

THE CONSUMER PROTECTION (PROCEDURE FOR REGULATION OF ALLOWING APPEARANCE OF AGENTS OR REPRESENTATIVES OR NON-ADVOCATES OR VOLUNTARY ORGANISATIONS BEFORE THE CONSUMER FORUM), REGULATIONS, 2014¹

In exercise of the powers conferred by section 30A of the Consumer Protection Act, 1986 (68 of 1986), the National Consumer Disputes Redressal Commission with the previous approval of the Central Government, hereby makes the following regulations, namely:—

CHAPTER I

1. Short title and commencement.—(1) These regulations may be called the 'Consumer Protection (Procedure for Regulation of Allowing Appearance of Agents or Representatives or Non-Advocates or Voluntary Organisations Before the Consumer Forum), Regulations, 2014'.

(2) They shall come into force on the date² of their publication in the Official Gazette.

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

- (a) "Act" means the Consumer Protection Act, 1986 (68 of 1986);
- (b) "Consumer Forum" means a District Forum, a State Consumer Disputes Redressal Commission or the National Consumer Disputes Redressal Commission;
- (c) "Registrar" means the head of the ministerial establishment of the Consumer Forum and exercising such powers and functions as are conferred upon him by the President of the Consumer Forum;
- (d) "Agent" means a person accredited as such under these regulations and duly authorized by a party to present any complaint, appeal, revision or to file written version or to file any written submissions and address or plead, as the case may be, for and on behalf of such a party before the Consumer Forum;
- (e) "representative" means any person who is accredited as such under these regulations and who represents a group of complainants or a group of opposite parties in any complaint, appeal or revision before the Consumer Forum and is duly authorised by that group to appear and act on behalf of the group for filing of the complaint, appeal or

1. *Vide* G.S.R. 89(E), dated 13th February, 2014, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), No. 66, dated 17th February, 2014.

2. Came into force on 17-2-2014

revision petition or the written version or any written submissions or like pleadings, as the case may be, for and on behalf of such a group of the complainants or the opposite parties;

- (f) "non-advocate" means a person who is not registered as an advocate under the Advocates Act, 1961 and has been duly accredited to appear before the Consumer Forum in order to practice as representative, having been granted such licence or accreditation by the competent authority to appear as "non-advocate" before the Consumer Forum on regular basis in a particular category of the cases as may be specified under the procedure of accreditation;
- (g) "social organisation" means a voluntary consumer organisation duly recognised by the Consumer Forum and is duly registered as a Charitable Society under any State's law dealing with the registration of Charitable Institutions;
- (h) words and expressions used in these regulations and not defined herein but defined either in the Act or in the rules shall have the same meaning assigned to them either in the Act or rules, as the case may be.

3. Appearance by agent, non-advocate, representative or social organisations.—(1) A party may authorise an Agent or non-advocate or representative or social organisations to represent him before the Consumer Forum in an individual complaint case/appeal or revision, subject to production of duly authenticated authorisation made by the party in favour of such Agent or non-advocate or representative or social organisation, subject to the conditions that he,—

- (a) is appearing on an individual case basis;
- (b) has a pre-existing relationship with the complainant (such as: a relative, neighbour, business associate or personal friend);
- (c) is not receiving any form of, direct or indirect, remuneration for appearing before the Consumer Forum and files a written declaration to that effect;
- (d) demonstrates to the presiding officer of the Consumer Forum that he is competent to represent the party.

(2) Every Agent or non-advocate or representative or social organisation shall adhere to the Code of Conduct specified in schedule I to these regulations.

4. The Consumer Forum may within its discretion disallow Agent or non-advocate or representative or social organisation to appear before it in any case, for reasons to be recorded in writing, on account of breach of the terms of the undertaking or misconduct or failure in providing proper assistance to the Consumer Forum.

5. Claim for fees.—(a) Any Agent or non-advocate or representative or social organization who seek to receive fee from the concerned party to whom he

represents before the Consumer Forum shall file a written request in this behalf before the Forum.

(b) The President shall decide the amount of fee, if any, an Agent or non-advocate or representative may be allowed to charge or receive from a party engaged him.

