

The Consumer Protection Act, 2075 (2018)

Date of Authentication

2075/6/2 (18 September 2018)

Act Number 10 of the year 2075 (2018)

An Act Made to Provide for Amendment and Consolidation of Laws Relating to Consumer Protection

Preamble:

Whereas, it is expedient to make amendment to and consolidation of the legal provisions relating to consumer protection in order to protect and promote constitutional rights of the consumers to obtain quality goods and services, to provide judicial remedy for the enforcement of the rights obtained by the consumers, and provide compensation for harm and injury likely to be caused to the consumers;

Now, therefore, be it enacted by the Federal Parliament.

Chapter-1

Preliminary

- 1. Short Title and Commencement:** (1) This Act may be cited as the "Consumer Protection Act, 2075 (2018)."
 - (2) This Act shall commence immediately.
- 2. Definition:** Unless the subject or the context otherwise requires, in this Act,-
 - (a) "Court" means the Consumer Court referred to in Section 41.
 - (b) "Unfair trade and business" means any activity referred to in Section 16.
 - (c) "Production" means the process of producing, preparing, refining, changing, mixing, packaging or repackaging, assembling or labeling, or any or all the processes to be adopted in this regard
 - (d) "Consumer" means a person or institution that consumes or uses any goods or services.
 - (e) "Consumer association" means the institution established under the prevailing law with the objective of protecting and promoting the rights and welfare of the consumers.
 - (f) "Central Monitoring Committee" means the Central Market Monitoring Committee referred to in Section 25.

- (g) "Sub-standard goods" means consumer goods of any of the following conditions:
- (1) Goods the quality of which falls short of the standards determined under Section 6 or in which the quantity of an essential ingredient has been lowered, or any other material has been mixed.
 - (2) Goods which are stale, rotten or stored or prepared in dirty or toxic conditions or in which any chemical, colour or flavour has been used, so that they become harmful to human health,
 - (3) Goods which are fully or partly made of any diseased or disease-generating animals or birds or harmful vegetation,
 - (4) Goods which are produced, transported, hoarded, stored or sold without meeting the standard prescribed,
 - (5) Goods which have no quality of consumable goods if it is prescribed, and as mentioned by the producer, if it is not prescribed,
 - (6) Goods the quality of which falls short of the minimum necessary standards or exceeds the maximum standards prescribed, if any, in this Act or in the rules framed under this Act.
- (h) "Prescribed" or "as prescribed" means prescribed or as prescribed in the rules framed under this Act.
- (i) "Inspection Officer" means the Inspection Officer appointed or designated pursuant to Section 32.
- (j) "Council" means the Consumer Protection Council to be formed pursuant to sub-section (1) of Section 22.
- (k) "Laboratory" means the body established with the objective of testing the purity, perfection or quality of the goods and recognized by the Government of Nepal.
- (l) "Ministry" means the Ministry of Industry, Commerce and Supply of the Government of Nepal.
- (m) "Label" means a tag, sign, picture or other descriptive thing written, printed, lithographed, signed, embossed, included or displayed in

any other manner, in or on the goods or the container containing such goods.

- (m) "Goods" means the substance which the consumers consume or use or the materials made of the mixture of goods which do not inflict harm and injury or any kind of side effect to health, and this term also includes the raw material, colour, fragrance or chemical to be used in the production of such goods.
- (n) "Price of goods" means the price the price labeled at the time of production, maximum retail price (M.R.P.), the price fixed in the import declaration form or the price fixed at the source by the producer.
- (o) "Seller" means the person, firm, company or institution that sells and distributes goods or services.
- (p) "Department" means the Commerce, Supplies and Consumer Welfare Protection Department.
- (q) "Service" means electricity, drinking water supply, telephone, information technology, health, education and consultation, transport, drainage, banking or other services of similar nature, and this term also includes legal, medical or engineering services.
- (r) "Defective product" means any goods or services that do not contain such minimum safety measures due to any of the following as are reasonably expected by the general people while using any product:
 - (1) defective design, construction, refinement, mixture or installation,
 - (2) defective packaging, protection or storage,
 - (3) defective presentation,
 - (4) lack of sufficient measure or precaution to control the potential risk or hazard as per the nature of the produced goods or services,
 - (5) product which is different or pirated or imitated from the product produced by the manufacturing company possessing the intellectual property right.

Chapter-2

Provisions Relating to Consumers Protection

3. Rights of the consumer: (1) Every consumer shall have the right to obtain quality goods and services.

(2) Without prejudice to the generality of sub-section (1), for the purpose of protecting the rights, interests and concern of the consumers, every consumer shall have the following rights:

- (a) right of easy access to goods or services,
- (b) right to choose quality goods or services at the fair competitive price,
- (c) right to be informed of the price, quantity, purity, quality etc. of the goods or services,
- (d) right to obtain information from the producer, importer or seller regarding the quantity, ingredient or percentage of the substances contained in the goods made of or produced with the mixture of two or more than two substances,
- (e) right to be safe from the sale and distribution of the goods and services that inflict harm to the human body, life, health and property,
- (f) right to get appropriate legal action taken against the unfair trade and business activities,
- (g) right to obtain compensation against harm and injury caused with the use of goods or services,
- (h) right to receive remedy or hearing from the competent authority or entity on the protection of the rights and interests of the consumers,
- (i) right to get consumer education.

4. Regulation of goods or services: (1) The Government of Nepal shall regulate the supplies, price, quality, measurement, label, advertisement of the goods and services regularly in order to protect the rights of the consumers.

(2) The Ministry shall perform the following functions in conducting regulation pursuant to sub-section (1):

- (a) to implement the policy relating to quality, price determination and supply system of goods or services,
- (b) to prevent or control monopoly or unfair trade activities that cause or possibly cause adverse impact upon the rights and

interests of the consumers, or to formulate and implement a plan of action in this regard,

- (c) to maintain fair market by continuously analyzing and reviewing the condition of demand and supply of the goods or services used within the country,
- (d) to make necessary provisions to prevent and control the price determined or increased in an undesired manner by the producer, seller or distributor of the goods or services,
- (e) to facilitate the supply system through the institutions or private firms or companies having full or partial ownership of the Government of Nepal in order to ensure the supplies of the food and other goods for the consumers at a fair price and easy manner,
- (f) to fix the maximum quantity of the storage of the goods in any special circumstance, or at any particular place, for the period prescribed,
- (g) to receive foods from the producers at the prescribed price and sell them to the general people with determining certain quantity of such foods in case there is a shortage of any foods produced within Nepal,
- (h) to make necessary provision to maintain uniformity in the price in general, by managing wholesale or retail business,
- (i) to coordinate with the concerned agencies to prevent artificial shortage of any goods or services from occurring or to regularly distribute the goods in all places, for protecting the rights of the consumers and regulating the supply system,
- (j) to regulate the sale and distribution system of goods, and control the act of creating scarcity or black-marketing in an inappropriate manner or the unfair business activities.

