

Delhi Consumer Protection Rules, 1987

Notification No. F 50(131)/86-F & S /CA, dated 29th September, 1987. - In exercise of the powers conferred by sub-section (2) of Section 30 of the Consumer Protection Act, 1986 (68 of 1986) read with the Government of India, Ministry of Food and Civil Supplies, New Delhi's Notification S.O.No. 469(E) dated the 15th May, 1987, the Administrator of the Union Territory of Delhi, hereby makes the following rules namely :

1. Short title and commencement. - (1) These rules may be called the **Delhi Consumer Protection Rules, 1987.**

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

2. Definitions. - In these rules, unless the context otherwise requires, —

- (a) “*Act*” means the Consumer Protection Act, 1986 (68 of 1986) ;
- (b) “*Administration*” means the administration of the Union Territory of Delhi;
- (c) “*Administrator*” means the Administrator of the Union Territory of Delhi; appointed by the President under Article 239 of the Constitution;
- (d) “*agent*” means a person duly authorised by a party to present any complaint or appeal or reply on its behalf before State Commission or the District Forum;
- (e) “*appellant*” means a party which makes an appeal against the order of the District Forum;
- (ee) “*Chairman*” means Chairman of State Consumer Protection Council established under Section 7 and Chairman of District Consumer Protection Council established under Section 8A of the Act.
- (f) “*memorandum*” means memorandum of appeal filed by the appellant;
- (g) “*opposite party*” means a person who answers complaint or claim;
- (h) “*President*” means the President of the State Commission or District Forum, as the case may be;
- (i) “*respondent*” means the person who answers any memorandum of appeal ;
- (j) “*State*” means the the National Capital Territory of Delhi ;
- (k) “*State Commission*” means the Delhi State Commission constituted under clause (b) of Section 9 ;
- (l) 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. Salaries and other allowances and terms and conditions of the President and Members of the District Forum. -

(1) (a) The President of the District Forum shall receive the salary, allowances and other perquisites as are admissible to a sitting judge of the District Court, if appointed on whole-time basis, or an honorarium of two hundred rupees per day, if appointed on part-time basis.

Note.- When a retired District Judge is appointed as President of the District Forum, his salary, allowances and other perquisites, shall be subject to the rules governing the payment of pension to such retired District Judge.

(b) A member of the District Forum, when appointed on whole-time basis, shall receive a consolidated honorarium of four thousand rupees per month, and, if appointed on part-time basis, a consolidated honorarium of one hundred and fifty rupees per day of sitting.

(2) (i) The President and the Members of the District Forum shall be entitled to such Travelling Allowances and daily allowances on official tour as are admissible to Group A officers of the Administration.

(ii) For the purpose of attending the sittings of the District Forum, a Member shall be entitled to actual conveyance charges subject to a ceiling of one hundred rupees or as revised from time to time per day of sitting.

(3) The Salary, honorarium and other allowances shall be defrayed out of the Consolidated Fund of India.

(4) Before appointment, the President and Members of the District Forum shall have to take an undertaking that he does not and will not have any such financial or other interests as is likely to affect prejudicially his functions as the President or a Member, as the case may be.

(5) In addition of provisions of Section 10(2), the Administrator may remove from the office, the President and Members of the District Forum who :-

(a) has been adjudged an insolvent, or

(b) has been convicted of an offence which, in the opinion of the Administrator, involves moral turpitude, or

(c) has become physically or mentally incapable of action as such President or Member, as the case may be or

(d) has acquired such financial or other interests as is likely to affect prejudicially his functions as the President or a Member, as the case may be, or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest

Provided that the President or Member shall not be removed from his office on the grounds specified in clauses (d) and (e) of sub-rule (5) except on an inquiry held by the Administrator in accordance with such procedure as he may specify in this behalf and if the President or Member is found guilty of such grounds in the inquiry.

