will have to create a chain of such bodies and for this purpose we will have to identify those people who are already working in the field of consumer movement. Until we identify such persons who are successfully working against the hoarders and profiteers and give them responsibility, to my mind, a forum at a district level cannot fulfil our aspirations. But this will also be working like other Government bodies.

Sir, I also want to say that the Forum at the district level should be more broad-based. It is good that you have also included women social workers and other persons from the field of commerce, trade and education. Mostly, the ladies are more adversely affected by the malpractices in this trade. But you have completely left out the persons working in the field of the consumer movement. They should also have been included. It should also have been mentioned in it that a prominent person working in the field of consumer movement in a district will be included in the Council and as a matter of fact more such persons should be included in such Forums at district level. I will insist that even at the State level also, such persons should be included in such a Forum. It should be ensured that the chairman is not a Government servant only, because our Hon. Minister is also a representative of the Government.

If you include such a person who is a committed worker and who wishes to work, then your intention behind presenting this Bill is fulfilled. While moving this Bill you said that taking into consideration the wishes of the Hon. Prime Minister you had brought this Bill in a haste.

**SHRI H. K. L. BHAGAT :** I did not say, "in haste".

**SHRI HARISH RAWAT :** You did not say "in haste," but you said "promptly". I committed a fault while giving the equivalent of the word "promptly" in Urdu. Your intention of bringing this Bill will be fulfilled only when you include the committed persons and the persons already working in this field in such Councils.



73 *Consumer Protection AGRAHAYANA 18, 1908 (SAKA) Amdt.) Bill, Drugs and* 74  
*Bill, Standards of Weights and Measures*  
*(Amdt.) Bill, Standards of Weights*  
*and Measures (Enforcement) Amdt.*  
*Bill, Essential Commodities (2nd*  
*Cosmetics (Amdt.) Bill, Prevention of*  
*food Adulteration (Amdt.) Bill, MRTP*  
*(Amdt.) Bill and Agr. Produce*  
*(Grading and Marking) Amdt. Bill.*

You have made a provision in this Bill and I am not against it, but you should see to it that all these Councils do not work merely like a court set up under this Bill.

Our colleague Hon. Member Shrimati Geeta Mukherjee has correctly said and I would also like to say that all the adulterated and sub-standard foodstuffs are generally manufactured by the big manufacturers. These manufacturers may be in Pali and Shri Daga may be knowing them very well. Then how action will be taken against them if any consumer files any complaint against them in a district Forum? This Bill does not say anything in this regard.

I also want to say about the Drugs and Cosmetics Bill, Sarojji is not present here. I thought that as 7 to 8 Bills were being discussed together and so a large number of Ministers would be present in the House. But it seems that everybody has thrown his burden on Shri Bhagat. This amendment has been brought in order to fulfil the aim of the Bill presented by the Hon. Shri Bhagat. But the aim of this Bill cannot be fulfilled till an amendment is made in the Drugs and Cosmetic Bill itself.

At present, such alcoholic items are being sold in the market in the name of drugs, like Sura, etc. which are damaging the health of the people, but under the Drugs and Cosmetics Act, these items are called drugs.

Unless an amendment is made in the Act in order to quantify the alcohol, I do not think that it will serve any purpose in this regard. I conclude by congratulating the Hon. Minister and hope that the Bill will fulfil the aspirations of crores of consumers.

[English]

**SHRIMATI GEETA MUKHERJEE :** Mr. Deputy Speaker Sir, as consumers of the Parliamentary services, may we ask the Hon. Parliamentary Affairs Minister as to why we have been deprived of our lunch hour? Even our consent was not asked. Where do we go for complaining?

**THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS ( SHRIMATI SHEILA DIKSHIT ) :** Just when Madam Mukherjee got up to speak, I was just going to request the Deputy Speaker to dispense with the lunch hour. I propose that we may sit through the lunch hour and dispense with the lunch hour.

**SHRI NARAYAN CHOUBEY :** The announcement should have been made much earlier. She is making it at 1. 10 PM.

**MR. DEPUTY SPEAKER :** She did not want to disturb the member who is speaking.

**SHRIMATI SHEILA DIKSHIT :** I only observed the common courtesy of not interrupting the member.

**SHRI SOMNATH RATH ( Aska ) :** Mr. Deputy Speaker, Sir, I rise to support the Bill. Sir, in the 18th point of the 20 Point Programme it is mentioned that consumer protection is to be given the top-most importance in the public distribution system. In our country, we have got at least 12 central laws and many States have different laws to protect the interests of the consumers, but we have not yet achieved the desired end. It is not by enacting laws that our desired end can be achieved, but it must be by mass movement and the awareness among the people which is to be created. Most probably that is the very reason why in this Bill, in the Statement of Objects and Reasons, it has been stated that "Council will create an atmosphere of right to consumer's education." And also, it has been stated that "the right to be protected against marketing of goods which are hazardous to life and property." So in order to make it a mass movement, the Consumer Councils and other authorities should be given wide powers to create awareness. We have got Consumers Advisory Committee in different States. The Council should be given more teeth to bite. The voluntary organisations should be encouraged. The Council and other authorities must analyse where costing is defective profit exorbitant and the product is defective. These powers must be specifically given to the Councils and

[Shri Somnath Rath]

other authorities and in addition, they should also be given the powers to supervise the procurement, storage and distribution of consumers commodities.

Mr. Thomas, the Hon. Member has said that the Consumers Co-operative Society should be encouraged and in fact the Government has encouraged cooperative movement. They have not only encouraged the Consumers Co-operative Societies, but have also given crores of rupees by way of subsidies, besides soft loans. But Sir, it is unfortunate that the co-operative system in distribution sector is also limping. As far as this area is concerned, though the policy of the Government is to have the distribution through these cooperative societies, yet the cooperative societies have not risen to that height and the middlemen takes undue advantages. Say for example, edible oil or sugar. It never reaches the consumers in some of the rural areas and in tribal belts, and blackmarketing is going on, leave apart the controlled cloth. Government has also given subsidy for distribution of foodgrains in rural and tribal areas. So, it is not that there is no sincere effort made on the part of the Government, but what is required is sincere implementation of the same.

In our country, there is no credit system for the consumers provided. I would suggest that the Hon. Minister will think about providing credit systems for the consumers, so that the consumers can take benefit out of it.

Sir, what I want to say is that, there must be sincere implementation of the provision of this Bill. And I hope the deficiency which now exists in protecting consumers interest can be reduced to a great extent. The authorities should also be given the powers to inspect and control the distribution of the essential commodities and take necessary action for the benefit of the consumers mostly to assist the poor adivasis, harijans.

I thank you very much.

[Translation]

SHRI ZAINUL BASHER (Ghazipur) :  
Mr. Deputy Speaker, Sir, I support the

Consumer Protection Bill and other seven Amending Bills presented with it. This Bill is a dynamic step towards giving a new direction to the consumer movement in the country. I wish to congratulate and praise the Hon. Prime Minister and Hon. Minister for Food and Civil Supply, Shri H. K. L. Bhagat, for presenting this Bill. Actually, this point of providing protection to the consumers organisations was being raised in the House as well as outside the House for quite a long time, but this time Shri Bhagat took a drastic step. Had he not taken this step this time, the demand for supporting consumer movement would have remained unfulfilled. I can well imagine the pressures and difficulties which might have been faced by the Hon. Minister before bringing this Bill, because vested interests have been in operation for quite a long time in the country so that such type of Bills are not brought, but Shri Bhagat avoided those vested interests and took a bold step by bringing this Bill. For that he deserves congratulations not only from us and the House, but also from whole of the country.