(c) While evaluating such a request for fee, the presiding officer may consider the following factors, namely:—

- (i) the extent and type of services the Agent or non-advocate or representative or social organization had performed;
- (ii) the complexity of the case;
- (iii) the level of skill and competence required by such Agent or non-advocate or representative in giving the services;
- (iv) the amount of time the Agent or non-advocate or representative spent on the case; and
- (v) the ability of the party to pay the fee;

(d) If a party is seeking monetary damages, its Agent or non-advocate or representative shall not seek fee of more than twenty per cent of the damages awarded.

CHAPTER II

6. Accreditation of Agent or non-advocates or representative.—(1) Any person who is not registered as an Advocate under the Advocates Act, 1961 (25 of 1961) and is not debarred from practicing by way of penalty, may apply for accreditation as an Agent or non-advocate or representative to practice as an Agent or non-advocate or representative before the Consumer Forum.

(2) Any application by an Agent or non-advocate or representative shall be presented to the President of the concerned Consumer Forum before which the appearance is sought on regular basis to practice as an Agent or non-advocate or representative in Form "A" of Schedule II.

(3) Any Agent or non-advocate or representative seeking accreditation shall specify in the application in which case or classes of cases or group of cases the accreditation is sought along with due credentials to be furnished in order to demonstrate due expertise or adequate knowledge in the particular type of cases or the matters involving the relevant issues in which such Agent or non-advocate or representative is well versed or expertised or may apply for accreditation in general as such for all kinds of consumer cases.

(4) An application seeking accreditation shall be submitted only between 1st July to 31st August of the relevant year, duly completed in all respects and accompanied by a demand draft of hundred rupees drawn in the name of Registrar of the Consumer Forum.

(5) The Registrar shall carry out the scrutiny of such applications and short list eligible applicants in accordance with the guidelines issued by the President

under practice directions issued under regulation 24 of the Consumer Protection Regulation, 2005.

(6) The Registrar of the Consumer Forum concerned shall after scrutinising the applications and short listing the eligible applicants, along with a list, forward the applications to the Committee referred to in sub-regulation (8) on or before 1st January of the relevant year.

Explanation.—The expression 'relevant year' for the purpose of the accreditation procedure shall mean the year commencing from 1st April of the calendar year which will end on 31st March of the next calendar year.

(7) The accreditation process shall be conducted by a Committee duly constituted by the National Consumer Protection Council for such accreditation of Agent or non-advocate or representative to appear before the National Consumer Disputes Redressal Commission and by the State Consumer Protection Council if the accreditation is sought for appearance before the Consumer Forum in the State. A duly constituted Committee of the said Council may hold written test to ascertain knowledge of applicant/Agent or non-advocate or representative who seeks such accreditation, in order to ascertain his ability to make legal presentations, submissions and arguments.

(8) The National Consumer Protection Council in case of accreditation sought by such applicants to appear before the National Consumer Disputes Redressal Commission and the State Protection Council in case of accreditation sought by such applicants to appear before the Consumer Forum in that State shall constitute an 'Accreditation Committee' which shall consist of the President of the Consumer Forum or his nominee as a member and an expert member besides the President of the Consumer Protection Council or his nominee. The President of the Consumer Protection Council may also appoint any other member as may be deemed proper but not more than two at a time. The Consumer Council may however appoint different expert members for such purpose, depending upon nature of the purpose/subject in which the accreditation is being sought for.

(9) The Consumer Protection Council may with the help of Center for Consumer Studies or the Public Service Commission hold written test preferably in the first or second week of March of each calendar year.

(10) The written test shall carry 100 marks and those who will secure more than 45% of the total marks will be eligible to appear for oral interview to be conducted by the Accreditation Committee.

(11) The Accreditation Committee may call the eligible candidates to appear for an oral interview which shall be conducted within two weeks after the results of the written test are declared and shall carry 50 marks and may prepare a select list of Agent or non-advocate or representative for the purpose of granting accreditation in case the aggregate marks secured by such Agent or non-advocate or representative is over and above 60% of the total marks of written test and the oral interviews.

