APPENDICE No.1

G.S.R.534 (E)

In exercise of the powers conferred by section 67 read with clause(n) of section 2 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby makes the following rules, namely:

(1) SHORT TITLE & COMMENCEMENT

1. These rules may be called the Monopolies and Restrictive Trade Practices (Recognition of Consumers' Association) 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 Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969);
b) 'Form' means a form specified in the Schedule to these rules;
c) 'Principal Officer' in relation to a consumer association means by any individual who is specifically authorised in writing or by means of a resolution adopted by such consumer association in that behalf.

(3) APPLICATION FOR RECOGNITION OF CONSUMERS' ASSOCIATION

1. Every consumers' association which is desirous of being recognised as a registered consumers' association,
   (a) shall have not less than ten consumers as its members; and
   (b) shall make an application for such recognition in triplicate to the Central Government in the Department of Company Affairs in Form-1.
2. Every application made under sub-rule (1), shall be accompanied by a challan or a bank draft evidencing the payment of a fee of rupees five hundred.
3. On receipt of an application made under sub-rule(1), the Department of Company Affairs shall note thereon the date of its receipt and shall forthwith communicate such date to the applicant.

4. The Department of Company Affairs may, before issuing a certificate of recognition, require the applicant to furnish, within such period as may be specified by it, such additional information as it may consider necessary.

5. The certificate of recognition to be issued under sub-rule(4) shall be in Form-II.

6. Where a certificate of recognition issued under these rules is lost, destroyed or mutilated, a duplicate may be issued on an application made in this regard and on payment of a fee of rupees fifty.

(4) **PAYMENT OF FEES**
Fees payable under these rules shall be paid in accordance with the procedure laid down in rule 10 of the Monopolies and Restrictive Trade Practices Rules, 1970.

(5) **REFUSAL TO GRANT OF CERTIFICATE OF RECOGNITION TO CONSUMERS' ASSOCIATION**
Where a certificate of recognition of consumers' association has been refused, the applicant shall be informed of the reasons for such refusal.

(6) **COPIES OF CERTIFICATE OF RECOGNITION TO BE SENT TO CERTAIN AUTHORITIES**
Every consumers' association which has been recognised as a "registered consumers' association" which has been recognised as a "registered consumers' association" shall furnish a copy of the certificate of recognition issued to it, to the concerned Consumer Disputes Redressal Commission established under clause (b) of section 9 of the Consumer Protection Act, 1986 (68 of 1986).
VERIFICATION OF APPLICATION

Every application made under these rules shall be duly verified by the principal officer.
(Source: Chartered Secretary, Aug. 1987)

Sub Rule (4) of Rule (3) has been substituted by the following amendment [vide File No. 38/5/86-CL.V (Vol. II) dated 21.12.1987]:

"(4) The Department of Company Affairs may, before issuing a Certificate of Recognition, require the applicant to furnish such additional information as it may consider necessary within a period of thirty days of the date of receipt of the letter seeking such additional information.

(4A) Every application made under Sub-rule (1) shall be disposed off by the Department of Company Affairs within ninety days from the date of receipt of the application or, as the case may be, of the receipt of the additional information furnished under sub-rule (4)."

(Source: Chartered Secretary, April 1988)

SCHEDULE
Form-I
[See Sub-Rule(1) of Rule(3)]

Form of application to be given to the Central Government in the Department of Company Affairs for recognition of consumers' association as "registered consumers' association" (To be submitted in Triplicate).

(1) Name of the consumers' association:
(2) Address -
   (a) Registered Office:
   (b) For correspondence:
   (c) Branches:
(3) If registered under section 25 of Companies Act, 1956, the date of registration:
(4) If registered under any other law, the Act under which registered and date of registration: (Certified copy of the certificate of registration to be enclosed)

(5) Total number of members of the association: (as on the date of application)

(6) Objects of the association (Certified copy of Memorandum of Association to be enclosed along with copy of the rules and regulations of the association):

(7) Names, addresses and occupations of persons on the Board of Directors/Governing Body/Council/Committee (by whatever name called), to whom the management of the affairs of the association is entrusted.

(8) Number of employees -
   (a) Whole-time:
   (b) Part-time:

(9) Year-wise details of the work done by the association during the last three years in the field of protection of consumers' interest:

(10) Copies of published annual reports and accounts of the association for the latest three years.

(11) Details of laboratory/organisation, if any, owned, run or operated by the association for purposes of protection of consumers' interest.

Place: Dated: ____________________________
Signature & Designation of the Principal Officer

VERIFICATION

I, ____________________________ do hereby solemnly state that what is stated in items (1) to (11) above is true to the best of my knowledge and belief.

Place: Dated: ____________________________
Signature & Designation of Principal Officer
Form-II
[See Sub-Rule(5) of Rule(3)]
(CERTIFICATE OF RECOGNITION)

GOVERNMENT OF INDIA
DEPARTMENT OF COMPANY AFFAIRS

Certified that the consumers' association whose particulars are given below has, this day, been recognised as "registered consumers' association" in terms of clause(n) of section 2 of the Monopolies & Restrictive Trade Practices Act, 1969 (54 of 1969):

PARTICULARS

(1) Name of the Consumers' Association:
(2) Address:
(3) Name of persons on the governing board/body/council to whom management of the Association is entrusted:
(4) Number of members:
(5) Registration No.:

Seal of the Department of Company Affairs.

Signature
Date:
(V.K. MAJOTRA)
JOINT SECRETARY TO THE GOVT. OF INDIA
APPENDICE No.2

(1) Maithly University, Darbhanga (Bihar).
(2) Takshashila Central University, Uttam Bazar, New Delhi.
(3) Mahila Gram Vidyapith University, Prayag, Allahabad (U.P.).
(4) Vanashreya Sanskrit University, Varanasi (U.P.).
(5) Commercial University Ltd., Daryaganj, Delhi.
(6) Testtrateer Research University, Vodinaykanooov (T.N.).
(7) Shree Naruyana Open University, Quolon (Kerala).
(8) Gandhi Hindi Vidyapith, Prayag (U.P.).
(9) National University of Electro Complex Homeopathy, Kanpur (U.P.).
(10) University Neo Jerusalem, Kanoo (Kerala).
(11) World Social Work University, Peregujahai.
(12) Netaji Subhash Chandra Bose University (Open University), Achaltal, Aliqarh (U.P.).
(13) Smt. Mahadevi Verma Open University, Mughalsarai (UP).
(14) D.D.B. Sanskrit University, Puthur, Trichi (Tamilnadu).
(15) Amristar University, Amristar (Punjab).
(16) Arya University, Srinagar.
(17) Bible University, Ambar, North Arcot.
(18) Eastern Orthodox University, Ambar, North Arcot.
(19) Globe University of Science, Kumbakonam.
(20) Saint Johns University, Kizantatnam.
(21) National University, Nagpur.
(22) Self Culture University, Kizantatnam.
(23) United Nations University, Delhi.
(24) Vocational University, Amristar and Delhi.
(25) Western University of Kapurthala.
(26) Uttar Pradesh Vidyapith, Dosikala, Mathura.
(27) Maharana Pratap Shiksha Niketan Vishvavidyalaya, Pratapgarh, U.P.

(Source: Dainik Jagran, Dated 18.07.1990)
APPENDICE No. 3

THE CONSUMER PROTECTION ACT, 1986

(Act No. 68 of 1986 assented by the President on 24.12.1986)

An Act to provide for the better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumers' disputes and for matters connected therewith.

Be it enacted by Parliament in the Thirty-seventh year of the Republic of India as follows:

CHAPTER-I
PRELIMINARY

SHORT TITLE, EXTENT, COMMENCEMENT & APPLICATION

(1) 1. This Act may be called the Consumer Protection Act, 1986.
2. It extends to the whole of India except the State of Jammu & Kashmir.
3. It shall come into force on such date as the Central Government may, by notification, appoint and different dates may be appointed for different States and for different provisions of this Act.
4. Save as otherwise expressly provided by the Central Government by notification, this Act shall apply to all goods and services.

DEFINITIONS

(2) 1. In this Act, unless the context otherwise requires-
(a) "appropriate laboratory" means a laboratory or organisation recognised by the Central Govt. and includes any such laboratory or organisation established by or under any law for the time being in force, which is maintained, financed or aided by the Central Govt. or a State Govt. for carrying out analysis or test
of any goods with a view to determining whether such goods suffer from any defect;

(b) 'complainant' means -
   i. a consumer; or
   ii. any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or under any other law for the time being in force; or
   iii. the Central Government or any State Government, who or which makes a complaint;

(c) 'complaint' means any allegation in writing made by a complainant that -
   i. as a result of any unfair trade practice adopted by any trader, the complainant has suffered loss or damage;
   ii. the goods mentioned in the complaint suffer from one or more defects;
   iii. the services mentioned in the complaint suffer from deficiency in any respect;
   iv. a trader has charged for the goods mentioned in the complaint a price in excess of the price fixed by or under any law for the time being in force or displayed on the goods or any package containing such goods, with a view to obtaining any relief provided by or under this Act.

(d) 'consumer' means any person who -
   i. buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose, or
ii. hires any services for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment and includes any beneficiary of such services other than the person who hires the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person;

(e) "consumer dispute" means a dispute where the person against whom a complaint has been made, denies or disputes the allegations contained in the complaint.

(f) "defect" means any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for the time being in force or as is claimed by the trader in any manner whatsoever in relation to any goods;

(g) "deficiency" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by a person in pursuance of a contract or otherwise in relation to any service;

(h) "District Forum" means a Consumer Disputes Redressal Forum established under clause(a) of section 9.

(i) "goods" means goods as defined in the Sale of Goods Act, 1930 (3 of 1930).

(j) "manufacturer" means a person who -
   i. makes or manufactures any goods or parts thereof; or
   ii. does not make or manufacture any goods but assembles parts thereof made or manufactured by others and claims the end-product to be goods manufactured by himself; or
   iii. puts or causes to be put his own mark on any goods made or manufactured by any other manufacturer and claims such goods to be goods made or manufactured by himself.
EXPLANATION

Where a manufacturer despatches any goods or part thereof to any branch office maintained by him, such branch office shall not be deemed to be the manufacturer even though the parts so despatched to it are assembled at such branch office and are sold or distributed from such branch office;

(k) "National Commission" means the National Consumer Disputes Redressal Commission established under clause (c) of section 9;

(l) "notification" means a notification published in the Official Gazette;

(m) "person" includes -
   i. a firm whether registered or not;
   ii. a Hindu undivided family;
   iii. a cooperative society;
   iv. every other association of persons whether registered under the Societies Registration Act, 1860 (21 of 1960) or not;

(n) "prescribed" means prescribed by rules made by the State Government, or as the case may be, by the Central Government under this Act;

(o) "service" means service of any description which is made available to potential users and includes the provision of facilities in connection with banking, financing, insurance, transport, processing, supply of electrical or other energy, board or lodging or both, entertainment, amusement or the purveying of news or other information, but does not include the rendering of any service free of charge or under a contract of personal service;

(p) "State Commission" means a Consumer Disputes Redressal Commission established in a State under clause (b) of Section 9;

(q) "trader" in relation to any goods means a person who sells or distributes any goods for sale and includes the manufacturer thereof, and where such goods are sold or distributed in package form, includes the packer thereof.
(r) the expression "unfair trade practice" shall have the same meaning as in section 36A of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), but shall not include an unfair trade practice adopted by the owner of an undertaking to which Part-A of Chapter-III of that Act applies or by any person acting on behalf of, or for the benefit of, such owner.

