

the overdues will come to Rs. 625 crores it is subject to correction. Of course, of these loans the recovery is to be made. Therefore, we are saying that whoever steps into the shoes of this S.D.F.C, the recovery by various modes would be instituted. One of the methods would be recovery as land revenue. The S.D.F.C, *per se*, by itself cannot tope up and the financial institutions would not also come to its assistance. Therefore, it is better that we create a new institution by amending the Merchant Shipping Act as proposed.

श्री राम अवधेश सिंह : यह जो नयी संस्था बनाएंगे, क्या इसमें लोन रिकवरी की समस्या खड़ी नहीं होगी।

श्री बी० के० गड्ढी : यह अर्थशास्त्र की बात है तो मैं जरा धीरे से समझाऊंगा ... (व्यवधान) यह आर्थिक नीति की बात है इसको आप देखें ज्यादा ध्यान से देखें फिर बात करें : ... (व्यवधान)

श्री राम अवधेश सिंह : पूरी आर्थिक विफलता है। इस नीति की क्या बात है ... (व्यवधान) बहुमत है तो जो मनमें आये करा लीजिए।

SHRI B. K. GADHVI: This is the very reason. Since we have to establish a new agency for this, we have brought this Bill. If the hon. Member wants to know more, I can further explain to him. But I don't think there is that there is much time to do it. Therefore, I request that the Bill may be taken [into consideration.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA);

The question is;

That the Bill to abolish the Shipping Development Fund Committee constituted under the Merchant Shipping Act, 1958, and to provide for certain matters incidental thereto, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA); We shall now take up clause-by-clause consideration of the Bill.

*Clause 2 to 20 were added to the Bill.*

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

SHRI B.K. GADHVI; Sir, I move

"That the Bill be passed."

*The question was put and the motion was adopted.*

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): We shall now take up the consideration of the Consumer Protection Bill, 1986 and other Bills. All these Bills will be taken up together. This is the decision of the Business Advisory Committee.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): Sufficient time should be given to Members.

1. THE CONSUMER PROTECTION BILL, 1986

2. THE STANDARDS OF WEIGHTS AND MEASURES (AMENDMENT) BILL, 1986

3. THE STANDARDS OF WEIGHTS AND MEASURES (ENFORCEMENT) AMENDMENT BILL, 1986

4. THE ESSENTIAL COMMODITIES (SECOND AMENDMENT) BILL, 1986

5. THE DRUGS AND COSMETICS (AMENDMENT) BILL, 1986

6. THE PREVENTION OF FOOD ADULTERATION (AMENDMENT) BILL, 1986

7. THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES (AMENDMENT) BILL, 1986

8. THE AGRICULTURAL PRODUCE (GRADING AND MARKING) AMENDMENT BILL, 1986

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

"That the Bill to provide for the better protection of the interests of consumers and for that purpose to make

[Shri H.K.L. Bhagat]

provision for the establishment of consumer councils and other authorities for the settlement of consumer's disputes and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

Mr. Vice-Chairman, Sir. consumer protection is of vital importance for all of us because we are all consumers. Despite all round growth and progress in the country during the past four decades, the consumers' sovereignty in choice of goods and services has been eroded by various forms of unfair, monopolistic and deceptive trade practices.

Although there are a number of consumer protection laws in our country, an effective and broadbased consumer protection movement has yet to gain sufficient ground. The existing laws do not provide for speedy relief and compensation to the aggrieved consumers. The procedures are long-drawn and cumbersome.

Protection of legitimate rights and interests of consumers depends not only on the legal frame-work that could be provided for the purpose by the Government but more so on a strong voluntary consumer movement effectively functioning at the grass-root level and also on adequate response and co-operation from the trade and industry and all sections of the society, particularly women and youth. Government under the dynamic leadership of the Prime Minister has accorded a high priority to protect the interests of the consumer. 'Concern for the consumer' is included in the 20-Point Programme, 1986.

To facilitate redressal of consumer grievances, the existing laws are being amended to confer specific rights on the aggrieved consumers or consumer organisations registered under the Companies Act or under any other law in force to file a complaint in the courts. Hitherto, such a complaint could be filed only by Government functionaries. In addition, it has been considered necessary to have a separate comprehensive consumer protection legislation which could provide for speedy, simple and inexpensive relief]

compensation to the consumers. To make it effective it was also felt necessary that the redressal machinery should be available within easy reach of the consumers.

After careful consideration of various ideas, the Consumer Protection Bill in question was framed. The Bill is a landmark, in the country's socio-economic legislation. It is in addition to and not in replacement of any other law on the subject of consumer protection. The Bill enshrines the rights of the consumers to be promoted and protected by the Consumer Protection Councils in the Centre and the States and the redressal machinery at the national, State and District levels.

The salient features of the Bill are: The Bill provides for setting up of Consumer Dispute Redressal Forum in every District, a Commission at the State level and the National Commission at the Centre. The Forum in the District will have original jurisdiction to redress consumer complaints upto a claim amount of Rs. 1 lakh, the State Commission upto an amount of Rs. 10 lakhs and the National Commission for any claim for damages above Rs. 10 lakhs, (ii) The Bill provides for establishment of Consumer Protection Councils in Centre and the States giving representation to officials as well as non-officials, (iii) It shall apply to all goods and services and covers both public, co-operative and private sectors, (iv) Under the provisions of the Bill, a complaint can be filed by a consumer or a consumer organisation. Such complaints would cover unfair trade practices, defective goods and services and unreasonable prices charged.

Hon. Members will agree that the proposed legislation is a milestone for providing speedy and inexpensive redressals to the grievances of consumers and for promoting a strong and grass-root based voluntary consumer movement in the country.

Sir, I would like to add that before framing this Bill, we have had the benefit of public opinion in the country through a seminar, through discussions with various people, through some discussions in

the Consumer Advisory Council at the Centre, and we studied the laws of the United Kingdom, the United States of America, New Zealand and Australia. And ' this Bill, in fact, is not against anyone. As i said earlier, each one is a consumer. A producer is a consumer. A manufacturer is a consumer. A trader is a consumer. They may be traders in one part but they are consumers in many more parts. There, fore, this Bill is pro-everyone. It is not against anyone. And I am sure that implementation is more important. If it is properly implemented, it wall give the results. That is very necessary.

Sir, I want to say that this is a progressive piece of legislation. We have gone through the press write-ups and various suggestions from time to time from va-consumer organisations.

tly. Sir, I want to jay, not because I an a Minister in the Cabinet, not that I want to please anybody, but I cannot help saying that but for the concern of the Prime Minister expressed for a long time for the welfare and greater social justice and economic justice to the consumers, this Bill as it is would not have seen the light of the day.

With these words, I commend this Bill in question for the consideration of this House.

!E VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): You may move the other Bills also.

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

"That the Bill to amend the Standards of Weights and Measures Act, 1976, as passed by the Lok Sabha, be taken into consideration."

Sir, I would not make any speech. The principle is the same, giving rights to the consumer and consumer organisations to file the complaints.

Sir. I beg to move;

"That the Bill to amend the Standards of Weights and Measures (En-

forcement) Act, 1985, as passed by the Lok Sabha, be taken into consideration."

Sir, I also beg to move;

"That the Bill further to amend the Essential Commodities Act, 1955, as passed by the Lok Sabha, be taken into consideration."

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

"That the Bill further to amend the . Drugs and Cosmetics Act, 1940, as passed by the Lok Sabha, be taken into consideration."

Sir, I also beg to move:

■That [he Bill further to amend the Prevention of Food Adulteration Act, 1954, as passed by the Lok Sabha, be taken into consideration."

IE MINISTER OF STATE IN THE DEPARTMENT OF INDUSTRIAL DE- 'OPMENT IN THE MINISTRY OF INDUSTRY (SHRI M. ARUNACHA- LAM); Sir, I beg to move;

"That the Bill further to amend the Monopolies and Restrictive Trade Practices Act, 1969, as passed by the Lok Sabh?., be taken into consideration."

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

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

Sir, it is a matter of satisfaction for me to move the Agricultural Produce (Grading and Marking) Amendment Bill, 1986 for consideration of this august House The Bill seeks to amend Agricultural Produce (Grading and Marking) Act

[Shri Ramanand Yadav] 1937. The Agricultural Produce (Grading and Marking) Act, 1937 provides for the grading and marking of agricultural and other allied commodities with the objective of making available quality agricultural produce to the consumers. Grading under this Act is purely voluntary in nature. The insignia used for grading, is 'Agmark', which is a household name by now. Under this Act, grade specifications have been laid down for as many as 142 agricultural commodities. In order to promote export trade of agricultural produce by ensuring quality products to the importers, compulsory grading of agricultural produce before export is carried out in respect of 41 commodities under 'Agmark' under the provisions of the relevant Export Acts. The important commodities covered under compulsory quality control before export are cardamom, chillies, black pepper, turmeric, curry powder, un-manufactured tobacco, walnut, onion, potato, ginger, pulses etc. The important commodities being agmarked for internal consumption are ghee, butter, honey, ground spices, atta, fibres, pulses, eggs etc. There are more than 11,000 authorised packers all over the country grading commodities under 'Agmark'. During the year 1984-85, commodities worth about Rs. 666 crores and Rs. 523 crores were graded under 'Agmark' for export and internal consumption respectively.

The Agricultural Produce (Grading and Marking) Act was enacted in 1937, *i.e.* about half a century ago. Since then there have been many important changes in the economic and social fields. It has, therefore, become necessary to review the provisions of the Act and to strengthen the same with a view to promoting and protecting the interests of the consumers. Further, the penal provisions of the existing Act are too lenient. For example in case a complaint is established against a packer then only a penalty of Rs. 500/- at the most can be imposed and the permission given to the concerned party to affix 'Agmark' can be withdrawn. I also concede that in spite of the elaborate procedures prescribed for grading under 'Agmark', complaints have been received about the quality of agmarked goods. It

is, therefore, considered desirable to make the penal provisions of the Act more deterrent and also to provide more teeth to the Act. In this regard the main guiding force should be the interests of the consumers. This Bill seeks to achieve this objective. I would like to mention some of the important provisions which have been introduced in this Bill. In the existing Act there is no provision against sale of misgraded articles. It is proposed to declare it an offence to sell any misgraded article. The misgraded article would be that which is not of the quality prescribed for the grade designation with which it is marked, if the composition of the article offered for grading is altered in any way after a sample has been drawn for analysis and determination of the grade designation of the article, if the article is tampered with in any manner or if false claim is made for the quality upon the label or through advertisement or in any other manner. For this, clause (j) of section 2 of the Act is proposed to be inserted. The penalty for selling misgraded articles is proposed to be imprisonment for a term not exceeding six months and fine not exceeding Rs. 5,000/-. For this purpose, section 5A is proposed to be inserted.

As you are aware, there is no way to find out the quality of agricultural commodities available in the market for sale. 'Agmark' is voluntary. Prevention of Food Adulteration Act is concerned only with the adulteration aspect. It is, therefore, proposed to empower the Central Government to introduce compulsory quality control, wherever it is necessary, in the public interest or for the protection of consumers, in respect of an article or class of articles either in the whole country or part thereof. Compulsory quality control under 'Agmark' would ensure not only a minimum quality but would also indicate the quality standard to the consumers. In cases where compulsory grading has been notified in respect of an article, its sale without affixing 'Agmark' would attract the penalty of imprisonment up to six months and fine up to Rs. 5,000/-. For these purposes, Section 5B is proposed to be inserted in the Act.

The penalty for unauthorised marking with grade designation mark is proposed to be increased from the existing penalty of fine up to Rs. 500/- to imprisonment up to six months and fine up to Rs. 5,000/-. Similarly, the penalty for counterfeiting grade designation mark is Pro-posed to be increased from imprisonment up to 2 years, or fine, or both, to imprisonment up to 3 years and fine up to Rs. 5,000/-. Sections 4 and 5 of the Act are accordingly proposed to be amended.

In order to strictly enforce the provisions of the Act, it is proposed that powers of inspection, search and seizure may be vested in officers of gazetted or equivalent rank belonging to Central Government or State Government or other authorities authorised by the Central Government. For this purpose, Sections 3A and 3B are proposed to be inserted in the Act.

To ensure the quality of agmarked goods, it is felt necessary to give powers to file complaints to the aggrieved persons and recognised consumer associations. Till now, it never existed. This will help in building up a healthy consumer movement in the country. Accordingly it is proposed to empower the person aggrieved or a recognised consumer association, in addition to the Central Government or the State Government or any officer authorised by it, to file complaints in the Courts. For this purpose, Section 5C is proposed to be inserted in the Act.

It is also proposed to empower the Central Government to make rules for achieving the objectives of the Act. For this purpose. Section 3 of the Act is proposed to be suitably amended. However, as provided in Section 3(2), every rule made by the Central Government would be laid before each House of the Parliament.

Sir, I would not like to take more time of this House.

SHRI NIRMAL CHATTERJEE (West Bengal); You have already.

DR. (SHRIMATI) NAJMA HEPTULLA (Maharashtra): It should be recorded

as the best joke of the year.

SHRI RAMANAND YADAV; I do believe that the amendments proposed in this Bill will go a long way towards providing a better legislative and administrative framework for ensuring quality of agricultural commodities graded under Agmark.. These measures would in turn help in protecting the interests of the consumers. I commend this Bill to this august House for its unanimous acceptance.

*The questions was proposed*

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): All the Bills are open for discussion together. Shri Baby.

SHRI M. KADHARSHA (Tamil Nadu): Who will reply?

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA); Individual Ministers will reply.

SHRI M. A. BABY (Keraia).- Thank you, Mr. Vice-Chairman. Just now we have listened to the introduction of an avalanche of Bills. The intentions of these Bills I do not want to dispute in general. Among the avalanche of Bills one is Named the Drugs and Cosmetics (Amendment) Bill. I have an apprehension that this so-called progressive social legislation has been brought as a cosmetic to cover up the otherwise not so beautiful face of the present Government. (*Interruptions*). That way we are having so many beautiful Members on the other side. I have the apprehension because I cannot help mentioning the facts. Even if you confine to the kind of legislations we have in our country, you will find a number of legislations of this character already existing in our country. Not necessarily the consumer protection Bill, but there are the Bills like the Standards of Weights and Measures Act, Drugs and Cosmetics Act in its new form, the Agricultural Produce (Grading and Marking) Act, the Monopolies and Restrictive Trade Practices Act, and so on and so forth. The point is, while we enact such legislations, they are

[ Shri M. A. Baby]

seldom put into practice, or rarely put into practice, to be precise. Again, at times, those who do not fall in line with such legislations, for them the period is extended. At times, amendments are brought in to protect those who violate certain rules and regulations. I do not want to go into the long list of experiences. Recently, amnesty is announced for economic terrorists. This is a clear case at hand. Those who violate FERA, those who violate Income Tax rules and all that amnesties have been announced for them. I am just giving instances. Such experiences are before us. That is why, while generally appreciating the spirit, I cannot help expressing my apprehension that this may end up in an exercise of mass deception, if I borrow the usage of our respected Chairman.

Mr. Vice-Chairman, I am constrained to find some other ramifications also. If you are by the latest trends in our economy, you will find a kind of elitist consumerism being encouraged in India today. This is not what strictly I say. While inaugurating the World Economic Con-gress, Professor Dr. V. K. R. V. Rao himself has struck a note of caution against developing consumerism of an elitist character, which he said would accentuate social tensions and conflicts. This I am quoting from as reported in the Times of India'. Dr. V. K. R. V. Rao cautions us about the development of an elitist consumerism and here I find a link between the development of this elitist consumerism in our society with the Government's efforts, in bringing forward this Consumer Protection Bill. A new consumer section is developing in our society. Before going into the details of some clauses of the Bill, I want to bring to the notice of this august House this important aspect. Now the overall character of the Bill has good intentions, but it also betrays the intention of the Government. The Bill speaks about the Councils established at the state level and Central level.

SHRI KALPNATH RAI (Uttar Pradesh):  
At district level.

SHRI M. A. BABY; Upto district level.  
This is there. But the responsibility has been given to the Central and State Gov-

ernments. I Want that the same responsibility should be given to elected Zila Parishads and municipalities also. Why this is missing? This should be taken to grassroots' level. I need not quote statistics to prove how much of our population lives in villages. In practice they are being excluded from the purview of this. So I find that the overall orientation of this Bill is towards protecting the interests of newly developing elitist consumers in our cities and towns. This is my argument. I don't say that their interests need not be protected. I am all for this. But this orientation remains and a vast majority of our population does not find their position falling within the purview of this Bill.

Here another aspect comes. The majority of the Indian people does not have such consumer aspirations because they live below the poverty line that imaginary line. Those who live below the poverty line, those who do not have any purchasing power at all, do not have any consume interests to be protected that way. In this situation, the Government is quite right in not bringing the village people within the purview of this particular Bill.

Now I would like to go into certain aspects of the Bill. In this connection I would like to reiterate that upto the block level there should be mechanism to protect the interests of consumers. This is the first point I would like to bring to the notice of the Government.

Secondly, elected Zila Parishads and municipalities should be empowered with the rights and responsibilities as in the case of the State Government and Central Government.

Another aspect is regarding sub-clause 2(1) (c) (iii) under "Definitions". It states; "the services mentioned in the complaint suffer from deficiency in any respect; My doubt is whether services like transport, railways, telephones, communication etc. will come within this definition or not. My demand is that those also should come within the purview of this definition.

Again in the same sub-clause item (iv) says:

"a trader has charged for the goods mentioned in the complaint a price in excess of the price fixed by or under any law for the time being in force or displayed on the goods or any package containing such goods,"

That much is good. But the important point is that the majority of consumer goods being purchased by poor people does not come in this category of packed goods. All of us know that a very limited number of consumer items are being provided in the market in packets. Only in the case of such articles can this provision work. Here also the orientation towards the interest of the elitist consumer has been exposed and displayed. My demand is that there should be sufficient provision in the case of things, articles and consumer goods which are not at all packed. During the Emergency there was the system, again as a cosmetic, to display the price of each article in every shop so that there could be some mechanism. It is unfortunate that while preparing the draft, this most important aspect has been missed and the Government is taking into account only those limited stuffs, articles and consumer goods which appear in packed form in our society. (*Time-bell rings*). . . Sir, considering the importance of this Bill, I would like to take three or four minutes more.

Now coming to Chapter III, I have some reservations regarding the tenure of the District Forum. In the Bill it is five years. I consider it as too long. It would be better if it is reduced to three years. This is my concrete suggestion.

Now regarding the salary or honorarium and other allowances payable to those who work, I would like to know whether the Central Government will provide special financial aid to the States, because presently no such proposal has been mentioned in this. Unless the Central Government provides the State Governments with sufficient funds, it will be difficult for the State Governments to bear the financial expenditure which may follow.

Now there are some minor discrepancies which, I think, are due to lack of home work having been done while bringing the Bill. For example, in Chapter III, under Composition of the District Forum, it speaks about a lady social worker being included, but when it comes to state Commission, it speaks about "a woman". I do not know why there different types of terms are being used. In one place a lady social worker is necessary and in, another place only "a woman" is necessary. I hope such discrepancies will be corrected.

When the Bill discusses about possible punishments which can be given, I would like to get one word deleted in page 11, clause 27, line 32. It speaks about imposing sentence of imprisonment or fine or both. So I would like to demand that the word "both" should be deleted. I want that both imprisonment and fine should be given because in the society where those who engage in malpractices can amass any amount of profit and they can easily pay if it is only a fine, and unless imprisonment is also included the desired results may not be achieved.

While concluding I would again like to request the Government that they should not reduce the measure to a mere cosmetic. While appreciating the good intentions of the Government, I hope that— despite the fact that so many such legislations have been existing in our country all these years these are not put to use at least in this case the Government will come forward with practical efforts, concrete efforts and effective, steps so that the interests of the consumers can be protected. Thank you.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): Dr. Najma Heptulla.

DR. (SHRIMATI) NAJMA HEPTULLA: Thank you, Mr. Vice-Chairman.

While I support these eight Bills, I do not think this time of the House has been so well consumed as it is being done today by discussing all the eight Bills which, are related to each other.

SHRI V. NARAYANSAMY (Pondichery): As Deputy Chairman, you rang the bell also.

DR. (SHRIMATI) NAJMA HEPTULLA: I was protecting the consumers because the time of the House is very expensive and we cannot waste it.

Sir, I support the Consumer Protection Bill and the other Bill and I congratulate the Government and especially the Prime Minister who has taken special interest in bringing this Bill to the House in spite of so many undercurrents and movements that this Bill should be sent to a Select Committee. The Prime Minister has not only taken it seriously for consumer protection and taken it in the 20-Point Programme, but even much before he has always supported and encouraged NGOs involved in consumer protection and consumer guidance.

Sir, while I support, I would say that we in our country have copied many good things from the western consumer-oriented society, and we have also taken so many not so very good things from the consumer oriented societies of the west. Sir, those affluent societies have a sellers' market and they have a very strong system of advertising. It is said that in the western countries they are so capable of selling articles that they can sell a refrigerator to an Eskimo at the North Pole. But in our country we do not have much of a choice. Though we have other legislations, still there is a great need for consumer protection, and I think this piece of legislation is very important.

Our society is a mixed trading and economic society. Some part of our trade or commerce is in the hands of private people, some in the hands of semi-government organisations and some under the Government Services.

Sir, it is very correct that in our country we have a large number of people below the poverty line. There are people who have fixed incomes, and they have to keep a tight string of their purse. It is very essential that they should get their

money's worth for whatever services or items they are going to get.

Sir, as far as private parties are concerned, there are many legislations whether on food adulteration, cosmetics, drug adulteration or the MRTP and many others, and all of our Members are aware of how poor consumers who are so ignorant about their rights are cheated and fleeced by unscrupulous people by selling adulterated goods.

As far as food adulteration is concerned, I am sure, Sir, even you are aware that there is very kind of adulteration, thinkable and imaginable. These people mix plastic balls in *Sabun*, yellow and with *haldi*, and I should be ashamed of saying horse-dropping with *dhania* powder.