There is no doubt, as I have already said, that it will provide a boost to the consumers' movement. This is an effective step in giving protection to this movement, but nothing has been said in this Bill about how this Bill will help in strengthening the consumers' organisations and probably it can't be said. For this purpose, an atmosphere will have to be created in this country and consumers' organisations will have to be formed and only social workers and social organisations can do this job. Today, in our country the consumers' organisations are limited only to some big cities like Calcutta, Bombay, Delhi and Bangalore and some other big cities. They are doing a good job in this direction, but the majority of the people live in the rural areas and small towns and there are no consumers' organisations in these areas. We can derive the benefits from this Bill through the consumers' organisations. Then how can these organisations be formed especially in the villages where majority of the consumers are living and are being cheated the most, where mostly sub-standard items are sold,

77. *Consumer Protection. AGRAHAYANA 18, 1908 (SAKA) Amdt.) Bill, Drugs and 78*  
*Bill, Standards of Weights and Measures*  
*(Amdt.) Bill, Standards of Weights*  
*and Measures (Enforcement) Amdt.*  
*Bill, Essential Commodities (2nd*  
*Cosmetics (Amdt.) Bill, Prevention of*  
*Food Adulteration (Amdt.) Bill, MRTP*  
*(Amdt.) Bill and Agr. Produce*  
*(Grading and Marking) Amdt. Bill.*

Therefore, these innocent people cannot be provided the protection without the consumers' organisations. I think the Government itself will have to chalk out the outlines for the formation of consumer organisations and encourage this movement. Unless the Government prepares the outline, it will perhaps be very difficult to form consumer organisations in the villages, towns and small cities. The purpose of this Bill cannot be served until the consumer organisations are formed in the countryside.

Sir, I want to draw the attention of the Hon. Minister to one more point. The system of distribution of articles of daily necessity differs from place to place in the country. At some places the system of public distribution is very good e.g. in Kerala, where public distribution system is functioning very efficiently. But in other parts of the country the public distribution system is not very effective. If the public distribution system is streamlined, then the consumers can get many good quality articles of daily use at fair prices. A demand has been made for a long time to prepare a model Bill to improve the public distribution system. Previously, we had heard of some activities in this regard, but for the last many days the Government has not paid attention to this issue. The implementation of a model Bill on the public distribution system in the entire country can provide great relief to the people and specially to the consumers living in the rural areas.

I will utilise this occasion to request the Hon. Minister that like his other courageous steps, he should take one more step to prepare a model Bill for a uniform and improved public distribution system in the entire country. With these words, I strongly support this Bill. I hope the purpose of this Bill will be achieved and we shall be successful in achieving good results.

[English]

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND MINISTER OF  
FOOD AND CIVIL SUPPLIES (SHRI

H. K. L. BHAGAT) : Mr. Deputy Speaker, I must, at the very outset, express my warm appreciation and thanks to the entire House, all sections of the House, for supporting this Bill.

In fact, this was the demand of the entire nation and entire country, all sections, all parties; this demand, cutting across all party lines always and the spirit with which this has been supported, I feel very much grateful to the Hon. Members; I am thankful to them for the caution and advice that, in their wisdom, they have chosen to give me rightly in regard to implementation, in regard to some of the loopholes that might be there in the Bill; and I assure them that I am taking them with the spirit with which they have done it.

Coming to specific things, the Hon. Member Shri Madhav Reddi, was right when he said that the seminar took place in January and it has taken almost one year to bring this Bill; certainly it has taken one year; and what I would only like to say is this—to crave your indulgence—that, what existed a complex matter like this, always need very careful consideration. I must say, at the outset, that no legislation is generally, ever perfect, particularly a legislation relating to socio and economic matters with the vast complexity of our Indian life, the conditions in which we bring things in which they have developed, any one to claim that to any legislation particularly a legislation like this will be perfect and it will be a magic wand which will turn the entire world, which will provide the satisfaction to the consumers, I am not claiming, I cannot claim and I will not claim. But I would only say this that this one year labour was done by many concerned. It includes the bureaucracy, it includes the efforts put in by several organisations, newspaper writers, and many other things which we took into consideration, we studied the bills elsewhere, various suggestions came to us from all quarters, the labour that we did for one year I would crave his indulgence if you permit to state, with utmost humility that this one year has been used to produce a comparatively better healthy child. I call it a child in a sense what was healthy, I

[Shri H. K. L. Bhagat]

call it healthier as compared to what was said to be a bill at that time, it was described as a bill, as a model bill at that time. In fact, there were certain thoughts which emerged out of that Seminar. There cannot be a Bill as such unless it comes to the House. But it was described as a model bill and every one was considering that bill and saying that the bill is toothless the bill is this and that. That was the thinking of the Seminar at that time. Since then things have been considered, The public reactions have been considered and after this Bill which has come, has been a considerable improvement, during the one year. That is the only point which I would like to submit.

Now, a number of very important points were made by all the Hon. Members and I shall refer to some of them. Some of them have referred to common points, some of them have referred to certain other points.

Honourable, Shri Madhav Reddi has said that the consumers' organisations should be encouraged, and I entirely agree with the Hon. Member that no law, law can ever be a satisfaction and howsoever well-intentioned administration of that law might be a satisfactory solution to the problem of the people. It has to be picked up by the people, and organised disciplined responsible consumer movement at the grassroot level, if not existing today, a time may come, I do not now whether I will be there or not. May be it comes in my lifetime, it may not come in my lifetime. But I am sure we can have full confidence in the capacity of the consumers of India, may be illiterate people in the villages that in due course of time they will be able to develop a healthy consumer movement from villages on to the State headquarters and to the national level. I have no doubt about it. They have always done it. And I might say with respect that the Government should encourage that the consumer movement should neither be a Government sponsored movement, nor should it be a Government

controlled movement, nor should it be a political movement and it should be a movement by the citizens, growing from ground below, from among the citizens, where citizens of all walks of life, men and women participate. I should say, more women. Because they know the pinch in the kitchen and the purchases they make. For example, my wife almost admonishes me a number of times because she knows the market conditions more than. Similarly, I believe women are considerate, conscious, of the conditions. Therefore, we have councils, and we have said that all the forums, consumer forums, at least one woman will be there. And it is not that only one woman will be there There will be women, similarly in the councils also women should be there and when I say women I do not mean those in the elitist sense but those who can look after the interests. They should have stood by resolutions, and resolve to protect the interests of the people.

