

**The Delhi Consumer Protection Rules, 1987**  
**(as amended from time to time)**

[ made under Section 30(2) of the Consumer Protection Act, 1986  
]

**Government of National Capital Territory of Delhi**  
**Department of Food, Supplies and Consumer Affair**

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(PART-IV EXTRA ORDINARY)  
DELHI ADMINISTRATION : DELHI  
(DEPARTMENT OF FOOD SUPPLIES AND CONSUMER AFFAIRS)

Delhi, dated September 29, 1987

**NOTIFICATION**

No.F.50(131)/86-F&S/CA: In exercise of the powers conferred by sub-section (2) of section 30 of the Consumer protection Act, 1986 (68 of 1986), read with the Government of India, Ministry of Food and Civil Supplies, New Delhi Notification S.O. No. 469 (E) dated the 15th May, 1987, the Administrator of the Union Territory of Delhi, hereby makes the following rules, namely:-

**1. Short title and commencement**

(1) These rules may be called the **Delhi Consumer Protection Rules, 1987.**

(2) They shall come into force on the date of their publication in the Official gazette.

**2. Definitions:-** In these rules, unless the context otherwise requires:

(a) "Act" means the Consumer Protection Act, 1986 (68 of 1986):

(b) "Administration" means the administration of the Union Territory of Delhi:

(c) "Administrator" means the Administrator of the Union territory of Delhi, appointed by the President under Article 239 of the Constitution,

(d) "Agents" means a person duly authorised by a party to present any complaint or appeal or reply on its behalf before the State Commission or District Forum,

(e) "Appellant" means a party which makes an appeal against the order of the District Forum,

(f) "Memorandum" means any memorandum of appeal filed by the appellant,

(g) "opposite party" means a person who answers complaint or claim:

(h) "President" means the President of the State Commission or District Forum as the case may be"

(i) "Respondent" means the person who answers any memorandum of appeal:

(j) "State" means the Union Territory of Delhi"

(k) "State Commission" means the Delhi State commission constituted under clause (b) of section 9:

(l) "words and expression used in the rules and not defined, but defined in the Act, shall have the meaning respectively assigned to them in the Act.

### **3. "Salaries and other allowances and terms and conditions of the President and Members of the District Forum"-**

(1) (a) The President of the District Forum shall receive the salary, allowances and other perquisites as are admissible to a sitting Judge of the District Court, if appointed on whole time basis, or an honorarium of two hundred rupees per day, if appointed on part time basis.

**Note:-**When a retired District Judge is appointed as President of the District Forum, his salary, allowances and other perquisites, shall be subject to the Rules governing the payment of pension to such retired District Judge.

(b) A Member of the District Forum, when appointed on whole time basis, shall receive a consolidated honorarium of nine thousand rupees\*\* per month, and, if appointed on part time basis, a consolidated honorarium of four hundred rupees\*\* per day of sitting.

\*\* Provided that the honorarium payable to a part time member in any calender month shall not exceed the honorarium payable to a whole- time member.

\*\* [ Inserted vide notification No. F.50(42)/97-F&S/CA/276 dated 25TH May 1999]

(2) (i) The President and the Members of the District forum shall be entitled to such Travelling Allowance and daily allowances on official tour as are admissible to Group-A officers of the Administration.

(ii) For the purpose of attending the sittings of the District forum, a Member shall be entitled to actual conveyance charges subject to a ceiling of one hundred and fifty rupees per day of sitting.

@ (2 A) The President and members of the District Forum shall be entitled to such leave as is admissible to Group-'A' officers of the Administration, if appointed on whole-time basis.

(3) The salary, honorarium and other allowances shall be defrayed out of the Consolidated Fund of India.

(4) Before appointment, the President and Members 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 the President or a member, as the case may be.

@ [Inserted vide notification No. F.50(131)/86-F&S/CA dated 23.10.89.]

(5) In addition to provisions of Section 10(2), the Administrator may remove from the office, the President and Member of a District Forum, who:-

- (a) has been adjudged an insolvent, or
- (b) has been convicted of an offence which, in the opinion of the Administrator, involves moral turpitude, or
- (c) has become physically or mentally incapable of action as such president or member, as the case may be, or
- (d) has acquired such financial or other interests as is likely to effect prejudicially his functions as the President or a Member, as the case may be, or
- (e) 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 grounds specified in caluses (d) and (e) of sub-rule (5) except on an inquiry held by the Administrator in accordance with such

procedure as he may specify in this behalf and if the President or Member is found guilty of such grounds in the inquiry.