2. Any reference in this Act to any other Act or provision thereof which is not in force in any area to which this Act applies shall be construed to have a reference to the corresponding Act or provision thereof in force in such area.

ACT NOT IN DEROGATION OF ANY OTHER LAW

(3) The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

CHAPTER-II
CONSUMER PROTECTION COUNCILS

THE CENTRAL CONSUMER PROTECTION COUNCIL

(4) (1) The Central Government may, by notification establish with effect from such date as it may specify in such notification, a Council to be known as the Central Protection Council (hereinafter referred to as the Central Council):

(2) The Central Council shall consist of the following members, namely -

(a) the Minister in charge of the Department of Food and Civil Supplies in the Central Govt., who shall be its Chairman, and

(b) such number of other official or non-official members representing such interests as may be prescribed.
PROCEDURE FOR MEETINGS OF THE CENTRAL COUNCIL

(5) (1) The Central Council shall meet as and when necessary, but not less than three meetings of the Council shall be held every year.

(2) The Central Council shall meet at such time and place as the Chairman may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed.

OBJECTS OF THE CENTRAL COUNCIL

(6) The objects of the Central Council shall be to promote and protect the rights of the consumers such as -

(a) the right to be protected against marketing of goods which are hazardous to life and property;
(b) the right to be informed about the quality, quantity, potency, purity, standard and price of goods so as to protect the consumer against unfair trade practices.
(c) the right to be assured, wherever, possible, access to a variety of goods at competitive prices;
(d) the right to be heard and to be assured that consumers' interest will receive due consideration at appropriate forums;
(e) the right to seek redressal against unfair trade practices or unscrupulous exploitation of consumers; and
(f) the right to consumer education.

THE STATE CONSUMER PROTECTION COUNCILS

(7) (1) The State Government may, by notification, establish with effect from such date as it may specify in such notification, a Council to be known as the Consumer Protection Council for... (hereinafter referred to as the State Council).

(2) The State Council shall consist of such members as may be specified by the State Government by notification from time to time.
OBJECTS OF THE STATE COUNCIL
(8) The objects of every State Council shall be to promote and protect within the State the rights of the consumers laid down in clauses (a) to (f) of section 6.

CHAPTER-III
CONSUMER DISPUTES REDRESSAL AGENCIES

ESTABLISHMENT OF CONSUMER DISPUTES REDRESSAL AGENCIES
(9) There shall be established for the purposes of this Act, the following agencies, namely -

(a) a Consumer Disputes Redressal Forum to be known as the 'District Forum' established by the State Government with the prior approval of the Central Government in each district of the State by notification.

(b) a Consumer Disputes Redressal Commission to be known as the "State Commission" established by the State Government with the prior approval of the Central Government in the State by notification; and

(c) a National Consumer Disputes Redressal Commission established by the Central Govt. by notification.

COMPOSITION OF THE DISTRICT FORUM
(10) (1) Each District Forum shall consist of -

(a) a person who is, or has been, or is qualified to be a District Judge to be nominated by the State Government, to be as President;

(b) a person of eminence in the field of education, trade or commerce;

(c) a lady social worker.

(2) Every member of the District Forum shall hold office for a term of five years or up to the age of 65 years whichever is earlier, and shall not be eligible for reappointment.

Provided that a member may resign his office in writing under his hand addressed to the State Govt. and on such resignation being accepted, his office
shall become vacant and may be filled by the appointment of a person possessing any of the qualifications mentioned in sub-section (1) in relation to the category of the member who has resigned.

(3) The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the members of the District Forum shall be such as may be prescribed by the State Government.

JURISDICTION OF THE DISTRICT FORUM

(11) Subject to the other provisions of this Act, the District Forum shall have jurisdiction to entertain complaints the value of the goods or services and the compensation, if any, claimed is less than rupees one lakh.

(2) A complaint shall be instituted in a District Forum within the local limits of whose jurisdiction -

(a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or carries on business, or personally works for gain, or

(b) any of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides, or carries on business, or personally works for gain, provided that in such case either the permission of the District Forum is given, or the opposite parties who do not reside, or carry on business, or personally work for gain, as the case may be, acquiesce in such institution or

(c) the cause of action, wholly or in part, arises.

MANNER IN WHICH COMPLAINT SHALL BE MADE

(12) A complaint, in relation to any goods sold or delivered or any service provided, may be filed with a District Forum by -
(a) the consumer to whom such goods are sold or delivered or such service provided;
(b) any recognised consumer association, whether the consumer to whom the goods sold or delivered or service provided is a member of such association or not; or
(c) the Central or the State Government.

EXPLANATION

For the purpose of this section "recognised consumer association" means any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force.

PROCEDURE ON RECEIPT OF COMPLAINTS

(13) (1) The District Forum shall, on receipt of a complaint, if it relates to any goods -
(a) refer a copy of the complaint to the opposite party mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum;
(b) where the opposite party on receipt of a complaint referred to him under clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take an action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the consumer dispute in the manner specified in clauses (c) to (g);
(c) where the complaint alleges a defect in the goods which cannot be determined without proper analysis or test of the goods, the District Forum shall obtain a sample of the goods from the complaint, seal it and authenticate it in the manner prescribed and refer the sample so sealed to the appropriate laboratory along with
a direction that such laboratory make an analysis or test, whichever may be necessary, with a view to finding out whether such goods suffer from any defect alleged in the complaint or from any other defect and to report its findings thereon to the District Forum within a period of forty-five days of the receipt of the reference or within such extended period as may be granted by the District Forum;

(d) before any sample of the goods is referred to any appropriate laboratory under clause (c), the District Forum may require the complainant to deposit to the credit of the Forum such fees as may be specified, for payment to the appropriate laboratory for carrying out the necessary analysis or test in relation to the goods in question;

(e) the District Forum shall remit the amount deposited to its credit under clause (d) to the appropriate laboratory to enable it to carry out the analysis or test mentioned in clause (c) and on receipt of the report from the appropriate laboratory, the District Forum shall forward a copy of the report along with such remarks as the District Forum may feel appropriate to the opposite party;

(f) if any of the parties disputes the correctness of the findings of the appropriate laboratory, or disputes the correctness of the methods of analysis or test adopted by the appropriate laboratory, the District Forum shall require the opposite party or the complainant to submit in writing his objections in regard to the report made by the appropriate laboratory;

(g) the District Forum shall thereafter give a reasonable opportunity to the complainant as well as the opposite party of being heard as to the correctness or otherwise of the report made by the appropriate laboratory and also to the objection made in relation thereto under clause (f) and issue an appropriate order under section 14.
(2) The District Forum shall, if the complaint received by it under section 12 relates to goods in respect of which the procedure specified in sub-section (1) cannot be followed, or if the complaint relates to any services—
(a) refer a copy of such complaint to the opposite party directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum;
(b) where the opposite party, on receipt of a copy of the complaint, referred to him under clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the consumer dispute—
   i. on the basis of evidence brought to its notice by the complainant and the opposite party, where the opposite party denies or disputes the allegations contained in the complaint, or
   ii. on the basis of evidence brought to its notice by the complainant where the opposite party omits or fails to take any action to represent his case within the time given by the Forum.

(3) No proceedings complying with the procedure laid down in sub-sections (1) and (2) shall be called in question in any court on the ground that the principles of natural justice have not been complied with.

(4) For purposes of this section, the District Forum shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908), while trying a suit in respect of the following matters, namely—
   i. the summoning and enforcing attendance of any defendant or witness and examining the witness on oath;
   ii. the discovery and production of any document or other material object producible as evidence;
iii. the reception of evidence on affidavits;
iv. the requisitioning of the report of the concerned analysis or test from the appropriate laboratory or from any other relevant source;
v. issuing of any commission for the examination of any witness; and
vi. any other matter which may be prescribed.

(5) Every proceeding before the District Forum shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860), and the District Forum shall be deemed to be a civil court for the purposes of section 195, and Chapter-XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

FINDING OF THE DISTRICT FORUM

(14) (1) If, after the proceeding conducted under section 13, the District Forum is satisfied that the goods complained against suffer from any of the defects specified in the complaint or that any of the allegations contained in the complaint about the services are proved, it shall issue an order to the opposite party directing him to take one or more of the following things namely-

(a) to remove the defect pointed out by the appropriate laboratory from the goods in question;
(b) to replace the goods with new goods of similar description which shall be free from any defect;
(c) to return to the complainant the price, or, as the case may be, the charges paid by the complainant;
(d) to pay such amount as may be awarded by it as compensation to the consumer for any loss or injury suffered by the consumer due to the negligence of the opposite party.

(2) Every order made by the District Forum under subsection (1) shall be signed by all the members
constituting it and, if there is any difference of opinion, the order of the majority of the members constituting it shall be the order of the District Forum.

(3) Subject to the foregoing provisions, the procedure relating to the conduct of the members of the District Forum, its sittings and other matters shall be such as may be prescribed by the State Government.

APPEAL

(15) Any person aggrieved by an order made by the District Forum may prefer an appeal against such order to the State Commission within a period of thirty days from the date of the order, in such form and manner as may be prescribed.

Provided that the State Commission may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

COMPOSITION OF THE STATE COMMISSION

(16) (1) Each State Commission shall consist of -

(a) a person who is or has been a Judge of a High Court, appointed by the State Government, who shall be its President;

(b) two other members, who shall be persons of ability, integrity and standing and have adequate knowledge or experience of, or have shown capacity in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration, one of whom shall be a woman;

Provided that no sitting Judge of a High Court shall be appointed under this sub-section except after consultation with the Chief Justice of that High Court.

(2) The salary or honorarium and other allowances payable to, and the other terms and conditions of service
(including tenure of office) of the members of the State Commission shall be such as may be prescribed by the State Government.

JURISDICTION OF THE STATE COMMISSION

(17) Subject to the other provisions of this Act, the State Commission shall have jurisdiction -

(a) to entertain -

i. complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees one lakh but does not exceed rupees ten lakhs, and

ii. appeals against the orders of any District Forum within the State; and

(b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any District Forum within the State, where it appears to the State Commission that such District Forum has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested or has acted in exercise of its jurisdiction illegally or with material irregularity.

