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## NOTIFICATION

**No. F. 20016/19/04-FCS & CA, the 14<sup>th</sup> November, 2005.** In exercise of the powers conferred by Sub-Section (2) of section 30 of the Consumer Protection Act, 1986 (68 of 1986), the Government of Mizoram hereby makes the following rules to amend the Mizoram Consumer Protection Rules, 2000 (hereinafter referred to as the Principal Rules), namely :-

1. **Short title, extent and commencement :-** (1) These rules may be called the Mizoram Consumer Protection (1st Amendment) Rules, 2005.  
(2) They shall come into force on the date of their publication in the Official Gazette.
2. **Insertion of New Rules 3A and 3B :**  
After Rule 3 of the Principal Rules, the Rules 3A and 3B shall be inserted, namely :-

**"3A THE DISTRICT CONSUMER PROTECTION COUNCIL :-**

- (1) The State Government shall, by notification in the Official Gazette, constitute the District Consumer Protection Council which shall consist of the following members, namely :-
  - (a) the Deputy Commissioner of the District who shall be the Chairman of the District Consumer Protection Council.
  - (b) two members from the Mizoram Legislative Assembly elected from the district - at least one each from the recognised (registered) political party.
  - (c) representatives from the District Consumer Organisations or Consumers not less than two.
  - (d) representatives from the District Women Organisations or Women not less than two.

- (e) representatives of State Government Departments, Organisations or bodies concerned within the district with consumer interests like Food & Civil Supplies, Power & Electricity, Public Health Engineering, Transport, Health & Family Welfare Departments and the like - not exceeding eight.
  - (f) representatives of Banks and other Central Government Organisations or bodies within the district with consumer interests like Telecommunications, Post & Telegraph, FCI, etc. - not exceeding five.
  - (g) representatives of farmers, trade, transport and industries - not exceeding five.
  - (h) persons capable of representing consumer interests not specified above - not exceeding two.
  - (i) The District Magistrate in the event of the D.M. not being the President of the District Forum.
  - (j) The District Consumer Protection Officer who shall be the Member Secretary of the District Consumer Protection Council.
- (2) The term of the District Consumer Protection Council shall be three years in the first instance and subject to extension from time to time.
- (3) Any member may, by writing under his hand to the Chairman of the District Consumer Protection Council, resign from the District Consumer Protection Council. The vacancies, so caused or otherwise, shall be filled from the same category by the State Government and such person shall hold office so long as the member whose place be filled would have been entitled to hold office, if the vacancy had not occurred.
- (4) The District Consumer Protection Council shall meet as and when necessary but not less than two meetings shall be held every year.

**3B Procedure of the District Consumer Protection Council under sub-section (4) of section 8A of the Act :**

The District Consumer Protection Council shall observe the following procedure in regard to transaction of its business.

- (1) The meeting of the District Consumer Protection Council shall be presided over by the Chairman. In the absence of the Chairman, the District Consumer Protection Council shall elect a member from amongst its members to preside over the meeting of the District Consumer Protection Council.
- (2) Each meeting of the District Consumer Protection Council shall be called by giving, not less than ten days from the date of issue, a notice in writing to every member.
- (3) Every notice of a meeting of the District Consumer Protection Council shall specify the place and the date and hour of the meeting and shall contain statement of business to be transacted thereat.
- (4) No proceedings of the District Consumer Protection Council shall be invalid merely by reasons of existence of any vacancy in or any defect in the constitution of the District Consumer Protection Council.

- (5) The non-official members shall be entitled to Railway fare in first class (air conditioned) by all trains or to actual expenses by actual mode of travel, whichever is availed of and whichever is less, when such member is required to attend the meeting from any place outside Mizoram, or to actual bus fare to and from when such member is required to attend the meeting from any place inside the State of Mizoram. Out-station non official members shall be entitled to a daily allowance of one hundred and fifty rupees per day for attending the meetings of the District Consumer Protection Council. Local non-official members shall be paid actual conveyance hire charges subjects to a ceiling of one hundred rupees per day. Members of the Mizoram Legislative Assembly shall be entitled to travelling and daily allowances at such rates as are admissible to such members.
- (6) The Resolutions passed by the District Consumer Protection Council shall be recommendatory in nature."

