

Chapter I

(Preliminary)

Existing Provisions	Proposed Provisions	Remarks
<p>1. Short title, extent, commencement and application.--(1) This Act may be called the Consumer Protection Act, 1986.</p> <p>(2) It extends to the whole of India except the State of Jammu and Kashmir.</p> <p>(3) It shall come into force on such date I as the Central Government may, by notification, appoint and different dates may be appointed for different States and for different provisions of this Act.</p> <p>(4) Save as otherwise expressly provided by the Central Government by notification, this Act shall apply to all goods and services.</p>	<p><i>This Act may be called the Consumer Protection (Amendment) Act, 2014</i></p>	<p><i>The Act can be amended through an Amendment Act Only.</i></p>
<p>2. Definitions.--(l) In this Act, unless the context otherwise requires,</p> <p>(a) "appropriate laboratory" means a laboratory or organisation</p> <p>(i) recognised by the Central Government;</p> <p>(ii) recognised by a State Government, subject to such guidelines as may be prescribed by the Central Government in this behalf; or</p> <p>(iii) any such laboratory or organisation established by or under any law for the time being in force, which is maintained, financed or aided by the Central Government or a State Government for carrying out analysis or test of any goods with a view to determining whether such goods suffer from any defect;]</p> <p>[(aa) "branch office" means</p> <p>(i) any establishment described as a branch by the opposite party; or</p> <p>(ii) any establishment carrying on either the same or substantially the same activity as that carried on by the head office of the establishment;</p> <p>(b) "complainant" means</p> <p>(i) a consumer; or</p> <p>(ii) any voluntary consumer association registered under the</p>	<p><i>2.(1)(aaa) 'Authority" and "Central Authority" mean the Central Consumer Protection Authority.</i></p> <p><i>2.(1)j(v) 'Mediation' means the process by which a mediator appointed by the National Commission or a State Commission or a District Forum, as the case may be, mediates the dispute between the parties to the complaint/ appeal by the application of the provisions of Chapter IV of the Act, and in particular, by facilitating discussion between parties directly or by communicating with each other through the mediator, by assisting parties in identifying</i></p>	<p><i>Proposed to be added.</i></p>

<p>Companies Act,1956 (1)of 1956) or under any other law for the time being in force; or</p> <p>(iii) the Central Government or any State Government; .</p> <p>[(iv) one or more consumers, where there are numerous consumers having the same interest;</p> <p>(v) in case of death of a consumer, his legal heir or representative who or which makes a complaint;</p> <p>(c) "complaint" means any allegation in writing made by a complainant that</p> <p>[(i) an unfair trade practice or a restrictive trade practice has been adopted by any trader or service provider ;</p> <p>(ii) the goods bought by him or agreed to be bought by him suffer from one or more defects;</p> <p>(iii) the services hired or availed of or agreed to be hired or availed of by him] suffer from deficiency in any respect;</p> <p>(iv) a trader or the service provider, as the case may be, has charged for the goods or for the services mentioned in the complaint, a price in excess of the price</p> <p>(a) fixed by or under any law for the time being in force;</p> <p>(b) displayed on the goods or any package containing such goods;</p> <p>(c) displayed on the price list exhibited by him by or under any law for the time being in force;</p> <p>(d) agreed between the parties;</p> <p>[(v) goods which will be hazardous to life and safety when used, are being-offered for sale to the public</p> <p>(a) in contravention of any standard relating to safety of such goods as required to be complied with, by or under any law for the time being in force;</p> <p>(b) if the trader could have known with due diligence that the goods so offered are unsafe to the public;</p> <p>(va) he has suffered a loss in pursuance of an unfair contract entered into by him.</p> <p>(vi) services which are hazardous or likely to be hazardous to life and safety of the public when used, are being offered by the service provider which such person could have known with due</p>	<p><i>issues, reducing misunderstandings, clarifying priorities, exploring areas of compromise, generating options in an attempt to solve the dispute and emphasizing that it is the parties' own responsibility for making decisions which affect them.</i></p> <p><i>J(vi) Mediator is a neutral guide who helps the parties to find their own solution to the dispute</i></p> <p><i>o(1) 'Settlement' means a final settlement by way of compromise before a mediator, which shall be deemed to be a settlement before National Commission or a State Commission or a District Forum as the case may be.</i></p> <p><i>(nn) "regulation" means the regulations made by the Central Government under this Act;</i></p> <p><i>It is proposed to introduce a new sub-clause (va) in 2(1)(c) as under:</i></p> <p><i>(va) he has suffered a loss in pursuance of an unfair contract entered into by him.</i></p>	<p>Section 30A conferring powers to the National Commission to make regulations is proposed to be deleted. This regulation making power is proposed to be conferred on the Central Government along with rule making powers conferred on it under Section 30 of the Act. These regulations, however, shall be made by the Central Government in consultation with the National Commission wherever necessary.</p> <p>The provision is intended to protect the consumers who are placed in an unequal bargaining capacity. Hence 'unfair contract' is being added in the list of grounds on which a consumer can</p>
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<p>diligence to be injurious to life and safety;) with a view to obtaining any relief provided by or under this Act;</p> <p>(d) "consumer" means any person who</p> <p>(i) buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose; or</p> <p>(ii) hires or avails of any services for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any beneficiary of such services other than the person who hires or avails of the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person (but does not include a person who avails of such services of any commercial purpose);</p> <p>[Explanation.-For the purposes of sub-clause (i), "commercial purpose" does not include use by a consumer of goods bought and used by him exclusively for the purpose of earning his livelihood, by means of self-employment]</p> <p>(e) "consumer dispute" means a dispute where the person against whom a complaint has been made, denies or disputes the allegations contained in the complaint;</p> <p>(f) "defect" means any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for the time being in force or under any contract, express or implied or as is claimed by the trader in any manner whatsoever in relation to any goods;</p> <p>(g) "deficiency" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by a person in pursuance of a contract or otherwise in relation to any service;</p> <p>(h) "District Forum" means a Consumer Disputes Redressal</p>	<p>(dd) "Consumer Fora" means the National Consumer Disputes Redressal Forum , State Consumer Disputes Redressal Forum and the District Consumer Disputes Redressal Fora.</p> <p>The word "means" in Section 2(1)(f) may be substituted with the word "includes".</p> <p>The word "means" in Section 2(1)(g) may be substituted with the word "includes". A new sub-</p>	<p>file a complaint.</p> <p>This needs to be inserted after 2(1)(d).</p> <p>It will widen the definition of 'defect' to better protect the interests of consumers so as to imply any other defect that has not been spelt out.</p> <p>It will widen the definition of 'deficiency' to better protect the interests of consumers .</p>
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<p>Forum established under clause (a) of section 9;</p> <p>(i) "goods" means goods as defined in the Sale of Goods Act, 1930; (3 of 1930);</p> <p>(j) "manufacturer" means a person who-</p> <ul style="list-style-type: none"> (i) makes or manufactures any goods or parts thereof; or (ii) does not make or manufacture any goods but assembles parts thereof made or manufactured by others; or (iii) puts or causes to be put his own mark on any goods made or manufactured by any other manufacturer ; <p>[(jj) "member" includes the President and a member of the National Commission or a State Commission or a District Forum, as the case may be;</p> <p>(k) "National Commission" means the National Consumer Disputes Redressal Commission established under clause (c) of section 9;</p> <p>(l) "notification" means a notification published in the Official Gazette;</p> <p>(m) "person" includes,</p> <ul style="list-style-type: none"> (i) a firm whether registered or not; (ii) a Hindu undivided family; (iii) a co-operative society; (iv) every other association of persons whether registered under the SocietiesRegistration Act, 1860 (21 of 1860) or not; <p>(n) "prescribed" means prescribed by rules made by the State Government, or as the, case may be, by the Central Government under this Act;</p> <p>[(nn) "regulation" means the regulations made by the National Commission under this Act;]</p> <p>(nnn) "restrictive trade practice" means a trade practice which tends to bring about manipulation of price or its conditions of delivery or to affect flow of supplies in the market relating to goods or services in such a manner as to impose on the consumers unjustified costs or restrictions and shall include;</p> <ul style="list-style-type: none"> (a) delay beyond the period agreed to by a trader in supply of such goods or in providing the services which has led or is likely to lead to rise in the price; (b) any trade practice which requires a consumer to buy, hire or avail of any goods or, as the 	<p>clause (ii) as under may be inserted:</p> <p>‘(ii) any act of omission or commission which causes any damage to the consumer on account of negligence or consciously withholding of relevant information to the consumer’.</p> <p>A new clause 2(1)(ga) may be inserted as under:</p> <p>“(ga) “political party” shall have the meaning assigned to it under clause (f) of sub-section1 of section 2 of Representation of the People Act, 1951’.</p> <p>A new clause ‘ha’ as under may be inserted:</p> <p>‘(ha) “electronic form” shall have the meaning assigned to it under clause(r) of sub-section(1) of section 2 of the Information Technology Act,2000.’</p>	<p>This is expected to cover cases where a manufacturer or service provider deliberately withholds information.</p> <p>As it is proposed to debar persons affiliated with political parties from appointment as President and Members in the Consumer For a it is necessary to define the term ‘political party’.</p> <p>It is proposed to allow on-line filing of cases as well as make it mandatory for the consumer fora to publish the data regarding filing, disposal of complaints etc. on their respective website, it is necessary to define ‘ electronic mode’.</p>
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case may be, services as condition precedent to buying, hiring or availing of other goods or services;

(o) "service" means service of any description which is made available to potential users and includes the provision of facilities in connection with banking, financing, insurance, transport, processing, supply of electrical or other energy, telecom , board or lodging or both, housing construction, entertainment, amusement or the purveying of news or other information, but does not include the rendering of any service free of charge or under a contract of personal service;

(oo) "spurious goods & services" mean such goods and services which are claimed to be genuine but they are actually not so;

(p) "State Commission" means a Consumer Disputes Redressal Commission established in a State under clause (b) of section 9;

(q) "trader" in relation to any goods means a person who sells or distributes any goods for sale and includes the manufacturer thereof, and where such goods are sold or distributed in package form, includes the packer thereof;

(r) "unfair trade practice" means a trade practice which, for the purpose of promoting the sale, use or supply of any goods or for the provision of any service, adopts any unfair method or unfair or deceptive practice including any of the following practices, namely;

(1) the practice of making any statement, whether orally or in writing or by visible representation which,

(i) falsely represents that the goods are of a particular standard, quality, quantity, grade, composition, style or model;

(ii) falsely represents that the services are of a particular standard, quality or grade;

(iii) falsely represents any re-built, second-hand, renovated, reconditioned or old goods as new goods;

(iv) represents that the goods or services have sponsorship, approval, performance, characteristics, accessories, uses or benefits which such goods or services do not have;

(v) represents that the seller or the supplier has a sponsorship or approval or affiliation which such seller or supplier does not have;

(vi) makes a false or misleading representation concerning the

After (h) the word 'direction' may be defined by adding (hh) below (h) as under:

(hh) "direction" means direction issued by the Central Government to the Consumer For a.

After (nnn) , (nnnn) may be added as under;

(nnnn) "regional office" means the regional office of the Central Consumer Protection Authority.

need for, or the usefulness of, any goods or services;

(vii) gives to the public any warranty or guarantee of the performance, efficacy or length of life of a product or of any goods that is not based on an adequate or proper test thereof: Provided that where a defence is raised to the effect that such warranty or guarantee is based on adequate or proper test, the burden of proof of such defence shall lie on the person raising such defence;

(viii) makes to the public a representation in a form that purports to be

(i) a warranty or guarantee of a product or of any goods or services; or

(ii) a promise to replace, maintain or repair an article or any part thereof or to repeat or continue a service until it has achieved a specified result, if such purported warranty or guarantee or promise is materially misleading or if there is no reasonable prospect that such warranty, guarantee or promise will be carried out;

(ix) materially misleads the public concerning the price at which a product or like products or goods or services, have been or 'are, ordinarily sold or provided, and, for this purpose, a representation as to price shall be deemed to refer to the price at which the product or goods or services has or have been sold by sellers or provided by suppliers generally in the relevant market unless it is clearly specified to be .the price at which the product has been sold or services have been provided by the person by whom or on whose behalf the representation is made;

(x) gives false or misleading facts disparaging the goods, services or trade of another person.Explanation.-For the purposes of clause (1), a statement that is

(a) expressed on an article offered or displayed for sale, or on its wrapper or container; or

(b) expressed on anything attached to, inserted in, or accompanying, an article offered or displayed for sale, or on anything on which the article is mounted for display or sale; or

(c) contained in or on anything that is sold, sent, delivered, transmitted or in any other manner whatsoever made available to a member of the public, shall be deemed to be a statement made to the public by, and only by, the person who had caused the

After (r), (s) may be added as under:

(s) "unsafe" means goods and services and practices that could cause physical or mental injury.

<p>statement to be so expressed, made or contained;</p> <p>(2) permits the publication of any advertisement whether in any newspaper or otherwise, for the sale or supply at a bargain price, of goods or services that are not intended to be offered for sale or supply at the bargain price, or for a period that is, and in quantities that are, reasonable, having regard to the nature of the market in which the business is carried on, the nature and size of business, and the nature of the advertisement.</p> <p>Explanation.-For the purpose of clause (2), "bargaining price" means</p> <p>(a) a price that is stated in any advertisement to be a bargain price, by reference to an ordinary price or otherwise, or</p> <p>(b) a price that a person who reads, hears or sees the advertisement, would reasonably understand to be a bargain price having regard to the prices at which the product advertised or like products are ordinarily sold;</p> <p>(3) permits</p> <p>(a) the offering of gifts, prizes or other items with the intention of not providing them as offered or creating impression that something is being given or offered free of charge when it is fully or partly covered by the amount charged ,in the transaction as a whole; the conduct of any contest, lottery, game of chance or skill, for the purpose of promoting, directly or indirectly, the sale, use or supply of any product or any business interest;</p> <p>(3A) withholding from the participants of any scheme offering gifts, prizes or other items free of charge on its closure the information about final results of the scheme.</p> <p>Explanation : for the purpose of this sub clause, the participants of a scheme shall be deemed to have been informed of the final results of the scheme where such results are within a reasonable time published, prominently in the same newspaper in which the scheme was originally advertised;)</p> <p>(4) permits the sale or supply of goods intended to be used, or are of a kind likely to be used, by consumers, knowing or having reason to believe that the goods do not comply with the standards prescribed by competent authority relating to performance, composition, contents, design, constructions, finishing or packaging as are necessary to prevent or reduce the risk of injury to the person using the goods;</p>		
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(5) permits the hoarding or destruction of goods, or refuses to sell the goods or to make them available for sale or to provide any service, if such hoarding or destruction or refusal raises or tends to raise or is intended to raise, the cost of those or other similar goods or services.

(6) Manufacture of spurious goods or offering such goods for sale or adopting deceptive practices in the provision of services;)

(2) Any reference in this Act to any other Act or provision thereof which is not in force in any area to which this Act applies shall be construed to have a reference to the corresponding Act or provision thereof in force in such area.

A new sub-clause (7) in clause (r) is proposed to be added as under:

“(7) after selling such goods or rendering of such services, fails to issue bill or cash memo or receipt for the goods sold or service rendered”.

The following new sub-clauses under Section 2(1) (r) are proposed to be inserted:

‘(8) after selling such goods and rendering of such services, refuses to take back or withdraw the goods or withdraw or discontinue the service and refuses to refund the consideration thereof , if paid, within a period of thirty days after the receipt of goods or availing of services it is so requested by the consumer’.

‘(9) discloses to any other person any personal information given in confidence by the consumer’ provided that disclosure of personal information given with

Since the bill/ cash memo being an important instrument in the hands of a consumer to prove that he is a bonafide consumer , it is felt necessary to specify refusal of a bill as an unfair trade practice to protect the consumers.

This provision would enable the consumer to file the complaint against those sellers who sell their products and services through e-commerce and telemarketing ,etc. who do not take back the goods or services if found defective by the consumers on its receipt in as much as the products and services are not seen / inspected or examined by them and simply purchased through advertisements.

	<p><i>expressed or implied consent of the consumer or under provisions of any law in force or in public interest shall not be construed as a deficiency or service’.</i></p> <p><i>A new clause is proposed to be introduced as Section 2(1) (s) as under:</i></p> <p><i>‘(s)” Unfair contract means a contract which contains any one or more of the following types of clauses:</i></p> <ul style="list-style-type: none"> <i>(i) Requires manifestly excessive security deposits to be given by a party to the contract for the performance of contractual obligations;</i> <i>or</i> <i>(ii) Impose any penalty on a party to the contract for the breach thereof which is wholly disproportionate to the loss occurred due to such breach to the other party to the contract; or</i> <i>(iii) Refuses to accept early repayment of debts on payment of applicable penalty;</i> <i>(iv) Entitles a party to the contract to terminate without reasonable</i> 	<p><i>The new provision in sub-section 9 would protect consumers against the wide spread menace of piracy of personal data given in confidence with by the consumer, which compromises the position of the consumer and for the reason that the banks are under legal obligations under various Acts like Credit Information Companies (Regulation) Act, 2005, Prevention of Money Laundering Act, 2002 to share information with certain agencies.</i></p> <p><i>As regards new clause (s) this provision is intended to protect consumers who are placed in an unequal bargaining capacity by making ‘unfair contract’ which is also one of the grounds for filing consumer complaint in the consumer fora.</i></p>
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	<i>cause the contract unilaterally.</i>	
3. Act not in derogation of any other law. -The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.		

CHAPTER-II

CONSUMER PROTECTION COUNCILS

Consumer Protection Council <u>Existing Provisions</u>	Proposal for constitution of 'Consumer Protection Commission' <u>Proposed Provisions</u>	Remarks
<p><u>SECTION 4</u></p> <p>(1) The Central Government shall, by notification, establish with effect from such date as it may specify in such notification, a Council to be known as the Central Consumer Protection Council (hereinafter referred to as the Central Council),</p> <p>(2) The Central Council shall consist of the following members, namely :-</p> <p>(a) the Minister in charge of the Consumer Affairs in the Central Government, who shall be its Chairman, and</p> <p>(b) such number of other official or non-official members representing such interests as may be prescribed.</p>	<p><u>SECTION 4</u></p> <p>(1) The Central Government shall, by notification, establish with effect from such date as it may specify in such notification, an executive agency to be known as the Central Consumer Protection Authority (hereinafter referred to as the Authority) to promote, protect and enforce the rights of consumers enshrined in the Act.</p> <p>(a) The Central authority will be headed by a Commissioner. The post of Commissioner shall be of the level of Secretary in the Government of India.</p> <p>(b) The Commissioner shall be appointed by the Central Government from among persons, who are not below the age of forty five years and who are or have held a post equivalent to the post of Secretary to the Government of India, in the Central Government or in any State Government or in any Central or State Public Sector Undertaking, Autonomous Bodies, Universities etc. and also persons in private sector or persons not in formal employment in any organisation or professionals who are persons of eminence in public/social life, who shall be persons of ability, integrity and standing having special knowledge of and such professional experience of not less than fifteen years in the areas related to the consumers' rights and welfare, consumers' policy with international exposure, law, economics, business, commerce, industry etc.</p> <p>(c) There shall be Five Deputy Commissioners under the Commissioner to assist him in the functioning of the Central Commission.</p>	<p>Since the Consumer Protection Councils are merely advisory bodies with little executive power to address the grievances of consumers it has been proposed to convert it into an Executive Agency , namely "Central Consumer Protection Authority". Accordingly in place of the existing provisions completely new provisions under this Chapter concerning the "Central Consumer Protection Authority" have been proposed</p>

(d) The Deputy Commissioners shall be appointed from among the persons who are not below the age of forty years and who are or have held a post equivalent to the post of Joint Secretary to the Government of India, in the Central Government or in any State Government or in any Central or State Public Sector Undertaking, Autonomous Bodies, Universities etc. and also persons in private sector or persons not in formal employment in any organisation or professionals who are persons of eminence in public/ social life with specialization or having adequate and expert knowledge with minimum experience of ten years in any of the areas such as law, medicine, food safety, health, engineering, product safety, commerce, economics, public affairs or administration.