PROCEDURE APPLICABLE TO STATE COMMISSIONS

(18) The procedure specified in sections 12, 13 and 14 and under the rule made thereunder for the disposal of complaints by the District Forum shall, with such modifications as may be necessary, be applicable to the disposal of disputes by the State Commission.

APPEALS

(19) Any person aggrieved by an order made by the State Commission in exercise of its powers conferred by sub-clause (i) of clause (a) of section 17 may prefer an appeal against such order to the National Commission within a period of thirty days from the date of the order in such form and manner as may be prescribed. Provided that the National Commission may entertain...
an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

**COMPOSITION OF THE NATIONAL COMMISSION**

(20) (1) The National Commission shall, consist of -

(a) a person who is or has been a judge of the Supreme Court, to be appointed by the Central Government, who shall be its President;

(b) four other members who shall be persons of ability, integrity and standing and have adequate knowledge or experience of, or have shown capacity in dealing with, problems relating to economics, law, commerce, accountancy, industry, public affairs or administration, one of whom shall be a woman.

Provided that no sitting Judge of the Supreme Court shall be appointed under this sub-section except after consultation with the Chief Justice of that Court.

(2) The salary or honorarium and other allowances payable to and the other terms and conditions of service (including tenure of office) of the members of the National Commission shall be such as may be prescribed by the Central Government.

**JURISDICTION OF THE NATIONAL COMMISSION**

(21) Subject to the other provisions of this Act, the National Commission shall, have jurisdiction -

(a) to entertain -

i. complaints where the value of the goods or services and compensation, if any, claimed exceeds rupees ten lakhs, and

ii. appeals against the orders of any State Commission, and

(b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any State Commission where
it appears to the National Commission that such State Commission has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity.

PROCEDURE APPLICABLE TO THE NATIONAL COMMISSION

(22) The National Commission shall, in the disposal of any complaints or of any proceedings before it, have the powers of a civil court as specified in sub-sections (4) and (5) of section 13 and follow such procedure as may be prescribed by the Central Government.

APPEAL

(23) Any person aggrieved by an order made by the National Commission in exercise of its powers conferred by sub-clause (i) of clause (a) of section 21 may prefer an appeal against such order to the Supreme Court within a period of thirty days from the date of the order. Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period.

FINALITY OF ORDERS

(24) Every order of a District Forum, the State Commission or the National Commission shall, if no appeal has been preferred against such order under the provisions of this Act, be final.

ENFORCEMENT OF ORDERS BY THE FORUM, THE STATE COMMISSION OR THE NATIONAL COMMISSION

(25) Every order made by the District Forum, the State Commission or the National Commission may be enforced by the District Forum, the State Commission or the National Commission, as the case may be, in the same manner as if it were a decree or order made by a court in a suit pending therein and it shall be lawful for the District
Forum, the State Commission or the National Commission to send, in the event of its inability to execute it, such order to the court within the local limits of whose jurisdiction -

(a) in the case of an order against a company, the registered office of the company is situated, or

(b) in the case of an order against any other person, the place where the person concerned voluntarily resides or carries on business or personally works for gain, is situated.

and thereupon, the court to which the order is so sent, shall execute the order as if it were a decree or order sent to it for execution.

DISMISSAL OF FRIVOLOUS OR VEXATIOUS COMPLAINTS

(26) Where a complaint instituted is found to be frivolous or vexatious, the District Forum, the State Commission or, as the case may be, the National Commission, may dismiss the complaint.

PENALTIES

(27) Where a trader or a person against whom a complaint is made fails or omits to comply with any order made by the District Forum, the State Commission or the National Commission, as the case may be, such trader or person shall be punishable with imprisonment for a term which shall not be less than one month but which may extend to three years, or with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees, or with both:

Provided that the District Forum, the State Commission or the National Commission, as the case may be, may, if it is satisfied that the circumstances of any case so require, impose a sentence of imprisonment or fine, or both, for a term lesser than the minimum term and the amount lesser than the minimum amount, specified in this section.
MISCELLANEOUS

PROTECTION OF ACTION TAKEN IN GOOD FAITH

(28) No suit, prosecution or other legal proceedings shall lie against the members of the District Forum or the State Commission or the National Commission or any officer or person acting under the direction of the District Forum, the State Commission or the National Commission for executing any order made by it or in respect of anything which is in good faith done or intended to be done by such member, officer or person under this Act or under any rule or order made thereunder.

POWER TO REMOVE DIFFICULTIES

(29) (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order in the Official Gazette, make such provisions not in consistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

POWER TO MAKE RULES

(30) (1) The Central Government may, by notification, make rules for carrying out the provisions contained in clause (b) of sub-section (2) of section 4, sub-section (2) of section 5, clause (vi) of sub-section (4) of section 13, section 19, sub-section (2) of section 20 and section 22 of this Act.

(2) The State Government may, by notification, make rules for carrying out the provisions contained in sub-section (3) of section 10, clause (c) of sub-section (1) of section 13, sub-section (3) of section 14, section 15 and sub-section (2) of section 16.
LAYING OF RULES

(31) (1) Every rule made by the Central Government under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(2) Every rule made by a State Government under this Act shall be laid as soon as may be after it is made, before the State Legislature.
APPENDICE No.4

CONSUMER PROTECTION RULES, 1987

[Issued by the Department of Civil Supplies vide their Notification No.GSR.398(E):F.No.9/11/86.CPU dt.15.04.87]

G.S.R.398(E)

In exercise of the powers conferred by sub-section (1) of section 30 of the Consumer Protection Act, 1986 (68 of 1986), Central Government hereby makes the following rules namely:

(1) SHORT TITLE AND COMMENCEMENT

1. These rules may be called the 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. 'agent' means a person duly authorised by a party to present and complaint, appeal or reply on its behalf before the National Commission;
c. 'appellant' means a party which makes an appeal against the order of the State Commission;
d. 'chairman' means a chairman of the Central Consumer Protection Council established under sub-section(1) of the section 4 of the Act;
e. 'memorandum' means any memorandum of appeal filed by the appellant;
f. 'opposite party' means a person who answers complaint or claim;
g. 'president' means the President of the National Commission;
h. 'respondent' means the person who answers any memorandum of appeal;
i. 'section' means section of the Act;

j. 'State' includes Union Territories also;
k. words and expressions used in the rules and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

(3) THE CONSTITUTION OF THE CENTRAL CONSUMER PROTECTION COUNCIL & THE WORKING GROUPS

1. The Central Government shall, by notification in the Official Gazette constitute the Central Consumer Protection Council (hereinafter referred to as the Central Council) which shall consist of the following 150 members, namely:

(a) the Minister in charge of Department of Civil Supplies who shall be the Chairman of the Central Council;

(b) the Minister of State (where he is not holding independent charge) or Deputy Minister in the Department of Civil Supplies who shall be the Vice-Chairman of the Central Council;

(c) the Ministers of Food and Civil Supplies or Minister incharge of Consumer Affairs in States;

(d) eight Members of Parliament - five from the Lok Sabha and three from the Rajya Sabha;

(e) the Commissioner for Scheduled Castes and Scheduled Tribes;

(f) representatives of the Central Govt. Departments and autonomous organisations concerned with consumer interests - not exceeding twenty;

(g) representatives of the Consumer Organisations or consumers - not less than thirty-five;

(h) representatives of women - not less than ten;

(i) representatives of farmers, trade and industries - not exceeding twenty;

(j) persons capable of representing consumer interest not specified above—not exceeding fifteen;

(k) the Secretary in the Deptt. of Civil Supplies shall be the member-secretary of the Central Council.
2. The term of the Council shall be three years;
3. Any member may, by writing under his hand to the Chairman of the Central Council, resign from the Council. The vacancies, so caused or otherwise, shall be filled from the same category by the Central 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 CENTRAL COUNCIL
Under sub-section (2) of section 5, the Central Council shall observe the following procedure in regard to the transaction of its business;
1. The meeting of the Central Council shall be presided over by the Chairman in the absence of the Chairman, the Vice-Chairman shall preside over the meeting of the Central Council in the absence of the Chairman and the Vice-Chairman, the Central Council shall elect a member to preside over that meeting of the Council.
2. Each meeting of the Central Council shall be called by giving, not less that ten days from the date of issue, notice in writing to every member.
3. Every notice of a meeting of the Central 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 Central 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 Central 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 Central Council. The findings of such working groups shall be placed before the Central Council for its consideration.

6. The non-official members shall be entitled to first class to & fro railway fare and a daily allowance of one hundred rupees per day for attending the meetings of the Central Council or any working group. Members of Parliament shall be entitled to travelling and daily allowances at such rates as are admissible to such members.

7. The resolution passed by the Central Council shall be recommendatory in nature.

(5) PLACE OF THE NATIONAL COMMISSION
The office of the National Commission shall be located in the Union Territory of Delhi.

(6) WORKING DAYS & OFFICE HOURS OF THE NATIONAL COMMISSION
The working days and office hours of the National Commission shall be the same as that of the Central Government.

(7) SEAL AND EMBLEM
The official seal and emblem of the National Commission shall be such as the Central Government may specify.

(8) SITTING OF THE NATIONAL COMMISSION
The sitting of the National Commission, as and when necessary, shall be convened by the President.

(9) STAFF OF THE NATIONAL COMMISSION
The Central Government shall appoint such staff as may be necessary to assist the National Commission in its day to day work and to perform such other functions as are provided under the Act and 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.
ADDENDUM TO THE NATIONAL COMMISSION, STATE COMMISSION AND DISTRICT FORUM

1. The National Commission, the State Commission and the District Forum shall have power to require any person -
   (a) to produce before, and allow to be examined and kept by an officer of the National Commission or the District Forum, as the case may be, specified in this behalf, such books, accounts, documents or commodities in the custody or under the control of the person so required as may be specified or described in the requisition, if the examination of such books, accounts, documents or commodities are required for the purpose of this Act;
   (b) to furnish to an officer so specified, such information as may be required for the purpose of this Act.

2. (a) Where during any proceedings under this Act, the National Commission, the State Commission or the District Forum as the case may be, has any ground to believe that any book, paper, commodity or document which may be required to be produced in such proceedings, are being or may be, destroyed, mutilated, altered, falsified or secreted, it may, by written order, authorise any officer to exercise the power of entry and search of any premises. Such authorised officer may also seize such books, papers, documents or commodities as are required for the purpose of this Act.

Provided that such seizure shall be communicated to the National Commission, the State Commission or the District Forum, as the case may be, as soon as it is made or within a period not exceeding 72 hours of making such seizure after specifying the reasons in writing for making such seizure.
(b) The National Commission, the State Commission or the District Forum, as the case may be, on examination of such seized documents or commodities, as the case may be, may order the retention thereof or may return it to the party concerned.

