

# THE TAMIL NADU CONSUMER PROTECTION RULES, 1988

(G.O. Ms. No. 879, Food and Consumer Protection,  
dated 30th June 1988)

**No. S.R.O. A-158/88.**— In exercise of the powers conferred by sub-section (2) of Section 30 of the Consumer Protection Act, 1986, (Central Act No. 68 of 1986), read with S.O. No. 390 (E), published in Part II - Section 3, sub-section (ii) of the *Gazette of India*, Extraordinary, dated 15th April, 1987 and S.O. No. 568(E), published in Part II - Section 3, sub-section (ii) of the *Gazette of India*, Extraordinary, dated the 10th June 1987, the Governor of Tamil Nadu hereby makes the following Rules :—

## RULES

**1. Short title and commencement.**— (1) These Rules may be called the Tamil Nadu Consumer Protection Rules, 1988.

(2) They shall come into force at once.

**2. Definitions.**— In these Rules, unless, the context otherwise requires —

(a) “Act” means the Consumer Protection Act, 1986 (Central Act No. 68 of 1986) ;

- (b) “**Agent**” means a person duly authorised by a party to present any complaint or appeal or reply on its behalf before the State Commission or the District Forum ;
- (c) “**Appellant**” means a party which makes an appeal against the order of the District Forum ;
- (d) “**Memorandum**” means memorandum of appeal filed by the appellant ;
- (e) “**Opposite Party**” means a person who answers complaint or claim ;
- (f) “**President**” means the President of the State Commission or District Forum as the case may be ;
- (g) “**Respondent**” means the person who answers any memorandum of appeal ;
- (h) “**Section**” means Section of the Act ;
- (i) “**State**” means the State of Tamil Nadu ;
- (j) words and expression used in the Rules and not defined, but defined in the Act shall have the meaning respectively assigned to them in the Act.

**3. Salaries and other allowances and terms and conditions of the President and members of the District Forum.—** (1)  
<sup>1</sup>[The President of the District Forum shall receive the salary of the Judge of a District Court, if appointed on whole time basis or an honorarium of Rs. 150 (Rupees one hundred and fifty only) per day subject to a maximum of <sup>2</sup>[Rs. 2,100 (Rupees two thousand one hundred only)] per month, if appointed on part-

1 Substituted by G.O. Ms. No. 414, Co-operation, Food and Consumer Protection, dated 7th November, 1991.

2. Substituted by G.O. Ms. No. 344 Co-operation, Food and Consumer Protection, dated 7th May, 1993.

time basis. <sup>1</sup>[The President of a District Forum shall receive the transfer travelling allowance if he joins such District Forum from out-side the District]. <sup>2</sup>[Other members if sitting on whole time basis, shall receive a consolidated honorarium of Rs. 2,000 (Rupees two thousand only) per month and if sitting on part-time basis, a consolidated honorarium of Rs. 750 (Rupees Seven hundred and fifty only) per month in addition to Rs. 100 (Rupees one hundred only) per day for the sitting.] <sup>3</sup>[The members residing away from the headquarters shall also receive the conveyance allowance of Rs. 150 (Rupees one hundred and fifty only) per month.]

(2) The President and the members of the District Forum shall be entitled for such travelling allowance and daily allowance on official tour as are admissible to Grade I Officer of the Government of Tamil Nadu.

(3) The salary or honorarium as the case may be and other allowances shall be defrayed out of the Consolidated Fund of the Government of Tamil Nadu.

(4) Before appointment, the President and members of the District Forum shall have to take an undertaking that he does not and will not have any financial or such other interests as is likely to affect prejudicially his functions as a member.

(5) In addition to provision of sub-section (2) of Section 10 the Government of Tamil Nadu may remove from office, the President and members of a District Forum who —

(a) has been adjudged as an insolvent, or

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1 Inserted by G.O. Ms. No. 112, Co-operation, Food and Consumer Protection, dated 27th May 1996.

