



CONSUMER ADVOCACY GROUP

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The Hon'ble Minister
Ministry of Consumer Affairs, Government of India
New Delhi

25 June 2025

Subject: Suggestions for Framing New Rules under Consumer Protection Act, 2019

Respected Sir/Madam,

The *Think Tank Group* of the Consumer Advocacy Group expresses its deep appreciation for the Hon'ble Supreme Court's recent judgment on the structure and functioning of Consumer Commissions. We are especially grateful that the Court has categorically affirmed that consumer protection is a constitutional obligation. This significant observation settles the long-standing debate regarding the constitutional legitimacy of the Consumer Protection Act.

The Consumer Protection Act, in both its 1986 and 2019 versions, was envisioned as a unique, accessible, and citizen-friendly legal mechanism. Over the last 38 years, consumer forums across the country have played a pivotal role in redressing consumer grievances. Their quasi-judicial nature, combined with participation from both judicial and non-judicial members, has ensured a balanced approach to dispute resolution. The Supreme Court judgment now presents an opportunity to strengthen this framework further through revised rules under the 2019 Act.

We submit that term-based appointments should be retained. The Hon'ble Court in its judgment (para 102) has directed the Union of India to explore the feasibility of setting up permanent adjudicatory forums. However, in para 30 of the same judgment, it has also expressed reservations about doing away with term-based

appointments. We believe that the existing system, which allows qualified individuals from different professional and social backgrounds to participate as members for a defined period, enhances inclusivity and should not be diluted by making these forums permanent and fully judicial.

The judgment also recommends a five-year tenure for members, which we fully support. A fixed five-year term is both logical and necessary to maintain institutional continuity while also allowing regular infusion of new ideas and perspectives. We urge that this tenure be formally incorporated into the revised rules.

With regard to the written examination proposed for non-judicial members, we note that the current design of the syllabus focusing on constitutional law, consumer laws, and general legal knowledge may unintentionally favour law graduates. This stands in contrast to the 1993 amendment to the 1986 Act, which clearly permitted any graduate to be considered for membership. We recommend that the syllabus be reconsidered or broadened to ensure that graduates from all disciplines can compete fairly and contribute meaningfully to the adjudicatory process.

We also highlight the financial implications of the increased remuneration for Commission members. Several States and Union Territories have expressed concern about the strain on their budgets. We request that the Union Government explore options for reimbursing these expenses, either fully or partially, to ensure uniform application of the rules across all States and UTs without disparity.

Further, we believe that members eligible for reappointment should not be required to undergo the selection process again. If a member has completed a successful term and meets all eligibility criteria, reappointment should be seamless and without a break. This would ensure institutional continuity and encourage experienced members to continue contributing.

Regarding the composition of the selection committee, we respectfully suggest a more balanced structure. While judicial involvement is important, we caution against judicial dominance. The selection committee should ideally include a subject expert in consumer affairs, the president of the State Commission, a nominee of the Chief Justice of the High Court, and a representative of the State Government. This will preserve the quasi-judicial nature of the forums and allow a broader range of insights to inform appointments.

We further submit that the unique strength of Consumer Commissions lies in the involvement of lay members who often bring user-friendly, real-world perspectives to their decision-making. Excessive judicialization of these bodies may make them less accessible and more formalistic, thereby distancing them from the very consumers they are intended to serve.

Another important concern is the delay caused when amended rules are challenged in court. These legal hurdles often bring the entire appointment process to a halt. We urge the Government to consider mechanisms such as legislative clarity, transitional provisions, or validation clauses to ensure smoother implementation even if litigation arises.

Lastly, we recommend that the process of appointing members be initiated at least one year in advance of any anticipated vacancy. This will allow for structured induction and prevent gaps in adjudication. Selected members should also undergo mandatory training of at least three months at judicial academies or consumer affairs training centres before assuming office. Such training will enhance their readiness and improve the quality of adjudication.

In conclusion, we sincerely request the Ministry to take these recommendations into account while drafting the new rules under the Consumer Protection Act, 2019. We also appeal to the Ministry to convene a stakeholder consultation before finalising the rules, so that inputs from all relevant sectors government, judiciary, civil society, and the consumer movement can be considered in a collaborative spirit.

We remain available for any clarifications that may be required and reaffirm our commitment to strengthening India's consumer protection framework.

Thanking you,

Yours sincerely,

For Consumer Advocacy Group

Sd/-

Secretary General

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