



# NATIONAL WORKSHOP ON CONSUMER RIGHTS PROTECTION



## Awakening India

-Towards Consumer Rights Empowerment

REDG.NO: DEL-2588/13

AN ISO 9001-2008 CERTIFIED

राष्ट्रीय उपभोक्ता अधिकार आयोग

**National Consumer Rights Commission**

South regional off: D.No: 55-41-11/2(1), SVR Reidency, Ambedkhar Nagar, Seethammadara, Visakhapatnam- 530013  
Head Off: flat No. 602, A-Billock, Sector 56, Gulmohar Apartments, opp. Hongkong Bazar, Gurgaon-122001.  
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[www.indianconsumer.org](http://www.indianconsumer.org)



## National Consumer Rights Commission राष्ट्रीय उपभोक्ता अधिकार आयोग

Regd. Central Govt. of India  
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### CONSUMER PROTECTION ACT. 1986



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We are pleased to introduce ourselves as “National Consumer Rights Commission”, a trust registered under Indian Trust Act 1882, at New Delhi with an objective towards Protection of Consumer Rights. Being an ISO 9001:2008 certified organization and with the presence across various states in India, We educate the general public about the Consumer Rights, Fundamental Rights, Right to Information Act, Environmental Protection Act and all other Citizen centric and consumer protection related Laws and Rules, with the help of various Civic Bodies. We help the Consumers to protect their rights by providing legitimate advices and legal assistance. We conduct various programs and workshops designed to Educate and Empower the Consumers about their Rights in today’s volatile business Environment. We also work along with governmental bodies which strive for the greater good of the public.

**SWACHH BHARAT ABHIYAN** is a National Level Campaign Initiated by Indian Government led by Honourable Prime Minister Shri P. Narendra Modi. NCRC takes the privilege to join hands with Public & Private bodies to implement the cleanliness program for a clean and green India. NCRC in Association with its State Committees, District Committees and the active public has been conducting SWACHH BHARAT in various places across INDIA.

### Founders of the organization are:

M V L Nageswara Rao	National Chairman
R. Sai Ramesh Damodara Goud	National Chairman – Administration
Raj Kumar F Dharu	National Chairman -- Treasurer
Deepa Antil	National Chairman – Planning & Co-ordination.



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**National Chairman: Mr. M.V.L Nageswara Rao**



**Mr. MVL Nageswara Rao** had rise the organization with a vision for betterment of people life. His research and thoughts towards creating awareness to people created a conducive atmosphere for many societies all over the Country. Mr. MVL Nageswara Rao has his life step to social welfare programs in year 2000. With so many welfare campaigns on child education and support to government forums and for every citizen to be reachable of his Rights. A great start that had change his work world to social home with this organization in 2013. By a right thought and to every citizen in nation have to be known the thought his reachability, he created the NCRC as a indication for the society to form and have aware start to the support and beware of rights in day to day life.



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**National Chairman–Admin: Mr. R. Sai Ramesh Damodara Rao**



**Mr. Sai Ramesh Damodara Rao** a down to earth profile business magnet from Visakhapatnam had a balanced life to world work management and social welfare society programs. His dream been habited of society awareness from year 1995, with blood campaign, cleanliness program in city, aware in women and child programs in district of vizag and district of vijayanagaram.

He has a good balance profile as south India head in varied businesses. Despite of the credentials in business sector, his thoughts were well leaned towards the welfare of the people. Being a person of strong will, he started with M.V.L Nageswara Rao in the year 2013 for the creation of National Consumer Rights Commission with an strong administrative setup extended all over the country with its dynamic team.

Since 2013, Mr. Sai Ramesh Damodhara Rao has been organising various activities, awareness campaigns and programmes on the social causes like:

- Child Education programs
- Blind school support
- Blood campaigns
- Pollution free cities
- Beggar free city
- Clean & green city



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**National Chairman –Treasurer: Mr. Raj Kumar F Dharu:**



A business man from Pune with vast business profile been for decades. Since his period of education, his thoughts were well motivated towards the welfare of the society. Having a presence in the business sector he always maintained social profile in organising various cultural and welfare programmes. His philanthropic attitude always made Mr. Dharu to be considered as people choice in various fields. Mr. Dharu organised awareness on school and water facilities and so many education societies support campaign for best future education rights, he dream been done with “First Step Schools” for every common citizen reachability.

During this blissful activities by Mr. Dharu, felt the presence of an organisation which can help the consumers to address their issues, which made him to Join National Consumer Rights Commission in the august presence of Mr. M.V.L Nageswara Rao in the year 2013.



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**NATIONAL CHAIRMAN—PLANNING AND COORDINATION: Smt. Deepa Antil**



Smt. Deepa Antil a good supporter to the society and a LEADER having so many followers by a great foundation called SASHAKT NARI PARISHAD as president and organized so many development programs for females on education and harassment female and many more for better society to form the year 2012 .

Smt. Deepa Antil, her dream come true with her foundation in live by year 2014 and reached every person for women Empowerment, Health, Disable Human Programs And Many Good Opportunity Programmes For Females And Children. In the year 2016, which made a support program follow to join hand in NCRC for better society behalf consumer rights campaigns.

As we NCRC form with so many ambitions and so many development awareness program to society .The team made our SIR RAJ KUMAR F DHARU garu as our HONORABLE CHAIRMAN to NATIONAL CONSUMER RIGHTS COMMISSION with his great experience and capabilities to form a better society and fight for every citizen to get all his CONSUMER RIGHTS and always PROTECTED ON ACT 1986.



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## CONSUMER RIGHTS:



### RIGHT TO SAFETY

According To The Consumer Protection Act 1986, The Consumer Right Is Referred To As Right To Be Protected Against Marketing Of Goods And Services Which Are Hazardous To Life And Property. Area Like Healthcare, Food Processing. This Right Is Spread Across The Domain Having A Serious Effect On The Health And Consumer Viz. Automobiles, Housing Domestic Appliances, Travels Etc. When There Is Violation Of Right Then There Occur Malpractice, It Is Estimated Every Year That Thousands Or Millions Of Citizens Of India Are Killed Or Seriously Injured By Immoral Practice Of Doctors, Hospitals, Pharmacies And The Automobile Industry. The Government Of India Needs To Have World Class Products Testing Facilities To Test Drugs, Foods, Cars Or Any Other Consumable Product That Can Prove To Be A Menace To Life.

### Right To Information

Right To Informed About The Quality, Quantity, Potency, Purity, Standard And Price Of Goods Or Services. In The Market Place India Consumer Get Information In Two Ways Namely Advertising And A Word Of Mouth. The Indian Consumer Hardly Have Precise By And Complete Information For Assessing The True Value Safety, Suitability, Reliability Of Any Product. Usually The Hidden Cost Can Be Found, Lack Of Suitability, Quality Problems And Safety Hazards Only After The Purchase



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Of The Product. There Is Another Right Claimed By Indian Government On Paper, This Right Must Ideally Make Sure That All Consumable Products Have Been Labelled In A Standard Manner Containing The Cost, Quantity, The Ingredients And Instructions Given To Use The Product Safely. It Is Unfortunate That Even The Medicines In The Country Do Not Follow A Standardized Labelling Convention. There Should Be Establishment Of Unit Price Publishing Standards For Consumer Market Where Costs Are Revealed In Standard Units Like Per Kg Or Per Litre.

### **Right To Choose**

'The Right To Be Assured, Wherever Possible, To Have Access To A Variety Of Goods And Services At Competitive Prices. The Natural Resources, Liquor Industry, Telecommunications, Airlines Etc. All Are Being Controlled By A Mafia To Some Or The Other Extent. Since The Indian Consumers Come From A Socialistic Background, The Tolerating Of Monopolistic Market Is Found In Their Blood.

