

# Consumer Dialogue

Volume XIII, Issue 2, May-August, 2022

E-newsletter

## Strict Directions by NGT to Govt. of Rajasthan on Honking *CUTS vs. State Govt. of Rajasthan*



**N**ational Green Tribunal issued strict directions to the Government of Rajasthan on Honking and Noise Pollution in response to a petition filed by CUTS International, which has been active throughout environment protection-related work. The direction is from NGT, Bhopal, in response to a petition filed on November 2021 against various concerned departments of the Rajasthan Government on controlling the menace of honking in the state and banning the use of 'illegal horns' by private and roadways buses along with several other noise pollution issues.

Under the intervention, CUTS has been campaigning for the last few years on the control of unnecessary vehicle honking. The organisation has also advocated for this through various awareness activities and representations before the government.

In the judgement by NGT, The Hon'ble Court comprised of Justice Sheo Kumar Singh, Judicial Member and Arun Kumar Verma, Expert Member directed the State of Rajasthan to compulsorily abide and implement the existing legislative framework on the subject matter, the crux of the judgment is the following:

Referring to the case of *Balwant Singh vs. Commissioner of Police*, (2015) 4 SCC 801 amongst various other judgments, while dealing with the issue of rampant and unchecked noise pollution in the State of Rajasthan, the Hon'ble Court directed States to, among other things ensure that:

- No noise source shall exceed 10 dB(A) limit above the ambient noise standards for the area or 75 dB(A), whichever is lower;
- No horn should be allowed to be used at night (between 10 p.m. and 6 a.m.) in residential areas except in exceptional circumstances; and
- The States shall make provision for seizure and confiscation of any noise source that creates noise beyond the permissible limits.

Tarun Agrawal and Bhaskar Agrawal, Advocates in Rajasthan High Court, worked hard to plead the matter in NGT on behalf of CUTS.

<https://snip.ly/iizczg>

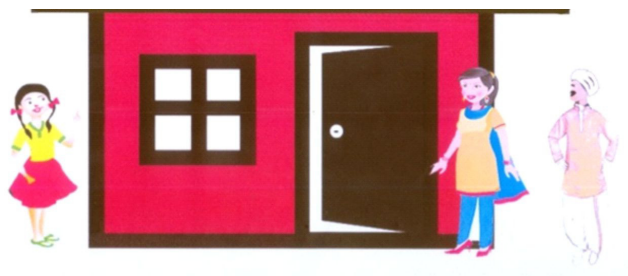
### INSIDE

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## Grahak Sahayta Kendra, Jaipur

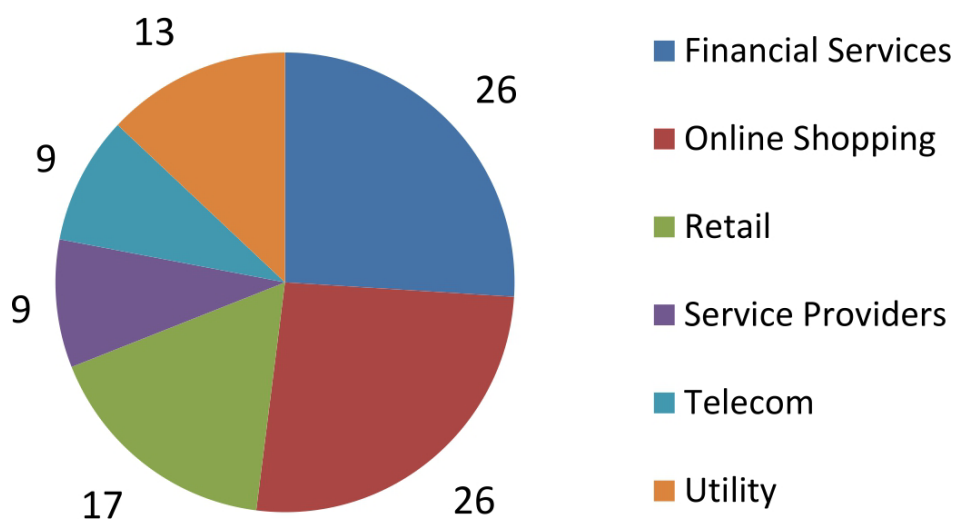
Grahak Sahayta Kendra (GSK) provides services, such as advice on consumer protection-related issues, addresses complaints, and publishes books, pamphlets, magazines, and other relevant materials on consumer-related matters. Besides, the GSK centre also handles consumer complaints through counselling and conciliation for quick and easy redress.