I have been associated with the consumer movement while working 5 p.m. with the Consumer Guidance Society in Bombay for the last fifteen years. This society has done a great service to the people by bringing these culprits to the book. Apart from that there have been many cases of not only sub-standard drugs, but also of spurious drugs which come into the market and cause danger to the life of the people. You must be remembering not very long ago there had been adulteration in liquor also and there was a great tragedy of hooch where lots of innocent lives were lost. I know the Government has got the capability and capacity to deal with these people and they have taken the measures also, but when I talk about the semi-Government, it is about the public distribution system. We, who come from big cosmopolitan cities like Bombay, have to face problems with the Government ration shops. We have to put up with whatever material is provided to us in the form of rice, wheat or whatever we buy from the Government shops under the pretext that that is the material supplied to them by the Government. And their word is against us and ours against them. Sir, we do not live in a city like Delhi where one can get Basmati rice. We have to put up with whatever is being supplied in our city through ration shops.



And the third is the most sensitive agency—the Government. A large number of services are totally under the Government protection. For example the Railways, whether I like it or not, I have to travel, by the Indian Railways. Whether the amenities I should get for the fare I pay or don't get, whether there are fans in the bogies or not, whether taps have got water or not, whether the latrines are clean or not, whether there are windows with the panes or not, I have to Put UP with it because I do not have any choice or share no competition where I could choose a mode of transportation. Similarly if it is with the telephones. Whether my telephone works or does not work, I have to pay rent for it. And most of the time—Sir, as you are smiling—I feel your telephones do not work also.

DR. BAPU KALDATE (Maharashtra): It is an additional rent.

DR. (SHRIMATI) NAJMA HEPTULLA: And even when they are working 'after a lot of prayers and pooja, every third number you dial, you get a wrong number. If it is a wrong number to a right person, it is all right, but most of the time it is a wrong number to a person who very angrily bangs the telephone. Similarly, it is the Airlines and many other services. For instance you take roads. Their conditions are such that the bills for the repair of the cars mount up. But we have to keep on paying the road taxes to the municipalities. I request the hon. Minister who is a very capable person to look into these matters.

Sir, I congratulate the Minister for bringing consumer protection down to the district level, because there is a great need not only for the protection, but also for creating awareness among the consumers. The consumer should know what are his rights and what are his responsibilities, I say so while I am, speaking from the Treasury benches. If I had been speaking from the other side I would just be criticising now and criticising letters for the sake of criticising the Government. It is correct if it is a healthy criticism. But when I speak from the Treasury benches, I feel it is a great

responsibility on us while we pass a legislation like this. There should also be enough will in each and everybody of us to see that it is made applicable in the spirit in which it is being brought to this House.

*(Time bell rings.)*

DR. (SHRIMATI) NAJMA HEPTULLA: Sir, you should think that sometimes I also used to ring the bell.

THE VICE-CHAIRMAN (SHRI HANUMANTHAPPA): Well, in the opening remarks you said I have to protect the time of the House.

DR. (SHRIMATI) NAJMA HEPTULLA: Sir, I would just like to make a few suggestions. We want proper teeth and the teeth should be sharp enough to dig very well and not elephant tusks or dentures. We want teeth of a new type which are sharp enough to cut into this menace of the society.

Now, I would like to give a few suggestions. You have taken non-Governmental organisations into consideration. Our country is so vast and our people do not know about this. It is a new thing, in our country. Therefore, we should involve many more NGOs not only at the district level, State level and Central level but also at other levels. You should give them enough powers so that they can go round and take samples of the adulterated commodity and check mal-practices which are going on in the society. I feel that more and more women should be involved because it is women who always bear the brunt of it. We know now much difficulty we have to face. As my colleague, Shrimati Pratibha Singh, just now said that she purchased a bag of wheat flour from the Sahkari Bhandar and found a lot of insects in it. Even if NGOs are given more powers, there are not enough kits available for testing, we do not have sufficient laboratories for testing adulterated commodities. So the Government should consider providing enough kits to these NGOs and voluntary organisations for conducting the tests at the shop itself or wherever they go and find there is a case of adulteration.

[Dr. (Smt.) Najma Heptulla] Now about these big hotels and pricing system I will give one small example. Whether any Government agency tried to find out about ordinary eating houses and particularly five-star hotels. In five-star hotels a glass of mango juice costs more than Rs- 50. I think I can buy at least a dozen of mangoes and take out a dozen glasses of mangoes juice. Some people might say that they are five-star hotels and five-star hotel consumers do not need any protection. I am happy if the poor, people are benefited by this. But here one rich man fleeces another rich man and becomes richer while the poor do not get any benefit.

I would like to bring one more thing to your kind notice. You know how many millions of pencils are sold every day. These pencils are bought by poor students. Have you got any means to find out the life of a pencil lead? When a child keeps sharpening the pencil, the pencil lead keeps breaking and the poor mother has to buy every now and then. Similar is the case with erasers also. There is no standardisation in our country.

As Mr Ramanand Yadav has said that there is AGMARK standardisation of goods and ISI know that there is one more institute, namely ISI. Now there are only two organisations. But our markets are so big and our country is so large—in spite of the best intentions—I do not think they can cope up with all the problems faced by the consumers. We should have more organisations of this type.

Once I suggested to the hon. Prime Minister in the Consultative Committee meeting of Science and Technology at-attached to the Ministry of Science and Technology that at our school level our students should be taught about testing, and instruments should be provided to them for testing bulbs, pens, pencils, etc. (*Time bell rings*) This is the last bell for me and I will conclude in a minute. I support this Bill not only as a Member of this House but as a consumer. Once again I congratulate the Government, but with caution to see that unscrupulous

people should not take advantage of these pieces of an important legislation and that it is implemented in the true spirit in which the Government especially the Prime Minister wants to protect the-interest of the consumers. With these words, I support all the Bills.

**डा० बापू कालदाते :** उपसभाध्यक्ष महोदय, जो आठ विधेयक इकट्ठा इस सदन के सामने पेश किये गये हैं, उनकी जो परिकल्पना है मैं उसके साथ हूँ क्योंकि इस देश में यह बहुत जरूरी है कि ग्राहकों की रक्षा हो और ग्राहकों की जो शिकायतें हैं उन सारी शिकायतों को दूर किया जाये। आपका कंप्यूटर प्रोटेक्शन वाले में जो क्लाज 12 है, उसी क्लाज 12 को अलग अलग बिलों में बांटकर रखा गया है। कई बिल ऐसे हैं जिसमें क्लाज 12 है :

... of the consumer protection Bill is just added ...

तो इसलिए उन सारे बिलों की बात मैं नहीं करूंगा लेकिन इस बिल में जो सब से बुनियादी बिल है मैं यह जरूर कहूंगा कि हमारे देश में ग्राहक आंदोलन बहुत कमजोर है। आप भी जानते होंगे कि इंग्लैंड में एक जमाना था जब ग्राहक आंदोलन धीरे धीरे बढ़ता गया और गुणात्मकता के लिए, कीमतों आदि के लिए अपना दबाव डालने लगे, अपने हित की रक्षा करने तक शक्तिशाली हो गया। जो आपके विधेयक द्वारा हो रहा है यह आवश्यक है। उनकी सुरक्षा और शिकायतों को पूरा करने की कुछ व्यवस्था इस विधेयक के द्वारा हो गयी है। मैं यह मानता हूँ कि दो तरह से हम लोगों को काम करना होगा। एक तरफ से जागृति, जानकारी और जागरण समाज में चलता रहे लगातार। शिक्षा के रूप में या मीडियाज आफ कम्युनिकेशन के जरिये उनको लगातार तैयार रखना चाहिए जिससे कि ग्राहक स्वयं अपनी शक्ति से इन चीजों को रोकने में सक्षम हो जाय। एक तरफ यह होना चाहिए और दूसरी तरफ जैसे कुछ कानून आप लाये हैं, इनके द्वारा उनकी मदद करें, ताकि उनकी शक्ति बढ़ाने में उनको शक्ति देने में हम लोग मदद कर सकें। उद्देश्यों में क्लाज 6 में जो मैं बहुत बुनियादी मानता हूँ, आपने कहा है :

The right to be informed about the quality, quantity, potency, purity, standard price of

सही में अगर पहली बुनियादी बात कंज्यूमर के लिए कुछ आवश्यक है तो वह कीमत है। उपसमाधुक्त महोदय, शायद आपने आज हा मुता होगा कि हमारे मित्र, इस सदन के सम्माननीय सदस्य श्री जगेश देसाई जी ने स्पेशल मेशन में इस बात का जिक्र किया है कि अचानक कीमत बढ़ गयी वनस्पति तेल की और इस पर ग्राहकों का कोई नियंत्रण नहीं है। सही मने में ग्राहकों को सबसे बड़ी शिकायत या दुख इस बात का होता है कि उनके हाथ में प्राइस कंट्रोलिंग कोई रेगुलेशन नहीं है। जैसा कि अभी कहा सेलम मारकेट है, हम खरीद सकते हैं लेकिन दाम क्या हो यह न हमारे हाथ में है न ग्राहकों के हाथ में और मैं मानता हूँ कि इसमें सबसे ज्यादा कमजोर अगर को रहा है तो शासन रहा है। ग्राहकों के लिए जो आवश्यक चीजें होती हैं उनके दामों का नियंत्रण हो और उचित दाम पर कंज्यूमर वह चीज ले सके इसकी कोई व्यवस्था जब तक नहीं होगी तो क्वालिटी वर्ग रह तो हमारे ऐसे ही बिगड़ जाती है। समझिए कि आपने दाम निश्चित कर दिया, उसमें खरीदने की ताकत भुजे नहीं है तो मैं खुद ही जाता हूँ और कम दाम की, कमजोर तथा बेकार चीजें खरीदता हूँ क्योंकि इन चीजों की मुझे जरूरत है। मिसाल के तौर पर मैं एक उदाहरण दे रहा हूँ। एफ.सी.आई. तो अपना ही है। आज महाराष्ट्र में अकाल है। एफ.सी.आई. और सरकार ने यह फैसला किया कि वहाँ जो इंसानों के खाने लायक अनाज नहीं है वह जानवरों के लिए दे दिया जाये, तगाई के रूप में, हिंदी में क्या कहते हैं मुझे मालूम नहीं है, तगाई के रूप में जो सचिसडी देते हैं जानवरों के चारे के लिए, खानपान के लिए उस के रूप में यह दिया जाये। हम खुद देखते हैं कि जो अनाज तगाई के रूप में या सचिसडी के रूप में जानवरों के लिए दिया जा रहा है वही गरीब लोग खुद खा रहे हैं। क्योंकि उनके हाथ में कुछ नहीं है। वे समझते हैं कि चलो जानवरों का तो मिल गया है। वे

goods so as to protect the consumers....

तो ऐसे ही मरने वाले हैं न पानी है न खाने के लिए कुछ है तो चलो देखा जाये हम हो खाल तो फुट एण्ड दी मोस्ट इम्पोर्टेंट थिंग अगर ग्राहक की रक्षा करनी है, तो कीमतों का नियंत्रण, यह सब से अति-आवश्यक चीज हो जाती है, जिसके बारे में यह विधेयक हमारे लिये कुछ कहता नहीं है। यह बात मैं पहले-पहल आपकी नजर में ले जाना चाहता हूँ।

दूसरी बात यह है कि जहाँ तक एड्रेशन मेजरमेंट का सवाल है, एक सर्वे हो चुका है हाल ही में और यह कहा गया है कि इस देश में यह जो माप-तौल में घटियागिरी देने वाले होते हैं, कम देते हैं, इसमें यह कहा गया है कि 1600 करोड़ रुपये, इतनी बड़ी कीमत पर या पैमाने पर लोगों को फंसाया जाता रहा है।

The consumers are cheated to the tune of Rs. 1600 crores by this measurement business—not giving them proper measures.

अगर यह मेजरमेंट वाले लोग इतना धोखा दे सकते हैं, स्पूरियस ड्रग्स वगैरह की बात आपने कही, मैं उसमें नहीं जाना चाहता हूँ। इसके लिए मैं अगर यह कहूँ कि यह विधेयक इस दृष्टि से कितनी हद तक ग्राहकों की रक्षा कर सकेगा, इसके बारे में मेरे दिल में शंका है। दो बातें इसके लिए बहुत जरूरी हैं।

आपने तो यह ठीक किया है कि आपने सारे जिला हद तक कौंसिल बनाने की कोशिश की है, यह ठीक है जैसा कि बेबी जी ने कहा था, हम जरूर मानते हैं कि अगर हम ब्लॉक लेवल तक ले जाएं, तो ज्यादा अच्छा होगा।

श्री कल्पनाथ राय : केवल ब्लॉक लेवल पर क्या होगा ?

डा. बापू कालदाते : आज मैं सोचता हूँ कि कम से कम तहसील तक तो चले

[डा. व. व. वा. वा.]

जाएँ, जो आपका डीसेंट्रलाइज्ड पोलिटिकल स्ट्रक्चर है, वहाँ तक अगर हम जा पहुँचे, तो ज्यादा अच्छा होगा लेकिन अगर हम आपको कहें कि इसमें दो-तीन बातें करनी बहुत आवश्यक है, एक तो कहना चाहेंगा कि जो फारमेशन आफ दी कमेटीज कौंसिल की बात कही है, मुझे तो यह समझ में नहीं आता कि आपने इसका मिनिमम और मैक्सिमम नम्बर क्यों तय नहीं किया ?

अब देखिये आपने हरेक जगह पर अलग-अलग कह दिया है, एक तो कहा है क्लॉज नं. 4 में, सेंट्रल कौंसिल वाली बात है, जिसमें कहा है कि —

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

तो खुला छोड़ दिया है, तो आप जो तय करेंगे, क्योंकि आप उसके चैयरमैन रहेंगे, जब तक आप इस खाते के मंत्री हैं, तब तक आप उसके चैयरमैन रहेंगे और आपके मन में जो प्रेस्क्राइब करना है, हो जाएगा

—Why have you not specifically prescribed that this will be the composition or the structure of the committee?

राज्य में, अब आप क्लॉज नं. 7 पर आइये, क्लॉज 7 में आपने कहा है कि जो सरकार, राज्य सरकार तय करेगी, वह हो जाएगा, यानी राज्य और केन्द्र की हद तक तो आपने अपने हाथ में पावर रख ली, लेकिन जब आप जिले पर जाते हैं, तब स्पेसिफाई करते हैं और जिले पर जा कर आप यह कहते हैं कि कैसे होगा—

—"Each District Forum shall consist of

यहां आपने स्पेसिफाई किया और यहां कहा है—

a person who is, or has been or is qualified to be a District Judge..."

तो ठीक बात है, डिस्ट्रिक्ट जज आपने रखे हैं, यह बहुत अच्छी बात की है—

"a person of eminence in the field of education, trade or commerce;"

तो हमारी समझ में एक बात नहीं आ रही है कि यह सारी जगह अब आपने क्यों नहीं कहा कि —everywhere there will be a representative of consumer organisations.

कंज्यूमर का प्रतिनिधि चाहिए और मैं हेपतुल्ला जी से बिल्कुल सहमत हूँ कि इसमें ज्यादातर महिलाएं चाहिए क्योंकि सारा जो कुछ बोझ है, या सारी जो दिक्कतें हैं, वह तो महिलाओं को ही ज्यादातर संभालनी पड़ती हैं। इसलिए इसको इसमें कम्पलसरी किया जाए कि कम से कम एक महिला प्रतिनिधि अवश्य होगी और इसमें यह भी कम्पलसरी हो जाएगा क्योंकि इस देश में कई अच्छे संगठन हैं। आप जानते होंगे कि बम्बई में "अपना बाजार नाम" का संगठन कई सालों से चल रहा है। (समय की घंटी) यह आजादी की जंग में लड़ने वाले जो लोग थे, उन्हीं लोगों ने "अपना बाजार नाम" का कंज्यूमर कोऑपरेटिव शुरू किया। आप देखते होंगे कि सारे बम्बई शहर में और महाराष्ट्र के कुछ इलाके में कई ढंग की चीजें ग्राहकों के पास अत्युत्तम चीजें जो भी आपकी कीमतें होती हैं, उचित दर पर मिलने वाली अच्छी चीजें देने वाले संगठन हैं। इनको आप इसमें क्यों नहीं ले जाते ? तो कंज्यूमर रेप्रेजेन्टेटिव और लेडीज प्रेजेन्टेटिव यह बनाना अतिआवश्यक है।

दूसरी बात जो हमको लगी, जैसा मैंने पहले भी कहा कि नवम्बर के बारे में आपको निश्चित करना चाहिए। मुझे समझ में नहीं आता कि शिक्षा क्यों है यहाँ ?

a person of eminence in the field of education.

अच्छा, ट्रेड और कामर्स में समझ गया हूँ, पर इसमें कंज्यूमर क्यों नहीं जोड़ा गया है ? तो मैं समझता हूँ कि यह शिक्षा नीति की कोई विशेष आवश्यकता मैं महसूस नहीं करता, लेकिन मैं नहीं मानता कि वहाँ उनका रखना

आवश्यक है, बजाए कि आप कंज्यूमर को वहां प्रायर्टी देकर वहां रखने की आवश्यकता मुझे लगती है ।

Now I will only touch on one clause and that is 12.

the manner  
in which a complaint shall be made  
consumer to whom such goods are sold  
or

आपने नीचे एक्सप्लेनेशन दे  
delivered

What is a consumers association? That  
"which, is registered under the Companies  
Act of 1956.

कोई चीज रजिस्टर्ड ग्रंडर कंपनीज एक्ट आफ 1956, अगर कंपनीज एक्ट आफ 1956 जब आता है तब उसके भी कोई पारणाम होते हैं आडीटेड अकाउंट हर साल देना है और अगर उसमें गलती हो गई तो सजा भुगतनी है, सब कुछ इसमें है बजाए कि यह सारे शंशटों में जाए आप प्रोपर्टी कांस्टीट्यूटेड कंज्यूमर आर्गनाइजेशन क्यों नहीं करते हैं और आर्गनाइजेशन रजिस्टर्ड होती है कोऑपरेटिव सोसायटीज एक्ट या किसी ढंग से और ऐसी कंज्यूमर सोसायटीज को अगर आप लेते हैं और उनको भी इजाजत देते हैं ऐसी शिकायतें करने की तो यह जो कानूनी कम्प्लीकेशन अननेसेसरी हो जाते हैं उससे आपको छुट्टी मिलेगी, ऐसा मुझे लगता है कि इसके बारे में भी आप अवश्य सोचिए मैं इतना ही कहूंगा कि आपकी पायस इच्छा है आपकी इच्छा ठीक है, इसको आप लागू करें, लेकिन आपके भाषण में हमने नहीं सुना कि कब लागू करेंगे, सारे देश भर में आपने क्या लिखा है डिस्ट्रिक्ट काउंसिलज बनाए जायेंगे इसके बारे में आपने क्यों कुछ नहीं कहा, यह मेरी समझ में

नहीं आता है, मैं आपसे जरूर चाहूंगा कि जब आप उत्तर दोगे तो इसका जरूर उत्तर देंगे कि यह कानून राष्ट्रपति के द्वारा एक बार पास हो जाने के बाद इसको तुरन्त लागू करेंगे । एक साल के अन्दर या 6 महीने के अन्दर यह सारा का सारा ढाँचा जो आप चाह रहे हैं, यह 6 महीने के अन्दर या एक साल के अन्दर सारे देश पर लागू हो जाएगा । इस दृष्टि से भी आपको सोचना चाहिए ।

मैं आखिर में कहूंगा जो हेपतुल्ला जी ने कहा है

The question is of will. क्या आपकी इच्छाशक्ति इतनी प्रखर है कि यह ग्राहकों की रक्षा करने के लिए और उनकी शिकायतों को दूर करने के लिए आप तुरन्त इस पर कदम उठावेंगे और 6-8 महीने के अन्दर एक नया वातावरण ग्राहकों के पक्ष में उनकी सुरक्षा की दृष्टि से इस देश में पैदा करेंगे । इस इच्छा शक्ति के साथ आप अगर जाएंगे तो मुझे लगता है कि कानून के द्वारा भले पूरा नहीं तो कुछ न कुछ फायदा तो ग्राहकों को अभी जरूर हो जाएगा । धन्यवाद ।

SHRI PAWAN KUMAR BANSAL (Punjab): Mr. Vice-Chairman, I have a genuine pleasure in welcoming the introduction of the Consumer Protection Bill, 1986. Over the last three decades there has been a sustained economic development in the country. Rapid industrialisation and the green revolution have added significantly to our production and raised the standard of living. However, the population explosion and the concomitant increase in demand for various goods have always condemned the poor consumer to the mercy of the manufacturers and traders of consumer goods and essential commodities. In a sellers' market the environment has always been exploitative. From time to time the Government have enacted various laws like the Prevention of Food adulteration Act, the Essential Commodities Act, the Standards of Weights and Measures Act and a score of other enactments to safeguard the interests of the consumer. But

[Shri Pawan Kumar Bansal]

in the absence of an honest and committed staff manning the implementation machinery, the progress has been rather tardy and the scenario has been getting from bad to worse for the helpless consumer. Today adulteration is rampant and even the ISI and the Agmark are no guarantee for high quality. Under-weighment and under-measurement are the common (devilish) propensities of the traders. There is deceptive packaging and wrong description of package size and contents. The pre-packed food items do not contain the date before which the item should be consumed. In an environment of unholy alliance between the traders and the enforcement staff, the Indian consumer has never resisted, but submitted meekly to the exploitation by these people and only found false comfort in blaming the Government for this.

Believing in a participatory democracy and noticing that legal measures alone would not bring the desired Results without any effective and strong consumer movement, the Government have now come forward with this Consumer Protection Bill to set up statutory Consumer Protection Councils at the national and State levels and also quasi-judicial authorities for deciding consumer disputes which as such, have been recognised for the first time.

