

The Meghalaya Consumer Protection Rules, 1989

MEGHALAYA

India

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Rule THE-MEGHALAYA-CONSUMER-PROTECTION-RULES-1989 of 1989

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The Meghalaya Consumer Protection Rules, 1989Published vide Notification Gazette of Meghalaya, Part 5A, dated 16th November, 1989Last Updated 19th February, 2020Notification No. SUP 91/87/55, dated the 6th January, 1989. - 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 Meghalaya hereby makes the following rules, namely :

1. Short title, extent and commencement.

(1)These rules may be called the Meghalaya Consumer Protection Rules, 1989.(2)The shall extend to the whole of the State of Meghalaya.(3)They shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Definitions.

- In these rules, unless there is anything repugnant in the subject or context-(a)"Act" means the Consumer Protection Act, 1986 (Central Act 68 of 1986);(b)"District Forum" means the District Forum constituted under Section 9 of the Act;(c)"President" means the President of District Forum or, as the case may be, of the State Commission ;(d)"State Commission" means State Commission constituted under Section 9(b) of the Act;(e)"State Government" means the Government of the State of Meghalaya;(f)All words and expressions used and not defined shall have the meaning respectively assigned to them in the Act.

3. Location of the District Forum and the State Commission.

(1)The District Forum shall be located at the Headquarter of the District. Where the jurisdiction of the District Forum extends to more than one District, the Headquarter of the Forum shall be at such place as the State Government may, from time to time, decide.(2)The State Commission shall be

located at the capital of the State.

4. Conditions for appointment as President and Members of the State Commission or of the District Forum.

(1) No person shall be appointed as or continue to be a President or member of the State Commission or as the case may be, of a District Forum if he is one 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 in the State Commission or, as the case may be, in the District Forum, or (e) has so abused his position as to tender his continuance in office prejudicial to the public interest: Provided that the President or the Member shall not be removed from his office on the ground specified in Clauses (d) and (e) of the sub-rule (5) except after an inquiry is held by the State Government in accordance with such procedure as it may specify in this behalf and finds the member to be guilty of such conduct. (2) The President and a Member of the District Forum before appointment shall furnish an undertaking that he does not and will not have any such financial or other interest which is likely to affect prejudicially his function as a President or a member. (3) Where the President of the State Commission or as the case may be, of the District Forum is unable to discharge his function owing to absence or illness or a vacancy otherwise occurs in his office, the seniormost member (in order of appointment) holding office for the time being, shall discharge the functions of the President until the President resume office or a person is appointed to fill up the vacancy. (4) The President or a Member of the State Commission or of a District Forum shall not, for a period of 5 years, from the date he ceases to hold office as such, hold any appointment in or be connected with the management or administration of any organisation which has been the subject of any proceedings under the Act either before the State Commission or the District Forum, as the case may be, during his tenure as such President or Member. (5) The President or Member of the State Commission or of a District Forum shall hold office for a term of 5 years or up to the age of 70 years, whichever is earlier, and shall not be eligible for renomination: Provided that the President or any member may-(a) by writing under his hand addressed to the State Government resign his office from the date his resignation is so accepted, by the State Government, (b) be removed from his office in accordance with the provisions of sub-rule (1).

5. Honorarium and other allowances of the President and Members of the State Commission and also of the District Forum :

(a) For the State Commission : (i) The President of the State Commission, if not a sitting Judge of a High Court shall, if appointed on whole time basis, be paid an honorarium of rupees five thousand per month and if on part time basis, rupees two hundred for each day of attending work of the Commission ; (ii) the President of the State Commission, if he is a serving Judge of a High Court shall draw pay and allowances as admissible to him as Judge of the High Court: (iii) a sitting fee of rupees seventy five only per day shall be paid to a non-official member for attending meeting of the State Commission ; (iv) the President and member while travelling on duty connected with the State

Commission shall be entitled to travelling allowances of rates admissible to Grade I officers of the State Government: Provided that in case of a serving Judge that rate shall be admissible to him as Judge of the High Court. (b) For the District Forum : (i) The President of a District Forum, other than one drawn from any service under the Government or Court, shall if appointed on whole time basis, be paid an honorarium of rupees two thousand per month and, if on part time basis, rupees one hundred and fifty for each day of attending work of the Forum ; (ii) the President of the District Forum drawn from any service under the Government or Court shall draw pay and any allowances as admissible to him in his parent office : Provided that no pay or allowances shall be admissible in case the appointment of such officer is on part time basis : (iii) a sitting fee of rupees seventy five only per day shall be paid to a non-official member for attending meeting of the District Forum ; (iii-A) A sitting fee of Rupees one hundred and fifty shall be paid to the President of the District Forum for East Khasi Hills District, when such President is a District Judge. " (iv) The President and the member while travelling on duty connected with the District Forum shall be entitled to travelling allowances at rates admissible to Grade-I officers of the State Government.

