



GOVERNMENT OF SIKKIM
OFFICE OF THE ADDITIONAL CONTROLLER
LEGAL METROLOGY UNIT & CP CELL
FOOD & CIVIL SUPPLIES DEPARTMENT
Email ID: - lmul2gtk@gmail.com

Advertisement No.: - 03/LMU/F&CS

Date: - 25/11/2021

ADVERTISEMENT

Applications are invited from the intending candidates/applicants for appointment of Part-Time Member in the following Consumer Commissions against existing vacant posts/anticipated vacancy.

| Consumer Commission | Number of vacancies | | Salaries/Remuneration |
|---|---------------------|---------------------|--|
| | Open for all | Open for women only | |
| State Commission, Gangtok, East Sikkim | 02 posts | 01 post | As per the Consumer Protection (Salary, Allowances and Condition of service of President and Member of the State Commission and District Commission) Rules, 2021 notified vide Sikkim Government Gazette Notification No. 240 dated 24 th August, 2021. |
| District Commission, Namchi, South Sikkim | 01 post | -Nil- | |

For complete information on qualification, application form and other details, the applicants are requested to visit the Department's website (www.sikkimfcs.sikkim.gov.in) and IPR Website (www.ipr.sikkim.gov.in). The application form can be downloaded from the website. The application should be sent via email/post/by hand addressed to:

The Additional Controller,
Legal Metrology Unit and Consumer Protection Cell,
Food & Civil Supplies Department,
Government of Sikkim,
P.S. Road, Gangtok,
East Sikkim.

The last date of receipt of application is on or before 09/12/2021.

Eligibility Criteria

As per the Consumer Protection (Qualification for appointment, method of recruitment, procedure of appointment, term of officer, resignation and removal of the Presidents and members of the State Commission and District Commission) Rules, 2020, the qualification prescribed for appointment of members in the Consumer Commission are as under:

| Consumer Commission | Eligibility | |
|----------------------------|---------------------------------------|--|
| State Commission | Prescribed under sub rule 3 of rule 2 | A person shall not be qualified for appointment as a member unless he is of not less than forty years of age and possesses-- (a) an experience of at least ten years as presiding officer of a district court or of any tribunal at equivalent level or combined service as such in the district court and tribunal; Provided that not more than fifty percent of such members shall be appointed; or (b) a bachelor's degree from a recognised university and is a person of ability, integrity and standing, and has special knowledge and professional experience of not less than twenty years in consumer affairs, law, public affairs, administration, economics, commerce, industry, finance, management, engineering, technology, public health or medicine. |
| District Commission | Prescribed under sub rule 4 of rule 2 | A person shall not be qualified for appointment as member unless he- (a) is of not less than thirty-five years of age; (b) possesses a bachelor's degree from a recognised University; and (c) is a person of ability, integrity and standing, and having special knowledge and professional experience of not less than fifteen years in consumer affairs, law, public affairs, administration, economics, commerce, industry, finance, management, engineering, technology, public health or medicine |

Tenure: The appointment shall be on part-time basis for a period of four years or up to the age of 65 years, whichever is earlier.

Selection Procedure: Selection of the members of the Consumer Commission will be made by the selection committee constituted vide Sikkim Government Extraordinary Gazette Notification No. 164 dated 22nd July 2021 as mandated under Rule 6 of the Consumer Protection (Qualification for appointment, method of recruitment, procedure of appointment, term of officer, resignation and removal of the Presidents and members of the State Commission and District Commission) Rules, 2020.


Additional Controller

SIKKIM



GOVERNMENT

GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

Tuesday 24th August, 2021

No. 240

GOVERNMENT OF SIKKIM
LEGAL METROLOGY UNIT & CONSUMER PROTECTION CELL
FOOD & CIVIL SUPPLIES DEPARTMENT
PALZOR STADIUM ROAD
GANGTOK-737101

No. 08/LMU/F&CS

Date: 23/08/2021

NOTIFICATION

In exercise of the powers conferred under sub-section (1) of section 102 of the Consumer Protection Act, 2019 (35 of 2019) and in supersession of the Consumer Protection (Appointment, Salary, Allowances and Conditions of Service of President and Members of the State Commission and District Forum) Rules, 2018, the State Government hereby makes the following rules, namely: –

- Short title, extent and commencement.**
1. (1) These rules may be called the Consumer Protection (Salary, allowances and conditions of service of President and Members of the State Commission and District Commission) 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 (35 of 2019);
 - (b) 'Member' means a Member of the District Commission or the State Commission, as the case may be;
 - (c) 'President' means the President of the District Commission or the State Commission, as the case may be;
 - (d) 'State Government' means the Government of Sikkim.
 - (2) The 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.

