

The Tripura State Consumer Welfare Fund Scheme, 2005

**GOVERNMENT OF TRIPURA
FOOD, CIVIL SUPPLIES AND
CONSUMER AFFAIRS DEPARTMENT**

NO.F.7-11(6)DF/2004.

Dated, Agartala, the 21st August, 2005.

NOTIFICATION

Whereas the Govt. of India in the Ministry of Consumer Affairs issued directives to the Govt. of Tripura to formulate its own scheme of Consumer Welfare Fund for strengthening voluntary efforts for promoting and consolidating consumer movement in the State of Tripura.

And whereas, there are few numbers of voluntary consumer organizations active in the field of consumer protection in the State and there is an urgent need to promote more voluntary consumer organizations to intensify the consumer movement in the State.

And whereas the Govt. of Tripura, after careful consideration of the present status of consumer movement in the State, have felt the need to formulate its own scheme of Consumer Welfare Fund in order to provide financial assistance to prospective as well as existing Non-Governmental Organisation/voluntary consumer organizations (NCOs/VCOs) for the purpose of organizing consumer protection/consumer welfare activities and educating the masses about consumer rights and privileges and other important aspects of the Consumer Protection Act. 1986.

Now, therefore, the Government of Tripura in pursuance of the policy guidelines and directives received from the Ministry of Consumer Affairs, Food and Public Distribution Government of India, New Delhi, hereby formulates the following Scheme, namely :-

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| 1. | Short title extent and Commencement | (i) | This Scheme may be called the Tripura State Consumer Welfare Fund scheme 2005. |
| | | (ii) | It extends to the whole of Tripura. |
| | | (iii) | It shall come into force from the date of its publication in the official Gazette. |
| 2. | Applicability : | 2(i) | The Scheme shall be applicable to all Voluntary Consumer Organizations registered under the Societies Registration Act., Companies Act, 1956 and other Acts, now in force in India which are not contrary to the interest of the consumers of the State. |
| | | 2(ii) | The Scheme shall be applicable to all Voluntary Organizations which have not availed of financial assistance from the Central Government under the Scheme of Central Consumer Welfare Fund, 1992. |
| 3. | Definitions | (i) | "Act" means the Consumer Protection Act., 1986(68 of 1986) as amended from time to time by the Govt. of India. |
| | | (ii) | "Applicant" means any agency/Organization registered under the provisions as mentioned in the Clause-2 and engaged in Consumer Welfare Activities for a period of atleast 2(two) consecutive years having its registered office within the territory of the State and having up-dated accounts duly certified by the registered Chartered Accountant. |

- (iii) "Application" means the proforma or application in Form A-1 appended to this scheme.
- (iv) "Central Government" means the Government of India.
- (v) "State Government" means the Government of Tripura.
- (vi) "Consumer" has the same meaning assigned to it under clause (D) of Sub-Section-2 of Section-2 of the Act.
- (vii) "Financial Assistance" means the money provided as outright grant to the applicant in fulfillment of the formalities laid down or such purpose.
- (viii) "Scheme" means Tripura State Consumer Welfare Fund Scheme, 2005.
- (ix) "Welfare of the Consumer" includes promotion and protection of right of consumers.
- (x) "Year" means the financial year commencing on the first day of April and ending on the 31st day of March of the following year.

4. Establishment of Tripura State Consumer Welfare Fund

The followings shall form or be credited into the fund :--

- (a) The financial assistance received from the State Govt.
- (b) Financial assistance to the State Govt. for consumer protection / welfare released by the Govt. of India proportionate to the fund as seed money for creation of the fund.
- (c) Any others receipts from any source viz voluntary donation by any resource person/organization/institution/international organization/other department of the State Government working for the cause of consumer protection and welfare as deemed proper and fit by the Government.
- (d) Increase the cost of new ration cards and the differences be credited into the fund.
- (e) Any other receipts into the fund under formal administrative instructions of the competent authority or in compliance with any provisions of any Act., Rules or regulations in force.
- (f) The fund will be operated by a Committee constituted by the Department of Food, Civil Supplies & Consumer Affairs, Govt. of Tripura.