(2) Each of the Deputy Commissioners shall head any one of the following five Bureaus in which she/ he has experience and expert knowledge:

- (a) Safety in goods and services
- (b) Unfair trade practices, including misleading advertisements
- (c) Quality assurance and standards
- (d) Prevention of consumer detriment and unfair terms in consumer contracts and
- (e) Enforcement of consumer protection laws

(3) The Commissioner shall have the powers of general superintendence, direction and control in respect of all administrative matters of the Commission.

(4) The Commissioner and the five Deputy Commissioners shall be appointed by the Central Government on the recommendation of a Selection Committee and shall hold office for a period of five years or upto the age of sixty five years, whichever is earlier. The Selection Committee will consist of :

- (a) Secretary of the Department of Consumer Affairs in the Government of India -Member

	<p>(b) Secretary, Ministry of Law, Department of Legal Affairs in the Government of India -- Member</p> <p>(c) Secretary, Ministry of Home Affairs, Government of India -- Member</p> <p>(5) The Authority may appoint such officers, experts, professionals, as it may deem necessary for the efficient performance of its functions.</p>	
<p>Section 5: Procedure for meetings of the Central Council --</p> <p>(1) The Central Council shall meet as and when necessary, but at least one meeting of the Council shall be held every year.</p> <p>(2) The Central Council shall meet at such</p>	<p>Section 5: Place of work and office hours –</p> <p>(1) The office of the Central Consumer Protection Authority shall be located in Delhi and the office hours of the Central Commission shall be the same as the office hours of the Central Government.</p> <p>(2) The full Authority comprising th Commissioner and the five Deputy Commissioners shall sit once in a week to decide on :</p>	

<p>time and place as the Chairman may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed.</p>	<ul style="list-style-type: none"> a) In such matters in which the area of expertise of a Bureau overlaps the area of expertise of another bureau and both the Bureaus have or are likely to have different views or perception of the matter; b) the appeals filed before the Central Commission on the orders of a Deputy Commissioner at the headquarters or on the orders of a Deputy Commissioner at any of the Regional Offices of the Central Commission. c) Such other 	
<p>6. Objects of the Central Council</p> <p>The objects of the Central Council shall be to promote and protect the rights of the consumers such as –</p> <ul style="list-style-type: none"> (a) the right to be protected against the marketing of goods and services which are hazardous to life and property; (b) the rights to be informed about the quality, quantity, potency, purity, standard and price of goods or services, as the case may be, so as to protect the consumer against unfair trade practices; (c) the right to be assured, wherever possible, access to a variety of goods and services at competitive prices; (d) the right to be heard and to be assured that consumer's interests will receive due consideration at appropriate fora; (e) the right to seek redressal against unfair trade practices or restrictive trade practices or unscrupulous exploitation of consumers; and (f) the right to consumer education. 	<p>6. The objects of the Central Consumer Protection Authority</p> <p>The objects of the Central Commission shall be to prevent exploitation of consumers and violation of their rights and to promote, protect and enforce the rights of consumers such as –</p> <ul style="list-style-type: none"> a) the right to be protected against the marketing of goods / products and services which are unsafe or hazardous to life and property. b) the rights to be informed about the quality, quantity, potency, purity, standard and price of goods or services, as the case may be, so as to protect the consumer against unfair trade practices; c) the right to be protected from unfair trade practices, including false and misleading advertisements d) the right to choice and quality goods and services at competitive / reasonable prices e) the right to be protected from unfair terms in consumer contracts f) the right to be heard and to be assured that consumer interests will receive due consideration at appropriate forums g) the right to consumer education h) the right to inexpensive and speedy redress of grievances/ complaints i) 	

Section 6A: Functions and powers of the Authority -

j) Functions of the Authority:

- a) Inquire suo-motu or on a complaint or a direction from the Government or the Parliament or the judiciary, violations of consumer rights enumerated in the Consumer Protection Act.
- b) Intervene in any proceeding in any allegation of violation of consumer rights before a court, with the permission of such a court.
- c) Review factors that inhibit the enjoyment of consumer rights and recommend appropriate remedial measures
- d) Study existing laws and their enforcement and suggest changes to make the same more efficacious
- e) Review safeguards provided under the Constitution or any law for the time being in force for the protection of consumers and recommend measures for their effective implementation
- f) Study international practices, laws, covenants on consumer rights and make recommendations for their adoption wherever necessary, to ensure effective enforcement of consumer rights
- g) Undertake and promote research in the field of consumer rights
- h) Spread and promote awareness about the rights of consumers and consumers' literacy
- i) Encourage efforts of non-governmental organizations and other institutions working in the field of consumer rights
- j) Cooperate and work with consumer protection agencies worldwide and take part in international conferences and seminars in this area

- k) Monitor practices inimical to consumer interest and take adequate measures to prevent them

ii) Powers of the Authority;

- a) Conduct investigations, either suo-motu or on a complaint, into violations of consumer rights enumerated in the Consumer Protection Act, 1986, conduct search and seizure of documents/ records/ articles and other forms of evidence, summon delinquent manufacturers, advertisers and service providers and to record oral evidence and direct production of documents and records.
- b) Order, on the basis of such investigations, recall of goods found to be unsafe or withdrawal of services found to be unsafe or hazardous and order reimbursement of the price of the goods (or services) so recalled, to purchasers of such goods or services.
- c) Issue safety notices and alerting consumers against unsafe goods/services.
- d) Direct, on the basis of its investigations, discontinuation of practices found to be unfair and prejudicial to consumer interest.
- e) Order withdrawal of advertisements found to be false or misleading and direct issuance of corrective advertisements, wherever necessary.
- f) Declare as null and void, terms in consumer contracts found to be unfair to the consumer.
- g) Accept an undertaking from those who may have breached the law, that they would desist from such conduct in future and enforce the undertaking
- h) File class action suits at National Consumer Disputes Redressal Commission .There shall be an exclusive Bench in NCDRC to hear class action suits filed by the Central Commission for speedy adjudication of the matter.
- i) Draw up code of conduct or fair business practices and direct the business to comply with the same.
- j) Take criminal matters to the court of competent jurisdiction.
- k) Impose administrative penalty on those found violating any of the provisions of such Laws which seek to protect the interest of the Consumers e.g. the Consumer Protection Act, 1986, the Legal Metrology Act, 2009 etc.

	<p>The following factors inter-alia will be taken into account by the Central Authority in determining the amount of administrative monetary penalty:</p> <ol style="list-style-type: none"> (1) the impact of the violation with respect to population and area affected, (2) the frequency and duration of the violation, (3) the vulnerability of the class of persons likely to be adversely affected by the violation, and (4) the gross revenue from sales effected by the conduct. <p>l. Take cognizance of misleading advertisements</p> <p>m. Enforce injunctions against conduct of the industry for exploiting consumers interest</p> <p>n. Advise Ministries and Departments on Consumer Welfare measures</p>	
<p>7. The State Consumer Protection Councils</p> <p>(1) The State Government shall, by notification, establish with effect from such date as it may specify in such notification, a Council to be known as the Consumer Protection Council for (hereinafter referred to as the State Council).</p> <p>(2) The State Council shall consist of the following members, namely :-</p> <ol style="list-style-type: none"> (a) the Minister incharge of consumer affairs in the State Government who shall be its Chairman; (b) such number of other official or non-official members representing such interests as may be prescribed by 	<p>7. Regional Offices:</p> <p>(1) The Authority may have such number of regional offices and the location of such offices as may be notified by the Central Government from time to time for the purpose of suo moto investigations into anti-consumer conduct and also to investigate into the complaint of a consumer and take appropriate action in accordance with powers conferred on the Commission under Section 6A of this Act..</p> <p>(2) Each regional office shall be headed by an officer of the level of Deputy Commissioner. The Deputy Commissioner at the regional office shall be competent to exercise the powers of the Central Commission in the States covered in the region. He will be competent to file consumer suits in the District Consumer Fora and State Consumer Fora within his region.</p> <p>(3) At district level the powers of the Central Commission</p>	

<p>the State Government.</p> <p>(c) such number of other official or non-official members, not exceeding ten, as may be nominated by the Central Government.]</p> <p>(3) The State Council shall meet as and when necessary but not less than two meetings shall be held every year.</p> <p>(4) The State Council shall meet at such time and place as the Chairman may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed by the State Government.</p>	<p>shall be exercised by the concerned District Collector/Magistrate who can suo moto or otherwise investigate into a matter for protection as well as enforcement of the rights of the consumers and each District Collector/Magistrate shall submit a monthly report of action taken to the Deputy Commissioner of the concerned region.</p>	
<p>8. Objects of the State Council:The objects of every State Council shall be to promote and protect within the State the rights of the consumers laid down in clauses (a) to (f) of Section 6.</p>	<p>8. Pay and allowances of the Commissioner and Deputy Commissioners</p> <p>1) The pay and allowances of the Commissioner shall be of the level of Secretary to the Government of India and that of the Deputy Commissioners shall be of the level of Joint Secretary in the Central Government.</p> <p>2) All the expenditure of the Commission shall be met from the Consolidated Fund of India.</p>	
<p>8A. The District Consumer Protection Council:</p> <p>(1) The State Government shall establish for every district, by notification, a council to be known as the District Consumer Protection Council with effect from such date as it may specify in such notification.</p> <p>(2) The District Consumer Protection Council (hereinafter referred to as the District Council) shall consist of the following members, namely :-</p> <p>(a) The Collector of the district (by whatever name called), who shall be its Chairman; and</p> <p>(b) Such number of other official and</p>	<p>To be omitted</p>	

<p>non-official members representing such interests as may be prescribed by the State Government.</p> <p>(3) The District Council shall meet as and when necessary but not less than two meetings shall be held every year.</p> <p>(4) The District Council shall meet at such time and place within the district as the Chairman may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed by the State Government.</p>		
<p>8B. Objects of the District Council:</p> <p>The objects of every District Council shall be to promote and protect within the district the rights of the consumers laid down in clauses (a) to (f) of Section 6.</p>	<p>To be omitted</p>	
	<p>9. Appeal:</p> <p>(a) Appeal against the decision of the District Collector/ District Magistrate shall lie to the Deputy Commissioner at the concerned regional office,</p> <p>(b) Appeal against the decision of the Deputy Commissioner of any regional office or at the Head Office of the Central Authority shall lie to the Commissioner at Central Central Authority.</p>	
	<p>10. Removal of the Commissioner and Deputy Commissioners:</p> <p>(1)The Central Government may remove the Commissioner and any Deputy Commissioner , who -</p> <p>(a) has been adjudged as an insolvent; or</p> <p>(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or</p> <p>(c) has become physically or mentally incapable of acting as the President or the member; or</p> <p>(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as the President or a</p>	

	<p>member; or</p> <p>(e) has so abused his position as to render his continuance in office prejudicial to the public interest ;or</p> <p>(f) remain absent in three consecutive sittings except for reasons beyond his control.</p> <p>(g) serious allegations of any commission or omission amounting to corruption.</p> <p>(2) Notwithstanding anything contained in sub-section (1) of section 10, the Commissioner and any Deputy Commissioner shall not be removed from his office except by an order made by the Central Government on the grounds specified in clauses (d), (e), (f) and (g) of above sub-section and after an inquiry held by a Committee comprising President, NCDRC and the Additional Secretary, Consumer Affairs as per the prescribed procedure.</p>	
	<p>11. Filing of Complaint and its Disposal:</p> <p>(1) A consumer may file his complaint in writing or through email as the case may be, either to the concerned District Collector, or to the Deputy Commissioner in the concerned Regional Office or to the Central Authority with an undertaking that he/she/ it has not made his complaint to only one of the aforesaid offices.</p> <p>(2) In the Central Commission, the Deputy Commissioner concerned with the subject matter of the complaint shall look into the complaint and take appropriate action in accordance with the powers conferred on the Authority under Section 6A.</p> <p>(3) All the fines imposed and recovered by the regional Offices and the Central Authority at the head office shall be credited to the Consumer Welfare Fund of the Central Government. All the fines imposed and recovered by the District Collector shall be credited to the Consumer Weifare Fund of the concerned State Government.</p> <p>(4) A complaint filed by a consumer shall be registered by the office of the District Collector or the Regional Office or Central Authority, as the case may be, the</p>	

	<p>same day when a complaint is received during office hours and an acknowledgement shall be sent to the consumer within a week.</p> <p>(5) The complaint shall be disposed of within a month but if any complaint can not be disposed within a month for factors beyond the control of the concerned authority, such authority must seek extension of time with adequate convincing justifications before expiry of one month from the date of registration of the complaint in which case the competent authority shall not extend time for disposal of the complaint for more than thirty days. No extension can be granted beyond this period for disposal.</p> <p>(6) The competent authority to grant extension of time for disposal of complaint is the Deputy Commissioner at the Regional Office in case of District Collector and the full Commission in case of the a request by a Deputy Commissioner at the Regional Office or Head Office.</p> <p>(7) Non-disposal of a complaint within the extended period will be treated as inefficiency and lack of performance on the part of the concerned officials/officers in charge and will be entered in his/ their annual performance report and for sustained non-performance an officer/ official may be removed from office.</p>	
	<p>12. Non-Compliance with the Orders of the Central Authority:</p> <p>(1) Non-compliance with any of the orders of the Central Authority by any one either during the course of investigation or on final direction/order after investigation shall be reported by the Central Commission to the concerned District Law Enforcement Agency who will take immediate action and report compliance to the Commission.</p>	
	<p>13. Miscellaneous</p> <p>(1) The Central Authority shall work in co-ordination with the investigation and enforcement Wings of various Central and State Agencies such as Bureau of Indian Standards, Legal Metrology and Income Tax</p>	

Department and the concerned Law and Order Agencies of the concerned States.

(2) The Central Authority shall submit a monthly report on its functioning and performance and such other reports and returns as may be directed to be submitted, to the Central Government and shall comply with such directions/ instructions as may be issued by the Central Government from time to time.s

(3) In the discharge of its function the Central Authority shall be guided by the principle of natural justice and subject to the other provisions of the Act and of any rules made by the Central Government the Central Authority shall have power to regulate its own procedure.

CHAPTER III

CONSUMER DISPUTES REDRESSAL AGENCIES

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
Section 9	<p>9. Establishment of Consumer Disputes Redressal Agencies. - There shall be established for the purposes of this Act, the following agencies, namely:—</p> <p>(a) a Consumer Disputes Redressal Forum to be known as the "District Forum" established by the State Government in each district of the State by notification:</p> <p>Provided that the State Government may, if it deems fit, establish more than one District Forum in a district.</p> <p>(b) a Consumer Disputes Redressal Commission to be known as the "State Commission" established by the State Government in the State by notification; and</p> <p>(c) a National Consumer Disputes Redressal Commission established by the Central Government by notification.</p>	<p>9. Establishment of Consumer Disputes Redressal Agencies. - There shall be established for the purposes of this Act, the following agencies, namely:—</p> <p>(a) a Consumer Disputes Redressal Forum to be known as the "District Forum" established by the State Government in each district of the State by notification:</p> <p>Provided that the State Government may, if it deems fit, establish more than one District Forum in a district.</p> <p>(b) a Consumer Disputes Redressal Forum to be known as the "State Forum" established by the State Government in the State by notification; and</p> <p>(c) a National Consumer Disputes Redressal Forum established by the Central Government to be known as the National Forum by notification; and</p> <p>(d) The District Forum, the State Forum and the National Forum together shall be known as the Consumer Disputes Redressal Commission to be shortly called as the Commission.</p> <p><i>Provided further that in a district where no District Forum has been established or if established, there exists at any time vacancy in the office of the President or a member, in such</i></p>	<p>A clause has been added to make provision to allow to exercise the jurisdiction in r/o such District Forum where District Forum has not been established or if established there is a vacancy of President/Member.</p> <p><i>This provision is considered necessary to allow State Governments the flexibility to club neighbouring District Forum , as also to give additional charge to the President/ Members to hear cases in more than one District Forum so as</i></p>

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
		<p><i>case, the State Government may, by notification, direct that –</i></p> <p>(a) A District Forum, as specified in the notification, shall exercise the jurisdiction in respect of such District Forum as may be specified in the notification; or</p> <p>(b) The President or a Member of a District Forum, as the case may be, shall exercise the power or discharge the functions of the President or the Member, as the case may be, of any other District Forum as may be specified in the notification.</p>	<p><i>to effectively deal with the non-functionality of District Forum caused due to vacancy of President/ Member.</i></p>
Section 10	<p>10. Composition of the District Forum. — (1) Each District Forum shall consist of,—</p> <p>(a) a person who is, or has been, or is qualified to be a District Judge, who shall be its President;</p> <p>(b) <i>two other members, one of whom shall be a woman, who shall have the following qualifications, namely:—</i></p> <p>(i) <i>be not less than thirty-five years of age,</i></p> <p>(ii) <i>possess a bachelor's degree from a recognized university,</i></p> <p>(iii) <i>be persons of ability, integrity and standing, and have adequate knowledge and experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration:</i></p>	<p>10. Composition of the District Forum. — (1) Each District Forum shall consist of,—</p> <p>(a) a person who is, or has been, or is qualified to be a District Judge, who shall be its President;</p> <p>(b) <i>not less than two and not more than such number of members , as may be prescribed , at least one of whom shall be a woman, who shall have the following qualifications, namely:—</i></p> <p>(i) <i>be not less than thirty five years of age,</i></p> <p>(ii) <i>possess a bachelor's degree from a recognized university;</i></p> <p>(iii) <i>be persons of ability, integrity and standing, and have adequate knowledge and experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, consumer affairs or administration.</i></p> <p><i>Provided that a person shall be disqualified for appointment as member or for</i></p>	<p><i>This provision is being made to allow State Governments to appoint more than two members , as the concept of ‘bench’ and ‘circit benches’ is being extended to District Forum also. The insertion of the words “at least” would clarify that more than one womam can be appointed as a member in the District Forum</i></p> <p>Preferential qualification has been proposed.</p>

