



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - LII Aizawl, Friday 25.8.2023 Bhadra 3, S.E. 1945, Issue No. 458

NOTIFICATION

No. F. 20016/1 /2021-FCS&CA, the 21st August, 2023. In exercise of the powers conferred by clauses (c), (d), (e) and (f) of Section 102 of the Consumer Protection Act, 2019 (35 of 2019), the Government of Mizoram hereby makes the following rules, namely:

1. Short title and commencement —

- (1) These rules may be called the Mizoram Consumer Protection (State Council and District Council) Rules, 2023.
- (2) They shall come into force on the date of publication in the Official Gazette.

2. Definitions —

In these rules, unless the context otherwise requires —

- (a) 'Act' means the Consumer Protection Act 2019 (35 of 2019);
- (b) 'appellant' means a person who makes an appeal against the order of the National Commission, the State Commission or the District Commission, as the case may be;
- (c) 'authorized agent' means a person duly authorized by a party to present any complaint, appeal or reply on behalf of such party before the National Commission, the State Commission, or the District Commission, as the case may be;
- (d) 'Commission' means the District Commission, the State Commission, or the National Commission, as the case may be;
- (e) 'Consumer Welfare Fund' means the Consumer Welfare Fund established by a State Government or, as the case may be, by the Central Government under section 57 of the Central Goods and Services Tax Act, 2017 (12 of 2017);
- (f) 'memorandum' means any memorandum of appeal filed by the appellant;
- (g) 'nationalised bank' means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980);
- (h) 'opposite party' means a person who answers a complaint under the Act;
- (i) 'President' means the President of the National Commission, the State Commission or the District Commission, as the case may be;
- (j) 'respondent' means the person who answers any memorandum of appeal;
- (k) "section" means a section of the Act;
- (l) 'State' means the State of Mizoram;

3. Composition of the State Consumer Protection Council —

- (1) The State Government may, by notification in the Official Gazette constitute the State Consumer Protection Council (hereinafter referred to as the State Council) which shall consist of the following members namely:
 - (a) The Minister-in-charge of Food, Civil Supplies and Consumer Affairs in the State who shall be Chairman of the State Council;
 - (b) Five members of Mizoram Legislative Assembly at least one each from the recognized/registered political parties;
 - (c) Secretary, Food, Civil Supplies & Consumer Affairs Department, Government of Mizoram shall be the Member Secretary;
 - (d) Secretary, Law & Judicial Department, Government of Mizoram;
 - (e) such member as may be nominated by the Central Government as per clause (c) of sub-section (2) of Section 6 of the Act;
 - (f) representatives from Consumer Union or Consumers, not less than three;
 - (g) representatives of the women organizations or women not less than two;
 - (h) representatives of Banks and other State Government organizations or, bodies concerned with consumer interests like Telecommunications, Post & Telegraphs, Food Corporation of India, etc. not exceeding five;
 - (i) representatives of State Government Departments, organizations or bodies concerned with consumer interests like Power & Electricity, Public Health Engineering, Transport, Health & Family Welfare Departments and the like, not exceeding ten;
 - (j) representatives of farmers, trade, transport and industries, not exceeding five;
 - (k) persons capable of representing consumer interests not specified above, not exceeding five;
- (2) The term of the Council shall be three years in the first instance subject to extension from time to time.
- (3.) Any member may, by writing under his hand to the Chairperson of the State Council, resign from the Council. The vacancies, so caused or otherwise, shall be filled from the same category by the State Government and such person shall hold office so long as the member whose place he fills would have been entitled to hold office, if the vacancy had not occurred.

4. Procedure of the State Consumer Protection Council —

The State Council shall observe the following procedure in regard to the transaction of its business:-

- (1) The meeting of the State Council shall be presided over by the Chairman. In the absence of the Chairman, the State Council shall elect a member to preside over that meeting of the Council.
- (2) Each meeting of the State Council shall be called by giving, not less than ten days from the date of issue, notice in writing to every member.
- (3) Every notice of a meeting of the State Council shall specify the place and the day and hour of the meeting and shall contain statement of business to be transacted thereat.
- (4) No proceedings of the State Council shall be invalid merely by reasons of existence of any vacancy in or any defect in the constitution of the Council.
- (5) For the purpose of performing its functions under the Act, the State Council may constitute from amongst its members, such working groups as it may deem necessary and every working group so constituted shall perform such functions as are assigned to it by the State Council. The findings of such working groups shall be placed before the State Council for its consideration.
- (6) In connection with the journey undertaken to and fro by the non- official members for attending the meeting of the State Consumer Protection Council or its Working group, they shall be entitled to avail economy class air fare.