GSK details can be accessed at:

<https://cuts-cart.org/consumer-support-centre-grahak-sahayta-kendra/>

During May-August, 2022, the status of complaints and advisories received at GSK are shown in the below graph below:

Sectorwise Complaints in Percentage



**Financial Services:** Banking, Insurance Companies, Non-Banking Finance Companies, and Capital Market

**Utility:** Electricity, Water, and Education

**Service Providers & Other Services:** Local Bodies, Hospitality, and other Miscellaneous Service Providers

**Automobile:** Vehicle Manufacturing Companies, Dealers and Service Centres, etc.



## Debate Around Star Ratings for Food Packets

The story so far: The Food Safety and Standards Authority of India (FSSAI) is expected to issue a draft regulation for labels on the front of food packets that will inform consumers if a product is high in salt, sugar and fat. It is expected to propose a system under which stars will be assigned to a product, which has earned the ire of public health experts and consumer organisations who say it will be misleading and ineffective. Health experts are demanding that the FSSAI instead recommend the “warning label” system, which has proven to have altered consumer behaviour.

<https://snip.ly/zl55f5>

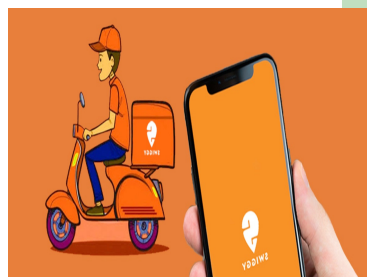
## IMPORTANT NEWS/ARTICLES



## Government Asks FBOs to Improve Grievance Redressal Mechanism

The Department of Consumer Affairs has directed major e-commerce food business operators (FBOs) like Swiggy and Zomato to furnish the current framework and a proposal on improving the consumer grievance redressal mechanism within 15 days.

<https://snip.ly/1zyysi>



## Board Asks E-commerce Platforms to Improve Plastic Waste Management

The Central Pollution Control Board has asked e-commerce platforms Flipkart and Amazon to follow the ‘Plastic Waste Management Rules 2016’ and told the NGT that the businesses must fulfil their responsibilities.

<https://snip.ly/hrp39a>

## Single Use Plastic Ban: Lists of Prohibited Items Issued

The ban includes the manufacture, import, stocking, distribution, sale and use of single-use plastic items. The Central Pollution Control Board (CPCB), a government body under the Ministry of Environment, issued a list of measures to ban identified Single Use Plastic items by June 30, 2022.

<https://snip.ly/ks30y8>



## Why RBI should not Enforce Card Tokenisation Mandate

By Pradeep S Mehta

RBI's move to introduce card-on-file tokenisation (CoFT) to cast a safety net on consumers' card details is a move in the right direction. As we inch closer to the extended deadline for CoFT of June 30, RBI must clarify the ecosystem-readiness state for a seamless transition to CoFT-enabled digital payments at scale.

<https://bit.ly/3nf6JY0>



## Advocating Against Unnecessary Use of Honking

Kailash Mohta, a trader of heavy industry tools, has not honked even once in the last 32 years while driving on the busy streets of Kolkata. He advocates against the unnecessary use of honking and for the previous four years, he has been wearing a poster on himself while riding his scooter. He has also turned his two-wheeler into a 'no honking tableau'. Honking leads to agitation and irritation that causes stress, which leads to other health issues.

