

Consumer Dialogue

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Bi-monthly GRANIRCA E-newsletter

Need for Consumer Awareness and Education Prevails in Rajasthan

“As low as 0.3 percent cases are filed at the consumer fora due to lack of awareness”, said Ashok R Patil, Professor, Chair Consumer Law & Practice at National Law School of India University Bengaluru, referring to the ‘State of the Indian Consumer Report 2012’ published by CUTS International. He was delivering the keynote address in the Final State Level Feedback Roundtable Meeting organised by CUTS under the project entitled, ‘Grassroots Reachout and Networking in Rajasthan through Consumer Action’ (GRANIRCA). He further said that Rajasthan is ranked 18th in terms of awareness on consumer rights among various states in India, as per State of the Indian Consumer Report 2012.

“The biggest challenges facing consumers in Rajasthan are the lack of awareness about consumer protection laws and making the three tier quasi-judicial consumer grievance redressal fora accessible and workable for rural consumers and extending it below the district level,” stated George Cheriyan, Director CUTS International, in his opening

address. He focused on systemic issues that emerged through the implementation of GRANIRCA, while asserting the need for constituting the State Consumer Protection Council in Rajasthan and the separation of Consumer Affairs from Food and Civil Supplies Department in the State to get required attention for consumer affairs.

Rajendra Prasad Bora, Senior Journalist and Advisory Member of CUTS CART applauded the efforts of the organisation for arriving at a logical conclusion in terms of outcome as the project nears its end in December.

Liyaqat Ali, representative of the State Department of Consumer Affairs and Additional District Supply Officer, Jaipur asserted the need for creating consumer activists who generate pressure on concerned authorities, while P N Pandey, Joint Director of Legal Metrology, Department of Industries, Government of Rajasthan emphasised on the need for citizens to combine awareness with informed action and decisions.

D R Mathur, Electricity Ombudsman elucidated the role and provisions of the electricity grievance redressal mechanism in Rajasthan. Shiv Prasad Gude from the Bureau of Indian Standards, Jaipur Regional Office elaborated on their complaint mechanism.

The constitution of district consumer protection councils, increased space and informed reporting by media, filing up of vacant positions at District Consumer Fora, appointment of persons with legal experience as presidents district forums, re-nomination of CUTS in Central Consumer Protection Council (CCPC), constitution of public distribution system vigilance committees in all 33 districts, initiation of State Consumer Helpline by Rajasthan government and creation of the network core group in districts to sustain the project are some of the achievements of GRANIRCA highlighted in the meeting.

Along with district partners from all 12 target districts, more than 100 consumer activists representing all 33 districts of Rajasthan, media representatives and other stakeholders were present in the meeting.



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Public Interface Meetings-Round II of 2012

The objective of these Public Interface Meetings of phase II of year three was to raise consumer awareness at the grassroots by strengthening the capacity of networkers in selected blocks of respective districts in Rajasthan; to build a strong consumer movement at the grassroots level in Rajasthan; to establish a contact institution in projected district to guide and motivate buyers as well as sellers for developing faith in the judiciary and the administrative system; to share the existing appropriate mechanisms for exchange of information on measures of consumer protection, nationally and regionally; to empower the urban and rural populations to make informed choices and thereby protect their health and safety and get more value for money; and to obtain feedback from the people about the existing redressal mechanism condition.

In these programmes, local officials from government, *panchayat samities*, *gram panchayats*, schools, members of district consumer forums etc. served as resource persons. In the second phase of third year of the project, PIMs conducted were as:

- Sikar at Nechwa on November 20, 2012 with 59 participants.
- Tonk at Arnianeel on November 23, 2012 with 64 participants.
- Chittorgarh at district headquarter Chittorgarh on November 27, 2012 with 62 participants.
- Alwar at Rajgarh on November 27, 2012 with 47 participants.
- Banswara at Partapurgadi on November 28, 2012 with 49 participants.
- Dholpur at Taseemo on November 30, 2012 with 54 participants.
- Churu at Meghsar on December 05, 2012 with 33 participants.
- Dausa at Chandrana on December 06, 2012 with 62 participants
- Kota at Ladpura on December 06, 2012 with 81 participants.
- Bundi at Matunda on December 07, 2012 with 62 participants.
- Jodhpur at Balesar on December 11, 2012 with 54 participants.
- Jalore at Thumba on December 12, 2012 with 90 participants.



