

**GOVERNMENT OF INDIA
MINISTRY OF CONSUMER AFFAIRS, FOOD AND
PUBLIC DISTRIBUTION
(DEPARTMENT OF CONSUMER AFFAIRS)**

**NATIONAL CONFERENCE
ON
EFFECTIVE FUNCTIONING OF CONSUMER FORA**

**Venue: HALL NO. 5, VIGYAN BHAVAN,
NEW DELHI
29TH MAY, 2015**

AGENDA

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AGENDA NOTES

Agenda Item No.1: **Uniform recruitment procedure of Presidents and Members of Consumer Fora**

For smooth functioning of the Consumer Fora, it is essential that the vacancies of President and Member are filled up in time. Considering the role and responsibility of the Members of Consumer Fora, it would be desirable to have a transparent procedure for selection of Members.

2. As per Consumer Protection Rules, 1987 notified by the Govt of India, applicable for filling up of posts of President and Member of the NCDRC, the process of appointment shall be initiated at least three months before the vacancy arises. An advertisement of a vacancy inviting applications from eligible candidates may be published in leading newspapers in India or by vacancy circulars or both, as may be decided.
3. As per the provisions of the Consumer Protection Act, 1986, the recruitment of Presidents and Members of the State Commissions and District Consumer Fora are made by the State Governments. Every State Government has its own rules and procedure for recruitment of President and Members of Consumer Fora, which are at variance. It is desired that a uniform recruitment procedure should be followed by all the State Governments.
4. As per Maharashtra Consumer Protection Rules, 2000 and recruitment Rules, 2011, recruitment of non-judicial Members of District Consumer Fora is made by a Selection Committee after holding written test and interview. In the case of Andhra Pradesh selection is made through written test and interview.
5. The issue is submitted for deliberation. The State Governments may consider adopting a uniform procedure for recruitment of President and Members of Consumer Fora.

Agenda Item No.2: Appropriate remuneration/pay scales of Presidents/Members of Consumer Fora

As per the provisions of the Consumer Protection Act, 1986, the salary or honorarium and other allowances payable to, and the other terms and conditions of service of the Members of the State Commission and District Forum shall be such as may be prescribed by the State Government.

2. As per data available, the salary/honorarium of the President and Member of Consumer Fora varies from State to State. A few examples are given in the table below:

State	State Commission		District Forum	
	President	Member	President	Member
Andhra Pradesh	Sitting judge of High Court	Rs 51,550/- p.m.	Rs 51,550/- p.m.	Rs 39,530/-
Assam	For part time Honorarium Rs 1500/- & Rs 200 conveyance allowance per day	For part time Honorarium Rs 1000/- & Rs 200 conveyance allowance per day		
Arunachal Pradesh	Last pay minus pension	Rs 400 per day's sitting	Rs 400 per day's sitting	Rs 250 per day's sitting
Daman Diu & Dadra & Nagar Haveli	Part time Rs 600 per day	Part time Rs 300 per day		
Kerala	High Court Judge salary	Judicial Member-Rs 65,723 & Other Members-Rs 37,000	District Judge salary	Rs 32,000/-

3. The President and Members of the Consumer Fora discharge quasi-judicial functions and handle complex legal issues. With a view to attract and retain deserving people who could dispense justice to the consumers, the salary/honorarium of the President and Members of the Consumer Fora should commensurate with their role and responsibility.

4. The matter is submitted for consideration and suggestions for appropriate salary/honorarium for President and Member of Consumer Fora.

Agenda Item No.3: Improvement of infrastructure in Consumer Fora

The Central Government provides financial assistance to the States under the scheme "Strengthening Consumer Fora" for strengthening of infrastructure of Consumer Fora for building and non-building purposes. The grant is placed at the disposal of Chief Secretary concerned. An Empowered Committee under the chairmanship of the Chief Secretary or Secretary in charge of Consumer Affairs makes further allocation of funds for individual Consumer Fora, based on local need analysis.

2. **The assistance for building purposes** is limited to creation of built up area of 5,000 square feet in respect of a District Forum building and 11,000 square feet in respect of a State Commission building, which would include 1000 square ft. for construction of a Mediation Centre @ Rs 2500 per square metre. In other words, a State Commission is entitled for a grant of Rs 2.75 crores and a District Forum Rs 1.25 crores.
3. **Assistance for non-building assets** would be released for furniture, office equipment, computer peripherals, reference books within the overall cost ceiling of Rs. 25.00 lakh in respect of a State Commission and Rs. 10.00 lakh in respect of a District Forum, irrespective of the location of the consumer forum. The assistance for non-building assets for a consumer forum would be released in a single installment. This grant would only be one time to an office. Consumer Fora, functioning in rented/hired buildings/premises would also be eligible for availing of assistance for non-building assets. This grant would only be given if there is no proposal for building its own office or already under construction.
4. In the previous financial year the department of Consumer Affairs has not been able to release grants under the scheme for want of proposals from the State Governments. It is observed that the Utilisation Certificates (UCs) of grants released so far under the scheme are not being furnished by the State Governments as a result it has not been possible to release further grants. **A statement showing pending UCs is attached.**
5. The State Governments may consider furnishing the pending UCs on priority basis and send proposals for release of further grant under the scheme.