5. Objectives of the Fund :-

The fund shall be utilized for -

- (i) Protection of consumer from the hazards to their health and safety.

- (ii) Promotion and protection of economic interest of the consumers ;
- (iii) Promotion of access of consumers to adequate choice according to individual issues and needs ;
- (iv) Promotion of consumers education and awareness through print literature, audio visual and electronic media ;
- (v) Setting up of facilities for training and research in consumer education.
- (vi) Conducting seminar, workshop, meeting at the grass root level for awareness of the rural based consumers.
- (vii) Setting up of consumers product testing laboratories.
- (viii) Providing financial assistance to consumer who deserves such assistance for establishing his claims before the redressal forum.
- (ix) Any other matter which the committee may deem proper and fit to tackle pressing social problems and maximize the consumer welfare.

6. Eligibility criteria for grant : 1. The following organizations and institutions shall be given priority for sanction of grant under this fund if they are voluntarily engaged in the consumer protection and welfare activities.

- (a) (i) Registered Voluntary Consumer Organizations.
- (ii) Registered Women Societies.
- (iii) Registered Non-Governmental Organizations.
- (iv) Any registered research organisation.
- (v) Recognized Universities in the State.
- (vi) Any statutory/consumer body associated with consumer protection/welfare activities.
- (b) Any organization or institution mentioned here-in-above seeking grant from the this fund will have to fulfill the following conditions of eligibility :-
 - (i) It should be working for promotion and protection of consumer interest.
 - (ii) The organization should have a legal status to handle public fund.
 - (iii) It should be non-political, non-profiteering and non-denominational, non-official and 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 or individuals but should serve the general public without any discrimination of caste, creed, colour or religion.
- (vii) It should preferably have a specific area of operation so that it would be possible to assess the impact of the projects it wants to implement.

There shall be a committee under this scheme which shall consist of the following members :

7. Standing Committee for management of the State consumer welfare fund :

- (a) The Minister of Food, Civil Supplies & Consumer Affairs
- Chairman
- (b) Secretary, Food, Civil Supplies & Consumer Affairs
- Member.
- (c) Secretary, Law, Govt. of Tripura, --Member.
- (d) Director, Food, Civil Supplies & Consumer Affairs
- Member Secretary of the Committee.

The committee shall have the following powers and functions -

8. Powers and functions of the Committee :

1. (a) To require any applicant to produce before it or a duly authorized officer of the State Government, such books accounts, documents, instructions or commodities in custody and control of the applicant as may be necessary for proper evaluation of 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 mis-utilised.

(i) To identify beneficial and safe sectors' where investment out of the Consumer Welfare Fund may be made and make recommendations accordingly.

(j) The committee shall not consider an application unless it has been inquired into in material details and recommended for consideration by the Member-Secretary.

9. Procedure for conduct of business :

- (i) The committee shall sit as and when necessary but not more than 6 months shall intervene between any two meetings.
- (ii) The committee shall meet at such time and place as the Chairman may deem fit.
- (iii) The meeting of the Committee shall be presided over by the Chairman of the committee.
- (iv) Each meeting of the committee shall be called by giving notice in writing by the member-secretary to every member of not less than 15 days from the date of issue of such notice.
- (v) Every notice of the meeting of the committee shall specify the place and the day and hour of the meeting and shall contain agenda to be transacted thereat.
- (vi) No proceedings of the Committee shall be valid unless it is presided by the Chairman and a minimum of 2 other members are present.
- (vii) The minutes of the meeting shall be authenticated by the Secretary, Food, Civil Supplies and Consumer Affairs Department shall be issued by the Member Secretary. The Member-Secretary, shall be responsible for implementation of the decision of the committee within the time frame as stipulated by the committee.

