

Consumer Dialogue

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E-newsletter

Fix Our Phone Rights - Celebration of World Consumers' Right's Day

Can we imagine a world without mobile phones? In just a few years, they have become an indispensable part of our lives and can be found in almost every country around the world. But as the number of consumers using mobile services nears 7 billion, what sort of service are they receiving? Are they being treated fairly?

Phone has become essential part of the lives of billions of people from social interaction and digital identity to banking and e-commerce. They have become an essential part of our day to day lives and have proved to be an effective means of communication. By January 2014, India with total 922 million telecom subscribers is presently world third largest subscriber country. With the growth in telecom consumers and service, consumer problems are also on rise, despite consumer protection laws and regulations.

This year's World Consumer Rights Day (WCRD) 2014 campaign was based on the theme "Fix Our Phone Rights" and was devoted to tackling the issues that mostly affects consumers of mobile services. Jaipur based advocacy group CUTS also commemorated the occasion by organising a half day seminar

on March 15, 2014. The seminar was attended by 130 representatives of various consumer organisations and Civil Society Organisations (CSOs) and representatives of telecom service providers. Among the various eminent service providers, BSNL (K



K Kumawat), MTS (Manmohan Swami), Tata Teleservices (Rishi Mansharamani), Aircel (Ankur Mathur), Idea Cellular (Pratyush Sharma) were part of the event. The issues addressed on the occasion comprised providing consumers with fair contracts explained in clear, complete and accessible language with all relevant information conveyed clearly, so that the consumers can exercise their right to make informed choices; providing consumers with services worth of their money. This is required to ensure qualitative and consistent services without any dropouts in the services; providing consumers with fair and transparent billing, so that they shouldn't be billed for services they didn't task for. Maintaining required fairness and transparency; providing consumers with the control over their own information, so that the service providers can protect the provided personal data that consumers share for using the mobile services and also protect their right to safety; listening and responding to consumer complaints through effective complaints systems.

George Cheriyan, Director CUTS International on the occasion said that India has the fastest growing telecom network in the world on account of its high population and development potential, about 73.48 percent (as on October 31, 2013) own telephone. Though this is one of the significant sector in the country, where consumers are directly benefited, as a result of healthy competition and strong regulation and several initiatives are made to protect the consumers but still they encounter numerous problems. Deepak Saxena Senior Programme Coordinator CUTS, made a presentation about the WCRD, telecom issues and CUTS intervention in the area.

Apart from the above, some more key consumer issues emerged out from the discussion like unsolicited calls/SMSs, undue deduction for value added services, network problems, unsatisfactory services, no data card portability etc. Free national roaming facility being also in demand. It was demanded that free national roaming facility should also be started soon and compulsion of filing First Information Report (FIR) to police for issuing a duplicate SIM should be removed. Organisations agreed to advocate the issue with Telecom Regulatory Authority of India (TRAI).

In the discussions, consumers demand from service providers providing them with fair contracts explained clearly, complete and accessible language; fair and transparent billing; security and control over their own information and listening and responding to their complaints.



CUTS CART



Action Research under 'ProOrganic'

Under the activity of Swedish Society for Nature Conservation (SSNC), Sweden is supporting ProOrganic project, team providing inputs to Vimarsh Development Solutions Pvt. Ltd. to finalise the Action Research methodology and questionnaires. Besides, in coordination with the district partners, guidance was provided to Vimarsh for collection and preparation of district level information and preparation for the upcoming activities.

The project team accompanied survey team to various villages and farms to monitor the survey work. Prior to that, the team attended a training programme held in Jaipur organised by Vimarsh for the team involved in survey in six districts of Rajasthan and also attended a few sessions on February 4, 2014 where the observers provided with relevant recommendations.

During the quarter, the team also visited the various organic farms of Nawalgarh block of Jhunjhunu district in a trip organised by M R Morarka, GDC Rural Research Foundation, Jaipur, on February 20, 2014. The team was provided with all basic information/inputs about organic farming. The team visited three farms namely Beri, Kolra and Katrathal villages and experienced live organic farming demo of certified farmers and learnt about developing horticulture crop programmes, vegetation in green house and tray cultivation etc.



Visit to Kenya

Amardeep Singh represented CUTS in the workshop on Global Green Action Week from March 4 to 6, 2014 and later in a Strategic Review on March 7, 2014 organised by SSNC, Sweden and PELUM Kenya in Thika, Kenya.

Monitoring under the NEAC

Intensive monitoring work was carried out by the concerned team members throughout Rajasthan by visiting and overseeing the programmes conducted by NGOs, who have been sanctioned programmes in the current year. Besides, fifty percent payments were also made to all partners, who were sanctioned with the proposals.