Salaries and allowances payable to the whole-time President and members of District Commission.

3. (1) The President shall be entitled to the salary and allowances as are admissible to a District Judge in the super time scale of pay.
- (2) A Member shall receive a pay equal to the pay at the minimum of the scale of pay of a Deputy Secretary of the State Government and other allowances as admissible to such officer.
- (3) The pay of a person appointed as President or member, who is in receipt of any pension, shall be reduced by the gross amount of pension drawn by him.
- (4) There shall be an annual upward revision of the pay of the President and member at the rate of 3%.

Salaries/ Remuneration payable to the part-time President and members of District Commission.

4. (1) The President shall be paid a consolidated remuneration of Rs. 5000/- per day of sitting.
- (2) A Member shall be paid a consolidated pay of Rs. 15,000/- per month plus Rs. 1000/- per case per day of sitting as additional remuneration subject to maximum of Rs. 35,000/- per month and Rs. 500/- as conveyance allowance per day of sitting.

Salaries and allowances payable to the whole-time President and members of the State Commission.

5. (1) The President of the State Commission shall receive the salary and other allowances as are admissible to a sitting judge of the High Court of the State.
- (2) A Member of the State Commission shall receive a pay equivalent to the pay at minimum of the scale of pay of an Additional Secretary of the State Government and other allowances as are admissible to such officer.
- (3) The pay of a person appointed as President or member, who is in receipt of any pension, shall be reduced by the gross amount of pension drawn by him.
- (4) There shall be an annual upward revision of the pay of a member at the rate of 3%.

Salaries/ Remuneration payable to the part-time members of the State Commission.

6. A Member shall be paid a consolidated pay of Rs. 20,000/- per month plus Rs. 2000/- per case per day of sitting as additional remuneration subject to maximum of Rs. 40,000/- per month and Rs.500/- as conveyance allowance per day of sitting.

Medical Fitness

7. No person shall be appointed as President or Member unless he is declared medically fit by an authority specified by the State Government in this behalf.

Casual vacancy

8. In case of a casual vacancy in the office of President in the State Commission or District Commission, as the case may be, the State Government shall have the power to appoint the senior most Member to officiate as President.

Allowances and other facilities to the whole-time appointees of the District Commission and the State Commission

9. (1) The President or Member shall be entitled to house rent allowance at the same rate as are admissible to Group 'A' Officer of the State Government of a corresponding status.
- (2) The President or Member shall be entitled to transport allowance at the same rate as are admissible to Group 'A' Officer of the State Government of a corresponding status.
- (3) The President or Member of the State Commission and the District Commission shall be entitled to leave, Leave Travel Concession, medical treatment and hospital facilities as per the provisions applicable to Group 'A' Government servants in the State Government.

Declaration of Financial and other interests

10. The whole-time President or whole-time Member shall, before entering upon his office, declare his assets, and his liabilities and financial and other interests.

Other conditions of service

11. (1) The terms and conditions of service of the whole-time President or whole-time member with respect to which no express provision has been made in these rules, shall be such as are admissible to a Group 'A' Officer of the State Government of a corresponding status.
- (2) The whole-time President or whole-time member shall not practice before the National Commission, the State Commission or the District Commission after retirement from the service of the State Commission or the District Commission, as the case may be.
- (3) The President or Member shall not undertake any arbitration work while functioning in these capacities in the State Commission or the District Commission, as the case may be.
- (4) The President or Member of the State Commission or the District Commission, as the case may be, shall not, for a period of 2 (two) years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the State Commission or the District Commission.

Provided that nothing contained in this rule shall apply to any employment under the Central Government or a State Government or a local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act or a Government company as defined in clause (45) of section 2 of the Companies Act, 2013(18 of 2013).

Oaths of office and secrecy of the Whole time President and members

12. Every person appointed to be the President or member shall, before entering upon his office, make and subscribe an oath of office in Form I and oath of secrecy in Form II annexed to these rules.

13. The salary, remuneration and other allowances shall be defrayed out of the Consolidated Fund of the State Government.
14. The terms and conditions of the service of the President and the Members of the District Commission and the State Commission shall not be varied to their disadvantage during their tenure of office.
15. The Consumer Protection (Appointment, Salary, Allowances and Conditions of Service of President and Members of the State Commission and District Forum) Rules, 2018 is hereby repealed.

Repeal

By order and in the name of the Governor.