<http://snip.ly/ju04>



## Hotels, Restaurants Can't Force Consumers to Pay Service Charge

It will be entirely up to the customers to pay any amount as a tip, and eateries cannot directly or indirectly levy any charge more than the rate of food items. 'Hotels, and restaurants can't force consumers to pay service charges; it will be a voluntary option at the consumer's discretion. In its order, the CCPA stated that service charges in hotel/restaurant bills could not be collected from consumers under any other name; they cannot be added to the food bill

<https://snip.ly/oyr64a>

## India's First Right-to-Health Bill to be Introduced

The Rajasthan government is soon likely to introduce in the Assembly the Right to Health Bill — the first of its kind in India — which aims to commit to quality and affordable health care services through government and private healthcare providers.

<https://snip.ly/uv0f83>



## Consumer Protection: India's Redressal Mechanisms Destroyed by Apathy

By Pradeep S. Mehta

The government's consumer protection efforts should balance the economy's health and consumers' well-being. Instead of making too much noise on service charges, the Department of Consumer Affairs should focus on how the redressal machinery is functioning. Not that the levy of involuntary service charges at eating joints is fair, but bigger elephants in the room act against consumer sovereignty.

[www.policycircle.org/opinion/consumer-protection-redressal-india/](http://www.policycircle.org/opinion/consumer-protection-redressal-india/)



## Cheriyen Nominated to CAC of Indian Food Authority

George Cheriyan, Director of CUTS

International, has been re-nominated to the Central Advisory Committee (CAC) of the FSSAI for three years as a member from the consumer segment.



<https://snip.ly/r70lio>



# Establishing a Municipal Regulatory Authority in Rajasthan

Glimpses of  
some more  
ACTIVITIES



**T**he need for establishing the office of a regulatory authority with statutory power for all local self-government institutions is vital to keep an eye on the functioning of all municipal bodies. Such a body with independent powers to probe and penalise could be used to check misuse of office and unsatisfactory working. It should also shed light on needed change at the local level”, said Vasudevan Suresh, Former Chairman and Managing Director, Housing and Urban Development Corporation & President, Good Governance India Foundation.

He was speaking at the inception of a project entitled ‘Improving City Governance Through Enhancing Knowledge of Urban Local Bodies in Rajasthan’ implemented by CUTS in partnership with the Australian High Commission under its Direct Aid Programme.

George Cheriyan, Director, CUTS, mentioned that Rajasthan’s urban population is around 1.70 crore, 24.9 percent of the total population. In contrast, the rural population stands at 5.15 crore, 75.1 per cent of the total population. Such a rise in urban population implies increased demand for goods and services and the requirement of efficient systems for urban planning, management and governance. Therefore, addressing urban development and transformation, urban inequalities and bringing suitable reformation within the urban governance system to address these changes is India’s most important political and intellectual challenge.



Barry O’Farrell AO, Australian High Commissioner to India, congratulated CUTS for the urban governance project and highlighted that urban governance is one of the critical areas where India and Australia have a formal strategic partnership.

Abhijeet Kumar, Mayor, Bharatpur Municipal Corporation, reiterated that there is a need to set up municipal regulatory authority in Rajasthan. Responsibilities are entrusted to local self-governments (LSGs), but there is neither power to fulfil those responsibilities nor any administrative setup. There are a lot of administrative and financial problems within LSGs. Local government bodies should be made autonomous to manage and address their issues.

Mahendra Soni, IAS, Commissioner, Jaipur Municipal Corporation (Greater) highlighted India’s problem could be solved in 180 days if we humans correct ourselves. We as a society expect a lot of entitlements and keep blaming the system. There is an urgent need to take responsibility by each stakeholder for effective urban governance.

S N Singh, Chairman, Swachh Nagar Sanstha, said government functionaries should be more accessible to the common citizen. There is a need for separation of power at the LSG level and strengthening municipal ward level committees. Himani Tiwari, City Managers’ Association Rajasthan, Department of Local Self Government, Government of Rajasthan, highlighted the government’s initiative and programme related to urban governance.

