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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Consumer Affairs Department 11A, Mirza Ghalib Street Kreta Suraksha Bhawan Kolkata-700087

NOTIFICATION

No. 462-CAD-11019(11)/16/2021 dated the 22nd February, 2022, – In exercise of the power conferred under subsection (2) of section 102, read with section 44 of the Consumer Protection Act, 2019 (35 of 2019) and in supersession of all earlier rules on the subject, the Governor is pleased hereby to makes the following rules, namely: –

- 1. Short title, extent and commencement: (1) These rules may be called the West Bengal Consumer Protection (Salary, allowances and conditions of service of President and Members of the State Commission and District Commission) Rules, 2022.
 - (2) They shall come into force on 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 (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 Government of West Bengal.
- (2) 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.
- 3. Salaries/Remunerations of President and Members of District Commission: (1) The President of a District Commission shall be entitled to the salary and allowances as are admissible to a District Judge in the super time scale of pay, till his superannuation, if he joins District Commission before superannuation.
 - (2) The pay of a Judicial Officer and Government officer appointed as President and Member respectively of a District Commission, who is in receipt of any pension, shall be his last pay minus pension.
 - (3) A Member shall receive a consolidated remuneration of Rs. 45,000/- per month.

- 4. Salaries/Remunerations of President and Members of the State Commission: (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) The pay of a Judge of High Court appointed as President and pay of a Judicial Officer and Government officer appointed as Member, who is in receipt of any pension, shall be his last pay minus pension.
 - (3) A Member shall receive a consolidated remuneration of Rs. 60,000/- per month.

Note: "Last pay minus Pension" as provided in rule 3 and 4 shall mean last Basic pay drawn on the date of retirement plus Dearness Allowance as admissible from time to time plus admissible House Rent Allowance on such last pay minus Pension before commutation including Dearness Relief as admissible from time to time".

- 5. Medical fitness: No person shall be appointed as President or Member unless he is declared medically fit in the format annexed to these rules by an authority specified by the State Government in this behalf.
- 6. Casual vacancy: 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.
- 7. Travelling allowance: The President or Member shall be entitled to travelling allowance at the same rate as are admissible to Group 'A' Officer of the State Government of a corresponding status.
- 8. Leave and LTC facility: The President and Members of the State Commission and District Commission shall be entitled to leave and LTC as available to Deputy Secretary of the State Government.
- 9. Medical treatment and hospital facilities: -The President and Members of the State Commission and the District Commission shall be entitled to medical treatment in Government Hospitals and in private hospitals empanelled under the West Bengal Health Scheme as per the rate admissible under WBHS as available to the Deputy Secretary of the State Government without specific enrolment under West Bengal Health Scheme.
- 10. 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 and shall submit such declaration every year till his employment.
- 11. Other conditions of service: (1) The terms and conditions of service of the Presidents or Members of the District Commission and the State Commission, 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 President or Member shall not practice before 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 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).

- 12. Oaths of office and secrecy: Every person appointed to be the President or Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in Forms I and II annexed to these rules.
- 13. 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.

FORM I

(see rule 12)

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.

Signature of President / Member

FORM II

(see rule 12)

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.

Signature of President / Member

Annexure

(see rule 5)

Certificate of Physical Fitness

Date:

Signature of candidate

Signature

Designation
(Civil Surgeon/District Medical Officer)

By Order of the Governor,

ROSHNI SEN

Principal Secretary to the Government of West Bengal.