

THE AWARE CONSUMER

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VIRTUAL & HEARINGS Digital Access to Consumer Justice

▪ CONSUMERS, BEWARE
Consumer Justice in the Virtual Age

▪ THE LAST MILE
COF In Action:
Helping Resolve Consumer Complaints

National Consumer Day

24th December, 2024

The AWARE CONSUMER
wishes all our readers a

Happy
New
Year



INTERVIEW

WAJAHAT HABIBULLAH
(IAS Retd.)

Former Secy. to the
Govt. of India

PLUS

ROUND UP • RESEARCH FEATURE • MY MARKET

Empowering insurance Policyholders in managing policies & resolving grievances



16000+

Resolved Insurance
Claims

110Cr+

Worth Claim
Amount

12000+

Happy Customers
across India

6000+

Strong Partner
Network

Mis-selling

Claim Rejection

Claim Delay

Short-settlement

In 2018, Insurance Samadhan embarked on a mission to become the most trusted platform for resolving insurance grievances. As a tech-based platform, it aims to assist aggrieved policyholders by addressing issues such as **mis-selling of insurance policies, claim rejections, delays, and short-settlements across Life, Health, & General Insurance** sectors.

With over 100 years of combined insurance expertise, Insurance Samadhan has developed advanced technology and data intelligence to handle a myriad of policyholder queries. Their services cover everything from explaining policy coverages and hospitalization claims to addressing wrongful rejections and ensuring timely reimbursements.

VIEWPOINT



MESSAGE FROM PUBLISHER & EDITOR

Strengthening Consumer Justice in India: The Path Forward



A REVOLUTIONARY LAW was framed by the Indian Parliament for protecting the rights of the consumers, called the Consumer Protection Act of 1986. The cornerstone of the law was prompt redressal of consumer complaints within a given timeframe.

It was my privilege to be part of the drafting committee that framed the law in 1986 and subsequently made recommendations on several amendments, which finally brought a new law for the consumers in 2019. Both these acts, although separated by over three decades, share the common goal of ensuring consumers are treated fairly and provided with accessible avenues for redressal.

Alas, till date, the consumers are unable to seek prompt redressal. The industries and service providers are more than happy to litigate as they know that the consumers cannot afford the existing redressal system!

The Indian consumers only desire that they can access defect-free and quality products and services as per promised global standards in an affordable manner. We can bring that change only if we have the political will to bring a smile on the face of the aggrieved consumer.

Let us hope the theme for this National Consumer Day, 'Virtual Hearings & Digital Access to Consumer Justice' does not become only a façade to a false promise, but the law actually shows its strength to all such industries and service providers who are enriching themselves at the cost of the 1.4 billion voiceless consumers.



A massive multi-media campaign was launched in 2005 with the tagline JAGO GRAHAK JAGO. It is still considered the most powerful and effective awareness initiative by the Government of India. But unfortunately, the awareness has not brought the desired outcome, only because the redressal mechanism is neither efficient nor effective.

It is high time the Central Consumer Protection Authority (CCPA), which came into existence in 2021, starts collating data on the plight of the consumers, which are posted every minute in the National Consumer Helpline and awards prompt redressal.

Voluntary initiatives like the Convergence Partners are a shame. We have, as of date, 1021 brands as partners. When I scan the list, I find the habitual offenders are part of that list and the voiceless consumers are only made to close complaints as they do not have the requisite resources to litigate for years to seek a simple refund or exchange of defective/substandard products/services.

Let us engage our youth and empower women to make a career in Consumer Protection by supporting innovative startup enterprises to expose culprits and encourage consumer-friendly brands in a transparent and unbiased manner. We can use the Consumer Welfare Fund (CWF) - which actually belongs to the consumers - as seed capital to fund such enterprises that will work in the interest of the consumers!

Prof. Bejon Kumar Misra
Publisher & Editor
bejonmisra@theawareconsumer.in



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**Raho halke,
jiyo khulke.**

LUP/OTC/17/12/91
Pregnant women are advised to consult their physician before use

PRAFULL D. SHETH

Editorial Board Member

DIGITAL ACCESS TO CONSUMER JUSTICE – WHY IS IT STILL DENIED?



INDIA IS WITNESSING a transformative shift towards digitisation across various sectors including government operations. Even the legal landscape is being reshaped with the advent of digital filing of cases and virtual hearings through video conferencing. Alas, digital access to consumer justice has been limited so far.

While consumers can easily file their complaints online through multiple avenues – like the NCH portal, e-Daakhil, etc. – virtual hearings are yet to be implemented properly.

It should be noted that the Consumer Protection Act, 2019 incorporates an explicit provision for hearing complaints virtually through video conferencing. Even the Ministry of Consumer Affairs, GoI directed all consumer courts to start hearing cases online from 15th April, 2024. What's more, the theme for the recently conducted National Consumer Day 2024 was 'Virtual Hearings and Digital Access to Consumer Justice'.

And yet, there is no clarity whether online hearings have become a part of the consumer grievance redressal mechanism or not!

Virtual hearings will make the consumer justice delivery system more accessible, efficient, transparent and accountable. It will become easier for consumers to resolve their complaints while saving time and money. It will also cater to the special needs of women, physically challenged individuals and those living in remote areas, ensuring broader participation and inclusivity. This will go

a long way in realising the full potential of our consumer protection regulations.

In fact, the lack of widespread availability of online hearings for consumer cases is a missed opportunity to strengthen consumer rights and justice. Why are the authorities failing to embrace common digital solutions that can help

consumers seek redress for their grievances in a simple and fair manner?

Justice Delayed is Justice Denied! Digital transformation is the key to delivering justice to every consumer in every corner of the nation! The time to act is now! ▶



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UNLOCKING CONSUMER POTENTIAL
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EXPLORING THE NEXT FRONTIER IN CONSUMER JUSTICE DELIVERY



Even as we move towards invoking digital technology in the form of e-filings and online hearings, a new future beckons beyond virtual justice for the consumers.



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PIONEERING DIGITAL ACCESS TO JUSTICE AROUND THE GLOBE



The global pursuit for accessible and efficient redressal mechanisms for consumer grievances is leading various countries to knock on the doors of technology.



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THE LAST MILE

COF IN ACTION: HELPING RESOLVE CONSUMER COMPLAINTS



Information is Power

**Consumers,
— Beware —**

CONSUMER JUSTICE in the Virtual Age

Virtual access to justice is a gamechanger in the realm of consumer protection. It facilitates digital filing of complaints, attending hearings online and tracking case progress virtually, eliminating the need for frequent travel and paperwork. However, the system is dragged down by lack of proper provisions for virtual hearings.

When will justice truly
be delivered to consumers
anytime, anywhere?

EACH ONE OF us is a consumer in one way or the other. And, as consumers, we routinely experience dissatisfaction and frustration with various aspects, like quality of products, deficiency in services, delays, defects, errors, etc. These unmet expectations give rise to a range of complaints and/or disputes which should ideally be resolved by the consumer grievance redressal mechanism in the country.

The journey to resolving grievances is riddled with considerable expenses and logistical hurdles for most consumers!

Traditionally, accessing consumer justice in India requires significant time and resources. Consumers have to physically file their complaints and go to the courtrooms for hearings. And the cases tend to drag on for years at end. These barriers often make justice seem out of reach, especially for consumers in rural and remote areas.

Present Landscape

The Consumer Protection Act, 2019 ushered in a wave of modernisation and upgrades in the consumer grievance redressal mechanisms to ensure accessibility, efficiency and speed for the aggrieved citizens.

Filing Complaints – The e-Daakhil portal (<https://edaakhil.nic.in/>) has been launched with provisions for filing complaints, paying the fees and monitoring the case status.



E-DAAKHIL
FILE YOUR CONSUMER COMPLAINTS ONLINE

- EASY AND CONVENIENT**
File your complaints online at your own convenience
- BETTER TRANSPARENCY**
Keep yourself updated by tracking consumer complaint online

VISIT [EDAAXHIL.NIC.IN](https://edaakhil.nic.in/)

Tracking Cases - CONFONET is an internet-based Case Monitoring System developed for digitalising the functioning of the consumer commissions throughout the country to automate the workflow, starting from case registration until announcement of judgement. It enables access to information for both the consumer commissions and the consumers. Consumers can check the status of



CONFONET
<https://confonet.nic.in>

CONSUMER PROTECTION

Computerisation and Computer Networking of Consumer Forums in the Country

their cases by logging in to www.confonet.nic.in, dialling 011-24300661 or sending an SMS to 7738299899.

Attending Hearings – The new law provides that “where an application is made for hearing or for examination of parties through video conferencing, the consumer commission may, on sufficient cause being shown and after recording its reasons in writing, allow the same”.

Virtual hearings, powered by digital platforms, will ease consumer experience in seeking resolution of their complaints as they can appear before the court from any location of their choice!



NCDRC
National Consumer Dispute Redressal Commission

In April 2024, the National Consumer Dispute Redressal Commission (NCDRC) released standard operating procedures (SOPs) for online hearings as part of the practice directions for hybrid mode hearings (physical/video conferencing) of consumer cases. Accordingly, consumers should keep the following rules in mind when participating in virtual hearings:

- Before the hearing begins, record the presence of all parties and counsel in the video conferencing (VC) hearing chat box.
- Join the VC hearing using the provided link when the case number is called.
- Maintain all courtesies and protocols applicable to a physical court.
- Keep microphones muted at all times until called upon to speak.
- Turn off or silence mobile phones and avoid background disturbances.
- Avoid cross-talk or cross submissions at all times.

Consider this: Rajesh purchases a hand blender for Rs 1800 which turns out to be faulty. Despite repeated attempts, the company fails to respond to the issue. Frustrated, he files a consumer complaint on the e-Daakhil portal. His case is registered and he is asked to attend a hearing at a consumer commission which is about 80 kms away. Rajesh wants to take the manufacturer to task, but does not find it worthwhile to travel all the way. The additional cost burden, not to mention the loss of salary, is pointless for the paltry price of the hand blender. He is well aware that the case will drag on and require multiple trips for hearings!

Wouldn't it be far better if Rajesh could attend the hearings virtually using his smartphone or laptop, thus avoiding travel expenses and salary loss? Will this not break the logistical barriers and deliver faster resolutions?

Alas, virtual hearings are still woefully missing across the three-tier structure of consumer dispute resolution in the country. While the National Commission has finally shifted to hybrid mode, it is not even clear as to which state/district consumer commissions (if any) offer video conferencing facilities for parties and advocates on request. The lack of widespread implementation is a huge drawback in ensuring easy access to justice for the consumers.

Querying on the NCRDC website about availability of virtual hearings merely elicits a standard response, "The virtual link is shared with concerned parties by the commission. Please contact concerned commission where your case is filed in order to get exact information on virtual hearing." ▶



– Change Begins With You!

How can consumer justice still remain limited by geography, mobility or access to resources in this digital age? We should demand virtual hearing options in consumer commissions by writing to local consumer protection authorities and government representatives. Also, inform friends, family and community members about the benefits of online hearings. This kind of advocacy will help create a fairer and more efficient consumer justice system that works for everyone.

Take Action Today - Together,
We Can Make a Difference



The theme of the National Consumer Day, 2024 was **'Virtual Hearings & Digital Access to Consumer Justice'** based on the crucial role of technology in promoting consumer rights and justice in the digital era. The Department of Consumer Affairs, GoI chose this theme to highlight the importance of leveraging technology to provide consumers with easier access to justice and dispute resolution. It stressed on bridging the gap between consumers and the justice system, making legal processes more accessible, affordable and transparent for all.

The National Consumer Day is celebrated on 24th December every year to mark the day the Consumer Protection Act, 1986 received the assent of the President of India. The enactment of this Act is considered a historic milestone in the consumer movement in the country. This annual occasion emphasises the importance of the consumer movement and the need to make every consumer more aware of their rights and responsibilities. It is an opportunity to promote and protect the basic rights and responsibilities of all consumers.

From Grievance to Resolution:

How The Consumer Dispute Redressal Mechanism Works

A well-defined framework is in place to empower consumers for resolving their grievances. The redressal machinery is a cornerstone of consumer protection and understanding how this mechanism works is the first step towards ensuring we receive the respect and service we deserve!



THE CONSUMER PROTECTION Act, 2019 has instituted a three-tier quasi-judicial mechanism for redressal of consumer grievances. It works at the district, state and national level as follows:

- **District Consumer Dispute Redressal Commission (District Commission)** – It is set up in every district of India by the respective state governments. A consumer can file a complaint in a District Commission where the value of the goods or services paid as consideration does not exceed Rs 50 lakh.
- **State Consumer Dispute Redressal Commission (State Commission)** - It is set up in every state/union territory of India by the respective state governments. A consumer can file a complaint in a State Commission if the value of the goods or services paid as consideration exceeds Rs 50 lakh but does not exceed Rs 2 crore.
- **National Consumer Dispute Redressal Commission (National Commission)** - It is set up at the national level by the central government. Located in New Delhi, the National Commission entertains complaints where the value of the goods or services paid as consideration exceeds Rs 2 crore.

At present, there are 680 District Commissions and 36 State Commissions with the National Commission (NCDRC) at the apex level. – NCDRC website.

Territorial Jurisdiction: Place where:

- The complainant resides or works for gain
- The cause of action arises, in whole or in part
- The opposite party resides, carries on business, or has a branch office

Pecuniary Jurisdiction

- **District Commission:** Claims not exceeding Rs. 50 lakh
- **State Commission:** Claims between Rs. 50 lakh to 2 crore
- **National Commission:** Claims exceeding Rs. 2 crore

Who Can File a Complaint?

A consumer complaint can be filed by:

- The consumer who bought the goods or services
- In case of the death of a consumer, his legal heir or legal representative
- In case of a consumer being a minor, his parent or legal guardian
- One or more consumers, where there are numerous consumers having the same interest

Most times, consumers neglect to file a complaint as they are occupied with their regular work and do not take time to fight the menace against corporate giants; however, the government has built a consumer-friendly environment and they have called these dispute settlement platforms as commissions instead of calling them as courts (to ensure the consumers are not deterred with lengthy procedures of regular courts); At these commissions, summary proceedings will be taking place for expedited justice. Consumers should not tolerate the inconvenience or wrong done to them and file appropriate complaints to ensure the same is not repeated by the unscrupulous traders to them and others in the society. //



VIJAY KUMAR MAKYAM
distinguished Lawyer and Member of
District Consumer Redressal Commission, Medak

- Any voluntary consumer association registered under any law for the time being in force
- Central Consumer Protection Authority (CCPA), Central Government or any State Government

A consumer is defined as any person who buys any goods or avails any service for personal use for a consideration (but not for resale or commercial purposes). This includes offline or online transactions through electronic means or by teleshopping or direct selling or multi-level marketing.

Grounds For Filing a Complaint

A consumer can make a complaint in case of:

- **Defective products:** If the product is defective or not working properly.
- **Poor quality of service:** If the service received is of poor quality.

