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GOVERNMENT OF ARUNACHAL PRADESH

PART-III

Resolutions, orders, notifications, rules etc. Issued by the
Government and Heads of Departments.

NOTIFICATION

The 17th August, 2005

No.LM-661/97 – The Government of India has framed a Rule the Consumer Welfare Fund Rules, 1992 to create a CONSUMER WELFARE FUND for the welfare and protection of the consumers. The Government of India has also directed the State Governments to make similar Rules to create such a fund for the consumer in the States.

In pursuance to the Government of India's letter No. 06(01)/ CS/94/690 dated 17th May, 1994 and subsequent directives vide D.O No. 0-12011/10/2003-CWF dated the 20th June, 2005, the Government of Arunachal Pradesh hereby makes the following Rules to create the Consumer Welfare Fund for welfare of consumers in Arunachal Pradesh.

Secretary (CS&CA),
Government of Arunachal Pradesh,
Itanagar.

THE ARUNACHAL PRADESH CONSUMER WELFARE FUND RULES, 2005.

1.Short title and commencement : (1) These rules may be called Arunachal Pradesh Consumer welfare Fund Rules, 2005.

(2) These rules shall come into force on the date of their publication in the Official Gazette.

2. Definations :

- (a) "Act" means the Consumer Protection Act, 1986 (No. 63 of 1986).
- (b) "Applicant" means any agency/organization engaged in Consumer Welfare activities for a period three years registered under the Companies Act,1956 (1 of 1956) or under any other law for the time being in force, including village/mandal/samiti/samiti level co-operative of consumers especially woman. Scheduled Castes/Scheduled Tribes or State/Central Government run organizations/societies set up by State/Central Government.
- (c) "Application" means an application in Form A I as appended to these rules for the purpose.
- (d) "Consumer" has the same meaning as assigned to it in clause (d) of sub section (1) of section 2 of the Consumer Protection Act, 1986 (68 of 1986), and includes consumer of goods on which duty has been paid.
- (e) "Consumer Welfare Fund" means the fund established by the State Government.
- (f) "Committee" means the committee constituted under Rule 5.
- (g) "Welfare of the Consumer" includes promotion of rights of consumer.
- (h) Words and expression used in the rules and defined but defined in the Consumer Protection Act, 1986 (68 of 1986) shall have the meaning respectively assigned to them in that Act.

3. Establishment of Consumer Welfare Fund:

- (i) There shall be establishment a Consumer Welfare Fund with State Government as per the guidelines worked out under State Consumer Welfare Fund, as well as court fees accrued with the District and State Consumer For a, and any penalty ordered to be paid by the manufacturers of consumer products or service providers, shall be accredited. Assistance provided by the Government for strengthening consumer protection movement in the State will be credit – 1 to this fund. In addition, 10% of annual income/revenue earned by the department of Legal Metrology & Consumer Affairs of the State will also be credited to the fund.

- (ii) Such fund shall be utilized for the welfare and protection of the consumers as recommended by the committee.
- (iii) The overall objectives of the fund are to provide financial assistance to promote and protect the welfare of the consumers and to strengthen the voluntary consumer movement in the State particularly in rural areas.
- (iv) The financial assistance will be given, mainly for the following purposes;

- (a) Production and distribution of literature and audio-visual material for spreading consumer literacy and awareness building programme for consumer education;
- (b) Setting up facilities for training and research in consumer education and related matters on State/regional basis.
- (c) Community based rural awareness projects;
- (d) Setting of complaint handing/counseling/guidance mechanisms like consumer Guidance Bureau/Consumer product testing laboratories;
- (e) Building up infrastructural facilities for organizing consumer education activities on a permanent basis at district/block level.
- (f) For purposes indicated in Rule 8 of Consumer Welfare Fund rules;
- (g) The projects not covered by the above but in the opinion of the Screening Committee can tackle pressing social problems and maximize consumer welfare.

(v) The following categories are eligible for assistance.

