

16.47 hrs.

**BUSINESS OF THE HOUSE**

[English]

**MR. CHAIRMAN:** Hon. Members would recall that this morning a demand was made in the House for having a discussion on the atrocities on Scheduled Castes and Scheduled Tribes and the Speaker had observed that he would fix a date and time for discussion in consultation with Leaders of Parties and Groups. Accordingly, the Speaker had a meeting with the Leaders of Parties and Groups and it has been agreed that a motion under Rule 184 might be taken up for discussion in the House on Tuesday, the 13th August, 1991 after Question Hour and the election of the Deputy Speaker.

The following motion which has already been admitted for discussion in the names of Sarvashri Ram Vilas Paswan and Ramashray Prasad Singh would be put down in the List of Business for tomorrow, the 13th August, 1991:-

"That this House do express its concern over the atrocities being committed on the Scheduled Castes and Scheduled Tribes and other weaker sections of the society in the country and urge upon the Government to take early necessary steps to prevent their recurrence."

16.49 hrs.

**STATUTORY RESOLUTION RE. DISAPPROVAL OF CONSUMER PROTECTION (AMENDMENT) ORDINANCE AND CONSUMER PROTECTION (AMENDMENT) BILL**

**As Passed by Rajya Sabha**

[English]

**MR. CHAIRMAN:** Now we shall take up

items No. 8 and 9 together Shri Girdhari Lal Bhargava.

[Translation]

**SHRI GIRDHARI LAL BHARGAVA:** (Jaipur): I beg to move:

That this House disapproves of the Consumer Protection (Amendment) Ordinance, 1991 (Ordinance No. 6 of 1991) promulgated by the President on the 15th June, 1991".

Madam, I have moved a Resolution seeking disapproval of Consumer Protection (Amendment) Bill which has been introduced to replace the ordinance promulgated by the President. I have to say that even though Consumer Protection Act was enacted after four years, but it has not made any mark in the field of consumer protection. The expectations of the Government from this piece of legislation have not been fulfilled. I would like to submit that under this Act about 755 consumer courts were to be set up, but these could be set up at 40 places only during the last two years.

Madam Chairman, the matter was referred to the Supreme Court which passed an order that Consumer Courts should be set up everywhere within six weeks, but in spite of Supreme Courts' Order, Consumer Courts have been set up only in half of the total districts. The Government had asked for a report from the State Governments and Justice EB Eradi was to submit the report about it. But the State Governments instead of considering it their responsibility handed over the work to district judges. The judges were already under heavy pressure of work and therefore, they could not do much in this direction. As a result, these provisions under the Consumer Bill remained merely a formality. The State Governments set up a consumer court at the Divisional Commissioner's level and they catered to the needs of 5 to 6 districts. The civil judges and the District judges were already overburdened with work and they were handed over additional work for 5 or 6 districts. Consequently,

these courts did not do anything significant.

Madam, three persons were to be appointed to these Courts under the State Commission apart from the President who was to be elected, two persons were to be nominated—one of them should have been a lady social workers as per the provisions of the Act. But what happened was that all appointments of the lady workers were guided by political considerations. At certain places women who were appointed against such posts were not educated enough to hold such posts. It was done just to make the consumer courts ineffective. The district judges were asked to keep spaces reserved for them. Firstly, there was no space for them and secondly there is no room for the District Judges where they could sit and discharge their duties. I understand that these courts have no utility.

Mr. Chairman, Sir, stenographers were to be appointed for keeping records and submitting statements in whose place clerks were appointed. These clerks cannot do stenographer's job. Similarly, it was decided that, at least, one meeting will be held every month and its members will be paid daily allowances. But none of the Members was paid allowance, with the result that the members stopped attending these meetings.

Mr. Chairman, Sir, you will be surprised to learn that the Judges were not given any power to appoint staff. They were also not authorised to purchase stationery for their court work. Even they did not have the powers to purchase papers. Papers were also to be supplied by the civil court. As such, these courts which were set up on the basis of consumer courts only were virtually ineffective. The State Governments had no interest in setting up such courts. In this way the consumer courts could not do any effective work and this legislation benefited the affluent people only.

Mr. Chairman, Sir, the prices of foodgrains, vegetables, pulses and edible oil have increased manifold these days and we

cannot do anything in this regard. If the prices are constantly being increased by mill owners and shopkeepers, we cannot do anything in this regard. I would like to make a suggestion that the commodities should be distributed through public distribution system. Commodities being distributed through P.D.S. by State Governments are not good. People get rotten foodgrains and wet sugar. If one goes to the ration shop he is being told that stock of sugar and what is already exhausted.

[SHRI P.M. SAYEED *in the Chair*]

16.55 hrs.

Along with this local tax is also levied on these commodities. You will be surprised to know that despite the Supreme Court's order such courts have not been set up in more than half of the total of 499 districts. There are about 2,50,000 public distribution shops all over the country. Nothing is available in these shops and whatever is available is being diverted to black market. Even the village people are no way benefited by these shops. Then why should the State Governments bear the entire expenditure of this forum? If the Central Government desires to set up such forums it should bear all its expenses. As such, the Central Government should not issue an ordinance under the hon. President's signature in respect of courts which have no justifiability, for those courts which have not been set even after Supreme Court's orders and for such shops which have no utility since nothing is available in them. It is a great disgrace for the President. Therefore, with due regard to the hon. President, under whose signature the Central Government issued an ordinance to set up courts, I would like to submit that this ordinance should be declared null and void immediately, I request that my suggestion may please be accepted.

[*English*]

MR. CHAIRMAN: Motion moved:

"That this House disapproves of the

Consumer Protection (Amendment) Ordinance, 1991 (Ordinance No. 6 of 1991) promulgated by the President on the 15th June, 1991."

NOW THE MINISTER THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES AND PUBLIC DISTRIBUTION (SHRI KAMALUDDIN AHMED): I beg to move:

"That the Bill to amend the Consumer Protection Act, 1986, as passed by Rajya Sabha, be taken into consideration."

Sir, this is a legislation for the replacement of ordinance. An ordinance was issued on the basis of a judgement of the National Redressal Commission. I have heard the views expressed by hon. Member Shri Bhargavaji. Since the ordinance was issued, Parliament has come into session and this legislation was brought. The Rajya Sabha has passed the Bill. This is more of a technical nature. The necessity was because under the law, all the Members had to sign the judgement and if one Member was not able to sign, the judgement becomes null and void. That was the difficulty in the law which has been tried to be corrected. If it had not been done, a number of judgements passed by the District forums and the State Commissions would have become null and void. I have just now heard the matters put before the House by hon. Shri Bhargavaji. At this stage my only request is that the Bill may be considered and it will be decided later.

MR. CHAIRMAN: Motion moved:

"That the Bill to amend the Consumer Protection Act, 1986, as passed by Rajya Sabha, be taken into consideration."

[*Translation*]

SHRI MOHAN SINGH (Deoria): Mr. Chairman, Sir, This Bill. (*Interruptions*)

PROF. RASA SINGH RAWAT (Ajmer): Mr. Chairman, Sir, first of all our list should be

taken up. We should be given the first chance since ours is the largest opposition party.

MR. CHAIRMAN: I will call you. Bhargavaji has already started. I will give you one more opportunity.

PROF. RASA SINGH RAWAT: Our party, the Bhartiya Janata Party is the largest opposition party. As such, we should have been given the first chance. It is a question our right.

[*English*]

MR. CHAIRMAN: Since he has already started let him speak.

SHRI RAM KAPSE (Thane): He has not started.

MR. CHAIRMAN: I have already called him.

[*Translation*]

SHRI MOHAN SINGH: Mr. Chairman, Sir. I rise to make some suggestions in connection with the Bill on which the august House is holding a discussion. The Government had to move an amendment before this august House on the basis of a court verdict. During the course of his speech Shri Bhargava offered some very valuable suggestions on the subject. The Government had enacted a law to set up consumer protection courts all over the country and the power to set up District Courts and appoint District Judges was entrusted to State Governments. Now the problem is that the State Governments are proving themselves incapable to set up such courts at district levels. In many districts the situation is that, though such courts have been set up at district levels, the posts lie vacant for months together in the event of the transfer of the sitting judge or for some other reasons he is not able to discharge his duties. The result is that the very purpose of setting up courts under Consumer Protection Act has been defeated. I would, therefore, like to suggest that elaborate changes should be effected in this law.

17.00 hrs.

Under the elaborate changes, the power of setting up of courts at the district level should be given to the District Magistrates or to Chairman of Zilla Parishads instead of the State Governments in pursuance of our policy of decentralisation so that the consumers could be given maximum protection at the earlier.