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

(7) Where any vacancy occurs in the office of the President of the District Forum, the senior most (in order of appointment) Members of the District Forum, holding office for the time being, shall discharge the functions of the President until a person appointed to fill such vacancy assumes the office of the President of the District Forum.

(8) When the President of the District Forum is unable to discharge the functions owing to absence, illness or any other cause, the senior most (in order of appointment) Member of the District Forum shall discharge the functions of the President until the day on which the President resumes the charge of his functions.

(9) The President or any Member ceasing to hold office as such shall not hold any appointment in or be connected with the management or administration of an organisation which has been the subject of any proceeding under the Act during his tenure for a period of five years from the date on which he ceases to hold such office.

3-A. The constitution of the Delhi Consumer Protection Council and its procedure.—(1) The Lieutenant Governor Shall, by notification in the Delhi Gazette, constitute the Delhi Consumer Protection Council (hereinafter referred to as “the State Council”) which shall consist of the following members, namely—

(a) the Minister-in-charge of the Consumer Affairs in the Government of National Capital Territory of Delhi, who shall be its Chairman ;

(b) four Members of the Legislative Assembly of National Capital Territory of Delhi ;

(c) representatives of the Departments of the Government of National Capital Territory of Delhi and autonomous organisations concerned with consumer interests—not exceeding five ;

(d) representatives of Consumer Organisations (NGOs) or Consumers—not less than two ;

- (e) representatives of women—not less than two ;
 - (f) representation of farmers, trade and industries—not less than two ;
 - (g) persons capable of representing consumer interests not specified above—not less than two ;
 - (h) five officials to be nominated by the Government of India ;
 - (i) Commissioner-cum-Secretary in charge of Consumer Affairs to the Government of National Capital Territory of Delhi shall be the Member-Secretary of the Council.
- (2) The term of the State Council shall be three years.
- (3) The State Council shall observe the following procedure in regard to the transactions of its business—
- (a) The meeting of the State Council shall be presided over by the Chairman, in the absence of the Chairman, the State Council shall elect a member to preside over that meeting of the State Council.
 - (b) Each meeting of the State Council shall be called by giving not less than ten days from the date of issue, notice in writing to every member.
 - (c) Every notice of a meeting of the State Council shall specify the place and the day and hour of the meeting and shall contain statement of business to be transacted thereat.
 - (d) No proceedings of the State Council shall be invalid merely by reason of existence of any vacancy in or any defect in the constitution of the Council.
 - (e) For the purpose of performing its function under the Act, the State Council may constitute from amongst its members, such working groups as it may deem necessary and every working group so constituted shall perform such function as are assigned to it by the State Council. The findings of such working groups shall be placed before the State Council for its consideration.
 - (f) The non-official members shall be entitled to daily allowance and travelling allowance as admissible to Grade-I officers of Government of National Capital Territory of Delhi.
 - (g) The State Council shall meet as and when necessary but less than two meetings shall be held every year.
 - (h) The resolution passed by the State Council shall be recommendatory in nature.

3-B. The Constitution of the District Consumer Protection Council. - (1) The Lieutenant Governor shall constitute for every District, by notification in the Delhi Gazette, a Council to be known as the District Consumer Protection Council.

- (2) Each District Consumer Protection Council shall consist of the following members, namely:
- (a) The Deputy Commissioner of the Revenue Department of the District shall be its Chairman,
 - (b) Official and non-official members representing such interests as may be specified by the Government of National Capital Territory of Delhi—not exceeding twenty.
- (3) The District Consumer Protection Council shall meet as and when necessary but not less than two meetings shall be held every year.
- (4) The meeting of the District Consumer Protection Council shall be presided over by the Chairman and in the absence of Chairman, the members of the District Consumer Protection Council shall elect a member to preside over that meeting of the Council.
- (5) Each meeting of the District Consumer Protection Council shall be called by giving not less than ten days from the date of issue, notice in writing to every member.
- (6) Every notice of a meeting of the District Consumer Protection Council shall specify the place and the day and hour of the meeting and shall contain statement of business to be transacted thereat.
- (7) No proceedings of the District Consumer Protection Council shall be invalid merely by reason of existence of any vacancy in or any defect in the constitution of the Council.
- (8) The non-official member shall be entitled to travelling and daily allowances as admissible to Grade-I officers of the Government of National Capital Territory of Delhi.
- (9) The resolutions passed by the District Consumer Protection Council shall be recommendatory in nature.