ANNEXURE

Pending UC under the scheme of Strengthening Consumer Fora

(Rupees in lakh)

S.N.	State/UT	Year/Grant Released	Year of grant for Unspent balance/Pending UC	Pending UC
1.	Andhra Pradesh	1995 (OTG)- 270 2004-05 (OTG)- 105 2005-08 (IPCP)- 399.85 2008-13 (SCF)- 210.85	2004-05-0.34 2005-08-99.95 2008-13-210.85	311.14
2.	Arunachal Pradesh	1995 (OTG)- 170 2005-08 (IPCP)- 404.55 2013-17 (SCF-II)- 335	2013-17 (SCF-II)- 335	
3.	Assam	1995 (OTG)- 280		48.55
4.	Bihar*	1995 (OTG)- 320 2013-17 (SCF-II)- 502.78	1995 (OTG)- 1.44 2013-17 (SCF-II)- 502.78	1.44
5.	Gujarat	1995 (OTG)- 250 2005-08 (IPCP)- 628.17 2008-13 (SCF)- 1357.08	2005-08 (IPCP)- 12 2008-13 (SCF)- 240.83	252.83
6.	Haryana	1995 (OTG)- 210 2004-05 (OTG)- 45 2005-08 (IPCP)- 186.59 2008-13 (SCF)-75 2013-17 (SCF-II)- 53.2	2005-08 (IPCP)- 1.07 2013-17 (SCF-II)- 53.2	1.07
7.	Himachal Pradesh	2004-05 (OTG)- 170 2005-08 (IPCP)-205.07 2013-17 (SCF-II)- 52.57	2005-08 (IPCP)-2.97 2013-17 (SCF-II)- 52.57	2.97
8.	Jharkhand	1995 (OTG)-120 2004-05 (OTG)-75	1995 (OTG)-57.63	57.63
9.	Karnataka	1995 (OTG)- 250 2005-08 (IPCP)- 542.11 2008-13 (SCF)-384.61	2008-13 (SCF)-122.54	122.54
10.	Kerala	1995 (OTG)-190 2005-08 (IPCP)- 432 2008-13 (SCF)- 53.43 2013-17 (SCF-II)- 112.94	2008-13 (SCF)- 5.02 2013-17 (SCF-II)- 112.94	5.02
11.	Madhya Pradesh	1995 (OTG)- 440 2004-05 (OTG)- 105 2005-08 (IPCP)- 670.04	2004-05 (OTG)- 7 2005-08 (IPCP)- 88.76	95.76
12.	Maharashtra	1995 (OTG)- 360 2004-05 (OTG)- 45 2005-08 (IPCP)- 404.24	2005-08 (IPCP)- 144.43	144.43
13.	Manipur	1995 (OTG)- 130 2005-08 (IPCP)- 107.49	2005-08 (IPCP)- 60	60
14.	Meghalaya	1995 (OTG)- 120	0	60

		2005-08 (IPCP)- 75.86 2008-13 (SCF)- 29.6 2013-17 (SCF-II)- 82.81		
15.	Orissa	1995 (OTG)- 180 2004-05 (OTG)- 270 2005-08 (IPCP)- 296.61 2008-13 (SCF)- 103.5	2008-13 (SCF)- 97.83	97.83
16.	Punjab	1995 (OTG)- 180 2005-08 (IPCP)- 123.43 2008-13 (SCF)- 162.165	2005-08 (IPCP)- 22.29 2008-13 (SCF)- 48.735	71.025
17.	Rajasthan	1995 (OTG)- 350 2004-05 (OTG)-45 2005-08 (IPCP)-273.3 2008-13 (SCF)- 146.69	2005-08 (IPCP)-24.19 2008-13 (SCF)- 65.9	90.09
18.	Tripura	1995 (OTG)- 80 2005-08 (IPCP)- 51.2 2008-13 (SCF)- 230.85	2008-13 (SCF)- 210.03	210.03
19.	Uttar Pradesh	1995 (OTG)- 614 2005-08 (IPCP)- 1402.19 2008-13 (SCF)-508.22	2005-08 (IPCP)- 66.24 2008-13 (SCF)-310.65	376.89
20.	Uttarakhand	1995 (OTG)-66 2004-05 (OTG)- 75 2005-08 (IPCP)- 239.54	2004-05 (OTG)-63 2005-08 (IPCP)- 108.36	171.36
21.	A & N Islds.	1995 (OTG)- 70	35.4	35.4
22.	Chandigarh Admn.	1995 (OTG)- 60	30.2	30.2
23.	Dadra Nagar Haveli	1995 (OTG)- 60	40.12	40.12
24.	Daman & Diu	1995 (OTG)- 70	57.25	57.25
25.	Lakshwadeep	1995 (OTG)- 60	30.2	30.2

