

Provided that not more than fifty per cent of the members shall be from amongst persons having a judicial background.

(2) Every appointment under **clause 5(1) of sub-rule 5A of Rule 5**, shall be made by the State Government or recommendation of a Selection Committee consisting of the following members, namely :-

- | | |
|--|-------------|
| (i) President of State Commission | — Chairman. |
| (ii) Secretary of Law Department of the State | — Member. |
| (iii) Secretary, Consumer Affairs of the State | — Member. |

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”.

6. (i). **In Rule 6, for sub-rule (4)**, the following shall be substituted namely :-

“The President and the members of the State Commission shall hold office for a term of five years or upto the age of Sixty-seven years, whichever is earlier :

Provided that a member shall be eligible for re-appointment for another term of five years or upto the age of Sixty-seven years, whichever is earlier, subject to the condition that he/she fulfils the qualifications and other conditions for appointment mentioned in clause 5(1) of sub-rule 5A of Rule 5, and such re-appointment is made on the basis of recommendation of the Selection Committee and also in the manner provided in clause 5(2) of sub-rule 5A of Rule 5 and in Section 16 of the Consumer Protection Act.

Provided further 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 necessary including the work-load of the State Commission.

Provided also that a member may resign his office in writing under his hand 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 clause 5(1) of sub-rule 5A of Rule 5, in relation to the category of the member who is required to be appointed under the provision of the Act, in place of the person who has resigned”.

6. (ii). **In Rule 6, for sub-rule (5)**, the following shall be substituted namely :-

“The President or a member of the State Commission shall be disqualified for appointment as a member and shall be removed, from office by the State Government, if he/she -

- has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government involves moral turpitude ; or
- is an undischarged insolvent ; or
- is of unsound mind and stands so declared by a competent court ; or
- has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government ; or
- 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
- has so abused his position as to render his continuance in office prejudicial to the public interest ; or
- has such other disqualifications as may be prescribed by the State Government ;

Provided that the President or a member shall not be removed from his office on the ground specified in clauses (e) and (f) of sub-rule 5, except on any inquiry held by the State Government in accordance with such procedure as it may specify in this behalf and finds the member to be guilty of such ground.”

7. (i). **In Rule 7, for sub-rule (6)**, the following shall be substituted namely :-

“The State Government shall appoint such staff, as may be necessary, to assist the State Commission in its work and perform such other functions as are provided under these rules or assigned to it by the President.

Provided that the appointment of such staff on regular or part-time basis shall be made by the State Government taking into consideration such factors as may be necessary, including the work-load of the State Commission.

Provided further that, the State Government may prescribe the pay scale for such regular staff. For the part-time appointees of such staff as may be necessary for smooth functioning of the commission, remuneration @ 20% of their respective basic pay, shall be payable to them.

Provided also that the salary payable to them, shall be detracted out of the consolidated fund of the State Government."

(ii). In sub-rule 15 of Rule 7, the following shall be added, namely :-

"Provided further that on receipt of any 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 Fora to another District Fora within the State if the interest of justice so requires".

8. In Rule 8, for sub-rule (8), the following shall be substituted, namely :-

"An appeal filed before the State Commission, shall be heard as expeditiously as possible and an endeavour shall be made to finally dispose of the appeal within a period of 90 (ninety) days from the date of its admission.

Provided that no adjournment shall be ordinarily granted by the State Commission, unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the commission.

Provided further that the State Commission, shall make such orders as to the costs occasioned by the adjournment as may be provided in the regulations made under this Act.

Provided also that in the event of an appeal being disposed of after the period so specified, the State commission shall record in writing the reasons for the same at the time of disposing of the said appeal".

9. In sub-rule (1) of Rule 9, after clause (g), the following shall be added, namely :-

"(h) Official or non-official representatives, not exceeding ten members, as may be nominated by the Central Government".

10. For Rule II, the following shall be substituted namely :-

"The constitution of the "District Consumer Protection Council" and the working group".

1. "The State Government shall, by notification in the official gazette, establish for every district, a council to be known as the District Consumer Protection Council (hereinafter referred to as the District Council) which shall consist of the following members, namely :-

(a) The Collector of the District (by whatever name called), who shall be its Chairperson ; and

(b) Representative members of the Zila Parisad not exceeding 3 (three) ;

(c) Official or non-official representatives (not exceeding nine members) of the State Government departments and autonomous organisation concerned with consumer interests.

