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#### **NOTIFICATION**

No.B. 13020/2/05-FCS & CA, the 2nd June, 2006.

#### **INTRODUCTION :**

Framing of the Mizoram State Consumer Welfare Fund Rules, 2006 was an important milestone in the history of the Consumer movement in the State of Mizoram. The Rules were made to provide financial assistance/Grant-in-aid to promote and protect the welfare of the consumers and to strengthen the voluntary consumer movement in the State.

In exercise of the power conferred by sub-section (2) of Section 37, read with Section 12D of the Central Excise and Salt Act, 1944 (1 of 1944), the Governor of Mizoram hereby makes the following rules, namely :-

#### **1. Short title and commencement :-**

(i) These rules may be called the Mizoram State Consumer Welfare Fund Rules, 2006.

(ii) These rules 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" means the Central Excise and Salt Act, 1944 (1 of 1944), or, as the case may be, the Custom Act 1962 (52 of 1962)

(b) "Applicant" means any agency/organization engaged in consumer welfare activities and registered for a period of 3 (three) years 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, SC/ST or State/Central Government run organizations/societies. However the requirements of registration for three years is not applicable to Agencies/societies set up by State/Central Government.

(c) "Application" means an application in Form-A1 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 and protection of rights of consumer.

(h) Words and expression used in the rules and not define, but defined in the Consumer Protection Act 1986 (68 of 1986) shall have the meanings respectively assigned to them in that Act.

### 3. Establishment of Consumer Welfare Fund :

There shall be established a Consumer Welfare Fund with the State/UT Government as per the guidelines worked out under Central Consumer Welfare Fund Rules into which credits of amount of seed money from Central Consumer Welfare Fund, as well as Court fees accrued with District and State Consumer Fora, and any penalty ordered to be paid by the manufactures of consumer products or Service providers, shall be accredited Assistance provided by Central Government for strengthening consumer Movement in the state will be credited to this fund.

### 4. MAINTENANCE OF ACCOUNTS AND RECORDS OF CONSUMER WELFARE FUND:

Proper and separate accounts in relation to the State Consumer Welfare Fund shall be maintained by the State Government and shall be subject to audit by the Accountant General of the State.

### 5. CONSTITUTION OF THE COMMITTEE:

1. The Committee constituted by 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 consist of the following members, namely,
  - (a) The Secretary, Department of Consumer Affairs, Government of Mizoram who shall be the Chairman of the Committee.

- (d) Jt. Secretary Department of Finance who shall be the Vice Chairman.
- (c) Commissioner/Secretary, Department of Rural Development or his nominee;
- (d) Secretary/Commissioner, Department of Education or his nominee;
- (e) Jt. Secretary/nominee of Department of Consumer Affairs, Govt. of India.
- (f) Director, Department of Information & Public Relations.
- (g) Dy. Secretary, Department of Food, Civil Supplies & Consumer Affairs.
- (h) Director, Department of Food, Civil Supplies & Consumer Affairs, as Member Secretary;
- (i) A representative of Mizoram Consumers Union (Hqrs.) or an expert in Consumer movement having active interest and experience regarding working of VCOs/NGOs.

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, and or in his absence the Vice-Chairman of the Committee may deem fit.
- 3. The meeting of the Committee shall be presided over by the Chairman, and in the absence of the Chairman, the Vice-Chairman, shall preside over the meetings of the Committee.
- 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 Committee shall be valid, unless it is presided over by Chairman or Vice-Chairman and a minimum of 3 (three) other members are present.

#### 7. POWERS AND FUNCTIONS OF THE COMMITTEE:

1. The Committee shall have power

- (a) To require any applicant to produce before it, or a duly 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 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 on 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 misutilized.
- (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.

#### 8. SPECIFICATION OF PURPOSES FOR UTILIZATION OF CREDITS AVAILABLE IN CONSUMER WELFARE FUND :

The Committee shall make recommendations for sanction of funds for,

- (a) making available grants to any applicants as per schemes of the Central/State Government.
- (b) investment of the money available in the Consumer Welfare Fund.
- (c) such other activities as may be considered necessary for promotion and protection of Consumer interests in the State.

K. Lal Nghinglova,  
Secretary to the Govt. of Mizoram,  
Food, Civil Supplies & Consumer Affairs Deptt.

#### ANNEXURE—I

#### PROFORMA FOR APPLYING FOR SEED MONEY AS ONE TIME GRANT TO SET UP STATE CONSUMER WELFARE FUND FROM CENTRAL CONSUMER WELFARE FUND :—

- 1. Name, address and full postal address of the Nodal Organisation/Officer responsible for Operating the Fund:
- 2. Amount of seed money required:

3. Whether State Consumer Welfare Fund has been set up as a non-plan, non-lapsable and non-transferable public account:
4. Details of such account indicating Head of account/account number etc:
5. Whether contribution of State share has been credited to the fund and details of the same:
6. Whether any earlier grant received from this Ministry is yet to be settled :

Place :

Date :

Signature of Applicant.

## ANNEXURE

### FOR CENTRAL/STATE GOVERNMENT/DEPARTMENT/BODIES

#### REVISED FORM A-1

1. Name, description and full postal address of the applicant :
2. Purpose for which the amount is required :
3. Amount of grant required :
4. Time schedule, of the :  
proposed activities.
5. Details of previous grants, if any, taken from :  
the Consumer Welfare Fund/Department of  
Food, Civil Supplies & Consumer Affairs.
6. Details of grants/plan and estimates :  
(to be enclosed)

Date: .....

Signature of Applicant

Station:.....

To,

Member Secretary,  
Mizoram State Consumer Welfare Fund Committee  
Office of the Director, Food, Civil Supplies & Consumer Affairs,  
Mizoram, Aizawl.

## ANNEXURE-1A

## PRE—RECEIPT

Received a sum of Rs...../-(Rupees ..... only) from the Department of Food, Civil Supplies & Consumer Affairs as grant -in-aid from the Mizoram State Consumer Welfare Fund sanctioned vide sanction letter No. ....dt ..... for undertaking the project/programmes, etc. mentioned in the said sanction letter.

Signature of authorized  
Signatory with Revenue  
Stamp.