

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE CONSUMER PROTECTION (AMENDMENT) ORDINANCE, 1993
contd.

II. THE CONSUMER PROTECTION (AMENDMENT) BILL, 1993—contd.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) :
श्रीमती सरला माहेश्वरी उम दिन बोल
रही थीं, अपना वक्तव्य जारी रखेंगी।
श्रीमती सरला माहेश्वरी।

श्रीमती सरला माहेश्वरी (पश्चिमी
बंगाल) : माननीय उपसभाध्यक्ष महोदय,
मैं आपका धन्यवाद अदा करती हूँ।
कंस्यूमर्स प्रोटेक्शन एक्ट पर अक्षुणी चर्चा
पुनः शुरू हो रही है। उपसभाध्यक्ष महोदय
करीब हफ्ताभर पहले इस विषय पर
बोलते हुए जहाँ मैंने अपनी चर्चा को
अधूरा छोड़ा था वहीं से पुनः शुरू करना
चाहती हूँ।

उपसभाध्यक्ष महोदय, मैंने यह कहा
था कि समय निश्चित रूप में बहुत आगे
चला गया है और...

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) :
सरला जी, मैं एक चीज आपको बता दूँ
कि जो समय आवंटित हुआ था उसमें
मैं आप पहले ही एक मिनट ज्यादा बोल
चुकी हूँ, लेकिन चूंकि आपने कंबलड नहीं
किया था, इसलिए मैं आपको बोलने के
कह रही हूँ।

श्रीमती सरला माहेश्वरी : मैं सिर्फ
थोड़ी सी भूमिका बांधकर अपनी बात शुरू
कर रही हूँ।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) :
नहीं, आप भूमिका मत बाँधिए, वह भूमिका
रिकार्ड पर आ चुकी है और चूंकि आप
एक मिनट पहले ही ज्यादा ले चुकी हैं,
अब आप दो या तीन मिनट में समाप्त
कर दीजिए।

श्रीमती सरला माहेश्वरी : महोदय,
आपसे निवेदन करना चाहूंगी कि उस
पष्ठभूमि में जाने के लिए मुझे थोड़ासा
समय चाहिए। रिकार्ड में तो वह आ
चुकी है, लेकिन मेरे मस्तिष्क में अभी
रिकार्ड होना है उसे।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) :
आप दो-तीन मिनट में समाप्त कीजिए।
मैं आपकी योग्यता से परिचित हूँ, आपको
दिमाग में रिकार्ड करने की जरूरत नहीं है।

श्रीमती सरला माहेश्वरी : बहरहाल
मैं कोशिश करूंगी और मुझे भरोसा है कि
आपकी इनायत मुझे पर होगी।

उपाध्यक्ष महोदय, मैं इस बात में शुरू
करना चाह रही थी, मैंने कहा था कि
समय आगे बढ़ गया है, लेकिन यहाँ तक
हमारी ग्राम मेहनतकश अबाध का सवाल
है, ग्राम मेहनतकश का सवाल है, उनके
संदर्भ में समय बिल्कुल आगे नहीं बढ़ा है,
उनकी जिन्दगी में कोई परिवर्तन नहीं आया
है। इसलिए जब हम अपने देश में
उपभोक्ताओं के संरक्षण की बात करते हैं
या उपभोक्ताओं के संरक्षण के लिए कोई
कानून बनाते हैं तो उस समय निश्चित
रूप में हमारे दिमाग में सबसे पहला
सवाल उठता है और वह यह कि आखिर
उपभोक्ता कौन है? निश्चित रूप से
उपभोक्ता कोई हवाई चीज नहीं है और
न ही उपभोक्ता कोई काल्पनिक इकाई
है। उपभोक्ता से, हम यह समझते हैं कि
एक उपभोक्ता एक इंसान है, एक मनुष्य
है, जिसकी कुछ मानवीय बुनियादी जरूरतें
होती हैं। जब हम अपने देश के यथार्थ
को देखते हैं और अपने देश के ग्राम उप-
भोक्ता को देखते हैं तो यह सवाल निश्चित
रूप में हमारे सामने आता है कि उसकी
बुनियादी जरूरतें क्या हैं? तो हमारे
देश का जो उपभोक्ता है उसकी बुनियादी
जरूरत है—रोटी, कपड़ा और मकान, जो
कि स्वरूपतः बुनियादी जरूरतें हैं।

उपाध्यक्ष महोदय, इसी संदर्भ में अगर
हम उपभोक्ता संरक्षण कानून को देखें
तो सवाल उठता है कि आखिर जिस
बुनियादी जरूरतों की हम बात करते हैं
हमारे देश के ग्राम उपभोक्ता के संदर्भ
में तो उस संदर्भ को इस उपभोक्ता संरक्षण
कानून में कहाँ तक स्थान दिया गया है।
भारत का वामपंथी आन्दोलन हमेशा से
यह मांग करता रहा है कि रोजमर्रा की

[श्रीमती सरला महेश्वरी]

आवश्यकता की 14 वस्तुयें आम उपभोक्ताओं को उचित मूल्य की दुकानों से मूँटैया कराई जायें, लेकिन हमारे देश के उपभोक्ता संरक्षण कानून को जब हम देखते हैं तो यह परिप्रेक्ष्य हमें पूरी तरह से नदारद दिखाई देता है। उपाध्यक्ष महोदया, आपने भी चूंकि इसमें काम किया है अतीत में, इसलिए मैं आपकी यादों को ताजा करना चाहूंगी कि हमारे देश के आम उपभोक्ता को यह रोजमर्रा की आवश्यक वस्तुयें उचित दाम पर न मिलने से उन्हें किन मुश्किलात का सामना करना पड़ता है। तो यह परिप्रेक्ष्य हमारी सरकार के इस उपभोक्ता संरक्षण कानून में पूरी तरह से नदारद है। इसलिए मैं माननीय मंत्री महोदय का ध्यान आकर्षित करवाना चाहूंगी कि अगर आप उपभोक्ताओं के संरक्षण की बात करते हैं और उनकी बुनियादी आवश्यकताओं की ओर से आपका ध्यान हट जाता है तो हम अपने आम उपभोक्ता के हितों की रक्षा कहाँ तक कर पायेंगे? यह स्थिति बहुत शोचनीय है। यह परिप्रेक्ष्य अगर हमारे दिमाग से हट जाता है या हमारे ख्याल में नहीं रहता तो यथार्थ में हम इस संशोधित बिल के जरिए भी अपने देश की जनता की कितनी सेवा कर पायेंगे? यह प्रश्न रह जाता है।

उपाध्यक्ष महोदया, आप अभी से हाथ हिला रही हैं। मैंने तो अभी शुरूआत ही की है।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : नहीं, आप समाप्त कीजिए।

श्रीमती सरला महेश्वरी : उपाध्यक्ष महोदया, मैं जिस मुद्दे की ओर मंत्री का ध्यान आकर्षित करवाना चाहती हूँ, वह यह कि हमारी सरकार आज जिस तरह बाजारीकरण की ओर बढ़ रही है, तो एक तरफ तो बाजारीकरण की बात करना और दूसरी तरफ उपभोक्ता संरक्षण की बात करना, मैं यह बहुत बुनियादी बात कहना चाहती हूँ कि बाजारीकरण और उपभोक्ता संरक्षण दो परस्पर विरोधी ध्रुवों हैं और दो विरोधी बातें साथ-साथ

नहीं चल सकतीं लेकिन हमारी सरकार इसको चलाने की कोशिश करती है। सवाल यह उठता है कि आखिर सरकार की नजरों में उपभोक्ता कौन है? सरकार की नजरों में जो उपभोक्ता है, वह हमारे देश का बहुत ही सीमित वर्ग घनाढ्य या नव-घनाढ्य है, जिसके पास कुछ खरीदने की क्षमता है। बहरहाल हमारे देश की जनता के जिस हिस्से की भी क्रय-क्षमता है, जिसकी भी खरीदने की क्षमता है, उस हिस्से की क्रय क्षमता पर सिर्फ बाजार की प्रतिबद्धिता, चले, उसकी लूट-खसोट न हो, इसलिए हमारी जनता के इस हिस्से की लूट-पाट से बचाने के लिए हमारे मंत्री महोदय को उपभोक्ता संरक्षण विधेयक लाए हैं, इसके लिए मैं उनका धन्यवाद करती हूँ कि निश्चित रूप से बाजारी प्रतिबद्धिता के भरोसे, बाजारी लूट-खसोट के भरोसे हमारी जनता के जिस हिस्से की क्रयक्षमता है उसको वह बिल्कुल बिना किसी लगाम के नहीं छोड़ रहे हैं, उसको नियंत्रण करने की कोशिश कर रहे हैं। इस दृष्टिकोण से उन्होंने कई सकारात्मक संशोधन किए हैं। ... (समय की घंटी) ... इनका कई सदस्यों ने हवाला भी दिया है। चूंकि आपकी घंटी मुझे बाधित कर रही है मैं आपको न दोहराऊँ, इसलिए मैं आपको दोहराना नहीं चाहती, लेकिन मंत्री महोदय के प्रति धन्यवाद देना चाहती हूँ कि उन्होंने काफी सकारात्मक कदम उठाए हैं हमारे उपभोक्ताओं को कुछ राहत देने के लिए। लेकिन एष मुद्दे की ओर मैं मंत्री महोदय का ध्यान आकर्षित करवाना चाहूंगी और वह मुद्दा स्वास्थ्य सेवाओं से संबंधित है यह मुद्दा काफी विवादास्पद रहा है और जब हम उपभोक्ता संरक्षण की बात करते हैं और जैसा कि, उपसभाध्यक्ष महोदया, मैंने पहले भी कहा कि हमें हमारे देश के वस्तुगत यथार्थ को भूलना चाहिए और हमारे देश का यथार्थ यह है कि हमारे देश की 80 फीसदी से अधिक जनता आज भी सरकारी स्वास्थ्य सेवाओं पर निर्भर करती है। आज भी हमारे गांवों और शहरों में ऐसे डाक्टरों की कमी नहीं है जो निःशुल्क सेवा करते हैं। जब हम उपभोक्ता संरक्षण संशोधन

विधेयक के दायरे में स्वास्थ्य सेवाओं को लाने की बात करते हैं तो हमें इस बात को नहीं भूलना चाहिए कि जब हम इस कानून के दायरे में स्वास्थ्य सेवाओं को लाएंगे तो उसका प्रतिफलन हमारे देश की जनता पर क्या पड़ेगा? कहीं ऐसा न हो कि जिस बाजारीकरण के दुष्प्रभावों से बचाने के लिए हमने उपभोक्ता संरक्षण कानून बनाया है, उसी उपभोक्ता संरक्षण कानून के जरिए हम बाजारीकरण की प्रक्रिया को त्वरित तो नहीं कर रहे? यह जो द्वन्द्वात्मक प्रक्रिया है, दिस इज ए डायलेक्टिकल प्रोसेस, इसको हमें जरूर समझ लेना चाहिए कि कहीं अपनी जनता का भला करने की नेक इच्छा होते हुए भी ऐसा न हो कि हम अपनी जनता की भलाई करने के बजाए, उसे जो मामूली स्वास्थ्य सेवाएं उपलब्ध हैं, हम उनको भी न छीन लें। इसके लिए मैं यह चाहती हूँ कि इस संशोधन कानून में अभी भी बहुत सारी चीजें हैं जिन पर गहराई से विचार करने की जरूरत है। मसलन और लोगों ने भी सवाल उठाया... (समय की घंटी)... मैं यह कहना चाहूंगी कि जो ग्राम जनता की, जनसेवाओं की चीजें हैं—रेल, परिवहन, ट्रांसपोर्ट, टेलीफोन आदि, जिनका जिक्र किया गया, उनको मंत्री महोदय ने छोड़ दिया है। तो उनको किस तरह से उपभोक्ता संरक्षण कानून के दायरे में लाया जाए, उसके लिए यह जरूरी है कि जिस तरह से वर्किंग ग्रुप तैयार किया गया एक और वर्किंग ग्रुप तैयार किया जाए। इसके साथ-साथ उपभोक्ता संरक्षण कानून में जो एक बहुत बड़ी खामी है, वह है उपसभाध्यक्ष महोदया, मल्टीप्लीसिटी आफ लॉज, कानूनों की एकात्मकता। अन्य बहुत सारे कानून हैं, कानूनों की एकाधिकता है। उपभोक्ता संरक्षण कानून के दायरे में जो चीजें आती हैं, वही चीजें दूसरे कानून के दायरे में भी आती हैं और दोनों कानून आपस में टकराते हैं। इन कानूनों की परस्पर टकराहट के चलते कोई फैसला नहीं हो पाता। इसलिए मैं यह चाहूंगी कि एक समुचित कानून बनाया जाए, उपभोक्ता संरक्षण कानून को एक ऐसा रूप दिया जाए

जिसमें इन तमाम कानूनों की टकराहट को दूर करके हम अपने उपभोक्ताओं को वास्तविक रूप में लाभ पहुंचा सके। इसके लिए हमें कोशिश करनी चाहिए।

इसके साथ ही साथ एक और मुद्दा जो मैं उठाना चाहूंगी कि हमारे जो डिस्ट्रिक्ट फोरम हैं, जिला मंच हैं, जो उनकी कार्यकारी रूप देते हैं, वे जिला मंच बहुत ही कठिनाइयों में काम कर रहे हैं। कहीं पर उनका आफिस नहीं है, कहीं पर राज्य के, जिला मंच के कार्यालय साथ-साथ चल रहे हैं। कहीं पूरा-वक्ती कार्यकर्ता नहीं है, तो पूरा-वक्ती जिला मंच चलते नहीं हैं। इसके चलते एक-एक जिला मंच के पास तीन-तीन, चार-चार हजार के करीब याचिकाएं हैं और इन जिला मंचों की हालत भी सिविल कोर्ट की तरह हो गई है। इसलिए कि तीन-तीन, चार-चार हाल से केस पड़े हुए हैं, मामले सुलझाए नहीं जा रहे हैं। इसलिए मैं मंत्री महोदय से यह निवेदन करूंगी कि वे इस मामले की ओर भी ध्यान दें।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) :

समाप्त करिए सरला जी, बहुत देर हो गई है।

श्रीमती सरला महेश्वरी : इसके साथ ही साथ....

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) :

साथ ही नहीं, अब आप समाप्त करिए।

श्रीमती सरला महेश्वरी : मैं कहना चाहती हूँ कि उपभोक्ता संरक्षण कानून में जो फैसले सुनाए जाते हैं, उनके खिलाफ हाई कोर्ट में अपील कर दी जाती है इसके चलते उपभोक्ता संरक्षण कानून का जो मूल उद्देश्य था, वह मूल उद्देश्य ही नकारा हो जाता है। तो इस पर मंत्री महोदय सोचेंगे और बाद में मेरे जो संशोधन हैं, मैं उन पर बोलूंगी।

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ): Shri V. Narayanasamy. You have only seven minutes.

SHRI V. NARAYANASAMY (Pondicherry): But the time allotted for the Congress is one hour and I am the second speaker from our party.

THE VICE-CHAIRMAN: But the time left is only 52 minutes. Your party has 20 minutes and you have three speakers.

SHRI V. NARAYANASAMY: Madam, I rise to support the Consumer Protection (Amendment) Bill that has been brought forward by the hon. Minister of Food and Civil Supplies. Madam, the amendments that have been brought forward are laudable ones. The Bill really brings into focus (1) complaints against organisations; (2) complaints against traders who adopt restrictive trade practices; Another clause provides for filing a complaint by a group of persons who are affected. Then, in the housing sector, there is a mushroom growth of construction companies and they are trying to cheat the people. Now, they are also brought under the purview of this Bill and the limitation period has been given as one year. The financial powers for the purpose of entertaining the complaints have been increased and so many other provisions have been brought.

Basically, consumer movement in this country dates back to the year 1956 and a Bill was brought in 1986. We have not achieved our objectives. There were various reasons for this. One of them is that wider publicity was not given either by the Central Government or by the State Governments about the consumer movement so as to make people who are in the villages, in the districts and in the States, take up cases which come under the Consumer Protection Act. Some advertisements are there: these come on the Television but these are not sufficient.

Some of the voluntary organisations are doing a very good job. In the State of Tamil Nadu, I came into contact with

some of the consumer organisations and they are very alert. Not only that, they take up even a small complaint that comes from the people and interact with the people as well as with the district forums and the State forum. I would like to submit, Madam, that even today, though the Consumer Protection Act was passed and is being implemented, the consumer is taken for a ride both by the traders and the manufacturers. The reason is that the prices are fixed by the manufacturers and the traders and the consumer, who is not aware of his rights, goes to the market and purchases the item. The consumers in this country are passive. But I admire some people from some of the States, especially West Bengal and Kerala. The consumer movement there is very effective and the people who go to a market for the purpose of purchasing an item are aware of their rights and demand to know from the trader what the price is and if he charges more, demand to know why he is charging a higher price.