Sir, the present Bill is a revolutionary step and demonstrates convincingly the desire of the Rajiv Gandhi Government to strengthen the consumer movement and ensure that the silently suffering consumer is no longer helpless against the act of the wily and manipulative manufacturers and traders. The Bill is not limited in its scope, but it covers every sale of goods and service of any description including banking, financing, insurance, transport, processing, supply of electrical and other energy, boarding and lodging, entertainment, etc. The Present Bill accords an outstanding recognition to an ordinary consumer and any registered consumer organisation to initiate action against any defaulter, whether it be the public sector or the private sector. So

far, if an ordinary person felt cheated in any transaction, he had practically no remedy. Resort to the provisions of the Indian Penal Code, the Essential Commodities Act, the Drugs and Cosmetics Act, and the various other Acts was only *via* the police station and there were the concomitant hassles. Happily, now the route to redressal of the grievances has been kept short and, hopefully, the adjudication also will be expeditious in a District Forum or the State Commission or the National Commission the composition of which is wholly in consonance with the lofty objectives in view. These forums and the Commissions will have the necessary expertise and will also inspire confidence, quintessential for such authorities.

Sir, when I talk of speedy disposal of cases, I have in mind the various clauses of the Bill which lay down short time-limits for different stages of proceedings. Also, clause 19 rightly provides for an appeal to the National Commission only against an original order of the State Commission. However, on the other hand, Sir, clause 21(b), regarding the provision of remedy by revision before the National Commission could be interpreted to cover matters pending before the State Commission in revision as well under clause 17(b). I feel that the provision of a second revision petition could not be the intention of the Government. Will the honourable Minister clarify this point?

Sir, the high-power Consumer Protection Councils have been charged with the sacred duty of protecting *inter alia* the consumers' right to be informed about the quality, quantity, potency, purity, standard and price of goods. The other basic right sought to be ensured to the consumers are the right to safety, the right to choose, the right to be heard and the right to consumer education. The earlier Acts were passed to guarantee to the consumers some of these rights. But it is for the first time that these have been so explicitly enumerated and a mandate given to the Consumer Protection Councils to promote and protect these rights.

Acceptance of the right to consumer education is a very significant one and it would postulate that these Councils associate with them voluntary consumer associations and employ public interest research groups to suggest plugging of loopholes and lacunae in various laws and to convey the message of consumer protection across the length and breadth of the country, particularly to the poor and weaker sections of society, who are neither emancipated to lodge individual complaints nor organised to have registered associations of their own. For the benefit to percolate to such disadvantaged and vulnerable groups, the Consumer Protection Council would do well to assist them in the formation of such voluntary organisations without, of course, opening the doors of bureaucratic intervention.

The introduction of the present Bill is the outcome of a serious exercise conducted by the Government to guarantee the consumer his due. Reasons why the existing laws have not been effectively implemented have been studied and all the relevant Acts are now sought to be amended to confer specific right on the 'aggrieved consumer or voluntary consumer organisation for filing complaints in the court of law. I fervently hope that hereafter the desirability of clubbing together some of the existing Acts is also examined to obviate the necessity of filing separate complaints in a case involving a single transaction. A simplified law will be one sure way of providing good consumer education to the people. Also, the procedure of trial of any case involving a consumer offence should be simplified to ensure speedy disposal and save all concerned of unnecessary harassment.

Sir, before concluding, I would like to refer very briefly to one minor point which, in my humble opinion is an inconsistency between the provisions of clause 12(b) and clause 2(c) of the Consumer Protection Bill. In clause 12(b), it is postulated that a complaint in relation to goods sold or delivered or any service provided may be filed by any recognised consumer association, whether

the person to whom the goods sold or delivered or service provided is a member of such association or not. This salutary provision, in my humble opinion, is countered by the definition of "complaint" as given in clause 2(c), where it says:

" 'complaint' means any allegation in writing made by a complainant that—

(i) as a result of any unfair trade practice adopted by any trader, the complainant. I lay emphasis on the word "complainant"—

has suffered loss or damage".

Now, when we see the definition of the word "complainant" it means, besides others, any voluntary consumer association which makes a complaint. What I want to convey is that a case could arise where an accused person could resort to the existence of the terms "complainant" in clause 2(c) and say that in the case of a voluntary organisation filing the complaint the loss or the damage should have been suffered by that voluntary organisation itself.

Sir, besides this section 32 of the Drugs and Cosmetics Act, 1940, is being amended to confer power on the person aggrieved and a recognised consumer organisation to institute prosecution under the Act. But the amendment of the second part of section 26 of the main Act could also be interpreted to mean that a recognised consumer association will be entitled to ask for the tests or analysis only if the drug or the cosmetic is purchased by it. This possible ambiguity needs to be removed.

Similarly, the amended provision to section 12 of the Prevention of Food Adulteration Act will, after the amendment, lay down that even a recognised consumer association shall inform the vendor at the time of the purchase of the article of its intention—I am laying emphasis on the word 'its intention'—to have the article analysed by the public

[Shri Pawan Kumar Bansal] analyst. Now the article may be purchased by an unwary customer and on finding it to be adulterated, he may take it to a voluntary organisation. If a situation as that arises, it will not be possible for the consumer organisation to fulfil the condition imposed earlier.

Finally, Sir, I would say that last year a major initiative for safeguarding the interests of the consumers was taken when the Monopolies and Restrictive Trade Practices Act of 1969 was amended to incorporate a full chapter on and provide for penalties for unfair trade practices and also accord a limited right to an association of 25 persons or more to file complaints. But I am happy to state that it is with the introduction and passing of the Consumer Protection Bill, 1986, that the evolution of a veritably strong and effective consumer movement would begin in the country. Thank you, Sir.

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh). Mr Vice-Chairman, Sir, this is a very important Bill. Of course, there are seven other Bills included in the discussion on this Bill. In fact, this is a very long-felt legislation. In the past, consumer has been cheated. He has been deceived. The consumer was not given his due right which he needed. Consumer was not given the unadulterated food. On the contrary, he always got adulterated food. So, now the Government has come forward and good sense has prevailed on the Government. It is a laudable legislation. I welcome it-

[The Vice-Chairman (Shri Pawan Kumar Bansal) in the Chair.

But I would like to express my view that while the Government has taken so long a period to bring this legislation, the model legislation was discussed one year back. A seminar was held and the Government slept over the matter. The Government has now come before this House with this legislation. Why has the Government not thought it fit to bring it on the first day of the session and why have they brought it on the last day? I would like to know it from the Minister.

He has said in this Bill that the rights of consumer will be protected. We all want it. The consumer who has been the sufferer wanted that there should be a legislation which gives right to him. Ultimately, the Government has come forward with this legislation. But I would like to know whether the Government has sincerity in the implementation of this legislation. What other methods are you going to adopt to see that this legislation is implemented effectively? As the hon. Vice-Chairman, when he was speaking on the Bill, stated, there were a number of other legislations in the past such as the Prevention of Food Adulteration Act of 1954, the Essential Commodities Act, Weights and Measures Act and a number of other legislations, but they were not being effectively implemented. So, there was a need to bring in this new legislation. I would like to know from the Minister whether the same fate will befall this legislation also. So, there is a need, there is a need for a determination on the part of the Government to see that the legislation so passed is effectively implemented because in the Past the existing laws could not be implemented effectively whether it was the Prevention of Food Adulteration Act or the Drugs Act or any other Act. So, I would like to know from the Minister whether effective measures will be taken to implement this laudable measure.

Now, coming to the clauses of the Bill, there seems to be some lacunae or defects in some of the Clauses. So, I would like to draw the attention of the Minister, particularly to Chapter II. Clause 4 and 7 deal with the Central Consumer Protection Council and the State Consumer Protection Council respectively. Here, under Clause 4, subsection (2) (a) says "the Minister in charge of the Department of Food and Civil Supplies in the Central Government, who shall be its Chairman, and (b) such number of other official or non-official members representing such interests as may be prescribed." The number of officials and non-officials has not been given. So, here it can happen that the number of officials may exceed the non-officials.



Therefore, there is a danger, there is a fear that justice may not be done to the consumer. So, there is a need to specify the number of officials and non-officials. It is also essential that representatives of consumers and also representatives of women should be included in such a Council. Then, Sir, Clause 7 deals with the State Consumer Protection Council. Here I would like to know from the Minister why it has not been provided is to who will be the Chairman of this State Council,

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): It is mentioned there.

SHRI B. SATYANARAYAN REDDY: It says, The State Council shall consist of such members as may be specified by the state Government by notification from time to time." And Clause 7(1) says, "The State Government may, by notification, establish with effect from such date as it may specify in such notification, a Council to be known as the Consumer Protection Council for... (herein after referred to as the State Council)." Further on it says, "The objects of every State Council shall be to promote and protect within the State the rights of the consumers laid on clauses (a) to (t) of Section 6 (*Time hell rings*). So, I would like to know why the specific number of Council Members has not been given. Why has it been left vague?

Then, Sir, another thing which I would like to bring to the notice of the hon. Minister is about Clause 13. Under subclause (c) of Clause 13, it has been stated that, "where the complaint alleges a defect in the goods which cannot be determined without proper analysis or test of the goods, the District Forum shall obtain a sample of the goods from the complainant, seal it and authenticate it in the manner prescribed and refer the sample so sealed to, the appropriate laboratory." So, it has to be referred to an appropriate laboratory. I would like to know from the Minister as to how many laboratories are available in this country. Ours is a vast country, with a

vast population. We will have the National Council, the State Councils, the District Councils and if need be Taluka Councils also. So, to meet these requirements do they have sufficient number of laboratories? Otherwise, we will have to send them either to the Centre or to the State capitals. There, these cases will only accumulate and no justice can be done to the consumer. At the same time I would like to draw the attention of the Minister to the provision about payment of fees. If a consumer wants to refer to a laboratory for analysis, he is required to pay some amount. I think it is not fair to the poor consumer who has already been deprived of his money, to whom already injustice has been done, and when he comes with a complaint, that he has been deceived or cheated, he has to pay money. Then how many months it will take for the results, he does not know. I would request the Minister to consider this provision and see that he should not be charged any money and even if some money is to be charged, it should be quite nominal; or, a fund should be created by the State to meet these expenses on analysis.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): please try to conclude.

SHRI B. SATYANARAYAN REDDY: I said in the beginning that it is an important matter and sufficient time should be given.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): We cannot help. Today is the last day and there is a long list of speakers. You please try to be brief.

SHRI B. SATYANARAYAN REDDY: Sufficient time should be given to express our views on these important Bills.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): That was done by the Business Advisory Committee where all parties are represented.

SHRI B. SATYANARAYAN REDDY:  
But if you go on ringing the bell every minute, I cannot finish. If you do not want me to speak, I sit down.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): That is for you to decide whether you sit or not. I cannot help. You can exceed your time by a minute or two not more. You have pready exceeded your time.

SHRI B. SATYANARAYAN REDDY; If you don't want, I will sit down.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): If you take time like this, I will have to ask you to sit down. Now please proceed.

SHRI B. SATYANARAYAN REDDY:  
But you are ringing the bell everytime.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): Ringing the bell means to Caution you. Now please try to conclude.

SHRI B. SATYANARAYAN REDDY; I would request the hon. Minister to consider very seriously the points I have raised. Of course, the Health Minister has introduced one Bill about drugs. I would like to know how far have you been successful in effectively implementing the earlie- Acts which are prevalent to prevent the drug 'abuses. Simply passing a legislation is not enough; you have brought a very good legislation and I support it. In the same manner, Mr. Ramanand Yadav h. s brought another legislation. I will support it But I would request the hon. Minister to consider that just introducing the Bills 'and getting them passed in the House is not enough, as if they have done their job. After passing these Bills, it is also their duty, as long as they are Ministers, and it is also the duty of the Government, to see that all the provisions of the Acts and laws' are implemented effectively so that common man for whom we are discussing and making laws should feel that justice has been done to him. I request the Minister to see that these Bills are implemented within 2 3 months. Some friend said whethe,, the Minister is going

to assure its implementation within one year. I feel that is too long a period. It should be implemented within 2-3 months. I would like to know whether the hon. Minister can 'assure this House on his aspect.

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu); Mr. Vice-Cnairman, Sir, I rise to support the Bills. I would first like to congratulate, through you, the Government, for a truly enlightened piece of legislation. Nothing will demonstrate better than this piece of legislation that the Government is truly striving to protect the interests of the vast faceless rural masses as opposed to the powerful vested interests which 'have obviously operated against the passage of this Bill. The consumer in India is a gullible, aparthetic and totally indifferent to his needs. This is an unalterable truism. In fact, if you will forgive me for employing a cliché; you can fool some people sometimes; you can fool all the people sometimes, but you cannot fool all the people all the time. But unfortunately, the indian consumer is perhaps an exception that proves the rule because the Indian consumer can be fooled all the time and in every possible way and every day dawns with a new way of fooling the consumer. This is the pathetic state of the Indian consumer. Now, you will also forgive me if I take a slightly feminist point of view when say that when the price of edible oil goes up, when the price of rice goes up, when the price of wheat goes up, it is ultimately the housewife who holds the baby because she has to bear the burden. This is one of the reasonswhy the lot of the consumers is so pathetic today because it is *toe* housewife's problem.

Sir, 'according to the neo-classical definition and according to classical economists like Milton Friedman, jn any economy, the consumer should be the king, and in a free market the consumer always gets what he wants. There is supposed to a symbiotic exchange between the consumer and the producer since both the consumer 'and the producer need each other. In India, however we have only an absolutely sellers' market and the consumer has no choice. There is no exchange.

symbiotic or otherwise and at every stage of the confrontation, you see an unequal bargaining power of the consumer with the economic power of the producer and the producer ultimately wins because the consumer has no choice. Sir, at the point of purchase, you see that the purchaser has so many agencies working for him, advice of experts, advertisement, very aggressive advertisement campaigns. The consumer has nothing going for him and he is totally gullible and is taken in by the superior economic power of the producer. Therefore, we have got a situation where you pay for telephones which do not work and you pay for roads which are totally non-traversable. We have adulterated and poisonous perishables. We have contaminated oil. In fact, according to a recent survey, it was found that by false weights and measures alone, the Indian consumer is cheated of over Rs. 1,600 crores per year.

In spite of all this, we have an unhappy situation where there are only 181 consumer action groups in our country and we are trying to compare ourselves with the U.S.A., where there are hundred thousand consumer action groups. Out of these 181 consumer action groups, 25 per cent are concentrated in Gujarat alone. Of course, most of these consumer action groups are urban-based, I will come to that later. It is wrong to compare ourselves with the U.S.A. In the U.S.A., consumerism has become such an issue that I was surprised to read that Ralph Nader, the father of American consumerism has gone so far as to take a consumer look at the working of the American Parliament, the Congress. He has actually studied how the Members function, whether they carry out their duties properly and the report is known as 'Citizens Look at the Congress'. Now, that is going a little too far because in our country, we have to concentrate on the basic thing. In our

country, people do not get even foodstuffs.

A different thrust is needed here. The problem with the consumer movement in India is that it has been totally Western-oriented. We have to have our own thrust "because this is the only way in which it can be of relevance to us.

Sir, you will forgive me if I go a little further. As a lawyer, it has shocked me that you have to pay for a telephone which does not work, as the previous speaker mentioned. There was a case in a High Court wherein it was said that water had not been supplied to a whole lot of houses on a road. Yet, the people were asked to pay the water tax. Water had not been supplied from the day the houses were built. The court said that the services rendered were not necessarily proportionate to the amount paid. This may be a stand taken by the court. According to the present Bill, we are now in a happy situation where we can pull up the agency which does not supply water. Of course, we have to pay the tax. We do not have any choice. But we are in a happy situation where we will be in a position to pull up these agencies if the water is not supplied or if the telephone does not work.

Another startling fact is that over 70 per cent of services and goods are under the control of Government. Now when you consider that Government has control of most of the consumer durables, when Government has control over the distribution and especially consumer production, the picture emerges very clearly that no consumer movement can hope to succeed unless it has the backing of an enlightened Government. And in this respect, I am proud to say that we do have such a backing from such an enlightened Government today. For example, the suggestions for drafting the Consumer Protection Bill were circulated for public opinion. There were these major points of difference that were raised by the public. Firstly, the original Act, as contemplated, did not include public utilities or public sector undertakings and this, according to the public, had a major role to play in the consumer movement.

The second major objection was that it did not provide for any kind of deterrent punishment. For example, if the producer failed to comply with the directions of the Consumer Protection Council, there was no sanction behind it. Only the producer's name is published in the official gazette and we know how many people read the

[Smt. Jayanthi Natarajan]

official gazette. So, there was no real deterrent punishment. The third major objection was the amount of compensation that was provided for an aggrieved consumer. It was calculated at 20 per cent of the cost of the defective goods. If a child lost an eyesight or a limb due to an adulterated medicine costing 10 paise, the amount of compensation would be maximum Rs.2. This was another major area of difference of opinion. I am happy to point out before this august House that after the widespread public criticism from various groups and bodies, including consumers, every single of these major defects has been removed and the present Act, as it stands, has been totally changed. It includes public undertakings, utilities and other kinds of services within its ambit and this truly is an example of an enlightened response from the Government.

Apart from that, 70 per cent of the consumer activities are in the control of Government a very important factor that we have to remember is that it is purely cosmetic to talk about television campaign or about perfumes or any kind of urban-based consumer goods. As we all know, the vast majority of our people live in the rural areas and the thrust of the consumer movement has to be towards these rural areas. The main failures of the consumer movement in our country today has been because it has always been urban-based. There is no doubt that we have an increasing middle-class with greater purchasing power. They are buying televisions, radios, more soap, more perfume, more powder, but we have to pay real attention to those people in the rural areas who do not have a voice to speak out. This is what the present Bills seek to do—I have just two observations to make in that respect. For the rural poor the most important thing is the food stuff and drugs. In this context, there are three types of consumer protection methods. One type of consumer protection legislation is an economic interest where the MRTP Act comes; into picture and unfair trade practices are prevented. The other is a physical interest by which you have to see that the goods do not suffer from physical defect, and the third is an environmental

interest by which you see that there is no pollution caused. But the most important part of a consumer protection movement, according to me, would be pricing. A costly commodity is a defective commodity. The commodity should not only be of good quality but it has also to be of good price. Unless we contain the price line, there is no question of having consumer movement. I am happy to note that the hon. Minister recently made a statement in which he has said that he is keeping this in mind and the Government will try to avoid as much as possible fluctuations in the price line.

One more suggestion in this respect is that consumer protection councils should have within their power the right to call for costing methods and also for systems

of pricing from various public P.M. sector other undertakings. The

other important that I wish to emphasise is that Government has taken upon itself to subsidise and distribute through the public distribution system seven essential commodities, including rice, sugar, wheat, kerosene, controlled cloth and edible oil. The consumer movement can only succeed if the public distribution system of Government is improved, because this is the only way in which we can get food supplies, edible oil, cloth and wheat to the rural poor in time and in a proper way. The public distribution system has succeeded wonderfully well, but the major problem unfortunately is that the implementation by many States is dismal and the enforcement machinery in many States for the public distribution system has been really apathetic. There are three major problems here. One is, there is tremendous corruption. We all know about it that the goods meant for the public distribution outlets—fair price shops—actually find their way somewhere else and this has to be prevented. I need not waste further time on that aspect.

The second important aspect about public distribution is that storage should be properly carried out. We all know of the shocking incident in Bombay which took place in 1981 when 85 people died out of poisoning in the edible oil which they got from the ration shops. That was because the edible oil when it was examined was found to have

been stored in containers which originally had aviation fuel in them and until now nobody went into the question as to how this edible oil was stored in the fair price shops.

The third is that public distribution system has to adopt modern management techniques so that supply is properly reached to the farthest outlet in the country. This is the only way by which this can succeed.

One more suggestion I have to make and I have done. I would like to make a suggestion that public consumer movement and the consumer education should be made a part of the school curriculum, so that even from the time of childhood in the schools, children will get to know what their rights are as consumer.

Two other requests I would like to make to the hon. Minister. One is that he should liaise with the State Governments because the important thing is that the enforcement machinery is in the hands of the State Governments and it is no use if we simply pass an Act here in the Central Government and the enforcement is left to an apathetic State Government with vested interests. We have to make sure that the State Governments perform also.

The second thing is that the Consumer Protection Councils should not be over-bureaucratic in nature. These should not have ten government officers, four Secretaries to the Government and seven directors of public sector. There is no way by which they can correct this. We should have more consumers on the Councils than bureaucrats in order to avoid bureaucratisation of these Councils.

In conclusion I would like to say that as far as I am concerned, Government has done what it could do in passing this piece of legislation. In the ultimate analysis a consumer movement cannot be enacted into being. It is upto us, the representatives of people, to really go to the grass-roots and create a strong consumer movement. Thank you.