One question has been raised whether the consumer organisation should be financed or not. A number of consumer organisations have represented that they should be financed. I am not yet sure whether by financing the consumer organisations by the Government you can encourage or you can develop a consumer movement. I agree that this legislation itself does not mean development of the consumer movement. But the very mention of the fact that a consumer legislation is coming, it has encouraged formation of a number of voluntary small organisations. I have received some letters indicating that they have formed this organisation. As far as the question of financing them is concerned, to my mind, it will not be a sound principle that any voluntary organisation should depend on Government financing for development. The people have the capacity. Those who are dedicated have done it. I am not ruling financing out. The matter requires examination and consideration.

Shri Madhav Reddi raised another point that the people may not be able to quantify the amount of compensation. I must make it clear that no formal procedure for a complaint, no form, no fee has been



provided. Even writing a post card to the grievances redressal forum will be enough. Now, what is the loss suffered?

If the man cannot quantify the loss suffered, he can say that he has suffered the loss but he cannot quantify it, it is open to the grievances redressal forum to quantify the loss and give compensation. The idea is simple, the procedure is simple. The principle of natural justice has been observed in this Bill so that later on complications may not arise. In fact, this is an additional simple remedy to provide adequate timely relief.

**SHRI C. MADHAV REDDI:** I said it in connection with the jurisdiction of the district level or state level forums.

**SHRI H. K. L. BHAGAT:** I wanted to come to this point later on because many other Hon. Members like Shrimati Geeta Mukherjee, Dr. Phulrenu Guha, Shri Sharad Dighe also mentioned this point. About jurisdiction, I might clarify for the information of Hon. Members that the complaint can be filed where the cause of action has arisen or partly arisen. That means, a person can file the complaint in a district where he resides. It is not necessary for him to go to any other district.

The other point is: why have I quantified it? We have said, upto Rs. 1 lakh for one forum, ten lakhs for a bigger forum and like that. It depends upon the nature of complaints. There may be complaints of various types and categories. Some complaints may be of individual nature. Some complaints may concern a number of concerns. Some complaints may be of national stature in the sense that its effect may be there. Somewhere you have to draw the line of demarcation in giving compensation. As we thought that putting the amount of compensation would be the right thing. But this is not the last thing. As I said, this remedy is an additional remedy. I would not claim that this remedy itself will be able to remove all the ills. All those remedies will remain there. What we provide is that the food adulterator will have to suffer under the Prevention of Food Adulteration Act also. That

takes a longer process. Meanwhile, the tribunal can give some relief to consumers.

Another question was raised by Shri Madhav Reddi as to why we have brought a bunch of legislations together. Well, we could have put in this way that this will apply to all the laws mentioned. But then it becomes difficult. I am not very sure legally. I am not a legal expert. Supposing, the court is having Prevention of Food Adulteration Act before it and this is not mentioned specifically, then it will create problems. For the sake of convenience it requires that in every law necessary amendment should be made.

Competitive market is necessary in this country. Unless competitive market is there, difficulties may arise. Certainly we need a competitive market. Competitive market is growing but it is not what it should be. The idea is that it should be a competitive market and a market with quality. My own feeling is that this kind of a legislation will encourage some competition in quality also because for those who have bad quality apart from other laws, the MRTP Act will apply to monopoly houses for unfair trade practices, and other things will come here as mentioned in this legislation. But what I am respectfully submitting is that we are keen for developing a competitive market. In fact, there is no limit to competitive market. One cannot say that a competitive market is developed. Competitive market means competition goes on increasing for ever. We want to see that day when competitive market goes on further and further developing.

I think a very correct and sound advice was given by Hon. Madhav Reddi regarding public sector undertakings that they will have to be careful and cautious. As the Bill stands now, as it is before you, until the Government exempts anything, it is applicable to all and I see really no reason why the public sector undertakings should not give quality. I know their difficulties. I know their problems. On the other hand, one expects from public sector undertakings that they should be more anxious about giving quality to the people.

[Shri H. K. L. Bhagat]

One important question has been raised that who pays for the sample with regard to the adulteration. As the law stands now, it is true that the man who sends the sample will have to pay for it. That is true. Whether that payment should not be made, I just now talked to the Minister of State. I shall request them to examine this matter. The law at present is that the man who makes the complaint, pays for the sample and if it is found to be correct, the money is refunded to him. That is the law under the prevention of Food Adulteration Act. But here, if his case is found to be correct and the redressal grievance forum has to give some compensation to him, well, the Tribunal can, while granting compensation, take that into account. All the same, this suggestion I shall commend for examination and consideration, to the Health Ministry.

Another point was made that there cannot be any registered societies under the Companies Act and that the Companies Act remains only for commercial purposes. No. Under the Companies Act, a society can be registered, and under the Companies Act we have so many charitable societies even today, we have so many trusts, we have so many research organisations, we have so many welfare organisations. We want that such organisations should grow. There are organisations, public companies in America and other countries. They do research. They do education of consumers. They file complaints. They do many things. We are keen that if people cannot do it under a registered society they should do it under some other law and under the Companies Act these societies can be registered.

Now I am coming to the point made by Hon. senior Member Prof. Ranga. Prof. Ranga said that *kisane* representative and the representatives of the trade union organisations and others should be given a place in the Councils and other forums wherever possible. I assure him that the law, as it is being brought before you, certainly gives scope for the same and the Government would certainly like that representatives of consumers, trade unions farmers should all

have opportunity to have their say to the extent possible, and the Government has that in mind, whether it is one organisation or the other.

With regard to agricultural commodities, it is true that there are complaints that the farmers are exploited by way of some adulterated fertilisers and other things or by way of sub-standard agricultural goods and so on and so forth. It is true. But at present, the standards of fertilisers, etc. are fixed. That is controlled by the Ministry of Agriculture under another legislation. That will stay. But this forum gives an opportunity to the farmer. If he gets an adulterated fertiliser, he can go to the redressal forum. A much quicker remedy will be available to the farmer of India to take advantage by this. I must say that some of the consumers organisations have done very good work. Some were named by Shri Madhav Reddi and some others. Some of them are already members of the Consumers Council and we will certainly like to appreciate their work, those who have done good work and who want to come forward.

The real question is implementation. Prof. Ranga said, the question is how to implement it, what to implement, in what time, in what manner.

Another point was raised by Shri Thampan Thomas, another Member from Bengal and others. They said that it should not become a bureaucratic machinery. The Council and the forum should not be merely bureaucratized. I give you an assurance. Bureaucracy you just cannot wish away. Bureaucracy is an important forum in the Constitution and in other spheres. I believe, whatever progress we have made nobody can say that Bureaucracy has no hand in it. We have made tremendous progress in the country and bureaucracy has made its contribution. I can assure you categorically that we have no intention whatsoever to make these organisations or forums a bureaucracy dominated or run by them. No. Bureaucracy will be there to the minimal and not in larger numbers. My own experience of present various advisory committees is that even the non-official Members who come there, some-

time I find, do not give their opinion frankly and they look to their officer. They do not want to annoy them because they have to deal with them tomorrow. Therefore, our intention is clear on this.

In regard to the amendment, I cannot say at the moment, though perhaps later on I will give my reaction. As I said in this Bill, the spirit with which you have supported, wherever we find amendment is necessary, you will not find us shirking for the purpose.

