



सत्यमेव जयते
Government of India

SCHKRMP, CENTRE FOR CONSUMER STUDIES, IIPA, NEW DELHI

Consumer Connect



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Quarterly e-newsletter of STATE CONSUMER HELPLINE KNOWLEDGE RESOURCE MANAGEMENT PORTAL (SCHKRMP)



July - Sept., 2013

Issue No-3

Volume No-2

STATE CONSUMER HELPLINES

GUJARAT

1800-233-0222,
079-27489945 / 46

MADHYA PRADESH

155343,
0755-2559778

ORISSA

1800-345-6724,
1800-345-6760,
0674-2351990,
0674-2350209

TAMIL NADU

044-28592828

BIHAR

1800 -345- 6188

RAJASTHAN

1800 -180- 6030

MAHARASHTRA

1800 -22- 22 62

CHHATTISGARH

1800 -233 -3663

MIZORAM

1800 -231 -1792

HARYANA

1800 -180 -2087

Haryana State Consumer Helpline Inaugurated



State Consumer Helpline Knowledge Resource Management Portal, IIPA assisted the Department of Food & Supplies, Haryana in setting up State Consumer Helpline at Chandigarh. The Helpline was formally inaugurated by



Hon'ble Shri Mahender Pratap Singh, Minister (Food & Supplies) on 27th September 2013. The Consumers of Haryana can now seek advice, guidance and information to redress their problems and disputes through a toll free number 1800 -180 -2087. The Department of Food and Supplies, Govt. of Haryana signed an agreement with IIPA on 20/09/2013 to setup Consumer Helpline based on a centralized IT based application system developed by Department of Consumer Affairs, Govt. of India and hosted at IIPA, New Delhi.



State Consumer Helpline, Bihar:

The Indian Institute of Public Administration signed an agreement with Food & Consumer Protection Department, Govt. of Bihar on 12th September 2013 for sharing of IT and Knowledge Portal hosted at IIPA.. The consumer advisors and coordinators of State Consumer Helpline were provided handholding training on 14th September 2013 at Sachivalya, Govt. of Bihar where the state consumer helpline has been set up. Two days workshop on 'Consumer Protection: Law and Policy' was organized by Food and Consumer Protection Department, Government of Bihar in association with IIPA on September 14-15, 2013 at Patna. More than 100 participants participated in the seminar which included academicians, policy-makers, researchers, representatives of VCOs / NGOs and students. Project Manager, SCHKRMP participated and addressed the participants in the workshop. The seminar was divided into five technical sessions besides inaugural and valedictory sessions.



First Technical Session on 'Consumer Protection: Law and Policy' was chaired by Prof. Suresh Misra, Chair Professor & Coordinator, CCS, IIPA. In the session Shri S.K.Virman, Project Manager, SCHKRMP; Dr. Sapna Chadah, Assistant Professor, CCS, IIPA and Prof L.N. Sharma, Former Professor, Patna University made their presentations.

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At the request of **Department of Food & Supplies, Haryana, the Project Manager, State Consumer Helpline Knowledge Resource Management Portal** visited **Chandigarh** on **July 23-24, 2013** to assist them in setting up the **State Consumer Helpline**. The meeting was attended by officials of the **Department of Food & Supplies and HARTRON**. A detailed presentation was made on the functioning of the State Consumer Helpline vis-a vis. its role in Consumer Empowerment. The officials of Govt. of Haryana were also advised about the detailed requirement of infrastructure including specifications of hardware and manpower.



Two Days Training Programme for the Coordinators and Advisors of Haryana on Consumer Protection and Consumer Welfare was organized on August 08-09, 2013 by **State Consumer Helpline Knowledge Resource Management Portal** in the office of Department of Food & Supplies at Chandigarh. Participants recruited for operationalization of State Consumer Helpline attended the training programme.

Project Manager **State Consumer Helpline Knowledge Resource Management Portal** participated in a **“one day inter- school Competition on Consumer Awareness”** on **August 27, 2013** organized by Centre for Consumer Studies, Indian Institute of Public Administration, New Delhi in collaboration with Gen X Consumer Club of Air Force School, Subroto Park, New Delhi. The Programme was sponsored by Department of Consumer Affairs, Government of India. 17 public Schools of Delhi participated in the competitions. Bal Bharti Public School, Gangaram won the Running Trophy for the overall performance. The objective of the competition was to create awareness among the students in the area of consumer rights & responsibilities.



