

(Interruptions)

MR. DEPUTY SPEAKER: Shri V S Rao.

(Interruptions)

SHRI OSCAR FERNANDES (Udipi): Sir, I am on a point of order. I would like to know whether the Opposition can do this when the Chair has given a ruling; and whether what they are doing is right. The ruling given by the Chair is final.

(Translation)

SHRI LAL K. ADVANI (Gandhinagar): Shri Nitish Kumar has given a suggestion. Anyone can tell the Government about its discrepancy and he should express regret and say that this will not happen in future. The matter would have ended here. I do not want to go into details, but I know as to why this discrepancy is there.

SHRI VIDYACHARAN SHUKLA: It was not clear to me in this noise what you people want. The Deputy Speaker gave the ruling.....

SHRI LAL K. ADVANI: He had not given.

SHRI VIDYACHARAN SHUKLA: He had given and had called Shri Rao to speak. I have no hesitation in expressing regret about the fact that Hindi version could not be provided.

18.33 hrs

STATUTORY RESOLUTION RE: DISAPPROVAL OF CONSUMER PROTECTION (AMENDMENT) ORDINANCE, AND CONSUMER PROTECTION (AMENDMENT) BILL AS PASSED BY RAJYA SABHA.

(English)

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): Mr. Deputy Speaker, Sir, I rise to support the Consumer Protection (Amendment) Bill, 1993.

We welcome the amendments that are being brought forward by the Government. They are suggested by the working group to overcome some of the deficiencies and lacunae that have been observed in its functioning during the last six years. We hope that the Government will bring forward, in the near future, some other amendments that were suggested by the working group. Several consumer organisations have been demanding certain amendments also.

First of all, coming to the amendment Bill, we welcome the amendments to section 2 relating to definitions whereby the amendment has given an opportunity to other consumer also, who is having the same interest, to make a complaint to the District Forum or the State Commission. In Section 6, the word 'services' has been added to the word 'food'. Section 10 is about composition of District Forum, section 16 is about composition of the State Commission and section 20 is about the composition of the National Commission. I feel that amendments to sections 10, 16 and 20 will improve the credibility of these Commissions in the eyes of the public because certain minimum norms have been fixed.

You have also announced the selection committees. The selection committees have to select non-official members. That is a good thing you have done.

In sections 11, 17 and 21, the jurisdiction of the District Forum has been enhanced from Rs. 1 lakh to Rs. 5 lakh, that of the State Commission from Rs. 10 lakh to Rs. 20 lakh and that of the National Commission it is above Rs. 20 lakh. It is also a very welcome step because during the last seven years, the escalation in the cost of commodities has enhanced. You have done a right thing. We welcome all these measures.

Amendment to section 2 is also very necessary. This relates to trade practices. Many a time, several shop-owners or business firms are compelling the consumer to purchase some other item also in addition to the item which he is selling. The consumer is burdened additionally for purchasing those items.

Insertion of clause 5 is also very much necessary regarding hazardous items which are dangerous to life.

There is clause (b) which will enable the self-employed people to seek redressal in respect of goods which they have purchased. We also welcome section 26 because that will take care of mischief-mongers who just file a complaint. That is also a good thing. Only persons who have a genuine grouse or who have been put to a loss will make a complaint. We appreciate that.

We feel disappointed because you have not included the main item services in Government hospitals. Of course, you have expressed the hope that situation will improve. If it really does not improve, you told that you will bring the

amendment. But we would like to know what is meant by 'improvement'. What is in your mind? During your reply, please make it clear. What steps are you going to take apart from the doctors and other personnel working in the hospitals who render good service to the consumers—to the patients. From the Government side, what are you going to do? You please explain it.

By and large, the success of the Consumer Protection Act will depend upon the implementation at the district levels. It will depend upon the effective functioning of the District Fora. My own experience from my State of Andhra Pradesh is that out of 23 districts—subject to correction—to my information, only four districts are having full-time Chairmen. In 19 districts, District Judges are acting as Chairmen of the District Fora. Consequently, in a week for only one day, the Chairman of the District Forum, that is, the District Judge himself, has to take up the cases. Consequently, what is happening is that the pendency of these cases is increasing and increasing. Actually, these petitions to district forums are to be cleared within three or five months. But it is not happening so. I would like to bring this to the notice of the hon. Ministers, both Antonyji and Ahmedji. I would like to tell that in Andhra Pradesh, out of 40205 cases filed, 29267 cases were settled upto March, 1993. That means, as on the end of March, 1993, 10938 cases are pending. At the State Council level, 735 cases were filed last year and only 94 cases were settled and out of 11207 appeals, only 201 appeals were cleared. So, my suggestion to the Government is that they should take necessary steps for appointment of full-time chairmen for all the districts.