Deepa Rani Thapa, SCS
Secretary to the Government of Sikkim

Annexure
[See Rule 12]

FORM I

Form of Oath of Office for the President and Member of the State
Commission and District Commission

I, A. B., having been appointed as the President/ Member in the State Consumer Disputes Redressal Commission,...../ District Consumer Disputes Redressal Commission,do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as the President/Member of the State Commission/District Commission to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of land.

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FORM II

Form of Oath of Secrecy for the President and Member of the State
Commission and District Commission

I, A. B., having been appointed as the President/Member of the State Consumer Disputes Redressal Commission,...../ District Consumer Disputes Redressal Commission, do solemnly affirm/do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as President/Member of the State Commission/District Commission except as may be required for the due discharge of my duties as the President/Member.

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भारत का राजपत्र The Gazette of India

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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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No. 348]

नई दिल्ली, बुधवार, जुलाई 15, 2020/आषाढ़ 24, 1942
NEW DELHI, WEDNESDAY, JULY 15, 2020/ASHADHA 24, 1942

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय
(उपभोक्ता मामले विभाग)

अधिसूचना

नई दिल्ली, 15 जुलाई, 2020

सा.का.नि. 452(अ).—केन्द्रीय सरकार, उपभोक्ता संरक्षण अधिनियम, 2019 (2019 का 35) की धारा 101 की उपधारा (2) के खंड (ढ) और (ब) के साथ पठित धारा 29 और 43 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित नियम बनाती है, अर्थात् -

- संक्षिप्त नाम और प्रारम्भ.**—(1) इन नियमों का संक्षिप्त उपभोक्ता संरक्षण (राज्य आयोग और जिला आयोग के अध्यक्ष और सदस्यों की नियुक्ति के लिए अर्हता, भर्ती की पद्धति, नियुक्ति की प्रक्रिया, कार्यकाल, पद से त्यागपत्र और हटाना) नियम, 2020 है। परि
(2) ये 20 जुलाई, 2020 को प्रवृत्त होंगे।
- परिभाषाएं.**—जब तक कि संदर्भ, इन नियमों में (1) में अन्यथा आवश्यक न हो- ,
(क) 'अधिनियम' से उपभोक्ता संरक्षण अधिनियम 2019, का (35) अभिप्रेत है;
(ख) 'चयन समिति' से नियम 6 के उप-नियम (1) में संदर्भित चयन समिति अभिप्रेत है;
(2) इनमें उपयोग किए गए ऐसे शब्दों और पद जिन्हें इनमें परिभाषित नहीं किया गया है, और अधिनियम में परिभाषित किया गया है का अर्थ वही होगा जो अधिनियम में परिभाषित किया गया हो।

3. राज्य आयोग के अध्यक्ष और सदस्यों की नियुक्ति के लिए अर्हताएं.—(1) कोई व्यक्ति, जो उच्च न्यायालय का न्यायाधीश न हो अथवा न रहा हो, अध्यक्ष के रूप में नियुक्ति के लिए अर्ह नहीं होगा;

(2) कोई व्यक्ति, जिसकी आयु चालीस वर्ष से कम हो और निम्नलिखित का धारक न हो, सदस्य के रूप में नियुक्ति के लिए अर्ह नहीं होगा; --

(क) किसी जिला न्यायालय के पीठासीन अधिकारी अथवा किसी न्यायाधिकरण में समकक्ष स्तर में अथवा जिला न्यायालय और न्यायाधिकरण में संयुक्त रूप से कम-से-कम दस वर्ष का अनुभव:

परन्तु नियुक्ति किए जाने वाले सदस्यों की संख्या पचास प्रतिशत से अधिक नहीं होगी; अथवा

(ख) किसी मान्यताप्राप्त विश्वविद्यालय से स्नातक की उपाधि और योग्यता, सत्यनिष्ठापूर्ण और प्रतिष्ठित व्यक्ति हो और उपभोक्ता मामले, विधि, लोक मामले, प्रशासन, अर्थशास्त्र, वाणिज्य, उद्योग, वित्त, प्रबंधन, अभियांत्रिकी, प्रौद्योगिकी, लोक स्वास्थ्य अथवा औषधि में विशेष ज्ञान और कम-से-कम बीस वर्ष का अनुभव;

(3) राज्य आयोग का कम-से-कम एक सदस्य अथवा अध्यक्ष महिला होगी।

4. जिला आयोग के अध्यक्ष और सदस्यों की नियुक्ति के लिए अर्हताएं.—(1) कोई व्यक्ति, जो जिला न्यायालय का न्यायाधीश न हो अथवा न रहा हो अथवा होने के लिए अर्ह न हो, अध्यक्ष के रूप में नियुक्ति के लिए अर्ह नहीं होगा;.

