

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 1144/2021

I N R E P A Y A N D A L L O W A N C E O F T H E M E M B E R S O F T H E U . P . S T A T E
C O N S U M E R D I S P U T E S R E D R E S S A L C O M M I S S I O N

[TO BE TAKEN UP AT 2.00 P.M.]

(IA No. 86081/2025 - APPLICATION FOR PERMISSION
IA No. 20894/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 16470/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 195730/2022 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 151479/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 96450/2023 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 113527/2022 - CLARIFICATION/DIRECTION
IA No. 97827/2022 - CLARIFICATION/DIRECTION
IA No. 21231/2022 - EXEMPTION FROM FILING O.T.
IA No. 89619/2023 - EXEMPTION FROM FILING O.T.
IA No. 152148/2021 - EXEMPTION FROM FILING O.T.
IA No. 136575/2023 - EXEMPTION FROM FILING O.T.
IA No. 87900/2025 - INTERVENTION APPLICATION
IA No. 16468/2023 - INTERVENTION APPLICATION
IA No. 30990/2025 - INTERVENTION APPLICATION
IA No. 113518/2022 - INTERVENTION APPLICATION
IA No. 151478/2021 - INTERVENTION APPLICATION
IA No. 97777/2022 - INTERVENTION APPLICATION
IA No. 20892/2022 - INTERVENTION/IMPLEADMENT
IA No. 85485/2025 - INTERVENTION/IMPLEADMENT
IA No. 132470/2023 - INTERVENTION/IMPLEADMENT
IA No. 30991/2025 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

WITH W.P.(C) No. 613/2022

(IA No. 83076/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 83080/2024 - EXEMPTION FROM FILING O.T.
IA No. 66372/2024 - EXEMPTION FROM FILING O.T.
IA No. 110864/2022 - EXEMPTION FROM FILING O.T.
IA No. 110863/2022 - GRANT OF INTERIM RELIEF)

T.C.(C) No. 17/2025

W.P.(C) No. 229/2025

(IA No. 72391/2025 - EXEMPTION FROM FILING O.T.)

Date : 19-05-2025 These matters were called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN**

By Courts Motion

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UPON hearing the counsel the Court made the following
O R D E R

1. The Consumer Protection Act, 2019 (for short, "the 2019 Act") was brought into force in two stages; on 20th July, 2020 and 24th July, 2020. Section 102 of the 2019 Act provides for the power of the State Government to make Rules.

2. Section 102 of the 2019 Act reads thus:

“102. Power of State Government to make rules. -

(1) The State Governments may, by notification, make rules for carrying out the provisions of this Act:

Provided that the Central Government may, frame model rules in respect of all or any of the matters with respect to which the State Government may make rules under this section, and where any such model rules have been framed in respect of any such matter, they shall apply to the State until the rules in respect of that matter is made by the State Government and while making any such rules, so far as is practicable, they shall conform to such model rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the other class or classes of persons including public utility entities under clause (19) of section 2;

(b) the contest, lottery, game of chance or skill which are to be exempted under item (b) of sub-clause (iii) of clause (47) of section 2;

(c) the number of other official or non-official members of the State Council under clause (b) of sub-section (2) of section 6;

(d)the time and place of meeting of the State Council and the procedure for the transaction of its business under sub-section (4) of section 6;

(e)the number of other official and non-official members of District Council under clause (b) of sub-section (2) of section 8;

(f)the time and place of meeting of the District Council and procedure for the transaction of its business under sub-section (4) of section 8;

(g)the number of members of the District Commission under clause (b) of sub-section (2) of section 28;

(h)the salaries and allowances payable to, and other terms and conditions of service of, the President and members of the District Commission under section 30;

(i)the salaries and allowances payable to, and other terms and conditions of service of, the officers and other employees of the District Commission under sub-section (3) of section 33;

(j)the manner of authentication of goods sampled by the State Commission and the District Commission under clause (c) of sub-section (2) of section 38;

(k)the manner of depositing fifty per cent. of the amount before filing appeal under second proviso to section 41;

(l)the number of members of the State Commission under sub-section (3) of section 42;

(m)the salaries and allowances payable to, and other terms and conditions of service of, the President and members of the State Commission under section 44;

(n)the salaries and allowances payable to, and other terms and conditions of service of, the officers and other employees of the State Commission under sub-section (3) of section 46;

(o)the form in which the State Commission shall furnish information to the State Government under sub-section (5) of section 70;

(p)the persons in the consumer mediation cell under sub-section (3) of section 74;

(q)any other matter which is to be, or may be prescribed, or in respect of which provisions are to be, or may be, made by rules."

(underlines supplied)

3. The Central Government exercises power under the proviso to sub-section (1) Section 102 of the 2019 Act and framed the Consumer Protection (Salary, allowances and conditions of service of President and Members of the State Commission and District Commission) Model Rules, 2020 (for short 'the Model Rules') which came into force on 20th July, 2020. We are concerned with Rules 3 and 4 of the Model Rules which read thus:

"3. Salaries and allowances payable to President and members of District Commission. -

(1) The President shall be entitled to the salary and allowances as are admissible to a District Judge in the super time scale of pay.