10. Purposes for utilization of credits available in Consumer Welfare Fund :-

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.

11. Application for Financial Assistance : All eligible applicants claiming financial assistance under this Scheme shall apply to the Member-Secretary to the committee constituted under this scheme in the proforma annexed herewith annexure-A-I
12. Utilisation of financial assistance : On receipt of financial assistance the individual/organizations/ institutions etc. shall utilize the fund for the purpose for which it is sanctioned failing which the committee shall have the power to take legal course of action under the provision of the act and rules applicable thereto.
13. Operation of the Accounts and Maintenance of Records :-
 - (i) Proper and separate accounts on the consumer welfare fund shall be maintained in the Department of FCS & CA and shall subject to audit by the office of the Accountant General (Audit) Tripura.
 - (ii) A separate account shall be opened on any of the nationalized bank functioning at Agartala Tripura for operation of the Consumer Welfare Fund. The account shall be operated on account of financial assistance to any applicant or organization under this scheme jointly by the Accounts Officer and the Head of Office (and/or DDO) of the Directorate of FCS & CA as may be directed by the Government/DFCS & CA. The bank pass books, cheque books or any other documents in relation to Consumer Welfare Fund shall remain under the custody of the Head of Office of the Directorate of FCS & CA and shall be regulated in the manner in which the accounts to be maintained by the State Government and shall be subject to audit by the CAG.
14. Power to amend, alter, add, modify, vary or substitute :- Notwithstanding anything contained in this Scheme the State Government may from time to time as and when deem necessary add amend, alter modify, vary or substitute any of the provisions made herein. The State Govt. also reserves the right to evolve a separate package of assistance for the voluntary consumers organizations in the public interest.
15. Power to remove difficulties :- If difficulties arise in giving effect to the provisions of the scheme the same will be referred to the State Govt. 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 the scheme cannot be claimed as matter of right.

By order etc.

B. Sinha
Commissioner & Secretary
to the Government of Tripura.

**SECTION-11
FORM - A -1.**

(Please see Consumer Welfare Scheme, 2005)

IMPORTANT : Please fill up this form furnishing correct details sought for, based on verifiable true state of affairs without causing suppression of any material information which, if resorted to, shall entail prosecution under the relevant laws.

1. Name and full postal address of the applicant. :
2. Status of the applicant (Whether Consumer Activist / Women's Organization/Voluntary Consumer Organization. :
3. Date of Establishment :
4. Whether registered under the Relevant Act or Law. :
5. If yes, number and year of registration (attested copy of registration certificate to be enclosed). :
6. Whether the Organization is of State/ District/Sub-Division/Block, village level. :
7. Number of Managing Committee Members together with list of names, addresses and occupations of the office bearers. :
8. Brief details of the organization objectives and activities during the last three years. :
9. Purpose for which the amount is required (please state the details of the project and its proposed implementation). :
10. Amount of grant required item-wise 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 the 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 the last five years. :
15. Copies 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

The particulars hereto fore 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 the rights of consumers or for purpose relating thereto. I/We have signed this declaration after fully understanding the covenants of the Scheme.

Dated :

Place :

APPLICANT.

RECOMMENDATION OF THE COMMITTEE MEMBER SECRETARY

Factual details furnished in the application have been verified in consultation with the Department of Food and Civil Supplies & Consumer Affairs (Consumer Protection Cell) who is administratively concerned in the matter and found to be correct. The claims of the applicant are recommended for consideration by the Committee (Please give reasons in support of the recommendations).

MEMBER-SECRETARY
TRIPURA STATE CONSUMER
WELFARE FUND COMMITTEE.

Recommendation of the Committee

Success) only from the Tripura State the Consumer Welfare Fund as discussed in the meeting held on (date).

CHAIRMAN
TRIPURA STATE CONSUMER WELFARE FUND
COMMITTEE.