- **Delay in delivery:** If the product or service is not received within the stipulated time frame.
- **Refusal to return or replace a defective product:** If the business refuses to accept a return or replace a defective product.
- **Overcharging:** If a business charges more than the MRP (Maximum Retail Price) for a product.
- **Non-disclosure of information:** If a business does not provide accurate information about the product or service.
- **Unsatisfactory after-sales service:** If the after-sales service is substandard or insufficient.
- **Non-compliance with safety standards:** If a business does not comply with safety standards for its products or services.
- **Unfair trade practices:** If a business engages in deceptive or unfair trade practices.
- **Misleading advertisements:** If a business engages in misleading advertising.

Statutory Limitation Period: Any consumer commission will admit complaints that are filed within two years from the date on which the cause of action arose. However, a complaint can be filed after the two-year period if the complainant can show that there was a valid reason for not filing it within the time limit.

Fees for Filing Consumer Complaints

The court fee differs from person to person and jurisdiction to jurisdiction. It usually depends on the value of goods bought and the amount of compensation sought.

Sl. No.	Value of Goods or Services Paid as Consideration	Amount of Fee Payable
District Commission		
1.	Upto Rs. 5 lakh	Nil
2.	Above Rs. 5 lakh and upto Rs. 10 lakh	Rs. 200
3.	Above Rs. 10 lakh and upto Rs. 20 lakh	Rs. 400
4.	Above Rs. 20 lakh and upto 50 lakh	Rs. 1000
State Commission		
5.	Above Rs. 50 lakh and upto Rs. 1 crore	Rs. 2000
6.	Above Rs. 1 crore and upto Rs. 2 crore	Rs. 2500
National Commission		
7.	Above Rs. 2 crore and upto Rs. 4 crore	Rs. 3000
8.	Above Rs. 4 crore and upto Rs. 6 crore	Rs. 4000
9.	Above Rs. 6 crore and upto Rs. 8 crore	Rs. 5000
10.	Above Rs. 8 crore and upto Rs. 10 crore	Rs. 6000
11.	Above Rs. 10 crore	Rs. 7500

The fee can be paid in the form of a crossed Demand Draft drawn on a nationalised bank or through a crossed Indian Postal Order (IPO)/challan in favour of the President of the District Commission, Registrar of the State Commission or the Registrar of the National Commission, as the case may be. It should be payable at the respective place where the said Commission is situated. It can also be paid through electronic mode in case such arrangement is made by the Commission concerned.

Online payments can be done using a debit/credit card, internet banking or UPI. Electronic payment processes and apps like SBI ePay, GRAS, e-GRAS, JeGRAS, HimKosh, BHIM App, RuPay, Paytm and Google Pay are available.

Redressal Process

Once a consumer commission receives a complaint, it examines whether the case is within its jurisdiction and valid under consumer laws. The admissibility check has a timeline of 21 days. Upon admission, the commission notifies the accused party (seller or service provider) and requires them to respond within a specified timeframe. A hearing is scheduled wherein both the concerned parties can present their arguments and evidence. The commission also reviews the tests and reports. A judgement is passed after careful consideration.

Available Reliefs: If the commission passes an order in favour of the aggrieved party, it can be in the form of the following directions to the opposite party:

- Repair the defective goods or remove the deficiency in the service.
- Replace the defective item with a new one.
- Refund the price paid for the goods or service.
- Pay compensation in cash for the loss or injury suffered.
- Pay punitive damages.
- Discontinue and not repeat unfair trade practice or restrictive trade practice.
- Remove the misleading advertisement and issue a correct advertisement to neutralise the effect of the misleading advertisement.
- Withdraw hazardous goods from being offered for sale.
- Cease the manufacturing of hazardous goods and desist from offering services which are hazardous in nature.
- If the loss or injury has been suffered by a large number of consumers who are not identifiable conveniently, pay an appropriate amount as determined by the Commission (not less than 25% of the value in question) to be credited to the Consumer Welfare Fund.
- Provide adequate costs to parties.

Another application has to be filed if the opposite party fails to comply with the order of the consumer commission.

//
If the final order is not complied with in time, file an application seeking execution. //



GAURI SUBRAMANIAM
Advocate, Supreme Court of India

Appeals and Escalation

If a consumer is not satisfied with the resolution provided, he/she can file an appeal with a higher body:

- Appeals against the decision of a District Commission can be filed with the State Commission within 30 days of passing the judgement.
- Appeals against the order of a State Commission, can be filed with the National Commission within 30 days from the order of the State Commission.
- Appeals against the order of the National Commission can be filed with the Supreme Court within 45 days from the order of the National Commission.

//
A review petition is a petition which allows a party to request the consumer court to review its own decision, typically on the grounds of an error apparent on the face of the record or other compelling reasons. //



ABHAY PRATAP SINGH
Partner, GnS Legal

The commission may confirm, modify or reverse the earlier decision based on the merits of the appeal.

Alternatively, a review petition can be filed in the commission that passed the order to review its own order.

Consumers should embrace the dispute redressal system and utilise it in a wholesome manner to drive accountability, enhance service quality and foster a fair marketplace! ▶

NO FEE TO FILE COMPLAINTS IN CONSUMER COMMISSIONS



For complaints upto Rs 5 Lakh

How to File a **CONSUMER** **COMPLAINT**



The first step to consumer grievance resolution is lodging a complaint. While a complaint can be filed using various modes, the online options have truly revolutionised consumer complaint filing. We present a comprehensive guide to filing complaints with a focus on online modes.



WHEN A CONSUMER feels wronged in any way, he/she should send a legal notice to the business/service provider informing them about the defect in the goods, deficiency in the service or unfair trade practice. It can mention the expected action – accept the mistake/shortcoming, refund the money and/or provide compensation - as well as the intention to resort to litigation. In case the accused party fails to respond within 30 days or refuses to provide an acceptable remedy as mentioned, the consumer can proceed to seek redressal under the Consumer Protection Act, 2019 in the appropriate consumer commission or court.

Please Note: It is not mandatory to send a legal notice before filing a consumer complaint.

A consumer complaint can be filed as follows:

- **Offline at the Relevant Consumer Commission** - Draft a formal complaint on a plain paper and present it in person or through an agent at the consumer commission. Alternatively, the written complaint can be sent by registered post along with the court fee, if applicable.

Three copies of the complaint are required to be submitted - one is retained for official purposes, one is forwarded to the opposite party and one is for the complainant. In case the number of opposite parties is more, additional corresponding number of copies of the complaint are required.

The Consumer Protection Act, 2019 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.”



Particulars To Be Furnished in the Complaint

- Name, description and address of the complainant
- Name, description and address of the opposite party or parties
- Facts relating to the complaint, when and where it arose (cause of action and the approximate date, time and venue)
- Documents, if any, in support of the allegations (copy of the bill, receipt of delivery, packaging of the product, record of online booking of the goods, warranty/guarantee certificates, written complaint and notice sent to the manufacturer/seller/provider)
- Relief or remedy claimed in accordance with the facts of the case (like amount of refund, compensation, damages, litigation expenditure and other expenses)
- Signature and verification by complainant or an authorised agent

Consumer commissions are quasi-judicial bodies that provide simple and speedy justice. The manner is quite informal and free from the complicated judicial procedures and other shackles of civil courts. There is no need for an advocate or any other pleader - the consumer can himself (or through a representative) file and represent his complaint, thus reducing the burden of legal expenses.

- **Online Through e-Daakhil Portal** - The online portal (<https://edaakhil.nic.in/>) allows consumers (or their advocates) to file a complaint, upload the requisite documents, pay the applicable fee and monitor the status of the case from anywhere and at any time at their convenience. It offers various other features, like filing an e-notice, downloading the case document link, accessing the video conferencing link of the court hearing, filing a rejoinder, etc. The complainant can subscribe to alerts via SMS or email.

Note: Fee payment can be made online or offline.

FEATURES OF EDAAKHIL



To initiate the online case filing process, the consumer/advocate should first register on the e-Daakhil website by providing details like name, address, date of birth, mobile number and valid email address. Upload a soft copy of any identity card - voter ID, PAN card, driving license, passport, ration card or BPL/AAY card in the PDF format. The account has to be activated through the OTP received on the mobile number and activation link sent on email.

Once registered, the consumer/advocate can log in and start filing the case. Click on the 'File a New Case' link and enter the value of the goods or services paid in

consideration. Then, select the concerned state and district from the drop-down menu and press continue.

The next page requires details about the complainant, opposite party and complainant advocate (if any). Also, provide a summary of the case covering the relevant facts in brief before clicking on the button to save the draft.

Details about additional complainant/additional opposite party can also be provided on the relevant tabs.

Next, go to the Document Upload tab and upload the documents related to the index, list of dates and events, memo of parties (with complete addresses), and the complaint with the affidavit in the requisite sections. Additional documents can be uploaded by clicking the 'Add Document' button. All the annexures must be attested as true copy on the last page with the name and signature.

Then go to the 'Finalize and Submit Application' tab. You can preview the application and choose the consumer commission (if applicable) before checking the boxes to confirm the submissions. Clicking the 'Finalize' button will direct to an OTP section (received on mobile).

Please note that cases, once finalised, cannot be edited. An acknowledgement of the submission will be displayed and the case will be listed under Pending Approval Section or Pending Payment Section.

Step-by-step guidance is available for registration, complaint filing, fee payment, appeal filing, etc.

through manuals and video tutorials on <https://edaakhil.nic.in/edaakhil/faces/manual/faq.xhtml>. In case of any problem, users can contact the e-Daakhil team help desk at <https://edaakhil.nic.in/edaakhil/faces/manual/helpdesk.xhtml>. Queries and suggestions can also be emailed to the support desk at e-daakhil@nic.in.

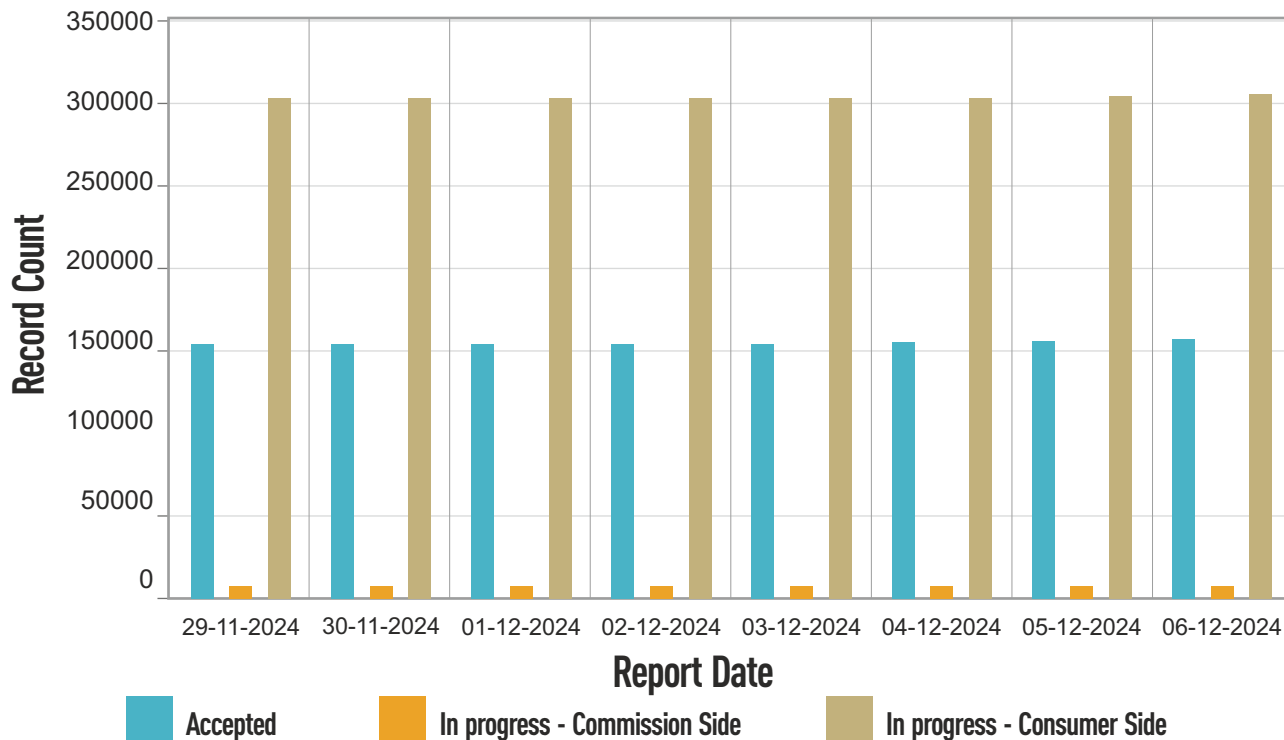
The e-Daakhil portal has been integrated with the Common Service Centers (CSC) - a mission-mode project under the Digital India program to make public utility services accessible to residents of remote and rural parts of the country. Therefore, consumers who do not have access to electronic devices or don't know to operate them can seek help from their local CSCs to file complaints in the concerned consumer commission.

The consumer commission will scrutinise the submitted complaint and accept, reject or forward it to the concerned commission for further processing. Even the opposite party can file a written response on the e-Daakhil portal itself. The applicant can view the opposite party's reply by clicking on the appropriate tab after logging in to the website.

Note: Consumers can file an online rejoinder only for the cases which have been filed on the e-Daakhil portal.



Case Stage



Source: <https://edaakhil.nic.in/edaakhil/faces/manual/maindashboard.xhtml>

Locations Count Table

Active Users	Pending Users
284187	20552
Description	Record Count
NCDRC	1
SCDRC	36
DCDRC	680

Source: <https://edaakhil.nic.in/edaakhil/faces/manual/maindashboard.xhtml>, 8-12-2024

(8800001915), SMS (8800001915), email, website (<https://consumerhelpline.gov.in>), NCH app and Umang app.

These complaints are forwarded to the relevant companies, regulators or government departments for resolution. In fact, the NCH directly collaborates with varied organisations (under its convergence programme). Complaints related to these companies are directly transferred to them and are mostly addressed at the pre-litigation stage itself.

Summing Up

The e-Daakhil system has streamlined the mechanism for filing complaints. The process has become faster, more accessible and less resource-intensive, especially for small claims, thus reducing physical presence at the consumer commissions. It is particularly effective in urban areas and is witnessing growing usage. However, awareness in rural regions remains a challenge. ▶

- **Through the National Consumer Helpline (NCH)** – The NCH is a central registry for lodging consumer grievances. Consumers can register their complaints by calling the toll-free number **1915**. It is available in 17 languages with advice and guidance also offered to consumers over the phone. Complaints can also be filed through the **Integrated Grievance Redressal Mechanism (INGRAM)** portal, which provides multiple channels for registering grievances, tracking grievances and uploading documents - such as WhatsApp

Centralised Public Grievance Redress and Monitoring System (CPGRAMS) is an online platform available to the citizens 24x7 to lodge their grievances against any government agency in the country on any subject related to service delivery (<https://pgportal.gov.in/>).

The Opportunities and Challenges of Virtual Hearings for Consumer Cases

Video conferencing can greatly ease the consumer experience in seeking resolution of their grievances by bringing justice to their fingertips! Further action is needed to ensure that consumers can attend hearings virtually from the comfort of their homes.....



Virtual hearings can transform how consumer disputes are resolved, thus enabling accessible and speedy justice for all!

