

CITIZEN CHARTER

UNDER RIGHT TO INFORMATION ACT
OF THE



**KARNATAKA CONSUMER DISPUTES REDRESSAL STATE
COMMISSION & DISTRICT FORUM SERVICES CONSTITUTED
UNDER CONSUMER PROTECTION
ACT 1986 (CENTRAL ACT No. 68/1986)**

Basava Bhavan, High Grounds, Bangalore – 1.

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INDEX 1**THE CONSUMER
PROTECTION ACT, 1986**

[68 of 1986, dt. 24.12.1986]

[As amended vide Consumer Protection (Amendment) Act, 2002]

An Act to provide for better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumers' disputes and for matters connected therewith

Be it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:-

CHAPTER-I**PRELIMINARY**

1. Short title, extent, commencement and application

(1) This Act may be called the Consumer Protection Act, 1986.

(2) It extends to the whole of India except the State of Jammu & Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification, appoint and different dates may be appointed for different States and for different provisions of this Act.

(4) Save as otherwise expressly provided by the Central Government by Notifications, this Act shall apply to all goods and services.

2. Definitions

(1) In this Act, unless the context otherwise requires,-

¹[(a) "appropriate laboratory" means a laboratory or organization -
i) recognized by the Central Government;

ii) recognized by a State Government, subject to such guidelines as may be prescribed by the Central Government in this behalf; or

iii) any such laboratory or organization 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;

²[(aa) “branch office” means -

- i) any establishment described as a branch by the opposite party, or
- ii) any establishment carrying on either the same or substantially the same activity as that carried on by the head office of the establishment;

(b) “complainant” means -
i) a consumer; or

(ii) any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956), or under any other law for the time being in force; or

(iii) the Central Government or any State Government,

¹[(iv) one or more consumers, where there are numerous consumers having the same interest;]

who or which makes a complaint;

²[(v) in case of death of a consumer, his legal heir or representative.]

(c) “complaint” means any allegation in writing made by a complainant that –

³[(i) an unfair trade practice or a restrictive trade practice has been adopted by
⁴(any trader or service provider;)]

(ii) ³[the goods bought by him or agreed to be bought by him] suffer from one or more defect;

(iii) ³[the services hired or availed of or agreed to be hired or availed of by him] suffer from deficiency in any respect;

1. Substituted by Act 50 of 1993, w.e.f. 18.06.1993

2. Inserted by Act 50 of 1993, w.e.f. 18.06.1993

⁵(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 -

- a) fixed by or under any law for the time being in force;
- b) displayed on the goods or any package containing such goods;
- c) displayed on the price list exhibited by him by or under any law for the time being in force;
- d) agreed between the parties;
- (v) goods which will be hazardous to life and safety when used are being offered for sale to the public, -
 - (A) in contravention of any standards relating to safety of such goods as required to be complied with, by or under any law for the time being in force;
 - (B) if the trader could have known with due diligence that the goods so offered are unsafe to the public;
- (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 diligence to be injurious to life and safety.]
- (d) “consumer” means any person who -
 - (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
 - (ii) ¹[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

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1. Inserted by Act 50 of 1993, w.e.f. 18.06.1993.
 2. Inserted vide Consumer Protection (Amendment) Act, 2002.
 3. Substituted by Act 50 of 1993, w.e.f. 18.06.1993.
 4. Substituted for “any trader” vide Consumer Protection (Amendment) Act, 2002.
 5. Substituted, *ibid*.

who ¹[hires or avails of] the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payments, when such services are availed of with the approval of the first-mentioned person

²[but does not include a person who avails of such services for any commercial purpose];

³[Explanation: For the purposes of this clause, “commercial purpose” does not include use by a person of goods bought and used by him and services availed by him exclusively for the purpose of earning his livelihood, by means of self-employment;]

(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;

(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 ⁴[under any contract, express or implied, or as is claimed by the trader in any manner whatsoever in relation to any goods;

(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;

(h) “District Forum” means a Consumer Disputes Redressal Forum established under clause (a) of section 9;

(i) “Goods” means goods as defined in the Sale of Goods Act, 1930 (3 of 1930);

³(j) “manufacturer” means a person who -

(i) makes or manufactures any goods or part 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.]

Explanation: Where a manufacturer dispatches any goods or part thereof to any branch office maintained by him, such branch office shall not be deemed to be the manufacturer even though the parts so dispatched to it are assembled at such branch office and are sold or distributed from such branch office.

⁴(j) “member” includes the President and a member of the National Commission or a State Commission or a District Forum, as the case may be;]

(k) “National Commission” means the National Consumer Disputes Redressal Commission established under clause (c) of section 9;

(l) “notification” means a notification published in the Official Gazette;

(m) “person” includes -

(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 Societies Registration Act, 1860 (22 of 1860) or not;

(n) “prescribed” means prescribed by rules made by the State Government, or as the case may be, by the Central Government under this Act;

¹[(nn) “regulation” means the regulations made by the National Commission under this Act;

(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 -

(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 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 ²[users and includes, but not limited to, the provision of] facilities in connection with banking, financing, insurance, transport, processing, supply of electrical or other energy, board or lodging or both, ³[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;

1. Substituted by Act 50 of 1993, w.e.f. 18.06.1993.

2. Inserted vide Consumer Protection (Amendment) Aact, 2002.

3. Substituted, *ibid*.

4. Inserted by Act 50 of 1993.

⁴[(oo) “spurious goods and 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;

⁵(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

(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 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 the life of a product or of any goods that is not based on an adequate or proper test thereof;

1. Substituted vide Consumer Protection (Amendment) Act, 2002.

2. Substituted for “users and includes the provision of”, abid.

3. Inserted by Act 50 of 1993, w.e.f. 18.06.1993.

4. Inserted vide Consumer Protection (Amendment) Act, 2002.

5. Substituted by Act 50 of 1993, w.e.f. 18.06.1993.

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 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 statement to be so expressed, made or contained;

(2) permits the publication of any advertisement whether in any newspaper or otherwise, for the sale of 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;

Explanation: For the purposes of clause(2),“bargaining price” means

(a) a price that is stated in any advertisement to be a bargain price, by reference to an ordinary price or otherwise, or

(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;

(3) permits -

(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;

(b) the conduct of any contest, lottery, games of chance or skill, for the purpose of promoting, directly or indirectly, the sale, use or supply of any product or any business interest;

¹[(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.

Explanation: For the purposes 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 newspapers in which the scheme was originally advertised.]

(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;

(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.

¹[(6) manufacture of spurious goods or offering such goods for sale or adopting deceptive practices in the provision of services.

1. Inserted vide Consumer Protection (Amendment) Act, 2002.

(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.

COMMENTS

Sec. 2(1)(a)

Laboratory, a derivative from the Latin Laboratoriosus, means a room or building fitted out for scientific experiments, research, teaching, or the manufacture of drugs and chemicals.

Sec. 2(1)(b)

The definition under sec. 2(1)(b) includes three categories, first being “consumer” as defined under the Act; secondly, any voluntary consumer association registered under the Companies Act, 1956 or under any other law, and thirdly, either the Central or the State Government. Thus a complainant must either be a consumer of goods or services, barring voluntary consumer associations and the government whether the State or Central. – *Inderjit Kumar v. Haryana State Electricity Board* (1991) 1 CPJ 115.

Sec. 2(1)(c)

Where a cause of action has already been adjudicated upon, the same cause of action cannot be agitated once again before a court of law or other adjudicating forum. Such a principle is enunciated to obviate multiplicity of litigation. Though all the provisions of Code of Civil Procedure are not having their application while a case is being governed by consumer forum yet the sound principles of law and procedure embodied under Code of Civil Procedure are followed by the forums. – *Branch Manager, LIC of India v. Smt. Zareena Sulaiman* 1995 (1) CPJ 4.

Sec. 2(1)(d)

In order to satisfy the requirement of sec. 2(1)(d) there must have been transaction of buying goods for consideration. The transaction of sale and purchase must be complete transaction. The person who only enters into an agreement for purchasing the goods does not fall in the scope of said definition. Under clause (II) of Sec. 2(d) in order to become a consumer a person has to satisfy the three conditions: (I) the service should have been rendered to him, (II) the service should have been hired by him, (III) he should have paid the consideration for hiring the service, in accordance with the manner laid down under sec. 2(1)(d)(II) of the Act.

Consumer Protection Act does not define the term “goods” definition of which is imported from the Sale of Goods Act, S.2(7) of which defines goods “as every kind of moveable property other than actionable claims and money; and includes stock and shares, growing crop, grass and things attached to or forming part of land which are agreed to be severed before sale or under the contract of sale”.

Thus the goods means every kind of moveable property except actionable claim and money. If the shares and stock which represent the proprietary interest in the property of a company are considered to be movable properties, there is no ground to exclude the debentures because debenture is a transferable movable property. Hence the holders of the debentures are entitled to get the benefit of the Consumer Protection Act. – Kartik Magenal Padia v. Pratap Rajasthan Special Steel Ltd. 1992 (1) CPR 222.

Where services are rendered at a government hospital on payment of charges and also free of charges, the free service also comes under “service’ as defined in Sec. 2(1)(o) of the Act and the person availing of such service is “consumer” within the meaning of the Act, entitled to file complaint thereunder. – Sukhwarsha Rani v. General Hospital, through its Medical Superintendent & Others 2000 (1) CPR 337 (Chd-UTCDRC), following Indian Medical Association v. V.P. Shanta 1995 (3) CPR 412 (SC)

A customer of a bank is a consumer within the meaning of s. 2(1)(d) entitled to seek compensation, and the bank is liable for deficiency in service. – Vimal Chandra Grover v. Bank of India (2002) 110 Comp. Cas. 499 (SC).

Sc. 2(1)(e)

In case the appellant and the respondent enter into contract and according to the terms of the contract appellant has to supply some iron rods to the respondent at a fixed rate and quantity, the matter is purely one of the description of breach of contract. In no way it amounts to consumer dispute as envisaged by the Consumer Protection Act. The complainant in the instant case must approach the civil court. – Suraj Steel Hazaribagh v. R.P. Sharma 1991 (1) CPR 331.

In case the respondent does not pay to the petitioner the amount due by way of pension and the petitioner has served the respondent such dispute, as the petitioner is not a consumer, would not amount to consumer dispute. – Ch. Veerabhadraya v. Secretary, Andhra Pradesh Residential Educational Institutions Society 1992 (3) CPJ 3.

Where the claim of insurance is repudiated by the opposite party, that would amount to consumer dispute as defined under s. 2(1)(e) of the Act. – N.G.Rao v. Divisional Manager, National Insurance Co. Ltd. 1993 (2) CPJ 641.

Sec. 2(1)(f)

There are two aspects regarding quality, quantity, potency, purity or standard as mentioned in the definition. First, the same may either be required to be maintained by any law or rules for the time being in force. Secondly, where

there is no such statutory mandate, then in the alternative what is claimed by the trader in relation to any such goods. The term “defect” is defined as regards the standard required to be maintained by law or in the alternative as claimed by trader expressly or impliedly in any manner whatsoever. – Chaman Singh v. German Remedies 1992 (1) CPR 603.

It is not necessary under the Act that there must be any manufacturing defect in the vehicle sold to the purchaser. It is enough that there are defects as defined in s. 2(1)(b) as 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 as is claimed by the trader in any manner whatsoever in relation to any goods.

Sec. 2(1)(g)

Deficiency like any fault, imperfection, shortcoming or inadequacy in the quality, nature, and manner of performance, which is required to be maintained under any law or which have been undertaken to be performed must be shown and proved. When the potential consumer performs his part of contract but the other party does not accept the offer or may refuse to grant the services, the question of deficiency in service arises only when the Commission concludes that non-extending service is itself a deficiency. – Gujarat Electricity Board v. Suleman Mithabhai 1993 (2) CPR 294.

Sec. 2(1)(i)

As per s. 2(1)(i) goods means goods as defined in Sale of Goods Act, 1930. Sec. 2(7) of the Sale of Goods Act defines goods as –

“Goods means every kind of moveable property other than actionable claims and money and includes stocks and shares, growing crops, grass and things attached to or forming part of the land which are agreed to be severed before sale or under contract of sale.

The expression “sale of goods” is a composite expression consisting of various ingredients or elements. Thus, there are the elements of a bargain or contract of sale, payment or promise of payment of price, the delivery of goods and the actual passing of the title and each one of them is essential to a transaction of sale, though the sale is not completed or concluded unless the purchaser becomes the owner of the property. – Poppat Lal Shah v. State of Madras AIR 1953 SC 274.

Sec. 2 (1)(j)

Sec. 2(1)(j) defines the word “trader” which include manufacturer. In case vehicle has any defect it is the liability of the manufacturer but where excess price is recovered it is only the dealer to bear the liability for it is his own act and

not that of the manufacturer. – Mahindra & Mahindra Ltd. v. Raj Motors 1992 (2) CPR 518.

Sec. 2(1)(m)

The word “person” has to be given its plain meaning unless it leads to absurdity or is susceptible of another meaning and if no such alternative construction is possible, the ordinary rule of literal construction must be adopted. Definition of the term person under sec. 2(1)(m) is not exhaustive. Sec. 3(42) of General Clauses Act, 1897 defines “person” as person shall include any company or association or body of individuals, whether incorporated or not”, hence within the term “person” even a company falls. – Rambal Engineering Products (P) Ltd. v. Patel Roadways Ltd. 1994 (1) CPR 559.

Sec. 2(1)(o)

The word “service” has to be construed in the context of the definition of the words “consumers”, “restrictive trade practices” and “unfair trade practices” as also the nature of constitution, the powers and the summary adjudicatory procedures prescribed under the Act and the need to read the provisions in such a way which would promote its constitutionality than expose the provisions to be susceptible to the attack of unconstitutionality. Therefore, the words “consumers” and “service” defined under sec. 2(1)(d) and (o) respectively should be construed to comprehend consumer of services of commercial and trade oriented nature only in the context of an unfair trade or restrictive trade practice and not otherwise. – Dr. C.S. Subramanian v. Kumarasamy (1994) 2 CTJ 294.

Where services are rendered at a government hospital on payment of charges and also free of charges, the free service also comes under “service” as defined in sec. 2(1)(o) of the Act and the person availing of such service is “consumer” within the meaning of the Act, entitled to file complaint thereunder. – Sukhwarsha Rani v. General Hospital, through its Medical Superintendent & Others 2000 (1) CPR 337 (Chd-UTCDRC), following Indian Medical Association v. V.P. Shanta 1995 (3) CPR 412 (SC).

Sec. 2(1)(q)

The definition of “complaint” and “consumer” makes it apparent that basic privity of contract is between the consumer buying the goods for consideration and the trader selling them either as a seller or distributor of the goods. It can well be imagined that purchaser does not even know who the manufacturer is. In such cases the trader becomes the necessary party and in case of filing of complaint various relief may be claimed against him as laid down under the Act. It is not the requirement of the Act nor the Rules framed thereunder that simultaneous with the trader, manufacturer as well must be made a party in

case the goods so sold suffer any defect. – Chaudhary Automobiles v. Anil Kumar 1991 (1) CPR 470.

Trader is respecting goods and not respecting service which is made clear by the definition itself laying down trader in relation to any goods is a person selling or distributing goods for sale and within it is included the manufacturer of the goods and in case the goods are sold or distributed in package, packer of the goods. – H.K. Purohit v. Jodhpur University 1992 (2) CPR 530.

Sec. 2(1)(r)

Where the fee is charged but no service rendered or service is to be provided not at present but in future and which has no relation with the present, that may amount to unfair trade practice. – Champaben Babulal v. C.U.Shah Medical Center 1992 (3) CPJ 388.

Where a trader intentionally delays the delivery of any goods to the consumer, because of which consumer suffers, it shall amount to “unfair trade practice”. – Om Prakash v. Asst. Engineer, Haryana Agro Industries Corporation Ltd. 1994 (2) CPJ 1.

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.

COMMENTS

The provisions of the Act are in addition and not in derogation of the provisions of any other law for the time being in force. Manifestly, provisions of the Act grant additional remedy to the consumers but where the remedy itself is barred by some provisions of some other Act then the remedy which the consumer prays cannot be granted by the various forums constituted under the Act. – Presidency Post Master v. Dr. V.Shanker Rao 1993(2) CPJ 141.

Where the additional rights and remedies are granted to the consumers by the act itself, courts are not to interpret the same in such a manner as to cut and abridge the scope thereof. Rights and remedies under the Act cannot be curbed either by statutory arbitration provision contained in an earlier law or by some arbitration agreement entered into by the parties themselves. If that is not so, not only the scope of the Act would be entailed but by introducing arbitration clause whole of the Act would be rendered inapplicable. – Jagdamba Rice Mills v. Union of India 1991 (1) CPJ 273.

CHAPTER II CONSUMER PROTECTION COUNCILS

4. The Central Consumer Protection Council

(1) The Central Government ¹[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).

(2) The Central Council shall consist of the following members, namely,-

(a) the Minister in charge of ²[consumer affairs] in the Central Government, who shall be its Chairman, and

(b) such number of other official or non-official members representing such interests as may be prescribed.

5. Procedure for meetings of the Central Council

(1) The Central Council shall meet as and when necessary, but ²[at least one meeting] of the council shall be held every year.

(2) The Central 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.

6. Objects of the Central Council

The objects of the Central Council shall be to promote and protect the rights of the consumers such as –

(a) the right to be protected against the marketing of goods ³[and services] which are hazardous to life and property;

(b) the right to be informed about the quality, quantity, potency, purity, standard and price of goods ²[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;

1.Substituted for “may” vide Consumer Protection(Amendment)Act, 2002.

2. Substituted by Act 50 of 1993, w.e.f. 18.06.1993.

3. Inserted by Act 50 of 1993, w.e.f. 18.06.1993.

(d) the right to be heard and to be assured that consumers’ interests will receive due consideration at appropriate forums;

(e) the right to seek Redressal against unfair trade practices ¹[or restrictive trade practices] or unscrupulous exploitation of consumers; and

(f) the right to consumer education.

7. The State Consumer Protection Councils

(1) The State Government ¹[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 (hereinafter referred to as the State Council).

²[(2) The State Council shall consist of the following members, namely, -

(a) the Minister in-charge 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 the State Government.

³[(c) such number of other official or non-official members, not exceeding ten, as may be nominated by the Central Government.]

(3) The State Council shall meet as and when necessary but not less than two meetings shall be held every year.

(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.

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.

³[8A. The District Consumer Protection Council

(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.

(2) The District Consumer Protection Council (hereinafter referred to as the District Council) shall consist of the following members, namely:-

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

(b) such number of other official and non-official members representing such interests as may be prescribed by the State Government.

(3) The District Council shall meet as and when necessary but not less than two meetings shall be held every year.

(4) The District Council shall meet as 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.

8B. Objects of the District Council

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.]

CHAPTER III **CONSUMER DISPUTES REDRESSAL AGENCIES**

9. Establishment of Consumer Disputes Redressal Agencies

There shall be established for the purposes of this Act, the following agencies, namely, -

(a) a Consumer Disputes Redressal Forum to be known as the “District Forum” established by the State Government ^{1[***]} in each District of the State by notification:

²[PROVIDED that the State Government may, if it deems fit, establish more than one District Forum in a District;

(b) a Consumer Disputes Redressal Commission to be known as the “State Commission” established by the State Government ^{1[***]} in the State by notification; and

(c) a National Consumer Disputes Redressal Commission established by the Central Government by notification.

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1. Substituted for “may” vide Consumer Protection (Amendment) Act, 2002.
 2. Substituted by Act 50 of 1993, w.e.f. 18.06.1993.
 3. Inserted vide Consumer Protection (Amendment) Act, 2002.

COMMENTS

Though District Forum, State Commissions and National Commissions appointed under the Act are conferred with some of the powers of a civil court,

yet they in no sense can be termed as court. They are quasi-judicial tribunals existing to provide speedy and inexpensive remedies to the aggrieved consumers in case of disputes which may take place between the consumers and supplier of goods and service. While approaching the Redressal agencies, it is not required to pay court fee or to follow the rigid procedure of a court nor is it needed that the complaint be moved by the complainant himself for his cause, it may be presented by any recognized consumers' association. In the case of a complaint wherein large number of consumers are interested, the moving of the complaint can be by one or more of them and even the Central Government or the State Government are authorized to approach the Redressal agencies on behalf of the consumer. – Laxmi Engineering works V. P.S.G. Industrial Institute 1995 (2) CPJ (1).

10. Composition of the District Forum

³(1) Each District Forum shall consist of –

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

⁴(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 recognized university,
- (iii) 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:

PROVIDED that a person shall be disqualified for appointment as member if he –

(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

1. Omitted by Act 50 of 1993, w.e.f. 18.06.1993.

2. Inserted by Act 50 of 1993, w.e.f. 18.06.1993.

3. Substituted by Act 50 of 1993, w.e.f. 18.06.1993.

4. Substituted vide Consumer Protection (Amendment) Act, 2002.

(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.]

¹[(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, namely, -

- (i) the President of the State Commission – Chairman,
- (ii) Secretary, Law Department of the State – Member,
- (iii) Secretary in-charge of the Department dealing with consumer affairs in the State-Member:

²[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.]

³[(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:

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 fulfils the qualifications and other conditions for appointment mentioned in clause (b) of sub-section (1) and such reappointment is also made on the basis of the recommendation of the Selection Committee:

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:

-
1. Inserted by Act 50 of 1993, w.e.f. 18.06.1993.
 2. Inserted vide Consumer Protection (Amendment) Act, 2002.
 3. Substituted, *ibid*.

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 may be, till the completion of his term.]

(3) The salary or honorarium and other allowances payable to, and the other terms & conditions of service of the members of the District Forum shall be such as may be prescribed by the State Government:

¹[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.]

COMMENTS

Sec. 10 empowers the State Government to nominate a person to act as the President of the District Forum provided he is or has been or is qualified to be a District Judge. But where there is no nomination of the president of the District Forum by the State Government, it would not mean that District Judge would automatically become the President of the District Forum. Appointment of the District Judge as President of the Forum is not persona grata. – Sudha Industries, Dal Mill Owner v. 1st Additional District and Sessions Judge 1992 (1) CPR 767.

Remedy lies under art. 226 of the Constitution of India to move the High Court so that “mandamus” is issued, where the officer concerned does not act in accordance with law or has acted in excess of his jurisdiction. – Nirmal Taneja v. Calcutta District Forum 1992 (2) CPJ 591.

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 ²[does not exceed rupees ³(twenty lakhs)].

(2) A complaint shall be instituted in a District Forum within the local limits of whose jurisdiction -

(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 ²[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 the institution of the complaint, actually and voluntarily resides or ²[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 ²[carry on business, or have a branch office, or] personally work for gain, as the case may be, acquiesce in such institution; or

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

COMMENTS

While entertaining complaints, District Forum and the State Commission must not entertain the complaints meant solely to cause harassment to the opponent more so when the entertainment of the writ petition by the High Court is with restraint. – A.V. George Kutty v. State of Kerala AIR 1994 Ker 19. In case a writ of certiorari is moved it is within the power of the High Court to enter into the question to see if the authority entertaining the matter was empowered to entertain that as such and to take decision upon the question pertaining to initial lack of jurisdiction. – Calcutta Metropolitan Development Authority v. Union of India AIR 1993 Cal. 4.

In case the matter involves complicated question of law and facts, matter must be heard by the civil court and not by Consumer Forum. – Ghanshyambhai Bahecharbhai Patel v. New India Assurance Co. 1993 (1) CPR 571.

Pendency of criminal case on the same issue does not bar jurisdiction of the Forum to entertain a complaint under Consumer Protection Act alleging negligence or deficiency in service as subjudice, the subject-matter and parties being different, and the decision of the criminal court not being binding on the Forum and vice versa. – Smt. Anuradha Kapil v. Dr. Suresh 2001 (1) CPR 336 (MP-SCDRC).

Questions requiring consideration of voluminous evidence and examination of expert witnesses cannot be entertained by the Forum. – Smt. Supriti Modak v. Dr. Gokul Ch. Modak 2001 (2) CPJ 219 (WB-SCDRC).

¹[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 -

- (a) 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;

1. Inserted vide Consumer Protection (Amendment) Act, 2002.

2. Substituted by Act 50 of 1993, w.e.f. 18.06.1993.

3. Substituted for “five lakhs” vide Consumer Protection (Amendment) Act, 2002.

- (b) any recognized consumer association whether the consumer to whom the goods sold or delivered or agreed to be sold or delivered or service provided or agreed to be provided is a member of such association or not; or

(c) 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

(d) 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.

(2) Every complaint filed under sub-section (1) shall be accompanied with such amount of fee and payable in such manner as may be prescribed.

(3) 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:

PROVIDED that a complaint shall be rejected under this sub-section unless an opportunity of being heard has been given to the complainant:

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.

(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.

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.

Explanation: For the purposes of this section, “recognized consumer association” means any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956), or any other law for the time being in force.]

COMMENTS

It is not the requirement that drafting of the complaint must be like that of a plaint to be moved in Civil Court. A complaint is with the simple purpose of conveying why, how and on what basis damages have been claimed. In case of claim for some special damages, necessary particulars are essentially to be served to the opposite party. – Nagar Palika Nigam v. Ravikant Pandey 1991 (1)

1. Substituted vide Consumer Protection (Amendment) Act, 2002.

CPJ 400. In case the Consumers Forum detects some deficiency in service from the fact placed in the complaint, though such deficiency is not specially formulated in the complaint by the complainant, as the Consumer Forum is meant to protect the interest of the aggrieved, it would be well within its jurisdiction to take cognizance suo motu of any deficiency in service so noticed

by them or to take cognizance of any unjust reduction in the amount that is payable to the complainant. It must at the same time not be forgotten that the opponent is given the opportunity of defence and justify its action. – United India Insurance Co. Ltd. v. Mohan Lal & Sons 1992 (1) CPR 364.

13. ¹[Procedure on admission of complaint]

(1) The District Forum shall, ²[on admission of a complaint,] if it relates to any goods –

³[(a) refer a copy of the admitted complaint, within twenty-one days from the date of its admission to the 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;]

(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);

(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 with a view to finding out whether such goods suffer from any defect alleged in the complaint or suffer 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;

(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;

1. Substituted vide Consumer Protection (Amendment) Act, 2002.

2. Substituted for “on receipt of a complaint”, *ibid*.

3. Substituted, *ibid*.

(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;

(f) if any of the parties disputes the correctness of the findings of the 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;

(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 be objection made in relation thereto under clause (f) and issue an appropriate order under section 14.

(2) The District Forum shall, if the ¹[complaints 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, -

(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 District Forum;

(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, -

(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 allegation contained in the complaint, or

(ii) ²[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.