### **Right To Be Heard**

'The Right To Be Heard And To Be Assured That Consumer's Interests Will Receive Due Consideration At Appropriate Forums' Is The Definition Of The Right To Be Heard. This Right Helps To Empower The Consumers Of India For Putting Forward Their Complaints And Concerns Fearlessly And Raising Their Voice Against Products Or Even Companies And Ensure That Their Issues Are Taken Into Consideration As Well As Handled Expeditiously. However, Till Date The Indian Government Has Not Formed Even One Outlet For Hearing The Consumers Or Their Issues To Be Sorted Out.

### **Right To Redressal**

The Right To Seek Redressal Against Unfair Trade Practices Or Restrictive Trade Practices Or Unscrupulous Exploitation Of Consumers' Is Referred To As The Right To Redressal According To The Consumer Protection Act 1986.

About 20 Lakhs Consumer Cases Are Heard In The District Consumer Forum, And Around One Crore Can Be Heard In The State Consumer Court While More Than One Crore Cases Are Heard At National Consumer Court. It Has Been Found That If



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One Becomes Guardian Of Consumer Protection Or Consumer Rights In The Country These Courts Today Are Found To Be Ineffective Because Of Bureaucratic Sabotages, Clogged Cases, Callousness Of Government And Decadent Infrastructure.

The Consumer Courts Like District Consumer Disputes Redressal Forums At District Level, State Consumer Disputes Redressal Commissions And National Consumer Disputes Redressal Commissions Have Been Incorporated With The Help Of The Consumer Protection Act.

### **Right To Consumer Education**

The Right Of Every Indian Citizen To Have Education On Matters Regarding Consumer Protection As Well As About Her/His Right Is Regarded As The Last Right Provided By The Consumer Protection Act 1986.

Consumer Education Might Refer To Formal Education Through College And School Curriculums As Well As Consumer Awareness Campaigns Being Run By Non-Governmental And Governmental Agencies Both. Consumer Ngos, Having Little Endorsement From The Government Of India.

### **Rights And Responsibilities**



### **Consumer Rights:**

It is referred to as the Right to Safety and Protection from Hazardous Goods Or Services. The Right to Be Informed And Protected Against Deceitful, Fraudulent Or Information that Misleads and have an access to Correct Information as well as facts Required to go for Informed Choices along with decisions. The Right to Choose and



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have easy access to Different Types Of Products And Services Offered At Competitive And Fair Prices.

The Right To A Healthy Environment Enhances The Quality Of Life And Give Protection From Environmental Issues For Present As Well As Future Generations.

### Consumer Responsibilities:

Consumer responsibilities refer to the responsibility of having awareness of the quality and safety of goods and services while purchasing and the responsibility to collect information available about a product or service and to update oneself with changes or innovations taking place in the market. It means the responsibility to think as well as make choices independently and consider immediate needs and wants. It refers to responsibility to speak out, and to inform manufacturers and governments of needs and wants and the Responsibility to Complain or inform business along with other people about discontentment with a product or service in an honest way. There should be Responsibility of being an Ethical Consumer and be fair and not engage not in malpractices which make all consumers pay.

### Right to Basic Needs & Safe Environment

The countries in their developmental phases require strict following of the two rights namely the Right to Basic Needs & Safe Environment play crucial role in the lives of common masses due to their link with the realities of life in the context of environment and other resources concerned.

When taken into the Indian context it is well understood why such rights are important due to ample masses here seeking for food security besides other basic needs like being provided safe water supplies to sheltering and last but not the least health and education related needs.

It is worth noting that not everybody in the Indian subcontinent has access to the imported goods which supermarkets stake to help to make good choice of items like the cases of latest car models. It is easily monitored in the developed world where every item is carefully analysed. In fact more pressing need in India is safe environment and food security for the population of more than 1 billion here instead of rest consumer options or rights they have.

### Right to Basic Needs

Any consumer's life solely depends on easy access to food, water and shelter as basic needs. It is impossible to think of life's existence in the absence of such fundamental amenities. It is strange that in September 2001 India had ample food,



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grain stock of approximately 60 million tons still , one third of the population in the country had to lead life below the poverty line. In fact large chunk of masses still sleep hungry and so are the cases of severe malnourishment which cause poor health condition.

As estimations describe approximately 20 to 25% urban households are forced to spend life in the slum areas where their colonies are just makeshifts as if refugee settlements they stay into. They hardly avail any affordable but decent living space in the urban areas they live.

Estimates further describe that there still remains the shortage of 17 million units in mere urban areas. That remains major reason of the habitat crisis in cities in India. If rural areas are taken into account then we see that here as well the situation is equally worsening because am-ple population here still lives into temporary settlements as hutments where they stay. It is obvious that lack of running water and electricity supply would be there in the non-permanent housing areas where hardly would be any sanitation facility. Both urban and rural areas still have the big challenge of having no access to the dry toilets.

### Food Security for Consumers

Every 2000 consumer therefore have average access to at least 1 PDS in the county. The case of food shortage still remains a big issue in several parts of the country. India has also faced its artificially created food scarcities due to poor distribution and under-utilisation of food grains. At present approximately 60 million ton of food grains remain buffer stocks in several places. Improper storage facilities and lack of systematic utilization causes the rotting of large food grain stocks. An ardent need today is proper channelization of such stocks towards the needy people through providing them most suitable 'food for work' programs which can offer dual benefit if funds and employment opportunities. Other key factors are ensuring that their remains easy and enough accessibility of food every time and there is complete care about nutrition values to ensure that children's health and hygiene is maintained to avoid further vulnerabilities. It is an important aspect that requires special attention to ensure people are made responsible and so are they provided quality food supply as basic needs of life.

### Right to Safe Environment

Limitations of urban lifestyle are that urban people find in the parks, gardens and deteriorating air or water quality their share of environment. In fact large chunk of urban areas hardly have required number of wildlife hence masses are not abreast



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of the biodiversity which they could have thereby. On contrary the masses in rural areas full fill their basic needs from the local environment itself.

One of the necessary defences against the fast worsening quality of life around the world is through the conservation of environment. Everybody remains the victim of food contamination to issues like problems related to water supply to pesticide-ridden foods and adulteration in milk to last but not the least exhausting fumes from the vehicles that literally create choking atmosphere. Keen observation nearby our areas indicates how our immediate surroundings are polluted due to our own misdeeds. Our living standards and steps to cause damage to environment through various types of pollution are the matters of great concern. Take for example different monthly purchases we do from washing detergents to toilet cleaning acids to numerous chemicals besides pre-packaged food stuffs whose non-biodegradable packaging cause health hazards. They have direct effect on the environment in the form of water & soil pollution to waste disposal problems and rest issues. Some more factors include consumption patterns of common masses having direct link with environment damages. They are outcomes of irresponsible human behaviours.

### CONSUMER STANDARDS:



- Promote environmentally sustainable products use
- Encourage recycling options
- Demand for the environmentally dangerous items to carry suitable warnings or instruction on safety disposal upon use



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### Promote the use of non-toxic products by:

- Take initiatives for consumer awareness to prefer alternate options for toxic items
  - Establish thorough strategy that any item banned in foreign countries doesn't have entry in the national market.
- 
- Develop strategies to minimize the social impacts of pollution
  - Endorse producers or suppliers of goods and services who take care of ethical issues and keep the social and environmental aspect into consideration.

### METHODS OF CONSUMER PROTECTION ACT:

#### The important ways for consumer protection are:

1. Imposition of self-regulation and discipline by the manufacturers and suppliers of goods and services for working in the interests of consumers.
2. The role of government which can enact laws for the protection of consumers and make arrangements for their enforcement.
3. Voluntary organisation of consumers to form groups such as NGO, cooperative societies to safeguard the interests of consumers.

