

THE CONSUMER PROTECTION (AMENDMENT) ACT, 1991

No. 34 OF 1991

[16th August, 1991.]

An Act to amend the Consumer Protection Act, 1986.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title
and com-
mence-
ment.

1. (1) This Act may be called the Consumer Protection (Amendment) Act, 1991.

(2) It shall be deemed to have come into force on the 15th day of June, 1991.

Amend-
ment of
section 14.

2. In section 14 of the Consumer Protection Act, 1986 (hereinafter referred to as the principal Act), for sub-section (2), the following sub-sections shall be substituted, namely:—

68 of 1986.

“(2) Every proceeding referred to in sub-section (1) shall be conducted by the President of the District Forum and at least one member thereof sitting together:

Provided that where the member, for any reason, is unable to conduct the proceeding till it is completed, the President and the other member shall conduct such proceeding *de novo*.

(2A) Every order made by the District Forum under sub-section (1) shall be signed by its President and the member or members who conducted the proceeding:

Provided that where the proceeding is conducted by the President and one member and they differ on any point or points, they shall state the point or points on which they differ and refer the same to the other member for hearing on such point or points and the opinion of the majority shall be the order of the District Forum.”

Insertion
of new
section 18A.

3. After section 18 of the principal Act, the following section shall be inserted, namely:—

Vacancy
in the
office
of the
President.

“18A. When the office of the President of the District Forum or of the State Commission, as the case may be, is vacant or when any such President is, by reason of absence or otherwise, unable to perform the duties of his office, the duties of the office shall be performed by such person, who is qualified to be appointed as President of the

District Forum or, as the case may be, of the State Commission, as the State Government may appoint for the purpose."

4. After section 29 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 29A.

"29A. No act or proceeding of the District Forum, the State Commission or the National Commission shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof."

Vacancies or defects in appointment not to invalidate orders.

5. Notwithstanding anything contained in any law or any judgment, decree or order of any court, tribunal or other authority, any order made by the District Forum or the State Commission under the principal Act, which would have been validly made if the amendments made to the principal Act by this Act were in force on the date of such order, shall be deemed to have been validly made as if the amendments made to the principal Act by this Act were in force at all material times when such order was made.

Validation of certain orders, etc.

6. (1) The Consumer Protection (Amendment) Ordinance, 1991, is hereby repealed.

Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act as amended by this Act.

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