INDIA'S JUDICIAL SYSTEM has invoked digital platforms - with facilities for online adjudication of cases – to deliver justice to the citizens without the need for mandatory physical presence in a court.

Conducting of court proceedings through video conferencing became common during the nationwide lockdown imposed during the Covid-19 pandemic to overcome the bar on public access to justice.

Video conferencing is available only in the National Commission and some of the state commissions, like Chandigarh, Punjab, Haryana, Maharashtra, Karnataka and Delhi.

Virtual Hearings in Consumer Commissions

The Consumer Protection Act, 2019 focuses on leveraging technology for consumer protection and grievance redressal. It has made express provisions for digital access to justice for the consumers.

After a spate of changes, now aggrieved consumers can file their complaints electronically (through e-Daakhil or the National Consumer Helpline).

To bring about uniformity and standardisation in the conduct of video conferencing, the Supreme Court passed an overarching order on 6th April 2020 which gave legal sanctity and validity to the court hearings done in virtual mode. Rules were framed for video conferencing by a 5-judge committee and circulated to all the High Courts for adoption after local contextualisation.



The e-Committee of the Supreme Court of India is responsible for overall planning, policy and implementation of the e-Courts Project. It has laid down that a virtual court can be administered by a Judge over a virtual electronic platform whose jurisdiction may extend to the entire state and function 24*7. Neither litigant nor judge would have to physically visit a court for effective adjudication and resolution. Communication would only be in electronic form and sentencing and further payment of fine or compensation would also be accomplished online.

The government has set up the portal <https://vcourts.gov.in/> for settling cases online in virtual courts. As of now, only the transport/traffic departments of some states are active on the website.

E-Daakhil



An RTI query filed in the Delhi State Consumer Disputes Redressal Commission on 23rd January, 2023 regarding whether hearing through video conferencing is available in district consumer commissions, state consumer commissions and NCDRC in respect of e-Daakhil complaints, was repeatedly transferred between the national and state commission till May 2024 and is still in pending status.

The NCDRC even responded, “No information is available pertaining to the State and District Commissions. The hearing of the complaints filed through e-Daakhil or physical mode before National Commission are being heard through Hybrid Mode, on request of the complainants. You may approach the concerned District and State Commissions for further details.”



President of Mysuru District Consumer Disputes Redressal Commission, Ms. K.A. NAVEENA KUMARI made a blanket statement in May last year, “Consumer disputes redressal commissions had been set up in each district of the State to redress the grievances of the consumer. For the benefit of the consumers, the cases can be filed online, and appearances before the commission can be made through video-conference facilities.” However, the true situation on the ground is not clear.

They can also pay the applicable fees online, view the case status, file rejoinders, etc. through various channels created for service delivery.

However, virtual hearings have still not become commonplace. Hence, the adjudication stage calls for the consumers to appear in person.

e-Jagriti – The government launched the e-Jagriti portal (<https://e-jagriti.gov.in/>) on the National Consumer Day 2023 with great fanfare. The Department of Consumer Affairs claimed that it has integrated artificial intelligence in the e-Jagriti portal to streamline consumer dispute resolution and reduce pending cases in consumer courts.



e-JAGRITI
Justice And Grievance Redressal for Consumers using
Information Technology & Innovation
www.e-jagriti.gov.in

e-Jagriti is supposed to integrate various consumer grievance platforms and offer features spanning filing, redressal, evaluation, judgement and settlement - like case filing, fee payment, AI-powered smart search, virtual court facility, etc. However, over a year later, the features are still not active and clicking on any tab just returns a 'Network Error'.

How Virtual Hearings Can Become a Game Changer!

For many consumers, especially in rural and remote areas, the barriers of time and distance often make justice seem out of reach. The need for frequent travel to a consumer commission makes them refrain from accessing redressal for their grievances. Hence, e-hearings can promote:

- **Accessibility:** Virtual hearings will bring the courtroom to the consumers' doorstep and they can participate in the proceedings at any time and from anywhere, thus reducing the geographical barriers to justice.
- **Cost-Effectiveness:** Consumers save on travel and lodging expenses, while the commissions save on administrative costs. This will be especially beneficial for the underprivileged sections of the society.
- **Time Efficiency:** The online system will greatly expedite the hearing and resolution process, cutting down delays and even reducing pendency of cases.

- **Inclusivity:** Vulnerable groups, such as senior citizens and differently-abled individuals, can easily participate in online hearings.

While there are great benefits of e-hearings as they eliminate the need for physical presence in courtrooms, implementation comes with its own set of challenges. In fact, the virtual mode remains underutilised due to:

- **Lack of Infrastructure:** Many consumer commissions lack the necessary technology and internet connectivity to facilitate virtual hearings. Even the personnel need to be trained in using the digital communication tools.
- **Digital Divide:** Limited access to reliable internet facilities and digital literacy in rural areas deter many consumers from participating in online proceedings.
- **Technical Glitches:** Poor connectivity and software problems can disrupt the proceedings.
- **Privacy Concerns:** Security of the apps and software in relation to protection of consumer data is another paramount issue.
- **Lack of Awareness:** Many consumers (and even advocates) remain unaware of the availability or benefits of virtual hearings. Misconceptions about the reliability and fairness of online platforms also continue to abound.

Way Forward – Following are some tips for maximising the potential of virtual hearings in consumer commissions:

- **Invest in Digital Infrastructure:** The government should strengthen internet connectivity and equip consumer commissions across the country with the required digital tools.
- **Training Programs:** The court staff should be provided training for using the online systems in an effective manner.
- **Promote Awareness:** Consumers should be educated about the digital options and tools for grievance redressal along with their benefits.
- **Enhance Security:** Robust cybersecurity measures need to be implemented to protect case data.

The Department of Consumer Affairs invites citizens to join video conferences to interact for queries and grievance redressal. Why doesn't it extend the same facilities for resolving the cases in the consumer commissions?

Summing Up

Digital access has great potential to reshape the landscape of consumer justice, making it more accessible, efficient and inclusive. Conducting proceedings remotely, by way of audio and video enabled hearings is the way of the future! ▶

The Rise of the Voice of the Consumer

- A Walk Down the Pages of History!

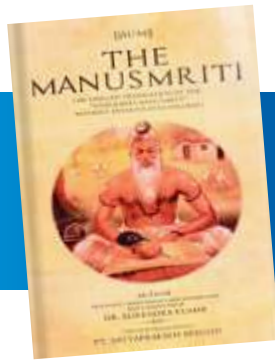
The consumer is the one who oils the wheels of the economy by creating demand for goods and services. However, it took a lot of time and efforts to get the authorities to protect these end-users from unfair practices and unscrupulous exploitation.



Consumer movement is an organised social movement to protect and promote the rights and interests of the consumers!

TODAY'S ERA IS marked as the era of consumers. While still not completely safeguarded from unethical, unfair and fraudulent elements, consumers do have rights backed by laws that uphold their interests. At this juncture, we may deem that the consumer movement is but a few decades old in India, with consumer protection at its peak today!

Fact of the matter is that consumer protection came into existence right since humans started making economic transactions and this consumerism is deeply interwoven into the ancient heritage of our country. Indeed, the Vedic scriptures accentuated the importance of consumer safety and afforded effective provisions against unfair and unjust trade practices for the common people. The Manusmriti and Chanakya's Arthashastra laid down specific principles for safeguarding the interests of the consumers, established a code of conduct for the merchants and even prescribed punishments for dishonest traders.



One commodity mixed with another must not be sold (as pure), nor a bad one (as good) not less (than the proper quantity or weight) nor anything that is at hand or that is concealed.

– Manusmriti

Indeed, there was a time when profits were fixed and timely delivery was prescribed. Weights and measures were inspected regularly. Any shortfall, adulteration, inferior quality or other malpractice was fined heavily. There are mentions of dishonest traders dragged around town with their wares tied around the neck and some even had their hands cut-off!

Different kings and rulers like Chandragupta Maurya to even Allaudin Khilji implemented clear-cut price control mechanisms, precise trade regulations and strict punishments for cheating the consumers. Even the Britishers did attempt to enact legislations to uphold the interests of the consumers during the colonial rule, some of which continued to be applicable after independence as well.

During the freedom struggle, various leaders tried to raise awareness about the power of consumer purchase decisions, like the Dandi Salt March, Swadeshi movement and khadi movement. In fact, it was Mahatma Gandhi who promoted the concept that businesses have a trustee role in being responsible to the customers, workers, shareholders and their community!

Alas, the consumers on the ground remained largely disorganised, ignorant and illiterate. Being gullible, we slowly lost the way and the system became deeply tainted with deficiencies and irregularities.

The Consumer Crusade

The post-Independence era was defined by License Raj, rampant blackmarketing, and uncurtailed monopolies, with the vulnerable consumers mercilessly exploited at every turn. Traders, sellers and manufacturers enjoyed a free run and could literally get away with blue murder.

At this time, even the word 'consumer' was not familiar to many!

The very concept of consumer rights was alien to the common man – he had no choice if the price was too high, the goods were defective, the service was deficient or the terms of sale were unreasonable. The same vulnerability extended to after-sales service, repair and replacement. The buyers were simply expected to make informed decisions and the only recourse was to stop buying a faulty product or unsatisfactory service. Without any legal recourse, the consumers were intensely dissatisfied but had no voice, per se!

In the 1960s, some organisations started popping up and clamoured for a legal system to safeguard the consumers' interests and shield them from the rampant exploitation. They were mostly representational, focusing on making the consumers aware of their rights through speeches and articles in newspapers and magazines, organising meetings, conferences and exhibitions, etc.

The first voluntary consumer organisation to really make an impact was the Consumer Guidance Society of India (CGSI), Bombay which was started by nine housewives in 1966. It actually started testing and reporting the quality of items of daily use foodstuffs and handling consumer complaints.

Other pioneering ones - like the Karnataka Consumer Services Society (KCSS), Visaka Consumers Council (VCC) in Vishakhapatnam, Consumer Education and Research Centre (CERC) in Ahmedabad, Consumer Unity and Trust Society (CUTS) in Jaipur, VOICE in New Delhi, Jagruk Grahak in Baroda and



RALPH NADER, a leading American consumer advocate called Mahatma Gandhi "the greatest consumer advocate the world has seen" for advancing the concept that commercial enterprise should serve the consumer and that the consumer should expect to be served by the business.

It was not that there was no legislation – As many as 37 Acts dealt with consumer problems in one form or the other. But, most of them were punitive and not compensatory in nature.

RRDalwai in Chennai – also made significant contributions to the consumer movement. A few of them floated active complaint centres and some were even able to bring a measure of relief to some aggrieved consumers.



At this time, our editor - and now a renowned international consumer policy expert - Prof. BEJON MISRA was also one of the many people infuriated by having to pay good money for goods and services and still helplessly put up with immoral and manipulative practices.

Frustrated with the sheer lack of accountability and businesses getting away with putting profit before fairness on the one hand and half-baked efforts that just paid lip service to the cause of consumers on the other, he got together with some friends and formed the Customer Guidance Society of Jamshedpur (CGSJ) in 1983.

Till then, the government did not seem interested in consumer protection at all. Driven by a natural proclivity towards commercial and business enterprises, the consumer organisations were summarily dismissed as anti-trade factions and the ruling parties tried to sweep them under the carpet.

Winds of Change in India

In 1984, the National Seminar for Consumer Protection was organised in New Delhi - the first conference of its kind in the field of consumer protection. Over the course of the seminar, a lot of issues were placed on the table and vociferous discussions took place. But formal consensus over the actions or measures was sorely missing.



The sorely-needed spark came in the form of the newly-anointed Prime Minister, Mr RAJIV GANDHI who had the courage to bring the consumer to the centre stage and initiate sweeping consumer reforms in the country!

Meanwhile, a silent revolution was underway in the country and even the administration was finally forced to sit up and take notice.

The late Prime Minister, Mr. Rajiv Gandhi is credited with standing steadfast in the face of hardcore lobbying, untold resistance and even hostilities by vested interests against any kind of consumer reforms. Under the umbrella of his non-sense stance and enthusiastic commitment to consumer protection, the consumer movement started gathering steam.

Mr Gandhi's salient leadership set into motion a series of meetings and deliberations where many activists and leaders put their heads together to draft a comprehensive consumer law that envelops all manufacturers, traders, sellers and service providers in its fold. The overarching aim was to hinge the consumer protection policy on the basic expectations of a consumer when he purchases a good or service – the right quantity and quality at the right price along with the right information. This translates into value for money without any form or attempt to cheat, manipulate or exploit the user. Hence, the collective focus was on providing adequate and easy means of seeking redressal

INTERNATIONAL ARENA

The modern consumer movement is believed to have started in the United States in the early 1900s and later spread to the European countries before reaching some Asian shores.

US President JOHN F KENNEDY was the first world leader to formally recognise consumer rights. On 15th March, 1962, he declared four basic consumer rights in the US Congress. This landmark date is observed as World Consumer Rights Day every year to raise global awareness and promote protection of consumer rights.

The United Nations General Assembly adopted a resolution on the 'Guidelines for Consumer Protection' on 9th April 1985 which recognised eight rights of the consumers and became a global cornerstone of consumer activism. It served as a mechanism for governments to pass consumer protection legislation and for consumer advocacy organisations to pressure their governments to do so.



JOHN F KENNEDY

The cardinal principle of the law is to provide quick, easy and inexpensive justice to the consumers.

should any of the above rights be abused. In other words, 'simple, quick and cheap' justice to the consumer!

This culminated in the promulgation of the path-breaking Consumer Protection Act, 1986 on 24th December, 1986 by the Government of India. (This landmark date is commemorated as National Consumer Day in India.) The Act bestowed six basic rights on the consumers - the right to safety, the right to information, the right to choice, the right to be heard, the right to redressal and the right to consumer education.

Accordingly, a three-tier quasi-judicial system was instituted at the district, national and state levels to redress the consumer grievances. These consumer forums were given extensive powers to uphold the consumers' interests, institute relief measures and award compensations sans any long-drawn-out or expensive litigation.

The Act was enthusiastically hailed as a progressive socio-economic legislation and the most reformative law in the world. It is regarded as the Magna Carta in the history of consumer protection in India!

Other Initiatives

- The Consumer Welfare Fund was set up in 1992 to accrue moneys that are not refundable to manufacturers and other parties. The funds are used to promote and protect consumer welfare activities, create consumer awareness and strengthen the consumer movement in the country.
- The Department of Consumer Affairs was constituted in 1997 as a separate department with a mandate to monitor prices, ensure availability of essential commodities, strengthen the redressal mechanisms and stimulate the consumer movement in the country.
- In 1997, it was further mandated that all government departments and public sector undertakings should

formulate their own Citizen's Charters that clearly specify the standards of service with reasonable time limits, avenues of redressal of grievances and terms for independent scrutiny.

- Various regulatory bodies have been set up to regulate the services of private operators, like the Telecom Regulatory Authority of India (TRAI), State Electricity Regulatory Authority (SERC), Insurance Regulatory and Development Authority (IRDA), Food Safety and Standards Authority of India (FSSAI) and Securities and Exchange Board of India (SEBI). These bodies ensure that the operators work in a fair and transparent manner and protect the interests of the consumers.
- The centre also mandated the setting up of ombudsmen in various sectors like electricity, banking and insurance, as an alternate dispute redressal mechanism. This official is charged with investigating consumer complaints against the institution and ensuring appropriate action for dispute resolution.
- Campaigns such as Jago Grahak Jago continue to spread consumer awareness in the country.