(2) कोई व्यक्ति सदस्य के रूप में नियुक्ति के लिए तभी अर्ह होगा जब वह -

क) कम-से-कम पैंतीस वर्ष की आयु का हो;

ख) किसी मान्यताप्राप्त विश्वविद्यालय से स्नातक की उपाधि प्राप्त हो; और

ग) क्षमतावान, सत्यनिष्ठापूर्ण और प्रतिष्ठित व्यक्ति हो और उपभोक्ता मामले, विधि, लोक मामले, प्रशासन, अर्थशास्त्र, वाणिज्य, उद्योग, वित्त, प्रबंधन, अभियांत्रिकी, प्रौद्योगिकी, लोक स्वास्थ्य अथवा औषधि में विशेष ज्ञान और कम-से-कम पंद्रह वर्ष का अनुभव रखता हो;

(3) जिला आयोग का कम-से-कम एक सदस्य अथवा अध्यक्ष महिला होगी।

5. राज्य आयोग और जिला आयोग के अध्यक्ष अथवा सदस्य की नियुक्ति के लिए अनर्हता.—कोई व्यक्ति राज्य आयोग अथवा जिला आयोग के अध्यक्ष अथवा सदस्य के रूप में नियुक्ति के लिए अनर्ह होगा यदि वह -

(1) ऐसे किसी अपराध जिसमें नैतिक अधमता सम्मिलित हो, के लिए अभियोजित किया गया हो और कारावास की सजा प्राप्त हो; अथवा

(2) दिवालिया घोषित किया गया हो; अथवा

(3) किसी सक्षम न्यायालय द्वारा अस्वस्थ मस्तिष्क और सोच का घोषित किया गया हो; अथवा

(4) राज्य सरकार अथवा केन्द्रीय सरकार अथवा ऐसी सरकार के स्वामित्वाधीन अथवा नियंत्रणाधीन किसी निकाय कार्पोरेट की सेवा से हटाया गया हो अथवा निष्कासित किया गया हो; अथवा

(5) राज्य सरकार की राय में, अध्यक्ष अथवा सदस्य के रूप में उसके कार्यों से वित्तीय अथवा अन्य लाभों पर हानिकारक प्रभाव पड़ने की संभावना हो।

6. नियुक्ति की प्रक्रिया.—(1) राज्य आयोग और जिला आयोग के अध्यक्ष और सदस्यों की नियुक्ति राज्य सरकार द्वारा चयन समिति की सिफारिशों पर की जाएगी, जिसमें निम्नलिखित व्यक्ति सम्मिलित होंगे, अर्थात् --

(क) उच्च न्यायालय के मुख्य न्यायाधीश अथवा उनके द्वारा नाम विदेशित उच्च न्यायालय का कोई अन्य न्यायाधीश - अध्यक्ष;

(ख) राज्य सरकार के उपभोक्ता मामले के प्रभारी सचिव - सदस्य;