²[(c) where the complainant fails to appear on the date of hearing before the District Forum, the District Forum may either dismiss the complaint for default or decide it on merits.

1.Substituted for “complaint received” vide Consumer Protection (Amendment) Act, 2002

2. Inserted *ibid*.

(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.

¹[(3A) 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:

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:

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 this 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.

(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.]

(4) For the purposes of this section, the District Forum shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit in respect of the following matters, namely, -

- (i) the summoning and enforcing attendance of any defendant or witness and examining the witness on oath;
- (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.

(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 Penal 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).

²[(6) Where the complainant is a consumer referred to in sub-clause (iv) of clause (b) of sub-section (1) of section 2, the provisions of Rule 8 of Order I of Schedule I 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.]

¹[(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.]

COMMENTS

Sec. 13 mentions the procedure the District Forum has to follow in case a complaint is moved before it. Sub-s. (4) of the said section confers the similar powers with the District Forum as are vested in the civil court under Code of Civil Procedure, 1908, as regards: (1) summoning and enforcing attendance of any defendant or witness and examining the witness on oath, (2) the discovery and production of any document or other material objects producible as evidence, (3) the reception of evidence on affidavits, (4) the requisitioning of the report of the concerned analysis or test from the appropriate laboratory or from any other relevant source, (5) issuing of any commission for the examination of any witness, and (6) any other matter which may be prescribed. Sec. 18 permits the application of the above provisions of the Code of Civil Procedure to the State Commission and in case of non-compliance with the Order of the Commission, Commission is given the power to impose sentence of imprisonment or of fine by s.27 of Consumer Protection Act. – Dhami Dhar v. Air Mauritius 1992 (1) CPR 500.

Provision of 30 days time with provision for extension by 15 days as provided in s.13(2)(a) for filing reply to complaint is not mandatory, but directory.

The provision is procedural in nature. It is also clear that with a view to achieve the object of the enactment, that there may be speedy disposal of such cases, that it has been provided that reply is to be filed within 30 days and the extension of time may not exceed 15 days. This provision envisages that proceedings may not be prolonged for a very long time without the opposite party having filed his reply. No penal consequences have however been provided incase extension of time exceeds 15 days. Therefore, it could not be said that any substantive right accrued in favour of the appellant or there was any kind of

1. Inserted vide Consumer Protection (Amendment) Act, 2002.

2. Inserted by Act 50 of 1993, w.e.f. 18.06.1993.

bar of limitation in filing of the reply within extended time though beyond 45 days in all. The reply is not necessarily to be rejected. All facts and

circumstances of the case must be taken into account. – Topline Shoes Ltd. V. Corporation Bank (2002) 111 Comp. Cas. 515 (SC).

On a question whether a second complainant would be maintainable in the event of dismissal of the first complaint, the Supreme Court observed that justice cannot be denied by the rule of technicality. It held that the Code of Civil Procedure can be applied to proceedings under the Consumer Protection Act only to a limited extent, and the Act being enacted for protection of consumers, the interest of justice cannot be defeated by a rule of technicality. – New India Assurance Co. v. Srinivasan (2000) 2 CPR 27 (SC).

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 ¹[do] one or more of the following things, namely, -

- (a) to remove the defect pointed out by the appropriate laboratory from the goods in question;
- (b) to replace the goods with new goods of similar description which shall be free from any defect.
- (c) to return to the complainant the price, or, as the case may be, the charges paid by the complainant;
- (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;

¹[PROVIDED that the District Forum shall have the power to grant punitive damages in such circumstances as it deems fit.]

²[(e) to remove the defects¹[in goods]or deficiencies in the services in question;

- (f) to discontinue the unfair trade practice or the restrictive trade practice or not to repeat them;
- (g) not to offer the hazardous goods for sale;
- (h) to withdraw the hazardous goods from being offered for sale;

1. Substituted by Act 50 of 1993, w.e.f. 18.06.1993

¹[(ha) to cease manufacture of hazardous goods and to desist from offering services which are hazardous in nature;

(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:

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:

PROVIDED FURTHER that the amount so obtained shall be credited in favour of such person and utilized in such manner as may be prescribed;

(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) to provide for adequate costs to parties]

³[(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:

⁴[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.]

(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:

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.

(3) Subject to the foregoing provisions, the procedure relating to the conduct of the members of the District Forum, its sittings and other matters shall be such as may be prescribed by the State Government.

1. Inserted vide Consumer Protection (Amendment) Act, 2002.

2. Inserted by Act 50 of 1993, w.e.f. 18.06.1993.

3. Substituted by Act 34 of 1991, w.e.f. 15.06.1991.

4. Substituted vide Consumer Protection (Amendment) Act, 2002.

COMMENTS

Award of compensation must be based upon the quantification of damages and not arbitrarily where the opposite party is negligent and the negligence results in loss or injury which the consumer suffers, the compensation is awarded. Compensation has to be quantified on a rational basis after considering the material that may be produced before the adjudicating forum showing the extent of injury suffered and the manner in which and the extent to which the monetary loss had been caused to the complaint. – Devanand Gehlot v. Rajasthan Patrika Ltd. 1991 (1) CPR 526.

Where the District Forum or the State Commission reaches the satisfaction that the goods are defective as mentioned in the complaint or the service is deficient as alleged, then and only then an order directing the opposite party to do one or more of the specified things in s. 14 can be made. In case the allegations or any of them as made in the complaint are proved, the District Forum or State Commission is to record the finding to that effect. The decision must clearly mention the allegation and the evidentiary material supporting it and whether the allegation is established or not. Though the Redressal agencies under the Act are not civil court in strict sense yet they are quasi judicial in nature and every order quasi judicial in nature must be supported by reasons telling how the forum drew the conclusion more so where there is the provision for appeal. – State Bank of India v. Dharmadas Pal 1995 (1) CPR 832.

Sub-s. (3) suggests that the power to make rules has been made subject to sub-sections (1), (2) and (2A). Accordingly, rules can be made in exercise of the said power only in a manner which is consistent with the said sub-sections. Otherwise, the rules would be ultra-vires and void to the extent the same are inconsistent with the said sub-sections. – Murali Udyog Ltd. v. V.K. Jain (1991) 1 CPR 162 (NC).

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:

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:

¹[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 or twenty-five thousand rupees, whichever is less].

COMMENTS

The High Court is not a statutory, appellate or revisional authority under the provisions of the Act. An order made by the District Forum is appealable under s. 15 only before the State Commission. An order passed by the State Commission is appealable only before the National Commission under s. 19 and

the order of the National Commission could be challenged in appeal only before the Supreme Court under s. 23. – K.V. Padmanabhan v. Consumer Dispute Redressal Forum, Ernakulam AIR 1992 Ker 179.

Application for condonation of delay in filing appeal not accompanying the delayed appeal was held not fatal by the Supreme Court in State of M.P. v. Pradeep Kumar (2000) 7 SCC 372. In respect of application for condonation of delay by the

16. Composition of the State Commission

(1) Each State Commission shall consist 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:

¹[PROVIDED that no appointment under this clause shall be made except after consultation with the Chief Justice of the High Court.

²[(b) 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) be not less than thirty-five years of age;

(ii) possess a bachelor's degree from a recognized university, &

(iii) 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:

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

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:

PROVIDED FURTHER that a person shall be disqualified for appointment as a member if he –

1. Inserted vide Consumer Protection (Amendment) Act, 2002.

department, it was held that departmental delay was not a sufficient cause for condoning the delay. – Jyotsna Arvind Kumar Shah v. Bombay Hospital Trust (1999) III CPJ 1 (SC).

(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 of 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.]

³[(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: -

- (i) President of the State Commission – Chairman;
- (ii) Secretary of the Law Department of the State – Member;
- (iii) Secretary in-charge of the Department dealing with Consumer Affairs in 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.

(1B) (i)The jurisdiction, powers and authority of the State Commission may be exercised by Benches thereof.

(ii) A Bench may be constituted by the President with one or more members as the President may deem fit.

(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.]

1. Inserted by Act 50 of 1993, w.e.f. 18.06.1993.
 2. Substituted vide Insurance (Amendment) Act, 2002.
 3. Inserted, *ibid*.

(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:

¹[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.]

²(3) 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:

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, whichever is earlier, subject to the condition that he fulfils 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.

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:

PROVIDED ALSO that a member may resign his office in writing under this 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.

(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 President or member, as the case may be, till the completion of his term.]

17. Jurisdiction of the State Commission

¹[(1)] Subject to the other provisions of this Act, the State Commission shall have jurisdiction –

(a) to entertain –

(i) complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees ²[twenty lakhs but does not exceed rupees one crore;] and

1. Inserted vide Consumer Protection (Amendment) Act, 2002.

2. Substituted, *ibid*.

(ii) appeals against the orders of any District Forum within the State; and

(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 on its jurisdiction illegally or with material irregularity.

³[(2) 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 of the institution of the complaint, actually and voluntarily resides or carries on business or has a branch office or personally works for again; or

(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 works for gain, as the case may be, acquiesce in such institution; or

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

COMMENTS

Within the scope of s. 17(a)(i) two situations are contemplated first being when there is no claim for compensation. In such a case, the determining factor for conferring jurisdiction is the value of goods and services which should exceed Rs.1 Lakh (now five lakhs but does not exceed Rs.20 Lakhs)⁴. Second situation is where the compensation is specifically claimed in the complaint then both the value of the goods and service and the said claim must exceed the pecuniary jurisdiction of Rs.1 Lakh (now five lakhs but does not exceed rupees 20 lakhs) so as to exclude the jurisdiction of District Forum. – Dr. B.S. Gaba v. Steel Authority of India Ltd. 1991 (1) CPJ 631.

The State Commission has no jurisdiction to set aside an ex-parte by it as long as it is reasoned order. If the law does not permit the setting aside of the ex-parte order, the order of State Commission setting aside the ex-parte order cannot be sustained, as there is

1. Existing section renumbered as sub-section (1) thereof, vide C.P. (Amdt.) Act, 2002.

2. Substituted for “five lakhs but does not exceed rupees twenty lakhs”, *ibid*.

3. Inserted, *ibid*.

4. Now twenty lakhs but does not exceed rupees one crore (Refer Section 17(1)(a)(i))

no provision in the Consumer Protection Act empowering the State Commission to set aside an ex-parte order. – *Jyotsna Arvind Kumar Shah v. Bombay Hospital Trust* (1999) III CPJ 1 (SC).

¹[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.

17B. Circuit Benches

The State 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.]

18. Procedure applicable to State Commission

²[The provisions of sections 12, 13 and 14 and the rules made thereunder] for the disposal of complaint by the District Forum shall, with such modification as may be necessary, be applicable to the disposal of disputes by the State Commission.

COMMENTS

Section 13 prescribes the procedure to be followed by the District Forum after receiving the complaint. Sub-sections (1) and (2) of section 13 deal with the manner of dealing with the complaint. Sub-section (4) of section 13 vests in the District Forum certain power exercised by a Civil Court under the Code of Civil Procedure, 1908. These are the powers which a Civil Court exercises while trying a suit for the purpose of summoning, enforcing and examining witnesses; for discovery or production of any document; for receiving evidence on affidavits; for requisitioning report of the concerned analysis or test; and for issuing any commission for examination of any witness. These provisions have now been made applicable to the State Commission in terms of section 18. Thus, by virtue of the said sections, the State Commission is empowered with judicial functions and all the trappings of a Court. – *Dharni Dhar v. Air Mauritius* (1992) 1 CPR 500 (Del).

³[18A. xxx]

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 Order in such form and manner as may be prescribed:

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 cause for not filing it within that period:

⁴[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.]

COMMENTS

Any person aggrieved by an order made by the State Commission in exercise of its power conferred by s.17(a)(i) may prefer an appeal against such order to the National Commission. Such appellate power is conferred only against the substantive orders of the State Commission made in its original jurisdiction on a complaint directly preferred before it. As the appellate powers under s. 19 are limited against the exercise of jurisdiction by the State Commission u/s. 17(a)(i) only; for that where the State Commission imposed a penalty u/s. 27, such an order would not be appealable. – Kohinoor Carpets v. Rajendra Arora 1991 (2) CPJ 429.

¹[19A. 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:

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:

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:

PROVIDED ALSO that in the event of an 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.]

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1. Inserted vide Consumer Protection (Amendment) Act, 2002
 2. Substituted by Act 50 of 1993, w.e.f. 18.06.1993.
 3. Omitted vide Consumer Protection (Amendment) Act, 2002.
 4. Inserted, *ibid*.

20. Composition of the National Commission

(1) The national Commission shall consist of -

(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:

²[PROVIDED that no appointment under this clause shall be made except after consultation with the Chief Justice of India;]

³[(b) 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) be not less than thirty-five years of age;
(ii) possess a bachelor's degree from a recognized University; and
(iii) be persons of ability, integrity and standing and have adequate knowledge and experience of at least 10 years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration:

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

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:

PROVIDED FURTHER that a person shall be disqualified for appointment if he -

(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

(b) is an un-discharged 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 Central Government, such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member; or

1. Inserted vide Consumer Protection (Amendment) Act, 2002.

2. Inserted by Act 50 of 1993, w.e.f. 18.06.1993

3. Substituted vide Consumer Protection (Amendment) Act, 2002.

(f) has such other disqualifications as may be prescribed by the Central Government:

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:

(a) a person who is a Judge of the Supreme Court, to be nominated by the Chief Justice of India -- Chairman

(b) the Secretary in the Department of Legal Affairs in the Government of India--- Member

(c) the Secretary of the Department dealing with consumer affairs in the Government of India --- Member]

¹[(1A) (i) The jurisdiction, powers and authority of the National Commission may be exercised by Benches thereof.

(ii) A Bench may be constituted by the President with one or more members as the President may deem fit.

(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.]

(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.

²[(3) 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:

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 fulfils 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:

1. Inserted vide Consumer Protection (Amendment) Act, 2002.

2. Substituted vide Consumer Protection (Amendment) Act, 2002.

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 sub-section (1):

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.

(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.]

21. Jurisdiction of the National Commission

Subject to the other provisions of this Act, the national Commission shall have jurisdiction –

- (a) to entertain -
 - (i) complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees ¹[one crore]; and
 - (ii) appeals against the Orders of any State Commission; and
- (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.

COMMENTS

Where the subject matter of a complaint is already pending before the ordinary civil court, a concurrent adjudication as regards that subject-matter would not be entertained by Commission under the Act. – *Special Machines v. Punjab National Bank* 1991 (2) CPJ 78. The jurisdiction of the National Commission in revision is limited to consumer disputes wherein a State Commission has exercised a jurisdiction not vested in it by law or has failed to exercise jurisdiction so vested or has acted in the exercise of its jurisdiction illegally or with material irregularity. – *The District Manager, Telephones v. Niti Saran* 1991 (1) CPJ 48.

²[22. Power and procedure applicable to the National Commission

(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 considered necessary by the Commission, be applicable to the disposal of disputes by the National Commission.

(2) 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.

22A. Power to set aside ex parte orders

Where an order is passed by the National Commission ex parte against 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.

22B. 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.

22C. Circuit Benches

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.

22D. Vacancy in the office of 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 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:

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.]

1. Substituted for “twenty lakhs”, vide Consumer Protection (Amendment) Act, 2002.

2. Substituted, *ibid*.

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 to the Supreme Court within a period of thirty days from the date of the Order.

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:

¹[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 had deposited in the prescribed manner fifty per cent of that amount or rupees fifty thousand, whichever is less.]

COMMENTS

An Appeal lies against the order of the National Commission to the Supreme Court “within a period of thirty days from the date of the Order”. The expression “date of the order” means “date of the knowledge of the order” was communicated to the appellant. – Marrikkar (Motors) Ltd. v. Mrs. Mary Pauloe 1991 (2) SPR 251. The appellate powers herein are in express terms confined only where there is exercising of jurisdiction that is conferred by s. 21 (a)(i) pertaining to the original complaints laid before the National Commission where the value of the goods and services and the compensation if any exceeds Rs.10 Lakhs (now 20 Lakhs¹). No other order that the

National Commission might have made, could be appealed against. It concludes whenever the National Commission also chooses to act under sec. 27 and a penalty is imposed, the same cannot be made the subject-matter of any right to substantial appeal against it. – Kohinoor Carpets v. Rajendra Arora 1991 (2) CPJ 429.

24. Finality of order

Every order of a District Forum, State Commission or the National Commission shall, if no appeal has been preferred against such order under the provisions of this Act, be final.

COMMENTS

Where the civil court prevents the cause of action being agitated on account of its having become barred for limitation raising of that cause of action cannot be permitted before the consumer forum as where the limitation period gets expired, with that expiry are settled the rights and obligations of the parties to the dispute.

1. Inserted vide Consumer Protection (Amendment) Act, 2002.

²[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.

(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 cause for not filing the complaint within such period:

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.

COMMENTS

Civil rights as vested in the parties are determined before the forums constituted under the Act and the characteristics of a civil court are conferred upon them and as the complaint being in the nature of a civil suit, provisions of the Limitation Act are attracted to the proceedings under the Act. – Prabhat Bag Factory v. United India Insurance Co. Ltd. 1991 (2) CPJ 327. Before taking steps towards entertaining and adjudication of claims under the Act it is for the consumer forum to decide if cause of action is alive as regards the claim raised before it and where that is not so, the forum would not proceed further on the ground of the action being time barred. – Manick Chand Srenik Kumar Bansilal v. Telecommunication, Karnataka Grade 1992 (3) CPJ 28.

The plea of limitation can be considered at any stage of the proceedings. Where the National Commission did not consider the plea of limitation on the ground that there was no point in considering it at that stage it was held not proper by the Supreme Court in Kerala Agro Machinery Corporation Ltd. v. Bijoy Kumar Roy & Ors. (2002) 110 Comp. Cas. 527 (SC).

24B. Administrative control

(1) The National Commission shall have administrative control over all the State Commissions in the following matters, namely, -

- (i) calling for periodical returns 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

1. Now Rs. One crore vide Consumer Protection (Amendment) Act, 2002.

2. Inserted by Act 50 of 1993, w.e.f. 18.06.1993.

produced by one party to the opposite parties, furnishing of English translation of judgements 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 interfering with their quasi-judicial freedom.

(2) The State Commission shall have administrative controls over all the District Fora within its jurisdiction in all matters referred to in sub-section (1).]

¹[25. Enforcement of orders of the District Forum, the State Commission or the National Commission

(1) 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.

(2) No attachment made under sub-section (1) 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 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.

(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.]

COMMENTS

An order passed by the District Forum, State Commission or the National Commission may be enforced by the District Forum, State Commission or National Commission, as the case may be, in the same manner as if it were a decree or order made by a court in a suit pending therein and it shall be lawful for the District Forum, State Commission or National Commission to send, in the event of its inability to execute it, such order to the court within the local limits of whose jurisdiction, the registered office of the company is situated or in the case of an order against any other person, the place, where the person

concerned voluntarily resides or carries on business or personally works for gain.

²[26. Dismissal of frivolous or vexatious complaints

Where a complaint 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.

COMMENTS

A consumer is exempted from paying any court fee but that does not mean that the consumer can ask for any amount in the name of damages. To check this approach of making exaggerated claims, the Commission may be required to pass orders directing such complainants to pay costs. – Labh Shanker Jiverambhai v. Managing Director, Reliance Industries 1992 (2) CPJ 461.

27. Penalties

¹[(1)] Where a trader or a person against whom a complaint is made ²[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 ²[or the 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 thousand rupees but which may extend to ten thousand rupees, or with both:

³[xxx]

⁴[(2) 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 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.

(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.]

COMMENTS

Prior to the imposition of penalty within the meaning of sec. 27, the person concerned must be given an opportunity of being heard in the matter of penalty

1. Substituted vide Consumer Protection (Amendment) Act, 2002.

2. Substituted by Act 50 of 1993, w.e.f. 18.06.1993.

that may be inflicted against him. The question of infliction of penalty is not to be brought into consideration at the moment the complaint petition is being disposed of. At the most at the time of disposing of the complaint it can be said that in case there is non-compliance with such order, action under sec. 27 would be initiated. – Union of India v. Chairman, Madras Provisional Consumer Association 1992 (2) CPJ 524.

In case the order of the District Forum as regards payment of amount is not complied with and the compliance is made later on, it is proper to impose the fine only and not substantial sentence under sec. 27. – Raymond Synthetics Ltd. v. Babu Lal Khemka 1993 (1) CPJ 559.

⁴[27A. 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;

- (a) the order made by the District Forum to the State Commission;
- (b) the order made by the State Commission to the National Commission; and
- (c) the order made by the National Commission to the Supreme Court.

(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,

(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 Commission or, as the case may be, the National Commission:

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, is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.]

CHAPTER IV MISCELLANEOUS

28. Protection of action taken in good faith

No suit, prosecution or other legal proceedings shall lie against the members of the District Forum, the State Commissions or the National

1. Existing section renumbered as sub-section (1) thereof vide C.P. (Amdt.) Act, 2002.

2. Inserted by Act 50 of 1993, w.e.f. 18.06.1993.

3. Proviso omitted vide Consumer Protection (Amendment) Act, 2002.

4. Inserted, *ibid*.

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 in respect 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.

COMMENTS

A thing shall be deemed to be done in good faith where it is in fact done honestly whether negligently or not. The question of good faith is one of the fact. The concerned person should show that the belief impugned in the statement had a rational basis and not a just simple belief and therefore simple or actual belief is not enough. – State of Orissa v. Bhagaban Barik AIR 1987 SC 1265.

It is necessary to establish that what is complained of is something which the Act requires should be done or should be omitted to be done. There must be a compliance or intended compliance with the provisions of the Act before the protection can be claimed. The section cannot cover a case of breach of the Act however honest the conduct be otherwise. – State of Gujarat v. Kansara Manilal Dhiklal AIR 1964 SC 1893. The burden of establishing malafide lies heavily on the person who makes such allegation and the court cannot permit such person to side-track the issue and escape the burden of establishing hostility and or malus animus. – S.N. Patil v. Mahesh Madhav AIR 1987 SC 294.

¹[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).

(2) The service of notices may be made by delivering or transmitting a copy thereof by registered post acknowledgement 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).

(3) When an acknowledgement 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

1. Inserted vide Consumer Protection (Amendment) Act, 2002.

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 complainant.

PROVIDED that where the notice was properly addressed, pre-paid and duly sent by registered post acknowledgement due, a declaration referred to in this sub-section shall be made notwithstanding the fact that the acknowledgement 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.

(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.]

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.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

¹[(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.

(4) Every order made under sub-section (3) shall be laid before each House of Parliament.]

²[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.]

³[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.

(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.]

¹[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.

(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.]

²[31. Rules and regulations to be laid before each House of Parliament

(1) Every rule and every regulation made under this Act shall be 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 and modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, 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.

1. Inserted vide Consumer Protection (Amendment) Act, 2002.

2. Inserted by Act 34 of 1991, w.e.f. 15.06.1991.

3. Substituted vide Consumer Protection (Amendment) Act, 2002.

(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.]

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1. Inserted vide Consumer Protection (Amendment) Act, 2002.
 2. Substituted, *ibid*.

INDEX 2**THE KARNATAKA CONSUMER PROTECTION RULES, 1988**

NOTIFICATION NO. FTD 38 SLF 87,
BANGALORE DATED 04.11.1988

GSR 256: In exercise of the powers conferred by sub-section (2) of section 30 of the Consumer Protection Act, 1986 (Central Act 68 of 1986), the Government of Karnataka hereby makes, the following rules, namely:-

1. Short title and commencement:-

- (1) These Rules may be called the Karnataka Consumer Protection Rules, 1988.
- (2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions: - In these rules, unless the context otherwise requires:-

- (a) 'Act means the Consumer Protection Act, 1986 (Central Act 68 of 1986).

¹2A The constitution of the State Consumer Protection Council and the working groups 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 consists of,

- a) the Minister-in-charge of Department of Food, Civil Supplies and Consumer Affairs, who shall be the Chairman of the State Council;
- b) Secretary to Government, Food, Civil Supplies and Consumer Affairs, who shall be the Vice-Chairman of the State Council;
- c) eight members of legislature (five from the Legislative Assembly and three from the Legislative Council);

d) representatives of the State Government Departments concerned with consumer inserts, not exceeding ten;

e) representatives of the Consumer Organisations or consumer activists not exceeding ten;

²f) Representatives of registered consumer co-operative societies run by women, Stree Shakthi Groups, Mahila Mandals, women activists, stree vimochana groups not exceeding five.

³Provided that the representative must have to be experience in consumer awareness activities for a period of five years and in case of an individual, he/she shall be within the age group of thirty five to fifty years”.

4(g) representatives of farmers, krishik samaja, trade unions, youth clubs or yuvaka sanghas, industrialists, co-operative unions, advocates, experts in education field, engineers and medical practitioners not exceeding five, who can project the cause of consumers in their respective field.

Provided that the representative must have five years of experience in consumer awareness activities and in case of individual he/she shall be in the age group of thirty five to fifty years.”

h) persons capable of representing consumer interests not specified above, one member;

i) Commissioner for Food and Civil Supplies, Government of Karnataka, shall be the member Secretary of the State Council.

⁵j) Registrar-cum-Administrative Officer of the Karnataka State Consumer Disputes Redressal Commission shall be the Additional Member Secretary of the State Council.”

⁶(k) such number of other official and non-official members, not exceeding five may be nominated by the State Government.

(^{2,3,4,5,6}) Substituted vide Government Notification No. FCS 58 SLF 2003 dated 23.06.2005 with effect from Gazette Notification dated 28th July 2005.

2) The term of the Council shall be three years from the date of its constitution.

3) Any member may, by writing under his hand to the Chairman of the State Council, tender resignation to the council. The vacancies, so caused or caused otherwise shall be filled from the same category by the State Government and such person shall hold office so long as the member whose place he fills would be entitled to hold office if the vacancy has not occurred.

2B. Procedure of the State Council: - The State Council shall observe the following procedure in regard to the transaction of its business: -

1) The State Council shall meet at least once in every six months.

2) The meeting of the State Council shall be presided over by the chairman. In the absence of the Chairman, the Vice-Chairman shall preside over the meeting of the State Council. In the absence of the Chairman and the Vice-Chairman, the State Council shall elect a Member to preside over the meeting of the Council.

3) Each meeting of the State Council shall be called by giving not less than ten days time from the date of issue of notice in writing to every member.

4) 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.

5) No proceedings of the State Council shall be invalid merely by reason of existence of any vacancy in or any defect in the constitution of the Council.

6) 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 assigned to it by the State Council for its consideration.

7) The non-official members shall be entitled to draw traveling allowance and Daily Allowance, as may be ordered by the Government from time to time.

8) The resolutions passed by the State Council shall be recommendatory in nature.