**श्री कलाश पति मिश्र (बिहार) :**  
उपसभाध्यक्ष महोदय इतना महत्वपूर्ण यह बिल है, मुझे लगता है कि बहुत कम इतने महत्व के बिल होते हैं। इसके साथ

साथ पूरा देश जुड़ा हुआ है। विद्यार्थी जुड़ा हुआ है, श्रमिक जुड़ा हुआ है, कर्मचारी जुड़ा हुआ है, किसान जुड़ा हुआ बीमार रोगी जुड़ा हुआ है, चूल्हा संभालने वाली बहनें जुड़ी हुई हैं, एक प्रकार से कोई नहीं है जो उपभोक्ता नहीं है। क्या संकट इस समय उपभोक्ता को भोगना पड़ रहा है, उसकी भी बहुत चर्चा हो गयी है, मैं बहुत ज्यादा उसको दोहराना नहीं चाहता हूँ। घटनाएं हर कीमत पर हर क्षण पर होती हुई दिखाई दे रही हैं टेलीफोन की चर्चा आ गयी, खद्यान्न, रद्दो खद्यान्न, मिलावटी खद्यान्न की चर्चा आ गयी। किसान के खेत के ऊपर गलत किसान के खेत के ऊपर गलत खाद जा रहा है गलत कीटनाशक दवाइयां जा रही हैं, गलत बीज जा रहा है, उसकी भी चर्चा हो गयी। मैं परसों नई दिल्ली स्टेशन पर उतरा और आटो रिक्शा पर बैठ गया। राजेन्द्र प्रसाद रोड पर बराबर आते रहने के कारण पता है कि कितना भाड़ा लगता है।

मीटर देखता हूँ तो अचानक दिखाई पड़ता है 13 रुपये। जब रिक्शा खींचने वाले को पूछा गया कि यह 13 रुपये कैसे आ गया, और शायद अभी तक वह मेरे डेरे के पास नहीं पहुंचा था इसलिए समझ नहीं रहा था कि उसकी सवारी कोई एम०पी० है, वहां पहुंचने पर जैसे ही पूछा उसे हो उसको घबराहट हो गई और वह कहने लगा कि कहीं न कहीं गलती से कांटा फंस गया है, यहां तो साढ़े पांच रुपये से ज्यादा नहीं होना चाहिए था। मैंने समझा कि शायद कोई कांटा गलत फंस गया होगा और उसको पैसे दे दिए। पांच घंटे के बाद मेरे गांव से एक कार्यकर्ता अपने रोगी बेटे को ले करके उसी नई दिल्ली रेलवे स्टेशन से मेरे डेरे पर पहुंचा। जब हम से भेंट होती है तो वह कहता कि है 13 रुपये हम से स्कूटर वाले ने ले लिये। अब कई बार दिल्ली के स्टेशनों पर एक कांडेपकड़ा दिया जाता है कि कोई कॉलेट हो तो आप शिकायत करिए। खाली बिल्लियां इतनी व्याप्त हैं कि एक एक काम करने के लिए पहले से नियम बने हुए दिखाई देते हैं। आवश्यकता इस बात की है कि देश का उपभोक्ता

[श्री कैलाश पति मिश्र]

कैसे जागे? उसकी सुरक्षा के लिए कितने नियम बने हुए हैं, इन नियमों की जानकारी उसको कैसे हो? महोदय, मैं एक एक्सपर्ट कमेटी के चेयरमैन का महत्व जरा पढ़कर सुनाना चाहता हूँ।

"The Expert Committee on companies and MRTP Acts, appointed by the Government of India, observed in its report submitted in August, 1978: 'Our Act at present contains no provision for protection of the consumers against false or misleading advertisements or other similar unfair trade practices. There is now greater recognition that consumers need to be protected not only from the effect of restrictive practices but also from practices which are resorted to by the trade and industry to mislead or dupe the consumers

"A former Chairman of the MRTP Commission once observed, There is a plethora of restrictive practices be adopted in many of our trade and business activities. But there is want of awareness on the part of consumers, their associations and other parties of bringing such practices to the notice of the Commission and placing adequate evidence before it."

जो विधेयक को कापी मिल है, जरा मन्त्र महोदय से मैं कहना चाहूंगा कि इसका स्पाट-कारण करें, पृष्ठ 7 पर है।

"(d) before any sample of the goods is referred to any appropriate laboratory under clause, (c), the District Forum may require the complaint to deposit to the credit of the Forum such fees as may be specified for payment to the appropriate laboratory for carrying out the necessary analysis or test in relation to the goods in question.

महोदय, पहले तो मैं यह कहना चाहता हूँ कि हम संसद में बैठकर जितने नियम और कानून बनाते हैं क्या कभी इसका भी अनुमान लगाते हैं देश की जनता यहाँ पर खड़ी रहती है और जिसके लिए नियम बनाते हैं उसके तक हमारे बने

हुए नियमों की जानकारी भी पहुँचती है या नहीं। इस प्रकार के नियम बनने के बाद वह कौन से दफ्तर में जाएगा, किस कमीशन के पास जाएगा, किस काउंसिल में जाएगा, किस फोरम के पास पहुँच करके वह अपना दुख-दर्द रोना शुरू करेगा, क्या कभी इसका अनुमान लगाया है? महोदय, भ्रष्टाचार की सीमा तो यहाँ तक पहुँच गई है कि चाहे सरकारी संस्थाएँ हो या अर्द्ध-सरकारी संस्थाएँ हर जगह भ्रष्टाचार व्याप्त है। माननीय श्री रामानन्द यादव जी यहाँ पर बैठे हुए हैं, मैं जरा उनकी राय जानना चाहूंगा कि बिहार के अन्दर जो इतना भ्रष्टाचार व्याप्त है क्या किसी सरकार के पास आज इतनी क्षमता है कि उस भ्रष्टाचार पर वह रोक लगा सके?

श्री रामानन्द यादव : मान्यवर, इस देश में इंस्पेक्टर हैं जो इसमें पारंगत हैं, हम नहीं जान सकते, हम नहीं बता सकते कि वहाँ भ्रष्टाचार फैला रखा है।

श्री कैलाश पति मिश्र : अब देखिए उल्लेख इसलिए कर दिया कि उसकी पूरी जानकारी है। इस साल किसान एकदम रोते रहे।

खेती का समय आ गया, इतना गलत खाद उन्हें सुपुर्द किया गया कि खेत में डालने के बाद बीज भी नष्ट हो गया - और वह खेत भी नष्ट हो गया। पूरी कोऑपरेटिव मूवमेंट, लैंड मार्टींग बैंक, एक नहीं दर्जनों ऐसी संस्थाओं के नाम बता दूंगा जिनके अंदर सिर से पैर तक व्याप्त भ्रष्टाचार, अर्द्ध-सरकारी संस्थाएँ, सरकारी संस्थाएँ, सब के अंदर दिखाई दे रहा है।

महोदय, यह जो विधेयक लाया गया है, आखिर सब में बड़ा सप्लायर आज सरकार बन गई है। पब्लिक अण्डर-टेकिंग वह इसके अंदर क्यों नहीं जोड़ा गया है? (समय की घंटी) केवल थोड़ी देर जरा बोलने दीजिए मुझे। महोदय, इस बात के लिए बहुत अफसोस है कि आठ विधेयक के पुलिन्दे के साथ यह विधेयक आया है और यह इतना महत्वपूर्ण है कि इसकी एक-एक कलाज के

ऊपर बहस होनी चाहिए। बहस उसकी उपयोगिता के बारे में होनी चाहिए, बहस उसके उद्देश्य के बारे में होनी चाहिए और पारित कर देने के बाद, लागू करने की क्षमता सरकार में कितनी है, समाज में कितनी है, उस पर भी बहस होनी चाहिए, नहीं तो अवस्था यही हो रही है।

एक छोटा सा उदाहरण देकर मैं बापण ही समाप्त कर देता हूँ। जब कोई मंत्री बोलते हैं, तो मुझे लगता है कि वह अपनी जिम्मेदारी से भाग रहे हैं, सब के सब खेल जाते हैं प्रधान मंत्री के सिर के ऊपर। प्रधान मंत्री, श्री राजीव गांधी जी की इच्छा से यह लाया गया है, उनके नेतृत्व से लाया गया है। मुझे इसमें से अर्थ निकलता दिखाई दे रहा है कि जो आज विभाग संभाल रहा है, उस विभाग के अंदर जो नियम बना रहा है, जो काम कर रहा है अगर कहीं क्षति होती है, नुकसान होता है, अधूरा कदम उठाता है, तो उस दायित्व से अपने को बचा लेता है, प्रधान मंत्री के सिर पर लेकर फेंक देता है।

स्थिति यह है कि एक परिवार था। उस परिवार के अंदर एक लड़की थी जिसकी शादी करनी थी। उसकी उम्र 26 साल की हो गई थी। परिवार के अंदर छिपटाहट थी उसकी शादी करने के लिए। घर वालों ने एक पुरोहित को कहा कि जाओ, जरा एक लड़का देख कर के तय करके आओ। लड़की 26 साल की है, तो लड़का 30 या 32 साल का होना चाहिए। वह गया और दस दिन के बाद घूम कर आया और कहा कि 32 साल का लड़का तो नहीं मिला, इसलिए 16-16 साल के दो लड़के देखकर आया हूँ।

वह सरकार इसी प्रकार का विधेयक इस जल्दबाजी में लेकर आ रही है। मुझे निवेदन करना है कि आप कुछ ठोस कदम उठाइय। मुझे बहुत प्रसन्नता होगी और डट कर आपका समर्थन करूँगा पर जो नियम बनाया गया है, इस नियम की जानकारी साधारण स्तर तक के आदमी को हो। एक-एक प्रबंध में एक-एक

नगरपालिका में इसके लिए प्रबंध कर-वाइये कि नियम की जानकारी हो। इसको जानने के लिए प्रतियोगिता खड़ी हो। इसके लिए अगर प्राइज देना हो, तो प्राइज डिस्ट्रिब्यूशन का कार्यक्रम शुरू करिए और जहाँ-कहाँ घपला या घाघलेवाजी मिलती है तो कठोर कदम उठाने के लिए कोई न कोई नियम बनाये। मैंने आपको पढ़ कर सुनाया कि फोरम के पास एक रिक्शा वाला अगर जाए रात में — जाकर एक दुकान के ऊपर रोटी-सब्जी खा लिया और आधी रात में दंद और तबाही और फिर पता लगे कि उस रोटी का आटा इतना मिलानिट से भरा हुआ आटा था कि उसके कारण पेट में दंद हो गया, क्या वह फोरम के पास पहुँच कर अब वह आटा लेवारेटरी में जाए, उसकी जाँच हो, और उस पर जो पैस लगे वह रिक्शा वाला जमा कराएगा ?

आप अगर दूसरे ढंग से नियम बनाते, कहीं से कोई शिकायत मिलती है, शिकायत लेकर फोरम के पास दो और अगर कोई जान-बूझ कर शरारत करे किसी की फंसाने की कोशिश करे, शिकायत गलत साबित हो, इसके लिए अगर आप कोई पनिसमेंट को व्यवस्था करवा दें, तो शायद मुझे उसमें को आपत्ति नहीं होगी। (समय का घंटी) लेकिन आपको अब शिकायत दर्ज करने के लिए सब पैसा दें।

आपने डिस्ट्रिक्ट फोरम तक रेड्रेसल तक तो व्यवस्था कर दी है और इसमें भी यह चक्कर छोड़ दिया है कि कोई पहुँचेगा ही नहीं जब तक कि उसके लिए वह खर्च का पैसा जमा न करे, फिर आपने कौंसिल की रचना की केन्द्र और राज्य स्तर पर, कौंसिल का क्या हो गया ? जिला स्तर के ऊपर आपने कौन सी व्यवस्था की है, तो मुझे लगता है कि जो लक्ष्य आपने सामने रखा है, वह बड़ा अच्छा लगता है पढ़ने में और बहुत अच्छा उद्देश्य है, लेकिन उस उद्देश्य की पूर्ति के लिये काम से जुड़े हुए एक एक कदम उठाने हैं, जो धरती पर उतर सकें, जिनका क्रियान्वयन हो सके और उसके लिये आपने कोई व्यवस्था की नहीं की है। ऐसे अधूरे बिल लाकर आप इस तरह से हड़बड़ी में कदम उठा रहे हैं। प्रचार

[श्री कैलाश पति मिश्र]

आप अखबार में कर लें, टेलीविजन और रेडियो पर आ जाएगा, लेकिन दस दिन क्या, दस साल के बाद धरती पर पहुंचेगा तो दिखाई देगा कि जो नियम आपने पारित किया है, उसकी जानकारी आम जनता को नहीं है। इसकी भी आपको चिंता करनी चाहिए। टेलीविजन आपके रेडियो आपके पास है .... (समय की घंटो) .... एक मिनट और .... (व्यवधान) ....

उत्सभाध्यक्ष (श्री पवन कुमार बांसल) : आपके छह मिनट की जगह 12 मिनट हो गये हैं।

श्री कैलाशपति मिश्र : आप जो आज टेलीविजन पर दिखा रहे हैं, वह क्या इसलिए दिखा रहे हैं कि बहुत ज्यादा आवश्यक है? आपने इसे कमिशियल इंस्टीट्यूशन बना दिया है। कोई सड़ी-गली, अनावश्यक चीज पैदा कर लो और अगर रुपया जमा कर सकते हो उसके विज्ञापन के लिये तो टेलीविजन पर आराम से जाकर उसे विज्ञापित कर सकते हो। आपको इस पर भी विचार करना चाहिए कि किस चीज का विज्ञापन हो और किस चीज का विज्ञापन न हो, जो मीडिया का सामन है, उस पर। अगर सचमुच में यह उपभोक्ता आंदोलन आप देश के अंदर चलाना चाहते हैं, उपभोक्ता जागरण अगर आप करना चाहते हैं तो देश में जो इतना बड़ा अशिक्षित वर्ग है, उसको भी ध्यान में रखते हुए आपको संपूर्ण मीडिया का उपयोग इस काम के लिये करना चाहिए कि उपभोक्ता जागृत हो। इतना ही मेरा आग्रह है। धन्यवाद।

SHRI V. NARAYANASAMY: Thank you for giving me this opportunity to speak on this Consumer Protection Bill, 1986 and other six or seven Amendment Bills along with this.

The consumer movement is now-a-days rising because of the poor quality of the goods and also because the manufacturers are using various practices just to

cheat the consumers. From the Government side also there is a move to protect the consumers in our country. Therefore, this Bill has been brought here.

Under the Drugs and Cosmetics Act, though powers have been vested with the consumers to take legal proceedings whenever their rights as a purchaser are being infringed and when spurious goods are sold, yet much of the provisions have not been used by them. Now an amendment is being brought forward adding the consumer associations also so that they will take up the case whenever the consumer is affected.

I would like to submit mainly in the drugs aspect because 2.5 million children for the past 20 years have died due to sub-standard medicines and spurious drugs. That being the case, the consumer movement has to play a major role for the purpose of saving the children of our country through the amendments. Let us take the Prevention of Food Adulteration Act which has been brought forward and the purchaser has been given certain rights to file complaints. In the provisions of this Act consumer associations have also been added. I would like to raise a point. Let us consider sub-clauses (c) and (d) under section 12. The taking of sample by the consumer or by the Association shall be referred to the District Committee while filing a complaint and it will be sent to the analyst for testing. Sir, we know the cumbersome procedure involved in the Food Adulteration Bill, because the container should be very clean and the quantity which is taken out should be according to the standards fixed. The seal should be there and when it is taken by the Food Inspectors it should be signed by the two witnesses. When this amending Bill is brought forward this sub-clause (c) and (d) have been overlooked. If any person challenges it, then, it will be just contravening the provisions of clauses 11 and 12 of the Food Adulteration Bill. Therefore, I submit to the hon. Minister that while framing the rules this aspect may be thoroughly gone into and the protection should be given to the persons who file the complaint or the Association which files the complaint.



Sir, another important aspect is about farming of the district forum, that is, Consumer Dispute Redressal Forum which associates three persons—District Judge, a *ca* of eminence in the field of education, trade or commerce and a lady so-worker. These three persons have been named there. If you take the State Council, the President should be the Judge of a High Court and two other members—one is a lady member and another person who has ability, integrity, standing and adequate knowledge or experience or who has shown capacity in dealing with problems relating to economics, law, commerce, accountability, industry, public affairs, administration, etc. If you appoint persons like this then I would suggest in the district forum the State forum one person from trade or commerce and one person from the consumer movement should be appointed or two persons who have been selected should not belong to that category. That procedure may be followed in this particular cause 10 and 16 so that no trader or consumer is affected.

Another important aspect is clause 24. It says that when any proceeding is not appealed against, the order is final. It is a very good idea and it will completely settle the whole affairs and persons can be prosecuted.

Clauses 25 and 26 are contradictory with each other. Clause 25 refers to the execution of the order passed by the authorities. Clause 27 also in a way provides for the punishment. When a decree is passed by the civil court, then, where is the question of further execution through the criminal forum. Therefore, I would like to have a clarification from the hon. Minister on this aspect.

In the Monopolies and Restrictive Trade Practices (Amendment) Bill, 1986 one aspect is there. The manufacturers and traders of ISI category have been dealt with through this Bill. Now, when the Consumer Protection Bill has come into force, this Bill has to take effect between the wholesaler and the manufacturer and also between the competent trader and the manufacturer. The Act of MRTPC should apply because there will be conflicting jurisdiction between the

two forums. Therefore, to avoid that a line may be drawn so that one will not conflict with the other. Then, Sir, our hon'ble Prime Minister, while he was presiding over the women forum in Bombay about two days back has categorically stated—whatever laws are brought forward for protecting the interest of the consumers will not do unless the people themselves form associations and when they question their rights, when they question their duties and when they demand their rights from the traders, the things will improve automatically. I will give you one small example and with that, I conclude. When we go to a market to purchase certain items, whether it is soap or tooth-paste or anything like that, the rule is that price is to be fixed on the wrapper whether the price of that item is Rs. 5/- or Rs. 5.50, but the shopkeeper demands Rs. 6.50 from us and when we say, why are you demanding Rs. 6.50, he says, this is the price including the sales tax. I would like to say that when the goods are sold in a particular State or a particular district or at the village level, the sales tax must be printed on it and the consumers should know as to what is the actual price of the item which he purchases and Sir, it is a mandatory thing that a chart showing the prices of various items must be displayed in every shop. But we find, that this requirement is not attended to properly by all the shopkeepers. The food inspectors and drug inspectors, it appears, are not doing their job well. The corruption is rampant. So, I would like to stress on that point and the hon. Minister will pay attention to that. Sir, everyone is blaming the emergency period but when we compare the emergency period with that of the normal period, we find that the services rendered during the emergency by the Government officers, Government servants, several public institutions and traders were far far better than what they are today. You can say they had a fear in their minds during emergency and the people were getting right type of products at the correct prices. But now-a-days, the food inspectors and drug inspectors are not doing their duty properly. Of course, the public distribution system is doing well to a certain extent. Now,

[Shri V. Narayanasamy] the goods are reaching the people and even the remotest corners of the country. I congratulate the hon. Minister for having taken such a step but I would like to say that the machinery regarding implementation of these acts, the food inspectors and the drug inspectors, should be geared up by the authorities concerned so that people will get justice and the consumers will get due place in the society. Thank you.

SHRI J. P. GOYAL (Uttar Pradesh): Mr. Vice-Chairman, Sir, I also support the Bill but I want to make certain suggestions. At the outset, I come to certain provisions of the Bill in which I want to make some suggestions. Sir, Clause 11 says:

"that if the compensation claim is less than Rs. 1 lakh, then the complaint will be filed before the district forum. If it is more than Rs. 1 lakh, then it will be filed before the State forum and if it is more than Rs. 10 lakhs, then it will be filed before the National forum, and then appeal is provided to Supreme Court against the order of the National Commission."

In cases when the complaint is directly made before it and the compensation claimed is more than Rs. 10 lakhs, I would suggest that the forum of the State Commission and the forum of the Centre through the National Commission should have only the appellate jurisdiction and not the original jurisdiction. Let the District Forum be given the entire jurisdiction, unlimited jurisdiction, irrespective of the quantum of compensation claimed, just as the civil courts in India have got unlimited jurisdiction and an appeal lies to the District Judge and then to the High Court and then to the Supreme Court, by special leave or by whatever procedure laid down. Otherwise this may create difficulties. It is not a question of the quantum of compensation. What is to be highlighted is that adulterated food and adulterated articles or sub-standard goods are being sold in the market, and the purpose is to remove the adulteration, to remove the duplicate goods and all that, so that the health of the nation, the health of the people may be protected. So, In order to achieve that

purpose, in my submission, it would be better if at the local level, where the cause of action has taken place, you provide for redressal, because everybody cannot be expected to go to the State Commission or to the National Commission. It requires a lot of money to approach these higher authorities, the higher Commissions which have been provided for in the Bill. So, I would submit, let it start from the District Forum and then an appeal, if any, may go to the higher forums. This is one suggestion that I am making.

The other suggestion is with regard to clause 13, sub-clause (3), on page 8 of the Bill, which says:

"No proceedings complying with the procedure laid down in sub-sections (1) and (2) shall be called in question in any court on the ground that the principles of natural justice have not been complied with."

It means that you can call in question some other decision of the District Forum or of the State Commission in a civil court. I think, just as in many Acts it has been provided that no civil court has got jurisdiction to interfere, you may provide here that no civil court will have any jurisdiction in the matters which have been provided for in this Bill, or something like that, so that the people may not go to the civil court. The forum which has been provided in this Bill will be available, with an appeal to the State Commission and then a second appeal to the National Commission and then to the Supreme Court. So, in my submission, you may provide here like that, instead of saying "natural justice" and all that. This, to me, looks odd as if for "natural justice" you cannot go to the civil court, but for other purposes you may go to the civil court.

Then, clause 26 says:

"What a complaint instituted is found to be frivolous Or vexatious the District Forum, the State Commission or, as the case may be, the National Commission, may dismiss the complaint."

If you want, you may say that some penalty also may be imposed for filing a vexatious or frivolous complaint. But I want to make one point about the fee for sending the commodity to the laboratory, to which my colleagues have already referred. A poor man is not expected to pay any fee for sending it to the laboratory, which might be exorbitant in certain cases. Now, clause 26 says that if it is frivolous or vexatious it will be dismissed in limine. There is no difficulty. Only if it is entertained and *prima facie* there is some case, then and then only the matter will be proceeded with. The authorities have the power to dismiss the complaint at the beginning itself if it is frivolous or vexatious. But if *prima facie* there is a case and then proceedings take place and if it is found that it cannot be decided unless there is a test in the laboratory, then in my submission, there should not be any charge. They will be national laboratories. Government laboratories and the commodity or the thing will be sent by these Commissions—the District Forum Or the State Commission or the National Commission. So no fine should be charged from the complainant. These are my suggestions regarding the provisions of the Bill. I have been feeling over the last several years that though 52 per cent of the population of this country is below the poverty line and many people do not have food to eat, a lot of food articles which we buy is wasted, especially in restaurants, even in the restaurants here. When we sit for taking meals, I say, "Give me two vegetables". But a single person cannot consume two vegetables. That means, one vegetable goes waste. Full plate is given, not half plate. Since, I cannot consume full plate, half the plate is wasted. Similarly in the restaurant here I say a cup of tea. I get 2 1/2 cups of tea in the pot. I can take only a half cup or at the most a cup. The rest of it goes waste. In this way I feel the hierarchy, the higher people in this country are wasting at least half of the food which should go to the have-nots. This is the matter which I request the Minister to consider, that we should have tea pots of the size of that quantity that we can consume. If I am sitting singly in a restaurant and ask for tea, I must be-

given only that very amount which I can consume and not have to throw away the excess. These are things which I have had occasion to observe. *(Time bell rings)* This is a vast subject, the consumer protection subject, and through television and radio people should be taught about it and they must guard against the danger to their health by consuming adulterated foods and all that, and persons who are responsible for the adulteration must be severely dealt with and there should not be any mercy shown. There is no doubt about it, there is no dispute about it. So I support the Bill. Just as it was said in the other House, let us start with the working of the Bill and if there are certain difficulties or defects, they will be dealt with later on. This is a very laudable idea and I congratulate the Minister on bringing this Bill and on bringing the idea before us. With these words I once again support the Bill.