6. Appointment of officers and staff of the District Forum and the State Commission.

- The State Government shall appoint such officers and staff as may be necessary to assist the District Forum or as the case may be, the State Commission, in the day to day work and their salary shall be delayed out of the Consolidated Fund of the State.

7. Procedure to be adopted by District forum for analysis and testing of the goods.

(1) The District forum may, if considered necessary, direct the complainant to provide more than one sample of goods in clean container with stopper properly fixed on them. (2) On receiving the samples of such goods by the District Forum the same shall be sealed and a label affixed on the container indicating the following particulars : (a) name and address of the laboratory to which samples will be sent for analysis and test; (b) name and address of the District Forum ; (c) case No.; and (d) seal of the District Forum, (3) The District Forum shall send the samples to the laboratory for making its report within 45 days from the date of its receipt or within such further time as may be granted by the District Forum, specifying the nature of the defect attached with the sample.

8. Proceedings before the District Forum.

(1) In any proceedings before the District Forum only the parties thereto may appear either by themselves or through their authorised agents. (2) Where the apposite party admits the allegation made by the complainant, the District Forum shall decide the matter before it on the basis of the merits of the case. (3) In any proceedings it shall be obligatory on the complainant and the opposite party to appear before the District Forum on a date fixed by it. In case any or both of them fails to so appear, the District Forum may in its discretion dismiss the complaint or hear the matter ex parte and decide it on its merits. (4) The District Forum may, on such terms as it may think fit and at any

stage, adjourn the hearing but not more than one adjournment shall ordinarily be given, the complaint shall be decided within ninety days, or within one hundred and fifty days where the complaint requires analysis or testing of goods, from the date of receipt of notice by the opposite party. The order of the District Forum shall be signed and dated by the President and the members hearing the complaint and shall be communicated to the party free of cost.

9. Other matters relating to District as well as the State Commission.

(1)The official seal and emblem of the District Forum and of the State Commission shall be such as the State g may specify.(2)Sitting, of the District Forum or of the State Commission as and when necessary, shall be convened by the President.(3)No act or proceedings of the District or of the State Commission shall be invalid by reason only of the existence of any vacancy in its membership or defect in its constitution.

10. Procedure for preferring appeal to the State Commission.

(1)Memorandum of appeal under Section 15 of the Act, may be presented to the State Commission by the appellant in person or by his authorised agent or it may be sent to it under registered post.(2)Every memorandum filed under sub-section (1) shall be typed or written in legible handwriting. It shall set forth concisely in distinct paragraphs the grounds of appeal without arguments or narratives.(3)Certified copy of the order of the District Forum appealed against and also such other documents as may be required to support the grounds for appeal should accompany the memorandum.(4)The memorandum of appeal should normally be submitted within the period of limitation specified in the Act:Provided that for sufficient cause the appeal could not be preferred in time, and application for condoning the period of limitation should simultaneously be made to the State Commission.(5)The memorandum of appeal submitted to the State Commission should be accompanied with four extra copies.(6)The appellant or his authorised agent should appear on the date fixed for hearing, failing, which the State Commission may in his discretion, either dismiss the appeal or decide it ex-parte on its merit.(7)No argument shall be made by the appellant in support of any ground of objection not set forth in the memorandum of appeal except with the leave of the State Commission.Provided that the State Commission may not confine its decision only to the grounds of objection set forth in the memorandum or grounds tendered by leave of the State Commission under this sub-rule ;Provided further that the Commission may not have its decision on any ground tendered by the appellant with the leave of the State Commission unless the affected party has been given an opportunity of being heard before giving its final decision.(8)The State Commission may, on such terms as it may think fit or at any stage, adjourn the hearing of appeal, but not more than one adjournment shall ordinarily be given. The appeal should be decided within ninety days from the first date of hearing.(9)The order of the State Commission shall be signed and dated by the President and the member of the State Commission hearing the appeal and the order shall be communicated to the parties concerned free of cost.