

THE AWARE CONSUMER

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**Assert Your Rights:
Engage with the
Regulators!**



NATIONAL CONSUMER DAY

24th December, 2022

Theme:

**Effective Disposal Of
Cases In Consumer
Commissions**

INTERVIEW

RAJEEV CHANDRASHEKHAR
Union Minister of State for
Electronics and
Information Technology

RESEARCH FEATURE

How Effective are the
Regulatory Bodies as
Institutions of Governance?



PLUS

ROUND UP • MY MARKET • THE PRESCRIPTION



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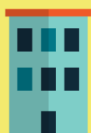
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VIEWPOINT

MESSAGE FROM PUBLISHER & EDITOR



Protecting Consumers' Interests: A Fair Justice System

WE CELEBRATE NATIONAL Consumer Day on 24th December every year to commemorate the establishing of India's first Consumer Protection Act way back in 1986. This is not just about safeguarding consumers from defective, unsafe and fraudulent products and services, but also empowering the consumers to seek justice based on their rights as consumers. Numerous campaigns and actions are undertaken to highlight the plight of the consumers and stimulate change in existing policies and regulations in favour of the consumers.

However, protecting consumers' interests is a tall order as it encompasses a broad segment of commercial for-profit business activities – from food, clothes, electronics and automobiles to financial services, utilities, insurance, technology, healthcare and much more. Safeguarding consumer rights is not easy either; every day there is some new scam or technique to exploit or jeopardise them in some manner!

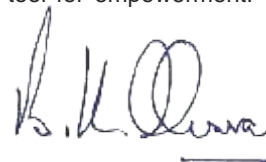
The elected lawmakers constantly consult the citizens to either amend the existing laws or legislate new laws to create regulators to promote commercial activities and also protect the rights of the consumers. These regulators not only monitor the business practices adopted by the manufacturers and the various players in the supply chain, but also consider new rules and regulations to fulfil the aspirations of the consumers within the boundaries of ethical business practices. This covers all the dimensions of trade and industry, from market structure and competition to price level and quality issues to social and environment considerations.

In short, the regulatory framework is designed to

develop the industry while serving the interests of consumers by restricting harmful activities and keeping the players in check. The overarching goal is to ensure that consumers are charged fair prices and receive quality goods and services at an affordable price.

Every regulatory body in India has been established with a transparent and accountable system that is free of political interference. There is a formal separation from the concerned ministries, but they still have to operate within an institutional mosaic, so to speak. These watchdogs wield special powers while following the specified structure for monitoring performance, permitting entry into the market, promoting universal access, negotiating contentious issues, redressing consumer complaints and so on.

This edition of The Aware Consumer is our attempt to collate a handbook on the various regulatory bodies in India that can serve as a 'ready reckoner' on the related regulatory oversight working in the interest of the various stakeholders including the consumer, who ultimately pays for the product or services. We hope you find it informative and useful as a tool for empowerment!



Prof. Bejon Kumar Misra

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**Raho halke,
jiyo khulke.**

PRAFULL D. SHETH

Editorial Board Member

THE PARADIGMS OF REGULATORY WATCHDOGS IN INDIA



REGULATORS ARE WORKING quietly all around us. The packaged food we buy comes with all the related information mentioned on the labels; the cigarette packets warn us of the dangers related to tobacco use. Misleading advertising is illegal while electrical systems have to be inspected and approved for user safety. The prices of petrol, diesel, electricity and gas are capped and so are the interest rates and other criteria for different types of loans. Businesses that host 'sales' cannot tout deceptive offers or even run 'closing sales' forever!

Indeed, the regulatory environment in India has matured over time – the market and its entities are regulated by specific bodies and the associated regime - they function within a pre-defined framework to ensure that standards and quality are maintained. The issues that consumers commonly face are first studied before framing an appropriate legislation which then gives birth to the regulatory body.

There are many kinds of

regulators today – they can take the form of a commission, a board or an authority. They invoke a specialised form of administration that may operate by limiting the possible abuse of market power by businesses so that consumer interests can prevail. Or they may even attempt to influence business decisions that affect consumers. Some even extend to determining product design for consumer safety, adjudicating disputes, etc.

Consumers have also embraced the regulatory institutions seeing that the outcome of the government entrusting something to a regulator is better on the whole. However, how many of us are actually aware of the specific regulatory body that is in charge of a particular sector? For that matter, how many of us actually reach out to them when we face an unsettling or contentious issue – be it adulteration, price differentiation, defective products, deficient services or other social injustices? Even if we want to do so, do we have the information and wherewithal to approach them for resolution?

Awareness is the need of the hour and we are striving to do this through this edition of our magazine. ▶



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HOW EFFECTIVE ARE THE
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OF GOVERNANCE?



Independent regulatory institutions have slowly evolved and become the norm across sectors in India.



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A NEW ERA OF REGULATION FOR
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A new and more comprehensive legislation for drugs, cosmetics and medical devices is on the cards.



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INTERVIEW



RAJEEV CHANDRASHEKHAR
Union Minister of State for
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FLYING THE FLAG OF REGULATION
IN THE FINANCIAL SYSTEM



Different regulatory bodies are responsible for protecting the interests of investors while promoting fairness in the Indian financial system.



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IN FOCUS

ELEVATING THE CONSUMER
'VOICE' FOR TELECOM ISSUES



It is difficult to function without our mobiles and internet connectivity today.



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OUT OF THE BOX

EASING RETIREMENT PLANNING ISSUES



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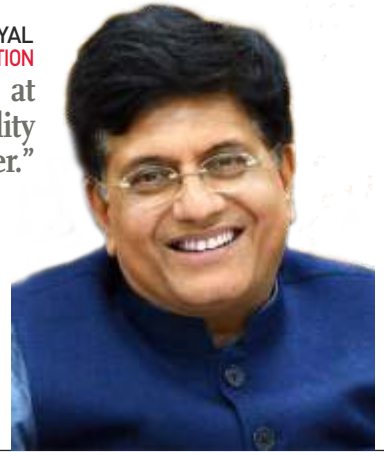
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SHRI PIYUSH GOYAL
MINISTER FOR CONSUMER AFFAIRS, FOOD & PUBLIC DISTRIBUTION

“If you want to know about the power of Consumers, then look at India and see how demand by proactive consumers for high-quality products have spurred Indian companies to perform better.”



ROUNDUP

“All Recognized Stock Exchanges are advised to design and implement an online web-based complaints redressal system of their own, which will facilitate investors to file complaints and escalate complaints for redressal through Grievance Redressal Committee (GRC), arbitration, appellate arbitration etc. in accordance with their respective byelaws, rules and regulations.”



SEBI Asks Exchanges to Launch Grievance Redressal Mechanism on Lines of SCORES

DATA BRIEFING

India observes National Consumer Day on **DECEMBER**

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because it was on December 24, 1986, that the Consumer Protection Act 1986 received the approval of the President of India and came into force.

CAPITAL MARKETS REGULATOR

SEBI (Securities and Exchange Board of India) has asked all recognised stock exchanges, including commodity derivatives exchanges, as well as depositories to launch an online web-based complaints redressal system of their own. This should be on the lines of SCORES and should be implemented by 4th January, 2023.

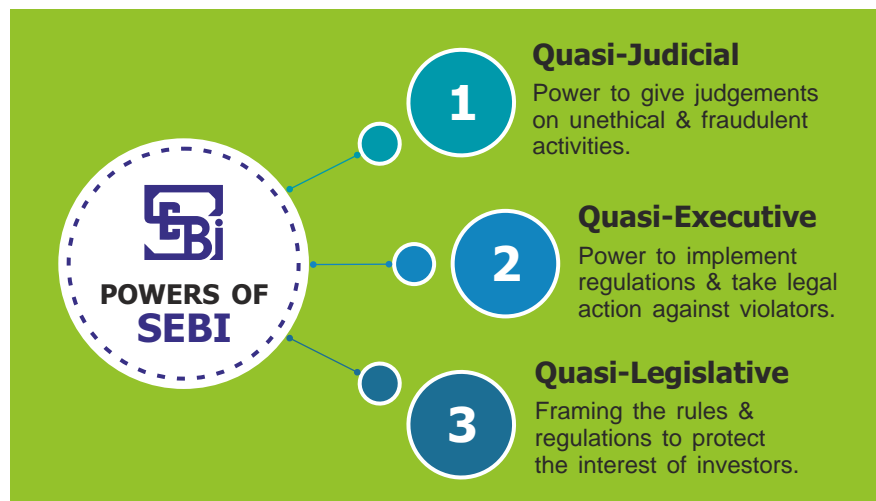
SCORES is an online platform that SEBI launched in 2013 to help security market investors to easily lodge online complaints against listed companies and SEBI-registered intermediaries. All complaints received by SEBI against these entities are dealt with through SCORES.

Therefore, SEBI is mandating that investors should be able to file complaints and escalate them for redressal through a Grievance

Redressal Committee (GRC), arbitration, appellate arbitration, etc. Accordingly, it has issued the following guidelines to stock exchanges and depositories for

designing and implementing a grievance redressal system:

- The system should be web-enabled and provide online access 24*7.



Potential Impact of the Draft Telecom Bill

THE DEPARTMENT OF

Telecommunication (DoT) under the Ministry of Communication, released the draft Indian Telecommunication Bill, 2022 in September this year to replace three existing but outdated Acts - Indian Telegraph Act, 1885, Indian Wireless Telegraphy Act, 1933, and The Telegraph Wire (Unlawful Possession) Act, 1950. The Bill was prepared after examining the relevant legislations in Australia, Singapore, Japan, the European Union, UK and the USA in detail.

The accompanying Explanatory Note states that, "The nature of telecommunication, its usage and technologies have undergone a massive change since the era of 'telegraph'. Given that we now live in the era of new technologies such as 4G and 5G, Internet of Things, the country needs a comprehensive legal

framework attuned to the realities of the 21st century."

The bill proposes to broaden the ambit of telecom services by including OTT (over-the-top), internet-based and satellite-

The Minister for Communications, Ashwini Vaishnaw stated that the Bill will become law in the next 6 to 10 months.

based communication services within the purview. This refers to messaging platforms like WhatsApp, Telegram, Signal, Messenger, Duo and Google Meet which provide real time person-to-person calling and messaging services.

They will be subject to the same licensing conditions as telecom service providers that have to obtain

a Unified Access Service Licence to provide telecom services in India. Similar specifications for digital OTT platforms will bring a number of conditions like maintaining KYC details of users, adhering to certain encryption regulations and allowing lawful access to the government of their equipment and networks.

Furthermore, the draft bill requires

- All complaints, Grievance Redressal Committee (GRC), arbitration, appellate arbitration and reminders should be lodged online at anytime from anywhere.
- An email should be generated instantaneously acknowledging the receipt of the complaint by allotting a unique registration number for future reference and tracking.
- The matter should be forwarded online to the entity (intermediary or listed company) concerned for redressal.
- The entity concerned then has to indicate the mode i.e., online or offline, for GRC and arbitration.
- The access to the online system should be given to the trading members and depository participants.
- The entity concerned will then upload an Action Taken Report (ATR) on the complaints.
- All recognised stock exchanges, including commodity derivatives exchanges and/or depositories, should peruse the ATR and dispose of the complaint if they are satisfied that the complaint has been adequately redressed.
- The concerned investor can view the status of the complaint online.
- Both the concerned entity and investor can seek and provide clarification(s) online to each other.
- The complaints, GRC, arbitration and appellate arbitration should have an audit trail.
- All complaints, GRC, arbitration and appellate arbitration is saved in a

central database that would generate relevant MIS reports to enable all recognised stock exchanges to take appropriate policy decisions and/or remedial actions.

- There should be a provision to link the online system with SCORES.

This will expedite redressal of complaints of investors by eliminating the need for physical movement of complaints. Further, the possibility of loss, damage or misdirection of the physical complaints would be avoided. It would also facilitate easy retrieval and tracking of complaints at any time.

All stock exchanges and depositories should widely publicise their online web-based complaints redressal system. ▶



that the identity of the person sending any telecommunication should be disclosed to the receiver. Therefore, the name of the person will have to be displayed along with the phone number on calls and messages. This will be a big step in reducing the incidence of spam calls and frauds.

With the online communication apps fearing over-regulation, Mr. Ashwini Vaishnaw assured that the government will only introduce light-touch regulations, keeping consumer interest, security and cyber fraud issues in mind.

ASHWINI VAISHNAW
Minister for Communications



Among other proposals related to giving the government more powers over spectrum assignment, internet shutdowns and intercepting communications, the bill seems to be making amendments that will end up diluting both the authority and effectiveness of Telecom Regulatory Authority of India (TRAI) and reduce it to a recommendatory role at best.

With concerns being voiced about how this will weaken the regulatory environment, increase government interference in policymaking, hurt consumer interests and even potentially lower

the quality of telecom services, the authorities are mulling over removing most of the TRAI-related amendments and bringing in a separate Bill with the objective of strengthening the regulatory body. The objective is to bring it on par with regulators like Federal Communications Commission (FCC) in the USA and the Ofcom in UK. However, this will be possible only a couple of years down the line.

The new bill is a long-awaited one that should be in tune with the rapid expansion of technology and new digital players in the market. We have to wait and watch how it unfolds in the future! ▶

ELECTRICITY AMENDMENT BILL 2022

– What's on the Cards?



R.K. SINGH, POWER MINISTER

YOU CAN EASILY switch your service provider for mobile, broadband and even gas cylinders if you are not satisfied with the price, quality of service or other issues. But there does not seem to be any choice as such when it comes to the electricity provider!

Well, consumers may just get the option to choose between multiple services providers in an area if the Electricity (Amendment) Bill, 2022 gets the nod in the Parliament. Tabled in the Lok Sabha in August this year, the bill has been referred for scrutiny to the Parliamentary Standing Committee for Energy. The Power

The Electricity Act 2003 was a gamechanger in its time—it set the stage for unbundling of the monopolistic service providers by allowing more than one distribution utility to operate in an area. The private sector was primed to enter and bring global best practices in its wake. However, most state governments were resistant and did not want to give up their control. The limitation for providers to supply power through their own network played into their hands as many private companies cannot afford to establish a full-fledged distribution network!

The Power Minister, R. K. Singh opined that the new provisions will remove monopolies in the power distribution sector and the ensuing competition will also improve the quality of services. He further suggested that the other provisions will strengthen the state power regulators while reassuring that there are no plans to stop subsidies to any section of consumers.

Ministry is hopeful of getting it passed in the ongoing Winter Session.

The new Bill aims to further transform the power sector by bolstering the power distribution network in the country. It removes this deterring requirement while providing that every discom must provide non-discriminatory open access to its network to all other discoms operating in the same area, on payment of certain charges.

This will be a major structural change that will create competition in the power distribution sector by giving consumers the option to choose between providers.

The bill proposes to transform electricity into a market commodity. But it is still questionable whether such competition is actually workable in the electric power supply industry? ▶

WHAT MAKES THE ELECTRICITY (AMENDMENT) BILL, 2022 A PRIORITY?

Inefficient Discoms that need recurring budgetary support



Monopoly mindset of Discoms with limited focus on customer satisfaction



Lack of innovation required to deal with changing energy landscape



Regulatory reforms for increased discipline and accountability in the sector

Source: www.moneycontrol.com

RIGHT TO REPAIR

– How Much is India Listening?



THERE IS A global movement on the Right to Repair - a key element of consumer protection and empowerment – with a focus on ensuring that people are able to fix and repair their own devices. In this regard, the United States recently passed the Fair Repair Act, 2022, the United Kingdom legislated the Right to Repair Regulations and the European Union instituted the Right to Repair.

What happens when your mobile stops working or the laptop battery fails to hold a charge? Repairs are mostly either too expensive or impossible. You are left with no choice but to purchase a new one! Come to think of it, how can the manufacturer force the consumer to get a gadget repaired from it? Why are the required components not available openly in the market? How can they deliberately make it difficult to repair a product?

The core value behind the 'Right to Repair' is that when customers buy a product, they own it completely, and they have the right to repair and modify the product with ease and at a reasonable cost, without being dependent on the manufacturers.

This is a severe restriction of consumer rights that increases the expenses for users while granting manufacturers a monopolistic advantage.

The Department of Consumer Affairs has formed a committee to develop a comprehensive regulatory framework to promote the Right to Repair. The sectors that are initially being targeted are mobile and tablet devices, hardware, battery, memory and processing power, consumer durables, farming equipment, automobiles and automotive equipment.

If all goes as expected, companies will not only have to mandatorily offer repair services for their products, but also make spare parts, tools and information on how to repair gadgets available to the consumers. This will increase the lifespan of products, reduce the cost of repairs and also prove to be sustainable for the environment. ▶



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Consumers, Beware

Government Regulatory Agencies for **CONSUMER PROTECTION**



Safeguarding consumer interests is at the heart of the activities of regulatory bodies, which encompass policing the market and monitoring businesses on the one hand and informing and protecting consumers on the other. The onus is on the consumer to engage the relevant regulator when faced with defective/deficient products and services, exploitation or other frauds.

A CONSUMER IS a person who purchases a good or service for direct use. This could be anything from milk or a food item to a book or toy to a sofa or mobile to a car or house. It could even involve getting a haircut or opening a bank account or buying insurance.

The Consumer Protection Act, 1986 lays down six broad rights of the consumers (updated by the new Act of 2019):

- Right to Safety
- Right to Information
- Right to Choose
- Right to Seek Redressal
- Right to Be Heard
- Right to Consumer Education

Flying the Flag of Consumer Protection

Consumer protection is all about safeguarding the consumers from the sellers, traders, manufacturers and service providers. Accordingly, a number of regulatory agencies have been formed to maintain oversight over various sectors – either as a separate department within a ministry or as an independent entity with its own statutory foundation.