SHRI VITHALBHAI MOTIRAM PATEL (Gujarat): Mr. Vice-Chairman, I support the Bill even though it is brought too late; it should have been brought earlier. India has the biggest consumer market but unfortunately there is no consumer movement at all there and no political party has a consumer cell. They have a labour cell, a kisan cell, and so on but no consumer cell even though consumer protection is important. I would like to ask the Minister whether the Government is bound to purchase goods with ISI mark or not. I have come to know that DGS&D are not bound to purchase goods with ISI mark. Recently I have come across one instance that they are going to purchase Fenthion for Malaria Eradication Programme and some drug manufacturers offered them ISI mark drugs, but the officials of the DGS&D say that we are not supposed to buy ISI mark drug, they said they are going to buy a cheaper thing, they are going to buy a cheaper drug from the monopoly companies. Drug manufacturers, smaller or medium-size, cannot offer a cheaper rate. But at least ISI mark will be there and, therefore, DGS&D should be forced that they should not buy any material without ISI mark until it is available.

[Shri Vithalbhai Motiram Patel] I wanted to draw the attention of the Minister to an important question. If FCI supplies food with dust, wheat with dust or rice with dust, who should be blamed? Even in the fair price shop there I saw wheat containing more than 10 to 15 per cent dust and other things. The fair price shop owner said, "FCI, a Government institution, supplies this wheat and I am supplying it to the people." If that is so, the public sector units or institutions should also be covered and complaints should be registered against them also. I give you another example. There are a number of companies manufacturing different types of vehicles. They are collecting crores of rupees in the form of deposits and yet they do not deliver the vehicles in time. They do not return the deposits also. This is also a malpractice. Collecting crores of rupees, not delivering the vehicles in time and keeping the depositors' money for a long time without paying any interest, all these are malpractices and these people should also be brought within the purview of this Bill. Now, we have the Delhi Development Authority. In the States there are Housing Boards and there are also private contractors and co-operative societies. They take deposits from the people for providing houses within a particular period of time and they take a particular amount. But they do not provide the houses within the stipulated period. But they ask for more money. This is also one of the malpractices. The DDA and the Housing Boards in the States and the co-operative societies and also the private contractors must provide the accommodation to those who have paid the money within the time within which they have promised to provide them. This will also be a good step in the matter of consumer protection. In the same way, there are many other things in which the consumer protection is needed. Mrs. Najma Heptulla has rightly pointed out about telephones, railways, etc. Now, there are banks and the oil companies are there and we have to take their services. Now, in the case of banks, I can point out one thing. Only the Reserve Bank of India has the power to take back torn currency notes from the public. It takes months and

Why should not all the nationalised banks be authorised to change the torn notes? It causes a lot of pain to those people who have to exchange these notes from the Reserve Bank for good ones. This also would be a step in providing protection to the consumer.

Now, Sir, there are some voluntary organisations. In Gujarat, there is a consumer protection committee and this committee is recognised by the Gujarat Government. Such committee also should be given a place in the proposed Council. Some Member has criticised the TV. But TV can do a lot of service. Like the lan-vani programme, there can be programmes in which the bank people, the telephone department people and the oil company people should be brought and made to face the consumer, at least to make them know about the difficulties of the consumers and the remedies that they can suggest. TV is not remaining only in the cities these days. It has gone to the villages and it is the best media to educate the consumer and also to protect the consumers' interests. So, I request the honourable Minister to look into these aspects and see that in these fields and spheres the consumers are protected. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): Now, Mr. Matto.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Mr. Vice-Chairman, Sir, we are required to pass eight Bills, that is, the Consumer Protection Bill, 1986, the Standards of Weights and Measures (Amendment) Bill, 1986, the Standards of Weights and Measures (Enforcement) Bill, 1986, the Essential Commodities (Second Amendment) Bill, the Drugs and Cosmetics (Amendment) Bill, 1986, the Prevention of Food Adulteration (Amendment) Bill, 1986, the Monopolies and Restrictive Trade Practices (Amendment) Bill, 1986, and the Agricultural Produce (Grading and Marking) Amendment Bill, 1986.

Sir, although all these Bills have been piloted by three different Ministers, the kingpin in this is the Minister for Food and Civil Supplies, H. K. L. Bhagat. Sir, Mr. Bhagat incidentally happens to be the

Minister for Parliamentary Affairs also. I would have expected that such a bunch of important Bills do not come at the fag end of the Session. I would, therefore, request him to see that in future at least such Bills, such important Bills, come in the earlier part of the Session so that the Members can study them properly and think about the various aspects of these BHU and come forward with suggestions. Although the treasury benches today are almost full, the Opposition parties, I find, are almost empty. This is the interest being taken on these important Bills!

Sir, as regards the Bills as such, I have no hesitation in saying that the Bills are very good and there is no point that we should object to them. But, to my mind—I do not know, I may be wrong, and I hope I will prove wrong by the dynamic act on of the hon. Minister—that the enforcement of these Bills is Utopian, unless we have a strong consumer movement. For that consumer movement it is very essential that recognized consumer associations should be set up. Unless these consumer associations are set up, it is very difficult to implement these Bills. It is not America that these consumer movements are initiated by the consumers themselves. We have to see our society also. So in that connection, my first suggestion to the hon. Minister would be that he should personally write to the State Governments, fixing a date, giving them due notice of two or three months and fixing a date that he will come to the particular State and have a consumer association inaugurated. Unless this consumer association is inaugurated in the capital, it is very difficult that these Bills will be implemented.

Now, Sir, here I do not know; a little difficulty arises in my mind. I think you will allay my fears. But these fears are there that in all the Bills that I have seen a consumer association under the Act is to mean "a voluntary consumer association registered under the Companies Act, 1956." Now, I know that under the Companies Act a lot of formalities are to be observed not only at the formation stage but after the formation stage it is very difficult to run such association under the strict provisions of the Companies Act.

He should have seen to it whether it was easy for him to have them registered under the Societies Registration Act. If these consumer associations are registered under the Societies Registration Act, the complications that are likely to arise as a result of the functioning of these consumer associations could have been avoided. Anyhow, this has not been done. I do not know whether it is possible at this stage under the rules to have these associations registered. But my thrust is that once these consumer associations are inaugurated by the Minister himself in the capitals of the States then it should be their duty to see that such consumer associations are also established at the district level. This is very important for the implementation of these Bills.

Sir, with regard to the Consumer Protection Bill, it has been stated that there will be district forum; there will be State forum, and then the Central forum. But the job entrusted to them is under clause 14. No. (1) is to remove the defect pointed out by the appropriate laboratory from the goods in question; (2) to replace the goods with new goods of similar description which shall be free from any defect; (3) to return to the complainant the price, or, as the case may be, the charges paid by the complainant to the opposite party; and (4) to pay such amount as may be awarded by the District Forum. These are the four categories which can be brought to their notice. I would like to ask the Minister, this question. There is the Act that is called the Anti-Hoarding and Profiteering Act. Can the complaint under the Hoarding and Profiteering Act also be brought to the notice of the district authorities and, if so, under what clause can it be brought to the notice of the district authorities?

The other question that I would like to ask the hon. Minister is that in view of the fact that the Consumer Protection Bill has been brought forward, the ordinary laws will apply or will not apply.

SHRI H. K. L. BHAGAT: This is in the Bill itself that the former laws will remain as they are. This Bill is not repealing or abrogating any other laws. Those laws are there.

SHRI GHULAM RASOOL MATTO:

Why I say this is that I have a hunch that those against whom action is being taken will, in the first instance, question the very consumer association which this law provides for. They may say that they have not complied with the Companies Act or such and such Act. Ordinary law is there which can also take care of such cases. That is my point. That is why I feel that they should be registered under the Societies Registration Act. I applaud the Bill. I say that there are very important things in it. As I said, the consumer movement has to be motivated and initiated by the Government. It will not come from the surface or from the grassroots. It has to be inculcated in the minds of the people. Then alone these Bills can be implemented.

My second point is this. Yesterday, the hon. Minister has got a Bill passed. It was the Bureau of Indian Standards Bill, 1986. I had congratulated him that the Government can order compulsory standardisation of quality under the I.S.I mark or some other mark which may be prescribed. Here I find in the Bill presented by Mr. Ramanand Yadav Ji that the same thing has been done with regard to Agmark. Yesterday, I directed a question to the hon. Minister. I would like to know whether with regard to consumer things like edible oils which is very important and which has become a source of great trouble to the health of the millions of our people, the hon. Minister, Shri Ramanand Yadav, will ensure the House about implementation. The question is addressed to him. I had posed it yesterday to Mr. Bhagat. Will he assure us that he will direct certain categories of industries such as edible oil that they will compulsorily have this Agmark so that the people get the correct and the standardise'd thing?

With these observations, I support the Bill and wish that these Bills are implemented in letter and spirit. I still have a hunch and pray to God that this may be implemented. The consumer movement has to be started. It can be started only by Mr. Bhagat. I feel that it would be Utopian for me to think that they will be implemented. I hope he will assure me that

he will take steps to have this consumer movement started and will initiate action at least in the capital cities of the State\* so that something is started and a beginning is made. Thank you.

श्री सुरेश पच्चीरी (मध्य प्रदेश):  
माननीय उपसभाध्यक्ष महोदय, मैं कज्यूर प्रोटेक्शन बिल, 1986 का समर्थन करने खड़ा हुआ हूँ और आपके माध्यम से आदरणीय प्रधान मंत्री जी को और भगत जी को बधाई देना चाहूँगा इस बिल को लाने के लिए क्योंकि मेरी मान्यता है कि इस बिल से प्रधान मंत्री का सर्व-हारा वर्ग को दी जाने वाली सुविधाओं की भावनाओं का प्रतिबिम्ब इंगित होता है और मेरा ऐसा विचार है कि इस बिल के द्वारा उपभोक्ता के लिए बगैर खर्च आसानी से छोटी या बड़ी सभी शिकायतों के निदान के लिए समुचित व्यवस्था की गयी है और नीति के अनुसार वालंटरी ऑर्गेनाइजेशन को और अधिक प्रभावी बनाया गया है ताकि जो कार्यवाही व्यक्तिगत उपभोक्ता न कर सके वह वालंटरी ऑर्गेनाइजेशन कर सकें।

इस बिल में डिस्ट्रिक्ट फोरम, डिस्ट्रिक्ट कमीशन और नेशनल कमीशन में महिलाओं को स्थान देने का भी जो निर्णय है, वह एक सराहनीय कदम है, क्योंकि उपभोक्ता सुरक्षा और ग्रहणी का प्रगाढ़ संबंध होता है। अमेंडेड बिल में सविसेज का जो समावेश किया गया है, वह लोकमत का सम्मान है। साथ ही आदरणीय प्रधान मंत्री जी की मंशा के अनुसार राज्य की सेवाएँ, जैसे ट्रांसपोर्ट, इलेक्ट्रिसिटी को अक्रोमोडेट किया जाए, वह उद्देश्य भी इस बिल में निहित है।

अनेक महत्वपूर्ण मुद्दे मेरे पूर्व-वक्ताओं ने उठा दिये हैं। मैं इस बिल में वर्णित कुछ बिंदुओं की ओर ही आपका ध्यान आकर्षित करना चाहूँगा। सेक्शन 2 के क्लॉज 1 (एफ) की ओर मैं आपका ध्यान दिलाना चाहूँगा और आग्रह करना चाहूँगा कि सूचना के अभाव में भी उपभोक्ता को घाटा पहुँच सकता है। उनको भी रोकने की व्यवस्था करना आवश्यक है, जैसा कि कोई औपधि का

सेबन जष हम करते हैं, जब तक यह न बताया जाए कि उसकी कितनी डोज लेनी चाहिए, उसके आफ्टर इफ़ेक्ट्स क्या होंगे, तो इससे मरीज को नुकसान पहुंच सकता है। क्षति की व्याख्या को भी कानूनी आवश्यकता से जोड़ा जाना अच्छा प्रयास है, जो इस बिल के माध्यम से किया गया है, लेकिन उपभोक्ता को अच्छी व्यापारिक रीति-नीति की जानकारी से भी भिन्न करवाना बहुत जरूरी है।

बिल में वर्णित सैक्शन 9 में क्लॉज (ए) के अनुसार जब कानून एक तरफ राज्य शासन पर यह जिम्मेदारी डाल रही है कि हर एक जिले में डिस्ट्रिक्ट फोरम हो, ऐसी जिम्मेदारी के बाद सेंट्रल गवर्नमेंट के अप्रूवल की आवश्यकता प्रतीत नहीं होती है।

मान्यवर, आपके माध्यम से मैं सरकार से अनुरोध करूंगा कि इस बिन्दु पर वह फिर से पुनर्विचार करे।

सैक्शन 13, क्लॉज (4) के सब-क्लॉज (5) की ओर भी आपका ध्यान दिलाना चाहूंगा और उसको विस्तार रूप देना चाहूंगा कि डिस्ट्रिक्ट फोरम, राज्य आयोग और राष्ट्रीय आयोग को, दीवानी अदालत की हकूमत दी गई है, लेकिन उसमें इंटेरिम रिलीफ और इंजक्शन का स्पष्ट प्रावधान हो, ऐसी व्यवस्था करने की भी कृपा की जाए, ऐसा मेरा सरकार से अनुरोध है।

सैक्शन 27 जो पृष्ठ 11 पर है, उसके अंतिम पैरा की ओर भी मैं आपका ध्यान आकर्षित करना चाहूंगा क्योंकि अनुभव से हम इस निष्कर्ष पर पहुंचे हैं कि कल्याणकारी कानून के क्रियान्वयन में जब भी ट्रिब्यूनल या कमीशन आदेश देता है, तो राज्य की किसी न किसी अदालत से स्टे आर्डर मिल जाता है जिसकी धजह से दो-तीन सालों तक वह स्टे आर्डर वेकट नहीं हो पाता है। आज आवश्यकता इस बात की है कि ऐसे स्टे आर्डर नेशनल कमीशन और सुप्रीम कोर्ट के अतिरिक्त और किसी जगह से न मिलें। इस बात पर भी, मान्यवर, सरकार विचार करे, ऐसा मेरा अनुरोध है।

अभी तक देश का अर्थ तंत्र शार्टेज पर आधारित है। अतः उपभोक्ता को हमेशा घाटा सहन करना पड़ता है। देश में स्पर्धा की कमी होने पर वह नुकसान और घाटा जो होता है वह और अधिक हो जाया करता है। देश में थोड़ी स्पर्धा चीजों, वस्तुओं के बारे में प्रारंभ हुई है, इसलिए यह कंज्यूमर प्रोटेक्शन बिल काफी उपयोगी साबित होगा, ऐसा मेरा विचार है और इससे रूरल एरियाज, बैकवर्ड एरियाज, ट्राइबल बेल्ड में, खास तौर से कंज्यूमर काफी लाभान्वित होंगे, ऐसी मेरी मान्यता है।

देश में लगभग 200 कंज्यूमर वालंटरी ऑर्गनाइजेशंस हैं। आशा है कि इस बिल से उनको भी दृढ़ता प्राप्त होगी और मेरा दृढ़ विश्वास है कि कंज्यूमर प्रोटेक्शन बिल से शोषित लोग मुक्ति अनुभव करेंगे, उपभोक्ता आंदोलन को एक नई दिशा मिलेगी, कंज्यूमर अवैयर-नेस होगी, कंज्यूमर मूवमेंट देश में विलेज में, नेशनल लेवल तक डेवलेप होगी और कंज्यूमर के हक में, कंज्यूमर के हितों को मद्देनजर रखते हुए मनाया गया यह बिल इस महान सदन की स्वीकृति के बाद आगे उपभोक्ताओं के लिए मील का पत्थर साबित होगा।

अभी हमारे आदरणीय प्रधान मंत्री जी ने जो नवीन 20-सूत्री कार्यक्रम घोषित किया है, उसमें उपभोक्ता संरक्षण भी एक सूत्र रखा है। कंज्यूमर मूवमेंट में आशातीत सफलता, मान्यवर, तब प्राप्त होगी जब हम अपने पुनीत कर्तव्य समझते हुए जन-जागरण पैदा करें और लोगों को आम उपभोक्ता की हैसियत से अपना कर्तव्य निर्वाहन के लिए प्रेरित करें। इसकी सफलता इस बात पर और भी निर्भर करती है कि आम लोगों को रोज-मर्रा की चीजें आसानी से मुहैया करवाई जा सकें, तथा वह चीजें विशुद्ध हों, अडल्टेरेट न हों। मुझे यकीन है कि जिन

उपयोगी 8 विधेयकों पर आज 7.00 P.M. सायंकाल जो चर्चा हो रही है वे विधेयक अत्यन्त उपयोगी हैं और उन्हें न केवल हम इस सदन में पास कर एक औपचारिकता की पूर्ति करेंगे बल्कि हर एक क्षेत्र में इसके हर

[श्री सुरेश पचौरा]

विदुषों को मूत रूप देकर इसके कार्या-  
न्वयन में अपना कर्तव्य पालन कर उतर-  
दायी भूमिका अदा करेंगे।

इन्हीं शब्दों के साथ मैं यहाँ प्रस्तुत  
8 विधेयकों का समर्थन करता हूँ।  
धन्यवाद।

SHRI P. N. SUKUL (Uttar Pradesh): Mr. Vice-Chairman, I take this opportunity to congratulate our Government, especially the Prime Minister and our Food Minister, for bringing this Bill, the first of its kind in the country, which is going to protect the interests of the consumers and improve the situation as obtains in the country today, whether it is created by adulteration of the products, or by under-weighing, or due to any services etc. It is a very good piece of legislation; it is a very good beginning, as I said, in the desired direction and I am sure the people of India are going to largely benefit by this Bill.

As we know, adulteration has become the order of the day in our country. According to one study, in Delhi alone the incidence of adulteration in food stuffs was found to be of the order of more than 20 or 25 per cent. What is there today being sold in the market that cannot be adulterated, whether spices or cardamom, or pesticides or insecticides, whether it is any kind of canned food or other food, whether milk products, sweets? They are all adulterated. And together with under-weighing of products, we are cheated, both quantitatively as well as qualitatively. That is why I welcome this Bill which is going to cover almost all aspects and which is going to provide to the consumer the desired relief. I would be short and would make a few suggestions only.

As regards consumer protection councils in section 4(2)(b), it is mentioned that Central Council shall consist of such number of other officials or non-official members representing such interests as may be prescribed. And this is going to be prescribed under the rules framed under section 30 of this legislation. Similarly, State Councils also are to be constituted by the concerned State Governments. Here, I

would suggest that consumer representatives, or people's representatives, must be kept there on these councils. In these people's representatives can be M.L.A.s, or the corporators, or even the M.P.s, at the national level or at the level of block pramukh, or at whatever level. So, people's representatives can be there. What is, in fact, very much needed today is a kind of vigilance committees which should be authorised to inspect the shops and manufactures, check the weights and measures and collect samples for testing the quality of the products. Here, the Bill does not contemplate establishment of any such vigilance committees. I would suggest that these State councils and Central councils, the consumer protection councils, the objects of which are mentioned in section 6, sub-sections (a) to (f), can have the right to inspect the establishments and manufactories and check weights and measures, and to collect samples for testing the quality of various commodities. They must have access.

Besides ensuring the desired quality of the products, what is needed today is that there should be timely and adequate supply of essential commodities. I am sure, the Ministry will also consider some ways and means of ensuring that there is regular flow of essential commodities. The traders should not be allowed to hoard commodities or create artificial scarcity at least in the case of essential commodities. There should be proper check in this direction also.

We see today that there are so many laws concerning the protection of the consumers' interests. Therefore, I would request the hon. Minister to kindly consider the question of replacing these different laws and have a comprehensive law on the subject which must embrace the different aspects which are today under different Ministries. I would also suggest that all these activities, consumer protection activities, should be manned or co-ordinated by one single Ministry. Here, the Food and Civil Supplies Ministry should be the monitoring agency for ensuring the implementation of these various activities meant for the protection of the interests of the consumers.



As regards adulteration, I would suggest that more testing laboratories should be created. Today, the number of testing laboratories is very inadequate, with the result that though, according to the law of the day, the test reports should be given within 45 days, they do not come for months together. This delay also indirectly helps adulteration to continue. Therefore, if we want to have a foolproof system, we should have adequate number of laboratories for testing the food samples and the test reports should come within the prescribed time-limit, that is, 45 days. Otherwise, our weakness in not having the reports within time will be exploited by the traders and others and the consumers will be put to a lot of inconvenience.

With these observations I support all these most welcome Bills.

**श्री कल्पनाथ राय :** आदरणीय उपसभाध्यक्ष महोदय, सरकार ने जो उपभोक्ता संरक्षण विधेयक, 1986 और वाट-माप मानक विधेयक 1986 प्रस्तुत किया है, मैं उसका तहेदिल से समर्थन करता हूँ। यह सरकार का बड़ा सराहनीय कदम है और इससे हमारे देश के उपभोक्ताओं के हितों को कुछ हद तक रक्षा होगी।

आदरणीय उपसभाध्यक्ष महोदय, जब देश में प्लानिंग कमीशन बना और हमारे देश के राष्ट्रीयक जवाहर लाल नेहरू जी ने प्लानिंग के प्रोसेस को शुरू किया तो उन्होंने ब्लाकवाइज यूनिट बनाए कि हिन्दुस्तान में 5,011 ब्लाक हैं, इन ब्लाकों के माध्यम से हम कम्युनिटी डेवलपमेंट करेंगे। आज आप जो बिल लाए हैं, यह केवल दिल्ली, बम्बई, कलकत्ता या दूसरे शहरों, जैसे—पटना, लखनऊ या कुछ जिला लेवल के लिये है ... (व्यवधान) ...