We explain below in detail the above three ways of protection of consumers.



### *Voluntary Organisation of Consumers to Protect their Rights:*

1. They issue leaflets providing information so as to educate consumers on matters affecting them.



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2. They have been pressing for proper labelling of the products with maximum price to be charged, the contents of the product, especially drugs, side effects if any, of the product etc.

3. Organizing movements against the malpractices of manufacturers and traders of the products.

Consumer cooperative movement also started to protect the consumers against the malpractices and traders of goods. A consumer cooperative is a voluntary association of consumers formed to promote their interests. The consumers enhance their bargaining power as against traders and manufacturers.

### **NGOs and Consumer Organizations in India: Definition and Role:**

#### **DEFINITION:**

Non-governmental Organizations (NGOs) are those organizations which aim at promoting the welfare of the people, and are non-profit making. They have voluntary decision-making structure, and are free from the interference of the government. They may be fully or partially financed by the government or any other agency. Non-government organisations dealing with the consumers' grievances are also known as consumer organisations or associations.

#### **Role of Consumer Organizations and NGOs:**

(i) They organise campaigns on various consumer issues to create social awareness.

(ii) They organise training programmes for the consumers and make them conscious of their rights and modes of redressal of their grievances.

(iii) They bring out periodicals and other publications to enlighten the consumers about various consumer related developments. For instance, VOICE publishes a bimonthly magazine called "Consumer Voice" which covers a wide variety of subjects of importance for the consumers.

(iv) They provide free legal advice to their members on matters of consumer interest and help them to take up their grievances with the District Forum, State Commission and National Commission set up under the Consumer Protection Act.



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(v) They interact with businessmen and Chambers of Commerce and Industry for ensuring a better deal for consumers.

(vi) They launch Public Interest Litigation (PIL) on important consumer issues. Public Interest Litigation means a legal action initiated in a court of law regarding a matter of general public interest such as ban on a product injurious to public health

### The laws and act in consumer protection include:



- 1) Prevention of Food Adulteration Act, 1954,
- (2) The Essential Commodities Act, 1985,
- (3) Agricultural Produce (Grading and Marketing) Act,
- (4) Drugs Control Act,
- (5) Drugs and Cosmetics Act,
- (6) Standards of Weights and Measures Act,
- (7) Drugs and Magic Remedies (Objectionable Advertisement) Act,
- (8) Water (Prevention and Control of Pollution) Act,
- (9) Prevention of Black Marketing and Maintenance of Essential Commodities Act,  
and
- (10) Air (Prevention and Control of Pollution) Act.



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### CONSUMER VALUABLE ACTS IN CONSUMER PROTECTION ACT:

#### To file the complaint:

- Complaint is to be filed within two years of buying the product or using the service.
- Complaint needs to be in writing. Letters should be sent by registered post, hand-delivered, by email or fax. Don't forget to take an acknowledgment.
- The complaint should mention the name and address of the person who is complaining and against whom the complaint is being filed. Copies of relevant documents must be enclosed.
- The consumer must mention details of the problem and the demand on the company for redressal. This could be replacement of the product, removal of the defect, refund of money, or compensation for expenses incurred and for physical/mental torture. Please ensure that the claims are reasonable.
- You should preserve all bills, receipts and proof of correspondence related to the case. Avoid using voice mail or telephone because such interactions are normally difficult to prove.
- The complaint can be in any Indian language, but it is better to use English.
- There is no compulsion to hire a lawyer. Main cost consists of correspondence and travelling to the consumer forum for the hearing
- Maintain a complete record of the emails and documents sent by you.

#### Appeal:

Appeal is a legal instrumentality whereby a person not satisfied with the findings of a court has an option to go to a higher court to present his case and seek justice. In the context of consumer forums:

1. An appeal can be made with the state commission against the order of the district forum within 30 days of the order which is extendable for further 15 days. (Section 15)
2. An appeal can be made with the National Commission against the order of the state commission within 30 days of the order or within such time as the National Commission allows. (Section 19)



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- An appeal can be made with the Supreme Court against the order of the National Commission within 30 days of the order or within such time as the Supreme Court allows. (Section 23)

### Penalties:

The consumer courts (district court, state commission and National Commission) are given vast powers to enforce their orders. If a defaulter does not appear in court despite notices and reminders, the court may decide the matter in his absence. The forum can sentence the defaulter to a maximum of three years' imprisonment and impose a fine of Rs. 10,000. Forums can issue warrants to produce defaulters in court. They can use the police and revenue departments to enforce orders.

The rights of consumers needs to be protected since they avail services given by the service providers based on trust and faith and thus it's a necessity to keep a check on the service providers for the sake of service recipient.

### AREAS WHERE CONSUMER GET TO AWARESS ABOUT HIS RIGHTS



- Airline Complaints
- Competition Policy
- Consumer Complaint
- Food Safety
- Mandatory Labelling



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- **Online Complaint Management System**
- **Product Recall**
- **Unfair Competition**

### **Consumer Awareness Through National Consumer Rights Commission:**

- Educating Consumer
- Functioning Of Consumer Helpline
- Functioning Of Consumer Forum
- Behaviour Of The Consumers
- Citizen Charter
- Services And Utilities
- Audio ( Fm Radio, Bus Stop, Mean Transports)
- Video ( Publicity Points In Public Centres)
- E- Sadasey Choosana Programs.(Electronic Mean)
- Suno, Jamjo Care Centre (Vinu , Ardamcheyuko)
- Complaint And Suggestion Boxs Every Place.
- News Paper And Plamplets
- Price Tag, Billing, Quality And Quantity Check Centres
- Consumer Welfarm And Samrakha Kendram.
- Education Awareness And Swacch Bharath Programs.
- Economic Rotation And Consumer Stability Programs.
- Hath Badavo Programs.( Consumer Help And Support From Govt, Banks).



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## **National Consumer Rights Commission** **राष्ट्रीय उपभोक्ता अधिकार आयोग**

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- Mahila Padayee, Pidith Mahila Welfare Programs.
- Grossers Consumed And Quality Check Centre.
- Grahak Sanmaanith Ayojana Kendram.
- Consumer Magazine National Wide.

### **Recommendations & Suggestions:**

Consumer awareness should be created both in urban and rural areas by highlighting the rights of consumers by educating about the complaint, forum and redressal system. The study suggests following measures to spread consumer rights awareness for the protection of consumer interest:

1. Consumer Right Awareness
2. Consumer Education
3. Role of Government
4. Enforcement Agencies
5. Enactment and Amended existing laws.



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## Articles in News:

**CONSUMER COMPLAINTS**

### Mobile phone service war

24-HOUR CUSTOMER CARE HELP LINE, FORMAL COMPLAINTS MECHANISM: VODAFONE

**RACHNA LAL**  
JYVA

Our biggest mobile services provider, Vodafone Fij, has agreed with the Consumer Council of Fiji that there are consumer issues from time-to-time. Vodafone Fij managing director chief executive, Aslam Khan, stressed, "We are not immune to customer complaints as are other service providers. "What is important is that we have a 24-hour customer care help line and a formal complaints handling mechanism that addresses customer issues with appropriate redress where applicable," he said. Mr Khan's comments were in response to a statement from the Consumer Council of Fiji that mobile phone-related issues topped their complaints list over the years. Council chief executive, Premlal Kumar said complaints ranged from accessibility, reliability, affordability and security of data.

**Aslam Khan**  
Vodafone Fij MD/CEO

**It is important that consumers ask questions if they are unsure of what they buying or how it functions.**

"The council notes despite high rate of mobile phone subscriptions, bad business practices, high prices, misleading information and lack of consumer redress is rife in the domestic mobile market," she said.