(11) SALARIES, HONORARIUM & OTHER ALLOWANCES OF THE PRESIDENT & MEMBERS OF THE NATIONAL COMMISSION

1. Where the President of the National Commission is a sitting judge of the Supreme Court, he shall enjoy all the benefits which he should have enjoyed as sitting Judge of the Supreme Court. Where the President is not a sitting Judge of the Supreme Court, he shall receive a consolidated honorarium of Rs. 8,000.00 per month. Other members, if sitting on whole-time basis, shall receive a consolidated honorarium of Rs. 6,000.00 per month or if sitting on part-time basis, a consolidated honorarium of Rs. 300 per day for sitting.

2. The President and the members shall be entitled to travelling and daily allowances on official tours at the same rates as are admissible to Group 'A' Officer of the Central Government.

3. The honorarium or the salary, as the case may be, and other allowances shall be defrayed out of the Consolidated Fund of India.

(12) TERMS & CONDITIONS OF SERVICE OF THE PRESIDENT AND MEMBERS OF THE NATIONAL COMMISSION

1. Before appointment, the President and a member of the National 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.

2. The President and the member shall hold office for such period, not exceeding 5 years as may be
specified by the Central Government in the notification, but shall be eligible for reappointment:
Provided that no President or a member shall hold office as such for a total period exceeding 10 years or after he has attained the age of 65 years, whichever is earlier.

3. Notwithstanding anything contained in sub-rule (2) the President or a member may -
   (a) by writing under his hand and addressed to the Central Government resign his office at any time;
   (b) be removed from his office in accordance with the provisions of rule 13.

4. The terms and conditions of service of the President and the members shall not be varied to their disadvantage during their tenure of office.

5. A casual vacancy caused by resignation or removal of the President or any other member of the National Commission under sub-rule (3) or otherwise shall be filled by fresh appointment.

6. Where any such casual vacancy occurs in the office of the President of the National Commission, the senior most (in order of appointment) member of the National Commission 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 National Commission.

7. When the President of the National 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 National Commission shall discharge the functions of the President until the day on which the President resumes the charge of his function.

8. No act or proceedings of the National Commission shall be invalid by reasons only of the existence of any vacancy among its President or members or any defect in the constitution thereof.
9. In case of a difference of opinion among the members of the National Commission, the opinion of the majority shall prevail and the opinion or orders of the Commission shall be expressed in terms of the views of the majority.

10. The President or any member ceasing to hold office as such shall not hold any appointment in or be connected with the management or administrations of an organisation which have been the subject of any proceeding under the Act during his tenure for a period of 5 years from the date on which he ceases to hold such office.

(13) REMOVAL OF PRESIDENT OR MEMBERS FROM OFFICE IN CERTAIN CIRCUMSTANCES

1. The Central Government may remove from office, the President or any member who, -
   (a) has been adjudged an insolvent, or
   (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or
   (c) has become physically or mentally incapable of acting as the President or the member, or
   (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as the President or a member; or
   (e) has so abused his position as to render his continuance in office prejudicial to the public interest.

2. Notwithstanding anything contained in sub-rule (1), the President or any member shall not be removed from his office on the grounds specified in clauses (d) and (e) of that sub-rule except on an inquiry held by Central Government in accordance with such procedure as it may specify in this behalf and finds the President or a member to be guilty of such ground.
PROCEDURE TO BE FOLLOWED BY THE NATIONAL COMMISSION

1. A complaint containing the following particulars shall be presented by the complainant in person or by his agent to the National Commission or be sent by registered post addressed to the National Commission:
   (a) the name, description and the address of the complainant;
   (b) the name, description and address of the opposite party or parties, as the case may be, so far as they can be ascertained;
   (c) the facts relating to complaint and when and where it arose;
   (d) documents in support of the allegations contained in the complaint;
   (e) the relief which complainant claims.

2. The National Commission shall, in disposal of any complaint before it, as far as possible, follow the procedures laid down in sub-sections (1) and (2) of section 13 in relation to complaint received by the District Forum.

3. On the date of hearing or any other date to which hearing could be adjourned, it shall be obligatory on the parties or their agents to appear before the National Commission. Where the complainant or his agent fails to appear before the National Commission on such days, the National Commission may in its discretion either dismiss the complaint for default or decide it on merits. Where the opposite party or its agent fails to appear on the date of hearing, the National Commission may decide the complaint ex-parte.

4. The National Commission may, on such terms as it deems fit and at any stage of the proceedings, adjourn the hearing of complaint but the complaint shall be decided, as far as possible, within a
period of three months from the date of notice received by opposite party where complaint does not require analysis or testing of commodities and within five months if it requires analysis or testing of commodities.

5. If after the proceedings conducted under sub-rule (3), the National Commission is satisfied with the allegations contained in the complaint, it shall issue orders to the opposite party or parties as the case may be, directing him or them to take one or more of the things as mentioned in subsection (1) of section 14. The National Commission shall also have the power to direct that any order passed by it, where no appeal has been preferred under section 23 or where the order of the National Commission has been affirmed by the Supreme Court under that section, be published in the Official Gazette or through any other media and no legal proceedings shall lie against the National Commission or any media for such publication.

(15) PROCEDURE FOR HEARING THE APPEAL

1. Memorandum shall be presented by the appellant or his agent to the National Commission in person or be 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 a certified copy of the order of the State Commission 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 the period of limitation as specified in the Act, the memorandum shall be accompanied by an application supported by an affidavit setting forth the facts on which the appellant relies to satisfy the National Commission that he has sufficient cause for not preferring the appeal within the period of limitation.

5. The appellant shall submit six copies of the memorandum to the Commission for official purpose.

6. On the date of hearing or on any other day to which hearing may be adjourned, it shall be obligatory for the parties or their agents to appear before the National Commission. If appellant or his agent fails to appear on such date, the National Commission may in its discretion either dismiss the appeal or decide ex-parte on merits. If the respondent or his agent fails to appear on such date, the National Commission shall proceed ex-parte and shall decide the appeal on merits of the case.

7. The appellant shall not, except by leave of the National Commission, urge or be heard in support of any ground of objection not set forth in the memorandum but the National Commission, in deciding the appeal, may not confine to the grounds of objection set forth in the memorandum. Providing that the Commission shall not rest its decision on any other ground other than those specified in the memorandum unless the party who may be affected thereby, has been given, an opportunity of being heard by the National Commission.

8. The National Commission, on such terms as it may think fit and at any stage, adjourn the hearing of the appeal, but not more than one adjournment shall ordinarily be given and the appeal should be decided as far as possible within 90 days from the first date of hearing.

9. The order of the National Commission on appeal shall be signed and dated by the members of the National Commission and shall be communicated to the parties free of charge.
APPENDICE No.5

THE CONSUMER PROTECTION (AMENDMENT) BILL, 1991

A Bill to amend the Consumer Protection Act, 1986. Be it enacted by the Parliament in the Forty-second year of the Republic of India as follows:

(1) SHORT TITLE AND COMMENCEMENT

1. This Act may be called the Consumer Protection (Amendment) Act, 1991.

2. It shall be deemed to have come into force on the 15th day of June, 1991.

(2) AMENDMENT OF SECTION 14

In section 14 of the Consumer Protection Act, 1986 (68 of 1986) (hereinafter referred to as the principal Act), for sub-section (2), the following sub-sections shall be substituted, namely:

"2. Every proceeding referred to in sub-section (1) shall be conducted by the President of the District Forum and at least one member thereof sitting together;
Provided that where the member, for any reason, is unable to conduct the proceeding till it is completed, the President and the other member shall conduct such proceeding de novo.

2A. Every order made by the District Forum under sub-section (1) shall be signed by its President and the member of members who conducted the proceeding;
Provided that where the proceeding is conducted by the President and one member and they differ on any point or points, they shall state the point or points on which they differ and refer the same to the other member for hearing on such point or points and the opinion of the majority shall be the order of the District Forum."
(3) **INSERTION OF NEW SECTION 18A**

After section 18 of the principal Act, the following section shall be inserted, namely:

**Vacancy in the office of the President**

"18A. When the office of the President of the District Forum or of the State Commission, as the case may be, is vacant or when any such President is, by reason of absence or otherwise, unable to perform the duties of his office, the duties of the office shall be performed by such person, who is qualified to be appointed as President of the District Forum or, as the case may be, of the State Commission, as the case may be, of the State Commission, as the State Government may appoint for the purpose."

(4) **INSERTION OF NEW SECTION 29A**

After section 29 of the principal Act, the following section shall be inserted, namely:

**Vacancies or defects in appointment not to invalidate orders**

"29A. No act or proceeding of the District Forum, the State Commission or the National Commission shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof."

(5) **VALIDATION OF CERTAIN ORDERS, ETC.**

Notwithstanding anything contained in any law or any judgement, decree or order of any court, tribunal or other authority, any order made by the District Forum or the State Commission under the principal Act, which would have been validly made if the amendments made to the principal Act by this Act were in force on the date of such order, shall be deemed to have been validly made as if the amendments made to the principal Act by this Act were in force at all material times when such order was made.
REPEAL AND SAVING


2. Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.
APPENDICE No.6
THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES COMMISSION REGULATIONS, 1991

[Issued by the MRTP Commission vide F.No.8(41) MRTPC/81 dated 27.05.1991; Published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section(i) dt. 30.5.1991].

G.S.R.283 (E)

In exercise of the powers conferred by sections 18 and 66 of the Monopolies and Restrictive Trade Practice Act (54 of 1969) and in supersession of the Monopolies and Restrictive Trade Practices Commission Regulations 1974, except as respects things done or omitted to be done before such supersession, the Monopolies and Restrictive Trade Practices Commission hereby makes the following regulations, namely:

CHAPTER-I
GENERAL

1. Short title and commencement (1) These regulations may be called the Monopolies and Restrictive Trade Practices Commission Regulations, 1991. They shall come into force on the date of their publication in the Official Gazette.

