

The Consumer Protection (Mediation) Rules, 2020

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The Consumer Protection (Mediation) Rules, 2020¹

In exercise of the powers conferred by sub-section (1) and clauses (r) and (zf) of sub-section (2) of Section 101 of the Consumer Protection Act, 2019 (35 of 2019), the Central Government hereby makes the following rules, namely:—

1. Short title and commencement.—(1) These rules may be called the Consumer Protection (Mediation) Rules, 2020.

(2) They shall come into force on the 20th day of July, 2020.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

- (a) “Act” means the Consumer Protection Act, 2019 (35 of 2019);
- (b) “Commission” means District Commission, State Commission or National Commission, as the case may be;
- (c) “mediation cell” means a consumer mediation cell established in accordance with the provisions of Section 74;
- (d) “panel” means a panel of mediators prepared by the Commission under sub-section (1) of Section 75;
- (e) “Parties” means parties to a dispute;
- (f) “Settlement” means a settlement arrived at in the course of mediation.

(2) All other words and expressions used in the rules and not defined but defined in the Consumer Protection Act, 2019 (35 of 2019) shall have the meanings respectively assigned to them in the Act.

3. Mediation Cell.—(1) Every Mediation Cell set up in a Commission, shall have a panel of mediators on the recommendation of a selection committee consisting of the President and a member of that Commission.

(2) The Mediation Cell shall have such support staff as may be decided by the President of that Commission in consultation with the concerned Government and that Government shall provide all administrative assistance and infrastructure facilities required by the Commission

4. Matters not to be referred to mediation.—The following matters shall not be referred to mediation, namely:—

- (a) the matters relating to proceedings in respect of medical negligence resulting in grievous injury or death;
- (b) matters which relate to defaults or offences for which applications for compounding of offences have been made by one or more parties;
- (c) cases involving serious and specific allegations of fraud, fabrication of documents, forgery, impersonation, coercion;

1. Ministry of Consumer Affairs, Food and Public Distribution (Deptt. of Consumer Affairs), Noti. No. G.S.R. 450(E), dated July 15, 2020 and published in the Gazette of India, Extra., Part II, Section 3(i), datd 15th July, 2020, pp. 3-4, No. 346

- (d) cases relating to prosecution for criminal and non-compoundable offences;
- (e) cases which involve public interest or the interest of numerous persons who are not parties before the Commission:

Provided that, in any case other than those mentioned in this rule, the Commission before which the case is pending may choose not to refer it to mediation if it appears to the Commission that no elements of a settlement exist which may be acceptable to the parties or that mediation is otherwise not appropriate having regard to the circumstances of the case and the respective positions of the parties.

5. Refund of fee.—Where the Commission refers the parties to mediation, the complainant shall be entitled to receive full amount of application fee paid in respect of such complaint, if a settlement is reached between such parties.

6. Resort to arbitral or judicial proceedings.—The parties shall not initiate any arbitral or judicial proceedings in respect of a matter which is the subject-matter of the mediation and also when such parties have expressly undertaken not to initiate any such proceeding.

7. Settlement agreement not to be discharged by death of party thereto.—(1) A settlement agreement shall not be discharged by the death of any party thereto and shall be enforceable by or against the legal representative of the deceased party.

(2) Nothing in this rule shall affect the operation of any law by virtue of which any right of action is extinguished by the death of a person.
