



# **OVERVIEW OF ACTIVITIES (APRIL 2015 – MARCH 2016)**

**State Consumer Helpline Knowledge Resource Management Portal**

**Centre for Consumer Studies**

**INDIAN INSTITUTE OF PUBLIC ADMINISTRATION**

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**(Project Supported by Department of Consumer Affairs, Govt. of India)**

## **Overview of Portal Activities**

### **State Consumer Helpline Knowledge Resource Management Portal (SCHKRMP)**

State Consumer Helpline Knowledge Resource Management Portal (SCHKRMP) is a National Nodal Agency supported by Department of Consumer Affairs. The knowledge Resource Management Portal coordinates and monitors the activities of state consumer helplines, provide solutions and advisory services to these helplines, maintain knowledge database, and build capacity of the SCH's personnel. The purpose of monitoring is to ensure that all activities of the project are implemented, the complaints are handled appropriately.

The IT application and knowledge data bases are hosted on the servers at IIPA. The state consumer helplines are given access to use the IT platform and knowledge data base to register the calls/ complaints being received by them and provide advise, guidance and information to the callers. The State Governments are required to sign license agreement with IIPA before giving an access to use the software and knowledge data base. The consumer advisors and coordinators are also provided the soft skills through various training programmes being organized at IIPA in addition to hand hold support at their site. The access to the IT application is internet based with 8 MBPS internet leased line. User ids and password also provide the extension of IT platform hosted on IIPA servers to all the state consumer helplines.

### **State Consumer Helpline**

Department of Consumer Affairs has funded setting up and operationalization of consumer helplines in various States. These State Consumer Helplines have been supported for a period of 5 years thereafter the State Governments are expected to run these helplines on their own. The necessary funds as under the scheme are disbursed to the State Government who are setting up the helplines under various models as per their respective policies of the State Governments. While some of the States have gone into subcontracting to involve NGOs/ VCOs and allowed to function in their own premises, some of the States have set up the helplines in their own premises and running the helplines using manpower hired on contract basis directly or through manpower hiring agencies. The monitoring of the helplines is the responsibilities of the respective State Government.

These consumer helplines are receiving calls from the consumers generally through toll free number. The other mode of communications available to the consumers to reach advisors of consumer helplines is through emails, letters, fax and personal visits. The facility is also made available to consumers to register their complaints directly on the website hosted at IIPA servers. These complaints are directed to the respective states from where the complaints originated.

While consumer helplines are working in 25 States, 16 States are on board with IIPA and using centralized IT platform and knowledge database. During the period April 2015 to March 2016, the states of Telangana, West Bengal have started functioning of consumer helpline in their states.

### **States on Board:**

Bihar	Orissa
Gujarat	Pondicherry
Haryana	Rajasthan
Himachal Pradesh	Tamil Nadu
Jharkhand	Telangana
Maharashtra	Tripura
Madhya Pradesh	Uttar Pradesh
Mizoram	West Bengal

The total number of States having signed Licence Agreement with IIPA to share IT Portal now stands at 23. The complete list as on 31<sup>th</sup> March 2016 of the States who have signed Licence Agreement with IIPA to share the centralized IT Portal is given below:

Sl. No.	State/ UT Name		
1	Andaman & Nicobar	13	Kerala
2	Andhra Pradesh	14	Manipur
3	Arunachal Pradesh	15	Mizoram
4	Bihar	16	Puducherry
5	Chandigarh (UT)	17	Punjab
6	Chhattisgarh	18	Rajasthan
7	Delhi	19	Tamil Nadu
8	Gujarat	20	Telangana
9	Haryana	21	Tripura
10	Himachal Pradesh	22	Uttar Pradesh
11	Jharkhand	23	West Bengal
12	Karnataka		

Even though the helplines are functioning in the States of Gujarat, Maharashtra, Madhya Pradesh and Odisha duly integrated with IT Portal but these States have not signed the agreement formally with IIPA to share IT Portal.

Similarly the States of Andaman & Nicobar, Arunachal Pradesh, Chhattisgarh, and Kerala despite having signed the Licence Agreement with IIPA are not reflecting any call registration data suggesting that either the helplines are not functioning in these States or might be using their own software.

The seven States viz. Assam, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep, Meghalaya, Nagaland and Sikkim are yet to sign Licence Agreement with IIPA to share IT Portal

## Statistical Report on Complaints/Calls received by State Consumer Helplines:

The State Consumer Helplines are receiving calls from the consumers through telephone normally toll free number as well as other mode of communication like letters, emails, walk in consumers as well as consumers logging their calls directly on the website using online complaint registration. The online complaint registration is also used by the consumers in the States which are not yet networked with IT Portal. The statistical data is given below:

### State Wise Report April 2015 - March 2016

1 APRIL 2015 - 31 MARCH 2016													
Sl. No.	State Name	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March
1	ANDAMAN AND NICOBAR	0	0	0	0	1	0	0	1	0	0	0	0
2	ANDHRA PRADESH	0	0	0	1	1	1	0	0	0	0	0	0
3	ARUNACHAL PRADESH	0	0	1	0	0	0	0	0	0	0	0	5
4	ASSAM	2	0	1	0	0	1	0	0	0	0	0	0
5	BIHAR	42	24	21	38	37	16	0	16	4	0	6	26
6	CHANDIGARH	0	0	0	0	0	0	0	0	0	0	0	0
7	CHATTISGARH	0	2	0	0	0	0	0	0	0	0	0	0
8	DADRA & NAGAR HAVELI	0	0	0	0	0	0	0	0	0	0	0	0
9	DAMAN & DIU	0	0	0	0	0	0	0	0	0	0	0	0
10	GOA	0	0	0	0	21	0	0	0	0	0	0	0
11	GUJARAT	887	613	924	1845	1445	1069	1286	345	1021	1041	809	743
12	HARYANA	257	252	272	312	356	342	176	143	205	191	231	304
13	HIMACHAL PRADESH	4	0	0	71	1	1	1	0	1	0	0	0
14	JAMMU AND KASHMIR	0	0	1	0	1	0	0	0	0	1	0	1
15	JHARKHAND	0	0	0	0	0	0	0	0	0	0	0	4
16	KARNATAKA	1	4	2	0	0	1	2	1	2	1	1	1
17	KERALA	1	0	0	0	0	0	1	0	0	0	0	0