(3) The Government of Nepal may, in order to protect the rights of the consumers, regulate the supply system and control the price and quality of the goods and services, make necessary policy and institutional provisions from time to time.

(4) The provision referred to in sub-section (3) shall have to be implemented as prescribed.

5. Quality of goods and services: (1) In case the quality or standards of any substance inherent in any goods have not been determined, the Government of Nepal shall determine the standards or quality of such goods or services by fulfilling the process as prescribed.

(2) The Government of Nepal shall have to publish the notice of the matters of the standards or quality of any goods or service determined pursuant to sub-section (1) in the Nepal Gazette.

6. To affix label: (1) A producer shall have to affix label on the goods produced by him or her.

(2) The following matters shall have to be mentioned in the label pursuant to sub-section (1):

- (a) Name, address of the producer and registration number of the industry,
- (b) Mixture, ingredient of mixture, quantity and weight of the goods, in such goods as food, medicines and cosmetics,
- (c) In the case of the goods of which quality has been determined, the quality of such goods,
- (d) Mode of using the goods and side effect likely to occur due to the use of such goods,
- (e) In the case of the goods supposed to be used within a certain deadline, such deadline,
- (f) Retail price, batch number and date of manufacture of the goods,
- (g) If it is electronic, hardware, electrical or machinery or goods to be in use for a long time, guarantee or warranty and guarantee or warranty date of such goods, and other necessary things in accordance with the law related to such goods,
- (h) If any defect is seen in the condition referred to in clause (g), provision to make reimbursement or to repair until certain period,
- (i) In the case of the goods that are inflammable, hazardous or likely to break down easily, details relating to precaution to be adopted for the safety of such goods,

- (j) Maximum retail price to be incurred after including all types of taxes applicable for the goods,
- (k) If any process is supposed to be fulfilled prior to using any goods, such process; and harm and injury likely to occur when it is used without fulfilling such process,
- (l) Use of awareness-oriented message, picture or sign on the label of the materials of the types of causing harm upon human health,
- (m) Other matters as prescribed.

(3) The matters to be specified in the label pursuant to sub-section (2) shall have to be written in the Nepali or English language by the producer in the case of the goods produced within Nepal and by the importer in the case of the goods imported, in the way which can be understood by common people.

(4) The goods on which label is not affixed pursuant to sub-section (3) shall not be allowed to be imported, sold and distributed in Nepal.

(5) Notwithstanding anything contained elsewhere in this Section, it shall not be necessary to specify the matters set forth in this Section, while selling consumable goods such as vegetables, fruits to be sold openly.

Provided that the label shall have to be affixed on the imported vegetables and fruits.

Chapter-3

Liability of Parties Associated to Marketing of Goods or Services

7. Liability of producer: (1) While producing goods or services, the producer shall have to fulfill the following liabilities, in addition to the liabilities to be fulfilled under the prevailing laws:

- (a) to produce quality goods or services,
- (b) to determine the label of the goods,
- (c) to specify the matters referred to in Section 6 on the label,
- (d) not to produce defective product,
- (e) to collect and destroy the goods produced by him or her if it is informed that such goods remain in the market upon having been defectively produced,

- (f) to provide reasonable compensation if any kind of damage is caused to the consumer due to the manufacture of goods and service,
- (g) not to make wrong or misleading advertisement or publicity of the goods or services,
- (h) to provide the consumer with information as to the quantity, ingredients or percentage of the substances contained in the goods made of or produced with the mixture of two or more than two substances.
- (i) to fulfill such other conditions as prescribed by the law.

(2) If the liability pursuant to sub-section (1) is not fulfilled or any fault, deficiency and defect occurs in the process of production, construction, refinement, design, formula, preparation, import, packing, labeling, and harm and injury is caused to anyone's body, life, property after using such goods or services, the producer of such goods or services shall be responsible for such harm and injury and shall have the liability to provide compensation for the same.

Provided that,

- (a) it must be the actual producer of the goods or services, the use of which causes harm and injury,
- (b) direct cause must be established that harm and injury is caused with the consumption or use of the goods or services as claimed for causing such harm and injury.

8. Liability of importer: (1) While importing goods, the importer shall have to fulfill the following liabilities, in addition to the liabilities to be fulfilled under law:

- (a) to import without exceeding or making different from the cost price,
- (b) to provide details of the goods relating to the imported goods when so demanded by the concerned agency or official,
- (c) not to import the goods prohibited to be imported under the prevailing law,
- (d) to fulfill such other liabilities as prescribed.

(2) Notwithstanding anything contained in sub-section (1), except for the provision made otherwise as per the quality or nature of any goods, the goods shall be forbidden to be imported which are not supposed to or cannot be used

after six months from the date of being imported or which cannot be used after the expiry of such period.

(3) If anyone imports the goods without specifying the matters to be specified on the label, and if harm and injury is caused to anybody due to the use of such goods, the importer shall be responsible for such harm and injury and be liable to provide compensation for the same.

9. Liability of carrier: The carrier shall have to fulfill the following liabilities, in addition to the liabilities to be fulfilled under law:

- (a) to transport within the determined time period as per the nature of the goods to be imported,
- (b) to prevent degradation in the quality of goods while transporting,
- (c) to completely abide by the safety arrangement and the conditions to be abided by as prescribed, while transporting,
- (d) to provide the details of the goods when the concerned agency or official so demands,
- (e) to fulfill such other liabilities as prescribed.

10. Liability of hoarder: The hoarder who hoards the goods shall have to fulfill the following liabilities in addition to the liabilities to be fulfilled under the prevailing law:

- (a) to exercise care as per the nature of the goods while hoarding such goods,
- (b) to hoard upon adopting safety measures as prescribed so as to prevent degradation in the quality as per the type or nature of the goods, and not to do any act that may cause degradation in the quality of goods,
- (c) not to change or replace the label or details specified by the producer,
- (d) to provide the details of the goods related to the hoarding of the goods when the concerned agency or the official so demands,
- (e) to adopt safety measures as prescribed,
- (f) to fulfill other liabilities as prescribed.

11. Liability of seller: The seller who sells the goods shall have to fulfill the following liabilities, in addition to the liabilities to be fulfilled under the law:

- (a) to sell the goods to the consumers without discrimination,
- (b) to safely keep and safely sell the goods as per the type or nature by preventing degradation,
- (c) to keep price list of the goods so that it is clearly seen and understood by general people,
- (d) to provide storage or details of the goods remained with him or her when the concerned agency or official so demands,
- (e) to abide by the provision of guarantee or warranty, if any, in the goods,
- (f) to sell the goods to the customers on a first-come-first-served basis,
- (g) to give the bill or receipt on selling the goods,
- (h) to fulfill other liabilities as prescribed.