2. Definitions - (1) In these regulations, unless the context otherwise requires:
(a) "Act" means the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969);
(b) "Any other person interested" referred to in Section 41 of the Act includes manufacturers, suppliers, wholesalers, retailers and the associations of the traders, consumers, employees of manufacturers and those engaged in the distributive trade.
(c) "Bench" means a Bench of the Commission formed under sub-section (2) of Section 16;
(d) "Chairman" means the Chairman of the Commission appointed under Section 5;
(e) "Party" shall include complainant (whether individual consumer or registered consumer's or trade association, Director General, Central or State Government as the case may be, and shall include a respondent or respondents against whom any enquiry or the proceedings is instituted or relief is sought to be made but shall not include the informant under sub-clause (iv) of clause (a) of section 10 or clause (d) of section 36B; Provided that for the purpose of this clause, in any enquiry or proceeding instituted or ordered by the Commission on its own knowledge or information, the Director General shall be deemed to be the only party for the conduct of such enquiry or proceedings against a respondent; Provided further that when the complainant does not pursue or ceases to take interest in this complaint, the Director General shall, with the permission of the Commission, be entitled to take full charge of the proceedings;

(f) "Party to an agreement" includes any persons deemed to be a party for the purpose of the Act;

(g) reference to "Court", while applying provisions of the Code of Civil Procedure, 1908 (5 of 1908), shall be understood to refer to the Commission and similarly, reference to "Plaintiff" or "defendant" shall be understood to refer to appropriate parties before the Commission;

(h) reference to "suits or petitions" while applying the provisions of the Code of Civil Procedure, 1908 (5 of 1908), shall be understood to refer to appropriate proceedings under the Act;

(i) "Secretary" means Secretary of the Commission and includes the Deputy Secretary, the Administrative Officer, Joint Director (Legal) and Deputy Director (Legal) of the Commission;
(j) "Section" means section of the Act.

2. All words and expressions used and not defined in these regulations but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Language of the Commission - The proceedings of the Commission shall be conducted in English or Hindi.

4. Language of application and reference etc. - No application, reference, document or other papers contained in any language other than English or Hindi shall be accepted by the Commission unless the same is accompanied by a translation thereof in English or Hindi.

5. Translation of Documents - The documents required to be translated into English or Hindi under regulation 4 shall be translated by a person appointed or approved by the Commission:

Provided that any translation, which is agreed to by the parties to the proceedings, may be accepted by the Commission in appropriate cases as a true translation.

6. Commission's Office - The Central Office of the Commission shall open at such times as the Chairman may by general or special order, direct.

7. Adjournment of hearings - The Commission may, if sufficient cause is shown at any stage of any proceedings, grant time to the parties or any of them and may from time to time adjourn hearing of the proceedings.

8. Ex-parte hearings - Where on the day fixed for hearing or on any other day to which the hearing may be adjourned, if the parties to the proceedings do not appear, the proceedings, unless adjourned by the Commission, shall continue in the absence of such parties, not so appearing.

9. Pleading before the Commission - All applications, replies, rejoinders, supplemental pleadings or other documents which are required to be filed before the Commission, shall be typed on one side of the foolscap size paper in double space.
10. Inspection and certified copies of documents, papers, etc. -

1. A party to any proceeding before the Commission may, subject to the provisions of sections 17, 18 and 60 on an application made by it in that behalf, addressed to the Secretary, be allowed to inspect or obtain copies of pleadings and other documents or records in the proceedings on payment of fees and charges as may be specified;

2. The Commission may, subject to the provisions of Sections 17, 18 and 60 on an application of a person, who is not a party to the proceedings, on sufficient cause shown, allow such person such inspection or to obtain such copies, as are mentioned in sub-regulations (1) on payment of such fee as may be prescribed.

3. An inspection shall be allowed only in the presence of a Gazetted Officer of the Commission, and copies of documents of the proceedings shall not be allowed to be taken out only notes of the inspection may be made.

4. Copies of the proceedings, required under sub-regulation (1) of (2), may be certified, as true copies, by the Secretary or such other officer, as may be authorised in that behalf by the Commission, on payment of such fee as may be prescribed.

5. Every duly authorised officer, not below the rank of Under Secretary to the Central Government or State Government or the Director General of Investigation and Registration, shall at all reasonable times, be entitled free of charge inspection of the file of proceedings of the Commission and to take copies or extracts from any document therefrom. The Commission shall furnish such copies or extracts to the aforesaid officers as they may demand in writing.
11. Reports, Orders or Judgements of the Commission:

1. Every report, order, or judgement of the Commission shall be signed and dated by the Chairman and Members; Provided that the Chairman or a member who dissents with the final conclusion shall record his reasons, separately under his signature and date.

2. If members of a Bench are equally divided in their opinions, they shall record their views, separately under their signatures and date, and then the Chairman, may, if he is not a Member of the Bench, give his opinion, or if he is a Member of the Bench or otherwise does not want to give opinion, may direct another Member to give his opinion, if deemed necessary, after hearing the parties and thereafter the case will be decided, in accordance with the views of the majority.

3. Every report that may be required to be submitted to the Central Government under the Act shall be sent to that Government under the signature of the Secretary.

12. Extension of time prescribed - Any time limit fixed in these regulations or in any order of the Commission for doing any act may be extended (whether it has already expired or not) or abridged by an order of the Commission.

13. Effect on non-compliance and application of Code of Civil Procedure to matters not provided -

1. Failure to comply with any requirement of these regulations shall not invalidate any proceeding, merely by reasons of such failure, unless the Commission is of the view that such failure has resulted in miscarriage of justice.

2. Subject to the provision of sub-section (1) of section 12, where no specific provision has been made in these regulations, the Code of Civil Procedure, 1908 (5 of 1908) to the extent, as may be deemed expedient by the Commission, shall apply to the proceedings.
14. Service of notice or other documents -

1. Every notice or other document, required to be -
   (a) served on or delivered to any person, may be sent by registered post, or by courier service, or by speed-post addressed to the person or his agent, empowered to accept service, at the address furnished by him for service, or at the place where the person, or his agent ordinarily resides or carries on business or personally works for gain;
   (b) delivered to or filed with the Secretary may be sent by registered post to the Secretary.

2. An acknowledgement purporting to be signed by the addressee or his agent or an endorsement by a postal employee that the addressee or his agent refused to take delivery or certificate of the courier or speed-post that the service has been effected, may be deemed to be a prima-facie proof of service.

3. Any notice or other document, required to be served on or delivered to a trade association, may, if the association is not a body corporate, be sent to the Secretary, Manager or other officer of the association.

4. Every notice or other document, required to be served on the Central Government or the State Government as the case may be, shall be addressed and sent to the Secretary of the appropriate Ministry or Department and shall be served in the manner specified in clause (b) of sub-regulation (1).

5. The notice or document in respect of an enquiry may be served:
   (a) where the enquiry is against a company or corporation on the Secretary, or on any director, or other principal officer of the company or corporation by leaving it or sending it by post addressed to the company or corporation at the
registered office of such company or corporation or at the place where the company/corporation ordinarily carries on business;

(b) where the enquiry is against a firm, the notice of enquiry may be served at the principal place at which the partnership business is carried on upon any person having, at the time of service the Control or management of the partnership business or upon any one or more of the partners of the firm;

(c) on the proprietor in case of a sole-trading firm.

15. COSTS -

1. The Commission in its discretion may, subject to such conditions as may be specified in its order, determine costs of proceedings.

2. The costs shall be paid within thirty days from the date of the order or within such time, as the Commission may, by order, direct.

3. The order of the Commission, awarding costs, shall be executed in the same manner as the order of a Civil Court and the provisions of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908), shall apply to the execution of such order.

16. Enforcement of orders passed by the Commission -

1. The Secretary shall ensure enforcement and compliance of the orders passed by the Commission, by the persons concerned, and, if necessary, seek the order of the Commission for such investigation, as may be required, to be carried on by the Director General or any other officer, not below the rank of Assistant Director of the Commission.

2. The Director General, in appropriate cases, shall bring to the notice of the Commission non-compliance of the orders of the Commission and may seek directions for investigation into such non-compliance.
CHAPTER-II
PRELIMINARY INVESTIGATIONS

17. Order of investigation and its effect -

1. The Commission may, on receipt of a complaint, reference, application or information, or as the case may be, on its own knowledge in the matter of restrictive or unfair trade practice under clause (a) of section 10 or section 36B order a preliminary investigation by the Director General or by an officer not below the rank of Assistant Director.

Explanation - Whenever the Commission directs a preliminary investigation into any complaint under sub-clause (1) of clause (a) of section 10 or a preliminary investigation is compulsorily required under section 36C in respect of a complaint by any Association, such investigation shall be made by the Director General.

2. Order of investigation by the Commission under sub-regulation (1) shall be deemed to be the commencement of enquiry under the act.

18. Submission of Preliminary Investigation Report - The Commission shall direct, by order, the Director General or any officer of the Commission, as the case may be, to complete the preliminary investigation and submit a report (5 copies besides such additional copies as is the number of respondents) within such time as it may fix in the order:

Provided that the Commission may, on a request made by the Director General or by the officer of the Commission conducting investigation, extend the time for submission of report.

19. Action on Preliminary Investigation Report -

1. The Commission in its discretion and subject to the provisions of the Monopolies and Restrictive Trade Practices Rules, 1970, may at any stage of
the inquiry, bring on record, the report of the Director General or any officer of the Commission, or as the case may be, any information or other material, collected by the Director General or any Officer of the Commission. Provided that the Commission shall not bring on record such part or parts of the report, information or material, the disclosure of which, in the opinion of the Commission, is not relevant or is not in public interest.

2. The Director General shall be entitled to reply where the report brought on record is sought to be rebutted by any party.

20. Further investigation by the Director General etc. -

1. Where the Commission, on the perusal of a report of the Director General or any officer of the Commission submitted under regulation 18, is of the view that a further investigation is necessary, it may by order direct the Director General or such officer of the Commission to make such further investigation, as the Commission may think necessary, and submit a further report.

2. Where on the perusal of a report under regulation 18 or sub-regulation (1) of this regulation, or both as the case may be, the Commission is of the opinion that no prima-facie case is made out for the issuance of notice enquiry in respect of all or any of the allegations, it may drop the proceedings in respect of all or, as the case may be, any of the allegations; Provided that where investigation has been made on the basis of a complaint, reference or application under section 10 or 36B or 31, the Commission shall give the complainant, the concerned Government or, as the case may be, the Director General, but not the informant under sub-clause (iv) of clause (a)
of section 10 or clause (d) of section 36B, an opportunity of being heard before passing order to drop the proceedings in respect of all or any of the allegations; 

Provided further that subject to the provisions of section 60, the registered consumer association or trade association or a consumer, who has filed the complaint, on the basis of which an investigation has been made, may be supplied with a copy of the preliminary investigation report for the purpose of enquiry under the Act.

21. Enquiry on the basis of preliminary investigation report: Where the Commission after considering the report under regulation 18 or sub-regulation (1) of regulation 20, or, both as the case may be, is of the opinion that an enquiry must be held into a restrictive trade practice or an unfair trade practice, it shall so order and such enquiry shall be held in accordance with the procedure laid down in Chapters IX and X of these regulations.

22. Enquiry into monopolistic trade practice on the basis of preliminary investigation report - Where the Commission after considering the report under regulation 18, or sub-regulation (1) of regulation 20, or both, as the case may be, is prima-facie of the view that an enquiry shall be held into a monopolistic trade practice under clause (b) of section 10 the procedure, as laid down for restrictive trade practice in Chapter IX, shall, mutandis, be followed. After enquiry, the Commission shall proceed as provided in section 31 of the Act.

