**CENTRAL CONSUMER PROTECTION AUTHORITY (SELECTION AND TERM OF OFFICE OF CHIEF COMMISSIONER AND OTHER COMMISSIONERS) RULES, 2019.**

In exercise of the powers conferred by clauses (f) and (g) of sub-section (2) of section 101, read with sub-section (2) of section 10 and section 11 of the Consumer Protection Act, 2019 (35 of 2019), the Central Government hereby makes the following rules, namely:---

1. **Short title and commencement.---**
2. These rules may be called the Central Consumer Protection Authority (Selection and Term of Office of Chief Commissioner and other Commissioners) Rules, 2019.
3. They shall come into force on the date of their publication in the Official Gazette.
4. **Definitions.**---
5. In these rules, unless the context otherwise requires,
6. ‘Act’ means the Consumer Protection Act, 2019 (35 of 2019);
7. ‘Central Authority’ means the Central Consumer Protection Authority established under section 10 of the Act.
8. ‘Committee’ means the Selection Committee constituted under rule 7 of these rules;
9. All words and expressions used herein and not defined shall have the meanings respectively assigned to them under the Consumer Protection Act, 2019 (35 of 2019).
10. **Incorporation of Central Authority.** --- The Central Authority shall be a body corporate by the name of Central Consumer Protection Authority having perpetual succession and a common seal, with power, subject to the provisions of the Act and the rules and regulations made thereunder, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.
11. **Composition of Central Authority.**---
12. The Central Authority shall consist of the Chief Commissioner and the following other Commissioners, namely:
13. 5 Central Commissioners, and
14. 5 Regional Commissioners.
15. The Commissioners shall be appointed on a whole-time basis.
16. **Qualifications for appointment of Chief Commissioner and other Commissioners.—**

A person shall not be qualified for appointment as Chief Commissioner or Commissioner, unless he is a person of ability, integrity, and standing and having special knowledge of, and professional experience of not less than twenty-five years in economics, business, commerce, law, finance, accountancy, management, industry, public affairs, administration or in any other matter which, in the opinion of the Central Government, may be useful to the Central Authority.

**6. Disqualification**.—No person,--

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person shall be eligible for appointment as Chief Commissioner or Commissioner:

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

1. **Manner of Selection.—**
2. The Central Government shall appoint the Chief Commissioner and the other Commissioners from a panel of names recommended by a Selection Committee constituted by it for this purpose and consisting of:
3. Member, NITI Aayog in charge of Consumer Affairs-- Chairperson;
4. Secretary, Department of Commerce, Government of India- Member
5. Secretary, Department of Personnel and Training, Government of India- Member
6. Secretary, Department of Consumer Affairs, Government of India- Member
7. The Central Government shall, for the initial appointments of the Chief Commissioner and other Commissioners following the establishment of the Central Authority, make a reference to the Committee for such appointments.
8. The Central Government shall, within two months from the date of occurrence of any vacancy by reason of death, resignation or removal of the Chief Commissioner and a Commissioner, and three months before the superannuation or completion of his term of office, make a reference to the Committee for the filling up of the vacancy.
9. On a reference made by the Central Government, the Committee shall recommend a panel of three names in order of merit in respect of each vacancy that has been referred to the Committee.
10. The Committee shall make its recommendations to the Central Government, within a period not exceeding four months from the date of reference made under sub-rule (3) or (4).
11. The Committee may regulate its own procedure for the purpose of sub-rule (5).
12. Before recommending any person for appointment as a Commissioner, the Committee shall satisfy itself that such person does not have any financial or other interest which is likely to prejudicially affect his functions as a Commissioner.
13. The Chief Commissioner or any other Commissioner shall, before entering upon his office, make and subscribe to an oath of office and of secrecy before the Minister in charge of the Department of Consumer Affairs in the Form I and Form II, respectively, as specified in the Schedule 1 annexed to these rules.
14. The Chief Commissioner or a Commissioners shall, before entering upon his office, declare his assets, and his liabilities and financial and other interests.