12. Liability of service provider: The service provider providing service to the consumer shall have to fulfill the following liabilities, in addition to the liabilities to be fulfilled under the law:

- (a) to provide the consumer with the service without discrimination,
- (b) to keep nature of the service to be provided and the list of the price to be paid by the consumers for such service received, at the place visible to everyone, so that it is clearly understood by the general people,
- (c) to provide the details and documents related to the service to be provided when the concerned agency or official so demands,
- (d) to provide the service to the customer on a first-come-first-served basis,
- (e) to give the bill or receipt after receiving the amount for the service provided to the consumer,
- (f) to fulfill such other liabilities as prescribed.

13. To determine level of market: For the purpose of protecting the rights of consumers, managing the market in accordance with the market rule and making market fair and transparent, the levels of market involved in taking the prescribed goods or services from the producer or importer to the final consumer shall be as prescribed.

14. To return goods: (1) If anyone wishes to return, being dissatisfied with, any goods purchased from the seller, he or she may return it to the seller within seven days or take other similar goods equal to that price or the payment of the amount which was paid while purchasing such goods.

(2) While returning the goods pursuant to sub-section (1), the seller shall not be allowed to make deduction in the price or take any kind of additional charge.

(3) While returning the goods pursuant to sub-section (1), the bill or receipt given by the seller at the time of purchasing such goods shall have to be produced.

(4) Notwithstanding anything contained in sub-section (1), no goods may be returned or taken as replacement in the following circumstances:

(a) if the quality or quantity of such goods is altered by the purchaser after the purchase,

(b) in the case of the goods of such nature that they must be used within the certain deadline, such deadline has already expired,

(c) in the case of the goods of such nature as being rotten, overripe, such as milk, fruits, fish, meat, in case they are not consumed instantly,

(d) if the purchased goods are already used,

(e) if the seal is broken off in the case of sealed goods.

(5) Notwithstanding anything contained elsewhere in this Section, in the case of sealed goods, such goods may be returned within fifteen days, in the unbroken condition of the seal, or other similar goods equal to the same price may be taken instead of such goods.

15. To keep bill or invoice: (1) The importer, carrier, hoarder and seller shall have to keep with them the producer or purchase bill or invoice of the goods or services purchased for the purpose of sale.

(2) The bill or invoice shall have to be shown at the time when the concerned official so demands.

Chapter-4

Prohibited Activities

16. Not to conduct unfair trade and business activities: (1) No one shall conduct or cause to conduct unfair trade and business activities.

(2) For the purpose of sub-section (1), if any of the following activities is conducted, an unfair trade and business activity shall be deemed to have been taken place:

- (a) selling or providing the goods or services by lying, concealing, hiding or misleading the actual quality, quantity, price, measurement, format or composition etc. of such goods or services,
- (b) releasing false or misleading advertisement, or selling the goods by making misleading advertisement,
- (c) doing any of the following acts through oral, written or visual means in the case of goods or services:
 - (1) selling sub-standard goods by showing standard, quality, quantity, class, composition, design as if having specialty or quality,
 - (2) selling re-produced or old goods showing or misrepresenting that they are new one,
 - (3) advertising or notifying and disseminating, in false and misleading manner, while selling the goods or services even when no benefit is obtained as declared,
 - (4) claiming, guaranteeing or selling any goods through consumption or use of such goods without factual ground.
- (d) determining price in a manner to shift burden upon the consumer price on the ground different than the ground of actual cost of any goods or services, or fixing the price by including the cost of any contest, lottery, occasion, or selling at such price,
- (e) determining price by including the price or cost of other goods to be obtained as donation, gift or without charge upon the price of any goods or service, or selling such goods or service at such price,
- (f) producing, mixing up or supplying or transporting or hoarding or selling the goods so as to become less or more than the quality or standard in any goods or service, or to

inflict harm and injury upon the consumer from the use of such goods or service,

- (g) creating artificial shortage of, hoarding or selling, any goods,
- (h) selling the goods by including the price of goods destroyed by defective product or the price of goods contracted in the course of business transaction in the cost price of other goods,
- (i) producing or importing fake goods or selling such goods to displace any goods,
- (j) refusing to issue bill or invoice of the sold goods or service, or not issuing bill or invoice, or demanding additional amount while issuing bill, invoice,
- (k) using poison or any chemical so as to inflict harm and injury upon the consumer while using any goods, or selling the goods so used,
- (l) selling the already expired goods by affixing new label on such goods which is not consumable or is not supposed to be used,
- (m) importing, producing or selling sub-standard goods which cannot be used,
- (n) providing service without specifying the price, quality of service, venue and time to provide service by a professional service provider,
- (o) selling so as to become contrary to sub-section (1) of Section 17 in collusion with the producer, importer, carrier, hoarder or seller or such person and other person, organization and institution,
- (p) selling or providing by setting up levels or series more than the business level prescribed while selling or providing any goods or services,
- (q) selling without fulfilling the structure, measurement or standard if any, prescribed for selling or providing any goods or service.

17. Not to cause adverse impact on demand, supply or price: (1) No one shall sell, distribute or transport or hinder the sale and distribution of any goods by taking

profit higher than that prescribed and over the cost invested in the production, import, transport, hoarding or sale and distribution of that goods.

(2) No one shall cause adverse impact on the demand, supply or price of any goods or service by doing any of the following acts, in association with any person, institution or anyone else:

- (a) determining quota of the raw materials required for the manufacture of any goods, or reducing the production of any goods or doing any other such work,
- (b) creating artificial shortage by hoarding any goods or service or by any other manner,
- (c) selling the goods or service at the determined time or place only or doing other acts of similar nature.

18. Other act not to be done regarding goods or service: No one shall do or cause to be done any of the following acts, regarding any goods or services:

- (a) producing, selling or importing sub-standard goods knowingly,
- (b) selling any goods or services by lying or deceiving that the goods or services are other goods or services and stating high standard goods for low standard goods or services,
- (c) producing or selling the goods or service that cause adverse impact upon the health of consumer,
- (d) affecting the price and supply system by creating shortage of the goods by accompanying with businesspersons or business groups in order to manufacture, import or sell various goods of the same nature,
- (e) operating service by adopting a circle system, quota system, rotational system, trip system or token system, in cooperation with more than one business persons or business groups that provide any service of the same nature,
- (f) making a provision requiring to purchase other goods too, while purchasing any goods.