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>Provided that a person shall be disqualified for appointment as a member if he—</i></p> <p><i>(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the state Government involves moral turpitude; or</i></p> <p><i>(b) is an undischarged insolvent; or</i></p> <p><i>(c) is of unsound mind and stands so declared by a competent court; or</i></p> <p><i>(d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or</i></p> <p><i>(e) has, in the opinion of the state Government, such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member; or</i></p> <p><i>(f) has such other disqualifications as may be prescribed by the State Government;</i></p>	<p>continuation as <i>such if he—</i></p> <p><i>(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the state Government, involves moral turpitude; or</i></p> <p><i>(b) is an undischarged insolvent; or</i></p> <p><i>(c) is of unsound mind and stands so declared by a competent court; or</i></p> <p><i>(d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or</i></p> <p><i>(e) has, in the opinion of the state Government, such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member; or</i></p> <p>(ee) is or continues to be, after appointment, a member or office bearer of any political party; or</p> <p><i>(f) has such other disqualifications as may be prescribed by the Central Government by notification from time to time.</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p>(1A) Every appointment under sub-section (l) shall be made by the State Government on the recommendation of a selection committee consisting of the following, namely:—</p> <p>(i) the President of the State Commission — Chairman.</p> <p>(ii) Secretary, Law Department of the State — Member.</p> <p>(iii) Secretary incharge of the Department dealing with Consumer Affairs in the State — Member.</p> <p><i>Provided that where the President of the State Commission is, by reason of absence or otherwise, unable to act as Chairman of the Selection Committee, the State Government may refer the matter to the Chief Justice of the High Court for nominating a sitting Judge of that High Court to act as Chairman.</i></p>	<p>(1A) (a) Every appointment under sub-section (l) for the post of President and Members of the District Forum shall be made by the State Government on the recommendation of the State Public Service Commission which may be assigned the job by the State Government.</p> <p>(c) The State Public Service Commission , shall invite applications from the eligible candidates for the posts of President and Members separately.</p> <p>(d) For selection to the post of President the State Public Service Commission shall conduct a viva-voce examination and make selection on the basis of such examination and submit a panel of candidates selected in order of merit to the State Government recommending for appointment to the post of President.</p> <p>(e) For selection to the post of Members the State Public Service Commission shall conduct a written examination and a personal interview. On the basis of the performance of the candidates in the written examination and personal interview the State Public Service Commission or the local Law university, as the case may be, shall make selection of candidates and submit a panel of candidates selected in order of merit to the State Government recommending for appointment to the post of Members.</p>	
	<p>(2) Every member of the District Forum shall hold office for a term of five years or up to the age of sixty-five</p>	<p>(2) Every member of the District Forum shall hold office for a term of five years or up to the age of sixty-five years, whichever is earlier:</p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>years, whichever is earlier:</i></p> <p><i>Provided that a member shall be eligible for re-appointment for another term of five years or up to the age of sixty-five years, whichever is earlier, subject to the condition that he fulfills the qualifications and other conditions for appointment mentioned in clause (b) of sub-section (1) and such re-appointment is also made on the basis of the recommendation of the Selection Committee:</i></p> <p><i>Provided further that a member may resign his office in writing under his hand addressed to the State Government and on such resignation being accepted, his office shall become vacant and may be filled by appointment of a person possessing any of the qualifications mentioned in sub-section (1) in relation to the category of the member who is required to be appointed under the provisions of sub-section (1A) in place of the person who has resigned:</i></p> <p><i>Provided also that a person appointed as the President or as a member, before the commencement of the Consumer Protection (Amendment) Act, 2002, shall continue to hold such office as President or member, as the case</i></p>	<p><i>Provided that a member shall be eligible for re-appointment for another term of five years or up to the age of sixty-five years, whichever is earlier, subject to the condition that he fulfills the qualifications and other conditions for appointment mentioned in clause (b) of sub-section (1) and such re-appointment is also made on the basis of the recommendation of the State Public Service Commission:</i></p> <p><i>Provided that a person appointed as a President of the District Forum shall also be eligible for re-appointment in the manner provided in sub-section (1A):</i></p> <p><i>Provided also that the State Public Service Commission or local Law University shall take into consideration the observations or performance appraisal report, if any, made by the President of the State Commission in respect of the President or Member of the District Forum being considered for re-appointment as such;</i></p> <p><i>Provided further that a member may resign his office in writing under his hand addressed to the State Government and on such resignation being accepted, his office shall become vacant and may be filled by appointment of a person possessing any of the qualifications mentioned in sub-section (1) who is required to be appointed under the provisions of sub-section (1A) in place of the person who has resigned:</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>may be, till the completion of his term.</i></p>		
	<p>(3) The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the members of the District Forum shall be such as may be prescribed by the State Government.</p> <p><i>Provided that the appointment of a member on whole-time basis shall be made by the State Government on the recommendation of the President of the State Commission taking into consideration such factors as may be prescribed including the work load of the District Forum.</i></p>	<p>(3) <i>The salary and allowances payable to the President of the District Forum shall be at the minimum stage of the District Judge appointed to the State Judicial Service plus an amount of Rs.5000/- (Rs.Five Thousand only) and the salary and allowances payable to a Member of the district Forum shall be at the minimum stage of the District Judge appointed to the State Judicial Service.</i> The other terms and conditions of service of the President and Members of the District Forum shall be as may be prescribed by the State Government.</p> <p>(4) <i>The President or Member of the District Forum, on ceasing to hold office as such, shall not appear, act or plead before any District Forum in that State in which he had been the President or Member, as the case may be, of the District Forum.</i></p> <p>10A. (1) <i>The State Government shall determine the nature and categories of the officers and other employees required to assist the District Forum in the discharge of its functioning and provide the District Forum with such officers and other employees as it may think fit.</i></p> <p>(2) <i>The officers and other employees of the District Forum shall discharge their functions under the general superintendence of the President.</i></p> <p>(3) <i>The salaries and allowances payable to, and</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
		<p><i>the other terms and conditions of service of, the officers and other employees of the District Forum shall be such as may be prescribed by the State Government:</i></p> <p><i>Provided that officers and other employees employed on or before the commencement of the Consumer Protection (Amendment) Act, 2014, in a District Forum, shall continue to be employed as such unless the nature and categories thereof has been determined by the State Government.</i></p>	
Section 11	<p>11. Jurisdiction of the District Forum.— (1) Subject to the other provisions of this Act, the District Forum shall have jurisdiction to entertain complaints where the value of the goods or services and the compensation, if any, claimed "does not exceed rupees <u>twenty lakhs</u>.</p> <p>(2) A complaint shall be instituted in a District Forum within the local limits of whose jurisdiction,—</p> <p>(a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or carries on business or has a branch office or personally works for gain, or</p> <p>(b) any of the opposite parties, where there are more than one, at the time of the</p>	<p>11. Jurisdiction of the District Forum.—(1) Subject to the other provisions of this Act, the District Forum shall have jurisdiction to entertain complaints suo motu or otherwise where the value of the goods or services and the compensation, if any, claimed "does not exceed rupees 20 lakhs (Rs. Twenty Lakhs). <i>The billed value of goods or services in a complaint shall be the basis to determine the pecuniary jurisdiction of a Consumer Forum to entertain a complaint.</i></p> <p>(2) A complaint shall be instituted in a District Forum within the local limits of whose jurisdiction,—</p> <p>(a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or carries on business or has a branch office or personally works for gain, or</p> <p>(b) any of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides, or carries on</p>	<p><i>In section 11(1) the provision to take the billed value of goods and services as the basis for claim and determination of jurisdiction of the District Forum or State Forum or National Forum accordingly is proposed to be added.</i></p>

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p>institution of the complaint, actually and voluntarily resides, or carries on business or has a branch office, or personally works for gain, provided that in such case either the permission of the District Forum is given, or the opposite parties who do not reside, or carry on business or have a branch office, or personally work for gain, as the case may be, acquiesce in such institution; or</p> <p>(c) the cause of action, wholly or in part, arises.</p>	<p><i>business or has a branch office, or personally works for gain, provided that in such case the permission of the District Forum is given; or</i></p> <p>(c) the cause of action, wholly or in part, arises; or</p> <p>(d) the complainant resides or personally works for gain.</p> <p>(3)(a) The jurisdiction, powers and authority of the District Forum may be exercised by benches thereof.</p> <p>(b) A Bench may be constituted by the President with one or more Members as the President may deem fit and each bench shall be presided over by the seniormost member. Seniority of the members shall be determined from the date of joining of a member;</p> <p><i>Provided that the single Member Bench shall exercise jurisdiction, power and authority in relation to such matters as may be prescribed by the State Government in consultation with the State Commission and it shall not, in any case, dispose of any case fixed for final hearing.</i></p> <p>11A. Circuit Benches - The District Forum shall ordinarily function in the district headquarters and perform its functions at such other place, as the State Government may, in consultation with the State Forum, notify in the Official Gazette from time to time.</p>	<p><i>A clause has been added to allow complainant to file a complaint in District Forum where he resides or works.</i></p> <p><i>Provision as regards presiding over a 'bench' by the seniormost member of the bench , also determining seniority from the date of joining is proposed to be included in section 11(3) (b).</i></p>

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
Section 12	<p>12. Manner in which complaint shall be made.—(1) A complaint in relation to any goods sold or delivered or agreed to be sold or delivered or any service provided or agreed to be provided may be filed with a District Forum by –</p> <p>(a) <i>the consumer to whom such goods are sold or delivered or agreed to be sold or delivered or such service provided or agreed to be provided;</i></p> <p>(b) <i>any recognised consumer association whether the consumer to whom the goods sold or delivered or service provided or agreed to be provided is a member of such association or not;</i></p> <p>(c) <i>one or more consumers, where there are numerous consumers having the same interest, with the permission of the District Forum, on behalf of, or for the benefit of, all consumers so interested; or</i></p> <p>(d) <i>the Central Government or the State Government, as the case may be, either in its individual capacity or as a representative of interests of the consumers in general.</i></p> <p>(2) <i>Every complaint filed under sub-section (1) shall be accompanied with such amount of fee and payable in such manner as may be</i></p>	<p>12. Manner in which complaint shall be made.—(1) A complaint in relation to any goods sold or delivered or agreed to be sold or delivered or any service provided or agreed to be provided or in respect of any restrictive trade practice or unfair trade practice adopted may be filed with a District Forum by –</p> <p>(a) <i>the consumer to whom such goods are sold or delivered or agreed to be sold or delivered or such service provided or agreed to be provided or in respect of which restrictive trade practice or unfair trade practice is alleged ;</i></p> <p>(b) <i>any recognised consumer association whether the consumer to whom the goods sold or delivered or service provided or agreed to be provided or in respect of which restrictive trade practice or unfair trade practice is alleged, is a member of such association or not;</i></p> <p>(c) <i>one or more consumers, where there are numerous consumers having the same interest, with the permission of the District Forum, on behalf of, or for the benefit of, all consumers so interested; or</i></p> <p>(d) <i>the Central Government or the State Government, as the case may be, either in its individual capacity or as a representative of interests of the consumers in general.</i></p> <p>(2) <i>Every complaint filed under sub-section (1) shall be accompanied with such amount of fee and payable in such manner (including</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>prescribed.</i></p> <p>(3) <i>On receipt of a complaint made under sub-section (1), the District Forum may, by order, allow the complaint to be proceeded with or rejected:</i></p> <p><i>Provided that a complaint shall not be rejected under this section unless an opportunity of being heard has been given to the complainant:</i></p> <p><i>Provided further that the admissibility of the complaint shall ordinarily be decided within twenty-one days from the date on which the complaint was received.</i></p> <p>(4) <i>Where a complaint is allowed to be proceeded with under sub-section (3), the District Forum may proceed with the complaint in the manner provided under this Act:</i></p> <p><i>Provided that where a complaint has been admitted by the District Forum, it shall not be transferred to any other court or tribunal or any authority set up by or under any other law for the time being in force.</i></p> <p><i>Explanation. - For the purpose of this section "recognised consumer association" means any voluntary consumer association registered under the Companies Act, 1956 or any other law for the</i></p>	<p><i>electronic form)</i> <i>as may be prescribed.</i></p> <p>(3) <i>On receipt of a complaint made under sub-section (1), the District Forum may, by order, allow the complaint to be proceeded with or rejected:</i></p> <p><i>Provided that a complaint shall not be rejected under this section unless an opportunity of being heard has been given to the complainant:</i></p> <p><i>Provided further that the admissibility of the complaint shall ordinarily be decided within twenty-one days from the date on which the complaint was registered.</i></p> <p><i>Provided further that the complaint would be registered only if found to be defect free.</i></p> <p><i>Provided also that if the District Forum does not decide the issue of admissibility of the complaint within the period specified in the second proviso, it shall be deemed to have been admitted except in the case where the complainant has failed to appear before the District Forum on the day of hearing for admissibility fixed within twenty one days from the date of registration of the complaint, without any reasonable ground;</i></p> <p><i>Provided further that if another date of hearing for admissibility is fixed within the next twenty one days from the date of last hearing for admissibility and the complainant fails to appear without any reasonable ground the admissibility of the complaint shall be decided on merit based on the available papers or if no date of hearing for admissibility is fixed within twenty onet days from the last date of</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>time being in force”.</i></p>	<p><i>hearing for admissibility the complaint shall be deemed to have been admitted on the expiry of such twenty one days.</i></p> <p><i>(4) Where a complaint is allowed to be proceeded with under sub-section (3), the District Forum may proceed with the complaint in the manner provided under this Act:</i></p> <p><i>Provided that where a complaint has been admitted by the District Forum, it shall not be transferred to any other court or tribunal or any authority set up by or under any other law for the time being in force.</i></p> <p><i>Explanation. - For the purpose of this section “recognised consumer association” means any voluntary consumer association registered under the Companies Act, 1956 or any other law for the time being in force”.</i></p>	
<p>Section 13</p>	<p>13. Procedure on admission of complaint. — (1) <i>The District Forum shall, on admission of a complaint, if it relates to any goods,—</i></p> <p><i>(a) refer a copy of the admitted complaint, within twenty-one days from the date of its admission to the</i></p>		

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>opposite party mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum;</i></p> <p>(b) where the opposite party on receipt of a complaint referred to him under clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the consumer dispute in the manner specified in clauses (c) to (g);</p> <p>(c) where the complaint alleges a defect in the goods which cannot be determined without proper analysis or test of the goods, the District Forum shall obtain a sample of the goods from the complainant, seal it and authenticate it in the manner prescribed and refer the sample so sealed to the appropriate laboratory along with a direction that such laboratory make an analysis or test, whichever may be necessary, with a view to finding out whether such goods suffer from any</p>		

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p>defect alleged in the complaint or from any other defect and to report its findings thereon to the District Forum within a period of forty-five days of the receipt of the reference or within such extended period as may be granted by the District Forum;</p> <p>(d) before any sample of the goods is referred to any appropriate laboratory under clause (c), the District Forum may require the complainant to deposit to the credit of the Forum such fees as may be specified, for payment to the appropriate laboratory for carrying out the necessary analysis or test in relation to the goods in question;</p> <p>(e) the District Forum shall remit the amount deposited to its credit under clause (d) to the appropriate laboratory to enable it to carry out the analysis or test mentioned in clause (c) and on receipt of the report from the appropriate laboratory, the District Forum shall forward a copy of the report along with such remarks as the District Forum may feel appropriate to the opposite party;</p> <p>(f) if any of the parties disputes the correctness of the findings of the</p>		

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p>appropriate laboratory, or disputes the correctness of the methods of analysis or test adopted by the appropriate laboratory, the District Forum shall require the opposite party or the complainant to submit in writing his objections in regard to the report made by the appropriate laboratory;</p> <p>(g) the District Forum shall thereafter give a reasonable opportunity to the complainant as well as the opposite party of being heard as to the correctness or otherwise of the report made by the appropriate laboratory and also as to the objection made in relation thereto under clause (f) and issue an appropriate order under section 14.</p>		
	<p><i>(2) the District Forum shall, if the complaint admitted by it under section 12 relates to goods in respect of which the procedure specified in sub-section (1) cannot be followed, or if the complaint relates to any services,—</i></p> <p>(a) refer a copy of such complaint to the opposite party directing him to give his version of the case within a period of thirty</p>	<p><i>(2) the District Forum shall, if the complaint admitted by it under section 12 relates to goods in respect of which the procedure specified in sub-section (1) cannot be followed, or if the complaint relates to any services,—</i></p> <p>(a) refer a copy of such complaint to the opposite party directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the</p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p>days or such extended period not exceeding fifteen days as may be granted by the District Forum;</p> <p>(b) where the opposite party, on receipt of a copy of the complaint, referred to him under clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the consumer dispute,—</p> <p>(i) on the basis of evidence brought to its notice by the complainant and the opposite party, where the opposite party denies or disputes the allegations contained in the complaint, or</p> <p>(ii) <i>ex parte on the basis of evidence brought to its notice by the complainant where the opposite party omits or fails to take any action to represent his case within the time given by the Forum.</i></p> <p>(c) <i>where the complainant fails to appear on the date of hearing before the District</i></p>	<p>District Forum;</p> <p>(b) where the opposite party, on receipt of a copy of the complaint, referred to him under clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the consumer dispute,—</p> <p>(i) on the basis of evidence brought to its notice by the complainant and the opposite party, where the opposite party denies or disputes the allegations contained in the complaint, or</p> <p>(ii) <i>ex parte on the basis of evidence brought to its notice by the complainant where the opposite party omits or fails to take any action to represent his case within the time given by the Forum.</i></p> <p>(c) <i>where the complainant fails to appear on the date of hearing before the District Forum, the District Forum may decide it on merits based on available records.</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>Forum, the District Forum may either dismiss the complaint for default or decide it on merits.</i></p>		
	<p>(3) No proceedings complying with the procedure laid down in sub-sections [1] and [2] shall be called in question in any court on the ground that the principles of natural justice have not been complied with.</p> <p>(3A) <i>Every complaint shall be heard as expeditiously as possible and endeavour 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:</i></p> <p><i>Provided that no adjournment shall be ordinarily granted by the District Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum:</i></p> <p><i>Provided further that the District Forum shall make such</i></p>		

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>orders as to the costs occasioned by the adjournment as may be provided in the regulations made under this Act.</i></p> <p><i>Provided also that in the event of a complaint being disposed of after the period so specified, the District Forum shall record in writing, the reasons for the same at the time of disposing of the said complaint.</i></p> <p>(3B) Where during the pendency of any proceeding before the District Forum, it appears to it necessary, it may pass such interim order as is just and proper in the facts and circumstances of the case.</p>		
	<p>(4) For the purposes of this section, the District Forum shall have the same powers as are vested in a civil court under Code of Civil Procedure, 1908 while trying a suit in respect of the following matters, namely:—</p> <p>(i) the summoning and enforcing the attendance of any defendant or witness and examining the witness on oath;</p>		

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<ul style="list-style-type: none"> (ii) the discovery and production of any document or other material object producible as evidence; (iii) the reception of evidence on affidavits; (iv) the requisitioning of the report of the concerned analysis or test from the appropriate laboratory or from any other relevant source; (v) issuing of any commission for the examination of any witness, and (vi) any other matter which may be prescribed. 		
	<p>(5) Every proceeding before the District Forum shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Code (45 of 1860), and the District Forum shall be deemed to be a civil court for the purposes of section 195, and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).</p>		

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p>(6) Where the complainant is a consumer referred to in sub-clause (iv) of clause (b) of subsection (1) of section 2, the provisions of rule 8 of Order I of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) shall apply subject to the modification that every reference therein to a suit or decree shall be construed as a reference to a complaint or the order of the District Forum thereon.</p>		
	<p>(7) In the event of death of a complainant who is a consumer or of the opposite party against whom the complaint has been filed, the provisions of Order XXII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) shall apply subject to the modification that every reference therein to the plaintiff and the defendant shall be construed as reference to a complainant or the opposite party, as the case may be.</p>		
		<p>(8) <i>The Court shall not allow the engagement of an advocate by either party to the complaint, unless the value of the goods and services & compensation claimed, if any, exceeds Rs. 5 lakh, provided, that the complainant may engage an expert if the complaint requires</i></p>	<p>Clause 13 (8) has been added. Monetary limit has been fixed upto which advocates shall not be allowed to be engaged.</p>

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
		<p><i>technical expertise.</i></p> <p>13A. (1) The Forum shall , after admission of the complaint and at the first hearing of the complaint, and where it appears to the Forum that there exists elements of a settlement , which may be acceptable to the parties, direct the parties to opt for settlement of disputes by mediation under Chapter IV of the Act.</p> <p>(2) Before directing the parties to exercise option under sub-section (1), the Forum shall give such guidance as it deems fit to the parties, and that it will be to the advantage of the parties, so far as time and expense are concerned, to opt for settlement of dispute by mediation.</p> <p>(3) Where all the parties opt and agree for mediation, they shall apply to the forum, within five days of the direction, the forum shall, within five days of the application, refer the matter to mediation, and then the Chapter IV of the Act shall apply.</p> <p>Provided that the forum, in the exercise of such power, shall not refer any dispute to mediation without the written consent of all the parties to the complaint.</p>	<p>Provision for reference to Mediation Cell proposed for addition.</p>
Section 14	<p>14. Finding of the District Forum. — (1) If, after the proceeding conducted under section 13, the District Forum is satisfied that the goods complained against suffer from any of the defects specified in the complaint or that any of the allegations contained in the complaint about the services are proved, it shall issue an order to the opposite party directing him to do one or more of the following things,</p>	<p>14. Finding of the District Forum. — (1) If, after the proceeding conducted under section 13, the District Forum is satisfied that the goods complained against suffer from any of the defects specified in the complaint or that any of the allegations contained in the complaint about the services or any restrictive trade practices or unfair trade practices are proved, it shall issue an order to the opposite party directing him to do one or more of the following things, namely:—</p> <p>(a) to remove the defect pointed out by the appropriate laboratory from the goods in</p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p>namely:—</p> <p>(a) to remove the defect pointed out by the appropriate laboratory from the goods in question;</p> <p>(b) to replace the goods with new goods of similar description which shall be free from any defect;</p> <p>(c) to return to the complainant the price, or, as the case may be, the charges paid by the complainant;</p> <p>(d) to pay such amount as may be awarded by it as compensation to the consumer for any loss or injury suffered by the consumer due to the negligence of the opposite party.</p> <p><i>Provided that the District Forum shall have the power to grant punitive damages in such circumstances as it deems fit;</i></p> <p>(e) to remove the defects <u>in goods</u> or deficiencies in the services in question;</p> <p>(f) to discontinue the unfair trade practice or the restrictive trade practice or not to repeat it;</p> <p>(g) not to offer the hazardous goods for sale;</p> <p>(h) to withdraw the hazardous goods from being offered for sale;</p>	<p>question;</p> <p>(b) to replace the goods with new goods of similar description which shall be free from any defect;</p> <p>(c) to return to the complainant the price, or, as the case may be, the charges paid by the complainant <i>along with such interest on such price or charges as may be decided;</i></p> <p>(d) to pay such amount as may be awarded by it as compensation to the consumer for any loss or injury suffered by the consumer due to the negligence of the opposite party.</p> <p><i>Provided that the District Forum shall have the power to grant punitive damages in such circumstances as it deems fit, which shall not be less than ten times, the value of the good or service or 25% of the profit from the total sale of the said good or service, which ever is higher.</i></p> <p>(e) to remove the defects in goods or deficiencies in the services in question;</p> <p>(f) to discontinue the unfair trade practice or the restrictive trade practice or not to repeat it;</p> <p>(g) not to offer the hazardous <i>or unsafe</i> goods for sale;</p> <p>(h) to withdraw the hazardous goods from being offered for sale;</p> <p><i>(ha)to cease manufacture of hazardous goods and to desist from offering services which are hazardous in nature;</i></p> <p><i>(hb)to pay such sum as may be determined by it if it is of the opinion that loss or injury has been suffered by a large</i></p>	<p><i>Punitive Damages have been suggested</i></p>

