

LOK SABHA

SYNOPSIS OF DEBATES (Proceedings other than Questions & Answers)

Thursday, December 20, 2018 / Agrahayana 29, 1940 (Saka)

*MATTERS UNDER RULE 377

- (1) **SHRI SUDHEER GUPTA** laid a statement regarding growing nilgai menace in Mandsaur Parliamentary Constituency in Madhya Pradesh.
- (2) **SHRI LAXMI NARAYAN YADAV** laid a statement regarding need to clean and undertake beautification works of the historical Sagar pond in Sagar Parliamentary Constituency, Madhya Pradesh.
- (3) **SHRIMATI DARSHANA VIKRAM JARDOSH** laid a statement regarding need to make water recharging and harvesting system mandatory in all the Government offices.
- (4) **SHRIMATI MEENAKASHI LEKHI** laid a statement regarding shaming of farmers in Haryana who defaulted on their loans.
- (5) **SHRI GOPAL SHETTY** laid a statement regarding need to permit vending activities near railway stations.

* Laid on the Table as directed by the Speaker.

- (6) **SHRI KAPIL MORESHWAR PATIL** laid a statement regarding need to provide stipend to Ayush doctors (Homoeopathy) at par with MBBS doctors during internship.
- (7) **SHRI ANURAG SINGH THAKUR** laid a statement regarding increasing incidence of non-communicable diseases.
- (8) **SHRI KAUSHAL KISHORE** laid a statement regarding transfer of women employees of H.A.L. Korwa in Amethi district, Uttar Pradesh.
- (9) **SHRI RAGHAV LAKHANPAL** laid a statement regarding need to establish a State level University in Saharanpur, Uttar Pradesh.
- (10) **SHRI GANESH SINGH** laid a statement regarding need to start air services from Satna in Madhya Pradesh.
- (11) **SHRI HARISHCHANDRA CHAVAN** laid a statement regarding need to provide compensation to grape farmers and exporters who suffered huge losses in the year 2010.
- (12) **SHRI R. DHRUVANARAYANA** laid a statement regarding implementation of effective policies to curb child marriage.
- (13) **SHRI MULLAPPALLY RAMACHANDRAN** laid a statement regarding privatization of Trivandrum International Airport.
- (14) **DR. THOKCHOM MEINYA** laid a statement regarding making Manipur an International tourist destination.

- (15) **SHRI R.K. BHARATHI MOHAN** laid a statement regarding railway related issues pertaining to Mayiladuthurai Parliamentary Constituency of Tamil Nadu.
- (16) **SHRI J.J.T. NATTERJEE** laid a statement regarding problems of safety match manufacturing units in Kovilpatti, Tamil Nadu.
- (17) **SHRI GAJANAN KIRTIKAR** laid a statement regarding merger of Central Marine Fishing Research Institute with Fisheries University.
- (18) **SHRI JAI PRAKASH NARAYAN YADAV** laid a statement regarding need to start construction of approved Bariyarpur - Banka railway line in Bihar.

THE CONSUMER PROTECTION BILL, 2018 -contd.

THE MINISTER OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION (SHRI RAMVILAS PASWAN) *continuing said:* There are 125 crore people in our country and all of them are consumers. Awareness has been gaining momentum among the consumers of our country. We, therefore, have introduced this Bill. This Bill is in the interest of the consumers of the country. This Bill provides for the setting up of a Central Consumer Protection Authority which will have the right to take class action. Under the class action, the authority will have the right to take action before, during or after the purchase of

any article. Any person can lodge complaint even from his home. There will be no need of any lawyer. Provision of mediation has also been stipulated. We have also made an arrangement for e-filing. We have also taken care of misleading advertisements. In this regard, we have provided financial penalty instead of incarceration. Besides, hearing can also be held through video conferencing. We have made the issuing of bill mandatory and any article can be returned within a month. It is a non-controversial Bill and I would like to request the House to pass the same as soon as possible.

SHRIMATI PRATIMA MONDAL *initiating said:* The emergence of global supply chain, rise in global trade and rapid development of e-commerce have led to a new delivery system for goods and services and also provided new options and opportunities for consumers. Equally it has rendered the consumers open to new forms of unfair trade and unethical business practices. Therefore, it is commendable that the Government has embarked on modernising the legislation on consumer protection thus keeping pace with the changes in market. The Bill enforces consumer rights and provides a mechanism for redressal of complaints regarding defects in goods and deficiency in services. Consumer Disputes Redressal Commission will be set up at the District, State and National levels for adjudicating consumer complaints. The Bill sets up a Central Consumer Protection Authority to promote, protect and enforce consumer rights. The Bill sets up the Consumer Dispute Redressal Commission as a quasi-judicial body to settle the

