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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, September 07, 2021

S.O.585 .-In exercise of the powers conferred by sub-section (1) and clauses (a), (b), (c), (d), (e), (f), (g), (j), (k), (l), (o), (p), (q) 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 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) 'Appellant' means a person who makes an appeal against the order of the District Commission in the State Commission;
- (c) 'Authorized agent' means a person duly authorized by a party to present any complaint, appeal, revision, application or to file written version or to file any written submissions and address or plead, as the case may be, for and on behalf of such a party before the District Commission or the State Commission;
- (d) 'Central rules' means the Consumer Protection (Consumer Disputes Redressal Commissions) Rules, 2020;
- (e) 'Consumer Commission' means a District Consumer Disputes Redressal Commission or a State Consumer Disputes Redressal Commission, as the case may be;
- (f) 'Consumer Welfare Fund' means the Consumer Welfare Fund established by the State Government or, as the case may be, by the Central Government under section 57 of the Central Goods and Services Tax Act, 2017 (Central Act No. 12 of 2017) ;
- (g) 'District Commission' means a District Consumer Disputes Redressal Commission established under sub-section (1) of section 28 of the Act;
- (h) 'District Council' means the District Consumer Protection Council established under sub-section (1) of section 8 of the Act;
- (i) 'Mediation Cell' means Consumer Mediation Cell established under section 74 of the Act;
- (j) 'Memorandum' means any memorandum of appeal filed by the appellant;
- (k) 'Opposite Party' means a person who answers a complaint under the Act;
- (l) 'President' means the President of the State Commission or the District Commission, as the case may be;
- (m) 'Public Utility Service' means any,-

- (i) transport service for the carriage of passengers or goods by air, road or water, or
- (ii) postal, telegraph, telephone or broadband service, or
- (iii) supply of power, light or water or fuel or natural gas to the public by any establishment, or
- (iv) insurance service, or
- (v) service in, or in connection with, the working of any major port or dock, or
- (vi) any other service specified by the State Government;

(n) 'Registrar' means the Head of the ministerial establishment of the State Commission and exercising such powers and functions as are conferred upon him by the President of the State Commission;

(o) 'Respondent' means the person who answers any memorandum of appeal;

(p) 'Section' means a section of the Act;

(q) 'State' means the State of Rajasthan;

(r) 'State Commission' means a State Consumer Disputes Redressal Commission established under sub-section (1) of section 42; and

(s) 'State Council' means the State Consumer Protection Council established under sub-section (1) of section 6 of the Act.

(2) The words and expressions used herein but not defined and defined in the Act shall have the meaning assigned to them in the Act.

3. Certain activities to be exempt from unfair trade practice.— Permitting of the following activities carried out for promoting directly or indirectly the sale, use or supply of any product or any business interest shall be exempt from the purview of unfair trade practices, namely:—

- (a) lotteries allowed under the Lotteries (Regulation) Act, 1998 (Central Act No. 17 of 1998); and
- (b) games of chance or skill not prohibited under the Public Gambling Act, 1867 (Central Act No. 3 of 1867), which are not gambling and wherein success depends on a substantial degree of skill and not chance.

4. The composition of the State Council and District Council.— (1) The State Government shall, by notification in the Official Gazette, establish the State Consumer Protection Council and District Consumer Protection Council.

(2) The State Consumer Protection Council shall consist of the following members, namely:—

(i)	Minister in-charge of the Consumer Affairs, Rajasthan.	Chairperson
(ii)	Secretary to the Government, Incharge of Consumer Affairs Department, Rajasthan	Member
(iii)	Registrar, State Consumer Disputes Redressal Commission, Rajasthan	Member
(iv)	Secretary to the Government, Incharge of Medical and Health Department, Rajasthan	Member
(v)	Secretary to the Government, Incharge of Energy Department, Rajasthan	Member
(vi)	Secretary to the Government, Incharge of Home Department, Rajasthan	Member