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>(ha)to cease manufacture of hazardous goods and to desist from offering services which are hazardous in nature;</i></p> <p><i>(hb)to pay such sum as may be determined by it if it is of the opinion that loss or injury has been suffered by a large number of consumers who are not identifiable conveniently:</i></p> <p><i>Provided that the minimum amount of sum so payable shall not be less than five per cent. of the value of such defective goods sold or service provided, as the case may be, to such consumers:</i></p> <p><i>Provided further that the amount so obtained shall be credited in favour of such person and utilized in such manner as may be prescribed;</i></p> <p><i>(hc)to issue corrective advertisement to neutralize the effect of misleading advertisement at the cost of the opposite party responsible for issuing such misleading advertisement;</i></p> <p><i>(i) to provide for adequate</i></p>	<p><i>number of consumers who are not identifiable conveniently:</i></p> <p><i>Provided that the minimum amount of sum so payable shall not be less than twenty-five per cent of the value of such defective goods sold or service provided, as the case may be, to such consumers:</i></p> <p><i>Provided further that the amount so obtained shall be credited in favour of such person and utilized in such manner as may be prescribed;</i></p> <p><i>(hc)to issue corrective advertisement to neutralize the effect of misleading advertisement at the cost of the opposite party responsible for issuing such misleading advertisement;</i></p> <p><i>(i) to provide for adequate costs to parties.</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	costs to parties.		
	<p>(2) Every proceeding referred to in sub-section (1) shall be conducted by the President of the District Forum and at least one member thereof sitting together:</p> <p><i>Provided that where a member, for any reason, is unable to conduct a proceeding till it is completed, the President and the other member shall continue the proceeding from the stage at which it was last heard by the previous member.</i></p> <p>(2A) Every order made by the District Forum under sub-section (1) shall be signed by its President and the member or members who conducted the proceeding:</p> <p>Provided that where the proceeding is conducted by the President and one member and they differ on any point or points, they shall state the point or points on which they differ and refer the same to the other member for hearing on such point or points and the opinion of the majority shall be the</p>	<p>(2) Every proceeding referred to in sub-section (1) shall be conducted by the President of the District Forum and at least one member thereof sitting together:</p> <p><i>Provided that where a President, for any reason, is unable to conduct a proceeding or on leave or otherwise the President of that State Forum may authorize President of another District Fora to act as the President in that District for such period as may be specified.</i></p> <p><i>Provided further that where a member, for any reason, is unable to conduct a proceeding till it is completed, the President and the other member shall continue the proceeding from the stage at which it was last heard by the previous member.</i></p> <p>(2A) Every order made by the District Forum under sub-section (1) shall be signed by its President and the member or members who conducted the proceeding:</p> <p>Provided that where the proceeding is conducted by the President and one member and they differ on any point or points, they shall state the point or points on which they differ and refer the same to the other member for hearing on such point or points and the opinion of the majority shall be the order of the District Forum.</p> <p><i>Provided further that the other Member</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	order of the District Forum.	<p><i>shall give his opinion on such point or points referred to him within a period of two months from the date of such reference.</i></p> <p>(2B) Power of review : The District Forum shall have the power to review any orders made by it when there is any error apparent on the face of record.</p>	Power of Review its own orders added
	(3) Subject to the foregoing provisions, the procedure relating to the conduct of the meetings of the District Forum, its sittings and other matters shall be such as may be prescribed by the State Government.	(3) Subject to the foregoing provisions, the procedure relating to the conduct of the meetings of the District Forum, its sittings and other matters shall be such as may be prescribed by the State Government.	
Section 15	<p>15. Appeal. — Any person aggrieved by an order made by the District Forum may prefer an appeal against such order to the State Commission within a period of thirty days from the date of the order, in such form and manner as may be prescribed:</p> <p>Provided that the State Commission may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not finding it within that period.</p> <p><i>Provided further that no appeal by a person, who is required to pay any amount in terms of an order of the District Forum, shall be entertained by the State Commission unless the appellant has deposited in the</i></p>	<p>15. Appeal. — (1) Any person aggrieved by an order made by the District Forum may prefer an appeal against such order to the State Commission within a period of thirty days from the date of the order, in such form and manner as may be prescribed:</p> <p>Provided that the State Commission may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.</p> <p><i>Provided further that no appeal by a person, who is required to pay any amount in terms of an order of the District Forum, shall be entertained by the State Commission unless the appellant has deposited in the prescribed manner fifty per cent of that amount .</i></p>	<p><i>In the last line after the last word 'amount' the words 'or twenty five thousand rupees , whichever is less' have been deleted.</i></p>

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<i>prescribed manner fifty per cent. of that amount or twenty-five thousand rupees, whichever is less:</i>		
Section 16	<p>16. Composition of the State Commission. — (1) Each State Commission shall consist of—</p> <p>(a) a person who is or has been a Judge of a High Court, appointed by the State Government, shall be its President:</p> <p>Provided that no appointment under this clause shall be made except after consultation with the Chief Justice of the High Court;</p> <p>(b) <i>not less than two, and not more than such number of members, as may be prescribed, and one of whom shall be a woman, who shall have the following qualifications, namely:—</i></p> <p>(i) <i>be not less than thirty-five years of age;</i></p> <p>(ii) <i>possess a bachelor's degree from a recognised university; and</i></p> <p>(iii) <i>be persons of ability, integrity and standing, and have adequate knowledge and experience of at least</i></p>	<p>16. Composition of the State Forum. — (1) Each State Forum shall consist of—</p> <p>(a) a person who is or has been a Judge of a High Court, appointed by the State Government, who shall be its President:</p> <p>Provided that no appointment under this clause shall be made except after consultation with the Chief Justice of the High Court;</p> <p>(b) <i>not less than four, and not more than such number of members, as may be prescribed, and one of whom shall be a woman, who shall have the following qualifications, namely:—</i></p> <p>(i) <i>be not less than forty years of age;</i></p> <p>(ii) <i>possess a bachelor's degree from a recognised university;</i></p> <p>(iii) <i>be persons of ability, integrity and standing, and have adequate knowledge and experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, consumer affairs or administration:</i></p> <p><i>Provided that a person shall be disqualified for appointment as a member if he—</i></p>	<p>The age is proposed to be enhanced from 35 years to 40 years in section 16(1) (b) (i).</p>

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration:</i></p> <p><i>Provided that not more than fifty per cent. of the members shall be from amongst persons having a judicial background.</i></p> <p><i>Explanation. — For the purposes of this clause, the expression "persons having judicial background" shall mean persons having knowledge and experience for at least a period of ten years as a presiding officer at the district level court or any tribunal at equivalent level:</i></p> <p><i>Provided further that a person shall be disqualified for appointment as a member if he—</i></p> <p><i>(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or</i></p> <p><i>(b) is an undischarged</i></p>	<p><i>(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or</i></p> <p><i>(b) is an undischarged insolvent; or</i></p> <p><i>(c) is of unsound mind and stands so declared by a competent court; or</i></p> <p><i>(d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or</i></p> <p><i>(e) has, in the opinion of the State Government, such financial or other interest, as is likely to affect prejudicially the discharge by him of his functions as a member; or</i></p> <p><i>(ee) is or continues to be, after appointment, a Member or office bearer of any political party; or</i></p> <p><i>(f) has such other disqualifications as may be prescribed by the State Government.</i></p> <p><i>(1A) Every appointment under Clause (b) of subsection (1) shall be made by the State Government on the recommendation of a Selection Committee consisting of the following members, namely:—</i></p> <p><i>(i) A Judge of the High Court of the State duly nominated by the Chief Justice of that State-- Chairman</i></p>	<p><i>The proviso after section 16(b) (iii) as regards fifty percent of the members to be selected from persons having judicial background has been deleted.</i></p>

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>insolvent; or</i></p> <p>(c) <i>is of unsound mind and stands so declared by a competent court; or</i></p> <p>(d) <i>has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or</i></p> <p>(e) <i>has, in the opinion of the State Government, such financial or other interest, as is likely to affect prejudicially the discharge by him of his functions as a member; or</i></p> <p>(f) <i>has such other disqualifications as may be prescribed by the State Government.</i></p> <p>(1A)Every appointment under sub-section (1) shall be made by the State Government on the recommendation of a Selection Committee consisting of the following members, namely:—</p> <p>(i) <i>President of the State Commission -- Chairman;</i></p> <p>(ii) <i>Secretary of the Law</i></p>	<p>(iii) <i>Secretary of the Law Department of the State -- Member;</i></p> <p>(iv) <i>Secretary incharge of the Department of Consumer Affairs in the State-- Member</i></p> <p>(1AA)The State Government may, if it is of the opinion that any person recommended by the Selection Committee under sub-section (1A) has not been found fit for such appointment, it may, within a period of two months from such recommendation and for reasons to be recorded in writing, refer the matter to the Selection Committee for fresh recommendations.</p> <p>Provided also that the Selection Committee shall take into consideration the observations or performance appraisal report, if any, made by the President of the National Commission in respect of the Member of the State Forum being considered for re-appointment.</p> <p>(1B)(i) <i>The jurisdiction, powers and authority of the State Commission may be exercised by Benches thereof.</i></p> <p>(ii) <i>A Bench may be constituted by the President of two Members.</i></p> <p>(ii)[a] where a President, for any reason, is unable to conduct the proceedings or on leave or otherwise, the President of the National Forum may authorize in consultation with the respective State Government the seniormost member to conduct the proceedings.</p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>Department of the State -- Member;</i></p> <p><i>(iii) Secretary incharge of the Department dealing</i></p> <p><i>with Consumer Affairs in the State -- Member:</i></p> <p><i>Provided that where the President of the State Commission is, by reason of absence or otherwise, unable to act as Chairman of the Selection Committee, the State Government may refer the matter to the Chief Justice of the High Court for nominating a sitting Judge of that High Court to act as Chairman.</i></p> <p><i>(1B)(i) The jurisdiction, powers and authority of the State Commission may be exercised by Benches thereof.</i></p> <p><i>(ii) A Bench may be constituted by the President with one or more members as the President may deem fit.</i></p> <p><i>(iii) If the members of a Bench differ in opinion on any point, the points shall be decided according to the opinion of the majority, if there is a majority, but if the Members are equally divided, they shall state the point or points on which they differ, and make a reference to the President who shall either</i></p>	<p><i>(iii) If the members of a Bench differ in opinion on any point, the points shall be decided according to the opinion of the majority, if there is a majority, but if the Members are equally divided, they shall state the point or points on which they differ, and make a reference to the President who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more or the other members and such point or points shall be decided according to the opinion of the majority of the members who have heard the case, including those who first heard it.</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>hear the point or points himself or refer the case for hearing on such point or points by one or more or the other members and such point or points shall be decided according to the opinion of the majority of the members who have heard the case, including those who first heard it.</i></p>		
	<p>(2) The salary or honorarium and other allowances payable to, and the other terms and conditions of service of, the members of the State Commission shall be such as may be prescribed by the State Government.</p> <p><i>Provided that the appointment of a member on whole-time basis shall be made by the State Government on the recommendation of the President of the State Commission taking into consideration such factors as may be prescribed including the work load of the State Commission.</i></p>	<p>(2) The salary and allowances payable to the President of the State Forum shall be equal to that of a High Court Judge of the State. The salary or honorarium and other allowances payable to the members of the State Forum shall be as applicable to the Secretary of that State.</p>	
	<p>(3) <i>Every member of the State Commission shall hold office for a term of five years or up to the age of sixty-seven years, whichever is earlier:</i></p> <p><i>Provided that a member shall be eligible for re-appointment for another term of five years or up to the age of sixty-seven years,</i></p>		

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>whichever is earlier, subject to the condition that he fulfills the qualifications and other conditions for appointment mentioned in clause (b) of sub-section (1) and such re-appointment is made on the basis of the recommendation of the Selection Committee:</i></p> <p><i>Provided further that a person appointed as a President of the State Commission shall also be eligible for re-appointment in the manner provided in clause (a) of sub-section (1) of this section:</i></p> <p><i>Provided also that a member may resign his office in writing under his hand addressed to the State Government and on such resignation being accepted, his office shall become vacant and may be filled by appointment of a person possessing any of the qualifications mentioned in sub-section (1) in relation to the category of the member who is required to be appointed under the provisions of sub-section (1A) in place of the person who has resigned.</i></p>		
	<p><i>(4) Notwithstanding anything contained in sub-section (3), a person appointed as the President or as a member, before the commencement of the Consumer Protection (Amendment) Act, 2002, shall continue to hold such office as</i></p>	<p>To be deleted</p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<i>President or member, as the case may be, till the completion of his term.</i>		
		<p>(5) The President or Member of the State Forum on ceasing to hold office as such, shall not appear, act or plead before the StateForum or any District Forum in that State in which he had been as the President or Member, as the case may be, of the State Forum.</p> <p>16A. (1) The State Government shall determine the nature and categories of the officers and other employees required to assist the State Forum in the discharge of its functions and provide the Forum with such officers and other employees as it may think fit.</p> <p>(2) The officers and other employees of the State Forum shall discharge their functions under the general superintendence of the President.</p> <p>(3) The salaries and allowances payable to and the other terms and conditions of service of, the officers and other employees of the State Forum shall be such as may be prescribed by the State Government:</p> <p>Provided that the officers and other employees employed on or before the commencement of the Consumer Protection (Amendment) Act, 2011, in a State Forum, shall continue to be employed as such unless the nature and categories thereof has been determined by the State Government.</p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
Section 17	<p>17. Jurisdiction of the State Commission. — (1) Subject to the other provisions of this Act, the State Commission shall have jurisdiction—</p> <p>(a) to entertain—</p> <p>(i) complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees <i>twenty lakhs</i> but does not exceed rupees <i>one crore</i>; and</p> <p>(ii) appeals against the orders of any District Forum within the State; and</p> <p>(b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any District Forum within the State, where it appears to the State Commission that such District Forum has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested or has acted in exercise of its jurisdiction illegally or with material irregularity.</p> <p>(2) A complaint shall be instituted in a State Commission within the limits of whose jurisdiction,—</p>	<p>17. Jurisdiction of the State Forum. — (1) Subject to the other provisions of this Act, the State Forum shall have jurisdiction—</p> <p>(a) to entertain—</p> <p>(i) complaints <i>suo motu or otherwise</i> where the billed value of the goods or services, if any, claimed in a complaint exceeds rupees twenty lakhs but does not exceed rupees one_crore; and</p> <p>(ii) appeals against the orders of any District Forum within the State; and</p> <p>(b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any District Forum within the State, where it appears to the State Forum that such District Forum has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested or has acted in exercise of its jurisdiction illegally or with material irregularity.</p> <p>(2) <i>A complaint shall be instituted in a State Commission within the limits of whose jurisdiction,—</i></p> <p>(a) <i>the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or carries on business or has a branch office or personally works for gain; or</i></p> <p>(b) <i>any of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p>(a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or carries on business or has a branch office or personally works for gain; or</p> <p>(b) any of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides, or carries on business or has a branch office or personally works for gain, provided that in such case either the permission of the State Commission is given or the opposite parties who do not reside or carry on business or have a branch office or personally work for gain, as the case may be, acquiesce in such institution; or</p> <p>(c) the cause of action, wholly or in part, arises.</p> <p>17A. Transfer of cases. - On the application of the complainant or of its own motion, the State Commission may, at any stage of the proceeding, transfer any complaint pending before the District Forum to another District Forum within the State if the interest of justice so requires.</p> <p>17B. Circuit Benches.-The State</p>	<p><i>voluntarily resides, or carries on business or has a branch office or personally works for gain, provided that in such case the permission of the State Commission is given ; or</i></p> <p><i>(c) the cause of action, wholly or in part, arises.</i></p> <p><i>(d) the complainant resides or personally works for gain.</i></p> <p>17A. <i>Transfer of cases. - On the application of the complainant or of its own motion, the State Forum may, at any stage of the proceeding, transfer any complaint pending before the District Forum to another District Forum within the State if the interest of justice so requires.</i></p> <p>17B. <i>Circuit Benches.-The State Forum shall ordinarily function in the State Capital but may perform its functions at such other place as the State Forum may decide from time to time depending on the pendency from one particular District.</i></p>	<p>A clause has been added to allow complainant to file a complaint in the State Commission where he resides or works.</p>