Madam, I would like to give a small example, in the United States of America, the consumer awareness is being spread on a very massive scale. About a year ago, in Mexico, the price of meat was increased by 50 cents by the traders' association. But the people of that area decided that they should not purchase meat. For one month, they did not go to the market to purchase meat and the traders were forced to bring down the price. This kind of consumer movement is what we want in this country. Filing a complaint here and there and getting its redressal is not sufficient. Consumer awareness is the only thing that will give redressal to the consumers and that awareness can be created by the Government, by the consumer organisations and by the voluntary organisations. As far as the drawbacks in the consumer movement are concerned, I would like to submit that first of all, the trader take advantage because the consumer does not resist and is docile. Whenever a consumer goes and purchases an item, he is in a hurry and

he purchases that item at the price quoted by the trader. There is no mechanism in this country either at the State level or at the Central level, to have a check on the prices. The Government has issued a guideline that the traders will have to display the prices. But the consumer does not know this. Only by a comparative study, he understands what the price of an item is. But the common man who goes out to purchase an item is not aware of the price structure. Since he is not regularly purchasing that item, he is being cheated by the traders. Therefore, I would like to know what steps the Government is taking for the purpose of monitoring the prices. So far as the consumer movement is concerned, the Minister for Civil Supplies has got a greater responsibility to check the prices at all levels with the help of the State Governments.

Then, Madam, black money plays a major role as far as the consumer movement is concerned. Why I am straight away telling this is because of the fact that a person who has got plenty of money does not bother about the prices and he purchases whatever he wants while a person who is just a Government employee or a labourer does not have the purchasing power to compete in the market and get the things that he wants.

SHRI M. A. BABY: Some of the MPs are also below the poverty line!

SHRI V. NARAYANASAMY: Madam, the honourable Member is saying that some of the MPs also are living below the poverty line and, therefore, the Government has to come to their rescue also... (Interruptions)... I hear the honourable Minister saying that some of the Ministers are also in that category... (Interruptions)...

SHRI G. SWAMINATHAN (Tamil Nadu): Some of the Ministers..... (Interruptions)...

SHRI V. NARAYANASAMY: I said, "some of the Ministers". Anyhow, I am not refering to Mr. Swaminathan who is one of the richest persons in the country... (Interruptions)...

SHRI G. SWAMINATHAN: But I am not a Minister... (Interruptions)...

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): Madam, a very important debate is going on... (Interruptions)...

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ): I am very much in the Chair. Don't worry.

SHRI V. NARAYANASAMY: Madam, one of the honourable Members said that some Members of Parliament are also living below the poverty line and the Minister said, "some of the Ministers also". That is all... (Interruptions)...

SHRI G. SWAMINATHAN: He did not say that. Did he say that?

SHRI V. NARAYANASAMY: The point is that black money is to be curtailed. It should be the responsibility of the Government because with a person, who has got tremendous purchasing power because he has got plenty of money, the common man who gets his earnings out of his toil is not in a position to compete. Therefore, the honourable Minister, who is a dynamic Minister, must take care of this aspect also.

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ): You have to take care of your time now!

SHRI V. NARAYANASAMY: I will take care of my time, Madam.

There is another important thing. The honourable Minister has, in his melodious voice and in an assertive way, told the traders' organizations that during the year 1993-94, the Government has given Excise relief to the extent of more than Rs. 2,200 crores and this benefit should be passed on by the manufacturers and traders to the consumers. In this connection, I would give one example. The price of "Postman" oil for 15 kgs. was Rs. 450/- about thirty days back and it has now increased by a hundred rupees more. Its price has gone up and other prices also have gone up. On the one hand, they say that they have brought down the prices and that the inflation rate has gone down and, on the other, prices of such items are increasing.

SHRI JAGESH DESAI (Maharashtra): Why do you bother about "Postman" oil which is consumed only by the rich people?

SHRI V. NARAYANASAMY: I just quoted that as an example only.

As far as I know, more than eighty per cent of the manufacturers, who have got the Excise relief which has to be passed on to the consumers, have not done it so far. What measures has the Minister taken in this regard? He called them and discussed with them and, in spite of that, most of them have not come forward to pass on the benefit of the Excise relief to the consumers. Therefore, I would like to know from the honourable Minister what steps he is going to take in this regard.

There are two more points. One is about the doctors. A lady Member also referred to doctors. The private clinics are covered under this Act. The poor people go to the Government hospitals for treatment and the Government spends money on the doctors there for their services while the doctors are very negligent and precious lives are lost because of their carelessness and there is no remedy for it. I know of one case in Tamil Nadu in which the doctor who was performing the operation put the forceps also in the stomach of the patient and stitched it and it was taken out after eight months! This is nothing but the negligence of the doctor. So, when such doctors are there, why do you give them the exemption from this Act? You should bring them also under the purview of this Act. It was also stated by the honourable Prime Minister on the floor of this House that they would be covered. Why then has this particular amendment not come? However, the civic bodies, the Railways and any other services which are helping the consumer should also be broadly brought into the network. Madam, as far as telecom is concerned, it is causing havoc to the public. Overbilling is there. And a person who goes to pay the money has to pay through his nose without knowing how many calls he has made. Madam, in

Orissa, there was a case filed by the consumers when the telecom officers went on a strike for more than 22 days. The consumers went to the Consumers' Court and they were awarded a compensation of Rs. 1,45,000. That kind of remedy is required. (Time bell rings) I will make just one more point, Madam. I am giving only examples to the hon. Minister. If you want the consumer movement to be effective, you encourage voluntary organisations. Not only that. You bring in more organisations, more bodies which are working in the consumer areas. They should be brought into the network. Though the Minister has brought in these amendments until and unless we bring in the other amendments, it will not be possible for us to achieve the purpose for which this legislation is being brought. Therefore, I request the Minister who takes keen interest in this to kindly encourage the organisations which are involved in the consumer movement. You should see that the other bodies which are working for the consumers are also involved in this. Madam, since the time is very little, I would like to make my last point. Even in the Government-run fair price shops, wherever we go, we find that the measurement is less. If it is one Kg, they give only 950 grams. This is being done even in the co-operative societies also. Even in the fair price shops, this is being done. The persons who are involved in such malpractices like supplying goods with lesser measurements have to be sacked immediately. There is no question of giving any protection to such people. Therefore, in this consumer movement, voluntary organisations have to be encouraged. You should widen the network so that the purpose for which this legislation is being brought would be achieved and the benefits would reach the people.

With these words, Madam, I conclude.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Madam Vice-Chairperson, thank you for giving me an opportunity to speak on an important issue, that is the Consumer Protection Act. Even though it is a belated one, it is a

welcome step in the sense that it is one step forward though he is not a comprehensive one. Apparently, it seems to be consisting of what all the protections that a customer wants. For example, in respect of defective goods and defective services, now, after this legislation is passed, the consumer can file a suit against the suppliers and also against any unfair trade practices or restrictive trade practices. The consumer or a group of consumers having common interest can sue against them. Self-employed persons are also now coming within the purview of this Act. Therefore, they are protected. But, in spite of all these things, there are so many lacunae in this Bill. Actually, the Ordinance provides for enabling the consumers and the consumer organisations to file complaints in respect of goods where the use could be hazardous to life and safety. But, at the same time, you have another group of people. As Shri Narayanasamy pointed out, in the public distribution system, when we complain to the ration shops about the poor quality of goods, they tell us that they are getting such goods with poor quality or with less weight from the Civil Supplies Corporation. In that case, we have to find out whether there is any possibility of the ration shops or the co-operative societies filing a suit against the Civil Supplies Corporation.

Madam, the report of the Working Group constituted to make concrete suggestions for amendments to make the Act more active was presented to the Prime Minister on 22nd January, 1992. After 16 months, all of a sudden, the Government thought that it is very urgent and an Ordinance was promulgated for which they are now seeking permission of the House.

In our country, consumer protection is replete with rule books but our enforcement machinery is weak. We already have Acts like Essential Commodities Act, Prevention of Food Adulteration Act, Drugs and Cosmetics Act, Dangerous Drugs Act, Prevention of Black-marketing and Maintenance of Essential Supplies Act, Agricultural Products Grading and Marketing Act, Trade and Merchandise Act. All these Acts are

available with us and in spite of that, we had to resort to this Consumer Protection Act. Acts are there but our enforcement machinery is weak and we have to strengthen it.

The other lacuna we find is that the Ordinance does not include services in the Government hospitals. I feel the reasons for not including services of a Government hospital and local bodies lies with the definition of the word 'consumer'. According to the Act, the consumer is one who pays for goods and services. In this regard I want to get a clarification from the hon. Minister. When we go to a private hospital, after treatment or during the treatment, we are to pay some money. As far as the Government hospitals are concerned, people have already paid their fees in the form of taxes. I fail to understand how services in Government hospitals have been left out of the purview of this Act. The hon. Minister, Mr. Antony while speaking in the 13th meeting of the Central Consumer Protection Council, said: "It was the moral duty of trade and industry to pass on the excise rebates and concessions to the consumers as early as possible. The Government was seriously monitoring the situation." From this it is clear that the Government expected the traders to reduce the prices while the quality was to be maintained. We have to see that this is enforced through the law.

Then there is another lacuna. Civil services and Municipal services are also not included under the same definition of the word 'consumer'.

Apart from this, Railway Tribunal Act passed in 1987 also stands in the way of implementation of the Consumer Protection Act like the Indian Post Office Act of 1898. In the post offices, when an error occurs, you must protect the staff but when a mistake on the part of a worker occurs, he could be punished. But, as I said, the Indian Post Office Act also stands in the way of implementation of the Consumer Protection Act. Why is it so? It is because there is lacuna in the Act itself. Section 3 of the Consumer Protection Act of 1986

[Shri S. Viduthalai Virumbi]

is not in derogation of any other law. It says: "The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force." Utilising this particular section, the people would not abide by the Consumer Protection Act. Here, the National Council also gave their verdict. Therefore, consumers would not get any protection as far as Railways and post-offices are concerned.

Clause (a) of section 2 of this Act is being substituted by another definition for the word 'Unfair trade practices.' But it is not comprehensive.

Madam, in Brazil, there are two definitions for misleading advertisements and abusive advertisement. I quote the definition of abusive advertisement: "Discriminatory advertising of any kind whatsoever that incites violence, exploits fear or superstition, takes advantage of the deficient judgement and inexperience of a child, disrespects environmental values, or that is capable of leading the consumer to behave in a way prejudicial to his health or safety." This is included in the Brazilian law. Superstition is important because in the press advertisements and those through other media they are showing people prostrating before gods to create an impression... (Time bell rings). I am concluding.

Therefore, Madam, in the present law, they have given 180 days. But you know what has happened to the Act. Madam, I am concluding. Finally, I would say that though it is a welcome legislation, there are some lacunae in it which I have pointed out. I hope the hon. Minister would go into it and see that these are rectified so that a proper Bill can come before us. Thank you.

बौधरो हरि सह (उत्तर प्रदेश) :
माननीया उपसभाध्यक्ष जी, अभी जो सदन में कंज्यूमर्स प्रोटेक्शन बिल पर चर्चा हो रही है, सचमुच में यह बिल कानून बन जाएगा और उसके बाद कंज्यूमर को बहुत प्रोटेक्शन मिलेगी।

अभी हमारे सदन के माननीय सदस्यों ने बहुत सारी शंकाएँ जाहिर की हैं और बहुत बातें स्पष्ट की हैं। बहुत सारी चीजें जो कंज्यूमर के जीवन से जुड़ी हैं, जैसे पोस्ट आफिस है, डाकखाने हैं, रेलवेज हैं और अन्य बहुत सारी चीजें जो हमारे जीवन के लिए आवश्यक हैं उनको इसके दायरे में उस मजबूती से नहीं लाया गया है जिस मजबूती से लाया जाना चाहिए था। वास्तव में ये महकमें जो बहुत ही चतुर और कुशल हैं और हृदयवान भी माने जाते थे जैसे होस्पिटल्स हैं उनमें आज एक अजीब हालत है। डाक्टरों, कम्पाउण्डरों और जो दूसरे एलाइ सर्विसेज हैं उनको एक नोबल प्रोफेशन में माना जाता था। लेकिन आज हालत दूसरी हो गई है। मैं कहना चाहता हूँ कि मैंने खुद अपनी आँखों से देखा है और सुना भी है, मरीज अपरेशन की टेबल पर पड़ा है और कुछ काम भी शुरू कर दिया जाता है उसके बाद डबल और ट्रिपल फीस मांगनी शुरू कर दी जाती है। मरीज अपरेशन टेबल पर पड़ा हुआ है उससे फीस मांगनी शुरू कर दी जाती है और जान के लालच में वह फीस देना स्वीकार भी कर देता है। इस तरह से इस नोबल प्रोफेशन में यह गिरावट आ गई है। यह वह आसपेक्ट है जो कंज्यूमर के हेल्थ से ताल्लुक रखता है। इसका संबंध हमारी नई पीढ़ी से भी है। इसलिए इसको भी इस कानून के दायरे में जरूर लाना चाहिए।

मुझे इस बात की खुशी है कि बहुत सी बातों पर इस विधेयक में खास तौर पर ध्यान दिया गया है। इनके बारे में हम अखबारों और मैगजीन में पढ़ते हैं और इस संबंध में नावल भी लिखे गये हैं। कई बार कंज्यूमर को कंपेंसेशन भी मिलता है। डाक्टरों की लापरवाही से या अन्य कारण से कंज्यूमर को नुकसान होने पर कंपेंसेशन दिया जाता है। इसलिए मैं यह कहना चाहता हूँ कि जो कंज्यूमर के जीवन से संबंधित चीजें हैं उनको इसके दायरे में लाना चाहिए। जैसे पोस्ट आफिस की बात है, तार हैं, इनको भी इसके दायरे

में लाना चाहिए। तब तो एक गुप्त चीज मानी जाती है, लेकिन वह इस तरह से लाया जाता है जैसे कोई साधारण कागज है। अगर कोई शिकायत की जाती है तो खर्च मिलने भी बंद हो जाते हैं। इसलिए मैं यह कहना चाहता हूँ कि ये तीन चार महकमें ऐसे हैं जिनका संबंध कंज्यूमर से है। इसलिए मैं माननीय मंत्री जी से निवेदन करूँगा कि वे इस बिल को पूरा स्टेडी करें और इन विभागों को भी इसके दायरे में लायें।

यह जो कानून बना है इसका लाभ आम लोगों को नहीं मिल पाता है। कंज्यूमर जो चीज बाजार में लाता है वह उसके पैसों के मुताबिक है या नहीं, उसमें कोई मिलावट तो नहीं है, उसका भाव ठीक है या नहीं, उसका फायदा वह नहीं उठा पाता है। कानून के मुताबिक तो कंज्यूमर कोर्ट में जा सकता है। लेकिन हिन्दुस्तान की 75 परसेंट आबादी अनपढ़ है। उनको मालूम ही नहीं है कि वे मिलावट के लिए और दूसरी चीजों के लिए कोर्ट में जा सकते हैं। इसलिए मैं माननीय मंत्री जी से कहूँगा कि वे ऐसे लोगों को नियुक्त करें जो देहातों में, जो हमारे अनपढ़ लोग हैं उनको समझाए कि वे अपने माल के लिए कोर्ट में जा सकते हैं, दावा कर सकते हैं और उनको जल्दी न्याय मिलेगा। मैंने इस बिल को स्टेडी किया है। इसमें न्याय तो मिलेगा, लेकिन कोई टाइम लिमिट नहीं रखी गई है। न्याय के लिए यह जरूरी है कि टाइम लिमिट होनी चाहिए कि स्पीडी जस्टिस मिलेगा। इसका भी प्रावधान इस बिल में होना चाहिए। जैसे मैंने कहा, इस काम के लिए आदमी मुकर्रर किये जाने चाहिए जो हिन्दुस्तान के नागरिकों को बता सके कि जो धोखाधड़ी करने वाले हैं उनके खिलाफ अदालतों में जाया जा सकता है और इसके लिए अदालतें बनी हुई हैं और अदालतों में मामला कोई लम्बा खींचने वाला नहीं है। मैं समझता हूँ कि इस प्रकार से अगर इस बिल को लागू किया जाएगा तो मिलावट में कमी आ सकती है।

जैसे सब-स्टैंडर्ड दवाइयाँ हैं और दूसरी भी चीजें हैं उनको इसमें लाया जा सकता है। टेलीविजन को ही ले लीजिये। सारे टेलीविजन्स की मशीनरी आलमोस्ट एक सी है। थोड़ा सा फर्क एडजस्टमेंट में हो सकता है। लेकिन उनके दामों में जमीन आसमान का अन्तर है। वीडियो कान को देखिये, उसकी शक्ल सूरत क्या है लेकिन उसके दाम बड़े हुए हैं, बी. पी. एल. के दाम बड़े हुए हैं। अगर आप देखें तो सारी टेलीविजन कंपनियाँ, आलमोस्ट सब कंपनियाँ वही किट इस्तेमाल करती हैं। उसमें सब स्टैंडर्ड होने और कोमतों में फर्क होने का कहां सवाल आता है। अगर कंज्यूमर कोर्ट में दरखवास्त है तो उसके लिये अपील करेंगे कि ठीक है, जो उनकी आइटम है और उसका यह स्टैंडर्ड है। इसमें आपने मेजरमेंट की बात कहां रखी है कि यह चीज इतने रुपये में ज्यादा की नहीं हो सकती है। कंज्यूमर कोर्ट यह बात कैसे तय करेगा कि किसी चीज के जो दाम तय किये गये हैं वे ठीक हैं। जो जज है, जो वकील है वह यह कैसे तय करेंगे कि लागत के मुताबिक इस चीज के दाम तय किये गये हैं। तो कानूनदा की मदद के लिये इसमें इस चीज का प्रावधान होना चाहिये था।

माननीय उपसभाध्यक्ष जी, जैसा मैंने कहा मैं ज्यादा वक्त नहीं लेना चाहता हूँ। बहुत कृपा आपने की जो आपने मुझे समय दिया। हमारा एक डेवलपिंग नेशन है। भारत, जिसे अभावों का मुल्क कहा जाता है वह इतना डेवलप नहीं है। फिर भी भारत के नागरिक बड़े कुशल और चतुर हैं। लेकिन यहां की बहुत सारी बीमारियों को दूर करने के लिये कानून और मजबूत और दृढ़ बनाये जाने चाहिये जिनसे हिन्दुस्तान में बहुत सारी तरह तरह की जो खराबियाँ हैं, जिनको बहुत सारे कानूनों, तरह तरह के कानूनों से दूर नहीं कर पाये हैं, उनको इससे दूर किया जा सके। अगर ऐसा करेंगे तो मिलावट, सब-स्टैंडर्ड होटल का खाना और इस तरह की तमाम चीजों का इलाज किया जा सकता

[चौधरी हरि सिंह]

है। ऐसा यह कानून कर सकेगा, इस आशा के साथ मैं इस कानून का हृदय से समर्थन करता हूँ।

SHRI DINESHBHAI TRIVEDI (Gujarat): While thanking you, Madam, with your permission I would like to divide my discussion into two parts. First, I would like to give general observations about the Bill and in the second part I would like to be a little more technical and specific coming to the Bill.