4. Place of sitting and other matter relating to District Forum.— (1) The office of the District Forum shall be located at such place in the Union Territory of Delhi as may be specified by the Administrator in this behalf. Where two or more District Forums are constituted for Delhi, the Administrator may, by general or special order, regulate the distribution of business among them.

(1A) Every complaint filed under the Act with the District Forum/State Commission shall be accompanied by a fee as prescribed by Government of India/Government of National Capital Territory of Delhi, as follows :

Sl. No.	Value of Goods/Services and the Compensation claimed	Amount fee payable
1.	District Forum – Upto Rs. 1 lakh	Rs. 100/-
2.	Above one lakh but less than 5 lakhs rupees	Rs. 200/-
3.	Above 5 lakhs but less than 10 lakhs rupees	Rs. 400/-
4.	Above 10 lakhs but not exceeding Rs. 20 lakhs rupees.	Rs. 500/-

(2) The working days and the office hours of the District Forum shall be same as those of the District Courts of Delhi.

(3) The official seal and emblem of the District Forum shall be such as the Administrator may specify.

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

Explanation.- When the President and/or a member attends office work on a day other than sitting of the Forum for official work in connection with the working of District Forum, the President/Member shall be deemed to have sitting for that day for the purpose of drawing honorarium provided the President of the District Forum certifies that such attendance of member(s) or himself was in public interest.

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

(6) The Administrator shall appoint such staff, as may be necessary to assist the District Forum in its day-to-day work and perform such other functions as are provided under these rules or assigned to it by the President. The salary payable to such staff shall be defrayed out of the Consolidated Fund in India.

(7) Where the opposite party admits the allegation made by the complainant the District Forum shall decide the complaint on the basis of the merit of the case and documents present before it.

(8) If during the proceedings conducted under Section 13 the District Forum fixes a date for hearing of the parties, it shall be obligatory on the complainant and opposite party or its authorised agent to appear before the District Forum on such date of hearing or any other date to which hearing could be adjourned. Where the complainant or his authorised agent fails to appear before the District Forum on such day, the District Forum may, in its discretion, either dismiss the complaint for default or decide it on merit. Where the opposite party or its authorised agent fails to appear on the day of hearing, the District Forum may decide the complaint *ex-parte*.

(8-A) If the date(s) fixed for hearing is declared holiday/happens to be holiday, the proceedings shall take place on the following working day.

(9) While proceeding under sub-rule (8) the District Forum may on such terms as it may think fit and any stage adjourn the hearing of the complaint but not more than one adjournment shall ordinarily be given and the complaint should be decided, as far as possible within 90 days from the date of notice received by the opposite party where the complaint does not require analysis or testing of the goods, and within 150 days, where it requires analysis or testing of goods.

(10) Orders of the District Forum shall be signed and dated by the Members of the District Forum constituting the Bench and shall be communicated to parties free of charge.

5. Procedure to be adopted by the District Forum for analysis and testing of the goods.

(1) Under Section 13(1)(c), if considered necessary, the District Forum may direct the complainant to provide more than one sample of the goods in clear containers with stopper properly fixed on them.

(2) On receiving the samples of such goods, the District Forum shall seal it and fix labels on the containers carrying following information :

- (i) Name and address of the appropriate laboratory to which sample will be sent for analysis and test ;
- (ii) Name and address of the District Forum ;
- (iii) Case Number ;
- (iv) Name and description of the goods/articles ;
- (v) Seal of the District Forum.