"A number of consumers in particular, the pre-pay mobile phone users, vent their frustration on the network problems and the expiry dates imposed on the use of data."

**Complexities**  
Mr Khan said the mobile communication business has become much more complex. This is in excess with the advent of data and internet services and the wide array of mobile gadgets that are now available in the market.

"Many consumers have purchased complex mobile devices without full knowledge and understanding of how these devices function. This further complicates issues," he said.

**Speak-out session**  
Vodafone Fij has also welcomed the council's initiative to host a speak-out session this Friday during the World Consumer Rights Day celebrations on the theme "Fix Our Phone Rights". Mr Khan said they would be happy to take onboard any feedback and suggestion after the deliberations which would help in their product and service delivery.

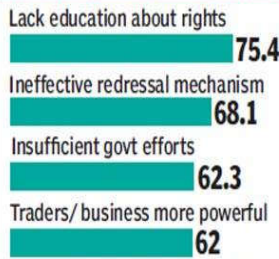
Facebook: rcdrc@fjva.com.fj

## CONSUMER CONNECT

### Findings on Consumer Awareness

**Coverage** | Five states – UP, Gujarat, Karnataka, Odisha & Tripura – 10 districts

### Reasons behind failure of CP\* Act



Source: IIPA Study, (Figures in %)  
\*Consumer Protection Act



### Way Forward

- Greater state-run awareness programmes/ campaigns
- Opening of Grahak Suvidha Kendras for awareness, consultancy & guide consumers on litigation

### THE ANATOMY OF FOOD FRAUD

WHEN SOMEONE ALONG THE FOOD SUPPLY CHAIN—FROM FARM, FACTORY, MARKET TO YOUR KITCHEN—TRIES TO GET RICH BY ALTERING, SUBSTITUTING, PASSING OFF OR TURNING A BLIND EYE TO UNACCEPTABLE PROCESSES AND MATERIALS, HERE'S HOW...

**THE CRIME**

- Diluted
- Tampered with
- Misrepresented or mislabelled
- Substituted with another product

**THE PUNISHMENT**

- 7 YEARS IN JAIL, TO LIFE IMPRISONMENT AND Rs. 10 LAKH PENALTY FOR CAUSING DEATH
- 6 YEARS IN JAIL AND Rs. 5 LAKH FINE FOR GRIEVOUS HARM CAUSED BY UNSAFE FOOD INTAKE
- 3 YEAR IN JAIL AND Rs. 3 LAKH FINE FOR NON-GRIEVOUS HARM
- 6 MONTHS IN JAIL AND Rs. 1 LAKH FINE FOR MISLABELLING

**INDIA IS THE WORLD'S WORST FOOD VIOLATOR...**

Top 10: % of total food products by country of origin; \*DOM- Dominican Republic

USA	5.4%
MEXICO	7.5%
BRAZIL	4.1%
FRANCE	5.5%
SPAIN	3.2%
DOM*	3.8%
TURKEY	3.7%
INDIA	11.1%
VIETNAM	4.7%
CHINA	9.9%

### ... WITH 264 UNIQUE CONTAMINANTS

Top 10: % of total by contaminant type

Pesticides	34%
Hydrogen	2%
Pb	10.7%
Mycotoxins	11.2%
Chemical/Artificial	4%
Toxic metals	3.4%
Antibiotics	2.3%
Regulatory non-compliance	2.2%
Dug	1.4%
Overcompression	0.5%

**> 3.4 K VIOLATIVE FOOD PRODUCTS**

By product type

Seafood	23.5%
Vegetables	29%
Fruits	13.8%
Herbs/Spices	8.9%
Dairy products	7.5%
Meat	7%
Others	8.7%
Med./Chem	6.5%
Non-product type	6.5%

Source: Food violation findings by global food source monitoring company, Food Safety, November 2014



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## NEWSICLE

### 5 COMPANIES INVOLVED IN FOOD SCANDALS

**BIG COMPANIES SUFFER BIG SCANDALS. NESTLE'S MAGGI AFFAIR IS NOT THE FIRST AND CERTAINLY NOT THE LAST. HERE ARE THOSE IT HAS FOR COMPANY**

**QUAKER OATS**  
In the 1950s, the American conglomerate—owned by PepsiCo since 2001—conducted an experiment with MIT on mentally ill kids by feeding them radioactive oatmeal to study its effects. They had told the parents that their kids would be given high-nutrition meals. MIT & Quaker were eventually sued and had to cough up \$1.85 million

**NESTLE**  
In one of the most infamous scandals, the Swiss food giant was accused of using unethical publicity tricks to sell harmful baby milk alternatives as healthy options in developing countries. The company won a resulting lawsuit in 1976, which triggered a boycott in the US, Canada, Australia, New Zealand and Europe. This prompted the development of a new marketing code, which Nestle was eventually forced to adopt in 1984

**MCDONALD'S**  
In 2001, a lawsuit by groups of vegetarians and some Hindus in the US forced the global fast food giant to admit to and apologize for adding a small amount of beef flavouring to its french fries. The company eventually discontinued the practice

**BURGER KING**  
The world's top burger seller was caught in the UK horsemeat scandal of 2013, admitting that some samples taken from one of its beef suppliers had traces of horsemeat. Other companies like Nestle (again) and Tesco were also hit by the scandal

**KELLOGG'S**  
In 2010, the global cereal giant recalled 28 million boxes of Corn Pops, Honey Smacks, Froot Loops and Apple Jacks in the US when customers started suffering from nausea and diarrhoea after a petrol-based compound leaked into the cereal box liners during packaging

## Every LPG consumer has ₹ 40L insurance

Claims are filed rarely due to lack of awareness  
Oil companies, govt avoid educating people

**CONSUMER CHECK-LIST**

1. Consumer must check cylinder before delivery
2. Buy gas and cylinder of certified agency and of good quality
3. Cover the tube that contains gas stove with a shield
4. If the rubber pipe is torn, make sure you find out other items do not fall on it
5. Check gas burner and rubber pipe regularly
6. Get gas and cylinder checked from agency members

where the claims have been made by the consumer. There was one case in Unnao in which the dealer concerned was asked 'who is liable to pay for the losses to consumers'.

## HOW THE PUBLIC CAN BE DECEIVED

**MEAT**

- Selling non-organic meat as organic.
- Adding excessive water to meat without declaring it.
- Selling meat unfit for human consumption.
- Adding beef and other meat to 100% pork sausages.
- Selling 'lean' meat that contains as much fat as standard.
- Substituting Parma ham with a cheaper product.

**FISH**

- Selling farmed fish as wild.
- Mislabelling the geographic origin.

**FRUIT AND VEGETABLES**

- Selling conventional produce as organic.
- Giving the wrong geographical origin.
- Selling cheaper varieties of potato as an expensive variety such as King Edwards.
- Adding GM soya beans to conventional beans, without declaring them.

**OLIVE OIL**

- Dyeing it dark green with chlorophyll to make it look like extra virgin.
- Diluting olive oil with cheaper hazelnut oil.

**ORANGE JUICE**

- Diluting it with inferior quality juice.
- Adding beet sugar to sweeten 'natural' orange juice.

**COFFEE**

- Adulterating highly sought-after arabica beans with cheaper varieties.

**ALCOHOL**

- Selling counterfeit versions of big brands, which can include dangerously high levels of methanol.
- Watering down spirits.
- Substituting cheap varieties for expensive premium brands in bars.
- Adding extra sugar during wine making to increase alcohol content

**EGGS**

- Selling battery farm eggs as free-range.