With the world changing dramatically over time, the law also became antiquated and outdated. It was recently overhauled and replaced with the brand new Consumer Protection Act, 2019.

A Long Way To Go

No government can afford to even unknowingly disregard the interests of the consumers. Today, we stand as aware consumers as the face of consumer protection continues to evolve. However, unfair and unscrupulous trade practices, fraudulent goods, fake weights, incomplete information on packaged products, misleading advertisements and other misrepresentations and manipulations continue to rear their ugly head till date. ▶



CONSUMER PROTECTION 2.0

Key Reforms Under the New Act

The Consumer Protection Act, 2019 marks a significant shift in the protection of consumer rights in India. It ushered several key changes that strengthen the rights of consumers with broader and more effective safeguards that ensure better protection and justice to the consumers.

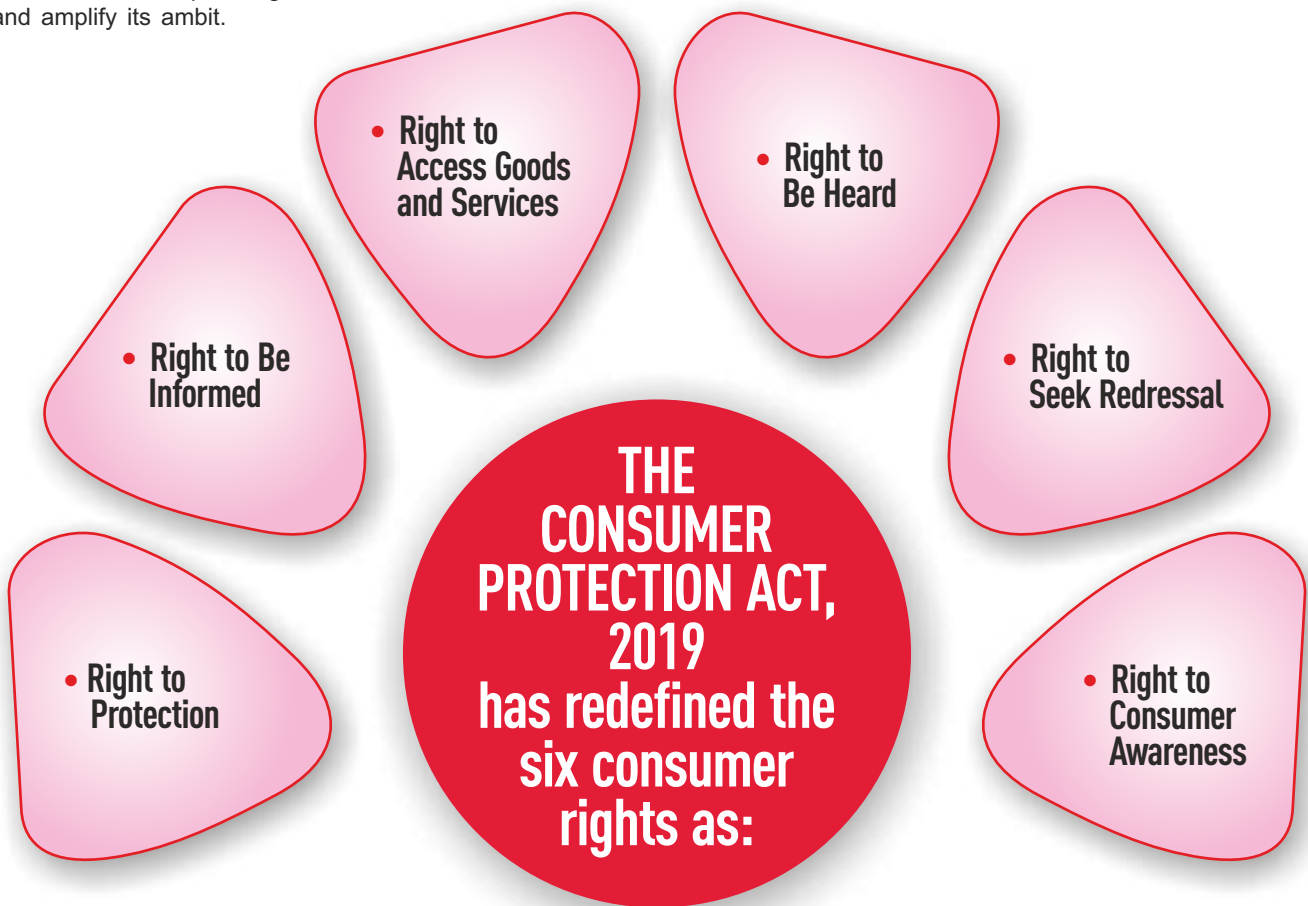


The Consumer Protection Act, 2019 has expanded coverage for the harmful practices prevailing in the marketplace that exploit or inconvenience the consumers.

CIRCA 1986, THE newly-minted Consumer Protection Act was definitely a landmark legislation that empowered the consumers to fight for their rights and instituted safeguards against exploitation in the form of defective goods, deficient services and unfair trade practices. However, the wave of changes over the years had slowly made it lose its relevance.

Take for instance, e-commerce and the digitalisation of the marketplace. While this has brought in fresh opportunities for the consumers, it has also opened up novel forms of unfair and unethical business practices which are outside the scope of the old legislation. Hence, the consumers continued to be vulnerable in the face of new challenges despite progressive amendments to the Act. There was a pressing need to modernise the law and amplify its ambit.

India's new consumer legislation is a positive and welcome step in sync with the socio-economic developments and new-age markets. It has ushered in a new regime of timely and effective administration and settlement of consumer disputes and other issues. Covering a lot of new ground, this holistic law has efficiently bestowed much more power on the consumers in the form of greater protection, expanded benefits and streamlined processes.



The recent Consumer Protection Act, 2019 heralds a new era in the history of consumer protection in our country. While retaining certain old provisions and tightening the existing rules, it has many new provisions for tackling the emerging consumer issues related to the evolving technological and market dynamics.

Coming into effect on 20th July, 2020, the Act provides for timely, inexpensive and effective redressal of consumer grievances/disputes with the manufacturer, seller or service provider of the goods or services they purchase. It has streamlined the grievance redressal

processes to ensure fairness, transparency and efficiency in dealing with consumer complaints.

There are some highly beneficial changes in consumer dispute resolution like increase in the pecuniary jurisdiction, shorter deadlines to effect refunds and requests, and imposing heavier penalties (including imprisonment) on those guilty of violating consumer rights. It has also simplified the consumer dispute adjudication process by allowing filing of complaints in the consumer commissions that have jurisdiction over the consumers' place of residence/work, empowering the

commissions to review their own orders and deemed admissibility of complaints if case admissibility is not decided within the specified period of 21 days.

The consumer legislation further embraces convenience in the form of Online Dispute Resolution (ODR) - an online mechanism that allows consumers to file complaints electronically and attend hearings through video conferencing, thus eliminating the need to physically visit the consumer commissions.

Here's a look at the other important changes brought about by the new Consumer Protection Act:

• **Broader Definition of Consumer**

The new definition of a consumer provides enhanced protection by widening the net to include e-commerce transactions among others. It covers all types of transactions, i.e. offline and online, through teleshopping, direct selling or multi-level marketing. With online shopping in the fold now, e-commerce entities are required to follow the same consumer protection standards as brick-and-mortar stores. Rules have been issued to regulate the online marketing and sales of goods and services.



The definition of unfair trade practices has also been expanded to include sharing of personal information given by the consumer in confidence, unless such disclosure is made in accordance with the provisions of any other existing law.

• **Establishment of Central Consumer Protection Authority (CCPA)**



One of the landmark features of the new Act is the constitution of the CCPA as an executive agency to promote, protect and enhance consumer rights. This central

regulator is bestowed with extensive powers to investigate consumer law violations with *suo moto* authority to inquire or investigate into matters relating to violations of consumer rights or unfair trade practices. This means that it is not limited to acting on complaints received from the consumers or on the direction of the central government - it can intervene and conduct inquiries on its own accord whenever and wherever it deems necessary to protect the consumers.

The CCPA can order reimbursements, impose penalties, recall products, cancel licenses and file class action suits. It also issues safety notices to alert consumers against any dangerous, hazardous or unsafe goods and services.

• **Inclusion of Product Liability**

The new Act has introduced the revolutionary concept of product liability with penal consequences for product

defects. This holds the product manufacturer, service provider or seller liable to compensate a consumer for any kind of harm caused by their defective products or services resulting in injury or death of the consumer. The harm can extend to mental agony, loss of consortium or any other real harm, but does not include any economic loss.

It should be noted here that the liability of the manufacturers is considered the most. They can be deemed liable even if it is proved that they did not conduct any negligence or fraud in making the express warranty of the product.

The rule of product liability is extended to both the sellers on e-commerce portals and the e-commerce platforms themselves. The remedies can range from compensation to fines and even imprisonment.

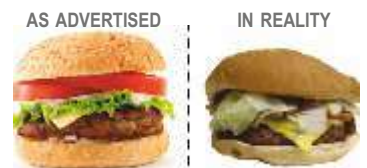
• **Introduction of Unfair Contracts**

Unfair, unilateral and unreasonable contracts have been brought into the fold of consumer protection with recourse available for the very first time. An 'unfair contract' is defined as a contract between a consumer and a manufacturer, trader or service provider containing such terms which cause significant change in the rights of the consumers. This includes demand for an excessive security deposit, unilateral termination of the contract and imposing unreasonable charges/conditions putting the consumer at a disadvantage. In such cases, the consumer can file a complaint against the manufacturer, service provider or trader and raise a claim.

This stipulation can be used to challenge the contracts of banks and e-commerce platforms as well. It will prove especially helpful in the case of the standard form contracts of these service providers which are prepared by them without any negotiation or discussion with the consumers. Consumers have no option but to agree to the unilateral terms or exclusion clauses in order to avail the services.

• **Strict Norms for Misleading Advertisements**

With more and more consumers falling prey to false promises in advertisements, strict actions and penalties have been instituted to tackle misleading advertisements, especially celebrity endorsements.



The CCPA can impose monetary penalties or even imprisonment on the manufacturers or endorsers of false or misleading advertisements. It can even restrain such endorsers (including celebrities) from endorsing any product or service for a specified duration.

• **Statutory Recognition of Mediation**



The new Act has adopted a framework of alternative dispute resolution for mutual and amicable settlement of consumer disputes outside the court,

A consumer commission may refer a consumer dispute for mediation at the first hearing of the complaint after its admission, or at any later stage (with the consent of the parties), if the consumer commission is of the view that there exists an element of settlement which may be acceptable to the parties. Also, parties at any stage of the complaint can opt for settlement through mediation.

thus making dispute adjudication simpler and quicker. Now, all consumer disputes can be referred for mediation except certain specific matters. Accordingly, Consumer Mediation Cells have been established in the consumer commissions.

The mediation cells do not have appellate jurisdiction and their decision is deemed final. Both the complainant and respondent are bound to follow the order passed by a mediation cell. Either party *cannot* raise an appeal against the same.

Mediation not only saves time and money of the parties involved in litigating the dispute, but will also help reduce overall pendency of cases. Hence, the parties are encouraged to undergo mediation as a faster and amicable mode of settling consumer disputes.

Changes on the Ground

This modern consumer protection legislation was expected to go a long way in protecting and

The information shared in a mediation proceeding remains strictly confidential. Either party or the mediator cannot use any of the information, documents, proposals, admissions or views shared during the mediation. There will not be any audio or video recording either.

strengthening the interests of the consumers.

While the law is technologically advanced, pervasive and valuable, it still falls short when it comes to dealing with medical negligence and accountability of public services and utilities.

Then again, due diligence is required to curb the violations that continue to manifest in the marketplace. Even the inconvenience and harassment of consumers continues unabated as a huge number of consumer complaints continue to remain pending in the various consumer commissions. Online

hearings should be initiated in a universal manner to expedite the dispute resolution and ensure easy and effective redressal.

Finally, the government has to take cognisance that while the laws and initiatives are a step in the right direction, they can be effective only when the public is aware of their rights. Generating proper awareness is crucial for empowering the consumers to invoke the legislations and programs for their protection. ▶



The Government should proactively promote online dispute resolution by way of electronic mediation (e-mediation). This will remove the location and distance barriers for parties that want to opt for mediation.



WAJAHAT HABIBULLAH

(IAS Retd.)

Former Secy. to the Govt. of India

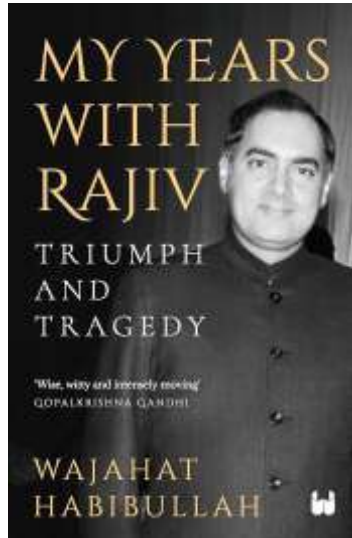
Mr. Wajahat Habibullah (IAS Retd.) was the first Chief Information Commissioner of India under the Right To Information Act 2005. He retired as the Secretary to the Government of India in 2005 after serving the country in the Indian Administrative Service since 1986. He was also Secretary in the Department of Consumer Affairs, Ministry of Consumer Affairs, Food and Public Distribution, apart from being the Chairperson of the National Commission for Minorities. A senior fellow at the United States Institute of Peace in 2003-04, Mr. Habibullah received the Rajiv Gandhi Award for Excellence in Secularism and the Gold Medal for Distinguished Service.

He shares his views with the readers of The Aware Consumer on the consumer protection legislation in India.

Q What is your perception of the consumer movement in India?

I take a deep sense of pride in India's consumer movement. Back in the 1980s, when the Consumer Protection Act was passed, I was Joint Secretary in the Prime Minister's office. And it was the efforts of Prof Bejon Misra, who is actually one of the leaders of the consumer movement, that the law was actually passed. He was also largely responsible for drafting the law. I know this because the law passed through my hands

The then Prime Minister, Mr Rajiv Gandhi was very open to ideas. I have described in my book, 'My Years with Rajiv', how as Prime Minister, he would respond to the ideas that came from the public. One of the key ideas that came to him was from Prof Misra. He did not have any concept of consumerism prior to that, but realised that it was very much in keeping with his own philosophy of making the citizens more responsible for running the economy and the government. So, he took this idea and the rest is now history!



Hence, I have a sense of personal commitment to the consumer movement as I was directly involved with it right from the initiation. And then, many years later, as Secretary of Consumer Affairs in the Vajpayee government, I was working under Mr Sharad Yadav. He was another person who had great concerns with the grassroots level – whether the consumer was getting justice, getting fair share and so on. He also took the courage to uphold consumer interests.

Q From there cut to today, 30 years later, there have been great changes culminating in the new Consumer Protection Act, 2019. What is your take on this?

