

LAKSHADWEEP CONSUMER PROTECTION RULES, 1989

THE LAKSHADWEEP CONSUMER PROTECTION RULES, 1989 1989 DEPARTMENT OF CONSUMER AFFAIRS U. T. OF LAKSHADWEEP LGP,KVT.W.301/12-10/40 THE LAKSHADWEEP CONSUMER PROTECTION RULES, 1989 NOTIFICATION F.No. 1517188 -WM: In exercise of the powers conferred by sub section (2) of section 30 of the Consumer Protection Act, 1986 (68 of 1986), the Administrator, Union Territory of Lakshadweep hereby makes the following Rules namely:- 1. 2

3. Short title and commencement : (1) These rules may be called Lakshadweep consumer Protection Rules, 1989.

(2) They shall come into force on such date as the Administrator may, by notification in the Official Gazette, prescribe. Definitions : In these rules, unless the context otherwise requires:- (d) o (g) "Act" means the Consumer Protection Act, 1986 (68 of 1986). "agent" means a person duly authorised by a party to present any complaint or appeal or reply on its behalf before the State Commission or the District Forum; "appellant" means a party which makes an appeal against the order of the District Forum; "Memorandum" means memorandum of appeal filed by the appellant; "opposite party" means a person who answers complaint or claim; "president" means the president of the State Commission or District Forum as the case may be, "Respondent" means the person who answers any memorandum of appeal; Administrator means Administrator of the Union Territory of Lakshadweep. Administration means Administration of the Union Territory of Lakshadweep. Salaries and other allowances and terms and conditions of the President and members of the District Forum : (1) The President of the District Forum may receive honorarium of Rs. 150/- per day of sitting. For each sitting of the Forum other members of the Forum may receive honorarium of Rs. 100/- per. (Amended vide notification No. 71412006.1M Dated: 02-06-2006.) 1 The President of the District Forum shall be entitled for such travelling allowance and daily allowance on Official tour as are admissible to Grade 1 Officers of the Central Government. The TA and DA admissible to other members of the Forum shall be on par with that admissible to Group 'B' Officers of the Administration, (Amended vide notification No. 7/8/90.WM Dated: 09-11-1991 .) (3) The salary, honorarium and other allowances shall be defrayed out of the consolidated Fund of the Union Territory Government. (4) Before appointment, the President and each member 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 a member. In addition of provisions of section 10(2) of the Act, Administrator may remove from the Office the President and member of a District Forum who:- turpitude, or member, or has been adjudged an insolvent, or has been convicted of an offence which in the opinion of the Administrator involves moral has become physically or mentally incapable of acting as such / member, or has acquired such financial or other interest as is likely to affect prejudicially his functions as a 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 ground specified in Clause (d) and (e) of the Sub rule (5) except on an inquiry held by the Administrator in accordance with such procedure as he may specify on his behalf and finds the member to be guilty of such ground. (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) member of 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 organization which have been the subject of 2 any proceedings under the Act during his tenure for a period of 5 years from the date on which he ceases to hold such Office

4. Place of sitting and other matter relating to District Forum (1) (2) (3) (4) (5) (6) The Office of the District Forum shall be located at Kavaratti. The working days and the Office hours of the District Forum shall be same as that of the Administration. The Official seal and emblem of the District Forum shall be such as the Administration may specify. Sitting of the District Forum, as and when necessary shall