(d) Representatives of woman (atleast two) ;

(e) Representatives of consumers or Consumer organisation ;

(f) Representatives of farmers, trade or industries ;

2. The term of council shall be of 3 (three) years.

3. Any member may, by writing under his hand to the Chairman of the District Council, resign from the Council. The vacancies, so caused or otherwise shall be filled from the same category by the State Government and such person shall hold office so long as the member in whose place he fills would have been entitled to hold office, if the vacancy had not occurred".

11. After Rule II, the following new rule shall be inserted, namely :-

"12- The District Council shall observe the following procedure in regard to the transaction of its business :-

(i) The District Council meeting shall be presided over by its Chairperson. In the absence of Chairperson, the District Council shall elect a member of the council to preside over that meeting of the Council.

(ii) The District Council shall meet as and when necessary, but not less than 2 (two) meetings shall be held every year ;

(iii) Every meeting of the District Council shall be conveyed by giving notice in writing, which shall not be less than ten days from the date of issue, to every member ;

(iv) Every notice of a meeting of the District Council shall specify the place and the day and hour of the meeting and shall contain statement of business to be transacted thereat ;

(v) For the purpose of performing its functions under the Act, the District 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

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i) The non-official members shall be entitled to actual expenditure Rs. 150 (Rupees one hundred and fifty) only whichever is less (for a daily allowance of Rs. 80 (Rupees eighty) only per day for attendance of the District Council or any working group ;

ii) The rate of honorarium will be Rs. 100 (Rupees one hundred) only for both official and non-official members. However, the honorarium of Chairperson will be Rs. 150 (Rupees one hundred and fifty) only

ii) The resolutions passed by the District Council shall be recommended

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CP Rules after VETTING by the LAW Department of Arunachal Pradesh

GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF LEGAL METROLOGY AND CONSUMER AFFAIRS
NAHARLAGUN

NOTIFICATION

The 10th May, 2005

No. LM-2/88.—In exercise of the powers conferred by sub-section (2) of Section 30 of the Consumer Protection Act, 1986 (68 of 1986), the Government of Arunachal Pradesh hereby publish the draft "Arunachal Pradesh Consumer Protection (Second Amendment) Rules, 2005" for general information.

Comments/objection if any, will be received from any person likely to be affected by the said rules within 30 (thirty) days from the date of publication of the draft Rules in the Official Gazette, for consideration.

Secretary (CS&CA),
Government of Arunachal Pradesh,
Itanagar.

The 10th May, 2005

No. LM-2/88.—In exercise of the powers conferred by sub-section (2) of Section 30 of the Consumer Protection Act, 1986 (68 of 1986) and consequent upon the Amendment made in the said Act in 2002 (62 of 2002), the Government of Arunachal Pradesh hereby makes the following rules further to amend the Arunachal Pradesh Consumer Protection Rules, 1987, namely :-

1. (i) These rules may be called the **Arunachal Pradesh Consumer Protection (Second Amendment) Rules, 2005.**

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. **In Rule 2, of the Arunachal Pradesh Consumer Protection Rules, 1987-**

(i) for clause (Ca), the following clause shall be substituted :-

"(Ca) "Chairman" means a Chairman of the State Consumer Protection Council established under sub-section (1) of Section 7 of the Consumer Protection Act, 1986 (No. 68 of 1986) or Chairman of the District Consumer Protection Council established under Section 8A of the Consumer Protection (Amendment) Act, 2002 (No. 62 of 2002) as the case may be".

(ii) **In Rule 2, after clause (i),** the following shall be inserted, namely :-

"(j) Words and expressions used in these rules and not defined, but defined in the Act, shall have the meanings respectively assigned to them in the Act."

(iii) **In Rule 2, after clause (3) of sub-rule 2A,** the following clauses shall be inserted, namely :-

"(4) The District Forum may entertain any complaints wherein financial involvement does not exceed rupees Twenty lakhs.

(5) Each District Forum shall consists of -

(a) a person who is, or who has been or is qualified to be a District Judge, who shall be its President ;

(b) two other members, one of whom shall be a woman, who shall have the following qualifications, namely ;

(i) be not less than thirty-five years of age ;

(ii) possess a bachelor's degree from a recognised University ;

(c) Every appointment under sub-rule 2A (1), shall be made by the State Government on recommendation of Selection Committee consisting of the following, namely :-

- (i) The President of the State Commission — Chairman.
- (ii) Secretary, Law Department of the State — Member.
- (iii) Secretary in-charge Consumer Affairs Department of the State — Member

In case, 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”.

