

IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of notification no. 2/C.P. 449/LXXXIV-2-2021-C.N. 1317087, dated January 5, 2022:

No. 2/C.P. 449/LXXXIV-2-2021-C.N. 1317087

Dated Lucknow, January 5, 2022

IN exercise of the powers conferred by sub-section (1) of section 102 and clauses (c), (d), (e) and (f) of sub-section (2) of section 102 of the Consumer Protection Act, 2019 (Act no. 35 of 2019) *read with* section 21 of the General Clauses Act, 1897 (Act no. 10 of 1897), the Governor is pleased to make the following rules, namely:-

THE UTTAR PRADESH STATE CONSUMER PROTECTION COUNCIL AND DISTRICT CONSUMER PROTECTION COUNCIL RULES, 2021

Short title and commencement

1. (1) These rules may be called the Uttar Pradesh State Consumer Protection Council and District Consumer Protection Council Rules, 2021.

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

Definitions

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

a. "Act" means the Consumer Protection Act, 2019 (Act no. 35 of 2019);

b. "State Council" means the State Consumer Protection Council;

c. "District Council" means the District Consumer Protection Council;

d. "Chairperson" means the Chairperson of the State Consumer Protection Council and the District Consumer Protection Council.

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

3. (1) The State Council shall be an Advisory Council consisting of twenty-nine official members and twenty non-official members, as given below:-

Official Members:-

- i. The Minister in charge of Consumer Protection and Weight and Measurement Department in the State Government will be the Chairperson.
- ii. Additional Chief Secretary or Principal Secretary or Secretary, as the case may be, to the State Government in Food and Civil Supplies Department.
- iii. Additional Chief Secretary or Principal Secretary or Secretary, as the case may be, to the State Government in Industries Department.
- iv. Additional Chief Secretary or Principal Secretary or Secretary, as the case may be, to the State Government in Medical and Health Department.
- v. Additional Chief Secretary or Principal Secretary or Secretary, as the case may be, to the State Government in Agriculture Department.
- vi. Commissioner, Food and Civil Supplies Department.
- vii. Additional Chief Secretary or Principal Secretary or Secretary, as the case may be, to the State Government in Transport Department.
- viii. Principal Secretary, Judicial and Legal Remembrancer to the State Government.
- ix. General Manager, Telecommunication.
- x. Chairman, State Consumer Disputes Redressal Commission, Uttar Pradesh.
- xi. Additional Chief Secretary or Principal Secretary or Secretary, as the case may be, to the State Government in Avas Vibhag.
- xii. Director of Information, Uttar Pradesh.
- xiii. Drug Controller, Uttar Pradesh.
- xiv. Managing Director, Uttar Pradesh Food and Essential Commodities Corporation, Uttar Pradesh.

- xv. Managing Director, Provincial Cooperative Federation, Uttar Pradesh.
- xvi. Additional Chief Secretary or Principal Secretary or Secretary, as the case may be, to the State Government in Institutional Finance Department.
- xvii. Managing Director, Rajya Mandi Parishad, Uttar Pradesh.
- xviii. Executive Director, Uttar Pradesh Employees Welfare Corporation.
- xix. Regional Officer, Indian Standard Organisation, Uttar Pradesh.
- xx. State Co-ordinator, Indian Oil Corporation Uttar Pradesh.
- xxi. Additional Chief Secretary or Principal Secretary or Secretary, as the case may be, to the State Government in Nagar Vikas Vibhag, Uttar Pradesh.
- xxii. Secretary, Uttar Pradesh State Electricity Board, Lucknow.
- xxiii. Divisional Manager, Northern Railway, Lucknow.
- xxiv. Anchalik Prabandhak Life Insurance Corporation.
- xxv. Additional Chief Secretary or Principal Secretary or Secretary, Cooperative Department Uttar Pradesh Shasan.
- xxvi. Additional Chief Secretary or Principal Secretary or Secretary, as the case may be, to the Government in the Information Department.
- xxvii. Managing Director, Uttar Pradesh Development System Corporation.
- xxviii. Two officers from Nagar Nigam, Lucknow to be nominated by the Chairperson.
- xxix. Such number of other official or non official Members, not exceeding ten as may be nominated by the Central Government.

Non-Official Members:-

- i. Three members of the Legislative Council and five members of the the Legislative Assembly will be nominated by the State Government with the approval of the Speaker/Chairman.
- ii. Four member representatives of voluntary organizations/agencies representing consumer interests.
- iii. Four member representatives of farmers/service undertakings/retailers and major business organizations like Avadh Chamber of Commerce, Udyog Vyapar Mandal, etc.
- iv. Four members from amongst eminent persons working in the field of consumer protection or in an important area of the society.

(2) Non-Official Members shall be nominated from the representatives of voluntary organizations/ agencies representing the interests of consumers, farmers/ service undertakings/ retailers and representatives of major business organizations and eminent members working in the field of consumer protection or in important areas of the society. The said nomination will be done by the State Government.

(3) On the basis of suitability, a panel of the said dignitaries will be prepared by the State Consumer Disputes Redressal Commission and be made available to the State Government. It will be ensured by the State Consumer Disputes Redressal Commission that there will be one and a half times the prescribed number in the said panel so that the vacancies can be filled from the waiting list as per need.

(4) The Council may consist of such number of official or non-official members, not exceeding ten, as may be nominated by the Central Government.

