



Indian Institute of Public  
Administration (IIPA)

STATE CONSUMER HELPLINE KNOWLEDGE RESOURCE  
MANAGEMENT PORTAL (SCHKRMP),  
CENTRE FOR CONSUMER STUDIES, IIPA , NEW DELHI



सत्यमेव जयते  
Government of India

*Consumer Connect*



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RESOURCE MANAGEMENT PORTAL (SCHKRMP)

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

*The Department of Consumer Affairs, Government of India in partnership with the Centre for Consumer Studies, Indian Institute of Public Administration, New Delhi has set up a National Nodal Agency known as the **State Consumer Helpline Knowledge Resource Management Portal (SCHKRMP)**. The Knowledge Resource Management Portal will coordinate and monitor the activities of State Consume Helpline’s, (SCH) provide solutions and advisory services to these helplines, maintain knowledge and database, build capacity of the SCH’s personnel and provide for integration and convergence. The portal ensures that all activities of the project are implemented; the IT platform is properly used; SCHs are equipped with the necessary resources; complaints are handled appropriately; complaint data received are analyzed; and campaign themes are aligned to the overall objectives; and . The Knowledge Resource Management Portal works in close coordination with various state governments and other stakeholders.*

### Project Manager of SCHKRMP, IIPA visited Dept. of Legal Metrology, Govt. of NCT of Delhi

**Project Manager, State Consumer Helpline Knowledge Management Resource Management Portal, IIPA visited Department of Legal Metrology, Govt. of NCT of Delhi** on **28th October 2013** in connection with setting up of **Delhi State Consumer Helpline**. A presentation was also made before Commissioner, Food & Supplies wherein the officers of Legal Metrology were also present. The importance of Consumer Protection Act, Consumer Protection, Empowerment, Education & Awareness, Redressal of Consumer Problems and role of State Consumer Helplines were the highlights of the presentation. The Delhi State Helpline is likely to start shortly.



### Training to advisors of Delhi State Consumer Helpline



At the request of Department of Legal Metrology, Govt. of NCT of Delhi, a training of data entry operators of Delhi state consumer helpline was organized **13 November 2013 to 26 November 2013**. The operators were given exposure to issues pertaining to consumer concerns in various sectors of industries, communication skills, handing consumer complaints through telephone, role of advisers and state consumer helpline and the software deployed to register the complaint and use of knowledge common data base.

### Training Programme for Coordinators and Advisors of Punjab State Consumer Helpline

**Two Day Training Programme for Coordinators and Advisors of Punjab State Consumer Helpline** was organized on November 27-28, 2013 by **State Consumer Helpline Knowledge Resource Management Portal** in the office of **Food Supply Directorate, Chandigarh**. Persons recruited for operationalization of state consumer helpline attended the training programme.



## National Consumer Policy



Project Manager, State Consumer Helpline Knowledge Resource Management Portal Participated in One Day workshop on **“National Consumer Policy”**; organized formally by Dept. of Consumer Affairs of CCS, IIPA; on 10 December 2013. Total **45 Participants** from **Department of Consumer Affairs, IIPA, NGOs, VCOs and Consumer Experts** attended the programme.

## Project Manager of SCHKRMP, IIPA attended seminar on “Consumerism in the Global Economy”

Project Manager, State Consumer Helpline Knowledge Resource Management Portal attended the **Two Day Seminar on “Consumerism in the Global Economy” in collaboration with Ethiraj College for Women, Chennai (Autonomous)** on **December 12-13, 2013** for Academicians, Scholars and students etc. in Chennai and made a presentation.