Chapter-5

Provisions Relating to Determination of Price of Goods or Services

- 19. List of essential food and other goods and service:** (1) The Government of Nepal shall determine the list of essential food and other goods or services by a notification in the Nepal Gazette from time to time.
- (2) The maximum price of essential food and other goods or services shall also have to be fixed in the list pursuant to sub-section (1).
- (3) While selling the goods or service pursuant to sub-section (1), the seller shall not sell, or cause to be sold, the same in a price higher than that referred to in sub-section (2).
- 20. To keep price list and registration certificate:** (1) Price list shall have to be kept by clearly specifying the factory price of each of the goods by the producer, wholesale or retail price of goods to be sold and distributed by the seller, and price of the service to be provided by the service provider.
- (2) If it is an industry to produce the goods, the industry registration certificate, and in the case of business, business registration, license shall have to be displayed at the place of sale in a way visible to the general people.
- (3) The Government of Nepal may, by a notification in the Nepal Gazette, establish a price information center as prescribed.
- (4) The producer and wholesaler or retailer located in the district concerned shall have to provide the factory price and the wholesale or retail price respectively to the price information center established pursuant to sub-section (3).
- 21. Provision to determine standard of price of goods or service:** (1) The agency as prescribed shall prepare the standards relating to determination of price of goods or services as prescribed.
- (2) While preparing standards relating to price determination pursuant to sub-section (1), profit amount to be taken by the seller also shall have to be accepted as basis in such a way that production cost of the goods, transport expenses, custom, tax, charge paid by the importer pursuant to law shall not be more than the percentage fixed while selling.
- (3) While preparing standards relating to the determination of price of any service, if the agency prescribed pursuant to sub-section (1) has assigned anybody or authority in accordance with the law regulating or managing the conduct and functions of the person who provides such a service, the standards shall have to be prepared as per the standards determined by such a body or authority.

(4) While preparing standards, in case the standards are not determined even after the body or authority is assigned pursuant to sub-section (3), such a body or authority shall have to be consulted with.

(5) While preparing standards relating to the determination of price pursuant to sub-section (1) or (3), the standards may be determined differently to make the maximum price, be taken for such goods or services provided, on the basis of the geographical region, nature of the services and particular place.

Chapter-6

Consumers Protection Council

22. Formation of Consumers Protection Council: (1) There shall be formed a Consumer Protection Council in order to make policy on the matters of protecting and implementing the rights of consumers and performing other functions under this Act.

(2) The Council referred to in sub-section (1) shall consist of the following Chairperson and Members:

- (a) Minister for Industry, Commerce and Supplies - Chairperson
- (b) Secretary, Ministry of Industry, Commerce and Supplies -Member
- (c) Secretary, Ministry of Agriculture and Livestock Development -Member
- (d) Secretary, Ministry of Land Management, Cooperative and Poverty Alleviation -Member
- (e) Secretary, Ministry of Finance -Member
- (f) Secretary, Ministry of Home Affairs -Member
- (g) Secretary, Ministry of Law, Justice and Parliamentary Affairs -Member
- (h) Secretary, Ministry of Health and Population -Member
- (i) Chairperson, Federation of Nepalese Chambers of Commerce and Industry -Member
- (j) Chairperson, Nepal Chamber of Commerce -Member
- (k) Chairperson, Confederation of Nepal Industries -Member

- (l) Chairperson, Federation of Nepal National Industries and Entrepreneurs -Member
- (m) Two persons including one woman nominated by the Ministry from among the persons having experience of at least five years in the body or institution related to the rights and welfare of the consumers -Member
- (n) Director General, the Department -Member-Secretary

(3) The term of the Members nominated pursuant to clause (m) of sub-section (2) shall be of two years, and they may be nominated again for another term.

(4) Notwithstanding anything contained in sub-section (3), the Ministry may remove such a Member from the post at any time if any act is done contrary to the rights and interests of the consumers or act is done in such a way that it becomes contrary to the functions, duties and powers of the Council.

(5) Before removing from the post pursuant to sub-section (4), he or she shall have to be given a reasonable opportunity to submit clarification.

(6) The Chairperson and Members of the Council shall be entitled to the meeting allowance facility as prescribed by the Government of Nepal.

23. Meeting of Council: (1) The meeting of the Council shall be convened at the date, time and place fixed by the Chairperson.

(2) The meeting of the Council shall be convened at least twice a year, and the interval between the two meetings shall not be more than six months.

(3) If more than fifty percent members of the total members of the Council are present, it shall be deemed to constitute a quorum for the meeting of the Council.

(4) The Chairperson of the Council shall preside over the meeting, and in his or her absence, the Member selected from among the Members shall preside over the meeting.

(5) Experts and scientists of different sectors, communities may be invited to the meeting as necessary.

(6) The decision of the Council shall be authenticated by the Member-Secretary of the Council.

(7) Other procedures relating to the meeting of the Council shall be as determined by the Council itself.

(8) The Department shall perform the functions as the Secretariat of the Council.

24. Functions, duties and powers of the Council: The functions, duties and powers of the Council shall be as follows:

- (a) to submit to the Government of Nepal by determining policies on the matters regarding the protection and enforcement of the rights of the consumers, supply system and the determination of price and quality of goods and services,
- (b) to provide necessary recommendation to the Government of Nepal regarding the amendment, improvement in the existing policies or new policies which are to be made regarding the protection of the rights of consumers,
- (c) to disseminate and cause to be disseminated information relating to the rights and welfare of the consumers to get the consumers informed regarding the goods and services,
- (d) to inform or get the consumers informed regarding the price, quality, quantity, purity and unfair trade activities of the goods or services,
- (e) to make necessary policy arrangements for including the consumer education in the curriculum from secondary level up to the university level,
- (f) to draft necessary policies to cooperate with national and international organizations or institutions related to the rights of consumers,
- (g) to give directive to the Provincial Government or Local Level to protect and promote the rights of the consumers as necessary,
- (h) to perform such other functions as prescribed.

Chapter-7

Provisions Relating to Inquiry, Inspection and Monitoring

25. Central Market Monitoring Committee: (1) A Central Market Monitoring Committee shall be formed for the protection of the rights and interests of the consumers or for making coordination among the bodies involved in the

monitoring or inspection of the supply system, price, quality and purity of the goods or services.

