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## FOOD SUPPLIES & CONSUMER WELFARE DEPARTMENT

### NOTIFICATION

The 19th November, 2020

No.16016-FSCW-CC-CC-0002/2019/FSCW.— In exercise of the powers conferred by Section 102 of the Consumer Protection Act., 2019 (35 of 2019), the State Government hereby makes the following rules, namely:—

#### 1. Short title and commencement.—

- (1) These rules may be called the Odisha Consumer Protection (Salary, Allowances and Conditions of Service of President and Members of the State Commission and District Commission) Rules, 2020.
- (2) They shall come into force from the date of its publication in the *Odisha Gazette*.

#### 2. Definitions.—

- (1) In these rules, unless the context otherwise requires—
  - (a) 'Act' means the Consumer Protection Act., 2019 (35 of 2019);
  - (b) 'Member' means a Member of the District Commission or the State Commission, as the case may be; and
  - (c) 'President' means the President of the District Commission or the State Commission, as the case may be.
- (2) The words and expressions used herein but not defined and defined in the Act. shall have the same meaning respectively assigned to them in the Act.

#### 3. Salary of the President and Members of State Commission.—

- (1) President of the State Commission shall receive the salary and other

allowances as are admissible to a sitting judge of the High Court of the State.

(2) The salary of the President of the State Commission, who is in receipt of any pension, shall be reduced by the gross amount of pension drawn by him.

(3) The salary of a Member of the State Commission shall be one lakh and twenty-three thousand rupees reduced by the gross amount of pension received by him, if he has retired in the rank of Additional Secretary to the State Government or above such rank :

Provided that the salary payable to such Member shall not be less than Sixty-two thousand rupees.

(4) The salary of a Member of the State Commission who has retired from a post below the rank of Additional Secretary to the State Government, or who is not a retired person shall be Sixty-two thousand rupees.

**4. Salary of the President and Members of the District Commission. —**

(1) The salary of a President of the District Commission shall be equal to the amount admissible to a District Judge in the initial Super time Scale of Pay, if he has retired after getting the pay in the Super time Scale reduced by the gross amount of pension received by him:

Provided that the salary payable to such President shall not be less than fifty per cent of the initial Super time Scale of Pay.

(2) The salary of a President of the District Commission who has retired from a post below the rank of District Judge or who is not a retired Judicial Officer, shall not be more than fifty per cent of the initial Super time Scale of Pay.

(3) The salary of a Member, District Commission shall be Sixty-eight thousand rupees reduced by the gross amount of pension received by such Member, if he has retired in the rank of Deputy Secretary or above such rank :

Provided that the salary payable to such Member shall not be less than Thirty-four thousand rupees.

(4) The salary of a Member, District Commission who has retired from a post below the rank of Deputy Secretary to the State Government or who is not a retired person, shall be Thirty-four thousand rupees.

(5)The State Government may enhance the salary of the Members of the State Commission and President and Members of the District Commission, from time to time.

**5. Salary shall be met from the Consolidated Fund.**— The salary and other allowances shall be defrayed out of the Consolidated Fund of the State.

**6. The terms and conditions of the service not to be varied to disadvantage.**— The terms and conditions of the service of the President and the Members of the District Commission and the State Commission shall not be varied to their disadvantage during their tenure of office.

**7. Medical fitness.**—No person shall be appointed as President or Member unless he is declared medically fit by an authority specified by the State Government in this behalf.

**8. Casual vacancy.**— In case of a casual vacancy in the office of President in the State Commission or District Commission, as the case may be, the senior most Member shall be deemed to be officiating as President:

Provided that the officiating President shall draw his salary as a Member and continue to be governed by the conditions agreed during the appointment as Member.

**9. Declaration of financial and other interests.**—The President or Member shall, before entering upon his office, declare his assets, and his liabilities and financial and other interests.

**10. Other conditions of service.**—

(1)The President or Member shall not practice before the National Commission, the State Commission or the District Commission after retirement from the service of the State Commission or the District Commission, as the case may be.

(2) The President or Member shall not undertake any arbitration work while functioning in these capacities in the State Commission or the District Commission, as the case may be.

(3)The President or Member of the State Commission or District Commission, as the case may be, shall not, for the duration of three years after the services, undertake the arbitration work in, or connected with any person who has been a party to a proceeding before the State Commission or the District Commission.

(4) The President or Member of the State Commission or the District Commission, as the case may be, shall not, for a period of two years from the date on which they cease to hold office, accept any employment in, or connected with the management or administration of, any person who has been a party to a proceeding before the State Commission or the District Commission:

Provided that nothing contained in this rule shall apply to any employment under the Central Government or a State Government or a local authority or in any statutory authority or any corporation established by or under any Central, State or Provincial Act. or a Government company as defined in clause (45) of Section 2 of the Companies Act., 2013 (18 of 2013).

**11. Oaths of office, secrecy and no conflict of interest.**—Every person appointed as the President or Member shall, before entering upon his office, make and subscribe an oath of office in Form I, oath of secrecy in Form II and Oath of No Conflict of Interest in Form III annexed to these rules.

**FORM I**

[See Rule 11]

Form of Oath of Office for the President and Member of the State Commission and District Commission.

I, A. B., having been appointed as the President/ Member in the State Consumer Disputes Redressal Commission, ...../ District Consumer Disputes Redressal Commission, do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as the President/Member of the ..... State Commission / District Commission to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of land.

( )

**FORM II**

[See Rule 11]

Form of Oath of Secrecy for the President and Member of the State Commission and District Commission.

I, A. B., having been appointed as the President/Member of the State Consumer Disputes Redressal Commission, ...../ District Consumer Disputes Redressal Commission, ..... do solemnly affirm/do swear in the name of God that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as President/Member of the State Commission/District Commission except as may be required for the due discharge of my duties as the President/Member.

( )

**FORM III**

[See Rule 11]

Form of No Conflict of Interest for the President and Member of the State Commission and District Commission.

I, A. B., having been appointed as the President/Member of the State Consumer Disputes Redressal Commission, ...../ District Consumer Disputes Redressal Commission, ..... do solemnly affirm/do swear in the name of God that I will not take any matter as President/Member of the State Commission/District Commission where I may have direct or indirect conflict of interest with the parties.

( )

By Order of the Governor

VIR VIKRAM YADAV

Commissioner-*cum*-Secretary to Government