I think the Hon. Member from Bengal Shri Zainal Abedin said that the declared objectives were good. About the fertilisers he made a point. He said that adulteration is done at various levels. Who will be responsible for it? If you have seen it, in the law itself we have made a provision that it is the man who sells it is the manufacturer and others who can also be responsible for it. This is a question of vicarious liability. Shri Sharad Dighe raised this point that when you are doing away with branches, you are taking it too forward. Though maybe, it may create some problem. It has to be legally proved. I am nobody. Unless the man proves, the principle of vicarious liability is accepted in many legislations and there is nothing new in that and our intention is whoever is responsible, whether it is manufacturer or in-between a distributor or a retailer, well, they should suffer for something which is bad and actually we would like to get at the source of it and if we find any difficulty, as Shri Sharad Dighe said, we will have a fresh look at that.

One of the Hon. Members said about the punishment. I would say this that this is more of a compensatory nature rather than a punitive legislation or the like. But in this also if the man does not give compensation, supposing a man is asked to replace an article, pay Rs. 10,000 as compensation, he does not go to jail immediately. Otherwise the main objective of this is to provide prompt, speedy and adequate timely compensation.

One point was said—why not give strong punishment to the hoarder and all these things. There is a law in which you have

given the power. The power lies with the State Government where the hoarder, black marketeer and such people get detained. I have written to the State Government. I will suggest to all the State Governments that in suitable cases they should go with a long handle, apart from prosecuting them where there are fit cases of detention, they should detain them.

My friend Shri Thampan Thomas said that the co-operative movement should be encouraged. Co-operative societies should be encouraged I agree with him. This is the Government policy. We stick to that policy. We would continue to encourage them. But what I would tell him and others is that the co-operative societies and organisations have to protect themselves from their own people also. I need hardly say that in some cases, I am not passing any judgment, there have been scandals of unparalleled magnitude. In the name of cooperative movement we will never permit swindling and I hope you will agree with me.

Now, Hon. Member, Shri Zainul Basher, said that what is really required is a movement. I entirely agree with him—I am again saying, very disciplined, recognised, responsible consumer movement will be necessary. If the consumers make it a point to make an absolutely vexatious, frivolous complaint, no provision is there to dismiss such a complaint. The system will not work. Everybody has to understand his rights, not only rights but responsibilities. We have so many things manufactured in this country and in this small sector, in the cottage sector, in the public sector and in the private sector the number of articles runs into thousands and perhaps more than thousands, may be into lakhs. Now you cannot fix the Government standard for each article, it is impossible. We are trying to tighten up the ISI also. You passed the Bill the other day, but ISI with all its capacity cannot do that. Therefore, in this Bill if it is said that it is the standard fixed by the Government or a standard which is declared by the person concerned himself saying, 'it is my standard, if you deviate from that standard, well you tend to suffer.' But as I say this is a very important beginning and

[Shri H. K. L. Bhagat]

it will work only for all of us, I mean the people of India, the consumers of India, the trade and industry, I will say. Well, my friend, Mr. Harish Rawat asked as to why I have said that this Bill is against none. I do believe, this is against none. This is in the interest of the trade and industry itself. It will help them in improving their quality and if they improve their credibility, I am sure that they will be able to earn much more than others. Therefore, while there are traders and manufacturers in one part, there are consumers in many parts.

Now, one question was raised about the public distribution system by Hon. Member, Shri Zainul Basher, and he said that we should bring some kind of a model law regarding the public distribution system. I am not sure what kind of a model law we can bring for public distribution system. There are laws already and there are certain guidelines and norms already. What is really needed is their proper implementation. Under the Essential Commodities Act, I need hardly give those figures, action was taken against a large number of people, very large, but much more extensive action is required to be taken. It is true, he is not wrong, he is correct that distribution system not in one State but in several States is good, in some States it is not as satisfactory. We have taken up this matter with the State Governments concerned and I and my colleague, Mr. Ghulam Nabi Azad were discussing this morning itself that we shall go to the States and have discussions with the State Governments and see that they do their best to improve the system to carry the goods to the people as best as possible. Now, it was mentioned by the Hon. Member from Kerala as an example, about the Food Corporation of India. I would tell him that the Food Corporation of India, as the law is, will not be exempted from it. Firstly, even today the Food Corporation of India is not exempted from the provisions of the Prevention of Food Adulteration Act. Certainly, they have their standards of food articles as also fixed under the Prevention of Food Adulteration Act. The Food Corporation is no exempt.

He gave an example. I do not know about the Kerala case—where Rs. 2 crores were involved—whether it has happened or not. I will certainly look into that and if that has happened in the way he has mentioned, I will certainly not hesitate to take action. But I might tell him, if a worker is allowed to go into a godown and he suffers because of rotten smell, he is within his right to proceed against the Food Corporation of India for taking the compensation. Why should he not? Therefore, I am saying that the intention of the Government is not to give any extra protection. I am a Food Minister, all right. But I have to look after the consumer affairs and I think, it will help the Food Corporation of India. I do not believe that all that Food Corporation supplies is bad. Largely what it supplies is according to the standards. It has a large number of quality tests and laboratories and so on. But I do not want even any one single solitary case that sub-standard food articles should be provided.

I would say, on the whole question of consumers protection, we have a multiplicity of legislations. It is the proper implementation of those legislations and monitoring thereof also which is needed. Coordination is needed. Coordination, a sort of monitoring, sitting together is needed. A number of Ministries deal with that. There is no coordination committee as yet. Personally, I am for a coordination committee which should monitor all the various laws so that they can be monitored properly and see what and where are we lacking. But the best results will come only by involving the people, by making the people participate.

With regard to the distribution system and fair price shops, we have suggested that the best way to improve things is always to involve the people at down level. We have suggested in every fair price shop, a committee of 5 including women should be appointed to supervise and they should be given some authority. We have suggested it already to the State Government. In some cases, they have set up some zonal machinery, some district machinery. Somewhere, the State Governments have done something. But if you want to improve the



distribution system further, No. 1, the Centre has to improve its own thing. The State Governments have to have the machinery. Some of them have; some of them do not. They should have machinery to carry, to take the responsibility from the moment the goods are handed over to them for distribution to the fair price shops and it will be good, if they can take all the good things together and give to the fair price shops. I agree that the public distribution system certainly needs an improvement. I said, the other day, the public distribution system is doing one of the greatest and unique services in India which perhaps we find a rare example in any other country. It is because, on the one hand, it helps the farmers also. Well, I am sure that today we purchase wheat at a certain price. I am sure the Government were not to purchase wheat at that price. The quantity of wheat we have grown in this country, we have surplus today. Private traders will never purchase it at that price.

Even giving some margin for cutting down, marginal reduction is possible. We are doing an exercise also to see to reduce the cost by FCI. A very serious exercise is going on so that we can reduce the cost wherever we can. Even giving that margin, it goes without saying that public distribution system is helping the consumers and it is not for nothing. It is unique in this country that this Government is giving a subsidy of almost about Rs. 2,000 crores per year which help the farmers, which help the people who get ration from the fair price shops. Some of the State Governments in their respective States have also improved on them. Therefore, I would say that we are conscious about the public distribution system.

In all modesty, I would like to submit that this Bill will provide some relief to the people and also help to an extent in encouragement of the consumer protection.

I once again thank Hon. Members, everybody, for the unanimous support that they have given to this Bill.