- (a) The non-official members shall be entitled to a sum of Rs. 3,000/- (Rupees Three Thousand only) per each day of meeting as incidental charges to cover the expenditure towards their daily allowance, lodging, local conveyance from residence to the station/airport and from station/airport to the venue of meeting and vice-versa. Every claim made under this sub-rule shall be subject to certifying that the member will not claim any benefit from any other State Government Department or Organization during his visit for attending the meeting of the State Consumer Protection Council or any of its Working Group.
- (b) Local non-official members residing at the place of the venue of the meeting, shall be paid consolidated conveyance hire charges to the tune of Rs. 1,000/- (Rupees One Thousand only) per diem irrespective of the classification of the city.
- (c) Members of Legislative Assembly attending meetings of the Council or its Working Group shall be entitled to travelling and daily allowances at such rates as are admissible to such Members.
- (7) The objects of the State Council shall be to render advice on promotion and protection of consumer rights under the Act within the State.
- (8) The resolution passed by the State Council shall be recommendatory in nature.

5. Composition of the District Consumer Protection Council —

- (1) The State Government shall, by notification in the Official Gazette constitute the District Consumer Protection Council (hereinafter referred to as the District Council) which shall consist of the following members, namely: —
 - (a) the Deputy Commissioner of the District who shall be the Chairperson of the District Consumer Protection Council;
 - (b) the District Civil Supplies Officer shall be the Member Secretary of the District Consumer Protection Council.
 - (c) representatives from the District Consumer Union or Consumers, not less than two;
 - (d) representatives from the District Women Organizations or Women not less than two;
 - (e) representative of District Government Departments, Organizations or bodies concerned within the district with consumer interests like Power & Electricity, Public Health Engineering, Transport, Health & Family Welfare Departments and the like, not exceeding six;
 - (f) representatives of Banks and other Central Government Organizations or bodies within the district with consumer interests like Telecommunications, Post & Telegraph, Food Corporation of India, etc., not exceeding four;
 - (g) representatives of farmers, trade, transport and industries, not exceeding four;
 - (h) persons capable of representing consumer interests not specified above, not exceeding two;
- (2) The term of the Council shall be three years in the first instance subject to extension from time to time.
- (3) Any member may, by writing under his hand to the Chairperson of the District Council, resign from the Council. The vacancies, so caused or otherwise, shall be filled from the same category by the State Government and such person shall hold office so long as the member whose place he fills would have been entitled to hold office, if the vacancy had not occurred.

6. Procedure of the District Consumer Protection Council —

The District Council shall observe the following procedure in regard to the transaction of its business: -

- (1) The meeting of the District Council shall be presided over by the Chairperson. In the absence of the Chairperson, the District Council shall elect a member to preside over that meeting of the Council.

- (2) Each meeting of the District Council shall be called by giving, not less than ten days from the date of issue, notice in writing to every member.
- (3) Every notice of a meeting of the District Council shall specify the place and the day and hour of the meeting and shall contain statement of business to be transacted thereat.
- (4) No proceedings of the District Council shall be invalid merely by reasons of existence of any vacancy in or any defect in the constitution of the Council.
- (5) For the purpose of performing its functions under the Act, the District Council may constitute from amongst its members, such working groups as it may deem necessary and every working group so constituted shall perform such functions as are assigned to it by the District Council. The findings of such working groups shall be placed before the District Council for its consideration.
- (6) In connection with the journey undertaken to and fro by the non- official members for attending the meeting of the District Consumer Protection Council or its Working group, they shall be entitled to avail economy class air fare.
 - (a) The non-official members shall be entitled to a sum of Rs. 2,000/- (Rupees Two Thousand only) per- each day of the meeting as incidental charges to cover the expenditure towards their daily allowance, lodging, local conveyance from residence to the station/ airport and from station/airport to the venue of meeting and vice-versa. Every claim made under this sub-rule shall be subject to certifying that the member will not claim any benefit from any other State Government Department or Organization during his visit for attending the meeting of the District Consumer Protection Council or any of its Working Group.
 - (b) Local non-official members residing at the place of the venue of the meeting, shall be paid consolidated conveyance hire charges to the tune of Rs. 1,000/- (Rupees One Thousand only) per diem irrespective of the classification of the city.
- (7) The objects of the District Council shall be to render advice on promotion and protection of consumer rights under this Act within the District.
- (8) The resolution passed by the District Council shall be recommendatory in nature.

By order etc.

K.T. Beicho,

Principal Secretary to the Government of Mizoram,
Food, Civil Supplies & Consumer Affairs Department.