

Govt. of Bihar
Food & Consumer Protection Department

Notification

No. P2B1-35/2015-----5111

Food/Patna/Dated 19.08.2016

In exercise of the powers conferred under sub section (2) of Section 30 of the Consumer Protection Act, 1986, the Governor of Bihar is pleased to make the following rules to make amendment in "The Bihar Consumer Protection Rule 1987. (as amended from time to time)".

1. Short title extent and commencement – (1) These Rules may be called "The Bihar Consumer Protection (Amendment) Rules 2016"

(2) It shall extend to the whole of the State of Bihar.

(3) It shall come into force on such date as may be appointed by the state Government, by notification, in the Bihar Gazette.

2. The following new Sub Rule (1B) shall be added after sub rule (1A) of Rule-3 of the said Rule, 1987.

(1B) Procedure for selection of Members- (i) Save as otherwise provided in clause (ii) the process of appointment of a Member shall be initiated at least three months before the vacancy arises.

(ii) If a post falls vacant due to resignation or death of a Member or creation of new post, the process for filling the post shall be initiated immediately after the post has fallen vacant or is created, as the case may be.

(iii) An advertisement of vacancy inviting applications from eligible candidates may be published in leading newspapers in Bihar or by vacancy circulars or both, as may be decided by the State Government.

(iv) At District level there shall be a District Screening Committee consisting of the following, namely

District & Session Judge	-	Chairman
President, District Consumer Forum	-	Member
District Magistrate	-	Member

After receipt of applications against the published advertisement, the District Screening Committee shall send a list alongwith applications of all the eligible candidates who fulfill the qualifications for the post of members to the Selection Committee constituted under sub section (1-A) of section 10 of The Consumer Protection Act 1986 .

(v) The Selection Committee shall consider all the applications of eligible applicants referred to it.

(vi) The Selection Committee shall, subject to the provisions of clause (vii), assess the suitability of the candidates for the post of Member.

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Provided that the Selection Committee may, if it considers necessary, depending on the number of candidates, short list them on the basis of comparative merit and experience of such candidates for selection.

(vii) The Selection Committee shall assess the suitability of the candidates and where short listing is done, from among the short-listed candidates, for the post of Member in the following manner, namely:-

(a) In the case of candidates having judicial background, by assessing them on the basis of the judgments and other judicial orders passed by such candidates;

(b) In the case of candidates having experience of working under the Central Government or any State Government or an undertaking under the Central Government or a State Government, by assessing such candidates on the basis of their Annual Confidential Reports and their experience relevant to the post applied for;

(c) In other cases, the suitability of the short listed candidates shall be assessed by the Selection Committee on the basis of personal interview conducted by it:

Provided that notwithstanding anything contained in this sub-rule, the Selection Committee may, for assessing the suitability of candidates of a class or category, if it considers necessary, call such class or category of candidates for interview for assessing their suitability for the post of Member.

(viii). The selection committee may, on the basis of its assessment made by it, recommend a panel of names of candidates for appointment as Members from amongst the applicants referred to in clause (v) in order of merit for the consideration of the State Government.

(ix). The State Government shall, verify or cause to be verified the credentials and antecedents of the candidates selected by the State Government from the panel recommended by the Selection Committee and satisfy the suitability of such candidates for appointment as Members.

(x). Every appointment of a member shall be subject to the submission of a certificate of physical fitness in the prescribed format, signed by a Civil Surgeon or District Medical Officer, to the President, District Consumer Forum.

3. Any circular or order made by the State Government earlier repugnant to this amendment shall be deemed repealed.

By order of Governor of Bihar,

(Dr. Deepak Prasad)

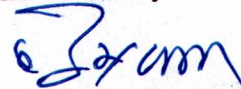
Principal Secretary

Memo No.- Sec 02 B1-35/15 5111 Food/Patna/Dated 19.08.2016
Copy Forwarded to- Governor Secretariat, Bihar, Patna/ Chief Minister Secretariat/Private Secretary to Hon'ble Minister, Food & Consumer Protection Department, Bihar, Patna/Chief Secretary, Bihar/ Development Commissioner, Bihar/All Principal Secretary/Secretary/All Divisional Commissioner/All District Magistrate/Director, Information and Public Relation Department, Bihar, Patna for information and necessary action.



Principal Secretary

Memo No.- Sec 02 B1-35/15 5111 Food/Patna/Dated 19/8 19.08.2016
Copy Forwarded to- Registrar, State Commission, Consumer Protection, Bihar, Patna/ All President, District Consumer Fora for information and necessary action.



Principal Secretary

Memo No.- Sec 02 B1-35/15 5111 Food/Patna/Dated 19/8 19.08.2016
Copy Forwarded to- Secretary, Ministry of Consumer Affairs, Food & Public Distribution, Government of India, Krishi Bhawan, New Delhi/Registrar, National Consumer Disputes Redressal Commission, New Delhi for information.



Principal Secretary

Memo No.- Sec 02 B1-35/15 5111 Food/Patna/Dated 19/8 19.8.2016
Copy Forwarded to- Joint Secretary, E-Gudget Cell, Finance Department, Bihar, Patna with English version of subject in MS.Word and two hardcopies for information and immediate publication in special edition of Bihar Gudget.
Enclosure- As mentioned above.



Principal Secretary

Memo No.- Sec 02 B1-35/15 5111 Food/Patna/Dated 19/8 19.08.2016
Copy Forwarded to- IT Manager, Food & Consumer Protection Department, Bihar, Patna for E-mail and to upload the notification on Departmental website.



Principal Secretary