CUTS' Concern over NCDRC's New Regulation for Non-Advocates

The Consumer Protection Act, 1986 seems to be deviating from its objectives of being an Act meant for barefoot lawyers at present. The latest notification by National Consumer Dispute Redressal Commission with regard to allowing appearance of agents or representatives or non-advocates or voluntary consumer organisations through its representative before the Consumer Forum) is currently causing stir and concern among all consumer advocacy groups of the country.

This issue was put up as an agenda item no 4 as 'Regulation for Appearance of Non-Advocates in the Consumer Courts Representing Consumers – Implementation of Directions by the Supreme Court' for discussion in the meeting of the Central Consumer Protection Council held on February 3, 2014. In the event, CUTS representative, George Cheriyan led the discussion with strongly opposing the move, since it was against the spirit of the Consumer Protection Act.

Even the meeting of the Central Consumer Protection Council (CCPC) dated 26th February, 2014 says that... *The council was of the view that the draft scheme proposed was restrictive and might constitute a barrier to the appearance of genuine consumer activists.*

...It was agreed that the scheme for accreditation would be simplified to ensure that grievance redressal can be made more effective and consumer activists/consumer welfare organisations enabled to appear before the appropriate fora. The Department would accordingly revise the draft scheme to meet this objective.

But despite the CCPC decision, the said regulation was notified on March 17, 2014 by the National Consumer Disputes Redressal Commission without addressing the concerns of members expressed in the CCPC meeting. This is totally against the objectives of the Act and restrictive for consumer activists intending to help the aggrieved consumers.

On behalf of all consumer organisations, CUTS strongly oppose this regulation and called upon the Government and the NCDRC to intervene immediately in larger interests of Indian consumers.

Life Imprisonment for Milk Adulterators

The Supreme Court has expressed a concern over milk adulteration in the country and has sought response from all the states on providing harsher punishment of life imprisonment to people indulging in production and marketing of spurious milk.

Taking the issue to be very serious, the Honourable Court asked the governments to take immediate steps to control the menace of milk adulteration and sought detailed affidavits from all the state governments on the steps being taken to tackle the issue of adulteration and amendment in law to make the offence punishable to life imprisonment as has been done by Uttar Pradesh, West Bengal and Odisha. The bench also pulled up the Uttar Pradesh Government for not prosecuting people indulging in milk adulteration under the stringent provision and sought details of the pending cases on the issue in the state.

The bench granted three weeks' time to states to file their responses. The bench was hearing Public Interest Litigation seeking its direction to state governments to stop practice of milk adulteration, which is rampant in various states.

(The Hindu, 30.01.14)

IMPORTANT JUDGEMENTS/ DECISIONS



REPRESENTATION



- Deepak Saxena, Dharmendra Chaturvedi and Badri Narayan Sharma of CUTS CART participated in a National Conference on 'New Initiatives-Investor Protection and Investor Education' on January 6, 2014 sponsored by PHD Chamber in association with SEBI and the Institute of Company Secretaries of India at Hotel ITC Rajputana, in Jaipur. Amol Kulkarni and Pradeep S Mehta of CUTS International are also present in the event.
- Prof. P J Kurian (Honourable Deputy Chairman, Rajya Sabha) felicitated George Cheriyan, in a function held at Young Men's Christian Association (YMCA), Tiruvalla, Kerala on 7th of January, 2014 for outstanding contribution to the welfare of the society, including the receipt of the Rhoda Karparkin International Consumer Fellow Award from the American Council of Consumer Interests (ACCI) during the year 2013.



- George Cheriyan attended the 28th meeting of the Central Consumer Protection Council (CCPC) held at Kochi, Kerala on February 3, 2014. K V Thomas, Minister; G. Gurucharan, Addl. Secretary; Manoj Kumar Parida, Jt. Secretary and Charles Dias, MP along with the non-official members of CCPC attended the meeting.
- Amar Deep Singh along with Dharmendra Chaturvedi attended meeting of district monitoring and steering committee under tobacco control organised by Police Commissioner of Jaipur at Commissionerate office on February 19, 2014. It was the 7th meeting of the committee, since its formation.
- Dharmendra Chaturvedi and Abhimanyu Singh attended district level telecom public hearing in BSNL meeting hall Jaipur on February 19, 2014.
- Arjun Kant Jha participated in three days global consultation on 'Towards an Equitable and Just Internet' organised by IT for Change, Bangalore on 14-16 February, 2014 at Delhi.
- Rajeev Dayal Mathur and Arjun Kant Jha attended a consultation on March 1, 2014 at Delhi on the subject "Strengthening Road Safety Legislation in India" supported by Save Life Foundation. People working on different aspects of Road Safety participated in the meeting and provided good learning.
- Dharmendra Chaturvedi attended a meeting of Divisional Railway Users Committee on March 5, 2014 at Jaipur Rly Board Meeting hall.
- Amarjeet Singh attended the "National Conference on Consumer Rights in Non Store Retail" held on March 12, 2014 in New Delhi.
- Amarjeet Singh attended the BIS Resource Management Sectional Committee MSD 12 meeting on March 27, 2014 held at BIS office in Delhi.
- Amarjeet Singh attended the National Seminar on "Protection of Consumer Rights in Digital Era" on March 30, 2014 at Jamnalal Bajaj School of Legal Studies, Banasthali University, Rajasthan.