MR. DEPUTY SPEAKER : In view of the exhaustive reply given by Mr. Bhagat, I don't think that the other Ministers would like to say anything further. Amendments moved by Shri Mool Chand Daga and Shri Ram Bahadur Singh.

[Translation]

SHRI MOOL CHAND DAGA (Pali) : Mr. Deputy Speaker, Sir, I want to say one thing that the Hon. Minister made a very good speech and I welcome it. A conference of Speakers took place in Delhi on the 25th instant and it was declared therein...

[English]

I am speaking on my Amendment.

MR. DEPUTY SPEAKER : You need not necessarily speak on your Amendment. Are you pressing or withdrawing your Amendment ?

SHRI MOOL CHAND DAGA : I am speaking on it.

MR. DEPUTY SPEAKER : Do you want to withdraw it or put it to vote ?

SHRI MOOL CHAND DAGA : I want just to speak further.

MR. DEPUTY SPEAKER : I will allow you to say something at the third reading stage.

SHRI MOOL CHAND DAGA : Kindly allow me.

MR. DEPUTY SPEAKER : If you want to say anything, I will allow you at the time of third reading.

SHRI MOOL CHAND DAGA : Why not at this stage ? I have moved my Amendment. I have got some points. After all, when you say it is quite a good Bill, I want to raise some points. It is for the Hon. Minister to answer. What is the harm ? Why do you do it in a hurry ? Why do you rush through the Bill ?

MR. DEPUTY SPEAKER : I am not rushing through the Bill.

SHRI MOOL CHAND DAGA : I have not understood. I want to say something.

MR. DEPUTY SPEAKER : The Minister is on his legs. You listen to him.

SHRI H. K. L. BHAGAT : I am not stopping him. The Hon. Member has a right to speak at the time of consideration. Now the Bill has been moved for consideration. If he has some amendments and if he wishes to speak on some amendments, he is free to do that. He had one amendment for referring the Bill to the Select Committee. He has moved one amendment. If he wanted to move it, he could have moved that amendment.

MR. DEPUTY SPEAKER : He has already moved it.

SHRI H. K. L. BHAGAT : If he wants to say something on that particular amendment, let him say that.

It is for him to decide. But the wish of the whole House is that this Bill, in spite of some deficiency, should be passed today and it will be delaying it by referring it to Select Committee. I would request him to withdraw his amendment. It is up to him.

SHRI C. MADHAV REDDI : The correct procedure is that on an amendment of this type, the Hon. Member must speak before the Minister replies. That is over. Once reply is given, there is no question of speaking.

SHRI MOOL CHAND DAGA : This is not the way of dealing with my amendment. When I have moved my amendment, let me speak. I do not take too much time. (Interruptions) The Hon. Minister has given reply within one hour. Now I want to point our certain points. The Hon. Minister will answer. If the Hon. Minister convinces me, it is all right. I do not mind. This is not the way of going through the Bill.

SHRI H. K. L. BHAGAT : I am sorry for the procedure. I have high regard for Mr. Daga. But he has no right to reply.

MR. DEPUTY SPEAKER : He is not replying. (Interruptions)

SHRI H. K. L. BHAGAT : It is totally wrong.

SHRI SATYAGOPAL MISRA : When Clause by Clause consideration is taken up, then, he can speak.

MR. DEPUTY SPEAKER : That is what I told him.

(Interruptions)

SHRI MOOL CHAND DAGA : I have a right to say a few words. Can you not allow me ?

MR. DEPUTY SPEAKER : You say. Don't take too much time.

SHRI MOOL CHAND DAGA :  
"The speakers also agreed that there should be a separate ministry to implement the consumer laws as the ministry of civil supplies was also in charge of procurement and distribution of goods to fair price shops making it unsuitable to be the implementing body as well."

[Translation]

This was declared in that Conference of Speakers. Now this Bill has been drafted and all of us have gone through it, but it is nowhere mentioned in the Bill that if someone has some doubts about the results of analysis of goods by one laboratory, then he can approach another laboratory. When the goods of a person are seized under the Food Adulteration Act, he is given a sample of those goods and he can approach another laboratory, but under this Bill it is not so.

[English]

According to the provision, only the factory where he goes, that would be a conclusive proof. But that cannot be a conclusive proof.

[Translation]

How could I be sure that there is no dishonest person in some factory or laboratory? Should I not have the right to approach another factory for the analysis? You should sometimes go through this Bill.

[English]

First, he will have to go the District Forum, then there is the State Forum and then the National Commission and finally the Supreme Court.

[Translation]

Now you tell me, I want to purchase the goods now and you have introduced such a lengthy procedure.

[English]

First, he must go to the District Forum; then there is District Committee on appeals; then the must go to the High Court i.e. the Notional Committee...

[Translation]

If the value exceeds Rs. 10 lakhs —

[English]

—he can go to the Supreme Court. This is a lengthy procedure. The third things is about the defect. Have you defined 'defect'? Whether the goods will show that these things are required. Nowhere it has been mentioned—

[Translation]

—that the following ingredients should be present.

[English]

if there is any fault, imperfection or short-coming which is required. Now what is required? Required by law. So, you must mention those requirements—

[Translation]

—where these ingredients are required.

[English]

About services, I have not understood how they have covered these bureaucrats. Service means service of any description. What is the service? Banking, service, financing, insurance.. How do these things are related with the consumers.. Banking service, consumers service, insurance service are not read anywhere in the...

[Translation]

Such services will be covered under it.

[English]

How will you do with the State Commission? There are three Committees. Please try to understand and then give me your reply, because after all he says

[Translation]

How will they run the society? First, the society will have to pay for it. The consumer complains and says that his goods should be get examined in the laboratory.

[English]

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND MINISTER OF  
FOOD AND CIVIL SUPPLIES (SHRI  
H. K. L. BHAGAT): He is making a  
general discussion. He is saying such things  
at a different stage...

SHRI MOOL CHAND DAGA: I am  
saying that it is necessary. I again request  
the House to consider my request. But I  
will not mind if it is considered or not. I  
will have the satisfaction of having made on  
the floor of this House...

SHRI H. K. L. BHAGAT: I have said  
that the Hon. Member has given his sugges-  
tion and I react to his suggestion.

**SHRI MOOL CHAND DAGA :** Please try to understand me.

**MR. DEPUTY SPEAKER :** This is enough, Daga ji...

*(Interruptions)*

*[Translation]*

**SHRI MOOL CHAND DAGA :** If any consumer comes from a village, then will he be able to pay the laboratory fee ?

*[English]*

**MR. DEPUTY SPEAKER :** Mr. Daga, please take your seats.

**SHRI MOOL CHAND DAGA :** I can take my seat. I don't mind. What will be the charge ? There are so many clauses. Kindly go through them minutely.

*[Translation]*

It will be better, if you look into it minutely. I am least concerned with it. But I have a right to speak. I do not have any personal enmity with him. I just want to know if he will be able to fulfil any aim by presenting such a Bill ? Mr. Deputy Speaker, Sir, you are not allowing me to speak.