(ग) राज्य के मुख्य सचिव के नामिति - सदस्य।

- (2) राज्य सरकार के उपभोक्ता मामलों के प्रभारी सचिव चयन समिति के संयोजक होंगे।
- (3) चयन समिति के अध्यक्ष की रिक्ति अथवा अनुपस्थिति के सिवाय चयन समिति में किसी रिक्ति अथवा अनुपस्थिति के कारण मात्र से अध्यक्ष अथवा सदस्य की कोई भी नियुक्ति अवैध नहीं होगी।
- (4) राज्य सरकार द्वारा नियुक्ति की प्रक्रिया पद रिक्त होने से कम से कम छः पूर्व आरम्भ की जाएगी।
- (5) यदि कोई पद सदस्य द्वारा त्यागपत्र अथवा उसकी मृत्यु अथवा किसी नए पद के सृजन के कारण रिक्त होता है, तो पद को भरने की प्रक्रिया पद के रिक्त होने अथवा नया पद सृजित होने, जैसा भी मामला हो, के तत्काल पश्चात् आरम्भ की जाएगी।
- (6) किसी पद के लिए पात्र अभ्यर्थियों से आवेदन आमंत्रित करने हेतु रिक्ति विज्ञापन को प्रमुख समाचारपत्रों में प्रकाशित किया जाएगा और ऐसे अन्य रीति से परिचालित किया जाएगा, जो राज्य सरकार द्वारा उचित समझी जाएं।
- (7) ऐसे आवेदनों की प्राप्ति के लिए निर्धारित अंतिम तिथि तक प्राप्त हुए आवेदनों की जांच के पश्चात्, पात्र अभ्यर्थियों की एक सूची उनके आवेदनों सहित चयन समिति के समक्ष प्रस्तुत की जाएगी।
- (8) चयन समिति उसे अग्रेषित पात्र आवेदकों के सभी आवेदनों पर विचार करेगी और यदि समिति, यदि आवश्यक समझे, तो स्वयं द्वारा निर्धारित मानदंडों के अनुसार आवेदकों की छंटनी कर सकती है।
- (9) चयन समिति राज्य आयोग अथवा जिला आयोग की अपेक्षाओं को ध्यान में रखते हुए और उपयुक्तता, विगत कार्य-निष्पादन के अभिलेख, सत्यनिष्ठा और अधिनिर्णयन अनुभव पर विचार करते हुए अपनी सिफारिशें करने के लिए अपनी प्रक्रिया निर्धारित कर सकती है।
- (10) चयन समिति राज्य सरकार के विचारार्थ मेरिट के क्रम में नियुक्ति के लिए अभ्यर्थियों के नामों के एक पैनल की सिफारिश करेगी।
- (11) राज्य सरकार अनुशंसित अभ्यर्थियों के प्रमाणपत्रों और पूर्ववृत्तों का सत्यापन करेगी अथवा कराएगी।
- (12) प्रत्येक अध्यक्ष अथवा सदस्य की नियुक्ति इन नियमों के साथ संलग्न अनुलग्नक में यथाङ्गित शारीरिक स्वास्थ्य प्रमाणपत्र, जिसे सिविल सर्जन अथवा जिला चिकित्सा अधिकारी द्वारा विधिवत हस्ताक्षरित किया गया हो, प्रस्तुत किए जाने के अध्यक्षीन होगी।
- (13) नियुक्त के पूर्व, चयनित अभ्यर्थी एक शपथपत्र प्रस्तुत करेगा कि उसके कोई वित्तीय अथवा अन्य लाभ नहीं है अथवा नहीं होंगे जिनसे अध्यक्ष अथवा सदस्य के रूप में उसके कार्यकरण पर हानिकारक प्रभाव पड़ने की संभावना हो।

7. राज्य आयोग और जिला आयोग के अध्यक्ष अथवा सदस्य द्वारा त्यागपत्र.—अध्यक्ष अथवा कोई सदस्य किसी भी समय, अपनी हस्तलिपि में राज्य सरकार को सम्बोधित लिखित पत्र द्वारा, अपने पद से त्यागपत्र दे सकता है:

परन्तु अध्यक्ष अथवा सदस्य, जब तक कि राज्य सरकार द्वारा कार्यालय को शीघ्र छोड़ने की अनुमति न दी जाए, ऐसे सूचना की प्राप्ति की तारीख से तीन माह की अवधि की समाप्ति तक अथवा उत्तराधिकारी के रूप में विधिवत नियुक्त किसी व्यक्ति के उसका पदभार ग्रहण करने तक अथवा उसके कार्यकाल की समाप्ति तक, जो भी हो, पद पर बना रहेगा।

8. राज्य आयोग अथवा जिला आयोग के अध्यक्ष अथवा सदस्य को पद से हटाया जाना.—(1) राज्य सरकार किसी ऐसे अध्यक्ष अथवा सदस्य को पद से हटाएगी, जो —

- (क) दिवालिया घोषित किया गया हो; अथवा
- (ख) किसी ऐसे अपराध जिसमें नैतिक अधमता सम्मिलित हो, में अभियोजित किया गया हो; अथवा
- (ग) ऐसे सदस्य के रूप में कार्य करने में शारीरिक अथवा मानसिक रूप से अक्षम हो गया हो; अथवा
- (घ) ऐसे वित्तीय अथवा अन्य लाभों का अधिग्रहण किया हो जिनसे किसी सदस्य के रूप में उसके कार्यकरण पर हानिकारक प्रभाव पड़ने की संभावना हो; अथवा

(ड) पद का इस प्रकार दुरुपयोग किया गया हो जिससे लोक हित में उसका पद पर बना रहना हानिकारक हो:

परन्तु जब किसी अध्यक्ष अथवा सदस्य को खंड (ग) से (ड) में विनिर्दिष्ट किन्हीं आधारों पर हटाए जाने का प्रस्ताव किया गया हो, अध्यक्ष अथवा सदस्य को उनके विरुद्ध लगाए गए आरोपों के बारे में सूचित किया जाएगा और उन आरोपों के संबंध में उन्हें सुने जाने का अवसर प्रदान किया जाएगा।