Let me, at the outset, express my gratitude to the hon. Minister for having taken this bold step of introducing the Bill as well as the Ordinance. In this very House, Madam, I have personally objected to the Ordinances. I still do that. But this particular case is a little different. As such, I would not like to object to the Ordinance itself. In other words, this particular Bill is for the benefit of the consumers at large. We may be belonging to any section of the society, but we all are consumers. So, the basic spirit of this ordinance is really to help the consumers at large. To that extent, I would like to welcome this.

Madam, I have had an opportunity of being in the consumer movement for a while. I feel, this is for the first time that the Government—I do not know whether the Government or this particular Government but let me say the Government—and the consumer groups are merging at a point which was not the case until recently. I am also aware that for the first time the consumer groups by themselves wanted to pass a resolution thanking the Minister, but in his modesty he did not accept that. The reason why I want to highlight this is that an atmosphere is being created so that this movement could really take off. To my mind, this movement has not yet taken off. Nowhere it is near that stage. Maybe, with the introduction of this amendment some good work will be done. No Bill is also an end in itself. No Bill can be said to be a perfect one. In that regard, I would

also say that there is always scope for improvement. As time, as situation, as conditions keep on changing, there will always remain scope for improvement.

Madam, this country belongs to the poor class. The majority of the population belongs to poorer sections of the society. I am afraid that—perhaps, we may not be wanting that—a signal is going that this particular Bill is only for the middle class and, perhaps, the upper strata of society. The reason is this: What is most important for a poor man? Food, health, housing and education. I am afraid that all these things have been kept out of the purview of this Bill.

Madam, We have been talking about Health for All by 2000 A. D. My esteemed colleagues, the previous speakers, have all already touched upon this point. At the cost of being repetitive, to highlight, I want to ask, why should we keep the poor out of the purview of this Bill? Just because the poor man does not pay? It was very rightly said that when a poor man buys a box of matches or a broom, he is already paying taxes by way of excise or sales tax or what have you. So, he has really paid. Government's municipal, health and medical services or any other service are mandatory—I repeat the word mandatory—function of the Centre and the States. Otherwise why do we require the States and the Centre or why do we require a government?

Now I come to public utilities. A lot of things have been talked about them. Starting from drinking water, drainage system, garbage clearance, be it roads, street-lighting, telephones or any other item, they all come under public utility services. I am aware, and there are reports also, that the Minister himself has taken the initiative for introducing the concept of a Public Utilities Commission. I would like to take this opportunity to emphasize that the proposed Public Utilities Commission should be made a statutory body and, at the cost

of inviting some criticism, I must say that, as far as possible, this should be kept out of the purview of politics. In other words, if we can do without keeping politicians in that, we should try to do so, just to ensure that the end-objective of this Commission would be met. That way I think we would be doing quite a revolutionary thing, if we could really go ahead in this direction. If need be, bring another Ordinance in this direction, as far as public utility services are concerned. This is one area where, because of mismanagement, always it has been seen, whether it is telephones, electricity or what have you, that the Government—whether it is the States or the Centre—have been raising the charges which have no bearing—and no logic—with the quality of the services provided. In other words, I can even go to the extent of saying that it is absolutely immoral. So, let there be a statutory body. Now that the ball is in your court, I can assure you that, just as you are getting the support of all sections of the society and the House, cutting across party lines, everybody would welcome the concept of a Public Utilities Commission.

Madam, in the recent past we have seen in this country that there has been a financial scam. Ultimately, the sufferer in this is the poor investor—maybe he has borrowed the money. There has been an impression that it is only the stock market which is going to deliver the goods. It was a signal sent by the Government that the money invested in the stock market would be rewarded and if you put it in savings it might not be rewarded. What I am trying to get at is, it is not clarified whether financial services would be included in investment services. It is not spelt out explicitly. I am on smaller investors who have just caught in the euphoria of the financial market or the stock market. As far as that is concerned, I feel that we should be very specific about it.

Madam, my next point is this. Again a lot of things have been said about inclusion of lawyers, whether the consumer courts should include lawyers or not. I

am afraid, my view is, "No". Consumers are basically not having the kind of resources they would like to have. So, may be, they cannot afford lawyers. For example, if a consumer group has filed some complaint against an organised company, whether in the private sector or in the public sector, that organised company would have a battery of lawyers, but the consumer group cannot really afford to have lawyers. Or you ensure that a lawyer of an equal standing is provided. Madam, I would like to have your indulgence. If you really want to have lawyers, why can't we have some conditions? For instance, if it becomes a must, then, a condition should be that the consumer complainant has engaged a lawyer. It is quite possible that the complainant himself has engaged a lawyer. In that particular situation, the other party could also have a lawyer. The second situation is that it could be with the consent of the complainant. If the complainant has no objection, then, let there be a lawyer. The third condition is that the court should record in writing the reasons why in the interest of effective justice assistance of a lawyer or lawyers is required. If you can have all these conditions, I think, by and large people may not mind it. At least I for one would not mind it.

Madam, there is another area, the area of interim relief. As per the original Act, the cases should be disposed of within ninety days, but our experience is that it takes one year, one-and-a-half years or maybe more than that. Powers should be given to the District Forums, the State Commissions and the National Commission to give some kind of an interim relief so that when the case is going on there should be some kind of a ray of light, a ray of hope. Otherwise, what happens is that after a particular time the consumer group, because of lack of resources, loses interest and the punch.

After mentioning these basic and important observations in general, I would like to come to some of the specific points. These are not new. These are the highlights of the recommendations of a working group. I would

[Shri Dinesh bhai Trivedi]

just like to emphasise them so that there is little scope for unnecessary litigation, unnecessary confusion. That is the spirit in which I would like to bring certain technicalities to light. Madam, let us look at section 2(2)(aa). This is a critical portion which I am coming to. In the description of "branch office" there is some ambiguity. I am not reading the portion which the Bill has at the moment because everybody has the Bill. I would like to read what it should be. To my mind, you would have done well to mention in section 2(2)(aa) that "branch office" shall also include an office or a place of business or an establishment where an authorised dealer, distributor or agent of the opposite party, including a corporation or a company, carries on business in respect of goods and services which are the subject-matter of the consumer dispute.

Madam, the reason why I am highlighting this is that many times, we may purchase an item from a retail outlet. It may be in a very small, little village because in villages also we have got all items available these days. Or it could be a small town. Now, it is not necessary that these manufacturers...

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ): Please conclude.

SHRI DINESHBHAI TRIVEDI:
Madam, I have got 15 minutes.

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ): The time allotted to your party is over. You have taken 14 minutes. Fourteen minutes were allotted to your party. And there was no interruption. There was a pin-drop silence.

SHRI DINESHBHAI TRIVEDI: I will try to be very very brief, Madam.

श्री शंकर दयाल सिंह (बिहार):
मैडम, कन्कलूड करने के लिए दो मिनट दीजिए।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज):
कन्कलूड करिए :

SHRI DINESHBHAI TRIVEDI:
Kindly give me some more time in the interest of the consumers. This is just to emphasise that even if the particular manufacturer or whoever is providing services, and if he does not have a branch office, it does not matter. The branch is very important and we define it in that light. Then here are tieups of sales, gimmicks, if I may want to use that word. If something is to be given as a reward, it can only be given provided you buy so and so or if you do such and such. In that respect services have not been included.

The safety aspect also has perhaps been left out. So, I would plead that the Minister kindly include that as well. I am referring to Section (2) (4) (i) (v) which says:

"goods which will be hazardous to life..."

Your original Bill says: "life and safety." Instead of the word 'and', if you put 'or' safety, then it specifies that they are different areas.

Further in that very particular section of clause it says- "safety when used or being offered for sale to the public in contravention of the provisions of any law for the time being..."

I want to add here "in force or in law". "Or in law". I want that to be included. "By any law requiring"

"...by any law requiring traders to display information in regard to the contents..."

In other words, whoever is selling the goods and services must display. This is what it really means.

Now, I come to the last couple of points.

Here we are dealing with areas where people really need a lot of protection. On this I would really like to have your

indulgence, Madam. Many times there are services related to housing. The previous speaker did mention about the construction industry as such. What I am hinting at is the services related to the housing construction may also be included in the definition. In other words, you have left out the services especially of the construction activity as such. Landlords and tenants and you may leave out, we do not want that landlord-tenant disputes also should come in here. That perhaps we can leave out, because there are a lot of areas or a lot of people having been cheated in that particular area. We all know about it. I would like that it would be safe to add a semi-colon. This is again very technical. Add a semi-colon after the word 'potential user' so that there is no ambiguity. To substitute the word 'includes' by the words 'includes, but not limited to' so that the scope of services related to the construction area can perhaps be expanded.

Add the word 'other, than health and medical services and mandatory duties or services provided by the State and the local authorities' after the words 'free of charge.'

Now, this we have already discussed. when I was talking, I meant, it is the poor who really need all the protection. By this very definition we, as MPs and legislators—I am really not speaking as an MP—are also excluded. So, to that extent, to protect the poor class...

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ): Please conclude now.

SHRI DINESHBHAI TRIVEDI: I will take just two more minutes.

We are now getting into an area where we are neither having monopoly, nor free market. Considering that it is very important to have some kind of accountability of the authorities. You know that this relates to the public utility function.

Madam, there are advertisements which have been talked about and they are totally out of context. They are

really misleading. I would not like to go into the details because my time is running out.

In conclusion, Madam, I have a whole set of amendments and if the hon. Minister wants to go through them, with your permission, I can hand them over to him. He can go through them and give his reaction. I am quite confident that he would consider them favourably. If need be, he can correct that portion and bring it to the House. I hope that he would consider my amendments, especially the Public Utility Commission, in the right spirit and would not waste any time in bringing forward amendments to the Bill. Thank you very much. (Ends).

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ): Shri Moolchand Meena, absent. Shri Satya Prakash Malaviya.

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश): उपसभाध्यक्ष जी, यह उपभोक्ता संरक्षण अधिनियम 1986 में संसद ने पारित किया था और स्वाभाविक है कि यह उपभोक्ताओं के हितों के संरक्षण के लिए है। अब 6-7 वर्ष तक इस कानून के काम करने के बाद वर्तमान सरकार उसमें संशोधन लाई है और वह जो संशोधन लाई है, उनका तो मैं स्वागत करता हूँ लेकिन उसके साथ-साथ कुछ विषयों पर मैं अपने सुझाव रखना चाहता हूँ।

जैसा कि कई माननीय सदस्यों ने कहा कि इस सिलसिले में एक उच्च-अधिकार प्राप्त आयोग की नियुक्ति की गयी और उसने भी संस्तुति की थी कि इस अधिनियम के अंतर्गत जो सरकारी अस्पताल हैं उनको भी इस विधेयक की परिधि में लाना चाहिए। इसके अलावा जो वकिंग ग्रुप है उसने भी इस संबंध में अपनी संस्तुति की थी। तो एक बात मैं यह निवेदन करना चाहूंगा कि निश्चित रूप में कम-से-कम सरकारी अस्पतालों को इस अधिनियम की परिधि में लाना चाहिए। महोदय, दिल्ली में भी जो सरकारी अस्पताल हैं और उनमें भी जब कोई मरीज जाता है तो वह

[श्री सत्य प्रकाश मालवीय]

एक उपभोक्ता के रूप में जाता है क्योंकि इसी सदन में 28 जुलाई, 1993 को एक प्रश्न के उत्तर में सरकार ने स्वीकार किया है कि सरकारी अस्पतालों में भी जो गरीब मरीज जाते हैं, उनको भी सभी प्रकार के परीक्षणों के लिए फीस देनी पड़ती है।

"Government have recently introduced/rationalised fees for some selected costly and sophisticated tests/investigations in Central Government Hospitals."

मैं उसके डिटेल्स में नहीं जाना चाहता हूँ, लेकिन अब सरकारी अस्पतालों को इस की परिधि में लाना बहुत आवश्यक है। मैं मंत्रीजी को यह भी याद दिलाना चाहता हूँ कि 6-7 साल पहले बंबई के जेजे० अस्पताल में बड़ी संख्या में मरीजों की मृत्यु हो गयी थी तो बंबई की सरकार ने जस्टिस लैटिन की अध्यक्षता में एक आयोग गठित किया था। इसलिए मैं सुझाव देना चाहता हूँ मंत्रीजी को कि अस्पतालों को निश्चित रूप में इसकी परिधि में लाना चाहिए। दूसरे जैसाकि इसके उद्देश्य और कारणों में कहा गया है कि किसी भी उपभोक्ता को इसके फोरम में जाने के लिए जो लिमिटेशन है, उसमें आपने एक वर्ष की समय-सीमा तय की है। साधारणतः अगर कहीं सीमा निर्धारित नहीं होती है तो जिस दिन उसका काँज ऑफ एक्शन पैदा होता है, उसके तीन वर्ष के अन्दर आदमी जाकर अपनी शिकायत किसी अदालत में कर सकता है, लेकिन आपने इसमें चूंकि एक वर्ष की है तो अगर मान लीजिए आज से एक वर्ष पहले किसी उपभोक्ता को किसी सिलसिले में कुछ नुकसान हुआ है तो वह तो आपके इस अधिनियम के हिसाब से उसका लाभ नहीं उठा पाएगा क्योंकि आपने इसमें सालभर की अवधि की सीमा रख दी है और इस सिलसिले में सुझाव देने के लिए जो वकिंग ग्रुप था उसने भी कोई सुझाव नहीं दिया है कि सीमा रखें या

न रखें। यहाँ आपने अपने स्टेटमेंट ग्राफ ओब्जेक्ट एण्ड रीजन में कहा है—

"To provide for a limitation period of one year for filing complaints;"

और सेक्शन 24(ए) में कहा है—

"The District Forum, the State Commission or the National Commission shall not admit a complaint unless it is filed within one year from the date on which the cause of action has arisen."

मेरा आपसे सुझाव यह है कि एक वर्ष के बजाय तीन वर्ष की आप सीमा निर्धारित करें, तभी जो उपभोक्ता है, विशेषकर गरीब उपभोक्ता, वह इसका लाभ उठा पाएंगे। दूसरा मेरा सुझाव यह है कि इसमें स्टेट कौंसिल बनेगी और स्टेट कौंसिल में आपने कहा कि—

"The State Council shall consist of the following members, namely:—

(a) the Minister incharge of consumer affairs in the State Government who shall be its Chairman;

(b) such number of other official or non-official members representing such interests as may be prescribed by the State Government."

इसी तरीके के जो और कमीशन बन रहे हैं उसमें आपने इस बात का प्रोवीजन किया है, इस बात का प्रावधान किया है कि यहाँ पर वो सदस्य है, उसमें एक सदस्य महिला अवश्य होगी। इसके सिलसिले में मेरा सुझाव यह है, मैंने अपना संशोधन भी दे रखा है कि इसमें आप प्रोवीजो रखिए, जिसमें यह होना चाहिए—

"Provided that half of the total number of such members shall be women."