(12) The Consumer Protection Council may call for information from the Police Department concerned about criminal antecedents of the Agent or a non-advocate

or representative who has sought accreditation and, if such antecedents are found to be satisfactory then the President of the Consumer Forum after satisfying himself about the eligibility report and recommendation of the duly constituted Selection Committee, may issue letter of accreditation in favour of such applicant to authorise him to plead and act as an Agent or non-advocate or representative on regular basis:

Provided that the President may within his discretion, grant accreditation to an Agent or non-advocate or representative to appear only in a particular type of cases. For example, an accreditation may be granted only to appear in medical negligence cases, or only in insurance cases or only in cases involving financial transactions, as per the expertise or field of knowledge of such Agent or non-advocate or representative.

7. The syllabus for written test may be drawn by the Consumer Protection Council and may consist of the following subjects:

- (a) The writing and communication skill;
- (b) Knowledge of the particular provisions in the relevant laws or subjects in which the accreditation is sought as well as knowledge of the Consumer Protection Act and the rules or regulations made thereunder;

Illustrations

- (i) For accreditation to appear in medical negligence cases, the knowledge of surgery procedures, precautions to be taken for proper diagnosis, precautions needed for prescribing of medicines, pre-operative care and post-operative care that is needed, and like aspects.
- (ii) For accreditation to appear in insurance cases, the Insurance Act and rules or regulations, non-standard settlement procedure and like subjects.
- (iii) For accreditation to appear in construction cases and contracts of developers, contracts and consumers, the provision of the Contract Act, the architectural specifications and like subjects.
- (iv) For accreditation to appear in cases of deficiency like in automobile engines or other items of engineering or electronic goods, the technical knowledge of mechanical engineering.

Note.—These are illustrations which are not exhaustive and test paper may be set up in respect of specialized subjects through reliable Government Agency or Department, to the extent of such specific subject or field of knowledge

- (c) The basic knowledge of the provisions of the Evidence Act;
- (d) The knowledge of basic principles of interpretation of statutes; and
- (e) Basic principles of pleadings and important provisions of Civil Procedure Code, 1908 (5 of 1908) relating to the pleadings, bringing of legal representatives on record, attachment before judgment, temporary injunction and appointment of Court Commissioner.

CHAPTER III

PARTIES TO BE BOUND BY THE ACT OF AGENT
OR NON-ADVOCATE OR REPRESENTATIVE
OR SOCIAL ORGANISATION

8. (1) Any party appearing through an Agent or non-advocate or representative or social organisation, shall be bound by the acts or omissions of such Agent or non-advocate or representative or social organisation:

Provided, that such an Agent or non-advocate or representative or social organisation shall not be permitted to withdraw any complaint or claim or any part thereof on behalf of the party without producing written consent from the party allowing him for withdrawal of the complaint or claim or part thereof.

(2) A party shall not be bound by an act of any Agent or non-advocate or representative or social organisation where it is shown to the satisfaction of the Consumer Forum that the Agent or non-advocate or representative or social organisation committed any act of fraud which adversely affected interest of the party concerned.

CHAPTER IV

DISCIPLINARY POWERS OF THE PRESIDENT OF
THE CONSUMER FORUM

9. (1) The President of the Consumer Forum shall ensure the strict adherence to the Code of Conduct laid down in Schedule I by the Agents, non-advocates, representatives or social organisations appearing before it.

(2) The President of the Consumer Forum shall have the power to summarily suspend any Agent or non-advocate or representative or social organization to appear before the Consumer Forum for any duration upto a period of six months.

(3) During the pendency of any enquiry, the President of the Consumer Forum may cause suspension of an accreditation granted to an Agent or non-advocate or representative, as the case may be, if he is satisfied that there is a *prima facie* proof of his mis-conduct.

Explanation.—For the purpose of this sub-regulation, the word 'mis-conduct' shall have the same meaning assigned to it in section 35 of the Advocates Act, 1961 (25 of 1961).

(4) The President of the Consumer Forum may either on his own motion or reference made by a member of the Forum or on application made to him by any aggrieved party, direct preliminary enquiry to be made against an Agent or non-advocate or representative or social organisation for alleged mis-conduct, by a Member of the Commission or the Registrar or his nominee, as he may direct.

