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

We have heard both the learned Amicus Curiae and Mr. Aman Lekhi, learned ASG. We have also perused the material placed before us as compilation of relevant documents.

We may note that in the information regarding vacancy position in State Commission and District Forums as taken from the website of the National Consumer Disputes Redressal Commission (National Commission), the position is reflected as on 30.11.2020. The surprising part is that the position vis-a-vis different States is anterior in time i.e. in some States it is updated to October, 2020, while in some States it is as far back as 2014. This is something which cannot be countenanced as the States should be upgrading and informing the National Commission website about the vacancy position existing as on date, more so, in view of Section 17(1)(d) of the Consumer Protection Act, 2019 which assigns the task of overseeing the issue of functioning of the State Commissions and District Commissions to the National Commission.

In view of the submissions made, we call upon the Union of India and State Governments to respond on the following aspects:

- 1) Information regarding vacancy positions should be sent by all States to the National Commission within two weeks. This information should give the position as on 1st of March , 2021 and should also specify the vacancies which are going to arise in the next six months from that date. The updated information should be thereafter uploaded on

the website of the National Commission.

- 2) In view of the new Act of 2019, some of the States have notified the amended Rules for recruitment while others have not. Insofar as the States who have not notified the Rules, they should indicate the time period within which the new Rules will come into force.
- 3) The States which have notified the Rules should inform as to within how much time will process for all the existing and prospective vacancies for a period of six months will be completed. This information should also be furnished by the States which have not framed the Rules by specifying the time period within which the rules will be framed (as aforesaid) and the time period within which thereafter their selection process will be completed.
- 4) The Central Government to inform whether any legislative impact study was completed before bringing in the new Act of 2019 and to place the said study before this Court.
- 5) The new Act expands the jurisdiction of the Consumer forums to many new areas and thus, logically a legislative impact study ought to have been completed keeping in mind the litigation which will shift in the subjects added to the jurisdiction of the Consumer Tribunals.

- 6) There is also a shifting of pecuniary jurisdiction by increasing the jurisdiction of the District and State Forum. This would result in transfer of a large number of cases to these two foras. Thus, the legislative impact study ought to have taken this into consideration as to what are cases which are likely to be shifted.

- 7) The two aforesaid aspects should have formed a part of the legislative impact study to see as to what are the quantum of cases the Tribunals at different levels will be faced with not only now but in the reasonable time frame for the future.

- 8) There should have been analysis both at the State level and the National level of the number of foras which are required to deal with the increase in the financial jurisdiction and the expanded legal area of jurisdiction.

- 9) We are also informed that in some of the State where rules have been notified there are problem of composition of the selection committee as the committee has to be chaired by the Chief Justice or his nominee. It is stated that at least in the States of Bihar and Uttarakhand the nomination by the Chief Justice is awaited. We are sure that in all States the respective Chief Justices will take care of the situation where a request has been so made.

10) There is also an issue of appropriate infrastructures.

These are Consumer friendly institutions which have to deal with public. There should be not only sufficient number of presiding officers but support staff for the presiding officers which will include proper Court rooms, supporting staff, stenographers etc. and facilities for the incoming public and lawyers who attend to these proceedings.

11) We also call upon the States to file with their reports, the photographs of the existing infrastructure.

12) Learned Amicus have pointed out that they have annexed a questionnaire dealing with both the vacancy position and infrastructure which would facilitate them to analyze the same. He submits that this questionnaire can be a further tweaked in view of the orders passed today and the needful will be done and circulated to the State and the Union Government within a period of one week from today so that they respond accordingly as per the questionnaire.

13) We may notice that insofar as the National Commission is concerned, learned ASG submits that endeavour has been in progress to fill up the six vacancies and the matter is with the ACC. On our query, we are told that it is with the ACC

from July, 2020! This is hardly expected at the apex level as it creates a cascading effect down which does not speak well of the institution. We expect due care to be taken in this behalf so that at least these vacancies are filled up by the time we take up these proceedings on the next date.

We expect the States to file their responses within three weeks of the questionnaire being circulated along with their relevant affidavits.

List on 12.04.2021.

Copies of the order be released dasti to all the State counsels and if their Vakalatnama is not filed, be sent to the Chief Secretaries of the respective States. A copy of this order be also forwarded to the National Consumer Disputes Redressal Commission forthwith.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)