और, जब आपने इसी अधिनियम के प्रावधानों में व्यवस्था की है और चूंकि इस बात को राज्य सरकार को करना है, अब यहाँ पर यदि मान लिया कि आप कोई आश्वासन भी इस संबंध में देंगे तो उस आश्वासन को आप पूरा नहीं कर पाएंगे, राज्य सरकार को थोड़ा सलाह दे सकेंगे क्योंकि राज्य

सरकारों का यह दायित्व होगा कि सदस्यों की नियुक्ति करे। इसलिए मेरा आपसे अनुरोध है कि निश्चित रूप में आप इसमें इस बात का प्रावधान करिए कि जितने भी सदस्य होंगे, उसमें कम से कम आधी संख्या महिलाओं की होगी।

तीसरा, इसमें मेरा एक सुझाव यह है उपभोक्ता मंच के सिलसिले में, मुझे शायद मिला तो नहीं, लेकिन शायद इस बात की व्यवस्था है कि यदि राष्ट्र-भाषा में कोई अपनी शिकायत करेगा तो उसका अनुवाद अंग्रेजी भाषा में देना है। अगर ऐसा है तो इस सिलसिले में जरूर चाहिए कि... (व्यवधान)... मैं अपनी बात कर लूं, उसके बाद आप बोल लीजिएगा। ... (व्यवधान)...

श्री शंकर दयाल सिंह : इन्होंने कहा कि शायद इस तरह का प्रतिबंध है कि यह अंग्रेजी में या हिन्दी और अंग्रेजी में, अगर हिन्दी में नहीं दे सकते। ... (व्यवधान)...

श्री सत्य प्रकाश मालवीय : नहीं, नहीं। किसी भारतीय भाषा में नहीं दे सकते हैं। अगर किसी भारतीय भाषा में देते हैं तो उसके साथ अंग्रेजी का अनुवाद देना ही पड़ेगा। मैंने कहा कि अगर गलत है तो सही कर देंगे। उदाहरण मैं यहां पेपर से पढ़ना चाहूंगा।

श्री शंकर दयाल सिंह : मेरी समझ में ऐसा नहीं है।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : उसका जवाब मंत्री जी दे देंगे, मंकर दयाल जी। ऐसा है तो जवाब दे देंगे, ऐसा नहीं है तो भी दे देंगे। डिबेट की रेप्लाइ में हम जरा इंतजार करें। ... (व्यवधान)...

नागरिक आपूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय में राज्य मंत्री और वाणिज्य मंत्रालय में राज्य मंत्री का अतिरिक्त प्रभार (श्री

कमालुद्दीन अहमद) : ऐसा कुछ नहीं है। ... (व्यवधान)

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : ठीक है, आप जवाब के समय बता दीजिएगा।

श्री सत्य प्रकाश मालवीय : उपसभाध्यक्ष जी, मैं उस घटना की ओर आपका ध्यान आकर्षित करना चाहता हूं, जो 29 जुलाई, 1993 के दैनिक भास्कर के संपादकीय में है कि उच्चतम न्यायालय, उच्च-न्यायालयों के अलावा राष्ट्रीय उप-भोक्ता समस्या निवारण मंच की कार्यवाही भी अंग्रेजी में ही होगी, राष्ट्रभाषा हिन्दी में नहीं। ... (व्यवधान)...

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ): He is talking about the National Forum, not about the District Forum or the State Forum.

SHRI SATYA PRAKASH MALA-VIYA: I am only drawing your attention to a particular case.

आपत्ति का इसमें यह है कि आवेदनकर्ता को अपने समस्त दस्तावेजों की प्रतियां अंग्रेजी में ही देने के लिए बाध्य किया जाता है। पिछले दिनों उज्जैन के एक उपभोक्ता ने अपना एक मामला राष्ट्रीय उपभोक्ता मंच को दिल्ली भेजा। उसका हिन्दी में भेजा गया आवेदन-पत्र मध्य 36 दस्तावेजों के इस नोट के साथ वापस आ गया कि उन्हें अंग्रेजी में अनुवादित करवा कर चार प्रतियों में भिजवाने पर ही सुनवाई हो सकेगी।

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज) : राष्ट्रीय फोरम के लिए होगी यह पाबंदी।

श्री शंकर दयाल सिंह : मालवीय जी, इसकी इन्क्वायरी होनी चाहिए। ... (व्यवधान)...

SHRI SATYA PRAKASH MALA-VIYA: There was a complaint from a consumer in Ujjain. Madhya Pradesh. (Interruption).

उपसभाध्यक्ष (श्रीमती सुष्मा स्वराज) :
ठीक है, अब आप समाप्त करें।

श्री तथ प्रकाश मलवीय : मैं
सबटा ही कर रहा हूँ, लेकिन मैं यहाँ
कुछ होता ही नहीं। सारा समय तो
इन्होंने ल लिया।

उपसभाध्यक्ष (श्रीमती सुष्मा स्वराज) :
शंकर दयाल जी को तो मैंने बिना
बोले ही बैठा दिया।

श्री तथ प्रकाश मलवीय : उप-
सभाध्यक्ष जी, मुझे प्रसन्नता है कि
विभागा में ऐसे मंत्री हैं जो शायद उप-
भोक्ता कम हैं और वह इसलिए कि
मैं मिस्टर एन्टनी का एक दिन में
टेलीविजन में इन्टरव्यू देव रहा था
प्रीतिश नन्दी का, तो उस इन्टरव्यू में
आया कि एन्टनी साहब कभी घड़ी का
इस्तेमाल नहीं करते क्योंकि बहुत से
उपभोक्ता घड़ी से त्रस्त होते हैं। . . .
मुझे भी ताज्जुब हुआ। तो मैंने यहाँ
आकर इस बात को देखना शुरू किया
कि एन्टनी साहब घड़ी का इस्तेमाल
करते हैं या नहीं करते। मैंने उनकी
कलाई में घड़ी कभी नहीं देखी।

उपभोक्ताओं को जो तकलीफ होती
है, वे उसको समझते हैं और इसलिए
मैं इस विधेयक का स्वागत करता हूँ।
लेकिन यह जरूर चाहूंगा कि कम से
कम जो सुझाव दिए हैं, उनके संबंध
में वे अपनी प्रतिक्रिया व्यक्त करेंगे।

उपभोक्ता के संबंध में गांधी जी
का एक वाक्य पढ़कर मैं अपनी बात
को समाप्त करना चाहूंगा :—

About consumers, Mahatma Gandhi
said: "A customer is the most impor-
tant visitor on our premises. He is not
dependent on us, we are on him. He
is not an interruption to our work; he
is the purpose of it. We are not doing
a favour to a customer by giving him
an opportunity. He is doing us a favour
by giving an opportunity to serve him."
Thank you.

THE VICE-CHAIRMAN (SHRIMATI
SUSHMA SWARAJ): Mr. G. Swam-
inathan. Mr. Swaminathan, you have been
given three minutes' time.

SHRI G. SWAMINATHAN: Oh!
three minutes, Madam!

THE VICE-CHAIRMAN (SHRIMATI
SUSHMA SWARAJ): Yes, as per the
allotment, you have been given three
minutes.

SHRI G. SWAMINATHAN: Madam
this reminds me of the various Member
who have spoken before me. They have
spoken well and they have covered almost
all the points. It reminds me of the story
of Bhasmasura where he got a boon from
Lord Parameshwara that on whatever
object he placed his hand, that object
would burn. Now, the Government most
probably, would not have thought of this
thing when they brought this Bill. The
consumer is the Parameshwara. Now
when they brought the Bill, they never
thought that the consumer would place
his hand on the head of the Government
itself. As has been already said by many
of the Members, most of the services run
by the Government by way of public
utility services or by way of Government
services are in a very bad shape and there
are several complaints. That is the reason
why many of the people are going even to
the private institutions. The people are
going to the private hospitals not because
they want to pay to the private hospitals
but they are forced to do so. Even mid-
dle class people who cannot afford to pay
are now being forced to go to the Gov-
ernment hospitals. The middle class
people who cannot afford to pay
for the convent schools run by the private
people, are being forced to go to the pri-
vate schools because the educational in-
stitutions that are being run by the Govern-
ment are far from adequate and far from
satisfactory. Nowadays, after the private
airlines have come, many people are going
to the private airlines mainly because they
are dissatisfied with Indian Airlines and
dissatisfied with the communication system.
One of the main points about consumer

sumer education is that you should have an opportunity to choose. The Indian consumer has no opportunity to choose.

Suppose, I want to choose another telephone line of some other company. I can, not do so in India. If I am in a foreign country, I can do so. Then there can be competition. Now, in India unfortunately whatever the reasons may be, I don't have an opportunity to choose. This is the unfortunate condition in which we are now placed. I personally feel that already the consumer can take up the matter against the Transport department, against the Railways and also against the Electricity Board. I do not know about the postal services. The most important service is the Civil Supplies and Public Distribution system. Which ever the State may be, a lot of difficulties are caused in the Public Distribution System. I would only give an example of myself, what happened to me. I had gone away after 15th of May from here to Tamil Nadu. Meanwhile, my caretaker also came back with me to Tamil Nadu. He did not get any ration. For the last fifteen days no ration is being given to an M.P. and his servant because we have not purchased anything for the last two months. May be, there is a rule here. There is a rule in Tamil Nadu also. We do not know whom to approach and then I don't have the time to ask. This is the condition in which a consumer is put to a lot of difficulty. As an M.P., I will also narrate some of the services run by you—the C.P.W.D. and the N.D.M.C. They are not at all caring even for M.Ps and we are getting exaggerated electricity bills. Normally, I am getting Rs. 4,500 or Rs. 6,000 as my electricity bill. I do not know why is it so. Whatever complaints I may make, they say, the meter is all right. Everything is all right. I don't have anybody in my house except myself. But bills to the tune of Rs. 25,000 are coming to me. Whom to complain to? I do not know whether as an MP, I can take it up with the Consumer Redressal Forum. I am just thinking of writing to them. As an M.P. I want to take it up with the Consumer Redressal Forum. Perhaps, it may not be very good. But there is no other alternative. This is the kind of services the

Government is running. If you are really serious about doing something in this regard, I would request the Government to take the private sector services, the paying services. As it has been already said by some of the Members.... Poor people have to be served, whether it is a hospital or a school or PDS or civil services or municipal services or whatever it is. They are paying him in a different manner. I would request you to take up this matter very seriously and do something. I am going to say what others have not said. I would mention one or two points.

One is consumer information. Consumer information has to be given in a very large manner. It should not be left only to the manufacturers or only to the people who are serving but the Government should also take up the consumer information in a large manner. Give it by TV, press, advertisements etc. what is meant by consumer education, what the rights of the consumer are. There are six rights of the consumer—rights to safety, right to information, right to choose, right to be heard, right to seek redressal and right to consumer education. Consumer education is the most important one. I would also request you to take it as a subject in the schools and also in the colleges. Consumer education is a very important matter. Children are learning computers. So also, now consumer education should form part of the syllabus of the educational process.

Regarding the recommendations of the Working Committee, I have not received a copy. I don't know whether any other Member has received it. It has been given to the Government. If you also know what the recommendations are and what has been implemented, we will also be very happy to know about it.

Regarding the increased monetary jurisdiction, I do not understand the increased monetary jurisdiction that has been given in these amendments. I would like to know what it is.

[Shri G. Swaminathan]

Regarding the quality, education should not only be done after it is marketed, even at the factory level, at the manufacturing level and also at the process level the management should be given the quality education and the labour departments should also take it up as well so that the labour can also cooperate with the management in bringing about a quality product.

Finally, I would only add one thing. Regarding the course, they have not completed the cases within 90 days or 150 days. That is the case in most of the places. So the consumers are losing interest. Now you have made a provision in the Bill that we can have two or three district forums, if necessary, additional also. It should be made compulsory that the decisions are given within 90 days and they should not be delayed. If you do that, most probably, this Consumer Bill and this Consumer Act will be very effective.

Thank you, Madam, for giving me the time.

उपसभाध्यक्ष (श्रीमती सुषमा स्वराज :
श्री चतुरानन मिश्र। आपके भी तीन
मिनट हैं मिश्र जी।

श्री चतुरानन मिश्र (बिहार) : हम
तो कंज्यूमर प्रोटेक्शन एक्ट में तो आपके
खिलाफ कुछ कर नहीं सकते। . . .
(व्यवधान)

महोदया, यह कंज्यूमर प्रोटेक्शन एक्ट
में जो संशोधन आया है, वह बहुत से
डिकोरेशन में एक और डिकोरेशन
है। मैं इसलिए कह रहा हूँ कि

यह गांव ओरियंटेड है नहीं है, यह
शहर ओरियंटेड है और खुशहाल लोगों
के ओरियंटेड है। यही हमारी आपसे
शिकायत है। अगर ग्रामीण लोगों पर
आप कुछ ध्यान देना चाहते हैं तो जो
कुछ चीज सरकार बेचती है यथा राशन,
किरासन तेल हमारे मंत्री महोदय के
विभाग में है। गांवों के अंदर केरोसीन
तेल सरकार के निर्धारित दाम से कम
से कम दोगुनी कीमत पर बिक रहा है।
हर जगह आप जाकर देख लीजिए।
कौन किसको प्रोटेक्शन देगा, हमको
आप बतला दीजिए? अगर आप चाहते
हैं कि यह कुछ इफेक्टिव हो सके, तो
हमारा यह ख्याल है कि इसको मोबाइल
बनाना चाहिए। मोबाइल कोर्ट की तरह
यह घूमे और गांव में जाकर देखे कि
लोगों का क्या हो रहा है। दूसरे,
स्व.मोटो राइट भी होना चाहिए। चूंकि
गांव के लोग इतने पढ़े-लिखे तो नहीं
हैं कि वह कहेंगे कि अंग्रेजी में हमको
भेज दो और फेंच में हमको भेज दो।
यह भी उनसे होने वाला नहीं है।
इसीलिए आप उनको स्वो मोटो का
अधिकार भी दीजिए। इसके अलावा
मंत्री महोदय, आपके यहां बोगस कार्ड
बहुत हैं। लेकिन हम समझते हैं बोगस
आप खुद करवा रहे हैं। जो आप राशन
सप्लाई करते हैं उसकी क्वांटिटी इतनी कम
है कि लोगों को ऐसे फालतू कार्ड बन-
वाकर रखना पड़ता है। कार्ड पर पर-
यूनिट क्वांटिटी ज्यादा कर दें, जबकि
सरकारी गोदामों में माल सड़ रहा है।
कुछ ही दिन पहले हमको आंकड़ा दिया
गया था कि तीन साल के अंदर सरकारी
गोदामों में 18 लाख टन गेहूं या दूसरी
चीज सड़ गई और दूसरे ओर हमारे
लोग भूखे मर रहे हैं। इसकी यहां
रिपोर्ट आ रही है। तो किसको हम सब
मानें? समय ज्यादा नहीं है इसलिए
मैं कुछ प्रश्न पूछकर अपनी बात समाप्त
करूंगा। आप जानते हैं कि बजट में
टैक्स रिलीफ दिया गया। टैक्स रिलीफ
के लिए आप बोले बहुत कि कंज्यूमर
को जाना चाहिए लेकिन जिस तरह
एक सांप होता है जो फुफ आता बहुत
है, जिसे धमना सांप कहते हैं

तरह आप फफकारते बहुत मगर काटा किसी को नहीं। आप यह बता दीजिए कि यह जो रिलीफ आपने दिया, यह कंज्यूमर्स तक नहीं पहुंचा तो क्या हम लोग आपको कंज्यूमर्स प्रोटेक्शन ऐक्ट में ले जाएंगे? आप वाली चिल्लाकर रह जाते हैं। हम लोग कहते हैं कि मंत्री महोदय तो बहुत अच्छे आदमी हैं। लेकिन मंत्री महोदय असहाय हैं, इसके बारे में कुछ सोचिए कि क्या किया जा सकता है।

महोदया, आप घंटी टुनटुना देंगी, उसके पहले एक बात मैं आपसे कहना चाहूंगा वह यह कि ये जो आपने मसौदा राशन की दुकानें खोल रखी हैं, जहां से आप राशन देते हैं, यह क्या आगे भी आप दे पाएंगे? एक्ट है डंकल प्रपोजल। डंकल प्रपोजल के पैरा (14) का पैरा 4 मैं पढ़ना चाहता हूँ-

"Eligibility to receive the food aid shall be subject to clearly defined criteria related to nutritional objectives, Food purchases by the Government shall be made at current market prices and the financing and administration shall be made transparent."

तो ये विदेश के लोग इस बात की जांच करेंगे कि कितना रुपया आप खर्च करते हैं। इसी का पैरा 3 में आपको सुनाता हूँ-

"The volume and accumulation of such stocks shall correspond to pre-determined targets solely related to food security. The process of stock accumulation and disposal shall be financially transparent."

इसकी भी वह जांच करेंगे कि कितना माल सरकार के पास गोदाम में रहता है। और सुनिए-

"Food purchase by Government at current market prices and sales from food security stocks shall be made at no less than the current domestic market prices for the product and quality in question."