Role of State Consumer Helpline in Mediation

The Centre for Consumer Studies organized a five days training programme on **Consumer Complaint Redressal and Mediation** from **July 15 to July 19, 2013** at **IIPA, New Delhi**. It included a session on **Role of State Consumer Helpline in Mediation**. 23 participants from different States attended the programme. The participants were apprised with the need and process of mediation and how the consumer helpline could be useful in mediation for an expeditious settlement of consumer disputes.

Axis Bank, Citi Bank, HDFC Bank, ICICI Bank, Kotak Mahindra, PNB and SBI have been found violating TRAI regulations of Telemarketing through unregistered telemarketers. There have been large number of complaints from consumers regarding calls/SMSs originated by unregistered telemarketers on behalf of banks, insurance companies, builders etc. These organizations are marketing their products through retailers, distributors and franchisees and therefore TRAI held these organizations responsible for the acts of their agents. Seven Banks as listed above have been continuing violations of the provisions of the TRAI Regulation on Commercial Communications Customers Preference (13th Amendment) Regulations. Telecom Service Providers (TSPs) should have disconnected all the telecom resources of these Banks. However TRAI decided to exercise temporary regulatory forbearance and directed the banks to look into specific cases of breach, initiate corrective action and report back to TRAI failing which the banks shall be liable to have all their telecom resources disconnected throughout the country. It is expected that industry will be disciplined and telecom subscribers get relief from the nuisance of telemarketing calls.



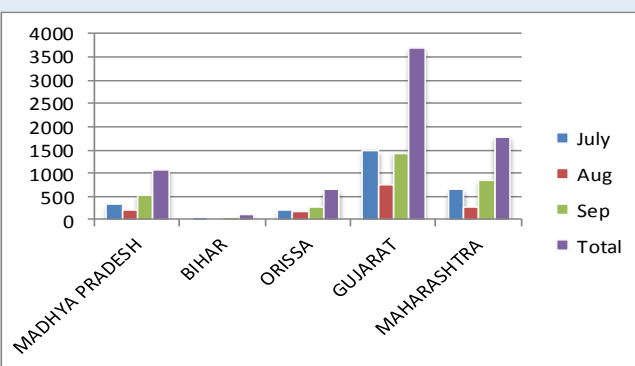
**IIPA wishing its readers a very Happy & Prosperous
Deepawali**



Consumer Calls received by States

1. State-Wise:

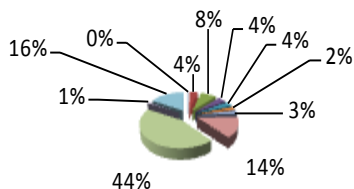
State Name	July	Aug	Sep	Total
MADHYA PRADESH	329	218	539	1086
BIHAR	53	24	41	118
ORISSA	212	183	263	658
GUJARAT	1484	764	1442	3690
MAHARASHTRA	657	261	864	1782
Total:	2735	1450	3149	7334



2. Sector-Wise:

Sector Wise Calls Report

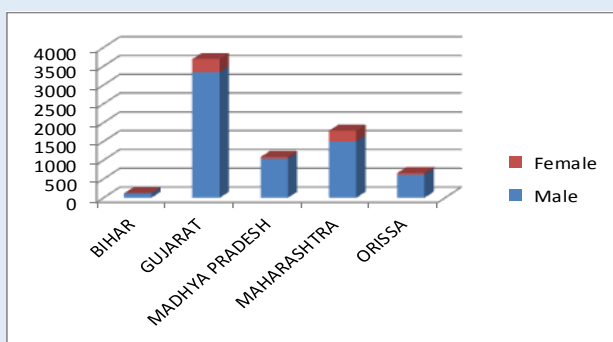
- Airlines
- Banking
- Domestic Appliances
- Education
- Electricity
- Insurance



SECTOR	Jul	Aug	Sep	Total
Airlines	3	1	4	8
Banking	61	27	65	153
Domestic Appliances	113	40	138	291
Education	61	14	45	120
Electricity	53	32	47	132
Insurance	33	17	39	89
Legal Metrology	38	22	54	114
Petroleum LPG PNG Sector	212	137	264	613
Public Distribution System	659	361	967	1987
Railways	9	1	4	14
Telecom	246	117	2750	3113

3. Gender-Wise:

State Name	Male	Female	Total
BIHAR	116	2	118
GUJARAT	3342	348	3690
MADHYA PRADESH	1043	43	1086
MAHARASHTRA	1499	283	1782
ORISSA	619	39	658



Consumer Alert (Gold) :

- ⇒ Look for Hall mark stamp for purity of gold jewelry that you intend to buy.
- ⇒ Hall marking does not add to the cost of Gold Jewelry as Hall marking charges are only Rs. 25/- per article irrespective of its weight.
- ⇒ Always insist on cash receipt.
- ⇒ The efficiency of after sales warranty services is one of the most important factor in making any purchase decision. Please do market analysis/study at the time of purchasing a product, and take a rational decision.

