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GOVERNMENT OF ARUNACHAL PRADESH
DEPARTMENT OF LEGAL METROLOGY
ITANAGAR

NOTIFICATION

The 7th December, 1995

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 makes the following rules further to amend the Arunachal Pradesh Consumer Protection Rules, 1987, namely :—

1. (1) These rules may be called the Arunachal Pradesh Consumer Protection (Amendment) Rules, 1995.

(2) 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 (hereinafter referred to as the principal Rules), after clause (C), the following clause shall be inserted, namely :—

“(C) “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).”

3. After Rule 2 of the principal Rules, the following rules shall be inserted, namely :—

“2A (1) while establishing and appointing the District Forum and its members the State Government should strictly follow the provisions of Section 9 and Section 10 of the Act.

(2) That State Government may prescribe the pay scale for the regular staff of District Forum as are admissible to other State Government employees of the same category. For the part-time appointees of the Forum, remuneration of @ 20% of their basic pay (on the basis of Nos. of cases received and disposed) shall be payable to him. These staff will also be entitled to TA/DA on official tour as admissible to their respective category of employees.

(3) The salary payable to such staff shall be defrayed out of the consolidated Fund of the State”.

4. In rule 3 of the principal Rule :—

(i) in sub-rule (1), for the figures “75” and “50” the figures “150” and “100” respectively shall be substituted;

(ii) after sub-rule (5) the following sub-rule shall be inserted, namely :—

“(5A) The President and the members of the District Forum shall hold office for a term of five years or upto the age of 65 years, whichever is earlier and shall not be eligible for re-appointment :

Provided that the President and members may, by writing under his hand and addressed to the State Government, resign his office any time”.

5. In rule 4 of the principal Rules after sub-rule (10) the following sub-rules shall be added, namely :—

“(11) Subject to the other provisions of the Act, the District Forum may entertain complaints as mentioned under section 11 of the Act.

(12) The District Forum shall, in disposal of any complaint before it as far as possible, follow the procedure laid down in sub-section (1) and (2) of section 13.

(13) While admitting/entertaining a complaint, the District Forum shall, as per as possible follow the procedures laid down under Section 24A of the Act.

(14) Order of the District Forum should be signed by the President and atleast one member of the District Forum.

(15) The District Forum shall also have the power to direct that any order passed by it, where no appeal has been preferred under Section 15 of the Act be published in the Official Gazette or through other media and no legal proceeding shall be lie against the District Forum or any other media for such publication”.

6. After Rule 5, the following rule shall be inserted, namely :—

“5 A (1) while establishing and appointing the State Commission and its members, the State Government shall strictly follow the provisions of Section 16 of the Act.

(2) The State Government may also prescribe the pay scale for the regular staff of State Commission as are admissible to other State Government employees of the same category. For the part time appointees of the Commission remuneration of @ 20% of their basic pay (on the basis of number of cases received and disposed) shall be payable to them. These staff will also be entitled to TA/DA on official tour as admissible to their respective category.

(3) The salary payable to such staff shall be defrayed out of the consolidated fund of the State.”

7. In rule 6,—(i) for sub-rule (2) the following sub-rule shall be substituted, namely :—

(2) The President and the members of the State Commission shall be eligible for such TA/DA as admissible to the Judges of the High Court and shall be entitled to travel by air”. (ii) in sub-rule (4), for the figure “65”, the figure “67” shall be substituted.

8. In rule 7 of the principal Rules, after sub-rule (10) the following sub-rules shall be inserted, namely :—

“(11) Subject to the other provisions of the Act, the State Commission may entertain complaint as mentioned under section 17 of the Act.

(12) A complaint containing the following particulars shall be presented by the complaint in person or his agent to the State Commission or be sent by registered post addressed to the State Commission :—

(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 fact relating to complaint and when and where it arouse;

(d) document in support of the allegations contained in complaint;

(e) the relief which the complainant claims.

(13) The State Commission shall, in disposal of any complaint before it, as far as possible, follow the procedures laid down in section 18 of the Act.

(14) Orders of the State Commission shall be issued atleast with the signature of two members including the President and a member.

(15) While admitting/entertaining a complaint, the State Commission shall as far as possible, follow the procedures laid down under Section 24A of the Act.”

(16) The State Commission shall also have the power to direct that any order passed by it, where no appeal has been preferred under Section 14, be published in the official Gazette or through other media and no legal proceedings shall lie against the State Commission, or any other media for such publication.”

9. After rule 8 of the principal Rules, the following rules shall be inserted, namely:—

"THE CONSTITUTION OF THE STATE CONSUMER PROTECTION COUNCIL AND THE WORKING GROUP".

(1) The State Government shall, by notification in the official Gazette, constitute the State Consumer Protection Council (hereinafter referred to as the State Council) which shall consist of the following members, namely:—

(a) The Minister-in-charge of Consumer Affairs who shall be the Chairman of the State Council;

✓ (b) 3 (three) members of the Legislative Assembly;

(c) Nine official representatives of the State Government departments and autonomous organisation concerned with consumer interests;

(d) Representatives of the Consumer Organisation or Consumers;

(e) Representatives of Women (at least two);

(f) Representatives of farmers, trade and industries;

(g) Representatives of educational/analytical/ medical Science.

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

(3) Any member may be writing under his hand to the Chairman of the State 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.

10. Procedure of the State Council: Under sub-section (4) of Section 7, of the Act, the State Council shall observe the following procedure in regard to the transaction of its business:—

(i) The meeting of the State Council shall be presided over by the Chairman. In the absence of Chairman, the State Council shall elect a member of the Council to preside over that meeting of the Council. At least 2 (two) meetings should be held in a year.

(ii) Each meeting of the State Council shall be convened by giving notice in writing which shall not be less than ten days from the date of issue, to every member.

(iii) Every notice of a meeting of the State Council shall specify the place and the day and hour of the meeting and shall contain statement of business to be transacted thereat.

(iv) For the purpose of performing its functions under the Act, the State 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 State Council. The findings of such working group shall be placed before the State Council for its consideration.

(v) The non-official members shall be entitled to actual expenditure on each journey or Rs. 250 (Rupees two hundred fifty) only whichever is less (for each journey) and a daily allowance of Rs. 80 (Rupees eighty) only per day for attending the meeting of the State Council or any working group.

(vi) The rate of honorarium will be Rs. 150 (Rupees one hundred fifty) only each per day of sitting for both the official and non-official members. However the honorarium, to be paid to the Chairman will be Rs. 200 (Rupees two hundred) only.

(vii) The resolutions passed by the State Council shall be recommendatory in nature."

Department of Legal Metrology will act as a nodal Department relating to Consumer Affairs including implementing the Consumer Protection Rule (framed from time to time) which was made effective by Government Order No. LM-16/87 dated 22nd May, 1985 in the State of Arunachal Pradesh. Deputy Controller, Legal Metrology, will function as ex-officio Grievances (Head of the office) for all purposes of Consumer Affairs as notified vide Government order No. LM-16/87/185 dated 6th February 1996.

Bharat Baruah,
Secretary (S & T),
Government of Arunachal
Pradesh, Itanagar.