

Sikkim State Consumer Welfare Fund Scheme, 2000

SIKKIM

India

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Rule

SIKKIM-STATE-CONSUMER-WELFARE-FUND-SCHEME-2000 of 2000

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Sikkim State Consumer Welfare Fund Scheme, 2000 Last Updated 18th February, 2020

1. Short title, extent and commencement.

- (i) This Scheme may be called the Sikkim State Consumer Welfare Fund Scheme, 2000. (ii) It extends to the whole of Sikkim. (iii) It shall come into force from the date of its publication in the Official Gazette.

2. Application.

- (i) The Scheme shall be applicable to all Voluntary Consumer Organizations affiliated to the Federation or Consumer Association, Gangtok. (ii) The Scheme shall also be applicable to existing Voluntary Consumer Organizations which have not availed of financial assistance from the Central Government under the Scheme of the Central Consumer Welfare Fund Rules, 1992.

3. Definitions.

- In the Scheme, unless the context otherwise requires:-(a)"Act" means the Consumer Protection Act, 1986 (68 of 1986) as amended from time to time by the Central Government. (b)"Applicant" means any agency/organization engaged in Consumer Welfare activities for a period of three years registered under the provisions of the law relating to registration of such organizations for the time being in force in the State. (c)"Application" means the proforma or application in Form A-1, appended to this Scheme; (d)"Central Government" means the Government of India; (e)"Committee" means the Committee constituted under paragraph 5 of the Scheme; (f)"Consumer" has the same meaning as assigned to it under clause (d) of sub-section (1) of section 2 of the Act and includes

consumer of goods on which duty has been paid;(g)"Financial assistance" means the money provided as outright grant to the applicant in fulfillment of the formalities laid down for such purpose;(h)"Scheme" means the Sikkim State Consumer Welfare Fund Scheme, 2000;(i)"State Government" means the Government of Sikkim;(j)"Voluntary Consumer Organization" means an organization registered with the Land Revenue Department of the State Government under the provisions of the law relating to registration of such organization and engaged in the consumer welfare activities which should have affiliation with the Federation of Consumer Association of Sikkim, for a availing of assistance under this Scheme;(k)"Welfare of the Consumer" includes promotion and protection of right of consumers;(l)"Year" means the financial year commencing on the first day of April and ending on the 31st Day of March next following;(2)Words and expressions used in this Scheme and not defined, but defined I the Consumer Protection Act, 1986 shall have the same meanings respectively assigned to them in the Act;

4. Disqualification.

- Any Voluntary Consumer Organization which:-(a)Denies or refuses to furnish any information demanded by the State Government; or(b)After receipt of the financial assistance from the State Government under this Scheme, does not utilize for the specific and bonafide purpose but diverts for some other purpose not connected with the activity of the organization;(c)Furnished wrong and incorrect information or suppresses relevant or material facts; or(d)Is backlisted orderecognized by the State Government or the Central Government;Shall be disqualified from availing of financial assistance under this Scheme.

5. Constitution of the Committee.

(1)There shall be a Committee constituted under this Scheme which shall consist of the following members namely:-

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| 1. Commissioner-cum-Secretary, Food and CivilSupplies and Consumer Affairs Department | : Chairman |
| 2. Additional Secretary, Food and Civil Suppliesand Consumer Affairs Department | : Member |
| 3. Joint Secretary, Department of Food and CivilSupplies and Consumer Affairs | : Member |
| 4. President, Federation of Consumer Association ofSikkim | : Member |
| 5. General Secretary, Federation of ConsumerAssociation of Sikkim | : Member |
| 6. Joint Controller, (Consumer Protection Cell)Consumer Affairs Department | : Member-Secretary |

(2)The Chairman of the Committee shall sanction the financial assistance to the applicants after screening and full scrutiny of the application and documents submitted to them by the Committee as provided under clause 5.

6. Procedure for conduct of business.

(1)The Committee shall meet as and when necessary, but not more than four months shall intervene between any two meetings.(2)The Committee shall meet at such time and place as the Chairman of the Committee may deem fit.(3)Each meeting of the Committee shall be called by giving notice in writing to every members of not less than seven days from the date of issue of such notice.(4)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.(5)No proceedings of the Committee shall be valid unless it is presided over by the Chairman and a minimum of two other members are present.