These agencies are tasked with maintaining fair business practices that will ensure that consumers receive the necessary information to make informed decisions, are

The main purpose of regulation is to promote and protect the interests of consumers as market forces alone do not deliver the best outcome!

protected against hazards, do not face discrimination and have the ability to seek legal recourse, if needed. Certain products attract more regulation due to their higher risk of injury or death – like food, drugs, automobiles and children's products.

Every regulatory body is born out of a legislation. And the primary function of every regulator is to legislate and then execute the said mandates. The regulations will encompass rules for marketing of the products and services, safety standards, price controls and other procedures in the interests of the consumers. There will also be provisions for consumers to demand refunds, replacements and other redressal options for their complaints.

Therefore, the broad duties of regulators will cover the canvas of ensuring:

- Access for all consumers (including those who are disabled or in vulnerable positions)
- Effective choice for consumers between providers (allowing them to switch easily for better price, service or other considerations)

- Fair pricing (without any hidden or tricky surprises)
- Clear, simple, accurate and understandable information about products and services
- Fair marketing practices (including curbing of pressure selling and misleading advertising)
- Quality delivered as per standards with good quality outcomes being the norm
- Protection from harm (only products and services that are safe to use can be sold)
- Readily accessible channel for registering complaints and feedback
- Resolution of consumer grievances in a quick and fair manner (including free access to an Ombudsman or other independent mechanism for resolving disputes)
- Protection of the interests of consumers through proper education and guidance

How Does it Play Out?

Various regulatory agencies have been set up in India over the years with each sector having its own exclusive regulatory law and policy. There is the Reserve Bank of India (RBI) to regulate banking activities and Insurance Regulatory and Development Authority of India (IRDAI) to monitor the insurance sector. Food and drinks are regulated by the Food Safety and Standards Authority of India (FSSAI), drugs and cosmetics by the Central Drugs Standard Control Organisation (CDSCO) and telecom operations by the Telecom Regulatory Authority of India (TRAI). Indian investors can turn to the Securities and Exchange Board of India (SEBI) and pensioners to the Pension Fund Regulatory & Development Authority (PFRDA). The Petroleum and Natural Gas Regulatory Board (PNGRB) is responsible for oil and gas while there is the National Cyber Crime Reporting Portal for cybercrime.

The Central Consumer Protection Authority (CCPA) has been set up with the overarching mandate of consumer protection under the aegis



KEY ELEMENTS OF CONSUMER PROTECTION



of the new Consumer Protection Act, 2019. Then there is the Forum of Indian Regulators that works as a common platform for all the regulators across India where they can discuss emerging issues in regulatory procedures and practices, share information and experiences as well as develop common strategies to meet the challenges.

Every regulator takes the consumer interest into account when formulating policies or deciding issues and stays responsive to consumer needs. They have implemented various measures to protect consumers from exploitation – from mandating trademarks like ISI, BIS and AGMARK to hallmarking to making it mandatory to provide detailed information on the packaging of products.

The watchdogs remain vigilant and act swiftly on behalf of the consumers. They undertake consumer education and awareness activities and extend consumer care services too.

How Effective are Regulators in Reality?

The perspective of an active consumer activist is: "Ministries pertaining to sectors regularly interfere with independent regulators thereby challenging their very independence. These regulatory institutions lie at the heart of India's post-reforms economic governance system and their autonomy is a key parameter for determining the quality of economic democracy. An 'arm's length principle' can stop undue administrative control.

The core issues for regulators in India are inadequate autonomy and lack of parliamentary accountability. The regulators work on the margins of reform, and cannot substantially impact via policy and implementation. They need to work impartially to benefit the cause of fair competition and consumer interest. Undue control of the administrative ministry defeats this very purpose. It exposes the need for radical regulatory reform."

Conclusion

The resources are ready and at your disposal. The ball is in your court now as you have to invoke your rights. Consumers should reach out and alert the regulator whenever something goes amiss and push them to take appropriate action against the fraudsters and defaulters! ▶

How Effective are the Regulatory Bodies as Institutions of Governance?

Independent regulatory institutions have slowly evolved and become the norm across sectors in India. Today they govern large sectors of the economy - from financial markets and airports to telecom and electric utility companies - maintaining industry oversight in the interests of the consumers. But their true effectiveness remains questionable!



How successful is the rationale for creating regulators and what is their impact on the economy?

THE PRESENT REGULATORY system in India has its roots in the introduction of reforms in 1991. Prior to this, most of the sectors were regulated by the respective ministries with some of them also being the operator – like in the case of infrastructure and public utilities. The command-and-control structure created a web of hegemony over the markets which led to various snags and shortcomings. The consumer interest was served through direct regulations that were initiated by the government.

As the country embarked on the path of liberalisation, privatisation and globalisation in the nineties, there was a paradigm shift from a controlling regime to a regulatory one that paved the way for a market economy. The consensus was that businesses should be free to compete in a marketplace, but without interfering in each other's freedom.

This called for independent 'arms-length' regulators to specify the requirements for doing business while guaranteeing a level playing field and avoiding market failure. Accordingly, the policies and governance structure witnessed a sea change with the passing of a slew of laws to set up regulatory institutions in different sectors. They were tasked with maintaining oversight over monopolies and network industries to promote healthy competition. The powers are three-fold - set standards, monitor compliance and punish violations.

The market regulators across the spectrum of sectors like financial markets, electricity boards, food, drugs, technology, telecommunications and infrastructure are supposed to work autonomously, insulated from political and other pressures. As they are created by parliamentary law, they stand accountable only to the Parliament. Not being a part of regular government departments, they are not directly accountable to the concerned ministers.

We have three broad types of regulators:

- For regulating professionals (Doctors, Chartered Accountants)
- For regulating the markets (SEBI, RBI, IBBI) and
- For regulating the utilities (TRAI, PNGRB, RERA)

The Consumer Angle

Just before the reforms were initiated, India witnessed a historic moment with the enactment of the Consumer

Protection Act in 1986. This milestone was the culmination of decades of unrelenting efforts to give a voice and platform to consumers and their rights.

Therefore, the regulatory agencies had to not only regulate the businesses but also safeguard consumer interests while allowing market freedoms to exist. In fact, their primary duty is to protect the consumers from any kind of corrupt and unscrupulous malpractices by sellers, manufacturers, service providers, etc. They should also provide remedies when a consumer's rights have been violated.

Current Status

India started setting up regulators in the 1990s and we are still experimenting with the frameworks. Stability in the regulatory regimes seems to still be sorely lacking. To top this, many of the watchdogs lack teeth to actually safeguard the consumers.

The markets on their part have largely embraced the regulatory institutions that govern everything from entry into the market to ease of doing business to even exit from the market. This is even though they are well aware that the institutions will serve the interests of consumers by restricting exploitation and other harmful actions of business firms. In addition to this, compliance with regulations often translates into higher costs for businesses, not to mention that it constrains their freedom to make certain business decisions.

Consumers also turn to these specialised agencies whenever they face any issue. The general expectation is that regulators will check unfair, deceptive and fraudulent business practices by conducting investigations and suing companies that break the law. They will also maintain a fair marketplace by curbing scams that cheat people out of money and schooling businesses that don't make good on their promises.

But, in reality, how easy is to get a refund for a defective product or a deceptive claim about a

service? Moreover, there is the overriding concept that regulations often end up serving the businesses rather than their customers!

This is because regulators merely dance around consumer issues – their interests never occupy centerstage during policymaking exercises!



Regulators need to do more to show the concrete results they are aiming to achieve for consumers. I understand that there is a difficult balance to be struck between long- and short-term outcomes, between the needs of businesses and the interests of consumers. But at present the regulators' results can come across as somewhat academic and detached from peoples' practical concerns and pressures.

- Amyas Morse,
head of NAO in UK,
but his comments are
universally applicable....



Framework for Empirical Assessment of Regulators

Anirudh Burman (associate research director and fellow at Carnegie India) and Bhargavi Zaveri (researcher at the Indira Gandhi Institute of Development Research) published a paper on Measuring Regulatory Responsiveness in India in 2019 (<https://carnegieindia.org/2019/04/02/measuring-regulatory-responsiveness-in-india-framework-for-empirical-assessment-pub-78871>).

They judiciously point out that, "India lacks a common administrative law framework that mandates public consultation or participation in the rule/regulation making process. Responsiveness vis-a-vis the regulated and the beneficiaries of regulation in the regulation-making process has therefore arisen in the absence of this statutory administrative framework." What is happening is that every regulatory agency is guided by its own statute which prescribes standards for its functioning. As these standards vary vastly from one regulator to another, it causes a wide variance in the extent to which the agencies are responsive in the performance of their functions. To add to this, common standards for measuring the performance of regulators are absent in India.

The researchers have proposed a framework to measure the extent to which Indian regulators are responsive in the performance of their regulation-making functions. They demonstrate the viability of this framework by measuring the responsiveness of the regulatory agencies on two parameters:

- Extent to which parliamentary legislation requires the regulators to be responsive
- Extent to which the processes followed by the regulators are responsive while making regulations

For the latter, they even developed a set of benchmarks for what constitutes adequately responsive conduct before identifying a quantifiable output for each benchmark and assigning scores to the quantifiable outputs.

The research paper presents a comparative casestudy of two financial sector regulators - Securities and Exchange Board of India (SEBI) and Reserve Bank of India (RBI) - and two infrastructure regulators - Telecom Regulatory Authority of India (TRAI) and Airport Economic Regulatory Authority (AERA). The in-depth analysis of their responsiveness reveals that:

- There are significant differences in requirements for responsiveness within the laws establishing independent regulatory agencies.
- The level of responsiveness (participatory processes being followed) is generally low when measured against the benchmarks, and there is significant variation among regulators within this range.
- The degree of responsiveness seems directly proportional to the legal requirements for following participatory processes.

This is one of the first papers to develop a consolidated set of benchmarks for a responsive legislative consultation process that can be used to quantify the responsiveness of not only Indian regulators, but also others. It also indicates what can be done to improve the performance of regulatory agencies, and understanding the institutional setting for further reform.

Rule-Based Measures

There is considerable difference in the internal processes and administrative law applicable to each regulatory agency, like:

- Not all laws governing regulators mandate them to follow a consultation process in exercise of their quasi-legislative function.
- While none of the laws governing financial sector regulators mandate them to be 'responsive', more than half the laws governing infrastructure regulators vaguely mandate 'responsiveness' in their functioning.
- While parliamentary laws specifically mandate TRAI and AERA to follow consultative processes, the standard imposed in both cases is different. For instance, the law governing TRAI merely mandates 'transparency' while the AERA law provides a detailed definition of transparency that includes the core components of a responsive regulation making process.

Given the vague and varying standards mandated by the primary laws, it is unclear what consultative processes are sufficient for meeting the obligation established in the primary law. Therefore, the researchers conclude that the Indian legal framework does not adequately require rules-based measures of responsiveness nor does the relevant administrative law provide a consistent definition of the same.

Outcome-Based Measures

The paper studied the different kinds of legislative instruments issued by the four regulators between January 2014 and April 2016 (see Table 1).

It was found that while about 29% of the total number of legislative instruments issued by SEBI were laid before Parliament, RBI did the same for only about 4%. 46% of the total legislative instruments issued by TRAI were presented for Parliamentary scrutiny, but the corresponding percentage for AERA was 0. Therefore, while TRAI fares relatively better, less than half of the legislative instruments issued by all regulators are placed before Parliament.

When it comes to having a formal public consultation process before issuing the legislative instruments, SEBI held public consultations in about 10% of the cases while RBI did the same for only 2% of them. For TRAI it is 46% while AERA stands at 41%. (see Table 2)

Table 1: Number Of Instruments Issued

Instrument	SEBI	RBI	TRAI	AERA
Regulations	51	48	22	0
Circulars (including Master Circulars and Master Directions)	122	1016	0	0
Orders	1	0	12	69
Directions	0	0	14	1
Guidelines	1	0	0	0
Total	175	1064	48	70

Table 2: Public Consultation For Delegated Legislation Issued

Item	SEBI	RBI	TRAI	AERA
No. of instruments issued	175	1064	48	70
No. of instruments preceded by public consultation	18	14	27	29
Percentage	10.28%	1.39%	56.55%	41.43%

While studying the qualitative aspects of the consultation processes, it was revealed that the financial sector regulators follow a similar process. But there is considerable variation between the processes followed by them and the infrastructure regulators, and among the infrastructure regulators inter se.

Measuring Outcomes

Finally, the regulators were scored based on whether they achieved the outputs indicated for each benchmark. (see Table 3)

Therefore, on a score of 10, while TRAI manages to scale close to the halfway mark, the other regulators lag far behind. The infrastructure regulators score much higher compared to the financial sector ones owing to the presence of legal requirements for responsiveness in the regulation-making process of the former.

However, a disaggregated examination reveals the dismally low levels of responsiveness amongst all regulators across most of the benchmarks.

Conclusion

The regulatory environment in India is not homogeneous across sectors. To add to this, the business environment is far from enabling, with unnecessary regulatory burdens imposed upon the companies. One of the prime issues to emerge is the lack of actual independence of regulators despite legislative provisions. ▶

Table 3: Outputs And Scores For Responsiveness

S. No.	Output	SEBI	RBI	TRAI	AERA
1.	Does the agency publish explanatory documents?	0.1	0.02	0.57	0.41
2.	Does the agency pro-actively communicate with groups most likely to be affected?	0	0	0	0
3.	Does the agency publish comments received before issuing the final regulation?	0	0	1	1
4.	Does the agency provide time for counter-comments?	0	0	1	0
5.	Does the agency provide a response to the comments received?	0	0	0	0
6.	Does the agency provide more than one method of receiving feedback?	0	0	1	0
7.	Does the agency publish a statement of when the decisions will be made based on the consultative process?	0	0	0	0
8.	Does the agency publish the name of the individual in charge of the consultative process?	0	0	0	0
9.	Does the agency publish the source of the legal power to issue the proposed regulation?	1	0	1	1
10	Does the agency give adequate time for responding to the draft proposed by it?	0	0	0	0
	Total	1.1	0.2	4.57	2.41

DETAILS OF SOME OF THE PROMINENT

Sector	Regulator	Website	Complaint Redressal Portal
Banking	Reserve Bank of India (RBI)	https://www.rbi.org.in/	https://cms.rbi.org.in
Insurance	Insurance Regulatory and Development Authority of India (IRDAI)	https://www.irdai.gov.in	https://bimabharosa.irda.org.in
Securities	Securities and Exchange Board of India (SEBI)	https://www.sebi.gov.in/	https://scores.gov.in
Telecom	Telecom Regulatory Authority of India (TRAI)	https://traigov.in/	https://pgportal.gov.in/
Pension	Pension Fund Regulatory & Development Authority (PFRDA)	https://www.pfrda.org.in/	https://cra-nsdl.com/CRA/ https://pgportal.gov.in/pension/
Provident Fund	Employees Provident Fund Organisation (EPFO)	https://www.epfindia.gov.in/	http://www.epfigms.gov.in/
Food	Food Safety and Standards Authority of India (FSSAI)	https://www.fssai.gov.in/	https://foscos.fssai.gov.in/consumergrievance/
Drugs, Medical Devices, Ayush and Cosmetics	Central Drugs Standard Control Organisation (CDSCO)	https://cdsco.gov.in/	https://pgportal.gov.in/
Electricity	Central (and State) Electricity Regulatory Commission (CERC & SERCs)	https://cercind.gov.in/	https://cerc-efiling.gov.in/cerc/
Gas	Petroleum and Natural Gas Regulatory Board (PNGRB)	https://www.pngrb.gov.in/	https://pgportal.gov.in/
Cyber Crimes	National Cyber Crime Reporting Portal	https://cybercrime.gov.in/	https://cybercrime.gov.in/webform/crime_authologin.aspx
Anti-Competitive Practices	Competition Commission of India (CCI)	https://www.cci.gov.in/	Hard copy of application has to be filed by post or courier
Investor Education and Protection	Investor Education and Protection Fund Authority	https://www.iepf.gov.in/	https://www.iepfportal.in/
Real Estate	Real Estate Regulatory Authority	Every state has its own web portal	Complaint Registration page of your State's official RERA website
Civil Aviation	The Directorate General of Civil Aviation (DGCA)	https://www.dgca.gov.in/	https://pgportal.gov.in/
Railways	The Railway Board	https://indianrailways.gov.in/	https://railmadad.indianrailways.gov.in/
Consumer Protection	Central Consumer Protection Authority	Yet to be created	https://consumerhelpline.gov.in/

CONSUMER INTEREST REGULATORS

Email	Helpline	Status	Observations
crpc@rbi.org.in	14448 between 9:30 am and 5:15 pm (all working days)	Functional	Informative and Helpful
complaints@irdai.gov.in	155255 or 1800 4254 732 (8 am to 8 pm, Monday to Saturday)	Functional	Prompt and Clear
Not available	1800 266 7575 or 1800 22 7575 (9 am to 6 pm on all working days)	Functional	Clear and Responsive
Any grievance sent by e-mail will not be attended to/entertained	011-23236308	No reply after trying for 3 days	Better to call service provider
grc@pfrda.org.in care.dppw@nic.in	1800 222 080 or 022-24993499 (9.30 am to 6.00 pm on weekdays) 1800 11 1960	All are Functional	Responsive
employeefeedback@epfindia.gov.in uanepf@epfindia.gov.in	1800 11 8005 (24*7 including Saturdays and Sundays)	Fails to Connect Most of the Time	On the rare occasion of getting connected, network is not clear and gets disconnected midway
helpdesk-foscoss@fssai.gov.in compliance@fssai.gov.in	1800 11 2100 (24*7)	Fail to Connect on Repeated Attempts	Only once the IVR was functional, but got disconnected later
dci@nic.in	011-23216367 or 1800 11 1454	Helplines are only for technical issues	
	1912 (24*7)	Need to register mobile number to make a complaint	
	Call specific provider		
cybercrime.gov.in	1930 (9:00 am to 6:00 pm)	Functional	Helpful in filing complaint
secy@cci.gov.in	011-24664333 (10:00 am to 4:00 pm on all working days)	Functional	Informative and Helpful
iepf@mca.gov.in	0120 4832500 0124 4832500	Does not connect	
			Contact your local RERA office
grievance.dgca@nic.in	011 24622495 or 8010204880	Call airline nodal officer to register complaint	Nodal Officer, Mr. Bharat Lal is helpful
	139 available 24/7	Rarely connects after multiple attempts	Call is answered after a long time post the IVR message
com-ccpa@nic.in	1800-11-4000 or 1915	Functional	Prompt and Clear

Broken Redressal System Leaves Consumers Holding Inherently Defective High-Value Products

With Indian consumers purchasing more and more high-value goods both online and offline, survey trends reveal that many of us end up dealing with defective products and struggling to find the appropriate redressal mechanism.