9) If any non-official member absented himself from three consecutive meetings of the State Council, without reasonable cause, he shall cease to be the member as such and his name shall be removed by the Chairman of the Council from the membership of the Karnataka State Consumer Protection Council.

72C. Composition of the District Consumer Protection Council:- 1) The District consumer Protection Council, (herein after referred to as the District Council) Shall consist of the following members, namely

- a) the Deputy Commissioner of the concerned district who shall be the Chairman of the District Council.**
- b) Not more than two persons representing the Active Consumer Organisations in the district.**
- c) One representative of Woman Co-Operative Societies in the district.**
- d) Not more than two persons representing the Farmer Organisations in the district.**
- e) One representative of Trade or Industry in the district**
- f) President of Stree Shakthi Organisation in the district.**
- g) One representative of Youth Organisations in the district.**
- h) Not more than two persons nominated by the State Government.**
- i) The Deputy Director of Food, Civil Supplies and Consumer Affairs Department of the concerned district shall be the Member Secretary of the District council.**

2) The persons referred to in clause (b)(c)(d)(e)(f)(g) and (h) shall be nominated by the State Government.

2D. Procedure of the District Council etc., 1) The District Council shall observe the following procedure in regards to the transaction of its business:-

¹SubRule 2A & 2B of Rule 2 are inserted vide Government Notification No. FCS 25 SLF 1999 dated 05.11.2001 with effect from Gazette Notification dated 10.01.2002.

3) Any member may by writing under his hand addressed to the chairman of the District Council, tender resignation to the District council.

i) The District Council shall meet atleast once in every six months.

ii) The meeting of the District Council shall be presided over by the Chairman. In the absence of the Chairman, one of the members chosen from amongst them shall preside over the meeting of the District Council.

iii) Each meeting of the District Council shall be called by giving not less than ten clear days of notice in writing 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.

2) No proceeding of the District Council shall be invalid merely by reason of existence of any vacancy in or any defect in the constitution of the District Council.

3) For the purpose of performing its functions under the Act, the District Council may constitute from amongst its members such working group as it may deem necessary and every working group so constituted shall perform such functions as assigned to it by the District Council for its consideration.

4) The resolutions passed by the District Council shall be recommendatory in nature.

5) If any non-official member absents himself from three consecutive meeting of the District Council, without reasonable cause, he shall cease to be the member as such and his name shall be removed by the Chairman of the District Council from the Membership of the District Council.”

⁷Inserted vide Government Notification No. FCS 114 SLF 2003 dated 07.04.2004 with effect from Gazette Notification dated 13th May 2004.

3. Salaries and other allowances and terms and conditions of the Service of the President and Members of the District Forum:-

¹(1) The President of the District Forum shall receive the salary of a District Judge if appointed on whole time basis or honorarium of Rupees Two Hundred per day, if appointed on part time basis. Other members, if appointed on whole time basis, shall receive a consolidated honorarium of **8rupees Eight Thousand per month** and if appointed on part time basis, shall receive a consolidated honorarium of rupees one hundred & fifty per day of sitting.

⁹1A) The full time members of the District Consumer Forum shall receive conveyance allowance of rupees **One Thousand** per month.

For words “one hundred and fifty” “two thousand” and “one hundred”, the words “two hundred” “three thousand” and “one hundred and fifty” shall respectively be substituted and

- (2) The President and the Members of the District Forum shall be entitled for such traveling allowance and daily allowance on official tour as are admissible to the officer of Category I of the State Government.
- (3) The salary, honorarium and other allowances shall be defrayed out of the consolidated fund of the State.
- (4) Before appointment, the President and the members of the District Forum shall give an undertaking in writing that they do not and will not have any financial dealings or other interest which is likely to affect prejudicially their functions as such President or member, as the case may be.
- (5) The State Government may remove from office the President or member of a District Forum, if he:-

⁸Substituted by the Government Notification No. FCS 46 SLF 2003 dated 29.06.2005.

⁹Substituted by the Government Notification No. FCS 46 SLF 2003 dated 29.06.2005. with effect from Gazette Notification dated 5th July 2005.

- (a) has been adjudged an insolvent; or
- (b) has been convicted of an offence which in the opinion of the State Government, involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as such President or member; or
- (d) has acquired such financial or other interest as it likely to affect prejudicially his functions as such President or member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest.
- (f) absents for three consecutive sittings without obtaining permission of the President, in the case of member and the State Government in the case of president.

Provided that no order of removal from office of the President or member on the ground specified in clauses (d) and (e) shall be made unless the President or the Member, as the case may be, have been given an opportunity of being heard.

- (5A) The President, in the case of member and the State Government in the case of the President, may sanction leave:

Provided that a District Judge appointed as President on deputation shall be covered by the leave rules applicable to him;

Provided further that a retired District Judge appointed as President shall avail leave in accordance with the provisions of Karnataka Civil Services Rules:

Provided also that a member shall be entitled for leave not exceeding fifteen days in a calendar year with honorarium shall not exceed five days at a time excluding general holidays ¹⁰**and shall be entitled for leave for more than five days without honorarium.**

- (6) The terms and conditions of service of the President and members of the District Forum shall not be varied to their disadvantage during their tenure of office.

¹⁰Substituted vide Government Notification No. FCS 96 SLF 2001 dated 31.12.2003.

(7) Omitted as per the Government Notification No. FCS 151 SLF
97 dtd. 11.04.1998

&

(8)

(9) The President or any member after ceasing to hold office, shall not hold any appointment in or be connected with the management or administration of an organization which had been subjected to any proceeding under the Act during his tenure, for a period of five years from the date on which he ceases to hold such office.

4. PLACE OF SITTING AND PROCEDURE AS TO CONDUCT OF MEETING ETC., OF DISTRICT FORUM:

(1) The Office of the District Forum shall be located at the headquarters of the District. Where State Government decides to establish a single District Forum having jurisdiction over more than one District, it shall notify the place and jurisdiction of the District Forum so established.

(2) The working days and office hours of the District Forum shall be the same as that of the offices of the State Government.

(3) The official seal and emblem of the District Forum shall be such as the State Government may specify.

(4) The District Forum shall hold sittings as fixed by the President of State Commission from time to time.

(5) No act or proceedings of the District Forum shall be invalid by reason only of the existence of any vacancy in the office of members or any defect in its constitution.

(6) ¹¹The salary payable to the staff shall be defrayed out of the Consolidated Fund of the State.

¹¹ The following words are deleted vide Government Notification No. FCS 107 SLF 2001 dated 18th May 2002

“The State Government shall appoint such staff as may be necessary to assist the District Forum in its day to day work and to perform such other functions as are provided under the Act or the Rules framed there under, or assigned to them by the President.”

(7) In case where the opposite party admits the allegations made by the complainant, the District Forum shall decide such complaint on merits and on the basis of documents produced.

(8) If during the proceedings conducted under section 13, the District Forum fixes a date for hearing of the parties, it shall be obligatory on the part of the complainant and the opposite party or their authorized agent to appear before the District Forum on such date of hearing or any other date to which hearing would be adjourned. Where the complainant or his authorized agent fails to appear before the date specified above, the District Forum may in its discretion either dismiss the complaint for default or decide it on merit. Where the opposite party or its authorized agent fails to appear on the date or hearing, the District Forum may decide the complaint ex-parte.

(9) While proceeding under sub-rule(8), the District Forum may, at any time and on such terms as it may think fit, adjourn the hearing of the complaint but not more than one adjournment shall ordinarily be granted. The complaint shall be decided as far as possible within ninety days from the date of notice received by the opposite party where complaint does not require analysis or testing of the goods and within one hundred and fifty days if it requires analysis or testing of the goods.

(10) Order of the District Forum shall be signed and dated by the President and members of the District Forum and shall be communicated to the parties.

5. MANNER OF AUTHENTICATION OF SAMPLES:

(1) The samples of the goods received under clause (c) of sub-section (1) of section 13, shall be affixed with labels containing:

(i) The name and address of the appropriate laboratory to whom the sample will be sent for analysis and test;

(ii) The name and address of the District Forum; and

(2) The sample shall be authenticated by putting on the label the seal of the District Forum with signature of an officer authorized by the District Forum in this behalf.

6. SALARY AND OTHER ALLOWANCES, AND TERMS AND CONDITIONS OF SERVICE OF THE PRESIDENT AND MEMBERS OF THE STATE COMMISSION.

(1) The President of the State Commission if appointed on whole time basis, shall receive the salary ¹² **and allowance** as are available to a sitting Judge of the High Court or a consolidated honorarium of rupees two hundred and fifty per day of the sitting if appointed on part time basis. Other members appointed on the whole time basis shall receive a consolidated honorarium of ¹³ **rupees Eleven thousand** per month and if appointed on part time basis a consolidated honorarium of rupees two hundred per day of sitting.

¹⁴ 1a) The full time members of the State Commission shall receive conveyance allowance of rupees **Two thousand** per month.

¹⁵1(a) : **When the President of the State Commission is unable to discharge the functions owing to absence, illness or any other cause, the senior member of the State Commission with judicial background, shall if authorized so to do by the President in writing, discharge the functions of the President until the day on which the President resumes the charge of his functions or until the powers which was authorized by the President are withdrawn while constituting the additional Bench under section 16(1B) (i), (ii) and (iii) of the Consumer Protection Act, 1986.”**

¹⁶ b) **Sitting of the State Commission and signing of order: Every Proceeding of the State Commission shall be conducted by the President or the authorized senior member and atleast two members thereof sitting together.**

Provided that where the member or members for any reason are unable to conduct the proceeding till it is completed, the President or the authorized senior member shall conduct such proceeding de novo”.

¹²Amended w.e.f 6th August 2004 vide Government Notification No. FCS 21 SLF 2000 dated 16.08.2001. Gazette Notification dated 27 September 2001.

¹³Substituted by the Government Notification No. FCS 46 SLF 2003 dated 29.06.2005.

¹⁴Substituted by the Government Notification No. FCS 46 SLF 2003 dated 29.06.2005. with effect from Gazette Notification dated 5th July 2005.

(2) The President and the Members of the State Commission shall be eligible for each traveling allowance and daily allowance on official tour as are admissible to the category I offices of the State Government.

(3) The salary, honorarium and other allowances shall be defrayed out of the consolidated fund of the State.

(4) Deleted as per Government Notification No. FCS 76 SLF 93 dated 08.06.1994.

(5) The President or member of the State Commission may:

(a) by writing under his hand and addressed to the State Government resign his office at any time; or

(b) be removed from office in accordance with the provisions of sub-rule(6).

(6) The State Government may remove from office the President or a member of the State Commission who:

(a) has been adjudged an insolvent, or

(b) has been convicted of an offence which in the opinion of the State Government, involves moral turpitude, or

(c) has become physically or mentally incapable of acting as such President or Member, or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as such President or member, or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest;

Provided that no order of removal from office of the President or a member on the ground specified in clauses (d) and (e) of the sub-rule shall be made unless the President or member as the case may be, has been given an opportunity of being heard.

^(15 & 16) Inserted vide Government Notification No. FCS 58 SLF 2003 dated 23.06.2005 with effect from Gazette Notification dated 28th July 2005.

- (7) Before appointment, President and the members of the State Commission shall have to given an undertaking that they do not and will not have any such financial or other interests as is likely to affect prejudicially their functions as such President or member as the case may be.
- (8) The terms and conditions of service of the President and the members of the State Commission shall not be varied to their disadvantage during their tenure of office.
- (9) Every vacancy caused by resignation, removal or otherwise of the President or any other member of the State Commission shall be filled by fresh appointment.
- (10) Deleted as per the Government Notification No. FCS 151 SLF 97 dated 11.04.98. &
- (11)
- (12) The President or any member ceasing to hold office shall not hold any appointment in, or be connected with the management or administration of, any organization which has been subjected to any proceeding under the Act during his tenure, for a period of five years from the date on which he ceases to hold such office.

¹⁷ (13) The president of the State Commission may sanction leave to the members of the State Commission:

Provided that a member shall be entitled for leave not exceeding fifteen days in a calender year with honorarium, but such leave ¹⁸with honorarium shall not exceed five days at a time excluding general holidays and shall be entitled for leave for more than five days without honorarium.

¹⁹Provided further that no leave may be sanctioned to any member of the State Commission or District Forum unless atleast one member is present to carry on the function of the State Commission or as the case may be the District Forum.

¹⁷Inserted vide Government Notification No. FCS 23 SLF 2001 dated 30.06.2001.

¹⁸ & ¹⁹Substituted vide Government Notification No. FCS 96 SLF 2001 dated 31.12.2003.

7. APPEAL:

- (1) Every appeal preferred under the section 15 shall be in the form of a memorandum and be presented by the appellant or his authorized agent to the State Commission in person or be sent by registered post addressed to the Commission.
- (2) Every memorandum filed under sub rule (1) shall set forth concisely under distinct heads, the grounds of appeal and shall be numbered consecutively.
- (3) Each memorandum shall be accompanied by a certified copy of the Order of the District Forum appealed against and such of the documents as may be required to support the grounds urged in the memorandum.
- (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 State Commission that he has sufficient cause for not preferring the appeal within the period of limitation.
- (5) The appellant shall submit four copies of the memorandum to the State Commission for official purpose.
- (6) On the date of hearing or any other subsequent date to which hearing may be adjourned, it shall be obligatory for the appellant or their authorized agent to appear before the State Commission. If the appellant or his authorized agent fails to appear on such date, the State Commission may, in its discretion, either dismiss the appeal or proceed to dispose it on the merits of the case. If the respondent or his authorized agent fails to appear on such date, the State Commission shall proceed and shall decide the appeal ex-parte on merits of the case.
- (7) The appellant shall not, except by leave of the State Commission, urge to be heard in support of any ground of objections not set forth in the memorandum but the State Commission, in deciding the appeal, shall not confine to the grounds of objections set forth in the memorandum or taken by leave of the State Commission under this rule;

Provided that the State Commission shall not rest its decision on any other grounds unless the party who may be affected thereby has been given at least an opportunity of being heard by the State Commission.

- (8) State Commission may, on such terms as it may think fit and at any stage adjourn the hearing of appeal, but not more than one adjournment shall ordinarily be given and the appeal shall be decided within ninety days of the first date of hearing.
- (9) The order of the State Commission on appeal shall be signed and dated by the members of the State Commission constituting the bench and shall be communicated to the parties free of charge.

Note: Sub Rule 6 to 9 are inserted by the Government Notification No. FCS 82 SLF 98 dated 16.12.2000.

²⁰ 10) The deposit amount payable under section 15 of the Act shall be paid in the form of Demand Draft/Pay order drawn in favour of the President, Karnataka State Consumer Disputes Redressal Commission, Bangalore or deposit the same in fixed deposit Account in any Nationalized Bank in the name of the Registrar-cum-Administrative Officer, Karnataka State Consumer Disputes Redressal Commission, Bangalore and renew from time to time till the disposal of the appeal.”

²¹8. Complaints before the District Forum: Every complaint filed before the District Forum, under sub section (1) of section 12 of the Consumer Protection Act, 1986 shall be accompanied by appropriate fee as specified in the table below paid in the form of crossed Demand

Draft drawn on a Nationalized Bank, drawn in favour of the President of the District Forum of the District and payable at the respective place where the District Forum is situated.

The concerned District Forum shall deposit the amount of fee so received in the State Government Receipt Account provided by the Government and maintain proper accounts of receipts and deposit of the fee amount;

²⁰Inserted vide Government Notification No. FCS 58 SLF 2003 dated 23.06.2005 with effect from Gazette Notification dated 28th July 2005.

Sl.No	Total value of Goods or Services and the compensation claimed	Amount of Fee payable
1	2	3
1	District Forum: Upto one lakh rupees – For complaints who are under the Below Poverty Line holding Antyodaya Anna Yojana cards.	Nil
2	Upto one lakh rupees – For complaints other than Antyodaya Anna Yojana cardholders.	Rs.100.00
3	Above one lakh and upto five lakh rupees	Rs.200.00
4	Above five lakh and upto ten lakh rupees	Rs.400.00
5	Above ten lakh and upto twenty lakh rupees.	Rs.500.00
6	State Commission: Above twenty lakh and upto fifty lakh rupees	Rs.2,000.00
7	Above fifty lakh and upto one crore rupees	Rs.4,000.00

Such complainants who are Below poverty line shall be entitled for exemption from payment of fee only on production of an attested copy of Antyodaya Anna Yojana Cards.

²¹Inserted vide Government Notification No. FCS 58 SLF 2003 dated 23.06.2005 with effect from Gazette Notification dated 28th July 2005.

INDEX 3**National Consumer Disputes Redressal Commission
Notification
New Delhi, the 31st May, 2005**

GSR. 342(E) – In exercise of the powers conferred by section 30A of the Consumer Protection Act, 1986 (68 of 1986), the National Consumer Disputes Redressal Commission with the previous approval of the Central Government, hereby makes the following regulations, namely:-

1. Short title and Commencement: - (1) These regulations may be called the Consumer Protection Regulations, 2005.

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

2. Definitions:- In these regulations unless the context otherwise requires:-

- a) "Act" means the Consumer Protection Act, 1986(68 of 1986);
- b) "Consumer Forum" means a District Forum a Consumer Disputes Redressal Commission established in a State under clause(b) of Section 9 (hereafter called the State Commission) or the National Consumer Disputes Redressal Commission;
- c) "Registrar" means the head of the ministerial establishment of the Consumer Forum and exercising such powers and functions as are conferred upon him by the President of the Consumer Forum;
- d) "rules" means the rules made under the Act;
- e) "section" means a section of the Act;
- f) Words and expressions used in these regulations and not defined herein but defined either in the Act or in the rules shall have the same meaning respectively assigned to them either in the Act or in the rules, as the case may be.

3. Arrangements in Consumer Forum, -

1) A Consumer Forum, being not a regular court, shall have the arrangements as to depict it distinct from a court.

2) In the hall in which the Consumer Forum shall hear the parties, the dais may not be kept more than 30 c.m. in height than the place earmarked for the parties to occupy.

3) At the dais of the hall, the President and the members of the Consumer Forum shall use the same type of chairs at the same level and these chairs need not have high backs.

4. Dress Code: - 1) The President and members of every Consumer Forum while presiding over the Benches,-

- a) shall wear simple and sober dress;
- b) shall not wear-

- 1) flashy dress or dress display and affluence;
- 2) Jeans or T shirts.
- 3) As if they are holding Courts as Judges of a High Court or a District Court.

2) The advocate shall be allowed to appear in the usual dress as prescribed by the High Court but without the gown.

5. Hearing Hours - Subject to the provisions of the rules, the normal working hours of the Consumer Forum for hearing matters shall be from 10.30 a.m. to 1.00 p.m. and 2.00 p.m. to 4.00 p.m. on all working days of the Central Government in the case of the National Commission and on all working days of the State Government in the case of the State Commission and the District Forum.

6. Cause List,- (1) Cause list of the Consumer Forum for the following entire week shall be made ready before the close of the working hours of the preceding week and displayed on the notice board. The cause list in respect of the Consumer Forum having a website shall also be hosted on the website.

2) Cause list shall be split into three different parts, namely:-

- i. Admission and after notice matters;
- ii. Matters where evidence is to be recorded;
- iii. Final disposal matters.

3) Every cause list shall contain the following particulars, namely:-

1) Sl.No	2) No. of the matter	3) Names of the parties	4) Name of the party or counsel or agent appearing
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4) If a date of hearing is given in the presence of parties or their agents, it shall not be a ground for non appearance for the reason that the cause list for the concerned date does not show the matter or contains incorrect entry of there is omission of the particulars of the matter.

7. Institution of complaints, appeals and revision petitions,-

1) where a complaint is filed in District Forum or State Commission it shall be filed in three sets and where it is filed in the National Commission it shall be filed in four sets with additional sets equal to the number of opposite party(ies) /respondent(s).

2) Every complaint shall clearly contain particulars of dispute and the relief claimed and shall also be accompanied by copies of such documents as are necessary to prove the claim made in the complaint.

8. Nomenclature to be given to the complaints, appeals and revisions petitions,- (a) A complaint shall hereinafter be referred to as Consumer Complaint (CC) instead of O.P, eg., C.C. No. 2 of 2005.

2) An appeal shall be referred to as F.A., Revision Petition as R.P., Execution. Application as E.A, Transfer Application T.A. and Review as R.A. containing the number and the year of filing.

9. Scrutiny of complaint, appeal, petition and revision petition, -

1) Every complaint, appeal, or revision petition shall after it is filed be numbered by the Registrar.

2) If there is any defect in the filing of the complaint, appeal or revision petition, the particulars of such defects shall be recorded and the party or his agents shall be informed of the defects asking them for removing the defects within 15 days.

3) In case the party disputes in the correctness of the defects pointed out the matter shall be placed before the Consumer Forum for appropriate orders.

4) After the expiry of the time given, the matter shall, irrespective of the fact as to whether the defects have been removed or not, be placed before the Consumer Forum for appropriate orders.

5) If the objections raised by the Registrar are substantial and are not removed within the time allowed for the purpose, those days shall not be excluded for counting the period of limitation.

6) As required by the second proviso to sub-section (3) of section 12, the admissibility of the complaint shall ordinarily be decided within twenty-one days from the date on which the complaint was received.

7) In case any defect is pointed out by the Registrar, twenty-one days from the date on which such defect was removed shall be reckoned for the purpose of sub-regulation (5).

8) All pending complaints, appeals and revision petitions which have not come up for admission till the date of commencement of these regulations and are pending for admission for more than 21 days shall be listed immediately by the Consumer Forum for admission and not later than 21 days from the date of commencement of these regulations.

10. Issue of Notice, -

(1) Whenever the Consumer Forum directs the issuance of a notice in respect of a complaint, appeal or revision petition, as the case may be, to the opposite party(ies)/respondent(s), ordinarily such notice shall be issued for a period of 30 days and depending upon the circumstances of each case even for less than 30 days.

2) When there is a question of raising presumption of service, 30 days notice shall be required.

3) Whenever notices are sought to be effected by a courier service, it shall be ascertained that the courier is of repute.

4) While appointing the courier for the purpose of effecting service, security deposit may also be taken.

5) Along with the notice, copies of the complaint, memorandum of grounds of appeal, petitions as the case may be and other documents filed shall be served upon the opposite party(ies)/respondent(s).

6) After the opposite party or respondent has put in appearance, no application or document shall be received by the Registrar unless it bears an endorsement that a copy thereof has been served upon the other side.

11. Adjournment,-

(1) Every proceeding before a Consumer Forum shall be conducted as expeditiously as possible and as per the requirements of the Act.

2) The Consumer Forum shall record the reasons for any adjournment made by it.

3) The cost of adjournment, if asked by the opposite party or parties, shall not be less than five hundred rupees per adjournment and could be more depending upon the value and nature of the complaint as may be decided by the Consumer Forum.

4) The complainant, appellant or petitioner, as the case may be, may also be burdened with cost unless sufficient cause is shown for seeking adjournment;

Provided that in the circumstances of a particular case, the amount of cost imposed may be less than five hundred rupees but in no case less than one hundred rupees.

5) The cost imposed may be given to the other party or parties to defray his or their expenses or be deposited in the Consumer Legal Aid Account to be maintained by the respective Consumer Forum, as the Consumer Forum may order.

6) If any adjournment is granted without awarding cost, the order sheet shall mention the reasons thereof.

7) All orders adjourning the matter shall be signed by the President and members constituting the Bench and not by the Court Master or Bench Clerk.

8) Non-availability of a lawyer who is representing the party shall not be a ground for seeking adjournment of the matter unless absence is beyond the control of the lawyer such as his sudden illness or bereavement in the family.

12. Hearing by Benches,- Where a Bench, constituted by the President of the State Commission or the National Commission as provided under section 16 or section 20, as the case may be, does not have a member with judicial background and any complex question of law arises and there is no precedent to decide the law point, the Bench so constituted may refer the matter to the President of the State Commission or the National Commission as the case may be to constitute another Bench of which the President shall be member.

13. Arguments, -

1) Arguments should be as brief as possible and to the point at issue.

2) Where a party is represented by a counsel, it shall be mandatory to file a brief of written arguments two days before the matter is fixed for arguments.

3) In case of default to file briefs, the cost shall be imposed at the same rates as laid down for grant of adjournments.

14. Limitation, - 1) Subject to the provisions of section 15, 19 and 24A, the period of limitation in the following matters shall be as follows:-

i) Revision Petition shall be fixed within 90 days from the date of the order or the date of receipt of the order as the case may be;

ii) Application for setting aside the ex-parte order under section 22A or dismissal of the complaint in default shall be maintainable if filed within thirty days from the date of the order or date of receipt of the order, as the case may be;

iii) An application for review under sub-section (2) of section 22 shall be filed to the National Commission within 30 days from the date of the order or receipt of the order, as the case may be;

iv) The period of limitation for filing any application, for which no period of limitation has been specified in the Act, the rules of these regulations shall be thirty days from the date of the cause of action or the date of knowledge.

2) Subject to the provisions of the Act, the Consumer Forum may condone the delay in filing an application or a petition referred to in sub-regulation (1) if valid and sufficient reasons to its satisfaction are given.

15. Review:-

(1) It shall set out clearly the grounds for review.

(2) Unless otherwise ordered by the National Commission, an application for review shall be disposed of by circulation without oral arguments, as far as practicable between the same members who had delivered the order sought to be reviewed.

16. Appearance of Voluntary Consumer Organizations:-

1) Recognized Consumer Organizations have a right of audience before the Consumer Forum;

2) An authorization of a Voluntary Consumer Organization may be by way of special power of attorney executed on a non-judicial paper or even on plain paper duly attested by a Gazette Officer or a Notary Public.

3) The Power of Attorney holder shall be entitled to engage a counsel, if authorized to do so.

4) A Voluntary Consumer Organization can engage a counsel or an advocate of its choice or it can itself represent through one of its office bearers as per the rules governing it.

5) In case of a complaint where the Voluntary Consumer Organization is a complainant along with the consumer himself and the dispute affects the complainant individually, he can withdraw the complaint:

Provided that if the issue involves unfair trade practice or restrictive trade practice a Voluntary Consumer Organization may continue to proceed with the complaint even if the complainant wishes to withdraw the same.

6) A Consumer Forum has to guard itself from touts and busy bodies in the garb of power of attorney holders or authorized agents in the proceedings before it.

7) While a Consumer Forum may permit an authorized agent to appear before it, but authorized agent shall not be one who has used this as a profession:

Provided that this sub-regulation shall not apply in case of advocates.

8) An authorized agent may be debarred from appearing before a Consumer Forum if he is found guilty of misconduct or any other malpractice at any time.