Change is inevitable. Right from the initiation, the consumer movement has only grown. And now, consumers are much more conscious of the fact that they are consumers. Not as conscious as I would liked; but definitely much more! The whole judicial structure of consumer protection is in the form of consumer commissions and people are taking recourse to them. Initially, nobody would even notice them. Slowly, they started becoming more and more efficient as people started realising their value. Even the big companies started realising that they have to honour the consumers as there is a law to protect them and it is being enforced.

We have so many laws and many of them are not properly enforced and become ineffective. But, in this

case, the law is being enforced – the question of right way or not will always arise, and that is the evolution of the regulation. At least, nobody can say, that it is not being enforced.



Another thing that was approved in my time, is the 'Jago Grahak Jago' movement which was again suggested by Prof Bejon Misra. It was implemented a bit later, but is still a reminder to me that it's something I did for my country.

Q What has been your experience as the chairman of the advisory board of Patient Safety and Access Initiative of India Foundation (PSAIIIF)? What challenges did you face in bringing about the required change?

My experience has been one of learning. I have been educated in the distribution of pharmaceuticals, both the weaknesses and strengths. I hope I have been able to lead the team well. The real face behind the movement is Prof Misra and I simply give my support and I hope it helps. He is the prime mover here.



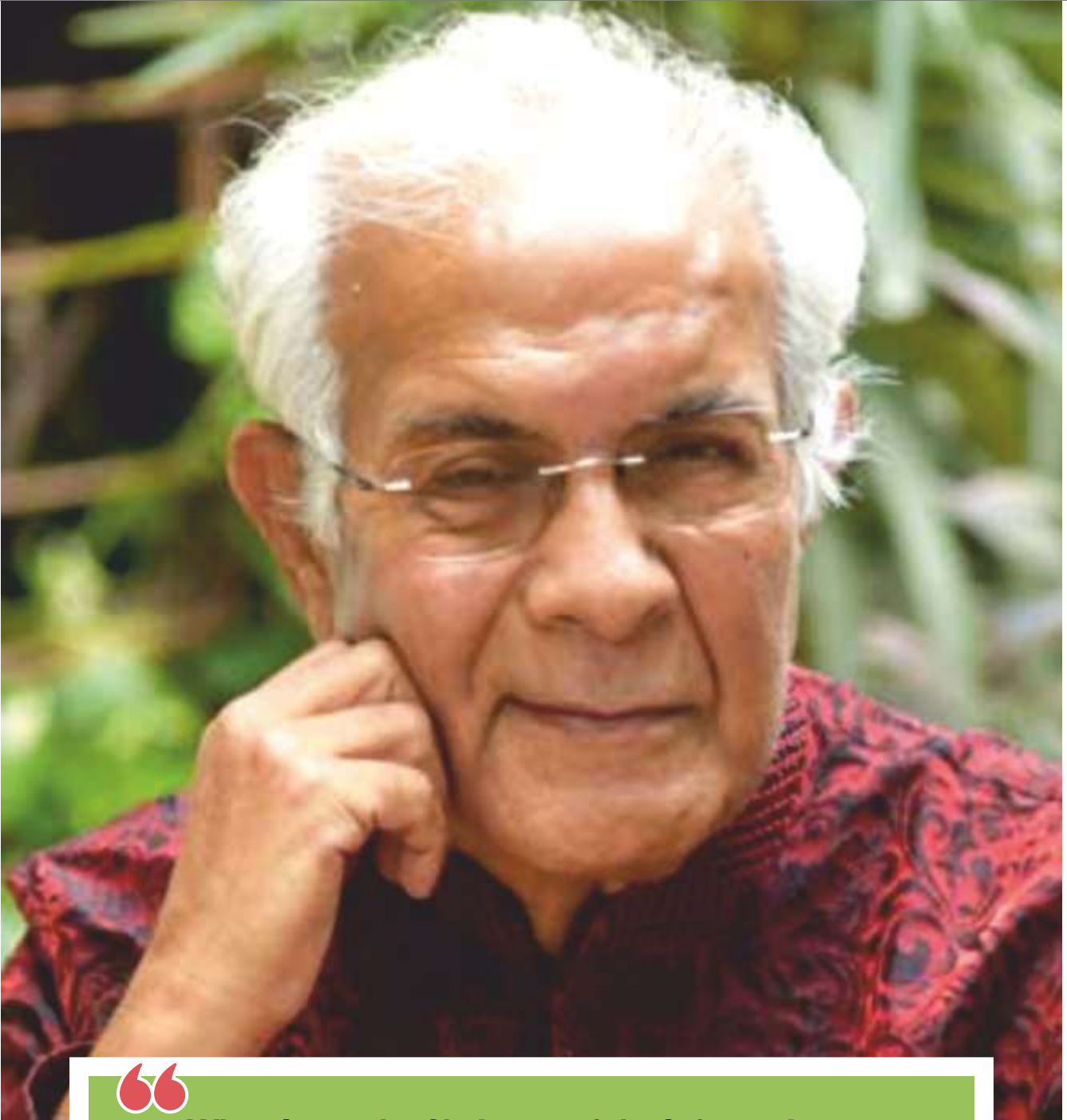
PATIENT SAFETY AND ACCESS INITIATIVE OF INDIA FOUNDATION

www.patientsafetyaccess.org

My experience with the consumer movement helps me considerably in dispensing my responsibilities. As the first Chief Information Officer after the RTI Act was implemented, I remember the basic tenet was that the citizen comes first. All of us are answerable to the citizens. And the lesson which I learnt from the consumer protection movement is that it is ultimately the consumer who is the King and every business is answerable to them. Similarly, under the RTI Act, all information that the government projects is for the citizens and remains answerable to the citizens. Therefore, respect for the consumers and citizens is respect for the country!

With respect to patient safety, the overarching challenge is that people need to become much more aware. The responsibilities of the medical profession – doctors, hospitals, etc. – has been clearly defined. Whether they are standing up to it or not is discussed and debated across forums. What is not discussed is that the patients are not always aware, and more importantly, that they are willing to settle for substitutes which may be fraudulent or for treatment which may not even be necessary. PSAIIIF's main task is to educate the patients by working with the doctors and other medical professionals. In a country as vast and diverse as ours, with varied systems in place across the country, just reaching the patients is a difficult proposition in itself.

Most of us are patients; but are we even aware that we are a patient? No! We don't even question if the medicines we are taking are right or not. This calls for awareness.



When I was the Chairman of the Information Commission, I introduced video conferencing. You would hardly find people in the office of the Chief Information Commissioner as most of the hearings were done by video calls, even within Delhi itself.





We have found that not just in rural areas, but even in cities, the people who claim to be some sort of qualified practitioners – be it homeopaths, ayurveda, compounders or even doctors – are getting away with making money out of patients who are ready to pay them without even a proper qualification.

We have outstanding systems of traditional medicine in our country. A lot of research is being done in Banaras Hindu University and a lot of material has been produced to support their efficacy. In places like Kerala, such treatments are very popular and people come from all over the world for them. But a lot of difficulties arise as the treatment protocol is not standardised. In contrast, in allopathy everything is written down which serves as a reference. The problem is that in Indian tradition, this knowledge is being handed down from generation to generation, and at times, the expert practitioners who mastered the art did not share their entire knowledge. All these cause the patient to suffer.

I firmly believe that it is the patient's right to know that who is the better doctor, which is the better technology. However, this information is not catalogued. While it is being taken up now, so much more has to be done.

When the government introduced the movement of ensuring that some mode of medicinal treatment is available to all the citizens, we found that there are very few practitioners in the remote and rural areas. People are not carrying on the traditional knowledge in the local areas. Some pretend to be practitioners but are not really qualified to treat patients.

All these are challenges and some are being addressed and we are trying to build on them. I can't say whether our role is satisfactory or not as there is always more to be done!

Q What is your opinion on the redressal mechanism available for the consumers? What changes are required to improve the justice system for the consumers?

After a lifetime of experience, I feel every law is as effective as its practitioners. How are we making use of the law is a big question. While the intention is good, these laws are often being misused. So, the question of effectiveness of mechanisms brings us to the fact that a redressal system does exist in the country in keeping

with the law. The law is being reviewed, amended and updated with time. And organisations such as ours do point out the shortcomings in the legislation.

But the mechanism is still not functioning satisfactorily. This is partly because the practitioners should take responsibility that are they doing justice to the law. The lack of proper implementation, the delays and the blackmail of trying to push people into doing things are the shortcomings. On the one hand, the government is not standing up to its commitments and on the other, the practitioners are misusing it for fraud.

This is the characteristic of many mechanisms, and unfortunately, characterises our nation and the people itself. Hence, we have to look at ourselves!

Q How have the online dispute resolution processes impacted consumers? How can the challenges and limitations of virtual justice be overcome?

This is a question that should be asked to the consumers. I am not the right person to answer it as I am on the other end as one of the people who initiated these processes. We tried to meet the expectations of the consumers. It is not acceptable that consumers have to wait 8 to 10 years to get justice. They may be gone by that time or the other person may pass away. Hence, the very purpose is defeated.

Online access will definitely make the process easier. But, is it actually easier should be answered by the consumers who are actually using the mechanisms. I can certainly say this that I am not satisfied with the process. But everything comes back to the fact that things take time and there is always scope to subject them to review and improve thereon. The process is going on which is the encouraging part.

Organisations such as ours are applying our minds to these things based on the feedback from the consumers. Overnight success cannot be expected!

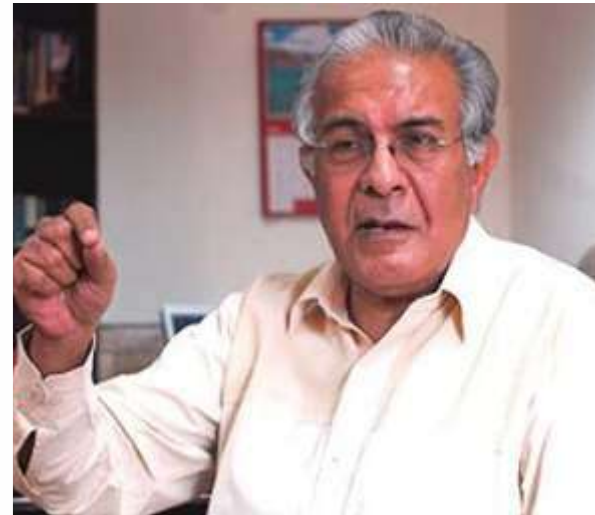
Q Why do you think online hearings are not being implemented despite the provisions in the new Act and the directions issued by the Department of Consumer Affairs?

This is something only the practitioners involved in the process today can answer as I served as a guide in the beginning. This reminds me that when I was the Chairman of the Information Commission, I introduced video conferencing. You would hardly find people in the office of the Chief Information Commissioner as most of the hearings were done by video calls, even within Delhi itself. For example, in the PMO we used video calls so that officers – who are so busy - don't have to come and wait around, and work continued unhindered. Even at that time, all my colleagues opposed the idea. Most of the states did not apply it and I believe all the commissions should use it.

There are lot of advantages of online access as bribery and corruption will be controlled when people don't come physically to the office. Could this be one of



Even the big companies started realising that they have to honour the consumers as there is a law to protect them and it is being enforced.



the factors that is keeping the online hearings from materialising? This is not unexpected as the computerisation process can make things more complicated than they were. Both the people and the officers may still prefer the personal contact. However, we need to change and accept the benefits of technology.

Q Do you think the Consumer Protection Act, 2019 requires further improvements or innovations to make virtual access to the redressal system more robust?



The first Act did not account for virtual access. The RTI act being more recent, did cater and encourage online access. Things are changing and the legislation for consumers has also changed for the better. Has it changed enough is up for question. We have to look at what the people who are using it have to say. What can be better here than I can sit at home and make a complaint about a shopkeeper defaulting and even the hearing can be done online. All this sounds very easy. But things get quite complicated in reality.

For instance, after the RTI act, every ministry and department is required to have a website to provide citizens access to information. I had mentioned to then

President, Dr Abdul Kalam that he must be happy that every department has a website now. But he said he is not happy as it is so complicated to get into any website. To get information, he needed the help of an expert who can access it for him. Hence, computerisation as a concept sounds good, but the manner in which it is done may not be good enough!



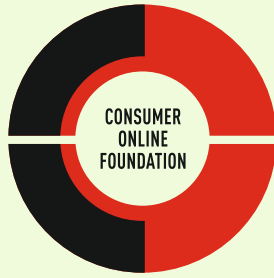
Q What do you think is the future of consumer grievance redressal beyond virtual access?

It should become stronger and stronger. Ultimately, the aim of any business is to satisfy the consumers. Hence, the consumer grievance redressal is of primary importance. No company, when asked about their highest priority, will tell it is consumer grievance redressal. But that must become the primary concern of every business.

Q Any last thoughts for the consumers?

People like us and Prof Misra are the older generation. We are looking to pass on the baton down to the youth. They should take an interest in consumer protection. Our conceptualisation of consumer grievance redressal was centred on old elements and old instruments. The new generation is up-to-date and can guide and support on where the movement should go.

We are the world leaders in information technology and the youth across the country are certainly at the frontlines as the world's technological experts. But we must also now find the skill for how to use this expertise for the betterment of the society. Our main dream in my time was to build the country. Now the country is strong and self-sustaining. This generation should realise that they should set a clear aim for the country and take it forward drawing on their personal strengths! Start working on it! ▶



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FOR

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PROF BEJON KUMAR MISRA
Founder – Consumer Online Foundation



DHANANJAYA Y. CHANDRACHUD
FORMER CHIEF JUSTICE OF INDIA

Not only does the use of technology make our courts more accountable and responsive, but it also brings people closer to the courtroom.



ROUNDUP



National Consumer Helpline Gets 1000 Firms On Board to Fast-Track Complaint Resolution

THE NATIONAL CONSUMER Helpline (NCH) has partnered with over 1000 companies - spanning various sectors including e-commerce, banking, telecommunications and retail - under its Convergence Programme. These companies span major sectors, including e-commerce, travel and tourism, private education, FMCG, consumer durables, electronic products, retail outlets, automobiles, DTH and cable services, and banking.

Complaints related to these convergence companies are directly transferred to them for online resolution. The partnerships ensure that consumer complaints are addressed at the pre-litigation stage, fostering greater consumer trust. However, if a complaint remains unresolved, consumers are encouraged to approach the appropriate consumer commission under the Consumer Protection Act, 2019.

“The number of convergence partners has steadily increased from 263 companies in 2017 to 1,009 companies, as of now. This growth highlights the role of these partners in enhancing the helpline’s efficiency, enabling quick and effective grievance redressal and promoting transparency and accountability.”

– Ministry of Consumer Affairs

The Department of Consumer Affairs is actively monitoring the NCH grievance data to improve the redressal process. It identified the top ten non-convergence companies that received the highest number of grievances during the fiscal year 2024-25. These companies include Delhivery Ltd, Electronicscomp.com, Domino's Pizza, Haier Appliances India Pvt. Ltd, FirstCry.com, Thomson India, Mahindra & Mahindra, Rapido, Orient Electric Ltd. and Symphony Ltd. A meeting was planned with these companies to address their ongoing issues and discuss the potential for them to join the Convergence Programme. ▶



According to the Consumer Affairs Ministry, since 2015, the number of calls received by the NCH helpline has increased nearly tenfold, from 14,795 calls in January 2015 to 1,41,817 in January 2024. The average number of complaints registered per month has surged from 37,062 in 2017 to 1,12,468 in 2024. The exponential growth demonstrates the growing consumer confidence in the system.



