Consumer Dialogue

Volume VII, Issue 3, September-December, 2016

E-newsletter





The Department of Consumer Affairs, Government of India sponsored *Grahak Suvidha Kendra* (GSK), which was formally launched on September 15, 2015. GSK Jaipur provides services, such as advice on consumer protection related issues and complaints, publications of books, pamphlets, magazines and other materials on consumer related issues and handling consumer complaints through counseling and conciliation for quick and easy redressal.

GSK details can be accessed at:

http://www.cuts-international.org/CART/Grahak_Suvidha_Kendra.htm

For being a part of GSK family visit:

https://www.facebook.com/Grahak-Suvidha-Kendra-GSK-Jaipur-1459230614407574/?fref=ts

Online Submission of Complaints:

Online consumer complaints for GSK can be registered at:

https://docs.google.com/a/cuts.org/forms/d/

14B78zgXN1cQa61MTuZSPtcrF6rEoUBTkbTYeL4ajXx0/viewform?c=0&w=1

For online registration of consumer complaints against misleading advertisements, Ministry of Consumer Affairs of Government of India has developed the web portal:

http://gama.gov.in/Default.aspx/http://gama.gov.in/Secure/Login.aspx

The online system of complaint submission for GSK is functional in bilingual and is available at CUTS CART page:

https://docs.google.com/a/cuts.org/forms/d/ 14B78zgXN1cQa61MTuZSPtcrF6rEoUBTkbTYeL4ajXx0/viewform?c=0&w=1

INSIDE

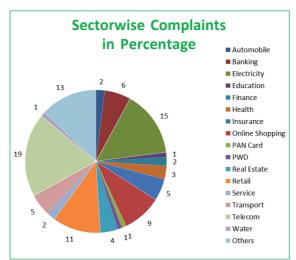
- ACTIVITIES
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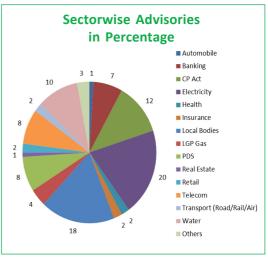
Complaint Analysis of GSK, Jaipur (September-December 2016)





CUTS CART





ACTIVITIES



Parliamentarians Demand for Early Passage of the Motor Vehicle (Amendment) Bill, 2016

Parliamentarians cutting across party lines urged for early passage of Motor Vehicle (Amendment) Bill 2016 at a meeting organised in New Delhi by CUTS International.

The Members of Parliament were speaking at the meeting of Parliamentarians' Forum on Economic Policy Issues (PARFORE), a non-partisan forum conceived and promoted by CUTS International, an international advocacy organisation with Indian origin.



CUTS is advocating to the Parliamentary Standing Committee (PSC) on sectors like Transport, Tourism and Culture and Parliamentarians across party line for passage of Motor Vehicles (Amendment) Bill 2016 in the winter session itself.

G K Pillai, former Home Secretary and Member, Board of Trustees, Save Life Foundation gave a detailed presentation about the Motor Vehicles (Amendment) Bill and its key proposed amendments.

In the meeting, several MPs, both from Lok Sabha and Rajya Sabha, Rangasayee Ramakrishna, La Ganesan, N K Premchandran, D Bhattacharya and Tiruchi Siva were present, actively participated in the round table discussions and raised several issues, such as lowering the Blood Alcohol Content (BHC) level for new drivers, setting up motor vehicle accident fund, grant of stage carriage permit, safety of children during commute, mandatory use of child restraint systems and ensuring appropriate headgears for children to protect millions of children.

"The importance of the Bill is evident from the active participation of the honourable members of Parliament in such forums. As a road safety advocate, we at CUTS welcome the participation of the wide range of MPs in the PARFORE to give comments and suggestions on it. The Bill addresses various crucial safety elements and risk factors, which are globally recognised and should further be strengthened in the bill. CUTS will capture all these gaps and submit its report to the Government" stated George Cheriyan, Director, CUTS International.

ROSA Takes Off Joint Conference-Call with Global Road Safety Partnership (GRSP) Partners



On invitation from the PSC, George and Mahima attended the 4th meeting of PSC on Transport, Tourism and Culture on MVAB and first to hear stakeholders on October 04, 2016. The meeting was attended by all GRSP Partners. George was able to meet K C Venugopal, PSC member, who left earlier in the meeting. Also, George had a brief meeting with Manish Sisodia (Deputy Chief Minister, Delhi) and Thomas Issac, Finance Minister, Kerala.