(2) The Central Market Monitoring Committee referred to in sub-section (1) shall consist of the following Members:

- | | | |
|-----|---|-------------------|
| (a) | Secretary, Ministry of Industry, Commerce and Supplies | -Coordinator |
| (b) | Joint-secretary, Ministry of Industry, Commerce and Supplies (responsible the supplies) | -Member |
| (c) | Joint-secretary, Ministry of Home Affairs | -Member |
| (d) | Secretary, Ministry of Agriculture and Livestock Development | -Member |
| (e) | Secretary, Ministry of Land Management, Cooperative and Poverty Alleviation | -Member |
| (f) | Director General, Department of Food Technology and Quality Control | -Member |
| (g) | Director General, Nepal Bureau of Standards | -Member |
| (h) | Director General, Department of Drug Management | -Member |
| (i) | Director General, Department | -Member-Secretary |

(3) The procedures relating to the meeting of the Central Market Monitoring Committee shall be as prescribed.

26. Function, duties and powers of Central Market Monitoring Committee: The functions, duties and powers of the Central Market Monitoring Committee shall be as follows:

- (a) to take necessary initiative to make the goods or services easily available, by identifying their shortage seen in the market,
- (b) to monitor and supervise regarding the supply system, price, weight, quality, purity etc. of the goods or services in the market,
- (c) to make recommendation of the procedures of operation of market monitoring, monitoring team and consumers organizations and institutions,

- (d) to maintain coordination in the functions of the Market Monitoring Team and Local Monitoring Committee,
- (e) to give necessary directives to the bodies that protect the rights and interests of the consumers and law enforcement bodies in order to make market monitoring effective,
- (f) to set up the Consumers Information Center,
- (g) to form committees or sub-committees as necessary,
- (h) to perform such other functions as prescribed.

27. Provincial Market Monitoring Committee: (1) The Provincial Government may, in order to make necessary arrangements for protection of the rights and welfare of the consumers, form a Provincial Market Monitoring Committee by a notification in the Provincial Gazette, for carrying out inspection and monitoring on the matters relating to the supply system, price, quality, purity of the goods or services.

(2) The Provincial Market Monitoring Committee referred to in sub-section (1) may form monitoring teams or sub-committees as necessary.

(3) The functions, duties and powers of the Provincial Market Monitoring Committee referred to in sub-section (1) shall be as prescribed.

(4) Other provisions relating to the functions of the Provincial Market Monitoring Committee referred to in sub-section (1) shall be in accordance with the rules framed by the Provincial Government.

28. Local Market Monitoring Committee: (1) The Rural Municipality or Municipality may, for the protection of the rights of consumers under this Act, form a Local Market Monitoring Committee for carrying out field inspection and monitoring of the market on the matters relating to the supply system, price, quality, purity of the goods or services.

(2) The Committee referred to in sub-section (1) shall also consist of the bodies and consumers under the Local Level in necessary numbers.

(3) The functions, duties, powers, work procedures and other necessary matters of Local Market Monitoring Committee to be formed pursuant to sub-section (1) shall be as prescribed.

(4) The Local Market Monitoring Committee to be formed pursuant to sub-section (1) may form market monitoring teams or sub-committees as necessary.

29. To form Market Monitoring Team: (1) In order to monitor and supervise regularly as to whether any unfair business activity has taken place pursuant to Section 16, price list is kept or not pursuant to Section 20, and regarding the quality, quantity or price of goods or services, Market Monitoring Team or Subject-wise Monitoring Team or Joint Monitoring Team consisting of the expert of the related sector as well as Inspection Officer may be formed as prescribed.

(2) The Market Monitoring Team referred to in sub-section (1) may get information about or enquire into the quality, quantity, price determination of any goods or services.

(3) The Market Monitoring Team referred to in sub-section (1) may, while getting information or making inquiry pursuant to sub-section (2), demand necessary document and evidence, and it shall be the duty of the producer or seller concerned to submit such document or evidence.

(4) The Market Monitoring Team referred to in sub-section (1) may exercise all the powers conferred to the Inspection Officer under this Act.

(5) The Market Monitoring Team referred to in sub-section (1) shall, while making monitoring and inspection of the market, use the market monitoring and inspection form as prescribed.

30. To make inquiry or inspection: (1) If there is reasonable ground to believe that any person is doing unfair trade or business activity, doing the act of affecting the price or supply system by maintaining monopoly or any other manner in the market, or producing or selling and distributing sub-standard goods, or doing any act contrary to this Act or the rule framed under this Act, or if information is received regarding such matters through any means of communication or any complaint or through anyone that carries out surveillance, the Ministry or Department may immediately inquire into or inspect that matter or cause such inquiry or inspection to be made.

(2) Inspection or monitoring shall be carried out accordingly if the prevailing law provides for monitoring and inspection, with respect to the inspection or inquiry pursuant to sub-section (1), and in other circumstances, the Ministry may form immediately an inspection or inquiry committee or designate any committee formed under this Act or the Inspection Officer to that effect.

(3) Any producer, dealer, agent, seller, person or institution found guilty from the inquiry or inspection pursuant to sub-section (1) shall be liable to action under this Act or the prevailing law.

(4) If upon inspection or inquiry, the committee or the Inspection Officer designated pursuant to sub-section (2) does not find that such an act falls under this Act, the committee or the officer shall send the matter, along with the inquiry or inspection file, to the concerned body for necessary action; and such a body shall also give information about the action taken in that respect to such a committee or officer.

31. Power to carry out casual inspection: (1) The Department may carry out casual inspection for the protection of the rights, interests of the consumers.

(2) Other provisions relating to casual inspection shall be as prescribed.

32. Power to appoint or designate Inspection Officer: (1) The Department may, in order to carry out monitoring of availability of the quality goods or services at appropriate price for consumers by making market and supply system effective, appoint Inspection Officer or designate any officer employee of the Government of Nepal, Provincial Government or Local Level to act as Inspection Officer as prescribed.

(2) The qualification of the Inspection Officer appointed or designated pursuant to sub-section (1) shall be as prescribed.

33. Functions, duties and powers of Inspection Officer: (1) If there is reasonable ground to believe that the unsafe goods having adverse effect or sub-standard goods are being produced or sold, or services have been provided, or any acts are being done contrary to this Act and the rules framed under this Act, the Inspection Officer may, by entering into such a place at any time as necessary, inspect, inquire or search, arrest the person who commits such act and hold such a person in detention for seven days with the permission of the case trying authority.

(2) In the course of inspection, inquiry or search pursuant to sub-section (1), necessary description, information or statement may be taken from the producer, importer, carrier, hoarder, seller, service provider or other related person.

(3) While carrying out inspection, investigation or search pursuant to sub-section (2), if it seems unsafe, affected goods or goods having no quality are being produced or sold and distributed, or service provided or activities are contrary to this Act and the rules framed under this Act, the Inspection Officer may impose restriction on producing or selling and distribution of such goods or providing services for prescribed period by taking samples of such goods as prescribed.

