

Consumer Protection Act, 1986

Section 20 - Composition of the National Commission

(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:

1 [Provided that no appointment under this clause shall be made except after consultation with the Chief Justice of India;]

2 [(b) not less than four, and not more than such number of members, as may be prescribed, and one of whom shall be a woman, who shall have the following qualifications, namely:--

(i) be not less than thirty-five years of age;

(ii) possess a bachelor's degree from a recognised university; and

(iii) be persons of ability, integrity and standing and have adequate knowledge and experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration:

Provided that not more than fifty per cent, of the members shall be from amongst the persons having a judicial background.

Explanation.--For the purposes of this clause, the expression "persons having judicial background" shall mean persons having knowledge and experience for at least a period of ten years as a presiding officer at the district level court or any tribunal at equivalent level:

Provided further that a person shall be disqualified for appointment, if he--

(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

(b) is an undischarged insolvent; or

(c) is of unsound mind and stands so declared by a competent court; or

(d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or

(e) has, in the opinion of the Central Government, such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member; or

(f) has such other disqualifications as may be prescribed by the Central Government:

Provided also that every appointment under this clause shall be made by the Central Government on the recommendation of a Selection Committee consisting of the following, namely:--

(a) a person who is a Judge of the Supreme Court, to be nominated by the Chief Justice of India --Chairman;

(b) the Secretary in the Department of Legal Affairs in the Government of India--Member;

(c) Secretary of the Department dealing with consumer affairs in the Government of India-- Member.]

3 [(1A) (i) The jurisdiction, powers and authority of the National Commission may be exercised by Benches thereof.

(ii) A Bench may be constituted by the President with one or more members as the President may deem fit.

(iii) If the members of a Bench differ in opinion on any point, the points shall be decided according to the opinion of the majority, if there is a majority, but if the members are equally divided, they shall state the point or points on which they differ, and make a reference to the President who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more of the other members and such point or points shall be decided according to the opinion of the majority of the members who have heard the case, including those who first heard it.]

(2) The salary or honorarium and other allowances payable to and the other terms and conditions of service 4 [* * *] of the members of the National Commission shall be such as may be prescribed by the Central Government.

5 [(3) Every member of the National Commission shall hold office for a term of five years or up to the age of seventy years, whichever is earlier:

Provided that a member shall be eligible for re-appointment for another term of five years or up to the age of seventy years, whichever is earlier, subject to the condition that he fulfils the qualifications and other conditions for appointment mentioned in clause (b) of sub-section (1) and such re-appointment is made on the basis of the recommendation of the Selection Committee:

Provided further that a person appointed as a President of the National Commission shall also be eligible for re-appointment in the manner provided in clause (a) of sub-section (1):

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

(4) Notwithstanding anything contained in sub-section (3), a person appointed as a President or as a member before the commencement of the Consumer Protection (Amendment) Act, 2002 shall continue to hold such office as President or member, as the case may be, till the completion of his term.]

1. Inserted by Act 50 of 1993, section 16 (w.r.e.f. 18-6-1993).

2. Substituted by Act 62 of 2002, section 18, for clause "(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 every appointment under this clause shall be made by the Central Government on the recommendation of a selection committee consisting of the following, namely:--

(a) a person who is a Judge of the Supreme Court, to be nominated by the Chief Justice of India --Chairman.

(b) the Secretary in the Department of Legal Affairs in the Government of India --Member.

(c) Secretary of the Department dealing with consumer affairs in the Government of India -- Member."

(w.e.f. 15-3-2003).

3. Inserted by Act 62 of 2002, section 18 (w.e.f. 15-3-2003).

4. The words "(including tenure of office)" omitted by Act 50 of 1993, section 16 (w.r.e.f. 18-6-1993).

5. Inserted by Act 50 of 1993, section 16 (w.e.f. 18-6-1993) and again Substituted by Act 62 of 2002, section 18, for sub-section "(3) Every member of the National Commission shall hold office for a term of five years or up to the age of seventy years, whichever is earlier and shall not be eligible for re-appointment. And sub-section "(4) Notwithstanding anything contained in sub-section (3), a person appointed as a President or as a member before the commencement of the Consumer Protection (Amendment) Act, 1993, shall continue to hold such office as President or member, as the case may be, till the completion of his term." (w.e.f. 15-3-2003).