*[English]*

**SHRI H. K. L. BHAGAT :** Sir, I admire Mr. Daga. I would like to say that Mr. Daga speaks always. He has the knack of speaking—whether he can or cannot, but he does speak. I appreciate his spirit with which he is speaking and the apprehension which he has in mind, I have myself said that this Bill is not perfect, but I feel that by sending it to a Select Committee at this stage, we will only be prolonging it. The Hon. Member has raised many points some of which, to my mind, are not relevant and a few may be relevant, but no useful purpose will be served by our sending the Bill to a Select Committee at this stage; by that, we will only be prolonging it which will not serve the interests of the consumer.

*[Translation]*

**SHRI MOOL CHAND DAGA :** It is all right. I will give you in writing, then you may consider these points.

**SHRI H. K. L. BHAGAT :** I will also discuss these points with you.

**SHRI MOOL CHAND DAGA :** If you wish to do so. I do not have any objection but—

*[English]*

—there are so many points, there are so many lacunae.

**MR. DEPUTY SPEAKER :** Mr. Daga, are you withdrawing your Amendment ?

**SHRI MOOL CHAND DAGA :** Yes, Sir.

**MR. DEPUTY SPEAKER :** Has the Hon. Member leave of the House to withdraw his amendment ?

**SEVERAL HON. MEMBERS :** Yes.

*Amendment No. 3 was, by leave, withdrawn.*

**MR. DEPUTY SPEAKER :** Mr. Ram Bahadur Singu. He is not present. I shall now put the Amendment moved by Shri Ram Bahadur Singh to the vote of the House.

*Amendment No. 29 was put and negatived.*

**MR. DEPUTY SPEAKER :** The question is :

“That the Bill to provide for the better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumer's disputes and for matters connected therewith, be taken into consideration.”

*The motion was adopted.*



MR. DEPUTY SPEAKER : The House will now take up clause-by-clause consideration of the Bill.

Clause 2—(Definition)

SHRI C. MADHAV REDDI : Sir, I beg to move :

Page 2, line 12,—

for "Companies Act, 1956"

substitute "Societies Registration Act, 1860" (4)

Page 2, line 48,—

add at the end—

"or having accepted the allegation(s) refuses or dodges or delays to provide relief to the satisfaction of the complainant" (5)

Page 3, line 3—

after "force" insert—

"or by custom or usage" (6)

Page 3, line 9,—

after "force" insert "or by custom or usage" (7)

Page 3, line 9,—

after "undertaken" insert "or implied" (8)

Page 3, line 16,—

after "makes" insert "or processes" (9)

Page 3, line 17,—

after "make" insert "or process" (10)

Page 3,—

after "line 33" insert—

"(i) a company incorporated under Companies Act, 1956." (11)

Page 3, line 44,—

after "processing" insert "repairing" (12)

My Amendment No. 5 relates to the definition of 'consumer dispute'. In the Bill it is said :

"(e) 'consumer dispute' means a dispute when the person against whom a complaint has been made, denies or disputes the allegations contained in the complaint."

That is not enough because he may accept saying, "Yes, I made a mistake; I supplied" and having said that, he may not try to do anything to relieve the distress. That is why I have suggested the following to be added, namely,

"or having accepted the allegation(s) refuses or dodges or delays to provide relief to the satisfaction of the complainant"

Unless he provides relief to the satisfaction of the complainant, the dispute remains because that is the basic thing. What constitutes a dispute, that is the most important thing because only after the dispute, the complainant can go to the forum or to the Commission. My point is that, even though he may accept that there is a dispute, he may dodge or delay to provide relief, to provide substitute material, he may not do anything, he may keep quiet. In that case, the 'dispute' should remain. That is why, I have suggested the following to be added, namely,

"or having accepted the allegation(s) refuses or dodges or delays to provide relief to the satisfaction of the complainant"

Otherwise, the defect will remain.

SHRI H. K. L. BHAGAT : I have great respect for the Hon. Member. What I have been advised is that the amendment proposed is only elaborating the provisions already contained in Clause 2(c). As such, the purpose is already served. The amendment is not necessary.

SHRI C. MADHAV REDDI : I have moved other amendments also to Clause 2...

MR. DEPUTY SPEAKER : You speak on all of them together. Then the Minister will reply.

SHRI C. MADHAV REDDI : I will speak on Amendment No. 11. In Clause 2(1), it is said :

“(m) “person” includes—a firm whether registered or not...”

That means, if it is a company, it is not covered. A manufacturer can be a company—it may be a public company or a private company. It is given here as, a person includes a firm whether registered or not. It should be like, a person includes a company, a firm whether registered or not.

SHRI H. K. L. BHAGAT : I must say with respect that I have as carefully gone through the amendments as I could do. A person, as defined in the general clause of the Act, includes companies also. It does include a company. Therefore, no amendment is necessary.

MR. DEPUTY SPEAKER : Is the Member withdrawing his amendments ?

SHRI C. MADHAV REDDI : Yes Sir.

MR. DEPUTY SPEAKER : Has the Hon. Member leave of the House to withdraw his amendment ?

SEVERAL HON. MEMBERS : Yes.

*Amendment Nos. 4 to 12 were, by leave, withdrawn.*

MR. DEPUTY SPEAKER : The question is :

“That Clauses 2 and 3 stand part of the Bill”

*The motion was adopted.*

Clauses 2 and 3 were added to the Bill.

Clause 4—(The Central Consumer Protection Council)

SHRI C. MADHAV REDDI : Sir, I beg to move :

Page 4, line 34,—

*add at the end—*

“but the number of official members shall not exceed one fifth of the total members of the Council”. (13)

Page 4,—

*after line 34, insert—*

“(c) five members elected by the Lok Sabha from its members”. (14)

This is relating to the formation of the Council. Many Hon. Members expressed that this Council should not be flooded with official members and the official members' strength should be reduced to one fifth of the total membership of the Council.

My second amendment is to say that you should take at least five members of this House as members of the Council.

SHRI H. K. L. BHAGAT : I think the amendments are not necessary. I assure him that we wish to have a very large number of non-official members and I want to have the number of official members at the minimum. Secondly, Members of Parliament also can be considered and appointed. We are not barring them. Therefore, I would request him to withdraw the amendment.

MR. DEPUTY SPEAKER : Is the Hon. Member withdrawing his amendments ?

SHRI C. MADHAV REDDI : Yes Sir.

MR. DEPUTY SPEAKER : Has the Hon. Member leave of the House to withdraw his amendments ?

SEVERAL HON. MEMBERS : Yes.

*Amendment Nos. 13 and 14 were, by leave, withdrawn.*

MR. DEPUTY SPEAKER : The question is :

“That Clauses 4 and 5 stand part of the Bill.”

*The motion was adopted.*

101 **Consumer Protection AGRAHAYANA 18, 1908 (SAKA) Amdt.) Bill, Drugs and** 102  
**Bill, Standards of Weights and Measures (Amdt.) Bill, Standards of Weights**  
**and Measures (Enforcement) Amdt. Bill, Essential Commodities (2nd**  
**Cosmetics (Amdt.) Bill, Prevention of**  
**food Adulteration (Amdt.) Bill, MRTTP**  
**(Amdt.) Bill and Agr. Produce**  
**(Grading and Marking) Amdt. Bill,**

Clauses 4 and 5 were added to  
the Bill.