17. Ex-Parte Interim Order:- Any ex-parte interim order issued by the Consumer Forum shall stand vacated after 45 days if in the meanwhile the objections to the interim order are not heard and disposed of.

18. Final Order:-

(1) An order on the top right hand corner shall show as to when the complaint was filed and the date of the order.

(2) The cause title of the order shall contain the names of all the parties with their addresses.

(3) In the body of the order it is desirable that after mentioning the complainant or the OP, their names as shown in the title be mentioned and parties thereafter may not be mentioned as complainant or OP No.1 or OP No.2 etc.,

(4) The cause title shall also clearly show if the appellant or respondent was the complainant or OP.

(5) The order of a Consumer Forum disposing of a matter shall be as short and precise as practicable and unnecessary long quotations from the judgments of the higher courts or otherwise shall be avoided.

(6) When a copy of the order is sent to a party, the mode by which it is sent and the date on which it is sent shall be stamped on the last page of the order.

(7) The Consumer Forum shall pass final order invariably within fifteen days of the conclusion of the arguments.

19. Return on institution and disposal of cases:-

- 1) A consumer Forum is expected to dispose of at least 75 to 100 matters every month.
- 2) A periodic monthly return of institution and disposal of cases shall be sent by the District Forums to the State Commission.
- 3) The State Commission shall submit a periodic monthly return of institution and disposal of cases to the National Commission.
- 4) Notwithstanding anything contained in this regulation, the President of the National Commission may, at any time, call for any return or information relating to its functioning from a State Commission or District Forum.

20. Preservation of records,

- 1) In the case of complaint, the record containing main files with original order sheet shall be preserved for a period of five years.
- 2) In the case of records of first appeal and revision petitions, it shall be preserved for three years from the date of disposal of the appeal or revision as the case may be.
- 3) Immediately after the consumer complaint, first appeal or revision petition, as the case may be, is disposed of, extra sets shall be given to the parties who may use the same for filing of appeal or revision petition and in that case the necessity to summon the record from the forums below can be dispensed with.
- 4) The registrar shall inform the parties while forwarding the certified copy of the final order, where they do not appear in person at the time of finally disposing of the matter to arrange to collect the extra sets.
- (5) A period of at least one month shall be given for the purpose of collection of record by the party and in case of default the extra sets shall be weeded out.

21. Certified Copy:- (1) A copy of the order is to be given to the parties free of cost as required under the Act and the rules made thereunder.

- (2) In case a party requires an extra copy, it shall be issued to him duly certified by the Registry on a payment of Rs.20/- irrespective of number of pages.

3) A certified copy of an order shall clearly specify the date when free copy was issued, date of application, date when the copy was made ready and the date when it was so delivered to him.

4) A fee of Rs.20/- shall be paid for obtaining another certified copy.

5) Any party desiring to get a certified copy of any document on the file of the Consumer Forum, may get the same on payment of certification fee of twenty rupees per copy. Provided that if any such document of which certified copy is sought, is over and above 5 pages, an extra amount of one rupee per page shall be charged over and above the fee of twenty rupees.

6) Certified copy of any miscellaneous order passed by the Consumer Forum shall be supplied on payment of Rs.5 per copy.

22. Inspection of records, - Parties or their agents can inspect the records of any matter by filing an application on payment of ten rupees as fee.

23. Filing of criminal complaint, - wherever a complaint is required to be filed by the Consumer Forum under sub-section (5) of section 13, the Consumer Forum may authorize its Registrar to file the complaint.

24. Practice Directions, - The National Commission shall be entitled to issue practice directions from time to time as may be necessary for the proper conduct of the cases before Consumer Forum including prescribing forms for complaints, notices, returns, certificate to be issued to the collector and the like.

25. Parcsha-Yad-Dast – Where a party appears in person and is illiterate, the Court Master or Bench Clerk shall give to that party the next date of hearing in writing.

26. Miscellaneous,- 1) In all proceedings before the Consumer Forum, endeavour shall be made the parties and their counsel to avoid the use of provisions of Code of Civil Procedure, 1908 (5 of 1908);

Provided that the provisions of the Code of Civil Procedure, 1908 may be applied which have been referred to in the Act or in the rules made there under.

2) Every State Commission and every District Forum shall take steps for its computerization and networking.

3) The Consumer Forum shall give proper respect and courtesy to the parties who appear in person and shall provide separate accommodation in the Hall for the convenience of the parties.

- 4) The Consumer Forum shall not insist upon the parties to engage advocates.
- 5) The Fees collected for inspection of the documents and supply of certified copies shall be deposited in the account maintained for the purpose of depositing fee for filing a complaint as prescribed by the Central Government by rules.
- 6) The cases filed by or against the senior citizens, physically challenged, widows and persons suffering from serious ailments shall be listed and disposed of on a priority basis.

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**ಕರ್ನಾಟಕ ರಾಜ್ಯ ಗ್ರಾಹಕರ ವ್ಯಾಜ್ಯಗಳ ಪರಿಹಾರ ಆಯೋಗ,
ಬಸವ ಭವನ, ಹೈಗ್ರಾಂಡ್ಸ್, ಬೆಂಗಳೂರು-560 001.**

ಸಂಖ್ಯೆ:ಕರಾಆಡಳಿತ:11:2003-04

ದಿನಾಂಕ:5-10-2005

ರವರಿಗೆ,
ಅಧ್ಯಕ್ಷರು,
ಜಿಲ್ಲಾ ಗ್ರಾಹಕರ ವ್ಯಾಜ್ಯಗಳ ಪರಿಹಾರ ವೇದಿಕೆ,
ಎಲ್ಲಾ ಜಿಲ್ಲಾ ವೇದಿಕೆಗಳಿಗೆ

ಮಾನ್ಯರೇ,

ವಿಷಯ:- ಗ್ರಾಹಕ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ 1986ರ 3ನೇ ಅಧ್ಯಾಯದಡಿಯಲ್ಲಿ ಗ್ರಾಹಕ ವ್ಯಾಜ್ಯಗಳ
ಪರಿಹಾರ ಏಜೆನ್ಸಿಗಳು ಪರಿಣಾಮಕಾರಿಯಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸುವ ಬಗ್ಗೆ

ಉಲ್ಲೇಖ:- ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ:ಆನಾಸ 58 ಸಲಫ 2003 ದಿನಾಂಕ 23-6-2005
(ರಾಜ್ಯ ಪತ್ರ ದಿನಾಂಕ 28-7-2005).

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಉಲ್ಲೇಖದಲ್ಲಿ ಓದಲಾಗುವ ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆಯ ರಾಜ್ಯ ಪತ್ರದ
ಛಾಯಾ ಪ್ರತಿಯನ್ನು ಇದರೊಡನೆ ಲಗತ್ತಿಸಿ ತಮಗೆ ಕಳುಹಿಸಿ ಕೊಡುತ್ತಾ, ತಕ್ಷಣದಿಂದ ಜಾರಿಗೆ ಬರುವಂತೆ ಜಿಲ್ಲಾ
ವೇದಿಕೆಗಳಲ್ಲಿ ದಾಖಲಾಗುವ ಪ್ರಕರಣಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಶುಲ್ಕವನ್ನು ಪಡೆದುಕೊಂಡು, ಸಂಬಂಧಪಟ್ಟ ಶುಲ್ಕವನ್ನು
ಲೆಕ್ಕ ಶೀರ್ಷಿಕೆ 1456ರ ಉಪ ಶೀರ್ಷಿಕೆಗಳಿಗೆ ಅನುಗುಣವಾಗಿ(ಈಗಾಗಲೇ ಒದಗಿಸಿರುವ ಲೆಕ್ಕ ಶೀರ್ಷಿಕೆಗೆ) ಸರ್ಕಾರಕ್ಕೆ
ಜಮಾ ಮಾಡಲು ಕ್ರಮಕೈಗೊಳ್ಳುವಂತೆ ತಮಗೆ ತಿಳಿಸಲು ಹಾಗೂ ಪಿರಾದಾಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸ್ವೀಕರಿಸಿದ ಶುಲ್ಕದ
ಬಗ್ಗೆ ಪ್ರತಿ ತಿಂಗಳು ಮಾಹಿತಿಯನ್ನು ರಾಜ್ಯ ಆಯೋಗಕ್ಕೆ ಈ ಕೆಳಗಿನ ನಮೂನೆಯಲ್ಲಿ ಒದಗಿಸುವಂತೆ ತಮ್ಮನ್ನು ಕೋರಲು
ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರಿಂದ ನಿರ್ದೇಶಿತನಾಗಿರುತ್ತೇನೆ.

ಕ್ರ.	ತಿಂಗಳ ಹಿಂದಿನ	ಪ್ರಾರಂಭಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ತಿಂಗಳಲ್ಲಿ ಸ್ವೀಕರಿಸಿದ ಪ್ರಕರಣಗಳ ಸಂಖ್ಯೆ	ಸಂಬಂಧಿಸಿದ ತಿಂಗಳಲ್ಲಿ ಸ್ವೀಕರಿಸಿದ ಶುಲ್ಕದ ಮೊತ್ತ	ತಿಂಗಳ ಅಂತ್ಯದವರೆಗೆ ಸ್ವೀಕರಿಸಿ ಜಮಾ ಒಟ್ಟು (2+4)
1	2	3	4	5

ಫಿರ್ಯಾದು ಸ್ವೀಕರಿಸುವ ಸಂದರ್ಭದಲ್ಲಿಯೇ ಶುಲ್ಕವನ್ನು ಉಲ್ಲೇಖದಲ್ಲಿ ಓದಲಾಗುವ ನಿಯಮಾನುಸಾರ
ಪಡೆದುಕೊಳ್ಳುವುದು. ಫಿರ್ಯಾದು ಅಂಗೀಕಾರವಾಗಿಲ್ಲವೆಂಬ ಕಾರಣದ ಮೇರೆಗೆ ಶುಲ್ಕವನ್ನು ಹಿಂತಿರುಗಿಸಲು ನಿಯಮದಲ್ಲಿ
ಅವಕಾಶವಿರುವುದಿಲ್ಲವೆಂಬುದನ್ನು ಜಿಲ್ಲಾ ವೇದಿಕೆಯ ಅಧ್ಯಕ್ಷರು, ಸದಸ್ಯರು ಹಾಗೂ ಆಡಳಿತ ವಿಭಾಗವು
ಗಮನದಲ್ಲಿರಿಸಿಕೊಂಡು ಕಾರ್ಯನಿರ್ವಹಿಸುವುದು.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

(ಕೆ.ಎಲ್ ಶಿವಲಿಂಗೇಗೌಡ),

ರಿಜಿಸ್ಟ್ರಾರ್ ಮತ್ತು ಆಡಳಿತಾಧಿಕಾರಿಗಳು, ರಾಜ್ಯ ಗ್ರಾಹಕರ ಆಯೋಗ, ಬೆಂಗಳೂರು.

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಗ್ರಾಹಕರ ವ್ಯಾಜ್ಯಗಳ ಪರಿಹಾರ ಆಯೋಗ

ಬಸವ ಭವನ, ಹೈ ಗ್ರಾಂಡ್ಸ್, ಬೆಂಗಳೂರು - 560 001

ಸಂಖ್ಯೆ: ಕರಾಆಃಆಡಳಿತ:11:2003-04

ದಿನಾಂಕ: 24-08-2005

ಸುತ್ತೋಲೆ

ವಿಷಯ: ಗ್ರಾಹಕ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ 1986ರ 3ನೇ ಅಧ್ಯಾಯದಡಿಯಲ್ಲಿನ ಗ್ರಾಹಕರ ವ್ಯಾಜ್ಯಗಳ ಪರಿಹಾರ ಏಜೆನ್ಸಿಗಳು ಪರಿಣಾಮಕಾರಿಯಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸುವ ಬಗ್ಗೆ

ಉಲ್ಲೇಖ: 1. ಘನ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ರಿಟ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ 32706:2003ರಲ್ಲಿ ದಿ:24-06-2005ರಂದು ಹೊರಡಿಸಿರುವ ಆದೇಶ

2. ಮೈಸೂರು ಜಿಲ್ಲಾ ವೇದಿಕೆಯ ಅಧ್ಯಕ್ಷರ ಪತ್ರ ಸಂಖ್ಯೆ: ಸಂಕೀರ್ಣ:1:2005 ದಿನಾಂಕ: 04-08-2005

ಗ್ರಾಹಕ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ 1986ರ ಕಲಂ 27ರಡಿಯಲ್ಲಿ ಜಾರಿ ಕ್ರಮವನ್ನು ಅನುಸರಿಸುವುದಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಘನ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ರಿಟ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ: 32706:2003ರಲ್ಲಿ ದಿನಾಂಕ 25-07-2003ರಂದು ಮತ್ತು 24-02-2004ರಂದು ಹೊರಡಿಸಿದ್ದ ತಡೆಯಾಜ್ಞೆಯನ್ನು ಘನ ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು ದಿನಾಂಕ 24-06-2005ರ ಆದೇಶದಲ್ಲಿ ಹಿಂತೆಗೆದುಕೊಂಡಿರುವುದರಿಂದ, ಗ್ರಾಹಕ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ 1986ರ ಕಲಂ 27ರಡಿಯಲ್ಲಿ ಜಾರಿ ಕ್ರಮವನ್ನು ಅನುಸರಿಸುವ ಸಲುವಾಗಿ, ಈ ಕೆಳಕಂಡ ಸೂಚನೆಗಳನ್ನು ನೀಡಲಾಗಿದೆ.

1. ಗ್ರಾಹಕ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ 1986ರ ಕಲಂ 27 ಮತ್ತು 25ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸಲ್ಲಿಸಲ್ಪಡುವ ಎಕ್ಸಿಕ್ಯೂಷನ್ ಅರ್ಜಿಗಳ ಸಂಬಂಧವಾಗಿ ರಿಜಿಸ್ಟ್ರರನ್ನು ಈ ಮುಂದಿನ ವಿವರಣೆಯನ್ನು ದಾಖಲಿಸುವ ರೀತಿಯಲ್ಲಿ ಪಾಲಿಸಬಹುದಾಗಿರುತ್ತದೆ.

- 01) ಎಕ್ಸಿಕ್ಯೂಷನ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ
- 02) ಎಕ್ಸಿಕ್ಯೂಷನ್ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ ದಿನಾಂಕ

- 03) ಎಕ್ಸಿಕ್ಯೂಷನ್ ಅರ್ಜಿ ಇತ್ಯರ್ಥವಾದ ದಿನಾಂಕ
- 04) ಎಕ್ಸಿಕ್ಯೂಷನ್ ಅರ್ಜಿಯನ್ನು ಯಾವ ಕಲಂ ಮತ್ತು ಕಾಯ್ದೆಯಡಿಯಲ್ಲಿ ಇತ್ಯರ್ಥಪಡಿಸಲಾಗಿರುತ್ತದೆ ಎಂಬುದರ ಬಗ್ಗೆ ವಿವರ.
- 05) ಎಕ್ಸಿಕ್ಯೂಷನ್ ಅರ್ಜಿಯಲ್ಲಿ ಕಲಂ 27ರಡಿಯಲ್ಲಿ ದಂಡವನ್ನು ವಿಧಿಸಿದ್ದಲ್ಲಿ, ದಂಡದ ಮೊತ್ತ.
- 06) ದಂಡದ ಮೊತ್ತವನ್ನು ಪಾವತಿಸಿದ ದಿನಾಂಕ.
- 07) ದಂಡದ ಮೊತ್ತವನ್ನು ಜಿಲ್ಲಾ ಖಜಾನೆಗೆ ಪಾವತಿ ಮಾಡಿದ ದಿನಾಂಕ.
- 08) ಜಿಲ್ಲಾ ಖಜಾನೆಗೆ ಪಾವತಿ ಮಾಡಿದ ಬಗ್ಗೆ ಚಲನ್ ಸಂಖ್ಯೆ ಮತ್ತು ದಿನಾಂಕ.
- 09) ಎಕ್ಸಿಕ್ಯೂಷನ್ ಅರ್ಜಿಯು ಕಲಂ 25ರಡಿಯಲ್ಲಿ ಇತ್ಯರ್ಥವಾಗಿದ್ದಲ್ಲಿ ಆ ಬಗ್ಗೆ ದೃಢೀಕೃತ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಗೆ ಕಳುಹಿಸಿದ ದಿನಾಂಕ.
- 10) ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಆದೇಶವನ್ನು ಜಾರಿ ಮಾಡಿ ವರದಿ ಮಾಡಿದ ದಿನಾಂಕ ಮತ್ತು 'ಚೆಕ್' ಅಥವಾ 'ಡಿಡಿ' ಒದಗಿಸಿದ್ದಲ್ಲಿ ಆ 'ಚೆಕ್' ಮತ್ತು 'ಡಿಡಿ'ಗಳ ಸಂಖ್ಯೆ.
- 11) ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಒದಗಿಸಿದ 'ಚೆಕ್' ಮತ್ತು 'ಡಿಡಿ'ಗಳನ್ನು ಸಂಬಂಧಪಟ್ಟ ಡಿಕ್ರಿಡಾರರಿಗೆ ಕಳುಹಿಸಿದ ಬಗ್ಗೆ ದಾಖಲೆ.
- 12) ಷರಾ.
- 2) ರಾಜ್ಯ ಆಯೋಗ : ಜಿಲ್ಲಾ ವೇದಿಕೆಯ ಆದೇಶವನ್ನು ತೀರ್ಪು ಖುಣಿಗಾರರು (JDR) ಪಾಲಿಸದಿರುವ ಬಗ್ಗೆ ಸಂಬಂಧಪಟ್ಟ ಪ್ರಕರಣದ ಡಿಕ್ರಿಡಾರರು ಎಕ್ಸಿಕ್ಯೂಷನ್ ಅರ್ಜಿ ಮೂಲಕ ರಾಜ್ಯ ಆಯೋಗ ಮತ್ತು ಜಿಲ್ಲಾ ವೇದಿಕೆಗೆ ಮಾಹಿತಿಯನ್ನು ನೀಡಿದ ಕೂಡಲೇ ರಾಜ್ಯ ಆಯೋಗ : ಜಿಲ್ಲಾ ವೇದಿಕೆ ಪ್ರಕರಣವನ್ನು ಎಕ್ಸಿಕ್ಯೂಷನ್ ಅರ್ಜಿಯಾಗಿ ನೋಂದಾಯಿಸಿಕೊಂಡು ಅರ್ಜಿ ಸ್ವೀಕರಿಸಿದ 7 ದಿನಗಳ ಒಳಗಾಗಿ ಆಯೋಗ : ವೇದಿಕೆ ಮುಂದೆ ಇರಿಸಿಕೊಂಡು ಡಿಕ್ರಿಡಾರರ ಮನವಿಯನ್ನು ಅಂಗೀಕರಿಸಿ, ಕಲಂ 27ರಡಿಯಲ್ಲಿ ಎಕ್ಸಿಕ್ಯೂಷನ್ ಅರ್ಜಿಯನ್ನು ಇತ್ಯರ್ಥಪಡಿಸುವುದಿದ್ದಲ್ಲಿ, ಕಲಂ 27ರಡಿಯಲ್ಲಿ ಕಾರಣ ಕೇಳಿ ಸೂಚನಾ ಪತ್ರವನ್ನು ತೀರ್ಪು ಖುಣಿಗಾರನಿಗೆ ನೀಡುವುದು. ಒಂದು ವೇಳೆ ಕಲಂ 25ರಡಿಯಲ್ಲಿ ಆ ಎಕ್ಸಿಕ್ಯೂಷನ್ ಅರ್ಜಿಯನ್ನು ಇತ್ಯರ್ಥಪಡಿಸುವುದಿದ್ದಲ್ಲಿ, ಕಲಂ 25ರಡಿಯಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ತೀರ್ಪು ಖುಣಿಗಾರನಿಗೆ ಕಾರಣ ಕೇಳಿ ಸೂಚನಾ ಪತ್ರವನ್ನು ನೀಡುವುದು. ಕಾರಣ ಕೇಳಿ ಸೂಚನಾ ಪತ್ರ ನೀಡಿದ 15 ದಿನಗಳ ಒಳಗಾಗಿಯೂ ತೀರ್ಪು ಖುಣಿಗಾರರು ಆಯೋಗ:ವೇದಿಕೆ ಮುಂದೆ ಹಾಜರಾಗದೇ ತನ್ನ ಅಹವಾಲನ್ನು ಹೇಳಿಕೊಳ್ಳದೇ ಹಾಗೂ ಸಂಬಂಧಪಟ್ಟ ಪ್ರಕರಣದ ಆದೇಶದ ಅನುಸಾರ ಆದೇಶವನ್ನು ಪಾಲಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳದೇ ಇದ್ದಲ್ಲಿ, ಅಂಥ ತೀರ್ಪು ಖುಣಿಗಾರನಿಗೆ ಜಾಮೀನುರಹಿತ ವಾರೆಂಟ್ ಹೊರಡಿಸುವುದರ ಮೂಲಕ ಆಯೋಗ : ವೇದಿಕೆ ಮುಂದೆ ಹಾಜರುಪಡಿಸಿಕೊಂಡು, ಕಲಂ 27ರಡಿಯಲ್ಲಿ ಆದೇಶವನ್ನು ಜಾರಿಗೊಳಿಸುವ ಬಗ್ಗೆ ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದು. ತೀರ್ಪು ಖುಣಿಗಾರನು ಆದೇಶವನ್ನು ಜಾರಿಗೊಳಿಸಲು ವಿನಾಕಾರಣ ವಿಳಂಬ ಮಾಡಿದಲ್ಲಿ ಹಾಗೂ ದಂಡನೆಯನ್ನು ವಿಧಿಸಲು ಯೋಗ್ಯವೆನಿಸಿದಲ್ಲಿ ದಂಡನೆಯನ್ನು ಕೂಡ ಆರ್ಥಿಕ ರೂಪದಲ್ಲಿ ಅಥವಾ ಶಿಕ್ಷೆ ರೂಪದಲ್ಲಿ ವಿಧಿಸುವ ಬಗ್ಗೆ ನ್ಯಾಯೋಚಿತವಾಗಿ, ವಿವೇಚನೆಯುತವಾಗಿ ತೀರ್ಮಾನ ಕೈಗೊಳ್ಳುವುದು. ಆಯೋಗ : ವೇದಿಕೆಯು ವಿಧಿಸಿದ ದಂಡದ ಮೊತ್ತವನ್ನು ತೀರ್ಪು ಖುಣಿಗಾರನು ಆಯೋಗ : ಜಿಲ್ಲಾ

ವೇದಿಕೆಯ ಅಧ್ಯಕ್ಷರ ನಾಮಾಂಕಿತದಲ್ಲಿ ಡಿಮಾಂಡ್ ಡ್ರಾಫ್ಟ್ : ಪೇ ಆರ್ಡರ್ : ಬ್ಯಾಂಕ್‌ನ ಚೆಕ್ ಮೂಲಕ ದಂಡದ ಮೊತ್ತವನ್ನು ಸಲ್ಲಿಸುವುದು. ಹೀಗೆ ಸಲ್ಲಿಸಲ್ಪಟ್ಟ 'ಡಿಡಿ'ಯನ್ನು ಕರ್ನಾಟಕ ರಾಜ್ಯ ಸರ್ಕಾರವು ರಾಜ್ಯ ಆಯೋಗ ಮತ್ತು ಜಿಲ್ಲಾ ವೇದಿಕೆಗಳ ಸೇವೆಯ ಸಲುವಾಗಿ ನೀಡಿರುವ ಸ್ವೀಕೃತಿ ಲೆಕ್ಕ ಶೀರ್ಷಿಕೆ "1456-ಸಿವಿಲ್ ಸಪ್ಲೈಸ್-00-800-ಅದರ್ ರಿಸಿಟ್ಸ್-2-ಕನ್ಸೂಮರ್ ಕೋರ್ಟ್" ಇದರಲ್ಲಿ ಉಪ ಶೀರ್ಷಿಕೆ "3 - ಪೆನಾಲ್ಟಿ ಕಾಸ್ಟ್" ಇದಕ್ಕೆ ಜಮಾ ಮಾಡಲು ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದು. ಹೀಗೆ ಜಮಾ ಮಾಡಿದ ಬಗ್ಗೆ ಚಲನ್ ಮತ್ತು ದಿನಾಂಕವನ್ನು ನಮೂದಿಸುವುದು. ಚಲನ್‌ಅನ್ನು ಸುರಕ್ಷಿತ ವಶದಲ್ಲಿಟ್ಟುಕೊಳ್ಳುವುದು. ದಂಡದ ಮೊತ್ತವನ್ನು 'ಡಿಡಿ' ಮೂಲಕ ಜಮಾ ಮಾಡುವಾಗ ಅದನ್ನು ನೇರವಾಗಿ ಜಿಲ್ಲಾ ಖಜಾನೆಗೆ ಸಲ್ಲಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದು. ಒಂದು ವೇಳೆ ದಂಡದ ಹಣವನ್ನು ಪಾವತಿ ಮಾಡದೇ ಇದ್ದಲ್ಲಿ, ಕಲಂ 27ರ ಮೇರೆಗೆ ಸೆರೆಮನೆ ವಾಸವನ್ನು ವಿಧಿಸಬಹುದಾಗಿರುತ್ತದೆ. ಜಾಮೀನಿಗೆ ಸಂಬಂಧಿಸಿದ ಹಣವನ್ನು ಮೇಲ್ಕಂಡ ಶೀರ್ಷಿಕೆಯಲ್ಲಿ ಡೆಪಾಸಿಟ್ ಮಾಡತಕ್ಕದ್ದು.