(4) A testing list of the goods or services shall have to be prepared as prescribed for the purpose of carrying out market inspection or inquiry pursuant to sub-section (1).

(5) If it is not found to be in accordance with the testing list pursuant to sub-section (4), the Inspection Officer may immediately impose the fine referred to in Section 39 with restriction on the sale and distribution of such goods.

(6) The report relating to the functions carried out by the Inspection Officer pursuant to sub-section (2) shall have to be submitted to the Department within seven days.

(7) If a fine is imposed pursuant to sub-section (5) in the report pursuant to Sub-section (6), report shall have to be prepared by specifying such details as well.

(8) If it seems appropriate to give any order immediately to the producer or seller in course of inspection or inquiry, the Inspection Officer may give such an order or do such other act as appropriate.

(9) The procedures to be adopted by the Inspection Officer while carrying out inspection, inquiry or search shall be as prescribed.

(10) The Inspection Officer may, while carrying out inspection, inquiry or search, if it seems that any legal action is required to be taken against any producer, seller, send it to the Department by mentioning such details in the report as well, or to other bodies concerned with the reason if needed.

(11) The provisions relating to other functions, duties and powers of the Inspection Officer and the implementation of the report furnished by the Inspection Officer shall be as prescribed.

34. Testing of goods: (1) The Inspection Officer shall forward, immediately the samples of goods taken for testing pursuant to sub-section (3) of Section 33 to the laboratory of the Government of Nepal or the laboratory accredited by the Government of Nepal, as prescribed if the goods are of the nature of being instantly rotten, overripe, and within twenty-four hours from the date of samples taken if they are other goods.

(2) The Inspection Officer shall, while forwarding samples to the laboratory pursuant to sub-section (1), have to forward them by giving symbol numbers to them.

(3) If a false result is given or negligence is found to have been made while testing the goods in the laboratory pursuant to sub-section (1), departmental action shall be taken against such an employee.

35. To confiscate or destroy sub-standard goods: (1) If the goods are not found to have the quality as prescribed while testing the samples of such goods forwarded to the laboratory for testing pursuant to Section 34, such goods shall be confiscated and shall, as required, be destroyed as prescribed.

(2) When the goods are confiscated and destroyed pursuant to sub-section (1), the producer, importer or seller shall have to bear the expenses for confiscating or destroying such goods.

36. To make complaint: (1) If any goods or service provider performs any act against the consumer interest or contrary to this Act or any rule framed under this Act, any person who gets information of such matters may make a complaint in writing or orally or even through electronic means to the Central Market Monitoring Committee, Department or Inspection Officer, along with the information or proof and evidence under his or her custody.

(2) If the person who makes a complaint pursuant to sub-section (1) wishes to keep his or her name confidential, the name of such a person shall have to be kept confidential.

(3) Other provisions relating to the complaint shall be as prescribed.

37. Action against person leaking information: (1) Departmental action shall be taken against a public servant, who leaks the information of casual inspection or the monitoring to be carried out regularly pursuant to Section 31, before such inspection or monitoring takes place.

(2) If information is leaked by a consumers' organization or institution of consumers or other person involved in the act referred to in sub-section (1), the Director General of the Department shall impose a fine on such person, representative or institution in accordance with the claimed amount as revealed and from fifty thousand rupees up to one hundred thousand rupees if the claimed amount is not set out, and such an organization or institution shall be included in the black list for a period not exceeding three years.

Chapter-8

Provisions Relating to Offences and Punishment

- 38. Offences deemed to have been committed:** If anyone does, or causes to be done, any of the following acts, he or she shall be deemed to have committed the offence:
- (a) failure to make the labeling pursuant to Section 6 or mentioning false matters in the label,
 - (b) failure of the producer, importer, carrier, hoarder, seller or service provider to fulfill his or her liabilities or doing any act to breach such liabilities under Sections 7, 8, 9, 10, 11 and 12 respectively,
 - (c) failure of the seller to withdraw the goods within the deadline prescribed or failure to give the goods equal to such price as replacement pursuant to Section 14,
 - (d) failure to keep the bills, invoices pursuant to Section 15,
 - (e) doing, or causing to be done, the unfair trade activity pursuant to clause (a), (g), (j) or (l) of sub-section (2) of Section 16,
 - (f) doing, or causing to be done, the unfair trade activity pursuant to clauses (b), (c), (d), (e), (f), (h), (i), (k), (m), (o) and (p) of sub-section (2) of Section 16,
 - (g) inflicting, or causing to be inflicted, adverse impact on demand, supplies or price pursuant to clause (a) of sub-section (1) or sub-section (2) of Section 17,
 - (h) doing, or causing to be done, any act referred to in clause (b) or (c) of sub-section (2) of Section 17,
 - (i) doing, or causing to be done, any act contrary to Section 18,
 - (j) selling, or causing to be sold, at the price higher than that fixed by the Government of Nepal, contrary to sub-section (3) of Section 19,
 - (k) failure to do, or causing not to be done, any act referred to in sub-section (1) or (2) of Section 20,
 - (l) to sell or distribute goods or services contrary to the standards determined under sub-section (1) of Section 21,

- (m) not to render assistance in the course of investigation, inspection or monitoring under this Act pursuant to sub-section (2) of Section 54.

39. To impose fine instantly: (1) Notwithstanding anything contained in Section 38, if from the instantly received evidence, the producer, carrier, hoarder, importer, seller of goods or service provider is found to have committed any offence, in the course of market monitoring, inspection, inquiry, the Inspection Officer may impose the fine as follows:

- (a) From five thousand to twenty thousand rupees if the offence referred to in clause (d) of Section 38 is committed, or caused to be committed,
- (b) From two hundred thousand to three hundred thousand rupees if the offence referred to in clause (e) of Section 38 is committed, or caused to be committed,
- (c) From fifty thousand rupees to one hundred thousand rupees if the offence referred to in clause (h) of Section 38 is committed or caused to be committed,
- (d) From fifty thousand to one hundred thousand rupees if the offence referred to in clause (k) of Section 38 is committed, or caused to be committed,
- (e) Up to twenty thousand rupees if the offence referred to in clause (m) of Section 38 is committed, or caused to be committed.

(2) If the offence referred to in sub-section (1) is committed frequently, double fine shall be imposed for commission of the offence each time.

(3) The Inspection Officer shall have to inform the Department within three days by revealing all the details including the cause to impose the fine instantly and the amount charged thereof.

(4) The Inspection Officer may take the following actions against the producer, carrier, hoarder, importer or seller of such goods who does not pay or submit such fine within seven days from the date of the decision made to fine instantly pursuant to sub-section (1):

- (a) keeping such goods sealed until the fine is paid,
- (b) withholding such other goods as well as to be produced, transported, hoarded, imported or sold by the producer,

carrier, hoarder, importer or seller of such goods until the fine is paid.