सरकार गॉट के डंकल प्रस्तावों को मानने जा रही है। ऐसी हालत में मौजूदा राशन व्यवस्था अन्न उगाही आदि का क्या होगा? तो यह जो कंज्यूमर सन्सिडी के बारे में डंकल प्रपोजल में दिया गया है, उसने आपको पंगु बनाकर रख दिया है। आप कुछ कर नहीं सकेंगे। क्या आपकी सोवियरिनिटी बरकरार रहेगी? क्या आपका अधिकार बरकरार रहेगा? चूंकि आपने घंटी टुनटुना दी इसलिए मैं बैठने से पूर्व एक बात कहना चाहूंगा और वह यह है कि बहुत से नाननीय सदस्यों ने आपसे कहा कि वकीलों को इसमें नहीं लाना चाहिए, उससे मैं भी सहमत हूँ लेकिन यह जो बात हो रही है कि बैंक, हास्पिटल, रेलवे को भी इसमें लाया जाए तो मेरा विचार है कि एक कमीशन तो ऐसा नहीं कर सकता और हमको तो कभी-कभी लगता है कि अगर रेलवे के लिए प्रोटेक्शन ऐक्ट लागू हो जाएगा तो रेलवे चलेगी ही नहीं क्योंकि वह टाईम पर तो चलती नहीं है और अगर थोड़ा-थोड़ा सा भी कंपनसेशन दिया जाएगा तो रेल भवन नीलाम करना पड़ेगा रेलवे बोर्ड को, तभी यह काम होगा।

इसलिए मैं अनुरोध करूंगा कि इन सभी विभागों के लिए कंज्यूमर प्रोटेक्शन ऐक्ट की तरह अलग-अलग लोक-अदालतें बनाइए जिसमें हम इन केसों का निपटारा कर सकें क्योंकि एक ही कमीशन इन सब विभागों को कवर करके नहीं चल सकता है। यही मैं आपसे कहना चाहता था। धन्यवाद।

THE VICE-CHAIRMAN (SHRIMATI SUSHMA SWARAJ): Dr. Narreddy Thulasi Reddy. Doctor Sahib, you have also got three minutes.

DR. NARREDDY THULASI REDDY (Andhra Pradesh): Madam, this Bill is a very carefully drafted Bill and all precautions have taken. So, I welcome the Bill. As a real medical practitioner I would like to say something more about the medical profession and this Bill. Most of the Members are of the opinion that the medical profession should be brought under the ambit of this

[Dr. Narreddy Thulasi Reddy]

Bill. But I dissociate with these Members. Of course, there are reasons. There are some doctors who squeeze the blood of the patients. There are doctors who are negligent in their duties. But at the same time there are so many doctors who are sincere, who are taking the risk at their own cost and who are saving the lives of the patients.

I can explain it. What is happening in rural areas? Snake bites, scorpion stings, insecticide-poisoning and agricultural accidents are more in rural areas. In these cases the mortality rate is more. Here patients should be treated immediately. If patients are not treated immediately, the death rate will be more. Then in rural areas necessary equipment is not available. In rural areas, doctors have to take risk to save the lives of patients. If doctors do not take risk then patient have to go to some big hospitals somewhere at far-away places, and they will succumb to injuries on the way. Ultimately, the patient will be the sufferer. If this provision is brought under the purview of this Bill then each and every patient has to undergo so many tests. For example, for headache, a patient has to undergo X-ray, scanning, blood test, urine test and so many tests to exclude brain tumour. To exclude the brain tumour, doctors have to prescribe all these tests. Not only that, so far patients are giving only medical fees. From tomorrow onwards, they have to give not only medical fees, but also legal fees. I am not supporting the doctors, I am supporting the patients. If medical profession is brought under the purview of this Bill, patients will be the worst sufferers.

[The Vice-Chairman (Shri V. Narayanasamy) in the Chair.]

That is my opinion. My second point.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Please conclude. Your time is only three minutes.

DR. NARREDDY THULASI REDDY: I totally agree with Shri Swaminathanji. Consumer education should be included in the curriculum of high school educa-

tion and college education. This is highly important. Then, so far, we are dealing with the quality and price of the items. We are not dealing with the availability of items. You have brought only two items under this Bill. Sir, essential items are not available at so many places. So, availability of items should also be brought under the purview of this Bill.

The next point is about awareness. Of course, awareness is found but it is not uniform. In urban areas, awareness is somewhat better. In South India, awareness is more and in North India awareness is less. Why? Because there are six hundred voluntary organisations of consumer movement. Out of that, 450 are in the South and only 150 are in other parts of the country. It indicates that the consumer movement, consumer awareness is somewhat better in South India. So, proper steps should be taken in that direction. Sir, a national institute of consumer affairs should be set up and that too in Andhra Pradesh because the consumer movement is very active there. So, I request the Government to set up a national institute of consumer affairs in Hyderabad.

PROF. SAURIN BHATTACHARYA (West Bengal): Mr. Vice-Chairman, thank you. My name is at least found in the list. There is a saying that the proof of the pudding is in the eating. As it has been stated in the Statement of Objects and Reasons, the 1986 Act was found wanting and there were loopholes. Therefore, this amendment, which has been brought, is to remove the loopholes and to make it effective. But I have just one apprehension. But I have a strong apprehension. Perhaps, the way the orbit of consumer protection is being widened, ultimately, perhaps, the Minister himself or his successor may have to be produced before the National Commission for not being able to give what he promised, that is, what is called unfair practice. But if we come to things like that—Dr. Reddy was telling that the medical practitioners should not be brought within the purview—I suggest

perhaps, the parliamentarians should be brought within the purview. What was the promise they gave their electorate and what has been their actual performance? Perhaps, the National Commission can be the best judge. But Dr. Reddy has given a real clue why it is Mr. Antony who has taken the initiative in bringing this amendment; it is because South is more conscious and the North is less conscious regarding the consumer interest. But I do have a very great apprehension regarding the outcome of the Dunkel proposal which our Government has practically accepted it seems. They talk with different faces at different times. Take, for example, medicines. They say in the long run it will be favourable for us and in that case what effective control you will have over that thing? In other respects also Ms. Sarala Maheshwari said about privatisation which the Government is backing—privatisation meaning foreign capital in our country, who will produce here and who will be running the show, really—how far they will be under these laws, what will be their pressure on the Government for exemption from such laws. We do not actually know the amount which is going to be deployed on foreign capital at different times different figures are given depending on the exigencies of the circumstances. When one thing has to be proved a figure is given and when the other thing is to be proved another figure is given and there is no denying that this Government in spite of the very best wishes of Mr. Antony, may agree to barter consumer interest in exchange of foreign capital as they are bartering the national interest for the sake of building up foreign exchange out of IMF loans and other loans. Therefore, these are the real loopholes besides the loopholes of 1986 which the Minister had said. Nevertheless I congratulate the Minister for taking this initiative and I would repeat that really it will depend on educating the consumer at large, that is, the people at large regarding their own interest and what Dr. Reddy said regarding building up the consumer movement all over the country in order to take up the rightly

and not frivolously. But bring within its purview definitely the medical profession, education, the professional education and all those who come before the people with promises and they will have to show whether these constitute promises.

श्री सूर्येन्द्र सिंह मान (नाम निर्देशित) : सर, कंज्यूमर्स एमेंडमेंट बिल के संबंध में मैं यह कहना चाहता हूँ कि कई जगह सरकार मोनोपोली प्रोव्हायरमेंट करती है। कई जगह डायरेक्ट और कई जगह इन-डायरेक्ट। जैसे पंजाब में पैडी और व्हीट इनडायरेक्टली सरकार ही लेती है। कहीं उनके आड़ती हैं, कहीं उनके मिडिलमैन हैं, कहीं उनके कमीशन एजेंट हैं और फिर पैडी प्रोसेस करने के लिए भी सरकार के ही लायसेंस होल्डर्स हैं। सरकार किसानों से पैडी कंज्यूमर तक पहुंचाने के लिए लेती है, सर्विस देती है। इसमें रिश्वत का फॅक्टर भी आता है। यह एक बड़ा फॅक्टर है। लेकिन इस बिल में यह नजर नहीं आता है कि इसको खत्म करने के लिए कुछ किया गया है। मंडियों में किसान की पैडी परचेज करने के लिए सरकार के जो एजेंट हैं, अफसर हैं, वे कहते हैं कि यह स्पेसिफिकेशन में नहीं आता है जब कि वह आ रहा होता है। उसका वेस्टेज इंटरेस्ट होता है, वह उस पैडी को रोक देता है। इस तरह से रिश्वत आम बात हो गई है। मंडियों में जो ब्यरोक्रेट होते हैं, अफसर होते हैं वे स्कावट डालते हैं। कंज्यूमर तक ठीक कीमत पर चीजें नहीं पहुंचने देते हैं। उनकी रिश्वत से चीजों की कीमत बढ़ जाती है। इस बात को इसमें नहीं लिया गया है। आप सर्विस तो देते हैं, यह बहुत अच्छी बात है, लेकिन ला एण्ड आर्डर की सर्विस भी आप देते हैं। पुलिस वाले ला एण्ड आर्डर को इन्फोर्स करते हैं। कई बार पुलिस नाजायज तौर पर गिरफ्तार कर लेते हैं। इस संबंध में इस बिल में कुछ नहीं कहा गया है। मुझे गेहूं की ट्राली ले जाते हुए पकड़ा गया। रास्ते में रोक दिया गया, डिटेन किया गया। उसके बाद सरकार का जवाब आया कि हमने आपको पकड़ा ही नहीं।

श्री विश्वजीत पृथ्वीजीत सिंह (महाराष्ट्र) : आपका मामला प्रिविलेजज कमेटी के पास गया था उसका क्या हुआ ?

श्री भूपेन्द्र सिंह मान : सरकार का जवाब आ गया कि हमने आपको पकड़ा ही नहीं।

श्री विश्वजित पृथ्वीजित सिंह : प्रिविलेज कमेटी ने क्या किया?

श्री भूपेन्द्र सिंह मान : प्रिविलेज कमेटी देख रही होगी।

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): You address the Chair. Don't respond to interruptions.

श्री भूपेन्द्र सिंह मान : इतना समय मेरा बढ़ा दिया जाय। मैं यह कहना चाहता हूँ कि जो सर्विसेज सरकार की तरफ से लोगों को दी जाती हैं उसमें व्यरोकेसी का रास्ते में जो हरडल है उसको भी ध्यान में रखा जाना चाहिए। पेपर ले जाते हैं। उसमें रिषवत का फैक्टर भी आता है। कोई कम्पनी कोई चीज बनाती है तो उसके लिए कागजों को आगे करने के लिए जो रिषवत देती है उस रिषवत को भी उस चीज की कीमत में एड कर देती है जिसका प्रभाव कंज्यूमर पर पड़ता है। इस रिषवत के फैक्टर पर इस बिल में कुछ नहीं कहा गया है। मैं समझता हूँ कि इस वक्त हमारे देश में जो लेवल तक रिषवत नसों में आ गई है। इसका ध्यान रखा जाना चाहिए और इसके लिए भी कोई प्रोविजन किया जाना चाहिए। इतना ही नहीं है, किसान अपनी फसल बेचता है तो कुछ दिनों में यह पेमेंट की जाती चाहिए, लेकिन किसान को समय पर पेमेंट नहीं की जाती है। सरकार के जो कमीशन एजेंट हैं वे टाइम पर पेमेंट नहीं करते हैं। शूगर मिलों द्वारा बहुत बहुत दिनों तक पेमेंट नहीं की जाती है। गेहूँ और पैडी की पेमेंट नहीं की जाती है। ऐसी बहुत सारी चीजें हैं जिनके संबंध में मैं मंत्री जी से दखिस्त करूंगा कि जितने दिनों में पेमेंट करना हो उतने दिनों में पेमेंट नहीं की जाती है तो उसको प्रोटेक्शन मिलना चाहिए। क्योंकि समय आपने कहा कि बहुत कम है, इसलिए खतम करते हुए मैं यह कहना चाहता हूँ, कि खासतौर पर गांवों में, देहातों में जो बिजली दी जा रही है, उसकी क्वांटिटी बहुत कम है,

वहां वोल्टेज बहुत कम है, लोगों की मोटरें सड़ रही हैं। इस लिए जब कंज्यूमर प्रोटेक्शन ऐक्ट में जब जाए तो कहीं ऐसा न हो कि क्योंकि बिजली की मोनोपोली सरकार की है तो जब सरकार के ही खिलाफ कंज्यूमर प्रोटेक्शन ऐक्ट में जायें तो वहां आखिर में यही निकले कि:

सोचा था हाकिम से करेंगे फरियाद, लेकिन वह कम्बख्त भी तेरा चाहने वाला निकला।

और वह भी कुछ ना करे। इसलिए इस बात का ध्यान रखते हुए इसको किया जाय। धन्यवाद।

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Shri Prakash Yashwant Ambedkar-not present Dr. Jinendra Kumar Jain you are given five minutes. You have to conclude within that time.

DR. JINENDRA KUMAR JAIN (Madhya Pradesh): But the Chairman allowed me ten minutes.

THE VICE-CHAIRMAN (SH. V. NARAYANASAMY): You will have to conclude within five minutes. Try to be very brief.

DR. JINENDRA KUMAR JAIN : I will be very brief, Sir. Mr. Vice-Chairman, I am specially thankful to you and to the hon. Chairman of the Rajya Sabha for allowing a medical Member of this House to present before the Parliament, the medical viewpoint before the debate on this Bill is concluded... (Interruption)... I will be grateful if there is no interruption. My party members have already spoken. But I would like to seek forgiveness of my party colleagues because what I am going to say may not be in conformity with the considered opinion which has been expressed here on behalf of my party. Because this House is an enlightened forum, I thought it is my duty to place before the House how the doctors in this country are feeling about this Bill.

Sir, I would like to make a very categorical statement that medical profession in this country must not be covered by the Consumer Protection Act, 1986 and the Consumer Protection (Amendment) Bill 1993. These two must not cover the medical services rendered by them. We are not opposed to the interests of patients against acts of negligence and misconduct, etc. on the part of medical professionals. For such acts of omission or commission, there are other suitable Acts like the State Medical Councils Act, the Indian Medical Council Act 1956, which, if necessary have provisions to deal with misconduct or negligence on the part of medical professionals. Complaints can be made, if needed—I would like to make a plea that suitable further amendments can be brought to the Indian Medical Council Act and it can be made more stringent so that negligent doctors can be taken to task. But this Bill is not the way in which it should be done. As a mark of protest—I would like to inform this House and the Government the medical profession all over the country is going to observe an all-India protest day on 7th August 1993 and an all-India token strike by the entire medical profession in this country on 17th September, 1993.

As I said in the beginning, I am not speaking with any narrow interest towards medical professionals. What I am speaking is for the medical profession, for the sanctity of doctor-patient relationship which, I fear, will be destroyed now. I want to warn the Government and everybody sitting in this House that it has happened everywhere in the world. As a result of such Bills and Acts, medical services will become more expensive. Doctors will resort to more investigations, more consultations, more references because it is a natural tendency of everybody to save his own skin. More elaborate procedure will have to be restored to doctors and it will all get reflected in the higher cost of medical services which will be a detrimental factor for the patients. My fear is that the entire care delivery system in this country will be destroyed. Already we know how bad the public medical ser-

vices are. And right now even the Government functionaries, Members of Parliament and Ministers go to the private clinics because they know that the public services are very bad and if such things happen, then these will vitally affect the private sector medicine which is already facing a lot of disadvantages and constraints. Moreover, this Act is not designed for doctors, not designed for the professionals. If you make a careful reading of the Bill, you will see that it has been designed primarily for traders, for goods and commercial activities and it is not designed to include professionals. Mr. Dineshbhai Trivedi and others have spoken about this and that is why you are not including lawyers and other professionals. Then why do you single out the medical profession and include the medical profession to bring it under the purview of this Bill while you are not willing to include the other professionals? Sir, there are some practical truths, stark truths, which we must try to understand.

A doctor is not a trader. In this country, we have not been able to manage the problem of quackery. Those who live in the rural areas know very well that we have not been able to prevent quackery. Self-medication is prevalent on a large scale and sale of any drugs at the counter is going on, even in the capital city of the country, that is, Delhi, what to talk of the villages and the small towns in the country. Anybody can go and buy any drug. We have not been able to provide safe drinking water to our countrymen and we are going to examine critically what the doctors are doing! There is a lack of uniformity of standards in medical care. Whatever medicine is practised in Bombay is quite different from what is being practised in a village or town or in a district hospital or even in a medical college in Bihar, UP or Madhya Pradesh. I am a doctor and I have been going around. How can you apply uniform standards when the basic infrastructure is not uniform? There are some scientific truths and matters of this nature have been ignored. Please rest assured that no drug is safe, that every drug can be even a lethal poison. Everywhere it is written,

[Dr. Jinendra Kumar Gain]

which you can see, that the drugs have side-effects and no medical procedure is safe. It is full of risks. No medical opinion can be perfect or final. Every disease has its on morbidity and mortality. Disease and death are as real as life itself. What are we trying to do? If you implement this Act, nobody will practise medicine. Why do doctors take to the practice of medicine? Because they take the risk of helping the patients and it is this risk-benefit analysis which has created this body of medical science. Doctors take the risk for whom? Not for themselves, but for helping the patients. If the very subject of medical practice becomes so risky, as it is happening elsewhere, then who suffers ultimately? It is the patient only and nobody else. So, please remember that I am making this passionate plea not for my colleagues in the medical profession, but for the patients who are the victims of diseases and to serve who the entire medical profession has come into being. Moreover, medical science is not an absolute science. It is a science of uncertainty and it is an art of probability. So if you operate in the science of uncertainty, in the art of probability, and how can you guarantee services? The services of the medical profession can never be guaranteed. It is only a help to the needy.