Amar Deep Singh, Senior Programme Officer CUTS, presented the organisation’s previous work on urban governance and explained the objectives and activities of the project. Amit Babu, Programme Associate, CUTS, proposed the vote of thanks. The meeting saw the participation of more than 40 participants.



## CUTS International on UNESCAP-SANS Panel

United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) office has included CUTS as a member of the South Asia Network on the Sustainable Development Goals (SANS) as a civil society member. SANS is a network of government agencies, think tanks, and other organisations from South Asian countries: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka. SANS has been developed to foster subregional cooperation by sharing good practices towards achieving the Sustainable Development Goals (SDGs) amongst the government agencies, think tanks, CSOs and other stakeholders in South Asia to build back better. This network is expected to accelerate action on SDGs implementation in the region.



## Experts Hail Warning Labels as the Most Effective FoPL

Experts unanimously hail that warning labels are the most effective FoPL to help Indian consumers identify and avoid unhealthy foods. They also expressed their strong disagreement with the FSSAI for introducing a Health Star Rating (HSR) label in the Indian market relying upon a limited study carried out by a business school by ignoring the global best practices and evidence.

To help consumers make healthier choices, Australia and New Zealand introduced the voluntary HSR system in 2014. But studies show that the system is highly flawed as unhealthy products can still get a high score. This is because the rating is based on the overall nutritional value, and the inclusion of healthy ingredients (i.e. fibre, protein and vitamins) cancel out the unhealthy ingredients (i.e. sugar, saturated fats and salt).

More importantly, the system does not effectively assist the vulnerable consumers who need it the most. These views emerged from a webinar on “Why Health Star Rating (HSR) is not suitable for India?” organised by CUTS on May 11, 2022.



## Experts Demanded an Effective Mandatory Warning Label

Public health and consumer experts in Rajasthan unanimously demanded mandatory simplified front-of-the-pack labelling (FoPL) regulation to be notified by the food regulator at the earliest to address the rising Non-Communicable Diseases (NCDs) in the country. Experts unanimously proposed this in a state-level consultation on ‘Status of NCDs and Role of Front of the Pack Labelling’ organised in Jaipur by CUTS International on August 30, 2022, to generate awareness of FoPL and the role it could play in curbing NCDs among wider stakeholders.



In his opening address, Cheriyan said that FoPL is a cost-effective messaging strategy that would help consumers in making informed and healthy food choices. Sunil Sharma, IAS, Food Safety Commissioner, Directorate of Food Safety and Drug Control, Government of Rajasthan, stated that the government officials and health department employees are still unaware of this critical issue of NCDs and FoPL.

Ashok Gupta, Professor and Head, J.K. Lone Hospital, Jaipur,

highlighted that Rajasthan is in the red zone in NCD cases. Hence, there is a need to understand the real cause of diseases that occur due to unhealthy diets.



## State Level Consultation on Significance of FoPL in Addressing NCDs

A State Level Consultation on “Significance of FoPL in Addressing NCDs” organized by jointly by CUTS International and the National Resource Centre for NCDs in Technical Collaboration the Directorate of Health Services, Government of Kerala at Thiruvananthapuram on August 26, 2022.

Dr. V. Meenakshi (Additional Director of Health Services - Public Health) inaugurated the workshop. George Cheriyan delivered the opening address. Lt. Col. Mr. L. J. John (Regional Director, FSSAI) delivered Keynote Address and Saju V. Itty (Executive Director, Kerala, Voluntary Health Services) delivered a special address. Johnson J Edayaranmula (Executive Director, National Resource Centre for NCDs) delivered the welcome address, introduced the panellists and dignitaries



George Cheriyan chaired the Technical Session. Simi T.B (Policy Analyst, CUTS) presented the ‘Status of NCDs in India and Kerala and the role of FoPL’. The panelists were Dr. Bipin K Gopal (State Nodal Officer, NCD, Directorate of Health Services); Dr. A. S. Pradeep Kumar (Former Additional Director of Health Services); Dr. K. R. Antony (Paediatrician and Independent Monitor, National Health Mission) and Dr. V. R. Vasundhara (Medical Officer, Govt. Nature Cure Hospital, Varkala). In the Valedictory Session Dr. Sreejith N. Kumar (Indian Medical Association) was the Chief Guest. Dr. Geomcy George (Associate Director, NRC-NCD & Medical Superintendent, BCMCH, Thiruvalla) presented the Recommendations and Plan of Action adopted at the Workshop and proposed the vote of thanks.