(5) If one is not satisfied with any act of the Inspection Officer under this Section, an application may be made to the Director General of the Department within seven days for the review of the matter.

(6) The Director General of the Department shall have to make a decision in this regard within twenty-one days after examining whatever or whoever is to be examined upon the application made against the decision by the Inspection Officer pursuant to sub-section (5).

(7) While making an application for the review, fifty percent of the fine imposed by the Inspection Officer shall have to be submitted as a cash deposit.

(8) The decision made by the Director General upon the application made for the review shall be final.

(9) Other procedures to be adopted regarding the instant imposition of fine by the Inspection Officer shall be as prescribed.

40. Punishment: (1) If any one commits, or causes to be committed, any of the following acts which is deemed to be an offence under this Act, the Director General of the Department may, according to the gravity of the offence, punish as follows:

- (a) with imprisonment from three months to six months or fine up to fifty thousand rupees or both penalties if the offence referred to in clauses (a) and (c) of Section 38 is committed, or caused to be committed,
- (b) with imprisonment from three months to one year or fine from one hundred thousand rupees to three hundred thousand rupees or both penalties if the offence referred to in clause (i) of Section 38 is committed,
- (c) with imprisonment from three months to six months or fine from fifty thousand rupees to one hundred thousand rupees or both penalties if the offence referred to in clauses (j) and (l) of Section 38 is committed.

(2) A party who is not satisfied with the decision made by the Director General of the Department under sub-section (1) may appeal to the concerned District Court within thirty-five days.

(3) For the following offences, punishment shall be as follows:

- (a) with imprisonment from two years to three years or fine from three hundred thousand to five hundred thousand rupees or both penalties for one who commits, or causes to be committed, the offence referred to in clause (b) of Section 38,
- (b) with imprisonment from two years to five years or fine from four hundred thousand to six hundred thousand rupees or both penalties for one who commits, or causes to be committed, the offence referred to in clause (f) of Section 38,
- (c) with imprisonment from two years to three years or fine from three hundred thousand to five hundred thousand rupees or both penalties for one who commits, or causes to be committed, the offence referred to in clause (g) of Section 38.

(4) A person who commits, or causes to be committed, any other act contrary to this Act or the rules framed under this Act, Except for the acts under sub-section (1), shall be punished with imprisonment for a term not exceeding two years or fine up to three hundred thousand rupees or both.

Chapter-9

Provisions Relating to Consumer Court

41. Constitution of Consumer Court: (1) The Government of Nepal may, in order to try and settle the cases other than the cases to be prosecuted pursuant to sub-section (1) of Section 40 under this Act, constitute a Consumer Court as per necessity, by a notification in the Nepal Gazette.

(2) The venue and jurisdiction of the Consumer Court to be formed pursuant to sub-section (1) shall be as prescribed in the same notice.

(3) The Consumer Court shall consist of the Chairperson and Members as follows:

- (a) District Judge of the concerned district
designated by the Government of Nepal -Chairperson
- (b) Gazetted second class officer of Nepal Judicial
Service designated by the Government of Nepal -Member
- (c) Gazetted second class officer of the Government
of Nepal designated by the Government of Nepal -Member

(4) The Government of Nepal shall notify the designation of the Chairperson or Members pursuant to sub-section (3) in the Nepal Gazette.

(5) The Government of Nepal shall consult the Judicial Council before the District Judge is designated as the Chairperson of the Court, and of the Judicial Service Commission before the officer of the Nepal Judicial Service is designated as a Member pursuant to sub-section (3).

42. Application of jurisdiction of Court: (1) All the members shall collectively exercise the jurisdiction of the Court.

Provided that the Bench in which at least one Member is present may carry out procedural matters other than detention, and the Bench in which two Members are present may take all other matters including detention.

(2) If unanimity is not reached while trying and settling a case in presence of two Members, the case shall be settled as per the opinion of the Chairperson if it is the Bench including the Chairperson in case it is the procedural matter of the case.

(3) If it is the Bench in which the Chairperson is not present, it shall be as per the opinion of the senior member based on the appointment. If it is the decision or final order of the case, it shall be submitted to the Chairperson, and the opinion supported by him or her shall be deemed to be the decision of the Court.

(4) The three Members shall collectively exercise the jurisdiction of the Bench and majority opinion including that of the Chairperson shall be deemed to be the decision of the Court.

(5) If all three Members have divergent opinion, the opinion of the Chairperson prevails on the procedural matters and if it is on decision or final order it shall be forwarded to the concerned High Court for the decision, by specifying the reasons for not being able to issue a decision or final order.

(6) Hearing of the case pursuant to sub-section (5) shall be held in the single Bench of the High Court and the decision or final order made by such a Bench shall be deemed to be the decision or final order of the Court.

43. Contempt of Court: (1) The Court may initiate proceedings against the contempt of court and if the act of contempt of court is found to be proved, the Court may punish the offender with a fine not exceeding ten thousand rupees or an imprisonment for a term not exceeding one year or with both.

(2) Notwithstanding anything contained in sub-section (1), if the person accused of contempt of court apologizes to the satisfaction of the Court, the Court

may not initiate the proceedings or excuse, reduce or change in punishment if the punishment has already been determined or issue an order with effect of non-execution of the sentence, if the conditions are complied with by the accused.

44. To make files or documents available: (1) If the Court or the Director General of the Department orders any person, institution or office to submit or forward any file, deed, document or any other proof as evidence in the course of the proceedings of the case, such a person, institution or office shall have to submit or forward such a file, deed, document or evidence, within the deadline determined by the Court or the Director General of the Department.

(2) If it is obstructed to try, hear or settle the case, or if harassment or harm or injury is caused to any party due to the reason that any person, institution or office has not complied with the order pursuant to sub-section (1), the Court or Director General of the Department may impose upon such a person or institution or chief of office a fine not exceeding one thousand rupees each time.

(3) Notwithstanding anything contained in sub-section (2), if such a person or institution or chief of office makes an application to the Court or the Director General of the Department, within the time-limit determined by the Court or the Director General, specifying the reason for not being able to abide by such order, stating that fine should not be imposed, and if the statement of such application is found to be reasonable, the Court or the Director General of the Department may revoke such an order for imposition of the fine.

45. Appeal: An appeal may be made to the concerned High Court within thirty days against the decision made by the Court under this Act.

46. Execution of decisions: If it is specified in the decision or order that the decision or order is to be executed by any particular agency or official, the same agency or official shall execute the decision or final order made by the Court under this Act, and if it is not specified as such, it shall be executed by the concerned District Court.