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	Commission shall ordinarily function in the State Capital but may perform its functions at such other place as the State Government may, in consultation with the State Commission, notify in the Official Gazette, from time to time.		
Section 18	<p>18. Procedure applicable to State Commissions.—The provisions of Sections 12, 13 and 14 and the rules made thereunder for the disposal of complaints by the District Forum shall, with such modifications as may be necessary, be applicable to the disposal of disputes by the State Commission.</p>	<p>18. Procedure applicable to State Forum.—(1) The provisions of Sections 12, 13 and 14 and the rules made thereunder for the disposal of complaints by the District Forum shall, with such modifications as may be necessary, be applicable to the disposal of disputes by the State Forum.</p> <p>(2) No advocates will appear before the State Forum for any parties unless the billed value of goods/r services claimed in a complaint is fifty lakhs or above.</p>	<p>financial limit in terms of claim to appearance of advocates before the state commission</p>
Section 19	<p>19. Appeals.—Any person aggrieved by an order made by the State Commission in exercise of its powers conferred by sub-clause (i) of clause (a) of section 17 may prefer an appeal against such order to the National Commission within a period of thirty days from the date of the order in such form and manner as may be prescribed:</p> <p>Provided that the National Commission may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient</p>	<p>19. Appeals.—Any person aggrieved by an order made by the State Commission in exercise of its powers conferred by sub-clause (i) of clause (a) of section 17 may prefer an appeal against such order to the National Forum within a period of thirty days from the date of the order in such form and manner as may be prescribed:</p> <p>Provided that the National Forum shall not entertain the appeal after the expiry of the said period of thirty days unless it is satisfied that there was sufficient cause for not filing it within that period.</p> <p>Provided further that no appeal by a person, who is required to pay any amount in terms of</p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p>cause for not filing it within that period.</p> <p><i>Provided further that no appeal by a person, who is required to pay any amount in terms of an order of the State Commission, shall be entertained by the National Commission unless the appellant has deposited in the prescribed manner fifty per cent. of the amount or rupees thirty-five thousand, whichever is less:</i></p>	<p><i>an order of the State Forum, shall be entertained by the National Forum unless the appellant has deposited in the prescribed manner fifty per cent. of the amount.</i></p> <p><i>Provided further that only one appeal is allowed i.e. appeal on the orders of the District Forum shall lie to the State Forum and no further appeal shall lie on the orders of the State Forum in the matter. Similarly on the orders of the State Forum appeal shall lie to the National Forum.</i></p>	
	<p>19A. <i>Hearing of Appeal - An appeal filed before the State Commission or the National Commission 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:</i></p> <p><i>Provided that no adjournment shall be ordinarily granted by the State Commission or the National Commission, as the case may be, unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by such Commission:</i></p> <p><i>Provided further that the State Commission or the National Commission, as the case may be, shall make such orders as to the costs occasioned by the adjournment as may be provided in the regulations made under this Act.</i></p> <p><i>Provided also that in the event of an</i></p>	<p>19A. <i>Hearing of Appeal - An appeal filed before the State Forum or the National Forum 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:</i></p> <p><i>Provided that no adjournment shall be ordinarily granted by the State Forum or the National Forum, as the case may be, unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by such Forum:</i></p> <p><i>Provided further that the State Forum or the National Forum, as the case may be, shall make such orders as to the costs occasioned by the adjournment as may be provided in the regulations made under this Act.</i></p> <p><i>Provided also that in the event of an appeal being disposed of after the period so specified, the State Forum or, the National Forum, as the case may be, shall record in writing the reasons for the same at the time of disposing of the said appeal.</i></p> <p>19B. <i>Without prejudice to the provisions contained in Section 18, the State Forum shall have the power to review any order made by it, when</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>appeal being disposed of after the period so specified, the State Commission or, the National Commission, as the case may be, shall record in writing the reasons for the same at the time of disposing of the said appeal.</i></p>	<p><i>there is an error apparent on the face of record.</i></p>	
Section 20	<p>20. Composition of the National Commission.—(1) The National Commission shall consist of—</p> <p>(a) a person who is or has been a Judge of the Supreme Court, to be appointed by the Central Government, who shall be its President;</p> <p>Provided that no appointment under this clause shall be made except after consultation with the Chief Justice of India;</p> <p>(b) <i>not less than four, and not more than such number of members, as may be prescribed, and one of whom shall be a woman, who shall have the following qualifications, namely:—</i></p> <p>(i) <i>be not less than thirty-five years of age;</i></p> <p>(ii) <i>possess a bachelor's degree from a recognised university; and</i></p> <p>(iii) <i>be persons of ability, integrity and standing and have adequate knowledge and</i></p>	<p>20. Composition of the National Forum.—(1) The National Forum shall consist of—</p> <p>(a) a person who is or has been a Judge of the Supreme Court, to be appointed by the Central Government, who shall be its President;</p> <p>Provided that no appointment under this clause shall be made except after consultation with the Chief Justice of India;</p> <p>(b) <i>not less than eleven, and not more than such number of members, as may be prescribed, of whom one shall be a woman and one shall be a professional Doctor with MBBS Degree, with following qualifications, namely:—</i></p> <p>(i) <i>One may not be less than forty five years of age;</i></p> <p>(ii) <i>possess a bachelor's degree from a recognised university; and</i></p> <p>(iii) <i>be persons of ability, integrity and standing and have adequate knowledge and experience of at least twenty years in dealing with problems relating to economics, or, commerce / accountancy / industry / consumer affairs or administration and preferably has held the post of not less than Joint Secretary to the Government</i></p>	<p><i>The minimum age of 35 years is proposed to be enhanced from 35 years to 45 years for members in National Forum in section 20(1) (b) (i).</i></p>

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p>experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration:</p> <p>Provided that not more than fifty per cent. of the members shall be from amongst the persons having a judicial background.</p> <p>Explanation. — For the purposes of this clause, the expression "persons having judicial background" shall mean persons having knowledge and experience for at least a period of ten years as a presiding officer at the district level court or any tribunal at equivalent level:</p> <p>Provided further that a person shall be disqualified for appointment if he—</p> <p>(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or</p> <p>(b) is an undischarged insolvent; or</p> <p>(c) is of unsound mind and stands so declared by a competent court; or</p> <p>(d) has been removed or dismissed from the service</p>	<p>of India or of equivalent level in the Central Government or State Government:</p> <p>Provided that not less than three posts of members shall be from amongst the persons having a judicial background.</p> <p>Explanation. — For the purposes of this clause, the expression "persons having judicial background" shall mean persons having knowledge</p> <p>Having knowledge and experience for at least a period of ten years as a presiding officer at the district level court or at any tribunal at equivalent level.</p> <p>Provided further that there shall be not less than two women members at any point of time in the total strength of twelve of the National Forum including the President .</p> <p>Provided further that a person shall be disqualified for appointment or for continuation as such if he—</p> <p>(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or</p> <p>(b) is an un-discharged insolvent; or</p> <p>(c) is of unsound mind and stands so declared by a competent court; or</p> <p>(d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or</p> <p>(e) has in the opinion of the Central Government such financial or other</p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>of the Government or a body corporate owned or controlled by the Government; or</i></p> <p><i>(e) has in the opinion of the Central Government such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member; or</i></p> <p><i>(f) has such other disqualifications as may be prescribed by the Central Government :</i></p> <p><i>Provided also that every appointment under this clause shall be made by the Central Government on the recommendation of a selection committee consisting of the following, namely:—</i></p> <p><i>(a) a person who is a Judge of the Supreme Court,</i></p> <p><i>to be nominated by the Chief Justice of India</i></p> <p><i>(b) the Secretary in the Department of Legal Affairs</i></p> <p><i>in the Government of India</i></p> <p><i>(c) Secretary of the Department dealing</i></p>	<p><i>interest as is likely to affect prejudicially the discharge by him of his functions as a member; or</i></p> <p><i>(ee) is or continues to be, after appointment, a Member or office bearer of any political party; or;</i></p> <p><i>(f) has such other disqualifications as may be prescribed by the Central Government :</i></p> <p><i>Provided also that every appointment under this clause shall be made by the Central Government on the recommendation of a selection committee consisting of the following, namely:—</i></p> <p><i>(a) a person who is a Judge of the Supreme Court, to be nominated by the Chief Justice of India — Chairman;</i></p> <p><i>(c) the Secretary in the Department of Legal Affairs in the Government of India— Member;</i></p> <p><i>(d) Secretary of the Department dealing with consumer affairs in the Government of India — Member.;</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p style="text-align: center;"><i>with consumer affairs in the Government of India</i></p>		
	<p>(1A)(i) <i>The jurisdiction, powers and authority of the National Commission may be exercised by Benches thereof.</i></p> <p>(ii) <i>A Bench may be constituted by the President with one or more members as the President may deem fit.</i></p> <p>(iii) <i>if the Members of a Bench differ in opinion on any point, the points shall be decided according to the opinion of the majority, if there is a majority, but if the members are equally divided, they shall state the point or points on which they differ, and make a reference to the President who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more or the other Members and such point or points shall be decided according to the opinion of the majority of the Members who have heard the case, including those who first heard it.</i></p>	<p>(1A)(i) <i>The jurisdiction, powers and authority of the National Forum may be exercised by Benches thereof.</i></p> <p>(ii) <i>A Bench may be constituted by the President with two members;</i></p> <p><i>Provided that the seniormost member of the Bench shall preside over the Bench and seniority shall be determined in accordance with the date of joining as a member in the Forum.</i></p> <p>(iii) <i>if the Members of a Bench differ in opinion on any point, the points shall be decided according to the opinion of the majority, if there is a majority, but if the members are equally divided, they shall state the point or points on which they differ, and make a reference to the President who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more or the other Members and such point or points shall be decided according to the opinion of the majority of the Members who have heard the case, including those who first heard it.</i></p> <p><i>Provided that the President or the Members, as the case may be, shall give his or their opinion on the point or points referred to him or them within a period of two months from the date of such</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
		<i>reference.</i>	
	<p>(2) The salary or honorarium and other allowances payable to and the other terms and conditions of service of the members of the National Commission shall be such as may be prescribed by the Central Government.</p>	<p><i>President of the National Forum shall be entitled to the salary and allowances as applicable to a sitting Judge of the Supreme Court and Members shall be entitled to the salary and allowances as applicable to the Secretary in the Government of India.</i></p>	
	<p>(3) <i>Every member of the National Commission shall hold office for a term of five years or up to the age of seventy years, whichever is earlier:</i></p> <p><i>Provided that a member shall be eligible for re-appointment for another term of five years or up to the age of seventy years, whichever is earlier, subject to the condition that he fulfills the qualifications and other conditions for appointment mentioned in clause (b) of sub-section (1) and such re-appointment is made on the basis of the recommendation of the Selection Committee:</i></p> <p><i>Provided further that a person appointed as a President of the National Commission shall also be eligible for re-appointment in the manner provided in clause (a) of</i></p>	<p>(3) <i>Every member of the National Forum shall hold office for a term of five years or up to the age of seventy years, whichever is earlier:</i></p> <p><i>Provided that a member shall be eligible for re-appointment for another term of five years or up to the age of seventy years, whichever is earlier, subject to the condition that he fulfills the qualifications and other conditions for appointment mentioned in clause (b) of sub-section (1) and such re-appointment is made on the basis of the recommendation of the Selection Committee:</i></p> <p><i>Provided further that a person appointed as a President of the National Forum shall also be eligible for re-appointment in the manner provided in clause (a) of sub-section (1) :</i></p> <p><i>Provided also that a member may resign his office in writing under his hand addressed to the Central Government and on such resignation being accepted, his office shall become vacant and may be filled by appointment of a person possessing any of the qualifications mentioned</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>sub-section (1) :</i></p> <p><i>Provided also that a member may resign his office in writing under his hand addressed to the Central Government and on such resignation being accepted, his office shall become vacant and may be filled by appointment of a person possessing any of the qualifications mentioned in sub-section (1) in relation to the category of the member who is required to be appointed under the provisions of sub-section (1A) in place of the person who has resigned.</i></p>	<p><i>in sub-section (1) in relation to the category of the member who is required to be appointed under the provisions of sub-section (1)(a) &)(b) in place of the person who has resigned.</i></p>	
	<p><i>(4) Notwithstanding anything contained in sub-section (3), a person appointed as a President or as a member before the commencement of the Consumer Protection (Amendment) Act, 2002 shall continue to hold such office as President or member, as the case may be, till the completion of his term.</i></p>	<p>(4) To be deleted</p> <p>(5) A Member of the National Forum, on ceasing to hold office as such, shall not appear, act or plead before the National Commission or any State Commission or District Forum.</p>	
		<p>20(A). (1) The Central Government, in consultation with the President of the National Forum shall determine the nature and categories of the officers and other employees, required to assist the National Forum in the discharge of its function and provide the Commission with such</p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
		<p><i>officers and other staff as it may think fit.</i></p> <p><i>(2) The officers and other employees of the National Forum shall discharge their functions under the general Superintendence of the President, NCDRC and shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code.</i></p> <p><i>(3) The Salaries and allowances payable and the other terms and conditions of the service of, the officers and other employees of the National Forum appointed under Sub-Section (1) shall be on the pattern of Secretariat Services as may be prescribed by the Central Government.</i></p> <p><i>(4) Subject to such rules as may be made by the Central Government in this behalf, the National Forum may appoint such other administrative and technical staff as it may consider necessary.</i></p>	
Section 21	<p>21. Jurisdiction of the National Commission. — Subject to the other provisions of this Act, the National Commission shall have jurisdiction—</p> <p>(a) to entertain—</p> <p>(i) complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees <u>one crore</u>; and</p> <p>(ii) appeals against the orders of</p>	<p>21. Jurisdiction of the National Forum. — Subject to the other provisions of this Act, the National Forum shall have jurisdiction—</p> <p>(a) to entertain—</p> <p>(i) complaints <i>suo motu or otherwise</i> where the billed value of the goods or services , if any, claimed exceeds rupees one crore; and</p> <p>(ii) appeals against the orders of any State Commission; and</p> <p>(b) to call for the records and pass appropriate</p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p>any State Commission; and</p> <p>(b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any State Commission where it appears to the National Commission that such State Commission has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity.</p>	<p>orders in any consumer dispute which is pending before or has been decided by any State Commission where it appears to the National Commission that such State Commission has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity.</p>	
Section 22	<p>22. Power of and procedure applicable to the National Commission. — (1) <i>The provisions of sections 12, 13 and 14 and the rules made there under for the disposal of complaints by the District Forum shall, with such modifications as may be considered necessary by the Commission, be applicable to the disposal of disputes by the National Commission.</i></p> <p>(2) <i>Without prejudice to the provisions contained in sub-section (1), the National Commission shall have the power to review any order made by it, when there is an error apparent on the face of record.</i></p>	<p>(3) <i>Provided further that no advocates shall appear for any parties before the National Forum unless the claim is above rupees one crore and fifty lakhs.</i></p>	
	<p>22A. <i>Power to set aside ex parte orders. - Where an order is passed by the National Commission ex parte against</i></p>		

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>the opposite party or a complainant, as the case may be, the aggrieved party may apply to the Commission to set aside the said order in the interest of justice.</i></p>		
	<p>22B. <i>Transfer of cases - On the application of the complainant or of its own motion, the National Commission may, at any stage of the proceeding, in the interest of justice, transfer any complaint pending before the District Forum of one State to a District Forum of another State or before one State Commission to another State Commission.</i></p>		
	<p>22C. Circuit Benches - <i>The National Commission shall ordinarily function at New Delhi and perform its functions at such other place as the Central Government may, in consultation with the National Commission, notify in the Official Gazette, from time to time.</i></p>	<p>22C. Circuit Benches - <i>The National Forum shall ordinarily function at New Delhi and perform its functions at such other place as the President, National Commission, notify may order from time to time depending on the pendency of cases in one area.</i></p>	<p>Page: 66 Ahmedabad, Allahabad, Bangalore, Bhopal, Chennai, Hyderabad, Jodhpur, Kolkata, Lucknow, Nagpur, Pune, Kochi [Notification No. S.O. 2018(E) dt. 30.11.2007], Jaipur [Notification No. S.O. 10(E) dt. 01.01.2009].</p>
	<p>22D. <i>Vacancy in the Office of the President - When the office of President of a District Forum, State Commission, or of the National Commission, as the case may be, is vacant or a person occupying such office is, by reason of absence or otherwise, unable to perform the duties of his office, these</i></p>	<p>22D. Vacancy in the Office of the President - <i>When the office of President of the National , as the case may be, is vacant or a person occupying such office is, by reason of absence or otherwise, unable to perform the duties of his office, these shall be performed by the senior-most member of the National Forum:</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>shall be performed by the senior-most member of the District Forum, the State Commission or of the National Commission, as the case may be:</i></p> <p><i>Provided that where a retired Judge of a High Court is a member of the National Commission, such member or where the number of such members is more than one, the senior-most person among such members, shall preside over the National Commission in the absence of President of that Commission.</i></p>		
		<p>22E. <i>Where the National Forum or the State Forum, as the case may be, on application by a complainant or otherwise, is of the opinion that it involves the larger interest of consumers, it may direct any individual or organization or expert to assist the National Forum or the State Forum, as the case may be.</i></p>	
<p>Section 23</p>	<p>23. Appeal. — Any person, aggrieved by an order made by the National Commission in exercise of its powers conferred by sub-clause (i) of clause (a) of section 21, may prefer an appeal against such order of the National Commission to the Supreme Court within a period of thirty days from the date of the order:</p> <p>Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause</p>	<p>23. Appeal. — Any person, aggrieved by an order made by the National Forum in exercise of its powers conferred by sub-clause (i) of clause (a) of section 21, may prefer an appeal against such order of the National Forum to the Supreme Court within a period of thirty days from the date of the order:</p> <p>Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.</p> <p>Provided further that no appeal by a person who is</p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p>for not filing it within that period.</p> <p>Provided further that no appeal by a person who is required to pay any amount in terms of an order of the National Commission shall be entertained by the Supreme Court unless that person has deposited in the prescribed manner fifty per cent. of that amount with the Supreme Court.</p>	<p>required to pay any amount in terms of an order of the National Forum shall be entertained by the Supreme Court unless that person has deposited in the prescribed manner fifty per cent. of that amount with the Supreme Court.</p>	
Section 24	<p>24. Finality of orders. — Every order of a District Forum, the State Commission or the National Commission shall, if no appeal has been preferred against such order under the provisions of this Act, be final.</p>	<p>24. Finality of orders. — Every order of a District Forum, the State Forum or the National Forum shall, if no appeal has been preferred against such order under the provisions of this Act, be final.</p>	
	<p>24A. Limitation period. - (1) The District Forum, the State Commission or the National Commission shall not admit a complaint unless it is filed within two years from the date on which the cause of action has arisen.</p> <p>(2) Notwithstanding anything contained in sub-section (1), a complaint may be entertained after the period specified in sub-section (1), if the complainant satisfies the District Forum, the State Commission or the National Commission, as the case may be, that he had sufficient</p>	<p>24A. Limitation period. - (1) The District Forum, the State Forum or the National Forum shall not admit a complaint unless it is filed within two years from the date on which the cause of action has arisen.</p> <p>(2) Notwithstanding anything contained in sub-section (1), a complaint may be entertained after the period specified in sub-section (1), if the complainant satisfies the District Forum, the State Forum or the National Forum, as the case may be, that he had sufficient cause for not filing the complaint within such period:</p> <p>Provided that no such complaint shall be entertained unless the National Forum, the</p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p>cause for not filing the complaint within such period:</p> <p>Provided that no such complaint shall be entertained unless the National Commission, the State Commission or the District Forum, as the case may be, records its reasons for condoning such delay.</p>	<p>State Forum or the District Forum, as the case may be, records its reasons for condoning such delay.</p>	
	<p>24B. Administrative Control.—(1) The National Commission shall have administrative control over all the State Commissions in the following matters, namely:—</p> <ul style="list-style-type: none"> (i) calling for periodical return regarding the institution, disposal & pendency of cases; (ii) issuance of instructions regarding adoption of uniform procedure in the hearing of matters, prior service of copies of documents produced by one party to the opposite parties, furnishing of English translation of judgments written in any language, speedy grant of copies of documents; (iii) generally overseeing the functioning of the State Commissions or the District Fora to ensure that the objects and purposes of the Act are best served without in any way 	<p>24B. Administrative Control.—(1) The National Forum shall have the authority to lay down such normative standard as the President may like to order in consultation with the Central Government from time to time to make the provisions for better protection of the interests of consumers and for that purpose shall have administrative control over all the State Forums in the following matters, namely:—</p> <ul style="list-style-type: none"> (a) Monitoring performance of the State Fora in terms of their disposal by calling for periodical return regarding the institution, disposal and pendency of cases; (b) Investigating into any allegations against the President and members of a State Forum and submitting inquiry report to the State Government concerned along with copy endorsed to the Central Government for necessary action (c) issuance of instructions regarding adoption of uniform procedure in the hearing of matters, prior service of 	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p>interfering with their <i>quasi-judicial</i> freedom.</p> <p>(2) The State Commission shall have administrative control over all the District Fora within its jurisdiction in all matters referred to in sub-section (1).</p>	<p>copies of documents produced by one party to the opposite parties, furnishing of English translation of judgments written in any language, speedy grant of copies of documents;</p> <p>(d) overseeing the functioning of the State Fora or the District Fora either by way of inspection or by any other means the President may like to order from time to time to ensure that the objects and purposes of the Act are best served and the normalize standard set by the President are achieved without in any way interfering with their <i>quasi-judicial</i> freedom.</p> <p>(2) There shall be a monitoring cell to be constituted by the President of the NCDRC to oversee the functioning of the State Fora from the administrative point of view. Composition of the Cell shall be decided in consultation with the Central Government or State Government.</p> <p>(3) The State Forum shall have administrative control over all the District Fora within its jurisdiction in all matters referred to in sub-section (1) & (2).</p> <p>(4) Notwithstanding anything contained in any of the provisions of this Act, the Central Government may lay down such norms and standards of performance of various functionaries of the National Forum, State Fora and District Fora including the President and the members of the Consumer Fora and also on other matters concerning the Consumer Fora as may be considered necessary and supervise their functions with a view to furthering the</p>	<p>Proposed provision of Section 24B (4) and (5) seek to empower the Central Government to fix norms and standards of performance of the Central Government and to issue directions in this regard and also to call for any information from the Consumer Fora whereas sub-section 6 of section 24B empowers the concerned State Government to call</p>