4. Any member may, by giving notice in writing by himself addressed to the Chairperson of the State Council, resign from the State Council. Resignation of members of State Council

5. (1) The vacancy caused by the resignation of a member under rule 4 shall be filled by the State Government through fresh appointment from the same category of members. Vacancy caused by resignation

(2) A person appointed to fill a vacancy caused by the resignation of a member shall hold office only for the period for which, if the vacancy had not arisen, the original member would hold office had the vacancy not occurred.

Procedure of
State Council

Section 6(3) and
6(4)

6. The State Council shall observe the following procedure in relation to the transaction of its business:-

a. The meeting of the State Council shall be presided over by the Chairperson. In the absence of the Chairperson, the State Council shall choose one of its members to preside over that meeting of the Council.

b. The meeting of the State Council will be conducted by the Chairman, State Commission. Every meeting of the State Council shall be convened by issuing a written notice to each member for a period of not less than ten days from the date of issue of the notice.

c. Every notice of the State Council shall specify the place of meeting, the day and time of the meeting and shall also give a description of the business transacted therein.

d. No proceeding of the State Council shall be invalid merely by reason of existence of any vacancy therein or any defect in the constitution of the Council.

e. For the purposes of performing the functions under the Act, the State Council may constitute a working group from amongst its members as it deems necessary and the working group so constituted shall perform such functions as may be placed before it for the consideration of the State Council.

f. The non-official members shall be entitled to receive first class rail fare or air fare, whichever is less, at the prevailing rate in connection with journeys undertaken to and from for the purpose of attending the meetings of the State Council. Traveling and daily allowances will be payable to the members of the Legislative Assembly/Legislative Council at such rates as are admissible to such members. It will be paid by the State Consumer Disputes Redressal Commission.

g. No honorarium shall be payable to the members for attending the meetings of the State Council.

h. The resolutions passed by the State Council shall be of a recommendatory nature.

7. (1) There shall be a District Consumer Protection Council in each district which will be an advisory council consisting of thirteen official and twelve non-official members, namely:-

Official Members :-

- i. Collector of the district who shall be its Chairperson.
- ii. District Supply Officer/Additional District Magistrate (Civil Supply).
- iii. Chief Medical Officer.
- iv. Officer in charge of District Industrial Centre.
- v. District Agriculture Officer.
- vi. District Information Officer.
- vii. Assistant Regional Transport Officer of Transport Department of Uttar Pradesh.
- viii. District Level Officer of Development Authority/Housing Department.
- ix. District Officer of Telecom Department.
- x. Nagar Ayukt of Nagar Nigam/Executive Officer of Nagar Palika Parishad.
- xi. District Level Officer of Uttar Pradesh Power Corporation.
- xii. District Level Officer/ Co-ordinator of Petroleum Companies.
- xiii. Chairman, District Consumer Disputes Redressal Commission.

Non-Official Members:-

- i. Four members from representatives of voluntary organizations/ agencies representing consumer interests.
- ii. Four members from representatives of farmers/service undertakings/ manufacturers/retailers/major business organizations.
- iii. Four members from eminent persons working in the field of consumer protection or in important areas of the society.

(2) Nomination of twelve non-official members will be done by the District Collector.

8. Any member may resign from the District Council by giving notice in writing by him addressed to the Chairperson of the District Council.

Resignation of members of District Council

9 (1) The vacancy caused by the resignation of a member under rule 8 shall be filled by the District Collector through fresh appointment from the same category of members.

Vacancy caused by resignation

(2) A person appointed to fill a vacancy created by the resignation of a member under rule 8 shall hold office only for the period for which, if the vacancy had not arisen, the original member would have remained in office.

10. The District Consumer Protection Council shall follow the following procedure in relation to the transaction of its business, namely:-

Procedure of District Council
Section 8(3) and 8(4)

a. The meeting of the District Council shall be presided over by the District Collector and in the absence of the District Collector, the District Council shall choose a member to preside over its meeting.

b. The meeting of the District Council will be conducted by the Chairperson, District Commission. Every meeting of the District Council shall be called by giving a written notice of not less than ten days to every member from the date of its issue.

c. No honorarium will be payable to the members for attending the meeting of the District Council.

d. Every notice of a meeting of the District Council shall specify the place, day and time of the meeting and shall contain a description of the business transacted at the meeting.

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

f. The District Council may, for the purpose of performing its functions under the Act, constitute such working group from amongst its members as it may consider necessary and every working group so constituted shall perform such functions as may be assigned to it by the District Council. The findings of such working groups shall be placed before the District Council for its consideration.

g. The resolution passed by the District Council shall be in the nature of recommendation.

11. The non-official members of the State Council and District Council shall hold office for a period of three years from the date of their nomination.

Term of non-official members of State Council and District Council

12. The meeting of the State Council will generally be held in the capital region Lucknow and the meeting of the District Council will be held in the respective district.

Meeting of State Council and District Council

By order,
VEENA KUMARI,
Pramukh Sachiv.

पी०एस०यू०पी०-४०पी० 547 राजपत्र-2022-(1210)-599 प्रतियां (कम्प्यूटर / टी०/आफसेट)।
पी०एस०यू०पी०-४०पी० 5 सार्व उपभोक्ता संरक्षण एवं बाट माप-2022-(1211)-900 प्रतियां (कम्प्यूटर / टी०/आ०)।