7. Powers and functions of the Committee.

(1)The Committee shall have powers:-(a)To require any applicant to produce before it or a daily authorized officer of the State Government, 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 to allow entry and inspection of any premises from which activities claimed to be for the welfare of consumers, are stated to be carried on, to a duly authorized officer of the State Government.(c)To get the accounts of the applicant audited, for ensuring proper utilization of the grant;(d)To require any applicant, in case of any default or suppression of material information on his/her part, to refund in lump sum the sanctioned grant to the Committee, and to be subject to prosecution under the relevant laws;(e)To recover any sum due from any applicant in accordance with the provisions of this Scheme;(f)To require any applicant or class of applicants to submit a periodical report indicating proper utilization of the grant;(g)To reject an application placed before it on the basis of involvement of factual inconsistency, or inaccuracy in the material particulars;(h)To recommend minimum financial assistance, by way of grant to an applicant having regard to his/her financial status, and importance and utility of nature of activity under pursuit, after ensuring that the financial assistance provided shall not be misutilized;(i)To identify beneficial and safe sectors, where investment out of the Consumer Welfare Fund may be made and make recommendations accordingly.(2)The Committee shall not consider an application unless it has been inquired into in material details and recommended for consideration by the Member-Secretary.

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

- (8) The Committee shall make recommendations:-(a)For making available grants to any applicant;(b)For investment of the money available in the Consumer Welfare Fund;(c)For making available grants on a selective basis for reimbursing legal expenses incurred by a complainant or a class of complaints in a consumer dispute, after its final adjudication; and(d)For making available grants for any purpose which may be considered appropriate by the Committee.

9. Application for financial assistance.

- (9) All eligible applicants claiming financial assistance under this Scheme shall apply to the Member-Secretary, to the Committee constituted under paragraph 5 of the Scheme in the proforma A-1 appended to this Scheme.

10. Utilization of financial assistance.

- (10) (1) Any applicant registered and running Voluntary Consumer Organization for at least three years; which avail of financial assistance under this Scheme shall utilize the money to pursue any or all the objects hereinafter mentioned, namely:-(a)Organizing Consumer Awareness Programme: - Such programmes, as far as practicable, shall be conducted at the village, block, sub-division and district levels duly involving the Gram Panchayat Wards/Units of the concerned areas wherever they are conducted.(b)Preparation of Publicity materials: - The applicant shall prepare publicity materials like pamphlets, hand-outs, posters, booklets, etc. in simple regional language duly giving all material information which common people may easily understand.It shall be mandatory for any applicant to get such publicity materials shown, vetted and approved from the Committee constituted under paragraph 5 hereof(c)Dissemination of information and messages of the consumer protection: - Sub-section (6) of section 6 of the Consumer Protection Act guarantees right of education to consumers. The applicants shall make all concerted efforts to disseminate information to the consumers through all available media so that the process of consumer awakening takes more faster pace.(d)Filling of complaints on behalf of ignorant illiterate and helpless consumers: - Major of the rural people and many of the urban people of the State have no knowledge about the existence of the Consumer Disputes Redressal Agencies which are dispensaries of swift, expeditious and inexpensive justice to aggrieved consumers. Consequently, very few cases are being filed in these Consumer Disputes Redressal Agencies.The applicants shall identify the consumers who need help in filing consumer complaints in the appropriate forum and if need be, the applicants can themselves file and contest cases on behalf of such ignorant, illiterate and helpless consumers. Section 12(b) of the Act has empowered the Voluntary Consumer Organizations to file consumer complaints on behalf of those consumer who are unable to do so.(2)The financial assistance granted under this Scheme shall be utilized for promotional activities aimed to generate consumer awareness, accelerating the pace of consumer welfare activities and to popularize the functioning of the Consumer Disputes Redressal Agencies and for purpose which are directly linked or are incidental to give momentum to the Consumer Movement in the State.

11. Establishment of Consumer Welfare Fund.

- (11) There shall be established a Consumer Welfare Fund with the of State Government into which credits the amounts of money specified in the Guidelines under the BACKGROUND Column.

12. Maintenance of accounts and records of Consumer Welfare.

- (12) Proper and separate accounts in relation to the Consumer Welfare Fund shall be maintained

by the Department of Food and Civil Supplies and Consumer Affairs and shall be subject to audit by the Office of the Accountant General (Audit), Sikkim.

13. Operation of accounts of the Consumer Welfare Fund.

- (13) A separate account shall be opened any of the Nationalized Banks functioning at Gangtok, East Sikkim, for operation of the Consumer-Welfare Fund. The accounts shall be operated and the cheques on account of financial assistance to any applicants or organizations under this Scheme shall be signed jointly by the Chairman and Member Secretary of the Committee. The accounts pass books, cheque books or any other instruments in relation to the Consumer Welfare Fund shall remain in the safe custody of the Member-Secretary of the Committee.

14. Power to add, amend, alter, modify, vary or substitute.

- (14) Notwithstanding anything contained in this Scheme, the State Government may, from time to time, as and when deemed necessary, add, amend, alter, modify, vary or substitute any of the provisions made herein. The State Government also reserves the right to evolve a separate package of assistance for the Voluntary Consumer Organizations in the Public Interest.

15. Power to remove difficulties.

- (15) If any difficulty arises in giving effect to the provisions of this Scheme, the same shall be referred to the State Government in the Law Department, whose decision thereon shall be final and binding. No appeal shall lie in any forum in case of a dispute. The financial assistance under this Scheme cannot be claimed as a matter of right.