I would like to draw your attention to one point. Where there are full-time chairmen in the district forums, awareness has increased. In spite of the functioning of the full-time chairmen, more cases are coming. That means, consumers are realising their rights and they are inclined to fight and get redressal at the forum level. My suggestion is to appoint full-time chairmen in district forums where they do not exist. I would like to quote Mahatma Gandhi in this regard.

"Consumer is our most important guest; he is not dependent on us. Moreover, we are dependent on him. It is not that we are favouring him. In fact, it is he who is giving us an opportunity to serve him."

Let us remind ourselves of these great words of the father of our nation and see that consumer rights are protected. You are aware that farmers are suffering due to adulteration in pesticides and fertilisers and by inferior quality seeds. Even big multinational companies are cheating the public and the farmers. I would request the Government to see that consumer awareness increases many-fold. For that, adequate education is important through media specially through Doordarshan which is a powerful media. I request the Government to provide more funds to publish literature in different languages so that literature reaches the consumers and awareness is created and ultimately, a strong consumer momentum is built up just as it is happening in other countries.

MR. DEPUTY SPEAKER: Now, many hon. Members have participated and lot of time has been taken. So, may I request the hon. Minister to reply?

[Translation]

SHRI GIRIDHARI LAL BHARGAVA (Jaipur): Mr. Deputy Speaker, Sir, I have also given notice of amendment.

[English]

MR. DEPUTY SPEAKER: We shall take the amendments one by one.

(Interruptions)

SHRI M. R. KADAMBUR JANARTHANAN (Tirunneveli): Sir, you give some time to speak. Our party is represented by eleven Members. (Interruptions)

MR. DEPUTY SPEAKER: Kindly excuse me. Mr. Janarthanan, we have taken more time than allotted. In spite of ringing the bell, speakers did not oblige and as a result, most of the time had been consumed by earlier speakers.

(Interruptions)

MR. DEPUTY SPEAKER: You shall have to bear with the Chair. You can have a chance to speak in some other discussion.

(Interruptions)

[Translation]

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): I have also not been given chance to speak. (Interruptions)

[English]

MR. DEPUTY SPEAKER : Then, you should tell the leader of your party or your earlier speaker to save time for you. If everyone speaks for 20 minutes, then how is it possible to complete the agenda? Mr. Janarthanan, you are fully aware of all these things.

(Interruptions)

MR. DEPUTY SPEAKER You will get priority of asking any doubt which is in your mind to the hon Minister

(Interruptions)

[Tamil]

SHRI GIRIDHARI LAL BHARGAVA (Jaipur) : I have also given notices of amendment, therefore, I may be given a chance to speak. Kindly give me only a minute to speak.

[English]

MR. DEPUTY SPEAKER : Mr Minister, you please wait for a while Will the hon Members speak only for one minute each? If you assure me that you will not speak for more than one minute, then I will allow you. I will not even ring the bell You yourselves should conclude the speech in one minute. So, please do not put me in an embarrassing position

SHRI M R. KADAMBUR JANARTHANAN (Tirunelveli) This Bill is in the interest of the people of this country and I support the Bill I am thankful to the hon Deputy Speaker for giving me an opportunity to speak I represent Tamil Nadu and its people We fully support the Consumer Protection Bill.

I will mention just two points and conclude In hotels and other places, boards are displayed saying that the sweets are not made of pure ghee If the sweets are not made of pure ghee, it should be made mandatory that they should spell out the ingredients with which the sweets are made

Secondly, prices printed on the labels of articles are generally given excluding the local taxes etc I would suggest that the retail price given on the labels should be inclusive of all taxes. I say this because only 36 per cent of our people are literate. If proper information is given, there will be less chances of cheating people who are not educated.

With these two suggestions, I support the Bill.

[Translation]

SHRI RAMASHRAY PRASAD SINGH (Jahanabad) : Mr. Deputy Speaker, Sir, at the outset, I would like to ask you whether every party is allotted time as per the rules formulated by you. Though my name was forwarded by the C.P.I. party, you are not allowing me to speak. I want that proceedings of the House should be regulated as per the rules.

We are discussing the Consumer Protection (Amendment) Bill. The Government has brought forward this Bill with a view to amend the principal Act of 1986. I have nothing to say with regard to this Amendment Bill. Generally, nobody should object to it because it is a fine Bill. However the main thing which I would like to focus is that the Government has realised that till now the consumers interests could not be protected to the extent they should have been protected. Though, some protection has been provided by the Government, that is not sufficient. That is why the Government has brought forward this Bill. In this perspective I support the present Bill

Secondly, as regards the provision relating to Courts made in the Bill, all of us know the situation that exist today Paucity of time, does not permit me to highlight it. Infact the situation is alarming as far as the courts are concerned. Sometimes our courts, take as many as eight years or more to decide a case Therefore, keeping in view all these things, the Government should make necessary amendment in the provision relating to the courts made in the present Bill.