(3) The sample will be sent to the appropriate laboratory by the District Forum for sending the report within 45 days or within such extended time, as may be granted by the District Forum, after specifying the nature of the defect alleged and date of submission of the report.

6. Salary and other allowances and terms and conditions of the President and Members of the State Commission.-

(1)(a) The President of the State Commission shall receive the salary, allowances and other perquisites, as are admissible to a sitting judge of the High Court, if appointed on whole time basis, or an honorarium of seven hundred rupees per day, if appointed on part time basis.

Note:- When a retired judge of a High Court is appointed as President of the State Commission, his salary, allowance and other perquisite, shall be subject to the rules governing the payment of pension to such retired Judge.

(b) the amount of consolidated honorarium shall be ten thousand rupees per month for full time members of the State Commission and five hundred rupees per day of sitting if appointed as part time basis or as revised from time-to-time.

(2)(a) The President and Members of the State Commission shall be entitled to such travelling allowances and daily allowances on official tour as are admissible to Group-A officers of the Administration.

(b) For the purpose of attending the sitting of the State Commission, a Member shall be entitled to actual conveyance charges subject to a ceiling of one hundred rupees per day of sitting.

(3) The salary, honorarium and other allowances shall be defrayed out of the Consolidated Fund of India.

(4) The President and Members of the State Commission shall hold office for a term of five years or up to the age of 65 years, whichever earlier and shall not be eligible for renomination :

Provided that President or a Member may,

- (a) by writing under his hand and addressed to the Administrator resign his office any time ;
- (b) be removed from his office in accordance with the provisions of sub-rule (5).

(5) The Administrator may remove from office, President or Member of the State Commission who,-

- (a) has been adjudged an insolvent ; or
- (b) has been convicted of an offence which, in the opinion of the Administrator, involves moral turpitude ; or
- (c) has become physically or mentally incapable of acting as such President or Member, as the case may be ; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as President or a Member, as the case may be ; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest ;

Provided that the President or a Member shall not be removed from his office on the grounds specified in clauses (d) and (e) of sub-rule (5) except on an inquiry held by the Administrator in accordance with such procedure as he may specify in this behalf and if the President or the Member is found guilty of such grounds in the inquiry.

(6) Before appointment, President and a Members of the State Commission shall have to take an undertaking that he does not and will not have any such financial or other interest as is likely to affect prejudicially his functions as such President or Member.

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

(8) Every vacancy caused by resignation and removal of the President or any other Members of the State Commission under sub-rule (4) or otherwise shall be filled by fresh appointment.

(9) Where any such vacancy occurs in the office of the President of the State Commission, the senior most (in order of appointment) Member, holding office for the time being, shall discharge of functions of the President until a person appointed to fill such vacancy assumes the office of the President of the State Commission.

(10) When the President of the State Commission is unable to discharge the functions owing to absence, illness or any other cause, the senior most (in order of appointment) Member of the State Commission shall discharge the functions of the President until the day on which the President resumes the charge of his functions.

(11) The President or any Member ceasing to hold office as such shall not hold any appointment in or be connected with the management or Administration of an organization which has been the subject of the proceeding under the Act during his tenure for a period of five years from the date on which he ceases hold such office.

7. Placing of sitting and other matters relating to State Commission.-

(1) Office of the State Commission shall be located as such place in the Union Territory of Delhi, as may specified by the Administrator in this behalf.

(2) The working days and office hours of the State Commission shall be the same as that of the Delhi High Court.

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

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

Explanation : When the President and/or a Member attends office work on a day other than sitting of the Commission for official work in connection with the working of State Commission, the President/Member shall be deemed to have had sitting for that day for the purpose of drawing honorarium provided the President of the State Commission certifies that such attendance of the member(s) or himself was in public interest.

(5) 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.