Banking KYC / Anti Money Laundering (AML) Norms- Banks can seek only mandatory information from the customers. Customer has right to refuse sharing of optional information

Reserve Bank of India has laid down the condition of KYC/AML norms. The guidelines are:

- Banks should keep in mind that the information collected from the customer for the purpose of opening of account is to be treated as confidential and details thereof are not to be divulged for cross selling or any other like purposes. Banks should, therefore, ensure that information sought from the customer is relevant to the perceived risk, is not intrusive, and is in conformity with the guidelines issued in this regard. Any other information from the customer should be sought separately with his/her consent and after opening the account.
- Banks should ensure that any remittance of funds by way of demand draft, mail/telegraphic transfer or any other mode and issue of travellers' cheques for value of Rupees fifty thousand and above is effected by debit to the customer's account or against cheques and not against cash payment
- From April 1, 2012, banks should not make payment of cheques/drafts/pay orders/banker's cheques bearing that date or any subsequent date, if they are presented beyond the period of three months from the date of such instrument.

The objective of the guidelines for KYC/AML norms is to prevent banks from being used, intentionally or unintentionally, by criminal elements for money laundering or terrorist financing activities. The KYC procedures also enable banks to know/understand their customers and their financial dealings better which in turn helps them to manage their risks prudently.

However, Banks are seeking personal information/details like number of dependents, the names of sons and daughters, lifestyle, number of foreign visits undertaken during the last three years, details of family members/relatives settled abroad, assets and liabilities, name and date of birth of spouse, wedding date, investments, etc., from customers which are not mandatory and relevant to perceive risk of a prospective customer while complying with KYC/AML requirement during the process of opening an account or during periodic updation.

Reserve Bank of India has drawn the attention of the Banks to paragraph 2.1 of the Master Circular that information sought from customer is relevant to the perceived risk, is not intrusive, and is in conformity with the guidelines issued in this regard. Any other information from the customer should be sought separately with his/her consent and after opening the account. Banks have been advised that:

1. Only the 'mandatory' information required for KYC purpose which the customer is obliged to give while opening an account only should be obtained at the time of opening the account / during periodic updation.
2. Other 'optional' customer details/additional information, if required may be obtained separately after the account is opened only with the explicit consent of the customer. The customer has a right know what is the information required for KYC that she/he is obliged to give, and what is the additional information sought by the bank that is optional.
3. Further, banks should keep in mind that the information (both 'mandatory' – before opening the account as well as 'optional' - after opening the account with the explicit consent of the customer) collected from the customer is to be treated as confidential and details thereof are not to be divulged for cross selling or any other like purposes.

NDRC Judgment :

A major responsibility cast on the Railway TTE in addition to examining the tickets is that of ensuring that no intruders enter the reserved compartment. Failure on the part of the TTE to prevent entry of unauthorized person in the coach during night is certainly a gross dereliction of duty and is deficiency in service if there is loss of luggage due to intrusion of unauthorized persons in reserved coach.

National Consumer Disputes Redressal Commission in its judgment on 22nd July 2013 against **REVISION PETITION NO. 602 OF 2013** ((From the Order dated 09.11.2012 in Appeal No. 1460/2011 of U.P. State Consumer Disputes Redressal Commission, Lucknow) between Union of India through North Eastern Railway vs. Dr. (Smt.) Shobha Agarwal relied on the following observation in a case **Sanjiv Dilsukhraj Dave & Anr. (supra)** . **The observation** are reproduced for benefit of readers.

“A major responsibility cast on the TTE in addition to examining the tickets is that of ensuring that no intruders enter the reserved compartments.....This is certainly a gross dereliction of duty which resulted in deficiency in service to the Respondents.

The price difference between the unreserved ticket and a reserved ticket is quite high and the traveling public who buy a reserved ticket would expect that they can enjoy the train journey with a certain minimum amount of security and safety.

.... One has to presume that passenger would take reasonable care of his luggage. But, he cannot be expected to take measures against intruders getting easily into reserved compartments and running away with goods, when the railway administration is charged with the responsibility to prevent such unauthorized entry. We have entered the 21st century and we cannot carry on our daily life in the same age old fashion with bearing brunt of indifferent service provided by public authorities like Railways. People expect in the 21st century a modicum of efficient and reliable service, which provides at least safety of person and property while traveling in reserved compartments”.