Thirdly, I would like to say that there are many spurious commodities which are being sold in the market openly and the Government is not able to check it. For example many spurious life saving drugs are sold in the market. Thousands of people die every year by consuming such spurious drugs. The Government has miserably failed to check it. This kind of situation exists in so many spheres. Cooking gas is another example. Though it is a consumer item, maximum black marketing is going on on this item. I would like to cite a case As it has been provided that a penalty of Rs 10,000/- can be imposed on a complainant who fails to prove his charge. Now, what will happen if the charge is proved correct. In my constituency, a person lodged a complaint against a gas agency operat-

ing in Bahadur Mohalla. After inquiry, the complaint was found correct. However, no action has been taken so far in this case. Though the man in question had registered his name for gas connection in 1984, he was not given the gas connection even after his complaint. There is rampant black marketing in cooking gas. In view of this, I would like to know what action is being taken or proposed to be taken by the Government against the black marketers. Government is not doing anything in the matter. In view of this, I doubt whether the Government will be able to successfully implement the provisions made in the Bill in this regard.

Besides, I would like to know the details regarding the composition of the Consumer Protection Council envisaged in the Bill. I wish that some statutory powers should be given to it and provision should be made to include medical experts in the Council. With these words I conclude, I thank you for giving me an opportunity to speak.

[English]

SHRI DATTATRAYA BANDARU (Secunderabad): I would like to make the following suggestions:

The Consumer Forums are not empowered to grant interim relief, wherever it is necessary.

There shall not be any original jurisdiction for National Commission, but it should have appellate or revisional jurisdiction.

The forums of State Commissions have to be strengthened by giving powers such as to do or not to, that is for granting injunctions which are mandatory in nature

The words 'beneficiary' and 'consideration' have to be specified.

The other important point is, a lot of consumers have been exploited in different fields, particularly, in Government hospitals and educational institutions. So, I request that these two institutions should also be included in this Bill.

Sub-section 1 (b) of Section 8 of the Bill should read as follows:

The educational qualifications of the persons who are to be appointed as members have to be specified or otherwise, it is left to the choice of the executive.

Section 11 of the principal Act should be amended and in sub-section (1) Rs. 20 lakhs shall be substituted.

For appointment as a member of the National Commission, the age shall be restricted to 65 years.

[Translation]

SHRI P. R. GANGWAR (Pilibhit): Mr. Deputy Speaker, Sir, thank you. The Consumer Protection Act was enacted in 1986 in which the villagers had not been provided any protection. That's why, I want to give few suggestions. My first suggestion is that the recommendations of the Executive which were not accepted earlier should be accepted. The full-time justices be appointed at other places in district forums. More and more forums be set up. All the hospitals be brought under this Act. The complaint-period be extended from 2 years to 3 years. Such an Act be enacted to include railways, post and telegraph, Life Insurance departments etc. to ensure the protection of the interests of all the consumers. I, therefore, support it.

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Hon. Deputy Speaker, Sir, my suggestion is that all types of medical services, be it private or Government dispensaries be included in it. The district-level committee should comprise two non-official members—one Lok Sabha Member and the other a Rajya Sabha Member. I'm talking about everybody's interest. My submission is that my suggestion be considered by Mr. Minister. Then my third suggestion is that the duration period be extended from 2 years to 3 years. Earlier on, it was only one year, you had extended it to 2 years. I thank you for that. Now I request that it be extended from 2 years to 3 years. You have made a provision for charging Rs. 10 thousand as a fine, my suggestion is that it be brought down to Rs. 5 thousand because if it remains Rs. 10 thousand, then, nobody would be in a position to make a complaint. I hope that Mr. Minister would accept my suggestions and incorporate them in the Bill.

[English]

SHRI OSCAR FERNANDES (Udupi): Sir, I must compliment the government for bringing this progressive legislation. I would like to know from the Minister or rather I would like to make a suggestion that many projects are completed on turn-key basis. After the expiry of the guarantee period, neither the company which have supplied the machinery nor the persons who have taken responsibility for completing the project on turn-key basis are giving any ser-

vice. I would like that this particular aspect be taken care of and suitably incorporated in the Bill so that the consumers' interest is protected.