NCH is rolling out the NCH 2.0 initiative, which incorporates advanced technologies to streamline complaint handling. This includes the introduction of AI-powered Speech Recognition, a Translation System and a Multilingual Chatbot. These innovations aim to make the grievance filing process more inclusive, enabling consumers from diverse linguistic backgrounds to file complaints in their local languages through voice input. The technological upgrades will also streamline the system, reduce manual intervention and provide real-time assistance through the chatbot.

E - Daakhil
दाखिल
Complaint filing made easy
To file complaint visit
<https://edaakhil.nic.in/index.html>

Centre Rolls Out e-Daakhil Portal

Nationwide to Streamline Consumer Grievance Redressal

IN NOVEMBER 2024, the Department of Consumer Affairs proudly announced the successful nationwide implementation of the e-Daakhil portal which is now operational in every state and union territory of India.

This milestone was marked by the launch of the e-Daakhil portal in Ladakh on 22nd November 2024, making e-Daakhil a truly pan-India initiative.

The e-Daakhil portal was first launched on 7th September 2020 by the National Consumer Dispute Redressal Commission (NCDRC). By the end of 2023, it was launched in 35 States/UTs except Ladakh.

With the portal now active across the entire country, from urban centres to remote regions,

According to the Ministry of Consumer Affairs, as of now, more than 2,81,024 users are registered on the e-Daakhil portal, with 1,98,725 cases filed, out of which 38,453 have been resolved. Notable success stories include rulings in favour of consumers in remote regions, such as the Sambalpur District Commission's decision to award Rs. 25,000 compensation and Rs. 5,000 for litigation expenses to a consumer for a faulty Hero Electric Atria in January 2024. Similarly, in September 2022, the Andaman District Commission ruled in favour of a complainant who had been charged twice for fuel due to a failed UPI transaction, ordering a refund of Rs. 3,980 with 6% interest and Rs. 10,000 for mental agony.

New Developments in Online Filing of Grievances

THE GUJARAT GOVERNMENT has empowered the electricity consumers to lodge electricity-related complaints online at any time by launching a single-window online portal (<https://cgrf.guvnl.com/>) in October last year.

Through this portal, consumers can file an online grievance with the Consumer Grievance Redressal Forum (CGRF) of the state-owned power distribution companies covered under the GERC (CGRF & Ombudsman) Regulation, 2019. The consumers get facilities like e-filing, application tracking and online orders.

Until now, consumers were able to lodge grievances with the CGRF through letters, email or in person. Now, they can do it online from anywhere and also track/monitor its status/progress.

Similarly, an online grievance redressal platform was launched to address grievances of rice millers in the country. This FCI Grievance Redressal System (FCI GRS) mobile app is designed to facilitate rice millers in addressing their grievances with the Food Corporation of India (FCI), with an emphasis on transportation costs and delays in the procurement process.

The app provides rice millers a convenient platform to lodge complaints, monitor its status and receive responses on their mobile device in an end-to-end digitised manner. ▶

// All grievances will be addressed in a transparent manner with a swift, time-bound resolution process, targeted within seven days. The field response team will be on-site within three days to ensure prompt action. //



PRALHAD JOSHI
Union Minister of Consumer Affairs,
Food and Public Distribution, Gol

consumers can file complaints easily from the comfort of their homes. A remote tracking system ensures full visibility on the status of their cases. This is particularly

beneficial for individuals in rural and underserved areas who previously faced significant barriers to accessing justice.

The government also stated that it is working on the introduction of the e-Jagrati portal, which will further enhance the grievance redressal process. This new initiative aims to streamline case management and communication, making it faster and more efficient, ultimately reducing delays and ensuring timely justice for consumers. ▶



RAVI SAXENA
CEO and Founder of Wonderchef,
kitchen appliances maker

// In an era where Indian manufacturing and brands are striving for global recognition, protecting consumer rights is crucial. India's consumer feedback mechanisms, like e-Daakhil, ensure companies deliver on their promises, driving accountability and fostering world-class quality — a key to maintaining competitiveness and trust in 'Made in India' products. //

SC to NCDRC: Seeking Physical Copies After E-Filing Defeats the Purpose

WHILE HEARING A petition seeking effective implementation of the digital filing facility at the National Consumer Disputes Redressal Commission (NCDRC) and state consumer disputes redressal commissions (SCDRCs) in August 2024, the Supreme Court explicitly stated that seeking physical copies of documents from lawyers after they have filed them electronically defeats the purpose of e-filing.

The plea was moved by Ms. Usha Garg on lawyers being asked to file physical copies of documents even after they have filed them digitally. The apex court asked the NCDRC chairperson to reconsider its request for physical copies of documents in addition to e-filed copies and deliberate on the issue with government officials for an expeditious solution of the grievances raised in the petition. ▶

“Once advocates are filing in the online mode, why do we expect them to file physical copies?”

– Supreme Court of India



We also understand the burden of the lawyers. If we are moving into the digital world, but on the other hand, we also put the burden on the lawyers for doing additional paper filing, then why have digital filing at all?... We had to dispense it at the Supreme Court two years ago. //

- bench of then CJI DY Chandrachud and Justices JB Pardiwala and Manoj Misra



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- ✔ ENHANCING TRUST
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National Consumer
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Pyush Misra
Trustee,
Consumer Online Foundation

BRIDGING THE GAP:

From Courtrooms to Keyboards

“The government is trying to afford consumers the convenience of resolving their complaints digitally which will save them time and money. However, there is poor response from the states and the consumer commissions continue to be marked by gross inefficiencies in operations.”

– Pyush Misra



The vision of e-justice will remain unrealised without proactive participation from the states!

VIRTUAL HEARINGS HAVE the potential to revolutionise consumer justice, making it faster, more accessible and cost-effective. The Government of India is doing its best to accelerate virtual resolution of consumer grievances and pushing adoption of virtual hearings at all levels of the consumer grievance redressal system.

It was reported in January last year that the Central Consumer Protection Authority (CCPA) was preparing to roll out e-court services in all 35 state consumer dispute redressal commissions (SCDRCs) and 10 benches of the National Consumer Disputes Redressal Commission (NCDRC).

Again, in April, the Ministry of Consumer Affairs directed all the consumer commissions to start hearing cases online from 15th April, 2024, with the video conferencing facility available as the 'default option' for consumers.

The D.O. sent by the Department of Consumer Affairs to the state/UT commissions highlighted the recent directive from the Supreme Court in the Writ Petition (Criminal) 351 of 2023, titled Sarvesh Mathur vs The Registrar General High Court of Punjab and Haryana, which underscores the importance of providing video conferencing facilities to the citizens. It emphasises the imperative for tribunals, including consumer commissions, to leverage video conferencing technology to facilitate hearings, thereby bringing justice to the doorsteps of the consumers.

The ministry further directed the NCDRC to hear cases in hybrid mode from its premises. Accordingly, the National Commission was required to provide video conferencing or hybrid hearing links for all benches on the 'cause list' to streamline the hearings and make them accessible to all those involved. The Ministry stated that hybrid hearing of cases will be rolled out on a pilot project basis until further orders.

Following this, the NCDRC also issued practice directions for hybrid mode hearings (physical/video

conferencing) of consumer cases. It further requires that the counsel and parties should have a minimum internet connection of 2 Mbps. It stated that in case any interruptions or security concerns arise, the video conferencing hearing facility will be reviewed and appropriate measures will be taken.

The NCDRC has started implementing hearings in hybrid mode. The video conferencing/hybrid hearing links are made available on the 'cause list' itself eliminating the need for sending them separately to the advocates and aggrieved parties. However, no information is available on the situation in the state commissions.

Supreme Court Initiatives

The Supreme Court of India is taking *suo moto* action to encourage the use of virtual hearings for different types of litigation, including consumer cases. It had directed the central government to provide all the tribunals with the necessary infrastructure for hybrid hearings. It also



Former Chief Justice of India DY Chandrachud constantly advocated the use of technology and artificial intelligence (AI) tools in the judiciary. Time and again, he appealed to the judges to continue hybrid hearings and not disband the infrastructure for virtual courts that were set up during the Covid-19 pandemic. His words continue to ring true, "Technology is not confined to pandemic, must look beyond it!"



In June 2024, Ms. NIDHI KHARE, Secretary, Department of Consumer Affairs again wrote a letter to the Presidents of the state/UT consumer commissions, "Since the initiation of the video conferencing facility implementation project, remarkable achievements have been witnessed in enhancing accessibility and efficiency in dispute resolution processes. The adoption of digital hearings has significantly reduced geographical barriers and facilitated seamless participation for all stakeholders involved.

However, despite these advancements, we are receiving complaints and requests from consumers indicating inconsistent implementation of the video conferencing facility across several State Consumer Commissions.

Therefore, I request each State Consumer Commission to prioritise the hearing through video conferencing mode as the default option for all the hearings, ensuring maximum accessibility and convenience for consumers."

highlighted the need for a clear and consistent approach to electronic access for hearings.

In September 2023 - in the Sarvesh Mathur vs. The Registrar General High Court of Punjab and Haryana case, writ petition (criminal) 351 of 2023 - the Supreme Court expressly asked the Registrars of all High Courts and the Registrars of the National Consumer Disputes Redressal Commission (NCDRC), the National Company Law Appellate Tribunal (NCLAT) and the National Green Tribunal (NGT) to state on affidavits if they are allowing virtual hearings to continue. They were directed to file an affidavit detailing how many video conferencing hearings have taken place in the last three months and whether any courts are declining to permit video conferencing hearings.

The state/UT consumer commissions were also required to share a comprehensive report detailing the number of consumers who have benefitted from the video conferencing facility services on a monthly basis. The

apex court stated that the report will be used to assess the impact of the initiative and also serve as a guide in further improving and expanding the services.

The apex court is continuing to take stock of the implementation of virtual hearing systems, especially in the High Courts. It has been clearly stated that all the directions governing the High Courts shall also apply to the tribunals functioning under all the Ministries of the Union Government, including NCDRC.

The amici curiae appointed in this matter also prepared a draft Standard Operating Procedure (SOP) which covers all aspects of virtual hearings including the attire that will be considered proper and the location from where a party or advocate may log into the video conferencing platform.

Conclusion

The implementation of virtual hearings is facing significant challenges at the state level. While the national commission has adopted hybrid hearing mechanisms to expedite justice delivery, most of the state and district commissions have been slow to follow suit. Even where online hearing facility is available, it is not functioning properly.

It must be noted that technology plays an essential role in securing access to courtrooms and as a result, access to justice for citizens across the country. Placing fetters on hybrid hearings, like mandating an age criteria, requiring prior application, and frequent denial of access to virtual participants has the direct effect of discouraging lawyers and litigants to use technology. Not only does this affect the efficiency and access to courts, but it also sends out the misguided message that access to courts can be restricted at whim to those who seek justice. //

– Honourable Supreme Court of India

The state governments are notorious for a glaring apathy towards consumer rights and protecting customers' interests ranks quite low on the priority list. An extremely poor track record of enforcement is staring us in the face.

The inadequate support from the state governments has left many consumers in limbo, forcing them to endure long delays in resolving complaints. This not only erodes trust in the system but also disproportionately affects those in remote areas or with limited resources to pursue traditional litigation. ▶

The consumer commissions and other courts can use different video conferencing platforms – from the National Informatics Centre - developed Bharat VC to Zoom, Google Meet, Cisco Webex, etc.



Exploring the Next Frontier in Consumer Justice Delivery

Even as we move towards invoking digital technology in the form of e-filings and online hearings, a new future beckons beyond virtual justice for the consumers. Let us find out what's next in consumer justice technology.



Will the evolving developments in technology herald a new era for consumer grievance resolution?

AS THE WORLD embraces digitisation, the consumer justice delivery system is also undergoing a transformative phase. Indeed, the integration of technology into the consumer grievance redressal mechanisms is improving affordability and convenience for the consumers.

While online filings and digital document storage is slowly becoming the norm, there is still a lot of scope for reducing the time, cost and logistical challenges. Replacing traditional in-person hearings with virtual hearings – and possibly e-courts - will bring consumers the convenience of participating in proceedings from anywhere.

While India is still facing varied limitations and challenges on this front, the world is surging forward beyond e-hearings which still rely heavily on human intervention and have a limited reach on account of digital infrastructure and literacy.

A Revolution on the Cards

The world is looking at leveraging cutting-edge technologies - like artificial intelligence (AI), blockchain and data analytics - to deliver justice that is faster, more transparent and more accessible. The horizon is promising with potential frontiers waiting to be explored, like:

- Mobile apps and other user-friendly platforms can be developed to file complaints, track cases and communicate with the authorities.

- Interactive tools, like chatbots, can guide consumers in filing complaints effectively.
- Multilingual platforms can cater to diverse populations and other marginalised groups, thus promoting further inclusivity.
- Immersive technologies can be used for presenting evidence in complex cases.
- Online platforms for mediation and arbitration can provide faster and less adversarial options for resolving consumer disputes.
- Virtual alternate dispute resolution tools can even cater to minor complaints without court intervention.
- AI models can analyse consumer complaints and suggest preliminary resolutions.
- AI tools can also be used to sort, prioritise and route cases, ensuring quicker processing.
- AI can assist in analysing past rulings to provide judges and lawyers with precedents, streamlining decision-making.
- Predictive analytics can identify trends in disputes, helping regulators address systemic issues proactively. These tools can also guide policy interventions.
- Regular monitoring of case trends along with data-driven insights can reduce buildup of backlogs.
- Smart courts will be characterised by



Former Chief Justice of India, DY Chandrachud steadfastly rooted for using technology as a means of ensuring justice for everyone! Just a few months prior to his retirement, he lauded the National Conference on the Landscape of Technology in Courts stating that, “This is a unique conference..... to discuss various aspects of technology including artificial intelligence. Judges from all over the country have come here and I think this will be a very important initiative to take the message of the Indian judiciary of access to justice to common citizens... Technology should be a means of ensuring 'Nyay Sab ke Dwaar'. Phase 3 of e-courts is starting now, the central government has given approximately Rs 7,000 crores to all the state governments, which I think will re-generate the information infrastructure.”

automated processes, predictive case outcomes and improved resource management culminating in faster resolution times.

- Blockchain technology can ensure secure, tamper-proof recordkeeping of consumer complaints, evidence and judgements, thus eliminating concerns of data manipulation or corruption.
- Augmented Reality (AR) and Virtual Reality (VR) has the potential to allow virtual site visits or re-creations of incidents to provide more immersive evidence presentation.

While the picture does look rosy, data security and ethical concerns demand careful attention. For instance, relying on AI for decision-making requires careful calibration to avoid bias. Moreover, safeguarding sensitive consumer information from breaches or misuse will become more critical.