There is another thing also. You must not have double standards. The Act provides that in the case of Government medical services, even when there is a loss of life or limb or when any such thing happens, no action need be taken. But if a private doctor has done it, even if he has not charged anything, he may be prosecuted. Why do you have these double standards?

Sir, in our country or any here after all, a doctor provides some services. And there are some support services like electricity. Electricity supply cannot be guaranteed. Somebody is doing a surgery. Then the electricity goes off. He cannot help it. But he can be taken to task for the consequences. For instance, the patient has some problem. He wants to contact the doctor. You cannot provide telephone to every doctor. But the doctor, not being available to the patient,

can be taken to task for the results of delays in treatment. Then there is the public transport. The public transport for taking an already sick patient to a specific medical facility on advice of doctors may be bad. And the doctor can be taken to task for any untoward occurrence.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Dr. Jain you have to conclude now.

DR. JINENDRA KUMAR JAIN : I am making my last point. My last point is that this debate has been going on. And I must be honest to the Members of this House as to what the members of the medical profession have been considering in the forums of medical associations and in such forums. Sir, the very text of this Act says that it is not applicable if the services are free or if there is a contract. Today, if any one of us gets a heart attack late at night, you call the doctor and he will come once the Bill is passed every doctor will write outside his clinic, "No contract, no treatment". People will prepare such contracts, devised by lawyers, that unless you sign a contract, he will not treat you. In that case, Sir, every member of the medical profession will be totally immune from this Act. Sir what will be destroyed is not medicine, not the services, but the nobility of medicine which is a tradition of this country. Sir, the nobility of medicine has been destroyed in the developed world. It has been destroyed in the modernised part of India. I do not say that nobody is a blacksheep. Some people may already be doing this. But this Parliament must not help the process of destruction of the nobility of medicine which is based on trust, confidentiality and the doctor-patient relationship. Populism should not close our eyes to the truth. And the truth is just as every patient has to trust doctors, this Parliament must trust the medical profession—listen to them as to what they want to that they provide better medical care—and not pass such laws which are unreasonable, unjustified, and, I am very sorry to say, laws which have been put forward without sufficient application of mind. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Thank you, Dr. Jain. Now the Mover of the Statutory Resolution...

श्री संघ प्रिय गौतम (उत्तर प्रदेश)
उपसभाध्यक्ष, दो मिनट, सिर्फ दो मिनट...
(व्यवधान)

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Your Party's time is over.

श्री संघ प्रिय गौतम : मुझे टाईम दिया गया था। पहले दिन टाईम निर्धारित नहीं हुआ था। मेरा नाम सब से पहले था। मैं सिर्फ दो मिनट लूंगा।

I am on the point of penalty, Sir. (Interruptions)

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Gautam, your Party has taken 13 minutes more. Therefore, there is no time left. Now, I am calling Mr. Krishan Lal Sharma.

श्री संघ प्रिय गौतम : कोई आसमान तो गिर नहीं जायगा। मंत्री जी ने अभी संशोधन भेजा है। इस समय जब मंत्री जी संशोधन भेज सकते हैं, तो... (व्यवधान)

Why can't I be allowed to speak on the Amendment?

मैं केवल दो मिनट लूंगा, आपकी बड़ी कृपा होगी।

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Kindly take your Party has taken 13 minutes more. But, Mr. Jain was permitted by the Chairman. So, don't try to argue with me.

श्री संघ प्रिय गौतम : मैं आपस प्रार्थना करता हूँ... (व्यवधान)

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): You should not take the House for granted. When your Party's time is over, you have to keep quiet.

SHRI SANGH PRIYA GAUTAM: Only two minutes. The hon. Chairman has allowed my Party colleague even after my Party's time is fully consumed.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Kindly take your seat. I am sorry.

SHRI SANGH PRIYA GAUTAM: Kindly give me two minutes.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Kindly take your seat.

SHRI SANGH PRIYA GAUTAM: Just two minutes, Sir.

श्री संघ प्रिय गौतम : इतने में मैं अपनी बात खत्म कर देता। उपसभाध्यक्षजी, मैं आपको ध्यान पेज 19 पर धारा 27 की तरफ दिलाना चाहता हूँ, जो पेनल्टी से कनसर्ड है। किसी भी विद्वान साथी ने इस तरफ ध्यान नहीं दिया।

"Where a trader or a person against whom a complaint is made fails or omits to comply with any order made by the District Forum, the State Commission or the National Commission, as the case may be, such trader or person shall be punishable with imprisonment for a term..."

इसके आगे जो लिखा है सब सुपर फ्लूअस है यह सब काट देना चाहिये। यहाँ लाइयर्स बैठे हैं। आपने क्या कहा है...

"...shall not be less than one month but which may extend to 3 years or with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees or both, provided that the District Forum, the State Commission or the National Commission, as the case may be, may, if it is satisfied that the circumstances of any case so require, impose a sentence of imprisonment or fine, or both, for a term lesser than the minimum term and the amount lesser than the minimum amount, specified in this section." This may be deleted and the

[श्री सच प्रिय गतम]

following be substituted: "...and imprisonment for a term which may extend to three years or with fine which may extend to ten thousand rupees, or both."

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Now Mr. K. L. Sharma will reply. He is not here.

SHRI S.K.T. RAMACHANDRAN (Tamil Nadu): Because of poor teaching so many students fail. Will the teachers also be brought under this Bill? This is a very important point.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I know it is very important. You take your seat. The Minister will reply.

THE MINISTER OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION (SHRI A.K. ANTONY): First of all, I would like to express my gratitude to all the Members of this House for agreeing to take up this Bill as the first item on the agenda atleast today afternoon. Even though we are debating with heat and sometime with anger on many issues, I find since the discussion started on this very important Bill, there is near unanimity in the House and this is an occasion when I found the Members of this august House could rise above party lines. This is a very happy sign as far as the consumer movement is concerned. This example should be followed as far as the consumer movement is concerned. Whatever may be our differences in other areas, we must forget politics in this movement and my sincere request to all the hon. Members who are really interested in the well-being of the poor Indian consumers is to kindly join this movement and make it a real mass movement and a non-political movement. Within 3 to 4 years, this movement must become one of the powerful mass-oriented social activists movement in the country.

I remember the origin of the Bill and I cannot forget the contribution made by late Shri Rajivji. Talking of a power-

ful consumer movement in 1986, we have been able to introduce and pass such a revolutionary Consumer Protection Act only because of the initiative, determination and dedication shown by late Rajivji. At that time also, we knew that this 1986 Bill was not the final Bill. After 1986, within the last 7 years, this movement has gathered momentum. I agree that still there are shortcomings and weaknesses and we have a long way to go. But during this period, from 1986 to 1993 within these seven years, this movement has gathered a lot of momentum.

I would like to inform hon. Members that in all the 31 States/Union Territories, we have the Consumer Protection Council. Then, we have the National Commission. In all the 31 States/Union Territories, we have the State Commissions. In 452 districts out of the 462 districts in the country, we have the District Redressal Forum. This is an achievement. In 1986, we had only 50 voluntary organisations. Now, their number has increased to about 600.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Minister I am sorry to interrupt you. Just one minute. I would like to point out to hon. Members that at 4.30 p.m., we have to take up clarification on the statements made earlier. If the House so agree, we can complete this Bill and then we can take up the clarifications. I would like to take the sense of the House. I think we can complete this Bill first. You can continue, Mr. Minister.

SHRI A. K. ANTONY: Sir, even though we have gathered momentum, I feel that we should now concentrate more on this important area of social activity.

As several hon. Members pointed out here, we are now in the process of liberalisation. We are in the process of opening up. Government's control is diminishing or loosening in many areas. It is a conscious decision of the Government because, to compete with the

modern world, with the advanced countries, we have to modernise; we have to open up. Therefore, Government's control will have to be withdrawn in many areas. But the mere fact that the Government is voluntarily abandoning its influence and control over the market does not mean that the market is free for the manufacturing sector and other industries. It is not a market for free ride by the industrial sector.

Now, when the control of the Government is a diminishing one, that place must be taken over by social control. Only the consumer movement and the various consumer fora can take that place. The need for a strong consumer movement is very much more now than anytime before. The consumer should become the determining factor in the market. He must be able to establish control over the market by his power of social control. The consumer should be able to control the market forces and he must be able to get good quality goods and better service at cheaper prices or affordable prices. That should be our aim. For that, this movement will have to be further strengthened.

The Government's sincerity you can understand in one of our amendments. There is always a complaint that the Government is taking over more powers. In this Bill, you will see the reverse trend. Earlier, the Central Government and the State Governments used to select the members of the District Redressal Forum, the State Commission and the National Commission. We have now changed the whole pattern. The power to select the members is no longer there with the Central and State Governments. Instead of this, we are bringing in a screening committee. In the screening committee, we are involving the judiciary also. Therefore, the Government is sincere and serious that this movement, this activity, should be above politics, should be above Government's control. We want it to be a non-political movement. That is our sincerity. That is why we have moved certain amendments.

I can understand the anxiety of some of my colleagues. They want more speed. I agree with them. But I would like to remind them of just one thing. In 1986, for the first time, we brought a legislation on this matter. In 1991, we brought an amendment, a small amendment. Now, we have brought forward a comprehensive amending Bill. But this is not the last law. As far as the consumer movement is concerned, as far as the law to protect the consumers is concerned, this is not the final law. You know it better than me. Social legislation is a continuous process. When the aspirations of the people are awakened the movement itself will become more powerful to satisfy those wishes. Whichever Government may be there, I am sure, they will be forced to bring in more and more amendments to make this movement more strong. They will be happy to do this.

Sir, there may be defects, there may be some areas still not covered under this Bill. Apart from the two doctor colleagues, some other Members were also a little angry about non-inclusion of Government doctors. It is not a closed chapter. That question is open. Beyond that I can say nothing now. We cannot impose things. We are in a democracy. We have to debate. So, let it be an open question. But one thing is sure. My doctor colleagues, Mr. Reddy and Mr. Jain, would agree that there are innumerable complaints against the ill-treatment of patients in Government hospitals, whether in Delhi or in State capitals or in the villages. So Government doctors will have to change their style. We are now giving one more chance to the Government doctors. Let the doctors cure themselves. Otherwise... (Interruptions). We will have to take some other steps.

DR. JINENDRA KUMAR JAIN: Will you yield for a moment? There is already an Indian Medical Council Act to govern the doctors. Why do you want to take up on yourself to govern the doctors. There are provisions in that Act against the negligence and misconduct of doctors. Complaints can be made under that Act. So, when one Act is already in existence... (Interruptions).

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Now, Mr. Jain, take your seat. (*Interruptions*).

SHRI VISHVJIT P. SINGH: Ask Dr. Jain how many complaints made to the Indian Medical Council have ever succeeded? (*Interruptions*).

SHRI TINDIVANAM G. VENKATRAMAN (Tamil Nadu): It is a question of life and death. (*Interruptions*).

DR. JINENDRA KUMAR JAIN: I had requested the hon. Minister to yield and let this dialogue between him and me be completed. What I am trying to say is, please, do not enlarge the scope of your Bill. See under what conditions the doctors are functioning.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Dr. Jain, you have already made that point.

SHRI A. K. ANTHONY: Though there are powerful voices from many quarters and the people by and large for including the Government doctors, we are giving them still one more chance. In this amending Bill Government doctors are not included. Private doctors are there but we are not including the Government doctors. I am telling you, do not keep your eyes closed. Complaints are there from all over the country. So, the Government doctors and the IMC should also think, they should correct themselves, they should correct the members of their profession. Otherwise, the Government will not remain a silent spectator for a long time. This is the only thing I want to say. Beyond that I do not want to say anything.

Many hon. Members, who participated in the discussion, have given very valuable suggestions. I have already noted those suggestions. But some of the complaints or apprehensions expressed here are not correct. Some of my friends have pointed out that railways, P & T, Electricity Boards, and transport services were not included. It is not correct. As per the law, as per section 1(4) of the Act, "Save as otherwise expressly provided by the Central Government by notification, this Act shall apply to all goods

and services." So far, till to lay, the Central Government has not exempted any services from the purview of this Act. So, all these services come under this Act—railways, P and T, transport, electricity, banking, everything. The only thing is, in regard to railways and P & T, in certain cases the National Commission has given a judgment that because of the specific facts of a case, the complainants should try to seek redressal through some other courts. Even yesterday I had a talk with the Chairman of the National Commission. So, that is the position. These services are also included in the Act.

One of the general complaints was about doctors, and I have already told you about Government's position regarding doctors.

I have noted, with all seriousness, the suggestions made by hon. Members like Sushma Swarajji, Sarala Maheshwarji, Suresh Pachouriji, V. Narayanasamyji—he is our hon. Vice-Chairman now—Vidhuthalai Virumbiji, Dineshbhai Trivediji, Chowdhry Hari Singhji, Satya Prakash Malaviyaji, Swaminathanji...

SHRI G. SWAMINATHAN: I am G. Swaminathan, not Swaminathanji!

SHRI A. K. ANTONY: ... Chaturan Mishraji, Prof. Saurin Bhattacharyaji, Bhupinder Singh Mannji, Dr. J. K. Jain and Sangh Priya Gautamji. I am not going into the details of your suggestions, but I have noted your suggestions in all seriousness.

SHRI SATYA PRAKASH MALAVIYA: What about the period of limitation?

SHRI A. K. ANTONY: I will come to that. Government will examine all those things in all seriousness. I cannot say anything now, but you can understand the sincerity of the Government. Government wants this movement to be strengthened, and we also want to strengthen the law as time passes. So we will consider these things and, as

time passes, we will try to accommodate as many suggestions of the hon. Members as possible.

Hon. Narayanasamyji and some other Members like Swaminathanji also spoke about excise concessions. The hon. Finance Minister is sitting beside me, but I can tell you one thing in all sincerity. Government is determined to see that all those concessions which are announced and which are expected to be passed on to the consumers will have to be passed on to them. Government is consistently monitoring that. We have had several rounds of discussions with the industries and manufactures associations and consumer organisations. After that, the industries associations have given their study report. All of them were claiming that they have already passed on the benefits to the consumers of course, some of the units have passed on the benefits to the consumers, but still there are a number of industrial units and manufacturing units which are unwilling to pass on the benefits to the consumers. That is the point raised by the consumers associations. So, the Government is serious that

So, the Government is serious that these concessions should be passed on to the consumers. So, ultimately, in consultation with the Finance Ministry, our Ministry has taken a decision. We have officially tried to find out the truth. So, we have sent details to the BICP. They have been requested to have a thorough study of the facts scientifically. They have been requested to give us the report within one month. They said that one month would be very short for them. So, they have promised that they would conduct all the study and that they would give the report to the Government by the 30th of September. As soon as the report is with us, we will proceed further. We will not allow any loopholes. With all our available power we will see that these concessions are passed on to the consumers.

Some of the colleagues were expressing some concern about the Dunkel proposals. I do not know the relation between the Dunkel proposals and this. Only one thing I would like to say. Whatever the

Dunkel text says or whatever somebody says, as long as this Government is here, we will strengthen the PDS. That much I can say because that is our considered opinion. We will not weaken the PDS. We will streamline the PDS. I know there are difficulties in the PDS. I know that there are many complaints against it and there are many defects in it. Government is trying to prevent all these complaints about diversion and other things.

SHRI G. G. SWELL (Meghalaya):
One small sentence.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The Minister is replying. Kindly sit down.

SHRI G. G. SWELL: One small sentence. Since the Finance Minister is here, I would like to know whether he had commissioned some economists of international standard to go into the question of the PDS in India and whether these economists have recommended that instead of the PDS we should have food stamps. So, in view of that, I would like to understand how the Minister gives this kind of an assurance that the PDS will go on, come what may. There is under consideration replacement of the whole thing by food stamps.

SHRI VISHVJIT P. SINGH: They have found that the food-stamp system was corrupt. So, they want to remove the food-stamp system and have a PDS there. And you want to bring in the food-stamp system here!

SHRI A. K. ANTONY: Why are you mentioning about the Dunkel proposal and about experts from outside suggesting dismantling of the PDS or weakening of the PDS? In our own country also there are many people who say, "Why are you spending such a lot of money? This is a waste." It is a question of approach. As long as the majority of our people are poor, they are living in rural areas and their purchasing power is very, very meagre, the Government will have to support them. So, food security, the food subsidy the PDS is a must for us. Let others say whatever they want to say... (Interruptions).