3. ಎಕ್ಸಿಕ್ಯೂಷನ್ ಅರ್ಜಿಯನ್ನು ಕಲಂ 25ರಡಿಯಲ್ಲಿ ಇತ್ಯರ್ಥಪಡಿಸಲು ಇಚ್ಛಿಸಿದಲ್ಲಿ, ತೀರ್ಪು ಖುಣಿಗಾರನು ರಾಜ್ಯ ಆಯೋಗ : ಜಿಲ್ಲಾ ವೇದಿಕೆಯ ಆದೇಶವನ್ನು ಪಾಲಿಸಲು ವಿಫಲನಾಗಿರುತ್ತಾನೋ ಅಂಥ ಆದೇಶದ ಬಗ್ಗೆ ದೃಢೀಕರಣ ಪತ್ರವನ್ನು ಆಯಾಯಾ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಗೆ ಕಳುಹಿಸಿಕೊಡಬೇಕು. ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಭೂಕಂದಾಯ ವಸೂಲು ಮಾಡುವ ರೀತಿಯನ್ನು ಅನುಸರಿಸಿ, ವಸೂಲು ಮಾಡಬೇಕಾದ ಹಣದ ಬಗ್ಗೆ 'ಡಿಡಿ'ಯನ್ನು ಪಡೆದುಕೊಂಡು ಸಂಬಂಧಪಟ್ಟ ಪಕ್ಷಕಾರರಿಗೆ ತಲುಪಿಸುವ ಅಥವಾ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ನೇರವಾಗಿ 'ಡಿಡಿ' ಅಥವಾ 'ಚೆಕ್' ಮೂಲಕ ಹಣವನ್ನು ಡಿಕ್ರೆಡಾರನಿಗೆ ತಲುಪಿಸಿ, ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವುದು. ಹೀಗೆ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು ಕ್ರಮವಹಿಸುವುದನ್ನು ಅನುಸರಿಸಿ ಸಲ್ಲಿಸಿದ ವರದಿಯ ಅಧಾರದ ಮೇಲೆ ಎಕ್ಸಿಕ್ಯೂಷನ್ ಅರ್ಜಿಗಳನ್ನು ಇತ್ಯರ್ಥಪಡಿಸಿರುವ ಎಕ್ಸಿಕ್ಯೂಷನ್ ಅರ್ಜಿಗಳ ರಿಜಿಸ್ಟ್ರಾರ್‌ನಲ್ಲಿ ದಾಖಲಿಸುವುದು.

4. ಎಕ್ಸಿಕ್ಯೂಷನ್ ಅರ್ಜಿಗಳನ್ನು ಶೀಘ್ರವಾಗಿ ಇತ್ಯರ್ಥಪಡಿಸುವ ಬಗ್ಗೆ ಹಾಗೂ ಡಿಕ್ರೆಡಾರನಿಗೆ ಅನವಶ್ಯಕ ತೊಂದರೆಯಾಗದ ರೀತಿಯಲ್ಲಿ ಕ್ರಮವಹಿಸುವಂತೆ ಮತ್ತು ರಾಜ್ಯ ಆಯೋಗ : ಜಿಲ್ಲಾ ವೇದಿಕೆಗಳಿಗೆ ಅಗತ್ಯವೆನಿಸುವ ಮಾಹಿತಿಯನ್ನು ದಾಖಲಿಸುವುದು ಯೋಗ್ಯವೆನಿಸಿದಲ್ಲಿ ಮೇಲೆ ನಿಗದಿಪಡಿಸಿರುವ ಎಕ್ಸಿಕ್ಯೂಷನ್ ರಿಜಿಸ್ಟ್ರಾರ್‌ನಲ್ಲಿಯೇ ಸೂಕ್ತ ನಮೂನೆಗಳನ್ನು ಹಾಕಿಕೊಂಡು ಮಾಹಿತಿಯನ್ನು ದಾಖಲಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದು.

5. ಗ್ರಾಹಕ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ 1986ರ ಕಲಂ 27ರಡಿಯಲ್ಲಿ ನೀಡುವ ಕಾರಣ ಕೇಳಿ ಸೂಚನಾ ಪತ್ರವನ್ನು ಈ ಮುಂದಿನ ಮಾದರಿಯಂತೆ ಅನುಸರಿಸಬೇಕು.

6. ಗ್ರಾಹಕ ಸಂರಕ್ಷಣಾ ಕಾಯ್ದೆ 1986ರ ಕಲಂ 27ರಡಿಯಲ್ಲಿ ನೀಡುವ ಜಾಮೀನುರಹಿತ ವಾರೆಂಟನ್ನು ಈ ಮುಂದಿನ ಮಾದರಿಯಲ್ಲಿ ಅನುಸರಿಸಬೇಕು.

ಮೇಲೆ ನೀಡಿರುವ ಆದೇಶವನ್ನು ಕಟ್ಟುನಿಟ್ಟಾಗಿ ಪಾಲಿಸುವುದು. ಹೀಗೆ ಪಾಲಿಸುವಲ್ಲಿ ಏನಾದರೂ ಅಡಚಣೆಗಳು ಎದುರಾದಾಗ ಅಥವಾ ಸ್ಪಷ್ಟೀಕರಣ ಬೇಕಾದಲ್ಲಿ, ಕರ್ನಾಟಕ ರಾಜ್ಯ ಆಯೋಗದಿಂದ ಸ್ಪಷ್ಟೀಕರಣವನ್ನು ಪಡೆದುಕೊಳ್ಳುವುದು.

(ನ್ಯಾಯಮೂರ್ತಿ ಚಂದ್ರಶೇಖರಯ್ಯ),

ಅಧ್ಯಕ್ಷರು,

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಗ್ರಾಹಕರ ವ್ಯಾಜ್ಯಗಳ ಪರಿಹಾರ ಆಯೋಗ,
ಬೆಂಗಳೂರು.

ಪ್ರತಿಗಳು:

1. ಎಲ್ಲಾ ಜಿಲ್ಲಾ ವೇದಿಕೆಗಳ ಅಧ್ಯಕ್ಷರುಗಳಿಗೆ.
2. ಎಲ್ಲಾ ಜಿಲ್ಲಾ ವೇದಿಕೆಗಳ ಸಹಾಯಕ ರಿಜಿಸ್ಟ್ರಾರ್ ಹಾಗೂ ಸಹಾಯಕ ಆಡಳಿತಾಧಿಕಾರಿಗಳಿಗೆ.
3. ರಾಜ್ಯ ಆಯೋಗದ ಸೂಚನಾ ಫಲಕಕ್ಕೆ
4. ರಾಜ್ಯ ಆಯೋಗದ ಸಂಬಂಧಪಟ್ಟ ನೌಕರರಿಗೆ
5. ಕಛೇರಿ ಪ್ರತಿ.

BEFORE THE CONSUMER DISPUTES REDRESSAL
DISTRICT FORUM / STATE COMMISSION

Name and Address : _____

Execution Petition No. :
in Complaint No.

Decree Holder :

V/s.

Judgement Debtor :

NOTICE UNDER SECTION 27 OF THE CONSUMER PROTECTION ACT 1986

The Decree Holder has filed an Execution Petition stating that the Judgement Debtor have not complied with the Orders of this District Forum / State Commission in Complaint/Appeal No. _____ dated _____ and sought action against you under section 27 of Consumer Protection Act, 1986.

You are hereby summoned to appear before this District Forum / State Commission in person or through pleader duly instructed, on this the _____ day of _____ at 11.00 AM to show cause why action shall not be taken u/s. 27 of the C.P. Act for your disobedience of the Order passed in Complaint/Appeal No. _____ dtd. _____ .

Given under my hand and seal of this District Forum / State Commission this _____ day of _____.

By Order of the District Forum / State Commission

Signature and seal of the Officer who
is empowered to sign this Notice

**BEFORE THE CONSUMER DISPUTES REDRESSAL
DISTRICT FORUM / STATE COMMISSION**

COMPLAINT NO. : _____

EXECUTION CASE NO.: _____

DECREE HOLDER V/S. JUDGEMENT DEBTOR

WARRANT OF ARREST

To:

(Concerned Superintendent of Police/Commissioner of Police)

The Decree Holder in this case has reported that the Judgement Debtor/s has/have not complied with the Order passed by the District Forum / State Commission in Complaint /Appeal No. _____. Hence, a Show Cause Notice was issued to the Judgement Debtor through R.P.A.D. directing him/them to appear before this District Forum / State Commission on _____ at 11.00 A.M. to Show Cause why action should not be taken against him/them u/s. 27 of the Consumer Protection Act, 1986. Inspite of service of Notice, the Judgement Debtor/s failed to appear before this District Forum / State Commission.

So it has become necessary to secure his/their presence to take further action against him/them under section 27 of the Consumer Protection Act, 1986.

Hence, you are hereby directed to arrest the said Judgement Debtor/s
(Name and addresses of the Judgement Debtor/s)

_____ and to
produce him/them before this District Forum / State Commission on
_____ at 11.00 AM herein without fail.

Dated this _____ day of _____.

PRESIDENT
Consumer Disputes Redressal
District Forum / State Commission

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Sl No	Address and Telephone No. of the State Commission/District Forum	Name of the President with their working term	Name of the lady Member with their working term	Name of the Member with their Working term
01	Karnataka State Consumer Disputes Redressal Commission Basava Bhavan, High Grounds, B.lore-560001 Ph:080- 22260590(Office) Telefax 22355065 e-mail-karscdrc@nic.in e-mail- kscdrc-ka@nic.in Website- http://kscdrc.kar.nic.in	Hon'ble Justice B.S Indrakala. 19.06.2014. To 07.04.2019	G.T. Vijaya Lakshmi 11.02.2013 To 10.02.2018	Basavaraj Shivappa Tadahala. 30.11.2015 to 30.06.2019 D.O.B. 31.07.1952
02	B'lore Urban DCDRF., Cauvery Bhavan,8 th Floor, BWSSB Wing,KG.Road, Bangalore-560009 080-22211137(O) Fax-22211137 B. Band- 22131149	Pandurang V Singri 29.06.2015 To 07.11.2018 D.O.B 08.11.1953	Yashodamma.M 13.02.2013 To 12.02.2018 2 nd term	Shantha.P.K. 29.06.2015 To 28.06.2020
03	Bangalore Rural & Bangalore Urban 1 st Additional District Consumer Disputes Redressal Forum, 1 st Floor, B.M.T.C. "B" Block, TTMC Building, Shanthinagara, Bangalore.	Syed Anser Khaleem. 23.01.2013 F.N TO 22.01.2018 A.N	Bharati B Vibhute. 01.07.2015 To 30.06.2020	H.Janardhan 13.02.2013 To 12.02.2018
04	Bangalore Urban II Additional District Consumer Forum,1 st Floor, B.M.T.C. "B" Block, TTMC Building, Shanthinagara, Bangalore.	Tiruvedula Shobha Devi 18.03.2015 To 07.08.2019 D.O.B. 08.08.1954	V.Anuradha 13.03.2015 To 12.03.2020	Balakrishna.V.Ma sali 13.03.2015 To 12.03.2020

05	Bangalore Urban III additional District Consumer Disputes Redressal Forum, 1 st Floor, B.M.T.C. "B" Block, TTMC Building, Shanthinagara, Bangalore.	Ramakrishna.H.S 29.06.2015 To 04.05.2019 D.O.B 05.05.1954	Mamatha.L 14.09.2015 To 13.09.2020	Vacant
06	Bangalore Urban IV Additional District Consumer Disputes Redressal Forum, 1 st Floor, B.M.T.C. "B" Block, TTMC Building, Shanthinagara, Bangalore.	Vacant	Roopa.N.R 01.07.2015 A.N To 01.07.2020. F.N	Suresh.D. 08.04.2015 To 07.04.2020
07	Bellary D.C.D.R.Forum, D.C.Office Premises, Bellary-583101 08392-276589(O) & fax. 08392-270239(Broad band) (from 24.09.07)	C.M.Chanchala. 02.07.2015 A.N To 02.07.2020.F.N	Mary Havila 15.02.2013 To 14.02.2018	Veerashekar.H 03.09.2015 To 02.09.2020
08	Belgaum DCDRF, District & Sessions Judge Court Premises, Belgaum-590001. 0831-2426140& fax. B B- 2421042	Basavanthappa Veerappa Gudli 01.07.2015 A.N To 31.05.2020 A.N D.O.B.01.06.55	Sunita 01.09.2015 To 31.08.2020	Vinayaka Sadashiva Gotakindi 15.09.2011 To 14.09.2016
09	Bidar DCDRF Behind DIET, Near District Traning Centre, Aliabad Road, Nawbad, Bidar:-585402 Phone No.08482-232563.	Jagannath Prasad Udgate. 30.06.2015 To 13.06.2019 D.O.B.14.06.54	Vacant	Shankarappa 29.06.2015.A.N To 29.06.2020.F.N
10	Bijapur DCDRF Sri Ganasha Nagar, Near Ibrahimpur, Managoli Rd, Bijapur-586 102 08352-276257& fax.	Sanganabasappa Huchappaa Hosalli. 30.06.2015 To 31.03.2019 D.O.B,01.04.1954	Smt.V.B. Chinivala 01-08-2011 To 31-07-2016	Geethanjali Sangappa Kalyani 01.07.2015 To 30.06.2020
11	Chickmagalur DCDRF New House Extension, Near Travellers Bungalow,	Ravi Shankar 21.01.2013 To 20.01.2018	B.U.Geetha 17.03.2015A.N To	Manjula.H. 29.06.2015 To

	Chickmagalur-577 101 08262-234864& fax. B B-229432		17.03.2020.F.N	28.06.2020
12	Chitradurga District Consumer Disputes Redressal Forum, Bank Colony, Turuvanur Road, CHITRADURGA.- 577501	Sreenivasaiah.T.N 13.08.2015 (F.N) To 12.08.2020	G.E. Sowbhagyalakshmi 01.08.2011 A. N. To 01.08.2016. F.N	Vacant
13	Dakshina Kannada DCDRF 1 st Cross, Mannagudda, Near Central Warehouse, Mangalore - 575003 0824-2457498&fax	Asha Shetty 12.09.11.A.N To 12.09.16 F.N	Lavanya Rai.M 29.06.2015 To 28.06.2020 II term	Vacant
14	Dharwad DCDRF Civil Court Premises, P.B.Road,Dharwad- 580001.0836-2446002& fax	Sreeharsha. B.H 15.09.11 A.N To 15.09.16 F.N	Vijayalakshmi.M 12.09.11 To 11-09-16	Vacant
15	Gulbarga DCDRF Opp. to Krishna Grameen Bank Head Office, Rajapur-Kusnoor Road, Gulbarga – 585 105. 08472-256033	Abdul Saleem Ghani Saheb Maldar. 30.06.2015 To 29.06.2020	Vacant	Nagashetty Gandagi 06.09.2015 To 05.09.2020.
16	Hassan DCDRF Opp:Advocate Bar Association, Behind D.C.Office, R.C.Road, Hassan-573201. 08172-266892& fax.	A. Lokesh Kumar 16.03.2015 A.N To 16.03.2020 F.N.	Shanthala.B.K 29.06.2015 To 28.06.2020	Vacant
17	Kolar DCDRF Dist.Court Premises, Kolar-563 101. 08152-241121	Nagaraj Bhimarao Kulkarni 18.03.2015 To 04.08.2016 D.O.B. 05.08.1951	Lalitha. A.C. 01.07.2015 To 30.06.2020	Chowdappa.R 16.03.2015 To 04.02.2017 D.O.B. 05.02.1952

18	Kodagu District Consumer Disputes Redressal Forum, Aakashavani Road, Near Vartha Bhavana, Madikeri-571201 Kodagu District, 08272-229852.	Patil Virupaxagouda Annadanagouda 19.03.2015 To 30.06.2017 D.O.B 01.07.1952	Latha. M.S 13.02.2013 To 12.02.2018	K.D.Parvathy 13.02.2013 To 12.02.2018
19	Mandya DCDRF DC Office Premises, Opp. to District Court, Mandya-571401. 08232-222100& fax.	Srikanta.T 30.06.2015 To 29.06.2020	M.K.Lalitha 16.03.2015 To 15.03.2020	Thippeswamy N 25.02..2013 To 24.02.2018
20	Mysore DCDRF No.1542, F.C.&D Block, JCST Layout, Near Jagadambha Petrol Bunk, Kuvempu Nagar, Mysore-570 009. 0821-2344902 &fax.	H.M. Shivakumara Swamy. 01.07.2015 To 07.04.2019 D.O.B 08.04.1954	M.V.Bhrathi 13.02.2013 To 12.02.2018	Devakumar.M.C. 29.06.2015.A.N. To 29.06.2020 F.N
21	Raichur DCDRF D.C.Office Compound, Raichur-584 101 08532-233006	Ashok Hanamant Malaghana 30.06.2015 To 29.06.2020	Hiremath pratibharani 13.02.2013 To 12.02.2018 2 nd term	Gururaj 13.02.2013 To 12.02.2018 2 nd term
22	Shimoga DCDRF D.C.Office Premises, D.C.Quarters Road, Near P.L.D.Bank, Shimoga-577201. 08182-220058 & fax	Venkata Sudharshan.D.R. 06.07.2015 To 31.01.2020 D.O.B 01.02.1955	Prema. E 15.09.2011 To 14.09.2016	K.M.Manjunath 29.06.2015 To 28.06.2020
23	Tumkur DCDRF Old D.C. Office Compound, Tumkur-572101 0816-2273037 & fax	Prathibha.R.K. 29.06.2015 To 28.06.2020	Girija 13.02.2013 To 12.02.2018 2 nd term	D.Shivamahadevaiah. 13.02.2013 To 12.02.2018 2 nd term

24	Uttara Kannada DCDRF M.G.Road, Karwar- 581 301. 08382-227404 & fax. B B-221095	Visweshwara bhat.D. 07.07.2015 To 25.04.2019 D.O.B 26.04.1954	Vacant	Vacant
25	Haveri DCDRF C.D.Haveri Building, Parameshwara Complex, P.B.Road, Haveri-581 110 08375-232509	Sunanda 29.06.2015 A.N To 28.06.2020. F.N	Maheshwari.B.S. 03.07.2015 To 02.07.2020.	Raju Namadev Metri 20.02.2013 To 19.02.2018
26	Chamrajnagar DCDRF PWD Colony, Court Main Road, Chamrajnagar.571313 08226-226502	Shivalinge Gowda. K.L. 01.07.2015 To 17.07.2018 D.O.B 18.07.1953	Gowrammani 01.07.2015 To 30.06.2020	Thammanna. Y.S 01.07.2015 To 30.06.2020
27	Davangere DCDRF Lokikere Road, Near Zilla Panchayat Office (Bypass), Davangere – 577 005. 08192-256618(O) 08192-230464(BB)	Vasanthakumar. H.Y. 01.07.2015 To 10.03.2019 11.03.1954	Jyoti Radesh Jambigi. 29.06.2015 To 28.06.2020	Shivakumar. K.N. 02.07.2015 To 01.07.2020
28	Koppal DCDRF Old Civil Court Building, Koppal-583 231 08539-220770(o)	Akatha.H.D. 29.06.2015. A.N To 29.06.2020. F.N	Sujatha Akkasali 29.06.2015 A.N To 29.06.2020. FN	Raviraj Kulkarni 04.07.2015 A.N To 04.07.2020.F.N
29	Gadag DCDRF Sri Siddalingeswara Nilaya, Near Marata Mandhir, Vakeela Chala, Gadag.- 528101 08372-252515	Samiunnisa.C.H 30.06.2015. To 29.06.2020	Jayashree Sangappa Kajagar. 30.06.2015 To 29.06.2020	Basavaraja Shivappa Keri 30.06.2015 To 29.06.2020
30	Bagalkot District Consumer Disputes Redressal Forum, No.1, Sector No.33, Navanagar,	Sharada.K. 29.06.2015 To 28.06.2020	Sumangala Chandrakantha Hadli 29.06.2015 A.N To	Shravanakumar Danappa Kadi 01.07.2015 To

	Bagalkot- 587102. Bagalkot District. Ph. 08354-235778		29.06.2020 F.N	30.06.2020
31	Udupi District Consumer Disputes Redressal Forum, #76,Badagubettu, Kukkikatte(Near Diana Talkies) Udupi-576101. 0820-2523170	Shobha.C.V. 01.07.2015. A.N To 01.07.2020 F.N	Sharadamma.H.G. 30.06.2015 To 29.06.2020	T.C. Rajashekar 20.02.2013 To 19.02.2018
32	Yadagiri District Consumer Disputes Redressal Forum, No.C.M/C/No.5 1- 27,Chittapura Road, Yadagiri Pattana,Yadagiri Dsitric. Phone No.08473-250688	M.S.Ramachandra. 30.06.2015 To 29.06.2020	Nanda Ishwarachandra Kollur. 29.06.2015 To 28.06.2020	Ashoka Kumar 29.06.2015 To 28.06.2020

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INFORMATION TO THE TASKS TO BE COMPLETED PRIOR TO COMMENCEMENT OF THE ACT

PREPARING MANUALS:-

Clause 4(1)(b) of the RTI Bill lays down that each public authority shall compile and publish, within 120 days from the enactment of the Act, the following 17 manuals:

Sl No	Manuals and information to the Manuals										
(i)	<p>The particulars of its organization, functions and duties:-</p> <p>The Karnataka State Consumer Disputes Redressal Commission at Bangalore and 30 District Forums at all the District Head quarters were functioning under chapter III of the Consumer Protection Act, 1986. The main object and duty of the State Commission and District Forums is to redress the consumer grievances free of cost, within stipulated period and without following any lengthy procedure.</p>										
(ii)	<p>The powers and duties of its officers and employees:-</p> <p>The powers and duties of the President, Members, Officers and employees of the Karnataka State Consumer Disputes Redressal Commission as per the Act and work distribution order issued by the State Commission are as follows:-</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Sl No.</th> <th style="width: 30%;">Name of the post</th> <th style="width: 30%;">Powers</th> <th style="width: 30%;">Duties</th> </tr> </thead> <tbody> <tr> <td>01</td> <td>Hon'ble President, State Commission. High Court Judge Salary</td> <td>A person who is or has been a Judge of a High Court, appointed by the State Government, who shall be the President of the State Commission</td> <td> <p>The President of the State Commission is the Head of the Department of the services of Karnataka State Consumer Disputes Redressal Commission & District Forums.</p> <p>The President of the State Commission is the Chairman for the Selection Committee under sec.10 (1)(A) & 16(1)(A) of the Consumer Protection Act, 1986 for the Selection of President and Members of the State Commission and District Forums.</p> </td> </tr> </tbody> </table>			Sl No.	Name of the post	Powers	Duties	01	Hon'ble President, State Commission. High Court Judge Salary	A person who is or has been a Judge of a High Court, appointed by the State Government, who shall be the President of the State Commission	<p>The President of the State Commission is the Head of the Department of the services of Karnataka State Consumer Disputes Redressal Commission & District Forums.</p> <p>The President of the State Commission is the Chairman for the Selection Committee under sec.10 (1)(A) & 16(1)(A) of the Consumer Protection Act, 1986 for the Selection of President and Members of the State Commission and District Forums.</p>
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				<p>The President is the Chairman of the High Power Committee having the members as follows:-</p> <ol style="list-style-type: none"> (1) Prl. Secretary to Government, Food Civil Supplies & Consumer Affairs (2) Secretary Finance Department (3) Secretary, Law Department (4) Registrar, State Commission as Member Secretary. <p>The President is the Appointing authority and disciplinary authority for employees coming under Group 'C' and Group 'D'.</p> <p>The President of the State Commission shall have administrative controls over all the District Forums within its jurisdiction in all matters referred to in sub-section (1) of Section 24B of the Consumer Protection Act 1986.</p> <p>Apart from the above, the President of the State Commission has to dispose of the original complaints filed under section 17(1)(a) of the C.P.Act, 1986 and dispose of the Appeals / Misc. Petitions / Rev. Petitions filed under section 15 and 17(1)(b) of the Consumer Protection Act, 1986 along with one or two Members who are appointed as per Sec.16(1)(b) of the Consumer Protection Act, 1986. This act of duty is quasi judicial.</p> <p>The post of President is a</p>
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				tenure post for period of 5 years from the date of appointment or up to the age of 67 years whichever is earlier.
02	Members of the State Commission Honorarium Rs.8,500/- p.m. + Rs.1,500/- p.m. Conveyance Allowance	Who are qualified and appointed as per Sec 16(1)(b) of the Consumer Protection Act, 1986		<p>The Members of the State Commission has to sit in the Benches of State Commission along with the Hon'ble President or the Judicial Member to dispose of the Original complaints filed under Section 17(1) (a) of the C.P.Act6, 1986 and dispose of the Appeals / Misc. Petitions / Rev. Petitions filed under section 15 and 17(1)(b) of the C.P.Act.</p> <p>The Post of Members are tenure post for the period of 05 Years from the date of appointment or up to the age of 67 Years, whichever is earlier.</p>
03	Registrar cum Administrative Officer Scale Rs.12850 – Rs.17550/-	The Post of Registrar cum Administrative Officer has been filled by way of deputation from the cadre of Civil Judge(Sr. Division)		<p>The Registrar cum Administrative Officer is the Drawing and Disbursing Officer of the Karnataka State Consumer Disputes Redressal Commission. The Registrar is to do the work of Head of the Office. The Registrar shall carry and act upon the directions of the President of the State Commission. The Registrar has to attend all meeting at the Government level on behalf of the Head of the Department.</p> <p>The Registrar cum Administrative Officer is the Public Relation Officer for the State Commission.</p>

04	P.S cum Judgment writer Scale Rs.11400 – Rs.21600	One Post	The P.S.Cum Judgment writer has to take dictation from the Hon'ble President of the State Commission, transcript and submit to the President. The P.S. cum Judgment writer is to attend all personal work of Hon'ble President of the State Commission. The P.S.Cum Judgment writer has to take dictation at Court hall of the State Commission and has to record the proceedings of the State Commission.
05	Assistant Registrar Cum Asst. Administrative Officer Scale Rs.11400 – Rs.21600	One Post	The Assistant Registrar cum Assistant Administrative Officer is to carry out the direction issued by the President of the State Commission.
06	Accounts Superintendent Scale Rs.10800 – Rs.20025	One Post	The Accounts Superintendent of the State Commission is the head of the Accounts wing of the State Commission. The Accounts Superintendent is to prepare Plan and Non Plan proposal, off take and allotment of the budget to the District Forum. The Accounts Superintendent is to assist in all accounts mater to the Hon'ble President and Registrar of the State Commission.
07	Sheristedar Scale Rs.10000 – Rs.18150	One Post	The Sheristedar of the State Commission is the head of the Section of Administration and Judicial wing. The Sheristedar is to assist the Selection Committee under sec 10(1) (A) and 16(1) (A) of the C.P.Act, 1986. The Sheristedar is to receive the Complaints, Appeals, Misc.