CHAPTER-III
DUTIES & FUNCTIONS OF THE DIRECTOR GENERAL

23. To represent the Commission before Supreme Court or High Court - In the event of an appeal under section 55, or application for grant of Special Leave to Appeal under article 136 of the Constitution, or a writ petition
under article 226 or 32 of the Constitution, the Director General shall represent the Commission before the Supreme Court or the High Court, as the case may be, except in those cases, where the Director General has himself filed an appeal or special leave to appeal against an order of the Commission.

24. Filing of application before the Director General - The applications filed before the Director General under sub-section (3) of section 36 shall be accompanied by five additional copies thereof, besides as many additional copies, as is the number of respondents.

25. Filing of application by Director General for seeking directions of Commission - Where the Director General files an application for seeking any directions of the Commission for disposing of any application under sub-section (e) of section 36, he shall make an application along with four extra copies thereof to that effect and such an application shall contain information and be accompanied by the following documents:
(a) a copy of the application of the party concerned;
(b) a copy of agreement in (quadruplicate); and
(c) comments of the Director General on the application.

26. Disposal of the Director General's application by the Commission - On the receipt of application under regulation 25, the Commission may, if it considers necessary, give the applicant an opportunity of being heard. The Director General shall also be heard in such proceedings and for this purpose intimation about the date of hearing shall be sent to him.

CHAPTER-IV
ENQUIRIES & INVESTIGATIONS BY OFFICERS OF THE COMMISSION

27. Mode of Investigations -
1. Without prejudice to the provisions of regulations 17, 18, 19 and 20 the Commission may, at any time, direct the Director General or any one or more of
its officers, not below the rank of Assistant Director, to (a) study, (b) investigate and report; or furnish any information in respect of any trade practices, which constitute or contribute to monopolistic, restrictive or unfair trade practices in any trade or are alleged to have been practised by any producer, distributor, dealer, agriculturist, processor, miner or investor in respect of any application or reference under section 61 or Chapters III, IV, V and VI of the Act, and for this purpose, the Commission may give to the Director General or such officer or officers of the Commission any direction, as it may deem fit and may fix time, within which the report is to be submitted or information furnished. If any such report or information appears to the Commission may give directions for a further or supplementary report or information thereon.

2. The provisions of regulations 19 and 20 shall, mutatis mutandis, apply to the report furnished or as the case may be, the information, material and evidence if any, collected under sub-regulation (1) for the purpose of any action, proposed to be taken thereon.

CHAPTER-V

PROCEDURE FOR REFERENCE UNDER CHAPTERS-III & III-A OF THE ACT BY THE GOVERNMENT

28. References received under sections 21, 22, 23, 27 and 27A of the Act -

1. Where a reference is received by the Commission from the Central Government, under sections 21, 22, 23, 27 and 27A, the Commission may publish short particulars concerning the reference by way of a notice in such daily newspapers for inviting comments regarding the proposal within such time as may be mentioned in the notice. The comments shall be sent
to the Commission in quadruplicate and the person sending the comments shall state whether he would like to participate in the public hearing before the Commission.

2. In case of references under section 27 or 27A, the Commission shall, after such investigation as it deems fit, formulate its tentative opinion. It shall, thereafter, furnish to the owner of the undertaking concerned, a copy of the reference and its tentative opinion. The owner of the undertaking(s), concerned, may, within such time as the Commission may fix in each case, file a statement of its objections and/or suggestions to or in respect of the tentative opinion.

3. The Commission may address letters to the applicant, concerned Government Department and such other persons, calling for such particulars, and information, as in the opinion of the Commission may be relevant to the reference received by the Commission. The replies to such letters to the Commission shall be furnished in quadruplicate.

4. The Commission may call the applicant concerned, owner of the undertaking(s), any government official and any other person, for such discussion, as it may consider necessary for the enquiry.

5. The Commission may visit such establishment, including that of the applicant, or concerned owner of the undertaking(s) and hold discussions with their representatives, if in the opinion of the Commission such visits and discussions may be useful for the enquiry.

6. The Commission may depute such of its officers and staff to such places and to meet such persons, as it may deem appropriate, for enquiries and discussions, relevant to the reference and take into consideration the reports of such officers.
7. The applicant, the concerned owner of the undertakings, the persons, who have sent their comments and expressed their desire to participate in the public hearing and such other persons as the Commission may determine, shall be intimated about the date of public hearing not less than 21 days before the date fixed for hearing. The persons, who have sent their comments and an intimation that they would like to participate in the public hearing, shall file with the Commission, not less than 10 days before the date of public hearing, a statement containing the submissions that they wish to make at the public hearing.

8. Subject to the provisions of sections 17 and 18 the Commission shall hear the persons, to whom an intimation of the public hearing is sent under sub-regulation (7). The Commission may, if it considers necessary, examine witnesses, including experts in any field. The persons so examined may, at the discretion of the Commission, be cross-examined by any of the parties, to whom an intimation of public hearing is sent.

9. In an enquiry to be made by the Commission under this regulation, the Central Government shall be entitled to be represented by such officer as it may depute. The persons concerned, appearing in person or represented by a counsel specifically authorised by them to act on their behalf, may be heard.

CHAPTER-VI
ENQUIRIES UNDER CLAUSE (b) OF SECTION-10 AND SUB-SECTION (4) OF SECTION 37

29. In the case of a reference under section 31 of the Act or upon its own knowledge and information under clause (b) of section 10 in respect of monopolistic trade practice, the Commission shall direct investigation to be
carried out by the Director (Investigation & Enforcement) of the Commission and on receipt of preliminary investigation report it may proceed with the enquiry and for that purpose such procedure be followed mutatis mutandis as is laid down under Chapter-IX of these regulations. After such enquiry the Commission shall proceed in accordance with the provisions of section 31.

CHAPTER-VII
CONSULTATIONS UNDER SECTIONS 24, 27 AND 27A
AND REFERENCES UNDER SECTION 61

30. Where the Central Government required the Commission to make a report under section 61 or where the Central Government consults it under sections 24, 27 or 27A the Commission may decide the procedure to be followed, in accordance with the circumstances of each case. For the purpose of making a report in such cases, the Commission may employ such experts as it may consider necessary.

CHAPTER-VIII
MINIMUM RESALE PRICE MAINTENANCE (EXEMPTION) APPLICATIONS

31. Exemption from Sections 39 to 40 - The Director General or any other person interested, who wishes to make a reference to the Commission under section 41 for exemption from the operation of sections 39 and 40, shall make an application in writing, clearly stating -
(a) the nature of interest claimed by the applicant that entitles him to make the reference;
(b) the class of goods to which it relates and the subclasses thereof, if any;
(c) the trade name or trademark or marks, by which name or mark the goods are identified in the market;
(d) the names and addresses of other persons, dealing in the class of goods for which application is being made, before the Commission, as far as the applicant can furnish such information; and
(e) the clause or clauses of sub-section (1) of section 41 on which reliance is placed for making application and the reasons in support of the same.

32. Application to contain necessary evidence -
The application referred to in regulation 31 shall be supported by evidence regarding facts mentioned therein and be verified.

33. Application by more than one person -
Where more than one person deals with similar class of goods for which exemption under section 41 is sought, the application may be made jointly by such persons.

34. Common application -
A common application may be made for a number of classes of goods appearing to be closely related. However the Commission may ask the applicants to make separate applications, if the Commission during the course of considering such application, comes to the conclusion that separate applications are necessary or desirable.

35. Separate application for each class of goods -
Where an exemption is sought in respect of more than one class of goods that are not closely related, a separate application shall be made in respect of each class of such goods.

36. Issue of notice, etc. -
1. On receipt of an application under regulation 31 if the Secretary is of the opinion that there is no prima facie substance in the application, he may place the same before the Commission for preliminary hearing and inform the applicants and the Director General of the date of such hearing. The Commission may, after hearing the applicants, and the Director General, reject the application.
2. The Secretary shall, in respect of applications, which are not rejected in imine, give notice to the concerned parties and shall also give public notices by advertisement in such daily newspaper or newspapers as may be decided by the Commission by a general or special order. The notice shall briefly state the relevant details including the class or classes of goods in respect of which the application is made and the names and complete addresses of the parties making the application.

3. The Secretary shall send a copy of the notice to the Secretary of the Ministry or Department, dealing with the subject matter, of application, informing him that the Ministry or Department may, if it so desires, send its comments to the Commission, regarding the subject matter of the application.

37. Representations -
Representations, opposing or supporting the reference, shall be filed before the Commission within 30 days of the publication of the public notice in the daily newspapers and shall state the nature of the interest of the party making representation and whether he supports or opposes the maintenance of minimum resale price in respect of all or any of the goods to which the notice relates. Such representations shall comply with the other requirements of regulation 58 and shall be verified in the manner laid down in regulation 49.

38. Preliminary hearing -
1. After the expiry of the time limit for filing the representations under regulation 37 the Commission shall fix a date for the preliminary hearing. The applicant, who had filed the reference before the Commission shall state his case indicating broadly as to what would be his submissions before the Commission. During the course of hearing, the applicant shall be served with the copies of the
representations received in response to the public notice, and he shall file his reply within 14 days of the service of such notice on him.

2. If, during the course of the preliminary hearing, it appears to the Commission that the prayer made in the reference and the circumstances of the case are substantially similar to those considered in some earlier proceedings disposed of by it, it may direct that the reference be disposed of summarily.

3. Where the applicant or any respondent applies to the Commission for an order that any proceedings pending before the Commission be consolidated and heard together, the two proceedings may, if the Commission so directs, be consolidated and heard together.

39. Investigation by Director General etc. regarding applications filed by any other person interested -

1. After the hearing under regulation 38 and after taking into account the representations received, the Commission may, if it thinks necessary refer the matter to the Director General or any other officer of the Commission for investigation in such manner as it may, by order, direct.

2. The Direct General or any other officer of the Commission not below the rank of Assistant Director shall make a report containing the findings of his investigation to the Commission within 90 days from the date of direction for investigation or within the period as the Commission may extend.

40. Directions - After receipt of the report of the Director General or any other officer of the Commission and after taking into account the submissions made by the parties to the proceedings, during the course of the preliminary hearing and those contained in the representations received and the replies filed by the applicant, under regulation 37, the Commission -
(a) shall determine which of the persons, who have filed representations before the Commission, in response to the public notice, may be permitted to take part or represented in the proceedings before it.

