

PART III
GOVERNMENT OF PUNJAB

DEPARTMENT OF FOOD, CIVIL SUPPLIES AND CONSUMER
AFFAIRS

(CONSUMER PROTECTION ACT BRANCH)

NOTIFICATION

The 24th August, 2021

No. G.S.R. 119/C.A.35/2019/S.102/2021.-In exercise of the powers conferred by section 102 of the Consumer Protection Act, 2019 (Central Act No. 35 of 2019), and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules regulating the salary, allowances and conditions of service of the President and Members of the State Commission and District Commission, namely: -

RULES

1. Short title and commencement.- (1) These rules may be called the Punjab 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 and with effect from 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) “Form” means the Form appended to these rules;
- (c) “Government employee” shall have the same meaning as assigned to it in the Government Employees (Conduct) Rules, 1966;
- (d) “member” means a member of the District Commission or the State Commission, as the case may be;
- (e) “President” means the President of the District Commission or the State Commission, as the case may be; and
- (f) “State Government” means the Government of the State of Punjab in the Department of Food, Civil Supplies and Consumer Affairs.

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

Section 28(2) **3. Number of members in District Commission.**— Each District Commission, established by the State Government, shall consist of,-

- (i) a President; and
- (ii) two other members.

Section 42(3) **4. Number of members in the State Commission.**— The State Commission shall consist of,-

- (a) a President;
- (b) one judicial member; and
- (c) three other members.

Section 30 **5. Salaries and allowances payable to the President and members of District Commission.** — (1) The President of the District Commission, in case of a sitting District and Sessions Judge, shall be entitled to draw such pay and allowances as he was drawing in his parent department.

(2) The President of the District Commission, if appointed from retired District and Sessions Judges, shall be entitled to draw salary as last pay drawn minus pension plus other allowances as admissible under these rules.

(3) The President of the District Commission appointed, if other than sitting or retired District Judge, shall be entitled to draw salary equivalent to the minimum of the scale of pay of a District Judge plus other allowances as provided under these rules.

(4) Member of the District Commission shall receive a pay equal to the pay at the minimum of the scale of pay of a Deputy Secretary of the Government of Punjab and other allowances as provided under these rules.

(5) The retired Government employees appointed as member of the District Commission shall be entitled to receive last pay drawn minus pension plus other allowances as admissible under these rules.

(6) 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.

(7) There shall be an annual upward revision of the pay of the President and member at the rate of three percent.

- 6. Salaries and allowances payable to President and members of the State Commission.**- (1) 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 of the State. Section 44
- (2) The judicial member shall be entitled to draw salary as last pay drawn minus pension plus other allowances as admissible under these rules.
- (3) A member of the State Commission shall receive a pay equivalent to the pay at the minimum of the scale of pay of an Additional Secretary of the Government of Punjab and other allowances as provided under these rules. The retired Government employees appointed as member of the District Commission shall be entitled to receive last pay drawn minus pension plus other allowances as provided under these rules.
- (4) 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.
- (5) There shall be an annual upward revision of the pay of a member at the rate of three percent.
- 7. Medical fitness.**—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. Sections 30 and 44
- 8. Casual vacancy.** — In case of a casual vacancy in the office of the President in the State Commission, the State Government shall have the power to appoint the senior most member to officiate as President only with regard to the provisions of the Act on judicial side. Sections 30 and 44
- 9. House rent allowance.** — The members of the State Commission and the President and members of the District Commission shall be entitled to house rent allowance at the same rate as admissible to the Government employees of the State of Punjab in the said city or town where posted. Sections 30 and 44
- 10. Travelling allowance.** — The members of the State Commission and President and members of the District Commission shall be entitled to travelling allowance at the same rate as is admissible to Group 'A' Officers of the Government of Punjab of a corresponding status, while on official tour. Sections 30 and 44

Sections 30 and 44 **11. Dearness allowance.-** The members of the State Commission and President and members of the District Commission shall be entitled to dearness allowance at the same rate as admissible to the Government employees of the State of Punjab.

Sections 30 and 44 **12. Leave and medical allowance. —** (1) The members of the State Commission and President and members of the District Commission shall be entitled to casual leave and earned leave as per Chapter VIII of the Punjab Civil Services Rules Volume I, Part I. However, they shall not be entitled to receive leave encashment at the time of completion of tenure.

(2) The members of the State Commission and Presidents and members of the District Commission shall be, during their term, entitled to medical allowance as admissible to Government employees of the Government of Punjab.

Sections 30 and 44 **13. Declaration of financial and other Interests.—**The President or member shall, before entering upon his office, declare his assets, and his liabilities and financial and other interests.

Sections 30 and 44 **14. Other conditions of service. —** (1) The terms and conditions of service of the President or member with respect to which no express provision has been made in these rules, shall be such as admissible to a Group 'A' Officer of the Government of Punjab of a corresponding status.

(2) The President or member shall not practice before the National Commission, the State Commission or the District Commission after completion of the term in 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 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 (Central Act No.18 of 2013)

(5) The salary, remuneration and other allowances shall be defrayed out of the Consolidated Fund of the State of Punjab.

(6) 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. Oath of office and secrecy.— Every person appointed as 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. Sections
30 and 44

16. Cessation of notifications etc.- All notifications, instructions etc. regulating the salary, allowances and conditions of service of President and Members of the State Commission and District Commission shall cease to be in effect from the date of coming into force of these rules.

17. Repeal and saving.- The Punjab Consumer Protection (appointment, salary, allowances and conditions of service of President and Members of the State Commission and District Forum) Rules, 2018, are hereby repealed:

Provided that any order issued or any action taken under the rules so repealed, shall be deemed to have been issued or taken under the corresponding provisions of these rules.

FORM I

(See rule 15)

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

I,, 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.

FORM II

(See rule 15)

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

I,, 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.

RAHUL TEWARI,

Secretary to Government of Punjab,
Department of Food, Civil Supplies and
Consumer Affairs.