Agenda Item No.4: Use of Confonet

Computerization and Computer Networking of Consumer Fora (CONFONET) Scheme is being implemented from the 10th plan period. It is being implemented in a mission mode approach and NIC is the executing agency for the scheme.

2. The Confonet Project is a technical solution for development and implementation of a computer network based system for the application areas with main focus on Case Monitoring. The project aims at improving operational efficiency, co-ordination, accessibility, speed in judicial administration and to set Information Communication Technology (ICT) infrastructure at Consumer Redressal forums all over India. It aims at providing e- Governance, efficiency, transparency, systematizing of working, to achieve time bound delivery of justice to the consumers.
3. The activities undertaken as part of the project include system study, design & development of Case Monitoring System, the standardized application software for NCDRC, SCDRCs and District Forums, specification finalization and supply of suitable Hardware for each location in phases depending on the readiness of the site, procurement & supply of system software, networking including both LAN & WAN, training of staff on computer awareness & application usage, onsite deployment support through trained technical manpower posted at field locations.
4. A power point presentation will be made by the NIC CONFONET Project team on the progress of the scheme and the problems being faced in its implementation.

Agenda Item No.5: Measures to cut down delay in disposal of consumer complaints

As per the provisions of the Consumer Protect Act, 1986, the admissibility of a complaint shall ordinarily be decided within 21 days from the date on which the complaint was received. As per Section 13(3A) of the Act, every complaint shall be heard as expeditiously as possible and endeavor shall be made to decide the complaint within a period of three months from the date of receipt of notice by opposite party where the complaint does not require analysis or testing of commodities and within five months if it requires analysis or testing of commodities. It is provided that no adjournment shall be ordinarily granted unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum. Further, the Consumer Forum shall make such orders as to the costs occasioned by the adjournment as may be provided in the regulations made under this Act. It has also been provided that in the event of a complaint being disposed of after the period so specified, the Consumer Forum shall record in writing, the reasons for the same at the time of disposing of the said complaint.

2. Similarly, in the case of appeal [Section 19A], it shall be heard as expeditiously as possible and an endeavour shall be made to finally dispose of the appeal within a period of ninety days from the date of its admission. No adjournment shall be ordinarily granted unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing.

3. It is, however, observed that in some cases decision on admissibility takes more time and the consumer complaints and appeals are not disposed of within the time limit envisaged in the Act leading to discontent among the consumers. The delay may be due to several factors such as vacancies of President and Members, many adjournments being given in a case, etc.

4. Though the Central Government has been making continuous efforts to improve the functioning of the Consumer Fora by way of infrastructure support, computerization of the Consumer Fora and simplification of the adjudication process, active cooperation of all the State Governments and the Consumer Fora is needed to achieve the objectives of the Consumer Protection Act.

5. Some suggestions for reducing the delay in disposal of consumer complaints are—

- (i) State Governments may initiate timely action for filling up the existing and anticipated vacancies
- (ii) More circuit Benches by State Commissions
- (iii) Less number of adjournments

6. The issue may be deliberated upon and ways to reduce delay in disposal of complaints suggested.

Agenda Item No.6: Training of State Commission and District Forum Members

The Members of the State Commission and District Fora discharge quasi-judicial functions. During the course of adjudication of consumer complaints they are supposed to deal with complex legal issues and legal procedures. The non-judicial Members without any legal background may find it difficult to handle the adjudication process. Training would certainly enhance their efficiency to discharge their duties.

2. At present, a Scheme for 'training programme' being administered by the Indian Institute of Public Administration (IIPA) for Orientation Training Programmes of the Consumer Forums is sponsored by the Department of Consumer Affairs, Government of India. Similar training facilities are provided by the Administrative Staff College, Hyderabad with financial support from the Ministry. The aim of this programme is to better equip the Members to effectively function in the Consumer Forums including writing of judgments.

3. In addition to the above, the National Law School of India University, Bengaluru has developed a one year course in distance mode titled "Post -Graduate Diploma in Consumer Law and Practice (PGDCLP). The Department of Consumer Affairs has already decided to bear the course fee initially in respect of the Members of the District Fora who would like to undergo this course.

4. All the District Fora and State Commissions may encourage their Members to undergo this course.