We have also not yet succeeded in strengthening our public distribution system at the local level. Mr. Chairman, Sir, with a heavy heart I say that all this defects developed in this system under the present Government. Whichever Government might be in power, we can put some restrictions on the distribution system being run by private individuals by creating public awareness. But under the present system though the Government wants to provide maximum benefits to the consumers neither courts nor the popular will has any access to it. In the absence of proper arrangements the Government is proving itself incompetent to provide protection to the consumers. Therefore, the scope of the Consumer Protection Act needs to be extended suitably.

For example, I want to state that advertisements are made by the development authorities and Housing Development Councils that they would provide ready built houses within a period of 6 months or two years once the applicants pay the lump sum amount they are supposed to pay. When such an advertisement is made people deposit large sums of money. They anxiously wait for years to get their houses. Similar is the case with telephone system. Even after depositing money long back the consumers do not get telephone connections. Complaints in respect of regard telephone disorder are seldom attended by the employees of the Department if the consumer has no direct connection with them.

Similar is the case with railways. Without any genuine reasons the trains run behind schedule and on account of it the passenger's work suffers. I want to submit that all

these things should be brought under the Consumer Protection Act. I know that there was a proposal to bring the development councils within its ambit, but the Government obtained a stay order from the court and in this way it distanced itself from the Consumers Protection Act.

As such, I urge that a committee should be formed to assess the subjects which are to be taken up under this Act. It should be placed before the committee to decide as to which matters concerning the consumers should be brought under Consumer Protection Act. The said issue may be discussed in that committee and thereafter decision on extending this Act should be taken up and a comprehensive Bill should be brought forward in the House. As a suggestion, I would like to say that telephones, railways and Housing development authorities should be compulsorily brought under the Consumer's Protection Act. As such a Parliamentary Committee should be set up at the earliest. With these suggestions I would express my thanks to all of your and conclude.

PROF. RASA SINGH RAWAT: Mr. Chairman, Sir, in connection with the changes that the hon. Minister desires to incorporate in Consumer Protection Act through this amendment, I would like to state that when the Consumer Protection Act was enacted in 1986, consumers, at all levels whether it was the case of telephones or gas cylinder or availability of unadulterated commodities shops had entertained high hopes that it would protect their interests in real sense, in future. But it was of little effect. This law was passed by parliament, the highest law making body in the country with high spirits and implemented in whole country with a noble thought. After having been enacted, the law was passed on to such hands for implementation, where only the structure was left behind and the real spirit disappeared. With the result that consumer forums to be set up at district levels, State levels or at the national level, could not be set up with that competence. The rights of consumers could not be protected. Various facilities supposed to be made available to consumers could not

[Prof. Rasa Singh Rawat]

be made available to them. The hopes that the consumers would get justice by going to consumer courts or consumer forums could not be fulfilled.

Mr. Chairman, Sir, I am sorry to point out that this Act was enacted in 1986, and its progress was assessed after two years i.e. in 1988. Sir, you will be surprised to know that in two years consumer forums could be set up only in 40 districts out of the total of 455 districts all over the country. Nothing more than this could be achieved from its implementation. Thereafter a decision to constitute it throughout the country within six weeks was taken. The Central Government issued the order again and put pressures on the state Governments for that. Then a little progress could be made in this regard. Even then only half of the districts of the country could be covered under it. As the hon. Member Shri Bhargava has said that Shri Eradi, a justice of the Supreme Court was appointed as a chairman of National Commission and empowered to go into the reasons for such tardy progress. He visited almost all the states of the country and tried to find out the reasons for tardy progress. The Eradi Commission was surprised to note that even the statutory requirements were not fulfilled under the Consumers Protection Act and the basic objective behind this act to provide commodities of pure and standard quality to the people in the country was also not met. Adulteration is there in each and every item today. Just take the example of telephone. When we dial No. 197,198 or 199 to complain that the telephone is out of order then there is no one to listen to our complain. We hear some sort of music or song on the telephone coming from there. But the bill we receive in our name is full, no matter whether our telephones remained out of order or deal for 10 days or lines and wires got cut off due to storm and rain. No one is there to listen to us. We are told that we have no other option but to pay the bill in first instance.

Mr. Chairman, Sir, now-a-days we M.Ps

are receiving the electricity Bill as we too are consumers of electricity. Earlier its rate was 35 paise per unit which has now been raised to Rs. 2 and 2 paise per unit above one hundred unit we as well as the other people are very much distressed to receive these Bills which are not in commensurate with powers consumed. No one is there to listen to our complaints. We are told by the concerned official to pay the Bill first.

Mr. Chairman, Sir, the same is the position regarding cinemas. The public want something else to see the T.V., the country's requirement is something else but something else is shown on T.V. and cinema. Something good should be shown on T.V. and cinema which may help in building the character of the people of the country. But the advertisements shown on T.V. propagate and the consumer culture and the publicity is given to the goods of companies of big capitalists and the vested interest advertise their luxurious items on T.V. instead of protecting the consumer's rights they exploit them. Sir, the Consumer Protection Act no doubt, should be amended further to make it more effective. But, unless and until three-four major bottlenecks in its way are removed the consumers' interests in the country cannot be protected whether it be a ration shop, small village-shops, big markets, dispensary or medical store. It is first and foremost that the complaints of consumers should be heard for providing protection to the consumers. I suggest that stern action must be taken against the persons who try to play with the interests of consumers and for that purpose we shall have to strengthen and the consumers forums. There are 455 districts in the country and a consumers forum must be set up in each district. There must be a separate court to hear the cases of consumers in each district and judges to these courts be appointed on the lines of judges appointed to hear the routine cases. These judges should be provided adequate staff to type the necessary documents and judgements and for carrying out other day to day work. He should also be given powers and machinery to get his decisions and judgements implemented.

Machinery to execute his orders should work under him so that he may function effectively. I have seen in many districts that signboard of consumer court has been fixed outside the door of court room but other cases are heard in that court. This arrangement is not proper one. This court must have a separate room with all the adequate facilities. Some state Governments fail to provide adequate facilities for want of money. Then it is the responsibility of Central Government and the National Commission on Consumers' Protection to look into the matter and ensure that statutory requirements under this Act are fulfilled in the states and it should also ensure that the aims and objectives—with which the machinery has been constituted to protect the interests of consumers, to do justice to the all consumers, to make available pure and unadulterated commodities at cheaper rates and on time are also fulfilled. This commission should take all care to see that the black-marketing is not encouraged in any way. For this purposes the central Government must establish special courts in the country. It should give financial assistance to the states for establishing such courts in their each district. What is more important is that there should be no political interference in the functioning of consumer protection courts because these courts are working for a good cause. These are working to safeguard the public interest and protect the consumers rights. Therefore, only those persons whose motive is service and who are active, honest, willing workers well acquainted with the facts and local circumstances and dedicated to their work and duty should be nominated as the members of such courts. Only then I think, these consumer courts would be more active and well organised and this amendment would have relevance otherwise there is no use of making laws. There must be a coordination between theory and practice. Mere enactment of laws will not do anything, their implementation is more important. The people must feel it in reality. They may get justice when they lodge their complaints against the quality of the commodities supplied to them through a dishonest and fraudulent manner. There must be redressed of their complaints.

At last, Sir, through you I would like to say to the hon. Minister that at present as I have observed that the consumers associations have been constituted at the divisional head-quarters level only. How can we expect from a farmer or a general citizen that he will present himself in such court after covering the 40-50 miles distance on foot or spending money on fare from his own pocket. It is very difficult for him to do so. I think such forums should be constituted at every district, Tehsil and block level and if we are really serious about the decentralisation then such forums should be formed even at the Panchayat levels so that they can get protection and the exploitations of the consumers whether it is social, mental, economic or it is in the name of prices and the non-availability of the commodities in time could be checked.

I would like to say in the last that if the proposed amendment in the consumer protection act is made and implemented in the right perspective then this act would prove more effective and meaningful.

[English]

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): Mr. Chairman, Sir, I have earlier given my notice of motion disapproving the Ordinance.

Now the hon. Minister has just now explained the circumstances under which this Ordinance was brought. It is because of the decision of the National Consumer Disputes Redressal Commission.

But I feel that apart from meeting the requirement as per the decision of that National Consumer Disputes Redressal Commission, you could have incorporated some more amendments giving a comprehensive picture to this Amendment Bill.

You know in December, 1986 when the then Minister Shri H.K.L. Bhagat was there is piloting this Consumer Protection Bill, he accepted that the Bill is not a comprehensive one. He agreed so on the floor of the House and he also said that as time passed, if some deficiencies or loopholes are observed,

[Sh. Sobhanadreeswara Rao]

certainly the Government will come forward with a necessary amendment to take care of such deficiencies.

