



Consumer Protection in India

Challenges and Way Forward



An event organised by
Grahak Suvidha Kendra, Jaipur

April 22, 2016, Jaipur

Background

Justice V B Gupta was present in Jaipur for his personal visit, so making use of that opportunity *Grahak Suvidha Kendra* (GSK – an initiative of CUTS International) organised a small discussion on ‘Consumer Protection in India: Challenges and the Way Forward’ as a part of one of its awareness programmes under GSK at CUTS Conference hall on April 22, 2016.



Objectives

GSK organised a small consultation on Consumer Protection Act in India with the following objectives:

- To strengthen the functioning of GSK and to make it more efficient for delivering speedier justice to the common consumers;
- To share some of the emerging issues on Consumer Protection in India; and
- To get expert opinion on how to redress consumer issues.

Participants

Representatives from various non-government organisations (NGOs) from and around Jaipur, Rajasthan attended the consultation. Apart from Justice V B Gupta, Registrar of the State Consumer Dispute Redressal Council was also present along with Susan Mathew, Senior Advocate and Vagish Kumar Singh, Advocate, Rajasthan High Court.



Proceedings



The event commenced with the welcome note by **Renu Beniwal** and followed up with a brief introduction by **George Cheriyan** (CUTS Co-ordinator of GSK) about *Grahak Suvidha Kendra*. He mentioned that GSK provides speedy redressal of complaints of consumers without any legal process. He also stated that presently, there are 3-tier mechanisms in the country for the redressal of consumer disputes but are time consuming hence, GSK is an alternative problem solving solution to their disputes. Lastly, he also shed light on e-commerce fraud and dual pricing of products due to which consumers have to face lot of problems. **Deepak Saxena** (Senior Programme coordinator, CUTS International) discussed the theme through a presentation. The key points of the presentation were:

- Consumer issues which are not directly addressed through courts are being addressed by GSK
- Initially through state helplines, disputes of consumers were not being properly resolved so government initiated GSK; hence matters which cannot be solved by state helplines are passed on to GSK.
- It has also installed answering machines for filing of complaints on a holiday.
- Lastly, GSK has provided for an online portal, GAMA (Grievances against misleading advertisements) where consumers can lodge any grievances online without any fee.



Justice V B Gupta, Member, National Consumer Dispute Redressal Commission, New Delhi was the main speaker. He mentioned that today it is necessary that consumer should inculcate the habit of filing complaints. Consumer need to change his mind-set towards any issue. He further stated that whatever the issue may be, it is necessary that complaint should be made to the appropriate authority, agency, service provider, shopkeeper immediately. If consumer notices of any on-going misleading advertisement he should file a complaint about it.

He also emphasised the significance of COPRA, 1986 and highlighted two important aspects of it, i.e. to protect interest of consumers and duty of all to work in the same direction. He emphasised the need to end the litigation process, better solution – one trial one appeal. Consumers should develop a culture of asserting rights and filing complaints.

Kailash Chand Atwasia, Registrar of State Consumer Dispute Redressal Commission opined that consumer should file a complaint and an initiation should be made to spread awareness among consumers with regard to filing of complaints. Before licencing products of manufacturers and traders it should be tested in laboratories and regular government check-ups should be made. It was emphasised that government checks should be done on a regular basis. People are still unaware of Consumer Rights Day; awareness should be made through various modes. Media should be involved in spreading awareness about decisions been taken for the benefit of consumers.



Susan Mathew, Advocate, Rajasthan High Court opined that along with raising awareness, there should be proper guidance of rights and remedies available to consumers. Consumers not only suffer from physical or monetary loss but also mental agony, hence the provision of compensation should also be made. She suggested that punitive kind of punishment should be imposed on deceiving consumers. Lastly, she emphasised that organisations should

appoint advisory board to suggest/help consumers.

Vagish Kumar Singh, Legal Consultant at Capstone, Jaipur expressed his viewpoint on the topic stating that consumer forums can take help of the Legal Aid cell of the state. He emphasised on adopting surrogate advertising. His main focus was on e-commerce fraud which is happening these days and suggested that it is mandatory for such companies to register themselves with proper authorities and also mention their full address. Lastly, he explained that it is difficult to file a class action suit as lawyers are not allowed to advertise.

This was followed by an open discussion and as the theme being new and interesting, large number of participants expressed their views and raised their queries, which were duly answered by speakers.