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Kindly allow the Minister to speak.

SHRI G. SWAMINATHAN: What is the Finance Minister saying?

SHRI A. K. ANTONY: We are working together as a Government. This Government has a joint and collective responsibility. Whatever I say is on behalf of the entire Government. So these things will continue. The Finance Minister himself has said it in his Budget speech.

You are referring to a report from some other countries. I can tell you that as per a decision by this Government, we have appointed a committee, a three-member committee of Ministers, to study the present PDS, to streamline the PDS and to ensure more commodities to the really needy people, and some suggestions have come to eliminate certain affluent sections also. That Committee has submitted its Report. We will present that Report to the PDS Advisory Council. After that, that Report can be discussed at whatever forum you all decide. So, we have a report submitted to us after discussions with most of the political parties. In that there were many experts who are working in this country. So, we have a report which has been prepared in this country itself. Why are you not referring to that Report? Since time is limited I am not going into details. I know many more amendments are needed, but let us work together. There are many activities on this side and on that side. All of you join this movement and make it a mass movement. One thing is there. This movement is still a city or town-oriented movement. This is one of its defects. Out of 600 organisations, most of the organisations are in cities or towns. If you want to serve really the common people of India, we must take this movement to the villages. This is not the defect only of this movement. This is the defect of all of us. All of us are becoming elitist-type politicians. We must also move to the villages. Of we take this movement to the villages, then alone we can help the villagers. So, we need a rural-based

consumer movement in this country. I hope and trust that after this Bill is passed, it will also get a momentum.

Hon Members have made many other suggestions, which include suggestions regarding the curriculum. We have taken note of it. Many of your other suggestions we are considering seriously. I assure you that my Department will seriously examine all the suggestions made by the hon. Members. I am sure, after some time we will have to bring in more amendments in the House and in the other House in order to make the law perfect.

To honour the wishes of many hon. Members who spoke and also to honour the wishes of all the consumer organisations in this country, I will bring in more amendments, instead of after one year, after two years.

SHRI SATYA PRAKASH MALAVIYA: Not after three years.

SHRI A. K. ANTONY: As a compromise. You said three, I said two. Let us have a compromising approach.

With these words I thank all the hon. Members.

SHRI DINESHBHAI TRIVEDI: Will the hon. Minister give an assurance on making the public utility commission a statutory body?

SHRI A. K. ANTONY: We have already passed a Resolution in the Consumer Protection Council. Now, the Government has started examining the implementation part of it. That will also come in the course of time.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I shall now first put the Resolution moved by Shri Krishan Lal Sharma to vote.

The question is:

"That this House disapproves of the Consumer Protection (Amendment) Ordinance, 1993 (No. 24 of 1993) promulgated by the President on the 18th June, 1993."

The motion was negatived. LL

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Now, I shall put the motion moved by Shri A. K. Antony, to vote.

The question is:

"That the Bill further to amend the Consumer Protection Act 1986, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Clause 5. There is one amendment by Shrimati Sarala Maheshwari. Are you moving the amendment?

5.00 P.M.

SHRIMATI SARALA MAHESHWARI: I want some assurance from the Minister. I want to put my point of view.

उपसभाध्यक्ष महोदय, मैंने जो अपना संशोधन प्रस्ताव रखा वह अपने देश के वस्तुगत ठोस यथार्थ को देखते हुये रखा। हालांकि अभी बोलते हुये माननीय मंत्री महोदय ने कहा कि वह सार्वजनिक वितरण प्रणाली को खत्म करने नहीं जा रहे हैं, लेकिन पास में ही बैठे हुये वित्त मंत्री महोदय की मुस्कराहट कुछ संशय जरूर पैदा कर रही थी। इसलिये मैं चाहती हूँ कि...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Kindly conclude.

SHRIMATI SARALA MAHESHWARI: Let me speak at least for one or two minutes.

SHRI G. SWAMINATHAN: The only problem is, whenever the Finance Minister smiles there is a problem and even when he doesn't smile there is a problem.

श्रीमती सरला माहेश्वरी : उपसभाध्यक्ष महोदय, मैं उसी प्रस्ताव की ओर माननीय मंत्री जी का ध्यान आकर्षित करना चाहती हूँ कि आज जिस नई अर्थ नीति की ओर हमारे देश को ले जाया जा रहा है और विश्व बैंक और अन्तर्राष्ट्रीय मुद्रा कोष के जो दबाव हमारी अर्थ नीति पर पड़ रहे हैं और हमारे ऊपर बार बार इसके लिये भी दबाव डाला जा रहा है कि सरकार सार्वजनिक जन कल्याणकारी कार्यों से अपने हाथ खींच लें। हमारी सार्वजनिक वितरण प्रणाली उसका सबसे ज्यादा शिकार होगी। इसलिये मैं चाहूँगा कि हमारे वित्त मंत्री महोदय आश्वासन दें कि हमारे देश के जो उपभोक्ता हैं, जिनकी आय का 80 प्रतिशत जीवन की जरूरी वस्तुओं पर खर्च होता है, उसके हितों की रक्षा करने के लिये वे क्या कारगर उपाय करेंगे, क्या कारगर कदम लेने जा रहे हैं, इसका आश्वासन दें।

SHRI A. K. ANTONY: Mr. Vice-Chairman, under the economic policy we are giving more emphasis on rural development and pro-poor programmes. We are still examining the ways to bring more and more pro-poor programmes. I can assure the hon. Member that the points raised by her have already been taken care of. In this year's Budget also, we have increased the allocation for rural development considerably. In the coming months also, we will try to bring more and more programmes for the welfare of the rural people and common people.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Shrimati Sarala Maheshwari, are you moving your amendment?

SHRIMATI SARALA MAHESHWARI: I am not moving my amendment.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I will put clause 5 to vote. The question is:

That clause 5 stand part of the Bill.

The motion was adopted.

Clause 5 was added to the Bill.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): On clause 6, there is an amendment by Shri Satya Prakash Malaviya. Mr. Malaviya, are you moving your amendment?

Clause 6—(Amendment of section 7)

SHRI SATYA PRAKASH MALAVIYA: Mr. Vice-Chairman, I move:

6. "That at page 6 after line 21 the following proviso be inserted, namely:—

'Provided that half of the total number of such members shall be women.'

The question was proposed.

SHRI SATYA PRAKASH MALAVIYA: So far as the State Council are concerned, half of the members must be from women. Now there is a provision in the Bill that so far as District Fora are concerned, there will be two non-official members. You have made a specific provision in the Bill that out of those two members, one will be a woman. Therefore, my amendment is that in case of non-official members of the State Council also half of the members must be women. I would request the Minister to accept my amendment.

SHRI A. K. ANTONY: We have already issued guidelines to the States that at least ten members should be women in the State Council. They will increase the number gradually. So this point is taken care of.

SHRI SATYA PRAKASH MALAVIYA: Which guidelines?

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): They have already issued some guidelines to the States in this regard.

SHRI A. K. ANTONY: In the Central Consumer Protection Council, there are already ten women members.

SHRI SATYA PRAKASH MALAVIYA: There will be two non-official members in the State Councils. It will

be for the State Government to include those two members. There is a specific provision in the District Forum also that one member will be a woman member. Therefore, the Minister may kindly accept my amendment.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The Minister said that they will issue guidelines to the State Governments.

SHRI SATYA PRAKASH MALAVIYA: I am pressing my amendment.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The question is: (No. 6)

"That at page 6 after line 21 the following proviso be inserted, namely:—

"Provided that half of the total number of such members shall be women."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Clause 7. There is one amendment of Smt. Sarala Meheshwari.

श्रीमती सरला माहेश्वरी : उपसभाध्यक्ष महोदय, क्योंकि मंत्री महोदय ने अपने उत्तर में इस बात को स्वीकार किया है कि जिलों में जो कमियां हैं, खामियां हैं, और राज्य आयोग को जिन दिक्कतों का सामना करना पड़ रहा है उनको दूर करने के लिये कारगर कदम उठायेगे इसलिये मैं अपने संशोधन को प्रस्तुत नहीं करती हूं।

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I shall now put clause 7 to vote. The question is:

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clauses 8 to 18 were added to the Bill.

*Clause 19 (Insertion of new sections
24A and 24B)*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): There are two amendments, Mr. Minister.

SHRI A. K. ANTONY: I move:

4. "That at page 11, line 16 after the word 'copies' the words 'of documents' be inserted."

7. "That at page 10, line 38 for the words 'one year' the words 'two years' be substituted."

The questions were put and the motions were adopted.

Clause 19, as amended, was added to the Bill.

Clauses 20 to 22 were added to the Bill.

New Clause 23

(Repeal and saving)

SHRI A. K. ANTONY: Sir, I move:

"That at page 11, after clause 22 the following clause be inserted namely:

'23. (1) The Consumer Protection, 1993 is hereby repealed. (Amendment) Ordinance of 1993)

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act."

The question was put and the motion was adopted.

*New Clause 23 was added to the Bill.
Clause 1 (Short title and commencement)*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): There is one amendment, Mr. Minister.

SHRI A. K. ANTONY: Sir, I move:

1. "That at page 1, for lines 5-6 the following be substituted, namely:—

"(2) It shall be deemed to have come into force on the 18th day of June, 1993."

The question was put and the motion was adopted.

Clause 1, as amended, was added to the Bill.

11. The Enacting Formula and the Title were added to the Bill.

SHRI A. K. ANTHONY: Sir, I move:

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

The question was proposed.

SHRI JAGESH DESAI (Maharashtra): Sir, I want to speak at this stage. (Interruptions)

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): He can speak at the third-reading stage. Kindly conclude within one minute.

SHRI JAGESH DESAI: Sir, I want to draw the attention of the Minister to a particular point. That earlier Minister also gave me an assurance in this connection. In our PDS system, wheat is sometimes given to such areas where it is not consumed. For example, in Banswara, Rajasthan, they take only 'makka'. Similarly, in some areas of Gujarat, 'adivasis' do not take wheat. The wheat supplied in those areas finds its way to the open market. As I have suggested earlier also to such areas we should give 'maize' and such things so that they can really go to 'adivasis'. I want to know whether the Government will procure 'maize' and some such items and supply them to those areas where wheat is not consumed. Otherwise, the wheat supplied will go to the open market and only business people will flourish and consumers will not get what they consume. I want the Minister to look into this.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Yes, the Minister will consider it.

DR. JINENDRA KUMAR JAIN : Sir...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): You have spoken enough, Dr. Jain. (Interruptions). You have not given me any request. You have already spoken. Kindly take your seat.

DR. JINENDRA KUMAR JAIN : I would also... (Interruptions).

Sir, I would be very happy to withdraw my 'no' if the hon. Minister assures that medical currency will be kept out of it. (Interruptions)

SHRI MURLIDHAR CHANDRA-KANT BHANDARE (Maharashtra): Sir, you cannot permit this discussion.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I agree with you.

Now the question is:

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

The motion was adopted.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Now, we will take up clarifications on the statement made by the Minister. (Interruptions).

AN HON'BLE MEMBER: Then what about the statement on the Railway accident? (Interruptions)

SHRI G. SWAMINATHAN: Sir, it is five o'clock now. (Interruptions)

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): If the House so agrees... (Interruptions)

SHRI G. SWAMINATHAN: No decision was taken that the House would beyond five o'clock. (Interruptions)

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Kindly hear me. Why are you speaking before that?

Kindly take your seat. I would like to take the sense of the House. If the House so agrees, we can take it up. Now, the statement of the Railway Minister is there. He will be reading out a statement. Then clarifications on the four statements can be taken up. (Interruptions)

SOME HON. MEMBERS: Tomorrow.

SHRI G. SWAMINATHAN: Sir, I am on a point of order. In the Business Advisory Committee it was decided that the House would sit only up to five o'clock and not beyond that. How are you putting the proposal here? It was decided that only from the next week onwards we would be taking the House up to six o'clock and beyond. That was the decision taken in the BAC.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Swaminathan, let the Parliamentary Affairs Minister say something.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS WITH ADDITIONAL CHARGE OF THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI MARGARET ALVA): Sir, I think the leaders of most of the parties who were here today will bear me out, it was decided that we would sit till six o'clock and if necessary, beyond that. (Interruptions)

SHRI G. SWAMINATHAN: That was for the next week. You wanted to sit but we said that it would be from the next week onwards. The Minister wanted it but we did not want it. All the Opposition people were there. You ask any of them? (Interruptions)

SRRI JAGDISH PRASAD MATHUR: But that was from Monday next and not from today.

SHRI G. SWAMINATHAN: Mr. Minister, you are confused. You are confusing the whole thing. (Interruptions)

SHRI SOMAPPA R. BOMMAI (Orissa): Sir, may I point out that in Lok Sabha, the Minister for Parliamentary Affairs made a statement on the question of the Election Commission. He made an elaborate statement there and promised to consider a multi-member Election Commission and all that. In this House, no statement is made. I would like to mention that at five o'clock, the Parliamentary Affairs Minister is going to make a statement on this issue. We have discussed this issue the day before yesterday. But no statement has been made by the Parliamentary Affairs Minister on this issue. It is a very important issue where Lok Sabha called the Attorney-General. He made a statement there. Nothing is happening here on that issue.

SHRI M. A. BABY: Sir, never before has this happened. Whenever a statement is made in Lok Sabha, the very same day, a statement is made in this House.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The Law Minister is here. He may say something.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): Mr. Vice-Chairman, Sir, as directed by the Chair, I have placed the statement on the Table of the House. (Interruptions)

SHRI YASHWANT SINHA (Bihar): Mr. Vice-Chairman, this is a very important point. The Law Minister made a statement here the day before. That statement is listed for clarifications today in the Order Paper at 4.30 p.m. Meanwhile, the Government has made another statement in the other House. (Interruptions). The Government: the media, the television—I heard it with my own ears. (Interruptions)

SHRI H. R. BHARDWAJ: Sir, I am going to the other House. This statement is with me. It was listed at five o'clock. After this, I am going.

SHRI YASHWANT SINHA: The point is, the hon. Law Minister is going to the other House to make a statement. He has not made the statement while he was sitting in this House. He is not making that statement here. He has to make that statement first in the other House. Then subsequently, two days later or three days later, he will make the statement here. Now, what is the use of this House? Let us have unicameral Parliamentary system. Let there be a small House. Why have the facade, the charade and the farce of having this House?

SHRI SOMAPPA R. BOMMAI: In Lok Sabha the Speaker called a meeting of the Leader of the House, the Prime Minister and also the leaders of the Opposition Parties. They had a discussion for two hours. After that, the Parliamentary Affairs Minister made a separate statement, the Law Minister made a statement in the Lower House itself. This is different. This is altogether different. After the meeting was called by the Speaker, the Parliamentary Affairs Minister made a statement, the day before yesterday but that was not made in this House. Secondly, yesterday the Attorney-General was summoned to the House and clarifications were sought by the Members there and at 5 o'clock the Parliamentary Affairs Minister is making a statement regarding the policy of the Government and the stand of the Government will be made clear. But for the last three days this House has been neglected completely. I don't know why the Chairman did not call a meeting of the Leader of the House and the leaders of the Opposition Parties and why he is not summoning the Attorney-General to this House. We are entitled to call him here also... (Interruptions)... This House is treated as a secondary one... (Interruptions)...

SHRI G. SWAMINATHAN: Sir, we would request that at least the Prime Minister should call the leaders of all the parties. The leaders of some parties are here. Earlier, on an important subject like this, the Prime Minister

[Shri G. Swaminathan]

used to call the leaders of the parties and he used to have a meeting with them. Now it is only the Speaker who had a meeting there and there was no meeting, at the instance of the Chairman, of the leaders of all the parties. The Prime Minister has not called any of us. And now the Law Minister is here... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): One minute. The Parliamentary Affairs Minister wants to say something.

SHRI G. SWAMINATHAN: Because it concerns Tamil Nadu... *(Interruptions)*... Because it is mainly concerning Tamil Nadu, I am agitated. Because the Tamil Nadu election has been postponed... *(Interruptions)*...

SHRIMATI MARGARET ALVA: You should not mislead the House... *(Interruptions)*...

SHRI G. SWAMINATHAN: You yourself mentioned that it is because of Tamil Nadu... *(Interruptions)*...

SHRI H. R. BHARDWAJ: Kindly allow me for a minute... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Swaminathan you want certain clarifications. The Ministers are intervening. Kindly take your seat.

SHRI G. SWAMINATHAN: I am not seeking clarifications.

SHRI H. R. BHARDWAJ: I am explaining... *(Interruptions)*...

SHRIMATI MARGARET ALVA: How can you say the Prime Minister was not there?... *(Interruptions)*...

SHRI G. SWAMINATHAN: The Prime Minister should have a meeting with the leaders... *(Interruptions)*... No, no; I can ask him in this House. I can't go to the other House and ask... *(Interruptions)*... No; I am only pointing out that on important matters the Prime Minister had called me as leader.