9. राज्य आयोग अथवा जिला आयोग के अध्यक्ष अथवा सदस्य के दुर्व्यवहार अथवा अक्षमता की जांच की प्रक्रिया.—

(1) यदि राज्य सरकार को कोई ऐसी शिकायत प्राप्त होती है जिसमें राज्य आयोग अथवा जिला आयोग के अध्यक्ष अथवा किसी सदस्य के संबंध में पद के कार्यों का निष्पादन करने के लिए दुर्व्यवहार अथवा अक्षमता के किसी निश्चित आरोप के लिए आरोपित किया गया हो, तो राज्य सरकार ऐसी शिकायत की प्राथमिक संवीक्षा करेगी।

(2) यदि प्राथमिक जांच के बाद, राज्य सरकार की यह राय है कि राज्य आयोग अथवा जिला आयोग के अध्यक्ष अथवा किसी सदस्य के किसी दुर्व्यवहार अथवा अक्षमता के सत्य में जांच करने के तर्कसंगत आधार हैं, तो यह राज्य आयोग के मामले में राष्ट्रीय आयोग को तथा जिला आयोग के मामले में राज्य आयोग को जांच करने के लिए संदर्भित करेगी।

(3) राष्ट्रीय आयोग अथवा राज्य आयोग, जैसा भी मामला हो, तीन माह की अवधि के भीतर अथवा राष्ट्रीय आयोग द्वारा यथाविनिर्दिष्ट किसी अन्य अवधि के भीतर जांच पूरी करेगा।

(4) जांच पूरी होने के पश्चात्, राष्ट्रीय आयोग अथवा राज्य आयोग, जैसा भी मामला हो, राज्य सरकार को अपनी रिपोर्ट प्रस्तुत करेगा जिसमें वह पृथक रूप से प्रत्येक आरोप के संबंध में अपने निष्कर्षों और उसके कारणों के साथ सम्पूर्ण मामले पर उन प्रेक्षणों का उल्लेख करेगा, जो वह उचित समझे।

(5) राष्ट्रीय आयोग अथवा राज्य आयोग, जैसा भी मामला हो, सिविल प्रक्रिया संहिता, 1908 (1908 का 5) द्वारा निर्धारित प्रक्रिया के लिए बाध्य नहीं होगा परन्तु नैसर्गिक न्याय के सिद्धांतों के अनुसार कार्य करेगा तथा उसके पास अपनी स्वयं की प्रक्रिया विनियमित करने सहित उसकी जांच के लिए तारीख, स्थान और समय का निर्धारित करने की शक्तियां होंगी।

10. अध्यक्ष अथवा सदस्य का कार्यकाल.—राज्य आयोग तथा जिला आयोग के अध्यक्ष तथा प्रत्येक सदस्य चार वर्ष की अवधि अथवा पैंसठ वर्ष की आयु, जो भी पहले हो, तक पद पर रहेंगे तथा पैंसठ वर्ष की आयु के अध्यक्षीन चार वर्ष के दूसरे कार्यकाल के लिए पुनःनियुक्ति के पात्र होंगे तथा ऐसी पुनःनियुक्ति चयन समिति की सिफारिश के आधार पर की जाएगी।

[फा. सं. जे-10/7/2018-सीपीयू]

अमित मेहता, संयुक्त सचिव

अनुलग्नक

[नियम 6 (12) देखें]

शारीरिक स्वास्थ्य का प्रमाणपत्र

मैं विधिवत प्रमाणित करता हूं कि मैंने श्री/श्रीमती/सुश्री की जांच की है और मैंने उनमें के सिवाय कोई बीमारी (संक्रामक अथवा अन्यथा), शारीरिक निर्बलता अथवा शारीरिक अशक्तता नहीं पाई है। मैं इसे राज्य/जिला उपभोक्ता विवाद प्रतितोष आयोग में चार वर्ष की अवधि अथवा पैंसठ वर्ष की आयु, जो भी पहले हो, तक सदस्य के रूप में नियोजन के लिए उनकी अनर्हता नहीं मानता हूं।

तारीख.....

अभ्यर्थी का हस्ताक्षर

हस्ताक्षर

पदनाम

(सिविल सर्जन/जिला चिकित्सा अधिकारी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)****NOTIFICATION**

New Delhi, the 15th July, 2020

G.S.R. 452(E).—In exercise of the powers conferred by sections 29 and 43, read with clauses (n) and (w) of sub-section (2) of section 101 of the Consumer Protection Act, 2019 (35 of 2019), the Central Government hereby makes the following rules, namely: -

1. Short title and commencement.—(1) These rules may be called the Consumer Protection (Qualification for appointment, method of recruitment, procedure of appointment, term of office, resignation and removal of the President and members of the State Commission and District Commission) Rules, 2020.