(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 has 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.

#### **4. Place of sitting and other matters relating to District Forum:-**

(1) the office of the District Forum shall be located at such place in the Union Territory of Delhi as may be specified by the Administrator in this behalf. Where two or more District Forums are constituted for Delhi, the Administrator may, by general or special order, regulate the distribution of business among them.

(2) The working days and the office hours of the District Forum shall be as specified by the Administrator from time to time.

(3) The official seal and emblem of the District Forum shall be such as the Administrator may specify.

(4) Sitting of the District Forum, as and when necessary shall be convened by the President. When the President and/or a member attends office work on a day other than sitting of the Forum for official work in connection with the working of District Forum, the President /Member shall be deemed to have had sitting for that day for the purpose of drawing honorarium provided the President of the District Forum certifies that such attendance of the member(s) or himself was in public interest.

(5) No act or proceedings of the District forum shall be invalid by reasons only of the existence of any vacancy among its members or any defect in its constitution.

(6) The administrator shall 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 India.

(7) Where the opposite party admits 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 .

(8) If during the proceedings conducted under section 13, the District Forum fixes/a date of hearing of the parties, it shall be obligatory on the complainant and opposite party or its authorised 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 authorised agent fails to appear before the District forum on such day, the District Forum may, in its descretion, either dismiss the complaint for default or decide it on merit. Where the opposite party or its authorised agent fails to appear on the day of hearing, the District Forum may decide the complaint ex-parte.

(9) While proceedings under sub-rule(8), the District Forum may, on such terms as it may think fit and at any state adjourn the hearing of the complaint but not more than one adjournment shall ordinarily be given and the complaint should be decided, as far as possible, within 90 days from the date of notice received by the opposite party, where the complaint does not require analysis or testing of the goods, and within 150 days, where it requires analysis or testing of goods.

(10) Orders of the District Forum shall be signed and dated by the Members of the District Forum constituting the Bench and shall be communicated to the parties free of charge.

## **5. Procedure to be adopted by the District Forum for analysis and testing of the goods:-**

(1) Under Section 13(1)(c), if considered necessary, the District Forum may direct the complainant to provide more than one sample of the goods in clean containers with stopper properly fixed on them.

(2) On receiving the samples of such goods, the District Forum shall seal it and fix labels on the containers carrying following information:

- (i) Name and address of the appropriate laboratory to which sample will be sent for analysis and test.
- (ii) Name and address of the District Forum.
- (iii) Case Number
- (iv) Name and description of the goods/articles.
- (v) Seal of the District forum.

(3) The sample will be sent to the appropriate laboratory by the District forum for sending the report 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.

## **6. Salary and other allowances and terms and conditions of the President and members of the State Commission.**

\* \* (1) (a) 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, if appointed on whole time basis, or an honorarium of three hundred and fifty rupees per day, if appointed on part time basis.

\* \* [ Substituted vide notification No.F.50(30/90-F&S/CA dated 03.09.91]

**@ Note:-** When a person who has retired as a Judge of a High Court is appointed as the President of the State Commission on a whole-time basis his pay and allowances shall be subject to the rules governing the payment of pension to him, and notwithstanding anything contained in this rule he shall be entitled to other perquisites as are available to a sitting Judge of a High Court in accordance with the High Court Judges (Conditions of Service) Act 1954 as amended from time to time.

@ [ Substituted vide notification No.F.50(7)/(99)/F&S/CA/1864 dated 03.02.2000]

(b) A Member of the State Commission, when appointed on whole time basis, shall receive a consolidated honorarium of ten thousand rupees per month, and, if appointed on part time basis, a consolidated honorarium of five hundred rupees per day of sitting.

Provided that the honorarium payable to a part time Member in any calender month shall not exceed the honorarium payable to a whole time Member.