[Translation]

SHRI RAM NIHORE ROY (Robertganj) : Mr. Deputy Speaker, Sir, while supporting the Bill, I would like to say that the Bill is meant for honest people and not for corrupt ones. 95 per cent people have become corrupt in the country. No kind of amendment would prove to be useful for them. I would like to suggest that a quota be fixed for people belonging to Scheduled Castes and Scheduled Tribes in the committee proposed to be set up by you. They are poor and no matter to what State they belong, they get exploited. We find that even the very essential item drugs available are spurious. I want to draw your attention to that

I also agree with the suggestion put forward by my colleagues that the period be extended from 2 years to 3 years. Members of Parliament be inducted in the committee so that they could come and inform the House thus enabling the Ministers to be briefed about everything

I would like to say that today the country is indeed of honesty. Today almost everything available in market is spurious. The educated people are aware of it but the illiterates get taken for a ride since basically the farmers live in villages, ergo, it should be ensured that the writing on the products is both in English and Hindi.

Saying so I support this Bill

[English]

SHRI P. C. CHACKO (Trichur) : Sir, I salute Mr. Rajiv Gandhi for bringing forward this Consumer Protection Act in 1986. I welcome this amending Bill. I also request the hon. Minister that concession on Excise Duty worth Rs. 2250 crore which was given to the industrial sector of this country should have been passed on the consumers of this country but is not being passed on to the consumers and the manufacturing sector of this country has robbed off thousands of crores of rupees from the consumers. I owe an explanation on this. I met Mr. A. K. Anthony, the hon. Minister and had a discussion that this concession should be passed on to the consumers and effective steps in that direction should be taken immediately.

19.00 hrs.

The medical profession in this country has been having a genuine apprehension about this Bill. I would like the hon. Minister to explain about it and tell us what steps are being taken to clear this genuine apprehension?

With these words, I welcome the Consumer Protection (Amendment) Bill.

[Translation]

SHRI JANARDAN MISRA (Sitapur) : Mr. Deputy Speaker, Sir, I welcome the Constitution (Amendment) Bill. But I would like to make four suggestions. My first suggestion is that retailer should be included while defining consumer because manufacturers supply goods of inferior quality to retailers. The retailer sells the sealed packet supplied to it and the customer gets inferior goods. In case of complaint the retailer may be asked to stand witness. Certain provision must be made so that he could approach the forum for lodging complaint.

Service has also been included along with goods. The institutions like telephone, railways or Government hospitals which monopoly. Therefore, services must be included in it because you are aware of the harassment people have to suffer there. Now I come to the third suggestion, in sub-section-2 the hon. Ministers and officers have been included in the State level forum, but provision has been made that the district forum shall comprise of the category of knowledgeable and experienced people. It mentions that "two other members, who shall be persons of ability, integrity and standing and have adequate knowledge or experience of economics, law, commerce, accountancy, industry, public affairs or administration.. .."

It should be included in the case of State and National forum also

My fourth suggestion is that the suggestion given by you in sub section 10 of the Section 3 and Sub section 5 of the clause 10 are in Indian Contract Act, Sales of Goods Act, M. R. T. P. Act. This must be enforced under the Consumer Protection Act and it should be deleted from other Acts so that consumers may be benefited. Thank you very much for the time given by you.

SHRI TEJ NARAYAN SINGH (Buxar) : Mr. Deputy Speaker, Sir, I support this Bill. But I do not understand why Government Health Services have not been brought under the Consumer Protection Act because treatment is

essential for keeping the people healthy. All the hospitals in this country do not have proper medicines. Doctors prescribe those medicines which are not required and they conduct operation when it is not necessary. Those who are supposed to work in office, are busy in their household work. I, therefore, think that Government Health Services should be brought under the Consumer Protection Act.

Be it farmers, traders or labourers who have power connection in their house and pay their electricity bill, are not supplied power for months.

I would like to add one thing more. Consumers do not get wheat, rice, sugar and kerosene through the Public Distribution System. The persons concerned do not work properly. Rotten foodgrains are supplied from there. The poor people do not get wheat, rice and kerosene at fair price. Kerosene is rarely found there. The Essential Commodities Act has been formulated, but even after its formulation, the essential commodities are not supplied to the people properly. If he goes to the Fair Price Shop, he gets only rotten wheat and rice. According to Act, if the dealer of the Fair Price Shop indulges in black marketing, certain Section under IPC can be imposed on him, but no law suit is filed against shopkeeper for supplying decomposed goods or when he enters into dispute after supplying decayed goods. Law should be enforced in their case also.

The second issue is that the prices of all the essential commodities should be fixed in the country. Since the prices are not fixed, the commodities which are normally available at fixed prices but during the marriage season of Hindus and Muslims, the price of sugar is increased from Rs. 8 per kg to Rs. 16 per kg. The price of Dalda goes up from Rs. 300 per tin to Rs. 600 per tin. Dalda is not found in the market at all. I, therefore, would like to state that the prices of all essential commodities which should be fixed and no shopkeeper or trader who does not sell their goods at fair price should go unpunished.

