

Assam Consumer Welfare and Guidance Fund Rules, 1996

ASSAM

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Rule

ASSAM-CONSUMER-WELFARE-AND-GUIDANCE-FUND-RULES-1996 of 1996

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Assam Consumer Welfare and Guidance Fund Rules, 1996Published vide Notification No. FSA, 151/94/56 dated 8th April, 1996Last Updated 11th February, 2020[Notification No. FSA, 151/94/56.] [Published in the Assam Gazette (Extra.) No. 130 dated 2nd July, 1996] - The Governor of Assam is hereby pleased to make the following rules to provide for the creation of Consumer welfare found for the welfare of the consumers in the State of Assam, namely:-

1. Short title and commencement.

(1)These rules, may be called the Assam Consumer Welfare and Guidance Fund rules, 1996.(2)They shall come into force on the date of their publication in the official Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires-(a)"Act" mean the Consumer Protection Act, 1986 (Central Act 68 of 1986).(b)"consumer" means any person who-(i)buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised or under any system of deferred payment when such use is made with the approval of such person but does not include a person who obtains such goods for resale or for any commercial purpose ; or(ii)hires any services for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any beneficiary of such services other than the person who hires the services for consideration paid or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first

mentioned person;(c)"Fund" means the Assam Consumer welfare and Guidance Fund ;(d)"Consumer organisation" means any Voluntary Consumer Association registered under the Companies Act, 1956 or the Societies Registration Act, 1850 or under any law for the time being in force to do or undertake activities concerning consumer ;(e)"Government" means the Government of Assam ;(f)"Project" means any plan submitted by any consumer organisation for spending the Fund;(g)"Grant" means allocations sanctioned under these rules.

3. Constitution and corpus of the Fund.

(1)The Government shall constitute a fund to be called the "Assam Consumer welfare and Guidance Fund."(2)The following shall form or be paid into the Fund:-(i)The financial grants-in-aid of Rupees Five Lakhs to the Government in the Civil Supplies Department for Consumer Welfare and Guidance sanctioned and released by the Finance Taxation Department (Through their letter No. FTX. 153/93/79, dated Dispur the 15th November 1994.(ii)The interest or dividend on the investments of the Fund Money.(iii)Any other receipts from any source, whatever, specially received for this purpose of Consumer Welfare Fund.

4. Objectives of the Fund.

- The Fund shall be utilised for-(i)Protection of Consumers from the hazards to their health and safety from goods and services ;(ii)Promotion and protection of economic interests of the Consumers ;(iii)Promotion of access to Consumers to adequate information regarding consumer products to enable them to make unformed choice according to individual wishes and needs ;(iv)Promotion of consumer education and awareness through Print, audio-visual and electronic media;(v)Promotion of effective consumer redressal system ;(vi)Support to the encouragement of individuals engaged in and organisational efforts at consumer protection, consumer education and consumer movements.

5. Organisation eligible for grant.

(1)The following organisations and institutions shall be eligible for grant from this Fund, if they are Voluntarily engaged in the Consumer Welfare and Guidance activities, namely:-(i)a Voluntary consumer organisation,(ii)registered Mahila Associations or Samities,(iii)any registered Research organisation ;(iv)recognised Universities in the State.(2)Any organisation or institution mentioned in sub-rule (1) seeking grant from this Fund shall have to fulfil the following conditions, namely:(i)it should be working for promotion and protection of consumer interests as provided in Rule 4;(ii)it should have a legal status permitting entrustment of public funds,(iii)it should be non-political, non-denominational non-official and under a non-Proprietary management,(iv)it should have obtained exemption from the competent authority from the payment of Income Tax and Wealth Tax,(v)it should have well defined objectives for promotion and protection of the interests of the consumers,(vi)it should not be run for profit to any individual or group of individuals, but should serve the general public without any discrimination of caste, creed, colour or religion,(vii)it should have a specific area of operation so that it would be possible to assess the impact of the projects it wants to implement;(viii)it should have completed at least two years of working after its initial

registration under the relevant Act and should have a commendable track record of consumer protection and guidance activities;(ix)it must be maintaining following audited statements of accounts ;(a)receipt and payment s;(b)income and expenditure; and(c)balance sheet;(x)It should not have been disqualified by the Central Government or the State Government for this purpose ;(xi)It should not have received similar grant from any other official source, partially or wholly, for the same purpose and for the same period,(xii)it should have raised or be in position to raise an amount at least equal to the grant it asks for from this Fund, through other sources except from trade or industry.