Clause 6—(Objects of the Central  
Council)

SHRI C. MADHAV REDDI : Sir, I  
beg to move :

Page 5,—

after line 7, insert—

“(g) the right to the payment of  
compensation for any harm or  
injury caused due to the sale of  
hazardous material.” (15)

This relates to the right to the payment  
of compensation for any harm or injury  
caused due to the sale of hazardous material.  
This has not been specified. The right to  
payment of compensation also should be  
inserted there.

SHRI H. K. L. BHAGAT : Sir, I would  
very much appreciate the anxiety of the  
Hon. Member. Obviously, it is already  
covered—injuries and other things are  
already covered.

SHRI C. MADHAV REDDI : Payment  
of compensation is not covered in any  
Clause.

SHRI H. K. L. BHAGAT : It is not  
necessary at all because it is already covered,  
if you see the definition of the facts and  
other things. Otherwise the Act means  
nothing. What you are suggesting or asking  
for is already very well covered.

MR. DEPUTY SPEAKER : Is the  
Hon. Member withdrawing his amendment ?

SHRI C. MADHAV REDDI : Yes  
Sir.

MR. DEPUTY SPEAKER : Has the  
Hon. Member leave of the House to with-  
draw his amendment ?

SEVERAL HON. MEMBERS : Yes.

*Amendment No 15 was, by leave,  
withdrawn.*

MR. DEPUTY SPEAKER : The  
question is :

“That Clause 6 stand part of the  
Bill.”

*The motion was adopted.*

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

Clause 8—(Objects of the State  
Council)

SHRI C. MADHAV REDDI : Sir, I  
beg to move :

“Page 5, line 16,—

for “(f)” substitute “(g)” ” (16).

MR. DEPUTY SPEAKER : Do you  
want to press it ?

SHRI C. MADHAV REDDI : I seek  
leave of the House to withdraw my amend-  
ment No. 16.

*Amendment No. 16 was, by leave  
withdrawn.*

MR. DEPUTY SPEAKER : The  
question is :

“That Clause 8 stand part of the  
Bill.”

*The motion was adopted.*

Clause 8 was added to the Bill.

Clause 9—(Establishment of Consumer  
Disputes Redressal Agencies)

SHRI C. MADHAV REDDI : Sir, I  
beg to move :

“Page 5, line 22,—

for “District Forum” substitute—

“Consumer District Forum” ” (17)

“Page 5, line 26,—

for “State Commission” substitute—

“Consumer State Commission” ” (18)

103 *Consumer Protection Bill, Standards of Weights and Measures (Amdt.) Bill, Standards of Weights and Measures (Enforcement) Amdt. Bill, Essential Commodities (2nd*      **DECEMBER 9, 1986**      *Amdt.) Bill, Drugs and 104*  
*Cosmetics (Amdt.) Bill, Prevention of*  
*food Adulteration (Amdt.) Bill MRTTP*  
*(Amdt.) Bill and Agr. Produce (Grading*  
*and Marking) Amdt. Bill.*

[Shri C. Madhav Reddi]

These amendments relate to the nomenclature. We call them "District Forum", "State Commission" or "National Commission". I only want that the word 'consumer' should be there in all the nomenclatures. You have to specify that it is "Consumer District Forum", "Consumer State Commission", etc. I want that the word 'consumer' should come everywhere.

SHRI H. K. L. BHAGAT : I would like to make one request to the Hon'ble Member. Such a Section has been used in various places. It will, therefore, have to be rectified at various places. I request the Hon'ble Member not to insist on this at this stage. It hardly makes any difference in substance; let it go as it is.

SHRI C. MADHAV REDDI : It is all right.

I seek leave of the House to withdraw my amendments No. 17 and 18 to Clause 9.

*Amendments No. 17 and 18 were, by leave, withdrawn.*

MR. DEPUTY SPEAKER : The question is :

"That Clause 9 stand part of the Bill."

*The motion was adopted.*

Clause 9 was added to the Bill.

Clauses 10 and 11 were added to the Bill.

Clause 12—(Manner in which Complaint shall be made)

SHRI C. MADHAV REDDI : I beg to move :

Page 6, line 32,—

for "Companies Act, 1956"  
*substitute—*

"Societies Registration Act, 1860".  
 (19)

I request that the Minister may kindly accept my amendment.

SHRI H. K. L. BHAGAT : I am unable to accept it.

SHRI C. MADHAV REDDI : I seek leave of the House to withdraw my amendment No. 19 to clause 12.

*Amendment No. 19 was, by leave, withdrawn.*

MR. DEPUTY SPEAKER : The question is :

"That Clause 12 stand part of the Bill.

*The motion was adopted.*

Clause 12 was added to the Bill.  
 Clause 13 was added to the Bill.

Clause 14—(Finding of the District Forum)

SHRI C. MADHAV REDDI : I beg to move :

Page 8, line 34,—

*add at the end—*

"and also free from any extra payment." (26)

Page 8, line 39,—

*after "to the" insert—*

"supply of goods containing hazardous substance or any other." (27)

Page 8, after line 46,—

*insert*

"(4) If after the proceeding conducted under section 13, the District Forum is satisfied that there is enough ground for a criminal prosecution against the opposite party, the District Forum may lodge a criminal case against the opposite party".



105 Consumer Protection AGRAHAYANA 18, 1908 (SAKA) Amdt.) Bill, Drugs and 106  
 Bill, Standards of Weights and Measures (Amdt.) Bill, Standards of Weights  
 and Measures (Enforcement) Amdt. Bill, Essential Commodities (2nd  
 Cosmetics (Amdt.) Bill, Prevention of  
 Food Adulteration (Amdt.) Bill, MRTP  
 (Amdt.) Bill and Agr. Produce  
 (Grading and Marking) Amdt. Bill.

Clause 14(1) (a) and (b) reads like this :

“(a) to remove the defect pointed out by the appropriate laboratory from the goods in question;

(b) to replace the goods with new goods of similar description which shall be free from any defect;” (28)

I want this to be added at the end :

“and also free from any extra payment.”

This is because he may replace the goods but he may demand extra money for that. I want that it should be without payment of extra price for the goods which may be supplied later.

SHRI H. K. L. BHAGAT : As regards amendment No. 26, it is not necessary because the clause itself clearly implies that. Regarding amendment 27, the word ‘negligence’ takes care of it. About amendment No. 28, it is not necessary. To provide redressal to the consumer’s grievances, there are other agencies and laws which will take care and prosecute those who contravene the law.

Therefore, I cannot accept these amendments.

SHRI C. MADHAV REDDI : If the District Forum comes to a conclusion that there is a scope for prosecuting a person, they should refer the matter to a Criminal court. What is the harm in that ?

SHRI H. K. L. BHAGAT : As the scheme of things stands, the District Forum can decide the matter. The State Commission and the National Commission are also there to take care if it requires their attention. I think, these amendments are really not necessary.

SHRI C. MADHAV REDDI : I seek leave of the House to withdraw my amendments No. 26, 27 and 28.

*Amendment Nos. 26, 27 and 28 were, by leave, withdrawn.*

MR. DEPUTY SPEAKER : The question is :

“That clause 14 stand part of the Bill.”