be convened by the president. 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. Administrator may 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 of the union Territory Government. (7) Where the opposite party admit 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. If during the proceedings conducted under section 13, District Forum fixes a date for hearing of the parties, it shall be obligatory on the complainant and opposite party or its authorized 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 authorized 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 authorized agent fails to appear on the day of hearing, the District Forum may decide the complaint ex-parte. (9) While proceeding under sub rule (8). The District Forum 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 should be decided 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 of it require analysis or testing of the goods. (10) Orders of the District Forum shall be signed and dated by the members of the District Forum 5. constituting the Bench and shall be communicated to the parties free of charge. Procedure to be adopted by the District Forum for analysis and testing of the goods (section . (1) Under section 13(1) (c), if considered necessary, the District Forum may direct 3 (2) O (ii) (iii) (iv) (3) the complainant to provide more than one sample of the goods in clean containers with stopper properly fixed on them. On receiving the samples of such goods, the District Forum shall seal it and fix labels on the containers carrying following information:- Name and address of the appropriate laboratory to whom sample will be sent for analysis and test; Name and address of the District Forum; Case number; Seal of the District Forum. The sample will be sent to the appropriate laboratory by the District Forum for sending report, 3 3 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. Salary and other allowances and terms and conditions of the President and members of the 6. State Commission (Section 16 (2):- (1) President of State Commission may receive honorarium of Rs. 500/- per day of sitting. For each sitting of the Commission other members of the Commission may receive honorarium of Rs. 150/- per day.(Amended vide notification No. 7/4/2006.LM Dated: 26-06-2006.) (2) The President and members of the State Commission shall be entitled for such WDA on Official tour as are admissible to Grade I Officers of the Central Government. They are also entitled for air travel between islands and mainland and inter island journeys in connection with the business of the Commission.(Amended vide notification No. 7/12/91 .WM Dated: 20-02-1997.) (3) The salary honorarium and other allowances shall be defrayed out of the consolidated fund of the Administration. (4) President and members of State Commission shall hold Office for a term of five years or up to the age of 70 years whichever is earlier and shall not be eligible for re-nomination. Provided that the President and members may (5) by writing under his hand and addressed to the Administration resign his Office any time. be removed from his Office in accordance with provisions of sub rule 5. The Administrator may remove from Office President or a member of the State 4 4 turpitude, or member, or interest. Commission who has been adjudged an insolvent, or has been convicted of an offence which in the opinion of the Administrator, involves moral has become physically or mentally incapable of acting as such member, or has acquired such financial or other interest as is likely to affect prejudicially his functions as a has so abused his position as to render his continuance in Office prejudicial to the public Provided that the President or member shall not be removed from his Office on the ground specified in Clause (d) and (e) of Sub rule (5) except on an inquiry held by the Administration in accordance with such procedure as it may specify on his behalf and finds the member to be guilty of such ground. (6) Before appointment, President and 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 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 member 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 the 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 seniormost (in order to the 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 have been the subject of any proceedings under the Act during his tenure for a period of five years from the date on which he ceases to hold such Office. Place of sitting and other matters relating to State Commission (section 14(3) read with section 18) (1) Office of the State Commission shall be located at the capital of the Union Territory. 5 (2) The working days and the Office hours of the State Commission shall be the same as that of the Administration. (3) (4) (5) (6) The Official seal and emblem of the State Commission shall be such as the Administration may specify. Sitting of the State Commission, as and when necessary shall be convened by the president. No Act or Proceedings of the State Commission shall be invalid by reason only of the existence of any vacancy among its member or any defect in its constitution thereof. The Administrator shall appoint such staff, as may be necessary to assist the State Commission 4 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 the Administration. (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. If during the proceedings conducted under section 13, State Commission fixes a date for hearing of the parties, it shall be obligatory on the complainant and opposite party or his authorized 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 authorized 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 its authorized agent fails to appear on the day of hearing, the State Commission may decide the Complaint ex-parte. (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 should be decided 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 8. (2) Commission constituting the Bench and shall be communicated to the parties free of charge. Procedure for hearing appeal (Section 15) Memorandum shall be presented by the appellant or his authorized agent to the State Commission in person or sent by registered post addressed to the Commission. Every memorandum filed under sub rule (1) shall be in legible handwriting preferably typed and shall set forth concisely under distinct heads, the ground of appeal without an argument or narrative and such ground shall be numbered consecutively. (3) Each memorandum shall be accompanied by the certified copy of the order of the District 6 r 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 period of limitation as specified in the Act, Memorandum shall be accompanied by an application supported by an affidavit setting forth the fact on which 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 authorized agents to appear before the State Commission. If appellant or his authorized 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 authorized agent fails to appear on such date, the State Commission shall proceed ex-parte and shall decide the appeal ex-parte on 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 objections not set forth in the memorandum but the State Commission, in deciding the appeal, shall 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 appeal, but not more than one adjournment shall ordinarily be given and the appeal should be decided within 90 days from the first date of hearing. (9) Order of the State Commission on appeal shall be signed, dated by the members of the State Commission constituting the Bench and shall be communicated to the parties free of charge. (WAJAHAT HABIBULLAH) Administrator 7