18	LAKSHADWEEP	0	0	0	0	0	0	0	0	0	0	0	0
19	MADHYA PRADESH	1	4	2	1	1	2	0	0	4	1	0	0
20	MAHARASHTRA	1118	938	874	888	602	726	931	689	950	898	894	1041
21	MANIPUR	0	0	0	0	0	0	0	0	0	0	0	0
22	MEGHALAYA	0	0	0	0	0	0	0	0	0	0	0	0
23	MIZORAM	42	86	8	12	4	2	7	0	3	0	8	0
24	NAGALAND	0	0	0	0	0	0	0	0	0	0	0	0
25	NCT DELHI	3	2	5	5	2	4	1	2	3	2	0	2
26	ODISHA	387	499	647	790	906	462	427	424	389	384	407	482
27	PUDUCHERRY	155	249	325	242	245	148	192	327	784	587	390	380
28	PUNJAB	0	0	1	0	3	0	0	0	0	0	0	0
29	RAJASTHAN	2483	1069	1006	857	752	912	864	450	712	638	649	511
30	SIKKIM	0	0	0	0	0	0	0	0	0	0	0	0
31	TAMIL NADU	3	1	2	3	4	0	773	819	415	676	390	148
32	TELANGANA	2	2	3	23	61	449	287	697	747	572	1245	1282
33	TRIPURA	0	0	0	0	0	2	1	2	5	5	3	5
34	UTTAR PRADESH	264	261	109	2	1	2	32	138	88	44	20	186
35	UTTRAKHAND	0	0	0	0	0	0	0	0	0	0	0	0
36	WEST BENGAL	6	1	4	0	0	2	171	189	666	1460	1229	796
	<b>Total</b>	<b>5658</b>	<b>4007</b>	<b>4208</b>	<b>5090</b>	<b>4444</b>	<b>4142</b>	<b>5152</b>	<b>4243</b>	<b>5999</b>	<b>6501</b>	<b>6282</b>	<b>5917</b>

- The consumer helplines in the States of Bihar, Himachal Pradesh, Madhya Pradesh and Uttar Pradesh have been running their helplines intermittently.
- While the States of Punjab and Himachal Pradesh were extended the hand-holding support to set up the helplines including on-site training, the helpline stopped functioning after initial launch due to their internal reasons.

The sector wise list of calls received during the month of April 2015 – March 2016 is given below:

### **Sector Wise Calls Received**

<b>SECTOR WISE NUMBER OF CALLS (1 APRIL 2015 - 30 MARCH 2016)</b>													
<b>Sl. No</b>	<b>NUMBER OF CALLS</b>	<b>APRIL</b>	<b>MAY</b>	<b>JUNE</b>	<b>JULY</b>	<b>AUG</b>	<b>SEPT</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>	<b>JAN</b>	<b>FEB</b>	<b>MARCH</b>
1	AADHAAR CARD	13	39	42	96	40	15	30	30	38	42	30	46
2	AUTOMOBILE	40	38	28	35	22	41	52	40	61	70	57	76
3	BANKING	72	70	56	88	173	56	106	79	122	144	146	158
4	DOMESTIC APPLIANCES	103	142	109	169	177	172	252	182	255	189	192	209
5	E COMMERCE	102	71	69	83	74	98	137	114	190	159	130	234
6	EDUCATION	45	29	38	59	40	36	101	35	63	66	61	70
7	ELECTRICITY	74	74	60	67	59	71	84	66	78	77	77	77
8	FOOD AND SUPPLY	48	40	23	9	10	15	32	25	28	79	95	88
9	INSURANCE	38	39	32	48	52	34	66	53	81	88	54	85
10	LEGAL	57	52	44	125	56	52	114	21	46	79	75	73
11	LEGAL METROLOGY	48	74	84	73	58	49	62	35	66	64	71	69
12	NATIONAL FOOD SECURITY ACT	231	311	495	719	910	272	129	624	706	663	1286	1431
13	PETROLEUM LPG PNG CNG	300	289	190	159	140	130	97	70	81	82	82	44
14	PUBLIC DISTRIBUTION SYSTEM	2852	1198	1443	1442	1095	979	1704	1568	1920	1660	1443	981
15	REAL ESTATE	84	70	72	112	55	75	91	97	109	145	141	124
16	TELECOM	258	214	205	223	197	418	529	242	300	362	300	300
17	OTHER	968	998	920	1294	1067	1351	1390	830	1642	921	811	894

## **Online Complaints:**

The IT Portal facilitates the consumers to register their complaints online giving them an access on 24x7 bases. Numbers of consumers have been registering their complaints/queries online at IT Portal. These complaints are directly diverted to the State Consumer Helplines who are using our IT Portal. These State Consumer Helplines take appropriate actions on such dockets. The complaints for those States which are not using IT Portal are downloaded and are regularly transmitted electronically to those States to take appropriate steps. While forwarding those complaints electronically, the States are also being requested to join the IT Portal. The following table provides the number of complaints registered for these States which are yet to use our IT Portal. However, there is no feedback from these States on the complaints forwarded to them for appropriate action.

<b>Sl. No</b>	<b>State Name</b>	<b>Complaint Received</b>
1	ANDAMAN AND NICOBAR	1
2	ANDHRA PRADESH	3
3	ARUNACHAL PRADESH	6
4	ASSAM	4
5	BIHAR	8
6	CHATTISGARH	2
7	GOA	5
8	GUJARAT	66
9	HARYANA	26
10	HIMACHAL PRADESH	4
11	JAMMU AND KASHMIR	4
12	KARNATAKA	16
13	KERALA	2
14	MADHYA PRADESH	16
15	MAHARASHTRA	47
16	NCT DELHI	30
17	ODISHA	7
18	PUNJAB	4
19	RAJASTHAN	450
20	TAMIL NADU	17
21	TELANGANA	85
22	TRIPURA	1
23	UTTAR PRADESH	38
24	WEST BENGAL	21
	<b>TOTAL</b>	<b>863</b>



## Opinion Poll:

The opinion has been sought from the consumers through our online IT Portal. A list of the issues uploaded on the Portal is given below. Some of the responses as received were analysed and used for our advocacy papers.