Moreover, strict watch should be kept on hoarders of goods by the Government so that they are not able to hoard plenty of goods.

With these words I conclude.

SHRI JAGAT VIKRANT SINGH DRONA (Kanpur): Mr. Deputy Speaker, Sir, I will take just one minute's time to express my views. I have two-three suggestions.

First of all, all of us should welcome this Bill so that the efforts we are making in the field of consumer protection will go ahead. As I was not present here so I do not know whether you have already discussed this point or not but I want to tell the hon. Minister that the consumer protection fund which has been set up with the funds realised from the consumers in excess and its amount is in crores of rupees. The persons looking after its management mostly belong to Ministry of Finance but the consumers, for whose interest it is functioning, do not have any representative in its management. Through you, I demand that they should be given representation so that it can be utilized considerably.

Secondly, the government hospitals should also be brought under this act. Thirdly, generally I have seen that consumer protection organisations are effective in cities and towns but in rural areas where the consumers are unaware about their rights, their rights cannot be protected there. I demand that rural areas should also be included in this bill.

Thank you for giving me an opportunity to speak.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION AND MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI KAMALUDDIN AHMED): Sir, at the very outset, I offer my sincere gratitude to all the Members for the unanimous support that they have given to this Bill. Perhaps this is one of the very few Bills where the support has come unanimously. I understand what amount of concern is there with regard to the improvements that have to be brought in this legislation.

Sir, if you look at the very legislation, which of course, came in the year 1986, this is a legislation in addition to the number of legislations which are available for all the grievances which the consumers receive at the hands of the exploiters.

A number of Acts are there, as just now the hon. friend referred to, the Contract Act is there, Essential Commodities Act is there, Sales of Goods Act is there, Prevention of Adulteration Act is there. Number of punitive provisions are there.

All the legislations are there and the ordinary law of the land is enough to deal with all those infringements. In spite of that, Shri Rajiv Gandhi had brought this legislation with the sole purpose that because of the amount of illiteracy which is there in our country the ordinary consumers and particularly the poorer consumers are taken for a ride by the wiser or the cunning exploiters; and the object was to provide an immediate, less expensive or absolutely not expensive redressal to the consumer. The procedure prescribed also was very summary. There is no court fees involved in the whole mechanism. A mere post card, a mere letter, a mere application is enough to take cognizance of all the matters that are brought before these forums and the commissions.

After this whole scheme came into operation, the Commissions also are facing number of problems in the administration. As it is the case in other matters, the implementation of this Act, or the administration of this Act mainly lies with the State Governments. The State Governments' initial response, I am sorry to say was not very positive. They thought that some additional responsibility was being given to them without providing additional money. But slowly it was impressed upon them and they particularly after the judgement of the Supreme Court where all the States were asked to form the district forums before a particular time, agreed.

I am happy to say that all the district forums have been formed in all these States. The State Commissions are also there. A National Commission also is working very efficiently and while saying so, I do not mean that all the forums are working totally satisfactorily. There have been difficulties which the district forums are facing.

Now for example, we do not find the people who are qualified to become the Presidents of the forums. Some times we do not get the retired people and that reason being so, the working district judges are requested to take up the case. Now, if you look at the number of cases which are coming before the district forums, they are running into lakhs, in fact, and the time prescribed for the judgements within a particular time, say 90 days, or three months is not just enough. Because they work only for a particular day and only a limited number of cases get tried by them and the response and the cooperation also some times do not come forward. So, the duration also is prolonged.

There was another difficulty. Before had amended the Act last year, the judgement had to be signed by all the members of the forum or the State Commission. So, sometimes all will not be there. If one member was absent, then the judgement could not be signed and it used to be stalled. So, an amendment was brought last year. A number of things were experienced and these matters did compel the Consumer Protection Council to give deep into all this and I am happy to say that the Working Group which was formed by the Consumer Protection Council headed by the Civil Supplies Minister of West Bengal, exercised over everything and they came with a very exhaustive report and very specific recommendations also.