A pan-India study gauges consumer response towards receiving defective high-value products and the fight to get a replacement

INDIA HAS A huge base of consumers - in the middle-class segment and above - who buy a variety of high-value products, including automobiles, smartphones, laptops, consumer electronics, appliances and other white goods. Surprising but true, many of them end up not functioning properly due to an inherent defect!

Passing a verdict in one such case, the Bangalore Urban District Consumer Disputes Redressal Commission directed a local firm to pay compensation for selling a defective product to a consumer and for their failure to replace the defective product despite repeated requests for about 6 months.

The scenario usually plays out as follows - Consumers who are aware, try to contact the warranty department of the company to find redressal while others get it repaired locally. Many others just end up using the defective products until they become completely defunct. It is only in a handful of cases that the warranty department responds quickly and addresses the grievance within days; most others take a long time to sort out the issue. As most consumers are unable to wait for redressal from the brand warranty or non-warranty process, they either get the laptop/television set repaired locally (which has consequences) or just buy a replacement.

To gauge the magnitude of the issue, LocalCircles - India's leading community social media platform - conducted a nationwide study to gather the consumers'

pulse on getting a defective high-value product fixed or replaced.

LocalCircles enables citizens and small businesses to escalate issues for policy and enforcement interventions and also enables the government to make policies that are citizen and small business centric. It is also India's #1 pollster on issues of governance, public and consumer interest.

The study received over 28,000 responses from consumers residing in 355 districts of India. 63% of the participants were men while 37% were women. 49% of respondents were from tier 1 districts, 29% from tier 2 and 22% respondents from tier 3, 4 and rural districts.

Survey Speak

The survey collated consumer experiences over a period of 24 months and released the report in March 2022.

According to the results, **nearly one in two Indian consumers reported being stuck with one or more high-value faulty products!**

Going deeper, around 46% of the survey said they 'did not find any defects in products purchased'. Breaking down the poll, 6% of consumers say it 'happened with five or more products', 14% said it 'happened with two to four products', and 30% say it 'happened with one product', while 4% could not say anything. (see Figure 1)

FIGURE 1

In the last 2 years, how often did you find that the electrical/electronic/whitegood/automobile/other category high value products that you purchased were inherently defective?



Responses – 9,661

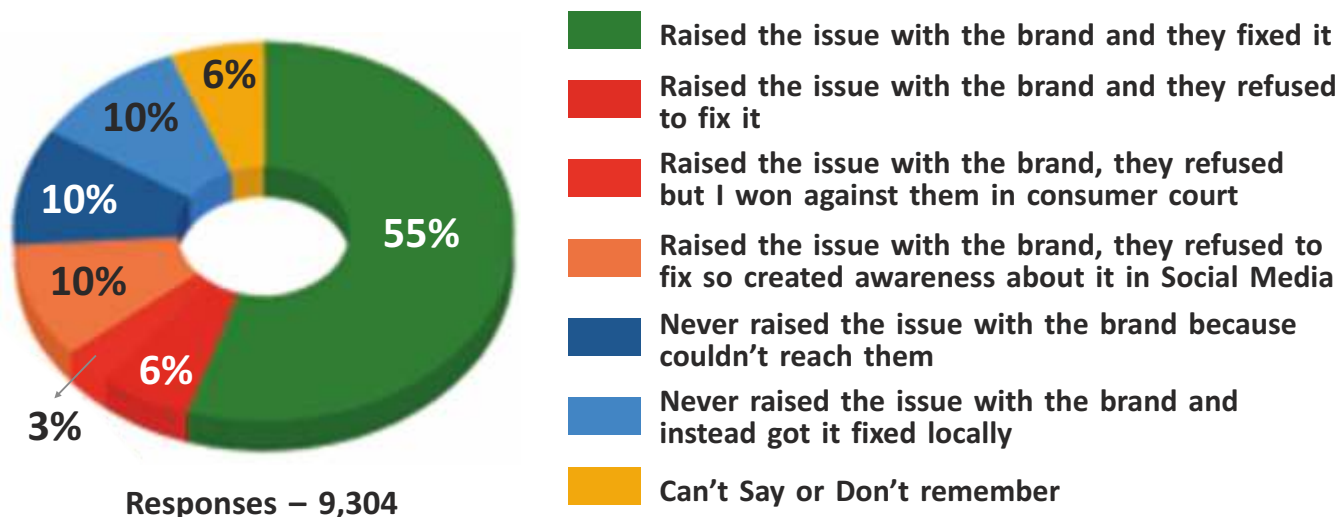
LocalCircles

46%

consumers say they purchased a high value product in the last 2 years which was inherently defective

FIGURE 2

In the last 2 years, when you identified a high value defective product how did you get the issue resolved?



LocalCircles

Of consumers who had a high value product with inherent defect in the last 2 years, 3 in 10 could not find any assistance from the brand; 1 in 10 just got it repaired locally

The survey proceeded to delve into how the issue of inherent defects was resolved by the brand. Of those who purchased products that turned out to be faulty or defective, 3 in 10 did not get any assistance from the brand to get the product fixed or replaced – so they either bought a replacement product, got it repaired locally, sold or disposed it, or are still holding on to the defective product. 1 consumer in every 10 did not bother to approach the brand and got it fixed locally. (see Figure 2)

In one such instance, a laptop worth Rs. 1 lakh purchased from an authorised company distributor had a defective camera. It took the consumer about four weeks to get a replacement after multiple visits by company techs. Going by the consumer feedback received by LocalCircles, “The process is extremely unfriendly for the end consumer and is designed to minimise replacements.” And while all this happens, the consumer’s functioning is disrupted without any compensation or a spare device to use from the company.

The survey report further highlights that majority of the brands will go to whatever extent possible to deny a replacement to the consumer, even under warranty.

Outside warranty service is mostly broken for most brands. In some cases, it takes weeks to just acknowledge a consumer complaint. In many other cases, something as simple as a toll-free number is hard to find for consumers. Even after it is found and the consumer approaches it, the customer service agent remains elusive. Then there are the customer service hours and calls received after-hours are just not returned. Many consumers simply give up on such faulty after-sale services.

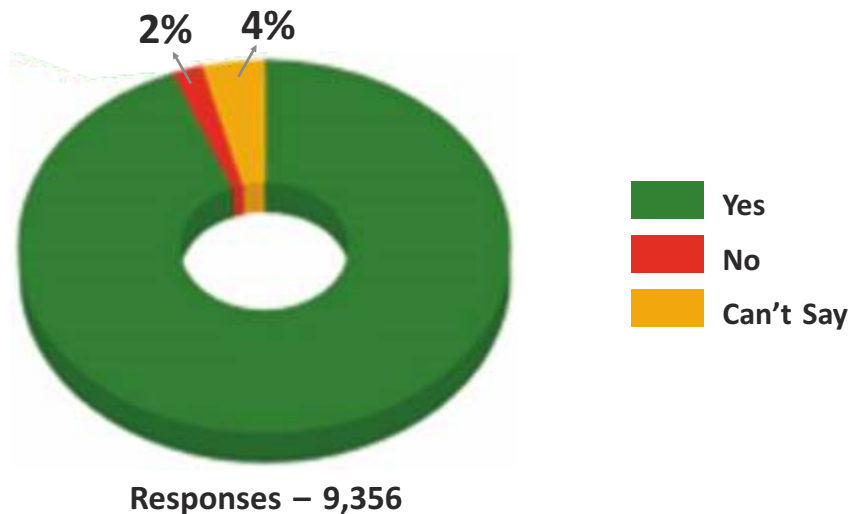
Going ahead, a whopping 94% respondents were vehement that the Central Consumer Protection Authority (CCPA) must take suo-moto action against brands that are found selling defective products. (see Figure 3)

LocalCircles further stated that it regularly receives a large number of complaints against many appliances, electronics and gadget brands every month. This is primarily because most brands in India fail to understand

After-sales service or replacing of faulty products is a tricky issue in India and often consumers struggle to find a speedy resolution!

FIGURE 3

The Consumer Protection Act 2019 provides CCPA the powers to take class action on behalf of a group of consumers and take suo moto action against brands and companies when they have an inherently defective product and get them to recall/replace it. Should taking such matters up be the priority of the CCPA?



94% consumers want the CCPA to start taking suo moto action against brands that have a defective product impacting consumers

the concept of fast and consumer-centric after-sales service.

It further pointed out that most Indian consumers generally only evaluate the product features, prices, discounts, look and feel and make their purchase decision. With e-commerce apps also in the mainstream now, some of these purchases happen based on comparisons with other products, reviews and ratings.

The survey platform will share the findings of this survey with key stakeholders in the central government, the Ministry of Consumer Affairs and the CCPA for action. It wants the actions of CCPA to be such that they drive a culture change amongst brands to invest in after sale service, for if they do this right, they could have happy consumers for life! ▶



Nearly 50% Consumers Stuck with Inherently Defective High-value Products due to Broken Redressal System: LocalCircles



A New Era of Regulation for Drugs & Cosmetics?

A new and more comprehensive legislation for drugs, cosmetics and medical devices is on the cards. Will it really ensure quality, safety, reliability and efficiency for the consumers? What about the redressal angle?

THE MANUFACTURE, IMPORT and distribution of all medicinal drugs and cosmetics in India is governed by the pre-independence Drugs and Cosmetics Act, 1940 that has long outlived its utility. The outdated legislation is riddled with loopholes, drawbacks and obsolete protocols that keep us out of sync with modern developments to the extent of impinging on consumer health and safety.

The government is finally attempting to review and modernise the archaic Act to accommodate the changing times and adapt to the new technological developments with the Drugs, Medical Devices and Cosmetics Bill, 2022. It seeks to ensure that all medical products sold in India are safe, effective and conform to quality standards.

The draft bill proposes new definitions for new drugs, over-the-counter (OTC) drugs, cosmetics, adulterated cosmetics, medical devices, bioequivalence study, bioavailability study, clinical trials, clinical investigation and proprietary medicine among others. The highlights include:

- Introducing a regulatory mechanism for online sale of drugs and medical devices that clearly specifies that no person shall sell, stock, exhibit, offer for sale or distribute any drugs by online mode except under and in accordance with a licence or permission issued in such manner as may be prescribed. E-pharmacies are a burgeoning but highly unregulated space right now with suspicious, spurious and other harmful drugs being sold to unwary consumers. Draft E-Pharmacy Rules were published by the government in 2018, but were never enacted.
- Incorporating Sowa Rigpa, Homeopathy and Traditional Medicines as Ayush products and regulating them accordingly. The current Act is limited to Ayurveda, Unani and Siddha only. Moreover, the Bill specifically recognises Ayush medical devices and cosmetics as an independent class of products with provisions for regulations.

- Introducing new provisions for clinical trials and investigation of new drugs and medical devices in human participants that mandate permission from the Central Licensing Authority. There are stipulations related to compensation and medical treatment in case of injury or death of people participating in a clinical trial or study.

of drugs, medical devices and cosmetics that are in violation of the law.

Consumer Grievance Redressal Mechanisms

We cannot avoid the use of medications in our daily life. Cosmetics are also playing an integral role in our lifestyle. But what



The new bill is a welcome step forward in revamping the antiquated regulations for drugs and cosmetics!

- Retaining the same offences of the current regime but with enhanced penalties for violation. The more stringent punishments increase the imprisonment for a period of one to ten years (which may extend to life imprisonment) and amount of fine up to Rs. 15 lakhs.

Yet, the proposed Bill seems to be mostly a reiteration of the old law. It misses out on grave issues like recall

if a consumer faces an unexpected irritation or other adverse reaction after using a drug or cosmetic?

Alas, the menace of misbranded, adulterated and spurious drugs continues unabated despite having Drugs Controllers in every state/union territory and Drugs Inspectors in districts to implement the drug laws. And even though we have the Central Drugs Standard Control Organisation (CDSCO) which is the

Always insist on a bill of purchase at any pharmacy (irrespective of the quantity of purchase) to ensure action in case of a complaint!

Central Drug Authority in the country and prices of certain drugs and medical devices being regulated by the National Pharmaceutical Pricing Authority (NPPA), many pharmacies still indulge in malpractices - like selling medicines at a higher rate than the MRP and even vending banned drugs.

In such cases, a consumer can file a complaint on the quality or price of a drug/cosmetic with the Drugs Inspector of the district or the State Drug Controller. However, they are usually advised to first send a written complaint to the customer care department of the manufacturing company through email, website or by post. For more information, check <https://cdsco.gov.in/opencms/opencms/en/State-Drugs-Control/>. Suspected adverse drug reactions can be reported at https://cdsco.gov.in/opencms/export/sites/CDSCO_WEB/Pdf-documents/Consumer_Section_PDFs/ADRRF_2.pdf.

For banned drugs and other such critical instances, they can also approach the Drug Controller General of India (DCGI). Suspicious drugs and cosmetics can even be submitted to the government analyst for testing (<https://cdsco.gov.in/opencms/opencms/en/About-us/Laboratories/>). Other help desk details are available at <https://cdsco.gov.in/opencms/opencms/en/About-us/contact-us/>.

Grievances relating to pharmacists can be lodged with the Pharmacy Council of India or the concerned State Pharmacy Council.

Alternatively, a consumer can register a complaint against the seller/manufacturer/distributor of a drug or cosmetic on the official consumer grievance portal, mobile applications, helpline or mobile number provided by the Department of Consumer Affairs. Such criminal entities can even be sued under the Indian Penal Code.

In case the consumer is not satisfied with the resolution provided, they can file a case with the Consumer Dispute Redressal Commission at the District, State or National level under the Consumer Protection Act, 2019.

Additionally, the Drug Authorities also issue guidelines for consumers like:

- Always take your doctor's prescription to ensure that you get the correct drug.
- Do not purchase drugs without a doctor's prescription.
- Purchase drugs only from licensed dealers (chemists and druggists). The licenses are prominently displayed by the dealers in their shop.
- Ensure that the dealer supplies the medicine which is prescribed.
- Consult the doctor if the medicine prescribed by him is not available.
- Do not use/consume medicines without consulting a doctor.
- It is dangerous to indulge in self-medication.
- Insist on cash memo or bill containing correct description of the

drug purchased i.e., name of the drug, batch number, date of expiry, name and address of patient and doctor.

- Cross-check the bill with the price printed on the label to ensure that you are charged the correct price.
- Do not pay more than the maximum retail price.
- Ensure that the batch number of the medicines supplied tallies with the batch number mentioned in the cash memo.
- Check the expiry date of the medicine which is printed on the label.
- Do not use expired medicines.
- Do not use/buy any medicine that does not have a label.

Consumers are advised to report to the nearest officer of Drugs Control Department in case of:

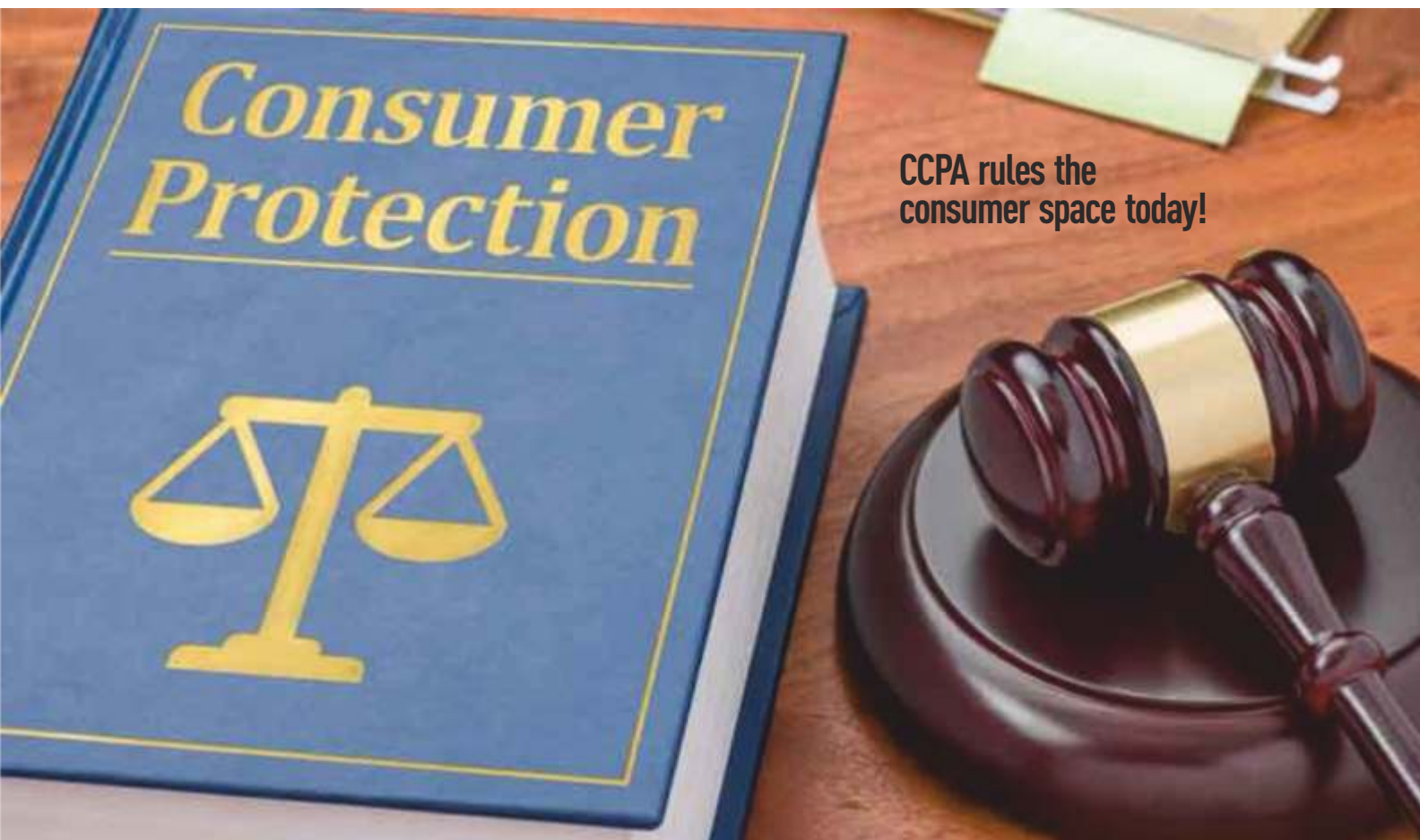
- Non-availability of any drug
- Discrepancy in the date of expiry or price printed on the label
- Stock/sale of medicines labelled as 'Physician's Sample' or 'Government Supply Not For Sale' in any medical shop

Conclusion

The Drugs, Medical Devices and Cosmetics Bill is long overdue for overhauling the ancient legislation. We have to wait and watch how the authorities play it out in the coming days! ▶

Engaging the Whip of the Law for Consumer Issues

The new Consumer Protection Act, 2019 provides for the creation of a Central Authority - this has emerged as an innovative and laudable mechanism for protecting consumer rights. Consumers can seek timely and effective redressal for their grievances by way of complaints and/or mediation.