Vote of Thanks

Deepika Ranawat, Project Coordinator, CUTS while summarising proceedings of the event, gave vote of thanks to the participants. She requested participants to convey the message to more and more people to raise mass awareness. The floor was then open for discussion and some of the questions raised (*along with their solutions provided by experts*) by the participants are as under:



- Apart from compensation to be provided to consumers what is the other form of punishment to be given to seller etc. for deceiving consumers?
Awareness should be there among consumers to protect themselves from getting cheated, deceived. Another kind of punishment which can be imposed is punitive as in case of consumers it is not only the physical pain/loss they suffer but also the mental agony from which they go through during all that phase.
- How to deal with the increasing e-commerce fraud?
There is increase in the e-commerce fraud, hence there should be enforcement of some e-commerce clauses such that it should be mandatory to provide with the full registration address. The online company should be registered properly with the authorities first.
- Do other courts (district/high) accept consumer disputes?
Jurisdiction of other courts to hear consumer disputes is not excluded, it is because the Parliament of India felt that it was necessary to have an efficient and convenient mechanism to address. It created a three-tier remedial machinery for the inexpensive and quick disposal of consumer complaints as these forums only deal with consumer complaints/issues and nothing else, all their time can be devoted to addressing consumers complaints.

Programme Schedule

Time	Subject	Facilitator
11.00-11.05	Welcome	Renu Beniwal Assistant Programme Officer, CUTS
11.05-11.15	Introductory Remarks	George Cheriyan Director, CUTS
11.15-11.20	A Brief about GSK-Services, Facilities, etc.	Deepak Saxena Senior Programme Coordinator, CUTS
11.20-11.35	Keynote Address: Consumer Protection in India: The Challenges and way forward	Justice V.B Gupta Member, National Consumer Disputes Redressal Commission, New Delhi
11.35-11.45	Brief Response by Discussants	<ul style="list-style-type: none"> • K C Atwasia, Registrar • Susan Mathew, Advocate, Rajasthan High Court • Vagish Kumar Singh, Capstonr Legal & former NLSIU
11.45-12.00	Open Discussion	
12.00-12.05	Vote of Thanks	Deepika Ranawat Project Officer, CUTS

List of Participants

S. No.	Name	Organisation	Phone/ Mob No.	Email
1	Justice VB Gupta	Member, National Consumer Disputes Redressal Commission, New Delhi		
2	K C Atwasia	Registrar, State Consumer Disputes Redressal Commission, Jaipur		
3	George Cheriyan	Director, CUTS International	9829285930	gc@cuts.org
4	Deepak Saxena	Senior Programme Coordinator, CUTS	9799996095	ds@cuts.org
5	Renu Beniwal	Assistant Programme Officer, CUTS	8764200317	rb@cuts.org
6	Deepika Ranawat	Project Officer, CUTS		dpr@cuts.org
7	Vagish K Singh	Advocate, Rajasthan High Court	9414231001	vagish.nls@gmail.com
8	Manisha Joshi	Project Officer, CUTS	9529161704	mnj@cuts.org
9	Susan Mathew	Advocate, Rajasthan High Court, Jaipur	9799391518	sush2302@gmail.com , adv.susan@yahoo.com
10	Sumitra Kumawat	Advocate Rajasthan High Court, Jaipur	9829051067	sumitrakumawat15@gmail.com
11	Seema Joshi	Maulik Foundation, Jaipur	9461308400	maulikfoundation@rediffmail.com
12	Anita Sharma	Gurukripa Lok Seva Sansthan, 29, Satya Colony, Tagore Nagar, D- Block, Heerapura, Ajmer Road, Jaipur- 302 024	9785438194 9829677997	anitasharma3875@yahoo.com ; info@g.kripa.com
13	Raj Sharma	Sakar Sanstha, 30, Suraj Nagar (East), Civil Lines, Jaipur- 302 006	9413900980 9352229832	sakarsanstha@gmail.com
14	Atma Ram Sharma	Secretary, Awareness Training & Motivation for Action Jagmalpura, Jorpura, Jobner, Jaipur- 303328	9413063961	atmago11@gmail.com atmango1997@rediffmail.com ; atmango11@gmail.com
15	Dr. Rajesh Methi	Jeevan Asha 63, Pushpam, Shriram Nagar, Kalwar Road, Jhotwara Jaipur- 302012	9414202188	
16	A K Thalia	CUTS International	9414788283	akt@cuts.org
17	Dharmendra Chaturvedi	CUTS International	9414202868	dc@cuts.org

Media Coverage

‘समाधान के लिए शिकायत जरूरी’

राष्ट्रीय उपभोक्ता प्रतिरोध निवारण आयोग के सदस्य जस्टिस वीबी गुप्ता ने कहा

भारत सरकार द्वारा चित्तौड़गढ़

राष्ट्रीय उपभोक्ता प्रतिरोध निवारण आयोग के सदस्य जस्टिस वीबी गुप्ता ने कहा कि आज उपभोक्ता को अपनी समस्या के समाधान के लिए शिकायत करना आवश्यक है। उपभोक्ता को अपनी मानसिकता को बदलना होगा। उपभोक्ता का मामला चाहे छोटी राशि का हो या बड़ी का, उसे संबंधित विभाग/एजेंसी या सेवा प्रदाता या दुकानदार को शिकायत करनी ही चाहिए।