3. (i) **In Rule 3, for sub-rule (5),** the following shall be substituted namely :-

“(5) A person shall be disqualified for appointment as a member, if he/she ;

- (a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude ; or
- (b) is an undischarged insolvent ; or
- (c) is of unsound mind and stands so declared by a competent Court ; or
- (d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government ; or
- (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
- (f) has such other disqualifications as may be prescribed by the State Government.”

(ii) **In Rule 3, for sub-rule 5A,** the following shall be substituted namely :-

“(5A) The President and the Members of the District Forum shall held office for a term of five years or upto the age of sixty-five years, whichever is earlier ;

Provided that a Member shall be eligible for re-appointment for another term of five years or upto the age of sixty-five years, whichever is earlier, subject to the condition that he/she fulfils the qualifications and other conditions for appointment mentioned in Section 10 of the Act (amended) and in clause (5) of sub-rule 2A of rule 2, and such re-appointment is made on the basis of the recommendation of the Selection Committee ;

Provided further that a member, by writing under his hand and addressed to the State Government may resign from his office and on such resignation being accepted, his office shall become vacant and may be filled by appointment of a person possessing the requisite qualifications mentioned in clause (5) of sub-rule 2A of rule 2, in relation to the category of the member who is required to be appointed in place of the person, who has resigned ;

Provided also 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.”

4. (i) **In Rule 4, for sub-rule (6),** the following shall be substituted namely :-

“The State Government shall appoint such staff, as may be necessary, to assist the District Forum in its day to day work and for performing such other functions as are provided under these rules, or assigned to it, by the President.

Provided that the appointment of such staff on regular or part-time basis shall be made by the State Government taking into consideration such factors as may be necessary, including the work-load of the District Forum.

Provided further that, the State Government may prescribe the pay scale for regular staff. For the part-time appointees or such staff as may be necessary for smooth functioning of the forum, remuneration @ 20% of their respective basic pay shall be payable to them, provided also that the salary payable to them shall be defrayed out of the consolidated fund of the State Government.

(ii) **In Rule 4, for sub-rule (9),** the following shall be substituted namely :-

“While proceeding under section (13) of the Act and sub-rule (8) of these rules, the District Forum shall hear every complaint as expeditiously as possible and shall make every endeavour 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 :

sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the forum.

Provided further that the District Forum shall make such orders as to the costs occasioned by the adjournment as may be provided in the regulations made under the Consumer Protection Act.

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".

(iii) In sub-rule (12) of Rule 4, the words sub-section (1) and (2) of shall be deleted.

(iv) In sub-rule (13) of Rule 4, the following shall be added, namely -

"The manner in which a complaint shall be filed with the District Forum should be as specified in Section 12 of the Consumer Protection (Amendment) Act, 2002."

(v) In sub-rule (14) of Rule 4, the following shall be added, namely -

"Provided 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 complaints.

Provided further that, during the pendency of any proceeding before the District Forum, it appears to it necessary, it may pass such interim order as it is just and proper in the facts and circumstances of the case".

5. In sub-rule 5A, of Rule 5, after clause (3), the following shall be inserted, namely :-

"(4) The State Commission shall have jurisdiction -

(a) to entertain —

(i) any complaints where the value of goods or services and compensation, claimed exceeds rupees **twenty lakhs** but does not exceed rupees **one crore** ;

Provided that a complaint shall be instituted in a State Commission within the limits of whose jurisdiction —

(a) the opposite party or each of the opposite parties, where there are more than one, at the time to the institution of the complaint, actually and voluntarily resides or carries on business or has a branch office or personally works for gain ; or

(b) any of the opposite parties, where there are more than one, at the time of institution of the complaint, actually and voluntarily resides or carries on business or has a branch office or personally works for gains, **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 business or personally works for gain, as the case may be, acquiesce in such institution ; or

(c) the cause of action, wholly or in part, arises.

(ii) Appeals, if any, against the orders of any District Forum within the state ;

(a) (i) Provided 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 or twenty-five thousand rupees, whichever is less.

(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.

(5) (1) The State Commission shall consists of —

(a) a person who is or has been a Judge of a High Court, appointed by the State Government who shall be its President ;

(b) two other members, one of whom shall be a woman, who shall have the following qualifications, namely :-

(i) be not less than thirty-five years of age ;

(ii) possess a bachelor's degree from a recognised University ; and

(iii) be persons of ability, integrity and standing, and have adequate knowledge and experience of atleast ten years in dealing with problems relating to economic, law, commerce, accountancy, industry, public affairs or administration.