CCPA rules the consumer space today!

THE CONSUMER PROTECTION Act of 1986 was a path-breaking legislation in its time. However, economic and market changes over the years exposed huge lacunae that were finally filled by the new Consumer Protection Act, 2019. This incorporates the emerging market and technology dynamics (like e-commerce) and provides better fortification of the rights and interests of the consumers. It also promotes consumer education while affording speedy and effective disposal of consumer grievances.

One of the landmark features of the new Act is the constitution of a Central Consumer Protection Authority (CCPA) as an executive agency to promote, protect, enforce and enhance consumer rights. As opposed to the earlier quasi-judicial interventions, the CCPA is bestowed with almost superpowers to regulate matters relating to violation of the rights of consumers, unfair trade practices and false/misleading advertisements which are prejudicial to the interests of the consumers. This is also the first time that a consumer protection agency has been conferred with the powers to take action for damage caused by a product.

The extensive mandate includes a heavy arsenal of investigation, injunctive and punitive actions like:

- Conducting a preliminary inquiry of any infringement of consumer rights or unfair trade practices - after receiving a complaint, on directions of the Central Government or of its own accord (whenever and wherever it deems necessary).
- Following the report of a prima facie case in the above instances, it can launch a prosecution by the Director General of its investigative wing or by the District Collector.
- Entering any premises to search or seize any document or article in accordance with the Code of Criminal Procedure, 1973.
- Ordering recall of goods or withdrawal of services that are hazardous and detrimental to the consumers.
- Issuing orders to reimburse the price of unsafe, damaged or defective products or services to the consumers.
- Requiring discontinuation of unfair trade practices that are prejudicial to the interests of the consumers.
- Filing class action suits, if needed.
- Cancelling licenses in case a consumer complaint affects more than one consumer.
- Issuing directions to the concerned trader/manufacturer/advertiser/publisher to either discontinue or modify a false or misleading advertisement
- Restricting the endorser (including celebrities) of a misleading advertisement from endorsing that particular product or service for a period of up to one year. For every subsequent offence, the period of prohibition may extend to three years.



Ms. Nidhi Khare is the current Chief Commissioner of the CCPA. There are two more Commissioners – one for goods and the other for services.

- Imposing penalties for misleading advertisements of up to Rs. 10 lakh and imprisonment for up to two years. In case of a subsequent offence, the fine may extend to Rs. 50 lakh and imprisonment of up to five years.
- Engaging in consumer advocacy by offering services of registering complaints before the Consumer Disputes Redressal Commissions (National, State or District Commissions), being involved in the proceedings and suggesting remedial actions.
- Issuing safety notices to consumers against unsafe goods and services.
- Involving in research, awareness and guidance activities on safety precautions for consumers.

Filing a Consumer Complaint

The Consumer Protection Act, 2019 provides for timely and effectively redressal of consumer grievances or disputes with the product manufacturer, seller or service provider of the goods or services they purchase. It defines a complaint as, “any allegation in writing, made by a complainant for obtaining the relief provided under the act in case of unfair trade practices, defects in goods, deficiency in service, excess price of goods and services, selling of hazardous goods and product liability.”

An advocate is not required for filing a consumer complaint. It can be filed before the designated authority by:

- A consumer who bought the goods or services
- In the event of a consumer's death, a legal heir or representative
- In case of minor, a parent or legal guardian
- Group of consumers having similar interest in the matter
- Registered voluntary consumer associations

The complaint can be filed with the District Collector, the Commissioner of the regional office or the CCPA. In the case of violation of consumer rights, a consumer can even approach the District, State or National Commission. In the latter case, the consumer forum where the complaint is filed should have both the territorial and pecuniary jurisdiction to decide the matter.

Pecuniary Jurisdiction

- District Commission: Amount not exceeding Rs. 1 crore
- State Commission: Rs. 1 crore to 10 crore
- National Commission: Amount exceeding Rs. 10 crore

Territorial Jurisdiction

Place where the opposite party resides, (in case of more than one opposite party, the place where one of the opposite parties resides) or carries on business or personally works for gain.

Fees for Consumer Complaints

Sl. No.	Value of goods or services paid as consideration	Amount of fee payable
District Commission		
(1)	Upto rupees five lakh	Nil
(2)	Above rupees five lakh and upto rupees ten lakhs	Rs. 200/-
(3)	Above rupees ten lakh and upto rupees twenty lakhs	Rs. 400/-
(4)	Above rupees twenty lakh and upto rupees fifty lakh rupees	Rs. 1,000/-
(5)	Above rupees fifty lakh and upto rupees one crore	Rs. 2,000/-
State Commission		
(6)	Above rupees one crore and upto rupees two crore	Rs. 2,500/-
(7)	Above rupees two crore and upto rupees four crore	Rs. 3,000/-
(8)	Above rupees four crore and upto rupees six crore	Rs. 4,000/-
(9)	Above rupees six crore and upto rupees eight crore	Rs. 5,000/-
(10)	Above rupees eight crore and upto rupees ten crore	Rs. 6,000/-
National Commission		
(11)	Above rupees ten crore	Rs. 7,500/-

The complaint can be made in writing or electronic mode.

- A physical complaint can be filed at the concerned Consumer Dispute Redressal Commission. It should be written on a plain paper and filed by the consumer himself, through an authorised agent or by registered post. The complainant should file four copies of the complaint and additional copies for each opposite party.
- The fee has to be paid in the form of Demand Draft, in respect of the Registrar of the respective Commission.
- Online complaints can be registered at <https://consumerhelpline.gov.in/>. This will require registration by providing the name, email, contact number and a password.
- Use the login credentials to log in to the website and click on 'Register Your Complaint' to provide the details regarding the complaint and upload the required documents. There are different grievance portals in different sectors.
- Consumer complaints can also be registered through mobile apps (like the NCH app, Umang App or Consumer App), calling on the National Consumer Helpline number 1800-11-4000 or 1915 or sending a text message to 8130009809.
- After registering the complaint, the complainant will be provided with a unique identification number that can be used to track the status of the complaint.

- Fees for the complaint can be submitted through the online payment portal.
- A consumer can complain directly to the CCPA by sending an e-mail to com-ccpa@nic.in.

The Department of Consumer Affairs has launched the Integrated Grievance Redress Mechanism (INGRAM) portal at <https://consumerhelpline.gov.in/> for bringing all stakeholders such as consumers, central and state government agencies, private companies, regulators, ombudsmen, and call centres etc. onto a single platform.

The complaint should furnish the following information:

- Name and complete details of complainant and opposite party/parties.
- Date and time of purchase of goods/availing of services and the amount paid for them.
- Facts about the complaint, such as when and where it occurred
- Particulars of the case (defect in goods or inferior quality of service) to establish the cause of action.
- Particulars of the relief sought in the complaint.

The E-Daakhil online portal (<https://edaakhil.nic.in/>) was launched by the National Consumer Disputes Redressal Commission (NCDRC) for online and offline filing of complaints by aggrieved consumers under the Consumer Protection Act, 2019. It facilitates consumers to file complaints from anywhere irrespective of their physical location and also pay the related fee, if any.

The facility is presently functional in 33 States/UTs for respective NCDRC, state commission, 13 circuit benches and 651 district commissions. A total of 23640 complaints have been received through e-filing on e-daakhil in the two years since its inception in September 2020.

- Copies of the documents supporting the contention of the complainant. (invoice, warranty receipt, etc)

Statutory Limitation for Filing Complaint: The complaint needs to be filed within 2 years from the date of on which the cause of action has arisen.

If any party is not satisfied with the resolution provided, they can file an appeal with a higher body. An appeal before the State Commission has to be filed within 30 days from the order of District Commission and before the National Commission within 30 days from the order of the State Commission. Appeals before the Supreme Court against the order of the National Commission have to be made within 45 days.

Mediation

The new Act introduces Alternative Dispute Mechanism for the speedy and effective redressal of the consumer cases. If the commission believes there is a prospect of resolving the issue between the parties, the case may be referred to the Mediation Cell. Either party may also submit a formal request for mediation to the District, State or National Commission.

Procedure

- Parties can mutually agree on the procedure to be followed
- In case the parties fail to agree on mutual grounds, the mediator shall follow the procedure outlined below:
 - The mediator shall fix the time, date and venue, where parties have to be present.
 - Otherwise, mediation proceedings can be held at the Mediation Cell attached to District, State or National Commission with joint/separate meetings of the parties being held.
 - Within a period of 10 days following the session, both the parties must submit a Memorandum of Issues to the mediator and other parties involved, highlighting the issues which need to be resolved.
 - The mediator shall encourage a consensual resolution between the parties, convey the parties' points of view, and aid them in resolving the issue using the necessary information supplied by both

parties.

- The parties should reach an amicable solution within 30 days.
- If the parties arrive at a settlement, it must be reduced in writing and signed by both the parties and the mediator. The mediator shall further submit a detailed report of the settlement to the concerned commission.
- If the parties fail to reach a settlement, the mediator should submit a report to the commission stating the reasons for non-settlement.

CCPA In Action

The CCPA has been working actively in its 2.5 years of existence, initiating action against errant businesses, both suo moto and based on complaints received. There have been scores of instances of notices issued to and penalties imposed on erring businesses for violations of consumer rights, misleading advertisements and unfair trade practices.

For example, the authority passed an order against misleading advertisements of Sensodyne products and Naaptol Online Shopping. It penalised companies for selling substandard helmets and even e-commerce platforms for pressure cookers which did not conform to the mandatory BIS standards. The online portals also received a warning against selling wireless jammers without the necessary authorisation or license. show cause notices were sent to electronic vehicle makers following the spate of fires in the battery-powered units.

The CCPA even issued guidelines barring hotels and restaurants from levying service charge on food bills by default. Paying the service charge is completely voluntary and consumers can lodge a complaint against the violators.

Conclusion

The consumers are waiting to see how the CCPA truly becomes effective and starts taking bigger actions against errant manufacturers and traders. The penalties should truly hit the big companies where it hurts the most to be able to deter them from repeating the errors. Till now they are paying the small fines with a smile and do not think twice before doing it again....and again! ■

INTERVIEW

“**The world looks at us as a preeminent country that has deployed technology for the benefit of the citizens.**”



RAJEEV CHANDRASHEKHAR

Union Minister of State for Electronics and Information Technology

India is all set to get a new data law with the release of the revised Digital Personal Data Protection Bill for public consultations in mid-November. Just prior to this, Rajeev Chandrashekhar, Union Minister of State for Electronics and Information Technology, explained what the new bill could look like in an interview available in the public domain....

Q There is a lot of excitement and anticipation on what the government has been working on. What can we expect from the new Bill?

The Honorable Prime Minister has made it extremely clear that the way we approach new legislations and rules will be important landmarks for the India decade. They will be built with extensive consultations from all stakeholders, including citizens, startups, big technology companies and the legal and judicial fraternity. So, you can look forward to a nice robust public consultation process over the coming weeks and months that will jointly create a world-class framework that will on one hand address the issues of data protection for citizens and on the other hand address the need to use data for public interest and on the third hand allow the innovation ecosystem to continue to grow as India has demonstrated to the world over the last three or four years in terms of leadership of the innovation ecosystem.

These three seemingly contradictory objectives are all going to be met by legislation that the government (in partnership with citizens and the industry) will put out and build on the seemingly daunting objectives. It's a very crucial legislation; we have to protect the consumers and also ensure that startups don't get completely inundated with compliance issues. Plus, India is a growing market so Big Tech should want to invest in India.

Q The earlier version of the Bill was based on the new model of data protection which did not quite work out for India. Are we looking at a Data Regulatory Authority now?

What we are building today in the Government of India is an overall framework of laws, legislations and rules which range from the Digital Personal Data Protection Bill to the National Data Governance Framework Policy to deal with non-personal data, anonymised data and artificial intelligence. Soon down the road we will also have a new legislation to supersede the I.T act which is 22-year-old one.

We don't see these as individual pieces; we are building a framework of legislation, rules and institutions that range from the India Data Management Office that will be addressing the non-personal data to the regulatory and the adjudicatory mechanism in the Personal Data Protection Bill to cyber security and other institutions that will be created. We should wait for the framework to be presented and have robust healthy discussions about the design of each of these institutions, their terms of reference and the rules that are created to help them.

Q What's been the feedback that you have got from the industry so far? Are there some key pillars that you are working with on this? Could you just take us through your priorities as you put together this legislation?

The key pillars are the pillars that the Prime Minister has laid down for the India Ticket Vision. The trillion-dollar digital economy vision and the fast-growing innovation



ecosystem is what is guiding us. And as the Prime Minister has repeatedly said, the ease of living, which is consumer rights based, should work in balance with the ease of doing business which is for startups, big companies, Indian companies and foreign companies to make investments and create jobs. There is a larger third element of public interest where data will be used by government for better governance and better targeting of schemes to make sure the scheme beneficiaries are the legitimate beneficiaries who are entitled to them.

These three seemingly contradictory issues were for a long time positioned as binaries - that you can either protect the citizens' rights or you can help business, you can either do public interest or you can do innovation and ecosystem of startups. We have attempted to put them all together and will discuss this when the bill is out there for consultation.

Not just this, when the National Data Governance Framework Policy and the Digital India Act are also ready for consultation, we will discuss these objectives in the context of these bills. The principles are that we believe that the startup innovation ecosystem is a very big and strong element of the trillion-dollar digital economy goal. The India Decade Vision that has been placed in front of the nation is a huge opportunity. The world looks at us as a preeminent country that has deployed technology for the benefit of the citizens.

What we are doing today is creating an architecture and framework of legislation that will spur economic growth, investments and jobs. It will create the citizen rights for data protection and privacy and it will also help government become more efficient and smarter by using data and deploying and designing better schemes.

Q Will the government also come under the purview of this data protection legislation or would it be exempt?

There is no such thing as Government being exempt. But, of course, as you saw in the previous Bill and you see elsewhere in the world, there are many instances where



The Digital Personal Data Protection Bill 2022 aims to protect citizens rights, promote ease of doing business & ensure Max Governance.

– Rajeev Chandrashekhar,
Union Minister of
State for Electronics and
Information Technology



the fundamental rights have restrictions, and therefore, even the right to privacy has reasonable restrictions. The Supreme Court laid out proportionality, necessity and legality as the three principles. Therefore, even privacy is not an absolute right; it's a fundamental right just as any of the fundamental rights in our Constitution. So, to some extent restrictions are required for security, law and order.

Even recently in the I.T rules, we have laid down the specific instances where we have carved out exceptions to the Right to Free Speech. Therefore, the government will, in specific instances, have the ability (as the governments have all over the world) to be exempt from the issues of data protection and privacy, especially in terms of law and order, pornography, child sexual abuse and criminality

Q What are the kind of penalties that we are looking at? The earlier version had a very stringent set of penalties including imprisonment? Is that still under consideration?

One of the objectives of the Digital Personal Data Protection Bill is that platforms and intermediaries that are using consumer data use it only for the purposes that the data is required to deliver a service or product to the consumer. There are principles of purpose limitation, minimization and not allowing platforms to misuse data which goes against the interest of the citizen.

Recently, there was an article in the New York Times about a particular platform being fined for allegedly misusing map data to deliver some other types of services. I think that is the way India should go - we should have the safeguards and an agreement that data of a consumer will never be misused and it will only be used as a corollary for the specific purpose that the consumer has signed up to the platform for. These are things that can only be established where people understand that misuse has consequences, ideally financial penalties and consequences rather than criminal cases. Broadly the

approach is that there is general consensus not just in India but around the world. I see no reason why we should not follow the same types of practices in India as well.

Consumer approval will become mandatory on usage of data. If I go and take a coffee from Starbucks and they ask me for my details, they'll have to take approval from me that they can use this data to, say, send out mailers to me and for nothing else. This basic principle was there in the original Data Protection Bill and there's no straying away from that basic principle that the personal data belongs to the consumer whose data it is. Therefore, if that data is sought by any platform, a consent has to be sought from that particular person whose data it is.