1. **Term of Office of Chief Commissioner and other Commissioners.—**
2. The Chief Commissioner or a Commissioner shall hold office for a term of five years from the date on which he assumes office or until he attains the age of sixty-five years, whichever is earlier, and he shall be eligible for reappointment.
3. In the event of the occurrence of a vacancy in the office of the Chief Commissioner, the senior-most Central Commissioner shall act as the Chief Commissioner, until the date on which a new Chief Commissioner, appointed in accordance with the provisions of these rules to fill such vacancy, enters upon his office.
4. When the Chief Commissioner is unable to discharge his functions owing to absence, illness or any other cause, the senior-most Central Commissioner shall discharge the functions of the Chief Commissioner until the date on which the Chief Commissioner resumes the charge of his functions.
5. Notwithstanding anything contained in sub-rule (1), the Chief Commissioner or a Commissioner may—
6. relinquish his office by giving in writing to the Central Government notice of not less than three months; or
7. be removed from his office in accordance with the provisions of rule 8.

1. **Casual vacancy.\_\_** In the event of the occurrence of a vacancy in the office of the Chief Commissioner by reason of his death, resignation or otherwise, the senior most Commissioner shall act as the Chief Commissioner, until the date on which a new Chief Commissioner, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.
2. **Resignation by Chief Commissioner and other Commissioners.—** The Chief Commissioner and other Commissioners may, by writing under his hand addressed to the Central Government, resign his office at any time:

Provided that the Chief Commissioner or a Commissioner shall, unless he is permitted by the Central Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

1. **Removal of the Chief Commissioner and other Commissioners.—**
2. The Central Government shall by order removefrom office the Chief Commissioner or a Commissioner, who—
3. is, or at any time has been, adjudged as an insolvent or
4. has engaged at any time, during his term of office, in any paid employment; or
5. has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or
6. has acquired such financial or other interest as is likely to prejudicially affect his functions as a Commissioner; or
7. has so abused his position as to render his continuance in office detrimental to the public interest; or
8. has become physically or mentally incapable of acting as a Commissioner.
9. The Chief Commissioner or a Commissioner shall not be removed from his office under clauses (c) to (f) of sub-rule (1) except by an Order made by the Central Government after an inquiry conducted by a Committee constituted in this behalf, in which such Commissioner has been informed of the charges against him and has been given a reasonable opportunity of being hard in respect of those charges.
10. **Procedure for inquiry of misbehavior or incapacity of the Chief Commissioner or a Commissioner.—**

(1) If a written complaint is received by the Central Government, alleging any definite charge of misbehavior or incapacity to perform the functions of the office in respect of the Chief Commissioner or a Commissioner, the Department of Consumer Affairs in the Central Government shall make a preliminary scrutiny of such complaint.

(2) If on preliminary scrutiny, the Department of Consumer Affairs in the Central Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehavior or incapacity of a Commissioner, it shall make a reference to the Committee constituted under sub-rule (2) of rule 9 to conduct the inquiry.

1. The Committee shall complete the inquiry within such time or such further time as may be specified by the Central Government.
2. After the conclusion of the inquiry, the Committee shall submit its report to the Central Government stating its findings and the reasons for such findings on each of the charges separately with such observations on the whole case as it may think fit.
3. The Committee shall not be bound by the procedure laid down by the Code of Civil Procedure,1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

**13. Salary and allowances of Chief Commissioner and other Commissioners**

(1) The Chief Commissioner and the other Commissioners shall be paid a salary of Rs 2,25,000/- per month and other allowances and benefits as are admissible to a Central Government officer holding posts carrying the same pay.

(2) In case of a person appointed as the Chief Commissioner or a Commissioner is in receipt of any pension, the pay of such person shall be reduced by the gross amount of pension drawn by him.

(3) The salary, allowances and other terms and conditions of service of the Chief Commissioner or a Commissioner shall not be varied to his disadvantage after appointment.

**14. Contributory Provident Fund –**

(1) The Chief Commissioner and other Commissioners shall be governed by the provisions of the Contributory Provident Fund Rules (India), 1962 and no option to subscribe under the General Provident Fund (Central Services) Rules, 1960 shall be available.

(2) No additional pension and gratuity shall be admissible for service rendered in the Central Authority.

**15. Leave –**

(1) The Chief Commissioner and every other Member shall be entitled to thirty days of Earned Leave for every year of service and Casual leave not exceeding eight days.