**श्री एच० के० एल० भगत :** इसमें 550 जिले हैं।

**श्री कल्पनाथ राय :** 550 जिले हैं, ठीक है। आदरणीय उपसभाध्यक्ष महोदय, हिन्दुस्तान में 12 प्रांत ऐसे हैं, जिनकी आबादी 40 लाख या 50 लाख से कम

है। मैं आपको उत्तरप्रदेश के ऐसे जिले बता सकता हूँ, जिनकी आबादी 45 लाख या 59 लाख है। मेरी अपनी तहसील की आबादी 6 लाख है, जबकि मिजोरम, अरुणाचल प्रदेश और नागालैंड की आबादी भी 6 लाख है। तो आदरणीय उपसभाध्यक्ष महोदय, जब आप कंज्यूमर के हितों की रक्षा की बात करते हैं 1954 में प्रोवेंशन ऑफ फूड एडल्टरेशन एक्ट बना, लेकिन 1954 और 1984 के बीच फूड एडल्टरेशन बढ़ा है या घटा है? जब तक जन-शक्ति को उभारकर जमाखोरों और फूड एडल्टरेशन करने वालों के खिलाफ राष्ट्रीय पैमाने पर जनमत खड़ा नहीं किया जायेगा, हम इस समस्या का निराकरण नहीं कर सकते। पहले सरकार को तय करना होगा कि जो जीवन की सात आवश्यक वस्तुएँ हैं गेहूँ, चावल, एडिबिल आयाल, दवा, दाल इत्यादि,—और चीजें नहीं—वे हमें जनता को देनी हैं। उसके लिए हमें प्लानिंग करनी पड़ेगी प्रोडक्शन की कि 70 करोड़ जनता के लिए कितना दाल चाहिए, कितना चावल चाहिए, कितना गेहूँ चाहिए, कितनी मेडिसिन चाहिए, कितना एडिबिल आयाल चाहिए। प्रायोरिटी देकर इन चीजों का उत्पादन करना होगा। उत्पादन के बाद हमें डिस्ट्रीब्यूशन के सवाल पर आना होगा। जब तक इन चीजों का अभाव रहेगा, हम जमाखोरी को रोक नहीं सकते। बुलन्दशहर दिल्ली से सटा हुआ जिला है। वहाँ एक रुपया किलो गोभी बिक रही है और दिल्ली में हम सभी लोगों को 8 रुपए किलो मिल रही है। 50 रुपया क्विंटल हम अपने गांवों में आलू खरीदते हैं। इस समय दिल्ली के नार्थ एवेन्यू और साउथ एवेन्यू में 6 रुपए किलो आलू बिक रहा है। बुनियादी सवाल यह है कि प्रोड्यूसर को 1 रुपए किलो मिल रहा है और जो प्रोड्यूसर से लेकर दिल्ली में बच रहा है उसे 7-8 रुपए किलो। इस मुल्क की जनता की छाती पर बैठकर जो लूट रहा है वह है मिडिलमैन। जब तक आप पैदा करने वाले की उचित और रेगुलेटिव प्राइस नहीं देते तब तक जीवन की आवश्यक वस्तुओं का प्रोडक्शन उतना नहीं होगा जितना आप चाहते

[श्री कल्पनाथ राय]

हैं। जिनके दाम में आप प्रोड्यूसर से खरीदते हैं उसके इयोडे दाम के अन्दर वह कंज्यूमर को मिलना चाहिए। दिल्ली की आबादी 80 लाख है। सिम्रौल की आबादी 90 लाख के करीब है। सिम्रौल जो लोग गए हैं उन्होंने देखा है कि वहाँ के प्रोड्यूसर और कंज्यूमर के बीच पैदा करने वाले और उपभोक्ता के बीच में क्या रिश्ता है। हमारे गांव का किसान तो महीने आलू पैदा करने में खेत के अन्दर मिट्टी बन जाता है, वह 50 रुपए क्विन्टल पर आलू बेवेगा और दिल्ली में इस समय 600 रुपया क्विन्टल आलू है। अशोक होटल जो हमारी ही सरकार की ग्रैंडरेकिंग है उसमें 50 रुपया प्लेट चिप्स का दाम है। क्या रिश्ता है? कैसे इस मुल्क की अर्थव्यवस्था को हम मजबूत बनाएंगे। एक सर्वे द्वारा हिन्दुस्तान में कम तोलने और ग्रैंडरेवेट देने का। इसकी वजह से हिन्दुस्तान के उपभोक्ता को 1600 करोड़ ज्यादा देना पड़ता है। हमारे आदरणीय रामानन्द यादव जी, ग्रामीण विकास मंत्री, कृषि उपज संशोधन विधेयक लाए हैं। मैं उन से पूछना चाहता हूँ कि हिन्दुस्तान कहाँ है। मैं समझता हूँ कि इस देश में जब तक अंग्रेजी बोली में देश की संपद चलती रहेगी (अव्यञ्जन) भाषा और भूख एक ही सिक्के के दो पहलु हैं—संसद, लोकसभा, राज्य सभा अंग्रेजी बोली में चलेगी, जो मंत्री लोग भाषण देंगे, नीकरवाहों के लिये ड्राफ्टों को पढ़ेंगे। विरोधी दल के लोग आज हिन्दुस्तान में गरीबी हटाना चाहते हैं वह लोग अंग्रेजी में जवाब देंगे। विरोधी दल के लोग दशक दीर्घाओं में जो उपभोक्ता हैं वह उन की बात समझ नहीं सकते कि किस बोली में बहस हो रही है और मुट्ठी भर लोग 5 करोड़ या 6

करोड़ लोग हैं, यही सब कुछ समझेंगे बूझेंगे और कानून बनायेंगे और इन्हीं से देश चलता रहेगा। इस मुल्क में जो 90.99 फीसदी लोग प्रोडक्शन करते हैं वह अंग्रेजी भाषा नहीं समझते और जो 99 फीसदी जनता जीवन की आवश्यक वस्तुओं को पैदा करती है वह भी इस परदेसी भाषा को नहीं समझती और हमारे मंत्री हैं रामानन्द जी, जब वे बिहार के गोपाल गंज गांव में जायेंगे तो अपने गांव वालों को कहेंगे कि हमारी नीतियां बहुत अच्छी हैं। आप लोग हम को ही वोट दीजियेगा। जहाँ इस संसद के बाहर हुए वह अपनी बोली में बात करेंगे और जहाँ संसद में आये, यहाँ प्रवेश किया तो अंग्रेजी में बात करेंगे जिन्होंने इस मुल्क को सैकड़ों वर्ष तक गुलाम बनाये रखा उन की भाषा आप अपनाये हुए हैं और यह भाषा तो एक ही सिक्के के दो पहलु की तरह है। इसको जानने वाले लोग राष्ट्रीय समस्याओं को नहीं समझते। मैं आप से निवेदन करना चाहता हूँ कि जीवन की जो आवश्यक सात वस्तुएँ हैं वे उन लोगों को जो किन्हीं कारणों से दिल्ली या लखनऊ में आ कर बसे हुए हैं उन को नहीं मिल पाती। मैं पूछना चाहता हूँ कि मैं विलासिता की वस्तुओं की बात नहीं करता लेकिन जो लाइफ सेविंग ड्रग्स हैं या जो अन्य आवश्यक वस्तुएँ हैं जैसे गेहूँ हैं, चावल हैं, मिट्टी का तेल है या ईडेविल आयल है क्या ये चीजें आज गांवों में आप के डिस्ट्रिब्यूशन सिस्टम से लोगों को उपलब्ध हो रही है? बिल्कुल नहीं हो रही है। इस लिये इस बिल के अंदर कंज्यूमर प्रोटेक्शन की बात करती है तो आप को ब्लॉक लेवल कौंसिल के गठन पर विचार करना चाहिए। ब्लॉक लेवल कौंसिल में जनता के चुने हुए ब्लॉक प्रमुख को, जो गांव का प्रधान हो उसको इस कौंसिल का मेम्बर होना चाहिए और उस क्षेत्र के जो एम एल ए हो या जो एम पी हों उनको उस में होना चाहिए क्योंकि जो जनता से चुनकर आता है अगर वह काम करेगा तो फिर चुन कर आवेगा न ?

काम करेगा तो फिर अगले चुनाव में उस की जमानत जप्त होगी। उन को रेस्पॉसिबल बनाया जाय, उन को एका-उन्डेविल बनाया जाय और इसी तरह से स्टेट कौंसिल, डिस्ट्रिक्ट कौंसिल और ब्लॉक कौंसिल बनायी जायें। आप सेंट्रल कौंसिल में देश भर की नौकरशाही में काम करने वालों को रखते हैं। क्या मतलब है उन से जनता का? वह जो चाहते हैं पालिसी बना देते हैं। उनके पास दिमाग है ड्राफ्ट कर देंगे और कानून बना देंगे, लेकिन उस के लिये आंसरेबिल तो आप हैं। तो फिर जनता के प्रतिनिधि उस में क्यों न हों। उनका बहुमत उस में क्यों न हो। बंबई में कंज्यूमर्स का आंदोलन हो, कलकत्ता में हो, दिल्ली में हो, लेकिन असली हिन्दुस्तान तो यहाँ के 7 लाख गांवों में बसता है जहाँ पर किसान दिन रात मेहनत कर के चीनी पैदा करते हैं, गेहूँ और चावल पैदा करते हैं। जब वे उसे बेच देते हैं उस के बाद जब उन को वही चीज खरीदनी पड़ती है तो उसे चौगुने दाम पर खरीदनी पड़ती है। किसान अपना गेहूँ, धान बेच देते हैं, अपना आलू, गोभी बेच देते हैं, अरहर चना और दालें बेच देता है अपनी बेटी की शादी के लिये और जब दूसरे साल वह खरीदने जाता है तो आपको वही चीज चार गुने दाम पर मिलती है। क्यों? यह आज एक बुनियादी प्रश्न है। हिन्दुस्तान के प्रोड्यूसर और कंज्यूमर आज मारे जाते हैं। जो पैदा करता है वह मारा जाता है, जो खरीदता है वह मारा जाता है और यह जो बीच में जो लोग हैं जो उपपोक्ता और पैदा करने वालों को छाती पर मुँग दल रहें हैं उन के खिलाफ क्या है इस में? एडल्ट्रेशन करने या कम तोलने वालों को मौत की सजा के बराबर सजा दी जानी चाहिए। मैं जनाना चाहता हूँ कितने लोगों को एडल्ट्रेशन में, जमाखोरी में जखीरे-वाजी में, होडिंग में, खाद में मिलावट करने में सजा मिली है? खाद में मिलावट करने वालों को, सीमेंट की बोरी में रेत मिलाने वालों को, भोजन में मिलावट करने वालों को, कितने लोगों को आपने जेल की सींकड़ों में डाला है इस 70 करोड़ की आबादी के देश में? अगर नहीं डाला है

तो यही कारण है कि आज जमाखोरी चोरबाजारी, मिलावट व जखीरेवाजी बढ़ रही है। जैसे ही बाढ़ या सूखा आता है तो सब चीजों के दाम बढ़ जाते हैं। ये कौन हैं जो ऐसा करते हैं?

They must be identified by the Government.

एक माननीय सदस्य, अंग्रेजी में बोलिए, पूरा भाषण। . . . . . (व्यवधान)

श्री कलनाथ राय : आदरणीय उप-सभाध्यक्ष महोदय, अंग्रेजी का मतलब मैं समझता हूँ। मैं जो बोला हूँ इसको थारा प्रवाह अंग्रेजी में बोल सकता हूँ। लेकिन अपने मुल्क की, अपनी भारत माँ जिसके प्रति मेरी वफादारी है, राष्ट्र के लिए, देश के लिए, वतन के लिए मैं उसकी भाषा का ही प्रयोग करूँगा। मेरा देश, मेरा वतन मेरा राष्ट्र और मेरा मुल्क और उसकी भाषा और भूख एक ही सिक्के के दो पहलू हैं। उपभोक्ता के हितों की रक्षा भाषा से अलग नहीं हो सकती। उत्पादनकर्ता की रक्षा नहीं हो सकती यदि इस मुल्क की भाषा ठीक नहीं है।

आदरणीय उपसभाध्यक्ष महोदय, मैं आपसे निवेदन करना चाहता हूँ कि फूड अडाल्ट्रेशन प्रिवेंशन का जो कानून सरकार यहाँ पर लाई है, यह अच्छा कदम है। आप दिल्ली के एक लोकप्रिय संसद सदस्य हैं। पहला ऐक्सपेरिमेंट बंबई, कलकत्ता, मद्रास और बड़े-बड़े महानगरों में आप करें और जो बड़े-बड़े अडल्ट्रेटर्स हैं उनको अरेस्ट किया जाए और जो जमाखोरी करने वाले हैं उनको गिरफ्तार किया जाए, उनके ऊपर जो नेशनल सैक्यूरिटी ऐक्ट है आर्डिनेंस है, न जाने क्या क्या कानून हमने यहाँ पास किए हैं, हम कानून बनाते बनाते थका गए हैं, लेकिन उनको उन कानूनों के अंतर्गत गिरफ्तार क्यों नहीं किया जाता है इनके खिलाफ क्यों नहीं केस चलाए जाते? दिल्ली का जो जमाखोर है या जखीरेवाज है उसका आप पकड़ेंगे तो सारे अखबारों में छप जाएगा कि बड़े-बड़े चोर पकड़े गए हैं,

[श्री कल्पनाथ राय]

तो इसका असर जिला लेवल तक पड़ेगा और इस तरह की भावना फैलेगी कि ऐसा करने से जेल जाना पड़ेगा।

उपसभाध्यक्ष महोदय, जो बिल यहां आया है वह स्वागत योग्य कदम है और इससे जो थोड़ा बहुत उपभोक्ताओं की हित की दृष्टि से कदम उठ ए गए हैं, वह सराहनीय कदम हैं। इसलिए मैं उसका समर्थन करना हूँ। मुझे विश्वास है कि आप ऐसा जनमत, जनशक्ति और लोक शक्ति जागृत करेंगे ऐसा जन जागरण करेंगे जिससे कि हिन्दुस्तान के उत्पादन करने वालों और उपभोक्ताओं को संरक्षण मिल सके।

आदरणीय उपसभाध्यक्ष महोदय, इस देश में कंज्यूमर कल्चर, उपभोक्ता संस्कृति पैदा करनी है जो कि एक कठिन काम है क्योंकि जिस मुल्क में 40 परसेंट लोग गरीबी की रेखा के नीचे रहते हैं उसमें यह व्यवस्था होनी चाहिए कि इतने ही प्रकार का कपड़ा बनेगा, उनका ही प्रोडक्शन किया जाएगा। हमें प्लानिंग के ढांचे में भी बुनियादी परिवर्तन करना होगा उपभोक्ताओं के हितों की रक्षा करनी है तो उत्पादन करने वालों के हितों की भी रक्षा करनी होगी। जब तक हिन्दुस्तान के उत्पादन करने वालों के हितों की हम रक्षा नहीं कर सकेंगे, जब तक हम दैनिक वस्तुओं को भारी मात्रा में पैदा नहीं करेंगे, तब तक हम कंज्यूमर्स के हितों की भी रक्षा नहीं कर सकेंगे। यह सिस्टम ब्लाक लेवल पर होना चाहिए। अगर हम ब्लाक लेवल पर कंज्यूमर काउंसिल का गठन नहीं करते, जब तक हम लोक शक्ति, लोकमत जनशक्ति को नहीं उभारते जब तक जीवन की अनिवार्य वस्तुओं की उपलब्धि और वितरण सही ढंग से नहीं करते तब तक हम उपभोक्ताओं के हितों की रक्षा नहीं कर सकेंगे।

इन शब्दों के साथ मैं उस बिल का समर्थन करता हूँ।

श्री रामेश्वर ठाकुर (बिहार) : उपसभाध्यक्ष महोदय, हमारे माननीय सदस्य

श्री कल्पनाथ राय की हिन्दी के प्रति जो भावना है उसका आदर करते हुए मैं भी हिन्दी में ही अपना निवेदन आपके सामने रखना चाहूंगा।

कछ माननीय सदस्य : स्वागत है।

श्री रामेश्वर ठाकुर : उपभोक्ता संरक्षण विधेयक, 1986 जो हमारे सामने प्रस्तुत किया गया है और तत्संबंधी जो दूसरे विधेयक भी आज राज्य सभा में पेश किये गये हैं उनके लिए मैं अपने देश के महान नेता प्रधान मंत्री जी को और साथ-साथ अपने खाद्य मंत्री एवं कृषि मंत्री और स्वास्थ्य मंत्री आदि जिन लोगों ने ये विधेयक प्रस्तुत किये हैं उन को बधाई देता हूँ। यह एक ऐतिहासिक विधेयक है जिसका संबंध देश के सभी सामान्य वर्ग से है, चाहे वह किसान हो, मजदूर हो, बुद्धिजीवी हो, यानी किसी भी साधारण गांव में रहने वाले व्यक्ति से लेकर सर्वोच्च स्थान पर रहने वाले जो व्यक्ति हैं, सब से यह विधेयक संबंध रखता है। अतः मैं इसे ऐतिहासिक और बहुत महत्वपूर्ण विधेयक मानता हूँ।

हमारे गणतंत्र में योजनाबद्ध और संयुक्त आर्थिक व्यवस्था है जिसके अन्तर्गत पिछली 6 पंचवर्षीय योजनाओं में देश ने विभिन्न दिशाओं में खासतौर से आर्थिक सामाजिक, वैज्ञानिक, तकनीकी, स्वास्थ्य शिक्षा एवं अन्य क्षेत्रों में जो विकास किया है उसके साथ-साथ हमारे देश के जो नागरिक हैं उनके हितों की रक्षा की भी व्यवस्था की गयी है। समय-समय पर सरकार के कानूनों द्वारा और जनमत के द्वारा उपभोक्ताओं के जो संस्थान हैं उनके जो आन्दोलन रहे हैं उनमें जो स्वायत्त संस्थाओं ने भाग लिया है और दूसरी संस्थाओं ने भाग लिया है खासतौर से महिलाओं और युवावर्ग ने जो उचित भाग लिया है जागरण पैदा किया है उन सारी चीजों को मद्देनजर रखते हुए जैसा हमारे खाद्य मंत्री जी ने अपने प्रारम्भिक वक्तव्य में बताया है

उन्होंने यह कोशिश की है कि जितने विचार और सुझाव विभिन्न वर्गों से आए हैं उन पर परिसंवाद करके और विदेशों में भी इस तरह के कानून के जो अनुभव रहे हैं उन अनुभवों को ध्यान में रखकर और हिन्दुस्तान की जो सामाजिक और आर्थिक स्थिति है उनको ध्यान में रख कर यह विधेयक लाया गया है। इस विधेयक द्वारा उपभोक्ताओं के लिए बेहतर संरक्षण के लिए और उस प्रयोजन के लिए उपभोक्ता विवादों के निपटारे के लिए उपभोक्ता परिषदों और अन्य प्राधिकरणों की स्थापना के लिए व्यवस्था की है और उससे संबंधित सभी विषयों को संविस्तार इसमें लाया गया है।

हमारे इन विधेयकों का संबंध केवल आर्थिक दृष्टि से ही नहीं है समाज में खास-तौर से हर व्यक्ति के जीवन में उनके स्वास्थ्य और उनके रहन-सहन के बारे में उनकी जो संस्कृति है समाज के विकास की जो प्रक्रिया है इन विधेयकों में इन चीजों का भी महत्वपूर्ण स्थान है। हमारे मित्र श्री कैलाशपति मिश्र जी ने अपने भाषण में बहुत ही जोर से इन विधेयक के प्रति अपना अविश्वास प्रकट किया और उन्होंने यह बताया कि इस सरकार में इतनी क्षमता ही नहीं है कि इन विधेयकों का परिपालन कर सके और इसके द्वारा गांवों तक समाज तक लोगों को लाभ पहुंचा सके। हमें यह मालूम होना चाहिए कि ऐसी बात जब हम करते हैं तो हमारे देश में जो आवश्यक वस्तुओं का वितरण होता है यह बहुत कठिन काम है। इसको देश में कम से कम लागत पर गांव-गांव में और विभिन्न क्षेत्रों में कठिन क्षेत्रों में आवश्यक वस्तुओं को पहुंचाने का काम यह सरकार करती है। उसकी व्यवस्था सरकार ने की है यह एक सराहनीय कदम है। हम जानते हैं कि हमारे देश में बहुत से ऐसे क्षेत्र हैं जहां के लोगों की क्रय-शक्ति बहुत कम होती है। वहां पर सारी सुविधाएं उपलब्ध नहीं होती हैं। हम चाहते हैं कि उनकी कठिनाइयों का निराकरण किया जाना चाहिए।