Needless to say, AI should not be allowed to encroach upon creative processes that are inherently human. As the former Chief Justice, DY Chandrachud correctly cautioned, "I believe that artificial intelligence can never supplant these uniquely human endeavours. It can

The future lies in building a robust, inclusive and technology-driven system that prioritises accessibility, efficiency and transparency.

augment, but never replace, the innovative spark, emotional intelligence, and nuanced judgment that define our humanity."

Last Word

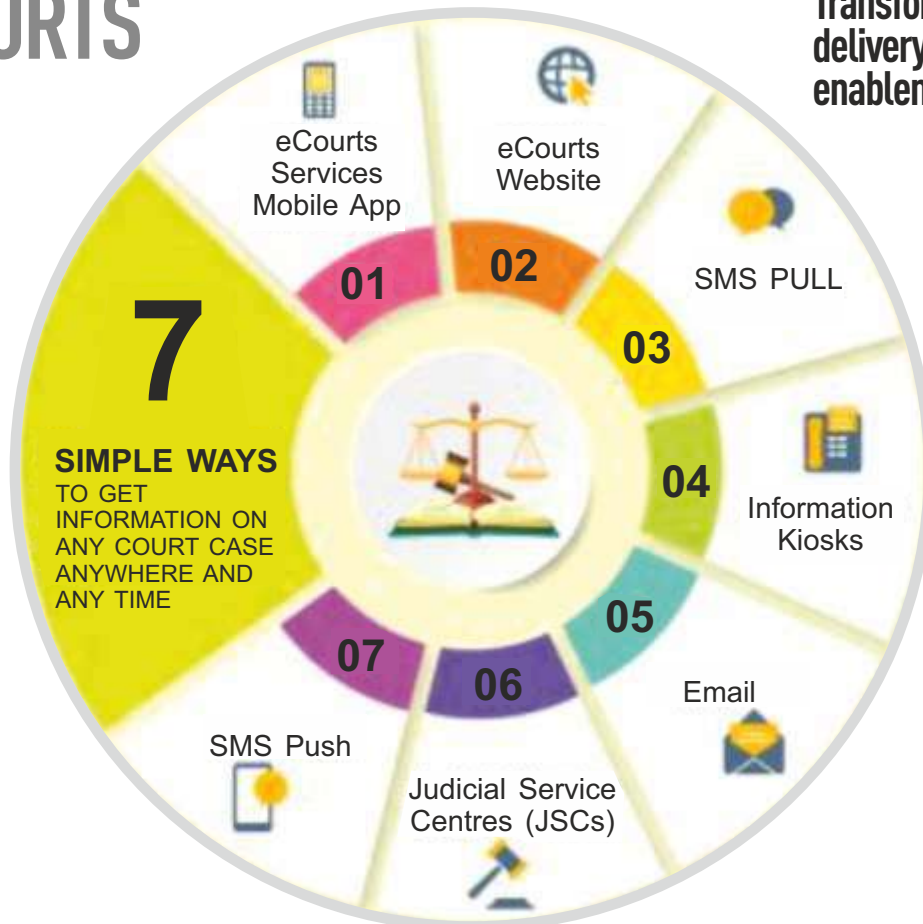
We can easily envision futuristic, digitally inclusive and people-centric consumer justice with automation, real-time data and other digital tools to streamline judicial processes right from case management to resolution. However, this calls for effective collaboration between the government, judiciary, technology providers and the consumers as well. Capacity building, policy alignment and awareness campaigns will play a crucial role in the overall effectiveness.

Above all, we also need to overcome our innate resistance to change and preference for familiar processes. We should build an openness to adopting innovative practices.

With sustained efforts, the digital age will herald a user-centric ecosystem where every consumer, regardless of the socio-economic background, can access swift and transparent redressal mechanisms leading to timely and equitable redressal of consumer complaints. ▶

E-COURTS

Transforming Justice delivery by ICT enablement of Courts



Decoding the Sheer Inefficiency of Consumer Commissions

Consumer commissions across the country are characterised by gross inefficiencies, delays and more. A Supreme Court-appointed committee had reported on this dysfunctional status while suggesting remedial measures for improving the functioning of consumer commissions. But all to no avail!



Will digital tools manage to fulfil the promise of quick and efficient resolution of consumer grievances?

CONSUMER COMMISSIONS OFFER a dedicated platform for addressing grievances efficiently and effectively. While today's digital age is being defined by e-filings of complaints, online case tracking and even virtual hearings to some extent, the very operations of consumer commissions are still found extremely wanting.

Alas, the poor infrastructure, ill-trained staff, unfilled positions and lengthy court procedures manifest as unending delays in resolution. And even when a dispute is resolved, the orders are not complied with. Hence, the cup of woes of the consumers continues to overflow leading to grave dissatisfaction.

Even after years of litigation and fighting for a favourable order, justice remains elusive for consumers. To add salt to injury, applications filed by them to speed up the execution of orders lie undisposed for days, months and even years.

Nearly 30 years after the enactment of the legislation to protect consumers, the Supreme Court of India appointed a high-level committee (in January 2016) to look into the functioning of consumer protection courts and suggest remedial measures. The three-member panel comprised former Supreme Court judge Arijit Pasayat, former Delhi High Court judge Rekha Sharma and the Union Secretary for Consumer Affairs or his nominee on board.

The panel was asked to visit the states to carry out a nine-point scrutiny and give a factual ground report on the state of consumer forums in the country along with recommendations for improvement. This included:

- (i) The infrastructural requirements of the State Commissions, deficiencies in infrastructure and remedial measures
- (ii) The position of vacancies of members at the national, state and district level
- (iii) The need for additional benches at the national, state and district level
- (iv) Conditions of eligibility for appointment of non-judicial members
- (v) Administrative powers which have been or should be conferred on the presiding officers of the state and district forums
- (vi) Service conditions, including pay scales, governing the presiding officers and members
- (vii) Requirements of staff
- (viii) Creation of a separate cadre of staff at the national, state and district level
- (ix) Other relevant issues

The Supreme Court committee was appointed on the heels of a PIL highlighting the appalling pendency of grievances in consumer forums for 14 years.

Civil cases can take up to seven years to reach a conclusion, but consumer disputes at times take nearly twice the time.



MS KAMATH
Honorary Secretary,
Consumer Guidance Society of India

Commencing work in February 2016, the Committee inquired extensively into the matters referred to it and made an assessment of the prevailing conditions in the states of Odisha, Maharashtra, Punjab, Haryana, Andhra Pradesh, Telangana, Jammu and Kashmir, Tamil Nadu, Bihar and Jharkhand. The existing position at the National Consumer Disputes Redressal Commission as well as the State Commission in New Delhi was also analysed.

A Sobering Reflection Emerged

An interim report was submitted in October 2016 which showed the mirror on a reality that was far removed from the goals and objectives of the consumer rights legislation. The findings revealed that:

- The consumer forums do not function as effectively as expected due to a poor organisational set up.
- The available infrastructure is grossly inadequate. The report states that the Committee, during its visits to the states, found that there are no proper courtrooms with lights, fans, chairs and tables. The record rooms are also either too small and have no almirah, shelves or compactors to store the files. Files get damaged by termites as most of the time they are lying unattended and kept in the open.

The consumer fora in almost all states, with a few exceptions, have not been provided even with minimum level of facilities required for their effective functioning.

– Committee report

- There is a serious absence of adequate and trained manpower. The Committee highlighted that, “The condition of Chambers of the Presiding Members is pathetic. They do not have adequate or trained staff. They do not have stenographers for taking dictations. At some consumer fora, there are no peons to retrieve the files from the record room.”
- The adjudicating bodies face a shortage of qualified members. The Committee listed various reasons for this, like:
 - > absence of proper remuneration
 - > appointment of former judicial officers who lack motivation and zeal
 - > appointment of practising lawyers as presiding officers of district forums
 - > political and bureaucratic interference in appointments

A woman nonjudicial member who happens to be wife of a bureaucrat was appointed for district forum Baghpat but was posted at Greater Noida. //

- Benches of the state and district forums lack punctuality. In many cases, they sit for barely two or three hours a day, and remain non-functional for months due to lack of quorum.
- Orders are not enforced like other orders passed by the civil courts.

No Government is serious about consumer fora and close to 10,000 cases have been pending in different states for the last 20 years while 40,000 cases have been pending for more than 10 years!

– Committee report

As of October 2024, 18 posts of President and 56 posts of members are lying vacant in the state commissions At the district level, 162 posts of President and 427 posts of members are vacant across the country. //

– Ministry of Consumer Affairs, GoI

Delving Into the Appointments to the Commissions

The Committee revealed that the selection for the posts of presiding officers and members of the forums lacks transparency without a fixed criteria. It was found that the bureaucrats, politicians and judicial fraternity were showing undue favour to their people and appointed them on vacant positions of non-judicial members in consumer courts. This prevents eligible candidates from joining the forums. Issues of conflict of interest also arise when persons from the local area are appointed to a district forum for that region.

A non-judicial member Jamal Akhtar posted at Meerut District consumer forum has been absenting without permission since May 11, 2015. The state government has failed to take any action against him. Pleas of president (of the forum) and state commission have gone unheeded. His post has not been declared vacant, yet another non-judicial member posted elsewhere has been attached in his place.

– Committee report

Furthermore, at certain places, the non-judicial members gang up against the judicial members. The Committee observed that, “The former often act in unison against the presiding officer, while passing orders contrary to law, damaging the reputation of the adjudicating body. Presidents, as a result, prefer a situation where such non-judicial members absent themselves from work if only so that judicial work can be carried out by the presiding judge impartially and objectively.”

The quality of non-judicial members at the state and district levels remains poor even on account of the low remuneration which is paid to them. Not only does this vary from state to state, but often becomes too meagre to attract qualified talent. Most of the non-judicial members are not even capable of writing or dictating small orders. Many of them attend work only to sign orders which have been drafted by the presiding officer.

Please Note: The Supreme Court had mandated in a ruling in March 2023 that the selection of the President and members for state and district consumer commissions should be based on the candidates' performance in a written test comprising two papers. However, in February 2024, the apex court raised doubts about the viability of its earlier directions by stating that asking a retired High Court judge or ex-district judge to appear in a written examination defeats the purpose of the consumer protection rules.

The bench comprising then Chief Justice of India DY Chandrachud, Justices JB Pardiwala and Manoj Misra further said that the track record and judgements of the retired judges are available to the selection committee which can consider those before appointing them to such consumer commissions.

While exempting former High Court judges from taking the mandatory test, the bench sought suggestions from the Centre on making the selection procedure for members of district and state consumer commissions 'objective and fair'.

"Not having a selection examination will be a backdoor entry for any lawyer. Besides, there is a danger of leaving it to states as there will be unbridled discretion."

- Supreme Court of India



The Committee proposed that a written test should be conducted to assess the knowledge of candidates applying for posts in the district forums. It also opined that it is necessary to confer upon the President of the National Commission the power to recruit and transfer staff to obviate delay in appointments.

Poor Response from States

The Committee noted that while the central government provided the funds for construction of new buildings, renovation and office equipment, the state governments were not quick enough to allot land for the consumer commissions.

The Committee formulated its suggestions which were issued to the state governments for streamlining the state of affairs. However, the states failed to respond to the suggestions.

Moreover, the state governments - responsible for timely filling up of the vacancies of the Presidents and members in the State and District Commissions - fail to keep the time limit. There were instances where the state governments took 7 to 10 months to approve the recommendations of the Selection Committee. It was recommended that in order to maintain speedy disposal of cases, the state governments should have a panel of candidates in place for filling vacancies to prevent delay in appointments.

Conclusion

It is only the presiding legislation which has changed since the eight odd years of the release of the interim report. Everything else seems to have remained much the same.

What is most unfortunate is that though the committee actually conducted an exhaustive study for two years, the final report was never made public.

What's more, till date, there has never been any public discussion on the interim report even though it had recommended a prudent way forward that should have been implemented with utmost seriousness.

Alas, the entire consumer grievance redressal machinery has turned out to be a mammoth failure riding on its sheer incapability to deliver justice on time! ▶

The consumer awareness levels at rural and semi-urban areas are still lacking far behind and the role of consumer forums are rarely known to the people at large. The government's initiative of consumer awareness campaign Jago Grahak Jago had a very limited impact and people are hardly aware of them. //

- Observations of Justice Pasayat Committee

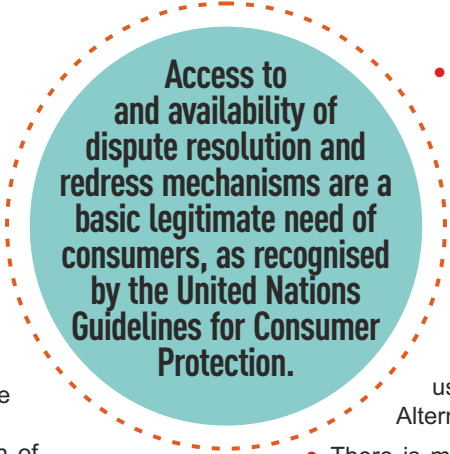
Around 5.45 lakhs cases were pending in consumer commissions as of September 2023

Pioneering Digital Access to Justice Around the Globe

The global pursuit for accessible and efficient redressal mechanisms for consumer grievances is leading various countries to knock on the doors of technology. Indeed, it is digital innovations that can ensure swift and inclusive grievance resolutions, as is being demonstrated by leading nations across the world.



Advanced technology is setting new benchmarks in how consumer justice is served in the digital age! Consumers in various parts of the world are now empowered to resolve their issues seamlessly.



IN THE FACE of growing consumer grievances and the need for timely and effective dispute resolution, many countries have embraced digital platforms to improve access to justice. These innovations are making legal consumer redressal faster, more accessible and cost-effective.

The digital interventions are not limited to electronic filing and document management systems alone. Online hearings in consumer cases have gained momentum globally leading to efficient, accessible and timely resolution of disputes, thus saving both time and resources. What's more, the process is user-friendly and carefully designed so that common people can navigate easily.

Here's a look at some nations that are leading the way in providing digital access to justice for consumers:

United States of America

In the USA, digital initiatives in consumer cases tend to vary by state. Some of the significant advancements include:



- The U.S. has invested heavily in e-court systems which offer both online filing and virtual hearings for consumer disputes. They are well-equipped for remote testimonies through video conferencing, thus overcoming the inherent logistical hurdles.
- Online Dispute Resolution (ODR) platforms are being increasingly used in several states to resolve small consumer disputes online without the need for physical appearance in the court.
- Some platforms even enable consumers to resolve their disputes online - including negotiation, mediation and settlement – without the need for court intervention.

United Kingdom

The UK has revolutionised its consumer redress framework by introducing comprehensive digital courts.



- Consumers can use the digital platforms to file complaints, upload evidence and track case progress online.
- Video hearings provide the flexibility to attend proceedings remotely, reducing the need for physical presence.
- The online portals have user-friendly interfaces to ensure accessibility for all.

European Union

The EU launched a unified Online Dispute Resolution (ODR) platform to assist cross-border consumer disputes.



- Consumers can log online complaints with businesses across member states thus bridging the gaps.
- Businesses also have to register on the platform and are notified of the complaints. They have 90 days to reach an agreement and resolve the complaint directly.
- Else, the business may propose a list of dispute resolution bodies to use. They can get connected with online Alternative Dispute Resolution (ADR) bodies.
- There is multilingual support for seamless communication.
- Various EU nations – for instance, Germany - have established e-court systems and use digital tools to streamline consumer complaints and arbitration processes.