[ Substituted vide notification No.F.50(42)/(97)/F&S/CA/276 dated 25.5.99]

(2) (a) the President and Member of the State Commission shall be entitled to such Traveling Allowances and daily allowance on official tour as are admissible to Group-A officers of the Administration.

(b) for the purpose of attending the sitting of the State Commission, a member shall be entitled to actual conveyance charges subject to a ceiling of one hundred and fifty rupees per day of sitting.

(2 A) the President and members of the State Commission shall be entitled to such leave as is admissible to Group-'A' officers of the Administration, if appointed on whole time basis.

(3) The Salary, honorarium and other allowances shall be defrayed out of the Consolidated fund of India.

(4) The President and the Members of the State commission shall hold office for such period not exceeding five years, as may be specified by the Administrator in the Notification and shall not be eligible for renomination.

**Provided that President or a Member may-**

(a) by writing under his hand and addressed to the Administrator resign his office any time:

(b) be removed from his office in accordance with the provisions of sub-rule (5).

(5) The Administrator may remove from office, President or a Member of the State Commission, who

(a) has been adjudged on insolvent, or

(b) has been convicted of an offence which, in the opinion of the Administrator, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as such President or Member, as the case may be; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as President or a Member, as the case may be ;  
or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

Provided that the president or a Member shall not be removed from his office on the grounds specified in clauses (d) and (e) of sub-rule (5), except on an inquiry held by the Administrator in accordance with such procedure as he may specify in this behalf and if the President or the Member is found guilty of such grounds in the inquiry.

(6) Before appointment, President and a Member of the State Commission 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 such President or 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) Members 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 senior most (in order of 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 has been the subject of any proceeding under the Act during his tenure for a period of five years from the date on which he ceases to hold such office.

## **7. Place of sitting and other Matters relating to State Commission**

(1) Office of the State commission shall be located at such place in the Union Territory of Delhi, as may be specified by the Administrator in this behalf.

(2) The working days and the office hours of the State Commission shall be as specified by the Administrator from time to time.

(3) The official seal and emblem of the State Commission shall be as the Administrator may specify.

(4) Sitting of the State Commission, as and when necessary, shall be convened by the President

Explanation:- when the President and/or a Member attends office work on a day other than sitting of commission for official work in connection with



the working of State Commission, the President/Member shall be deemed to have had sitting for that day for the purpose of drawing honorarium provided the president of the State Commission certifies that such attendance of Member(s) or himself was in public interest.

(5) No act or proceedings of the State Commission shall be invalid by reasons only of the existence of any vacancy among its Members or any defect in its constitution.

(6) The Administrator shall appoint such staff, as may be necessary, to assist the State Commission 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 India.

(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.

(8) If during the proceedings conducted under Section 13, the State Commission fixes a date for hearing of the parties, it shall be obligatory on the complainant and opposite party or his authorised 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 authorised 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 authorised agent fails to appear on the day of hearing, the State commission may decide the complaint ex-parte.

(9) While proceedings 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 that one adjournment shall ordinarily be given and the complaint shall be decided as far as possible, within 90 days from the date of notice received by the opposite parties, 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 Commission constituting the Bench and shall be communicated to the parties free of charge.

## **8. Precedure for hearing appeal :**

(1) Memorandum shall be presented by the appellant or his authorised agent to the State Commission in person or sent by registered post addressed to the Commission.

(2) Every memorandum filed under sub-rule (1) shall be in legible handwriting preferably typed and shall set forth concisely under distinct heads, the grounds of appeal without any argument or narrative and such grounds shall be numbered consecutively.

(3) Each memorandum shall be accompanied by the certified copy of the order of the District 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 on 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 authorised agents to appear before the State Commission. If appellant or his authorised 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 authorised 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 objection not set forth in the memorandum but the State Commission in deciding the appeal, need 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 the 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 shall be decided, as far as possible, within 90 days from the first date of hearing.

(9) order of the State Commission on appeal shall be signed and dated by the Members of the State Commission constituting the bench and shall be communicated to the parties free of charge.

By order and in the name of the Administrator of the Union territory of  
Delhi

Sd/-  
( NARENDRA PRASAD )  
SECRETARY  
FOOD, SUPPLIES AND CONSUMER AFFAIRS  
DELHI ADMINISTRATION : DELHI

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