This fundamental framework and a lot of the basic principles that went into making the original Bill that was brought to Parliament in 2018 remain unchanged, alive and absolutely relevant even in the new version. What happened with that bill is it became a lot more than what it should be. It became unwieldy and very compliance intensive. The basic principles will remain that the use of personal data of a citizen will have to be consented to by the owner of that personal data. So, consumers will have the right of refusal when they go into a store and it asks to share personal details.

Q What are the timelines that you are looking at? How soon do you think we will be able to see the legislation actually take effect?

These legislations and bills that we are bringing are not for the moment, not for today and not for tomorrow. It is really creating a framework for the India decade to realize this one trillion-dollar digital economy opportunity. We want to get the bills and the framework right with everybody's buy-in into it. This becomes more important for a goal and outcome rather than saying we want to do it on by so and so day! But we think it should be done sooner rather than later! ▶

The full interview is available at https://www.youtube.com/watch?v=-bsthEE_EYQ&ab_channel=moneycontrol

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Pyush Misra

Trustee,
Consumer Online Foundation



Why is There Still a Regulatory Vacuum for Medical Devices?

“Medical devices are a far cry from drugs, then how can they be regulated in the same manner under the same authority? A separate comprehensive regulatory framework can bring about a medical device revolution in the country while ensuring safety for the consumers.”

– notes Pyush Misra



It is high time we stopped viewing medical devices through the lens of drugs and cosmetics!

MEDICAL DEVICES - LIKE medical instruments, appliances, diagnostic imaging devices, patient aids and others - play a crucial role in the healthcare system by facilitating screening, diagnosis, treatment, monitoring and restoration.

According to a review published in PMC Pubmed Central last year, the Indian medical devices market is one of the top 20 medical device markets in the world. It is currently valued at \$15 billion and is expected to reach \$50 billion by 2025. However, the disappointing fact is that indigenous manufacturing remains extremely low and we still import approximately 70% of the medical devices.

What is even more appalling is that medical devices are regulated like drugs in India under the Drugs and Cosmetics Act, 1940. The regulatory authority is the DCGI under the Central Drug Standard Control Organisation (CDSCO).

We actually did not even have any specific regulations for medical devices till the CDSCO framed the Indian Medical Device Rules, 2017 that laid down comprehensive quality requirements and other special regulations for marketers/importers/manufacturers/sellers of notified medical devices. It should be noted that barely 37 categories of medical devices had been notified till then and were regulated by the authority. The rest were

sold in the market without any particular quality/safety standards or regulations.

It is the recent Medical Devices (Amendment) Rules, 2020 that notified all medical devices to be treated as drugs for safety and quality control along with price monitoring. This framework covers everything from hypodermic syringes, sutures, staplers, catheters and digital thermometers to cardiac stents, knee implants, prosthetic replacements and sophisticated machinery for CT scans, MRIs and dialysis.

These rules provide detailed regulations for classification, registration, manufacturing, import, labelling, sales and post-market requirements. Therefore, manufacturing and monitoring of medical devices has become highly complex and regulated with extremely structured processes – marked by a stringent approval process - that are supervised by the Medical Devices and Diagnostics Division of the CDSCO. While these developments have paved a new path in the field of medical devices, the piecemeal reforms are still marked by deficiencies and inconsistencies.

Needs its Own Law

“It’s imperative to have a separate law as devices are engineering items and not medicines — a MRI or CT



It is the recent Medical Devices (Amendment) Rules, 2020 that notified all medical devices to be treated as drugs for safety and quality control along with price monitoring.

Scan machine by no stretch of the imagination can be called a drug, and, so, continued attempts to regulate devices as drugs is illogical and incorrect unless assured that it is a temporary measure," exhorts Rajiv Nath, Managing Director of Hindustan Syringes and Medical Devices Ltd. and Forum Coordinator of Association of Indian Medical Devices Industry (AiMeD).

We cannot overlook the fact that medical devices are far more complex than drugs while the industry is riddled with unique and complicated issues of its own. Yet, decisions regarding medical devices are taken by the Drugs Technical Advisory Board, even though it is far from equipped to understand the engineering aspects of the devices. Even the existing structure and pharma-centric expertise of the CDSCO is falling short in effectively regulating the medical devices industry. While there is no concrete data on complications and deaths caused by malfunctioning equipment and other devices, the consequences are definitely catastrophic.

Lack of a dedicated regulatory framework for medical devices is the main reason behind the ongoing negligence as unscrupulous manufacturers can easily take advantage. The Medical Device Rules fail to provide any penalties or prosecution for poor-quality medical devices and the manufacturers get away scot-free for their negligent/intentional wrongdoings. The Johnson & Johnson hip implant debacle is a sore case in point where the international behemoth could easily exploit our regulatory deficits!

Even the government think tank, Niti Aayog has been pushing for a separate regulator for medical devices since a couple of years while highlighting that the CDSCO lacks the required capabilities. In 2019, it even floated a draft Bill to regulate the over 6,000 medical devices in the country.

Recent Developments

The recently released draft 'Drug, Medical Devices and Cosmetics Bill - 2022' proposes to regulate medical devices as a distinct category, placing them outside the purview of 'drugs'. There is a new definition of medical devices - bringing under its ambit diagnostic equipment, its software, implants, devices for assistance with disabilities, life support, instruments used for disinfection, and any reagents or kits – that are otherwise merely regulated as one of the four categories of 'drugs'.

It also provides for the constitution of a 'Medical Devices Technical Advisory Board' that will comprise of health ministry officials, medical professionals and



We are disappointed that the aspirations of a separate Act for medical devices have not been addressed. On the positive side, we are pleased to find the proposal of a separate Board, which was a long-pending demand.

– Rajiv Nath

- Mg.Director@ HMD
- Forum Coordinator@ AIMED

specialists from various associations with technical knowledge of the devices. It further calls for the setting up of central and state medical device testing laboratories on the lines of the network of drug testing laboratories.

While the new draft bill indicates the government's stance to continue with a single regulator for pharmaceuticals, cosmetics and medical devices, a Department-Related Parliamentary Standing Committee (DRPSC) on Health and Family Welfare has strongly recommended that the Ministry should appreciate the potential of the medical device industry and formulate a separate legislation accordingly.

In its 138th report on 'Medical Devices: Regulation & Control' released in September this year,

the committee has proposed setting up a 'National Commission on Medical Devices' to conduct a detailed examination of all aspects of the industry and bring forth a comprehensive law supported by a holistic policy and institutional infrastructure for the purpose. The report makes a number of valid suggestions, like staffing the new regulator with qualified and well-trained medical device officers, provision for risk-proportionate regulatory controls and penal system, etc. It even observed that there are only 18 certified and CDSCO-approved medical device testing laboratories in the country; scaling up the testing infrastructure will encourage local manufacturers to get their products tested, which will ultimately improve the availability and affordability of medical devices for the consumers.

Just prior to the report, AiMeD wrote a letter to our Prime Minister requesting him to change the name of the Department of Pharmaceuticals (DoP) to Department of Pharmaceuticals & Medical Devices or to have a separate Department of Medical Devices.

Conclusion

The CDSCO is falling severely short in effectively regulating medical devices. Yet, a separate regulator does not seem to be in sight even more than 30 years after the first medical device was regulated as a drug!

A separate set of legislations and regulatory framework for medical devices will not only benefit patients with better diagnoses and safer treatments, but also galvanise domestic manufacturing and investments in the sector. Indeed, correcting the unpredictable, incomplete and inappropriate regulatory environment is what will give a boost to the Make in India campaign and help the government achieve its goal of making India a global hub for medical device manufacturing and distribution. ▀

Flying the Flag of Regulation in the Financial System

Different regulatory bodies are responsible for protecting the interests of investors while promoting fairness in the Indian financial system. Let us take a look at the regulatory frameworks in place across the financial spectrum and the associated complaint redressal mechanisms instituted for the consumers.



THE FINANCIAL SYSTEM in India comprises of varied kinds of institutions like banks, insurance companies, stock exchanges and more that drive the economy. They facilitate the transfer of funds and assets which helps the consumers, the industry and the markets. However, there is a need for a set of processes and protocols that will ensure that these entities are functioning properly and in the interests of the public.

Banking Sector

India has a broad structure of banks that play a nodal role in the financial system. They keep money and valuables safe for the consumers, promote savings by offering interests on deposits, lend money for buying homes and other items and also dispense other financial services. While these are valuable services, deficiencies crop up at times that may cause financial damage or insecurity to the consumers. It is imperative to protect the consumer interests and provide them easy, quick and cheap redressal of grievances.

The Reserve Bank of India (RBI) is the caretaker of the Indian banking system. It was set up on the basis of the recommendations of the Hilton Young Commission. This central bank was established on April 1, 1935 in accordance with the provisions of the Reserve Bank of India Act, 1934. The primary functions are:



- Regulate the issue of bank notes
- Maintain reserves with a view to securing monetary stability and
- Operate the credit and currency system of the country to its advantage

Accordingly, this is the apex monetary institution that controls the credit flow in the economy on the one hand and promotes consumer confidence in the banking sector on the other. The focus is on maintaining transparency and promoting fair practices in the dealings with the customers.

Any person who owns an account in a bank or takes a service from a bank is considered its customer. They have the right to file a complaint against any kind of deficiency in service which includes:

- Refusal to open deposit accounts without any valid reason for refusal
- Levying of charges without adequate prior notice
- Forced closure of deposit accounts without due notice or without sufficient reason
- Refusal to close or delay in closing the accounts
- Non-payment or inordinate delay in the payment/collection of cheques, drafts, bills, etc.
- Failure to issue or delay in issuing drafts, pay orders or bankers' cheques

The RBI has formulated a 'Charter of Customer Rights' for banks that enshrines the following broad and overarching principles for protection of the customers:

- Right to Fair Treatment
- Right to Transparency, Fair and Honest Dealing
- Right to Suitability
- Right to Privacy
- Right to Grievances Redress and Compensation

- Non-acceptance of application for loans without furnishing valid reasons to the applicant
- Failure to provide or delay in providing a banking facility (other than loans and advances) promised in writing by a bank or its direct selling agents
- Non-adherence to the instructions of RBI on ATM, credit card, debit card, prepaid card, mobile banking, electronic banking, interest rates, etc.
- Non-adherence to the prescribed working hours
- Non-adherence to the fair practices code as adopted by the bank

The banking regulator has promulgated a number of focused initiatives over the years to strengthen the complaint redressal mechanism for the consumers.

Alternative Grievance Redress (AGR) Mechanism: The Banking Ombudsman Scheme offers the parties in a dispute, an alternative (expeditious and inexpensive) channel to redress their disputes, without approaching regular courts. A Banking Ombudsman is a senior official appointed by the RBI to redress customer complaints against deficiency in certain banking services. This has been extended to non-banking financial institutions (NBFCs) and Non-Bank System Participants (NBSPs) for digital transactions as well. (The details are available at <https://rbi.org.in/Scripts/AboutUsDisplay.aspx?pg=BankingOmbudsmen.htm>)



The 'One Nation: One Ombudsman' Scheme was launched just last year which gives consumers a single point of reference to file complaints, submit documents, track the status of complaints and receive feedback.

Additionally, all scheduled commercial banks (excluding regional rural banks) with 10 or more banking outlets have to appoint an Internal Ombudsman at the apex of their grievance redress mechanism for an independent review of customer complaints that are

rejected partly/wholly by their internal grievance redress mechanism. This was also extended to NBFCs and NBSPs (subject to certain conditions) to strengthen their internal grievance redressal mechanisms.

Consumer Protection and Education: The Consumer Education and Protection Department (CEPD) is responsible for:

- Administering the Integrated Ombudsman Scheme
- Handling complaints regarding deficiencies in customer service in banks received in RBI through the Centralized Public Grievance Redress and Monitoring System (CPGRAMS) portal of Government of India
- Creating consumer awareness and disseminating information relating to customer service and grievance redress by banks and RBI

Complaint Management System (CMS) – This is a state-of-the-art web-based application that integrates all the stakeholders (customers, RBI Ombudsman officials, CEPD and regulated entities) on one platform for enabling end-to-end complaint processing through digital mode. It provides real time status of complaints and also hosts comprehensive material on e-learning based consumer education to enhance awareness of financial services and consumer rights.

How to Make a Complaint

The first step is to file a complaint with the RBI-regulated financial institution that provided deficient service. In case of any difficulty, a consumer can also approach its internal ombudsman. The website, email and other contact details of all RBI-regulated entities are available at <https://rbi.org.in/Scripts/Complaints.aspx>. If you do not get a resolution within 30 days or are not satisfied with the resolution provided, you can escalate the complaint to the Integrated Ombudsman by:

- Calling on the toll-free number 14448 between 9:30 am and 5:15 pm (all working days)
- Emailing the complaint to crpc@rbi.org.in
- Registering an online complaint at <https://cms.rbi.org.in>
- Sending a physical complaint through post to Centralised Receipt and Processing Centre, Reserve Bank of India, 4th Floor, Sector 17, Chandigarh-160017

The complaint should include the following details:

- Name and address of the complainant
- Name and address of the branch or office of the bank against which the complaint is being made
- Facts giving rise to the complaint supported by documents, if any
- The nature and extent of the loss caused to the complainant
- The relief sought from the Banking Ombudsman

Status of the complaint and other details can be tracked at <https://cms.rbi.org.in/cms/indexpage.html#eng>.

Insurance Sector

Insurance works as a financial safety net when people face unforeseen emergencies like illness, accident, death or damage to homes, vehicles, gadgets, etc. More and more consumers are opting for insurance coverage to safeguard themselves and their families against contingencies.

However, who will ensure that consumers get access to beneficial and compliant insurance policies? What if they are not charged fair and reasonable premiums? And what if, when push comes to shove, the insurance company delays or refuses to pay the claim? Indeed, the insurance sector is rife with deceptive promises, mis-selling, settlement denials and other fraudulent practices.

The Insurance Regulatory and Development Authority of India (IRDAI) is charged with regulating and developing the insurance industry even while protecting the interests of the policyholders. For this, it maintains strict control over the policy terms, premium rates and even the insurance agents. The regulatory watchdog even issues regular guidelines to educate the consumers about the do's and don'ts for buying various insurance policies and provides redressal for their grievances.

The IRDAI is an autonomous body set up under the Insurance Regulatory and Development Authority Act, 1999. It is tasked with supervising and developing the insurance and re-insurance industries in the country.

A fair, independent and consistent mechanism is in place to promptly address consumer issues and provide an appropriate resolution in a timely manner.

Policyholders' Protection & Grievance Redressal Department - BimaBharosa (earlier known as Integrated Grievance Management System) is IRDAI's primary grievance redress monitoring tool which provides centralised and online access to policyholders. All insurance companies have integrated their online complaint logging systems to the digital BimaBharosa platform.

The system will classify complaints into specific types based on pre-defined rules, assign, store and track unique complaint IDs and facilitate intimation to various stakeholders, as required, within the workflow. It also enables the assigned Target Turnaround Times (TATs) and serves to measure the actual TATs on all complaints.



Consumer Affairs Department (CAD) – This was set up to manage compliance of insurers and intermediaries with respect to the Protection of Policyholders' Interests Regulations. The Grievance Redressal Cell takes up the complaints with the respective insurers for remedy. However, it only considers complaints submitted by claimants or insured parties and not their advocates, agents or other third parties.

Scheme of Ombudsman – The IRDAI provides for the appointment of Insurance Ombudsmen as an expeditious, efficient and free out-of-court forum for adjudication of matters relating to insurance claims. The manner, timelines and grounds on which a complaint can be made to Insurance Ombudsman, timelines for disposal of complaints, compliance of awards by insurers, etc. are specified.

The Ombudsman will act as mediator and arrange a hearing. It will declare a fair recommendation/award based on the facts of the dispute. The insurer has to comply within 30 days and intimate compliance to the Ombudsman. IRDAI even monitors non-compliance of awards passed by the Ombudsman.

There are 17 Insurance Ombudsman in different locations in India and an aggrieved consumer can make

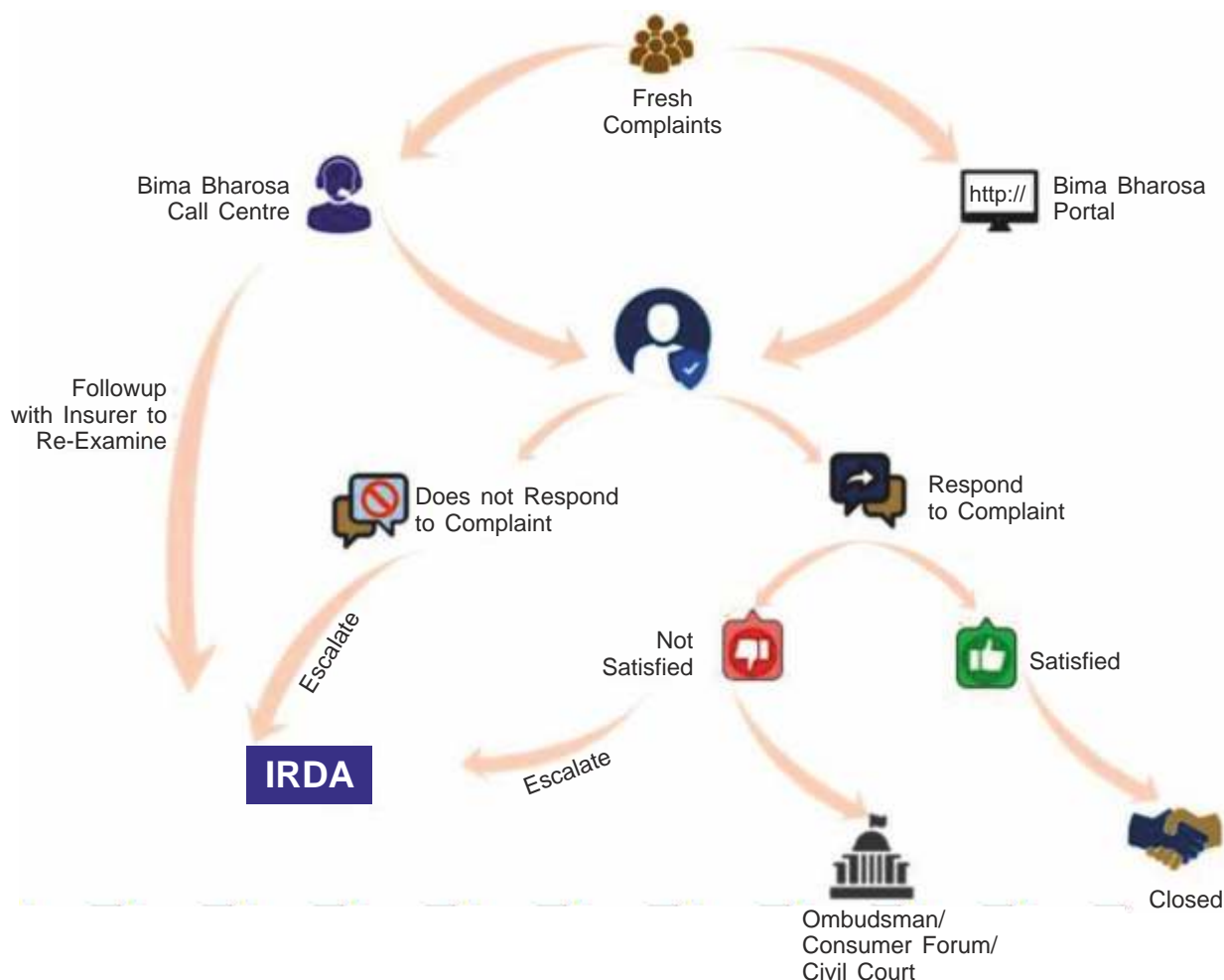
a complaint against an insurer in writing or digitally in the appropriate jurisdiction (for contact details check <https://www.cioins.co.in/Ombudsman>).