(b) may, by order, direct that some or all of the persons who have filed representations before it shall be represented by such common representative, as it may deem fit;

(c) may, by order, direct that the reference may be so amended to include therein or to exclude therefrom any goods or in any other manner as it may deem fit;

(d) may give such other directions, as it may think fit including -
   i. the amendment of the notice of hearing or any representation, answer or reply;
   ii. the supply of further and better particulars;
   iii. the delivery of interrogatories;
   iv. the admission of any facts or documents;
   v. the discovery or further discovery of any documents and inspection thereof;
   vi. the admission of any document in evidence;
   vii. the mode in which evidence is to be given;
   viii. the taking and recording of any evidence including the appointment of a Commissioner for the purpose; and
   ix. an investigation of the cost in respect of any class of goods, in producing or supplying any goods, in producing or supplying any goods or in applying any process of manufacture to goods and the manner in which the result of such investigation is to be brought before the Commission at the final hearing.

41. Service of notice of hearing - The Secretary shall serve a copy of the hearing notice, not less than 21 days a notice in writing to the applicants and the persons entitled to take part in the proceedings by virtue of
directions given under items (a) and (b) of Regulation 40 and such a notice shall, in the case of persons entitled to take part in the proceedings under such direction be accompanied by a copy or copies of the reference.

42. Final hearing -
The hearing, regarding these references, shall be held in accordance with regulation 70.

43. Interlocutory order -
Where a direction has been given under regulation 38 for the determination of the reference in a summary way or for consolidation the Commissioner may, at the hearing, unless it is satisfied that the relevant facts and circumstances of the reference differ in some material respect from the facts and circumstances considered in the reference.

(a) make an order on the application in a summary way without hearing evidence, or on such evidence whether oral or documentary, as it may think fit; and

(b) by order give any directions, which the Commission should have given under section 41, if the issue had been determined after a final hearing, or defer the making of any such order giving any direction until all other issues in the proceedings have been disposed of.

44. Final Order -
After hearing the applicants and the persons who have filed representations before the Commission and have been permitted to take part in the proceedings, and after examination of such witnesses, as may be called upon by the Commission, it shall pass final orders on the application/applications. A copy of such order duly authenticated by the Secretary and bearing the seal of the Commission shall be served on the applicant and other persons, permitted to take part in the proceedings.
CHAPTER-IX
PROCEEDINGS UNDER SECTION 37 OF THE ACT

45. Complaint under section 10(a)(i) -

1. A complaint under sub-clause (i) of clause (a) of section 10 of the Act shall contain the facts complained of, which constitute restrictive trade practice.

2. A complaint by any trade association or any registered consumers, association shall be signed and verified any office bearer of the association, who is authorised in writing by the President of that association and a complaint by an individual consumer shall be signed and verified by such consumer in the manner prescribed in regulation 49.

46. Reference by Government -

A reference made by the Central Government or a State Government under sub-clause (ii) of clause (a) of section 10 shall, similarly, contain the facts which constitute a restrictive trade practice, and be signed and verified in the manner prescribed in regulation 49.

47. Application by Director General -

An application under sub-clause (iii) of clause (a) of section 10 by the Director General shall contain the facts, which constitute a restrictive trade practice and if it is in relation to any agreement registrable under section 33 of the Act, shall set-out such portions of the agreement as may be necessary to bring out the facts complained of and be signed and verified by the Director General in the manner prescribed in regulation 49.

48. Copies of complaint, reference etc. - The original complaint, reference or the application, as the case may be, referred to in regulations 45 to 47, shall be accompanied by four copies thereof for the Commission's record and such additional number of copies thereof,
as may be necessary, for being served on respondents or other interested parties, referred to in the respective complaint, reference or application.

49. Signing of the pleading etc. to be filed before the Commission - All complaints, references, applications, statements of the case and other pleadings, to be filed before the Commission, shall be signed by the parties or their duly authorised representatives and verified. The person, verifying shall specify, by reference to the numbered paragraphs, what he verifies on his own knowledge and what he verifies on information, received and believed to be true. The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.

50. Proceedings before the Commission -
It on receipt of a complaint, reference or application or information under clause (a) of section 10 of the Act, and on consideration of any evidence on record or preliminary investigation report, if any, the Commission, is of the opinion that there are sufficient grounds to issue a process, requiring the attendance of the person or persons complained against, such a process shall be issued and it will be called NOTICE OF ENQUIRY.

51. NOTICE OF ENQUIRY -
1. The notice of enquiry, referred to in regulation 50, shall be accompanied by -
   i. in the case of complaint under sub-clause (i) of clause (a) of section 10 of the Act, a copy of such complaint;
   ii. in the case of reference under sub-clause (ii) of clause (a) of section 10 of the Act, a copy of such reference;
   iii. in the case of an application under sub-clause (iii) of clause (a) of section 10 of the Act, a copy of such application; and
iv. in case of an enquiry under sub-clause (iv) of clause (a) of section 10 of the Act, a concise statement of material facts on which the notice is based, or a copy of the preliminary investigation report or relevant extract thereof.

2. A combined notice under two or more sub-clauses of clause (a) of section 10 of the Act, may be directed to be issued, together, by the Commission.

3. Every such notice shall specify the date and place of hearing before the Commission.

52. Notice may relate to a number of agreements or trade practices - A notice may relate to one agreement or to a number of agreements or one trade practice or to a number of trade practices appearing to the Commission to be related in such a way as to make it desirable that they should be considered in the same proceedings.

53. Notice to bear the Commission's Seal - A notice shall bear the Commission's seal and be signed by the Secretary and when returned after service shall be filed by the Secretary.

54. Service of Notice - Subject to regulation 57, the Commission shall cause a copy of the notice to be served on such parties, as the Commission may decide and such of those parties, as the Commission may direct, shall be respondents to the proceedings.

55. Service of notice on a trade association - The Commission may, if it thinks fit, serve a copy of notice on any trade association, whose members or any of whose members are parties to any agreement or are alleged to be guilty of a trade practice to which the notice relates, and trade association may, if the Commission so directs, be made respondent to the proceedings, without prejudice to any application under regulation 57 for the representation of members of the association by the association.
56. Publication of notice of enquiry and orders passed by the Commission -

1. Short particulars regarding enquiry by the Commission and orders passed by the Commission may be published at such time and in such manner and in such daily newspapers, by the secretary as the Commission may be any general or special order, direct.

2. The Secretary may also issue press release in such a manner as he may deem fit, or as directed by the Commission.

57. Persons having common interest -

1. Where there are a number of persons having common interest, whether as complainants, respondents or as parties who are served with notice under regulations 50, 53, 54 or 55, the Commission may, by order, direct that any particular complaint, respondent or party shall appear in the proceedings on behalf of or for the benefit of all persons, having common interest and the Commission shall, in such a case, give notice of proceedings to all such persons having common interest either by personal service, or, where the persons to be served are in large numbers, or for any other cause such personal service is not reasonably practicable, by public advertisements, as the Commission may in each case direct.

2. Any person, on whose behalf or for whose benefit any party appears in the proceedings, may apply to the Commission to be made a party to the proceedings.

3. The Commission shall in such cases determine as to who shall bear the costs of any of the public advertisements or personal service.
58. Appearance of the Parties -

1. A respondent on whom a notice has been served and who wishes to be heard in the proceedings shall, not less than 10 days before the date of hearing, specified in the notice, enter appearance in the office of the Commission by delivering to the Secretary with a copy to Director General, a memorandum with five additional copies, indicating that he wants to be heard in the proceedings and containing the name of his advocate or the name and full official and residential address of his authorised representative and duly authorised to accept service of process.

2. The advocate or authorised representative, named by the respondent, shall file Vakalatnama/power of attorney at the time of appearance.

Explanation - An authorised representative shall either be a member of the Institute of Chartered Accountants of India, the Institute of Costs & Works Accountants of India, or the Institute of Company Secretaries of India or a person holding qualification of post-graduate or higher in Commerce, or Economics or Management and furnish his full official and residential addresses; PROVIDED that in the event of misconduct, the Commission may disallow, any of the aforesaid authorised representatives to appear before the Commission.

59. Reply to the notice -

1. Every respondent who has entered appearance shall while entering appearance deliver to the Secretary a reply to the notice (five copies besides as many copies as in the number of respondents) which shall include -

(a) particulars of each of the circumstances contained in section 38 of the Act, on which he intends to rely; and
(b) particulars of the facts and matters, alleged by him to entitle him to reply on section 38.

2. Where the respondent relies on any document (whether in his possession or power or not) as evidence in support of his reply he shall enter such document in a list to be added or annexed to the reply. Where any such document is not in the possession or power of the respondent he shall, if possible, state in whose possession or power it is. The respondent shall, also send or supply copy of reply to the notice of enquiry to the complainant (whether individual or registered consumer association or trade association) along with a copy of list of documents relied upon.

3. The document which ought to be entered in the list referred to in sub-regulation (2) and is not so entered, shall not without the leave of the Commission, be received in evidence on behalf of the respondent.

4. The Secretary shall, as soon as may be furnished copy or copies to the Director General or other parties concerned, including the complainant, in case copies have not been supplied to any one of them by the respondent.

60. Notice for inspection of documents by Director General—Every respondent shall, within seven days after receiving notice in that behalf from the Director General, produce for his inspection the documents, or such of them, as may be specified, in the notice and shall permit him to make copies thereof; Provided that nothing herein contained shall effect the right of the respondent to claim, for reasons to be stated privilege for any of the said documents.

61. Filing of pleadings—No pleading, subsequent to the reply, shall be presented except by the leave of the
Commission upon such terms as the Commission may think fit; but the Commission may at any time require a pleading or rejoinder or a supplemental pleading from any of the parties and fix a time for presenting the same.

62. The Commission may strike out the whole or part of the pleadings - The Commission may, on the application of the party, strike out the whole or any part of the reply, rejoinder, pleading or supplemental pleading, which appears to the Commission liable to be struck out in accordance with the provisions of rule 16 or order VI of the Code of Civil Procedure, 1908, and in that event, allow further time for the delivery of the reply, rejoinder, pleading or supplemental pleading.

63. Amendments in proceedings -
1. The Commission may, at any time, amend any defect or error in any proceeding including notice of enquiry and all necessary amendments shall be made for the purpose of determining the real question or issue raised by or dependent on, such proceedings.
2. The Commission may at any time or stage of the proceedings allow any party to alter or amend his reply to the notice of enquiry, rejoinder, pleading or supplemental pleading, in such manner and on such terms, as may be just, and all such amendments shall be made as may be necessary for the purpose of determining the real question in controversy.

64. Joinder of the parties -
1. Any party to the proceedings may, at any time, apply to the Commission (with four additional copies of the application) for an order that any person, not already a party, be added as a party to the proceedings and shall give notice of application to all other parties and to the persons sought to be added.
2. The Commission may, at any stage of the proceedings either of its own motion or on the application of
any parties to the proceedings on such terms as may appear to the Commission just and equitable, order that the name of any parties improperly joined be struck out, and the name of any person, who sought to have been joined or whose presence before the Commission may be necessary in order to enable the Commission, effectively and completely to adjudicate upon and settle all questions involved in the proceedings be added.

