

GOVERNMENT OF JAMMU & KASHMIR
DEPARTMENT OF FOOD, CIVIL SUPPLIES & CONSUMER AFFAIRS
CIVIL SECRETARIAT, SRINAGAR/JAMMU

NOTIFICATION

Jammu, the 18th October, 2021

S.O 355 .-In exercise of the powers conferred under sub-section (1) read with clauses (h) & (m) of sub-section(2) of section 102 of the Consumer Protection Act, 2019 (35 of 2019), the Government of Jammu & Kashmir hereby makes the following rules; namely: -

1. Short title and commencement. — (1) These rules may be called the Jammu & Kashmir 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 from the date of 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) '**Government**' means Government of Jammu and Kashmir;

(c) '**Member**' means a Member of the District Commission or the State Commission, as the case may be;

(d) '**President State Commission**' means the President of the the State Commission appointed under rule 3 of the Rules,

(e) '**President District Commission**' means the President of the District Commission appointed under rule 4 of the Rules;

(f) '**Rules**' means the Consumer Protection (Qualification for appointment, method of recruitment, Procedure of appointment, term of office, resignation and removal of the President and members of the State Commission and District Commission) Rules,2020.

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

3. Salaries and allowances payable to President and members of District Commission. – (1) The President shall be entitled to the salary

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and allowances as are admissible to a District Judge in super time scale of pay.

(2) A Member shall receive a pay equal to the pay at the minimum of the scale of pay of a Deputy Secretary of the State Government and other allowances as admissible to such officer.

(3) 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.

(4) There shall be an annual upward revision of the pay of the President and member at the rate of 3%.

4. Salaries and allowances payable to President and members of the State Commission.-(1) The President shall receive the salary and other allowances as are admissible to a sitting judge of the High Court of Jammu and Kashmir.

(2) A Member shall receive a pay equivalent to the pay at minimum of the scale of pay of an Additional Secretary to the Government and other allowances as are admissible to such officer.

(3) 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.

(4) There shall be an annual upward revision of the pay of a member at the rate of 3%.

5. Medical fitness:- No person shall be appointed as President or Member unless he is declared medically fit by an authority specified by the Government of J&K 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 J&K Government shall have the power to appoint the senior most Member to officiate as President.

7. House rent allowance.- (1) The President of the State Commission shall be entitled to the house rent allowance at the same rate as is admissible to a sitting judge of the High Court of Jammu and Kashmir. The member(s) shall be entitled to house rent allowance at the same rate as is admissible to an officer of equivalent rank of the Government of a corresponding status.

(2) The President of the District Commission shall be entitled to the house rent allowance at the same rate as is admissible to a District judge. The member(s) shall be entitled to house rent allowance at the same rate

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as is admissible to an officer of equivalent rank of the Government of a corresponding status.

8. Transport allowance.—(1) The President of the State Commission shall be entitled to the transport allowance at same rate as is admissible to a sitting judge of the High Court of Jammu and Kashmir. The member(s) shall be entitled to transport allowance at the same rate as is admissible equivalent rank of the Government of a corresponding status.

(2) The President of the District Commission shall be entitled to the transport allowance at same rate as is admissible to a District judge. The member(s) shall be entitled to transport allowance at the same rate as is admissible to an officer of an equivalent rank of the Government of a corresponding status.

(3) The transport allowance shall be admissible only in case the official vehicle is not allotted.

9. Leave and medical treatment and hospital facilities.— (1) The President of the State Commission shall be entitled to leave, medical treatment and hospital facilities as per the provisions applicable to a sitting judge of the High Court of Jammu and Kashmir. The member shall be entitled to leave, medical treatment and hospital facilities as per the provisions applicable to an officer of equivalent rank of the Government of a corresponding status.

(2) The President of the District Commission shall be entitled to leave, medical treatment and hospital facilities as per the provisions applicable to a District Judge. The member shall be entitled to leave, medical treatment and hospital facilities as per the provisions applicable to an officer of equivalent rank of the Government of a corresponding status.

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.

11. Other conditions of service.—(1) The terms and conditions of service of the President of the State Commission or the District Commission with respect to which no express provision has been made in these rules, shall be such as are admissible to a sitting judge of the High Court of Jammu and Kashmir or the District Judge, as the case may be.

(2) The terms and conditions of service of the member with respect to which no express provision has been made in these rules, shall be such as are applicable to an officer of equivalent rank of the Government of a corresponding status.

Amended

(3) The President or member shall not practice before the National Commission, 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.

(4) 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.

(5) 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 in Form I and oath of secrecy in Form II annexed to these rules.

13. The salary, remuneration and other allowances shall be defrayed out of the Consolidated Fund of the Government.

14. 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.

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Sd/-

(Zubair Ahmad)

Commissioner./Secretary to Government,

No.7653/FCSCA/GenI/18/2020

Dated 18-10-2021

Copy to the:-

1. Joint Secretary(J&K Affairs) MHA, GOI.
2. Principal Secretary to Hon'ble Governor.

3. Commissioner Secretary to Government, General Administration Department.
4. Controller, Legal Metrology Department, J&K.
5. Director, Department of Food, Civil Supplies & Consumer Affairs Jammu/Kashmir.
6. OSD to the Hon'ble Advisor(F) for Department of Food, Civil Supplies & Consumer Affairs for information of the Hon'ble Advisor.
7. Private Secretary to Additional Chief Secretary, Finance Department for information.
8. Private Secretary to Secretary to the Government, Department of FCS&CA for information of the Secretary.
9. Private Secretary to Secretary to Government, Department of Law Justice & PA for information.
10. Stock file (W2SC).
11. Incharge Website, Deptt. of FCS&CA.


(Sushil Kumar Mattoo)
Under Secretary to the Government

FORM I

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.

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FORM II

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.

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