How to Make a Complaint

You should first register your complaint with the Grievance Redressal Channel of the said insurance company. Grievance Redressal Officer (GRO) details of all insurance companies are listed on <https://www.cioins.co.in/>. The complaint should be in writing (physical or email) supported by the necessary documents. Always take a written acknowledgement of your complaint with the date. (If there is any problem in lodging a complaint with the insurance company or it refuses to give an acknowledgment, you can use the BimaBharosa portal at <https://bimabharosa.irdai.gov.in/>)

In case the issue is not resolved within 15 days or if you are unhappy with the resolution, you can escalate it to the IRDAI by:

- Calling on the BimaShikayat - IRDAI Grievance Call Centre (IGCC) toll-free number 155255 or 1800 4254 732
- Emailing the complaint to complaints@irdai.gov.in



- Registering and monitoring the complaint online at <https://bimabharosa.irda.org.in>
- Sending a physical complaint through post to General Manager, Consumer Affairs Department - Grievance Redressal Cell, Insurance Regulatory and Development Authority of India (IRDAI), Sy.No.115/1, Financial District, Nanakramguda, Gachibowli, Hyderabad - 500032. The complaint form is available at <https://www.policyholder.gov.in/uploads/CEDocuments/policyholder%20complaints%20registration%20form.pdf>.

IRDAI will take up the matter with the insurance company concerned and facilitate re-examination and resolution. Or, you can choose to approach the Ombudsman if the complaint is rejected/not resolved to your satisfaction/not responded to within 30 days by the insurance company. The value of the claim including expenses claimed should not exceed Rs. 30 lakhs.

Securities Sector

As the economy is growing, people are diverting their surplus funds into financial products like shares and mutual funds for trading, investment or both. However, the market is awash with malfeasances that conflict with investor interests.

The Securities Exchange Board of India (SEBI) regulates the functions of the securities market to keep a check on malpractices and protect the investors. Investors can file complaints (about issue and transfer of securities, non-payment of dividend and other matters) against any listed company, stock broker, depository participant and other intermediaries with respect to their investments in the securities market. In fact, SEBI is considered the most evolved regulator in India.



SEBI Complaints Redress System (SCORES):

SCORES is a web-based centralised grievance redress system that enables investors to lodge, follow up and track their complaints online while minimising the time and location-related restraints. All the activities - from filing the complaint till its closure by SEBI - will be online in an automated environment and the complainant can view the status anytime.

SEBI was first established in 1988 as a non-statutory body and became an autonomous body on 30th January, 1992 when it was accorded statutory powers with the passing of the SEBI Act, 1992. It functions as the regulatory body for securities and commodity market in India.

Mandatory details for filing complaints on SCORES:

- Name
- PAN Number
- Address
- Mobile Number
- Email ID

Office of Investor Assistance and Education (OIAE):

This department is dedicated to handling investor grievances centrally and also provides assistance to investors by way of education activities. It works as a single point interface with investors.

How to File a Complaint?

You should first approach the concerned company/intermediary with which you have an issue. If it is not addressed satisfactorily, then register your complaint with SCORES - <https://scores.gov.in> - to initiate redressal through the Grievance Redressal Committee (GRC).

Complaints can also be lodged in physical form at any of the offices of SEBI (addresses are available at http://www.sebi.gov.in/cms/sebi_data/templates/SebiAddressses.html). These are also scanned and uploaded in SCORES for processing.

The market intermediaries and listed companies will receive the SCORES complaints and are expected to provide appropriate redressal. They are also required to submit the action taken report within a period of 30 days.

You can track the status of your complaint online using the registration number or by calling the Tollfree Investor Helpline 1800 266 7575 or 1800 22 7575 (9 am to 6 pm on all working days). If you are not satisfied with the resolution or do not receive one, the matter can be escalated to the appropriate Supervising Officer.

Or you can file for arbitration subject to the bye-laws, rules and regulations of the Stock Exchange/Depository (details will be available on their websites). An arbitrator will be appointed who will hold a hearing and pass an award accordingly. For disputes up to Rs 20 lakh, you will be exempted from payment of fees towards cost of arbitration and the exchange will bear the same on your behalf.

Keep in mind that complaints against any of the above banking, insurance or securities market entities can also be filed in the consumer forums under the Consumer Protection Act, 2019.

Conclusion

The regulations and mechanisms are in place and functional. It is up to you to make the most of the available resources in case of any discrepancy in service. ▶

Elevating the Consumer 'Voice' for Telecom Issues

It is difficult to function without our mobiles and internet connectivity today. But long-suffering consumers lament that the benefits are rivalled by the ensuing problems with network, payments and more. We find out more about the status of consumer redressal available in the telecom sector.



WE ARE SENDING and receiving information electronically every hour and minute of the day. This involves the use of various telecommunication methods like phones (both fixed line and mobiles), internet and even radio and television.

There are various telecom service providers across the country – both in the public and private sector - and these are governed by the Department of Telecommunications (DoT). The Telecom Regulatory Authority of India (TRAI) is the independent regulatory body mandated to protect the interests of the consumers while promoting a fair and transparent policy environment in the country. It creates quality of service (QoS) standards – related to metering, billing accuracy, refund of dues/security deposits to consumers, rectification of calls, resolution of billing complaints, mobile number portability, etc.



TRAI was established under the Telecom Regulatory Authority of India Act, 1997 to regulate telecom services, including fixation/revision of tariffs for telecom services which was earlier done by the Central Government. The mission is to create and nurture conditions for growth of telecommunications in the country in a manner and at a pace which will enable India to play a leading role in the emerging global information society.

TRAI also conducts periodic surveys to ensure that the service providers are working for the benefit of their customers and complying with the service obligations. Over time, the watchdog has also issued various orders, directives and regulations covering a wide range of subjects – like tariff, interconnection and quality of service.

Redressal of Grievances

Given the vast coverage and usage of telecom services, different issues are bound to crop up from time to time. Consumers routinely face problems related to network, billing, slow connection, quality of service and more.

The DoT licensing terms and conditions hold the telecom service provider (TSP) responsible for addressing the consumer grievances. The Telecom Complaint Redressal Regulations 2012 have laid down a redressal framework for telecom consumers that require all TSPs to set up the following two-tier grievance redressal mechanism:

1. **Complaint Centre** – Every telecom company should have a dedicated complaint centre with a toll-free consumer care number that is working 24*7. This should be accessible from other service providers' networks as well.

Customer care numbers of some of the leading TSPs:

- Airtel - 0124-4448080 (north)
020-44448080 (west)
033-44448080 (east)
080-44448080 (south)
- Vodafone - 9719097190
- Jio - 1800 889 9999
- Reliance - 1800 200 1100
- BSNL - 198/1500/1800-345-150 (other operators)

2. **Appellate Authority:** Every service provider should appoint an appellate authority consisting of one or more persons to deal with grievances. Additionally, every service provider has to constitute a two-member Advisory Committee - comprising of one member from the consumer organisation registered with TRAI and another member from the service provider - in each of the service areas.

DOT DASHBOARD



Telephone
Subscribers

117.494 Crore

Total Subscribers



Teledensity

85.14 Percentage

Overall Teledensity



Internet
Subscribers

82.489 Crore

Total Subscribers



Broadband
Subscribers

78.83 Crore

Total Subscribers

How it Works?

Aggrieved consumers can call the customer service number of their TSP to report their grievances related to issues like wrong recharge/tariff, payment not credited, recharge not received, sim not activated, sim port issues, poor network coverage, slow internet, poor customer service, etc. Every complaint will be registered with a unique docket number, which will remain in the system for at least three months. The docket number, date and time of registration and time limit for resolution of the complaint should be communicated to the consumer through SMS. He/she should also be informed of the action taken through SMS.

The call centres have to redress the complaints as per the provisions in the QoS Regulation where no parameters are prescribed. Complaints related to faults/disruption of service have to be rectified within 3 days and all other complaints within 7 days.

Service providers have also appointed Nodal Officers in different service areas to deal with complaints (details available on their websites). Unresolved complaints can be escalated to the respective Nodal Officer who has to redress grievances related to fault or disruption of service or disconnection of service within 3 days (and all others within 10 days) from the date of registration of complaint.

If a consumer is still not satisfied with the redressal of the complaint, the complaint remains unaddressed or no intimation of redressal of the complaint is received within the specified period, he/she can appeal to the Appellate Authority using the prescribed form within a period of 3 months. (List of appellate authority nominated by telecom companies for handling consumer grievances is available at <https://tccms.trai.gov.in/Queries.aspx?cid=3>) The form can be obtained, free of charge, from the offices of the service provider, sales outlets, offices of the Nodal Officer and appellate authority or downloaded from the website of the service provider/TRAI.

Basic telephone (wire line) connection - For delayed rectification of faults, consumers are entitled to rent rebate at the following rates:

- Faults pending for more than 3 days and up to 7 days: Rent rebate for 7 days
- Faults pending for more than 7 days and up to 15 days: Rent rebate for 15 days
- Faults pending for more than 15 days: Rent rebate for one month

All consumer appeals will be put up before the Advisory Committee, which will advise the Appellate Authority on these issues. This has to be disposed within 3 months from the date of filing.

In case of further delays or dissatisfaction, the consumer can approach the Public Grievance Cell of the Department of Telecommunications along with all the documentary evidence for non-redressal of the grievance by the TSP. The options are detailed as follows:

Public Grievances	
Mode	Details
By hand	Contact: Information & Facilitation Counter, Sanchar Bhawan, 20, Ashoka Road, New Delhi-110001.
By post	Address: Public Grievances wing, Department of Telecom, Room No. 612, Mahanagar Doorsanchar Bhawan, Old Minto Road, J. L. Nehru Marg, New Delhi 110002
Through FAX	FAX No. 011- 23232244
Through phone	Phone No 011- 23221166,1063 (Toll Free)
By Web Portal	URL: http://www.pgportal.gov.in

Consumers are advised to use the web portal for registering their grievances as the process can be monitored in a transparent, user friendly and structured manner. The link for lodging grievances on the DoT website directs to the CPGRAMS portal at <https://www.pgportal.gov.in/>. The complaint will be forwarded to the concerned service provider/subordinate organisation(s) and/or to the concerned unit in DoT with an advice to take appropriate action in the matter and to inform the complainant regarding the action taken towards the redressal.

Any grievance sent by e-mail will not be attended to/entertained.

However, the Public Grievance Cell only acts as a facilitator in the redressal process and is not vested with any powers to penalise the service provider for not redressing the grievance to the satisfaction of the complainant or for delay in redressing the grievance.

Certain service providers such as BSNL hold Open House Sessions to establish direct channels of communications with customers. A press notification is issued in leading newspapers inviting customers to attend and submit their suggestions/complaints. Customers whose grievances remained unsettled can even make petitions for redressal of their complaints in Telephone Adalats (courts).

Please Note: TRAI does not handle individual complaints from consumers. It will ask you to file a complaint through the Telecom Consumers Complaint Monitoring System (TCCMS) portal of TRAI (<http://www.tccms.gov.in/>) which will be forwarded to the service providers. No follow up action is taken by TRAI on individual complaints.

Alternatively, there is the option of contacting TRAI directly (customer care number 011-23236308). Better yet, groups of consumers can approach the Telecom Disputes Settlement and Appellate Tribunal (TDSAT) for adjudication of any issues with service providers as it is empowered to settle disputes.

Additionally, at any stage of the above process, the consumer can choose to approach an appropriate court of law/consumer forum to file a case against the service provider.

Unsolicited Commercial Calls

TRAI instituted the DND (Do Not Disturb) registry to contain the problem of pesky and unwanted calls/SMS from telemarketers under the Telecom Commercial Communication Customer Preference Regulations, 2018.

Customers (landline and mobile) who do not wish to receive commercial communications can call or SMS to 1909 (toll free) and register in either of the two categories:

- **Fully Blocked** – Stopping all commercial calls/SMS (send 'START 0' by SMS to 1909) TRAI DND app can also be downloaded on a mobile and used for registration and complaints.
- **Partially Blocked** - Stopping all commercial calls/SMS except SMS from the opted preferences. (send 'START' with one or multiple options from the list of seven categories – 1 for Banking/Insurance/Financial Products/Credit Cards, 2 for Real Estate, 3 for Education, 4 for Health, 5 for Consumer Goods and Automobiles, 6 for Communication/Broadcasting/Entertainment, 6 for IT and 7 for Tourism).



Nearly **5.5 crore** complaints related to cellular mobile telephone services were registered by consumers through helpline numbers of operators at complaint centres during 2021-22. **58911** grievances were received through CPGRAMS portal during the same period, out of which **58224** were resolved.

- **Devusinh Chauhan,**
Minister of State
for Communications

TRAI DND app can also be downloaded on a mobile and used for registration and complaints.

This will be effective within 7 days of registration. In case you continue to receive UCC, you can register a complaint with the service provider within 3 days of receipt by dialling or sending SMS to 1909. Provide the telephone number or header of the message from where the call/message has been received, short description of the call/message and date of receipt of call/message.

The service provider has to take action on the complaint (disconnect the number) and inform you within 7 days of lodging of complaint.

In case it remains unresolved, you can approach TRAI.

Conclusion

TRAI has set up several mechanisms for consumers, but the watchdog lacks teeth. It cannot take any action against the TSPs for not meeting the prescribed standards or failing to redress consumer complaints. There is a glaring lack of follow-up action in the system. An effective grievance monitoring system that takes TSPs to task for not addressing consumer grievances in a timely manner is the need of the hour.

As Pradeep Mehta, Secretary General of CUTS International, a global public policy think- and action-tank on trade, regulations and governance pertinently points out, "TRAI has no real penalising powers, or financial autonomy and control over recruitment. The telecom ministry's Department of Telecom (DoT) has ubiquitous presence in all functions related to the sector. It

decides the policies and regulates entry and exit conditions of the players. The appointment of TRAI chairman has been repeatedly hijacked by retired civil servants who are not fully familiar with regulatory principles, law and international best practices. A strong regulator is a prerequisite to ensure digital democracy and net neutrality. The transformation of TRAI must begin with accepting the inadequacy of the current model." ▶

CPGRAMS Centralized Public Grievance Redress And Monitoring System
www.pgportal.gov.in

**"MINIMUM GOVERNMENT,
MAXIMUM GOVERNANCE"**

– **Shri Narendra Modi**
Hon'ble Prime Minister of India



Payal Agarwal
Editorial Consultant

Easing Retirement Planning Issues

“Citizens of India can abet a nest egg for their retirement days with the employees provident fund while the government also extends financial security at this time with pension schemes. You may think your retirement nest is plush, but what if any troubles surface in the same? Fortunately, redressal mechanisms are available for solving such problems.”

— *implores Payal Agarwal*



Building a retirement kitty; know how to manage the hiccups on the way!

INDIA HAS ONE of the largest social security mechanisms in the form of Employees' Provident Fund that caters to over 6 crore subscribers. Most of the salaried class consumers are familiar with this pan-India scheme that specifically caters to the workforce employed in the organised sector in the country.



Provident Fund is a government-managed retirement savings scheme for employees

Administered by the Employees' Provident Fund Organization (EPFO) - under the aegis of Ministry of Labour & Employment, Government of India - the overarching aim is to secure a better future for employees.



EPFO was formed under the Employees' Provident Funds & Miscellaneous Provisions Act, 1952 and functions as one of the two main statutory social security bodies in India. It is responsible for regulation and management of provident funds apart from managing social security agreements with other countries.

How it Works

This statutory benefit programme is applicable to all organisations with 20 or more employees; they are mandated to register with the EPFO and extend EPF benefits to the employees. Similarly, the scheme is compulsory for employees earning a salary up to Rs. 15,000 a month (including basic and dearness allowance). Organisations with a smaller workforce or employees with a higher salary are also free to voluntarily join the Fund.

Under the scheme, both employers and employees make matching contributions to the Fund – each paying around 12% of the employee's salary per month. The fund accrues a pre-fixed rate of interest which gets credited to the member's Provident Fund Account (PF account). Therefore, the 'monthly savings' accumulate into a sizeable corpus that will be available to the employee at the time of retirement or exit from employment. In case of death, the dependants will be entitled to avail the benefits.