(5) The President of the Consumer Forum, after giving the concerned Agent or non-advocate or representative or social organisation an opportunity of being heard, may make any of the following orders, namely;—

- (i) pass an order to debar such Agent or non-advocate or representative or social organization from appearing before any Consumer Forum for such period or permanently, as it may deem fit;

- (ii) remove the name of Agent or non-advocate or representative or social organization from the roll of Agent or non-advocate or representative or social organisation;
- (iii) to censure or reprimand the Agent or non-advocate or representative or social organisation;
- (iv) impose a monetary fine not exceeding five thousand rupees on Agent or non-advocate or representative or social organisation, which may be recovered in the manner provided under section 25 or section 27 of the Consumer Protection Act.

(6) Where an Agent or non-advocate or representative or social organisation is debarred from appearing before the Consumer Forum or his name is removed from the roll of the Agent or non-advocate or representative or social organisation of the District Consumer Forum, such Agent or non-advocate or representative or social organisation may prefer an appeal to the President of the State Commission.

(7) Where an Agent or non-advocate or representative is debarred from appearing before the State Commission or his name is removed from the role of Agent or non-advocate or representative on the State Commission, such Agent or non-advocate or representative or social organisation may prefer an appeal to the President of the National Consumer Disputes Redressal Commission.

(8) The disciplinary proceedings before the Consumer Forum shall be of summary nature and shall be concluded within a period of six months from the date of the receipt of the complaint or the date of *suo moto* initiation thereof, as the case may be.

(9) In case of any difficulty arising in the implementation of these regulations, the matter may be referred for the decision of the President of the National Consumer Disputes Redressal Commission and the decision of the President shall be final.

SCHEDULE I

[See regulations 3(2) and 9(1)]

CODE OF CONDUCT

- (i) An Agent or non-advocate or representative shall not indulge in doubtism.
- (ii) An Agent or non-advocate or representative shall appear before the Consumer Forum in moderate dress and shall make submissions in such a manner so as to maintain proper decorum of the Commission.
- (iii) An Agent or non-advocate or representative shall not charge any excessive fee from the party.
- (iv) An Agent or non-advocate or representative shall not directly accept any amount for and on behalf of the party from the opponent without due written authority made by the party on behalf of such Agent or non-advocate or representative appearing.
- (v) An Agent or non-advocate or representative shall not make any attempt to fabricate any document or make any false statement of fact on behalf of the concerned party.
- (vi) An Agent or non-advocate or representative shall not act contrary to the interest of the party to whom he represents.

Sch. II] *The Consumer Protection (Procedure for Regulation of Allowing Appearance of Agents or Representatives or Non-Advocates or Voluntary Organisations Before the Consumer Forum), Regulations, 2014*

(vii) Separate register of accreditation for Agents, non-advocates and representatives shall be maintained by the Consumer Forum.

SCHEDULE II
 [See regulation 6(2)]
FORM "A"

(Application for accreditation by Agent or non-advocate or representative)

Space for photograph duly signed by candidate

1. Name in Full (in Capital letters)
 Surname..... Middle Name..... First Name.....
2. Date of birth (in Christian era):
3. Father's name:
4. Postal Address
5. Educational Qualifications:
 Qualifications/Experience (in chronological order):

Name of University/ Equivalent Institution	Degree	Year of passing	Division %age of marks obtained	Academic Distinction	Subject/ Specialization

(Attested copy of the relevant certificate to be attached)

6. Experience with specific reference to eligibility conditions in the particular category of cases in which accreditation as an Agent or non-advocate or representative is being sought.
7. Whether you are presently in employment? If yes, details of the employment in chronological order, as follows:

Name and address of the employer	Designation whether regular/deputation/ ad hoc	Scale of pay	Period of service From.....To.....	Nature of work/ experience

8. Whether involved in any criminal case or convicted by any Criminal Court in the past? If yes, give the details.
9. Contact No. (Off.):
(Res.):
(Mob.):
(E-mail)
(Fax No.):
10. Address for communication.....

DECLARATION

I certify that the foregoing information is correct and complete to the best of my knowledge and belief and nothing has been concealed or distorted. If at any time, I am found to have concealed or distorted any material information, my appointment shall be liable to be summarily terminated without notice.

.....
(Signature of the candidate & Address)

Date.....

Place.....