dispute. The Bill also sets up the Consumer Protection Councils at District, State, and National level as advisory bodies. But the Bill does not specify as to who will advise these Councils. If the Councils will advise the Government, it is unclear on what basis such advice will be given. The Bill proposes severe penalty for misleading advertisement. Explicit guidelines may be required on what is misleading and what is not. The Bill further state that penalty has to be determined. There is no clarity on how an endorser can verify due diligence. Where will the consumers go if they have a specific query? Many consumers now do that on social media and some brands do respond. But where is the recourse of the consumers when brand do not respond? How can the consumer verify that what a brand is claiming, is genuine. A formal reservoir of knowledge on products and brands would be necessary where the consumer can verify the claims. It may be a better option to ban the celebrity endorsement completely. With this I support the Bill.

SHRI TATHAGATA SATPATHY: This Bill is coming up in this House after a long period of 32 years. We have no sunset provision in this Bill. Consumer rights is something that needs updation at regular basis. There should be a built-in Clause by which every five years the Bill would expire of its own accord. I do not agree with the hon. Minister that this is a non-controversial Bill. The members and presiding officers of district-level and State-level courts should ideally be nominated by the State Governments; the Centre should focus only on

the National-level courts. My other objection is that we are giving power to the executive /bureaucracy by leaving everything to rules. It should have been built-in here in the Bill as to who can man and preside over these courts. I hope the hon. Minister will take back the Bill and bring forth a new Bill with amendments which address these issues.

SHRI PRAHLAD SINGH PATEL: I appreciate the Government for bringing in amendments to the Bill. District Consumer Forum has been strengthened in this regard. In case someone mixes water in the milk, we feel that the milkman has committed a moral crime. We often see such value degradation in our society. Whatever affects our health, is a crime. We have District Consumer Forums, State Consumer Forums and National level Consumer Forum. We have enhanced their economic limit. The rights of consumers are not ordinary ones. Whenever we purchase some items and find variation in their price, it does not fall within the purview of crime. The Government must interfere in such matters. In my opinion the relationship of consumer is not only to exchange but to enhance credibility also. With these words, I support this Bill.

SHRI MADHUKARRAO YASHWANTRAO KUKADE: This Bill encompasses all the good aspects but fails to safeguard the interests of the farmers. Electronic weighing scales should be provided at market committees and Government procurement centres. This Bill should have uniform application throughout the country. There should be a check on misleading advertisements

and adulteration in food items. Infrastructure of courts should be improved in the country.

SHRI RAHUL SHEWALE: I stand to support the Bill, but I have some points for the kind consideration of the Government. The Bill only addresses the issue of false or misleading advertisements, and the liability of product sellers and product manufacturers regarding the labeling of goods in general. So firstly, we need to make it mandatory for the manufacturers and sellers through this Bill to include the levels of salt, sugar and trans-fat, failing which appropriate penalty must be imposed. As far as the Central Consumer Protection Council is concerned, it is inappropriate for the Executive to be advising on the subject. So, experts must be compulsorily appointed to the Council to perform the advisory function. Further, the Bill does not specify whom the State and District Consumer Protection Councils will render the advice to. The Bill proposes to establish Consumer Disputes Redressal Commissions at District, State and National level. These Commissions are quasi judicial bodies conferred with the powers of a civil court. Hence, it is essential to have judicial members in the proposed Commissions and it should be clearly included in this Bill.

SHRI E. T. MOHAMMAD BASHEER: This Bill is much needed but I have my own doubts whether this Bill is fully equipped for meeting the challenges which arise out of the emerging global market. Consumers are exploited and cheated in many ways. The Consumer Redressal Commission at the District, State

and National level is a good move. I hope this Bill will prevent the misleading advertisements. Inclusion of online products is also a welcome suggestion. The clause dealing with the online fraud is not sufficient to meet the challenges. The grievance redressal mechanism should be strengthened to avoid delays. It should be made easy for the consumers to fight cases.

DR. P.K. BIJU: India is a consumer country. The Bill seeks to enforce consumer rights and provide for a mechanism for redressal of complaints and correct deficiencies in goods and services. The Commission is sought to be headed by a Government servant. I doubt if that will provide a proper remedy for complaints made by consumers. I would like to raise this issue that the presence of people from the judiciary is very much necessary in different Commissions for common people to get justice and benefit. The volume of online trading is increasing every year. How can online trading frauds be detected and how can the rights of consumers be protected? No such provision to control online trading is visible in this Bill.