2 Substituted by No. SRO. A-178190, dated 29th November 1990.

3 Added by G.O. Ms. No. 204, Co-operation, Food and Consumer Protection, dated 30th August, 1994.

- (b) has been convicted of an offence which in the opinion of the Government of Tamil Nadu involves moral turpitude, or
- (c) has become physically or mentally incapable of acting as the President or member, or
- (d) has acquired financial or other interests 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 :

Provided that the President or member shall not be removed from his office on the ground specified in clauses (d) and (e) of the sub-rule (5) except on an inquiry held by the Government of Tamil Nadu in accordance with such procedure as it may specify in this behalf and finds the President or a member to be guilty on such ground.

<sup>1</sup>[(5-A) The Government of Tamil Nadu may, after giving a reasonable opportunity of being heard, remove from office a member of a District Forum who has not attended two consecutive sittings of the District Forum without sufficient cause;]

<sup>2</sup>[(5-B) The President of the District Forum shall be liable for transfer from one District to another District in case of any request by him or on Administrative Grounds.]

(6) The terms and conditions of the service of the President and the members of the District Forum shall not be varied to their disadvantage during their tenure of office.

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1 Inserted by G.O. Ms. No. 121 Co-operation, Food and Consumer Protection dated 24th June 1996.

2 Substituted by G.O. Ms. No. 152, Co-operation, Food and Consumer Protection dated 13th August, 1998.

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(7) Where any vacancy occurs in the office of the President of the District Forum, the senior-most (in order of appointment) member of District Forum, holding office for the time being, shall discharge the functions of the President until a person appointed to fill such vacancy assumes the office of the President of the District Forum.

(8) When the President of the District Forum is unable to discharge the functions owing to absence, illness or any other cause, the senior-most (in order of the appointment) member of the District Forum shall discharge the functions of the President until the day on which the President resumes the charge of his functions.

(9) The President or any member ceasing to hold office as such shall not hold any appointment in or be connected with the management or administration of an organisation which has 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.

(10) In case of difference of opinion among the members of the District Forum, the opinion of the majority shall prevail and the opinions or orders of the Forum shall be expressed in terms of the view of the majority.

(11) (i) The President and the members shall hold office for a term of five years or upto the age of 65 years whichever is earlier and shall not be eligible for re-appointment ;

(ii) Notwithstanding anything contained in sub-rule (i) the President or the member may —

(a) by writing under his hand and addressed to the Government of Tamil Nadu resign his office at any time and on such resignation being accepted, his office shall become vacant.

(b) be removed from his office in accordance with sub-rule (5) of Rule 3.

**4. Place of sitting and other matters relating to District Forum.**— (1) The office of District Forum shall be located at the headquarters of the District. Where State Government decides to establish a single District Forum having jurisdiction over more than one district, it shall Notify the place and jurisdiction of the District Forum so established.

(2) The working days and the office hours of the District Forum shall be the same as that of the Government of Tamil Nadu.

(3) The official seal of the District Forum shall be as follows :—

**Seal.**— The seal shall have two concentric arcs bearing the inscriptions, namely “DISTRICT CONSUMER DISPUTES REDRESSAL FORUM” and name of the District at the Centre.

(4) Sitting of the District Forum, as and when necessary, shall be convened by the President.

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

(6) State Government shall appoint such staff, as may be necessary to assist the District Forum 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 the State Government.

(7) Where the opposite party admits the allegation made by the complainant, the District Forum shall decide the complaint on the basis of the merit of the case and documents present before it.

(8) If during the proceedings conducted under Section 13, the District Forum fixes a date for hearing of the parties, it shall

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be obligatory on the complainant and opposite party or its authorised agent to appear before the District Forum on such date of hearing or any other date to which hearing could be adjourned. Where the complainant or his authorised agent fails to appear before the District Forum on such day, the District Forum may in its discretion either dismiss the complaint for default or decide it on merit. Where the opposite party or its authorised agent fails to appear on the day of hearing the District Forum may decide the complaint *ex-parte*.

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

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

**5. Procedure to be followed for making complaints before the District Forum / State Commission.**— A complaint containing the following particulars, shall be presented by the complainant in person or by his authorised agent to the District Forum / State Commission, or be sent by registered post addressed to the District Forum / State Commission :—

- (a) the name, description and 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 ;

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- (d) document in support of the allegations contained in the complaint ;
  - (e) the relief which complainant claims.

