

GOVERNMENT OF MEGHALAYA
FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT

No. SUP.80/94/694

Dated Shillong, the 16th March, 2020.

NOTIFICATION

Whereas the Government of Meghalaya, in pursuance of Instructions from the Ministry of Consumer Affairs and Public Distribution, Government of India, has set up a State Consumer Welfare Fund for the purpose of providing financial assistance to the Registered Voluntary Organizations engaged in the activities of promoting Consumer Awareness and to ensure proper release of assistance from such State Consumer Welfare Fund.

Now, therefore the following Rules are made: -

1. Short Title, extent and commencement
 - (i) The Rules may be called the Meghalaya State Consumer Welfare Fund Rules, 2020.
 - (ii) They shall extend to the whole of Meghalaya.
 - (iii) They shall come into force from the date of its publication in the official Gazette.
2. Application
 - (i) These Rules shall be applicable to all Voluntary Consumer Organizations/N.G.Os duly registered under the Law.
 - (ii) They shall also be applicable to existing Voluntary Organizations which have not availed of financial assistance from the Central Consumer Welfare Fund.
3. Definitions
 3. In these Rules, 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.
 - (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 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) "State Government" means the Government of Meghalaya.
- (i) "Voluntary Consumer Organization" means an organization registered under the provision of the law relating to registration of such Organization and engaged in the consumer welfare activities.
- (j) "Welfare of the Consumer" includes promotion and protection of right of consumers.
- (k) "Year" means the financial year commencing on the first day of April and ending on the thirty first day of March next following.

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 utilise 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 blacklisted or derecognised 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: -

1. Additional Chief Secretary / Principal Secretary/Commissioner & Secretary/Secretary, Food Civil Supplies and Consumer Affairs Department Meghalaya: Chairman

2. Director, Food and Civil Supplies and Consumer Affairs Department Meghalaya. : Member - Secretary

3. Commissioner & Secretary / Secretary, Finance Department, Meghalaya. : Member

4. Registrar of Cooperative Societies Meghalaya: Member

5. Secretary, Law Department Meghalaya. : Member

- (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 / received 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 as 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 member 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 authorised 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 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 authorised officer of the State Government.
 - (c) to get the accounts of the applicant audited, for ensuring proper utilisation 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 applicants in accordance with the provisions of this Scheme.
 - (f) to require any applicant or class of applicants to submit a periodical report indicating proper utilisation 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 misutilised.
- (2) The Committee shall not consider an application unless it has been inquired in material details and recommended for consideration by the Member Secretary.

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

The Committee shall make recommendations: -

- (a) for making available grants to any applicant;
- (b) 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
- (c) for making available grants for any purpose which may be considered appropriate by the Committee.

9. Application for The State Consumer Welfare Fund.

- (1) Any Voluntary Consumer Organization desirous to avail of financial assistance under this scheme may apply in Form – A-I annexed to the scheme of Meghalaya Consumer Welfare Fund, to **the Member Secretary, Committee (Consumer Welfare Fund) Food Civil Supplies and Consumer Affairs Department, Government of Meghalaya, Secretariat Additional Building, Shillong**. The applicant should submit annual reports and audited statement of accounts for the last 3 years separately for each year, list of members and other information as required under these Rules. He will be required to furnish photocopies of all documents attached with application duly attested by a gazetted officer of the State Government. The audited accounts statements of the organization must bear the registration number and official seal/stamp of the Chartered Accountant. Or any additional information as may be required by the Department of Food Civil Supplies and Consumer Affairs, Meghalaya.

The application should be submitted through the respective Deputy Commissioner who would send the same to the Department of Food Civil Supplies and Consumer Affairs along with his comments/recommendations after proper enquiry /verification.

10. Utilisation of Financial assistance From the State Consumer Welfare Fund.

- (1) Any Voluntary Consumer Organization which avail of financial assistance under this Scheme shall utilise the money to pursue any or all the objects, hereinafter mentioned namely: -

- (a) organising consumer awareness programme: -

Such programmes as far as practicable, shall be conducted in any areas throughout the State duly involving the local people of the concerned area.

- (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 thereof.

- (c) Dissemination of information and messages of the consumer protection.

Clause (f) of section 6 of the Consumer Protection Act, 1986 guarantees right of education to consumers. The applicants shall make all concerted effort to disseminate information to the consumers through all available media so that the process of consumer awakening takes more faster pace.