On November 03, a conference call was organised by GRSP jointly with other project partners from India. Amrat and Mahima of CUTS CART participated in the con-call and updated the GRSP team on the progress made under the project including the response received from Parliamentarians and PSC members. They discussed on the five risk factors in road safety under the project and strategised on representation before PSC.

More Power to the Home Buyer

Just imagine the state of a common consumer seeking to buy a house and he appears to be like a worried and confused man running from pillar to post for fulfilling all formalities related to house

buying process.



The exercise starts with the person doing information research of several available properties and ultimately finalising one out of the options available. But the house hunting process and related problems do not end here. In the entire process, he encounters many unwanted troubles and bitter experiences as well. Besides, the consumer faces many other problems, such as delays in construction and acquiring house/flat possession, not getting adequate information related to property, violation of the building plan etc.

(The Hindu Business Line, September 07, 2016)

http://www.thehindubusinessline.com/portfolio/more-power-to-home-buyers/ article9072494.ece?utm_source=email&utm_medium=Email&utm_campaign=Newsletter

IMPORTANT JUDGEMENTS/ DECISIONS



Aadhaar-based PDS - Denial of Rations for Many

According to eminent economist, Jean Drèze, even those with Aadhaar cards are often denied rations because machines do not identify their fingerprints or get stuck into other technical malfunctioning.

The pilot project aims to introduce internet-linked biometric technology to reduce corruption and overcome flaws in the public distribution system (PDS). Furthermore, Point of Sales (PoS) machines installed at distribution outlets are unable to identify the fingerprints of many National Food Security Act (NFSA) beneficiaries in Jharkhand's Ranchi district.

(The Wire, September 09, 2016) http://thewire.in/64756/jharkhand-aadhaar-pds-nfsa/



Regulating Direct Selling Industry

Minisry of Food and Consumer Affairs of Government of India has released model guidelines on direct selling, which among other things, prohibit companies from charging any entry/registration fee from,

or forcing suppliers to buy back unsold stock. It has also barred e-commerce firms from selling products without approval from direct selling firms.

Among the major companies operating in this unregulated sector in India are Amway, Oriflame and Tupperware. "The model guidelines have been sent to all the state governments. They can localise the guidelines but the broader framework of guidelines will remain same.

(Business Line, September 14, 2016)

http://www.thehindubusiness line.com/economy/policy/centre-moves-to-regulate-direct-selling-industry/

 $article 9100840.ece? utm_source = email\&utm_medium = Email\&utm_campaign = Newsletter$

Strict Government Norms – High Fines in Draft Drugs and Cosmetics Act

Consistent violations of Good Manufacturing Practices (GMP) may invite not just seizing drug licences, but also high fines and also imprisonment at times for the executives.

Besides, the Government of India is considering measures, including imposing heavy fines and imprisonment, in the draft Drugs and Cosmetics Act to prevent pharmaceutical companies from violating manufacturing norms, stated Health Ministry officials.

Consistent violations of the GMP may result into of seizing drug licences, as is the case now, but also harsh fines and even imprisonment of involved persons. (Livemint, October 08, 2016)

http://www.livemint.com/Politics/v6IxhVVSBBG1ppETRXKziN/Govtweighs-stricter-norms-heavy-fines-in-draft-Drugs-and-C.html?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter



IMPORTANT JUDGEMENTS/ DECISIONS/ NEWS



NCDRC's Full Bench Judgement on Section 12 (1) (c) of the Consumer Protection Act, 1986

The National Consumer Dispute Redressal Commission (NCDRC) have clarified its position on Section 12 (1) (c) of Consumer Protection Act 1986. NCDRC has allowed complaints by a group of buyers under Section 12 (1) (c).

Considering layman's interpretation, all builder related cases can be filed in NCDRC, thus avoiding the lower forums.

There has been a lot of confusion and ambiguity in the interpretation of complaints filed under Section 12 (1) (c). Different benches of NCDRC

had different perceptions on this Section of the Act. Consequently, the matter was referred to a three-member bench of NCDRC. These three question/issues arose in front of the Commission: (The logical Buyer, October 12, 2016)

http://www.thelogicalbuyer.com/blog/ncdrcs-full-bench-judgement-on-section-12-1-c-of-the-consumer-protection-act/





Banks in India will either replace or ask users to change the security codes of as many as 3.2 million debit cards in what's emerging as one of the biggest ever breaches of financial data in India. Several victims have reported unauthorised usage from locations in China.