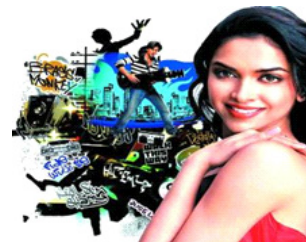
Government to Mull Measures to Make Celebrities Liable for Endorsing Products for Misleading Advertisements

We see South superstar Mammootty endorsing many products. We have also seen Shahrukh Khan or Amitabh Bachchan or some other Hindi film star endorsing consumer items and getting huge payment for doing so. A misleading ad featuring such renowned faces shown on TV even for a day serves the purpose of the advertisers. If the skin whitening cream isn't as phenomenal as advertised or the hair oil not producing a lush mop as promised, you may soon be able to claim compensation not only from the advertisers, but also from the celebrities endorsing the product.

The authorities in Ministry of Food and Consumer Affairs are mulling provisions to ensure that celebrities endorsing products are also made liable for misleading advertisements.

What seems to have moved the Consumer Affairs Ministry is a direction from the MP High Court to set up an ad monitoring panel as recommended by the Vibha Bhargava Commission. "An ad monitoring committee with proper budgetary support from the Centre may be set up to monitor the advertisements on regular basis... the committee will have the powers to (take) corrective actions and (impose) compensation".

This decision was taken unanimously by Central Consumer Protection Council in its meeting held on February 6, 2014 in Kochi, Kerala. The CCPC members raised the issue even to the extent that the celebrities must pay compensation in case there is a complaint and the ad is found to be misleading.



(TNN, 04.02.2014)

IRDA Cautions Public Not to Fall Prey to Fictitious Calls

Insurance Regulatory and Development Authority (IRDA) has asked the public to remain alert and not to fall prey to frauds and scams perpetrated by miscreants using the name of the authority or insurance companies. Receiving complaints, through email and letters and from the public informing the Authority that they were receiving spurious calls from unidentified persons, who claimed to be representative and offered policies of different insurance companies with various benefits. IRDA hereby urged the public to remain alert and not to fall prey to frauds or scams perpetrated by miscreants who impersonate to be employees/officers of IRDA or other insurance companies. It further asked the public to lodge a police complaint upon receiving such calls along with the details of the caller and the telephone number from which the call was received.

(ET, 29.01.2014)

Consumer's Win against Supreme Court' Order Regarding Jurisdiction of Telecom Consumers

Telecom Consumers' agitation throughout the country against ousting the jurisdiction of Consumer For a, since 2009 as a consequence to the judgment passed by Honourable Supreme Court of India, decided on 01.09. 09 has finally paid.

The Ministry of Food and Consumer Affairs has examined the matter involving a dispute between Department of Telecommunications (DoT) as a service provider prior to the hiving off of telecom services into a separate company namely Bharat Sanchar Nigam Limited (BSNL). Since DoT was also the telegraph authority, reference was made by the Supreme Court to the provisions of section 7B of Indian Telegraph Act. However, powers of the telegraph authority have neither been vested nor are available to private telecom service providers and BSNL. Therefore, recourse to section 7B in case of disputes between consumers and private service providers and BSNL would not be available. The Supreme Court's judgement is *sui generis* in its application and has to be read with reference to the particular facts and circumstances of the case before it.

Thus, the District Consumer Forums are competent to deal with the disputes between individual telecom consumers and telecom service providers. A copy of the letters and related enclosures is also posted on the Department of Consumer Affairs' website: www.fca.min.ic.in

CUTS Affiliations Renewed

- CUTS has again been nominated as the Consumer Advocacy Group (CAG) by Telecom Regulatory Authority of India (TRAI). A notification no 321-17/2014/CA dated March 5, 2014 in this regard, was received from TRAI.
- Rajasthan Electricity Regulatory Commission has re-appointed CUTS in its State Advisory Committee vide its notification no RERC/Secy/Dir. (engg)/F-721/D/531 dated January 15, 2014.
- CUTS has submitted an application on the request of Bureau of Indian Standards for accreditation as consumer advocacy group.

Upcoming Activities under Consumer Protection

- Right Choice Fund's Campaign/ Advocacy on the issue of Sales incentives/Misselling of financial products, affecting consumers' right to make an informed choice in their financial planning starting from April 2014 for a period of 9 months.
- Two days activities for District Level Farmer's Orientations and Field Visits in each of six districts, under the 'ProOrganic' project.



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