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

By the impugned judgment, the Division Bench passed  
the following order :

"We direct the State Government to constitute at least five State Consumer Forums at State level as used under Section 16 of Consumer Protection Act by making necessary amendment. The State Government can also make law by making local amendment with the prior consent of the President of India under Article 254 of Constitution of India if it falls under concurrent list and the Benches can be constituted at "Commissionary level" at the beginning with at five places on the pattern of Benches constituted under Administrative Tribunal Act. We further direct that the Presiding Officer of a Bench will be a retired High Court Judge who would enjoy the same facilities and amenities as enjoyed by a sitting High Court Judge as in Vice-Chairman of Administrative Tribunal. At present the President of State Commission is not enjoying the facilities of a Judge of High Court.

We are also of the view that the infrastructure facilities of proper building and recruitment powers of staff be given to the Presiding Officer of State Commission or Vice-President and be given proper budgetary power to regulate the budget within the allocated sufficient budget so that he has not to run to the administrative department off and on.

We make it clear that in case if it does not fall within the jurisdiction of State Government to

issue ordinance by local amendment or enact law then the State Government is to approach immediately in view of the above discussion to the Central Government for making necessary infrastructure facilities regarding constitution of Benches and proper staff, building etc. so that the functioning starts within four months to mitigate the suffering of the consumers.

Before parting with the judgment we would like to observe again that what is the idea of the filing of the cases in thousands when it is not humanly possible to dispose of by the State Commission as well as by District Forums. The State Government and the Central Government have to consider themselves

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in a position of ordinary and prudent man in the street and answer the question, can one Judge at a State Forum can render justice to 14 crores people of State of U.P. living in more than 80 districts. The answer would be "Impossible, Impossible". This human impossibility has to be rectified by the State/Central Government to achieve the object. We, accordingly, issue the directions as discussed and direct the State Government to do the needful within four months from the date of receipt of this order and State forums/Benches should start working within this period."

We direct the Chief Secretary of the State of U.P. to file a comprehensive affidavit indicating whether the order dated 08.10.1998 passed by the Division Bench was complied with or not, and if yes, to what extent. Let the affidavit be filed within three weeks.

The Registry may furnish a copy of the appeal to learned counsel for the appellant at the cost of the State.

List these matters after three weeks.

(G.V.Ramana)  
Court Master

(Neeru Bala Vij)  
Court Master