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
		<p><i>interest of the consumers, to protect their rights and to secure them speedy, inexpensive and simple dispensation of justice in Consumer Fora. In this regards any directions, norms and standards made by the Central Government to/ for the Consumer Fora for compliance shall be final and binding on the Consumer Fora.</i></p> <p>(5) (i) <i>The Central Government may , by a general or special order, call upon the National Fora, State Fora and the District Fora to furnish, periodically or as and when required, any information including the pendency of cases in such form as may be prescribed; and</i></p> <p>(ii) <i>The State Government , by general or special order, call upon the State Forum or any District Forum in the State to furnish, periodically or as and when required, any information including pendency of cases in such form as may be prescribed by the State Government.</i></p>	<p><i>for any information from the State Forum and District Fora in the State.</i></p>
Section 25	<p>25. Enforcement of orders of the District Forum, the State Commission or the National Commission. — (1) <i>Where an interim order made under this Act, is not complied with the District Forum or the State Commission or the National Commission, as the case may be, may order the property of the person, not complying with such order to be attached.</i></p> <p>(2) <i>No attachment made under sub-section (1) shall remain in force for more than three months at the end</i></p>	<p>25. Enforcement of orders of the District Forum, the State Forum or the National Forum. — (1) <i>Every order made by the District Forum, the State Forum or the National Forum shall be enforced by it in the same manner as if it were a decree made by a Court in a suit pending therein, and it shall be lawful for the District Forum, the State Forum or the National Forum to send, in case of its inability to execute such order, to the court within the local limit of whose jurisdiction :-</i></p> <p>(a) <i>in the case of an order against a company, the registered office of the company is situated; or</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p>of which, if the non-compliance continues, the property attached may be sold and out of the proceeds thereof, the District Forum or the State Commission or the National Commission may award such damages as it thinks fit to the complainant and shall pay the balance, if any, to the party entitled thereto.</p> <p>(3) Where any amount is due from any person under an order made by a District Forum, State Commission or the National Commission, as the case may be, the person entitled to the amount may make an application to the District Forum, the State Commission or the National Commission, as the case may be, and such District Forum or the State Commission or the National Commission may issue a certificate for the said amount to the Collector of the district (by whatever name called) and the Collector shall proceed to recover the amount in the same manner as arrears of land revenue.</p>	<p><i>(b) In the case of an order against any other person, place where the person concerned voluntarily resides or carries on business or personally works for gain, is situated;</i></p> <p><i>to pass necessary direction to the law and authorities to execute the order.</i></p> <p><i>(2) Where any order made by the District Forum, State Forum or the National Forum, as the case may be, is not complied with, such person not complying with the order shall be required to pay not less than five hundred rupees or one-half per cent of the value of the amount awarded, whichever is higher, for each day of delay of such non-compliance of the order till it is paid, in addition to the payment of the awarded amount.</i></p> <p><i>(3) Without prejudice to the provisions contained in sub-sections (1) and (2), where any order made under this Act is not complied with the District Forums or the State Forum or the National Forum, as the case may be, may order the property of the person, not complying with such order to be attached.</i></p> <p><i>(4) no attachment made under sub-section (3) shall remain in force for more than three months at the end of which, if the non-compliance continues, the property attached may be sold and out of the proceeds thereof, the District Forum or the State Forum or the National Forum may award such damages, as it thinks fit, to the complainant and shall pay the balance, if</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
		<p><i>any, to the party entitled thereto.</i></p> <p><i>(5) where any amount is due from any person under any order made by a District Forum, State Forum or the National Forum, as the case may be, the person entitled to the amount may make an application to the District Forum, the State Forum or the National Forum, as the case may be, and such District Forum or the State Forum or the National Forum may issue a certificate for the said amount to the Collector of the district (by whatever name called) and the Collector shall proceed to recover the amount in the same manner as arrears of land revenue.</i></p> <p><i>(6) notwithstanding the provisions contained in this section, it shall be the duty of the party against whom the order is passed by the District Forum or the State Forum or the National Forum, as the case may be, to report back to the District Forum or the State Forum or the National Forum, as the case may be, about the status of implementation of the order and the proceedings would be deemed to be continuing till the implementation of the order and it shall be the responsibility of the District Forum or the State Forum or the National Forum, as the case may be, to monitor the same till its implementation and to take appropriate penal action wherever necessary.</i></p>	
Section	26. Dismissal of frivolous or vexatious complaints. — Where a complaint	26. Dismissal of frivolous or vexatious complaints. — Where a complaint instituted before the District	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
26	instituted before the District Forum, the State Commission or as the case may be, the National Commission, is found to be frivolous or vexatious, it shall, for reasons to be recorded in writing, dismiss the complaint and make an order that the complainant shall pay to the opposite party such cost, not exceeding ten thousand rupees, as may be specified in the order	Forum, the State Forum or the National Forum as the case may be, is found to be frivolous or vexatious, it shall, for reasons to be recorded in writing, dismiss the complaint and make an order that the complainant shall pay to the opposite party such cost, not exceeding fifty thousand rupees, as may be specified in the order	
Section 27	<p>27. Penalties. — (1) Where a trader or a person against whom a complaint is made or the complainant fails or omits to comply with any order made by the District Forum, the State Commission or the National Commission, as the case may be, such trader or person or complainant shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to three years, or with fine which shall not be less than two thousands rupees but which may extend to ten thousand rupees, or with both:</p> <p>(2) <i>Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (2 of 1974), the District Forum or the State Commission or the National Commission, as the case may be, shall have the power of a Judicial Magistrate of the first class for the trial of offences under this Act, and on such conferment of powers, the District Forum or the</i></p>	<p>27. Penalties. — (1) Where a trader or a person against whom a complaint is made or the complainant fails or omits to comply with any order made by the District Forum, the State Forum or the National Forum, as the case may be, such trader or person or complainant shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to three years, or with fine which shall not be less than ten thousands rupees but which may extend to fifty thousand rupees, or with both:</p> <p>(2) <i>Notwithstanding anything contained in the Code of Criminal Procedure, 1973, (2 of 1974), the District Forum or the State Forum or the National Forum, as the case may be, shall have the power of a Judicial Magistrate of the first class for the trial of offences under this Act, the District Forum or the State Forum or the National Forum, as the case may be, shall be deemed to be a Judicial Magistrate of the first class for the purpose of the Code of Criminal Procedure, 1973 (2 of 1974).</i></p> <p>(3) <i>All offences under this Act may be tried summarily by the District Forum or the State</i></p>	<p><i>The words ‘ on such conferment of powers’ and the words ‘on whom the powers are so conferred’ in subsection (2) of section 27 are proposed to be deleted to clarify that the powers have already been conferred.</i></p>

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>State Commission or the National Commission, as the case may be, on whom the powers are so conferred, shall be deemed to be a Judicial Magistrate of the first class for the purpose of the Code of Criminal Procedure, 1973 (2 of 1974).</i></p> <p><i>(3) All offences under this Act may be tried summarily by the District Forum or the State Commission or the National Commission, as the case may be.</i></p>	<p>Forum or the National Forum, as the case may be.</p>	
	<p>27A. <i>Appeal against order passed under section 27 - (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an appeal under section 27, both on facts and on law, shall lie from -</i></p> <p><i>(a) the order made by the District Forum to the State Commission ;</i></p> <p><i>(b) the order made by the State Commission to the National Commission; and</i></p> <p><i>(c) the order made by the National Commission to the Supreme Court.</i></p> <p><i>(2) Except as aforesaid, no appeal shall lie to any court from any order of a District Forum or a State Commission or the National Commission.</i></p> <p><i>(3) Every appeal under this section shall be preferred within a period of</i></p>	<p>27A. <i>Appeal against order passed under section 27 - (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an appeal under section 27, both on facts and on law, shall lie from -</i></p> <p><i>(a) the order made by the District Forum to the State Forum ;</i></p> <p><i>(b) the order made by the State Forum to the National Forum; and</i></p> <p><i>(c) the order made by the National Forum to the Supreme Court.</i></p> <p><i>(2) Except as aforesaid, no appeal shall lie to any court from any order of a District Forum or a State Forum or the National Forum.</i></p> <p><i>(3) Every appeal under this section shall be preferred within a period of thirty days from the date of an order of a District Forum or a State Forum or, as the case may be, the National Forum :</i></p> <p><i>Provided that the State Forum or the National Forum or the Supreme Court, as the case may be,</i></p>	

	<u>Existing</u>	<u>Proposed Amendment</u>	<u>Remarks</u>
	<p><i>thirty days from the date of an order of a District Forum or a State Commission or, as the case may be, the National Commission :</i></p> <p><i>Provided that the State Commission or the National Commission or the Supreme Court, as the case may be, may entertain an appeal after the expiry of the said period of thirty days, if, it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.</i></p>	<p><i>may entertain an appeal after the expiry of the said period of thirty days, if, it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.</i></p>	

CHAPTER IV
MEDIATION (NEW CHAPTER)

Existing Provision	Proposed New Provisions	Remarks
	<p>28. Establishment of Consumer Mediation Cell - (1) The State Government shall, establish for the purposes of this Act, by notification a Consumer Mediation Cell attached to the District Forum in each district of the State.</p> <p>(2) The State Government shall, establish for the purposes of this Act, by notification a Consumer Mediation Cell attached to the State Commission; and</p> <p>(3) The Central Government shall, establish for the purposes of this Act, by notification a Consumer Mediation Cell attached to the National Commission.</p>	<p><i>This entire Chapter is a new chapter. This chapter has been numbered 'Chapter IV' in place of the earlier Chapter-IV which was on 'Miscellaneous'. The earlier Chapter -IV on 'Miscellaneous' has been made "Chapter-V on Miscellaneous"</i></p>
	<p>29. Composition and Functions of the Consumer Mediation Cell</p> <p>(1) Each Consumer Mediation Cell shall consist of a one Coordinator, one Data Operator and a Helper.</p> <p>(2) The Coordinator of the Consumer Mediation Cell attached to District Forum shall be a person of the rank of Section Officer or equivalent; of the Consumer Mediation Cell attached to State Commission shall be a person of the rank of Under-Secretary or equivalent and of the Consumer Mediation Cell attached to National Commission shall be a person of the rank of Deputy-Secretary or equivalent.</p> <p>(3) the Coordinator of the Mediation Cell shall</p> <p style="margin-left: 40px;">(a) maintain the list of empanelled trained Mediators.</p> <p style="margin-left: 40px;">(b) maintain data on a daily basis and submit report on a monthly basis to the State Government or Central Government as the case may be.</p>	
	<p>30. Empanelment of Mediators</p> <p>(1) The National Commission shall, for the purpose of appointing the mediator between the parties in complaint or proceedings, prepare a panel of the mediators within a period of ninety days of the coming in force of these provisions and put the same on the Notice Board and website.</p> <p>(2) Every appointment under sub-section (1) shall be made by the National Commission on the recommendation of a selection committee consisting President and two Members of the National Commission.</p> <p>(3) The State Commission shall, for the purpose of appointing the mediator to mediate between the parties in the complaint or proceedings prepare a panel of the mediators within a period of ninety days of the coming into force of these provisions and put the same on the Notice</p>	

Board and website.

(4) Every appointment under sub-section (3) shall be made by the State Commission, on the recommendation of a selection committee consisting of the President and two members of the State Commission.

(5) The District Forum shall, for the purpose of appointing the mediator to mediate between the parties in the complaints prepare a panel of the mediators within a period of ninety days of the coming in force of these provisions and put the same on the Notice Board and website.

(6) Every appointment under sub-section (5) shall be made by the District Forum, on the recommendation of a selection committee consisting of the President and two members of the District Forum.

(7) The consent of the persons whose names are included in the panel shall be obtained before empanelling them.

(8) The panel shall contain Annexure giving details of the qualifications of the mediators and their professional or technical experience in different fields.

(9) The panel of mediators appointed under subsections (1), (3)& (5) shall be for a period of five years from the date of empanelment or up to the age of 70 years.

Provided empanelled mediator shall be eligible for further extension for another term of five years or up to the age of 70 years of age, whichever is earlier, subject to the condition that he fulfils the other conditions for appointment mentioned in the chapter and such re-appointment is also made on the basis of the recommendation of the Selection Committee.

31. Qualifications of persons to be empanelled as Mediator

The following persons shall be treated as qualified and eligible for being enlisted in the panel of mediators under Section 30, namely:

- (a) Retired Judicial officers;
- (b) Academicians, Experts, other professionals and sector specialists with at least five years standing;
- (c) retired bureaucrats and executives;
- (d) Institutions, which are themselves experts in mediation and have been taking up consumer cause.

	<p>32. Disqualifications of Mediators</p> <p>The following persons shall be deemed to be disqualified for being empanelled as Mediators:</p> <ul style="list-style-type: none"> a) any person who has been adjudged as insolvent; b) persons against whom criminal charges involving moral turpitude are framed by a criminal court and are pending; c) persons who have been convicted by a criminal court for any offence involving moral turpitude; d) any person against whom disciplinary proceedings have been initiated by the appropriate disciplinary authority which are pending or have resulted in a punishment; e) any person who is interested or connected with the subject-matter of dispute or is related to anyone of the parties or to those who represent them, unless such objection is waived by all the parties-in writing; f) any legal practitioner who has or is appearing for any of the parties in the suit or in any other suit or proceedings; g) any person who is office bearer of a political party h) any person who has been declared medically unfit. i) such other categories of persons as may be notified by the National/ State Commission 	
	<p>33. Preference</p> <p>The Commission/ Forum shall, while nominating any person from the panel of mediators referred to in Section 30, consider his suitability for resolving the consumer dispute(s) involved and shall give preference to those who have proven record of successful mediation or who have special qualification or experience in the mediation.</p>	
	<p>34. Duty of mediator to disclose certain facts</p> <p>(1) When a person is approached in connection with his possible empanelment as a mediator, he shall disclose in writing to the parties, any circumstances likely to give rise to a justifiable doubt as to his independence or impartiality.</p> <p>(2) Every mediator shall, from the time of his appointment and throughout the continuance of the mediation proceedings, without delay, disclose to the parties in writing, about the existence of any of the circumstances referred to in sub-section (1).</p>	

	<p>35. Cancellation of appointment</p> <p>Upon information furnished by the Mediator under section 34 or upon any other information received from the parties or other persons, if the District Forum/ Commission, in which the complaint or proceeding is filed, is satisfied, after conducting such inquiry as it deems fit, and after giving a hearing to the Mediator, that the said information has raised a justifiable doubt as to the Mediator's independence or impartiality, it shall cancel the appointment by a reasoned order and replace him by another Mediator.</p>	
	<p>36. Removal or deletion from Panel</p> <p>A person whose name is placed in the panel referred to in Section 30 may be removed or his name may be deleted from the said panel, by the District Forum, if:</p> <ul style="list-style-type: none"> a) he resigns or withdraws his name from the panel for any reason; b) he is declared insolvent by any Court or is declared to be of unsound mind; c) he exhibits or displays conduct, during the continuance of the mediation proceedings, which is unbecoming of a Mediator; d) the District Forum/ Commission which empanelled, upon receipt of information, if it is satisfied, after conducting such inquiry as it deems fit, and is of the view, that it is not possible or desirable to continue the name of that person in the panel, <p>Provided that, before removing or deleting his name, under clauses (c) and (d) the District Forum/ Commission shall hear the Mediator whose name is proposed to be removed or deleted from the panel and shall pass a reasoned order.</p>	
	<p>37. Procedure of Mediation</p> <p>(1) the Mediator shall follow the procedure hereinafter mentioned:</p> <ul style="list-style-type: none"> a) During the first appearance with the Mediator he shall fix, in consultation with the parties, a time schedule, the dates and the time of each mediation session, where all parties have to be present; b) The mediation shall take place in the Mediation Cell located within the premises of 	

	<p>the Forum/Commission;</p> <ul style="list-style-type: none"> c) he may conduct joint and separate meetings with the parties; d) Each party shall, within ten days before the first appearance, provide to the Mediator a brief memorandum. setting forth the issues, which according to it, need to be resolved, and its position in respect to those issues and all information reasonably required for the Mediator to understand the issue; such memoranda shall also be mutually exchanged between the parties; e) Each party shall furnish to the mediator such other information as may be required by him in connection with the issues to be resolved. f) The parties shall be present personally or through their agent. No party to a dispute shall be entitled to be represented by a legal practitioner in any mediation proceedings. 	
	<p>38. Time limit and Number of Sittings for completion of mediation</p> <p>The mediation shall stand terminated on the expiry of thirty days from the date fixed for the first appearance of the parties before the Mediator. Not more than three sittings for mediation shall be allowed after first appearance.</p> <p>Provided that the Coordinator of Consumer Mediation Cell may, upon request by any of the parties, and upon hearing all the parties, grant an extension of time but such extension shall not be beyond a further period of 15 days and number of sittings shall not exceed two.</p>	
	<p>39. Mediator not bound by Evidence Act, 1872 or Code of Civil Procedure, 1908:</p> <p>The mediator shall not be bound by the Code of Civil Procedure, 1908 or the Evidence Act, 1872, but shall be guided by principles of natural justice, have regard to the rights and obligations of the parties, usages of trade, if any, and the circumstances of the dispute.</p>	
	<p>40. Failure of the parties to comply</p> <p>If a party fails to attend a session or a meeting notified by the Mediator or fails to produce such other information during the mediation as may be required by the Mediator within the time given, the Mediator can apply to the District Forum/ Commission in which the complaint or proceedings is filed, to issue appropriate directions to that party to attend before the Mediator or produce relevant information, as the case may be and if the District Forum/ Commission finds that a party is absenting himself before the Mediator without sufficient reason, the complaint will be referred back to District Forum/ Commission.</p>	
	<p>41. Settlement Agreement</p>	

	<p>(1) Where an agreement is reached between the parties in regard to all the issues in the complaint or proceedings or some of the issues, the same shall be reduced to writing and signed by the parties or their agent.</p> <p>(2) The agreement of the parties so signed and attested shall be submitted to the mediator who shall, with a covering letter signed by him, forward the same to the Forum/ Commission in which the complaint or proceeding is pending.</p> <p>(3) Where no agreement is arrived at between the parties, before the time limit stated in Section 38 or where, the mediator is of the view that no settlement is possible, he shall report the same to the said Forum/ Commission in writing.</p> <p>42. Offer of settlement by parties</p> <p>(a) Any party to the suit may, 'without prejudice', offer a settlement to the other party at any stage of the proceedings, with notice to the mediator.</p> <p>(b) Any party to the suit may make a, 'with prejudice' offer, to the other party at any stage of the proceedings, with notice to the mediator.</p>	
	<p>43. Recording settlement and passing of Order by District Forum</p> <p>(1) Within seven days of the receipt of any settlement, the Forum/ Commission shall pass an order in accordance with the settlement so recorded, if the settlement disposes of all the issues in the complaint.</p> <p>Provided that if the settlement disposes of only certain issues arising in the complaint or proceeding, the District Forum / Commission shall record the settlement on the date fixed and shall include the terms of the said settlement in the Order, while deciding the other issues.</p>	
	<p>44. Communication between mediator and the district forum</p> <p>In order to preserve the confidence of parties in the District Forum and the neutrality of the Mediator, there should be no communication between the Mediator and the District Forum.</p> <p>Provided that if any communication between the Mediator and the District Forum is necessary, it shall be in writing and copies of the same shall be given to the parties or their agent. Communication between the Mediator and the District Forum related to the case shall be limited to:</p> <ul style="list-style-type: none"> a) about the failure of party to attend; b) with the consent of the parties; c) his assessment that the case is not suited for settlement through mediation; d) the parties have settled the dispute or disputes. 	<p>45.</p>

Commission **CHAPTER V**
MISCELLANEOUS (Existing Chapter IV)