The complainant along with her daughter was travelling in a AC second class sleeper with reserved berth. It was alleged that there was lot of disarrangement in the reserved AC coach and some suspected person was seen snooping here and there about which a complaint was made to the ticket checker but no action was taken by him. The same suspected person was again seen in reserved coach at about 2’O clock in the night. When the complainant woke up at 7’O clock in the morning, she found that her grey colour suitcase which had been tied under the berth with the help of chain and lock, was missing from there. As per the allegation in the complaint, the said suitcase had been stolen by cutting the chain and lock. Information about the said incident was given to the ticket checker who after some initial reluctance received the same after being forced to do so by certain co-passengers but the ticket checker refused to receive the list of the articles. The complainant brought the incident to the notice of the Railway Department and Railway Minister by writing letters to the authorities and it appears that after about one year, the railways lodged an FIR in regard to this incident sometime in the year 1987. Alleging negligence on the part of the OP, the complainant lodged a consumer complaint before the District Forum praying for compensation of Rs.1.5 lakhs along with interest @ 12% w.e.f. 10.10.1996, i.e., the date of loss of the valuables along with Rs.30,000/- by way of compensation on account of mental agony. On notice, the complaint was resisted by the OP and in the written statement filed by the OP, it denied any negligence on its part and also submitted that railway administration is not liable for the goods which were not booked with them. It also raised the question of jurisdiction of the District Forum in the matter. District Forum allowed the complaint vide its order dated 14.7.2011 in terms of the following directions:-

“The present of the complainant is accepted against the opposite party. It has been directed to the respondent to pay Rs.1,50,000/- along with interest to the complainant from the date of filing of the application / complaint from the date of filing of the application/complaint till its realization. Besides this, the opposite party to pay Rs.50,000/- towards the compensation account of mental and physical agony and Rs.1000/- towards the costs of the litigation and the said amount is to be given in the shape of demand draft before this forum which could be given to the complainant within one month from the date of passing of the said order. In case the opposite party failed to pay the same within stipulated period of one month, then the same will be recovered from the opposite party as per the law.”

Aggrieved by the aforesaid order of the District Forum, the opposite party carried the same before the State Commission by filing an appeal against it but the same was dismissed by the State Commission vide its impugned order which is now under challenge through the present revision petition. The opposite party submitted that there was no negligence on the part of the railway administration and unless the goods in question are booked with the railways, the railway administration under the provisions of Railway Act are not liable to pay the compensation. He further submitted that the luggage in question being carried on by the complainant along with her daughter, it was under her custody and it was for her to take care of that. The opposite party also relied on the provisions of sections 97 and 100 of the Railways Act, 1989 under which the railways cannot be held liable for compensation in this case. Another contention raised by learned counsel was that section 15 of the Railway Claims Tribunal Act, 1987 bars the jurisdiction of the consumer Fora to deal with this case.

So far as the applicability of section 15 of the Railway Claims Tribunal Act, 1987 is concerned, we cannot agree with the contention of learned counsel because this section bars jurisdiction of the other courts only “in relation to the matters referred to in sub-sections (1) and (1A) of section 13”. Section 13 is reproduced thus:-

“13. Jurisdiction, powers and authority of Claims Tribunal - (1) The Claims Tribunal shall exercise, on and from the appointed day, all such jurisdiction, powers and authority as were exercisable immediately before that day by any Civil Court or a Claims Commissioner appointed under the provisions of Railway Act,-

(a) relating to the responsibility of the railway administrations as carriers under Chapter VII of the Railways Act in respect of claims for-

BANKING CUSTOMER CARES NUMBERS

ANDHRA BANK
1800-425-1515

AXIS BANK
1800-103-5577

**BANK OF
BARODA**
1800-102-4455

**BANK OF
MAHARASHTRA**
1800-233-4526

CANARA
1800-425-0018

**CENTRAL BANK
OF INDIA**
1800-200-1911

DENA BANK
1800-233-6427

DEUTSCHE BANK
1860-266-6601

**DEVELOPMENT
CREDIT BANK**
1800-209-5363

**DHANLAXMI
BANK**
1800-425-1747

FEDERAL BANK
1800-425-1199

HDFC BANK
1800-221-006

ICICI BANK
1800-103-8181

IDBI BANK
1800-22-1070

**INDIAN
OVERSEAS BANK**
1800-425-3402

**ING VYSYA
BANK**
1800-425-9900

**JAMMU AND
KASHMIR BANK**
1800-220-600

“13. Jurisdiction, powers and authority of Claims Tribunal - (1) The Claims Tribunal shall exercise, on and from the appointed day, all such jurisdiction, powers and authority as were exercisable immediately before that day by any Civil Court or a Claims Commissioner appointed under the provisions of Railway Act,-