Unfortunately, today in this Amendment Bill moved by the hon. Minister, that is not there. The present amendment is technically, as he said, to meet this particular small change in the procedure to be followed by Consumers District Forums.

I feel very sad because this Government should have taken care about the poor consumers of this country. More than four decades ago, Mahatma Gandhi has said this and it is now very relevant and I quote:—

"A consumer is the most important visitor in our premises. He is not dependent on us. We are on him. He is not a disturbance to our work. He is the purpose of it. We are not doing a favour to the consumer by giving the same opportunity. He is doing us a favour by giving us an opportunity."

You are aware of these very precious words which were uttered by Mahatma Gandhi very long back. At that point of time, surely you will agree that the moral values were far better than at present time.

I would like to bring to the notice of the Hon. Minister what Mr. H.K.L Bhagat said at that time and I quote:—

"The intention of the Government is not to be satisfied with the present arrangement."

The Government said that its intention was to go to the block-level, to go to the village-level also so that the consumers are enlightened about their rights and to take care of their interests.

But till now we did not succeed in that. Somenow, the Government, it appears, is not very serious. Even after nearly 4-1/2 years, only half of the districts are having

these District Forums. Unfortunately, today there is no limit to the greed of some traders. They are adding white sand in rice and in sugar and they are not hesitating to adulterate the life-saving drugs also. Somehow they want to make money at any cost. So if things are like that, the Government should have come forward with all necessary amendments. Right now, in this Consumer Protection Bill, there is no scope for interim relief. Suppose a consumer is affected and he gives a complaint. In that event, there is no interim relief. All people especially the poor people cannot wait for months or years together till the case is disposed of. Let the Government think of the circumstances where some interim relief could be given to the consumer depending upon the merit of the case.

Sir, today we are hearing of adulteration of pesticides. Lot of farmers are being cheated. They spend a lot of money out of their hard-earned money and hard-earned savings. They don't work well as a result of which the farmers lose their crops. Nobody is compensating them. There is no wonder about it. You must be aware of the fact that even in respect of complex fertilizers, very costly variety of fertilizers, they are not of pure quality. The suppliers are mixing up one into the other to make a lot of money. My suggestion is when such incidents come to your notice, take stringent action. Suppose, one consumer, one person finds fault with the supplier and prefers a complaint either with the District Forum or the State Forum. After due enquiry of all the procedure, that particular consumer may be compensated. But the fact is that he is the only one person who has given complaint. There are thousands of such people. There may be even lakhs of people who do not even prefer to give complaints because they may either be ignorant or they may not be aware of their rights or of this Consumer Protection Act and the mechanism that is connected with that and the relief they may be getting. Many people are illiterates. A lot of villagers do not have access to the nearest place where this District Forum meets. Therefore, when it is found that a manufacture or a trader has

deliberately supplied substandard quality goods to a particular consumer, the Consumer District Forum or the State Forum whatever it may be, must penalise that manufacturer or the supplier for supplying the substandard goods or deliberately adulterating that particular product. He must be penalised to that extent. It is not a question of giving mere relief to the individual consumer. That is what I want to submit to this Government.

Sir, there are several incidents of substandard seeds supplied to the farmers. Several times, we have raised it in this House also. With great hope and paying thousands of rupees, people purchase seeds but they are not good quality seeds. They do not germinate at all. The result is that after spending precious time, the farmers will be put to very great loss. You are also aware of this. Therefore, my submission is that the Government should come forward with a comprehensive (Amendment) Bill taking care of these deficiencies and stringent punishment should be given to such defaulters.

Next, I think this Consumer Protection Act must be given wide coverage and propaganda through the media. Right at the moment some daily newspapers are giving certain columns educating the consumers that such and such thing happened like this at so and so place and the consumer could get some relief; his right was protected. Like that, some newspapers are giving columns. I congratulate some newspapers for that. Nowadays the TV is the most powerful media. It goes straight into the heart of the persons and the people. My suggestion to the Government is that it must allocate some considerable time in the electronic media, especially the TV to educate the consumers. In a country like America one single person by name Ralph Nader could fight the Automobile giant General Motors. He felt that a particular model of the General Motors car was not in the interest of the consumers and hence he got it examined with some engineers. Then he fought the case in various forums. Ultimately he succeeded in his mission. In this country, with so much illiteracy,

poverty—even 75 per cent of our people are living in the villagers—the Government must come to our rescue. The Government must come to the rescue of the consumers and unless the Government comes to the rescue of the consumers, there will not be any relief and justice. Justice delayed will be justice denied. Already five years have elapsed. I request the Government to take all necessary steps immediately.

Section 14 also needs amendment. I hope, the Government will certainly come up to remove all these deficiencies. I hope the hon. Minister will come forward with a comprehensive Bill, if not in this session, at least in the next session. I urge upon the Government to take all necessary steps.

SHRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Chairman, Sir, I support this Bill—the Consumer Protection (Amendment) Bill, 1991—which is to amend the Consumer Protection Act of 1986. As you know, this Bill is intended to replace an ordinance. While participating in the discussion on this Bill, I recollect that it was our late beloved leader Rajivji whose anxiety for protection of the consumer's interest was responsible for this enactment. He was very keen to see that the consumers' interest are well protected and they are not subjected to all sorts of exploitation, cheating etc. In an economy, it is not the manufacturer or the producer who matters, rather it is the consumer who matters. The consumer matters much more than the producer or the manufacturer. In our country, unfortunately, the consumer—because of ignorance, illiteracy and also the type of situation that is obtaining—is often exploited and cheated. It was definitely a good beginning made. But five year's time has elapsed meanwhile and not much satisfactory progress has been achieved in this direction.

Frankly speaking, the intention underlying this Bill is very very laudable. It is a Central Act. The Central Government are giving instructions, guidelines to the State Governments and it is for the State Governments to implement it in the field by constituting committees or commissions or any other

[Sh. Sriballav Panigrahi]

forum at the at the district level, at the State level. It is their duty to constitute this forum. But more important than that is the choice of right type of persons to serve as members in these committees or forums. Otherwise, sometimes, the members so chosen to serve these committees do not take any interest. They do not attend any sittings; they are not available even for signatures. That is why, one learned judge made some observations about this and the ordinance and this Bill is the outcome of those observations.

But so far, the implementation has been very very tardy. If there is much delay in the implementation, it defeats the purpose.

Therefore, the sense of urgency is also getting lost. I would like the hon. Minister to note that their duty is just not over or is not limited to the passing of such a Bill by making such enactments as this level. In India, we are not in dearth of any progressive legislations. We have so many legislations which are quite progressive in nature. With regard to implementation, there remains a lot of scope for improvement. I think, this Act comes under that category. It is a good and progressive Act with a very laudable objective of serving the consumers—the poorer and illiterate consumers—but the implementation of it is such that the very purpose is getting defeated.

Therefore, the hon. Minister and also the Senior Officers of Government of India should go round the States and should review the working of different provisions of this Act in State Headquarters; not only State headquarters, they should also go upto District level. In the field, they should see for themselves as to how it works. Some of the sittings of these Forums can be attended to by them to get a first hand knowledge. This could be done. It should be properly monitored from the Centre and by such efforts they would be able to send the message of urgency giving the true purpose underlying this Act.

I would like to come to another point. If I have understood correctly, and if my information is correct, very limited commodities numbering around 6 are being dealt with under this Act.

According to the provision of the Act, it should normally take three months time for the disposal of any complaint and three to five months if any chemical or laboratory test is involved. Our experience shows that inordinate delay was taking place in the field for disposal of the complaints. Naturally, when there is inordinate delay, the necessity is more for giving some interim grant or relief. In all cases, if it can be completed within the time frame or within the time schedule of six or five or three months, we can do away with this grant of interim relief etc. Otherwise, the Government should seriously consider about making a provision to grant interim relief.

The Public Distribution System, in fact plays a pivotal role in this. If we cannot have an active and efficient Public Distribution System in our country, in different States, then, naturally, whatever we may feel here will only be a wishful thinking. Therefore, I quite agree with the hon. Member from the other side who has expressed his view that the Public Distribution System should be kept above politics.

In Orissa, I am pained to bring it to your notice that it is the MLAs who are associated with the Public Distribution System. There is a good side and there is a bad side also, because of associating the political representatives. Sometimes, it works properly in some areas but in large areas the system is getting politicised. With people chosen by them, belonging to their party—they are being selected as dealers—enjoying the support of the MLA, when the MLA stands behind them, they do not care for anybody and instead indulge in black marketing, hoarding and all that. Thus the PDS has gone astray. Therefore, the functioning of the Public Distribution System in a proper way, in a healthy way has got to be ensured.