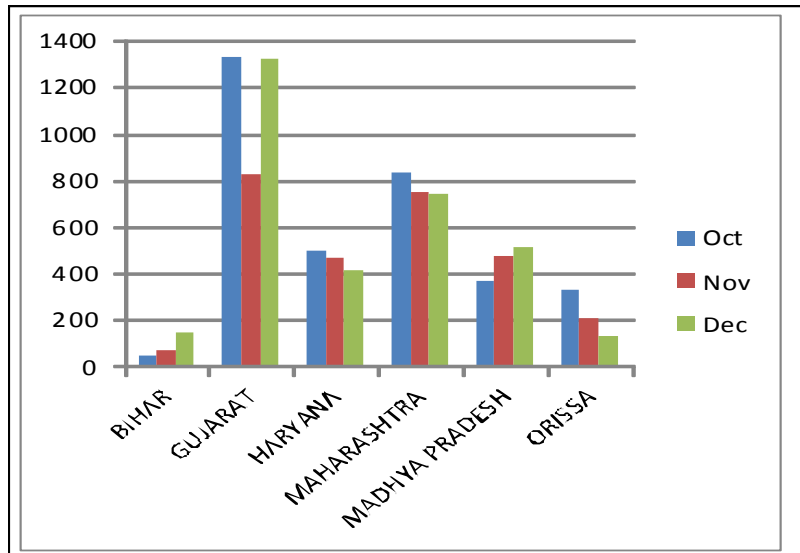
## 39<sup>th</sup> Advanced Professional Programme in Public Administration (APPPA)



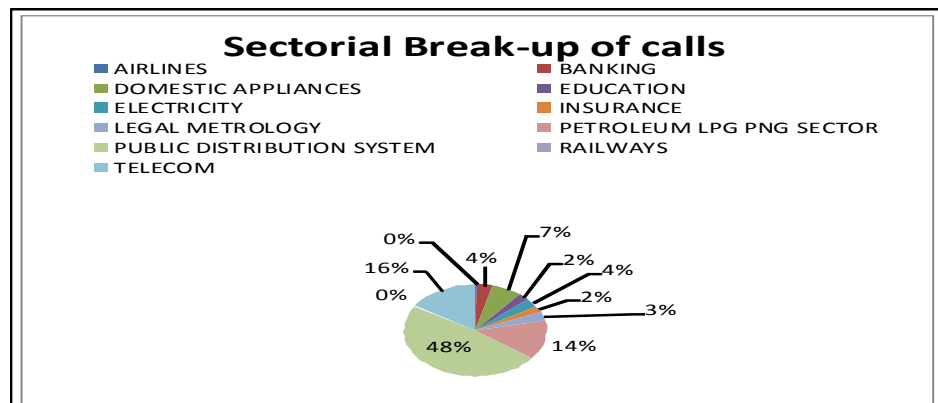
**39th Advanced Professional Programme in Public Administration (APPPA)** commenced from **1st July, 2013** at the **Indian Institute of Public Administration (IIPA)**. Project Manager, SCHKRMP took a session on **“Telecom and Consumer”** on **24th December, 2013**. He discussed on issues about frequent occurring problems in Telecom Services and the Service Benchmarks as laid down by Telecom Regulatory Authority on India. The participants were also acquainted with the grievance handling mechanism in telecom companies as per TRAI regulations.

## Calls Received by various State Helplines

State-Wise Calls Report as on Dec'2013				
State Name	Oct	Nov	Dec	Total
BIHAR	44	65	143	252
GUJARAT	1333	822	1324	3479
HARYANA	500	464	410	1374
MAHARASHTRA	831	749	742	2322
MADHYA PRADESH	363	477	508	1348
ORISSA	326	203	131	660
<b>Total:</b>	<b>3397</b>	<b>2780</b>	<b>3259</b>	<b>9435</b>



Sector Wise distribution of Calls				
Sector	Oct	Nov	Dec	Total
AIRLINES	2	4	6	12
BANKING	75	46	64	185
DOMESTIC APPLIANCES	170	92	112	374
EDUCATION	63	16	35	114
ELECTRICITY	66	49	67	182
INSURANCE	51	33	30	114
LEGAL METROLOGY	77	51	42	170
PETROLEUM LPG PNG SECTOR	301	211	222	734
PUBLIC DISTRIBUTION SYSTEM	1011	705	843	2559
RAILWAYS	7	5	9	21
TELECOM	261	260	314	835



### Call Analysis of “Nature of Complaints”

1. **In Banking sector**, most of the complaints related to credit cards and non functioning of the ATMs while some questions were on clarifications regarding Home loans and EMIs.
2. **On Railway sector**, complaints on ticket cancellation and difficulty in getting refunds dominated. Some consumers questioned the availability of amenities in the Railway coaches corresponding to the fare being paid on tickets. Few complaints were on Railway crossing affecting transporting emergency patients to hospital.
3. **In Electricity sector**, complaints were more on Billing, false bill generated, unscheduled power cuts, delay in registering bills paid and defective meters.