Sl. No.	Poll Question	Expiry Date	Choice 1	Choice 2	Choice 3
1	Are you being charged service charges in restaurant and still paying tip to waiters	30-06-2015	Yes 8	No 8	Can't say 0
2	Do you feel telecom companies are activating value added services on your mobile without your consent	31-10-2015	Yes 181	No 17	Don't know 8
3	Do you feel telecom companies be allowed to auto renew value added service without explicit consent	28-08-2015	Yes 45	No 206	
4	Whether odd even scheme of Delhi Govt. could bring down the level of pollution in Delhi?	25-01-2016	Yes 3	No 1	Can't say 1

## **Capacity Building of State Consumer Helplines**

IIPA has been imparting training to the consumers and coordinators of State Consumer Helplines. It has imparted training to all the States other than the two States and two UTs namely, Meghalaya, Jammu & Kashmir and Lakshadweep, Dadra Nagar Haveli, who have not attended despite inviting nominations for the trainings. Eight training programmes for coordinators and advisors of state consumer helpline have been organized till 2011-14. One training programme viz 9<sup>th</sup> training programme was conducted from 24-26 August 2015. This training programme also had participations from five Grahak Suvudha Kendras recently set up by Department of Consumer Affairs. As per MoU IIPA is on a regular basis mandated to monitor GSK. The Portal has also earlier extended hand-holding support at site to the helplines at:

### **Hand-Holding Support**

Bihar	Punjab
Delhi	Rajasthan
Haryana	Uttar Pradesh
Himachal Pradesh	

An updated list of the details of the training programmes conducted so far is given in the next page.

**Training Programme for Coordinators & Advisors of State Consumer Helpline**

Sl. No.	Name of State	1st Training Programme (Training Schedule on 7-11 Feb, 2011)	2nd Training Programme (Training Schedule on 14-18 March, 2011)	3rd Training Programme (Training Schedule on 01-05, Aug, 2011)	4th Training Programme (Training Schedule on 23-27, April, 2012)	5th Training Programme (Training Schedule on 26-28, Feb, 2013)	6th Training Programme (Training Schedule on 04-06, Sep, 2013)	7th Training Programme (Training Schedule on 03-05, Feb, 2014)	8th Training Programme (Training Schedule on 17-19, Dec, 2014)	9th Training Programme (Training Schedule on 24-26, Aug, 2015)	Hand-Holding Support	Training
1	Andaman Nicobar					✓	✓					2
2	Andhra Pradesh	✓				✓						2
3	Arunachal Pradesh		✓							✓		2
4	Assam				✓							1
5	Bihar	✓	✓							✓	✓	3
6	Chandigarh										✓	1
7	Chattisgarh				✓	✓						2
8	Dadra Nagar Haveli											0
9	Daman & Diu					✓						1
10	Delhi							✓	✓	✓	✓	2
11	Goa					✓						1
12	Gujarat		✓					✓	✓	✓		2
13	Haryana	✓			✓		✓		✓	✓	✓	5
14	Himachal Pradesh			✓	✓			✓	✓	✓	✓	5
15	Jammu & Kashmir											0
16	Jharkhand				✓	✓						2
17	Karnataka		✓		✓	✓		✓	✓	✓		5
18	Kerala							✓	✓			1
19	Lakashadeep											0
20	Madhya Pradesh			✓								1

21	Maharashtra			✓			✓					2
22	Manipur					✓			✓	✓		2
23	Meghalaya											0
24	Mizoram			✓								1
25	Nagaland			✓								1
26	Orissa	✓										1
27	Puducherry				✓		✓		✓	✓		3
28	Punjab		✓			✓		✓	✓	✓	✓	4
29	Rajasthan			✓			✓		✓	✓	✓	4
30	Sikkim	✓	✓					✓	✓	✓		3
31	Tamilnadu				✓				✓	✓		3
32	Telangana				✓				✓	✓		2
33	Tripura				✓					✓		2
34	Uttar Pradesh	✓				✓		✓	✓	✓	✓	4
35	Uttarakhand								✓	✓		1
36	West Bengal	✓					✓			✓		3
	<b>Total No. of Participants</b>	<b>27</b>	<b>18</b>	<b>20</b>	<b>22</b>	<b>24</b>	<b>22</b>	<b>17</b>	<b>18</b>	<b>15</b>	<b>78</b>	<b>261</b>

## Consumer Advocacy

### Misleading advertisements:

The Portal has been raising complaints/ advocacies on misleading advertisement. These issues were being referred to Advertising Standard Council of India (ASCI) for appropriate corrective steps so that the readers do not get misled with the advertisements.

The response on complaints raised to ASCI on misleading advertisement has not been encouraging / not meeting the expectations. Some of the cases were referred to Department of Consumer Affairs. The following complaints raised to ASCI have been not upheld.

<b>Misleading Advertisements – Decision Not UPHELD</b>				
<b>Subject</b>	<b>Advertiser</b>	<b>Complaint No. &amp; Date</b>	<b>Compliant</b>	<b>Decision</b>
<b>Manforce Condoms</b>	Manforce condoms (TV channels)	Complaint was made on DCA website and complaint ID is 920151470 on 05/9/2015	The advertisement using vulgar language. India is already suffering with the problem of rapes and the advertisement showing vulgar language as well as vulgar display promotes sexuality. It states jab pahli baar karte hain kyon lagta hai baar baar Karen, subah se sham ho jaaye, etc etc. thoda jyada mile kuch naya mile. Ek baar kiya phir man karta hai aur Karen. Even the ad their home page <a href="http://www.manforcecondoms.com">www.manforcecondoms.com</a> is the vulgar visual.	Complaint is not pertaining to misleading advertisement. Please approach the Ministry of Information and Broadcasting. ASCI rejected compliant on 05/09/2015.
<b>Jaypee hospital</b>	Jaypee Hospital (SMS)	Complaint was made on DCA website and complaint ID is 1020151497 on 01/10 2015	SMS circulation stating kindey transplnt regular price at Rs.5.5 lakh, our offer price at Rs. 3.25 lakhs.	This does not pertain to misleading advertisement. For issue related of code medical ethics, kindly approach the medical council of India/ state medical council. ASCI rejected complaint on 05/10/2015