- (d) Filing of complaints on behalf of unaware, less educated and needy consumers:

- (d) Majority 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 consumers who are unable to do so.

- (2) The financial assistance granted under this Scheme shall be utilised for promotional activities aimed to separate 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.

Any Agency or Voluntary Organization which has received financial assistance from the State Consumer Welfare Fund should submit a brief Reports of the Programmes taken by them and to furnish Utilisation Certificate as prescribed in Form -A-II.

11. Establishment of Consumer Welfare Fund. There shall be established a Consumer Welfare Fund with the State Government into which all amounts of money specified in the Guidelines under the BACKGROUND column will be deposited.
12. Maintenance of accounts and records of Consumer Welfare Fund. Proper and separate accounts in relation to the Consumer Welfare Fund shall be maintained by the Department of Food Civil Supplies and Consumer Affairs and shall be subject to audit by the office of the Accountant General (Audit), Meghalaya and the internal-cum-concurrent audit of all financial transactions relating to the Fund by the Examiner of Local Accounts, Meghalaya.
13. Operation of accounts of the Consumer Welfare Fund. A separate account shall be opened with any of the Nationalised Banks functioning at Shillong East Khasi Hills for operation of the Consumer Welfare Fund. The account shall be operated and the cheques on account financial assistance to any applicants or organisations 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. 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 Organisation in the public interest.

15. Power to remove difficulties.

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.

FORM -A -1

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 Organisation/Voluntary Consumer Organisation.
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 Organisation 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 bearer.
8. Brief details of the organisation 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 organisation 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 organisation and Articles of Association.
 - ii) Last Annual Report and audited statement of accounts

DECLARATION

The particulars heretofore 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 Organisation/Institution. This financial assistance, if provided, shall be out to the declared use, for promotion and protection of the right of consumers or for purposes 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 Civil Supplies and Consumer Affairs (Consumer Protection Cell) who is administratively concerned in the matter and 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
MEGHALAYA STATE CONSUMER
WELFARE FUND COMMITTEE

RECOMMENDATION OF MEMBER – SECRETARY

Recommendation for the grant of Rs. _____/-
(Rupees _____) only from Meghalaya
State Consumer Welfare Fund as discussed in the Meeting held on
_____ (date).

CHAIRMAN,
MEGHALAYA STATE CONSUMER
WELFARE FUND COMMITTEE

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FORM-A-II

UTILISATION CERTIFICATE

Certified that the amount of Rs. _____ (Rupees _____) only received as financial assistance from the Meghalaya Consumer Welfare Fund, has been fully spent for the purpose of the Consumer Movement in the State/District for the periods _____.

Details of expenditure are as follows:-

Sl.No.	Particulars of Expenditure	Amount	
		Rs.	P.
1.	Printing of Booklets/Brochures		
2.	Preparation of Posters/Banners		
3.	Stationery		
4.	Honorarium/Payment of Resources Person		
5.	Refreshment		
6.	Transport/POL		
7.	Photography		
8.	Publicity		
9.	Miscellaneous		
10.	Any other		
TOTAL			

(Rupees _____) only.

Countersignature:

Signature:

AUDITOR'S REPORT:

Signature and Seal:

Chartered Accountant

GOVERNMENT OF MEGHALAYA
FOOD CIVIL SUPPLIES
AND
CONSUMER AFFAIRS DEPARTMENT
SECRETARIAT – ADDITIONAL BUILDING
SHILLONG.

GUIDELINES FOR SEEKING FINANCIAL ASSISTANCE FROM
THE MEGHALAYA CONSUMER WELFARE FUND

I. BACKGROUND

In pursuance of the DO letter No. 0-12011/10/2003-CWF dt. 8th February 2010 and No. 0-12011/10/2003-CWF dt. 22th September 2010, of the Ministry of Consumer Affairs Food and Public Distribution, Govt. of India to the States and Union Territories to set up their own Consumer Welfare Fund at the State level for the purpose of assisting the Voluntary Consumer Organisations in undertaking publicity measures and other activities relating to consumer movement, it has been decided to set up a State Consumer Welfare Fund in Meghalaya.

The Fund may be built from following resources: -

- i) Initial financial assistance provided by the Central Govt. and the State Govt. in the ratio of 90:10 (Centre:State).
- ii) From fines/excess compensations realized by State Commission/District Fora.
- iii) "*By interest accrued thereon*" etc..
- iv) In any other manner as may be thought fit and expedient by the State Government.

The fund will be operated by the Department of Food Civil Supplies and Consumer Affairs, Meghalaya.