**CHEESE**

- Using cow's milk rather than buffalo milk to make mozzarella.

**RICE**

- Using cheap varieties to bulk up expensive basmati rice.



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## Different Causes of Water Pollution

- Marine Dumping
- Industrial Waste
- Sewage, mainly from households



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విశాఖలో పరిశ్రమల నుంచి వెలువడుతున్న కాలుష్యం

సాగర కీరం..

**కాలుష్య కాసారం**

విశాఖ నగరమే కాదు.. సముద్రమూ కలుషితం

నీటిలో కలుస్తున్న 80 శాతం ధూళి కణాలు జీవ వైవిధ్యానికి దెబ్బ.. జీవనాశకులు నున్నాయి

(విశాఖపట్నం-ఆంధ్రజ్యోతి)

విశాఖ నగరమే కాదు.. ఆ నగరాన్ని అలలతో హోరెత్తించే సంద్రమూ కాలుష్య కాసారంగా మారుతోంది! సుందర నగరాన్ని అలుముకుంటున్న ధూళికణాలు సముద్రంలో 20 కిలోమీటర్ల వరకూ వ్యాపిస్తున్నాయి!! సముద్ర జలాల్లో కలిసిపోయి జీవ వైవిధ్యానికి చేటు చేస్తున్నాయి. జాతీయ సముద్ర అధ్యయన విజ్ఞాన సంస్థ విషయం తాజాగా విశాఖ నగర తీరంలో మిగతా 2వ పేజీలో...

17-02-2017 07:49



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## CAUSES :

- Toxic Ocean Pollutants:
  - Sources : The leaking of landfills, dumps, mines and farms.
  - Enters our food chain
  - Lead: Affects brain, kidneys.

## EFFECTS :

- Food poisoning



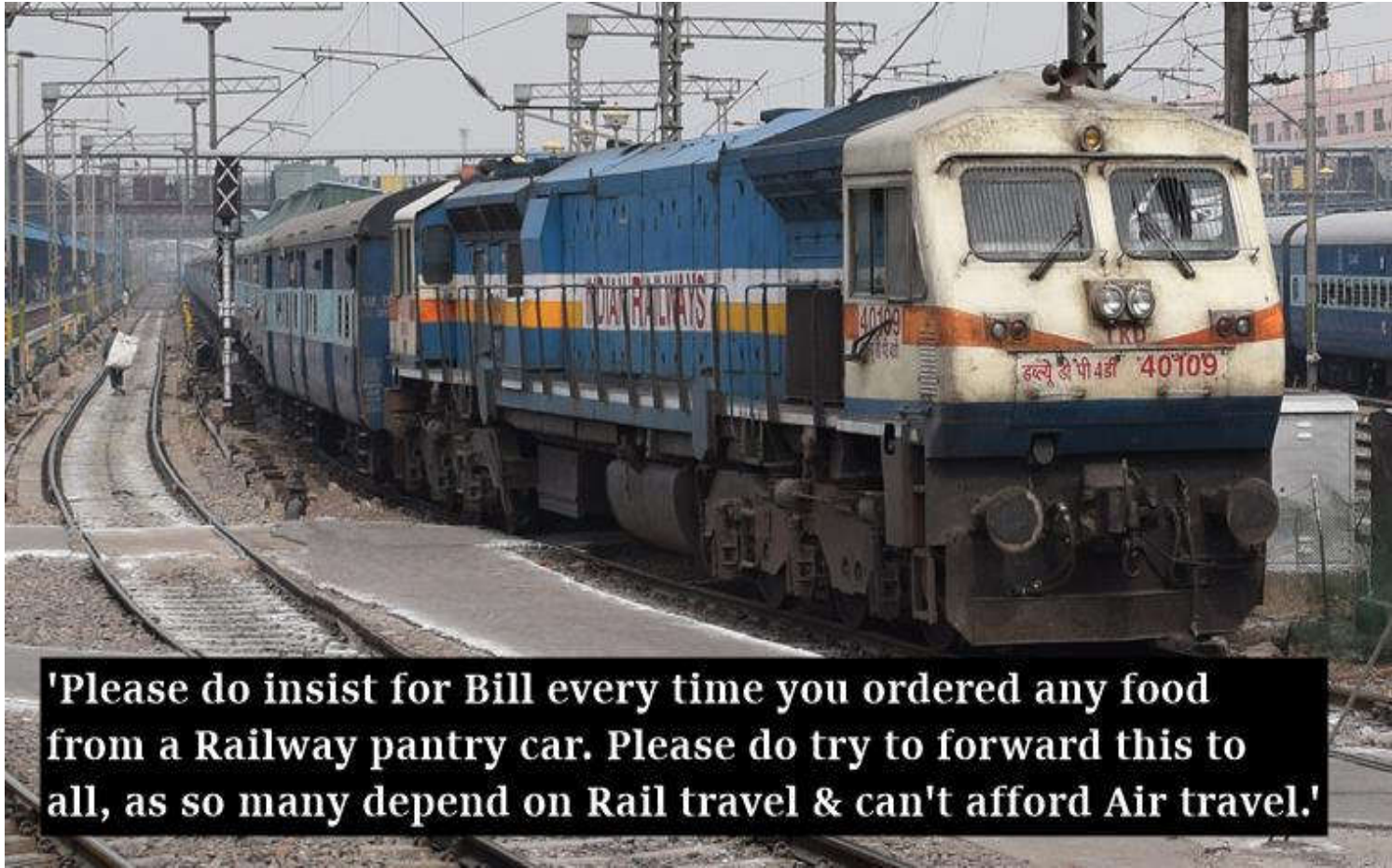
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### Websites links:

- <https://www.youtube.com/watch?v=-3PO6WM43HU&feature=share>
- <https://www.youtube.com/watch?v=ENQMVNiLGhI>
- <https://www.youtube.com/watch?v=ENQMVNiLGhI>
- <https://www.youtube.com/watch?v=ENQMVNiLGhI>
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- <https://www.youtube.com/watch?v=ENQMVNiLGhI>
- [https://www.facebook.com/profile.php?id=100008991795513&hc\\_ref=NEWSFEED](https://www.facebook.com/profile.php?id=100008991795513&hc_ref=NEWSFEED)
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- <https://www.facebook.com/profile.php?id=100007668165723&pnref=lhc.friends>

### REFERENCES:

1. A Study on consumerism and its implications, S. C. Vetrivel & M. Mohanasundari, JMIJMM, January, 2011 vol-1 issue-2.
2. Research Paper on Consumerism, My Way of Expressing!!! , Mahesh Santhappa, July 15, 2011.
- Think4something.wordpress.com/2011/15/research-paper on consumerism. 37. Understanding Indian Consumer, indianhow.com/understandingindian-consumer.html.
3. Can Consumerism make us happy? The Times of India, Deepak Chopra, September 12, 2011.
4. National Seminar on Consumerism in India Prospects and Challenges. The Times of India, Sachin Sharma, September 6, 2012.



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5. As Consumerism Spreads, Earth Suffers, Study Says, Hillary May ell National Geography News. January 12, 2004.
6. Consumer Protection Act Of 1986, [en.wikipedia.org/wikis/Consumer-Protection-Act-Of-1986](http://en.wikipedia.org/wikis/Consumer-Protection-Act-Of-1986).
7. Consumerism in India and its effects, Richard Robbins, Jan.30, 2012.
8. Understanding Consumerism the Indian Way Indian Retail Report 2009, Future Group, [www.futuregroup.com/future-thought-paper-Indian-way.html](http://www.futuregroup.com/future-thought-paper-Indian-way.html).
9. Research Paper on Consumerism, My Way of Expressing!!! , Mahesh Santhappa, July 15, 2011.



