

ITEM NO.6

COURT NO.6

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SUO MOTO WRIT PETITION (CIVIL) No(s). 2/2021

IN RE: INACTION OF THE GOVERNMENTS IN APPOINTING
PRESIDENT AND MEMBERS/STAFF OF DISTRICTS AND STATE
CONSUMER DISPUTES REDRESSAL COMMISSION AND INADEQUATE
INFRASTRUCTURE ACROSS INDIA PETITIONER(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

(MR. GOPAL SANKARANARAYANAN, LEARNED SENIOR ADVOCATE ALONGWITH MR.
ADITYA NARAIN, LEARNED ADVOCATE ARE AMICI. [FOR FURTHER
DIRECTIONS])

I.A. NOS. 13056, 14404, 17424, 18486, 24651, 26742, 46008,
48033, 54034 & D. NO. 55184 OF 2022, 54834/2022, 40923/2022
(Applications for exemption from filing notarized affidavit & O.T.)
AND

I.A. NO. 40925 OF 2022
(Application for waiver of cost)

AND
I.A. NOS. 46090, 39117, 40515 & 42851 OF 2022
(Applications for condonation of delay in payment of costs)

AND
I.A. NO. 54615 OF 2022
(Application for extension of time)

Date : 12-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

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Mr. Arnav Narain, Adv.
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Mr. Arjun Jain, Adv.
Mr. Mishra Raj Shekhar, Adv.

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Mr. Samir Ali Khan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IA NO. 40925/2022

Learned Amicus Curiae agrees that the costs in this case should be Rs. 5,000/- instead of Rs. 25,000/-. Ordered accordingly.

The last order stands modified to that extent. The costs to be deposited within 10 days.

The application stands disposed of accordingly.

Applications for exemption from filing notarized affidavit(s) and exemption from filing O.T. are allowed.

Delay condoned in payments of costs.
Application stands allowed.

IA. No. 54615/2022- for extension of time to comply with order dated 23.02.2022 stands disposed of in view of order passed today.

The status report has been filed by the learned Amicus Curiae in pursuance to the last two orders dated 01.12.2021 and 23.02.2022. Learned Amicus Curiae has taken us through the report and also the annexures to it.

TABLE OF RESPONSES/AFFIDAVITS RECEIVED POST 23.02.2022 (ANNXURE- A)

Annexure-A is the table of responses/affidavits received post 23.02.2022 which finally shows compliance and we appreciate the effort put in by the counsels for the State to make sure that the States comply.

STATUS OF VACANCIES OF PRESIDENT & MEMBERS IN THE STATE COMMISSION AND DISTRICT COMMISSION OF STATES/UTS. (ANNXURE-B)

Insofar as Annexure-B is concerned, it shows the Status of vacancies of President & Members in the State Commission and District Commissions of States/UTs. Learned Amicus Curiae points out that a lag is occurring on account of the following reasons:

a) Lack of suitable candidates in pursuance to advertisements.

b) In some of the smaller States, there is absence of qualified persons as per norms which may require relaxation by the Central Government. It is informed that some States have addressed communication in this behalf and the others which wish to do so may also do so likewise.

c) The pay and allowances is an issue which is creating an impediment in some of the persons accepting the assignment but then that is an issue pending before another Bench and can be flagged before that Bench.

In some smaller States, the counsels submit that the cases are so limited that there is really no need to fill the vacancies created both for judicial and administrative staff. That will be an issue to be pointed out to the learned Amicus Curiae who will verify whether it is actually so.

STATUS OF STAFF VACANCIES (ANNEXURE-C)

Learned Amicus Curiae has given a chart analyzing the position aforesaid and categorizing them under three heads, namely:

a) States/UTs. seeking exemption from creation of posts of Registrar/Joint Registrar due to low pendency of cases-

In this behalf the three States may furnish

the data to the learned Amicus curiae to analyze the genuineness of the cause keeping in mind the pendency of the cases and the staff requirement.

b) State/UTs. where posts are yet to be sanctioned-

We do not appreciate the non sanction of posts unless the exemption is permitted. Thus, the process of sanctioning must be completed within one month from today, failing which the nominated Secretary dealing with the matter would remain personally present in Court.

We may clarify that such of the States which seek an exemption, those posts would be excluded unless the learned Amicus Curiae opines back to them that posts are required and if it is so opined, the needful would have to be done. The time in those cases would start from the date of communication by the learned Amicus Curiae.

c) States/UTs. that have not given any information about staffing and/or appointment of Registrars-

16 States have not furnished information. Fifteen days' time is given to furnish information, failing which the concerned Secretary would remain present.

Learned Amicus Curiae rightly points out that

if exemptions are being sought, then information must be forthcoming of the number of cases pending, the standard staffing pattern, the staffing required for those number of cases and the posts for which exemption is sought in order to enable the learned Amicus Curiae to take an objective view of the matter.

UTILIZATION CERTIFICATE STATUS (ANNEXURE-D)

The Nodal officer has flagged some issues arising from the funds made available by the Central Government. Meetings have been held with the State Nodal Officers. It is pointed out that for construction of buildings for the State and District Commissions, funds are provided on sharing basis of 50:50. For non-building assets such as furniture, computer peripherals, reference books, office equipment, CCTV and audio recordings for the State and District Commissions., under the Scheme Rs. 25 lakh to each State Commission and Rs. 10 lakh are released to each District Commission for a five year period. The computerization needs are directly met by the Central Government under another Scheme.

It does appear that there is a time lag in submission of UCs which needs to be addressed though the nodal officer, who has been heard in person too,

has said that the States are now by and large on board.

A perusal of the State/UTs. wise status shows that while in some States the pending UCs are not in a high percentage, at least three States have over 5% of total pending UCs., i.e. West Bengal (27%), Rajasthan (11%) and U.P. (7%). We have once again emphasized on the States the importance of submitting UCs. so that the funds are made available and utilized by the State Government.

Learned Amicus Curiae has sought our directions on three aspects:

a) Mediation cells have not been set up in many consumer forums. Mediation is an important, if not at times a better method of resolution of disputes and thus all States are mandated to set up the mediation cells and inform the learned Amicus Curiae at least a week before the next date of hearing.

b) The e-filing system has not been implemented in some of the forums.

Similarly a direction is made for the e-filing system to be made operational also within the aforesaid time period. In this behalf, two smaller States are mentioned which have the work in progress but it appears that the State of Kerala is the only State showing some resistance but learned counsel for the State of Kerala states that the

needful will be done.

c) Learned Amicus Curiae points out that different issues of infrastructure up-gradation have been flagged in the status report submitted in pursuance of our order dated 11.08.2021, State/UT wise. Since funds have been made available and progress should have been made, the States should inform the learned Amicus Curiae in a chart form as to what progress has taken place in that behalf i.e., how many of those issues have been addressed, how much funds have been spent and how much more funds are required to complete the task. At the suggestion of the learned Amicus Curiae, we direct that this information is routed through the State Nodal Officers to the Central Nodal Officer who will then discuss the issue with the learned Amicus Curiae.

Mr. Balbir Singh, learned Additional Solicitor General submits that as far as the appointment in the National Consumer Disputes Redressal Commission is concerned, it is a work in progress and is expected to be completed shortly.

List on 26.07.2022.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)