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उप-खण्ड(II)

राज्य सरकार तथा अन्य राज्य प्राधिकारियों द्वारा जारी किये गये कानूनी आदेश तथा

अधिसूचनाएं

Department of Consumer Affairs

NOTIFICATION

Jaipur, August 25, 2021

S.O.581 -In exercise of the powers conferred by sub-section (1) and clause (h) and (m) of sub-section (2) of section 102 of the Consumer Protection Act, 2019 (Central Act No. 35 of 2019), the State Government hereby makes the following rules, namely:-

1. Short title and commencement.- (1) These rules may be called the Rajasthan Consumer Protection (Salary, Allowances and Conditions of Service of the President and Members of the State Commission and District Commission) Rules, 2021.

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

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

(a) 'Act' means the Consumer Protection Act, 2019 (Central Act No. 35 of 2019);

(b) 'Member' means a member of the District Commission or the State Commission, as the case may be;

(c) 'President' means the President of the District Commission or the State Commission, as the case may be; and

(d) 'State Government' means the Government of Rajasthan.

(2) Words and expressions used in these rules and not defined but defined in the Act shall have the same meaning respectively assigned to them in the Act.

3. Salary and allowances payable to the President and members of the District Commission.- (1) The President of the District Commission shall be entitled to the following pay and allowances:-

(a) if a serving District Judge is appointed as a President, he shall be entitled to such salary and allowances as are being drawn by him as the District Judge:

Provided that if the serving District Judge is appointed as a President and he retires from service during his tenure as a President, his salary shall be equal to last pay drawn by him at the time of retirement minus pension and allowances and other facilities shall be payable on net pay to be determined on the pay minus pension basis; or

(b) if a retired District Judge is appointed as a President, his salary shall be equal to last pay drawn by him at the time of retirement minus pension and allowances and other facilities shall be payable on net pay to be determined on the pay minus pension basis; or

- (c) if a practicing advocate is appointed as a President of the District Commission, he shall be allowed consolidated salary as may be approved by the State Government, from time to time.
- (2) A person appointed as a Member shall receive a consolidated salary of forty thousand rupees per month and no other allowances shall be payable separately.
- (3) The practicing lawyer appointed as a President and Members shall be given 4000/- rupees annual increment but such annual increase may be stopped if any disciplinary action has been taken or the work has not been found satisfactory.

4. Salary and allowances payable to the President and members of the State Commission.- (1) If the President of the State Commission is a sitting Judge, he shall receive the salary and other allowances as are admissible to the sitting Judge of the High Court of the State and if the President of the State Commission is retired Judge, his salary shall be equal to last pay drawn by him at the time of retirement minus pension and allowances and other facilities shall be payable on net pay to be determined on the pay minus pension basis.

(2) A member of the State Commission shall be entitled to the following pay and allowances:-

- (a) if a serving District Judge is appointed as a Member, he shall be entitled to such salary and allowances as are being drawn by him as District Judge:

Provided that if serving District Judge is appointed as a Member and he retires from service during his tenure as a Member his salary shall be equal to last pay drawn by him at the time of retirement minus pension and allowances and other facilities shall be payable on net pay to be determined on the pay minus pension basis; or

- (b) if a retired District Judge is appointed as a Member, his salary shall be equal to last pay drawn by him at the time of retirement minus pension and allowances and other facilities shall be payable on net pay to be determined on the pay minus pension basis.
- (c) A person appointed as a Member who was not a member of judicial service, he shall receive a consolidated salary of fifty thousand rupees per month or such amount as may be decided by the State Government, from time to time.
- (3) A person appointed as a Member shall be given 5000/- rupees annual increment but such annual increase may be stopped, if any disciplinary action has been taken or the work has not been found satisfactory.

5. Medical fitness.- No person shall be appointed as President or Member unless he is declared medically fit by an authority specified by the State Government in this behalf.

6. Casual vacancy.- In case of a casual vacancy in the office of President in the State Commission, the State Government shall have the power to appoint the senior most Member, who is appointed as member from serving or retired District Judge, to officiate as President.

7. House Rent Allowance.- The President of the District Commission appointed from practicing Advocate, Members of the District Commission and Members referred to in clause (c) of sub-rule (2) of rule 4 shall not be entitled for any House Rent Allowance.

8. Transport Allowance.- The President of the District Commission appointed from practicing Advocate, Members of District Commission and Members referred to in clause (c) of sub-rule (2) of rule 4 shall not be entitled for any Transport Allowance.

9. Leave and medical treatment and hospital facilities.- The President of the District Commission appointed from practicing Advocate, Members of District Commission and Members referred to in clause (c) of sub-rule (2) of rule 4 shall not be entitled for any leave and medical treatment and hospital facilities.

10. Declaration of financial and other Interests.- The President or a member shall, before entering upon his office, declare his assets and his liabilities and financial and other interests.

11. Other conditions of service.- (1) The terms and conditions of service of the President or Member, in respect of which no explicit provision is made in these rules, shall be applicable as may be specified by the State Government, from time to time.

(2) The President or Member shall not practice before the National Commission, State Commission or District Commission after retirement from the service of the State Commission or District Commission, as the case may be.

(3) The President or Member shall not undertake any arbitration work while functioning in these capacities in the State Commission or the District Commission, as the case may be.

(4) The President or Member of the State Commission or the District Commission, as the case may be, shall not, for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the State Commission or the District Commission:

Provided that nothing contained in this rule shall apply to any employment under the Central Government or the State Government or a local authority or in any statutory authority or any corporation established by or under any Central or State Act or a Government company as defined in clause (45) of section 2 of the Companies Act, 2013 (Central Act No. 18 of 2013).

12. Oaths of office and Secrecy.- Every person appointed to be the President or Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in Forms-I and II appended to these rules.

13. Miscellaneous.- (1) The salary, remuneration and other allowances shall be defrayed out of the Consolidated Fund of the State Government.

(2) The terms and conditions of the service of the President and the Members of the District Commission and the State Commission shall not be varied to their disadvantage during their tenure of office.

14. Application.- (1) These rules shall apply to the President and Members of the State Commission and Presidents and Members of the District Commissions appointed under the Consumer Protection Act, 2019 (Central Act No. 35 of 2019).

(2) These rules shall not apply to the President and Members of the State Commission and Presidents and Members of the District Commissions appointed under the Consumer Protection Act, 1986 (Central Act No. 68 of 1986) and the salaries and allowances and other conditions of such Presidents and Members shall be governed by the Consumer Protection (Rajasthan) Rules, 1987.

FORM-I

Form of Oath of Office for the President and Member of the State Commission and District Commission

[see rule 12]

I, A. B., having been appointed as the President/ Member in the State Consumer Disputes Redressal Commission,/ District Consumer Disputes Redressal Commission,do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as the President/Member of the State Commission/District Commission to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of land.

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FORM-II

[see rule 12]

Form of Oath of Secrecy for the President and Member of the State Commission and District Commission

I, A. B., having been appointed as the President/Member of the State Consumer Disputes Redressal Commission,/ District Consumer Disputes Redressal Commission,do solemnly affirm/do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as President/Member of the State Commission/District Commission except as may be required for the due discharge of my duties as the President/Member.

[No. F89(9)/CA/CP/2020/III]

By order of the Governor,

Alka Meena,

Deputy Secretary to the Government.

Government Central Press, Jaipur.