Gram Panchayats and cooperatives

should be encouraged and the bank financing or their own funds should be allowed to be invested in this process. When I was the Minister of Civil Supplies in Orissa during mid 70s, we had in fact experimented this and this was proved to be successful. That was in a very very bad time, when a near famine situation was prevailing. We ignored the individual businessman, we entrusted the Gram Panchayats and cooperatives this work and they did a splendid work, an excellent job in this field.

In this regard mass education is very very important. This is a new provision. Many do not know about it although five years of precious time has elapsed. It was Rajivji's dream; it was his idea. He was very much associated with this and we have to see that this is achieved in its letter and spirit. His anxiety as I told in the beginning was for the poor consumers and this particular Bill is the outcome and the result of that.

A strong consumer movement we have to build. Without a consumer movement, we cannot bring consciousness in the relevant quarters. Therefore, the media has a role to play. The electronic media, the newspapers and the social and political workers, all of them together, should make a sincere endeavour to create a strong public opinion and build a strong consumer movement which will go a long way in achieving the purpose underlying this Bill.

[Translation]

SHRI SYED MASUDAL HOSSAIN (Murshidabad): Mr. Chairman, Sir, the Government comes with a Bill here in the House when it either does not want to do any work or when it wants to spoil the work already done. As far example there is no offence in the world which is not covered by the I.P.C, yet we have enacted Act like TADA, Anti-profiteering Act, Anti-Hoarding Act, Food-Adulteration Act and now we are making this Consumer Protection Act. You will not arrest hoarders and adulterators but add another act i.e. consumer protection act in the statute book.

Mr. Chairman, Sir, this Bill will benefit to some extent to the middle class people only but not to the poor section. Today, in the country there are 25 crores persons who are living below poverty line in the jhuggis, and in the remote villages. What benefit would they get from this bill. Even today these people purchase mustard oil of 4 annas, haldi of 2 annas, chilli powder of 10 paise, then how can this consumer protection act protect their interests. (Interruptions)

There are many persons today also, who can not purchase match box even .....(Interruptions)

See the provisions of this Bill. One is required to submit as sample 500 gms. milk, 250 gms. edible oil, 300 gms. spices, 1kg. vegetable ghee in case one has to lodge a complain against substandard of any item. How can a man who purchases an item of 4 annas only manage to purchase and submit as sample 1 kg. vegetable oil for complaining in the consumer redressal cell? What have Government thought about these sorts of men? No doubt, this bill provides some relief to the middle class. They will get certain facilities. But so far as the businessmen are concerned they have a soft corner for them. No panel provision has been made in this Bill. There is a provision regarding the compensation in this bill according to which customer will be refunded the price of the good or his good will be replaced. But there is no penal provision for detaining them in jail. They are very much sympathetic towards them. Transport also has been covered in this Bill. Take the example of D.T.C. The number of commuters in a DTC bus is two-times more than its capacity causing great suffocation. Train fares are being raised every year. This year also it has been raised. 400 passengers are travelling in a compartment which is meant for only 40. People travel on the train roofs also. What does the Government think about the redressal of their grievance? Trains and flights are running late. That is right, that only the very big persons travel by air. Kesri ji, you also have become a Minister from an M.P. So you also as well as we travel by air. Leave the matter

[Sh. Syed Masudal Hossain]

of plane. But what about the redressal of the complaints regarding trains which are running late? No provision has been made for these things. What about the telephones which lie dead for the months together but the bill is Rs. 4 to 6 thousands. Bill has to be paid-Prior to making any complaint. There is no other option. So a comprehensive bill is required to be brought, which may provide relief to the poor sections. Our party has been demanding constantly for supplying 14 items through the Public Distribution system at one rate all over India in order to provide relief to the poor. The existing Public Distribution System has completely failed. It is as good as dead. Rice and wheat do not reach the States in time. The state Governments are not able to supply ration items. States do not receive their quota in time. What is the redressal of it? Rice, wheat, sugar and edible oil being supplied to people through ration shops are substandard what is the redressal?

AN HON. MEMBER: Please, address the chair.

SHRISYED MASUDAL HOSSAIN: Hon. Minister is sitting. He is supposed to take notes. He is requested to bring a comprehensive bill soon in order to do something for the people living below the poverty line. From all sides of this House I am being asked to address the chair. So, sir, through you I would like to say to the hon. Minister that many Acts have been enacted. So mere Acts he will not do any thing, some concrete thinking is required for the poor. There are already 12-14 acts about the consumers but these are not implemented. There is too much poverty in our country, poor do not know about these acts. Even if they come to know about these acts, it is beyond their reach to submit samples as per the requirements of this bill. So I would like to suggest them to implement the old Acts. There are a few amendments in this bill and these have a very limited scope. So better he should try to bring a comprehensive Bill. With these words I conclude.

[English]

SHRIS. MALLIKARJUNAIAH (Tumkur): Mr. Chairman, Sir, I would like to place a few facts about the Consumer Protection Bill. (*Interruptions*) The purpose of participating in this debate is that the consumer movement shall have to be more effective in this country. Though a number of Acts are being passed, though the existing Acts are in a position to meet the demands of the consumers, yet they are not properly utilise. For this purpose, the intensive consumer protection movement shall have to be sponsored.

In Karnataka, there is one Mrs. Mandana. She happens to be an ex-MLC and a very very active Congress social worker. She has taken it very seriously. She wants to have land from the Government to construct a hostel to accommodate people to provide them training. Though she is working so hard for the past three to four years. She is not in a position to even get the smallest of the small site. Very recently also, she was in Delhi. She wanted to contact a number of authorities here. Probably, she must have returned with an empty hand. Here also, she has got an idea to start a training school for consumers. The consumers should be in a position to know what are his rights, to whom he should make a complaint and which is the authority. The authority also should have the service-minded attitude.

At present, some of our friends have expressed about distributors, producers and the manufacturers. They care more for becoming wealthier to become more rich. They are not looking at the interests of the consumer. This is a very very unfortunate state of affairs.

I have got an experience. When I was in the Legislative Council, I put a question to the Minister for Agriculture. The cotton seeds provided from the registered shops were not germinating properly. I raised this issue on the floor of the House for which the Minister said: For one acre of land, you have to sow one kg of seeds. Instead of sowing one kg of seeds, you purchase another kg and sow it.

At least 50 per cent will have the germination.

This is the reply I received from a very responsible Minister of Agriculture. Actually, at that time the whole crop was spoiled and agriculturists were left with no relief. We also raised this issue because a shop is a certified one. He is a registered dealer. Your authorities have directed our people to purchase from there. And we have purchased it. And according to your direction, we have sown it. The result is that not even 50 per cent germination has taken place. As a result of that, we have been put to a lot of loss. But the Government did not give any ear at all. Therefore, my humble request is that the consumer movement should be more effective. Proper education shall have to be given to the people.

Secondly, such of the people who have got service-minded attitude, who have got love towards the consumers should be properly encouraged. The consumers movement should be kept away from politics. Some of our friends have expressed their fear that the bulk manufacturers have got their own agencies. And their attachment of any of the political bosses may not be an assurance to the interest of the consumers. Consumers must be in a position to complain to the authority very freely and take the samples, get them tested and submit them to the court for prosecution. It will be effective if everybody will be in a position to move the machinery and only then it will be successful. In the absence of such a measure, any kind of Acts getting passed will not serve the purpose. Therefore, my humble submission to you, Sir, is that the consumer movement must be taken up very seriously and voluntary organisations which have got interest in this regard should be encouraged so that people can be educated and can derive benefits out of it.

SHRI P.C. THOMAS (Mavattupuzha):  
Sir, in fact passing of the original Act 1986 was a real landmark and wherever it has been implemented, the fruits are seen to be very effective. In many States, district forums

are yet to be started. It has been started in Kerala and it is working very effectively. There may be some loopholes and there may be difficulties for the district forums to work but in the limited capacities and with the powers that have been given, they are working very well and producing very good results.

Now, during the debates that were made in 1986, when the Bill was taken up for consideration, many of the Members who took part in the discussion, actually welcomed the Bill. But an apprehension was also made known that it may not be brought to practice and many Members at that time said that the things were very good on paper only and that it may not be brought into practice. So, I think that this is a very good legislation which should be brought forth without any delay and the implemented in all States.

I have a suggestion to make in this regard. We have got district forums. It is necessary to have more forums because the complaints that are coming to such forums are so great in number that one forum in one district will not be able to handle the complaints which are coming. I am sure that if more forums are formed at the taluk level and even at the block level, then ordinary people for whom this legislation has been brought forward will be able to make use of this Act and will be able to get the real fruits of this Act.