II. OBJECTIVE

The objective of the State Consumer Welfare Fund is to provide financial assistance to VCOs / agencies which undertake to spread consumer awareness in the State in order to strengthen the Voluntary Consumer Movement in the State.

III. EXTENT OF ASSISTANCE

The total quantum of an individual assistance shall not exceed Rs. 1.00 lakhs per application and will be limited to 80% of the approved cost. In exceptional cases, however, 100% assistance may be considered. The quantum of assistance will be decided by the Committee constituted under paragraph 5 of the Meghalaya Consumer Welfare Fund Rules.

Preference will be given to such organizations having all State character and those working in rural areas and having larger participation of women.

IV. ELIGIBILITY

Any agency/organization engaged in consumer welfare activities for a period of three years and registered under the law for the time being in force.

V. PURPOSE

The financial assistance will be extended, mainly for the following purposes: -

- Production and distribution of literature and audio-visual materials for spreading consumer literacy and awareness building programmes for consumer education.
- setting up of facilities for training and research in consumer education and related matters on regional basis;
- Community based rural awareness projects.
- setting of complaint handling/counselling/guidance mechanism like Consumer Guidance Bureau.
- Building up infrastructural facilities for organising consumer education activities on a permanent basis at the Sub-division, District and Block levels.
- The projects not covered by the above, but in the opinion of the Committee constituted for the purposes can tackle pressing social problems and maximize consumer welfare.
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COMPONENT

The following items may qualify for assistance: -

- only for non-recurring expenditure
- purchase of equipments.
- purchase of furniture.
- charges for delivery of services, and
- other charges as may be considered necessary by the Committee constituted for the purpose to ensure proper implementation of the programmes projects.

N.B. Payment of salaries or wages of staff on recurring basis will not be considered as a general rule but appointment of some expert/professional staff as integral part of the project may be considered in deserving cases for a limited period. Such expenditure should not, however exceed 10 % of the total project cost and may be considered depending on the nature of the project.

TERMS AND CONDITIONS

- (i) The fund should not be used for any party or political propaganda.
- (ii) Quarterly progress reports of the progress/implementation of the programme/project should be submitted to the Department of Food Civil Supplies and Consumer Affairs, Government of Meghalaya regularly.
- (iii) The organisation should maintain a record of all the assets acquired wholly or substantially out of the financial assistance given from the Meghalaya State Consumer Welfare Fund. Such assets shall not be disposed of, encumbered or utilised for purposes other than those for which the grants were given without prior sanction of the Government of Meghalaya. Should the organisation cease to exist at any time, 'such assets will revert to the Government of Meghalaya'.

NOTE: - A copy of the Meghalaya State Consumer Welfare Fund Scheme, 2000 is annexed.

Sd/- (Shri.P.Bakshi,IAS)
Secretary to the Government of Meghalaya,
Food Civil Supplies & Consumer Affairs Department

Memo No.SUP.80/94/Vol.II/694-A

Dated Shillong the 16th March, 2020.

Copy to:-

1. P.S. to Chief Minister for information of Chief Minister.
2. P.S. to Minister, Food Civil Supplies & Consumer Affairs for information of Minister.
3. P.S. to Chief Secretary to the Government of Meghalaya for information of Chief Secretary.
4. The Secretary to the Government of India, Ministry of Consumer Affairs, Food and Public Distribution, Department of Consumer Affairs, Krishi Bhawan, New Delhi – 110001.
5. The Secretary, Law Department with reference to I/D. No.163/2013 dated 21.06.2013.
6. The Secretary to the Government of Meghalaya, Finance (E) Department with reference to I/D. No. 249/18 dated 02.11.2018.
7. The Secretary to the Government of Meghalaya, Cabinet Affairs Department with reference to I/D No. 15 dated 02.03.2020.
8. The Director, Food Civil Supplies & Consumer Affairs, Meghalaya, Shillong for information and necessary action.
9. The Secretary, Meghalaya State Consumer Disputes Redressal Commission, Shillong.
10. All Administrative Departments.
11. All Heads of Department.
12. All Deputy Commissioners/Sub-Divisional Officers.
13. The Director Printing & Stationery for publishing in the next issue of the Meghalaya Gazette and to supply 100 copies to this department.
14. NIC, Shillong for uploading in the Meghalaya website.

By Order etc.,



Under Secretary to the Government of Meghalaya,
Food Civil Supplies & Consumer Affairs Department.