Existing Provision	Proposed Provision	Remarks
<p>28. Protection of action taken in good faith.-No suit, prosecution or other legal proceedings shall lie against the members off~ District Forum, the State Commission or the National Commission or any officer or person acting under the direction of the District Forum, the State Commission or the National Commission for executing any order made by it or inrespect of anything which is in good faith done or intended to be done by such member, officer or person under this Act or under any rule or order made thereunder.</p>	<p>45. Protection of action taken in good faith.-No suit, prosecution or other legal proceedings shall lie against the members of the District Forum, <i>the State Forum</i> or the <i>National Forum</i> or any officer or person acting under the direction of the District Forum, the <i>State Forum</i> or the <i>National Forum</i> for executing any order made by it or inrespect of anything which is in good faith done or intended to be done by such member, officer or person under this Act or under any rule or order made thereunder.</p>	
<p>28A. Service of Notice, etc. -(1) All notices, required by this Act to be served, shall be served in the manner hereinafter mentioned in sub-section (2).</p> <p>(2) The service of notices may be made by delivering or transmitting a copy thereof by registered post acknowledgment due addressed to opposite party against whom complaint is made or to the complainant by speed post or by such courier service as are approved by the District Forum, the State Commission or the National Commission, as the case may be, or by any other means of transmission of documents (including FAX message).</p> <p>(3) When an acknowledgment or any other receipt purporting to be signed by the opposite party or his agent or by the complainant is received by the District Forum, the State Commission or the National Commission, as the case may be, or postal article containing the notice is received back by such District Forum, State Commission or the National Commission, with an endorsement purporting to have been made by a postal employee or by any person authorized by the courier service to the effect that the opposite party or his agent or complainant had refused to take delivery of the postal article containing the notice or had refused to accept the notice by any other means specified in Sub-section (2) when tendered or transmitted to him, the District Forum or the State Commission or the National Commission, as the case may be, shall declare that the notice had been duly served on the opposite party or to the</p>	<p>46. Service of Notice, etc. -(1) All notices, required by this Act to be served, shall be served in the manner hereinafter mentioned in sub-section (2).</p> <p>(2) The service of notices may be made by delivering or transmitting a copy thereof byregistered post acknowledgment due addressed to opposite party against whom complaint is made or to the complainant by speed post or by such courier service as are approved by the District Forum, the <i>State Forum</i> or the <i>National Forum</i>, as the case may be, or by any other means of transmission of documents (including FAX message).</p> <p>(3) When an acknowledgment or any other receipt purporting to be signed by the opposite party or his agent or by the complainant is received by the District Forum, the <i>State Forum</i> or the <i>National Forum</i>, as the case may be, or postal article containing the notice is received back by such District Forum, <i>State Forum</i> or the <i>National Forum</i>, with an endorsement purporting to have been made by a postal employee or by any person authorized by the courier service to the effect that the opposite party or his agent or complainant had refused to take delivery of the postal article containing the notice or had refused to accept the notice by any other means specified in Sub-section (2) when tendered or transmitted to him, the District Forum or the <i>State Forum</i> or the <i>National Forum</i>, as the case may be, shall declare that the notice had been duly served on the opposite party or to the complainant.</p>	

<p>complainant.</p> <p>Provided that where the notice was properly addressed, pre-paid and duly sent by registered post acknowledgment due, a declaration referred to in this sub-section shall be made notwithstanding the fact that the acknowledgment has been lost or mislaid, or for any other reason, has not been received by the District Forum, the State Commission or the National Commission, as the case may be, within thirty days from the date of issue of notice.</p> <p>(4) All notices required to be served on an opposite party or to complainant shall be deemed to be sufficiently served, if addressed in the case of the opposite party to the place where business or profession is carried and in case of complainant, the place where such person actually and voluntarily resides.</p>	<p>Provided that where the notice was properly addressed, pre-paid and duly sent by registered post acknowledgment due, a declaration referred to in this sub-section shall be made notwithstanding the fact that the acknowledgment has been lost or mislaid, or for any other reason, has not been received by the District Forum, the State Forum or the National Forum, as the case may be, within thirty days from the date of issue of notice.</p> <p>(4) All notices required to be served on an opposite party or to complainant shall be deemed to be sufficiently served, if addressed in the case of the opposite party to the place where business or profession is carried and in case of complainant, the place where such person actually and voluntarily resides.</p>	
<p>29. Power to remove difficulties.-(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty: Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.</p> <p>(2) Every order made under this section shall, as soon as may be after it is made be laid before each House of Parliament.</p> <p>(3) If any difficulty arises in giving effect to the provisions of the Consumer Protection (Amendment) Act, 2002,the Central Government may, by order, do anything not inconsistent with such provisions for the purpose of removing the difficulty: Provided that no such order shall be made after the expiry of a period of two years from the commencement of the Consumer Protection (Amendment) Act, 2002.</p> <p>(4) Every order made under sub-section (3) shall be laid before each House of Parliament.</p>	<p>47. Power to remove difficulties.-(1) <i>If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.</i></p> <p>(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.</p>	

<p>29A. Vacancies or defects in appointment not to invalidate orders.-No act or proceeding of the District Forum, the State Commission or the National Commission shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.</p>	<p>47A. Vacancies or defects in appointment not to invalidate orders.-No act or proceeding of the District Forum, the <i>State Forum</i> or the <i>National Forum</i> shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.</p>	
<p>30. Power to make rules.-(1) The Central Government may, by notification, make rules for carrying out the provisions contained in clause (a) of sub-section (1) of section 2, clause (b) of sub-section (2) of section 4, sub-section (2) of section 5, sub-section (2) of section 12, clause (vi) of sub-section (4) of section 13, clause (hb) of sub-section (1) of section 14, section 19, clause (b) of sub-section (1) and sub-section (2) of section 20, section 22 and section 23 of this Act.</p> <p>(2) The State Government may, by notification, make rules for carrying out the provisions contained in clause (b) of sub-section (2) and sub-section (4) of section 7, clause (b) of sub-section (2) and sub-section (4) of section 8A, clause (b) of sub-section (1) and sub-section 3 of section 10, clause (c) of sub-section (1) of section 13, clause (hb) of sub-section (1) and sub-section (3) of section 14, section 15 and clause (b) of sub-section (1) and sub-section (2) of section 16 of this Act.</p>	<p>48. Power to make rules.- <i>(1) The Central Government may, by notification, make rules and regulation for carrying out any of the provisions contained in the Consumer Protection Act, 1986 and all its subsequent amendments.</i></p> <p><i>(2) The State Government may, by notification, make rules and regulations for carrying out the provisions contained in the Consumer Protection Act, 1986 and all the subsequent amendments to the Act in respect of the State Forum and District Fora concerned with the State subject to the previous approval of the Central Government in order to ensuring uniformity in practice, procedure, pay structure and other thing among the State Fora and District Fora in the country.</i></p>	
<p>30A. Power of the National Commission to make regulations -(1) The National Commission may, with the previous approval of the Central Government, by notification, make regulations not inconsistent with this Act to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such regulations may make provisions for the cost of adjournment of any proceeding before the District Forum, the State Commission or the National Commission, as the case may be, which a party may be ordered to pay.</p>	<p><i>This is proposed to be deleted.</i></p>	

<p>31. Rules and regulations to be laid before each House of Parliament.-(1) Every rule and every regulation made under this Act shall laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the-expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.</p> <p>(2) Every rule made by a State Government under this Act shall be laid as soon as may be after it is made, before the State Legislature.</p>	<p>49. Rules and regulations to be laid before each House of Parliament.-(1) Every rule and every regulation made under this Act shall laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the-expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.</p> <p>(2) Every rule made by a State Government under this Act shall be laid as soon as may be after it is made, before the State Legislature.</p>	<p>No Change</p>
	<p>50.(1) Without prejudice to the foregoing provisions of this Act the National Forum, State Fora and the District Fora, in exercise of their powers or the performance of their functions under this Act, shall be bound by such directions as the Central Government may issue from time to time in furtherance of consumers' welfare, protection of consumers' rights and ensuring speedy, inexpensive and simple dispensation of justice to the consumers in the Consumer Fora;</p> <p>(2) If at any time the Central Government is of the opinion that the National Forum or such of the State Fora or District Fora has/have persistently made default in complying with any direction given by the Central Government under this Act or in the</p>	<p>Provisions for directions by Central Government to the Consumer Fora added.</p>

discharge of the duties imposed on it by or under the provisions of this Act whereby the objects of this Act are suffering the Central Government may ,by notification and for reasons to be specified therein , supersede the National Forum or such of the State Fora or District Fora, for such period not exceeding six months, as may be specified in the notification;

Provided that before issuing any such notification the Central Government shall give a reasonable opportunity to the National Forum or such of the State Fora or District Fora to make representation against the proposed supersession and shall consider such representations of the Consumer Fora.

(3) Upon publication of a notification under sub-section (2) the President and members of such Consumr Fora shall as from the date of supersession, vacate their offices as such and all powers, functions and dutiesof of the concerned Consumer Fora under the provisions of this Act shall be exercised by the Central Government or such authority as the Central Government may specify in this behalf, untill the Consumer Fora is reconstituted;

Provided that the Central Government shall reconstitute the Consumer Fora under the provisions of this Act by fresh appointment to the post of

	<i>President and members before the expiry of the period of supersession.</i>	
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THE CONSUMER PROTECTION RULES, 1987

In exercise of the powers conferred by sub-section (1) of section 30 of the Consumer Protection Act, 1986 (68 of 1986), the Central Government hereby makes the following rules, namely:

S. No.	Existing	Proposed Amendment
1.	<p>Short title, extent and commencement. –</p> <p>(1) These rules may be called the Consumer Protection (Second Amendment) Rules, 2006.</p> <p>(2) They shall come into force on the date of their publication in the Official Gazette.</p>	
2.	<p>Definitions. - In these rules, unless the context otherwise requires--</p> <p>(a) "Act" means the Consumer Protection Act 1986 (68 of 1986);</p> <p>(b) "agent" means a person duly authorised by a party to present any complaint, appeal or reply on its behalf before the National Commission;</p> <p>(c) "appellant" means a party which makes an appeal against the order of the State Commission;</p> <p>(d) "chairman" means a chairman of the Central Consumer Protection Council established under sub-section (1) of the section 4 of the Act;</p> <p>(e) "memorandum" means any memorandum of appeal filed by the appellant;</p> <p>(f) "opposite party" means a person who answers complaint or claim;</p> <p>(g) "president" means the President of the National Commission;</p> <p>(h) "respondent" means the person who answers any memorandum of appeal;</p> <p>(i) "section" means section of the Act;</p> <p>(j) "state" includes Union territories also;</p> <p>(k) words and expressions used in the rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.</p>	<p><i>Rule 2(d) as in red may be deleted.</i></p>
2A.	<p>State Governments to recognize a laboratory as an appropriate Laboratory. (1) For the purpose of obtaining recognition as an appropriate laboratory, the applicant shall send application, in triplicate, in the proforma prescribed by the Bureau of Indian Standards with the relevant details to the Department concerned with the consumer protection work in the State Government.</p> <p>(2) The State Government on receiving the application from the applicant, shall forward its two copies to the Bureau of Indian Standards to assess the suitability of the laboratory from the standards prescribed by them (Bureau of Indian Standards). The fee charged by the Bureau of Indian Standards, for this purpose, shall be paid by the applicant.</p>	

	<p>(3) The State Government on receiving the recommendations and approval of the Bureau of Indian Standards, shall notify that laboratory as an "appropriate laboratory" for the purpose of Consumer Protection Act, 1986 for a period of three years.</p>	
<p>3.</p>	<p>The Constitution of the Central Consumer Protection Council and the Working Groups. - (1) The Central Government shall, by notification in the Official Gazette constitute the Central Consumer Protection Council (herein after referred to as the Central Council) which shall consist of the following members, not exceeding 35, namely:—</p> <p>(a) the Minister in-charge of Consumer Affairs in the Central Government who shall be the Chairman of the Central Council;</p> <p>(b) the Minister of State (where he is not holding independent charge) or Deputy Minister in charge of Consumer Affairs in the Central Government who shall be the Vice-Chairman of the Central Council;</p> <p>(c) the Minister in-charge of Consumer Affairs of two of the States from each region as mentioned in Schedule I to be changed by rotation on expiration of the term of the Council on each occasion;</p> <p>(ca) an administrator (whether designated as administrator or Lieutenant Governor), of a Union Territory, to represent a Union Territory, as mentioned in Schedule II, to be changed by rotation on expiration of the term of the Council on each occasion;</p> <p>(d) two Members of Parliament — one from the Lok Sabha and one from the Rajya Sabha;</p> <p>(f) representatives of the Central Government Departments and autonomous organisations concerned with consumer interests—not exceeding five;</p> <p>(f(a) The Registrar, National Consumer Disputes Redressal Commission, New Delhi.</p> <p>(g) representatives of the Consumer Organisations from amongst the Indian members of the International Organisation, namely, Consumer International – not exceeding six, to be nominated by the Central Government;</p> <p>(ga) representatives with proven expertise and experience who are capable of representing consumer interests, drawn from amongst consumer organizations, consumer activists, women, farmers trade and industry – not exceeding five, one from each of the regions specified in Schedule annexed to these rules;</p> <p>(j) the Secretary in-charge of Consumer Affairs in the State to be nominated by the Central Government – not exceeding three;</p> <p>(k) the Secretary in-charge of Consumer Affairs in the Central Government shall be the member – secretary of the Central Council.</p> <p>(2) The term of the Council shall be three years.</p> <p>(3) Any member may, by writing under his hand to the Chairman of the Central Council, resign from the Council. The vacancies, so caused or otherwise, shall be filled from the same category by the Central Government and such person shall hold office so long as the member whose place he fills would have</p>	<p><i>Rules 3 and 4(in red) may be deleted as the Consumer Protection Councils are proposed to be replaced by a Central Consumer Protection Commission</i></p>

	<p>been entitled to hold office, if the vacancy had not occurred.</p>	
<p>4.</p>	<p>Procedure of the Central Council.—Under sub-section (2) of section 5, the Central Council shall observe the following procedure in regard to the transaction of its business,—</p> <p>(1) The meeting of the Central Council shall be presided over by the Chairman. In the absence of the Chairman, the Vice-Chairman shall preside over the meeting of the Central Council. In the absence of the Chairman and the Vice-Chairman, the Central Council shall elect a member to preside over that meeting of the Council.</p> <p>(2) Each meeting of the Central Council shall be called by giving, not less than ten days from the date of issue, notice in writing to every member.</p> <p>(3) Every notice of a meeting of the Central Council shall specify the place and the day and hour of the meeting and shall contain statement of business to be transacted thereat.</p> <p>(4) No proceedings of the Central Council shall be invalid merely by reasons of existence of any vacancy in or any defect in the constitution of the Council.</p> <p>(5) For the purpose of performing its functions under the Act, the Central Council may constitute from amongst its members, such working groups as it may deem necessary and every working group so constituted shall perform such functions as are assigned to it by the Central Council. The findings of such working groups shall be placed before the Central Council for its consideration.</p> <p>(6) In connection with the journey undertaken to and fro by the non-official members for attending the meeting of the Central Consumer Protection Council or its working group, they shall be entitled to avail first class or two-tier air- conditioned class of railway accommodation by all trains (including Rajdhani Express) and claim such fare or cost of actual mode of travel, whichever is less. The non-official members from Island territories shall be entitled to, to and fro air journey (economy class) in domestic airlines from the Islands to the nearest main-land airport and thereafter rail fare by entitled class. The non-official members who are senior citizens shall be entitled to, to and fro air-journey (economy class) in domestic airlines on availing senior citizen concessional air fare for their journeys provided the distance being travelled is 1000 kms or above. The non-official members shall be entitled to a sum of Rs.1000 per day as incidental charges to cover the expenditure towards their daily allowance, lodging, local conveyance from residence to the station/airport and from station/airport to the venue of meeting and vice-versa. Every claim made under this sub-rule shall be subject to certifying that the member will not claim any benefit from any other Central Government Ministry, Department or Organization during his visit for attending the meeting of the Central Consumer Protection Council or any of its Working Group. Local non-official members residing at the place of the venue of the meeting, shall be paid consolidated conveyance, hire charges and incidental charges to cover the daily allowances, to the tune of Rs.200 per diem irrespective of the classification of the city'. Members of Parliament attending meetings of the Council or its Working Group shall be entitled to travelling and daily allowances at such rates as are admissible to such members".</p>	

	(7) The resolution passed by the Central Council shall be recommendatory in nature.	
5.	Place of the National Commission. —The office of the National Commission shall be located in the Union Territory of Delhi.	Place of the National Forum. —The office of the National Forum shall be located in the Union Territory of Delhi.
6.	Working days and office hours of the National Commission. —The working days and office hours of the National Commission shall be the same as that of the Central Government.	Working days and office hours of the National Forum. —The working days and office hours of the National Forum shall be the same as that of the Central Government.
7.	Seal and emblem. —The official seal and emblem of the National Commission shall be such as the Central Government may specify.	Seal and emblem. —The official seal and emblem of the National Forum shall be such as the Central Government may specify.
8.	Sitting of the National Commission. —The sitting of the National Commission as and when necessary, shall be convened by the President.	Sitting of the National Forum. —The sitting of the National Forum as and when necessary, shall be convened by the President.
9.	Staff of the National Commission. —The Central Government shall appoint such staff as may be necessary to assist the National Commission in its day to day work and to perform such other functions as are provided under the Act and these rules or assigned to it by the President. The salary payable to such staff shall be defrayed out of the Consolidated Fund of India.	Staff of the National Forum. —The Central Government shall appoint such staff as may be necessary to assist the National Forum in its day to day work and to perform such other functions as are provided under the Act and these rules or assigned to it by the President. The salary payable to such staff shall be defrayed out of the Consolidated Fund of India.
9A	<p>Fee for making complaints before District Forum - (1) Every complaint filed under sub-section (1) of section 12, sub-section (1) of section 17 and clause (a) in sub-clause (i) of section 21 of the Act shall be accompanied by a fee as specified in the table given below in the form of crossed Demand Draft drawn on a nationalised bank or through a crossed Indian Postal Order drawn in favour of the Registrar of the State Commission and payable at the respective place where the State Commission or the National Commission is situated.</p> <p>(2) The concerned authority referred to in sub-rule (1) shall credit the amount of fee received by it into the Consumer Welfare Fund of the respective State and where such fund is not established into the Receipt Account of the State Government and in the case of the National Commission, to the Consumer Welfare Fund of the Central Government.</p>	<p>9A(1) In place of the portion in red following may be substituted:</p> <p>‘ in favour of the Registrar of the National Forum or State Forum or District Forum, as the case may be, and payable at their respective place where the National Forum or State Forum or District Forum is situated.’</p> <p>9A(2): The concerned authority referred to in sub-rule 1 shall credit the amount of fee received by it into</p>

TABLE

Sl. No.	Total Value of goods or services and the compensation claimed	Amount of fee payable
(1)	(2)	(3)
	District Forum	
(1)	Upto one lakh rupees – For complainants who are under the Below Poverty Line holding Antyodaya Anna Yojana Cards	Nil
(2)	Upto one lakh rupees – For complainants other than Antyodaya Anna Yojana card holders.	Rs.100
(3)	Above one lakh and upto five lakh rupees	Rs.200
(4)	Above five lakh and upto ten lakh rupees	Rs.400
(5)	Above ten lakh and upto twenty lakh rupees	Rs.500
	State Forum	
(6)	Above twenty lakh and upto fifty lakh rupees	Rs.2000
(7)	Above fifty lakh and upto one crore rupees	Rs.4000
	National Forum	
(8)	Above one crore rupees	Rs.5000

TABLE

Sl. No.	Value of goods or services and the compensation claimed	Amount of fee payable
(1)	(2)	(3)
	District Forum	
(1)	(1) Upto one lakh rupees	Rs.100
(2)	One lakh rupees and above but less than five lakh rupees	Rs.200
(3)	Five lakh rupees and above but less than Rs.10 lakh	Rs.400
(4)	Ten lakh rupees and above but not exceeding twenty lakh rupees	Rs.500

(3) The complainants who are under the Below Poverty Line shall be entitled for the exemption of payment of fee only on production of an attested copy of the Antyodaya Anna Yojana cards.