Out of the total debit cards, 2.6 million are said to be of the Visa and Master Card platform and 600,000 on the RuPay platform. The worst-hit of the card-issuing banks are State Bank of India (SBI), HDFC Bank BSE-0.25 percent, ICICI Bank BSE 4.72 percent, YES Bank and Axis Bank, the people said.

(The Economic Times, October 20, 2016)

http://economictimes.indiatimes.com/industry/banking/finance/banking/3-2-million-debit-cards-compromisedsbi-hdfc-bank-icici-yes-bank-and-axis-worst-hit/articleshow/54945561.cms

Interconnect Row: Airtel, Idea and Vodafone Face ₹3,000 crore Penalty

The Telecom Regulatory Authority of India (TRAI) has proposed penalties on Bharti Airtel, Vodafone India and Idea Cellular for denying interconnection to Mukesh Ambani's Reliance Jio Infocomm (RJio), the latest entrant into India's telecom service provider space.

The Authority has suggested a levy of a 50-crore penalty per circle on the three incumbent players, which could be more than 3,000 crore. According to TRAI, Airtel and Vodafone have to pay 1,050 crore each and Idea Cellular 950 crore. The penalty has been imposed for violating quality of service norms.



(The Hindu, October 24, 201)

http://www.thehindubusinessline.com/info-tech/interconnect-row-airtel-idea-and-vodafone-face-3000cr-penalty/article9252171.ece?utm_source=email&utm_medium=Email&utm_campaign=Newsletter

Next Time Pilots, Airlines Goof Up, They May Have to Pay Up to 1 crore: DGCA



In a move that will give more power to aviation regulator, Directorate General of Civil Aviation (DGCA) will soon be allowed to penalise pilots and airlines found violating aviation safety norms by imposing fines and going beyond just suspension or cancellation of permissions.

Presently, the DGCA only debars, suspends and sometimes cancels permission to fly for airlines, individual pilots or engineers who err on the wrong side but is not allowed to impose any monetary penalty. Civil Aviation Secretary R N Choubey confirmed the government's plans

to amend the Aircraft Act, 1934 to give more powers to the DGCA.

(The Times of India, October 24, 2016)

http://timesofindia.indiatimes.com/city/mumbai/Next-time-pilots-airlines-goof-up-they-may-have-to-pay-up-to-Rs-1-crore-DGCA/articleshow/55023017.cms

Seeking AG's Opinion on Power to Impose Fine

The Department of Telecommunications (DoT) has sought the opinion of the Attorney-General whether it can impose a penalty on mobile operators for violating licence conditions.



According to the sources, the DoT needs to decide on the recommendations of TRAI on imposing a fine of 3,050 crore against Bharti Airtel, Vodafone and Idea Cellular for failing to meet licence conditions related to providing interconnect points to Reliance Jio.

The **DoT** has appealed against the order to a division bench of the Tripura High Court. The department has completed its submission on the matter. The next hearing is likely to be by the end of November 2016. (Business Standard, November 07, 2016)

 $http://www.business-standard.com/article/economy-policy/telecom-dept-seeks-ag-opinion-on-power-to-impose-fine-116110401506_1.html$

IMPORTANT JUDGEMENTS/ DECISIONS/ NEWS



Patanjali Fined by Court for Misleading Advertisements

Patanjali Ayurved was found guilty of misbranding as the products being shown by the company as produced at its own units were in fact manufactured somewhere else, the court said.

A case had been filed in the court against the company in 2012 by the District Food Safety Department after samples of mustard oil, salt, pineapple jam, *flour* and honey produced by Patanjali had failed quality tests at Rudrapur laboratory.

The products were found to be in violation of Sections 52-53 of Food Security norms and Section 23.1 (5) of Food Safety and Standard (packaging and labelling) regulation.