				<p>Petitions, Ex. Petitions, and Rev. Petitions which are filed before the State Commission, scrutiny the same, prepare order sheet along with checklist and submit the same before the State Commission through Registrar of the State Commission. If the Registrar is on leave the files are to be submitted directly to the State Commission</p> <p>The Sheristedar is the certifying authority of the copies which are to be issued to the parties of the concerned case free of cost and which are to be issued to the parties on payment basis as per fee prescribed by the State Commission from time to time. The Sheristedar is to perform the duties in connection with appointment, promotion, suspension and dismissal or retirement All the files concerning the Administration and Judicial wing are to be submitted by the Sheristedar to the Hon'ble President of the State Commission through Registrar of the State Commission.</p> <p>The Sheristedar is to inspect the District Forums and prepare inspection note and submit the same to the Hon'ble President of the Sate Commission when ever the work of inspection is to entrusted to the Sheristedar.</p> <p>The Sheristedar is to receive the Demand Drafts/ Pay orders in the cases filed before the State</p>
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				<p>Commission and acknowledge the same, has to sent to the State Bank of Mysore for remittance. As per the orders of the State Commission or the President of the State Commission, the Sheristedar has to prepare the cheques of P.D.Account, get the signature of the President, handed over to the concerned with acknowledgement</p> <p>The Sheristedar is to carry out the oral instruction and written orders of the State Commission, President of the State Commission and Registrar of the State Commission.</p>
08	Stenographers Scale Rs.7275 – Rs.13350	Four Posts		<p>Three Stenographers is to take dictation from the Hon'ble President and Members of the State Commission at their Chambers and at Court and record the proceedings of the State Commission, transcript the same in computer and in order sheet</p> <p>One Stenographer is to take dictation from the Sheristedar of the State Commission. The Stenographers are also take dictation from the Registrar of the State Commission whenever requires.</p>
09	First Division Assistant Scale Rs.7275 – Rs.13350	Four Posts		<p>One First Division Assistant is to do the work of Record Keeper. Keeping the Records of disposed of cases, indexing, issuing of the certified copies in disposed of cases under the supervision of the Sheristedar and any other work entrusted</p>

				<p>by the Sheristedar of the State Commission</p> <p>One First Division Assistant is the Assistant to the Accounts Superintendent for all Accounts Work. The same F.D.A. is also looking after the work of protocol of the State Commission.</p> <p>One First Division Assistant is the Pending Clerk of the State Commission Appeal Pending section. He/ she is the custodian of the Pending Files of Appeal. He/ she is to attend the work of collecting the scrutinized files from Sheristedar, issuing of certified copies to the concerned parties of the cases, preparation monthly Statistical Statement, sending the files to the court hall and receiving the files from court hall, finally sending disposes of cases files to the Record Section under the supervision of the Sheristedar.</p> <p>One First Division Assistant is to work in the Administrative section as Case worker in all administrative matters under the supervision and guidance of the Sheristedar of the State Commission.</p>
10	<p>Second Division Assistant</p> <p>Scale Rs.5800 – Rs.10500</p>	Three Posts	<p>One Second Division Assistant is to look after the work of inward and outward under the supervision and guidance of the Sheristedar of the State Commission.</p> <p>One Second Division Assistant</p>	

				<p>is to look after the Librarian at State Commission and assist the Record Keeper for indexing of the disposed of case files at record Room.</p> <p>One Second Division Assistant is to look after the work of Complaints pending section, collection copying fees through computer entries, issuing of copies to the concerned parties pertains pending cases. Preparation monthly statistical Statements and any other work entrusted by the Sheristedar of the State Commission.</p>
11	Typists Scale Rs.5800 – Rs.10500	Two Posts	<p>One Typist is to prepare notices and letters as per the direction of the State commission.</p> <p>One Typists is to attend all the typing work of the State Commission.</p>	
12	Drivers Scale Rs.5800 – Rs.10500	Two Posts	<p>One Driver is attached to the Hon'ble President of the State Commission to drive his vehicle attached to the President.</p> <p>One Driver is attached to the Registrar of the State Commission to drive the vehicle attached to the Registrar.</p>	
13	Peons Scale Rs.4800 – Rs.7275	Nine Posts	<p>One Peon is attached to the President of the State Commission and court hall.</p> <p>One Peon is attached to the Registrar cum Administrative Officer</p> <p>One Peon is Attached to the Member and Record Room.</p> <p>One Peon is attached to Member(Lady) and Accounts Section.</p> <p>One Peon is attached to inward</p>	

			and outward section. One Peon is attached to Direct Letters delivery section. One Peon is attached to Administrative and Judicial Wing. Two posts are to be kept vacant to draw Hone Orderly allowances for the post of President and Registrar.

The Powers and duties of President, Members, Officers and Employees of the District Forum is as follows:-

Sl No.	Name of the Post	Powers	Duties
01	Hon'ble President Scale 16750-20500	A person who is, or has been or is qualified to be a District Judge, who shall be the President of the District Forum under section 10(1)(a) of the C.P.Act.	The President of the District Forum shall discharge the Quasi Judicial work under section 11, 12, 13, 14, 25&27 of the Consumer Protection Act, 1986. The President of the District Forum shall exercise the Financial powers vested to the Divisional Level Officers. The post of President is a tenure post for period of 5 years from the date of appointment or up to the age of 65 years whichever is earlier
02	Members of the State Commission Honorarium Rs.5,500/- p.m. + Rs.500/- p.m. Conveyance	Two Members, one of whom shall be a woman, who shall appointed as per sec. 10(1)(b) of the C.P.Act	The Members of the District Forum shall discharge the Quasi Judicial Work along with the President of the District Forum, Under sec. 11, 12, 13, 14, 25 & 27 of the C.P.Act, 1986,. The post of President is a tenure post for period of 5

	Allowance		years from the date of appointment or up to the age of 65 years whichever is earlier
03	Asst. Registrar cum Asst. Administrative Officer Scale Rs.11400 - Rs.21600	One Post	The Assistant Registrar Cum Assistant Administrative Officer is to discharge the duties of drawing and disbursing Officer. The Assistant Registrar cum Assistant Administrative Officer is to carry out the direction issued by the President as well as the District Forum Bench.
04	Sheristedar Scale : 10000 - 18150	One Post	Sheristedar is nothing but Manager of the Officer, The Sheristedar shall discharge the work of overall supervision, accounts, filing, disposal, preparing statements, playbills and other work entrusted by the President of the District forum and Asst. Registrar of the District Forum.
05	First Division Assistant Scale : 7275 - 13350	One Post	The First Division Assistant shall discharge the duties of the Bench Clerk, Pending clerk and any other work entrusted by the District Forum.
06	Second Division Assistant Scale : 5800 - 10500	One Post	The Second Division Assistant shall discharge the duties of Inward and outward, indexing of disposed of files, record keeper, librarian and any other work entrusted by the President of the District Forum.
07	Stenographers Scale : 7275 - 13350	Two Posts	The Stenographers shall discharge the duties of taking dictation of judgments at court hall and chambers of the President and Members of the

				District Forum. Transcription work through computer, recording deposition at court hall through computer and any other work entrusted by the President, Members, Assistant Registrar cum Assistant Administrative Officer.
08	Typist Scale : 5800 - 10500	One Post		Only at Bangalore Urban, Udupi , Bangalore Urban III Addl and Bangalore Urban IV Addl. Forum The typists has to do the work of preparing notices, letters and any other work entrusted by the President of the District Forum and Assistant Registrar of the District Forum.
09	Driver Scale : 5800 - 10500	One Post		Except at Bangalore Urban II Addl, Bangalore Urban III Addl, Bangalore Urban IV Addl, Chamarajanagar, Davangere, Koppal, Bagalkot, Haveri, Gadag and Udupi District Forum. Vehicles are available at Bangalore Urban, Mysore, Gulbarga and Belgaum. In these Forums the driver shall drive the vehicle.
10	Peon Scale : 4800 - 7275	Three Post		One Peon is attached to the President of the District Forum and Court Hall. One Peon is attached to the Office of the District Forum One Peon is to do the work of night watchman or any other work entrusted by the President of the District Forum.
(iii)	The Procedure followed in the decision making process, including			

	<p>channels of supervision and accountability:-</p> <p>The Karnataka State Consumer Disputes Redressal Commission and the District Forums are constituted under the (Central Act No.68 of 1986) Consumer Protection Act, 1986 to redress the grievances of the Consumers. The State Commission and District Forums are follow the procedure laid in the Consumer Protection Act, 1986 u/s 11, 12,13,14,15,17 18 and 22 D and the regulation framed by the National Consumer Disputes Redressal Commission under section 30A of the Consumer Protection Act, 1986, vide its notification No.No.1-105/NCDRC/2005, dt. 31.05.2005.</p>
(iv)	<p>The norms set by it for the discharge of its functions:-</p> <p>The Norms for discharge of the functions of the State Commission/ District Forum and National Commission are available in the Consumer Protection Act, 1986 and Consumer Protection Regulations 2005 and Karnataka Consumer Protection Rules 1988.</p>
(v)	<p>The Rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions:-</p> <p>The Consumer Protection Act, 1986 The Karnataka Consumer Protection Rules 1988 The Consumer Protection Regulations 2005 and others rules for establishment of the State Commission and District Forums..</p>
(vi)	<p>A Statement of the categories of documents that are held by it or under its control:-</p> <p>Complaint Registers, Appeal Registers, Ex. Pet. Registers, Misc. Pet. Registers, Rev. Pet. Registers, Record Room Registers, Files pertains to Complaints, Appeals, Misc. Pet., Rev. Pet., Ex. Pet and other registers and files for establishment of the State Commission and District Forums.</p>
(vii)	<p>The particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or administration thereof:-</p> <p>No public contract with the services of Karnataka State Consumer Disputes Redressal Commission and District Forum which are constituted under the provisions of the Consumer Protection Act, 1986. Only the Consumers or the aggrieved parties shall approach these services.</p>
(viii)	<p>A Statement of the boards, Councils, Committees and other bodies consisting of two or more person constituted as its part or for the purpose of its advise, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the</p>

	<p>minutes of such meetings are accessible for public:-</p> <p>No Boards, Councils, Committees and other bodies are functioning under the services of Karnataka State Consumer Disputes Redressal Commission and District Forums.</p>
(ix)	<p>A directory of its Officers and employees:-</p> <p>No directory is published pertains to the officers and employees in the services of Karnataka State Consumer Disputes Redressal Commission and District Forums.</p> <p>The list of President and Members and Address and Telephone numbers of the State Commission and District Forum is enclosed herewith as annexure-A.</p>
(x)	<p>The monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations:</p> <p>No monthly remuneration shall be given to any officer or employee of the State Commission and District Forums as per the Consumer Protection Regulations 2005.</p>
(Xi)	<p>The budget allocated to each of its agency, indicating the particulars of all Plans, proposed expenditures and reports on disbursements made:-</p> <p>Information to this manual is at Annexure-B.</p>
(xii)	<p>The manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes:-</p> <p>No subsidy programmes under the services of Karnataka State Consumer Disputes Redressal Commission and District Forums..</p>
(xiii)	<p>Particulars of recipients of concessions, permits or authorizations granted by it:-</p> <p>- Nil-</p>
(xiv)	<p>Details in respect of the information, available to or held by it, reduced in an electronic form:-</p> <p>Information in respect of Karnataka State Consumer Disputes Redressal Commission is available at http:// kscdrc.kar.nic.in. The website is being developed, maintained and updating by the NIC, Karnataka Unit.</p>
(xv)	<p>The particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room if maintained for public use:-</p> <p>The Karnataka State Consumer Disputes Redressal Commission and all</p>

	<p>the District Forums are having the facility of library in respect to the Consumer Protection Act, 1986. The parties concerned to the cases and the public can make use of the library available in the State Commission and District Forums during their working hours between 10.00 Am 1.30 P.M. and 2.15 P.M. to 5.15 Pm.</p> <p>No reading room available for public or employees in the State Commission and District Forum.</p>
(xvi)	<p>The names, designation and other particulars of the public information Officers:-</p> <p>The name, designation and other particulars of the nominated Public Relation Officer in the State Commission is as follows:-</p> <p>C. Halappa Registrar Cum Administrative Officer, Karnataka State Consumer Disputes Redressal Commission, Basavana Bhavan, High Grounds, Bangalore- 560001 Telephone Number: 22262865(Office), e-mail- karscdrc@kar.nic.in.</p>
(xvii)	<p>Such other information as may be prescribed:-</p> <p>The copy of the Consumer Protection Regulations, 2005 and the letter dt. 31.12.2003, by the National Consumer Disputes Redressal Commission is enclosed herewith. The remedy for the public to access the information from the Karnataka State Consumer Disputes Redressal Commission and District Forums is available in the Consumer Protection Regulations 2005 and when there is separate rules/ regulation for supply of copies of the documents, the provisions of the Right to Information Act, are not applicable to the Consumer Forums constituted under the Consumer Protection Act, 1986.</p>

Registrar cum Administrative Officer.

INDEX 7

**ಕರ್ನಾಟಕ ರಾಜ್ಯ ಗ್ರಾಹಕರ ವ್ಯಾಜ್ಯಗಳ ಪರಿಹಾರ ಆಯೋಗ
ಬಸವ ಭವನ, ಹೈಗ್ರಾಂಡ್ಸ್, ಬೆಂಗಳೂರು - 1**

ವಿಷಯ : 2005ರ ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆ (2005ರ ಕೇಂದ್ರ ಕಾಯ್ದೆ ಸಂಖ್ಯೆ 22) ಯಡಿಯಲ್ಲಿ ಸಾರ್ವಜನಿಕ ಮಾಹಿತಿ ಅಧಿಕಾರಿ, ಸಹಾಯಕ ಸಾರ್ವಜನಿಕ ಮಾಹಿತಿ ಅಧಿಕಾರಿ ಹಾಗೂ ಮೇಲ್ಮನವಿ ಪ್ರಾಧಿಕಾರದ ನೇಮಕ ಕುರಿತು.

ಓದಲಾಗಿದೆ:-

ಸರ್ಕಾರದ ಪತ್ರ ಸಂಖ್ಯೆ ಅನಾಸ:119ಇಭತ:2005, ದಿನಾಂಕ 20.8.2005.

ಪ್ರಸ್ತಾವನೆ:-

ಮೇಲೆ ಓದಲಾಗಿರುವ ಸರ್ಕಾರದ ಪತ್ರದಲ್ಲಿ 2005 ರ ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆಯ ಸೆಕ್ಷನ್ 5(1) ರಡಿಯಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಗ್ರಾಹಕರ ವ್ಯಾಜ್ಯಗಳ ಪರಿಹಾರ ಆಯೋಗ ಮತ್ತು ಜಿಲ್ಲಾ ವೇದಿಕೆಗಳ ಸೇವೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸಾರ್ವಜನಿಕ ಮಾಹಿತಿ ಅಧಿಕಾರಿ, ಕಲಂ 5(2) ರಡಿಯಲ್ಲಿ ಸಹಾಯಕ ಸಾರ್ವಜನಿಕ ಮಾಹಿತಿ ಅಧಿಕಾರಿ ಮತ್ತು ಕಲಂ 19(1) ರಡಿಯಲ್ಲಿ ಮೇಲ್ಮನವಿ ಪ್ರಾಧಿಕಾರ ಕುರಿತು ನೇಮಕ ಮಾಡುವಂತೆ ಕೋರಿರುವುದನ್ನು ಪರಿಶೀಲಿಸುತ್ತಾ ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶ ಮಾಡಲಾಗಿದೆ.

ಆದೇಶ ಸಂಖ್ಯೆ : ಕರಾಅಆಡಳಿತ:92 :2000-01, ದಿನಾಂಕ 29.8.2005

2005 ರ ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆ(2005 ರ ಕಾಯ್ದೆ ಸಂಖ್ಯೆ 22) ಸೆಕ್ಷನ್ 19(1) ರಡಿಯಲ್ಲಿ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಗ್ರಾಹಕರ ವ್ಯಾಜ್ಯಗಳ ಪರಿಹಾರ ಆಯೋಗದ ಮಾನ್ಯ ಅಧ್ಯಕ್ಷರನ್ನು ಮೇಲ್ಮನವಿ ಪ್ರಾಧಿಕಾರವೆಂದೂ, ಕಲಂ 5(1) ರಡಿಯಲ್ಲಿ ರಾಜ್ಯ ಆಯೋಗದ ರಿಜಿಸ್ಟ್ರಾರ್ ಮತ್ತು ಆಡಳಿತಾಧಿಕಾರಿಗಳನ್ನು “ಸಾರ್ವಜನಿಕ ಮಾಹಿತಿ ಅಧಿಕಾರಿ”ಯೆಂದು ಮತ್ತು ಕಲಂ 5(2) ರಡಿಯಲ್ಲಿ ರಾಜ್ಯ ಆಯೋಗದ

ಶಿರಸ್ತೇದಾರ್‌ರವರನ್ನು ಸಹಾಯಕ ಸಾರ್ವಜನಿಕ ಮಾಹಿತಿ ಅಧಿಕಾರಿಯೆಂದು ಈ ಮೂಲಕ ನೇಮಕ ಮಾಡಲಾಗಿದೆ.

ಇದೇ ರೀತಿ ಸೆಕ್ಷನ್ 19(1) ರಡಿಯಲ್ಲಿ ಆಯಾ ಜಿಲ್ಲಾ ವೇದಿಕೆಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಜಿಲ್ಲಾ ವೇದಿಕೆಯ ಅಧ್ಯಕ್ಷರನ್ನು “ಮೇಲ್ಮನವಿ ಪ್ರಾಧಿಕಾರ”ವೆಂದು, ಸೆಕ್ಷನ್ 5(1) ರಡಿಯಲ್ಲಿ ಆಯಾಯ ಜಿಲ್ಲಾ ವೇದಿಕೆಗಳ ಸಹಾಯ ರಿಜಿಸ್ಟ್ರಾರ್ ಮತ್ತು ಸಹಾಯಕ ಆಡಳಿತಾಧಿಕಾರಿಗಳನ್ನು “ಸಾರ್ವಜನಿಕ ಮಾಹಿತಿ ಅಧಿಕಾರಿ” ಎಂದು ಮತ್ತು ಆಯಾ ಜಿಲ್ಲಾ ವೇದಿಕೆಗಳ ಶಿರಸ್ತೇದಾರ್‌ರವರನ್ನು “ಸಹಾಯಕ ಸಾರ್ವಜನಿಕ ಮಾಹಿತಿ ಅಧಿಕಾರಿ”ಯೆಂದು ಈ ಮೂಲಕ ನೇಮಕ ಮಾಡಲಾಗಿದೆ.

(ನ್ಯಾಯಮೂರ್ತಿ ಚಂದ್ರಶೇಖರಯ್ಯ)

ಕರ್ನಾಟಕ ರಾಜ್ಯ ಗ್ರಾಹಕರ ವ್ಯಾಜ್ಯಗಳ ಪರಿಹಾರ ಆಯೋಗ,
ಬೆಂಗಳೂರು.

ಸಂಕಲನಾಕಾರರು ಕರ್ನಾಟಕ ರಾಜ್ಯ ಪತ್ರ, ಇವರಿಗೆ ಮುಂದಿನಸಂಚಿಕೆಯಲ್ಲಿ ಪ್ರಕಟಿಸುವ ಸಲುವಾಗಿ

ಪ್ರತಿಗಳು :-

1. ಸರ್ಕಾರದ ಪ್ರಧಾನ ಕಾರ್ಯದರ್ಶಿಗಳು, ಆಹಾರ ನಾಗರಿಕ ಸರಬರಾಜು ಮತ್ತು ಗ್ರಾಹಕರ ವ್ಯವಹಾರಗಳ ಇಲಾಖೆ, ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ, ಬೆಂಗಳೂರು.
2. ಎಲ್ಲಾ ಜಿಲ್ಲಾ ವೇದಿಕೆಗಳ ಅಧ್ಯಕ್ಷರಿಗೆ, ಸಹಾಯಕ ರಿಜಿಸ್ಟ್ರಾರ್‌ಗಳಿಗೆ ಮತ್ತು ಶಿರಸ್ತೇದಾರ್‌ಗಳಿಗೆ.
3. ರಾಜ್ಯ ಆಯೋಗದ ರಿಜಿಸ್ಟ್ರಾರ್ ಮತ್ತು ಆಡಳಿತಾಧಿಕಾರಿಗಳಿಗೆ,
4. ರಾಜ್ಯ ಆಯೋಗದ ಶಿರಸ್ತೇದಾರ್‌ರವರಿಗೆ,
5. ರಾಜ್ಯ ಆಯೋಗದ ಸೂಚನಾಫಲಕಕ್ಕೆ,
6. ಕಛೇರಿ ಪ್ರತಿ.

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Food and Civil Supplies Secretariat

Notification

No. FCS 46 SLF 98, Bangalore, dated 5th February 2004

Whereas the draft rules of the Karnataka Consumer Protection(State Commission and District Forum)(Cadre and Recruitment)Rules, 2003 was published as required by sub-section(2) of section 3 of The Karnataka State Civil Services Act, 1978 (Karnataka Act 14 of 1990) in Notification No: FCS 46 SLF 98, dated 22.12.2003 in part IV-A of the Karnataka Gazette (Extra-Ordinary) dated 22nd December, 2003 inviting objections and suggestions from all persons likely to be affected thereby within 15 days from the date of publication in the official Gazette.

And whereas the said Gazette was made available to public on 22.12.2003

And whereas no objections and suggestions are not received by the Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 read with section 8 of The Karnataka Civil Services Act, 1978 (Karnataka Act 14 of 1990) the Government of Karnataka hereby makes the following rules, namely:-

RULES

1. Title and Commencement: - (1) These rules may be called The Karnataka Consumer Protection (State Commission and District Forum) (Cadre and Recruitment)Rules, 2003.
2. They shall come into force from the date of their publication in the official gazette.

2. **Method of recruitment and minimum qualification, etc:** In supercession of notification No. FTD 80 SLF 89, dated 14.09.1991, The Karnataka Consumer Protection State Commission and District Forum service shall consist of each category of posts carrying scale of pay as specified in column(2) of the schedule below, and the number of posts, method of recruitment and minimum qualification, if any, shall be as specified in the corresponding entries in columns (3), (4) and (5) thereof.

3. **Repeal and Savings :** The Karnataka Consumer Protection (State Commission and District Forum) (Recruitment) Rules, 1991 are hereby repealed:

Provided that such repeal shall not effect:

(i) the previous operation of the said rules or anything duly done or any action taken thereunder: or

(ii) any right liabilities, obligation acquired, accrued or incurred under the said rules.

SCHEDULE

Sl. No	Category of post and scale of pay	No. of Posts (All temporary)	Method of recruitment	Minimum qualification
1	2	3	4	5
1.	Registrar-cum Administrative Officer	01	By deputation of an officer in the cadre of Civil Judge(Senior Division) from the Karnataka Judicial Service	
2	Assistant Registrar Cum- Assistant Administrative Officer (Rs.6000-11200)	30	By promotion from the cadre of Sheristedar; or by deputation of an officer in the equivalent cadre from any State Civil Service or from the High Court of Karnataka or from the Karnataka Administrative Tribunal.	For Promotion: Must have put in not less than five years of service in the cadre of Sheristedar.
3.	Private Secretary cum- Judgement Writer (Rs. 6000-11200)	01	By promotion from the cadre of Stenographer. Provided that before promotion a Stenographer shall exercise an irrevocable option. If no suitable candidate is available for promotion in the cadre of Stenographer, by deputation from the equivalent cadre in the High Court of Karnataka or from the Karnataka Administrative Tribunal	For Promotion: 1. Must have passed Shorthand and Senior Typewriting in English and Kannada 2. Must have put in a service of not less than eight years in the cadre of Stenographer
4.	Court Officer (Rs.6000-11200)	01	By promotion from the cadre of Sheristedar. If no suitable candidate is available for promotion,	For Promotion from the cadre of Sheristedar:- 1. Must be holder of

			<p>by promotion from the cadre of First Division Assistants. Provided that before promotion a First Division Assistant shall exercise an irrevocable option. If no suitable person is available for promotion from the cadre of Sheristedar or First Division Assistant, then by deputation from the equivalent cadre from the High Court of Karnataka or from the Karnataka Administrative Tribunal.</p>	<p>a Degree in law. 2. Must be put in a service of not less than three years in the cadre of Sheristedar. <u>For Promotion from the cadre of First Division Assistant:</u> 1. Must be holder of a Degree in Law. 2. Must have put in a service of not less than eight years in the cadre of First Division Assistant</p>
5.	Accounts Superintendent	01	By deputation of an officer of an equivalent cadre from the State Accounts Department.	
6.	Sheristedar (Rs.5200- 9580)	31	<p>By promotion from the cadre of Stenographers and First Division Assistants, in the ration of 2:1, every 3rd vacancy being filled in by promotion of a First Division Assistant. Provided that, if no suitable person is available for promotion, by deputation from an equivalent cadre from any State Civil Services or from the High Court of Karnataka or from the Karnataka Administrative Tribunal or from the Subordinate Courts in Karnataka.</p>	<p><u>For Promotion:</u> Must have put in a service of not less than five years in the cadre of First Division Assistant of Stenographer: Provided that if persons who have put in a service of not less than five years are not available, a person who has put in a service of not less than three years may be considered.</p>
7.	First Division Assistant (Rs.3850-7050)	34	Fifty percent by direct recruitment in accordance with the	<p><u>For Promotion:</u> Must have put in a service of not less</p>

			<p>Karnataka Civil Services (Recruitment to Ministerial Posts) Rules, 1978 and Fifty percent by promotion from the cadre of Second Division Assistant.</p>	<p>than five years in the cadre of Second Division Assistant. Provided that if persons who have put in not less than five years of service are not available, a person who has put in a service of not less than three years may be considered for promotion.</p> <p>For Direct Recruitment: Must possess qualification as specified in The Karnataka Civil Services (Recruitment to Ministerial Posts Rules, 1978.</p>
8.	Stenographers (Rs.3850-7050)	64	<p>Ninety percent by direct recruitment and ten percent by Promotion from the cadre of typists.</p> <p>For direct recruitment, in accordance with the following procedure, namely, the Registrar of the Karnataka State Consumer Disputes Redressal Commission (hereinafter referred to as Selection Authority) shall advertise the vacancies in the Official Gazette, specifying the number of vacancies to be filled, and the classification of posts in accordance with the reservation of posts provided by or under any law or any order for the</p>	<p>For Promotion:</p> <ol style="list-style-type: none"> 1. Must possess the qualification prescribed for direct recruitment. 2. Must have put in a service of not less than five years in the cadre of Typist. <p>For Direct Recruitment:</p> <ol style="list-style-type: none"> 1. Must have passed S.S.L.C examination or possess an equivalent qualification. 2. Must have such

		<p>time being in force and invite applications from intending candidates. Abstract of such advertisement shall also be published in two daily newspapers having wide circulation in the State of Karnataka, of which one shall be in Kannada.</p> <p>The notification inviting applications along with the application from shall also be placed simultaneously on the web-site of the State Commission which shall continue to be on the web-site at least for a month, from the date on which the final list of selected candidates is published. The notification shall also be published on the notice board of the State Commission and each District Forum in the State.</p> <p>Application from shall be specified by the Selection Authority and shall be annexed to the notification. The application shall be accompanied by such fee as may be specified by the Selection Authority and the mode of payment shall also be specified by the Selection Authority.</p> <p>The notification shall also indicate the lower and upper age limit prescribed and the last date fixed for</p>	<p>knowledge of computers as may be specified by the Government of Karnataka from time to time.</p> <p>3. Must have passed senior Typewriting and Senior Shorthand examinations in Kannada and in English conducted by the Department of Public Instructions or any other examination declared as equivalent thereto by the Government of Karnataka, for purposes of recruitment of Stenographers under The Karnataka Civil Services (Recruitment to the posts of Stenographers and Typists) Rules, 1983.</p> <p>Provided that a weightage of five percent shall be added to the aggregate percentage of marks secured by a candidate in the qualifying examination, if he has passed the</p>
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		<p>receipt of application which shall not be less than thirty days from the date on which notification calling for application is published in the daily news paper.</p> <p>The selection authority shall, on the basis of the aggregate of percentage of total marks secured by the candidates in qualifying examinations and after taking into account the reservation of posts provided by or under any law or any order for the time being in force prepare a list in the order of merit of candidates eligible for appointment in respect of each category commensurate with the number of vacancies notified.</p> <p>The list of selected candidates shall be published in the Official Gazette indicating the names of the candidates selected. It shall also be published on the notice board of the State Commission and each of the District Forum in the State and in two daily news papers having wide circulation in the State of which one shall be in Kannada.</p> <p>The list of selected candidates shall also be published by the Selection</p>	<p>proficiency grade examination in Kannada and/or English Shorthand.</p>
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			<p>Authority, on the web-site of the State Commission and which shall be available on the said web-site atleast for one month, from the last date fixed for the candidates to report for duty.</p> <p>The Selection Authority shall send the list of selected candidates to the Appointing Authority. The appointing authority may appoint the candidates, whose names are included in the select list, in the order in which their names appear in the select list, after satisfying itself after such enquiry as may be considered necessary that each such candidate is suitable in respect of such appointment.</p> <p>The inclusion of names of the candidates in the select list shall not confer any right of appointment.</p>	
9	Second Division Assistant (Rs. 3000-5450)	36	<p>Sixty Seven percent by Direct Recruitment in accordance with The Karnataka Civil Services (Recruitment to Ministerial Posts) Rules, 1978 and Thirty three percent by transfer of persons in the cadre of Drivers or if no suitable person is available for transfer, by promotion from the cadre in Group D Service.</p>	<p><u>For Promotion:</u></p> <ol style="list-style-type: none"> 1. Must possess the qualification prescribed for direct recruitment. 2. Must have put in a service of not less than five years in the cadre of peon. <p>Provided that if persons who have</p>

				<p>put in a service of not less than five years are not available, a person who has put in a service of not less than three years may be considered.</p> <p><u>For Direct Recruitment:</u></p> <p>Must possess qualification as specified in The Karnataka Civil Services (Recruitment to Ministerial posts) Rules, 1978.</p>
10	Typists (Rs. 3000-5450)	06	<p>By direct recruitment in accordance with the procedure specified for direct recruitment of Stenographer in column 4 of serial number 8.</p> <p>The Registrar of the Karnataka State Consumer Disputes Redressal Commission shall be the selection authority in respect of the cadre of Typist also</p>	<p><u>For Direct Recruitment:</u></p> <ol style="list-style-type: none"> 1. Must have passed the S.S.L.C examination or possess an equivalent qualification; and 2. Must have passed Senior Grade Typewriting examination in Kannada and in English conducted by the Department of Public Instruction or possess an equivalent qualification. 3. Must have knowledge of

				Computers as may be specified by the Government of Karnataka, from time to time.
11	Driver (Rs.3000-5450)	22	By direct recruitment, in accordance with the The Karnataka Civil Services (Direct Recruitment by Competitive Examination) (General) Rules, 2001	For <u>Direct Recruitment</u> : 1. Must have passed 7 th standard examination or possess equivalent qualification. 2. Must possess a valid current driving license to drive light motor vehicle.
12	Peons (Rs.2500-3850)	99	By direct recruitment in accordance with the Karnataka Civil Services (Direct Recruitment by Competitive Examination) (General) Rules, 2001	For <u>Direct Recruitment</u> : Must have passed 7 th standard examination or possess equivalent qualification.