खास तौर पर सुदूर प्रान्त हैं दूर-दराज के इलाके हैं जहां पर हमारे गरीब तबके के लोग रहते हैं कमजोर वर्गों के लोग रहते हैं खास तौर से अनुप्रांतीय जातियों और जन जातियों के लोग रहते हैं उनको अधिक से अधिक सुविधाएं देने के लिए प्रावधान किया जाना चाहिए हमें याद है। हमारे प्रधान मंत्री जी ने हमें इन क्षेत्रों के लोगों की जो ख्याल दिये जाते हैं उनके बारे में कहा है कि ये चीज उन्हें कम मूल्य पर दी जानी चाहिए ताकि वे लोग इनको खरीद सकें। उपभोक्ताओं के लिए संरक्षण के लिए हमारे 20-सूत्री कार्यक्रम में भी प्रावधान किया गया है। यह एक राष्ट्रीय महत्व का कार्यक्रम है। मैं समझता हूं कि यह कहना कि हम इस कार्यक्रम को लागू नहीं कर सकते हैं यह भ्रांतिपूर्ण धारणा है भ्रांतिपूर्ण आरोप है। इसकी कोई बुनियाद नहीं है। मैं मानता हूं कि यह बहुत बड़ा व्यापक कार्यक्रम है। इस विधान के अन्तर्गत जिन पार्षदों का गठन किया जाएगा उनकी व्यवस्था जिला स्तर पर राज्य स्तर पर और राष्ट्रीय स्तर पर की गई है। इन व्यवस्थाओं के संबंध में मैं दो तीन बातों का उल्लेख करना चाहूंगा। पहली बात तो यह है कि इसमें दिया गया है कि किस प्रकार के लोग इन परिषदों में रखे जाएंगे। जिला स्तर पर जो जिला फोरम होगा जिसको जिला मंच भी कह सकते हैं उसमें भी योग्य लोगों को रखा जाना चाहिए। राज्य स्तर पर पार्षद होगी और राष्ट्रीय स्तर पर आयोग होगा। मैं माननीय मंत्री जी से यह निवेदन करना चाहूंगा कि इन संस्थाओं में ऐसे लोगों को लिया जाय जो वास्तव में इन गुणों से युक्त हों जिन गुणों का उल्लेख इन विधेयक में किया गया है। ऐसे लोगों को इन पार्षदों में लिया जाना चाहिए जिनका स्वच्छ चरित्र हो स्वच्छ जीवन हो और जो वास्तव में उन भावनाओं से प्रेरित हों जिन भावनाओं का उल्लेख इस विधेयक में किया गया है।

आमतौर पर यह भी निवेदन करना चाहूंगा कि वह जो विधेयक आया है उसके संबंध में माननीय सदस्यों ने मित्राव

[श्री रामेश्वर ठाकुर]

का भी जिक्र किया है। अन्य कमियों की ओर भी ध्यान दिलाया है। मैं इन त्रुटियों का उल्लेख करके आपका समय नहीं लेना चाहता हूँ। इस विधेयक के पर-पालन में त्रुटियाँ आ सकती हैं। मैं समझता हूँ कि जब किसी अच्छे कानून को लागू किया जाता है तो नहल स्वार्थी वर्ग के लोग उसका विरोध करते हैं। उनका विरोध करना स्वभाविक भी है। इस विधेयक के प्रावधानों को लागू करने के लिए सरकार को क्या करना पड़ेगा। इस विधेयक को सही रूप में लागू करने के लिए आपको एक प्रक्रिया बनानी होगी। इसका इसमें उल्लेख भी किया गया है। मैं जन-श्रुति हूँ कि इसके लिए आपको एक विस्तृत नियमावली की आवश्यकता होगी। मैं चाहता हूँ कि नियमावली सरल से सरल बनाई जाय जो जन साधारण की समझ में आ सके और हमारे देश में जो गांवों के उपभोक्ता हैं वे उसको प्रच्छो प्रकार से समझ सकें। गांवों में रडों वाले लोग ज्यादा पढ़े-लिखे नहीं होते हैं। यह प्रक्रिया इतनी सरल और सुचारु रूप से लागू की जानी चाहिए कि साधारण लोगों को उसका लाभ प्राप्त हो सके। आपके अधिकारियों को भी इसकी आवश्यकता होगी।

दूसरी बात मैं यह कहना चाहता हूँ कि इस प्रक्रिया में और इस कानून में कोई समय निर्धारित नहीं किया गया है। इसमें अपील करने की सीमा दी है। धारा 14 में निष्कर्षों की बात कही गई है। जिला फोरम के निष्कर्ष कितने दिनों में दिये जाएंगे इसकी व्यवस्था नहीं गई है। बाद में अपील की व्यवस्था है। निष्कर्ष देने के बाद 30 दिन के अन्दर अपील की जा सकती है। लेकिन निर्णय देने की सीमा निश्चित होनी चाहिए। समय निर्धारित न करने से जो निहित स्वार्थी के लोग हैं वे इसमें अधिक से अधिक देर लगाने की कोशिश करेंगे। इसलिये मेरा निवेदन है कि राज्य स्तर पर जो संस्था बनेगी या जिस स्तर पर भी जो संस्था बनेगी उसके लिये समय निर्धारित किया जाना चाहिये। राष्ट्रीय स्तर पर जो आयोग बनेगा उसके लिये भी समय निर्धारित

नहीं किया गया है। इसलिये मैं माननीय मन्त्री महोदय से कहूंगा कि नियमों के अंतर्गत कुछ ऐसा समय निर्धारित किया जाना चाहिये जिसके अन्तर्गत इन चीजों का निपटारा शीघ्र हो सके। मुझे लगता है कि पृष्ठ-10 में एक थोड़ी सी भूल रह गई है। धारा-21 में मुझे लगता है कि हिन्दी रूपान्तर में भूल हो गई है—

21. इन अधिनियम के अन्य उपबन्धों के अन्तर्गत रहते हुये राष्ट्रीय आयोग को निम्नलिखित की अधिकारिता होगी :—

(क) ऐसे परिवारों को ग्रहण करना जहाँ माल या सेवा अथवा दावा कृत प्रतिकूल यदि है, का मूल्य एक लाख रुपये से अधिक है।

एक लाख से अधिक हमने रखा है राज्य स्तर के लिये एक लाख तक जिला स्तर के लिए। एक लाख से अधिक राष्ट्रीय स्तर के लिए नहीं हो सकता है यह 10 लाख होना चाहिये। यह गलत छपा है इसलिये इसमें सुधार की आवश्यकता है।

इसी प्रकार दूसरा सुझाव मेरा यह है कि इसमें जो सुझाव हमारे सुकुल जी ने दिया, प्रयोगशाला वाली बात कही गई। इसमें सम्भव है कि इसमें बहुत सी चीजें रुकेंगी केवल सवाल अधिक प्रयोगशाला होने का नहीं है। मैं नहीं समझता हूँ कि प्रयोगशाला में 45 दिन सभी चीजों में लगे, मैं समझता हूँ कि कोई कठिन चीज हो या दवा हो जिसमें बहुत समय परीक्षण करने में लगे तो इतना समय लगने पर निर्णय देने में बहुत देर होगी। एक तो यह कि प्रयोगशालाएं अधिक से अधिक होनी चाहिये और दूसरी यह है कि इसमें प्रारम्भ में शुल्क भी कम से कम होना चाहिये। प्रारम्भ में यह निशुल्क हो तो सब से अच्छी चीज होगी। इससे सामान्य लोगों को सुविधा होगी। लोग यह न सोचें कि हमें सुविधा मिलेगी या नहीं मिलेगी अग्राधी को दण्ड मिलेगा या नहीं मिलेगा सबसे पहले हमें तो शुल्क जमा करना पड़ेगा। प्रारम्भ में कुछ वर्षों तक के लिये जब तक हम इसका उपयोग नहीं करते हैं सरकार हो इस खर्च को वहन करे लोगों से शुल्क नहीं लिया जाए। दूसरी बात यह है कि इसको कम से कम समय में ही कांजिए। एक बड़े पैमाने पर



प्रशिक्षण का काम होना चाहिये। लोगों के बीच में जब तक बड़े पैमाने पर प्रशिक्षण का काम नहीं होगा तब तक गांव के लोगों के बीच में इस भावना को नहीं पहुंचा पायेंगे। इस तरह की बहुत सी प्रक्रियायें हैं जिन्हें गांव के लोगों तक पहुंच कर पूरा लाभ उठाया है। इसलिये मैं अनुरोध करना चाहूंगा कि लोगों के बीच में प्रशिक्षण प्रचार प्रसार हो। हमारे जो प्रचार के साधन हैं सभी साधनों द्वारा व्यापक रूप से इसका प्रचार तथा प्रसार होना चाहिये और सभी वर्गों के लोगों से खास तौर से हमारे सार्वजनिक जीवन में जो लोग लगे हैं सभी राजनैतिक पार्टियों के जो लोग हैं उनको अपने अपने जिले में जो भी इस तरह का राज्य मंच या फोरम बन रहे हैं उनके साथ उनका सम्बन्ध हो, यदि व्यवस्थित सम्बन्ध हो सके तो ज्यादा अच्छा है लेकिन कम से कम उनको इस में भाग लेना चाहिये देखना चाहिये। मैं ए० सुझाव यह देना चाहूंगा कि प्रारम्भ में खास तौर से मन्त्रालय स्तर पर एक ऐसी व्यवस्था इसके लिये होनी चाहिये जो बार-बार देखे कि जो कानून बनाते हैं उनका संचालन, पालन, प्रचार प्रसार नियमित रूप से हो रहा है या नहीं हो रहा है। इसके लिये मन्त्रालय में विशेष गठन होना चाहिये जिसके द्वारा यह काम अच्छी तरह से हो सके। हमें आशा ही नहीं पूर्ण विश्वास है जिस तरह से हमारे देश में विकास के काम हुये हैं उसी तरह से यह जो बहुत ही प्रभावशाली और बहुत ही अग्रगण्य विधेयक हमारे सामने आये हैं इनके द्वारा वास्तव में जिन उद्देश्यों के लिये इनकी स्थापना की गई है हम उनकी पूर्ति कर सकेंगे और देश में जन जन को इस से सुविधा मिल सकेगी। इन शब्दों के साथ मैं इन विधेयकों का समर्थन करता हूँ।

श्री एच० के० एल० शर्मा : उपसभाध्यक्ष महोदय मैं अभी जो मोटे-मोटे प्वाइंट उठाये गये हैं उन पर कुछ चर्चा जरूर करूंगा लेकिन कल्पनाथ राय जी की भावना से मैं प्रेरित हुआ हूँ इसलिये मैं शुरू में हिन्दी में बोल रहा हूँ बाद में कुछ दूसरी भाषा में भी बोलूंगा। कल्पनाथ राय जी द्वारा जिस भावना से जो बातें कही गई हैं उनसे मैं प्रभावित हुआ हूँ। मैं उनको धन्यवाद भी करना चाहता हूँ। हालांकि यह मैं नहीं

कह रहा हूँ कि जो सारी बातें उन्होंने कही हैं मैं उनसे सहमत हूँ। कई बातें उन्होंने कही हैं। वह जनता में काम करने वाले हैं जनता के अच्छे सेवक हैं। हमेशा जनता के हक में बात करते हैं, जोर से बात करते हैं, हिम्मत से बात करते हैं, यह उनका गुण रहा है। हमारे साथ दुख और सुख में हमने सबने मिल कर के काम किया है। उन्होंने जो कुछ विवरण प्रणाली के बारे में बहुत सी चीजें कही हैं इनके बारे में मैं चर्चा करूंगा। लेकिन उनकी भावना की मैं कद्र करना चाहता हूँ।

Now, Mr. Vice-Chairman, Sir, I must honestly thank the hon. Members for taking active part in this discussion. Fifteen Members have participated in this discussion and I must very honestly and warmly thank them for keeping the debate at a fairly high level and I must say that I have been enlightened by a number of suggestions a number of points which they have raised and the anxiety they have shown for the interests of the consumers, the concern they have shown regarding the present day problems and the suggestions they have made. I must say it will make a small book let if I get printed all the points mentioned by the hon. Members. These are a number of consumers Bills and when I talk of a Bill, I talk of the main Bills as well as other Bills and I will reply to the debate on all the Bills with the permission of my colleagues.

Now, there is a complete unanimity in this debate that a consumer protection Bill was needed. Almost everybody knows that it is a good thing that a Bill has been brought. Everybody has said this, though some apprehensions have been expressed. One of our hon. Member said that it looks to him a Utopian whether we shall be able to implement it or not unless we have a very strong movement. I do not accept it as Utopian but I do agree with him that any law, by itself is not sufficient to meet the problem of the people particularly a law like that, I would agree with it. Though I admit that the Minister should go and inaugurate councils and that will help in creating the consumers movement but I

[Shri H. K. L. Bhagat] have faith in the consumers of India. I have faith in the people of India. When we became free, many people said, Indian democracy will collapse within Six months, some said, it will collapse in one year, and others said, it will collapse in two years, three years, five years and so on and so forth. I am not going to divert the attention of the hon. Members. I will come straight to the Bill. We faced many trials and tribulations. There were many prophets of doom from time to time. We passed through many difficulties but those who led us in the freedom struggle had put faith in the people of India and Indian democracy has stood the test of the time. Indian integrity is strong and Indian democracy, Indian integrity and unity will ever continue to be strong. On that analogy, I have faith. I would like to pin faith on the consumers of India. I know, there is not enough activity there. The status of the consumer movement is not what it should be. I agree with that. The consumer organizations or movement is yet confined to major towns and I would even accept this that it is confined to some elitist section but they are doing good work. But I have absolutely no doubt that given the opportunity and time and the atmosphere, they can still do better. I do not want that there should be any Government controlled or Government sponsored consumer movement. I would like it to be a purely people's movement, coming from the grass-root levels, coming from the people themselves. I would not like this to be a political movement at all. The best interests of this country will be served if the consumers, all of them, irrespective of their political affiliations or any other ideology, form the organisations and I have no doubt, they will form them. Since we have started talking about this Bill itself, it has appeared in newspapers. I received a large number of letters from people from different parts of the country, from villages, from towns, from districts where they have said, we are forming the consumer organisation. I would say not only a consumer organisation is necessary but a very responsible and I am emphasising the word "responsible", disciplined and strong consumer organisation from the

village on to the national level is necessary. I have no doubt that the people of India when they get the opportunity will certainly develop that organisation irrespective of other things. The Government should encourage it as much as it can, but the consumer movement and organisation should never depend on the Government. It will never grow if it only looks to the Government for the purpose. I think we should have faith in the people. This is what the Prime Minister said. I had said the Government should do something about it. He said, "Why don't you have faith in the people of India? They have developed so many things and they will develop the consumer movement in this country. I have absolutely no doubt about it." As I said, we should have a very responsible and disciplined consumer movement in which everybody, the farmers, the youth and particularly the women have to play a major role. I have no doubt about it. I certainly agree that women are more conscious than men in regard to the problems of the kitchen, that consumers and all that. Well at least from my experience I can say this. My wife knows much more than me and she castigates me a number of times. I have learnt many things from her. She knows the trend. I do not know how Vajpayeeji learns, but I learn through my wife. This is my own feeling. I do not mention this with any motive. I have great respect for Vajpayeeji. What I am saying respectfully is that we wish that women come in large numbers and that is why provision has been made in the Bill for representation of women. In the composition of the council, women will be represented, I assure hon. Members another thing; they need not entertain any doubt. I give you a categorical assurance that we have no intention whatsoever to make these councils, at the national level and the State level, a preserve of the bureaucracy or make them bureaucracy-dominated councils. No, not "at all. In a democracy, we cannot just wish off bureaucracy. Bureaucracy is part of democracy. They have greater protection in the Constitution than perhaps we, politicians have. My senior colleague, late Mr. Raghuramiah used to say, "Look, we are all permanently temporary: perraa-



ment in the sense that we have no age of retirement; and temporary in the sense that we depend on the voters and the Ministers depend on the Prime Minister." What I am trying to say is that we just cannot wish off bureaucracy in a democracy or condemn bureaucracy absolutely. In the building of this country, all people have contributed, all sorts of people, the Government, leaders of parties, the Opposition and the ruling party in the States and at the Centre. They have all made this country, and the bureaucracy has also played its part.

Now, there was one thing which was said by the hon. Member Mr. M. A. Baby. His name is very attractive, though I should say he gave some mature suggestions. He and my hon. friend, Mr. Kalp Nath Rai said, 'Why don't you take this organisation to the block level, or the council to the block level? I have no objection in taking it to the block level and even to the village level. We are beginning with the district. Even this is being considered too much. Some people have warned me saying "You are trying to achieve too much and you may face difficulties". Gradually as time proceeds and as we experiment, we will certainly like this to go to the block level and the village level. We have suggested to the State Governments that on every fair price shop, there should be a vigilance committee. Here I may say for the information of our hon. Members that we have more than three lakhs of fair-price shops in the country and over 70 per cent of them are in the rural areas. We have suggested to the State Governments that on every fair-price shop, they must have a vigilance committee of five members including ladies, in villages and towns. In certain States some committees have been appointed at the block level. This kind of vigilance that we would like to put on the public distribution system would only be possible and would only be more effective, if we have more such committees where people at the grassroot level will be involved. The best watchmen of the consumers' interests can be the people of India themselves, the people at the grassroot level. Now, Sir, one hon. Member said that it is an

attempt to put some cosmetics on an otherwise beautiful face; not beautiful may be I did not catch him properly. But I would like to say that at this age, I do not need any cosmetics. What I am trying to say is that it is not a cosmetic Bill at all. He said that it is like other legislations, I do not say that other legislations are bad. I do not believe that the other legislations have not served the purpose, I do not believe in making any overstatements and overgeneralizations which is easy to make. I do not wish to minimise the hardships and miseries of the people of India at the hands of people who do all these things. At the same time every legislation to an extent has served a purpose. They could have served better is another question. And let me also say that I do not believe that this legislation is a magic wand. I do not believe that this legislation will put an end to all the difficulties, all the problems, of the Indian people, the Indian consumers, overnight or in a year, or two, and give them the desired relief. No, I don't expect it to be a magic wand. Some honourable Members, including you, Sir—you are in the Chair now—made a number of suggestions saying that this clause needs a little clarification, some interpretation, that needs a little elaboration. I need not take you through those details. But some of the things are clear, I have noted all of them. I say that we have done our best to make it as good as possible and we have done the consultation at every stage. The Law Ministry has been consulted. Every issue has been taken to them and only when they cleared the issues that we brought the Bill. We did not do just one exercise, we did twice, thrice, repeated exercises, with the Law Ministry. There were inter-Ministrial meetings of officials. There was even a Group of Ministers who had gone into that. All the same—I cannot claim that it is perfect now. No legislation can ever be perfect, particularly legislations which relate to social matters. They have to fit into the social conditions from day to day, from time to time. I will have absolutely no objection to come forward with a proposal to amend the Bill

**[Shri H. K. L. Bhagat] if we find that our legislation is lacking in any manner.**

One thing was said that we brought it on the last day of the Session. It is a good thing that we at least brought it on the last day of the Session. If we had not brought it now, it would have gone off for a long time. Some Members have said we took one year when the seminar took place one year back and there was a model Bill put forward. I think it was the honourable Member from Telugu Desam who said It But with one year's labour we have produced a healthier child a much healthier child. That is what you yourself said that it has been considerably improved. It was not really a model Bill that was proposed at that time. It was some sort of a guideline. It was not a Bill. But in one year's labour we have produced a healthy child which I want you all to take care of ...

SHRI B. SATYANARAYAN REDDY; My anxiety was to put it into implementation as early as possible, into effective implementation.

SHRI H. K. L. BHAGAT; I am grateful to you, you have made it very clear and you have lent your powerful support to the Bill...

SHRI GHULAM RASOOL MATTO: Everybody supported it.

SHRI H. K. L. BHAGAT; Yes, everybody supported it and I am grateful to you all. Now this child has to be taken care of as I said, by the entire people of India, and more so by the organised, disciplined, consumer movement. Let me make a clear distinction between this legislation and other pieces of legislation. While other legislations are penal and preventive in character, this Bill is compensatory in character, basically compensatory in character. That is *one* Secondly, the procedure in the other Bills is larger—long-term imprisonment, two years, three years four years, five years, etc. You have to go into various details before deciding the case. There has to be a more elaborate procedure and after that elaborate procedure only

you can award imprisonment or whatever punishment; otherwise the law goes off—it becomes ultra vires the Constitution and so on and so forth. This as a Bill to provide speedy 'adequate, relief, compensation like replacement plus compensation to the consumers, to all sections of consumers Somebody asked; Why don't you think of the rural areas? For the rural man no procedure for complaint has been prescribed, no fees have been prescribed. A simple postcard from one of the most distant villages of India written to the District Tribunal or the State Tribunal or the Central Tribunal, will be entertained as a complaint. Therefore, we have not kept any form, we have not prescribed any fees. One simple complaint on a postcard is sufficient, of course, some little time to meet the principle of natural justice you have got to allow so that the laws are not struck off. That is the point. This is meant for villagers, for rural people, for urban people, for teachers, for students, for everybody. Anybody can come forward. And secondly, 'another important feature is that it applies to all goods and services, as it stands, unless the Government exempts anything. This means that everybody is covered under it and all the articles and services are covered. I think it means that it is for everyone to beware, for all the sectors, the public sector, the private sector and the cooperative sector, to beware and to understand the responsibility to the consumers and to the people of India. On the one hand, Sir, a number of people have suggested to me that we are doing too much which we would not be able to implement, and, on the other, a very major progressive shift is there in this Bill. Now Sir, one important question has been raised about the prices.

Sir, we have lakhs of commodities in the country. You cannot fix the price of every commodity. Administration of fixed prices is a very difficult thing. We have fixed the prices of certain commodities and even that administration is difficult. Fortunately, in this country—my friend was saying—we have shortages of only a very few consumer items. Now we are short in edible oils and we are short, to

some extent, in sugar and we are managing it. otherwise, in wheat, in rice, and in most other things, there are no shortages at all. Of course, sometimes there are seasonal shortages in vegetables. But, in food items, in wheat and rice, by and large, there are no shortages which is due to our farmers, thanks to our farmers and the initiative taken by the Government. Thanks to our farmers and the initiative taken by the Government, in food items, particularly in wheat and rice, we are not only not having any shortage, but we are also having a surplus and we are in a position, if the world market is all right, to export food.