OTHER CONSUMER RELATED ACTIVITIES

- Deepak Saxena participated in a TV talk show on 'Kaise Karen Khariddari-Aaj Ka Mudda' organised by HBC TV channel on November 01, 2012.
- Deepak Saxena attended the 27th meeting of the CCPC held in Kochi on November 16, 2012 chaired by Prof. K.V. Thomas, MoS for Consumer Affairs, Food & Public Distribution, Government of India.
- George Cheriyan and Deepak Saxena visited the Government Secretariat on December 11, 2012 and met with Lalit Mehra, Principal Secretary, Consumer Affairs, Food & Civil Supplies and other officials in the Food and Consumer Affairs Department and updated about CUTS work on consumer protection.
- The final external evaluation of GRANIRCA was done by the evaluator Dr. Ashok R Patil, Professor, Chair Consumer Law & Practice at National Law School of India, Bengaluru on December 19-21, 2012. On the first day, Patil met with George Cheriyan & the project team and discussed the implementation of the project activities and reviewed the documents printed and prepared under different activities. Later, he had a luncheon meeting with few Project Advisory Group members and discussed finance related matters with the Finance section. On the second day, he attended the State Level Feedback Roundtable Meeting as an observer and a speaker and also had separate meeting with 12 district partners. On the third day Patil had a de-briefing session with the project team.
- George Cheriyan attended the National Consumer Convention of Consumer Coordination Council organised in partnership with NOCER at Ashir Bhavan, Kochi, Kerala December 29, 2012. He spoke about the state of the Indian consumer.



Consumer Forums Entitled to Entertain Telecom Grievances

Citing a 2009 Apex Court judgement, the district consumer forums dismissed the complaints related to telecom issues. In the said verdict, quoting Section 7B of the Indian Telegraph Act, 1885, the Supreme Court had said: "The dispute shall be determined through arbitration by an arbitrator appointed by the Central Government for determination of disputes and the award passed by the arbitrator shall be conclusive between parties to the dispute." The Supreme Court also had set aside the judgment of Kerala High Court confirming the jurisdiction of consumer forum in disputes related to telecommunication.



Setting aside orders of district forums, the Commission said: "As per Section 14(2) of the Telecom Regulatory Authority of India (TRAI) Act, 1997 the complaint of an individual consumer is maintainable before the

Consumer Disputes Redressal Forum and the consumer has got every right to file a complaint regarding deficiency of service in telecommunication."

The Commission said unfortunately, pre-existing enactments like TRAI Act 1997 were not placed for consideration before the Supreme Court. According to the Commission, the Supreme Court took into consideration only Section 7B of Indian Telegraph Act.

The Commission faulted the Union Telecom Ministry for not evincing any interest in getting the Supreme Court judgment clarified.

(The Hindu, 02.12.12)

Adopt Financial Consumer Protection Act

"The National Competition Policy can become the 2nd biggest wave of economic reforms. It needs to be adopted soon and implemented effectively to promote inclusive growth", said Pradeep S Mehta, Secretary General of CUTS International in his presentation to the Finance Minister, P Chidambaram in a recently held pre-budget consultation with social sector groups.

In order to curb corruption and crony capitalism, Mehta also suggested that the report of the Ashok Chawla Committee on Allocation of Natural Resources should be made public and its recommendations be implemented as soon as possible.

Among other suggestions, Mehta stressed on adoption of a Financial Consumer Protection Act; early enactment of the Public Procurement Bill; establishing an Investment Ombudsman and providing After Care Services to Investors; adopting a Foreign Trade Policy which should explore newer markets in view of the slump in the traditional western markets etc.

Delay in Project is Deficiency in Service

Pushpanjali Farm Owners and Residents Welfare Association took Ansal Properties to court on non-completion of the Pushpanjali Farm Scheme as advertised by the developers, which carried a special feature in the form of a country club. The complainant alleged that there were long delays in execution of the development work and no provision of the club.