4. **On products purchase** the pattern of complaints registered relate to post purchase service and failure of Companies to replace defective products during warranty period and later on charging for repairs. This is growing tendency among Companies to the detriment of Consumers.
5. **Airlines sector** were dominated with complaints on refund of money on cancellation.

*\*Regular advisories are being posted on our website on the basis of [Call Analysis](#).*

## Interesting Cases / Judgments on Consumer Disputes

### Judgment on Theft of Electricity

National Commission in revision petition no. 4586 of 2012 of **Uttar Haryana Bijli Vitran Nigam Ltd. & Anr. Versus Man Singh & Anr. relied on section 135 Indian electricity act**, against the assessment made by assessment officer for the theft of electricity.

This is a revision petition filed by the petitioner against the order dated passed by the learned State Consumer Disputes Redressal Commission, Haryana in **Appeal No. 470 of 2007 – Uttar Haryana Bijli Vitran Nigam Ltd. & Anr. Vs. Man Singh & Anr.** by which while dismissing the appeal, order of the District Forum quashing the demand was upheld. Complainant had a filed complaint before the District Forum for quashing demand raised by the opposite party on the basis of tampering of seals of electricity meter.

This complaint pertained that to offence committed u/s 135 Indian Electricity Act and against the assessment made by Assessment Officer for the theft of electricity. **In the light of judgment passed by Hon'ble Apex Court in Civil Appeal No. 5466 of 2012 "U.P. Power Corporation Ltd. & Ors. Vs. Anis Ahmad', National Commission held that, this complaint was not maintainable before District Forum under Consumer Protection Act, 1986.**

Consequently, revision petition filed by the petitioner is allowed and impugned order dated 07.05.2012 passed by the learned State Commission in First Appeal No. 470 of 2007 is set aside and complaint stands dismissed.

Cases relating to theft of electricity do not fall within the purview of Consumer Courts.

### Judgment on Rash and Negligent Driving

#### **State of Madhya Pradesh Vs. Dongar Singh**

***Death by Negligence – Rash and negligent driving – Sentence reduction set aside***

2013 STPL (Web) 1028 SC

***Criminal Appeal No. 2030 of 2013 (Arising out of SLP (Crl.) No.5957/2013)- Decided on 29-11-2013.***

The only point which was argued on behalf of the respondent in the High Court was with respect to sentence, that the sentence be reduced to the period already undergone by the respondent by then which was only 34 days. The High Court has accepted the plea and reduced the sentence only on the ground that the trial was

pending since 1999. “We are not impressed by this reasoning given by the High Court. A life has been lost due to the rash and negligent driving on the part of the respondent which could not have been ignored. We allow this appeal, set aside the impugned order passed by the High Court and restore the order dated 19.2.2007 passed by the Judicial Magistrate, First Class, Chachoda, District Guna, awarding punishment of rigorous imprisonment for one year.”

The respondent was proceeded under Section 304A of the Indian Penal code for having committed the death of one Bachhraj due to rash and negligent driving. **The Judicial Magistrate, First Class, Chachoda, District Guna, awarded the sentence of one year rigorous imprisonment and a fine of Rs.1000/- to the respondent by his order dated 19.2.2007** which was left undisturbed in appeal by the Sessions Court at District Guna. The respondent filed a criminal revision before the High Court of Madhya Pradesh.

### **Judgment on Medical Negligence & Deficiency in Service**

National Commission in a revision Petition no. 2347 of 2008 OF **JAI PRAKASH MEHTA VERSUS DR. B.N RAI & ANR. Relied on the legal maxim “ RES IPSA LOQUITUR”** wherein the facts speak for themselves in favors of the petitioner.