## ProScope Activities Rolls on the Ground

A After the launch of ‘ProScope’ project on April 12, 2022, the activities took off on the ground. Initially, an online meeting with consultants for project activity updates was organised on July 12, 2022. All the team members, including district consultants, attended the meeting.

During May-August 2022, activities under the ProOragnic section of the project, such as village-level awareness campaigns, inception meetings for school clubs and kitchen gardens and knowledge-sharing meetings for seed cell systems, were accomplished in 12 districts.

Under the Sustainable Consumption Practices part of the project, a perception survey during the project’s first year to gauge the level of SC practices among consumers would help us know their actual behaviour and consumption pattern.



Glimpses of  
some more  
ACTIVITIES





## Petition in ASCI

A petition to ban the IPL advertisement of M S Dhoni with immediate effect was put before the Advertising Standard Council of India (ASCI). The Consumer Complaints Committee of the ASCI took a serious note of the petition and instructed TATA-BCCI to withdraw the ad, which was seriously flouting the Road Safety norms of India and also contravened Chapter III, 3.3 of the ASCI Code, and Clause (a) of the ASCI Guidelines for advertisements depicting automotive vehicles.



## The Age of E-Consumer-Protection

A webinar on 'The Age of E-Consumer Protection' was organised on August 25, 2022, which aimed to reorient consumer organisations in India to protect online consumers actively. The webinar imparted a better understanding of the new regime to the participants and discussed consumer organisations' roles in its implementation. George Cheriyan, Director, CUTS; Sushila, Associate Professor, National Law University, New Delhi; Saroja Sundaram, Executive Director, Citizen Consumer and Civic Action Group; Ujjwal Kumar, Associate Director, CUTS were key speakers. Deepak Saxena, Associate Director, CUTS International moderated the webinar.



## MEDIA



- George Cheriyan was interviewed by the journalist of The Hindu, Fortune India, The Straits Times Asia, Kungumam-Tamil weekly from Chennai on FoPL, which got published on May 09, 12 and 14 2022, with different titles. The story also appeared on May 22, 2022 titled "Eat Packet Food ... These 8 Pages Are For You".
- George was also interviewed by the journalist of British Medical Journal on May 11, 2022. He also wrote an op-ed on FoPL, which got published in Policy Circle, titled "FSSAI Sides With Industry on FoPL Format, Puts Consumers At Risk" on May 09, 2022.

For more details please access at:  
<https://snip.ly/xoxdrm>

- 'Defining Moment for Earth: South Asia Faces Grave Environmental Concerns' An article by George Cheriyan and Simi T.B. in South Asia Monitor on June 04, 2022.

For more details please access at:  
<https://www.southasiamonitor.org/spotlight/defining-moment-earth-south-asia-faces-grave-environmental-concerns>





