ANNEXURE VIII

RECOMMENDATIONS OF THE THIRD WORKING GROUP ON
"STRUCTURAL/ORGANISATIONAL CHANGES REQUIRED IN THE
REDRESSAL MACHINERY TO MAKE IT MORE EFFECTIVE"

Chairman : Shri H.D. Shourie
Rapporteur : Shri John Joseph

Redressal machinery is obviously the backbone of Consumer Protection Act. It is absolutely necessary to ensure that the cases coming before the Consumer Courts are decided expeditiously. In case delays are not checked, the very purpose of setting up three tier redressal system at such an enormous cost is defeated. The Group made its recommendations as follows:-

1. Where more than 800 cases get accumulated in any District Forum, the State Government must take immediate decision to set up another Forum. Establishment of more than one Forum in a distribute has already been authorized under the Consumer Protection Act through its recent amendment.

2. In Delhi as many as 4000 cases have accumulated in one forum and 3000 cases in the other Forum. The new Government of Delhi NCT has decided to set up nine districts. Each of these districts should have a Forum for disposal of the cases under Consumer Protection Act, 1986.

3. Cases have also accumulated a the level of State Commissions and the National Commission. It would be appropriate that provision should be made for setting up more Benches in the State Commissions and the National Commission for disposal of the cases.

4. There is a feeling that the District judges functioning as Presidents of the District Forums have the tendency to treat the consumer cases with the normal technicalities of civil suits. Ways and means need to be developed to obviate this.
5. It is necessary that the functioning of consumer "counts" do not get interrupted on a count of absence of any non-judicial member. Where a non judicial member fails to attend three consecutive sitting, it should be presumed that he will not be able to continue as a member and replacement should be effected. At a number of places, vacancies in the positions of non-judicial members continue for long periods. This must be avoided and vacancies should not be allowed to exist anywhere. In connection with functioning of non-judicial members, it is also necessary that they should be given proper training. The training Programmes for them have already started being conducted. These need to be further intensified.

6. Infrastructural requirements of the District Forums and State Commissions need to be urgently attended to. It was strongly recommended that the expenditure on redressal machinery should be included in the Plan expenditure.

7. It is also necessary that redressal machinery should be available in the rural areas. It is not possible to contemplate that the District Forums will be able to go to the rural areas, even on rotational basis. Provision requires to be made, by effecting amendment to the statute where necessary, for enabling the consumer cases to be settled in the rural areas at the level of Taluka or Revenue officers, or even at the level of Panchayats.

8. It has been strongly felt that writ jurisdiction of High Courts is greatly hampering expeditious disposal of cases pending before the consumer courts. It is strongly recommended that the writ jurisdiction relating to this Act should be deleted as has been done in relation to certain other enactments.

9. It is strongly reiterated that the intervention of Advocates in the consumer courts should be discouraged. Provision should be made that an Advocate should be allowed only where the complainant has engaged an Advocate, or where the court considers it necessary to have an Advocate on account of complicated nature of the cases.

10. Provision needs to be made in the Consumer Protection Act for enablig the consumer courts to issue "interim orders" directing stoppage of the sale of any product or provision of a service which may be detrimental to the interests of the consumers.
11. It is recommended that in the existing system of execution of orders passed by the consumer courts, there are possibilities of delays. The procedure needs to be examined for suitable modification.

12. Matters relating to civic services, including municipal services, as well as free hospitals, need to be brought within the preview of this Act.

13. It is desirable that the scope and possibility of development of alternate redressal systems for settlement of disputes relating to consumer matters should continue to be explored through the organisations of industry and trade as well as the authorises manning public utilities.