This is a revision petition filed under Section 21 of the Consumer Protection Act, 1986 by Jai Prakash Mehta, Petitioner against the order of Bihar State Consumer Disputes Redressal Commission which upheld the order of District Fora which had dismissed his complaint of medical negligence on the part of Respondents.

Facts leading to the Petitioner’s complaint are that on 26th June, 1998 while he was employed as a contract laborer by Respondent No.2 and working on electrification of a railway line he sustained serious injuries, due to electric shock, which included serious burn injuries on his right arm, and he became unconscious. Respondent, who was an ENT Specialist advised x-ray of chest and right arm on the same day and prescribed some ointments and medicines. Though he was under medical treatment of the said Respondent for over two weeks, there was further deterioration of the burn injuries in his right arm and finally Respondent Doctor referred him to the Institute of Medical Sciences & S.S. Hospital, Banaras Hindu University, Varanasi” where he was informed that gangrene had set in which could not be reversed and his arm had to be amputated.

Being aggrieved by the medical negligence on the part of Respondents because of which Petitioner lost his right arm and which had very adverse and serious financial and emotional consequences for him, Petitioner filed a complaint in the District Consumer Disputes Redressal Forum, Rohtas, Sasaram on grounds of medical negligence and deficiency in service against Respondents and requested that they be directed to pay him a compensation of Rs.4,00,000/- with interest @ 18% per annum from the date of accident till payment as also litigation and allied costs.

Respondents in their written statement denied the allegations made against them. It was contended that Petitioner was not a ‘consumer’ under Section 2(1)(d)(i) of the Act since no fees were taken from him by Respondent No.1/Doctor. Further, he had already filed a case before the Labour Court and, therefore, the District Forum had no jurisdiction to decide the case. **The District Forum, dismissed the complaint on the grounds that there was no credible evidence to prove that there was any medical negligence. It was also concluded that since no fees were paid to Respondent No.1/Doctor, there was no privity of contract between the parties and, therefore, in terms of Section 2(1)(d)(i) of the Act the Petitioner was not a ‘consumer’.**

National Commission allowed the petition of JAI PRAKASH MEHTA & set aside the impugned order dated 28/9/2007 in passed by State Commission in the appeal no. 647/2005 JAI PRAKASH MEHTA VS. DR. B.N RAI & ANR. And order of district consumer from in the complaint filed by complainant. **National Commission allowed compensation of Rs.4 lakhs for the negligence and deficiency in service by the doctor by an order dated on 16 December 2013.**

### Judgment on Defective Product

#### **DISTRICT CONSUMER REDRESSAL FORUM HAULS UP M/S HP FOR SALE OF DEFECTIVE PRODUCT AND DEFICIENCY IN SERVICE**

This is an interesting case wherein, *Dr. C. Giri, Registrar of Indian Institute of Public Administration (IIPA)* had to approach a Consumer Court to get relief, due to the intransigence of a reputed Company like M/s Hewlett & Packard. In *case no. 22/2012 of Dr. C. Giri (Complainant) Vs. CEO, HP & Board of Directors (opposite party)*, the District Consumer Disputes Redressal Forum, New Delhi decreed that the M/s HP shall replace the defective laptop and pay a compensation of Rs. 20,000 in addition to costs.

Dr. Giri had purchased a brand new H.P laptop from Computer land Nehru Place, which became out of order due to its defective mother-board within one and half year, just out of warranty period. The Company disputed the claim of Dr. Giri on two counts; i.e. defective handling of the machine and that the product is out of warranty period. The Fora found both arguments untenable as there was no tampering with the product and that Mother Board being the main part of a laptop cannot become defunct in one and half year. The conclusion arrived on all facts of the case was that the motherboard of the laptop was defective and therefore the manufacturers are bound to replace the product to the satisfaction of the consumer.

**The district forum found gross deficiency in service and decided the matter in favor of the complainant vide its order dated 10.1.2013 on the ground of sub-standard product and manufacturing defect because the product of a standard company is not supposed to be out of order due to its defective mother-board within a short period of one and a half year bringing down its reputation.**

This case is model case where a consumer has asserted his rights against an MNC and won his rights.