<b>Subject</b>	<b>Complaint Letter No./Date</b>	<b>Complaint against:-</b>	<b>Department</b>
Dish TV India Ltd	Gama Portal on 29/01/2016	The company advertising on various TV channels specially sports. Set top box ka matlab Dish TV. It is wrong and misleading leading to wrongly educating viewers.	Advertising Standard Council of India
Dabur India Ltd.	Complaint no. 1512-c.1031 registered on Gama Portal on 14.01.2016	The advt as appeared in the times of India dtd. 28 <sup>th</sup> Dec 2015 claims clinically tested safe for diabetics. The company has not been able to substantiate the claims. A consumer on social media complained about the product stating blood sugar level going up after consuming the said product. The blood sugar gets to normal after stopping use of the product. The customer has also made complaint to the company and sought confirmation but the company after ack on 19.11.2015 has not respond to.	Advertising Standard Council of India
Dabur Chyawanparakash	Ref.No.IIPA/SCHK RMP/Dabur/2016 dated18-02-2016	Misleading advertisment of Dabur chyawanparakash in times of India dtd.28 12 2015- "safe for diabetics"	Advertising Standard Council of India

As brought out in our earlier reports, the medical professionals continuously flout the regulations of Medical Council of India. As per regulations, medical professionals/ institutions neither can endorse any product nor could any discount be offered to solicit the patients for treatment. While any action against the medical professional/institutions for violation of code of ethics can be taken by the Medical Council of India/ State Medical Council, the ASCI may take action in putting a stop to such advertisements.

The decision of Advertising Standard Council of India on Dish TV is yet to be conveyed. ASCI has not found the advertisement of Dabur India about their product "Chayvanprakash" safe for diabetics as misleading. The Portal referred the matter to Department of Consumer Affairs vide letter No. IIPA/ SCHKRMP/Dabur/2016 dtd. 18/02/2016.

Sensodyne has also been advertising about their tooth paste in print and electronic media claiming 9 out of 10 doctors endorsing their product and Doctors shown on electronic media endorsing the use of their tooth paste. Endorsing of any product by Doctors is in violation of code of ethics for medical professionals. The advertisement by Sensodyne in Eurpoe has been banned on the similar ground. ASCI

have not taken the corrective action against the advertisement on the ground that the medical professionals are practising in UK. There are two issues viz. taking action against the medical professional and ban the advertisement. The 2<sup>nd</sup> part could have been taken immediately. However, the advertisements still continued to be aired on electronic media and also print media. The attention of Department of Consumer Affairs was again drawn vide last letter No. IIPA/ SCHKRMP/ Medical/ 2014-15 dtd. 08/03/2016.

Jaypee Hospital has been advertising through SMS soliciting business of kidney transplant offering a discounted price of Rs. 3.25 lacs as against regular price of Rs. 5.50 lakhs. Such offers are against the regulations of code of ethics for medical professionals/ institutions laid down by Medical Council of India.

## **Advocacy with other Institutions**

### **1. Unethical Business Practices by Hotels and Restaurants**

The hotels and restaurants have started charging “service charges” in their bills. These service charges are presumed to be in lieu of “tips” which is normally paid by the diners in the restaurants. The tip is normally paid as optional and is purely on the wish of the diners. The charging of service charges which normally ranges from 5% to 20% is compulsorily charges in the bills. Most of the diners consider such service charges as Government taxes and end up paying again tip despite the service charges being charged by the restaurants. Whereas the tip was based on the quality of services, the service charge is a fixed amount irrespective of whether the services are good or not. An incident was also reported where the restaurants added service charge of 15% in the head “Vat” and charged 28.13% under the head VAT. While the case was referred to Haryana Trade Tax department for necessary audit, the matter titled **Unethical charging of VAT, Service Charge and Service Tax by the Restaurants** was also referred to Department of Consumer Affairs vide letter No. IIPA/SCHKRMP/Rest./2015 dtd. 01/06/2015 and 02/06/2015.

The restaurant industry is also charging VAT on 100% value of the bill whereas service tax is being charged on 40% of the value of bills. The High Court of Uttarakhand has already adjudicated the matter and passed an order to charge VAT only on 60% of the value of the bill. However such practices of charging VAT on 100% value still continues.

Department of Consumer Affairs vide their letter No. 24/9/2014-CPU dtd. 15<sup>th</sup> April 2015 invited comments of IIPA on the collection of service charges by Hotels and Restaurants. It was based on the comments sought by Competition

Commission of India. The Portal submitted its comments vide letter No.IIPA/SCHKRMP/2015 dtd. 17/04/2015

## **2. Unethical Banking Practices in violation of RBI notification and directives of Ministry of Finance**

The banks both in PSU as well as private sectors are charging for SMS on fixed rates per quarter except UCO Bank. Such charges are ranging from Rs. 15/- to Rs. 25/- per quarter irrespective of whether there has been any transaction done or not. As per regulations of Reserve Bank of India, the consumers are supposed to be charged on actual SMS usage basis. Based on an advocacy paper raised by Portal with Reserve Bank of India and Department of Consumer Affairs, Ministry of Finance issued directives to the banks to follow the regulations of Reserve Bank of India vide letter No. 7/72/2014-BOA dtd. 14<sup>th</sup> August 2014. However, such unethical business practice still continues.

Project Manager, SCHKRMP initiated seeking information under RTI Act 2005 and it was reasonably accessed that State Bank of India alone had generated an amount of more than Rs. 400 crore per annum only on such account. The matter was again referred to Department of Consumer Affairs vide letter No. IIPA/SCHKRMP/Banking SMS/2015 dtd. 19/06/2015 for appropriate intervention in stopping such unethical business practices.