The main recommendation which has been voiced by almost all the Members is the inclusion of the medical services in the Government sector. Sir, this problem of bringing the Government medical services was considered thoroughly in consultation with the different Ministries, with the different organisations, with the Indian Medical Council and even with the private representatives of this profession. As it is in the Act, the medical services which were purchased or the medical services given by the private doctors or the private hospitals are already there and nothing new has to be brought in. The only thing which was impressed upon was that the negligence, which the Government hospital show and the Government doctors show, for which the poor patients suffer, that has to be brought under this Act. My submission in this regard is that we have examined this quite in depth. We have also examined the pros and cons; what would happen if you bring the services in this. We have to admit one thing, that is the volume of our population, which has crossed 880 million. The number of hospitals that the Central Government or the State Governments which have been able to provide is just absolutely inadequate for this large amount of population. Again there has been many problems with regard to providing money for the medicines and all that in the hospitals that the State Governments have been able to provide. We will be justified to hold the doctors and the hospitals responsible only after we have provided enough and adequate facilities. Without providing the adequate facilities, if we hold the doctors responsible for the difficulties or the negligence caused due to the inadequacies of the facilities, it would not be fair. These are the main considerations.

Sir, in our country, not only there is Allopathic system but also we have a number of systems in our society. Allopathic system is there Homoeopathic system is there Ayurvedic system is there Unani system is there. Over all these systems, there is a system called 'Chhob Mantar'. The poor people are taken for a ride. Then, the disease which they suffer from aggravates to a large extent and at the end, nobody seems to be responsible for that. These are the inadequacies; these are the practical difficulties which we are facing. Now, again if a complaint is taken to the Forum or to the Commission against the doctor or against the hospital, basically the burden of proof will immediately shift to the hospital or to the doctor because the poor patient is not supposed to know what disease he was suffering from and what treatment he got, whether the treatment was proper or not. And then the doctors come out with certain pleas. It is not necessary that the medicine should work on all the patients in the same way. There is no uniform what you say, response of the patient. It differs from patient to patient. It is not necessary that the medicine should work equally good on all the patients. These are the difficulties they expressed. And then, they mentioned about the amount of a documentation, that is required in our system, till today our hospitals, our doctors have not been able to have the documentation which is necessary for the treatment of a patient. If you go to the western countries, no doctor will touch the patient unless the patient is examined thoroughly by the Bio-chemist or the pathologist or the radiologist. All these documents are taken and after that the doctor prescribes the medicine. In our system, it is not there. In 95 per cent of the cases, we go in for the symptomatic treatment.

We just look at the symptoms and then start giving the medicines. The indiscriminate prescription of the antibiotics and steroids cause umpteen problems as side effects and all that. These are the practical difficulties which are there in our society and that is the reason why we thought that we will go slow in this matter. I do not say that we are going to totally exclude them forever. I am only submitting that the hospitals in the Government sector must take this as a warning. They must correct themselves. There is always a possibility that Government will be forced to bring them under the purview of this Act. So, that is my submission.

[Translation]

DR LAXMINARAYAN PANDEYA (Mandassur). It also states to include private hospitals in it, but be it a private or Government hospital if there is negligence i.e. if a scissor is left in the abdomen during an operation or a right leg is amputated in place of left leg, action should be taken in order to avoid the same in future.

SHRI BHAGWAN SHANKAR RAWAT (Agra). The hon. Minister has himself said that the condition prevailing in hospitals is very pitiable. Neither proper prescription is given nor the patients are thoroughly examined. It simply means that they are playing with the health of the crores of people of the country.

I want to give stress from one more point that an indoor patient possesses B.H.T. card in which all necessary informations are mentioned. This system prevails in the Hospitals in Uttar Pradesh.

SHRI KAMALUDDIN AHMED. It has the necessary details to the possible extent but more details should be mentioned in it.

Pandeyji has rightly mentioned about the negligence but it does not provide a complete remedy for it. You can very well take an action against a particular doctor under other Acts. No doubt it caters the need of a simple & quick redressal in getting the compensation to the victims in a very short period.

[English]

A number of suggestions have come. I am grateful to hon. Sharad Dighe Ji. In the opening remarks of his speech, he has given a number of measures that we still have to take for the improvement of this Act. The most important demand is for extending the limitation period to three years. Other hon. Members have also supported this three years period. At this stage, I can only say that I have no objection, but the only problem is that if we accept this now, then again this Bill has to go to Rajya Sabha. To avoid that, what I say is that whatever other suggestions are there, in my view, we can take care of them through subordinate legislation. We can take care of them in the rules also. Through the administrative orders also we can do that. Wherever it is not possible to do so by administrative orders, I will again come before the House with certain amendments.

There is no difference of opinion at all, so far as providing a redress to the poor consumers is concerned. There is total unanimity of this House, for which I have already expressed my gratitude.

There are number of suggestions which have been given and at this stage I can only say that kindly pass this Bill because this Bill is to replace the Ordinance.

About the matter which was raised by Shri Oscar Fernandes, particularly about the turn-key project, I think there are enough legislations to be invoked. But still if there is any possibility, I shall get it examined.