(2) They shall come into force on the 20th day of July, 2020.

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

(a) “Act” means the Consumer Protection Act, 2019 (35 of 2019);

(b) “Selection Committee” means the Selection Committee referred to in sub-rule (1) of rule 6;

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

3. Qualifications for appointment of President and members of the State Commission.—(1) A person shall not be qualified for appointment as President, unless he is, or has been, a Judge of the High Court;

(2) A person shall not be qualified for appointment as a member unless he is of not less than forty years of age and possesses--

(a) an experience of at least ten years as presiding officer of a district court or of any tribunal at equivalent level or combined service as such in the district court and tribunal:

Provided that not more than fifty percent of such members shall be appointed; or

(b) a bachelor’s degree from a recognised university and is a person of ability, integrity and standing, and has special knowledge and professional experience of not less than twenty years in consumer affairs, law, public affairs, administration, economics, commerce, industry, finance, management, engineering, technology, public health or medicine:

(3) At least one member or the President of the State Commission shall be a woman.

4. Qualifications for appointment of President and member of District Commission.—(1) A person shall not be qualified for appointment as President, unless he is, or has been, or is qualified to be a District Judge.

(2) A person shall not be qualified for appointment as member unless he-

(a) is of not less than thirty-five years of age;

(b) possesses a bachelor’s degree from a recognised University; and

(c) is a person of ability, integrity and standing, and having special knowledge and professional experience of not less than fifteen years in consumer affairs, law, public affairs, administration, economics, commerce, industry, finance, management, engineering, technology, public health or medicine .

(3) At least one member or the President of the District Commission shall be a woman.

5. Disqualification for appointment of President or member of State Commission and District Commission.—A person shall be disqualified for appointment as the President or a member of a State Commission or District Commission if he—

(1) has been convicted and sentenced to imprisonment for an offence which involves moral turpitude; or

(2) has been adjudged to be insolvent; or

(3) is of unsound mind and stands so declared by a competent court; or

(4) has been removed or dismissed from the service of the State Government or Central Government or a body corporate owned or controlled by such Government; or

- (5) has, in the opinion of the State Government, such financial or other interest as is likely to prejudicially affect his functions as the President or a member.

6. Procedure of appointment.—(1) The President and members of the State Commission and the District Commission shall be appointed by the State Government on the recommendation of a Selection Committee, consisting of the following persons, namely:—

- (a) Chief Justice of the High Court or any Judge of the High Court nominated by him—Chairperson;
 - (b) Secretary in charge of Consumer Affairs of the State Government—Member;
 - (c) Nominee of the Chief Secretary of the State—Member.
- (2) The Secretary in charge of Consumer Affairs of the State Government shall be the convener of the Selection Committee.
 - (3) No appointment of the President, or of a member shall be invalid merely by reason of any vacancy or absence in the Selection Committee other than a vacancy or absence of the Chairperson.
 - (4) The process of appointments shall be initiated by the State Government at least six months before the vacancy arises.
 - (5) If a post falls vacant due to resignation or death of a member or creation of a new post, the process for filling the post shall be initiated immediately after the post has fallen vacant or is created, as the case may be.
 - (6) The advertisement of a vacancy inviting applications for the posts from eligible candidates shall be published in leading newspapers and circulated in such other manner as the State Government may deem appropriate.
 - (7) After scrutiny of the applications received till the last date specified for receipt of such applications, a list of eligible candidates along with their applications shall be placed before the Selection Committee.
 - (8) The Selection Committee shall consider all the applications of eligible applicants referred to it and if it considers necessary, it may shortlist the applicants in accordance with such criteria as it may decide.
 - (9) The Selection Committee shall determine its procedure for making its recommendation keeping in view the requirements of the State Commission or the District Commission and after taking into account the suitability, record of past performance, integrity and adjudicatory experience.
 - (10) The Selection committee shall recommend a panel of names of candidates for appointment in the order of merit for the consideration of the State Government.
 - (11) The State Government shall verify or cause to be verified the credentials and antecedents of the recommended candidates.
 - (12) Every appointment of a President or member shall be subject to submission of a certificate of physical fitness as indicated in the annexure appended to these rules, duly signed by a civil surgeon or District Medical Officer.
 - (13) Before appointment, the selected candidate shall furnish 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 a President or member.

7. Resignation by President or Member of State Commission or District Commission.—The President or any member may, by writing under his hand addressed to the State Government, resign his office at any time:

Provided that the President or member shall, unless he is permitted by the State Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of office, whichever is the earliest.