(a) relating to the responsibility of the railway administrations as carriers under Chapter VII of the Railways Act in respect of claims for-

(i) compensation for loss, destruction, damages, deterioration or non-delivery of animals or good entrusted to a railway administration for carriage by railway ;

(ii) compensation payable under Sec. 82-A of the Railways Act or the rules made thereunder; and

(b) in respect of the claims for refund of fares or part thereof or for refund of any freight paid in respect of animals or goods entrusted to a railway administration to be carried by railway.

[1-A) The Claims Tribunal shall also exercise, on and from the date of commencement of the provisions of Sec.124-A of the Railways Act, 1989 (24 of 1989), all such jurisdiction, powers and authority as were exercisable immediately before that date by any Civil Court in respect of claims for compensation now payable by the Railway Administration under Sec. 124-A of the said Act or the Rules made thereunder.]

(2) The provision of the [Railways Act, 1989] and the rules made thereunder shall, so far as may be, be applicable for inquiring into or determining any claims by the Claims Tribunal under this Act.” Plain reading of section 13 indicates that the case of the respondent does not fall under any of the categories mentioned in the section. In view of this, the jurisdiction of the Consumer Fora cannot be barred by virtue of the provisions of section 15. NCDRC dismissed the revision petition in limine with no order as to costs.

Standard of Weights and Measures (Packaged Commodities) Rules 1977

“Net quantity” in relation to commodity contained in a packages, means the quantity by weight, measure or number of such commodity contained in that package, excluding the packaging or wrapper.

Rules 11.(1) In declaring the net quantity of the commodity contained in a package, the weight of wrappers and materials other than the commodity shall be excluded.

Rules 13 (4) No number called the dozen, score, gross, great gross or the like shall be specified or indicated on any package.

Rules 13 (5) (i) No system of units other than the International System of units shall be used in furnishing the net quantity of the package.

The buyers should ensure that the weight of the box is not included in the quantity while buying sweets, spices and dry fruits. The buyers also have the right to check the net weight of the product at the time of buying products from VAT registered merchant.

All the packed products are required to mark details of their customer care cell. If not satisfied with the goods/commodities contained in the packets, approach consumer care cell mentioned on the pack-

Consumer Alert (Insurance):

- ⇒ **Don't trust the agent blindly:** Fill your insurance form yourself: don't let the agent do it for you. Keep a copy of the form and compare it with the policy document. In case of a discrepancy or inaccuracy, notify the insurer.
- ⇒ **Don't hide your medical history:** Disclose all relevant facts regarding the medical history of your family. Be honest if you use tobacco or alcohol.
- ⇒ **Don't avoid tests:** If you undergo medical tests demanded by the insurer, it reduces the chances of a claim being rejected on the ground of pre-existing illness.
- ⇒ **Provide correct information:** State your age, occupation, income and insurance coverage honestly. Do not submit documents with incorrect or incomplete information.
- ⇒ **Pay premiums on time:** If you don't, the policy will lapse. Typically, you get 15-30 days of grace period to pay if you are late, after which the policy will lapse permanently.

BANKING CUSTOMER CARES NUMBERS

**KARNATAKA
BANK
1800-425-1444**

**KOTAK
MAHINDRA
BANK
1800-102-6022**

**LAKSHMI VILAS
BANK
1800-425-2233**

**ORIENTAL BANK
1800-180-1235**

**PUNJAB
NATIONAL BANK
1800-180-2222**

**STATE BANK OF
BIKANER &
JAIPUR
1800-180-6005**

**STATE BANK OF
HYDERABAD
1800-425-4055
1800-425-1825**

**STATE BANK OF
INDIA
1800-425-3800**

**STATE BANK OF
MYSORE
1800-425-2244**

**STATE BANK OF
PATIALA
1800-180-2010**

**UCO BANK
1800-103-0123**

**UNION BANK OF
INDIA
1800-222-244**

**UNITED BANK OF
INDIA
1800-345-0345**

**VIJAYA BANK
1800-425-5885**

**YES BANK
1800-2000**