(Hindustan Times, December 16, 2016)

http://www.hindustantimes.com/india-news/patanjali-fined-by-court-for-misleading-advertisements/story-1/ITpSMdYEfhrKx47TOPBRM.html



Protecting the Good Samaritans



Many cases of public apathy towards accident victims are being reported in the media from time to time. Many others go unreported. Bystanders often appear reluctant to help the injured or simply indifferent – sometimes they stand around the scene of the accident but only out of curiosity. Does this suggest a fundamental flaw in our social relationships and attitudes, or is there something else that prevents us from helping others and perhaps saving lives? (The Hindu, December 19, 2016)

http://www.thehindu.com/opinion/op-ed/Assisting-theinjured/article16643846.ece

Accident Vehicle Not be Touched before Examination

It might sometimes happen that damage due to an accident appears to be minor and not worth lodging a claim for insurance. However, the real extent of damage may be realised only after the vehicle is available for assessment of the damage. In such a case, the insurance company can refuse to settle a claim as the surveyor did not get the opportunity to check the condition of the vehicle after the accident.

(Business Standard, December 19, 2016) http://www.business-standard.com/article/pf/don-t-touchaccident-vehicle-until-inspection-116111700023_1.html



IMPORTANT JUDGEMENTS/ DECISIONS/ NEWS



Towers Causing Risks to Health is a Myth and Will Launch a Portal to Get Check Radiation Level: Government

Presenting a body of scientific evidence and research, the government stated that there is no correlation between the emissions from mobile towers and risks to human health.

The DoT will launch a portal *Tarang Sanchar* in a month that would help users check the radiation level of mobile towers and transmitters across the country. In order to get radiation of a particular tower tested, the applicant will have to pay a fee of 5,000. "Status of the towers will be available on the portal, which will be launched in a month. The radiation level of towers by the people demanding will be checked by the government and people will be informed", Union Telecom Minister Manoj Sinha told reporters.



(The Times of India, December 21, 2016)

http://timesofindia.indiatimes.com/city/jaipur/towers-causing-risks-to-health-is-a-myth-government/
articleshow/56048046.cms

http://indianexpress.com/article/technology/tech-news-technology/department-of-telecom-dot-to-launch-portal-on-mobile-radiation-in-a-month-4432592/

SC Bans Sale of Liquor on National and State Highways



The Supreme Court has banned sale of alcohol along national and state highways and has set a deadline of April 01, 2017 to close all liquor shops situated at a distance of 500 metres from the edge of the highway.

The court said banning of liquor shops was need of the hour as around 1.5 lakh people die every year in road accidents, many of them caused by drunk and driving.

The apex court, while dealing with a bunch of petitions filed across the country challenging the presence of liquor vends along highways, said such shops were distracted the travellers and accessibility of liquor on highways was a major reason for drunk and drive.

(The Times of India, December 21, 2016)

http://timesofindia.indiatimes.com/india/sc-bans-sale-of-liquor-on-national-state-highways/articleshow/ 56010871.cms

Paytm Users - A Reason to Switch to Freecharge

Domestic digital payments platform FreeCharge recently launched an e-wallet protection plan for all its users. The facility, in partnership with Reliance General Insurance Company Limited, will be offered free of cost to all FreeCharge users, the company indicated. Under the wallet insurance system, the underlying wallet balance of all the customers will be insured up to a limit of 20,000, as long as the user is transacting at least once a month.



(Gadgets now, December 21, 2016)

http://www.gadgetsnow.com/tech-news/paytm-users-this-can-be-a-reason-to-switch-to-freecharge/articleshow/
56083958.cms?utm_source=toiweb&utm_medium=referral&utm_campaign=toiweb_hptopnews

Conclusion of Depositor Education Awareness Programme Phase I

The fifth and the final Depositor Education awareness (DEAF) programme was held in Hotel Y K S, Kota on September 22, 2016. The event was attended by around 56 participants, which includes bankers, representatives from Civil Society Organisations (CSOs) and Non-government Organisations (NGOs) and media as well. Main speakers included: Munish P Kothari, Chief Counsellor, Disha



Glimpses of ACTIVITIES

Trust; Jaipur; Kuldeep Adolia, Regional Coordinator, ICICI Bank, Regional Office, Kota; Anil Kumar Gupta, Branch Manager, Union Bank of India, Kota; R D Walia, Sr. Manager, Oriental Bank of Commerce, Kota and R C Birla, Chief Manager, Central Bank of India were present.

(for complete report, view http://www.cuts-international.org/CART/pdf/ Report_on_Launch_cum_DEA_Programme.pdf)

National Environment Awareness Campaign

CUTS has been re-appointed as Regional Resource Agency for National Environment Awareness Campaign (NEAC) 2016-17. It had conducted pre proposal workshop in the districts of Chittorgarh, Jaipur, Jodhpur and Kota in August 2016. About 245 proposals were received in total for financial year 2016-17.