(vii)	Secretary to the Government, Incharge of Finance (Revenue) Department, Rajasthan	Member
(viii)	Secretary to the Government, Incharge of Public Health Engineering Department, Rajasthan	Member
(ix)	Director and Branch Head, Bureau of Indian Standards, Rajasthan	Member
(x)	Director, Information and Public Relations, Rajasthan	Member
(xi)	General Manager, Food Corporation of India, Rajasthan	Member
(xii)	State Level Coordinator, Government Oil Companies, Rajasthan	Member
(xiii)	Other official or non-official members, not exceeding ten, as may be nominated by the Central Government under clause (c) sub-section (2) of section 6.	Member
(xiv)	Two Members of Parliament, one from the Lok Sabha and one from the Rajya Sabha, nominated by the State Government.	Member
(xv)	Two Legislative Assembly Members, nominated by the State Government.	Member
(xvi)	Two Zila Pramukh of Zila Parishad, nominated by the State Government	Member
(xvii)	One Mayor of Nagar Nigam, nominated by the State Government	Member
(xviii)	Two representative of Voluntary Consumer Organizations, nominated by the State Government	Member
(xix)	Two representatives of Voluntary Organizations, nominated by the State Government	Member
(xx)	Two women social workers, nominated by the State Government	Member
(xxi)	Two representatives related to trade and commerce sector, nominated by the State Government	Member
(xxii)	Two eminent Medical Doctors, nominated by the State Government	Member
(xxiii)	Two members from the Rajasthan Bar Council, nominated by the State Government	Member
(xxiv)	Director , Consumer Affairs Department, Rajasthan	Member Secretary

(3) The District Consumer Protection Council shall consist of the following members, namely:-

(i)	District Collector	Chairperson
(ii)	Chief Executive Officer, Zila Parishad.	Vice Chairperson
(iii)	Superintendent of Police/ Commissioner of Police	Member
(iv)	District Education Officer (Secondary)	Member
(v)	Registrar/ Deputy Registrar/Assistant Registrar, Cooperative Societies	Member
(vi)	District Nodal Officer (LPG and Petroleum Products), nominated by the State Level Coordinator of Government Oil companies	Member
(vii)	District Public Relation Officer	Member
(viii)	Superintendent Engineer or Executive Engineer of Electricity distribution Company concerned	Member
(ix)	Executive Engineer, Public Health Engineering Department	Member
(x)	Commercial tax Officer	Member
(xi)	Legal Metrology Officer, Legal Metrology Cell, Consumer Affairs Department	Member
(xii)	Chief Medical and Health Officer	Member
(xiii)	Drug Inspector, In-charge of the District	Member
(xiv)	Member of Parliament of the District	Member
(xv)	Two Legislative Assembly Members of the representing the areas of the district, nominated by the State Government	Member
(xvi)	Two Pradhan of Panchayat Samiti, nominated by the State Government	Member
(xvii)	Chairperson of Municipality of District Head Quarter	Member
(xviii)	President, District Consumer Disputes Redressal Commission	Member
(xix)	Two representatives of Voluntary Consumer Organizations, nominated by the District Collector	Member
(xx)	Two representatives related to Trade and Commerce sector, nominated by the District Collector	Member
(xxi)	An Advocate from the District Bar Association, nominated by the State Government	Member

(xxii)	Two Women Social Worker, nominated by the District Collector	Member
(xxiii)	District Supply Officer for other than Divisional Head Quarters and Divisional Consumer Protection Officer for Divisional Head Quarters	Member Secretary

(4) Term of the State Council and District Council shall be three years, hereinafter in these rules referred to as the Council:

Provided that the Council shall continue to function for a further period of three months or till it is reconstituted whichever is earlier.

(5) In the event of nominated member being insolvent, convicted in the criminal case or physically or mentally unable to perform his duty or misusing his power may be removed before such tenure of three years by the State Government or District Collector, as the case may be.

(6) Any nominated member may, by notice in writing under his hand addressed to the Chairperson of the Council concerned, resign from the Council.

(7) Any vacancy caused by resignation of a member or otherwise shall be filled by a fresh nomination from the same category of members by the State Government or District Collector, as the case may be.

(8) The person nominated to fill the casual vacancy caused by the resignation of a member or otherwise shall hold office only for the period of time that the original member would have been entitled to hold office had the vacancy not occurred.

5. Meetings of the State Council and District Council for transaction of business.- (1) The meetings of the State Council shall ordinarily be held in Jaipur and meetings of the District council shall be held at district headquarter or at any other place, wherever in the opinion of the Chairperson of Council, it is expedient so to do.

(2) At least two meetings of the Council shall be held in a calendar year.