The attention of Department of Consumer Affairs was also drawn towards charging of replacement fee by Banks for replacing defective ATM cards despite annual maintenance fee being charged for ATM cards.

## **3. Misleading advertisement of Sensodyne Toothpaste**

Sensodyne has been advertising about their tooth paste in print and electronic media claiming 9 out of 10 doctors endorsing their product and Doctors shown on electronic media endorsing the use of their tooth paste. Endorsing of any product by Doctors is in violation of code of ethics for medical professionals. The advertisement by Sensodyne has been banned in Europe on the similar ground. ASCI have not taken the corrective action against the advertisement on the ground that the medical professionals are practising in UK. There are two issues viz. taking action against the medical professional and ban the advertisement. The 2<sup>nd</sup> part could have been taken immediately. However, the advertisements still continued to be aired on electronic media and also print media. The company has failed to produce the documents to substantiate their claims despite our reminders. The attention of Department of Consumer Affairs was again drawn for appropriate intervention vide last letter No. IIPA/SCHKRMP/ Medical/ 2015-16 dtd. 06/05/2015.

4. **Unethical advertisement in violation of code for Medical Professional/Institutions– Metro Heart Institute with multispecialty, Faridabad - Issue raised to Medical Council of India, Haryana Medical Council and Department of Consumer Affairs** - An advertisement of Metro Heart Institute with multispecialty, Faridabad appeared in Navbharat times dtd. 15/08/2015. The advertisement solicits patients for angioplasty, stenting and bypass surgery by offering a special discount of Rs. 25,000/-. The discounts as offered in the medical practices induce the public to rush in for the treatment and thus can be termed as “soliciting the patients”. Soliciting the patients for treatment by offering discounts is in violation of rules and regulations and code of ethics for medical professional and Institutions laid down by Medical Council of India. ASCI vide their email dtd. 15<sup>th</sup> August stated that the said advertisement is not in contravention of the ASCI code. The matter was referred by IIPA to
- Haryana Medical Council vide letter No. IIPA/SCHKRMP/Medical/2015 dtd. 18/08/2015
  - Department of Consumer Affairs vide letter No. IIPA.SCHKRMP/Medical/2015 dtd. 17/08/2015
  - Medical Council of India vide letter No. IIPA/SCHKRMP/Medical/2015 dtd. 18/08/2015
5. **Non-Providing of essential details as per Legal Metrology (Packaged Commodities Rules ) on Cura Ras Packing- Issue taken up with UP State Legal Metrology**-The necessary details like batch numbers, mfg. date, MRP are not mentioned on the packet. It mentions only Exp. Date as 2 years from mfg. date. In absence of details about mfg. date, the statement about exp. Date becomes irrelevant. Similarly in absence of MRP, it is difficult access the prices to be paid.
6. **Charging of price more than MRP as well as overwriting on stickers in packaged commodities. Issue taken up with Maharashtra State Legal Metrology through Maharashtra State Consumer Helpline and Department of Consumer Affairs**-The retailers at the plaza on Mumbai-Pune Highway are selling the packaged commodities like biscuit, cakes, namkeen and like items at the prices more than MRP by overwriting on the packets or hiding the price information with marker. They are also refusing to issue cash memos if demanded by the consumers. Surprisingly the retailers also pretending to be not bothered even if someone states of complaining against them.
7. **Complaint of Britannia Good Day Biscuit in violation of Legal Metrology ( Packaged Commodities), Rule, 2011**-One of the consumer activist has shared with IIPA a wrapper of Britania Good Day biscuit packet reflecting packing to in



violation of the Legal Metrology (Packaged commodities Rule, 2011. The said rules in its second schedule at S.No.3 stipulate the packing of the biscuit to be in standard packing of 25g, 50g, 75g, 100g, 150g, 200g, 250g, and 300g and thereafter in multiples of 100g up to 1kg. However, Department of Consumer Affairs clarified that packing of biscuit in non-standard packing on value based package in any quantity is allowed under sub-rule (3) of rule 5 of the Legal metrology (Packaged Commodities) Rules 2011.

8. **Change in IVR system in booking for LPG refill resulting in giving up subsidy- Issue taken up with Department of Consumer Affairs-**The news item appearing in a local newspaper “Haribhoomi News” Panipat brought out a story that consumers who are booking LPG refilling cylinder have to forego subsidy due to wrong pressing of key in the IVR at the time of booking refill. The IVR system earlier being used has a first option to press “1” for booking refill. Now the IVR system has been introduced with a first option to press “0” to give up subsidy.
9. **Based on the complaint escalated by the portal, Haldiram stopping charging service tax. But not chargeable for a take away item. Haldiram Restaurant has been charging service tax on take away items. Such charging of service tax on take away items is in violation of service tax rules.** - A specific complaint was raised w.r.t charging of service tax on take away order at Haldiram, Crown Interiorz, Faridabad vide Invoice no.99142 dtd.29/08/2015.
10. **Regarding receiving electricity bill by emails/SMS at an additional cost of Rs.10/- by DHBVN. Issue forwarded to Director Food & Supplies, Haryana.** - The issue was raised based on a Newspaper report published in Navbharat time’s dtd. 02/07/2015. As per newspaper report an electricity subscriber would be charged an additional amount of Rs. 10/- in case the subscribers opts to receive electricity bill by email/SMS. This appears to be a practice which would entails unjustified cost on consumer. Normally, replacing hard copy of bill with soft copy would reduce the overall cost of sending bills.
11. **Complaint to Medical Council of India against doctors endorsing the products in violation of code of Ethics for Medical Professional in relation to Sensodyne advertisement for Toothpaste** – ASCI vide email dtd. 01/10/2015 conveyed that the advertisement by medical professional per se is not in contravention of the ASCI Code unless the advertisements are making misleading claims. As stated in the foregoing paras, while the complaint against

the medical professionals / institutions is the subject matter of Medical Council of India/ State Medical Councils, ASCI was requested vide email dtd. 02/10/2015 to take appropriate action in putting a ban on the advertisements being shown in violation of the respective regulations on the similar lines of showing any advertisement of motor bike being driven without helmet. ASCI has already agreed advertisement of EMI Free Car in contravention of regulations of Motor vehicle Act. The advertisement of sensodyne tooth paste need to be looked into two parts: - (a) Endorsing a product by the practicing medical professionals: This is in violation of code of ethics laid down by Medical council of India for medical professionals and institutions. However the 2nd part is where ASCI is being requested for appropriate action i.e. advertising a product endorsed by medical professional wherein the doctors or medical institutions are not allowed to endorse the product, the advertisement of such product endorsed by the medical professional/ institutions need to be banned.