47. Dissolution of the Court: (1) The Government of Nepal may dissolve the Court at any time by a notification in the Nepal Gazette.

(2) If the Court is dissolved pursuant to sub-section (1), the cases, complaints or petitions remained pending at the time of dissolution after being filed in such Court shall be *ipso facto* transferred to the concerned District Court having territorial jurisdiction.

- 48. Special provision relating to action and finalization of case:** Notwithstanding anything contained in Section 41, the concerned District Court shall have the authority to take action, hear or try the case under this Act until the Court is constituted pursuant to this Section.
- 49. To table notice:** The Government of Nepal shall have to table the notice published pursuant to sub-section (1) of Section 41 or sub-section (1) of Section 47 in the House of Representatives.

Chapter-10

Provisions Relating to Compensation

- 50. Compensation may be claimed:** If bodily, mental, financial, physical or other kind of harm and injury is caused to any consumer by use of the goods or services sold or distributed contrary to this Act, or damage is occurred as a result of defective production of goods, the consumer himself or herself, or any consumer association on his or her behalf, or the heir of the consumer if the consumer is incompetent or has already died, may make a complaint to the Court for compensation from the person who has produced, imported, hoarded, transported, sold and distributed or provided such goods or services within six months from the date of harm and injury caused.
- 51. To provide compensation:** If the consumer is wounded by the use of the goods or services sold, distributed or provided contrary to this Act, treatment expenses, interim relief amount for the daily subsistence as per the family circumstances throughout the treatment period and, if it is proved, in course of the investigation, that the consumer has suffered, the consumer, or the heir as per law, if he or she has died, shall entitled to get the amount of compensation from the concerned producer, importer, hoarder, carrier, distributor or seller concerned on the basis of such harm and injury.
- 52. To determine the standards of compensation:** (1) The Court shall, while determining the amount to be received by the consumer for compensation pursuant to Section 51, have to determine it by taking following matters into consideration:
- (a) physical or mental suffering or pain caused to the victim, and its severity,
 - (b) estimated expenses to be made for treatment if curable damage is caused,

- (c) depreciation caused in the capacity of the victim to generate income due to the physical or mental damage,
- (d) victim's age and his or her family responsibility, if incurable type of physical or mental damage is caused,
- (e) number of victim's family members who are dependent upon him or her and minimum expenses required for the maintenance of their livelihood if the victim has died,
- (f) such other matters, out of the matters claimed by the victims, as found to be proper and appropriate,
- (g) financial and business condition of the producer, importer, hoarder, seller and service provider.

(2) Other provisions relating to the determination of compensation pursuant to sub-section (1) shall be as prescribed.

Chapter-11

Miscellaneous

- 53. To provide essential goods or services at fair price:** The Government of Nepal may make provision to provide the essential foods or other goods or services determined pursuant to Section 19 at a fair price as prescribed.
- 54. To extend support:** (1) If the Department seeks support of local administration and police in the course of implementing this Act, it shall be the duty of the local administration and the police to extend such support.
- (2) In the course of carrying out inquiry, monitoring or inspection under this Act, it shall be the duty of all the concerned to extend necessary support to the official carrying out such inquiry, monitoring or inspection or to the person, team or Inspection Officer deputed under this Act.
- 55. Liability of institution:** (1) If any business institution commits any act considered as offence under this Act, the official who works in the capacity of the chief administrative official of such an institution shall have the responsibility and liability of such act.
- (2) Notwithstanding anything contained in sub-section (1), such a person shall not have to bear the liability regarding the offence occurred before he or she became the chief administrative official.
- 56. Reward to informant:** (1) After eventually settling the case filed upon being investigated as per the information provided by the person who provides

information that the offence has been or is going to be committed, such a person shall be rewarded with the ten percent of the claimed amount recovered or one million rupees, whichever is the lesser.

(2) Notwithstanding anything contained in sub-section (1), no employee of the Government of Nepal or corporate institution or the family member or representative of the consumers' organization or institution or employee deputed for monitoring or their family member shall be entitled to the reward referred to in this Section.

(3) The name, address of the informant pursuant to this Section and the details of the information received from him or her shall be kept confidential.

57. No to bar to prosecute case under prevailing law: If any act which is deemed as an offence under this Act is also deemed as an offence under other prevailing law, this Act shall not bar to prosecute the case under such law.

58. Government of Nepal to be plaintiff: The Government of Nepal shall be the plaintiff in the cases under this Act.

59. Investigation and filing of case: (1) The Inspection Officer shall carry out investigation of the case relating to the offence under this Act.

(2) The Inspection Officer shall, after completing the investigation, have to forward the matter to the concerned government attorney for the decision on whether or not to institute the case, and if decision is made by the government attorney to institute the case, the Inspection Officer shall file the case.

(3) While filing the case pursuant to sub-section (1), the Inspection Officer shall file the case before the Director General of the Department in connection with the case relating to the offence carrying the punishment referred to in sub-section (1) of Section 40, and before the Court if the Court has been constituted and before the District Court concerned if the Court has not been constituted in connection with the case carrying punishment referred to in sub-section (3) of Section 40.

60. To follow summary procedures: (1) While trying and settling the cases filed under this Act, procedures shall have to be followed pursuant to the Summary Procedures Act, 2028 (1972).

(2) Notwithstanding anything contained in sub-section (1), general procedures shall have to be followed in the cases carrying the sentence of imprisonment for more than three years.

- 61. Saving of act done in good faith:** The Consumer Protection Council, Central Monitoring Committee, Local Market Monitoring Committee, Inspection Officer or any employee of the Government of Nepal, Provincial Government or Local Level shall not be personally responsible for any act done by him or her in good faith while performing his or her duties under this Act or the rules framed under this Act.
- 62. To be in accordance with this Act:** The matters contained in this Act shall be in accordance with this Act and other matters shall be in accordance with the prevailing law.
- 63. Power to frame rules:** (1) The Government of Nepal may frame necessary rules in order to implement this Act.
- (2) The Provincial Government may frame necessary rules in order to make the activities relating to market monitoring systematic and effective pursuant to Section 27.
- 64. Power to frame and enforce directives, procedures or standards:** (1) The Ministry may, in order to implement this Act and the rules framed by the Government of Nepal under this Act, frame and enforce directives, procedures or standards as necessary.
- (2) The concerned Rural Municipality or Municipality may, in order to make the activities relating to market monitoring systematic and effective pursuant to Section 28, frame and enforce necessary directives and procedures.
- 65. Repeal and Saving:** (1) The Consumer Protection Act, 2054 (1998) is hereby repealed.
- (2) The acts and actions performed under the Act pursuant to sub-section (1) shall be deemed to have been performed under this Act.