(3) A meeting of the Council may be called, whenever necessary, with the approval of the Chairperson by issuing a notice in writing to every member at least fifteen days before the intended date of the meeting by post or through e-mail to facilitate speedy communication.

(4) The notice of every meeting of the Council shall intimate the time, date, and place of the meeting and the items of agenda for the meeting.

(5) Any business not included in the agenda shall not be transacted at a meeting of the Council except with the permission of the Chairperson.

(6) The minutes of each meeting of the Council shall be approved by the Chairperson and same shall be forwarded to each member of the Council as soon as possible for adoption at the next meeting.

(7) No proceedings of the Council shall be invalid merely by reasons of existence of any vacancy in or any defect in the constitution of the Council.

6. Number of Members in District Commission.- Each District Commission shall consist of,-

- (i) a President, and
- (ii) two Members,

out of which one Member or the President of the District Commission shall be a woman.

7. Number of Members in State Commission.- (1) The State Commission shall consist of,-

- (i) a President, and
- (ii) not less than four members and not more than ten members,

out of which one member or the President of the State Commission shall be a woman.

8. Manner of authentication of goods by the Consumer Commission for analysis and testing.- (1) The Consumer Commission may direct the complainant to provide one or more than one sample of the goods in clean containers with stopper properly fixed on them for the purposes of testing or analysis.

(2) On receiving the samples of such goods, the Consumer Commission shall seal it and fix labels on

the containers carrying the following information, namely:-

- (a) the name and address of the appropriate laboratory to whom sample shall be sent for analysis and test;
- (b) the name and address of the Consumer Commission;
- (c) the case number; and
- (d) the official seal of the Consumer Commission.

(3) The sealed sample shall be sent to the recognized laboratory by the Consumer Commission.

(4) The recognized laboratory, after receiving the sealed sample and examining it, shall forward its report to the Consumer Commission within forty-five days or within such extended time as may be granted by the Consumer Commission, specifying the nature of the defect and date of submission of the report.

9. Manner of depositing the amount in appeals before State Commission.- Where an appeal is filed before the State Commission under section 41, the amount to be deposited by the appellant as provided in the second proviso to the said section shall be remitted in the form of a crossed Demand Draft drawn on a nationalized bank in favour of the Registrar, State Commission, payable at Jaipur or by electronic/digital payment mode, if facility is available with the Commission.

10. Furnishing of information by State Commission.- The State Commission shall furnish information to the State Government on a quarterly basis in the form as specified in Schedule.

11. Procedure in respect of complaints before District Commission.- (1) A complaint shall be presented to the District Commission by the complainant in person or by his authorized agent, or be sent by a registered post or by electronic mode, if facility is available with the Commission, addressed to the District Commission, containing the following particulars, namely:-

- (a) the name, description, address, email ID, mobile number 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 the complaint and when and where it arose;
- (d) the documents in support of the allegations contained in the complaint along with Index;
- (e) the relief which the complainant claims; and
- (f) verification of the facts of the complaint.

(2) Every complaint under sub-rule (1) shall be accompanied by a fee as specified in rule 7 of the central rules.

(3) The District Commission shall, while disposing off any complaint, follow the procedure as provided in sections 36, 37, 38 and 39.

12. Procedure in respect of complaints before State Commission.- (1) A complaint shall be presented to the State Commission by the complainant in person or by his authorized agent, or be sent by a registered post or by electronic mode, if facility is available with the Commission, addressed to the State Commission, containing the following particulars, namely:-

- (a) the name, description, address, email ID, mobile number 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 the complaint and when and where it arose;
- (d) the documents in support of the allegations contained in the complaint along with Index;
- (e) the relief which the complainant claims; and
- (f) verification of the facts of the complaint.

(2) Every complaint under sub-rule (1) shall be accompanied by a fee as specified in rule 7 of the central rules.

(3) The State Commission shall, while disposing off any complaint before it, follow the procedure as provided in sections 36, 37, 38 and 39, with such modifications as may be considered necessary by it.

13. Mediation cell.- (1) Every mediation cell attached to the State Commission or District Commission, shall have a panel of mediators prepared on the recommendations of a selection committee consisting of the President and a member of that Commission.

(2) The number of mediators in each mediation cell shall be such as may be determined by the State Commission in consultation with the State Government.