(2) A Member shall receive a pay equal to the pay at the minimum of the scale of pay of a Deputy Secretary of the State Government and other allowances as admissible to such officer.

(3) The pay of a person appointed as President or member, who is in receipt of any pension, shall be reduced by the gross amount of pension drawn by him.

(4) There shall be an annual upward revision of the pay of the President and member at the rate of 3%.

4. Salaries and allowances payable to President and members of the State Commission. -

(1) President of the State Commission shall receive the salary and other allowances as are admissible to a sitting judge of the High Court of the State.

(2) A Member of the State Commission shall receive a pay equivalent to the pay at minimum of the scale of pay of an Additional Secretary of the State government and other allowances as are admissible to such officer.

(3) The pay of a person appointed as President or member, who is in receipt of any pension, shall be reduced by the gross amount of pension drawn by him.

(4) There shall be an annual upward revision of the pay of a member at the rate of 3%."

4. Rules 7, 8 and 9 deal with house rent allowance, transport allowance, leave, medical treatment and hospital facilities to the President and Members of the State Commission and District Commission. After the Model Rules came into force on 20th July, 2020, many States exercised the rule-making power under subsection (2) of Section 102 of the 2019 Act and framed the rules. As can be seen from the affidavits filed on record, there is a lot of variance when it comes to the pay and allowances admissible to the Members of the State Commission and to the Presidents and Members of the District Commission in different States. As a result, in some States, they are receiving a bare minimum amount by way of salary.

5. The 2019 Act has been enacted to provide for better protection of the interests of consumers and, for that purpose, to make provisions for the establishment of the consumer councils and other authorities for the settlement of consumer disputes. Under the 2019 Act, under Chapter IV, the District Consumer Disputes Redressal Commission (District Commission) and State Consumer Disputes Redressal Commission have been set up to deal with the redressal of consumer disputes. Vast powers have been conferred on these authorities.

6. Unless the Chairpersons or the Members are paid proper remuneration and allowances, they will not be able to discharge their duties effectively.

7. As there is a lot of variance in the rules framed by the various State Governments, this is a fit case to exercise our jurisdiction under Article 142 of the Constitution of India for laying down a uniform pattern of service conditions insofar as the salary and allowances are concerned.

8. Sub-rule (1) of Rule 3 of the Model Rules provides that the President of the District Commission shall be entitled to salary and allowances, as are admissible to a District Judge in super-time scale of pay and a member of the District Commission is entitled to receive pay equal to that of the pay at minimum of the scale of pay of a Deputy Secretary of the State Government and other allowances admissible to such officers. As regards the members of the State Commission, they are entitled to pay equivalent to the pay at the minimum scale of pay of an Additional Secretary of the State Government and allowances as are admissible to such officers. As far as the President of the State Commission is concerned, Rule 4 of the Model Rules provides that the President of the State Commission shall receive salary and other allowances, as admissible to a sitting Judge of the High Court of the State.

9. Therefore, we direct that Rule 4 of the Model Rules shall be followed by all States and Union Territories with the following modifications till further orders are passed by this Court:

(i) A Member of the State Commission shall be entitled to receive the pay and allowances admissible to a District Judge in super-time scale of pay;

(ii) As regards the President of the District Commission, we direct that he shall receive the pay and allowances admissible to a District Judge in the super-time scale of pay, as prescribed by recommendations to the 2nd National Judicial Pay Commission;

(iii) As far as the Members of the District Commission are concerned, we direct that they shall receive the pay and allowances, as admissible to a District Judge in Selection Grade at entry level, as prescribed by the recommendations of the 2nd National Judicial Pay Commission;

(iv) To the categories covered by (i) to (iii), Rules 7 to 9 of the Model Rules will not apply as they will get the allowances and perquisites attached to the posts of District Judge (super-time) or District Judge (selection grade), as the case may be;

(v) We also direct that the 'last pay drawn' by the Presidents/Members of the State and District Commissions shall be protected, in the event it is higher than the pay and allowances prescribed under these directions.

It is obvious that the Members and the Presidents of the State and the District Commission shall be entitled to draw the pay minus pension, if any, admissible to them.

(vi) We also make it clear that artificial distinctions such as part-time versus full-time and judicial versus non-judicial for the purposes of the pay and allowances are not contemplated by the 2019 Act. We also make it clear that all individuals who discharge such duties shall be treated as full-time Members/Chairpersons;

(vii) We make it clear that the above directions will apply uniformly in all States and Union Territories. However, if any State or Union Territory is paying more remuneration and allowances than what is directed as above, the same shall remain protected;

(viii) We direct that the pay and allowances, as directed above, shall be effective from 20th July, 2020. The arrears payable shall be released within a period of six months from today; and

(ix) It will be open for the State Governments and the Union Territories to amend the Rules framed by them in exercise of powers under Section 102 of the 2019 Act by making them conform to the directions issued in this order.

10. To be listed on 22nd September, 2025, for reporting compliance by the States and the Union Territories.

11. We direct the State Governments and the Union Territories to submit compliance reports to the office of the learned senior counsel appointed as amicus curiae so that he can compile and assist the Court.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER