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

NOTIFICATION

The 15th September, 2014

No. LM-2/88.—Whereas, as required and 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 State Government, makes the Arunachal Pradesh Consumer Protection (Amendment) Rules, 2014 further to amend the Arunachal Pradesh Consumer Protection Rules, 1987, the draft for **pre-publication was notified** in the Arunachal Pradesh Extraordinary Gazette vide **No. 133 Vol-XXI dated 8th July, 2014** for general information of all citizens or individual, firms or establishments, and the general public, inviting objections/suggestions from all persons likely to be affected, before expiry of the period of thirty days from the date on which the copies of the Official Gazette containing the aforesaid notification was made available to the public ;

And whereas, no objection or suggestion were received from the general public, citizens or individual, firms, consumer organisation or any one likely to be affected, within the aforesaid stipulated period for incorporating in the proposed amendment.

Now therefore, in exercise of the powers conferred by Sub-section (2) of Section 30 of the Consumer Protection Act, 1986 (68 of 1986), and further to amend the Arunachal Pradesh Consumer Protection Rules, 1987 the State Government of Arunachal Pradesh hereby makes the following rules, namely :-

“The Arunachal Pradesh Consumer Protection (Amendment) Rules, 2014.”

B. Pertin
Commissioner (LM & CA),
Government of Arunachal Pradesh,
Itanagar.

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 (Amendment) Rules, 2014.**
(ii) They shall come into force on the date of their publication in the Official Gazette.
2. **Amendment of Rule 2 :** In Rule, 2 of the Arunachal Pradesh Consumer Projection Rules, 1987 (here-in after referred to as Principal Rules), after clause “(a)”, the following new clause shall be inserted, namely ;
“aa” Section means section of the Consumer Protection Act.
3. **Amendment of Sub-rule (1) of Rule, 3 :** For Sub-rule (1) of Rule 3 of the principal rule, for the existing entries, the following shall be substituted, namely :-
“3 (1) The President and Members of the District Forum shall receive and honorarium per day of sitting, as may be specified by the Government.”
4. (1) **Insertion of Sub-rule (5B) in Rule 3 :** In Rule 3, after sub-rule (5A), the following new sub-rule shall be inserted, namely :-

“(5B) Procedure for Section of District Forum and State Commission Members.

- (i) Save as otherwise provided in **Sub-rule (5A) of Rule 3**, the process of appointment of a Member shall be initiated at least 3 (three) months before the vacancies arises.
- (ii) If a post falls vacant due resignation or death of a Member or creation of new post, the process for filling the post shall be initiated immediately after the post has fallen vacant or is created, as the case may be.

- (iii) An advertisement of a vacancy inviting applications from eligible candidates may be published in leading newspaper or by vacancy circulars or both, as may be decided by the State Government.
- (iv) After scrutiny of the applications received till the last date specified for receipt of applications, a list of eligible candidates along with their applications shall be placed before the Selection Committee constituted under the Section 20 of the Act.
- (v) The Selection Committee shall consider all the applications of eligible applicants referred to it.
- (vi) The Selection Committee may, if it considers necessary, depending on the number of candidates, short list them on the basis of merit and call such short listed candidates for personal interview to consider their suitability for the post of a Member.
- (vii) The Selection Committee may, on the basis of its assessment made by it, recommend a panel of names of candidates for appointment as Member amongst the applicants referred to in sub-rule 5 in order merit for the consideration of the State Government.
- (viii) The State Government shall, before seeking approval of the Appointments Committee, verify or cause to be verified the credentials antecedents of the candidates selected by the State Government from the panel recommended by the Selection Committee and satisfy the suitability of such candidates for appointment as Member.
- (xi) Every appointment of Member shall be subject to his medical fitness."
- (2) **Amendment of Sub-rule (5) of Rule 4 :** In Rule 4, for entries in sub-rule 5, the following shall be substituted, namely -
- "(5) Every proceedings of the District Forum shall be conducted by the President or the Senior most member (in order of appointment) and at least 2 (two) members sitting together :
- Provided that one member or members for any reason are unable to conduct proceedings 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 stage at which it was last heard by the previous member.
- Provided further that no Act or proceeding of the District Forum shall be invalid by the reasons only of the existence of any vacancy amongst its members or any defect in its constitution."
- (3) **Substitution of Sub-rule (10) of Rules 4 :** In Rule 4, for sub-rule (10), for the entries the following entries shall be substituted, namely :
- "(10) Every complaint filed in the District Forum shall be filed in quadruplicate or such numbers of copies as may be required by the District Forum."
- (4) **Insertion of sub-rule (10) (A) (I), (II) and (III) in Rule 4 :** After sub-rule (10) in Rule 4, the following sub-rules shall inserted, namely :-

Fees for entertaining complaints in District Forum/State Commission

10. (A) (i) Every complaint filed under sub-section (1) of section 12, sub-section (1) of Section 17 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 Nationalized bank or through a crossed Indian Postal Order in favour of President of the District Forum, Registrar of the State Commission as the case may be, and payable at the respective place where the District Forum, State Commission is situated.

(ii) 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 State of Arunachal Pradesh and where such Fund is not made operational into the Receipt Head of Account of the State Government Department responsible for Consumer Affairs.

TABLE

Serial number	Total value of goods or services and the compensation claimed	Amount of fee payable (in Rupees)
1	2	3
District Fourm		Nil
Upto one lakh Rupees - For complainants who are under the Below Poverty Line holding Antyodaya Anna Yojana cards.		
Upto one lakh Rupees - For complainants other than Antyodaya Anna Yojana cards. holders.		₹ 100
Above one lakh and upto five lakh Rupees		₹ 200
Above five lakhs and upto 10 lakhs Rupees		₹ 400
Above ten lakhs and upto twenty lakhs Rupees		₹ 500
State Commission		
Above twenty lakh and upto fifty lakh Rupees		₹ 2000
Above fifty lakh and upto one crore Rupees		₹ 4000

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

5. **Amendment of Sub-rule (14) of Rule 4 :** In sub-rule 14 of Rule 4, for the words "Order of the District Forum should be signed by the President and atleast one member of the District Forum", the following shall be substituted, namely -

" Every order made by the District Forum shall be signed by the President of the senior most member and the member or the members of the District Forum constituting the bench and if there is any difference of opinion among themselves, the opinion of the majority shall be the order of the District Forum and shall be communicated to the parties free of charge."
6. (1) **Substitution of Sub-rule (1) of Rule 6 :** In Rule 6, for sub-rule (1), the following shall be substituted, namely-

"6 (1) The President of the State Commission shall be entitled to salary remuneration as available to a sitting judge of a High Court or as may be specified by the State Government.

The President shall also be entitled to allowances on TA/DA and other perquisites as may be specified by the State Government.

Other Members, shall receive consolidated honorarium per day of sitting, as may be specified by the Government."
- (2) **Amendment of Sub-rule (2) of Rule 6 :** In Rule 6, for sub-rule (2), the words "The president and" shall be omitted.
7. (1) **Substitution of Sub-rule (5) of Rule 7 :** In Rule 7, for sub-rule 5, the following shall be substituted, namely -

"(5) Every proceedings of the State Commission shall be conducted by the President or the Senior most member (in order of appointment) and at least 2 (two) members sitting together :

Provided that one member or members for any reason are unable to conduct proceedings till it is completed, the President of the senior most member, as provided in Section 22D of the Act, shall conduct such proceedings from the stage at which it was last heard by the previous member.

Provided further that no Act or proceeding of the State Commission shall be invalid by the reasons only of the existence of any vacancy amongst its members or any defect in its constitution."
- (2) **Substitution of Sub-rule (10) of Rule 7 :** In Rule 7, for existing entries of sub-rule (10), the following shall be substituted, namely -

"(10) Every complaint filed in the State Commission shall be filed in quadruplicate or such numbers of copies as may be required by the State Commission."
- (3) **Amendment of Sub-rule (14) of Rule 7 :** In sub-rule (14) of Rule 7, for the words "Order of the State Commission should be signed by the President and at least one member of the State Commission", the following shall be substituted, namely -

"Every order made by the State Commission shall be signed by the President or the senior most member and the member or the members of the State Commission, constituting the bench and if there is any difference of opinion among themselves, the opinion of the majority shall be the order of the State Commission and shall be communicated to the parties free of charge."
8. **Amendment of Sub-rule (1) of Rule 8 :** In sub-rule (1) of Rule 8, for the existing entries, the following shall be added :-

"Every appeal filed interms of Section 15, shall be accompanied by such amount as specified in the said Section and such amount may be remitted in the form of a crossed demand draft on a nationalised bank in favour of the Registrar, Arunachal Pradesh State Consumer Disputes Redressal Commission, payable at Naharlagun."
9. (1) **Substitution of Sub-rule (v) of Rule 10 :** In Rule 10, for the entries in sub-rule (v), the following shall be substituted, namely :-

"(v) The non-official Members of the State Council shall be entitled to actual expenditure on each Journey or the amount of TA as may be admissible for a Deputy Secretary level officer of the State Government (whichever is less) for each journey and a daily allowance as admissible to that of a Deputy Secretary level officer only per day for attending the meeting of State Consumer Protection Council or any working group."
- (2) **Substitution of Sub-rule (vi) of Rule 10 :-** In Sub-rule (vi) of Rule 10, for the existing entries, the following shall be substituted, namely :

"(vi) The rate of honorarium for both the Official and Non-Official Members including the Chairman shall, as may be specified by the State Government."
10. (1) **Substitution of Sub-rule (vi) of Rule 12 :** In Sub-rule (vi) of Rule 12, for the existing entries, the following shall be substituted, namely :-

"(vi) The non-official Members of the District Council shall be entitled to actual expenditure on each Journey or the amount of TA as may be admissible for a Under Secretary level officer of the State Government (whichever is less) for each journey and a daily allowance as admissible to that of a Under Secretary level officer only per day for attending the meeting of District Consumer Protection council or any working group."

Substitution of Sub-rule (vii) of Rule 12 : In Sub-rule (vii) of Rule 12, for the existing entire, the following shall be substituted, namely :

“(vii) The rate of honorarium for both the Official and Non-Official Members including the Chairman shall, as may be specified by the State Government.”

Insertion of new Rule 13 and 14 : After Rule 12, the following Rule shall be inserted, namely :-

3. Additional Powers of the State Commission and District Forums :

The State Commission and the District Forums shall have the power to require any person, -

- (a) To produce before, and allow to be examined and kept by an officer of the State Commission 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 the Act ;
- (b) To furnish to an officer so specified, such information as may be required for the purpose of the Act.
- (a) Where during any proceedings under this Act, 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 :

Provided that, that such seizure shall be communicated to the State Commission of the District Forum, as the case may be, as soon as it made or within a period not exceeding 72 hours of making such seizure after specifying the reasons in writing for making such seizure.

- (b) 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.”

4. Credit of the Fine into the Consumer Welfare Fund when consumers are not identified conveniently :

Where an order passed by the State Commission or the District Forum, may direct 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, such sum shall be credited by the State Commission or the District Forum in the State Consumer Welfare Fund established by the State Government.

Any amount credited to the said Consumer Welfare Fund shall be utilized in accordance with the provisions of the State Consumer Welfare Fund Rules, 2005.”

B. Pertin

Commissioner (LM & CA),

Government of Arunachal Pradesh,

Itanagar.