ADMINISTRATION OF THE UNION TERRITORY OF LAKSHADWEEP KAVARATTI, Dated : 9.11.1991 NOTIFICATION F.No. 718190 - WM:- In exercise of the powers conferred by sub- section (2) of section 30 of the Consumer Protection Act 1986 (68 of 1986), the Administrator, Union Territory of Lakshadweep hereby makes the following rules to amend the Lakshadweep Consumer Protection Rules 1989, namely:- 1. 2. (1) These rules may be called the Lakshadweep Consumer Protection (Amendment) Rules, 1991. (2) They shall come into force on the date of their publication in the official Gazette. In rule 3 of tie Lakshadweep Consumer Protection Rules 1989 for sub rule (2) the following shall be substituted namely, the President and members of the District Forum shall be entitled for such TAJDA on official tour as are admissible to Grade I Officers of the Central Government." (S.P. AGGARWAL) Administrator ADMINISTRATION OF THE UNION TERRITORY OF LAKSHADWEEP KAVARATTI, Dated : 20.21992 NOTIFICATION F.No. 7/12/91 — WM In exercise of the powers conferred by Sub -Section (2) of Section 30 of the Consumer Protection Act 1986 (68 of 1989), the Administrator, Union Territory of Lakshadweep hereby makes the foliowing rules to amend the Lakshadweep Consumer protection Rules 1989, namely; 8 1. (2) 2. 1 (1) These rules may be called the Lakshadweep Consumer protection (Amendment) Rules 1992. They shali come into force on the date of their publication in the official Gazette. (1) In Rule 6 of Lakshadweep Consumer Protection Rules, 1989, Sub- Rule (1) shall be substituted with President of State Commission may receive honorarium of Rs. 2000/- per month or Rs. 500 per day of sitting whichever is more. For each sitting of the Commission, other members of the Commission may receive honorarium of Rs. 150/- per day." In Rule 6 of Lakshadweep Consumer Protection Rules, 1989, Sub Rule (2) shall be substituted with "(2) The President of State Commission shall be entitled to such TADA on official tour as are admissible to the Judges of High Court. The members of State Commission shall be entitled for such TAI DA on official tour as are admissible to Grade Officers of Central Government. The president and members are entitled for Air Travel between Islands and Mainland and inter island journey in connection with business of the Commission, The President of State Commission is also entitled for a Residential Telephone." (V.K. SING) Administrator 9

ADMINISTRATION OF THE UNION TERRITORY OF LAKSHADWEEP KAVARATTI, Dated : 30.3.1992 NOTIFICATION F. No, 7/3/93 - WM : In exercise of the powers conferred by Sub- Section (2) of Section 30 of the Consumer Protection Act, 1986 (68 of 1989), the Administrator, Union Territory of Lakshadweep hereby makes the following Rules to amend the Lakshadweep Consumer Protection Rules, 1989, namely; 1. 2. (i) These Rules may be called the Lakshadweep Consumer Protection (Amendment) Rules, 1994. They shall come into force on the date of their publication in the Lakshadweep Gazette In Rule 3 of Lakshadweep Consumer Protection Rules, 1989, Sub- Rule (1) shall be substituted with ' (i) President, District Forum may receive honorarium of Rs. 300/- (Three hundred) only per sitting subject to a minimum of Rs. 1000/- (One thousand) only per month. Other members of the Forum may receive honorarium of Rs. 100/- (One hundred) only per day for each sitting of the forum" (SATISH CHANDRA) Administrator. 10

ADMINISTRATION OF THE UNION TERRITORY OF LAKSHADWEEP KAVARATTI, Dated : 0206.2006 NOTIFICATION F. No. 71412006 - LM : In exercise of the powers conferred by Sub- Section (2) of Section 30 of the Consumer Protection Act, 1986 (68 of 1989), the Administrator, Union Territory of Lakshadweep hereby makes the following Rules to amend the Lakshadweep Consumer Protection Rules, 1989, namely; (i) These Rules may be called the Lakshadweep Consumer Protection (Amendment) Rules,2006. 1, (ii) They shall come into force on the date of their publication in official Gazette In Rule 3 of Lakshadweep Consumer Protection Rules, 1989, Sub- Rule (1) the following shall 2. be substituted; namely : (i) The President of the District Forum may receive an honorarium of Rs. 450/- (Rupees four hundred and fifty) only per day of sitting, subject to a minimum of Rs. 25001- (Rupees two thousand five hundred) only per month; and the members of the District Forum

may receive an honorarium of Rs. 200/- (Rupees two hundred) only per day of sitting, subject to a minimum of Rs. 1500/- (Rupees one thousand five hundred) only per month". In Rule 6 of the Lakshadweep Consumer Protection Rules, 1989 for Sub- Rule (1) the following 3. shall be substituted; namely : "(i) The President of the State Commission may receive an honorarium of Rs. 750/- (Rupees seven hundred and fifty) only per day of sitting, subject to a minimum of Rs.3000/- (Rupees three thousand) only per month; and the members of the State Commission may receive an honorarium of Rs, 300/- (Rupees three hundred) only per day of sitting, subject to a minimum of Rs. 2000/- per month". This issues with approval of Hon'ble Administrator, Union Territory of Lakshadweep vide D. No. 2117 dated 26-5-2006. (MADHUP VYAS) Secretary (Consumer Affairs). 11

