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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL
Consumer Affairs Department

NOTIFICATION

No. 400-CAD-11019(11)/16/2021 dated the 16th February, 2022,— In exercise of the power conferred by section 102 of the Consumer Protection Act, 2019 (Act No. 35 of 2019), the Governor is pleased hereby to makes the following rules, namely:—

1. **Title and commencement.**— (1) These Rules may be called the West Bengal Consumer Protection Rules, 2022.
(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) “District Council” means District Consumer Protection Councils;
 - (c) “Mediation Cell” means a Consumer Mediation Cell established by the State Government in accordance with the provisions of sub-section (1) section 74 of the Act,
 - (d) “Panel” means a panel of mediators prepared by the State Commission or District Commission under sub-section (1) of section 75 of the Act;
 - (e) “President and Member of the State Commission and District Commission” means President and Member, as defined in clause 27 of section 2 of the Act;
 - (f) “Rules” means rules made by the Central Government under section 101 or rules made by the State Government under section 102 of the Act;
 - (g) “Section” means section of the Act; and
 - (h) “State Council” means State Consumer Protection Council.

- (2) All other words and expressions used in these rules and not defined but defined in the Consumer Protection Act, 2019 (Act No. 35 of 2019) shall have the same meanings respectively assigned to them in the Act.

3. **Establishment and composition of State and District Consumer Protection Councils.**— (1) The State Consumer Protection Council shall be established by the State Government at State head quarter by notification with an object to render advice on promotion and protection of consumer rights under sub-section (1) of section 6 of the Act and the advisory council having following members:—

- (a) the Minister-in-charge of Consumer Affairs Department in the State Government who shall be the Chairperson;
- (b) three Official members of whom the Secretary in charge of the Consumer Affairs Department, the President of the State Consumer Disputes Redressal Commission and the Deputy Secretary of the Department of Consumer Affairs, who shall be the Member-Convenor;
- (c) five non-official members shall be nominated by State Government, by notification, who shall have knowledge in consumer law or representative of the consumer organisation or association or any person who is capable of representing the consumer interest; and
- (d) such number of other official or non-official members, not exceeding ten, as may be nominated by the Central Government by notification.

(2) The District Consumer Protection Councils shall be established by the State Government at District level by notification with an object to render advice on promotion and protection of consumer rights under sub-section (1) of section 8 of the Act and the advisory council having following members, namely –

- (a) the Collector & District Magistrate of the District who shall be the Chairperson;
- (b) two members from official side i.e., Assistant Director, Consumer Affairs & Fair Business Practices Directorate under Department of Consumer Affairs and Assistant Controller of Legal Metrology under Consumer Affairs Department.
- (c) five members nominated by the State Government on the recommendation of the Collector & District Magistrate from non-official side who shall have knowledge in consumer law or representative of the consumer organisation or association or any person who is capable of representing the consumer interest.

(3) The term of the State Council and District Council shall be three years, provided that the State Council and District Council shall continue to function for a further period of three months or till it is reconstituted, whichever is earlier.

(4) Any Member of the State Council or District Council may, by notice in writing under his hand addressed to the Chairperson of the respective State Council or District Council, resign from the State Council or District Consumer Protection Councils, as the case may be.

(5) Any vacancy of the member of State Council or District Council caused for any reason, be filled by a fresh nomination from the same category of members which falls vacant and such new member's term of office shall be for the remaining period only of that original member would have been entitled to hold office.

(6) The State Council or District Council meeting date, time and place may be fixed by the chairperson and the same shall be communicated to all the members in advance not less than fifteen (15) days with agenda of meeting by the State Council or the District Council under sub-section (3) and sub-section(4) of section 6 and sub section (3) of section 8 of the Act respectively, to discuss the issues in connection with promotion and protection of consumer rights under the Act within the State and District as provided under section 7 and section 9 of the Act, respectively.

(7) The Deputy Secretary of Consumer Affairs Department of the State and the Assistant Director of Consumer Affairs & Fair Business Practices Directorate of the concerned District, shall be the convener of the State Council or District Council meeting, respectively.

(8) The meeting proceedings of the State Council and District Council shall be communicated to the concerned Collector & District Magistrate of the District who shall work according to the directions of the State Council and District Council and submit the progress report every month to the State and District Council, as the case may be.

- (9) The Chairperson of the State Council and District Council shall scrutiny the report at the interval of every two months and submit progress report to the Central Government and State Government regarding effective implementation of the Act.
- (10) Every non official member of State Consumer Protection Council and District Consumer Protection Council is entitled to claim rupees 1000/- and rupees 750/- respectively, towards travelling allowance only for attending meeting irrespective of place where they come. The expenses of the meeting and allowance payable to non-official members shall be drawn from the Consumer Welfare Fund account.
4. **Number of Members of the State and District Consumer Disputes Redressal Commission.**— (1) The State Consumer Disputes Redressal Commission shall consist of a President and four Members amongst whom one shall be woman member and the number of members may be increased to such number, as may be considered necessary, in consultation with Central Government.
- (2) The District Consumer Disputes Redressal Commission shall consist of a President and two Members amongst whom one shall be woman member and the number of members may be increased to such number, as may be considered necessary, in consultation with Central Government.
5. **Language used in State Commission and District Commission.**— The Language to be used in the State Commission and the District Commission shall be English, however, the language of the State Government namely Bengali, may also be used as the language.
6. **Manner of depositing complaint fee and statutory deposits in appeals.**—(1) The fee shall be paid before the State Commission or District Commission, as the case may be, on filing complaints, in the form of DD drawn in any nationalized Bank in favour of the “President” in case of District Commission and “Registrar” in case of the State Commission as shown in Annexure-I or through online mode in the manner as may be notified.
- (2) The Statutory deposit of fifty percent of the award amount of the District Commission shall be deposited in the form of DD drawn in any nationalized Bank in favour of the Registrar of the State Commission or through online mode in the manner as may be notified, while preferring an appeal as required under section 41 of the Act.
- Provided that payment of complaint fee is exempted in case of complaint is filed by the Central Government, Central Authority or the State Government, as the case may be, under clause (d) of sub-section (1) of section 35 and section 47 of the Act.
7. **Consumer Protection Mediation cell.**— (1) (a) Every Mediation Cell set up in a Commission shall have a panel of mediators on the recommendation of a selection committee consisting of the President and a Member of that Commission.
- (b) The Mediation Cell shall have such supporting staff as may be decided by the President of that Commission in consultation with the State Government and the State Government shall provide all administrative assistance and infrastructure facilities required by the Commission.
- (c) List of Mediators and necessary registers in the form as specified in Annexure-II shall be maintained by the State Commission and District Commission.
- (2) The following matters shall not be referred to mediation following Rule 4 of the Consumer Protection (Mediation) Rules, 2020, namely,—
- (a) the matters relating to proceedings in respect of medical negligence resulting in grievous injury or death,
- (b) matters which relate to defaults or offences for which applications for compounding of offences have been made by one or more parties;
- (c) cases involving serious and specific allegations of fraud, fabrication of documents, forgery, impersonation, coercion;
- (d) cases relating to prosecution for criminal and non-compoundable offences; and