(2) Payment of leave salary during leave shall be governed by rule 40 of the Central Civil Services (Leave) Rules, 1972.

(3) The Chief Commissioner and every other Member shall be entitled to encashment of leave in respect of the earned leave standing to his credit, subject to the condition that maximum leave encashment, including the amount received at the time of requirement from previous service shall not in any case exceed the prescribed limit under the Central Civil Service (Leave) Rules, 1972.

**16**. **Leave sanctioning authority.—(**1) Leave sanctioning authority,—

(a) for a Commissioner, shall be the Chief Commissioner; and

(b) for the Chief Commissioner, shall be the Central Government, who shall also be sanctioning authority for a Commissioner in case of absence of the Chief Commissioner.

**17. House rent allowance.—**The Chief Commissioner and the other Commissioners shall be entitled to Government accommodation or house rent allowance at the same rate as are admissible to Group ‘A’ Officer of the Government of India of a corresponding status.

**18. Transport allowance.—**The Chief Commissioner and the other Commissioners shall be entitled to the facility of staff car for journeys for official and private purposes in accordance with the facilities as are admissible to Group ‘A’ Officer of the Government of India of a corresponding status as per the provisions of Staff Car Rules.

**19. Traveling and Daily Allowances--**

The Chief Commissioner and other Commissioners of the Central Authority while on tour within India or on transfer (including the journey undertaken to join the Central Authority or on the completion of their tenure with the Authority to proceed to their home town) shall be entitled to the travelling allowance, daily allowance transportation of personal effects and other similar matters at the same rates as are prescribed for the officers of the Govt. of India holding Group A post carrying the same pay.

**20. Official visits abroad—**

Official visits abroad by the Chief Commissioner or Commissioners of the Central Authority shall be undertaken only in accordance with orders issued by the Central Government and they shall be entitled to draw such allowances in respect of such visits as are prescribed for the officers of the Govt. of India holding Group A post carrying the same pay.

**21. Leave Travel Concession--**

The Chief Commissioner and other Commissioners of the Central Authority shall be entitled to Leave Travel Concession (LTC) at the same rates as are prescribed for the officers of the Govt. of India holding Group A post carrying the same pay.

**22. Facility for Medical Treatment—**

The Chief Commissioner and other Commissioners shall be entitled to medical treatment and hospital facilities as provided in the Central Government Health Scheme (CGHS) to a retired Government servant. At places where the said Scheme is not in operation, the entitlement shall be as per the facilities provided in the Central Service (Medical Attendance) Rules, 1944.

**23. Other conditions of service.—**(1) The terms and conditions of service of the Chief Commissioner or other Commissioners with respect to which no express provision has been made in these rules, shall be such as are admissible to a Group ‘A’ Officer of the Government of India of a corresponding status.

(2) The Chief Commissioner and other Commissioners shall not, for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any enterprise which has been a party to a proceeding before the Central Authority under this Act:

Provided that nothing contained in this section shall apply to any employment under the Central Government or a State Government or local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in Section 2(45) of the [Companies Act, 2013](http://www.mca.gov.in/Ministry/pdf/CompaniesAct2013.pdf).

**24. Power to relax.—**Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order for reasons to be recorded in writing relax any of the provisions of these rules with respect to any class or category of persons.

**25. Interpretation.—**If any question arises relating to the interpretation of these rules, the decision of the Central Government thereon shall be final.

**SCHEDULE I**

**[See sub-rule (8) of Rule 7]**

**FORM I**

Form of Oath of Office for the Chief Commissioner and Commissioner in the Central Authority

I, A. B., having been appointed as the Chief Commissioner/ Commissioner in the Central Authority do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Chief Commissioner/Commissioner in the Central Authority to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of land.

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**FORM II**

Form of Oath of Secrecy for the Chief Commissioner/Commissioner of the Central Authority

I, A. B., having been appointed as the Chief Commissioner/Commissioner of the Central Authority do solemnly affirm/do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter

which shall be brought under my consideration or shall become known to me as Chief Commissioner/Commissioner of the Central Authority except as may be required for the due discharge of my duties as the Chief Commissioner/Commissioner of the Central Authority.

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