- (a) Any agency/organization engaged in the consumer welfare activities for a period of three years and registered under the Companies Act,1956 (1 of 1956) Societies Registration Act, 1860 or under any law for the time being in force;
- (b) Village/Anchal/Block level co-operatives of consumers specially of woman, scheduled castes and scheduled tribes;
- (c) State Government departments, and
- (d) Individual consumer for the purpose of reimbursement of legal expenses in a consumer dispute.

(vi) The extent of assistance or total quantum of assistance of an individual application will not exceed Rs. 5 lakhs. Assistance will be limited to 90% of the approval cost. However, in exceptional cases, 100% assistance can be considered. The quantum of assistance will be decided by the committee constituted under Consumer Welfare Fund Rules.

Preference will be given to organization having reputation and experience and those working in rural areas and having larger participation of woman.

(vii) Terms and conditions of the fund should be as follows:

- (a) The fund should not be used for party or political propaganda;
- (b) Quarterly progress report of the progress/implementation should be submitted to the Committee regularly with due intimation to the Government and to the concerned into Government department.
- (c) The agency/organization will submit to the Member-Secretary of the Committee, constituted under these rules, a detailed report on the work done with a statement of audited account within three months of the close of the financial year and all such information as the Government/Directorate may require from time to time.
- (d) The organization shall maintain a record to all assets acquired wholly or substantially out of financial assistance given from the Consumer Welfare Fund. Such assets shall not be disposed off, encumbended or utilised for purposes other than those for which the grants were given without prior sanction of the State Government, should be the organization ceases to exit at any time, such assets will revert to the Government.

4. Maintenance of accounts and records of Consumer Welfare Fund :

Proper and separate accounts of the Consumer Welfare Fund shall be maintained by the Directorate of Consumer Affairs (Grievances) and shall be subject to audit by the Accountant General of State.

5. Constitution of the Committee:

1. The Committee constituted by the State Government under sub-rule (2), shall make recommendations for proper utilization of the money credited to the State Consumer Welfare Fund for the welfare of the consumers to carry out the purpose of these rules.

2. The Committee shall consists of the following members:-

- (a) The Secretary, Department of Legal metrology and Consumer Affairs, in the State Government who shall be the Chairman of the Committee:

- (b) The Secretary, Ministry of Finance or his nominee shall be the Vice Chairman;
- (c) The Secretary, Department of Rural Development of his nominee-member;
- (d) The Secretary, Department of Education or his nominee-member;
- (e) Joint Secretary, nominee of Department of Consumer Affairs, Government of India;
- (f) The Director, Information & Public Relations of the State-Member;
- (g) The Controller, Legal metrology of the State-Member;
- (h) The Director of Consumer Grievances of the State shall be the member-Secretary of the Committee.
- (i) A representatives of State level VCO having good track record or an expert in consumer movement having active interest and experience regarding working of VCO/NGOs. Provided that the Chairman or Vice-Chairman as the case may be, may invite representatives of the District concerned and a nominee of the consumer council to the meeting as and when necessary.

3. The Committee shall be a Standing Committee.

6. Procedure for conduct of business:

- (1) The Committee shall meet as and when necessary, but not more than three months shall intervene between any two meetings;
- (2) The Committee shall meet at such time and place as the Chairman or in his absence the Vice-Chairman, the Vice-Chairman, shall preside over the meetings;
- (3) The meeting of the Committee shall presided over by the Chairman, and in the absence of the Chairman, the Vice-Chairman, shall preside over the meetings;
- (4) Each meeting of the Committee shall be called, by giving notice in writing to every member of not less than ten days from the date of issue of such notice;
- (5) Every notice of the meeting of the Committee shall specify the place and the day and hour of the meeting and shall contain statement of business to be transacted thereat;
- (6) No proceeding of the meeting of the Committee shall be valid, unless it is presided over by the Chairman or Vice-Chairman and a minimum of 3 (three) other members are present.