### Satisfaction expected from a new car

Rs.2 Lakhs compensation to the complainant for the loss of enjoyment and satisfaction expected from a new car. Consumer Dispute Redressal Forum-IV (New Delhi District) in its order in a *Complaint Case No. CC/1257/09 of Vikas Khattar Vs. Maruti Suzuki India Pvt. Ltd* found that the complainant was faced with problems in his car from this beginning due to its imperfect fittings or other similar lack of services and quality check up before delivery of car. These facts show that complainant's car was defective. District Consumer Forum awarded **a compensation of Rs.2 Lakhs to complainant for the loss of enjoyment the loss of enjoyment and satisfaction expected from a new car and for imperfect checking of car and also allowed litigation expenses of Rs.25,000/-**. The order shall be complied within 30 days of the receipt of the copy of order, otherwise action can be taken under section 25/27 of the Consumer Protection Act.





## Consumer Information

### New RBI Guidelines

RBI allow loan against pledge of gold ornaments and jewelry. The guidelines are:

- i. The amount of loan sanctioned should not exceed Rs.1.00 lakh at any point of time.
- ii. Loan shall be for purpose other than agriculture
- iii. The period of the loan shall not exceed 12 months from the date of sanction.
- iv. Interest will be charged to the account at monthly rests but will become due for payment along with principal only at the maturity.
- v. Banks should prescribe a minimum margin to be maintained in case of such loans and accordingly, fix the loan limit taking into account the market value of the security (gold ornaments), expected price fluctuations, interest that will accrue during the tenure of the loan etc.



### Consumer Advisories : Before you buy Property

- i. Demand copy of the sale deed of the land and sanctioned plans.
- ii. Other no objection certificates such as fire safety etc.
- iii. Compare the plan shown in the brochure with sanctioned plan.
- iv. Check any additional amount payable for common amenities etc.
- v. Visit the site for construction progress and find out completion target plans.
- vi. Check penalty clause for delayed possession Vis-a-vis interest pay out for delayed payment.
- vii. Do extensive survey about the market rates and negotiate.
- viii. Ascertain whether the concerned builders/developers have obtained Commercial Land Use Certificate or permission letter from the competent authorities.
- ix. Carefully study the cost escalation clauses, cancellation policies and payment refund procedures.
- x. Ensure that the design offered is earthquake resistance.
- xi. Always insist for complete original documents and check the ownership title of the property, certificate of non-encumbrance, certificate of all dues including municipal taxes, electricity, water and sewage etc. paid.



## Reader's Feedbacks

Many thanx and congrats for publishing such an essential and informative doc. Seems to be an important publication for consumers. I could not find anything about such services for Uttar Pradesh. May be that it might have covered in the earlier issues. I hope this Newsletter would become a viable forum for consumers of the country. Wishing all the best.

- Prof. Masood Ahmad, Aligarh (UP)

Glad to receive your letter, its good effort, my sincere wishes are with you.

- Ashok Gupta

Thanks, for the Information. Its a nice work keep it up.

- Letginlal Dounge

Thanks for the e news letter. The information is valuable and relevant to the consumer.

- Onkar Singh

The newsletter with the details provided are very helpful to the consumers. It will be better if this may be more publicized through media and other sources for general public and the consumers.

- Dr. Muhammad Ibrahim

Thank You very much for sending E-Newsletter to me it is really informative an equally important.

- Md. Amir Khusru Akhtar

Thanks for sending me the e-newsletter and it is quite informative and encourages us to think about the injustices done to us, as we can now point out the instances vide your publication.

- Vasantha Srinivas

Thank you very much for sending the information, which is very useful and informative for our work field.

- Vijay Varma, President Dist.,  
Consumer Forum-1, Lucknow (UP)

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	1800-345-6760	079-27489945 / 46	0755-2559778	<b>RAJASTHAN</b>
	0674-2351990	<b>BIHAR</b>	<b>MAHARASHTRA</b>	1800 -180- 6030
	0674-2350209	1800 -345- 6188	1800 -222-262	
	<b>TAMIL NADU</b>	<b>HARYANA</b>	<b>CHHATTISGARH</b>	
044-28592828	1800 -180- 2087	1800 -233 -3663		