

CENTRAL CONSUMER PROTECTION RULES [\[Top\]](#)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(Department of Consumer Affairs)
NOTIFICATION
New Delhi, the 5th March, 2004.

G.S.R 175 (E) - 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 further to amend the Consumer Protection Rules, 1987, namely :-

1. Short title, extent and commencement :- (1) these rules may be called the Consumer Protection (Amendment) Rules, 2004.

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

2. In the Consumer Protection Rules, 1987 (hereinafter referred to as the said rules), in rule 3, in sub-rule (1), after clause (f), the following clause shall be inserted, namely :-

"(fa) The Registrar, National Consumer Disputes Redressal Commission, New Delhi;"

3. In rule 4 of the said rules, for sub-rule (6), the following sub-rule shall be substituted, namely:-

"(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".

4. After rule 9 of the said rules, the following rule shall be inserted, namely:-

"9A. Fee for making complaints before District Forum - (1) Every complaint filed under sub-section (1) of section 12 with a District Forum 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 is situated. The concerned District Forum shall deposit the amount of fee so received in the State Government Receipt Account.

TABLE

Sl.No.	Value of goods or services and the compensation claimed	Amount of fee payable
(1)	(2)	(3)
	District Forum	
(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

5. After rule 10 of the said rules, the following rules shall be inserted, namely:-

"10A. Credit of the fine into the Consumer Welfare Fund when consumers are not identified conveniently.

(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 against or alleged deficiency of service to a large number of consumers, who are not identifiable conveniently, 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)

(2) Any amount credited to the said Fund shall be utilized in accordance with the provisions of the Consumer Welfare Fund Rules, 1992.

10 B Number of Members in the National Commission :- The National Commission

shall consist of not less than four members and not more than six members and at least one of them shall be a woman".

6. In rule 12 of the said rules,-

(a) Sub-rule (2) shall be omitted;

(b) in sub-rule (3), for clause (a), the following clause shall be substituted, namely :-

"(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";

(c) for sub-rule (6), the following sub-rule shall be substituted, namely :-

"(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 22D be performed by the senior most member of the National Commission".

7. In rule 13 of the said rules, for sub-rule (2), the following sub-rule shall be substituted, namely:-

"(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 clauses (d), (e) and (f) 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."

8. In rule 14 of the said rules,-

(a) after sub-rule (1), the following sub-rule shall be inserted, namely:-

"(1A) Every complaint under sub-rule (1) shall be accompanied by the relevant fee as is specified in rule 9A.";

(b) for sub-rule (2), the following sub-rule shall be substituted, namely:-

"(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 considered necessary by the Commission.";

(c) after sub-rule (4), the following sub-rule shall be inserted, namely:-

"(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."

9. After rule 14 of the said rules, the following rule shall be inserted, namely:-

"14A. 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.

Explanation:- 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).

10. In rule 15 of the said rules,-

(a) in sub-rule (3), for the words "accompanied by a certified copy", the words "accompanied by a crossed demand draft as referred to in rule 14A and by a certified copy' shall be substituted.

(b) for sub-rule (8), the following sub-rule shall be substituted, namely:-

"(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.

11. In rule 15A of the said rules, in sub-rule(1), after the words "sitting together", occurring at the end, the words" except when a bench is constituted by the President of the National Commission with one or more members as he may deem fit" shall be added.

12. After rule 15A of the said rules, the following rule shall be inserted, namely:-

" 16. 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.

Explanation:- 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)".

[F.No.10(2)/2003-CPU]
SATWANT REDDY, Addl. Secy.

Note :- The principal rules were published in the Gazette of India vide number GSR 398(E) dated 15th April, 1987 and subsequently amended vide;

1. GSR 533 (E) dated 14.08.1991
2. GSR 800 (E) dated 30.12.1993
3. GSR 522 (E) dated 22.06.1994
4. GSR 605 (E) dated 30.08.1995
5. GSR 759 (E) dated 21.11.1995, and
6. GSR 95 (E) dated 27.02.1997.

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(Department of Consumer Affairs)
NOTIFICATION

New Delhi, the 10th February, 2005.

G.S.R.64(E) - In exercise of the powers conferred by sub-section (i) of section 30 of the Consumer Protection Act, 1986 (68 of 1986), the Central Government hereby makes the following rules further to amend the Consumer Protection Rules, 1987, namely:-

1. Short title, extent and commencement - (1) These rules may be called the Consumer Protection (Second Amendment) Rules, 2005.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In rule 4 of the Consumer Protection Rules, 1987 (hereinafter referred to as the said rules) :-
 - (a) In sub-rule (6) for the letters, figures and words "Rs.1000/- per day", the letters, figures and words shall be substituted "Rs.1000/- per each day of the meeting" shall be substituted;

(b) In sub-rule (6) for the words "consolidated conveyance, hire charges and incidental charges to cover the daily allowances" the words "consolidated conveyance and hire charges" shall be substituted.

3. For rule 9A and the Table there under of the said rules, the following shall be substituted, namely :-

"(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 nationalized bank or through a crossed Indian Postal Order in favour of the President of the District Forum, Registrar of the State Commission or the Registrar of the National Commission as the case may be, and payable at the respective place where the District Forum, State Commission or the National Commission is situated.

(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.

TABLE

Serial Number	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 Commission	
6.	Above twenty lakh and upto fifty lakh Rupees	Rs.2000
7.	Above fifty lakh and upto one crore Rupees	Rs.4000
	National Commission	
8.	Above one crore Rupees	Rs.5000

(3) The complainant 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."

4. In rule 10B of the said rules, for the word "six" the word "nine" shall be substituted.

5. In rule 14, of the said rules, after sub-rule (1) the following sub-rule shall be inserted, namely :-

"(1A) 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".

6. In rule 15 of the said Rules, in sub-rule (5) for the words "six copies" the words "four copies or such number of copies" shall be substituted.

7. In rule 15A of the said rules: -

(a) in sub-rule (1) after the word "senior most member", the words "authorized under rule 12" shall be omitted ;

(b) for the proviso to sub-rule (1) the following proviso shall be substituted, namely :-

"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",

(c) in sub-rule (2) and to the proviso to the said sub-rule, for the words and figures "authorized under rule 12", the words, figures and letter "as provided under section 22D" shall be substituted.

[F.No.10(2)/2003-CPU]
SATWANT REDDY, Addl. Secy.

The principal rules were published in the Gazette of India vide number GSR 398 (E) dated 15th April, 1987 and subsequently amended vide;

1. GSR 533 (E) dated 14.08.1991
2. GSR 800 (E) dated 30.12.1993
3. GSR 522 (E) dated 22.06.1994
4. GSR 605 (E) dated 30.08.1995
5. GSR 759 (E) dated 21.11.1995
6. GSR 95 (E) dated 27.02.1997.
7. GSR 175 (E) dated 05.03.2004; and
8. GSR 50 (E) dated 01.02.2005.