यह बात उन्होंने ‘कन्ज्यूमर यूनिटी एंड ट्रस्ट सोसायटी’ द्वारा भारत सरकार के उपभोक्ता मामले विभाग के सहयोग से स्थापित ‘ग्राहक सुविधा केंद्र’ की ओर से आयोजित एक परिचर्चा के दौरान ‘कट्स’ कार्यालय में बैठते मुख्य अतिथि कही। यदि कोई भ्रामक विज्ञापन उपभोक्ता की नजर में आता है तो शिकायत करें। परिचर्चा

में आयोग के रजिस्ट्रार कैलाशचंद्र ने कहा कि उपभोक्ता को अपनी समस्या के बारे में शिकायत करनी चाहिए। दूसरी ओर निर्माता कंपनियों के उत्पाद की भी संबंधित सरकारी एजेंसियों द्वारा नियमित जांच होनी चाहिए। एडवोकेट सुसन मैथ्यू व लीगल कंसल्टेंट वांगेश कुमार सिंह ने कहा कि उपभोक्ता को मानसिक कष्ट का भी मुआवजा प्राप्त करने का अधिकार है।

ई-कॉमर्स से संबंधित ठगी मामलों पर विशेष रूप से चर्चा की गई। परिचर्चा से पूर्व ‘कट्स’ के निदेशक जॉर्ज चेरियन ने संघ द्वारा संचालित ‘ग्राहक सुविधा केंद्र’ के बारे में बताया। दीपक सक्सेना कार्यक्रम समन्वयक ने पॉइंट प्रजेंटेशन दिया। परिचर्चा ‘ग्राहक सुविधा केंद्र’ की संरचना समिति के सदस्य व उपभोक्ता संस्थाओं के प्रतिनिधि भाग लिया।

उपभोक्ताओं को बदलनी होगी मानसिकता

परिचर्चा में बोले विशेषज्ञ

आयोजित परिचर्चा में विशेषज्ञों ने यह जानकारी दी।

मुआवजा प्राप्त करने का अधिकार

परिचर्चा में मुख्य वक्ता राष्ट्रीय उपभोक्ता प्रतिरोध निवारण आयोग के सदस्य जस्टिस वी.बी. गुप्ता ने कहा कि आज उपभोक्ता को अपनी किसी भी समस्या के लिए शिकायत करना आवश्यक है। राजस्थान राज्य उपभोक्ता प्रतिरोध निवारण आयोग के रजिस्ट्रार कैलाश चंद्र ने कहा कि निर्माता कंपनियों की ओर से जो भी उत्पाद उपभोक्ता के लिए निर्मित किए जाते हैं, उनको भी संबंधित सरकारी एजेंसियों की ओर से

नियमित जांच होनी चाहिए। इसके लिए सरकारी एजेंसी को भी सशक्त करने की आवश्यकता है। वहीं, राजस्थान उच्च न्यायालय में एडवोकेट सुसन मैथ्यू एवं लीगल कंसल्टेंट वांगेश कुमार सिंह ने कहा कि उपभोक्ताओं को हुए मानसिक कष्ट का भी मुआवजा प्राप्त करने का अधिकार है।

परिचर्चा में उपभोक्ताओं के साथ ई-कॉमर्स से संबंधित हो रही ठगी पर विशेष चर्चा की गई। इससे पहले ‘कट्स’ के निदेशक जॉर्ज चेरियन व वरिष्ठ कार्यक्रम समन्वयक दीपक सक्सेना ने ‘ग्राहक सुविधा केंद्र’ के बारे में विस्तार से जानकारी दी।

भारत में उपभोक्ता संरक्षण : चुनौतियां एवं भविष्य की रूपरेखा ‘ग्राहक सुविधा केंद्र’ पर परिचर्चा

जयपुर कांस.। कन्ज्यूमर यूनिटी एण्ड ट्रस्ट सोसायटी के तत्वावधान में भारत सरकार के उपभोक्ता मामले विभाग के सहयोग से ग्राहक सुविधा केंद्र पर एक परिचर्चा का आयोजन शुक्रवार को ‘कट्स’ कार्यालय में किया गया। इस परिचर्चा में राष्ट्रीय उपभोक्ता प्रतिरोध निवारण आयोग के सदस्य जस्टिस वी.बी. गुप्ता ने मुख्य वक्ता के रूप में सम्बोधित करते हुए कहा कि आज उपभोक्ता को अपनी किसी भी समस्या के लिए शिकायत करना आवश्यक है। उन्होंने कहा कि उपभोक्ता को अपनी मानसिकता को बदलना होगा। उपभोक्ता का मामला चाहे छोटी राशि का हो या बड़ी राशि का, उसे सम्बन्धित विभाग/एजेंसी या सेवा प्रदाता या दुकानदार को तुरंत शिकायत करनी चाहिए। इसके साथ ही यदि कोई भ्रामक विज्ञापन उपभोक्ता की नजर में आता है तो इसकी भी शिकायत करें।