When I was going through the present Bill, as has been stated in the objects itself, I find that it has been brought for the purpose of regularising an ordinance. But I have a feeling that the ordinance which was brought earlier had some kind of insufficiency because that ordinance was promulgated or was brought in pursuance of the decision of the national forum where some kind of decision was taken with regard to the manner in which the decisions were to be taken by the District Councils. If a district redressal forum is to be represented by three persons, and if there are only two persons representing it, then how can a decision be taken? That is

[Sh. P.C. Thomas]

exactly what is dealt with in this present Amendment Bill. But, with regard to state forums also, there is a similar section. There is absolutely no difference. In the State Forum also, there are three persons—one officiating chairman in the rank of a High Court judge and two non-official members. But, for that also as per Section 18 of the original Act, Section 14 has also been made applicable. Therefore, the same anomaly exists in the case of state forum also. I think this aspect should have been taken into consideration when the ordinance itself was brought and instead of bringing a further amendment, in this amendment Bill itself, this could have been given effect to.

I am in agreement with many of the suggestions which have been made with regard to voluntary organisations, consumer movement, etc. I have a feeling that any amount of legislation and any amount of laws will not be able to bring results in this regard, unless there is public awareness. As has been stated by many hon. members, concrete results can be achieved through the electronic media as well as the other media. This is very necessary. There are a number of consumer protection organisations in the voluntary sector. At least in Kerala, I know there are some organisations which are working very well. ? They are educating the people on this aspect. I suggest that the Ministry should take care of these voluntary organisations which have already come up. The president of one of those organisations from Kerala has actually come to this place to meet some officials and the concerned Ministers with regard to the action which should be taken and to suggest certain amendments to the original Act. I think the Government should show some interest in the working of these voluntary organisations that have come up in the country. The Government should arrange a conference of all these existing organisations at the national level. These organisations have made very many practical suggestions and some of these suggestions, if implemented, will give very good results.

The action taken by some of the forums in Kerala has given some good results. For example, there was a case with regard to telephones and one of the forums has given a judgement. I do not know whether that forum has got the actual jurisdiction or not but its judgement has produced real results. After the judgement, suddenly there was action from the side of the officials. I think if the forums are allowed to work in the manner they are required to, if they are given the required financial help, and if they are given the required officials, they will be able to do very good work in this respect.

Before concluding, I may just add one point. This is with regard to my State. I have a complaint from my State. This complaint was made even during the time of the previous Government also. Rice and other food stuff sent from here to Kerala was destroyed because of leaky wagons and the Kerala Government complained to the Central Authorities in this regard. In this case, this is a complaint from the State itself against the Centre. Therefore, this Act should also provide for some remedy for States to complain even against the Central Bodies, so that some action is taken and some decisions are arrived at. I am specifically giving the example of leaking wagons. The food sent in those wagons is getting destroyed. Some kind of action may be taken in this regard by the authorities concerned. Thank you.

18.00 hrs.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): Mr. Chairman, Sir, at the meeting of the Leaders of all the parties, it was decided that we would pass all the three Bills even if we have to sit late. But I am not asking for that. That is not my request. But at least this Bill which is in progress, if we can take it up and finish it today that would be better. So, I think we would be able to do it if we all reduce the number of speakers. If the House agrees, I

propose that the time of the House be extended by half an hour.

[*Translation*]

DR. LAXMINARAYAN PANDEYA (Mandsaur): Mr. Chairman, Sir, it is all right that allotted time can be extended if all of us mutually agree to that, but one thing that I want to tell Shri Kumaramangalam is that if we skip the lunch hour, we shall not sit late in the evening. Therefore, when we take such a decision, we should invariably keep it in mind that if the lunch hour is to be skipped, late sitting after 6 should not be there.

[*English*]

SHRI RANGARAJAN KUMARAMANGALAM: Mr. Chairman, I am also totally in sympathy with him.

[*Translation*]

DR. LAXMINARAYAN PANDEYA: It does not matter if you extend it for 10-20 minutes, today, but it should not be a permanent feature.

MR. CHAIRMAN: It appears that there are four-five speakers and for that the sitting will have to be extended for an hour at least.

[*English*]

Is it the pleasure of the House to extend the time by half an hour?

SEVERAL HON. MEMBERS: Yes.

MR. CHAIRMAN: The time of the House be extended by half an hour. Shri Tejnarayan Singh.

[*Translation*]

SHRI TEJ NARAYAN SINGH (Buxar): Mr. Chairman, Sir, we have passed a number of legislations in the past and have subsequently amended them also. The legislation which we are discussing right now

was enacted in 1986 and now it is amended by saying that the amendment will result in greater benefit to the people. My view is that had this Act been implemented properly the people could have been benefited. But it has not been so. The result is that a number of difficulties are faced by the people and the Government pays no attention to them.

Just now, some hon. colleagues have said that committee has been formed in their state, but other States have not followed suit. You can say that committees were not formed in those states because the respective State Governments did not want to do so. But the Congress Party was in power in most of the States from 1986 to 1989. Who prevented you from forming these committees then? Therefore, I want to say that you do want to amend the law, but you do not want to implement it. There is a wide network of fair price shops in the country, but there is hardly any state where all items are available at these ration shops. The poor in the village does not get kerosene at the ration shop with the result that he has to buy it in the open market at a very high rate. The rural poor and jhuggi dwellers do not get kerosene under the public distribution system. Then how does they benefit from it? You have not been able to benefit him even after passing this legislation. I say with certainty that though the Congress Government was in power till 1989, you have not been able to supply kerosene at the officially fixed rates to the people living below poverty line. Not only kerosene, they did not get any item including wheat, rice, cloth. According to my estimates, out of 70 crore people of this country, you have not been able to supply these commodities to half of them. There has no improvement in the functioning of the Public Distribution System so far. That is why I say that whatever legislations you pass in the House must be properly implemented. The Government must not hesitate in taking action against the officers found guilty of non-implementation of these laws.

Take the case of trains now. The railways run trains for the benefit of the people but so far as I know there is hardly any train

[Sh. Tej Narayan Singh]

which runs on time. I travel by train from Bihar. The train by which we travel is known by the name of Magadh Express. Now even once in a year this train runs on time. Even if it whistles off from Patna on time, it reaches Delhi late by one hour. The same is time when we travel from Delhi to Patna. Throughout the year, you will find this train running late. Not only this train, I suppose, Assam Express and other trains running between Delhi and Patna or Delhi and Madras run late most of the time. This has been going on for quite a long time, but no improvement seems to be in sight. In all spheres the performance of the Government has been dismal. Take for instance medicines. There are two types of companies—number one companies and number two companies. Number two companies indulge in the sale of spurious medicines worth billions of rupees. There is no control over them. It appears, there is no law worth the name for them. Spurious medicines cause immense harm to the patients. Instead of giving relief, such medicines cause permanent disability to the patients. No preventive measures have been provided in this law to check such malpractices.

A number of hon. Members have complained about the functioning of telephone service. Telephone services are functioning properly in Delhi but the condition of telephones in rural areas is pitiable. There are no lines. If at all, there are lines, the telephones do not work. I belong to district Bhojpur. The branch telephone lines beyond Arrah and Buxar do not function, whether it is Jagdishpur, Itahi, Dhansohi or Rajpur branch line. This situation is nothing new. Such a situation has been prevailing there since 1980. All our efforts bear no fruits. We try to highlight the problem through Parliamentary Questions, but that too does not help. Therefore, I would like to say that through the objective of the bill is to provide benefits to the people, it needs further amendments in order to provide more benefits to the people. The improvement sought to be made in the bill by the hon. Minister is very meagre. It is not going to benefit the

common man to the desirable extent. Therefore, I want that the hon. Minister should bring forward a comprehensive bill so that the people could be benefited to the maximum extent.

So far as the question of constituting consumer for a under this bill is concerned, it should not be confined to Panchayat level. Such fora should be constituted at the village level. It is not enough to merely bring one or two subjects under the purview of this bill and hence the scope of the bill should be further enlarged.

In the end, I would like to put forward a demand regarding supply of electricity. Electricity is meant for the benefit of the people. In Delhi, the supply of electricity is quite satisfactory, but if you happen to go to Bihar and Uttar Pradesh, you will find that the farmers in these States pine for electricity. In metropolitan cities like Delhi, supply of electricity is satisfactory, but the farmer in rural areas who totally depend on agriculture do not get electricity for irrigation purpose. If arrangement could be made to supply more electricity for irrigation, our foodgrains production can go up. At the same time, our farmers will become prosperous and the economic condition of the poor will improve. Therefore, I would urge the hon. Minister to bring a comprehensive bill after incorporating the suggested amendments so that the people of this country could be benefited to the maximum extent. With these words, I partially support this Bill and conclude my submission.