The National Consumer Disputes Redressal Commission ruled, "No special expertise is required to appreciate that Ansal Properties would have realised significantly lower price from these farms, had the project been marketed without the country club. Therefore, the element of loss suffered by individual farm purchasers cannot be ignored.

(Hindustan Times, 23.11.12)



Malls Should not Charge for Plastic Bags

A group of 23 people have filed a class action petition with the Maharashtra State Consumer Disputes Redressal Commission against 12 malls and supermarkets for being "illegally charged" for plastic bags provided by these establishments. According to the Union Ministry of Environment & Forests, the Municipal Authority should fix the price for carry bags. But Mumbai's Municipal Body has not yet determined a minimum price for the bags, and so retailers cannot charge for these bags.

(Business Standards, 24.12.12)

Checking of Electric Meters Only in Customer's Presence

After hearing a complaint that energy bills were wrongly calculated, the Nashik Consumers' Grievances Redressal Forum ordered the Maharashtra State Electricity Distribution Company (MSEDCL), to recalculate bills based on average metered units prior to the duration in question. Bhupinder Patil, the complainant, had alleged that the MSEDCL tested his electricity meter without informing him. The Forum said the company should test the meter in the laboratory in front of the customer.

(Business Standards, 30.11.12)





Chhattisgarh Enacts Food Security Act

The Chhattisgarh Assembly enacted landmark legislation by unanimously passing the Food Security Act, becoming the first state in the country to introduce such a law, covering several deprived sections of society left out by existing welfare programmes. The law also takes a major step to empower women by considering the eldest woman in a household as its head in matters related to the ration card.

The Act makes food entitlements a right and its non-compliance has been made an offence. Officials can be penalised if PDS rations are being siphoned. The state government will pay for entitlements not covered by the Centre. While some households mentioned under the Act will get rice at ₹1 per kg, several categories such as destitute and disaster-affected persons will get it free.

The Act includes all households of landless agricultural labourers, small or marginal farmers, workers in the urban informal sector and construction workers.

It also defines a new category of “particularly vulnerable social groups” which includes households headed by terminally ill persons, widows or single women, physically challenged persons, all households headed by a person aged 60 or more with no assured means of subsistence or societal support and a person freed from bonded labour.

(Express News Service: 21.12.12)



Rajasthan: Top with Maximum Road Accident Deaths

The road accident death figure is on the increase. The death toll has not only raised questions on lack of measures to manage traffic, but also placed Rajasthan among the top five states in the country with highest number of deaths in road mishaps.

The data released by the transport research wing of Union Road Transport and Highways Ministry in August 2012 shows that in 2011, 6.5 percent of the total motor vehicle owners in the state were killed in road accidents.

The number of road accidents recorded in the state in 2011 was 23,245. The data compiled by the [National Crime Records Bureau \(NCRB\)](#) claims that the number accounts for 5.3 percent of the total cases of road accidents registered in the country.

In the state, Jodhpur has emerged as the one of the most dangerous districts for driving in terms of number of road accidents. The district is ranked fifth in the country in terms of number of people dying per 100 accidents. A total of 526 accidents were reported that claimed 264 lives and left 525 injured.

(Times of India, 24.11.12)



Policy on Road Safety Soon

Looking to the rise in death toll in road accidents, state government has been forced to chalk out a comprehensive policy on road safety. To formulate the policy, 10 state departments have been roped in and the policy draft is likely to be placed before the government by the end of 2012.

Ashok Gehlot, Chief Minister of Rajasthan is monitoring the progress and different department along with experts including the United Nations have been consulted. Rajasthan is among the few states to have a Road Safety Council. The State Council was set up on the lines of the National Road Safety Council under Section 215 of the Motor Vehicles Act, 1988. The main agenda of the Council is to address reasons behind road mishaps in the state.

However, in the wake of the recent rise in accidents the government felt the need of a law that could prove a major deterrent in curbing road accidents. According to the state police data for 2010, 24,302

accidents were registered in which 9,163 lives were lost and 31,033 injured. Between 2005 and 2010, 28,726 people were killed in road accidents.

(Times News Network, 24.11.12)