**12. Charging of unethical VAT and unethical business practices by restaurants**

**Le-chef, Faridabad** the restaurant charged VAT@28.13%instead of applicable rate of 13.13% by adapting to unethical business by adding service charge of 15% in the VAT pretending it to be Govt. levies. The diner in the complaint under reference also paid tips to the restaurant presuming that no service charges have been charged. The matter was raised through Haryana state consumer helpline. The issue was further escalated to Additional Commissioner, Excise & Taxation Department, Haryana vide latter no. SCH\_HRY\_2015/18914 dtd. 09/06/2015. However, the Trade and Taxation Department, Haryana preferred to maintain silence on the issue. A complaint was also mailed to the concerned department through an email dtd. 6th October 2015 and the matter was also brought to the perusal of Department of Consumer Affairs vide email dtd. 06/10/2015.

13. Dakshin Haryana Bijli Vitran Nigam (DHBVN), an electricity distribution company under Govt. of Haryana operating for southern region of Haryana has announced charging of Rs. 10/- for opting out for email bill in place of hard copy bill. At an outset, the charging of fee for mailing bills by email instead of delivering bill in hard copy at consumer's premises looks to be unfair and hence Govt. of Haryana through Haryana State Consumer Helpline was requested to take up issue with the concerned Electricity Distributors as well as Haryana Electricity Regulatory Commission. Food and Civil Supplies, Govt of Haryana has also drawn the attention of Department of Consumer Affairs.

14. Project Manager, SCHKRMP noticed unfair business practices fo DHBVN by raising electricity bills on average basis despite installation of meters on poles outside the residential premises. Further analysis reflected charging of huge money from the consumers and using it for months. He himself had taken up his

complaint with Consumer Grievance Redressal Forum (CGRF) wherein the excess amount of more than Rs. 8,800/- was charged and used for more than 6 months through such practices. While the amount has been adjusted now after 6 months, the complaint is still being contested with CGRF for charging of necessary penalties and interest as per provisions laid down in the Electricity Act 2003 and regulations of Haryana Electricity Regulatory Commission. Number of consumer have been narrating their experiences that even such amount being charged in some cases exceeds Rs. 1.00 Lakh or so. The attention of the Discom was drawn vide letter No. IIPA/SCHKRMP/DHBVN/2015-16 dtd. 13/01/2016, a copy of which was referred to Department of Consumer Affairs and Haryana Electricity Regulatory Commission.

15. Number of advocacy issues has been raised by the Portal and necessary intervention of Department of Consumer Affairs has been sought appropriately. Some of the issues pertain to charging of fee for ATM transactions, activation of value added services on mobiles without consent of the subscribers, charging of VAT on discounted MRP prices, unethical business practices of 100bestbuy.com etc. A list of such issues is given below for which appropriate intervention of Department of Consumer Affairs was sought vide letter No.. IIPA/SCHKRMP/advocacy/2016 dtd. 02/03/2016. A list of such issues is given in the next page.
16. The Portal brought out some of the fraudulent business practices through tele-calling/internet and sought appropriate intervention of Department of Consumer Affairs vide letter No. IIPA/SCHKRMP/ advocacy/2016 dtd. 03/03/2016.
17. Ola / Uber cabs have been adapting to unfair business practices in Bangalore wherein the passengers are being charged toll tax from the passengers for dropping the passengers at Bangalore Airport despite no such charges applicable. The issue was taken up with both cab operators during Feb/ March 2016. However, the operator continue to charge the toll tax which otherwise is not chargeable being not applicable. The issue was later taken up through Grahak Suvidha Kendra at Bangaore with Govt. of Karnataka and Addl. Commissioner of Police (Traffic).

A list summarizing advocacy issues raised by Portal during April2015 - March 2016 is given on next page

<b>SCHKRMP- ADVOCACY</b>			
<b>Sl. No.</b>	<b>Letter no. &amp; Date</b>	<b>Complaint/Issue forwarded to</b>	<b>Subject reference</b>
			<b>Banking</b>
1	IIPA/SCHKRMP/ATM/2014-15, 4/6/2014	<b>DCA (JS)</b>	Proposed move of IBA for withdrawal of free non-home bank ATM transactions- An anti-consumer policy
2	IIPA/SCHKRMP/ATM/2014-15, 27-06-2014	<b>DCA (JS)</b>	Charging of replacement fee for defective ATM/Debit Cards by PSU/Pvt. Banks. Banks are charging annual maintenance fee for ATM and still charging fee for replacement of the defective cards which is an anti-consumer policy.
3	IIPA/SCHKRMP/2014-15, 27/08/2014	<b>DCA (JS)</b>	RBI's anti-consumer move regarding usage of ATMs - Rationalisation of numbers of free transactions at own bank as well as other bank ATMs. Use of IT reduces the cost of manpower engaged in banking operation. Limitation of the transactions using IT is an anti-consumer move.
4	IIPA/SCHKRMP/2014-15 dtd. 23/05/2014, dtd. 26/08/2014, 30/09/2014, IIPA/SCHKRMP/Banking SMS/2015, 19/06/2015	<b>Addl. Sec., DCA</b>	Alleged unethical banking practices in violation of RBI notification and directives of Ministry of Finance for irrational charging of SMS Alert Fee. RBI stipulated to charge SMS fee on actual usage basis but the banks are charging on a fixed charge basis irrespective of whether any transaction taking place or not.
			<b>Telecom</b>
5	IIPA/SCHKRMP/Telecom/2014-15, 9/9/2014	<b>DCA (Director of Consumer Affairs)</b>	Value Added Services - Alleged unethical trade practices of activation and renewal without seeking subscriber's consent - Anti-consumer practices by the Telecom Service Providers
6	IIPA/SCHKRMP/Telecom/2014-15, 30/09/2014-07/10/2014	<b>Director, DCA</b>	Value Added Services - Alleged unethical trade practices of activation and renewal without seeking subscriber's consent - Anti-consumer practices by the Telecom Service Providers
			<b>MRP Advocacy</b>
7	IIPA/SCHKRMP/2013-14, 17/04/2014	<b>Department of Consumer Affairs</b>	Charging of VAT on discounted prices offering discounts on MRP - Unethical Trade Practices and Misleading advertisements.
			<b>Airport - Drinking Water</b>
8	IIPA/SCHKRMP/2014-15, 27-05-2014	<b>Department of Consumer Affairs (JS)</b>	Inadequate user friendly drinking water facility at Terminal 3 Airport, Delhi