14. Place of sitting, working days, office hours and other matters relating to District Commission.- (1) The office of the District Commission shall be located at the headquarter of the District. If the State Government decides to establish a single District Commission having jurisdiction over more than one District, it shall notify the place and jurisdiction of the District Commission so established.

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

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

(4) Sitting of the District Commission, as and when necessary, shall be convened by the President.

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

15. Place of sitting, working days, office hours and other matters relating to State Commission.- (1) Office of the State Commission shall be located at the capital of the State.

(2) Regional Benches of the State Commission shall function at Jodhpur, Udaipur, Bikaner, Kota, Ajmer and Bharatpur and such other places, as may be notified by the State Government.

(3) The working days and the office hours of the State Commission shall be the same as that of the State Government.

(4) The official seal and emblem of the State Commission shall be such as the State Government may specify.

(5) Sitting of the State Commission, as and when necessary, shall be convened by the President.

(6) Every proceeding of the State Commission shall be conducted by members of a Bench constituted by the President of the State Commission with one or more members as he may deem fit. If the bench is constituted by more than one member, preferably one member from judicial background must be included in such bench and the member from judicial background shall preside over the Bench and if the bench is constituted by a single member, preferably it shall be constituted with a member from the judicial background.

(7) No act or proceedings of the State Commission shall be invalid by reasons only of the existence of any vacancy among its Members or any defect in its constitution thereof.

16. Miscellaneous.- If there is no specific provision in these rules to carry out the provisions of the Act, the provisions of the rules and regulations made by the Central Government or National Consumer Disputes Redressal Commission shall apply mutatis mutandis.

17. Repeal and savings.- (1) The Consumer Protection (Rajasthan) Rules, 1987 is hereby repealed:

Provided that the such repeal shall not affect,

- (a) the previous operation of the rules so repealed or anything duly done or any action taken thereunder, or
- (b) any right, liability or obligation or liability acquired, accrued or incurred under the rules so repealed.

Schedule
(see rule 10)

Functions of Consumer Commissions in the State

1. Establishment of State Commission and District Fora :			
I	Total number of districts in State		
II	Total number of District Commissions in the State		
	(a) Total setup :		
	(b) Functional :		
	(c) Non-functional :		
	(d) Number of districts where District Commissions yet to be setup :		
	(e) Name of districts where District Commissions yet to be setup :		
	(f) Number of districts in which more than one District Commission is established	District Name	No. of District Commission
III	Whether State Commission functional	Yes	No
IV	Strength and Vacancies	State Commission	
		Sanctioned Strength	Vacancies
	(a) President		
	(b) Members		
	(c) Reason for Vacancies and Action taken to fill up the same (to be enclosed separately)		

2. Performance of State Commission and District Commission		
I	(a) Total cases filed since inception	State Commission/ District Commission
	(b) Cases disposed of	
	(c) Cases disposed of within prescribed time norms	
	(d) Number of cases disposed of by Lok Adalat method	
II	Detailed Break up of cases pending (give number of cases)	State Commission/ District Commission
	(a) Over 3 month upto 1 year	
	(b) Over 1 year upto 2 years	
	(c) Over 2 years upto 5 years	
	(d) Over 5 years	
III	Cases disposed of within time norms (give number)	State Commission/ District

		Commission		
(a) Cases received after 15 March 02				
(b) Cases disposed of within time norms out of (a) above (Number and %)				
3. Implementation of Confonet Project				
Computer Hardware/software has		State Commission/ District Commission		It yes, provide number and detail
1	(a) been received	Yes	No	
	(b) been installed	Yes	No	
	(c) been functional	Yes	No	
Activities being done through computers		State Commission/ District Commission		
II	(a) In case Monitoring System Installed & Operational ;	Yes		No
	(b) Has the live case data been entered ?	Yes		No
	(c) Whether Cause list and judgement being posted on the website	Yes		No
4. Training				
(a)	Training of Members/President in Indian Institute of Public Administration	To be trained in the year as per training plan	Trained so far	During the quarter
(b)	Training of State/District level Officers in BIS Training Institute			
(c)	(a) President and Members			
	(b) Other Staff			
(d)	Any other Training			

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By order of the Governor,

Alka Meena,

Deputy Secretary to the Government.

Government Central Press, Jaipur.