**6. Procedure to be adopted by the District Forum for analysis and testing of the goods.**— Under clause (c) of subsection (1) of Section 13 if considered necessary, the District Forum may direct the complainant to provide two separate samples of the goods packed in clean dry bottles or jars or other suitable containers which shall be sufficiently tight to prevent leakage, evaporation, or in the case of dry substance entrance of moisture, with a paper slip wrapped and pasted on the container in which the signature or thumb impression of the person, trader or manufacturer, from whom the goods are purchased shall be affixed :

Provided that in case the person, or trader or manufacturer from whom the goods are purchased, refuses to affix his signature or thumb-impression, the signature or thumb-impression of a witness shall be taken in the same manner.

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

- (i) Name and address of the appropriate laboratory to whom the sample will be sent for analysis and test ;
- (ii) Name and address of the District Forum :
- (iii) Case Number ;
- (iv) Nature of articles sent for analysis and test :
- (v) Seal of the District Forum.

(3) The container of sample shall be completely wrapped in fairly strong thick paper, the ends of the paper shall be neatly



folded in and affixed by means of gum or adhesive. The paper cover shall be further secured by means of strong twine or thread both above and across the container and the twine or thread shall then be fastened on the paper cover by means of sealing wax on which there shall be at least four distinct and clear impressions of the seal of which one shall be at the top of the packet, one at the bottom of the packet and the other two on the body of the packet. The knots of the twine or thread shall be covered by means of sealing wax bearing the impressions of the seal of the District Forum.

(4) One of the sealed containers will be retained by the District Forum for future reference and another will be sent to the appropriate laboratory by the District Forum for sending report within 45 days or within such extended time as may be granted by the District Forum, after specifying the nature of the defect alleged and date of submission of the report.

(5) The quantity of sample, in case of food samples, for analysis shall be as specified under Rule 22 of the Prevention of Food Adulteration Rules, 1955.

(6) A specimen impression of the seal used to seal the container of the sample packet will be sent to the appropriate laboratory separately by the District Forum.

(7) The amount of fees for carrying out the analysis of samples shall be decided in consultation with the concerned appropriate laboratory.

**7. Salary and other allowances and terms and conditions of the President and members of the State Commission.—**

(1) [The President of the State Commission shall receive the salary, allowances and other perquisites as are applicable to a

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<sup>1</sup> Substituted by G.O. Ms. No. 408. Co-operation, Food and Consumer Protection, dated 2nd September, 1992.

Judge of the High Court, if appointed on whole-time basis] or a consolidated honorarium of Rs. 200 (Rupees two hundred only) per day for the sitting if appointed on part time basis. Other members if sitting on whole-time basis, shall receive a consolidated honorarium of Rs. 3,000 (Rupees three thousand only) per month and if, sitting on part-time basis, a consolidated honorarium of Rs.150 (Rupees one hundred and fifty only) per day for the sitting. <sup>1</sup>[The members shall also receive the conveyance allowance of Rs. 1,000 (Rupees one thousand only) per month.]

(2) The President and the members of the State Commission shall be eligible for such travelling allowance an daily allowance an official tour as are admissible to Grade I Officer of the Tamil Nadu Government.

(3) The salary, honorarium, other allowances shall be defrayed out of the Consolidated Fund of the Government of Tamil Nadu.

(4) The President and the members of the State Commission shall hold office for a term of five years or upto the age of <sup>2</sup>[75 years] whichever is earlier and shall not be eligible for re-nomination :

Provided that President and members may :—

- (a) by writing under his hand and addressed to the State Government resign his office any time :
- (b) be removed from his office in accordance with provisions of sub-rule (5).

<sup>1</sup> Added by G.O. Ms. No. 408. Co-operation, Food and Consumer Protection, dated 2nd September, 1992.

<sup>2</sup> Substituted for the words "70 years" by No. S.R.O. A-79/90, dated 30th May 1990.

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(5) The Government of Tamil Nadu may remove from office President or member of the State Commission who, —

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

Provided that the President or a member shall not be removed from his office on the ground specified in clauses (d) and (e) and sub-rule (5) except on an inquiry held by the Government of Tamil Nadu in accordance with such procedure as it may specify in this behalf and finds the President or a member to be guilty on such ground.

<sup>1</sup>[(5-A) The Government of Tamil Nadu may, after giving reasonable opportunity of being heard, remove from office a member of the State Commission who has not attended two consecutive sittings of the State Commission without sufficient causes.]