			<b>100 Best Buy</b>
9	IIPA/SCHKRMP/2014-15, 23/09/2014	<b>DCA (JS)</b>	Unethical and suspected fraudulent business practices by 100bestbuy.com. The issue was also taken up through Govt. of Karnataka.
			<b>Advocacy on Restaurants</b>
10	IIPA/SCHKRMP/2015,DT 17/04/2015	<b>Department of Consumer Affairs (DS)</b>	Comments on collection of "service charge" by the hotels and restaurants
11	IIPA/SCHKRMP/Rest./2015, 01/06/2015,	<b>JS, DCA</b>	Unethical charging of VAT, Service Charge and Services Taxes by the Restaurants. High Court of Uttarakhand has already adjudicated charging of VAT on 60% of the food bill. charging of VAT. The restaurant are charging VAT on 100% of the food bill. Govt of Haryana has also taken up issue with DCA vide letter No. SCH-HRY-2015 dtd. 09/06/2015 wherein a restaurant has clubbed Service Charge with VAT to mislead the diner that the service charge is a statutory taxes.
12	IIPA/SCHKRMP/Rest./2015, 02/06/2015	<b>Addl. Sec., DCA</b>	Unethical charging of VAT, Service Charge and Services Taxes by the Restaurants
13	SCHKRMP/IIPA/TVC/2014-15, 19/08/2014	apnatax@harayanatax.com	Charging of unethical VAT and unethical business practices by restaurants Le- Chef , Faridabad
			<b>EMI Free Car</b>
14	IIPA/SCHKRMP/2014-15, 29/07/2014	<b>Department of Consumer Affairs (JS)</b>	EMI Free Car Pvt. Ltd. The company has been advertising misleading advertisement as the name suggest, the car is not emi free. Not only the misleading advertisement, the advertisement is also in violation of Motor Vehicle Act wherein the display of the advt is not allowed on the body of the personal vehicles.
15	IIPA/SCHKRMP/2014-15, 21/08/2014	<b>DCA (JS)</b>	Do
16	IIPA/SCHKRMP/2014-15, 28/08/2014	<b>DCA(JS)/ Department of Information Technology/ Department of Telecom</b>	EMI Free Car Pvt. Ltd. Requesting to block the website of the company as the company could not desist from the advertisement despite ASCI advise.
			<b>Sensodyne Toothpaste</b>
17	IIPA/SCHKRMP/Medical/2014-15, 08/10/2014	<b>DCA (JS)</b>	No product can be endorsed by medical professional as laid down under Code of Ethics for medical professional by Medical Council of India
18	IIPA/SCHKRMP/Medical/2015-16, 06/05/2015	<b>DCA</b>	Sensodyne Toothpaste

			<b>Others</b>
19	IIPA/SCHKRMP/2013-15 22/04/2014	<b>Aapka Roozgaar Services Pvt. Ltd.</b>	Escalation of complaint received from Mr. Rajen Chowdhury pertaining to unethical business practices and refund of his money. FIR not registered despite DCA intervention.
20	SCHKRMP/IIPA/TVC/2014-15, 19/08/2014	<b>Department of Consumer Affairs (JS)</b>	Misleading advertisement by TVC Sky Shop for product "Shri Laxmi Kuber Dhan Varsha Yantra"
			<b>Metro Heart Institute, Faridabad</b>
21	IIPA/SCHKRMP/Medical/2015, 17/08/2015	<b>JS, DCA</b>	Unethical advertisement in violation of code for Medical Professional/Institutions– Metro Heart Institute with multispecialty, Faridabad. Issue raised to Medical Council of India, Haryana Medical Council and Department of Consumer Affairs (17 <sup>th</sup> August 2015) – An advertisement of Metro Heart Institute with multispecialty, Faridabad has appeared in Navbharat times dtd. 15/08/2015.
			<b>Electricity</b>
22	08-Jul-15	<b>sectrary.herc@nic.in</b>	Electricity bill by emails/sms at the additional cost of Rs.10
23	04-Sep-15	<b>DCA</b>	Electricity bill by emails/sms at the additional cost of Rs.10
24	Ref. No. IIPA/SCHKRMP/DHBVN/2015-16 dtd. 13 January 2016	<b>DHBVN, Department of consumer affairs and Harayana Electricity Commision</b>	Complaint of Shri S.K Virmani r/o sector 37 Faridabad- 121003 for overcharging and alleged unethical business practices affecting all electricity consumers
			<b>Legal Metrology</b>
25	10-Aug-15	<b>dchqlkozone10@yahoo.com</b>	Non-Providing of essential details as per Legal Metrology (Packaged Commodities Rules ) on Cura Ras Packing- Issue taken up with UP State Legal Metrology (10th August 2015) – As can be seen that necessary details like batch numbers, mfg. date, MRP is not mentioned on the packet. It mentions only Exp. Date as 2 years from mfg. date. In absence of details about mfg. date, the statement about exp. Date becomes irrelevant. Similarly in absence of MRP, it is difficult access the prices to be paid.