- Simi TB attended a webinar on “The Circular Economy & Sustainable Infrastructure” organised by The United Nations Environment Programme and the Asian Institute of Technology on May 05, 2022.
- Madhu Sudan Sharma participated in a national-level webinar organised by the Asian Development Bank (ADB) and the Ministry of Road, Transport & Highways (MoRTH) on the state-supported programme for road safety on May 16, 2022
- Madhu Sudan, Satyapal Singh, Amit Babu and Pratibha Jain participated in World Hypertension Day organised by CUTS on May 17, 2022. The theme was “Measure Your Blood Pressure Accurately, Control It, Live Longer”, which aimed at raising awareness of high blood pressure.
- Amar Deep Singh attended a session on waste management by Manish Kothari, Managing Director, Rhino Mechanics, Pvt. Ltd., at Jaipur on June 18, 2022.
- Amar Deep Singh and Amit Babu attended the ‘Rajasthan Digital Dialogue’ online meeting organised by Social Accountability Form for Action and Research (SAFAR) on June 20, 2022.
- Simi TB attended a Global Symposium on Sustainable Water and Energy Solutions organised by the United Nation’s Department of Economic and Social Affairs (UN DESA), ITAIPU and Sustainable Water and Energy Solutions Partnership and Network on June 13-15, 2022.
- Deepak Saxena and Dharmendra Chaturvedi participated in the first programme under the ‘Manak Manthan’ series organised by BIS on June 29, 2022. This programme series is being launched to discuss newly published standards, wide circulation drafts etc., which may impact the industrial dynamics in the state.
- Rajdeep Pareek and Nimisha Sharma attended two virtual meetings on July 08 and 15, 2022, respectively, with the National Coalition of Natural Farming member organisations. The discussion focussed on the role of *gram panchayats* and the Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) in promoting organic farming in Rajasthan.
- Cheriyan attended the South Asia Network on the SDGs (SANS) Focal Points meeting on July 21, 2022.
- Amit Babu attended the second ‘Manak Manthan programme on Code of Practice for Repair of Distribution Transformers’ on July 26, 2022.
- Amit Babu and Dharmendra Chaturvedi attended an outreach meeting of the Telecom Regulatory Authority of India (TRAI) at Jaipur on August 05, 2022.
- Deepak attended a workshop organised by the ‘Think Nudge and Move Department’ (TNMD) of BIS, HQ, New Delhi, with national-level governmental organisations and voluntary consumer organisations at Manak Bhawan in New Delhi on August 05, 2022.
- Cheriyan, Madhu Sudan, Amit and Satyapal Singh attended a meeting under the advocacy and capacity building under the project, Global Road Safety Partnership, in association with the Indian Institute of Technology, Kharagpur, West Bengal, organised its India partners meet from May 25-27, 2022.
- Cheriyan attended a National Multi-stakeholder dialogue on “Effective front of package labelling to ensure children’s right to nutrition” organised by People’s Vigilance Committee on Human Rights at Gandhi Peace Foundation, New Delhi, on May 16, 2022. He also participated in the GHAI partners meet cum strategy planning meeting facilitated by South Asia Regional Director, Campaign for Tobacco-Free Kids Vandana Shah.
- Cheriyan attended the meeting of the Central Advisory Committee of FSSAI held in Kochi, Kerala, on August 23-24, 2022.



## Upcoming Events/Project Activities

- CUTS-SSNC-ProScope Activities, 2022-23 as per the Work Plan
- CUTS-GRSP-ROSA Activities (Phase IV)
- CUTS-GHAI-Consumer-Friendly FoPL in India
- CUTS-Australian High Commission-A Holistic Representation of Frauds and Grievance Redress in Digital Payments and Digital Credit Services in Rajasthan
- CUTS-Dvara-Improving City Governance Through Enhancing Knowledge of Urban Local Bodies in Rajasthan
- CUTS-APCO World wide India-Developing a Knowledge Paper for a "Fire Safe India" to Understand the Gaps in Current Fire Safety Scenario in the Country and Advocate for Better and More Stringent Norms

## CART at Social Network

- CART is managing four FB pages, one each for MyCity, Insight into the Indian States (I3S), ProOb & CoPSA (Community of Practice on Social Accountability), GSK and three dedicated web portals for (ProOb), COPSA and I3S.
- CART has a Twitter account with link: <https://twitter.com/CUTSCART> and Facebook page: <https://www.facebook.com/cutsintcart>
- Besides, CART is also responsible for moderating three google groups:

### CUTSConsumersUp:

Consumer Empowerment in India to take consumer protection issues forward.

### CUTSGovForum:

Discuss news and views on Governance issues and challenges in India.

### CUTSRoadSafety:

Discuss and disseminate relevant issues on road safety.



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