Shri Chacko raised the matter about passing of these benefits of the price differences, excise etc. At the initiative of the hon. Minister Shri Antony the matter has been referred to B. I. C. P. and the report is expected.

One more thing is there. The last speaker has said about the Consumer Welfare Fund. I am happy to say that this fund was created. Hon. Members are aware that unjust enrichment was there and the excise duties were not refunded to the actual consumers. Those amounts have been given to the Ministry of Civil Supplies and a fund has been created which is called Consumer Welfare Fund. A committee is also appointed by the Consumer Protection Council to suggest and to recommend as to on what things this fund has to be spent and for what purpose and how we have to spend this fund. The report of the committee has come and this has been accepted also and it has now been referred to the Ministry of Finance and the rules are being framed in this matter. I am happy to say that more than Rs. 7 crore have come into this fund.

*[Translation]*

**SHRI TEJ NARAYAN SINGH** What about the rotten grain being supplied?

*[English]*

**SHRI KAMALUDDIN AHMED** I want to make one thing clear. All services are brought under the purview of this Act like telephone services, railway services, insurance service etc. All those services which are there are brought under this Act. I want to mention to you about the housing services.

**SHRI NITISH KUMAR (Bark)**: Does it include electricity supply also?

**SHRI KAMALUDDIN AHMED** It is also there. There is no exception to it.

**SHRI BHAGWAN SHANKAR RAWAT (Agra)** But we have been told that it does not come within its purview.

**SHRI KAMALUDDIN AHMED** All the services which have been there are in it. The definition is very clear. About the housing services, of course, the relationship between the landlord and tenant is not the subject matter of this legislation. The services provided by the housing societies where for the building construction and flat construction and all these things the poor people are taken for a ride by these builders, come under the provisions of this Act. They can be proceeded against. These things are provided.

I must draw the attention of the hon. Members to one thing. By these amendments we have provided for interim orders. Supposing a very hazardous medicine or a hazardous electric equipment is being sold in the market, immediately an order can be passed that such item or such commodity should be withdrawn. Earlier there was no provision like this. Now we have the power to exercise it in that way.

With these words, I request the hon. Member to pass the Bill. *(Interruption)*

**MR. DEPUTY SPEAKER** There is one point. You are appointing only retired judges. Instead of that why can you not appoint regular judges drawn from the judiciary?

**SHRI KAMALUDDIN AHMED** Sir, under the Act the National Commission is to be headed by a judge who has been a Supreme Court judge, there is no appeal against the decisions under this Act in the High Courts. The appeal is only to the Supreme Court. At the State Commissions also we have said that they will be headed by the judges of the High Court or those judges who had been the High Court judges. In the district forums we have said that they should be headed by persons who are qualified to be a district judge. The judicial authority is definitely there end to assist them the other members, the non-official members are there who are to be appointed. For that a selection committee is going to be provided under this amending Bill. I would hope that appropriate persons will be selected to such district forums and suitable persons will come for State Commissions and National Commission.

**SHRI GIRDHARI LAL BHARGAVA** (Jaipur) Will you consider including M Ps?

**SHRI KAMALUDDIN AHMED** Sir, the hon Member Shri Bhargava is such a busy person of this House that he is here right from morning till evening.

I do not think he will be able to find time to go and sit and do the consumer's work.

[ Translation ]

**SHRI GIRDHARI LAL BHARGAVA** You must hear to the Members

[ English ]

**SHRI KAMALUDDIN AHMED** But one thing I want to assure you that any other suggestion you may kindly pass on to us and we will try to consider.

[ Translation ]

**SHRI NITISH KUMAR** You consider your Ministry as important as the Ministry of Environment

[ English ]

**SHRI JAGAT VIR SINGH DRONA** (Kanpur) The hon. Minister probably has not understood my point. I only pointed out that the Consumer Welfare fund is being managed by a Committee and in that Committee the majority of the Members belong to the Finance Ministry but none of the Members is from the consumers' society. My suggestion was that it will be in the interest of the consumer society as a whole that they too have the representation in the Committee. If you keep at least two members from the consumer society, it will be better.

**SHRI KAMALUDDIN AHMED** : Sir, the Committee is headed by the Civil Supplies Minister. Of course, there are representatives of both the Ministries, the Civil Supplies Ministry and the Finance Ministry (Interruptions) Kindly bear with me. But as I submitted just now, on what items and what subject this amount has to be spent, for that the Committee has recommended. The Committee on Consumer Protection Council was also headed by an hon. Member of Parliament. The Committee has given the suggestion, as to how this amount has to be spent. So, the guidelines are given by this Consumer Protection Council and

the Committee which is headed by the Civil Supplies Minister only carries out the spending of the money. And all the objects on which we have to spend this money will be provided in the rules.

