

Haryana Consumer Welfare Fund Rules, 2005
Published vide Notification No. S.O. 8/C.A. 68/1986/S. 30/2005,
dated 28.1.2005

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No. S.O. 8/C.A. 68/1986/S. 30/2005. - In exercise of the powers conferred by Sub-section (2) of Section 30 and in pursuance of the provisions contained in Sections 8, 8A and 8B of the Consumer Protection Act, 1986 (68 of 1986), the Governor of Haryana hereby makes the following rules for the establishment and utilization of consumer welfare fund for the promotion and protection of the rights of the consumer, namely:-

1. Short title and commencement. - (1) These rules may be called the Haryana Consumer Welfare Fund Rules, 2005.

(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*" means the Consumer Protection Act, 1986 (68 of 1986);

(b) "*applicant*" means any agency/organization engaged in consumer welfare activities for a period of three years registered under the Companies Act, 1956 (1 of 1956), or under any other law for the time being in force, including village/samiti level cooperatives of consumers especially women, Scheduled Castes and Scheduled Tribes, or any industry as defined in the Industrial Disputes Act, 1947 (14 of 1947), recommended by Bureau to be engaged for a period of five years in viable and useful research activity which has made or is likely to make significant contribution in formulation of standard mark of the products of mass consumption, or the State Government, and includes a consumer for the purpose of reimbursing legal expenses as referred to in clause (c) of rule 8 of these rules;

(c) "*application*" means an application in Form-A 1, appended to these rules;

(d) "*Bureau*" means the Bureau of Indian Standards constituted under the Bureau of Indian Standard Act, 1986 (63 of 1986);

(e) "*Committee*" means the Committee constituted under rule 5;

(f) "*Consumer Welfare Fund*" means the fund established by the Government;

- (g) "Government" means Haryana Government in Food and Supplies Department;
- (h) "section" means the section of the Act;
- (i) "State Consumer Protection Council" means the State Consumer Protection Council, established under sub-section (1) of section 7 of the Consumer Protection Act, 1986(68 of 1986), for promotion and protection of the rights of consumers;
- (j) "welfare of the consumer" includes promotion and protection of rights of consumers;
- (k) words and expression used in these rules and not defined, but defined in the Consumer Protection Act, 1986 (68 of 1986), shall have the meanings respectively assigned to them in that Act.

3. Establishment and utilization of Consumer Welfare Fund. [sections 8, 8A and 8B]. - (1) There shall be established a Consumer Welfare Fund the Government into which the following amount shall be credited:--

- (i) grant-in-aid sanctioned by Government/Government of India;
- (ii) other monies to be specified by the Government under any other law of the State Government or any other money to be realized for credit in to fund.

(2) The amount of the fund shall be utilized for the welfare of the consumer and payable to any claimant under the order of the Government, appellate authority or court.

4. Maintenance of accounts and records of Consumer Welfare Fund.[Sections 8, 8A and 8B]. - Proper and separate accounts in relation to the Consumer Welfare Fund shall be maintained by the Directorate of Food and Supplies Department, Haryana and shall be subject to audit by the Accountant General, Haryana.

5. Constitution of Committee. [sections 8, 8A and 8B]. - (1) The committee constituted by the Government under sub-rule (2), shall make recommendations for proper utilization of the money credited to the Consumer Welfare Fund for welfare of the consumers to carry out the purpose of these rules.

(2) The Committee shall consist of the following members, namely:--

- (a) Secretary, Department of Food and Supplies who shall be Chairman of the Committee;
- (b) Secretary, Department of Finance or his representative not below the rank of Joint Secretary;
- (c) Secretary, Department of Agriculture or his representative not below the rank of a Joint Secretary;

- (d) Secretary, Department of Urban Development or his representative not below the rank of Joint Secretary; and
- (e) Additional/Special Secretary/Joint Secretary in the Department of Food and Supplies who shall also be the Member Secretary of the Committee:

Provided that the Chairman, may invite the representative of the State Government and a nominee of the Consumer Protection Council to the meetings, as and when necessary.

(3) The Committee shall be a Standing Committee.

6. Procedure for conduct of business. [sections 8, 8A and 8B]. - (1) The Committee shall meet as and when necessary, but not more than six months shall intervene between any two meetings.

(2) The Committee shall meet at such time and place as the Chairman, may determine.

(3) The meeting of the Committee shall be presided over by the Chairman.

(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 the business to be transacted there at.

(6) No proceeding 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. [sections 8, 8A and 8B]. -

(1) The Committee shall have the 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 for 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 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 Act;

(e) to recover any sum due from any applicant in accordance with the provisions of this Act;

- (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 financial status, and importance and utility of nature of activity under pursuit, after ensuring that the financial assistance provided shall not be misutilised;
- (i) to require State Consumer Protection Council to formulate broad guidelines for considering the projects/proposals for the purpose of incurring expenditure from the Consumer Welfare Fund;
- (j) to identify beneficial end safe sectors, where investments out of Consumer Welfare Fund may be made and make recommendations, accordingly;
- (k) to relax the conditions required for the period of engagement in consumer welfare activities of an applicant as specified in clause (b) of rule 2;
- (l) to make guidelines for the management and administration of the Consumer Welfare Fund.

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

8. Specification of purposes for utilization of credits available in Consumer Welfare Fund. [sections 8, 8A and 8B]. - The Committee shall make recommendations:-

- (a) for making available grants to any applicants;
- (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 as class of complainants in a consumer dispute, after its final adjudication;
- (d) for making available grants for any other purpose recommended by the State Consumer Protection Council;

as may be considered appropriate by the Committee.

Form-A1

[See Rule 2(c)]

Important: Please fill in 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 Act.

Note: All applications must be submitted along with their enclosures in duplicate duly attested by any Gazetted Officer of the Central or State Government.

1. Name and full postal: address of the applicant.
2. Status of the applicant: under clause (b) of rule 2.
3. Date of establishment. :
4. Whether registered under: the Societies Registration Act, 1860 (21 of 1860), or and other relevant Act. If yes, number and registration (Attested registration certificate enclosed).
6. Whether the organization is: of national/state level.
7. Number of Managing: Committee members together with list of names, addresses and occupation of the office bearers.
8. Brief details of the: organizations, 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: balance amount, whether the organization is getting financial assistance from any other 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 (duly attested by a Gazetted Officer of the Central or State Government) to be attached:
 - (i) Constitution of the: organization and Articles of Association.
 - (ii) Annual reports of the: organization for last three years (please furnish separate annual reports for each year).
 - (iii) Annual audited statement: of accounts for each of the last three years duly signed by Chartered Accountant. These statements must bear the registration number and official seal or stamp of the Chartered Accountant.
 16. Details of previous grants, if: any, taken from the Department.

Declaration

(To be signed by the applicant or its authorized agent)

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 organizational institution. The financial assistance, if provided, shall be put to the declared use, for promotion and protection of rights of consumers or for standard marks. (Strike out whichever is inapplicable).

Applicant

Dated

Station

To

Member-Secretary
Committee (Consumer Welfare Fund),
30 Bays Building. Sector 17. Chandigarh-160017.

Recommendation of Member-Secretary

Factual details furnished in the application have been verified in consultation with the District Consumer Protection offices concerned who is/are 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 reason in support of your recommendation).

Member-Secretary.

Committee (consumer Welfare Fund)

Recommendation of the Committee

Recommended for grant of Rs. Rupees (in words) from the Consumer Welfare Fund as discussed in the meeting held on (date).

Chairman.

Committee.