*The motion was adopted.*

Clause 14 was added to the Bill.

Clauses 15 and 26 were added to the Bill.

Clause 27—(Penalties)

SHRI C. MADHAV REDDI : I had to move :

Page 11, (i) line 27,—

*for “or” substitute “and”*

(ii) line 28,—

*omit “or with both.” (23)*

Page 11, line 32,—

(i) *for “or fine” substitute “and fine”*

(ii) *omit “or both,” (24)*

My amendments are self-explanatory. I request the Minister to accept the same.

SHRI H. K. L. BHAGAT : I am not able to accept this.

SHRI C. MADHAV REDDI : I seek leave of the House to withdraw my amendments No. 23 and 24 to Clause 27.

*Amendments Nos. 23 and 24 were, by leave, withdrawn.*

MR. DEPUTY SPEAKER : The question is :

“That clause 27 stand part of the Bill.”

*The motion was adopted.*

Clause 27 was added to the Bill.

Clauses 28 to 31 were added to the Bill.

MR. DEPUTY SPEAKER : The question is :

107 Consumer Protection Bill, DECEMBER 9, 1986 Amdt.) Bill, Drugs and 108  
Standards of Weights and Measures Cosmetics (Amdt.) Bill, Prevention of  
(Amdt.) Bill, Standards of Weights food Adulteration (Amdt.) Bill, MRTPL  
and Measures (Enforcement) Amdt. (Amdt.) Bill and Agr. Produce (Grading  
Bill, Essential Commodities (2nd and Marking) Amdt. Bill.

"That clause 1, Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

SHRI H. K. L. BHAGAT : I beg to move :

"That the Bill be passed."

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*

MR. DEPUTY SPEAKER : Now, we will take now up the Standards of Weights and Measures (Amendment) Bill The question is :

"That the Bill to amend the Standards of Weights and Measures Act, 1976, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY SPEAKER : The House will now take up clause by clause consideration of the Bill. The question is :

"That clause 2 stand part of the Bill."

*The motion was adopted.*

Clause 2 was added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That clause 1, the Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

Clause 1, the Enacting Formula and the Long Title were added to the Bill.

SHRI H. K. L. BHAGAT : I beg to move :

"That the Bill be passed."

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*

MR. DEPUTY SPEAKER : The question is :

"That the Bill to amend the Standards of Weights and Measures (Enforcement) Act, 1985, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY SPEAKER : The House will now take up clause by clause consideration of the Bill.

The question is :

"That Clauses 2 to 5 stand part of the Bill."

*The motion was adopted.*

Clauses 2 to 5 were added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That Clause 1, Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

Clause 1, Enacting Formula and the Long Title were added to the Bill.

SHRI H. K. L. BHAGAT : I beg to move :

"That the Bill be passed."

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*

MR. DEPUTY SPEAKER : The question is :

"That the Bill further to amend the Essential Commodities Act, 1955, be taken into consideration."

*The motion was adopted.*

109 *Consumer Protection AGRAHAYANA 18, 1908 (SAKA) Amdt.) Bill, Drugs and* 110  
*Bill, Standards of Weights and Measures (Amdt.) Bill, Standards of Weights*  
*and Measures, (Enforcement) Amdt. Bill, Essential Commodities (2nd*  
*Cosmetics (Amdt.) Bill, Prevention of*  
*food Adulteration (Amdt.) Bill, MRTP*  
*(Amdt.) Bill and Agr. Produce*  
*(Grading and Marking) Amdt. Bill.*

MR. DEPUTY SPEAKER : The House will now take up clause by clause consideration of the Bill.

The question is :

"That Clause 2 stand part of the Bill."

*The motion was adopted.*

Clause 2 was added to the Bill.

Clause 3—(Amendment of Section 12 AA)

*Amendment made :*

"Page 2, line 3,

*after "consumer association", insert whether such person is a member of that association or not,"*

(Shri H. K. L. Bhagat)

MR. DEPUTY SPEAKER : The question is :

"That Clause 3, as amended, stand part of the Bill."

*The motion was adopted.*

Clause 3, as Amended, was added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That Clause 1, Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

Clause 1, Enacting Formula and the Long Title were added to the Bill.

SHRI H. K. L. BHAGAT : I beg to move :

"That the Bill, as amended, be passed."

MR. DEPUTY SPEAKER : The question is :

"That the Bill, as amended, be passed."

*The motion was adopted.*

MR. DEPUTY SPEAKER : The question is :

"That the Bill further to amend the Drugs and Cosmetics Act, 1940, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY SPEAKER : The House will now take up clause by clause consideration of the Bill.

The question is :

"That Clauses 2 and 3 stand part of the Bill."

*The motion was adopted.*

Clases 2 and 3 were added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That clause 1, Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

Clause 1, Enacting Formula and the Long Title were added to the Bill.

KUMARI SAROJ KHAPARDE : I beg to move :

"That the Bill be passed."

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*

MR. DEPUTY SPEAKER : The question is :

"That the Bill further to amend the Prevention of Food Adulteration Act, 1954, be taken into consideration."

*The motion was adopted.*

111 *Consumer Protection Bill, Standards of Weights and Measures (Amdt.) Bill, Standards of Weights and Measures (Enforcement) Amdt. Bill, Essential Commodities (2nd* DECEMBER 9, 1986 *Amdt.) Bill, Drugs and* 112  
*Cosmetics (Amdt.) Bill, Prevention of*  
*Food Adulteration (Amdt.) Bill, MRTTP*  
*(Amdt.) Bill and Agr. Produce (Grading*  
*and Marking) Amdt. Bill.*

MR. DEPUTY SPEAKER : The House will now take up clause by clause consideration of the Bill.

The question is :

"That Clause 2 and 3 stand part of the Bill."

*The motion was adopted.*

Clauses 2 and 3 were added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That Clause 1, Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

Clause 1, Enacting Formula and the Long Title were added to the Bill.

KUMARI SAROJ KHAPARDE : I beg to move :

"That the Bill be passed."

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*

MR. DEPUTY SPEAKER : The question is :

"That the Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1954, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY SPEAKER : The House will now take up clause by clause consideration of the Bill.

The question is :

"That Clauses 2 to 7 stand part of the Bill."

*The motion was adopted.*

Clauses 2 to 7 were added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That Clause 1, Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

Clauses 1, Enacting Formula and the Long Title were added to the Bill.

SHRI M. ARUNACHALAM : I beg to move :

"That the Bill be passed."

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*

MR. DEPUTY SPEAKER : The question is :

"That the Bill further to amend the Agricultural Produce (Grading and Marking) Act, 1937, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY SPEAKER : The House will now take up clause by clause consideration of the Bill.

The question is :

"That Clauses 2 to 7 stand part of the Bill."

*The motion was adopted.*

Clauses 2 to 7 were added to the Bill.

MR. DEPUTY SPEAKER : The question is :

"That Clause 1, Enacting Formula and the Long Title stand part of the Bill."

*The motion was adopted.*

Clause 1, Enacting Formula and the Title were added to the Bill.

SHRI RAMANAND YADAV : I beg to move :

"That the Bill be passed."

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

*The motion was adopted.*