SHRI KAUSHALENDRA KUMAR: This is an important Bill. Now, the market has advanced. But the operation of new market system is not regulated. Today, the market is full of misleading advertisement, telemarketing, direct sale, e-commerce etc. This is the reason why the consumers are at times duped. Fake and damaged goods are supplied. Consumers are cheated by giving alluring offers on the festivals. These are all cheat syndicates. They need to be punished so they do

not muster courage to cheat the people again. Through you, I would like to request the hon. Minister to issue strict guidelines about advertisements so that misleading advertisements are checked. Protection of consumers' right is the responsibility of the Government for the smooth operation of any economy. Therefore, this is a welcome step to enact this law and make it more effective. Small and medium industry people are also being cheated. Therefore, there should be a provision for the guarantee of their payment.

SHRI JAI PRAKASH NARAYAN YADAV: This Bill will prove to be a good Bill. Protection of rights of Consumers and bringing about awareness among them is necessary. Lakhs of cases are pending. One member each from SC, ST and OBC should be there in the proposed Commission. Committees at District, State and National levels should be constituted.

ADV. JOICE GEORGE: This Bill is intended for protecting the interests of the consumers. The Central Consumer Protection Council is also envisaged under this Bill. But judicial expertise is also lacking in this Bill. That may be an impediment for the Central Consumer Protection Council in the discharge of its duties. Another issue is mediation and I have got my genuine doubt as to what extent mediation can help in redressing the grievances of consumers. So, we will have to provide some safeguards for protecting the interests of consumers. I would like to highlight another issue and that is the issue of delay. In case of delay, we will have to fix the responsibility on the National Consumer Protection Council.

Whoever is responsible for the delay in disposing of the case should also be penalised. Then only we can achieve the real purpose of this Bill.

SHRI N.K. PREMACHANDRAN: I would like to make an observation that this Bill is not strong enough to address the situation which is prevailing in our consumer market. The Consumer Protection Bill, 2018 is still weak and needs fine tuning. All legislations are made for the purpose of redressing the grievances of consumers in an easy way. But unfortunately, the time consumed in disposing of the cases is too much. So, my suggestion is that the procedure has to be further simplified because the entire procedure of a judicial court is being followed in these consumer forums also. Therefore, I would like to suggest that the procedure should be simplified. Then, still in this Bill, the delay or deficiency in rendering of services for rectifying the default or deficiency is not being addressed. My final point is regarding misleading advertisements. Simultaneously, in proportion to the online trade, fraud is also increasing. But, unfortunately this Bill is not sufficient and fit to bring in the precision by which the escalating fraud can be curtailed or prevented. So, the unethical and unfair trade practice should be controlled in the light of the online trade and responsibility should be fixed.

SHRI RAMVILAS PASWAN *replying said:* I would like to thank all hon. Members who have rendered important suggestions. Guidelines on the matters related to qualifications etc. have been issued in sync with the orders of the Supreme Court. We would never like to undermine our federal structure in any

way, instead we want to strengthen it. Neither would we like to usurp the powers of the States. A number of hon. Members have rendered suggestions on misleading advertisements. We have decided to leave no loopholes in this matter. Consumers will also be educated. We are making efforts to ensure that the cases are disposed at the earliest. Moreover, all the suggestions rendered by the hon. Members will be incorporated as much as possible while formulating the rules and regulations.

The Bill, as amended, was passed.

OBSERVATION BY THE SPEAKER

As requested by several members that Item Nos. 22 and 23 listed in today's Revised List of Business may be taken up on 27th December, 2018. The Minister of Parliamentary Affairs has stated that he has no objection for its postponement. I have also acceded to their request to take up the item at serial No. 26.

The House agreed.

**THE NATIONAL TRUST FOR WELFARE OF PERSONS WITH AUTISM,
CEREBRAL PALSY, MENTAL RETARDATION AND MULTIPLE
DISABILITIES (AMENDMENT) BILL, 2018**

(As passed by Rajya Sabha)

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT

(SHRI THAAWAR CHAND GEHLOT) *moving the motion for consideration of*

the Bill, said: The National Trust for Welfare of Persons With Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act was enacted in the year 1999. The Clause 4 and 5 of that Act were enacted in such a way that if any person was appointed Chairman of the Trust, he used to continue on that post for a very long time. We, therefore, have introduced two small amendments in this Act. These amendments will help the Government to select the Chairman of the National Trust and it will work efficiently to safeguard the interests of the differently abled persons. I would like to request the House to pass this Bill.

SHRIMATI SUPRIYA SULE: Autism is something which is really affecting a section of children in the country today. There is very less awareness in society as well as in education circle. I request the Government to make sure that the Chairman and the Committee consist of people who work in the field of autism. There are a lot of technical experts in this country. So, please make sure that they are included in this Chairmanship.

The Bill was passed.

SNEHLATA SHRIVASTAVA
Secretary General

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NOTE: It is the verbatim Debates of the Lok Sabha and not the Synopsis that should be considered authoritative.

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