the Consumer Welfare Fund of the Central Government in the Department of Consumer Affairs. { This will replace the portion in red for 9A(2)}

10. **Additional powers of the National Commission, State Commission and District Forum.** - (1) The National Commission, the State Commission and the District Forum shall have power to require any person,—
- (a) to produce before, and allow to be examined and kept by an officer of the National Commission, the State Commission or the District Forum, as the case may be, specified in this behalf, such books,

Additional powers of the National Forum, State Forum and District Forum. - (1) The **National Forum**, the **State Forum** and the District Forum shall have power to require any

<p>accounts, documents or commodities in the custody or under the control of the person so required as may be specified or described in the requisition, if the examination of such books, accounts, documents or commodities are required for the purpose of this Act;</p> <p>(b) to furnish to an officer so specified, such information as may be required for the purpose of this Act.</p> <p>(2)(a) Where during any proceedings under this Act, the National Commission, the State Commission or the District Forum, as the case may be, has any ground to believe that any book, paper, commodity or document which may be required to be produced in such proceedings, are being or may be, destroyed, mutilated, altered, falsified or secreted, it may, by written order, authorise any officer to exercise the power of entry and search of any premises. Such authorised officer may also seize such books, papers, documents or commodities as are required for the purpose of this Act:</p> <p style="padding-left: 40px;">Provided that such seizure shall be communicated to the National Commission, the State Commission or the District Forum, as the case may be, as soon as it is made or within a period not exceeding 72 hours of making such seizure after specifying the reasons in writing for making such seizure.</p> <p>(b) The National Commission, the State Commission or the District Forum, as the case may be, on examination of such seized documents or commodities, as the case may be, may order the retention thereof or may return it to the party concerned.</p>	<p>person,—</p> <p>(a) to produce before, and allow to be examined and kept by an officer of the National Forum, the State Forum or the District Forum, as the case may be, specified in this behalf, such books, accounts, documents or commodities in the custody or under the control of the person so required as may be specified or described in the requisition, if the examination of such books, accounts, documents or commodities are required for the purpose of this Act;</p> <p>(b) to furnish to an officer so specified, such information as may be required for the purpose of this Act.</p> <p>(2)(a) Where during any proceedings under this Act, the National Forum, the State Forum or the District Forum, as the case may be, has any ground to believe that any book, paper, commodity or document which may be required to be produced in such proceedings, are being or may be, destroyed, mutilated, altered, falsified or secreted, it may, by written order, authorise any officer to exercise the power of entry and search of any premises. Such authorised officer may also seize such books, papers, documents or commodities as are required for the purpose of this Act:</p> <p style="padding-left: 40px;">Provided that such seizure shall be communicated to the National Forum, the State Forum or the District Forum, as the case may be, as soon as it is made or within a period not exceeding 72 hours of</p>
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		<p>making such seizure after specifying the reasons in writing for making such seizure.</p> <p>(b) The National Commission, the State Commission or the District Forum, as the case may be, on examination of such seized documents or commodities, as the case may be, may order the retention thereof or may return it to the party concerned.</p>
10A.	<p>Credit of the fine into the Consumer Welfare Fund when consumers are not identified conveniently.</p> <p>(1) Where an order is passed by the National Commission in exercise of the powers vested under clause (hb) of sub-section (1) of section 14 directing the opposite party to pay such amount as determined by it on account of loss or injury suffered due to defects in goods complained ~gains~ or alleged deficiency of service to a large number of consumers, who are not identifiable conveniently;</p> <p>Such sum shall be credited by the National Commission in the Consumer Welfare Fund established by the Central Government under section 12 (C) of the Central Excise Act, '1944 (1 of 1944).</p> <p>(2) Any amount credited to the said Fund shall be utilized in accordance with the provisions of the Consumer Welfare Fund Rules, 1992.</p>	<p>Credit of the fine into the Consumer Welfare Fund when consumers are not identified conveniently.</p> <p>(1) Where an order is passed by the National Forum in exercise of the powers vested under clause (hb) of sub-section (1) of section 14 directing the opposite party to pay such amount as determined by it on account of loss or injury suffered due to defects in goods complained ~gains~ or alleged deficiency of service to a large number of consumers, who are not identifiable conveniently;</p> <p>Such sum shall be credited by the National Forum in the Consumer Welfare Fund established by the Central Government under section 12 (C) of the Central Excise Act, '1944 (1 of 1944).</p> <p>(2) Any amount credited to the said Fund shall be utilized in accordance with the provisions of the Consumer Welfare Fund Rules, 1992.</p>
10B.	<p>Number of Members in the National Commission: - The National Commission shall consist of not less than four members and not more than <i>eleven</i> members and at least one of them shall be a woman.</p>	<p>Number of Members in the National Commission : - The National Forum shall consist of not less than eleven members and at least two of the</p>

		<p><i>twelve members including the President shall be a woman.</i></p>
<p>11.</p>	<p>Salaries, honorarium and other allowances of the President and Members of the National Commission—(1) The President of the National Commission shall be entitled to salary, allowances and other perquisites as are available to a sitting Judge of the Supreme Court.</p> <p>(1A) The other members of the National Commission appointed on whole time basis shall be entitled to the following honorarium and other allowances with effect from the 1st day of April, 2006, namely :-</p> <p>(a) the members shall be paid twenty-three thousand rupees per month by way of honorarium:</p> <p style="padding-left: 40px;"><i>Provided that the members, who are retired Judges of High Courts or retired Secretaries to the Government of India shall have the option to either receive consolidated honorarium of twenty-three thousand rupees per month or receive remuneration of last pay drawn less pension;</i></p> <p>(b) a woman who has not held an office of profit earlier, on appointment as a member shall be entitled to a pay in the scale of Rs.24050-26000 per month along with other benefits;</p> <p>(c) the members shall be provided with Government accommodation or receive house rent allowance of twenty five thousand rupees per month in lieu thereof;</p> <p>(d) the members shall be paid conveyance allowance at the rate of ten thousand rupees per month, if no chauffeur driven government vehicle is provided in which event one hundred fifty liters of petrol shall be supplied or the price thereof shall be paid;</p> <p><i>[Explanation.- For the purpose of this clause, if the members are not provided with chauffeur driven government vehicle or if the members do not opt for hired vehicle in lieu of conveyance allowance, the members shall be paid conveyance allowance per month at the rate of ten thousand rupees and the cost of one hundred fifty liters of petrol.]</i></p> <p>(e) the members shall be entitled to telephone facility with the maximum amount of two thousand eight hundred rupees per month reimbursable, including mobile phone and broadband facility at residence;</p> <p>(f) the members shall be entitled to :-</p> <p style="padding-left: 40px;">(i) twenty days' half pay leave;</p> <p style="padding-left: 40px;">(ii) earned leave in proportion in a year in lieu of the number of days of vacation not taken;</p> <p style="padding-left: 40px;">(iii) eight days' casual leave;</p> <p style="padding-left: 40px;">(iv) leave travel concession equivalent to the entitlements of a Secretary to the Government of India to one's home town or any place in India in a block of four years;</p> <p style="padding-left: 40px;">(v) no leave encashment on leave travel concession.</p> <p>(2) The members shall be entitled to traveling and daily allowances on official tours equivalent to the entitlements of Group 'A' Officers of the Central Government, including the following :-</p> <p style="padding-left: 40px;">(i) Within the country – Business / Club class by Air / AC 1st Class by train.</p>	<p><i>The words “National Commission” shall be replaced by the words “ National Forum”.</i></p> <p><i>Rule 1(A) (a) and (b) may change in view of the amendment proposal in Chapter III of the Act to the effect that the Members of the National Commission shall be entitled to salary and allowances as are available to the High Court judges. However the following portion of the provision may be retained:</i></p> <p><i>“Provided that the members, who are retired Judges of High Courts or retired Secretaries to the Government of India shall have the option to either receive consolidated honorarium of twenty-three thousand rupees per month or receive remuneration of last pay drawn less pension”</i></p>

	<p>(ii) International – First Class, except for the member in the pay scale of Rs.75,800-80,000 in whose case business class travel will apply.</p> <p>(3) The honorarium or the salary, as the case may be, and other allowances shall be defrayed out of the Consolidated Fund of India.</p>	
12.	<p>Terms and conditions of service of the President and members of the National Commission.--(1) Before appointment, the President and a member of the National Commission shall have to take an undertaking that he does not and will not have any such financial or other interest as is likely to affect prejudicially his functions as such member.</p> <p>(3) Notwithstanding anything contained in sub-rule (2) the President or a member may.—</p> <p>(a) by writing under his hand and addressed to the Central Government resign his office at any time but his office shall become vacant only when such resignation is accepted by the Central Government,</p> <p>(b) be removed from his office in accordance with the provisions of rule 13.</p> <p>(4) The terms and conditions of service of the President and the members shall not be varied to their disadvantage during their tenure of office.</p> <p>(5) A casual vacancy caused by resignation or removal of the President or any other member of the National Commission under sub-rule (3) or otherwise shall be filled by fresh appointment.</p> <p>(6) when the office of the President of the National Commission is vacant or a person occupying such office is by reason of absence or otherwise, unable to perform the duties of his office, the same shall, save as otherwise provided in the proviso to section 22 D be performed by the senior most member of the National Commission.</p> <p>(7) The President or any member ceasing to hold office as such shall not hold any appointment in or be connected with the management or administrations of an organisation which have been the subject of any proceeding under the Act during his tenure for a period of 5 years from the date on which he ceases to hold such office.</p>	<p><i>The words “ National Commission” shall be replaced by the words “National Forum”.</i></p> <p><i>This provision of Rule 12(7) in red is proposed in the provisions of the Act in Chapter-II and hence may be deleted.</i></p>
12A.	<p>Procedure for selection of members. - (1) Save as otherwise provided in sub-rule (2), the process of appointment of a member shall be initiated at least three months before the vacancy arises.</p> <p>(2) If a post falls vacant due to resignation or death of a member or creation of a new post, the process for filling the post shall be initiated immediately after the post has fallen vacant or its created, as the case may be.</p>	

(3) 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 by the Central Government.

(4) After scrutiny of the applications received till the last date specified for receipt of applications, a list of eligible candidates alongwith their applications shall be placed before the Selection Committee constituted under the third proviso to sub-section (1) of section 20.

(5) The Selection Committee shall consider all the applications of eligible applicants referred to it.

(6) The Selection Committee shall, subject to the provisions of sub-rule (6A), assess the suitability of the candidates for the post of Member.

Provided that the Selection Committee may, if it considers necessary, depending on the number of candidates, short list them on the basis of comparative merit and experience of such candidates for selection.

(6A) The Selection Committee shall assess the suitability of the candidates and where short listing is done, from among the short-listed candidates, for the post of Member in the Following manner, namely:-

- (a) in the case of candidates having judicial background, by assessing them on the basis of the judgments and other judicial orders passed by such candidates;
- (b) in the case of candidates having experience of working under the Central Government or any State Government or an undertaking under the Central Government or a State Government, by assessing such candidates on the basis of their Annual Confidential Reports and their experience relevant to the post applied for;
- (c) in other cases, the suitability of the short listed candidates shall be assessed by the Selection Committee on the basis of personal interview conducted by it:

Provided that notwithstanding anything contained in this sub-rule, the Selection Committee may, for assessing the suitability of a class or category of candidates, if it considers necessary, call such class or category of candidates for interview for assessing their suitability for the post of Member.

(7) The Selection Committee may, on the basis of the assessment made by it, recommend a panel of names of candidates for appointment as members from amongst the applicants referred to in sub-rule (5) in order of merit for the consideration of the Central Government.

(8) The Central Government shall, before seeking approval of the Appointments Committee of the Cabinet, verify or cause to be verified the credentials and antecedents of the candidates selected by the Central Government from the panel recommended by the Selection Committee and satisfy the suitability of such candidates for appointment as members.

(9) Every appointment of a member shall be subject to his medical fitness.

<p>13.</p>	<p>Removal of President or members from office in certain circumstances. –</p> <p>(1) The Central Government may remove from office, the President or any member, who,—</p> <ul style="list-style-type: none"> (a) has been adjudged as an insolvent; or (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or (c) has become physically or mentally incapable of acting as the President or the member; or (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as the President or a member; or (e) has so abused his position as to render his continuance in office prejudicial to the public interest ;or (f) remain absent in three consecutive sittings except for reasons beyond his control. <p>(2) Notwithstanding anything contained in sub rule (1), the President or any member of the National Commission shall not be removed from his office except by an order made by the Central Government on the grounds specified in clauses (d), (e) and (f) and (g) of that sub-rule and after an inquiry held by a sitting Judge of the Supreme Court nominated by the Chief Justice of India in which the President or member of the National Commission, as the case may be, has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges and found guilty.</p>	<p><i>The following clause may be added after (f) in Rule !3(1):</i></p> <p>(g) <i>Serious allegation of commission or omission amounting to corruption under the Prevention of Corruption Act.</i></p> <p><i>Red colour (g) is proposed to be inserted in Rule 13(2).</i></p>
<p>14.</p>	<p>Procedure to be followed by the National Commission.—(1) A complaint containing the following particulars shall be presented by the complainant in person or by his agent to the National Commission or be sent by registered post, addressed to the National Commission:</p> <ul style="list-style-type: none"> (a) the name, description and the address of the complainant; (b) the name, description and address of the opposite party or parties, as the case may be, so far as they can be ascertained; (c) the facts relating to the complaint and when and where it arose; (d) documents in support of the allegations contained in the complaint; (e) the relief which the complainant claims. <p>(1A) Every complaint under sub-rule (1) shall be accompanied by the relevant fee as is specified in rule 9A.</p> <p>(1B) Every complaint under sub-rule (1) shall be filed in quadruplicate or with such number of copies as may be required by the National Commission.</p> <p>(2) The National Commission shall, in disposal of any complaint before it, as far as possible, follow the procedure and conditions including the provisions governing adjournments as laid down in sections 12 and 13 in relation to the complaints received by the District Forum, with such modification as may be</p>	<p><i>The words “National Commission” shall be replaced by the words “National Forum”.</i></p>

	<p>considered necessary by the Commission.</p> <p>(3) On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties or their agents to appear before the National Commission. Where the complainant or his agent fails to appear before the National Commission on such days, the National Commission may in its discretion either dismiss the complaint for default or decide it on merits . Where the opposite party or its agent fails to appear on the date of hearing the National Commission may decide the complaint <i>ex-parte</i>.</p> <p>(4) The National Commission may, on such terms as it deems fit and at any stage of the proceedings, adjourn the hearing of the complaint but the complaint shall be decided as far as possible within a period of three months from the date of notice received by opposite party where complaint does not require analysis or testing of commodities and within five months if it requires analysis or testing of commodities.</p> <p>(4A) In the event of a complaint being disposed of after the period specified in sub-rule (4), the National Commission shall record in writing, the reasons for the delay in such disposal.</p> <p>(5) If after the proceedings conducted under sub-rule (3), the National Commission is satisfied with the allegations contained in the complaint, it shall issue orders to the opposite party or parties, as the case may be, directing him or them to take one or more of the things as mentioned in sub-section (1) of section 14. The National Commission shall also have the power to direct that any order passed by it, where no appeal has been preferred under section 23 or where the order of the National Commission has been affirmed by the Supreme Court under that section, be published in the Official Gazette or through any other media and no legal proceedings shall lie against the National Commission or any media for such publication.</p>	<p><i>This provision in red has already been proposed to be amended in the provisions of the Act in Chapter-II to delete the part “ either dismiss the complaint for default or”. Hence there is no need for sub-rule 3 of Rule 14.</i></p>
14A.	<p>Appeals before National Commission.- Every appeal filed in terms of section 19 shall be accompanied by such amount as specified in the second proviso to the said section and such amount may be remitted in the form of a crossed Demand Draft drawn on a nationalized bank in favour of the Registrar, National Commission, payable at Delhi. The National Commission dealing with the appeals filed before them shall follow the provisions of section 19 and 19A as may be required to hear the appeals filed before the Commission.</p> <p><i>Explanation.-</i> In this rule, "nationalized bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980).</p>	<p><i>The words “National Commission” shall be replaced by the words “National Forum”.</i></p>
15.	<p>Procedure for hearing the appeal - (1) Memorandum shall be presented by the appellant or his agent to the National Commission in person or be sent by registered post addressed to the Commission.</p> <p>(2) Every memorandum filed under sub-rule (1) shall be in legible handwriting preferably typed and shall set forth concisely under distinct heads, the grounds of appeal without any argument or narrative and</p>	<p><i>The words “National Commission” shall be replaced by the words “National Forum”.</i></p>

	<p>such grounds shall be numbered consecutively.</p> <p>(3) Each memorandum shall be accompanied by a crossed demand draft as referred to in rule 14A and by a certified copy of the order of the State Commission appealed against and such of the documents as may be required to support grounds of objection mentioned in the memorandum.</p> <p>(4) When the appeal is presented after the expiry of the period of limitation as specified in the Act, the memorandum shall be accompanied by an application supported by an affidavit setting forth the facts on which the appellant relies to satisfy the National Commission that he has sufficient cause for not preferring the appeal within the period of limitation.</p> <p>(5) The appellant shall submit four copies or such number of copies of the memorandum to the Commission for official purpose.</p> <p>(6) On the date of hearing or on any other day to which hearing may be adjourned, it shall be obligatory for the parties or their agents to appear before the National Commission . If appellant or his agent fails to appear on such date, the National Commission may in its discretion either dismiss the appeal or decide <i>ex-parte</i> on merits. If the respondent or his agent fails to appear on such date, the National Commission shall proceed <i>ex-parte</i> and shall decide the appeal on merits of the case.</p> <p>(7) The appellant shall not, except by leave of the National Commission, urge or be heard in support of any ground of objection not set forth in the memorandum but the National Commission, in deciding the appeal, may not confine to the grounds of objection set forth in the memorandum:</p> <p style="padding-left: 40px;">Provided that the Commission shall not rest its decision on any other ground other than those specified in the memorandum unless the party who may be affected thereby, has been given, an opportunity of being heard by the National Commission.</p> <p>(8) No adjournment shall ordinarily be granted by the National Commission, unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Commission. The National Commission may also adjourn the hearing of the appeal suo motu, on such terms as it may think fit and at any stage of the proceedings for reasons to be recorded in writing. The appeal shall be decided, as far as possible, within ninety days from the date of its admission. In the event of an appeal being disposed of after the period so specified, the National Commission shall record in writing the reasons of the same at the time of disposal of the said appeal.</p> <p>(9) The order of the National Commission shall be communicated to the parties concerned free of cost.</p>	<p><i>The portion in red in Rule 15 (6) may be deleted.</i></p>
15A.	<p>Sitting of the National Commission and signing of orders. - (1) Every proceeding of the National Commission shall be conducted by the President or the senior most member authorised and at least two members thereof sitting together except when a bench is constituted by the President of the</p>	<p><i>The words “National Commission”</i></p>

	<p>National Commission with one or more members as he may deem fit.</p> <p>Provided that where the member or members for any reason are unable to conduct the proceeding till it is completed, the President or the senior most member, as provided in section 22D of the Act, shall conduct such proceedings from the state at which it was last heard by the previous member.</p> <p>(2) Every order made by the National Commission shall be signed by the President or the senior most member as provided in section 22D and at least two members who conducted the proceeding and if there is any difference of opinion among themselves, the opinion of majority shall be the order of the National Commission:</p> <p>Provided that where the proceeding is conducted by the President or the senior most member as provided in section 22D and three members thereof and they differ on any point or points, they shall state the point or points on which they differ and refer the same to the other member for hearing on such point or points and such point or points shall be decided accordingly to the opinion of the majority of the National Commission.</p>	<p><i>shall be replaced by the words "National Forum".</i></p>
16.	<p>Manner of deposit of amount in appeals before Supreme Court - Every appeal filed before the Supreme Court in terms of section 23 shall be accompanied by an amount as provided in the second proviso to that section and such amount may be remitted in the form of a crossed Demand Draft drawn on a nationalized bank in favour of Registrar, Supreme Court, payable at Delhi.</p> <p><i>Explanation.</i> - In this rule, "nationalized bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980)</p>	