(6) The Administrator shall appoint such staff, as may be necessary, to assist the State Commission in its work and perform such other functions as are provided under these rules or assigned to it by the President. The salary payable to such staff shall be defrayed out of the Consolidated Fund of India.

(7) Where the opposite party admits the allegation made by the complainant, the State Commission shall decide the complaint on the basis of the merit of the case and documents present before it.

(8) If during the proceedings conducted under section 13, the State Commission fixes a date for hearing of the parties, it shall be obligatory on the complainant and opposite party or his authorised agent to appear before the State Commission on such date of hearing or any other date to which hearing could be adjourned. Where the complainant or his authorised agent fails to appear before the State Commission on such day, the State Commission may in its discretion either dismiss the complaint for default or decide it on merits. Where the opposite party or his authorised agent fails to appear on the day of hearing, the State Commission may decide the complaint *ex parte*.

(8-A) If the date(s) fixed for hearing is declared holiday/happens to be holiday, the proceedings shall take place on the following working day.

(9) While proceeding under sub-rule (8), the State Commission may on such terms as it may think fit and at any stage, adjourn the hearing of the complaint but not more than one adjournment shall ordinarily be given and the complaint shall be decided as far as possible, within 90 days from the date of notice received by the opposite party where complaint does not require analysis or testing of the goods and within 150 days if it requires analysis or testing of the goods.

(10) Orders of the State Commission shall be signed and dated by the members of the State Commission constituting the Bench and shall be communicated to the parties free of charge.

8. Procedure for hearing appeal.— (1) The Memorandum shall be presented by the appellant or his authorised agent to the State Commission in person or sent by registered post addressed to the Commission.

(2) Every memorandum filed under sub-rule (1) shall be in legible handwriting preferably typed and shall set forth concisely under distinct heads, the grounds of appeal without any argument or narrative and such grounds shall be, numbered consecutively.

(3) Each memorandum shall be accompanied by the certified copy of the order of the District Forum appealed against and such of the documents as may be required to support grounds of objection mentioned in the memorandum.

(4) When the appeal is presented after the expiry of the period of limitation as specified in the Act, the memorandum shall be accompanied by an application supported by an affidavit setting forth on the fact on which the appellant relies to satisfy the State Commission that he has sufficient cause for not preferring the appeal within the period of limitation.

(5) The appellant shall submit four copies of the memorandum to the State Commission for official purposes.

(6) On the date of hearing or any other day to which hearing may be adjourned, it shall be obligatory for the parties or their authorised agents to appear before the State Commission. If appellant or his authorised agent fails to appear on such date, the State Commission may, in its discretion, either dismiss the appeal or decide it on the merit of the case. If respondent or his authorised agent fails to appear on such date, the State Commission shall proceed *ex-parte* and shall decide the appeal *ex parte* on the merits of the case.

(7) The appellant shall not, except by leave of the State Commission, urge or be heard in support of any ground of objection not set forth in the memorandum but the State Commission, in deciding the appeal, need not confine to the grounds of objection set forth in the memorandum or taken by leave of the State Commission under this rule :

Provided that the Commission shall not rest its decision on any other grounds unless the party who may be affected thereby, has been given, at least one opportunity of being heard by the State Commission.

(8) State Commission may, on such terms as it may think fit and at any stage, adjourn the hearing of the appeal, but not more than one adjournment shall ordinarily be given and the appeal shall be decided, as far as possible, within 90 days from the first date of hearing.

(9) Order of the State Commission on appeal shall be signed and dated by the members of the State Commission and communicated to the parties free of charge.

9. Power to debar authorised agents/representatives from appearance. - The District Forum or the State Commission, may debar any authorised agent/representative to appear before it on either of the following grounds, namely:

- (a) that the authorised agent/representative had adopted to be such agent/representative as profession to earn his/her livelihood ;
- (b) that he/she has no interest of the consumer at hearing and is averse to consumer movement ;
- (c) that he/she causes hindrance in the smooth working of the Forum.