3. Where any party is added or name of the parties is struck out, the pleadings, unless the Commission otherwise directs, be amended in such manner as may be necessary.

4. The provisions of order I of the Code of Civil Procedure, 1908 (5 of 1908) shall apply mutatis mutandis to these proceedings.

5. Any complainant, applicant or Government authority who makes complaint, application or reference under sub-clauses (i) to (iii) of clause (a) of section 10 of the Act, as the case may be, shall be a party and shall be entitled to participate, file pleadings and be heard. He shall also be entitled to copies of applications, if any, pleadings, filed by the Director General or any other person, during the proceedings of the enquiry. An informant may, at the discretion of the Commission, be heard in the proceedings, if he makes a request in that behalf and the Secretary may, and if so directed by the Commission shall, furnish to him or in a copy of the documents filed with him under regulations 45, 46, 47, 58, 59 and 63.

65. Application for directions -

1. On the date of hearing, the Commission may, either sub-moto or on an application by any party, give such directions, as it may think fit, with regard to the following matters:
(a) the amendment of the notice of enquiry or any representation, answer or reply;
(b) the delivery of further and better particulars;
(c) the delivery of interrogatories;
(d) the admission of any facts or documents;
(e) the discovery or further discovery of any documents and inspection thereof;
(f) the admission, in evidence of any document;
(g) the mode in which evidence is to be given;
(h) the taking and recording of any event including the appointment of a Commissioner for that purposes;
(i) the investigating of the cause in respect of any class of goods in producing or supplying any goods or in applying any process of manufacture to goods and the manner in which the result of such investigation is to be brought before the Commission at the final hearing; and
(j) any other matter, as may be considered necessary or proper for the purpose of enquiry.

2. In any enquiry, where issues have been framed on any question of law or fact and the Director General, the complainant or the person making the reference, as the case may be has not filed the list of documents on which he relies, he shall file the list on the date, when the issues are framed or within such time as the Commission may direct.

66. Admission of documents by a party in enquiry proceedings-
1. Any party to the enquiry may call upon any other party to the enquiry to admit within fifteen days from the date of the service of notice of enquiry any documents relevant to the enquiry.

2. Where a party unreasonably neglects or refuses to admit documents after the service on him of the notice to admit documents, the Commission may direct him to pay costs to the other party by way of compensation.
67. Interlocutory applications -
Except where these regulations otherwise provide or the Commission otherwise directs, every interlocutory application shall be made on not less than seven days' notice to every other party concerned in the subject matter of the application and the notice shall include particulars of the directions or orders to be sought.

68. Proving of facts -
All facts required to be proved at the hearing shall, unless they are admitted, be proved as under:
1. by oral examination, cross-examination and examination of witnesses or by affidavits in accordance with order 19 of the Code of Civil Procedure, 1908 read with section 12(1)(c) of the act; and
2. by documentary evidence consisting of original or authenticated copies of documents, entries in the books or authenticated copies thereof or film, audio or video tapes.

69. Scientific, technical and statistical information -
In case of scientific, technical or statistical information relevant to the proceeding, the same may, by the permission of the Commission, be proved by production of specified scientific technical economic or trade publication or work of reference, containing such information.

70. Final hearing - The final hearing shall take place in the open court.
Provided that if the Commission is satisfied that it is in the public interest that the hearing or part thereof should not take place in open court or that evidence may be given as to a secret process of manufacture or as to the presence, or absence, or situation of any mineral or other deposits or as to any similar matter the publication of which is likely to damage substantially the legitimate business interest of any
person, it shall and may in other case in which it appears proper to the Commission to do so, order that the hearing or such party thereof as the Commission may direct, shall take place in camera.

71. Determination of issue in a summary way - If on the hearing of an application it appears to the Commission that the relevant provisions of the agreement or any other facts or circumstances relating to the agreement or to a trade practice, or practices, are substantially similar to those considered in previous proceedings before the Commission; it may direct that the issue be referred for determination in a summary way.

72. Directions in case of determination of issues in a summary way - Where a direction has been given under regulation 71, the Commission may at the hearing, unless it is satisfied that the relevant provisions of the agreement or trade practice or practices or the circumstances of the case differ in some material respects from the provisions or trade practice or practices, and circumstances considered in the previous proceedings:
   (a) determine the issue in a summary way without hearing the evidence or on such evidence whether oral or documentary as it may think fit; and
   (b) by order give any direction, which the Commission could have given under section 37 of the Act if the issue had been determined after final hearing in the ordinary way or defer making of any such order giving any direction until all other issues in the proceedings have been disposed off.

73. Calling of comments on complaints - The Commission may, in its discretion, instead of directing investigation or instituting enquiry straighway, on a complaint under section 10(1)(i) or 36B(a) or information under section 10(a)(iv) or 36B(d) of the
Act, sent a copy of the complaint or information to the person against from whom the same is made calling for comments for enabling it to either do the needful as desired by the complainant or informant or send his own version. The Commission may, thereafter on receipt of the reply of after expiry of the time fixed for sending the comments, proceed with the complaint or information in accordance with the provisions of the Act and the regulations.

74. Final Orders -
After hearing the complainant or the applicant or any Government Authorities making a reference, or the Director General, as the case may be, and the respondents and other persons who have filed representations before the Commission and who have been permitted to take part in the proceedings and after examination of such witnesses as called upon by the Commission, it shall pass final orders on the complaint, application, reference, etc. A copy of such Order duly authenticated the Secretary and bearing the seal of the Commission shall be served on the complainant, applicant, Government Authorities making the reference, the respondent, as also on such other Government authorities and other persons permitted to take part in the proceedings.

CHAPTER-X
PROCEEDINGS UNDER SECTION 36D OF THE ACT

75. Inquiries into unfair trade practices -
The procedure laid down in Chapter-IX of these regulations for inquiries into restrictive trade practices shall mutatis mutandis, apply to the inquiries into unfair trade practices under section 36D of the Act, subject to the modification that:

i. reference to sub-clauses (i) to (iv) of clause (a) of section 10 of the Act shall be construed as a reference to the corresponding clauses (a) to (d) of section 36B; and
ii. reference to section 37 of the Act shall be construed as a reference to section 36D of the Act.

CHAPTER XI
APPLICATIONS UNDER SECTIONS 12A AND 12B

76. Temporary Injunction -
Every application under section 12A of the Act for issuance of a temporary injunction shall be supported by an affidavit of the person making the application stating the facts which constitute monopolistic, restrictive or unfair trade practice and the circumstance whereby it is intended to be proved that the said trade practice is likely to affect the public interest or the interest of any trader or traders generally, or any consumer or consumers generally. The application shall be accompanied by five extra copies and one additional copy for each respondent. The application shall be filed with the Secretary, who shall forthwith place the application before the Commission for disposal.

77. Application for Compensation -
1. Every application made under section 12B of the Act for compensation shall be supported by an affidavit of the person making the application in the form appended to these regulations stating the particulars and the extent of the loss or damage caused as a result of the alleged monopolistic, restrictive or unfair trade practice and also stating that he has not filed any application either before the Commission or before any authority under the Consumer Protection Act, 1986 (68 of 1986) and be filed with the Secretary with five extra copies and one additional copy for each respondent.

2. The Commission may, before making any order under section 12A or section 12B of the Act, direct the Director General to make such investigation as may be deemed necessary into the allegations and submit a report thereon.
CHAPTER-XII
AMENDMENT OF REVOCATION OF ORDER

78. Review Application -
An application under sub-section (2) of section 13 of the Act shall contain facts or the reasons as to why the order sought to be reviewed is liable to be altered, modified or set aside. It shall be supported by an affidavit. No order shall be changed, altered, modified or set aside without an opportunity of being heard, having been given to the person in whose favour the order is and the Director General.

79. Rectification of Errors -
Any clerical or arithmetical mistakes in any proceedings, amendment of proceedings, declaration or order of the Commission or error therein arising from any accidental slip or omission may, at any time, be corrected by the Commission either on its own motion or on the application of any party and the provisions of sections 152 and 153 of the Code of Civil Procedure, 1908 (5 of 1908) shall be applicable in this respect.

[F.No.8(41)/MRTPC/87]
H.K. MALIK
Jt. Director

FORM
BEFORE THE
MONOPOLIES AND RESTRICTIVE TRADE PRACTICES COMMISSION
NEW DELHI

COMPENSATION APPLICATION NO._______ OF 19____

________________________________________________________
(Name & addresses of the applicant)
Applicant

Versus

(Name and address of the respondent)
Respondent
COMPENSATION APPLICATION UNDER SECTION 12B OF
MONOPOLIES & RESTRICTIVE TRADE PRACTICES ACT, 1969

Sir,

The applicant begs to submit as under -

1. Brief facts of the claims.
2. Brief narration of monopolistic, restrictive or unfair trade practice.
3. Particulars of loss, damage or injury and the amount payable.
4. Particulars of proceedings, if any, under the Consumer Protection Act or any other Law in respect of the same matter.

PRAYER

(State extract amount, rate of interest or any amount on any other account)

Signature of the applicant

VERIFICATION

Verified at ______________ on the ______ day of ___________ 19__. The contents of above paras are true to the best of my knowledge and nothing has been concealed therefrom.

Signature of the applicant

Encls:
1. Attested Affidavit.
2. Attested photocopy of deposit receipt (if applicable).

AFFIDAVIT

I ___________________________ s/o ______________ aged _______ years, resident of ___________ swear in the name of God/solemnly affirm and state as under:
1. I have gone through my application for grant of compensation under section 12 B of the MRTP Act, 1969. The same is correct. The annexures are copies true to their originals and true translation of the originals.

2. The aforesaid is the only application/I made such an application to the Director General of Investigation and Registration/Secretary/Chairman, M.R.T.P. Commission in addition to the aforesaid application. The particulars of the application/applications sent by me are as under:

3. No such application was filed either by me or on my behalf under the Consumer Protection Act, 1986 in respect of the same matter.

4. I did not receive any amount in respect of the aforesaid compensation from any one whether through any Court or otherwise.

OR

I received a sum of Rs. ______ out of the compensation claim particulars of which are as under:

5. I undertake that if I receive any amount from any source in connection with or relating to the aforesaid compensation, I will intimate the same to the MRTP Commission.

DEPONENT

VERIFICATION

I solemnly affirm/swear in the name of God that whatever is stated in paras 1 to 5 above is true to my knowledge and no material fact is cancelled by me.

DEPONENT

NOTE

1. The affidavit shall be attested by an Oath Commissioner or a Civil Judge or a Sub-Judge 1st Class or a Magistrate or a Notary Public and need not be on a Non-Judicial paper.

2. Strike out whichever is not applicable.