7. Powers and functions of Committee:

1. The Committee shall have power:

- (a) To require any applicant to produce before it, or before a duly authorized officer of the State Government, or so the case may be, such books, accounts, documents, instruments or commodities in custody and control of the applicant, as may be necessary for proper evaluation of the application;
- (b) To require any applicant allow entry and inspection of any premises from which activities claimed to be for the welfare of Consumer, are stated to be carried on to a duly authorized officer of State Government.
- (c) To get the accounts of the applicants audited, for ensuring proper utilization of the grant;
- (d) To require any applicant, in case of any default, or suppression of material information his part, to refund in lump-sum, the sanctioned grant to the Committee, and to be subject to prosecution under the relevant Act/ Rules;
- (e) To require any applicant, or class of applicants to submit a periodical report indicating proper utilization of the grant;
- (f) To reject an application placed before it on the basis of involvement of factual inconsistency, or inaccuracy in the material particulars;
- (g) To recommend minimum financial assistance, by way of grant to an applicant, having regard to his financial status, and importance and utility of nature of activity under pursuit, after ensuring that the financial assistance provided shall not be misutilised ;
- (h) To identify beneficial and safe sectors, where investments out of Consumer Welfare Fund may be made and, make recommendations accordingly ;
- (i) To make guidelines for the management and administration of the Consumer Welfare Fund;
- (j) To recover any sum due from any applicant in accordance with the provision of the Act or these rules ;

8. Specification of purposes for utilization of credits available in Consumer Welfare Fund;

1. The committee shall make recommendation for sanction of funds for,

- (a) Making available grants to any applicant as per schemes of the Central/State Government ;
- (b) Investment of money available in the Consumer Welfare Fund;
- (c) Making available grants for any other purpose or activities recommended by the State Consumer Protection Council (as may be considered appropriate by the Committee).
- (d) Such other activities as may be considered necessary for promotion and protection of Consumer interest in the State.

FORM – AI
{ See Rule-2(c) }

To

The Member Secretary,
Consumer Welfare Committee,
Arunachal Pradesh,
Naharlagun.

1. Name and full postal address of the applicant :
2. Status of the applicant under clause of rule 2. :
3. Date of establishment. :
4. Whether registered under the Societies Registration Act, 1860 (21 of 18600 or any other relevant Act. :
5. If any, number and year of registration (Attested copy of registration certificate to be enclosed) :
6. Whether the organization is of national or State level. :
7. Number of managing committee members together with list of names, address and occupation of office bearers. :
8. Brief details of the organizations, objectives And activities during last three years. :
9. Purpose for which the amount is required (furnish the details of the project and its proposed Implementation). :
10. Amount of grant required, item0wise details Under Non-recurring/recurring to be enclosed. :
11. Time schedule of the activities arranged. :
12. The total amount incurred/invested by the Applicant or likely to be incurred by the applicant. :
13. Sources of funding of balance amount whether The organization is getting financial assistance from any official/non-official source, if yes, give details. :
14. Details of prosecution, if any, in a court of law launched against the applicant, during last five years. :
15. Couples of the following documents to be attached. :
- (i) Constitution of the organization and Articles of Association. :
- (ii) Last Annual Report and Audited Statement of accounts. :

DECLARATION

(To be signed by the applicant or its authorized agent)

The particulars here to fare given, are true and correct. Nothing material has been suppressed. It is certified that I/We have read the guidelines, terms and conditions governing the scheme and undertake to abide by them on behalf of our organization/institution. The financial assistance, if provided, shall be put to the declared use, for promotion and protection of rights of consumers or for standard marks. (Strike out whichever is applicable)

Date :
Station :

Applicant

RECOMMENDATION OF MEMBER SECRETARY

Factual details furnished in the application have been verified in consultation with Ministry/Department ofAgency who is/are administratively concerned in matter found to be correct/incorrect. The claims of the applicant are recommended for consideration by the Committee (please give reasons in support of your recommendation).

Member-Secretary
Committee (Consumer Welfare Fund)

RECOMMENDATION OF THE COMMITTEE

Recommended for grant of Rs.Rupees
(in words) from the Consumer Welfare Fund as discussed in the meeting held on(date).

Chairman
Committee.

Secretary,
Deptt. of Legal Metrology & CA,
Govt. of Arunachal Pradesh,
Itanagar.