Green Action Week 2016

School Campaign and Cottage Meetings

The activities under GAW 2016 have been initiated. in September, six school workshops, four cottage meetings were held in different localities of Jaipur targeting urban consumers. In each of these meetings, participants were made aware of the importance of consuming organic food and simple techniques of growing organic kitchen garden through the medium of tray cultivation.

Street Play and Signature Campaign

About 10 street plays were organised at various market places to reach out to a wider audience in an attempt to modify consumer behaviour in favour of organic products. For conducting the plays, *Ras Rang Manch*, a Jaipur-based street play group was given the responsibility. Along with that, a signature campaign was organised.

GAW, 2016 has been uploaded (http://www.cuts-international.org/CART/pdf/GAW-Completion-Report2016.pdf)









Glimpses of ACTIVITIES



ProOrganic Bridge Year Activities Nears Completion

arking the commencement of project "ProOrganic" bridge year 2016-17 activities, a Partners' Orientation Meeting was organised at Jaipur on April 08, 2016. The project was implemented in six project districts of Rajasthan: Jaipur, Dausa, Udaipur, Chittorgarh, Pratapgarh and Kota. Among the activities under the phase during September-December, 2016, as many as 13 village level awareness programmes were conducted in 13 different villages under 51 blocks of six districts. Nearly 49 similar programmes were conducted during the period September-December, 2016 at the block level and nine at district level.

Four Farmer's Trainings and Exposure visits at Pratapgarh, Chittorgarh, Dausa, Udaipur respectively were also conducted. Besides, four Organic Fairs at Pratapgarh, Chittorgarh, Dausa and Kota were also organised during the period.

- George Visited Nawalgarh farms along with Swedish Society for Nature Conservation (SSNC) team comprising of Sara Nelson and Victor along with Deepak and Rajdeep on 01 December 2016 and saw four organic farms apart from Morarka Foundation office and interacted with the farmers
- Deepak Saxena, Deputy Head, CART presented highlights of the "ProOrganic" activities for the
 period starting from November, 2013 till date before the SSNC team on December 02, 2016 at
 CUTS Conference Hall. George Cheriyan, Director, CART, Renu Beniwal and Rajdeep Pareek of
 CART were also present in the event. Renu Beniwal presented glimpses the Green Action Week
 (GAW) activities of 2016.
- ProOrganic Communique Part II was completed and was uploaded on the web site (http://www.cuts-international.org/CART/ProOrganic/pdf/ProOrganic-Communique_Volume_II.pdf)
- Amar Deep, Project Coordinator of CART accompanied Victor and Sara Nilsson of SSNC for the meetings with CECOEDECON and ARAVLI, on November 28, 2016.







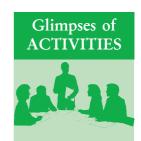






National Level Workshop on Human Rights Based Approach (HRBA)

CUTS organised a two- days National level workshop on HRBA scheduled from 29-30 ,November 2016 at Hotel Royal Orchid, Jaipur in partnership with SSNC. The objective of the workshop was to help mainstreaming HRBA/gender equity in all programme conceptualisation/project activities and the organizational management in general. Albertina Almedia was the Resource Person of workshop. Two staff from SSNC, Sara Nilsson and Victor Astrom attended the workshop. A total of 28 participants from different places and different organisation, including eight CART staff, attended the workshop.





Benchmarking Survey on Factors Influencing Remittance Costs

George and Amrit of CART is working on a research study entitled, "Benchmarking Survey on Factors Influencing Remittance Costs". The study is being conducted in partnership with Consumers International with the support of World Bank. The purpose of the study is to contribute to the reduction in remittance pricing by highlighting potential causes of high cost in specific corridors. The Centre is conducting this research in five specific corridors viz. Saudi Arabia-India/Australia-India/US-India/UK-India/Germany-India. Respondent groups included: Consumers, Remittance Service Providers, Diaspora Associations and Government/Regulatory Bodies etc. During the month, questionnaires and other details were prepared and finalised for the survey for different target groups. Interviews with respondents are being lined up for the study. Desk review for the study is also in the process. (for details, please view http://www.cuts-international.org/CART/pdf/

Visit of Programme Manager, SIDA

Report %20Remittance Study CUTS International.pdf)

Anna Winstrom, Programme Manager from SIDA visited CUTS on September 21, 2016 to learn about CUTS work in the field of sustainable consumption. George along-with the team facilitated the visit. In addition to the presentation and interaction with the ProOrganic team, Anna also visited State Institute of Agriculture and Management (SIAM) and met with Dr. Shital Prasad, Director.