26	30-Sep-15	<b>dirwm-ca@nic.in</b>	Charging of price more than MRP as well as overwriting on stickers in packaged commodities. Issue taken up with Maharashtra State Legal Metrology through Maharashtra State Consumer Helpline and Department of Consumer Affairs (30 <sup>th</sup> Sep 2015)- The retailers at the plaza are selling the packaged commodities like biscuit, cakes, namkeen and like items at the prices more than MRP by overwriting on the packets or hiding the price information with marker. They are also refusing to issue cash memos if demanded by the consumers. Surprisingly the retailers also pretending to be not bothered even if someone states of complaining against them.
27	Ref. No. .IIPA/SCHKRM/LM/2015 Dt. 02/07/2015	<b>AS, DCA CEO, FSSAI</b>	Complaint of Britannia Good Day Biscuit in violation of Legal Metrology (Packaged Commodities), Rule, 2011 (2 <sup>nd</sup> July 2015).- One of the consumer activist has shared with IIPA a wrapper of Britania Good Day biscuit packet reflecting packing to in violation of the Legal Metrology (Packaged commodities Rule, 2011. The said rules in its second schedule at S.No.3 stipulate the packing of the biscuit to be in standard packing of 25g, 50g, 75g, 100g, 150g, 200g, 250g, 300g and thereafter in multiples of 100g up to 1kg.
			<b>LPG</b>
28	Ref. no. IIPA/SCHKRM/LPG/2015 Dt . 15/07/2015	<b>AS, DCA</b>	Change in IVR system in booking for LPG refill resulting in giving up subsidy- Issue taken up with Department of Consumer Affairs (15 <sup>th</sup> July 2015) - The news item appearing in a local newspaper "Haribhoomi News" Panipat bringing out a story that consumers who are booking LPG refilling cylinder have to forego subsidy due to wrong pressing of key in the IVR at the time of booking refill. The IVR system earlier being used has a first option to press "1" for booking refill. Now the IVR system has been introduced with a first option to press "0" to give up subsidy.
			<b>MRP</b>
29	31-Aug-15	<b>sales@haldiram.com</b>	Based on the complaint escalated by the portal, Haldiram stopping charging service tax. But not chargeable for a take away item. (31 <sup>th</sup> August 2015)- Excess charging of service tax on takes away order at Haldiram, Crown Interiorz, and Faridabad- Invoice no.99142 dtd.29/08/2015. Portal raised the point that as per the Service Tax Rule, the service tax is not chargeable for a take away item.

## Other activities

- Session on “Telecom Service and Consumers” in 18<sup>th</sup> training of trainers programme for the faculty members of training institutions on consumer welfare held at IIPA on 29<sup>th</sup> July 2015
- Session on” Telecom & Consumer” in 88<sup>th</sup> Orientation training programme for the presidents and members of the district consumer forum held at IIPA on 3<sup>rd</sup> September 2015
- Session on “” Telecom & Consumer” in 89<sup>th</sup> Orientation training programmer for the presidents and members of the district consumer forum held at IIPA on 17<sup>th</sup> September 2015
- Project Manager, SCHKRMP has been attempting to bring out unethical business practices of the Banks both in PSU as well as Private sectors in the case of charging of SMS alert fee. It has come to the notice that all banks except UCO Bank are charging for SMS alert fee in violation of the directives of Reserve Bank of India and Ministry of Finance. In this connection a hearing was held on 23<sup>rd</sup> October 2015 in CIC on his RTI application against State Bank of India on SMS alert services. CIC directed State Bank of India to provide the requisite information. However, despite CIC order, State Bank of India has not supplied the information. A reasonable assessment indicates that State Bank of India alone has been adapting unethical business amounting to more than Rs. 400 crores per year in violations of directives of RBI and Ministry of Finance. The total amount of such unethical business practices in the Banking industry is expected to be more than Rs. 5,000 crores per annum.
- More than 50 students from Tagore International School and Kamla Nehru College visited State Consumer Helplines Knowledge Resource Management Portal, IIPA” on 14<sup>th</sup> October 2015 and 15<sup>th</sup> December 2015 respectively. The students were briefed about the role of consumer helplines in various states.
- A meeting was held with Govt. of Delhi, Dept. of Food and Consumer Affairs in Vikas Bhawan on 27 Jan 2016 in connection with setting up of State Consumer Helpline at Delhi.
- Project Manager, SCHKRMP and Project Director visited Chandigarh for a meeting with Chandigarh Administration on 4<sup>th</sup> February 2016 in connection with proposed setting up of a Consumer Helpline at Chandigarh (UT).



- One day training programme cum interactive session with advisors and coordinators of Haryana State Consumer Helpline on 5 Feb 2016.
- Session on “Consumer Empowerment” in Two Days National Seminar on Consumer Protection : New Age Challenge held in National Law School, Dwarka on 19-20 Feb 2016.
- Session on “Telecom and Consumer” in 90<sup>th</sup> Orientation Training Programme for the Presidents and Members of the District Consumer Forums held in IIPA on 25 Feb 2016.
- Session on “Telecommunication and Consumer in 9th training of trainers programme for heads and members of VCOs/ NGOs in consumer protection and welfare on 8 March 2016.
- Session on “Group Report Presentation, Feedback & Valedictory Session” in 9th Training of Trainers Programme for Heads and Members of VCOs/ NGOs in Consumer Protection and Welfare on 11 March 2016.
- Release of book titled “Financial Services and Consumers” written by Asst. Professor, CCS and Project Manager, SCHKRMP during workshop on “Antibiotics Off The Menu” on World Consumer Right Day held in Vigyan Bhawan on 22 March 2016.
- Session on “Telecom and Consumer” in 91<sup>st</sup> Orientation Training Programme for the President and Members of District Forums held in IIPA on 29 March 2016.

### **Knowledge Creation:**

The IT Portal is being continuously updated with uploading of knowledge based database. Some of the recent updates have been on:

1. Acts and regulations of various services.
2. Sector wise FAQs
3. Consumer advisories
4. Quarterly Newsletter “Consumer Connect”
5. Monthly “Consumer Bulletin”
6. FOPs and the benchmark of services wherever specified
7. Contact details of service providers
8. Newspaper Reports (794 NOs) on consumer issues.