[English]

SHRI RAM KAPSE (Thane): The Bill seeks to replace an Ordinance which was promulgated on the 15th of June, 1991. Was it a right day? Actually, when it was promulgated, we were going through the election process. Was it very necessary that on the 15th of June this Ordinance needed to be promulgated? I think the Minister owes an explanation to this House.

Actually, the whole law is on paper. I

would like to know from the Minister whether the district forums have been formed everywhere. At least, he should give the figures as to how many district forums are really in existence and are working?

The Minister is proposing a presiding judge and one more judge instead of three judges for signing a judgement. You can exclude one judge, but that would not suffice. If one judge is on leave or two judges are on leave, then the work will be held up. Today, the same situation is everywhere. So, my suggestion is that a panel should be formed consisting of two more judges so that if a judge goes on leave, then another judge from the panel can be appointed to do his work. As on today, the position in the courts is very bad. If a panel is formed, at least you will be able to do some work with the help of the judge appointed from the panel.

Then, one more right should be given by way of this Bill and for that the Hon. Minister should exert. The courts should have the right to issue a stay order in case of damaged articles. If someone dies then somebody on his behalf can go to the court. But if there is a damaged article, nobody can go to the court and no stay order is given. This is a lacuna and I think that when you bring a comprehensive Bill you should do something for the damaged articles so that the people can be saved. For that you should do something. That is my suggestion.

You have mentioned in the Bill that a District Consumers Forum will be formed by the State Government. The word 'a' has created a problem. Today in Delhi there is one district forum. For one crore of people are we justified in having only one? We indicate that within 90 days a decision should be given. Is it feasible? As on today in Delhi there are 4000 cases before the consumer forum, which are undecided.

Because of all these difficulties, there should be a new amendment that at least for all the seven police districts there should be seven courts. Then only they can work to the satisfaction of the consumers and whatever

you wish you will get the results. As on today even for two years the case are pending. There are not enough number of Judges. There are leave vacancies. There is no panel. Even for one crore of people, if there is one district forum, then the word a has created lot of problems.

So, I suggest that a comprehensive Bill taking into consideration all these suggestions may be brought. Then only we can support it. As on today, I feel that there was no necessity on the 15th of June to promulgate that Ordinance which was done hurriedly.

MR. CHAIRMAN: Shri Manoranjan Bhakta.

[Translation]

SHRI MANORANJAN BHAKTA (Andaman and Nicobar Islands): Mr. Chairman, Sir, Congress Government has done many constructive works and enacted many laws for the benefit of the people of the country. The object of the legislation being enacted for the consumers is very good. The object of the bill is also good in the sense that it provides facilities and Creates awareness among the people particularly poor people and farmers living in different states of the country about their rights. Although this bill seeks to amend the constitution yet there are not sufficient provision in it to meet the situation. This ordinance was promulgated to make some provisions. At that time Lok Sabha and Rajya Sabha were not in Session. Now this bill has been brought forward to replace the ordinance.

As far as objects of the Bill are concerned, there are no two opinions that these are very good, that is why I support it. But, Mr. Chairman, Sir, I would like to point out one thing that the maximum difficulty is faced by Consumers because of the allocation of subjects between State Governments and Central Government. For example, consumers face difficulties in respect of electricity, telephones, gas connection and cooking gas etc. There is no such provision to get rid the

[Sh. Manoranjan Bhakta]

consumers of these problems and benefit them. I would like to point out that despite our two three visits to Liaison Officer, Parliament House Annexe to sort out our telephone problems, we have failed to sort out our telephone problems. I would like to submit that District Forums without any infrastructure, without any authority to initiate penal action and without any proper publicity would not benefit the consumers in any way. No purpose is served even after paying visit ten times by an M. P. to Liaison Officer, Telephones. Telephones are lying out of order but telephone bills are received for Rs. 4000/- 5000/-. No action is taken even after making a complain. You kindly tell me how it will be solved. Therefore, I would like to tell the hon. Minister that a comprehensive bill will have to be brought with the consensus of the House so that the neglected consumers, who are living in the villages are benefited because there is nobody from top to bottom to listen to them. Energy Minister is sitting here. He is fully aware of the treatment meted out to villagers by the people in electricity department although it is not his subject as State Government Electricity Board supply electricity to the consumers. I would like to say, as Shri Panigrahi ji has already suggested, that right persons should be included in the Consumer Forum so that correct measures are taken. There should be a provision of penal action in the Comprehensive Bill to be brought by the Government so that there is some element of fear to check the people from indulging in malpractices.

I would like to know whether Government has ever bothered to find out whether Consumer Forums have been formed in Andaman and Lakshadweep islands which are small islands and how work is being done there. The people of far flung islands have to pay Rs. 80/- for goods worth Rs. 40/-. Therefore, we shall have to see how these people can be helped. With these words I support the Bill and request the Government to bring forward a comprehensive Bill at the earliest so that the purpose of bringing this Bill could be achieved.

\*SHRIGOVINDACHANDRAMUNDHA (Keonjhar): Mr. Chairman Sir, the Bill seeks to amend the Consumer Protection Bill. The Hon'ble Minister has moved this Bill in this House. I appreciate the intention of the Hon'ble Minister. In fact most of the legislations intend to protect the interest of the people. Those are passed on the Floor of the House. But a group of vested interest, whether they are Govt. officials politicians or general public, they do not implement those good legislations. They create some hurdles at every stage. As a result, the poor people who are supposed to be benefitted by the Central Acts do not derive any benefit. There is nobody to see as to whether those Acts are actually being implemented or not. However, I am glad that an amending Bill has been brought before the House to remove the lacuane in the original Bill. As the Minister stated, the present Bill after the amendment will go a long way in protecting the interests of the consumers.

Sir, many Hon. Members have made their valuable suggestions while speaking on the Bill. Some Hon'ble Members complained that the Public Distribution system is not functioning effectively. One Hon'ble Minister from Orissa, Shri Sriballav Panigrahi even went to the extent of saying that the MLA's in Orissa have spoiled the Public Distribution System in that State. I would like to know from him as to who is responsible for this? Who taught corruption to the MLAs? In Orissa, it is Congress Party and its administration, who was in power for many years. It is the Congress Party who taught its MLAs or workers to indulge in corrupt practice. They are responsible for the failure of public Distribution System in that State. The Congress Party brought corruption in the matter of the appointment of retailers, in the appointment of storage agents, appointment in Govt. services, in getting bus licences and in the supply of sugar and kerosene oil to the retailers and consumers. In, the situation in the tribal areas in Orissa is very much deplorable. More than 50% of the total SC & ST in Orissa are poor and more than 75% of the total population in the State are living below

poverty line. That is why Sir, I demand that the public Distribution System should not be controlled by Central Govt. Full autonomy should be given to the States. If it is done the State Governments will make the Public Distribution System very effective. They will draw schemes at the village level. They will adopt strategies at the district level. The schemes will be prepared keeping in view the interests of the poor people of the villages. The schemes will be implemented with great sincerity. Every subject should not be controlled by the Central Government. If the State Govt. will implement the schemes, the people will get benefit. I do not say that the Legislations are bad. They are always good. So far as the present Bill is concerned I should have been a lucky person to support it. But I cannot support it now. I know from the beginning of the independent India. Our Officers, our Ministers, our Govt. at different times are not interested for the welfare of the people. Even some Hon'ble Member narrated his plight before me. Why I should cite the example of some Members?

You come to my quarter? You will see how there is inadequate water supply and frequent failures of electricity. Telephone is not always working. When the Govt. says that telephones are installed at the Panchayat Head Quarters, the telephones provided to the Members of Parliament are not working. Take the case of the villagers. I am citing some examples from my constituency. Sir, you have provided electric connection to the villages. But it is regrettable that there have been frequent break down of power, load shedding is always there. Light will be gone out when the mothers, the House wives do the cooking. So, you can well imagine how the rural electrification has helped the rural people. When electricity Bill is sent, you will find that the charges have increased like anything. In fact due to wrong Billing the consumers are paying more amount and thus facing a lot of difficulties. Similar is the case of Telephone. Nobody bothers to see whether the Telephones installed at the P.C.Os are working or not. But the telephone tariff rate is being enhanced every year. The

telephone Bill is sent to the consumers regularly.

Sir, take the case of Bus Service. Now more people are using Buses for going from one place to another. You are increasing Bus fares every year. Are you also looking to the comfort of every Bus users. Buses are not reaching at the destinations in time. There have been frequent break downs of buses on the way. The condition of the Buses are miserable. It is the users or the consumers who are facing problems on account of all these disorders. You are making laws. But the people for whom you are making the Acts are not being consulted. Therefore you should consult the people at the root. I mean the people at the village levels. You should convene the meetings at the Panchayat levels, block levels, and District levels. You should take into account the real problems of the people. Then it should be brought before Parliament for making Act. In the process you will be able to deliver the goods to the people. The only all acts will produce good result.