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MONTHLY STATEMENT REGARDING FILING, DISPOSAL AND PENDING AS ON
31st July 2007 (Year wise Breakup)

MONTHLY STATEMENT REGARDING FILING, DISPOSAL AND PENDING
AS ON 31ST JULY 2007

STATE COMMISSION

Sl. No.	Name of the Office	No. of cases filed since inception	No. of cases disposed of since inception	No. of cases pending
01	Karnataka State Commission (Appeal)	19788	18963	825
02	Karnataka State Commission (Complaint)	3385	3360	25
	Total	23173	22323	850

DISTRICT FORUMS

01	Bangalore Urban	22266	21999	267
02	Bangalore Rural &	479	475	4
	Bangalore Urban 1st Additional	5587	5426	161
03	Bangalore Urban 2nd Additional	6532	6415	117
04	Bangalore Urban 3rd Additional	2631	2494	137
05	Bangalore Urban 4th Additional	2525	2395	130
06	Bellary	1981	1954	27
07	Belgaum	5702	5601	101
08	Bidar	1660	1578	82
09	Bijapur	2293	2217	76
10	Chitradurga	2664	2612	52
11	Chickmagalur	2303	2195	108
12	Dharwad	5537	5054	483
13	Dakshina Kannada	8710	8494	216
14	Gulbarga	2228	2180	48
15	Hassan	2987	2857	130
16	Kolar	1788	1655	133
17	Kodagu	2666	2643	23
18	Mandya	1770	1718	52
19	Mysore	5251	5167	84
20	Raichur	1681	1633	48
21	Shimoga	2865	2784	81
22	Tumkur	3086	3024	62
23	Haveri	642	528	114
24	Bagalkote	408	353	55
25	Udupi	970	903	67

26	Chamarajnagar	711	689	22
27	Karwar (Uttara Kannada)	2263	2203	60
28	Gadag	789	687	102
29	Koppal	188	169	19
30	Davangere	980	947	33
	TOTAL - DISTRICT FORUMS	102143	99049	3094

PROFORMA - VII

KARNATAKA STATE CONSUMER DISPUTES REDRESSAL COMMISSION

YEARWISE BREAKUP OF CASES FILED / DISPOSED OF FOR THE MONTH OF JULY 2007

Sl. No.	Year	STATE COMMISSION								DISTRICT FORUMS (TOTAL OF ALL DISTRICTS)			
		Filed		Disposed of		Percentage		Pending		Original Petitions			
		O.P.	F.A.	O.P.	F.A.	O.P.	F.A.	O.P.	F.A.	Filed	Disposal	%ge	Pending
1	1988							0	0	0	0		0
2	1989	9	0	9	0	100.0		0	0	333	333	100.00	0
3	1990	133	68	133	68	100.0	100.00	0	0	2220	2220	100.00	0
4	1991	230	165	230	165	100.0	100.00	0	0	4553	4553	100.00	0
5	1992	337	421	337	421	100.0	100.00	0	0	6703	6703	100.00	0
6	1993	249	723	249	723	100.0	100.00	0	0	8409	8409	100.00	0
7	1994	119	766	119	766	100.0	100.00	0	0	7385	7385	100.00	0
8	1995	134	504	134	504	100.0	100.00	0	0	5046	5046	100.00	0
9	1996	141	823	141	823	100.0	100.00	0	0	5634	5634	100.00	0
10	1997	148	1027	148	1027	100.0	100.00	0	0	4916	4916	100.00	0
11	1998	150	1058	150	1058	100.0	100.00	0	0	5046	5046	100.00	0
12	1999	210	1008	210	1008	100.0	100.00	0	0	4617	4617	100.00	0
13	2000	202	1142	202	1142	100.0	100.00	0	0	4740	4740	100.00	0
14	2001	200	878	200	878	100.0	100.00	0	0	4874	4874	100.00	0
15	2002	232	1014	232	1014	100.0	100.00	0	0	5324	5324	100.00	0
16	2003	104	1608	104	1608	100.0	100.00	0	0	6353	6351	99.97	2
17	2004	71	1902	71	1902	100.0	100.00	0	0	6054	6053	99.98	1
18	2005	69	2207	68	2207	98.6	100.00	1	0	6635	6631	99.94	4
19	2006	609	2842	602	2662	98.9	93.67	7	180	8398	8039	95.73	359
20	2007	38	1632	21	987	55.3	60.48	17	645	4903	2175	44.36	2728
	TOTAL	3385	19788	3360	18963			25	825	102143	99049		3094

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**STATEMENT SHOWING THE NUMBER OF POSTS SANCTIONED, FILLED
VACANT IN KARNATAKA STATE CONSUMER DISPUTES REDRESSAL
COMMISSION AND DISTRICT FORUM SERVICES**

<u>Statement showing the number of posts sanctioned, filled vacant in Karnataka State Commission and District Forum service as on- 30.05.2016</u>					
SANCTIONED			FILLED	Vacant	FILLED (Deputation)
S.N	Name of the Sactioned post	Total Number of sanctioned post	No. of psots Filled	No. of posts vacant	No. of employees belonging to other departments (working on deputation)
1	Hon'ble President (State Commission)	1	1	0	0
2	Member (State Commission)	1	1	0	0
3	Lady Member (State Commission)	1	1	0	0
4	President (D.F)	31	30	1	0
5	Member (D.F)	31	25	6	0
6	Member Lady (D.F)	31	28	3	0
7	Registrar-Cum-Administrative Officer	1	1	0	0
8	Asst. Registrar cum Asst. Administrative Officer	32	27	5	0
9	P.S.Cum Judgement Writer	1	0	1	0
10	Accounts Superintendent	1	0	1	0
11	Sheristedar	33	31	2	0
12	Stenographer	68	39	29	0
13	First Division Assistant	37	21	16	0

14	Second Division Assistant	39	29	10	0
15	Typist	6	2	4	0
16	Driver	23	4	19	0
17	Peon	102	69	33	0
	Total	439	309	130	0

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NAME OF THE PRESIDENTS, MEMBER/LADY MEMBERS WITH TERM, ADDRESS AND TELEPHONE NUMBERS OF THE KARNATAKA STATE CONSUMER DISPUTES REDRESSAL COMMISSION AND DISTRICT FORUMS IN THE STATE OF KARNATAKA. As on 28.05.2016.

Sl No	Address and Telephone No. of the State Commission/District Forum	Name of the President with their working term	Name of the lady Member with their working term	Name of the Member with their Working term
01	Karnataka State Consumer Disputes Redressal Commission Basava Bhavan, High Grounds, B.lore-560001 Ph:080- 22260590(Office) Telefax 22355065 e-mail-karscdrc@nic.in e-mail- kscdrc-ka@nic.in Website- http://kscdrc.kar.nic.in	Hon'ble Justice B.S Indrakala. 19.06.2014. To 07.04.2019	G.T. Vijaya Lakshmi 11.02.2013 To 10.02.2018	Basavaraj Shivappa Tadahala. 30.11.2015 to 30.06.2019 D.O.B. 31.07.1952
02	B'lore Urban DCDRF., Cauvery Bhavan,8 th Floor, BWSSB Wing,KG.Road, Bangalore-560009 080-22211137(O) Fax-22211137 B. Band- 22131149	Pandurang V Singri 29.06.2015 To 07.11.2018 D.O.B 08.11.1953	Yashodamma.M 13.02.2013 To 12.02.2018 2 nd term	Shantha.P.K. 29.06.2015 To 28.06.2020
03	Bangalore Rural & Bangalore Urban 1 st Additional District Consumer Disputes Redressal Forum, 1 st Floor, B.M.T.C. "B" Block, TTMC Building, Shanthinagara, Bangalore.	Syed Anser Khaleem. 23.01.2013 F.N TO 22.01.2018 A.N	Bharati B Vibhute. 01.07.2015 To 30.06.2020	H.Janardhan 13.02.2013 To 12.02.2018
04	Bangalore Urban II Additional District	Tiruvedula Shobha Devi	V.Anuradha	Balakrishna.V.Ma sali

	Consumer Forum, 1 st Floor, B.M.T.C. "B" Block, TTMC Building, Shanthinagara, Bangalore.	18.03.2015 To 07.08.2019 D.O.B. 08.08.1954	13.03.2015 To 12.03.2020	13.03.2015 To 12.03.2020
05	Bangalore Urban III additional District Consumer Disputes Redressal Forum, 1 st Floor, B.M.T.C. "B" Block, TTMC Building, Shanthinagara, Bangalore.	Ramakrishna.H.S 29.06.2015 To 04.05.2019 D.O.B 05.05.1954	Mamatha.L 14.09.2015 To 13.09.2020	Vacant
06	Bangalore Urban IV Additional District Consumer Disputes Redressal Forum, 1 st Floor, B.M.T.C. "B" Block, TTMC Building, Shanthinagara, Bangalore.	Vacant	Roopa.N.R 01.07.2015 A.N To 01.07.2020. F.N	Suresh.D. 08.04.2015 To 07.04.2020
07	Bellary D.C.D.R.Forum, D.C.Office Premises, Bellary-583101 08392-276589(O) & fax. 08392-270239(Broad band) (from 24.09.07)	C.M.Chanchala. 02.07.2015 A.N To 02.07.2020.F.N	Mary Havila 15.02.2013 To 14.02.2018	Veerashekar.H 03.09.2015 To 02.09.2020
08	Belgaum DCDRF, District & Sessions Judge Court Premises, Belgaum-590001. 0831-2426140& fax. B B- 2421042	Basavanthappa Veerappa Gudli 01.07.2015 A.N To 31.05.2020 A.N D.O.B.01.06.55	Sunita 01.09.2015 To 31.08.2020	Vinayaka Sadashiva Gotakindi 15.09.2011 To 14.09.2016
09	Bidar DCDRF Behind DIET, Near District Training Centre, Aliabad Road, Nawbad, Bidar:-585402 Phone No.08482-232563.	Jagannath Prasad Udgata. 30.06.2015 To 13.06.2019 D.O.B.14.06.54	Vacant	Shankarappa 29.06.2015.A.N To 29.06.2020.F.N
10	Bijapur DCDRF Sri Ganesha Nagar, Near Ibrahimpur, Managoli Rd, Bijapur-586 102 08352-276257& fax.	Sanganabasappa Huchappaa Hosalli. 30.06.2015 To 31.03.2019	Smt.V.B. Chinivala 01-08-2011 To 31-07-2016	Geethanjali Sangappa Kalyani 01.07.2015 To 30.06.2020

		D.O.B,01.04.1954		
11	Chickmagalur DCDRF New House Extension, Near Travellers Bungalow, Chickmagalur-577 101 08262-234864& fax. B B-229432	Ravi Shankar 21.01.2013 To 20.01.2018	B.U.Geetha 17.03.2015A.N To 17.03.2020.F.N	Manjula.H. 29.06.2015 To 28.06.2020
12	Chitradurga District Consumer Disputes Redressal Forum, Bank Colony, Turuvanur Road, CHITRADURGA.- 577501	Sreenivasaiah.T.N 13.08.2015 (F.N) To 12.08.2020	G.E. Sowbhagyalakshmi 01.08.2011 A. N. To 01.08.2016. F.N	Vacant
13	Dakshina Kannada DCDRF 1 st Cross, Mannagudda, Near Central Warehouse, Mangalore - 575003 0824-2457498&fax	Asha Shetty 12.09.11.A.N To 12.09.16 F.N	Lavanya Rai.M 29.06.2015 To 28.06.2020 II term	Vacant
14	Dharwad DCDRF Civil Court Premises, P.B.Road,Dharwad- 580001.0836-2446002& fax	Sreeharsha. B.H 15.09.11 A.N To 15.09.16 F.N	Vijayalakshmi.M 12.09.11 To 11-09-16	Vacant
15	Gulbarga DCDRF Opp. to Krishna Grameen Bank Head Office, Rajapur-Kusnoor Road, Gulbarga – 585 105. 08472-256033	Abdul Saleem Ghani Saheb Maldar. 30.06.2015 To 29.06.2020	Vacant	Nagashetty Gandagi 06.09.2015 To 05.09.2020.
16	Hassan DCDRF Opp:Advocate Bar Association, Behind D.C.Office, R.C.Road, Hassan-573201. 08172-266892& fax.	A. Lokesh Kumar 16.03.2015 A.N To 16.03.2020 F.N.	Shanthala.B.K 29.06.2015 To 28.06.2020	Vacant
17	Kolar DCDRF Dist.Court Premises, Kolar-563 101. 08152-241121	Nagaraj Bhimarao Kulkarni 18.03.2015 To 04.08.2016 D.O.B.	Lalitha. A.C. 01.07.2015 To 30.06.2020	Chowdappa.R 16.03.2015 To 04.02.2017 D.O.B. 05.02.1952

		05.08.1951		
18	Kodagu District Consumer Disputes Redressal Forum, Aakashavani Road, Near Vartha Bhavana, Madikeri-571201 Kodagu District, 08272-229852.	Patil Virupaxagouda Annadanagouda 19.03.2015 To 30.06.2017 D.O.B 01.07.1952	Latha. M.S 13.02.2013 To 12.02.2018	K.D.Parvathy 13.02.2013 To 12.02.2018
19	Mandya DCDRF DC Office Premises, Opp. to District Court, Mandya-571401. 08232-222100& fax.	Srikanta.T 30.06.2015 To 29.06.2020	M.K.Lalitha 16.03.2015 To 15.03.2020	Thippeswamy N 25.02..2013 To 24.02.2018
20	Mysore DCDRF No.1542, F.C.&D Block, JCST Layout, Near Jagadambha Petrol Bunk, Kuvempu Nagar, Mysore-570 009. 0821-2344902 &fax.	H.M. Shivakumara Swamy. 01.07.2015 To 07.04.2019 D.O.B 08.04.1954	M.V.Bhrathi 13.02.2013 To 12.02.2018	Devakumar.M.C. 29.06.2015.A.N. To 29.06.2020 F.N
21	Raichur DCDRF D.C.Office Compound, Raichur-584 101 08532-233006	Ashok Hanamant Malaghana 30.06.2015 To 29.06.2020	Hiremath pratibharani 13.02.2013 To 12.02.2018 2 nd term	Gururaj 13.02.2013 To 12.02.2018 2 nd term
22	Shimoga DCDRF D.C.Office Premises, D.C.Quarters Road, Near P.L.D.Bank, Shimoga-577201. 08182-220058 & fax	Venkata Sudharshan.D.R. 06.07.2015 To 31.01.2020 D.O.B 01.02.1955	Prema. E 15.09.2011 To 14.09.2016	K.M.Manjunath 29.06.2015 To 28.06.2020
23	Tumkur DCDRF Old D.C. Office Compound, Tumkur-572101 0816-2273037 & fax	Prathibha.R.K. 29.06.2015 To 28.06.2020	Girija 13.02.2013 To 12.02.2018 2 nd term	D.Shivamahadevaiah. 13.02.2013 To 12.02.2018 2 nd term

24	Uttara Kannada DCDRF M.G.Road, Karwar- 581 301. 08382-227404 & fax. B B-221095	Visweshwara bhat.D. 07.07.2015 To 25.04.2019 D.O.B 26.04.1954	Vacant	Vacant
25	Haveri DCDRF C.D.Haveri Building, Parameshwara Complex, P.B.Road, Haveri-581 110 08375-232509	Sunanda 29.06.2015 A.N To 28.06.2020. F.N	Maheshwari.B.S. 03.07.2015 To 02.07.2020.	Raju Namadev Metri 20.02.2013 To 19.02.2018
26	Chamrajnagar DCDRF PWD Colony, Court Main Road, Chamrajnagar.571313 08226-226502	Shivalinge Gowda. K.L. 01.07.2015 To 17.07.2018 D.O.B 18.07.1953	Gowrammani 01.07.2015 To 30.06.2020	Thammanna. Y.S 01.07.2015 To 30.06.2020
27	Davangere DCDRF Lokikere Road, Near Zilla Panchayat Office (Bypass), Davangere – 577 005. 08192-256618(O) 08192-230464(BB)	Vasanthakumar. H.Y. 01.07.2015 To 10.03.2019 11.03.1954	Jyoti Radesh Jambigi. 29.06.2015 To 28.06.2020	Shivakumar. K.N. 02.07.2015 To 01.07.2020
28	Koppal DCDRF Old Civil Court Building, Koppal-583 231 08539-220770(o)	Akatha.H.D. 29.06.2015. A.N To 29.06.2020. F.N	Sujatha Akkasali 29.06.2015 A.N To 29.06.2020. FN	Raviraj Kulkarni 04.07.2015 A.N To 04.07.2020.F.N
29	Gadag DCDRF Sri Siddalingeswara Nilaya, Near Marata Mandhir, Vakeela Chala, Gadag.- 528101 08372-252515	Samiunnisa.C.H 30.06.2015. To 29.06.2020	Jayashree Sangappa Kajagar. 30.06.2015 To 29.06.2020	Basavaraja Shivappa Keri 30.06.2015 To 29.06.2020
30	Bagalkot District Consumer Disputes Redressal Forum, No.1, Sector No.33, Navanagar,	Sharada.K. 29.06.2015 To 28.06.2020	Sumangala Chandrakantha Hadli 29.06.2015 A.N To	Shravanakumar Danappa Kadi 01.07.2015 To

	Bagalkot- 587102. Bagalkot District. Ph. 08354-235778		29.06.2020 F.N	30.06.2020
31	Udupi District Consumer Disputes Redressal Forum, #76,Badagubettu, Kukkikatte(Near Diana Talkies) Udupi-576101. 0820-2523170	Shobha.C.V. 01.07.2015. A.N To 01.07.2020 F.N	Sharadamma.H.G. 30.06.2015 To 29.06.2020	T.C. Rajashekar 20.02.2013 To 19.02.2018
32	Yadagiri District Consumer Disputes Redressal Forum, No.C.M/C/No.5 1- 27,Chittapura Road, Yadagiri Pattana,Yadagiri Dsitric. Phone No.08473-250688	M.S.Ramachandra. 30.06.2015 To 29.06.2020	Nanda Ishwarachandra Kollur. 29.06.2015 To 28.06.2020	Ashoka Kumar 29.06.2015 To 28.06.2020

INDEX 12

CONSUMERS KNOW YOUR RIGHTS

All of us are consumers of goods and services. For the purpose of the Consumer Protection Act, the word “Consumer” has been defined separately for “goods” and “Services”

(A) For the purpose of “goods”, a consumer means a person belonging to the following categories:

- One who buys or agrees to buy any goods for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment;
- It includes any user of such goods other than the person who actually buys goods and such use is made with the approval of the purchaser.

(B) For the purpose of “Services”, a “consumer” means a person belonging to the following categories;

- * One who hires or avails of any service or services for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment. It includes any beneficiary of such services other than the one who actually hires or avails of the services for consideration and such services are availed with the approval of such person.

Consumer Rights

- Right to be protected against goods and service hazardous to life and property.

- Right to be informed about the quality, quantity, potency, purity, standard and price of goods or services.
- Right to choice wherever possible, access to a variety of goods and services at competitive prices
- Right to be heard and to be assured that consumers' interests will receive due consideration at appropriate forums.
- Right to seek Redressal against unfair trade practices and unscrupulous exploitation
- Right to consumer education
- Right to a healthy environment

Consumer Protection Act, 1986

The Act envisages three-tier quasi-judicial machinery at the National, State and District levels.

- National Consumer Disputes Redressal Commission- known as National Commission
- State Consumer Disputes Redressal Commission- known as State Commission
- District Consumer Disputes Redressal Forums- known as District Forum.

Ambit of Consumer Protection Act

- The Act applies to all goods and services unless exempted by the Government
- It covers all the sectors whether private, public or cooperative.
- The Provisions of the Act are compensatory in nature.
- The provisions of the Act are in addition to and not in derogation of the provisions of any other law for the time being in force.
- The Act envisages establishment of Consumer Protection Councils at Central, State and District levels, whose main objects will be to promote and protect the rights of the consumers.

Consumer Complaint

Under the Consumer Protection Act, a complaint means any allegation in writing made by a complainant in regard to one or more of the following:-

- Any unfair trade practice as defined in the Act or restrictive trade practices like tie-up sales adopted by any trader
- One or more defects in goods. The goods hazardous to life and safety, when used, are being offered for sale to public in contravention of provisions of any law for the time being in force.

Deficiencies in Service

A trader charging excess of price.

- (i) Fixed by or under any law for the time being in force; or (ii) displayed on goods; or (iii) displayed on any packet containing such goods

Procedure for complaint

Procedure for filing complaints and seeking Redressal are simple. There is a nominal fee for filing a complaint before the District Forum, the state Commission or the National Commission.(A Stamp paper is also not required). As per the State Government notification dt.23.06.2005, the fee structure for filing a complaint before the District Forum & State Commission are as follows:-

Sl No	Value of goods or services and the compensation claimed	Amount of fee payable
01	District Forum: Up to one lakh rupees for complaints that are below poverty line holding Antyodaya Anna Yojana cards.	Nil
02	Up to one lakh rupees for complaints other than Anthyodaya Anna Yojana Cardholders.	Rs.100.00
03	Above one lakh and upto five lakh rupees	Rs.200.00
04	Above five lakh and up to ten lakh rupees	Rs.400.00
05	Above ten lakh and up to 20 lakh rupees	Rs.500.00
06	State commision: Above twenty lakh and up to fifty lakh rupees	Rs.2000.00
07	Above fifty lakh and up to one crore rupees	Rs.4000.00

As per sub section 1 of section 12 of the C.P.Act, every complaint filed before the district forum or state commission shall be accompanied by appropriate fee as specified in the above table paid in the form of crossed Demand Draft drawn on nationalized Bank, drawn in favour of the President of the District Forum of the District and payable at the respective place where the District Forum is situated. The Complaints under section 12(1) r/w sec 17 of the C.P.Act, every complaint shall be accompanied by appropriate fee as specified in the above table paid in the form of crossed Demand Draft drawn on nationalized Bank drawn in favour of the President of the State Commission of the concerned state and payable at the head quarters of the State Commission.

Four copies of the complaint on plain paper along with the copies of documents if any to be produced and copies depending on the number of opposite parties are required to be filed.

Relief available to Consumers

Depending on the facts and circumstances, the Redressal Forums may give order for one or more of the following reliefs.

- Removal of defects from goods.

- Replacement of the goods;
- Refund of the price paid;
- Award of compensation for the loss or injury suffered;
- Removal of deficiencies in services;
- Discontinuance of unfair trade practices or direction not to repeat them;
- Withdrawal of the hazardous goods from being offered to sale; or
- Award for adequate costs to parties

Jurisdiction

- If the cost of goods or services and compensation asked for is up to Rs.20 lakhs, then the complaint can be filed in the District Forum which has been notified by the State Government for the district where the cause of action has arisen or where the opposite Party resides. A Complaint can also be filed at a place where the branch office of the opposite party is located.
- If the cost of goods or service and compensation asked for is more than Rs.20 lakh, but less than Rs.one crore then the complaint can be filed before the State Commission notified by the State Government or Union Territory concerned.
- If the cost of goods or services and compensation asked for exceeds Rs. One Crore then the complaint can be filed before the National Commission at Delhi.