The Provident Fund scheme incorporates both Pension and Deposit-Linked Insurance components as well that extend post-retirement pension and life insurance benefits to the employees. Therefore, registering for EPF not only

The employer must deposit the deductions made towards EPF in the PF account of the employee every month. The employer should also deposit the EPF contribution within 15 days of the salary paid for the last month.

EPFO ALLOWS ITS MEMBERS TO AVAIL SECOND COVID-19 ADVANCE

EPF Members who have already availed First COVID-19 Advance can now opt for a Second Advance.

Members can withdraw upto 75% of PF Balance (Employee's & Employer's Share) or 3 months of Basic Salary & DA or claimed amount, which ever is less.

Claim settled within 3 working days.

epfindia.gov.in @socialpfo @socialpfo
Employees' Provident Fund Organisation

The government allowed employees to dip into their EPF nest egg in March 2020 and again in May 2021 to deal with the COVID-19 and lockdown related financial stresses.

generates sizeable wealth but also ensures a regular income through pension and secures the family's future with insurance coverage.

The provident fund can be withdrawn completely at the time of retirement or on attaining 58 years of age. Complete settlement is allowed if a person remains unemployed for a period of 2 months or discontinues work due to a disability. Partial withdrawal is permissible for specific requirements like pursuing higher education, bearing wedding expenses, availing medical treatment, buying a house, etc.

Moreover, employee contributions to PF are eligible for tax exemption; even the returns thereof remain tax-free. Therefore, despite other options, EPF remains a preferred retirement planning tool due to its guaranteed return and tax-free nature.

Ease of Use

Subscribers can check their PF balance, raise a claim, check claim status, file a grievance and execute other operations on the EPFO member portal

(<https://unifiedportal-mem.epfindia.gov.in/>) or on the UMANG app. The EPFO sends regular SMS alerts updating subscribers about monthly deposits into their PF accounts. The provident fund amount can be easily transferred on changing jobs, as long as the PF scheme is applicable in the new organisation.

Every member is assigned a unique 12-digit Universal Account Number (UAN) which simplifies access on many counts. Activating the UAN is essential for using online services.

Additionally, the employers also allot a Member Identification Number to every employee. Therefore, when a person changes jobs, he/she will get a new member ID from the new employer. UAN works as an umbrella for the multiple IDs allotted to an individual by different establishments.

Resolving Grievances

A provident fund is mostly smooth sailing with the contributions piling up every month almost on their own! However, at times, an account holder may face confusion regarding the operations or services available under the scheme. There may be doubts regarding updating personal details, generating UAN, linking KYC, transferring or withdrawing the PF etc. Some do face issues in claims or other services at times.

What if your employer deducts the PF amount from your salary but fails to deposit it in the PF account? What if your PF withdrawal is delayed for no apparent reason?

The EPFO has a robust grievance management system in place with various online and offline avenues for registering and resolving consumer complaints:

- **EPFIGMS** - EPF i-Grievance Management System is EPFO's in-house dedicated grievance redressal platform. EPF account holders can file their complaints or raise queries on the website <http://www.epfigms.gov.in/> by using their UAN. Grievances can be lodged for multiple PF numbers available in the UAN. Those who do not have UAN, can enter the Pension Payment Order (PPO) number or establishment number of the employer. EPF pensioners are required to provide their PPO. The interface is now bilingual.

Grievances can be filed regarding:

- Transfer of PF accumulation to a new EPF account
- Final settlement/withdrawal of EPF
- Final settlement of pension
- Queries regarding the PF balance
- Employees' Pension Scheme (EPS) Certificate
- Cheque returned/misplaced
- Payment of insurance benefit
- Issue of PF balance/slip
- Any other concerns.

Once the complaint is submitted, a complaint registration number will be sent to your registered email address and mobile. The grievance will be directed to the regional EPF office where your complete EPF data is present, thus ensuring quick and easy resolution within 20 days.

You can track the complaint status at any time – it will indicate the phone number and email address of the EPFO regional office along with the particular officer that is dealing with the complaint. You can also send a reminder for pending grievances and feedback on the redressal process.

EPFO Call Centre – Complaints and queries can also be raised on the helpline number 1800118005. The EPFO call centre is operational 24*7 (including Saturdays and Sundays) and is involved in recording consumer complaints, seeking redressal from concerned authorities, providing guidance against the related issues, etc. Helpline numbers of regional offices are available at https://www.epfindia.gov.in/site_docs/PDFs/Contact_PDF/ro_pro.pdf

Social Media – The Ministry of Labour & Employment maintains a Twitter handle - @socialepf and a Facebook Account- <https://www.facebook.com/socialepf/>.

Emails – Complaints and queries can be mailed to employeefeedback@epfindia.gov.in or uanepf@epfindia.gov.in. They can be sent by post to the Head office at New Delhi or the field offices across the country. However, it is advisable to use EPFIGMS rather than sending emails or posting on social media.

Nidhi AapkeNikat – This is EPFO's consumer help programme for making EPFO services more accessible. The camps are organised on the 10th of every month (next working day if 10th happens to be a holiday) at the

How to locate Nidhi Aapke Nikat near you

Through website
epfindia.gov.in

>> Contact us >> Choose state >> Select Office

Through Umang App

>> EPFO >> General services >>
Search EPFO offices >> choose state & district

Toll-Free No : 1800-118-005

field offices presided over by the officer-in-charge. Subscribers are encouraged to give their suggestions, feedback or raise issues regarding the services. The platform is also used to disseminate information about the new initiatives taken in the interests of stakeholders.

Recently, the EPFO issued an update that the camps should be conducted outside the EPFO office premises in industrial areas and public locations.

Facilitation Centres – Every organisation has Public Relations Officers (PRO) and Facilitation Centres to render proper guidance to the customers seeking redressal regarding their EPF accounts.

CPGRAMS – Centralised Public Grievance Redress and Monitoring System (CPGRAMS) is a 24*7 online portal available to the consumers for lodging grievances and raising other issues with the public authorities. It is connected to all the ministries/ departments of Government of India and States and will start the redressal process by forwarding the complaint to the concerned authority.

The retirement fund regulatory body takes prompt action on all grievances by conducting an inquiry and even initiating legal action where necessary. Penal provisions can be invoked if an employer fails to deposit the deducted PF amount. They may even file a police complaint under section 406/409 of the Indian Penal Code (IPC) for breach of trust.

The Common Case of Dormant PF Accounts

Many employees forget about transferring their PF balance when they move from one job to another. What happens to this money and how can it be withdrawn?

According to the Finance Ministry, Rs. 6000 crore remained unclaimed in EPF accounts in 2015.

As per the new rules, PF accounts where no contributions are made will continue to earn interest. It is only if the accumulated amount remains unclaimed for 36 months after retiring on attaining the age of 55 years, that the account will be deemed inoperative. The only hitch is that the interest earned during the dormant period will not be tax-free – it will be taxed in the year of withdrawal.

Unclaimed amounts of accounts that remain inoperative for 7 years are transferred to the Senior Citizens' Welfare Fund. The subscriber (or heir thereof) is entitled to apply for a claim to the Fund for 25 years from the date of credit of the unclaimed amount. After this, it will escheat to the Central Government unless a court orders otherwise.



श्रम एवं रोजगार मंत्रालय
Ministry of Labour & Employment
सर्वोच्च मंत्रालय (Government of India)

EPFO

Facility to apply for Scheme Certificate is now available on UMAN App

Scheme certificate is issued to members who withdraw their EPF contribution but wish to retain their membership with EPFO, to avail **pension benefits** on attainment of retirement age.

EPFO services most accessed on UMAN App.

88% hits on the app are for EPFO services, i.e. **41.6 Crore** out of **47.3 Crore hits** since August 2019

EPFO 41.6 Crore
Total hits 47.3 Crore
Since August 2019

epfindia.gov.in @socialpfpo @socialpfpo
Employees' Provident Fund Organisation

All said and done, when you leave an organisation, it is prudent to transfer the EPF amount to your current account!

Pension for Everyone!

India has a complex pension system to provide old age financial security and stability for the citizens. Apart from EPFO's Employees' Pension Scheme, the National Pension System (NPS) is a government-sponsored pension scheme that works as a social security net post retirement.

Prior to 2004, a defined benefit system was in place for civil servants who have been in service for at least ten years, with the pensionable age being 58 years. Such state and central government employees who joined service before 2004 continue to receive at least 50% of the last drawn salary as monthly pension without having to contribute a single penny.



For those joining employment after 1st April, 2004, it has transformed into a voluntary defined contribution pension system. Since 2009, it is open to all citizens of India between the age of 18 and 65 (now enhanced to 70 years), whether in the public or private sector, self-employed or unorganised workers. This remains mandatory for civil servants and voluntary for others.

NPS is the world's lowest cost pension scheme!

The scheme is administered and regulated by the Pension Fund Regulatory and Development Authority (PFRDA) - <https://www.pfrda.org.in>. It is responsible for setting up guidelines for investing in pension funds, settling disputes involving subscribers and also investigating the intermediaries and other participants for malpractice.

The NPS works like this – you contribute 10% of your gross salary to the system and the employer contributes a matching amount. At the official age of retirement, you can withdraw 60% of the amount as a lump sum while 40% has to be used to buy annuity that will pay a monthly pension. This is an entirely tax-free instrument where the total corpus escapes tax at maturity.

You will be allotted a unique Permanent Retirement Account Number (PRAN). This will remain the same for the rest of your life and can be used from any location. If you discontinue your investment, your account will be frozen. You can reactivate the account only if you make the minimum contribution required along with the penalty. The pension scheme has transparent investment norms with regular monitoring of the fund managers.

PFRDA was first established in 2003 as an interim regulatory authority to introduce a new restructured pension system for entrants to central government service. It was constituted in its present form through the Pension Funds Regulatory and Development Act, 2013 to include other pension schemes that are registered under it and not covered by any other statute. It seeks to protect the interests of pension fund subscribers by regulating the intermediaries.

Resolving Grievances

You are looking forward to an adequate retirement income that will enable you to maintain the same standard of living in the advancing years. However, problems like delay or incorrect payment may crop up at times, but there is adequate redressal facility for the same.

CGMS – The PFRDA operates the Central Grievance Management System at <https://cra-nsdl.com/CRA/>. Grievances raised by subscribers are registered and directed to the concerned intermediary/office for taking necessary action.

Call Centre – Complaints can also be filed through the toll-free number 1800222080.

Escalation – Unresolved grievances or unsatisfactory redressal can be escalated to the National Pension System Trust and the Ombudsman appointed by PFRDA, in that order.

Others - Central Government employees covered under CCS (Pension) Rules, 1972 can use the Pension Grievances Cell at <https://pensionersportal.gov.in/pgcell.aspxv> platform while central civil pensioners can find relief at https://cpao.nic.in/grievance_sql/Grievance_form_all.php.

CPENGRAMS – The Centralized Pension Grievances Redress And Monitoring System (<https://pgportal.gov.in/pension/>) is an online computerised system operated by the Department of Pension & Pensioners' Welfare to provide speedy redressal, access and effective monitoring of grievances for pensioners. They can also appeal if they are not satisfied with the redressal of their grievance. Complaints can even be registered using the toll-free number 1800111960 or email address care.dppw@nic.in.

Conclusion

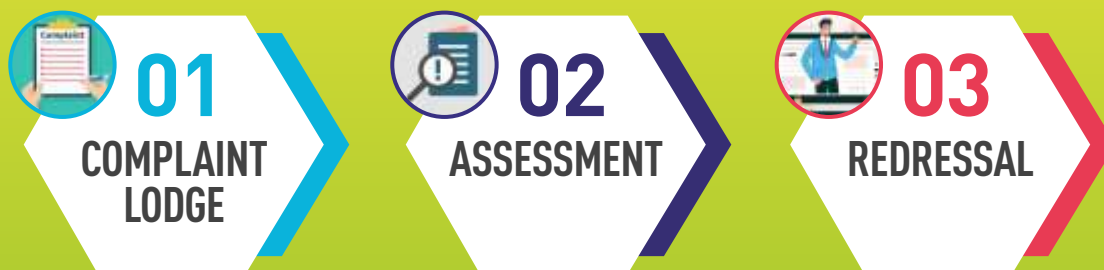
Your retirement plan is safe and secure at all times. The platforms are at your disposal for raising a complaint and you will be ensured efficient monitoring and proper redressal of your grievance. ▶

RECOURSE FOR SETTING CONSUMER ISSUES RIGHT

As a consumer, there are many things that you may feel are not right by you. Now you have safe and effective avenues to take up such matters with the concerned authorities through the unified portals and apps made available by the government for your benefit!

CPGRAMS

Redress Process Flow Citizen Lodges Complaint



**ARE YOU AGGRIEVED WITH THE SERVICES OF GOVERNMENT AGENCY
LODGE YOUR GRIEVANCE HERE**

Redirection to Concerned Authority

The CPGRAMS approach to grievance redressal

WHAT DO YOU do when you are aggrieved, dissatisfied or otherwise unhappy with a service related to the government? As we have seen in the earlier articles, almost every department and ministry has a grievance redressal mechanism in place to provide an acceptable restitution to the consumer who has been wronged or mistreated.

However, what if your complaint remains unresolved or the redress is unacceptable to you for some reason? In fact, in many cases, people like to directly approach an appellate authority to seek justice. Some even write to the Prime Minister's Office about their grievances pertaining to different departments/ministries or the state governments.

The Department of Administrative Reforms and Public Grievances (<https://darpg.gov.in/>) is the umbrella authority responsible for promoting citizen-centric governance with emphasis on grievance redressal. Accordingly, the Cabinet Secretariat of Government of India has a Directorate of Public Grievances (DPG) to help obtain responses to unresolved grievances on matters relating to some central government departments and organisations.

The Director of Public Grievances receives and hears grievances in person on every Wednesday of the week.

CPGRAMS

Centralized Public Grievance Redress And Monitoring System (<https://pgportal.gov.in/>) is an online portal developed by NIC in association with the Department of Administrative Reforms and Public Grievances (DARPG) to provide an effective resolution of public grievances.

Consumers can use this 24*7 online platform to lodge their grievances to the public authorities on any subject related to service delivery. Alternatively, they can use the mobile app that is integrated with UMANG. (A new mobile app called My Grievance has also been launched which is independent of CPGRAMS - available on Android only)

The objective of CPGRAMS is to ensure the online availability of the grievance redress machinery system to the citizens.

Grievances can be sent offline - through post, by hand or through the Common Service Centre - these will be digitised and uploaded on CPGRAMS. A unique registration number is assigned to every grievance. It will also be acknowledged online or by post. Please note that grievances sent through email will not be attended/ entertained.

The CPGRAMS portal is connected to all the ministries/ departments of the Government of India and the States. The system will forward the grievance online to the concerned central government

Issues that are not taken up for redress:

- Subjudice cases or any matter concerning judgment given by any court
- Personal and family disputes
- RTI matters
- Anything that impacts upon territorial integrity of the country or friendly relations with other countries
- Suggestions

Possible Outcomes

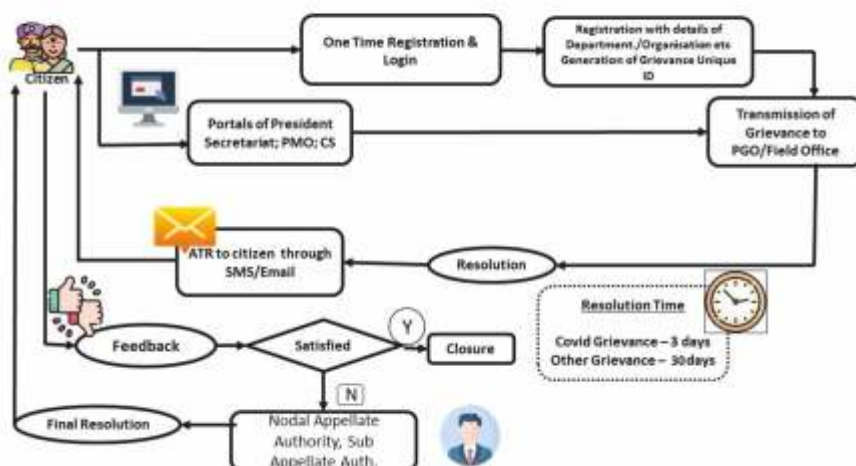
Every grievance will lead to one of the following actions:

- **Examined at Out Level:** This implies that the assessment has been done at the Local Office. In this case, the officials send an acknowledgement letter to the complainant.
- **No Action is Required:** This specifies that the grievance raised has been rejected and the complainant is notified for the same in the acknowledgement letter along with the reason for rejection.
- **Taken up with Subordinate Organisation:** The grievance will be forwarded to a single or multiple subordinate officials, based on the level of grievance raised.

ministry/department/organisation or state government who get a role-based access to the system.

Every central ministry/department has designated a Joint Secretary or a Director/Deputy Secretary, as its 'Director of Grievances'. This is the nodal officer for redress of grievances on work areas allocated to that ministry/department. (Contact details of the Nodal Officers of Public Grievances in the central government ministries/departments as well as those of the state governments are listed on the CPGRAMS website)

CPGRAMS PROCESS FLOW



Other features of CPGRAMS:

- Ensures and monitors the efficiency of the concerned department and agencies in redressing the grievances
- Formulates public grievance redress mechanisms for effective and timely addressing of complaints

The concerned ministry/department will take up the grievance redressal in a decentralised manner. It is received by the nodal officer who forwards it to the concerned officer for redress with quick action. The received grievance is addressed at the Board level.

DARPG periodically reviews the status of redressal to ensure speedy disposal. The consumer will get a resolution within 30 days. In case of delay, an interim reply with reasons for delay will be sent.

You can track the status of your grievance on the View Status link on the CPGRAMS portal by providing the unique registration number.