Take the attitude of our people. Our approach to the various welfare schemes; public services and particularly essential services should be changed. Our Ministers should change their attitude towards the people. The Representatives of people should also see that injustice is not done to the consumers and the Consumers Protection Act is effectively implemented. If they do so, the adulteration in kerosene, rice, salt and other commodities will stop to a great extent and the consumers will lead happy and healthy lives. I challenge my congress friends, they taught the Officers to take bribes. The Congress Ministers made the Officials and administration corrupt. Hence we find dirty people in every walk of life. So if you want to clean the public life a great sincerity is very necessary in every sphere. Then only there will be some development in our country. Lastly I request to the Hon. Minister to give autonomy to the States. A Bill seeking autonomy to the States should be brought immediately which will only go a long way in protecting the interests of the consumers.

[Sh. Manoranjan Bhakta]

With these words I thank you very much for giving me the opportunity to speak and conclude my speech.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES AND PUBLIC DISTRIBUTION (SHRIKAMALUDDIN AHMED): Sir, I submit, at the very outset, that this is a procedural Bill and this is only to replace the Ordinance. First of all, the question is why this Ordinance was issued on 15th of June. I can only say that this Ordinance was issued on 15th of June. I can only say that this Ordinance was necessitated because of the judgement passed by hon. Justice Eradi, the President of the National Redressal Commission by which he had pointed out that under Section 14, it is necessary that all the Members of the Forum have to sign the judgement. If one Member of the Forum does not sign, the very decision and the judgement becomes null and void. So, on that point and on a case about Mauruti Udyog, the judgement was passed and if that Ordinance had not been brought, I may submit that about 1579 cases decided by Delhi District Forum and 125 cases decided by the Maharashtra State Commission and 1622 cases decided by four District Forums in Maharashtra would have become null and void. It is only to save that situation, the Government was forced to bring the Ordinance.

As the hon. Members know that we came in the power only on 21st. So, the then Government had brought this Ordinance Only to save that situation and in the right earnestness we are trying to replace that Ordinance.

Now, coming to the Bill, though it was a very procedural sort of Bill, but the number of hon. Members who have participated in the Debate that shows their concern for the Consumers interest and I am really grateful to them for their participation and for their valuable suggestions.

The points that have emerged are about the formation of the District Forums. I do admit that all the District Forums have not been formed. The Government of India have been time and again, addressing the State Governments to form the District Forums in their States. In many states they have formed the Forums. But, in a number of States a very few districts could form the District Forums. I can only say that again we will address them, we will try and persuade them to have the Forums as soon as possible.

SHRI MANORANJAN BHAKTA: Andaman and Nicobar Union Territory that is under you. You can do all in respect of Union Territories.

SHRIKAMALUDDIN AHMED: I will look into it. I think there is a Forum in Andaman-Nicobar. Anyway, 325 District Forums are now existing, many more have to come and we will try to see that...

MR. CHAIRMAN: You said about Andaman-Nicobar, what about Lakshadweep?

SHRI KAMALUDDIN AHMED: Yes Lakshadweep also. Now, there is also a genuine grievance about the way the Members have been selected by the State Governments to serve on these Forums. I may submit that under the very Act-The Consumer Protection Act- the criteria or the qualification has been mentioned in the Act itself who can be nominated, whom the State Government have to nominate on the District Forum and the State Forums. People having knowledge of Economics, Law, Social Service, are supposed to be nominated by the State Government.

[Translation]

SHRIMATISAROJ DUBEY (Allahabad): Consumer committees constituted in Uttar Pradesh include District Judge and Principals of G.I.C. and G.G.I.C. as members. As you are aware that these officials are always over-burdened, and the Principals of G.I.C. and G.G.I.C. are also always over burdened. With the result, these officials are unable to

find time to devote to the Forum regularly and they have no time to listen to the problems of consumers. No employees is appointed separately. As a result, no decision is taken. There is no use of constituting Consumers Forum with these over-busy officials. Those officials should be nominated to the District Consumer Forum who are fully aware of law and the problems of people. They may be able to spare time to listen to the grievances of consumers and take decision accordingly. Consumer Forum should listen to the problems of consumers and give decision at the earliest. Consumer can not be benefited by merely constituting Consumer Forums.

SHRI KAMALUDDIN AHMED: I was also saying the same thing. State Governments are responsible for the functioning of District Forum. If they make appointments and take follow up action as per the provision of the Act then no difficulty would be experienced. As regards providing staff and proper facilities, it is the responsibility of State Government. the State Government should take steps as has been provided in the act. There is also provision in the act regarding staff strength for the forum. But, if they have failed do so then their attention can be drawn to this provision. If there is any lacuna, any defect and any insufficiency in it, efforts can be made remove them.

[English]

DR. ASIM BALA: Even more than forty years after Independence, you could not realise as to where is the defect and where is the lacuna to implement this.

SHRI KAMALUDDIN AHMED: Sir, as I submitted at the very outset, this is an enactment of 1986.

[Translation]

Only five years have passed, it is a recent legislation. The problems being faced in its implementation and execution are being looked into.

SHRIMATI SAROJ DUBEY: Mr. Chairman, Sir, in this regard a rule has been made in Uttar Pradesh. District Judges and Principals of Government Boys and Girls colleges will be nominated to the Forums. But there are a number of places where such schools do not exist. That is why these committees have not be constituted there. As you have said that State Governments have been directed to take all necessary actions in this regard. It is the duty of Central Government to see as to what State Governments are doing in this regard. Therefore, it is our suggestion that all the defects be removed at the earliest and consumers should not be misguided. I want to tell you that the District Judge is very busy person and he can not spare time for consumers despite his willingness to devote. You look into it so that something is done in this regard.

SHRI KAMALUDDIN AHMED: Sir, I will write to Uttar Pradesh Government, Chief Minister and the concerned Minister.....

[English]

DR. ASIM BALA: Whatever suggestions we have given, you may kindly look into them.

SHRI KAMALUDDIN AHMED: I will do that. Sir, another thing which has come during the discussion is that this Act has to be exhaustive enough and it should cover...(Interruptions)

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Mr. Chairman, Sir, You have extended the House upto half past six. It is an important Bill and I have also to answer the points raised by you.

ASHON. MEMBER: Answer, why have you to answer?

SHRI GIRDHARI LAL BHARGAVA: Why should I not reply ?

MR. CHAIRMAN: The Business Advisory Committee has scheduled a lot of business for tomorrow. That is why we have extended the time of the House for half an hour.

[English]

SHRI RANGARAJAN KUMARAMANGALAM : Sir, I think you will have to extend the time by ten minutes so that the hon. Minister is able to complete.

MR. CHAIRMAN: Is it the pleasure of the House to extend the time by ten minutes?

SEVERAL HON. MEMBERS : Yes.

MR. CHAIRMAN: Minister may please continue.

SHRI KAMALUDDIN AHMED : Sir, I hope, after I finish my speech, hon. Members will not have much to say about it.

MR. CHAIRMAN: Hon. Minister, you kindly answer the points that have been raised here. If there is question-hour starting here, then you will not be in a position to finish your speech.

SHRI KAMALUDDIN AHMED: Sir, one more thing that I want to submit is that this Act covers not only the commodities but it covers the services also and there is no exemption at all. It covers the telephone services, it covers the railway services, it covers the transport services. This Act can deal with the matters of defective services and defective commodities both. So, there is no lacuna in that to that extent.

Another thing is that the law itself is compensatory in nature, I mean, it cannot give punishment. For punishment for various violations, various Acts are there—Essential Commodities Act is there, Black-marketing Act is there, Adulteration Act is there, even the Penal Code is there and various other provisions are there. So, those are the enactments under which punishment

can be given. This is only a sort of compensatory provision. I do share the feeling of a number of hon. Members to have a provision for some interim relief. This is a very good suggestion and I am grateful to them. We will look into that and we will try to provide that.

As many of the hon. Members have said, this amendment is not enough. We must come with a comprehensive amendment to the whole Act. In this connection, I may submit that the Ministry has already comprised a Working Group under the Presidentship of the West Bengal Minister for Civil Supplies who is the Minister concerned of the Consumer Affairs. They are looking into the matter. I want to submit one more thing. Next month, a meeting of the Consumer Protection Council is going to be held. I invite suggestions. In addition to the suggestions that have been given now, more suggestions can be sent to me. We will definitely try to make this Act fully effective and operative and all the defects that have been noticed so far in the working during the past five years will be corrected, we will try to correct them and we will come with all the necessary amendments that are necessary for the better working of this Act. I can assure you that the very best intentions with which Rajivji had brought this legislation will be followed and we will try to achieve them and we will try to fulfil his and the people's aspirations.