3. **Insertion of Rule 10A :-**

After Rule 10 of the Principal Rules, Rule 10A shall be inserted, namely :-

"10A(1) Every complaint filed under sub-section (1) of section 12 and sub-section (1) of section 17 of the Act shall be accompanied by a fee as specified in the table given below in the form of crossed Demand Draft drawn on a nationalised bank or through a crossed Indian Postal Order in favour of the President of the District Forum or the Registrar of the State Commission, as the case may be, and payable at the respective place where the District Forum or the State Commission is situated.

- (2) The concerned authority referred to in sub-rule (1) shall credit the amount of fee received by it into the Consumer Welfare Fund of the State.

**TABLE**

Sl. No.	Total value of goods or services and the compensation claimed	Amount of fee Payable
1	2	3
<b><u>DISTRICT FORUM</u></b>		
1.	Upto one lakh Rupees-For complainants who are under the Below Poverty Line holding Antyodaya Yojana Cards.	NIL
2.	Upto one lakh Rupees-For complainants other than Antyodaya Anna Yojana Card holders	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
<b><u>STATE COMMISSION</u></b>		
6.	Above fifty lakh and upto fifty lakh Rupees	Rs. 2,000.00
7.	Above fifty lakh Rupees and upto one crore Rupees	Rs. 4,000.00

(3) The Complainants who are under the Below Poverty Line shall be entitled for the exemption of payment of fee only on production of an attested copy of the 'Antyodaya Anna Yojana Cards.'

4. **AMENDMENT OF RULE 13 :** For sub-rule (1) of Rule 13 of the Principal Rules, the following Rules shall be substituted, namely :

"13(1)(a) : The President of the State Commission shall be appointed on part time basis and shall receive salary of Rs. 13,000/- (Rupees thirteen thousand) only per month and also a consolidated honorarium of Rs. 600/- (Rupees six hundred) only per day for the sitting.

13(1)(b) : The other members of the state Commission shall be appointed on part time basis and shall receive consolidated honorarium of Rs. 450/- (Rupees four hundred fifty) only per day for the sitting."

5. **INSERTION OF RULE 13(5) :** After Rule 13 (4) of the Principal Rules, the following sub-rule shall be inserted, namely :

"13(5) : The headquarters of the President may be treated as outside Mizoram in the event of appointment in respect of a person being made from outside the State of Mizoram."

6. **INSERTION OF RULE 14(3) AND (4) :** After Rule 14(2) of the Principal Rules, the following rules may be inserted, namely :

"14(3) : Every member of the State Commission shall hold office for a term of five years or upto the age of sixty seven years, whichever is earlier and shall not be eligible for re-appointment.

14(4) : Notwithstanding anything contained in sub-rule (3) the President or a member may, -

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

(b) be removed from his office in accordance with the provisions of Rule 15.

7. **INSERTION OF RULE 14A :** After Rule 14 of the Principal Rules, Rule 14A may be inserted, namely :-

"14A : Procedure for selection of members -

(1) Save as otherwise provided in Rule 14(3), the process of appointment of a member shall be initiated atleast three 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 application from eligible candidates may be published in leading newspapers in Mizoram or by vacancy circulars or both, as may be decided by the State Government.
  - (4) After scrutiny of the applications received till the last date specified for receipt of applications, a list of eligible candidates alongwith their application shall be placed before the Selection Committee constituted under Section 16(1A) of the Act.
  - (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, short list them on the basis of merit and call such short listed candidates for personnel 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 State Government.
  - (8) The State Government shall, before seeking approval of the Gauhati High Court, verify or cause to be verified the credentials and antecedents of the candidates selected by the State Government from the panel recommended by the Selection Committee and satisfy the suitability of such candidates for appointment as Members.
  - (9) Every appointment of a Member shall be subject to his medical fitness."

Sd/-

K. LAL NGHINGLOVA

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