There is a provision for Appeal if you are not satisfied with the resolution by the Nodal Grievance Officer. After closure of the grievance, you can give a feedback rating. If you rate as 'Poor', a one-time option to file an appeal with the Nodal Appellate Authority will be enabled. This needs to be filed within 30 days of resolution. The Appeal status can also be tracked with the grievance registration number.

For grievances related to certain ministries/departments (listed on <https://dpg.gov.in/AuthPages/OgCovered.aspx>), you can also seek help of the DPG in case of unsatisfactory redressal.

UMANG

UMANG (Unified Mobile Application for New-age Governance) serves as a single platform for all Indian citizens to access pan India e-Gov services ranging from central to local government bodies. This unified, secure, multi-service and multi-lingual mobile app has been developed by the Ministry of Electronics and



Information Technology (MeitY) and National e-Governance Division (NeGD) to drive mobile governance in the country.

It provides easy access to over a hundred government services ranging from healthcare, finance, education, housing, energy, agriculture, transport to even utility and employment and skills. This eliminates the need to download a separate app for each service by bringing everything together on one seamless platform.

UMANG app is available on both Apple and Google Playstore. It can even be accessed on a laptop or desktop through the browser at <https://web.umang.gov.in/>.

You can use it for registration, information search, filling application forms and even payments without the hassle of long queues and other exacerbations that are commonly associated with government offices. Anything from booking a gas cylinder



and filing income tax returns to checking pension account, withdrawing provident fund and availing Passport Seva services is possible through UMANG.

The app hosts a customer service section where you can raise queries and issues regarding the portal and any other services offered on the portal. The customer services are available every day of the week from 8am to 8pm. Moreover, you can also file/track a grievance in the Consumer Affairs or National Consumer Helpline section on the app. Alternatively, click on the service and go to the grievance section to raise a complaint or any other issue.

Conclusion

The means are there! Go ahead and use them to resolve your issues! ▶

Why India's Healthcare Sector Needs a National Regulator

Dr Girdhar Gyani, Director General, Association of Healthcare Providers (India) holds forth on why it will be in our national interest to have a professional regulator for hospitals which can oversee all aspects including pricing of services in a scientific manner!



A FEW MONTHS back, the Competition Commission of India found after a four-year investigation that some big hospitals were charging exorbitant prices for medical services.

Overcharging by hospitals has been a point of contention among patients for a long time. Government insurance schemes like CGHS, or for that matter private insurance companies, fix the prices for reimbursement, but on what basis? There is no answer as there has not been any scientific study on the costing of medical services in our country. The way out is to have a professional regulator for hospitals who will oversee all aspects from quality in healthcare to the cost of services.

Healthcare has evolved from the 1940s and 50s when the patient had full faith in doctors and hospitals. Today healthcare delivery is very complex, ranging from primary to quaternary care and supplemented with ever-evolving technology. In real terms, patient safety has vastly improved (resulting in increase in life expectancy from around 33 in 1947 to 69 in 2020) — but going by the perception in the minds of patients, healthcare today is considered unsafe sometimes as hospitals do not take enough care in communicating clearly with patients and keeping them in the centre when decisions are taken about the treatment plan.

In a democratic setup, the government is duty bound to regulate those products or services which affect the wellbeing of the community at large. Healthcare comes first.

It is incumbent upon the government to impose a set of conditions, which a healthcare organisation must comply with, before and after it is permitted to operate in the country. These should be based on the minimum standards of inspection, enforcement and public accountability.

Accordingly, it needs to be ensured that any hospital offering healthcare services has the requisite infrastructure, personnel, equipment, and has standard operating procedures in place, commensurate with the scope of treatment services it intends to offer.

For example, if a hospital plans to offer tertiary care in neurosurgery, it has to have a doctor with a MCh in Neurosurgery and appropriate diagnostic and therapeutic equipment. Similarly, hospitals need to employ a minimum number of appropriately-qualified nurses for a specified number of beds in the general wards and in critical care wards, and the same goes for other staff, medical equipment, and other infrastructure as per the defined scope of services.

Medical education in India was regulated by the Medical Council of India, which has been replaced by the National Medical Commission. But hospitals as such are regulated by the state governments. For purpose of uniformity, the Government of India introduced the Clinical Establishments (Registration and Regulation) Act in 2010, and passed it on to all state governments to adopt through legislation, because healthcare is a state subject. Out of the 28 states, only 12 are known to have adopted the Act, and even there it is hardly found to be effective. The Act is being implemented directly by the state governments, and there is no independent regulator.

Why Government Should Not Regulate

The global trend is to separate the government and regulatory bodies for the simple reason that any business, and more so healthcare, is too complex to have competency within a government setup. Moreover, the government is the policy making agency. Implementation should be left to specialist, professional and independent bodies.

For example, in India we have quite a few regulatory bodies such as the Telecom Regulatory Authority of India (TRAI), the Food Safety Standards Authority of India (FSSAI), the Insurance Regulatory & Development Authority of India (IRDA), and the Petroleum & Natural Gas Regulatory Board (PNGRB); which are known to have been functioning with very good results.

In fact, there is yet another trend where even regulatory bodies rely upon independent conformity assessment bodies. For example, the PNGRB is a lean

Patient Safety and Access Initiative of India Foundation is supportive of this initiative and hopes that we will have a regulator for healthcare organisations in the near future!

body and does not have inspectors on its rolls; thus, it utilises the services from QCI-accredited inspection bodies. All this brings professionalism, objectivity and transparency, which generate credibility and confidence among users.

Balance Equations

Healthcare services in India are at a crossroads. The Ayushman Bharat Yojana, and the National Digital Health Mission are game-changers. At the same time, India needs to double the number of hospital beds for treatment to come close to WHO standards. About 85 percent of tertiary care in India is provided by the private sector. Looking at paucity of budgetary allocation for healthcare (1.3 percent of GDP), it is expected that the bulk of future investment will also come from the private sector.

However, there is a negative perception among the public about the private sector, which is often accused of profiteering by providing healthcare, which is a basic

necessity. On the contrary, most private hospitals cannot operate in a financially sustainable manner. Universal healthcare is a common good, but private hospitals which offer such services are only partially compensated by the governments.

Quality healthcare is a basic need, and it has direct impact on the wellbeing of society and national productivity. It is in this context that there should be independent/professional regulatory body for hospitals, which will balance both sides of the equation: the patients and the hospitals. Private sector healthcare providers face a plethora of problems, including harassment from the patients' side and from the many statutory agencies. This has dampened fresh investment in the health sector.

Given this, it will be in our national interest to have a professional regulator for hospitals, which can oversee all aspects including pricing of services in a scientific manner. The government only needs to work out how such a regulator will function across all states in India. ▶

The article is also available at <https://www.moneycontrol.com/news/opinion/why-indias-healthcare-sector-needs-a-national-regulator-9275121.html>



Youth Champion Innovative Perspectives at COP27!

THE 2022 UNITED Nations annual Climate Change Conference – better known as COP27 – took place in DECEMBER in Egypt. This year, it was not just attended by our politicians and high-level delegates alone! The summit is now welcoming greater participation from the youth. In fact, one of the key areas of focus of COP27 is ensuring that the voices of the young and future generation are heard!

And Ankith Suhas Rao from Hyderabad, India was one of the only five students -- one each from Canada, Egypt, Africa, Philippines and India – who were chosen from about 40 countries to speak on behalf of the youth.

This 17-year-old, studying in Class 12, represented India at the 17th Conference of Youth (COY17) under the aegis of COP27. Canada's Centre for Global Education - through 'Decarbonise: Youth Action Dialogue' project - trained the young delegates in several mock sessions where they negotiated and shared ideas on the climate crisis representing their respective countries.

Ankith is extremely passionate about the environment and joined 'Decarbonise' way back in Class 8 itself. He said, "For COP27, the main focus in our discussions will be on climatic conditions and challenges pertaining to agriculture and the methods that can be opted to achieve the guidelines set by the United Nations in the field."

The young boy presented a white paper on learnings and observations on climate change and sustainable agriculture with an emphasis on 'going local' in farming. He also presented the Global Youth manifesto at various pavilions - like the Canadian pavilion, Youth and Children pavilion, Resilience Frontiers pavilion and UN Sustainable Development Goals pavilion – while discussing ideas on alternative farming models that are less resource intensive and give better produce.

It is indeed heartening to see young people around the world actively engaging in the effort to address climate change, leading and participating in a multitude of initiatives at the local, sub-national, national and international levels. In Ankith's words, "We are not the future but the present and those in positions of power need to resolve corruption, economic instability and climate change!" ▶



Belling the Anti-Competitive Cat!



It is competition that adds a cutting edge to the market. However, the competition should be fair for all parties without taking advantage of the consumer in any manner. You can turn to the Competition Commission of India in case of any wrongdoings.

EVERY MARKET NEEDS competition! This promotes efficiency and innovation with each competitor trying to do better than the others. This translates into improved quality, wider choice and reasonable prices for the consumers.

However, the dominant market entities may collude together to form cartels that acquire a monopolistic position to the extent of controlling and even abusing the market. This sets the stage for unfair trade practices – like price fixing, predatory pricing, discriminatory pricing, restricting production/supply to increase prices, imposing unfair conditions, creating barriers to entry, etc - that victimise the consumers.

The Competition Commission of India (CCI) was set up under the Competition Act, 2002 to foster competition and prohibit activities that can adversely affect the competition

in the market. Therefore, CCI functions as a market regulator that prevents and regulates anti-competitive practices in the interests of the consumers.

How to File a Complaint?

Any person, consumer or their association or trade association can file an application or information before the Commission. 'Person' includes an individual, Hindu Undivided Family (HUF), firm, company, local authority, cooperative or any artificial juridical person.

The information can be filed on issues like anti-competitive agreements, mergers, acquisitions and abuse of dominant position or a combination which causes or is likely to cause an appreciable adverse effect on competition in the markets in the country.



Fair Competition
For Greater Good

Competition Commission of India

Vision of CCI - To promote and sustain an enabling competition culture through engagement and enforcement that would inspire businesses to be fair, competitive and innovative; enhance consumer welfare; and support economic growth.

The format is available at <https://www.cci.gov.in/uploads/filemanager/catalog/HowToFileInformation.pdf>. It should include:

- Your complete postal address with PIN code, telephone number, fax number and email address.
- The preferred mode of service through which you would like to get a reply from the Commission.
- Legal name and address(es) of the enterprise(s) alleged to have contravened the provisions of the Act and also the legal name and address of the counsel or other authorised representative, if any.
- The information should be in the form of statement of facts, containing details of the alleged contraventions of the Act. A complete list enlisting all documents, affidavits and evidence, as the case may be, in support of each of the alleged contraventions may also be furnished. A succinct narrative in support of the alleged contraventions will help in examining the case expeditiously and in its right perspective.
- The relief or interim relief that you may seek from the Commission.
- The information filed should be signed by the individual himself/ herself or counsel, as the case may be. The counsel may also append his/her signature.

The information should be sent in the form of a hard copy to the Secretary of the Commission, in person or by registered post, courier or facsimile transmission along with a soft copy to secy@cci.gov.in. It should be addressed to the Secretary or to the authorised officer. It should be typed in Arial 12 fonts on one side of A4 size white bond paper in double space with 2" margin on the left and 1" margin on all other sides.

A fee of Rs. 5000 is applicable for individuals filing information with the Commission (higher fee is payable for other entities). It can be paid either by tendering demand draft or pay order or banker's cheque, payable in favour of Competition Commission of India (Competition Fund), New Delhi or through Electronic Clearance Service (ECS). For further assistance, contact the Secretary to the Commission at 011-23704651.

The Proceedings

The CCI has to judge whether there is a prima facie case or not within 15 days. If it finds that there is a prima facie case it shall direct the Director General, appointed under the Act, to investigate the matter and report his findings. Then the Commission shares the report with the parties and objections are invited. The

Please Note: You do not have to necessarily engage an advocate for filing a case with the CCI. You can appear in person or authorise one or more chartered accountant/company secretary/cost accountant/legal practitioner/other officers to present your case before the Commission.



The Competition (Amendment) Bill, 2022 - introduced in the Lok Sabha in August this year - proposes significant changes to India's competition law regime by equipping the

regulator with the necessary tools to address new age markets, combinations and cartels. The focus is on providing regulatory certainty, faster market corrections and trust-based business environment.

"While India emerges as one of the biggest and fastest growing digital consumer bases, market distortions need to be corrected promptly. To address the challenges of enforcement and policy in this regard, the regulatory framework needed to adapt and reflect digital market complexities, reframe classic categories and concerns around personal and non-personal data and add other dimensions of quality and privacy, identify issues early on and cause faster remedial interventions."

- Ashok Kumar Gupta, Chairperson, Competition Commission of India

CCI will conduct oral hearings where the parties can make oral submissions to support their case.

The CCI has to form its opinion on the case within 60 days. However, in practice, it takes much longer as the DG asks for several extensions to complete the investigation.

If the Commission determines that it's a case of anti-competitive agreement and/or abuse of dominant position, it will pass appropriate orders. The National Company Law Appellate Tribunal (NCLAT) hears appeals against any direction/decision of the CCI.

However, the CCI only provides interim relief and not direct compensation or redressal to the complainants. The order is usually a penalty or limitation which will either deter the opposite party (and other entities in the market) from imposing unfair conditions on individual consumers or promote fair competitive practices. The end result is improvement in consumer welfare and satisfaction.

Based on the decision of the Commission, if you wish to make a claim for compensation you can apply to the Appellate Tribunal for adjudication. The body can pass an order for compensation if you show that you suffered a legitimate loss/damage. You can also approach the consumer forums or the CCPA for grievance redressal under the Consumer Protection Act, 2019.

Conclusion

A robust competitive environment benefits everyone. The CCI is promoting free and fair competition that does not harm anyone. ▶

UPDATE ...



Moving a Step Ahead

Update on the October edition on

Dietary Supplements: Benefits and Risks to Consumers

Sport Ministry Signs MoU with NFSU to Ensure Quality Dietary Supplements for Sportspersons

ON 15TH OCTOBER, the Ministry of Youth Affairs and Sports signed an MoU with National Forensic Sciences University (NFSU), Gandhinagar, Gujarat and Food Safety & Standards Authority of India (FSSAI) for dietary supplement testing. NFSU is mandated to create testing facilities for dietary supplements that will be funded by the Ministry.

NFSU is the world's first and only university dedicated to forensic, behavioural, cybersecurity, digital forensics and allied sciences. It was established by the Government of India in 2020 with the objective of fulfilling the acute shortage against the increasing demand for forensic experts in the country and around the world.

This is a big move that will minimise the risks in this relatively untouched area that is not only leading to suspensions and bans of Indian athletes but also endangering their health in different ways.

Speaking on this important step, Minister of Youth Affairs & Sports, Mr. Anurag Singh Thakur said, "This MoU will benefit athletes and athlete-support personnel by educating and spreading awareness about inadvertent doping due to prohibited substances present in nutritional supplements. This facility being established at NFSU will help the stakeholders, not only in the country but also in the entire region. This step is in the direction of 'Atmanirbhar Bharat' which is one of the cherished ideals of the Prime Minister of India, Shri Narendra Modi."



He also expressed confidence that our quest for excellence in sports at global level will be aided by the MoU.

This is an important step forward in implementing the recently enacted National Anti-Doping Act, 2022 by the Government of India. An important feature of the Act is the adoption of best practices for nutritional supplements to save sportspersons from inadvertent doping.

Nutritional supplements can contain unlabelled substances that are on the List of Prohibited Substances as published yearly by the World Anti-Doping Agency. They are a potential source for unintentional doping violations, leading to severe sanctions for well-intentioned elite athletes. ▶

YOUR OPINION MATTERS

Letters to the



editor

((September issue:
Demystifying Renewable
Energy for Consumers))

We are truly humbled by the praise and acknowledgment that is flowing in from varied sources. Please feel free to send in your comments, views or feedback on The Aware Consumer magazine at bejonmisra@theawareconsumer.in – we will publish your opinions and implement your feedback while ensuring that your voice is heard on the right platforms.



Dietary supplements is a very timely, public awareness topic discussed in-depth in the October 2022 issue. I would encourage every reader to share it widely within their sphere of influence & congratulate the editors & team of The Aware

Consumer, on a great effort. Looking forward to more such well researched topics.

– **Dr. Vipin Varma, Delhi**
thotconsultants@gmail.com



Good magazine. Very appropriate and timely. Youngsters are consuming much of this, and they need to be aware of the side effects.

I am 65 years old and I go to a gym and I see youngsters consuming all kinds of products for a better body and to impress young girls.

Fortunately, your magazine shows the harmful effects of these products! That is why I think it is timely and appropriate for youngsters. We are

much senior and do not consume them.

– **Mathew Cherian, Delhi**
mathew@careindia.org



Truly amazed at the variety of topics that The Aware Consumer team keeps coming up with! They are timely, informative and helpful as well for the consumers. For the article on Online shopping - for a variety of reasons - I prefer

shopping offline. As rightly pointed out, we need to surely increase the trust and reliability factor here!

– **Abhishek Jhunjunwala, Hyderabad**



This edition of The Aware Consumer was very informative and eye-opening in many aspects! The article on Interventions to Counter Doping in Sports is very important as well as gives a useful message about the safe use of supplements in sports. I think the 'Say No to Doping' article is excellent and the interview with Dr. P.L. Sahu is very knowledgeable. The other articles also give an important message for the youth of our country

and is especially true for the athletes. I enjoyed reading the note from our Union Minister of Youth Affairs and Sports, Mr. Anurag Thakur. Keep doing the great work and educating the consumers of our country....

– **Urvashi Shukla, Mumbai**
urvashi1959@rediffmail.com

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The United Nations has declared 12th December as International Universal Health Coverage Day. In accordance with this, we are dedicating our next issue to the need for strong and resilient health systems and universal health coverage!



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