8. Removal of President or Member of State Commission or District Commission from office.—(1) The State Government shall remove from office any President or member, who—

- (a) has been adjudged as an insolvent; or
- (b) has been convicted of an offence which involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as such member; or

- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or
- (e) has so abused his position as to render his continuance in office prejudicial to public interest:

Provided that where a President or member is proposed to be removed on any ground specified in clauses (c) to (e), the President or member shall be informed of the charges against him and given an opportunity of being heard in respect of those charges.

9. Procedure for inquiry of misbehavior or incapacity of President or Member of State Commission or District Commission.—(1) If a written complaint is received by the State Government, alleging any definite charge of misbehavior or incapacity to perform the functions of the office in respect of the President or a Member of the State Commission or District Commission, the State Government shall make a preliminary scrutiny of such complaint.

(2) If on preliminary scrutiny, the State Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehavior or incapacity of the President or a Member of the State Commission or District Commission, it shall make a reference to the National Commission in the case of State Commission and to the State Commission in the case of District Commission to conduct the inquiry.

(3) The National Commission or the State Commission, as the case may be, shall complete the inquiry within three months or such further time as may be specified by the National Commission.

(4) After the conclusion of the inquiry, the National Commission or the State Commission, as the case may be, shall submit its report to the State Government stating therein its findings and the reasons therefor on each of the charges separately with such observations on the whole case as it may think fit.

(5) The National Commission or the State Commission, as the case may be, shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

10. Term of office of President or Member.—The President and every member of the State Commission and the District Commission shall hold office for a term of four years or up to the age of sixty-five years, whichever is earlier and shall be eligible for reappointment for another term of four years subject to the age limit of sixty-five years, and such reappointment is made on the basis of the recommendation of the Selection Committee.

[F. No. J-10/7/2018-CPU]

AMIT MEHTA, Jt. Secy.

ANNEXURE

[See rule 6 (12)]

CERTIFICATE OF PHYSICAL FITNESS

I hereby certify that I have examined Shri/Smt./Ms..... and that I have not discovered that he/she has any disease (communicable or otherwise) , constitutional weakness or bodily infirmity, except..... I do not consider this a disqualification for his/her for employment as member in the State/District Consumer Disputes Redressal Commission for a period of four years or up to the age of sixty five years, whichever is earlier.

Date.....

Signature of candidate

Signature
Designation
(Civil Surgeon/District Medical Officer)

FORMAT

Application for the post of Part-Time Member, Consumer Disputes
Redressal Commissions in the State of Sikkim

A self-attested

Passport size
photograph

1. Name:
2. Father's Name:
3. Husband's Name:
(In case of female candidates)
4. Date of Birth:
5. Age as on date of application:
6. Permanent address and Home District:
7. Address for correspondence:
8. Mobile No.:
9. E-Mail:
10. Present Occupation:
11. Details of Educational Qualification:
(Matriculation onwards)

| Sl. No. | Name of examination/Degree | Year of completion | Name of Board/University/Examining Body | Division/% of marks/Grade |
|---------|----------------------------|--------------------|---|---------------------------|
| | | | | |

12. In case of in-service candidates

| | | |
|----|----------------------------|--|
| 1. | Date of joining service | |
| 2. | Present designation | |
| 3. | Scale of pay and basic pay | |
| 4. | Date of superannuation | |

13. In case of retired candidates

| | | |
|------|-------------------------|--|
| i. | Date of joining service | |
| ii. | Last post held | |
| iii. | Last pay scale | |
| iv. | Date of retirement | |

14. Service to which the applicant belongs/belonged (with cadre, batch and name of cadre controlling authority), if applicable:

15. Relevant experience (details showing adequate knowledge or experiences in dealing with problems relating to consumer affairs, law, public affairs, economics, commerce, industry, finance, management, engineering, technology, public health, medicine or administration) in descending chronological order:

| Sl. No. | Position Held | Name and address of the Organization | Period | Nature of work handled |
|---------|---------------|--------------------------------------|--------|------------------------|
| | | | | |
| | | | | |
| | | | | |

16. Any other accomplishment(s), the candidate may like to inform:

17. Consumer Commission for which application is made (separate applications to be made for appointment in separate Consumer Commissions):

Place:

Signature of the applicant

Date:

- Notes: - i) Attested copies of the relevant documents in support of proof of age, academic qualifications, experience, income etc. to be attached.
ii) The serving officers/officials shall send their application through proper channel by the last date fixed.
iii) A candidate can apply only for one post from amongst the post advertised.