**SHRI JAGAT VIR SINGH DRONA** It means you are not prepared to take the representatives from the consumer society (Interruptions)

**SHRI KAMALUDDIN AHMED** No, no. Let me examine it. I am not opposed to it. I am not averse please. (Interruptions) Sir, I have offered my thanks to him in absentia (Interruptions)

I request the hon. Members who have moved the amendments to withdraw them (Interruptions)

**MR. DEPUTY SPEAKER** They are all very very happy, they are very much convinced.

**SHRI KAMALUDDIN AHMED** Thank you.

**SHRI NITISH KUMAR** The Minister must appoint Mr Panigrahi, Mr Jena and Mr Bhargava as Members

**MR. DEPUTY SPEAKER** A good suggestion. (Interruptions)

**MR. DEPUTY SPEAKER** Mr Ram Naik is absent.

I shall now put the Statutory Resolution moved by Shri Ram Naik to the vote of the House.

The question is :

"That this house disapproves of the Consumer Protection (Amendment) Ordinance, 1993 (Ordinance No. 24 of 1993) promulgated by the President on the 19th June, 1993."

The motion was negatived

**MR. DEPUTY SPEAKER** I shall now put the motion moved by Shri Kamaluddin Ahmed to the vote of the House

The question is :

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

MR. DEPUTY SPEAKER The House will not take up clause-by-clause consideration of the Bill

*Clause 2—Amendment of Section 2*

*(Translation)*

SHRI BHAGWAN SHANKAR RAWAT I beg to move Page 3 Line 16 after "Housing construction" insert and real estate (1)

Page 3 line 16 after "Housing Construction" Insert "Medical Services available in Government hospital" (3)

*(English)*

SHRI GIRDHARI LAL BHARGAVA I beg to move

Page 3 line 16—

after "housing construction insert—

"all medical services available in the country" (20)

MR. DEPUTY SPEAKER I shall now put the amendments moved by Shri Bhagwan Shankar Rawat and Shri Girdhari Lal Bhargava to the vote of the House

*The Amendments nos 1 3 and 20 were put and negatived*

MR. DEPUTY SPEAKER 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 clauses 3 and 4 stand part of the Bill"

*The motion was adopted*

"That clauses 3 and 4 added to the Bill"

MR. DEPUTY SPEAKER Mr Rawat are you moving your amendment to clause 5?

*(Translation)*

SHRI BHAGWAN SHANKAR RAWAT (Agra) Although I have put my amendments regarding drugs and hospitals but as hon Minister has spell bound the house through his answers, I am not moving my amendments

*(English)*

MR. DEPUTY SPEAKER The question is

"That Clause 5 stand part of the Bill "

*The motion was adopted*

Clause 5 was added to the Bill

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

MR. DEPUTY SPEAKER The question is

"That Clause 7 stand part of the Bill

*The motion was adopted*

Clause 7 was added to the Bill

MR. DEPUTY SPEAKER The question is

"That Clauses 8 to 11 stand part of the Bill "

*The motion was adopted.*

"Clauses 8 and 11 were added to the Bill "

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 "

MR. DEPUTY SPEAKER The question is

"That Clauses 13 and 18 stand part of the Bill "

329 *Constitution (Eighty-ninth Amendment) Bill & Representation of the people (Amendment) Bill*

SRAVANA 29

*The motion was adopted*

"Clauses 13 to 18 were added to the Bill"

MR. DEPUTY SPEAKER Shri Sharad Dighe, are you moving the amendment Clause 19?

SHRI SHARAD DIGHE (Bombay North Central) In view of the hon Minister's assurance, I do not move that amendment

MR. DEPUTY SPEAKER The question is

"That Clause 19 stand part of the Bill"

*The motion was adopted*

Clause 19 was added to the Bill"

MR. DEPUTY SPEAKER The question is

"That Clauses 20 to 23 stand part of the Bill"

*The motion was adopted.*

"Clauses 20 to 23 were 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"

1915 (SARA) *Constitution (Eighty-ninth Amendment) Bill & Representation of the people (Amendment) Bill*

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*The motion was adopted.*

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

SHRI A. K. ANTHONY 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 It is generally agreed that the Parliament (Prevention Disqualification) Amendment Bill will be taken up tomorrow and if everybody cooperates this Bill will be passed tomorrow I thank you very much for the excellent cooperation that you have extended and today many hon members could participate because they stuck themselves to the relevant points with the result it was very useful for the hon minister also to note down all the points

The House stands adjourned to reassemble tomorrow 21st August, 1993 at 11 00 A.M

19 42 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Saturday August 21 1993/Sravansa 30 1925 (Saka)*