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### REFERAL CASES IN CONSUMER PROTECTION ACT

#### India Assurance Company Limited v Abhilash Jewellery [III (2009) CPJ 2 (SC)]

The complainant/respondent, who had taken a jeweller's block policy, lodged a claim with the opposite party insurer for loss of gold ornaments. The insurer repudiated the claim on the ground that the loss occurred when the gold was in the custody of an apprentice, who was not an employee (because the policy stipulated that for indemnification of the loss, the property insured had to be "in the custody of the insured, his partner or his employee"). The National Commission allowed the complaint holding that an apprentice was an 'employee' since section 2(6) of the Kerala Shops and Commercial Establishments Act (as well as some other statutes) defined an 'employee' to include an 'apprentice'. The Supreme Court, however, held that the word 'employee' in the contract of insurance mentioned had to be given the meaning in common parlance. The definition in the local Act, including an 'apprentice' in the category of 'employee', was only a 'legal fiction', which is a concept in law and could not be applied to an insurance contract.

#### Karnataka Power Transmission Corporation v Ashok Iron Works Private Limited [III (2009) CPJ 5 SC]

The appellant corporation contended that the complaint filed by the respondent was not maintainable as (i) a company is not a 'person' under section 2(1)(m) of the Consumer Protection Act, 1986 (CPA); (ii) the complainant is not a 'consumer' within section 2(1)(d) of the said Act since it purchased electricity for commercial production; and (iii) disputes relating to sale and supply of electricity were not covered under 'service' under section 2(1)(o) of the CPA. The Apex Court rejected the appellant's contention that a company was excluded from the definition of 'person'. In this, the Court relied upon the English Court decision in *Dilworth v Commissioner of Stamps* [(1899) AC 99] and its own in *Reserve Bank of India v Peerless General Finance and Investment Company Limited and Others* [(1987) 1 SCC 424] and reiterated that the use of the word 'includes' in a statute often showed the intention of the Legislature to give an extensive and enlarged meaning to such expressions though sometimes, the context might suggest that 'includes' was designed to mean 'means.' The setting, context and object of an enactment might provide sufficient guidance for interpretation. The Court also referred to section 3(42) of General Clauses Act which defines a 'person' to include a company, etc., and went on to observe that out of the four categories mentioned in section 2(1)(m) of the CPA, the third i.e., co-operative society was corporate, which showed that the



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Legislature intended to include bodies corporate as well as incorporate. Thus, the definition of 'person' was inclusive and not exhaustive. When so construed, 'any person' mentioned in the definition of 'consumer' in section 2(1)(d) would include a company. On the appellant's second contention, the Court held that the amendment to the CPA effective from 15 March 2003, excluding services availed of for commercial purposes, was not applicable to this case since the controversy related to a prior period. In respect of the appellant's third contention, the Court held that supply of electricity by the corporation to a consumer was not sale of goods within section 2(1)(d) of the CPA. For this, the Court relied upon its decision in Southern Petrochemical Industries Co. Ltd. v. Electricity Inspector and ETIO and Others [(2007) 5 SCC 447], in which the Court had held that 'supply' of electricity did not mean 'sale' thereof and a case of supply of electricity was covered under section 2(1)(d)(ii) (i.e., hiring or availing of any service) as 'service' under section 2(1)(o) meant service of any description including the provision of facilities in connection with supply of electrical or other energy. Therefore, a case of deficiency in service would fall under section 2(1)(g). The Court rejected the appellant's contention that 'service' in section 2(1)(o) was limited to providing facilities in connection with electricity.

### **HDFC Bank Limited v Balwinder Singh [III (2009) CPJ 40 (NC)]**

The complaint was of the bank, or its loan recovery agent, employing musclemen to take forcible repossession of the hypothecated vehicle and thus causing physical harassment and mental trauma to the complainant. The District Forum allowed the complaint and directed the bank to pay compensation of Rs. 4 lakh for repossessing the vehicle in this manner and reselling it to a third party. The State Commission confirmed the order in appeal. Dealing with the bank's revision petition, the National Commission expressed shock that the bank had hired musclemen directly or through its recovery agents to recover the loan/repossess the vehicle. The Commission also referred to the State Commission's order, which had observed that the alleged letter produced by the bank purporting to the complainant voluntarily handing over possession of the vehicle was unreliable and that no notice was given to the complainant at the stages of repossession and sale of vehicle. In dismissing the petition, the Commission relied upon its judgment in Citicorp Maruti Finance Limited v S. Vijayalaxmi [III (2007) CPJ 161 (NC)] where it had strongly deprecated such practices. The Commission dismissed the petition and awarded Rs. 25,000/- as exemplary costs in this case.



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### **Malka Tarannum v Dr. C. P. Gupta [III (2009) CPJ 49 (NC)]**

The District Forum allowed the complaint of the complainant that there was negligence in applying (the first) plaster cast on the complainant's daughter's fractured hand, which led to the need to apply the plaster for the second time. In appeal, the State Commission dismissed the complaint and also held that the complainant was not a consumer since he was not charged any fee for the treatment. In revision, the National Commission held that application of the plaster for the second time did not imply medical negligence on the first occasion since application of POP slab (also known as temporary cast) was a normal procedure adopted in the first instance whenever there was swelling at the site of the injury. Relying on the Supreme Court decision in *Jacob Mathew v State of Punjab and Another* [(2005) 6 SCC 1], the Commission observed that the doctor who had applied the plaster in the first instance was a senior orthopaedic specialist with considerable experience and the complainant could not dispute his professional decision on the basis of mere allegations, without any expert evidence. The Commission also rejected the complainant's husband's contention that he was a consumer since he was covered by the Supreme Court decision in **Laxman Thamappa Kotgiri v G.M., Central Railway and Others** and that receiving free medical treatment was part of the terms and conditions of his service. It held that the complainant took no such plea before the Fora below and no evidence was produced.

### **Arvind Shah (Dr.) v Kamlaben Kushwaha [III (2009) CPJ 121]**

The complainant alleged that her deceased son, aged 20 years and otherwise healthy, died as a result of medical negligence on the part of the appellant doctor (original opposite party) who administered wrong treatment. The State Commission awarded to the complainant a compensation of Rs. 5 lakh with interest and costs. In appeal, the National Commission, on consideration of the material on record, came to the conclusion that the two medical prescriptions, which the doctor sought to deny, could have been written only by him. It also observed that though, in the appeal, the doctor admitted for the first time to having treated the patient; he did not produce any prescription on record. More important, the two prescriptions available on record did not mention any of the patient's complaints/symptoms, the doctor's clinical observations on examining the patient or his diagnosis of the ailment. Even the ordinary vital parameters like temperature, blood pressure, pulse rate, etc., were not noted. The Commission observed that the Medical Council of India or the State Medical Council, with one of which the doctor had to be registered to practice modern (allopathic) medicine, required, through their respective codes of



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ethics/guidelines/ regulations, to make some minimal record even for outpatients. Such a record would ordinarily include a summary of the history of illness and current complaints/symptoms of the patient and clinical observations of the doctor. If the doctor considered none of the above as essential, he would need to at least record a provisional diagnosis of the patient's ailment in the prescription while advising further diagnostic test(s) or treatment (medicines/injections). This was one of the primary duties of disclosure owed by a physician of ordinary skills to his patient. The Commission held that in line with the Apex Court's decision in **Samira Kohli v Dr. Prabha Manchanda** [I (2008) CPJ 56 (SC)] regarding need for valid prior consent of the patient for his treatment by a doctor and the doctor's corresponding duty of disclosure, it was essential for the doctor to write a prescription with such necessary details and failure to do so would constitute medical negligence. The Commission further observed that if a patient found that the doctor's treatment did not help ease his felt problem and wanted to consult another, a prescription with such details would be necessary. On the other hand, a prescription meeting these basic requirements would also assist a doctor in demonstrating that he had treated his patient with due care, if charged with a wrong/false allegation of negligence by the patient. While returning a finding of medical negligence against the doctor, the Commission found that the material on record case was insufficient to attribute the patient's death directly and wholly to the doctor's negligence. Accordingly, it scaled down the compensation to Rs. 2.5 lakh along with interest.