REPRESENTATION



- Deepak Saxena attended a half day workshop on Long-Range Energy Alternatives Planning System Tool (LEAP on September 16, 2016 organised by World Resource Institute, India (WRI) jointly with Stockholm Environment Institute (SEI) in Stockholm, Sweden at *Vidyut Bhawan*, Jaipur.
- George attended the second meeting of the Task Force on United National Guidelines on Consumer Protection (UNGCP) at Department. of Consumer Affairs New Delhi, on September 22, 2016.
- A team from CUTS CART met with Prem Singh Mehra, Principal Secretary, Finance Department for discussion on Goods and Services Tax (GST) on tobacco products on September 23, 2016 at Secretariat, Jaipur.
- George attended the 18th meeting of Central Advisory Committee (CAC) of FSSAI and also attended a special session in connection with 20th session of Codex Coordinating Committee for Asia (CCASIA) at New Delhi on "Feast, Flavors and Fusion of India" on September 29, 2016.
- Rajdeep Pareek attended a workshop on "Zero Budget Natural Farming" at Khatu Shyamji (Sikar) on October 14, 2016.
- Udai Singh Mehta, Deputy Executive Director, CUTS along with Abhishek Kumar, Associate Director of CUTS and Amar Deep Singh had a brief meeting with Vivek Shastry, Energy Analyst, SELCO foundation at Hotel Country Inn, Jaipur on October 21, 2016. The Meeting was held to discuss the joint collaboration of CUTS and SELCO Foundation on clean energy sector in Rajasthan.
- Dharmendra Chaturvedi, Programme Officer, CART attended Consumer Outreach Program organised by TRAI Regional Office, Jaipur at Phalodi, Jodhpur on October 24, 2016.
- George and Amar Deep attended the United Nations Day function held in Delhi in the UN lawns, organised jointly with NITI Ayog on October 24, 2016.
- George along with Deepak, Madhusudan, Senior Project Coordinator of CART and Amar Deep participated in the inaugural session of the State Comp Symposium Making Indian State Competitive: Path to Inclusive and Sustainable growth on November 16-17, 2016 at Jaipur.
- Deepak Saxena attended a meeting on December 07, 2016 at New Delhi organised by Catalyst, New Delhi mainly to discuss making Jaipur a cashless city.
- Deepak Saxena participated an awareness programme on Electro Magnetic Field (EMF) Emissions and Telecom Towers on December 17, 2016 at Jaipur organised by DoT, Government of India, New Delhi.
- Deepak Saxena along with Dharmendra attended state function to commemorate "National Consumers Day" on December 24, 2016 held at Indira Gandhi Panchayat Raj Institute, Jaipur.
- Deepak Saxena along with Madhusudan, Dharmendra along with Nimisha, and Satyapal of CART attended a seminar on December 28, 2016, jointly organised by Ministry of Road Transport and Highways; Transport Department, Government of Rajasthan and Centre for Road Safety, Sardar Patel University of Police Security and Criminal Justice, Jodhpur at Auditorium, State Institute of Agriculture Management, Durgapura, Jaipur. Madhusudan represented CUTS in the Panel discussions and briefed about CUTS work on road safety.

Upcoming Events

- Farmer's Training and Exposure Visit under "ProOrganic" project at Jaipur on 05-06 January, 2017.
- Organic Fair in Udaipur and Jaipur under "ProOrganic" project on January 22 and January 28, 2017 respectively.
- National Advocacy Meeting under ROSA project at New Delhi on February 02, 2017.
- Regional Advocacy Meeting in Jaipur, under ROSA in the month of February, 2017.
- Dissemination Meeting and Final Stakeholder's Consultation under "ProOrganic" project on February 23, 2017.
- Other State Level Activities under ROSA project from February 2017 onwards in different cities of Rajasthan.
- Celebration of "World Consumer Rights Day" on March 15, 2017 on the theme "Consumers in the Digital Age" under GSK.