That is why I am saying that it is such an important matter; why can't the Prime Minister convene a meeting? What is wrong in it?

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) Mr. Swaminathan, kindly take your seat. Your have to conclude now, Mr. Bommai.

SHRI SOMAPPA R. BOMMAI: Sir, I am only pointing out that this House is being treated by the Government in a callous manner. While statements were made in Lok Sabha, positive statements about multi-membership of the Election Commission and all other things—the Parliamentary Affairs Minister made a statement the day before yesterday—but the same statements were not made even yesterday in this House... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) That point you have already made.

SHRI SOMAPPA R. BOMMAI: No, no; please hear me.

SHRI M. A. BABY: Sir, this is a very serious matter. Please hear him.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Bommai, you don't want to hear the Ministry? You want to hear the Minister. The Minister is replying to your points.

SHRI SOMAPPA R. BOMMAI: It is not for the Minister, it is for the Chair. I am pointing out that there, the Lok Speaker called a meeting. Why didn't the Chairman call a meeting of the Prime Minister and the leaders here? Why isn't the Chairman summoning the Attorney-General? Why is this discrimination by Government? We cannot tolerate this?

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I will convey the sentiments of the House to the Chairman. I will convey it to him.

SHRI JAGDISH PRASAD MATHUR: Sir... *(Interruptions)*...

PROF. SAURIN BHATTACHARYA :
Sir, Mr. Seshan would have ... (Inter-
ruption)...

THE VICE-CHAIRMAN (SHRI V.
NARAYANASAMY): How can two per-
sons speak at a time ?

PROF. SAURIN BHATTACHARYA :
I stood up earlier. You asked me to sit
down because Mr. Bommai wanted to
speak, I stood up first.

श्री जगदीश प्रसाद माथुर : श्रीमन् यह
शिकायत हमेशा रहती है और आप भी
इससे सहमत हैं कि सदन की जाने अनजाने
अवहेलना हो जाती है। यह नहीं होना
चाहिये। आज की शिकायत थोड़ी सी
ज्यादा है। हम लोग 5 बजे बाद नहीं
बैठ रहे हैं। लेकिन इसका कोई परमानेंट
इलाज होना चाहिये। मैं मंत्री महोदय से निवे-
दन करूंगा कि वे प्राइम मिनिस्टर जी से,
स्पीकर साहब से और चेयरमैन साहब से
मिलकर कोई ऐसा रास्ता निकालें जिससे जैसे
ही कोई स्टेटमेंट वहां हो, वह यहां भी
हो जाय। एक मंत्री वहां और दूसरा
मंत्री यहां स्टेटमेंट देने आ जाय। साथ ही
साथ स्टेटमेंट हो सकते हैं। तकलीफ यह
हो सकती है कि वहां वह 10-15
मिनट में समाप्त हो जाता है लेकिन यहां
क्लेरोफिकेशन पूछे जाते हैं। लेकिन स्टेट-
मेंट इकठे हो जायें और क्लेरोफिकेशन बाद
में कर लें। लेकिन स्टेटमेंट एक मिनिस्टर
वहां दे और दूसरा यहां दे। अगर समय
हो तो क्लेरोफिकेशन पूछे जायें नहीं तो
उनको बाद में पूछ लें। लेकिन कोई स्टेट-
मेंट तीन दिन पहले वहां हो जाय और
यहां उसका पता न हो यह ठीक नहीं है।
इसलिए इसका ऐसा हल निकाला जाय।

PROF. SAURIN BHATTACHARYA:
Mr. Vice-Chairman, Sir, Mr. Seshan act-
ed as he did because he is fully conver-
sant with the *modus operandi* of both the
Government of India and the Parliament.
The Rajya Sabha has been reduced to a
non-entity during this period. Whatever
is being done is being done in the Lok

Sabha. Here only the exercise of how to
prevent Members from speaking has been
continuing. The need of the hour is to
nullify the misdeed of Mr. Seshan which
is possible only by a unanimous agree-
ment of impeaching him. There is no
other way. (Interruptions)...

THE VICE-CHAIRMAN (SHRI V.
NARAYANASAMY): Right. Yes, Mr.
Minister.

PROF. SAURIN BHATTACHARYA:
Anyway. We are not using... (Interrup-
tions)... the Minister. The Law Minister
has laid his statement on the Table of
the House yesterday. We are getting no
time to seek clarifications. Now he is
going to make a statement in the Lok
Sabha. When he is there we cannot seek
clarifications from him. (Interruptions)...
Such an absurd situation is there. We
should be saved from such a situation and
the country should be saved from this
spectacle. (Interruptions)...

SHRI M. A. BABY: Sir, I don't want
to take your time. Being in the Chair,
Sir, you are the custodian of the pro-
cedure of the House. The way in which
the Treasury Benches are behaving is
reprehensible. A unique constitutional
crisis has developed and the whole House
is exercised over the situation and the
whole House is ignored. This is an insult
to the Rajya Sabha. So, I hope, at least
in future this kind of... (Interruptions).
...This is an absolutely dishonest attitude
towards this House and I hope that the
Treasury Benches would behave properly
at least in future.

SHRIMATI MARGARET ALVA:

Sir, I would like to answer. I really
take very serious exception to the words
which the hon. Member has used... (In-
terruptions)... I am very sorry to say
it is unfair for him to be saying that
the Government should take it more seri-
ously. Yesterday when the Minister came
to make the statement, the House was
not prepared to sit beyond the time. (In-
terruptions)... Just one minute, please.
Please listen to me. (Interruptions)...

THE VICE-CHAIRMAN (SHRI V.
NARAYANASAMY): Kindly hear the
Minister.

SHRIMATI MARGARET ALVA: So, the Chair directed that the statement should be laid on the Table of the House. It was done. The clarifications are to be sought today. We are prepared to sit and have the clarifications to be sought. The Members say that they will not sit beyond 5 o' clock now. We, all the Ministers, are here to give clarifications. If you are prepared to sit, we will give all the clarifications. (Interruptions)... You are saying 'no' to that also. (Interruptions)...

SHRI SOMAPPA R. BOMMAI: Madam, that is not the issue. (Interruptions)... Madam, that is not the issue. (Interruptions)...

SHRIMATI MARGARET ALVA: The statement has been laid on the Table of the House. (Interruptions)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Let her finish.

SHRIMATI MARGARET ALVA: The Attorney General is to be called by the Chairman and not by the Government. (Interruptions)... The Attorney General is to be called by the Chairman and not by the Government. The Chairman has to give directions to the Attorney General. (Interruptions)... Why didn't you ask him? (Interruptions)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Let the Minister respond. (Interruptions)... Let the Minister respond. (Interruptions)...

SHRI SOMAPPA R. BOMMAI: The hon. Minister is referring to the statement of the Law Minister. I am not referring to that. I am referring to the statement made by the Minister of Parliamentary Affairs, Mr. Shukla, yesterday in the other House. After the meeting of the Leader of the Opposition with the Prime Minister, Mr. Shukla came to the Lok Sabha and made a statement there. Today, again, he is making a statement there at 5 o'clock. He has already started his statement on this issue. On this issue a statement is being made in the Lok Sabha. It has started at 5 o'clock and for three days this House has been

treated with discrimination. A discrimination has been made between the two Houses. I don't want to use strong words. It is a callous way of doing it. Mr. Shukla's statement alone is not placed here. I will clarify myself. I am saying that today Mr. Shukla is making a statement there. He doesn't make it here. That is what I want to say.

SHRIMATI MARGARET ALVA: Sir, let me clarify it. What happened in the other House the other day was that the Speaker called a meeting of the leaders of all the parties in the other House which was attended by the Prime Minister and the Leader of the Opposition also. At the end of that meeting the leaders said, "Now we are going back to the House. Our Members will want to know what happened in the meeting." So, it was decided by consensus that jointly they would inform the House that concerned has been expressed by all the parties and various suggestions have been made and the Government has agreed to look into them. That was the consensus which the leaders agreed to after that meeting. It was decided that they would all go back to the House and say that all the suggestions made, one, two or three, would be considered by the Government in the next few days. It was a consensus statement agreed to by all the Leaders of the Lok Sabha in their meeting with the hon. Speaker and the hon. Speaker would inform the House... (Interruptions).

SHRI YASHWANT SINHA: What about today?

SHRIMATI MARGARET ALVA: That I don't know. (Interruptions).

SHRI SUKOMAL SEN: Sir... (Interruptions).

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Already Mr. Baly has spoken. (Interruptions).

SHRI H. R. BHARDWAJ: Sir, may I just explain two or three things? Two days ago, when this issue was discussed in the Chamber of the hon. Speaker by top leaders of various political parties... (Interruptions).

SHRI YASHWANT SINHA: We are not concerned with that. (Interruptions).

SHRI H. R. BHARDWAJ: Just give me one minute.

SHRI YASHWANT SINHA: We are not concerned with what happened in the Chamber of the hon. Speaker or in the other House. You cannot do... (Interruptions).

SHRI H. R. BHARDWAJ: Please extend some courtesy. I am speaking for your information, not for my own information. Earlier the House said, "You need not make a statement today. Let us resolve this issue among the parties." Then at 5.30 p.m. I requested the hon. Speaker that I have to go to the other House also, so you kindly allow me to make a statement. At 5.30 p. m. they said, "You go ahead with the statement." I rushed to the Rajya Sabha. I had given a notice here and also in the other House. But this was adjourned before 5.30 p.m. My statement was to be taken up the next day. But the drought condition was being discussed yesterday. The House agreed, not I—I sat through the day—that we will first complete the Calling Attention Motion and then at 5 p.m. we will seek clarifications. I had come immediately after making my statement there. So far as the Attorney General is concerned, the position is very clear. It was the hon. Speaker who decided to summon the Attorney General. He made a request to the Attorney General to appear before the House and he appeared. You should have discussed with the Chair. Today, if Mr. Shukla has made any statement, I am not aware. (Interruptions).

SHRI YASHWANT SINHA: It is very strange. Neither the Minister of State for Parliamentary Affairs nor the Minister of State for Law is aware of the fact which was announced over the Government-controlled television that at 5 p.m. the Government will make a statement in the other House. They are not aware. Let them check up. This is the grievance that we have. (Interruptions)

SHRIMATI MARGARET ALVA: I am sorry. (interruptions). No notice has been given... (Interruptions)

श्री एस०एस० अहलुवालिया (बिहार): यह अपोजीशन और मिनिस्टर के बीच की लड़ाई है। बिहार में जो रेल एक्सीडेंट हुआ है, उसके बारे में मैं जानना चाहता हूँ।

मन्त्री जी यहाँ पर स्टेटमेंट लेकर बैठे हुये हैं, वह पहले बतायें। (व्यवधान)

SHRI YASHWANT SINHA: They don't seem to be aware of the fact that a statement is going to be made in the other House. (interruptions).

श्री एस० एस० अहलुवालिया : लेकिन यहाँ पर कानूनी लड़ाई है कि पांच बजे के बाद हम नहीं बैठेंगे। (व्यवधान)

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Hon. Members have expressed their anguish. I will convey their feelings to the hon. Chairman. (Interruptions).

श्री शंकर दयाल सिंह : उपसभाध्यक्ष जी, सवाल यह नहीं है। माननीय सदस्य श्री सोमप्पा आर० बोम्मई ने जो सवाल उठाया और कई माननीय सदस्यों ने जो कहा, उस पर आप जरा ध्यान दीजिये।

सवाल यह है कि दो तारीख को श्री सेशन ने जो बयान दिया, उसको लेकर जो स्थिति उत्पन्न हो गई पूरे देश में और जो धक्का लगा संविधान को, निर्वाचन को, राज्य सरकारों को, केन्द्र सरकार को, उसके बारे में तीन तारीख को राज्य सभा में चिंता व्यक्त की गई। तीन तारीख को जब चिंता व्यक्त की गई मुख्य चुनाव आयोग प्रधान के बारे में, उसके बाद चार तारीख को ताकि लोक सभा में अटार्नी जनरल आये, वहाँ सारा डिसकशन हुआ सारी बातें हुई। लेकिन आज पांच तारीख को भी अगर राज्य सभा में इस बात की चर्चा नहीं होती है, मन्त्री स्पष्टीकरण नहीं देते हैं, तो यह बड़े ही दुर्भाग्य की बात है राज्य सभा के लिए, जिसको हम अपर हाऊस कहते हैं।

[श्री शंकरदयाल सिंह]

इसलिए उपसभाध्यक्ष जी, इस सदन की मर्यादा को ध्यान में रखते हुए आपको यह कहना चाहिए कि जो जान-बूझ कर टालमटोल सरकारी पक्ष की ओर से हो रही है, इसकी भर्त्सना करते हैं, आलोचना करते हैं और आज इसके बाद अगर वह जवाब देने के लिए तैयार हैं, तो हम लोगों को यह जवाब देना चाहिए। यह मेरा कहना है।

SHRI G. SWAMINATHAN: What statement is going to be made in the House, we have to read from the newspapers. (Interruptions). This important statement should be made in this House also. We cannot be asked to read in the newspapers as to what has happened regarding this statement. One more thing. The hon. Minister for Law said that he wanted to make a statement at 5.30. (Interruptions)... He should have known that this House sits only up till 5 o'clock and not upto 5.30... (Interruptions)... If the Minister did not know he should have asked the Parliamentary Affairs Minister... (Interruptions).

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) At 5.30 he was going to make a statement... (Interruptions)... No, here, in the Lok Sabha. (Interruptions).

SHRI G. SWAMINATHAN: He should have known that Rajya Sabha does not sit up till 5.30... (Interruptions). Is he not aware of it?... (Interruptions)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Kindly take your seat... (Interruptions)... The Members have expressed their anguish and I will convey it to the hon. Chairman and I will also request the Parliamentary Affairs Minister... (Interruptions)... about the statement which you are referring to. I don't know about it. The Parliamentary Affairs Minister also does not know... (Interruptions)... If it is there in the other House, I will request then... (inter-

ruptions)... to come to this House with that... (Interruptions)...

SHRI SOMAPPA R. BOMMAI: We are not prepared to hear any statement... (Interruptions).

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I will have to take the sense of the House... (Interruptions)'

श्री एस० एस० अहलुवालिया : रेलवे एक्सीडेंट का भी... (व्यवधान)

SHRI SOMAPPA R. BOMMAI: We are not prepared to hear... (Interruptions)...

SHRIMATI MARGARET ALVA: Those who want to go out can go... (Interruptions)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): We can take up the statement, clarifications on the statement... (Interruptions)...

SOME HON. MEMBERS: Yes... (Interruptions)...

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER): About the truckers' strike, the whole country is concerned. But it looks as if the Members are not concerned... (Interruptions)...

श्री एस० एस० अहलुवालिया : रेलवे एक्सीडेंट हुआ है... (व्यवधान)

SHRI M. A. BABY: The management of the House is very poor. I must say the management of the House is very poor... (Interruptions)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Baby, kindly take your seat. Whether we should take up this statement now or the clarifications on the statement now... (Interruptions)...

श्री विष्णु कान्त शर्मा
 (उत्तर प्रदेश) : माननीय मंत्री जी ने जो वक्तव्य दिया है उसका स्पष्टीकरण होना चाहिए।... (व्यवधान)

SHRI JAGESH DESAI: It is the poor people who have been killed. We want to have a statement... (Interruptions)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): I would like to take the sense of the House. (Interruptions).

SHRI SOMAPPA R. BOMMAI: If you want to continue, let the clarifications be sought... (Interruptions)... You can take up the clarifications... (Interruptions)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Minister, what do you want to say? (Interruptions)...

SHRI S. S. AHLUWALIA: What is happening... (Interruptions)...

श्री एस.एस.अहलुवालिया : उपसभा-ध्यक्ष महोदय, बड़े दुर्भाग्य की बात है कि हमारे संसद सदस्य जो उस तरफ बैठे हैं कम से कम इस बात का ख्याल रखें... (व्यवधान) जो रेलवे एक्सीडेंट होता है... (व्यवधान)

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): You kindly hear me. I would like to take up the clarifications. First of all, without hearing me why are you... (Interruptions)...

THE LEADER OF THE OPPOSITION (SHRI SIKANDER BAKHT): How can we sit? Is the time being extended? (Interruptions)... We are not allow-

ing the time to be extended... (Interruptions)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Do you want the clarifications to be taken up or the Railway Minister statement... (Interruptions)...

SHRI G. G. SWELL: We want clarifications the Law Minister's statement (Interruptions).

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Ahluwalia, I have to go by the list of Business... (Interruptions).

SHRI SIKANDER BAKHT: List of Business! Mr. Vice-Chairman, the time of the House has not yet been extended. What do you mean by List of Business? (Interruptions).

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Some Members say clarifications and some Members say statement... (Interruptions)...

SHRI SIKANDER BAKHT: Nobody wants... (Interruptions)...

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): One minute. The House is adjourned till eleven tomorrow.

The House then adjourned at thirty-four minutes past five of the clock till eleven of the clock on Friday, the 6th August, 1993.