In the end I request Shri Bhargavaji that now that I have agreed to bring a comprehensive legislation with the amendment and all the experience that we have had so far, he may now withdraw his Resolution.

SHRI NIRMAL KANTI CHATTERJEE : A vast number of our population are really very poor. They are also illiterate. The poor and the illiterate are almost co-terminus in our society. How can we mobilise them in order that they also become an inventionist force? A question was raised as to what should be done about this kind of a problem. Can you respond to that now? (Interruptions) I am getting a response. (Interruptions)

SHRI A. CHARLES (Trivandrum) : I am equally a Member. I have a right. (*Interruptions*) You are not the Speaker. (*Interruptions*)

MR. CHAIRMAN: You may kindly resume your seat. He has asked a question. The Minister will be clarifying the position.

(*Interruptions*).

SHRI KAMALUDDIN AHMED : Any successful implementation of any legal provision will mostly depend upon the public awareness. And particularly this legislation where crores and crores of the consumers are concerned with this. A very real awareness has to be brought in our society and for that the voluntary agencies, the Government and the State Governments, the Panchayat Raj bodies, the non-official organisations—all the organisations have to make efforts to bring awareness in the society so that the full effects of this Act can be obtained. Coming to the points that the hon. Member has raised, this is a different matter because it concerns Public Distribution System. The question of how many commodities have to be brought under the Public Distribution System is a different subject. Now that only six commodities are in the Public Distribution System, we have requested the State Governments to add many more commodities according to the local requirements. If the State Governments want to add many other commodities in the Public Distribution System, then it is well and good. We welcome it. Now, whether the Central Government should add any more commodities in that or not is the question and for that also, I think, very soon we are coming with a full and comprehensive Public Distribution System scheme that will be coming before the House soon. Thank you.

[*Translation*]

SHRI GIRDHARILAL BHARGAVA: Mr. Chairman, Sir, I would like to put forth some points which have not been answered by the Hon. Minister.

First, the State Governments are not capable of bearing the expenses of these courts. Hence, I request to establish a fund by the Central Government, which may help to run the expenses of these courts. It would not cost more than Rs. 10 million. When we pass a budget of crores of rupees then we can also make provision of rupees 1 crore for consumer protection councils for the welfare of consumers.

Secondly, I would like to submit that it should also be determined that how many times the councils would meet. It should be fixed whether the Councils would meet once in a month or in three months. Similarly the allowances to be given to the members of the Council who come to attend the meetings, should also be fixed and mentioned in it. The Council do have the power to pass the resolutions, but it does not have the powers to execute the same. If the Powers are not conferred, mere passing the proposal would not bear any fruit. It is for this reason that I would like to request you to get its structure changed and the condition of three months should be removed. It must possess the powers to implement the proposals whatsoever resolved in its monthly or quarterly meetings.

In this way, there should be a proper way to get all the provisions reviewed. This should be done by the National Commission.

I too, stress on the same thing as the former was pointing out that it should be well publicised. This is being done for the welfare on the common people, and they should be well aware of it. Even many Members of the Parliament are not aware of it. If you would not have brought this Legislation even many Members of Parliament could not have known that the Government has introduced any such thing. It is very essential to disseminate this information to all those people who are living in rural areas or whether in urban areas.

I would like to point out one more thing that a headquarter has been made compris-

[Sh. Girdharilal Bhargava]

ing 5-6 districts. I do not think it would be helpful. If the Hon. Minister honestly wants to make this benefit available to the poor people, he would have to take this system to the Panchayat level. The rich people are not affected by it, they can spend Rupees ten instead of Rupee one. But we have to think about the people who are living in slums and villages, the same thing has been declared by Congress Party in its manifesto. On paper of course all political parties express their intentions to help the poor. But in practice they act differently. Therefore, there should be similarity between speech and action. Such a system must be operated at the Panchayat at level.

There should be co-ordination at the national, State, District, town and village level. This type of arrangement should be done.

There is one more request that the vacancies in the national council should be filled and a time limit should be fixed for it.

These type of cases should be settled immediately. One more thing I would like to say that there is a limited scope for it. They have mentioned about railway and transport in it but the conditions of Hospitals and private hospitals is very bad. Today you go to any hospital. You can not get any bed and medicines without paying money. Similarly, people are fed up from Housing Board, Telephone Department, Electricity Department. There is fluctuation in the supply of electricity at the residence of hon. Minister also. He will realise it, when the transformer of his fridge will go out of order. It is very easy to introduce a bill, but its resultant effects on the masses must be considered beforehand. People feel harassed by the Department of Electricity, Telephone Department, Housing Board, Railways Air-lines. Sometimes it so happens that flight scheduled at 4'0' clock take off at 2'0' clock in the night. Person reaches the airport and then thinks that taking a bus rather than going by air would have been a quicker way to reach his destination. So I

request that its scope may be increased.

Finally I request the Hon. Minister to consider my suggestions. We should not treat whatever has been said by a BJP member as incorrect and give blanket importance to everything said by the members of his party. So, I would request the hon. Minister to consider my suggestions. I hope my creative suggestions will not meet the same fate as is the shape of this Parliament House. The result should not come to naught. I request that you should not trouble the hon. President for issuing an ordinance. Therefore, I moved this resolution to nullify the ordinance. You could have introduced this bill yourself. The hon. President said as much while issuing ordinance. With the permission of the House I will gladly withdraw this resolution of mine. I conclude with the hope that the hon. Minister will consider my constructive suggestions and not let them come to naught. Many thanks.

SHRIKAMALUDDIN AHMED: I will take all your suggestions into consideration.

MR. CHAIRMAN: Is it the pleasure of the House that the resolution moved by Shri Girdhari Lal Bhargava be withdrawn?

SERVEL HON. MEMBERS: Yes, The resolution was, by lease, withdrawn.

MR. CHAIRMAN: The question is:

"That the Bill to amend the Consumer Protection Act, 1986, as passed by Rajya Sabha, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN: The House will now take up Clause-by-Clause consideration of the Bill.

The question is:

"That Clauses 2 to 6 stand part of the Bill".

*The motion was adopted.*

*Clauses 2 to 6 were added to the Bill*

MR. CHAIRMAN: 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 Title were added to the Bill.

SHRI KAMALUDDIN AHMED: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: Motion moved:

"That the Bill be passed."

SHRISUDHIR GIRI (Contd.): Mr. Chairman, Sir, I do not want to consume the valuable time of the House. I only would like to point out that the provisions of the Bill have not been properly worked out. The consumers are being deprived of their various rights in various ways. There is a machinery to redress the complaints of the consumers. But the malpractices in the social system are so deep-rooted that the redressal measures are very rare to become successful. For this reason, I want the relations between the Centre and the States to be cordial, but the Centre, in its wisdom, has not been following the suggestions as pointed out by the Sarkaria Commission to bridge the relations between the States and the Centre.

So, I want that at the last stage of passing the Bill, the Government should take into consideration to establish good relations between the State and the Centre.

There should be a machinery to review the achievements at regular intervals. Without review, the proper steps cannot be taken in future. As the Government has already promised to bring forward a comprehensive legislative measure, I do not put forward any suggestions in this regard.

DR. ASIM BALA (Nabadwip) : Mr. Chairman, Sir, I would like to say something

regarding this Bill. Consumers are not protected at the variation of prices which happens every time. The poor people in the villages could not get the information. They do not know what price the Government has fixed for a particular commodity.

One hon. Member has mentioned about the nomination of members to the Consumers Protection Forum, which is already functioning in some States. The members to be nominated to the Forum should not be of high status who are very busy and could not spare time for the meeting. He should be at the grassroot level, at the village level. That is why, I am suggesting that the Chairman of President of each Panchayat should be a member of the Consumers Protection Forum.

The Sarkaria Commission has referred to the 14 essential commodities which should be distributed through public distribution system. If the relation between the Centre and the State is not very congenial, then it will be very difficult for the PDS to function effectively. Every time, we should try to keep a very good relation between the Centre and the State. The media information centre also should play a very vital role.

These are the simple suggestions which I have submitted for consideration.

SHRI KAMALUDDIN AHMED: I have already submitted about the points.

MR. CHAIRMAN: The question is:  
"That the Bill be passed".

*The motion was adopted*

MR. CHAIRMAN: The House now stand adjourned to meet again tomorrow.

18.53 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, August 13, 1991/  
Sravana 22, 1913 (Saka)*