### **Sehgal School of Competition v Dalbir Singh [III (2009) CPJ 33 (NC)]**

The complainant sought refund from the opposite party's coaching school after only one year of the two-year course on the ground that the coaching was not up to the mark. The District Forum directed refund of the fees and the opposite party's appeal was dismissed. In revision, the petitioner contended that payment of lump sum fees for two years was a condition (of the contract) that and no part of the fees could either be refunded or transferred under any circumstances. The Commission held that this condition was one sided and biased in favour of the opposite party, against natural justice and not a fair trade practice. The Commission also rejected the opposite party's plea that in **Homeopathic Medical College and Hospital, Chandigarh v Miss Gunita Virk** [I (1996) CPJ 37 (NC)] it was held that Consumer Fora did not have jurisdiction to declare any rule in the prospectus of any institution as unconscionable or illegal. Referring to its recent decision in **Nipun Nagar v. Symbiosis Institute of International Business** [I (2009) CPJ 3 (NC)], it observed



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that the Commission had held that (under certain circumstances) it was unjust to collect fees for the total period of the course and dismissed the petition.

### **Medical Superintendent, St. Gregorious Mission Hospital v Jessy and Another [III (2009) CPJ 61 (NC)]**

The District Forum awarded Rs. 2.75 lakh along with interest to the complainants, viz., the wife and daughter of the deceased since the opposite party hospital had been negligent in not providing due care on account whereof the deceased who was undergoing alcoholic psychosis treatment for de-addiction of drugs, had committed suicide by hanging in the hospital. In its revision petition, the hospital contended that it was impossible to provide 24-hour service to look after the affairs and needs of each patient. The National Commission held that the patient was allowed to move away on his own from his ward into an empty ward without being noticed by the nurses and ward boys. The patient hung himself with lungi which was not noticed by the staff but the co- patients. As per the hospital's own evaluation, the hospital staff should have taken extra care to deal with such a patient but the required degree of care was not exhibited. The Commission relied upon the Supreme Court judgment in **M.S. Grewal v Deep Chand Sood** [II (2001) ACC 540 (SC)] and held there was negligence. Relying upon cross-examination of the Medical Superintendent, the Commission held that the complainant wife was not instructed to be continuously with her husband as alleged and that the instruction in the Nurses Daily Record, being in a different ink, was a manipulation.

### **Life Insurance Corporation of India v Gowramm [III (2009) CPJ 25 (NC)]**

The petitioner insurer repudiated the life insurance policy in the name of the respondent's late husband (insured) on the ground of deliberate misstatements and withholding of correct facts regarding the health of the insured. The lower Fora rejected the various contentions of the insurer and allowed the complaint. Before the National Commission, the insurer relied upon the Commission's decision in **L.I.C. of India and Another v Parveen Dhingra** [II (2003) CPJ 70 (NC)] and contended that revival of the policy constituted a new contract between the parties and the limitation period of two years under section 45 of the Life Insurance Act, 1938 had to be counted from the date of revival. Therefore, the misstatements and concealment of facts could be made a ground for repudiation even though same were not made a ground at the time of initial policy. The Commission referred to the Supreme Court decision in **Mithoolal Nayak v Life Insurance Corporation of India** [AIR 1962 SC 814] where the Court had rejected a similar contention that the revival of the policy constituted a new contract between the parties and held that section 45 was clear



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that the period of two years was to be reckoned from the date on which the policy was originally effected. The Commission observed that the decision of Supreme Court had to be preferred and followed.

### **Narinder Kumar Suneja v R.K. Goel [III (2009) CPJ 35 (NC)]**

In revision, the petitioner who was a lawyer claimed that he was entitled to retain the fee which he took from the respondent since the respondent had executed the power of attorney/vakalatnama and handed over some papers to the petitioner in connection with a proposed case to be filed. He claimed having wasted valuable time when the respondent met and sought expert advice. The National Commission referred to the order of the State Commission which, in turn, referred to the District Forum's order holding that the opposite party (petitioner) was not entitled to retain the fee when he did not perform the duty for which the fee was meant and that a complaint made by the complainant to the Bar Council related only to misconduct on the part of its member (i.e., petitioner) whereas the Consumer Fora were required to determine whether proper service had been rendered or not. The Commission relied upon **D.K. Gandhi v M. Mathias** [III (2007) CPJ 337 (NC)] in holding that deficiency.

### **Rajasthan Financial Corporation v M.K. Bhoot and Another [III (2009) CPJ 10 (NC)]**

The complainant/respondent participated in an auction conducted by the petitioner for moveable and immovable properties. The complainant deposited the requisite sum/earnest money at the time of making his bid, which bid was then accepted. Due to non-payment of 25% of the bid amount, the sum/earnest money was forfeited. The District Forum dismissed the complaint for refund of the earnest money but the State Commission allowed the appeal. The National Commission allowed the revision petition holding that no consumer dispute under the CPA could arise out of a relationship of seller and purchaser in an auction as there was no arrangement of hiring of services for consideration. The Commission followed a three member bench decision in **Panjim Planning and Development Authority v Mrs. Rashmi A. Sisat and Others** [R.P. No. 258/1992 decided on 10.1.1994 (1986-95 Consumer Vol. 1 pp 8-9)] and a four-member bench decision in **Tamil Nadu Housing Board v R. Sivasubramaniyan** [1989 Consumer 3587 (NS)] which were cases of sale/allotment of plots in public auction.



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### **K. A. Bhandula and Another v Indraprastha Apollo Hospital and Others [III (2009) CPJ 164 (NC)]**

Complainant no. 1 (a patient of nasopharyngeal cancer) made various allegations of medical negligence against the opposite party hospital and consultant doctor. The National Commission partly allowed the complaint holding first that the hospital was negligent in not duly preserving the biopsy tissue sample (in formalin) after the opposite party consultant doctor carried out the biopsy of the nasal tumour of the complainant. It rejected the hospital's plea of mere 'human error.' In this the Commission relied on the Supreme Court decision in **Savita Garg v. Director, National Heart Institute** [IV (2004) CPJ 40 (SC)]. On the basis of the medical record, the Commission also held that the consultant doctor had concealed from the complainant that the aforesaid biopsy had gone awry and pretended that he had seen the biopsy report and found it in order. Further, the consultant doctor failed to advise the complainant to undergo a repeat biopsy at the earliest and instead recorded that there was no evidence of recurrence (of the disease). There was delay in conducting the second biopsy which led to delay in starting proper treatment while the cancer progressed. It also found that the consultant doctor had manipulated the medical records. On its suo motu review of medical literature, the Commission found that the surgery finally recommended by the opposite party doctor (consultant) was 'craniofacial resection'. According to the medical literature, this was a very complex surgery, warranting removal of parts of the base of the skull and upper parts of the eye sockets and consequent changes in the looks of the patient.