Now, with regard to the prices, what can be done? Either the prices should be fixed by the Government or the prices should be declared by the person concerned. No Government can fix the prices of lakhs of articles and no Government at any stage can put on every article the price or can fix the price of every article. It will impede growth and it will encourage corruption and it will mean the intolerable *raj* of bureaucracy and inspectors which, you say, should not come in at all. Therefore, we want a competitive economy. Actually Sir, some Members said that the consumer is at the mercy of those people because there is no choice. It is in a way true and in another way, not completely true. True in the sense that we do not have the competitive economy which we want and competitive economy is the answer to the problems of consumers, to the problem of shortages and so on. That is very much needed. Yet it is not true in the sense that in India we are in a position to produce many goods. Though there is absolutely no competitive economy, there are a number of commodities in which there is competition and in which a number of people are coming in and with the speed at which we are growing and developing in this country. I have no doubt that a time will come, may not be very soon, but I believe, very soon, when we will have a competitive economy resulting in the improvement of quality. Now, the other

thing is what we can do. Now, under the packaged commodity rules, the prices are supposed to be mentioned on the packages. We have said, "anyone charging more than that, and we have taken care of them. We can increase the penalty. But packaging also means more price. We can certainly increase the number of such commodities and improve the quality of packages also and so on. But fixing the price of every commodity is an impossible task and nobody would expect us to do. Now, one honourable Member again from West Bengal, said that during the Emergency—I am glad that he appreciated at least one aspect of the Emergency—the traders were asked to display the prices of all the commodities, the price of every item.

SHRI KALPNATH RAI: Very good.

SHRI H. K. L. BHAGAT: Now, this power is completely with the State Government. My learned friend can tell and persuade the West Bengal Government to do that. The power now rests with the State Government. If they think it necessary. I think they can ask the traders to display the prices.

SHRI ATAL BIHARI VAJPAYEE: What is the use of more displaying?

SHRI H.K.L. BHAGAT: Vajpayeeji, you know it very well and if this is done, ultimately, you will come and say...

SHRI ATAL BIHARI VAJPAYEE: Mr. Vice-Chairman, Sir, my point is that just display of prices won't do. You have to see whether the prices are fair or not. That is more important.

SHRI H. K. L. BHAGAT: You are absolutely correct. An honourable Member mentioned about the display of prices and I said that I would come to that question a little later and that is why I mentioned it. Now, you have said that display of prices is not enough. We cannot fix the price of every commodity. The only answer, according to me, lies in having some kind of surveillance committees. At the national level, there is a Price Surveillance Committee under the charge of a Secretary. I propose to put

[Shri H. K. L. Bhagat]

it under the charge of a Minister and I will suggest to all the States also to have price surveillance committees at the State level and at the district level also.

And they should sit together. 8 P.M.

You cannot fix the prices.

But you can create an atmosphere for doing some survey and for some kind of discipline. I think it is the political will of the Government and the cooperation of the trade and industry, and the might of the consumer, all together can, to an extent, contain these prices,

Now, Sir, Najmaji said about advertisements. Now, Sir, I do not know how I can prevent what advertisements should not give and what to give. But I agree with the hon. Members, Sir, that sometimes the consumers are cheated through advertisements. Sometimes I also see an advertisement and I ask my wife this seems to be good. She says: is it the thing you are talking of or of the way of advertising these goods? But there is a provision in the MRTP Act and we have included it in this Bill also that if any unfair trade practices are resorted to, we can go into that and take action in that esse.

Now, Sir, we would consider that those who are found guilty under the Food Adulteration Act, under other Acts, of sub-standard materials, if we can expose them on Ane radio and television so that the people of India know who is doing the right thing and who is not. We shall consider if it is possible to do that.

Then, Sir, let me make one thing clear. That is that an impression has come here that this Bill does not fix "any standards. This is a Bill regarding quality. It takes notice of standards just as it takes notice of the price fixed by the Government and prices mentioned on the commodity. In regard to quality, it takes notice of the prices fixed by the Government by any rules or a commodity declared by the trader, by the person concerned: this is my quality or that is my quality, if you go back on your standard, you become liable.

1

Now, Sir, quite a lot was said about the problems of the rural people. I agree with you. They complain about *the* fertilizers. My hon. friend has come forward with an amending Bill. it will do some good. But in addition to this. Sir, if anyone has today got a complaint about fertilizers, he can still go to tine consumer forum and file a complaint. The standard of the fertilizers is already fixed. We will try to see that the same standard is maintained as far as practicable. We shall see what we can do about it.

One important point was about the education of consumers. Now, Sir, we should educate the consumers about their rights. But let us not take them as unconscious. They may be illiterate 'as they seem to be, but they have a lot of practical wisdom, practical common sense. They know things. You have only to give them the lead and the times we spend on many other things. We need to give them a little organising support, and they will organise and they will understand. We shall see what we can do about it.

One point was made about the Food Corporation of India. Since I happen to be the Food Minister also, let me say that even today the Food Corporation is not exempted from the provisions of the Food Adulteration Act, No. 1 No let me say, I do not hold any brief for the Food Corporation of India, that I cannot say that the Food Corporation godowns never have any sub-standard thing may be it has got. Food goes to the State agencies, to the traders and many others. We have made arrangements that when the State agencies take the food, (here should be a double check, they should check as much as possible, as much as can be done. And we have taken action against people. we have replaced goods and We are prepared to do that, and the Food Corporation will be as much liable as any other corporation. I do not know of a single case of any bad food, which is not according to the pure food standards. And instructions have been issued to the Food Corporation of India. Food Corporation has so many laboratories. Qualities are checked.

It won't say that what they give according to standards. But it is generally reasonably satisfactory. Our friend Shri Kalpnath Rai, said that we should fix some essential items, plan their development and their distribution. We have done it. Essential commodities have been fixed for fair price shops. Some of the States have done it. He has mentioned drugs. Other commodities are fixed. We have planned their production. We are distributing them according to the rules. With due respect, I would say that all sorts of complaints are possible. But let me say that India is a unique country in the world, which through the public distribution system, is serving a very useful social purpose in two ways. Firstly, it is helping the grower. The question of grower was raised. With due respect I want to say the Agriculture Minister is here—that so much wheat has been grown in the country and if we are not to take it on the procurement price of Rs. 1621- the private trade will not purchase it even at Rs. 150/— and the farmers will suffer tremendously. Giving the margin even for the losses in transit and the expenses which the Food Corporation of India incur, there is some scope and we are going in for an exercise for as much reduction as possible. It is a fact that we are giving food, through the fair price shops, to the millions of people and at the cost subsidy of 2000 crores of rupees per year approximately. This is a unique thing that is happening in India. Perhaps nowhere in the world we have such a social purpose which we are having here. It is a pity that this thing is not probably known to the people. The other day I told it to my wife. She said; You are a fool. You are doing such a thing and you don't tell us. (*Inter-ruptions*) It is a fact. She did not say 'fool'. She said 'phool'. One thing is that distribution system is serving a very commendable purpose and we should be proud of it. The Prime Minister is keen to expand it to the distant areas, to the inaccessible areas. Now We are giving food in the tribal areas under various schemes at a large subsidy rate and at much lesser a price than what it costs us. I am amazed how anybody can blame the

Government of India for that. There may be difficulties in implementation. There may be problems. But the distribution system is serving an extremely good purpose.

One thing was said that the Food Corporation sells some foodgrains which are fit for animals and which the poor people have to purchase because they do not have the capacity. I have told the Food Corporation of India that if they have some very bad things, they should finish them I want to say that sitting here we all believe and perhaps say and go on saying, whether we sit on that side or on this side, about poverty and we have these some old! concepts of poverty of India which we had in the pre-Independence period. There is poverty in India. A large number of people are below the poverty line. There is no doubt about it. Somebody said 40 per cent. There may be difference of opinion about the percentage. But the fact is that the concepts of poverty in India have changed. We are proud of what India has achieved. There are people in this country who can really afford to pay for good things. Go and see. Vajpayee ji knows that even in the Delhi huts there are T.V. sets. I don't say everybody has become rich. It is because of their hard work and labour. But there are a large number of people who need to be taken care of.

Now about weights and measure, I have figures with me. But I do not want to go into figure jugglery. I have got figures of how much has been got enforced, arrested, etc, and so on.

The next important Point is with regard to the composition of the Council. I have already said that it would not be a bureaucratic monopoly of dominated by bureaucrats. Our intention is that there should be women in it, there should be some other representatives in it and there should be others in it who are useful. There should be no doubt about it. In the tribunals, there should be one woman everywhere. One woman does

[Shri H. K. L. Bhagat]

not mean one woman only. Maybe in some cases there are more than one women. In one case it has been said that there may be representatives of education, trade and commerce. Sir, if you want a real genuine implementation, you have to take the co-operation of the Government machinery, the consumer, the trader — every trader is also a consumer — and the intelligentsia. Everybody has to cooperate.

SHRI KALPNATH RAI: Producer also.

SHRI H.K.L. BHAGAT: I assure you that representatives of the farmers will find a place in this Council.

Then, Sir, one question was raised: Why do you say "the societies registered under the Companies Act?" Well, Sir, there are a number of cases which mean a lot of auditing and this and that. But under the Companies Act, a society can be registered and there are charitable societies and there are charitable trusts. If they are also registered under the Companies Act, we are interested in utilising their services for this cause. This is quite legal. Somebody said that the intention is vague. What is vague about it? Somebody said, why have you not fixed the numbers in the council. Kalpnathji was saying, well, my zilla is such a large zilla and some states are smaller. Could I mention that there will be 30 members only? And tomorrow AP State will say, what the hell do you mean by keeping only 30 members in our State Council, we have such a big State and we want a little more. So, that kind of oneness has, to be there in the circumstances of the case.

Sir, we have no intention for a second revision. I think Mr. Vice-Chairman, Sir, you raised that matter. We shall have 3 look at it. And the other question was why we have provided for an appeal. You have to provide for an

appeal to the High Court and to the Supreme Court. Otherwise, you don't know so many consequences are there. In one case, about, 12 (c) and 2(c), there is an errata. If you read the errata, your point will become clear.

- Then, Sir, comes the point of distinction between the line, of functioning of this Act and the MRTP Act. The MRTP Act amendment may come. The MRTP Act will deal with monopoly houses and unfair trade practices. And this Act will deal with the others.

Sir, one important point was raised as to why the person is supposed to pay for the testing charges. Sir, this is provided as in the Prevention of Food Adulteration Act where the man who makes a complaint gives the testing charges. And if a sample is found to be adulterated, that money is given back to him. But while giving compensation the Tribunal can take that into account. But I told the hon. Health Minister of state that you might examine this question further in the light of the suggestions given by the Members. We have kept Judges because Judges are necessary. But we have laid down the procedure and not left the procedures to anybody else.

Sir, one point was raised. It was asked: When will you implement it? You must tell us whether you will implement it in One year. Sir, I can tell you that my intention is to implement it earlier than that. I don't want to give only false statement of false assurance. But my desire is to implement it soon. I told my officers that as soon as the Bill is prepared, you must quickly prepare the rules quickly and lay them on the other experiences. I said prepare the rules quickly and lay them on the Table of the House. I have given them a few weeks. And I am saying it right now in the House that I want the rules in regard to this as well as the ISI soon so that this thing can be done.

Sir, I am just coming to the concluding part. I am not comparing nobody is comparing nobody has suggested and I do not want to compare India with America or any other country. We have studied their rules and their laws. I went to New Zealand and luckily they were going on with this exercise and they made a study. And we have studied all the laws and we got the books and we could study. Officers and everybody contributed. And we have not copied anybody. We have tried a number of things to make it acceptable to our Indian conditions. I think, Sukulji said, 'finish all those laws and bring one comprehensive law'. Nowhere in the world can there be one; comprehensive law, and nowhere you find it. If we make one law, firstly, it will be impossible to make, and secondly it will become a hydra headed monster. And God knows what will happen to that-

Sir the other point is that coordination is very necessary. I accept the necessity that there should be a coordination point whether in the law Ministry or elsewhere to see that all these things are done. It was said that Centre has control over 70 per cent of consumer items. I am not sure how far this is correct.

Then points about drugs are dealt with by the Health Ministry.

About storage it was said that some time adulteration is done there. Certainly we look into such cases. Some case was mentioned; I do not know which case it was. But it was a reference to Gujarat case where it had taken place some time ago; I can say that we had written them to take action and some case was registered and I had written to the Chief Minister. But this was quite long ago.

Then, Shri Kailash Patiji said

ठास कदम उठाया तो मैं यह कहना चाहता हूँ बड़े अदब से कहना चाहता हूँ कि ये कम भी बड़े ठोस फैसले हैं जो आप की सहायता

से कर रहे हैं, आपको सपोर्ट से करने जा रहे हैं, इम्प्लीमेंटेशन में आपकी मदद चाहिये। वाजपेयी जी अपने भाषणों में इसकी शिक्षा दीजिए कि यह अच्छा बिल है जो सरकार लायी है।

Vajpayee Ji I hope you would do that.

[Then somebody said it is incomplete Bill.]

मैंने कब कहा कि यह पूरा है। एक बड़ी दिलचस्प बात कही है किसी ने; उन्होंने कहा कि हर जगह प्राइम मिनिस्टर का नाम ले आते हैं ताकि रिसपोसिबिलिटी से बच जायें, एक तरफ हम कहते हैं कि प्राइम मिनिस्टर का नाम लाते हैं खुशामद के लिये और दूसरी तरफ कहते हैं कि रिसपोसिबिलिटी से बचने के लिये ले आते हैं। प्राइम मिनिस्टर का नाम इसलिये लाते हैं।

We are proud that we have a very dynamic Prime Minister who is leading the nation.

बड़े परिवार के मुखिया के बिना कोई घर नहीं चलता।

वाजपेयी जी आपको बताना चाहता हूँ, पता नहीं आपको पता है या नहीं। आपके सामने वे नारे लगे हैं या नहीं। मैं कई जगहों पर से आपके जुलूसों में से गुजरा हूँ। दिल्ली से बाहर भी नारे लगते हैं 'आई है चिन्गारी, आया है अटल बिहारी।' "देश का नेता कैसा हो, अटल बिहारी जैसा हो।" आपने भी सुना होगा।

ओ अटल बिहारी वाजपेयी : मैंने नहीं सुना है।

श्री एच० के० एल० भगत : आपके सामने भी बोलते हैं। मैंने आपकी सभा में सुना है। मैंने जबलपुर में सुना है। पीछे खड़े होकर मैंने आपके भाषण भी सुने हैं। मैं यह कहना चाहता हूँ कि यह प्रवृत्ति अपने लीडर के प्रति भरोसा रखने की है। इसलिये कहता हूँ कि इस बात में कोई दम नहीं है।

[श्री एच० के० एल० भगत]

इसके बाद करण को बात आती है। मैं कक्षा वाहूंगा कि जो कण्टेनर है इसको रोका जाना चाहिये। जनरल व में बात करने से बात नहीं बनेगी जब तक कि उसका सबत या उसको शिफायत नहीं होगी।

In a general way, talking in the air, would not help.

गोपल साहब ने भी कई सारे सुझाव दिये कि इस तरह से किया जाये उस तरह से किया जाये। उन्होंने कहा कि रीजनल जुरिस्डिक्शन इम्प्लून्ल बनाया जाए। आप सिर्फ एक जिले की बात कहते हैं अगर हम सारे जिलों के लिये ट्राइब्यूनल दें तो कितने बड़े-बड़े कंसेज आयेगे और कितना काम बढ़ जाएगा, यह आपको शायद पता होगा कि इसके इम्पलीमेंटेशन में कितनी दिक्कत आयेगी। यह इम्पलीमेंटेशन एक टेस्ट है

and it is a test not only for the Government, it is a test for the consumer; and I would say it is a test for the opposition parties also. What do I hey do outside, everybody will watch.

लेबाटेरी ज्यादा होनी चाहिये यह भी कहा गया है। कोशिश करेंगे इसमें कोई शक नहीं है। प्वाइंट्स तो बहुत सार हैं लेकिन सम-अप करते हुये मैं एक बात लास्ट में कहना चाहता हूँ

The bill is a

real milestone in our progress towards consumer protection, very concrete positive milestone, which gives us an opening to give prime relief to the people and also help in developing consumer movement.

I am thankful to the House; the whole House has welcomed it and in Lok Sabha also it was unanimously supported and welcomed, and in this House also it has been welcomed. I am thankfuj to the hon. Members for the patience they have shown and I am thankful to you. Sir for the patience that you have shown in listening to me.

श्री रामानन्द यादव : माननीय सदस्य मट्टू साहब ने यह कहा कि रूरल डेवलपमेंट मिनिसटर, खाद्य तेल की कम्पनी के किसी भी उत्पादन पर एग मार्क लगवायेंगे?

मैं बताना चाहता हूँ कि इस बिल में जो हमने पेश किया है उसमें प्रोविजन है कम्पलसरी डिक्लेरेशन आर्टिकल का और आज हमें उस पर कुछ कहना नहीं है। लेकिन यह जो हम बिल लाये हैं, इस बिल के माध्यम से किसी भी आर्टिकल को किसी भी देश के कोने में कहीं भी इसको हमने कम्पलसरी ग मार्क लगाने की बात कही है। इसके कम्पलसरी "एग मार्क" लगाने के लिये कम्पलसरी डिक्लेयर कर सकते हैं। अगर हम इसको कम्पलसरी डिक्लेयर करें और कोई व्यक्ति बिना मार्किंग के बेचगा उसके ग्रेडेशन को तो उसको सजा होगी।

श्री अटल बिहारी वाजपेयी : उपसभाध्यक्ष जी, आप अलग-अलग विधेयक लेंगे या एक साथ लेंगे, क्योंकि मुझे एक विधेयक पर कुछ बोलना है ?

उपसभाध्यक्ष (श्री पवन कुमार बंसल) : जब वह विधेयक आयेगा तो आप बोल लेंगे।

We shall now take up the Bills one by one for consideration. The question is:

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

*The motion was adopted.*

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

*Clause 2 to 31 were added to the Bill.*

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

SHRI H.K.L. BHAGAT: Sir, I beg to move "That the Bill be passed."

*The question was put and the motion was adopted.*



THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): We shall now take up the Standards of Weights and Measures (Amendment) Bill. The question is:

"That the Bill to amend the Standards of Weights and Measures Act, 1976, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

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

*Clause 2 was added to the Bill.*

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

SHRI H. K. L. BHAGAT: Sir, I beg to move;

"That the Bill be passed."

*The question was put and the motion was adopted.*

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): We shall now take up the Standards of Weights and Measures (Enforcement) Amendment Bill. The question is;

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

• *The motion was adopted.*

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

*Clauses 2 to 5 were added to the Bill.*

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

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

"That the Bill be passed."

*The question was put and the motion was adopted.*

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): We shall now take up the Essential Commodities (Second Amendment) Bill. The question is;

"That the Bill further to amend the Essential Commodities Act, 1955, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

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

*Clauses 2 and 3 were added to the Bill.,*

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

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

"That the Bill be passed."

*The question was put and the motion-was adopted.*

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): We will now take up the Bill moved by Miss Saroj Khaparde. Now I will put the motion. The question is;

"That the Bill further to amend the Drugs and Cosmetics Act, 1940, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

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

*Clauses 2 and 3 were added to the Bill.*

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

KUMARI SAROJ KHAPARDE; Sir, I move;

"That the Bill be passed."

*The question was put and the motion was adopted.*

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): We will now take up the other Bill moved by Miss Saroj Khaparde. Now I will put the motion.

The question;

"That the Bill further to amend the Prevention of Food Adulteration Act, 1954, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

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

*Clauses 2 and 3 were added to the Bill,*

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

KUMARI SAROJ KHAPARDE; Sir, I move;

"That the Bill be passed."

*The question was proposed.*

श्री अटल बिहारी वाजपेयी : उपसभाध्यक्ष जी, मैं इस विधेयक का विरोध नहीं कर रहा हूँ लेकिन इसकी एक धारा के बारे में मुझे संदेह है और सन्देह है शब्दावली को लेकर। जो ओरिजिनल एक्ट 1954 का है इसमें क्लॉज 12 में कहा गया है, मैं पढ़ कर सुनाता हूँ :

"Nothing contained in this Act shall be held to prevent a purchaser of any article of food other than the food inspector from having such article analysed by the public analyst on payment of such fees as may be prescribed and from receiving from the public analyst a report with analysis.

अब जो संशोधन लाया जा रहा है इसमें फूड इंस्पेक्टर के बारे में क्लॉज—2 में है—

In the opening paragraph, after the words "Food Inspector" the words "or a recognised consumer association".

परचेजर शिकायत कर सकता है, फूड इंस्पेक्टर नहीं कर सकता है।

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): It is in addition to the food inspector.

फूड इंस्पेक्टर को वही पावर्ज है।

श्री अटल बिहारी वाजपेयी : फूड इंस्पेक्टर की पावर्ज अलग है जो ओरिजिनल एक्ट में है हमने फूड इंस्पेक्टर को एक्सक्लूड कर दिया है मगर हम कन्ज्यूमर आगनाइजेशन को तो शामिल करना चाहते हैं।

श्री एच० के० एल० भगत : नहीं, नहीं, ओरिजिनल एक्ट में फूड इंस्पेक्टर है और वही करता है। अब एडिशन हुआ है। आप पढ़ लें, हम भी पढ़ लेंगे कोई गलती होगी तो सुधार कर लेंगे। (व्यवधान)

श्री अटल बिहारी वाजपेयी : इतनी बड़ी गलती आप कर रहे हैं (व्यवधान)

श्री एच० के० एल० भगत : नहीं गलती नहीं कर रहे हैं, गलती नहीं है, लेकिन जो प्वाइंट मैं एक्सपेक्ट कर रहा था मिस्टर नारायण स्वामी ने रोज किया था प्रोसीजर के बारे में उन्होंने यह कहा था क्लॉज—13 (सी) और (डी) में कुछ इनकॉन्सिस्टेंसी है सैम्पल लेने के प्रोसीजर के अन्तर्गत जो कि प्रिवेंशन आफ फूड अडल्टरेशन एक्ट में है। मुझे यह एडवाइस किया गया है कि प्रोसीजर अन्डर प्योर फूड एक्ट में है जो वह प्रोसीक्यूशन के लिये है।

This Bill is for the purpose of getting redressal for consumer. Therefore, there is no inconsistency. The procedures are mutually exclusive for different kinds of remedies. This is the advice of the Law Ministry. And this is the point raised by Shri Narayanaswamy. The Inspector as well as other can file the complaint. Still you are raising the point, we will certainly go into that.