Contents of Complaint

Procedures for filing complaints and seeking Redressal are simple. A Complaint should contain the following information:-

- The name, description and address of the complainant.
- The name, description and address of the opposite party or parties, as the case may be as far as they can be ascertained.
- The facts relating to complaint and when and where it arose.
- Documents, if any, in support of the allegations contained in the complaint.
- The relief which the complainant is seeking. The complaint should be signed by the complainant or his authorized agent. The Complaint is to be filed within two years from the date on which the cause of action has arisen.

Procedure for 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 of the order, in such form and manner as may be prescribed

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 the period.

Every appeal preferred under the section 15 shall be in the form of a memorandum and be presented by the Appellant or his authorized agent to

the State Commission in person or be sent by registered post addressed to the Commission.

Each memorandum shall be accompanied by a certified copy of the order of the District Forum appealed against and such of the documents as may be required to support the grounds urged in the memorandum

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 State Commission that he has sufficient cause for not preferring the appeal within the period of limitation

The Appellant shall submit four copies of the memorandum to the State Commission for official purposes and copies depending on the number of opposite parties are required to be filed.

On the date of hearing or any other subsequent date to which hearing may be adjourned, it shall be obligatory for the appellant/Complainant or their authorized agent to appear before the State Commission. If the appellant/ Complainant or Respondent/Opposite party or parties or his authorized agent fails to appear on such date, the State Commission may, in its discretion, either dismiss the appeal or proceed to dispose it on the merits of the case.

INDEX 13
CONSUMER PROTECTION RULES, 1987
 {GSR 398(E), Dt.15.04.1987}

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:-

1. Short title and commencement

- (1) These rules may be called the Consumer Protection Rules, 1987.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions

In these rules, unless the context otherwise requires:

- (a) 'Act', means the Consumer Protection Act, 1986 (68 of 1986)
- (b) 'agent' means a person duly authorized by a party to present any complaint, appeal or reply on its behalf before the National Commission;
- (c) 'appellant' means a party which makes an appeal against the order of the State Commission;
- (d) 'Chairman' means a Chairman of the Central Consumer Protection Council established under sub-section (1) of section 4 of the Act;
- (e) 'memorandum' means any memorandum of appeal filed by the appellant;
- (f) 'opposite party' means a person who answers complaint or claim;
- (g) 'President' means the President of the National Commission;
- (h) 'respondent' means the person who answers any memorandum of appeal;
- (i) 'section' means section of the Act;
- (j) 'state includes Union Territories also;
- (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.

²[2A. 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.

(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.

(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]

3. 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 (hereinafter referred to as the Central Council) which shall consist of ¹[the following members, not exceeding ***35**, namely:]
- (a) ²[the Minister-in-charge of Consumer Affairs in the Central Government] who shall be the Chairman of the Central Council;
 - (b) the Minister of State (where he is not holding independent charge) or Deputy Minister ²[in-charge of Consumer Affairs in the Central Government] who shall be the Vice Chairman of the Central Council;
 - (c) ***the ³[***] Minister in-charge of Consumer Affairs in *States of two of the State from each region as mentioned in Schedule I to be changed by rotation on expiration of the term of the Council on each occasion.**
 - (c)(a) **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 terms of the Council on each occasion.”,**
 - (d) ***Two Members of the Parliament – One from the Lok Sabha and One from the Rajya Sabha;**
 - ²(e) ***Omitted : Vide Notification No. GSR 273 (E) Dt.05.05.2006**

1. Published in the Gazette of India,(Extraordinary),Part II, s.3(i), dt. 15.04.1987.

2. Inserted by GSR 605(E), w.e.f. 30.08.1995.

- (f) representatives of the Central Government Departments and autonomous organizations concerned with consumer interests – not **exceeding *five**;
- (f a) The Registrar, National Consumer Disputes Redressal Commission, New Delhi.**
- (g) representatives of the Consumer Organisations from amongst the Indian Members of the International Organisations, namely, Consumer International – Not exceeding six, to be nominated by the Central Government.**
- (g)(a) * representatives with Proven expertise and experience who are capable of representing Consumer interest, drawn from amongst Consumer Organisations, Consumer Activists, Women, Farmers, Trade & Industry – Not exceeding five, one from each of regions specified in schedule annexed II these rules.**
- * (h) Omitted: Vide Notification dt. 05.05.2006**
- * (i) Omitted: Vide Notification dt. 05.05.2006**
- (j) The Secretaries in – Charge of Consumer Affairs in the States to be nominated by the Central Government – Not exceeding three.**
- (k) the ¹[Secretary in-charge of Consumer Affairs in the Central Government] shall be the member-secretary of the Central Council;
- (2) The term of the Council shall be three years.
- (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 been entitled to hold office, if the vacancy had not occurred.
- ⁴(4) **Omitted : Vide Notification dt. 05.05.06.**

4. 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:

- (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-President, the Central Council shall elect a member to preside over that meeting of the Council.
- (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.

(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.

(4) No proceeding 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.

(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.

(6)

¹[(6) *****In Connection with the Journey under taken 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-condition class of railway accommodation by all trains (including Rajadhani 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 for fare for their journeys provided the distance being traveled is 1000 kms or above. The non-official members shall be entitled to a sum of Rs.1,000/- per *each day of the meeting* 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 Organisation during his visit for attending the meeting of the Central Consumer Protection Council or any of its Working Group.**

1. Substituted by GSR 95(E), w.e.f. 27.02.1997

2. Substituted by GSR 80 (E), w.e.f. 30.12.1993

3. Omitted by GSR 95 (E), w.e.f. 27.02.1997.

4. Inserted by GSR 95 (E), w.e.f. 27.02.1997.

5. *Substituted vide Notification No. GSR 2003 (E) dt. 05.05.2006

Local non-official members residing at the place of the venue of the meeting, shall be paid consolidated conveyance & hire charges 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 traveling and daily allowances at such rates as are admissible to such members”.

(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.

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.

7. Seal and emblem

The official seal and emblem of the National Commission 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.

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.

9(A) *1. Every complaint filed before the District Forum, under sub section (1) of section 12, sub-section (1) 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 paid in the form of crossed Demand Draft drawn on a Nationalized Bank or through a crosses 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.**

1. Substituted by GSR 759(E), w.e.f. 21.11.1995

2. Inserted/Substituted vide GSR 64(E), dated. 10.02.05

2. The concerned authority to in sub-rule (1) shall credit the amount of fee received by in to the Consumer Welfare Fund of the respective state and where such fund is not established in to the receipt account of the state Government and in the case of the National Commission, to the Consumer Welfare Fund of the Central Government.

Sl.No	Total value of Goods or Services and the compensation claimed	Amount of Fee payable
1	2	3
1	District Forum: Upto one lakh rupees – For complaints who are under the Below Poverty Line holding Antyodaya Anna Yojana cards.	Nil
2	Upto one lakh rupees – For complaints other than Antyodaya Anna Yojana cardholders.	Rs.100.00
3	Above one lakh and upto five lakh rupees	Rs.200.00
4	Above five lakh and upto ten lakh rupees	Rs.400.00
5	Above ten lakh and upto twenty lakh rupees.	Rs.500.00
6	State Commission: Above twenty lakh and upto fifty lakh rupees	Rs.2,000.00
7	Above fifty lakh and upto one crore rupees	Rs.4,000.00
	National Commission	
8.	Above one Crore	Rs.5,000.00

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.

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, 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;

(b) to furnish to an officer so specified, such information as may be required for the purpose of this Act.

(2) (a) Where during any proceeding 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, authorize any officer to exercise the power to entry and search of any premises. Such authorized officer may also seize such books, papers, documents or commodities as are required for the purpose of this Act:

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.

(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.

*****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.

10B. Number of Members in the National Commission: - The National Commission shall consist of not less than four members and not more than *Nine members and at least one of them shall be a Woman”.**

11. Salaries, honorarium and other allowances of the President and Members of the National Commission.

**** (1) 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 and other members *appointed on whole time basis, shall receive a consolidated honorarium of ²{ Rs.15,000} Fifteen Thousand rupees per month**

(2) The President and the Members shall be entitled to traveling and daily allowances on official tours at the same rates as are admissible to Group ‘A’ Officers of the Central Government.

(2A) The President and the members of the National Commission shall be entitled to conveyance allowance of one hundred fifty rupees per day of its sitting or a sum of one thousand and five hundred rupees per month, as may be opted by them)

(3) The honorarium or the salary, as the case may be, and other allowances shall be defrayed out of the Consolidated Fund of India.

12. Terms and conditions of service of the President and Members of the National Commission:

(1) Before appointment, the President and 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 effect prejudicially his functions as such member.

(2) Omitted vide Notification No.GSR 175(E) dt 05.03.04.

(3) Notwithstanding anything contained in sub-rule (2) the President or a member may:-

1 Substituted by GSR 658(E), w.e.f 14-07-1987

2. Substituted by GSR 88(E), w.e.f 24-02-1998

3. **Inserted/ Substituted vide Notification No. GSR 67(E), dt.11.02.05

4. ***Inserted/ Substituted vide Notification No. GSR 64(E), dt.10.02.05

(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.**

(b) be removed from his office in accordance with the provisions of Rule 13.

(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,

(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.

(6) ³When 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) ⁴The 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 organization which has 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).

*** 12A. 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 3 months before the Vacancy arises.

(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 is created, as the case may be.

(3) An advertisement of a vacancy inviting applications from eligible candidates may be published in leading news papers 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 along with 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 may if it considers necessary, depending on the number of candidates shortlist them on the basis of merit and call such

short-listed candidates for personal interview to consider their suitability for the post of member.

(7) The Selection Committee may on the basis of its 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 medial fitness.

13. Removal of President or Members from office in certain circumstances:-

(1) The Central Government may remove from office, the President or any member who,

(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

1. Inserted by GSR 88(E), w.e.f 24-12-1998.

2. Substituted by GSR 522(E), w.e.f 22-06-1994

3. Substituted by GSR 95(E), w.e.f 27-02-1997

4. Sub-rr (7), (8) & (9) omitted and Sub-r, (10) renumbered as sub-r, (7) by GSR 533(E), w.e.f.14.08.1991

5. Inserted /Substituted by GSR 50(E), dt 01.02.05.

[e] has so abused his position as to render his continuance in office prejudicial to the public interest; ¹ [or

[f] remain absent in three consecutive sittings except for reasons beyond his control.]

(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 ¹{clauses (d), (e) & (f)} of that sub-rule on an inquiry held by a Sitting Judge of a 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.

14. 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:-

- 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 complaint and when and where it arose;
- d) documents in support of the allegations contained in the complaint;
- e) the relief which complainant claims.

*****1 (A). 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.**

(2) The National Commission shall, in disposal of any complaint before it, as far as possible, follow the procedures laid down in sub-sections (1) and (2) of section 13 in relation to the complaint received by the District forum.

(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 ex- parte.

(4) The National Commission may, on such terms as it deems fit and at any stage of the proceedings, adjourn the hearing of 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.

(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 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.

*****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 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).

15. 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.

(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 such grounds shall be numbered consecutively.

(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 ground of objection mentioned in the memorandum.

1. Inserted by GSR 95(E). w.e.f. 27.02.1997

2. *** Inserted/ substituted vide Notification No. GSR 64(E) dt 10.02.05

(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.

(5) The appellant shall submit *****four** copies or such number of copies of the memorandum to the commission for official purpose.

(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 the appellant or his agent fails to appear on such date, the National Commission may in its discretion either dismiss the appeal or decide ex-parte on merits. If the respondent or his agent fails to appear on such date, the National Commission shall proceed ex parte and shall decide the appeal on merits of the case.

(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:

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.

(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 su 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.

(9) ¹[The order of the National Commission shall be communicated to the parties concerned free of cost.]

² [15A. Sitting of the National Commission and signing of orders

1) Every proceeding of the National Commission shall be conducted by the President ³ [or the senior most members authorized under rule 12] and at least two members thereof sitting together **except when a bench is constituted by the President of the National Commission with one or more members as he may deem fit.**

PROVIDED that where the member or members for any reason are unable to conduct the proceedings till it is completed, the President (or **the senior most member**) shall conduct such proceeding de novo.

*****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.**

2) Every order made by the National Commission shall be signed by the President ¹ (**or the senior most member as provided under section 22D**) and at least two members who conducted the proceeding and if there is any difference of opinion amongst themselves, the opinion of majority shall be the order of the National Commission;

PROVIDED that where the proceeding is conducted by the President ¹ (for the senior most member authorized under rule 12) 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 according to the opinion of the majority of the National Commission.)

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)”.

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2. Substituted by GSR 533(E). w.e.f. 14.08.1991
 2. Inserted by GSR 533(E). w.e.f. 14.08.1991
 3. Inserted by GSR 95(E). w.e.f. 27.02.1997
 4. Substituted Vide GSR 64(E). 10.02.2005

***SCHEDULE - I**
[See Rule 3(1)(c)]

- 1. Eastern Region - to consist of the States of Bihar, Chattisgarh, Jarkhand, Orissa & West Bengal.**
- 2. Western Region – to consist of the States of Goa, Gujarat, Maharashtra, Madhya Pradesh & Rajasthan.**
- 3. Northern Region – to consist of the States of Haryana, Himachalpradesh, Jammu & Kashmir, Punjab, Utter Pradesh & Uttarachal.**
- 4. Southern Region – to consist of the States of Andra Pradesh, Karnataka, Kerela & Tamil Nadu.**
- 5. North – Eastern Region – to consist of the States of Arunachalpradesh, Assam, Meghalaya, Manipur, Mizoram, Nagaland, Tripura & Sikkim.**

SCHEDULE - II
[See Rule 3(1)(ca)]

***The Union Territories of the Andaman & Nicobar Islands, Chandigarh, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep, Pondicherry and The National Capital Territory of Delhi.**

*Inserted vide Notification No. GSR 273(E) dated 05.05.2006

INDEX 14**FOOD, CIVIL SUPPLIES AND CONSUMER AFFAIRS
SECRETARIAT NOTIFICATION**

NOTIFICATION

NO.FCS 140 EBT 2005, BANGALORE, DATED 23rd JUNE 2006

In exercise of the powers conferred by sub-section(2) of section 30, of the Consumer Protection Act 1986 (Central Act 68 of 1986) The Government of Karnataka, hereby makes the following rules, namely:-

1. Short title and Commencement:-

- 1) These rules may be called the Karnataka State Consumer Welfare Fund Rules, 2005.
- 2) These rules come into force on the date of their publication in the Official Gazette.

2. Definition: -

- a) "Act" means the Consumer Protection Act 1986.
- b) "Applicant" means any agency/organization engaged in consumer welfare activities for a minimum period of three years registered under the Companies Act, 1956 (1 of 1956) or under any other law for the time being in force, including village/Taluka or Gram Panchayat level co-operatives of consumers especially woman, Scheduled castes and Schedules Tribes, or State or Central Government run organizations, societies. However the requirements of the registration for three years are not applicable to organizations/agencies/societies established by State/Central Governments.
- c) "Application" means an application in Form A1, appended to these rules;
- d) "Bureau" means the Bureau of Indian Standards constituted under the Bureau of Indian Standards Act, 1986 (63 of 1986).
- e) "Central Consumer Protection Council" means the Central Consumer Council established under sub-section (1) of section 4 of the Consumer Protection Act, 1986 (68 of 1986), for promotion and protection of rights of consumers;
- f) "State Consumer Protection Council" means the State Consumer Protection Council established under sub-section(1) of section 7 of the Consumer Protection Act, 1986 (68 of 1986), for promotion and protection of rights of consumers;
- g) "District Consumer Protection Council" means the District Consumer Protection Council established under sub-section (1) of section 8A of the Consumer Protection Act, 1986 (68 of 1986), for promotion and protection of rights of consumers;
- h) "Committee" means the committee constituted under rule 5;
- i) "Consumer" has the same meaning as assigned to in clause (d) of sub-section(1) of section 2 of the Consumer Protection Act, 1986 (68 of 1986), and includes consumer of goods on which duty has been paid;

- j) "State Consumer Welfare Fund" means the fund established by the State Government under these rules;
- k) "Standard mark" shall have the same meaning as assigned to it in clause(t) of section 2 of the Bureau of Indian Standards Act, 1986 (63 of 1986);
- l) "Welfare of the Consumers" includes promotion and protection of rights of consumers;
- m) Words and expressions used in the rules and not defined but defined in the Consumer Protection Act, 1986 (68 of 1986) shall have the meanings respectively assigned to them in the Act.

3. Establishment of State Consumer Welfare Fund:-

- 1) There shall be established by the State Government a Fund, to be called the State Consumer Welfare Fund as per the guidelines worked out under the Central Consumer Welfare Fund rules.
- 2) There shall be credited to the Fund, in such manner as may be prescribed:-
 - a) Credits of amount of seed money from Central Consumer Welfare fund released by the Government of India;
 - b) Court fees accrued with District and State Consumer fora, and any penalty ordered to be paid by the manufacturers of Consumer products or service providers shall be accredited;
 - c) Assistance provided by Central Government for strengthening consumer movement in the State;
 - d) Matching grants or any other assistance by the State Government;
 - e) Any income from the investment of the amount credited to the Fund and any other monies received by the State Government for the purpose of this Fund.
- 3) Any money credited to the Fund shall be utilized by the State Government for the welfare of the consumers.

4. Maintenance of accounts and records of Consumer Welfare Fund:-

- 1) Proper and separate accounts in relation to the State Consumer Welfare Fund shall be maintained by the Department of Food, Civil Supplies and Consumer Affairs and shall be subject to audit by the Accountant General of the State of Karnataka.
- 2) The Commissioner, Department of Food, Civil Supplies and Consumer Affairs, Government of Karnataka shall maintain the aforesaid proper and separate account cited above in rule 4(1) and other relevant records in relation to the fund in such form as may be prescribed in consultation with the Accountant General of the State.

5. Constitution of the Committee:-

1. There shall be State Consumer Welfare Fund Committee to make recommendations for proper utilization of the money credited to the Consumer Welfare Fund for the welfare of the Consumers, to carry out the purposes of these rules.
2. The committee shall consist of the following members, namely:-

- a. The Principal Secretary of Food, Civil Supplies and Consumer Affairs in the Government of Karnataka who shall be the Chairman of the Committee.
- b. The Principal Secretary, Finance Department Government of Karnataka or his nominee... member
- c. The Principal Secretary, Rural Development and Panchayat Raj or his nominee member.
- d. The Principal Secretary, Education Department or his nominee... member.
- e. The Joint Secretary/nominee of Department of Consumer Affairs, the Government of India... member.
- f. The Director of Information and Publicity... member.
- g. Joint/Additional Secretary dealing with Consumer Affairs in the Government of Karnataka. ... member.
- h. Commissioner, Food, Civil Supplies and Consumer Affairs Department, Bangalore... Member Secretary.
- i. A representative of State level Voluntary Consumer organization having good track record or an expert in Consumer movement having active interest and experience regarding working of Voluntary Consumers Organizations/Non-Governmental Organizations, as may be nominated by the State Government... member
- j. The term of the member at (i) above shall be two years and he shall not be continued as member for more than two terms.

3. The Committee shall be a Standing Committee.

6. Procedure for Conduct of Business: -

- 1) The Committee shall meet as and when necessary and at least once in 3 months.
- 2) The Committee shall meet at such time and place as the Chairman of the Committee may deem fit.
- 3) The meeting of the Committee shall be prescribed over by the Chairman and in the absence of the Chairman, the members may elect a chairman to preside over the meeting.
- (4) Each meeting of the Committee shall be called, by giving notice in writing to every member of not less than seven days from the date of issue of such notice.
- (5) Every notice of the meeting of the Committee shall specify the place and the day and hour of the meeting and shall contain statement of business to be transacted there at.
- (6) No proceeding of the Committee shall be valid, unless it is presided over by the Chairman or Vice-chairman and a minimum of three other members are present.

7. Powers and Functions of the Committee:-

- (1) The Committee shall have powers:
 - (a) To require any applicant to produce before it, or before a duly authorized Officer of the State Government, such books, accounts, documents, instruments,

or commodities in custody and control of the applicant, as may be necessary for proper evaluation of the application;

(b)To require any applicant to allow entry and inspection of any premises, from which activities claimed to be for the welfare of Consumers, are stated to be carried on, to a duly authorized officer of the Central Government or State Government;

(c)To get the accounts of the applicants audited, for ensuring proper utilization of the grant;

(d)To require any applicant, in case of any default, or suppression of material information on his part, to refund in lump-sum, the sanctioned grant to the committee, and to be subject to prosecution under the relevant Act/rules;

(e)To recover any sum due from any applicant in accordance with the provisions of the Land Revenue Act.

(f)To require any applicant, or class of applicants to submit a periodical report, indicating proper utilization of the grant;

(g)To reject an application placed before it on the basis of involvement of factual inconsistency, or inaccuracy in the material particulars;

(h)To approve minimum financial assistance, by way of grant to an applicant, having regard to his financial status, and importance and utility of nature of activity under pursuit, after ensuring that the financial assistance provided shall not be misutilised;

(i)To require the State Consumer Protection Council, to formulate broad guidelines for considering the projects/proposals for the purpose of incurring expenditure from the Consumer Welfare Fund;

(j)To identify beneficial and safe sectors, where investments out of Consumer Welfare Fund may be made;

(k)To make guidelines for the management and administration of the Consumer welfare Fund.

(l)To consider any other project in the related field proposed to the committee.

(2)The Committee shall not consider an application, unless it has been inquired into, in material details and recommended for consideration accordingly, by the Member-Secretary.

8.Specification of purposes for utilization of credits available in Consumer Welfare Fund:

The Committee shall make recommendations:-

1) For making available, the grants to any applicant as per schemes of the Central/State

Government and for the following purposes:

- a. Production and distribution of literature and Audio-Visual material for spreading consumer literacy and awareness building Programs for consumer education.
- b. Setting up facilities for training and research in consumer education and related matters at district level.
- c. For undertaking rural consumer protection awareness projects/Programs.
- d. Setting up of complaint handling/counseling guidance mechanisms like consumer guidance bureau.
- e. Setting up of consumer product testing laboratories.
- f. Building up infrastructural facilities for organizing consumer education activities on a permanent basis at the district/taluk levels.
- g. Celebrating National and World Consumers day.
- h. Conducting state/District Consumer Council meetings, sub-committee meetings and study by working groups formed by the State/District Consumer Councils.
- i. Conducting Consumer awareness exhibitions, Seminars, Symposiums, Conferences and Workshops;
- j. Any other measures which may be deemed to strengthen the Consumer Movement in the state.

Subject to the term and conditions that

- i. The fund shall not be used for party or political propaganda.
 - ii. Quarterly progress reports of the progress/implementation should be submitted to the concerned authorities with due intimation to the Department of Consumer Affairs.
 - iii. The organization shall maintain all assets acquired wholly out of financial assistance given from the State Consumer Welfare Fund and such assets shall not be disposed off or encumbered or utilized for purpose other than those for which the grants were given without prior sanction of the State Government.
2. For making available grants recommended by the Bureau for activities relating to standard marks which may be considered essential by the State Government, for the welfare of the Consumers;
 3. For making available grants for any other purpose recommended by the State Consumer Protection Council as may be considered appropriate by the Committee.

By Order and in the name of the Governor of Karnataka,
N. VENKATACHALAPATHI,
Under Secretary to Government,
Food, Civil Supplies and Consumer Affairs Dept

FORM – A

(See rule 2(c) of State Consumer Welfare Fund Rule, 2005)

IMPORTANT: - Please fill up this form, furnishing correct details sought for, based on verifiable true state of affairs without causing suppression of any material information which, if resorted to, shall entail prosecution under this Act.

Note : All applications must be submitted along with their enclosures in duplicate duly attested by any Gazetted Officer of the Central or State Government.

1. Name and Full Postal Address of the Applicant.	
2. Status of the Applicant under clause (b) of Rule 2.	
3. Date of Establishment	
4. Whether registered under the Societies Registration Act, 1860 (21 of 1860) or any other relevant Act.	
5. If yes, number and year of registration (attested copy of registration certificate to be enclosed)	
6. Whether the organization is of National or State Level.	
7. Number of Managing Committee Members together with list of names, address and occupation of the office bearers.	
8. Brief details of the organization, objectives and activities during the last three years.	
9. Purpose for which the amount is requires (Please state the details of the project and its proposed implementation)	
10. Amount of grant required lien wise details under non-recurring, recurring to be enclosed.	

11. Time schedule of the activities arranged.	
12. The total amount incurred or invested by the applicant or likely to be incurred by the applicant.	
13. Sources of funding of balance amount whether the organization is getting financial assistance from any other official or non-official source, if yes, give details.	
14. Details of prosecution, if any, in a Court of law launched against the applicant, during the last five years.	
<p>15. Copies of the following documents (duly attested by a Gazette Officer of the Central or State Government) to be attached:-</p> <ul style="list-style-type: none"> i) Constitution of the Organization and Articles of association. ii) Annual reports of the organization for last three years (please furnish separate annual reports for each year). iii) Annual audited statement of accounts for each of last three years duly signed by Chartered Accountant, These Statements must bear the registration number and official seal or stamp of the Chartered Accountant. 	

DECLARATION

(To be signed by the applicant or authorized agent)

The particulars heretofore given are true and correct, nothing material has been suppressed. It is certified that I /we have read the guidelines, terms and conditions governing the scheme and undertake to abide by them on behalf of our organization/institution. The financial assistance if provided, shall be put to the declared use, for promotion and protection of rights of consumers or for standard marks (strike out whichever is inapplicable).

Dated:

APPLICANT

Station:

To
Member Secretary,
Committee (State Consumer Welfare Fund),
Department of Consumer Affairs in the Government of Karnataka,
Bangalore.

Recommendation of Member Secretary

Factual details furnished in the application have been verified in consultation with Ministry/Department of Agency who is/ or administratively concerned in the matter and found to be correct/incorrect. The claims of the applicant are recommended for consideration by the Committee (Please give reasons in support of your recommendation).

Member – Secretary
Committee (Consumer Welfare Fund)

Approval of the Committee

Approved for grant of Rs. _____ (Rupees _____) (in words) from the State Consumer Welfare Fund as discussed in the meeting held on _____ date.

Chairman
Committee.

Commissioner,
Food, Civil Supplies and Consumer Affairs Dept
Bangalore.