6. Purpose of grant.

(1)Grant shall ordinarily be given for specific projects and programmes of action and not for the general upkeep of an organisation.The following activities will be eligible for grant:(a)the undertake research and investigation into consumer problems within the State of Assam ;(b)to establish a unit in consumer economics in the Department of Economics for conducting research into various facts of consumer economics as also for developing suitable curriculum for teaching the subjects at the diploma, degree or post-graduate level by any University or Institution in the State,(c)to establish a cell in the State Department of Education for developing suitable curriculums for teaching the subject at the school and the under graduate level ;(d)to undertake testing programmes regarding quality and quantity of various consumer products by setting up testing Laboratories.(e)to organise training courses, workshop symposia or the like for the express purpose of training consumer activities, to work for consumer protection and guidance by training institutions,(f)to organise consumer education and awareness programmes both in urban and rural areas by exhibitions, talks, film shows, audiovisual demonstration etc;(g)any other scheme or activity which contributes towards consumer protection as may be considered appropriate by Government from time to time. However, the grant shall not be available for vaguely worded projects or for any one-time activity although having a bearing on consumer protection.(2)Government may work out a suitable scheme for giving awards to organisations, Government servants and consumer activities and other individuals for outstanding and sustained efforts in the promotion of consumer protection, awareness and guidance.

7. Pattern of grant.

- The grant from the Fund shall be sanctioned to the eligible individual or institutions strictly according to the following order of priority.(1)For the purpose mentioned in Rule 6(i)(a),(2)For the purpose mentioned in Rule 6(1)(b) and (c),(3)For the purposes mentioned in Rule 6(1)(b) and (e),(4)For the purpose mentioned in Rule (6) (1) (f) (g) and Rules 6(2).

8. Management of the Fund.

- The management of the Fund shall vest in the Managing Committee Consisting of the following, namely:-

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| (1) Secretary, Food & Civil supplies Department Government, of Assam | -Chairman |
| (2) Deputy Secretary, Food & Civil Supplies Department Government, of Assam | -Member |
| (3) Financial Adviser, Food & Civil Supplies Department | -Member-Secy. |
| (4) Director, Food & Civil Supplies Department. | -Member |
| (5) Representatives of two voluntary Consumer organisations appointed by Govt, by rotation for a period of one year. | -Member |

9. The power and functions of the Managing Committee.

(1)The Managing Committee shall supervise the maintenance of the Fund :(2)It shall have the power to invest the Fund or any part of it in the approved Government securities or with the nationalised banks at its discretion.(3)It shall call for the application in the form prescribed by it for grant from the eligible institutions, organisations, or individuals.(4)It shall scrutinise the applications received from eligible institutions, organisations or individuals for the purpose of the grant.(5)It shall have authority to call for such documents and information as it may deem necessary for considering the request for grant from the eligible organisation or individual.(6)It shall have the right to prescribe conditions governing the grant, and also, to prescribe the procedure and manner of submission of accounts by the eligible organisations. The managing Committee may at its discretion inspect or get inspected, the accounts of any beneficiary institution with a view to satisfying itself as to whether the grant have been spent prudently and for the purpose for which these were sanctioned.(7)It shall have the power to sanction grant to eligible organisations in the manner and to the extent it deem fit, subject to the conditions laid down in Rules 6 and 7.(8)It shall have the power to demand the refund of grant from the grantee organisation or to declare an organisation in eligible for further grant in future, in case of default in compliance with any of the conditions prescribed therefor.(9)The decisions of the Managing Committee in respect of sub-rules (4), (5), (6), (7) and (8) shall be final and shall not be opened for review by any Court of Law or any Consumer Forum.(10)The Managing Committee shall decide the procedure, manner and periodicity of its meeting except that not more than 6 months shall elapse between two meetings.(11)The Managing Committee shall have the full power to take such steps as may be necessary for the proper functioning and upkeep of the Fund.(12)The Managing Committee shall manage the scheme of awards to worthy institutions, consumer activists or other individuals and Government servants doing outstanding consumer Protection work subject to the condition prescribed by the Government, if any.(13)The Managing Committee shall prepare a report of its activities and an annual statement of accounts, and shall present the same to the first meeting of State Consumer Protection Council every financial year.