(6) Before appointment, President and members of the State Commission shall have to take an undertaking that he does not

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<sup>1</sup> Inserted by G.O. Ms. No. 121, Co-operation Food and Consumer Protection, dated 24th June 1996.

and will not have any such financial or other interests as is likely to affect prejudicially his functions as President or a member.

(7) The terms and conditions of the service of the President and the members of the State Commission shall not be varied to their disadvantage during their tenure of office.

(8) Every vacancy caused by resignation and removal of the President or any other member of the State Commission under sub-rule (4) or otherwise shall be filled by fresh appointment.

(9) Where any such vacancy occurs in the office of the President of the State Commission, the senior most member (in order of appointment) holding office for the time being, shall discharge the functions of the President until, a person appointed to fill such vacancy assumes the office of the President of the State Commission.

(10) When the President of the State Commission is unable to discharge the functions owing to absence, illness or any other cause, the senior most member (in order of appointment) of the State Commission shall discharge the functions of the President until the day on which the President resumes the charge of his functions.

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

(12) In case of a difference in opinion among the members of the State 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.

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**8. Places of sitting and other matters relating to State Commission.**— (1) The office of the State Commission shall be located at Chennai.

(2) The working days and the office hours of the State Commission shall be the same as that of the Government of Tamil Nadu.

(3) The emblem and official seal of the State Government shall be as follows :—

**Emblem.**— The State Commission as Head of the Department shall use the State Emblem in their official letter heads, namely “single colour black Emblem in full with designation within two concentric arcs of two-thirds of a circle.”

**Seal.**— The seal shall have two concentric arcs of two-thirds of a circle with the inscriptions, namely, “STATE CONSUMER DISPUTES REDRESSAL COMMISSION” and with the State Emblem at the centre.

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

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

(6) The Government of Tamil Nadu shall appoint such staff, as may be necessary to assist the State Commission in its 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 the Government of Tamil Nadu.

(7) Where the opposite party admits the allegation made by the complainant, the State Commission shall decide the

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complaint on the basis of the merit of the case and documents presented before it.

(8) If during the proceedings conducted under Section 13, State Commission fixes a date for hearing of the parties, it shall be obligatory on the complainant and opposite party or his authorised agent to appear before the State Commission on such date of hearing or any other date to which hearing could be adjourned. Where the complainant or his authorised agent fails to appear before the State Commission on such day, the State Commission may in its discretion either dismiss the complaint for default or decide it on merits. Where the opposite party or its authorised agent fails to appear on the day of hearing, the State Commission may decide the complaint *ex-parte*.

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

(10) Orders of the State Commission shall be signed and dated by the members of the State Commission constituting the Bench and shall be communicated to the parties free of charge.

**9. Procedure for hearing appeal.**— (1) Memorandum shall be presented by the appellant or his authorised agent to the State Commission in person or sent by registered post addressed to the Commission.

(2) Every memorandum filed under sub-rule (1) shall be in legible handwriting preferably typed and shall set-forth

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concisely under distinct heads, the grounds of appeal without any argument or narrative and such ground shall be numbered consecutively.

(3) Each memorandum shall be accompanied by the certified copy of the order of the District Forum appealed against and such of the documents as may be required to support grounds of objection mentioned in the memorandum.

(4) When the appeal is presented after the expiry of period of limitation as specified in the Act, Memorandum shall be accompanied by an application supported by an affidavit setting forth the fact on which appellant relies to satisfy the State Commission that he has sufficient cause for not preferring the appeal within the period of limitation.

(5) The appellant shall submit four copies of the memorandum to the State Commission for official purposes.

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

(7) The appellant shall not, except by leave of the State Commission, urge or be heard in support of any ground of objections not setforth in the memorandum but the State Commission, in deciding the appeal, shall not confine to the grounds of objection setforth in the memorandum or taken by leave of the State Commission under this Rule :

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Provided that the Commission shall not rest its decision on any other grounds other than those specified unless the party who may be affected thereby, has been given at least one opportunity of being heard by the State Commission.

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

(9) Order of the State Commission on appeal shall be signed and dated by the members of the State Commission constituting the Bench and shall be communicated to the parties free of charge.

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