On the basis of this literature review, the Commission observed that prima facie this surgery was (perhaps) not called for in the present case, as the surgery actually performed on the complainant by a specialist surgeon at a Mumbai hospital established. However, the Commission noted that while the complainant alleged medical negligence against the consultant doctor in this regard and the latter vehemently disputed the allegation, neither side produced any medical literature in support of their respective contentions. Relying on the Apex Court decision in **Jacob Mathew v State of Punjab and Another** [III (2005) CPJ 9 (SC)], the Commission thus held that to bring home the allegation, it was necessary for the complainant to cite medical opinion of a cancer specialist in the relevant speciality and in the absence thereof, benefit had to be given to the doctor. However, applying the ratio of the Apex Court judgment in **Samira Kohli v Dr. Prabha Manchanda and Another** [I (2008) CPJ 56 (SC)], the Commission held that the other allegation that the consultant doctor did not sdue standards of care expected of a surgeon of ordinary skills in apprising the complainant fully of the most probable implications of the recommended surgery (craniofacial resection) and the available alternatives, was



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established. Accordingly, the Commission awarded a compensation of Rs. 1 lakh against the hospital and Rs. 2 lakh against the doctor.

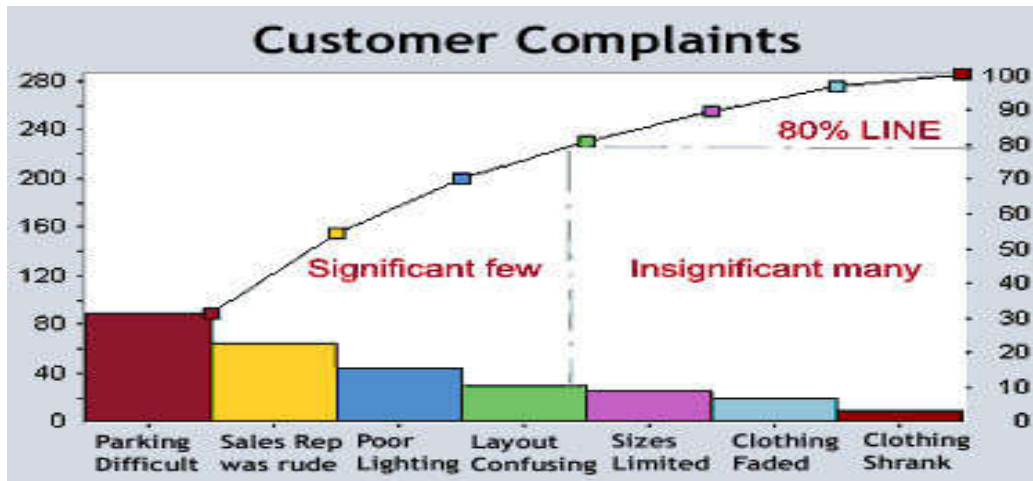
### Services-Consumer Protection Act:

Consumer is the purpose and most powerful motivating force of production, yet at the same time consumer is equally vulnerable segment of the whole marketing system. –

[http://www.legalserviceindia.com/laws/National\\_commission/sc\\_consumerjudgments.htm#sthash.y7IYZ3Xo.dpuf](http://www.legalserviceindia.com/laws/National_commission/sc_consumerjudgments.htm#sthash.y7IYZ3Xo.dpuf)

### Consumer complaints have increased by 70 per cent in the last two years

*The complaints received through the national consumer helpline reached 1.72 lakh in the year 2015-2016*



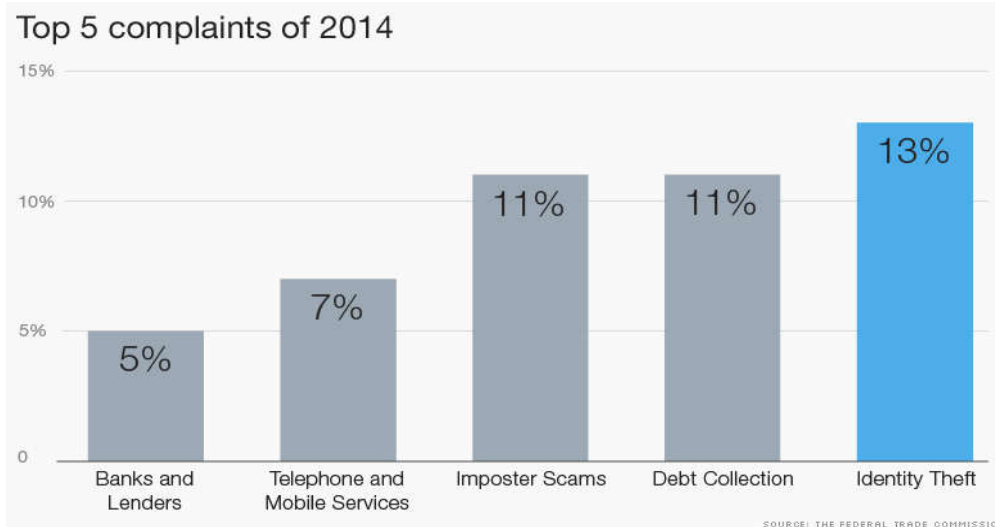
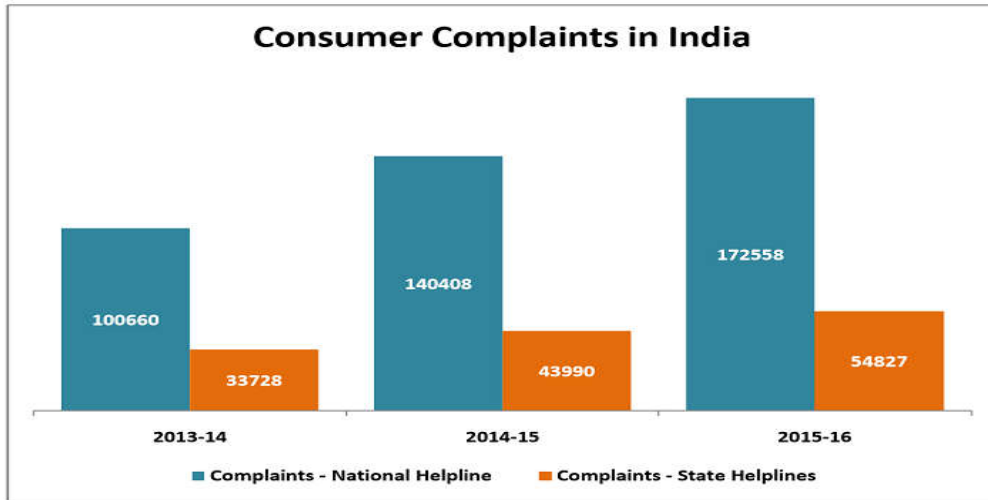
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### Conclusion:

In this emerging economy, Consumer rights were redefined as the Right to Safety and Protection from Hazardous Goods Or Services. The Right to Be Informed And Protected Against Deceitful, Fraudulent Or Information that Misleads and have an access to Correct Information as well as facts Required to go for Informed Choices along with decisions. Consumers have easy access to different types of products and services offered at competitive and fair prices. The rights of consumers needs to be protected since they avail services given by the service providers based on trust and faith and thus it's a necessity to keep a check on the service providers for the sake of service recipient.

National Consumer Rights Commission with its vast experience and dynamic team has been operating across the India and helping the Consumers in various ways. NCRC strives to create awareness, both in urban and rural areas by highlighting the rights of consumers by educating about the complaint, forum and redressal system. Besides our Commission`s Awareness wing has been organising diverse consumer empowerment activities with the collaboration of civic bodies. Recently our commission has conducted survey on the consumer grievance redressal in the state of Andhra Pradesh.

Now in this emerging trend, National Consumers Rights Commission has been coordinating along with this Judicial District Consumer Forums for the better & safe grievance redressal for the public. Our commission seeks this coordination in various Consumer awareness activities both in rural and urban India, which is to be collaboratively conducted by the Judicial District Consumer forums and National Consumer Rights Commission.



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