Australia

- Some states have implemented digital tribunals for small consumer disputes.



Singapore

The small country is going all-out to afford smart justice for its consumers.

- AI-powered tools and data analytics have been integrated into the consumer redress platforms.
- Consumer cases are automatically prioritised and allocated for quicker resolution.
- Online filing of consumer complaints follows a streamlined system on the portals.
- The ADR mechanisms ensure that most of the consumer disputes are resolved outside formal courtrooms.



Brazil

- Mobile-friendly platforms are used to ensure legal access for rural and underprivileged populations.
 - The consumer portal <https://www.consumidor.gov.br/> for raising consumer complaints also enables companies to create an account and undertake to solve the complaints.
 - Entities beyond a certain threshold which engage in essential services, food delivery, digital platforms, and the top 200 companies with the highest complaints have to mandatorily register themselves on the portal.
- Around 80% of all complaints are being addressed by the relevant businesses within an average period of seven days!**



Estonia: A Fully Digital Legal Framework

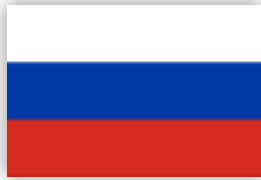
Renowned for its fully digital legal framework, this little-known country has innovatively implemented e-courts to handle consumer grievances leading to increased efficiency and reduced case durations.



- Use of blockchain for secure and transparent record-keeping.
- Online mediation services for quick dispute settlements.

Russia

- The Russia Consumer Law allows consumer appeals through email and on the portal <https://www.rospotrebnadzor.ru/en/>.



China

- The consumer redressal platform named '12315' (<https://www.12315.cn/>) offers a website and hotline for the consumers to file complaints.
- The China Consumers' Association (CCA), China's largest consumer rights organisation, also aids consumers in filing complaints online and seeking refunds.



- Some of the internet courts have implemented artificial intelligence (case triaging) and blockchain (data storage and management).
- Mobile apps have been developed to reduce the complexity of e-litigation processes and increase efficiency.

Conclusion

Digital access for redressal of consumer grievances is an emerging global trend that is leading to significant improvements in accessibility, efficiency and inclusivity.

With countries worldwide adopting innovative approaches, India needs to catch up quickly by addressing the looming gaps in its digital consumer justice system which is still in the nascent stage. The states need to adopt global best practices in a tailored manner to streamline online dispute resolution. By adopting innovative online redressal techniques, India can also ensure that justice is not just a right but an accessible reality for all consumers! ▶

We await the day when India will upgrade its consumer protection regulation to global standards and actually function like the leading consumer protection enforcement agencies in developed countries (like, Federal Trade Commission, USA).

As commerce and consumers move online, so has consumer grievance redressal in most countries. These online platforms not only help in resolving consumer disputes but can also collect data on complaints and better analyse patterns. This can even lead to action against businesses and, at times, also policy change!





*An Aware Consumer is a
Protected Consumer*

“Let's
Not Fall
Victims
to Fraud
Be Aware”

JAGOGRAHAKJAGO.COM





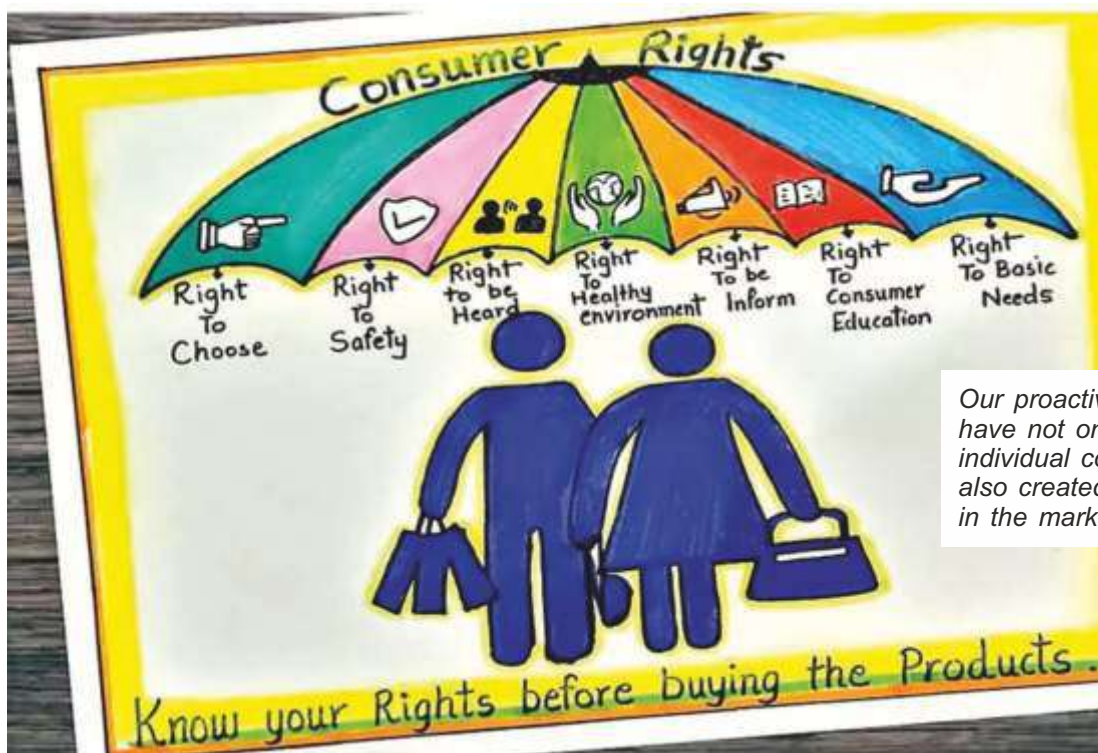
Information is Power



Prof Bejon Kumar Misra

COF In Action: Helping Resolve Consumer Complaints

Prof Bejon Kumar Misra and his consumer advocacy organisation, Consumer Online Foundation (COF) have always played an active role in addressing consumer grievances and safeguarding their rights. We have not only advocated for justice, but also played the role of an effective intermediary in seeking redressal for consumer disputes.



Our proactive efforts have not only resolved individual complaints but also created accountability in the marketplace!

OUR FOUNDER, EDITOR and international consumer policy expert, Prof Bejon Kumar Misra, has been working dedicatedly to uphold consumer rights and protect their interests. We stand deeply committed to helping consumers resolve their grievances.

Consumer Online Foundation (founded by Prof Misra) has always offered a platform for complaint redressal related to all kinds of products and services. Our website, www.jagograhakjago.com had instituted an effective machinery that was diligently striving to resolve consumer disputes to their satisfaction.



Consumers could register their complaints on the website and our team negotiated directly with the company/manufacturer/seller/service provider at fault to deliver a judicious resolution. If needed, the matter was also reported to the relevant authorities – like the IRDAI grievance cell in case the insurance company did not respond, refused to issue a refund and so on.

While most of the complaints were resolved successfully, some did reach a stalemate for one reason or another. For instance, the company was willing to issue a replacement, but the customer insisted on getting his/her money back. When neither party was willing to budge, the resolution would come to a standstill with litigation seeming to be the only way out.

Easing the Burden with Online Mediation

Never in favour of litigation, Prof. Bejon Misra firmly believes that going to court costs too much in terms of time, effort and money. Consumer cases can stretch out for years in the consumer commissions and the beleaguered consumers often end up spending more than the cost of the product/service!

Moreover, the pendency list in our courts is swelling by the day and new cases only weigh down the overstrained judiciary system even more.

To ease the burden on the consumers and the courts, Prof. Misra devised an easier alternative for resolving deadlocked cases. The new Consumer Protection Act, 2019 has an entire chapter dedicated to 'Mediation' which

struck a chord with the Professor. He capitalised on this new element and encouraged Alternate Dispute Resolution (ADR) which is in tune with the overarching objectives of COF itself.

Exploring the various ADR tools and how to ensure the authorities take cognisance of the issues, Prof. Misra hit on the idea of providing a neutral platform to both the consumer and the company/service provider to explain and understand each other's point of view. The team developed a consummate model of online mediation in tune with the requirements laid down by the Consumer Protection Act, 2019, Mediation Regulations, 2020 and other appropriate court norms wherever applicable.

This was a practical, structured and hands-on format with virtual operability (offered free-of-cost) focused on settling the dispute amicably in a voluntary and non-binding manner. Both parties had the choice to accept or reject the proposal or even the resolution offered in the end.

Prof. Misra facilitated the mediation as an unbiased third party. He drew on his arsenal of negotiation techniques, human dynamics skills and specialised

SUCCESS STORIES

A CONSUMER HAD registered with an immigration consultancy firm and the IELTS training started in good faith. But the unexpected COVID-19 pandemic put a spanner in the works. Given the topsy-turvy circumstances, the complainant changed her mind about moving to Canada and applied for a refund from the company. During the mediation, the company representative explained that the company policy did not have any provision for issuing refunds at all. Still in view of the unprecedented circumstances, the management was agreeing to refund half of the fees.

Listening to the submissions, the complainant got a clear picture that the company was also suffering from lack of staff and low enrolments on account of the unforeseen pandemic. Still, it was willing to bend the rules for her as a goodwill gesture and to retain the faith of the customer. When the mediator, Prof Misra asked her to reconsider her demand, she willingly agreed to revise the refund claim to around 70% of the fees. The matter was closed and did not go to litigation!

IN ANOTHER CASE, the consumer was not actually a consumer in the legal sense of the term. Even though there is a separate law for tenants, COF took up the issue, treated him as a consumer and mediated an amicable settlement. Both parties agreed to give some and take some. The lessee was called on to pay the rent for the month under dispute (vacated but not informed the owner in writing) while the lessor agreed to release the security deposit and waive off the interest on late payments as it was not raised at the appropriate time. All it took was some explanation and some adjustment, and everyone went home happy with the resolution!

powers of listening and articulation to assist the parties in reaching a mutually acceptable settlement. COF succeeded in providing satisfactory resolutions in a number of consumer complaints.

COF has always played a mediatory role between consumers and businesses. By facilitating direct communication, we encourage amicable resolutions, reducing the need for prolonged legal battles.

The Current Scenario

Our website www.jagograhakjago.com continues to have an active **Register Complaint** section. The complainants are asked to approach the National Consumer Helpline or lodge their grievances with e-Daakhil as these platforms

are actively working to resolve consumer disputes.

In case a consumer's complaint remains unresolved or he/she is unhappy with the resolution, they can come back to COF with the details of the outcomes from the opposite party(s) and the interventions. We continue to take such grievances forward on behalf of the consumers and strive to seek acceptable resolutions.

As a consumer organisation, COF is actively working to educate consumers about their rights and the procedures to file complaints. We offer advisory services, guiding people through the redressal process. Our active role fosters a fairer and more transparent system, ultimately benefiting both consumers and businesses! ▶



Women in CONSUMER AWARENESS

By **BINA JAIN**
Former President of All India Women's Conference (AIWC)

I FONDLY RECALL it was in the year 2010 when Prof. Bejon Kumar Misra invited me to join the Advisory Board of the consumer organisation and provided me with an opportunity to work in the field of consumer awareness and education. Let me share my 14 years of experience and insights from this journey with him and my other colleagues on the Board.

Since joining this organisation, I have learnt a great deal, particularly through observing Prof. Misra's dedicated work on various social issues, especially those that benefit women. He always made sure we, as Women Representatives, got an equal opportunity to participate and share our thoughts and views on all important consumer-related issues.

Throughout my life, I have been involved in social service, assisting women in numerous areas. Consumer awareness is a vital aspect, and it's essential to involve more women in consumer protection programs. We have found that women from lower socio-economic backgrounds are often more vulnerable and suffer the most from lack of information. Raising awareness among these women can help address many of their questions and

concerns. Issues such as the use of medical devices for testing, the sale of Not of Standard Quality (NSQ) or spurious medicines, and the availability of unsafe plastic toys for children, are a few significant areas where increased awareness can have a positive impact on the society.

Many government-provided schemes and facilities, like those from the Railways and various health insurance schemes, remain largely unknown to women. The various publications on consumer awareness published by us always aimed to bridge this gap, providing valuable information and benefits for everyone. I find particular satisfaction in promoting awareness about generic medicines, especially among disadvantaged communities who often lack guidance on where to go and how to purchase these medicines.

I am grateful to Prof. Bejon Misra and our very close associate, Prafull Bhai for opening up this new chapter of interest in my life. With a heavy heart, I miss the presence of Mr. Labanyendu Mansingh and Dr. KK Agarwal, who left us in a premature manner. They were two strong pillars in my life to mentor me on several activities I conducted on consumer awareness. ▶

DIGITISATION IN CONSUMER RELATED CASES



Hon'ble Justice DR. D.P. CHOUDHURY
Former Chairman, Odisha State Consumer Disputes Redressal Commission
Former Judge of Orissa High Court

CONSUMERISM HAS BECOME an international phenomena with the enactment of the Consumer Protection Act, 2019. Earlier, the consumer law under the Consumer Protection Act, 1986 was being followed, but it was repealed by the aforesaid law, which came into force with effect from 20th July, 2020.

It is needless to say that under Article 21 of the Constitution of India, the right of the consumer is ensured because no person will be deprived of life and livelihood. Livelihood means the livelihood of the people, who are consumers also.

MAHATMA GANDHI said, "Customers are the most important visitors on our premises, they are not dependent on us, we are dependent on them. They are not an interruption in our work. They are the purpose of it. They are not the outsiders in our business. They are part of it; we are not doing them a favour by serving them. They are doing us a favour by giving us an opportunity to do so."

This view of Mahatma Gandhi



makes it very clear that the consumers being customers, should not be deprived by any means and should be treated well.

In 1962, **JOHN F KENNEDY**, the then President of United States of America said that consumer has four basic rights; (i) right to safety (ii) right of choice; (iii) right to be heard and (iv) right of redressal mechanism. The United Nations, while adopting those consumer rights, have added four other consumer rights.



But India has defined six consumer rights under Section 2 of Consumer Protection Act, 2019. One of them is right to redressal of claims by the consumers. In the new law, a Central Consumer Protection Authority and Commissions at National, State and District Level have been created to hear consumer grievances. There is provision in consumer law to hear and dispose of consumer disputes within three months, but can be extended up to five months but not more than that.

It is lamentable that consumer disputes are taking years together for disposal. When a consumer dispute

is filed seeking quick dispensation of justice, but it is delayed, frustration appears in the mind of the consumers. Though the commissions are a quasi-judicial forum, but the procedure has to be followed in its letter and spirit. Sustainable procedures should be followed balancing the rights of consumers on the one hand and the reliefs claimed by the consumers on the other.

In order to supplement the physical hearing, which takes more time in delivering justice and particularly at the time of the pandemic, it was necessary to add virtual hearings, which has become the regular pattern, of course without denying the physical hearing.

During my tenure as the President of the State Consumer Disputes Redressal Commission, Odisha, I have taken steps for computerisation and virtual hearing of the cases. At the first instance, the electronic filing (e-filing) known as (e-Daakhil) option was introduced on 7th September, 2020 by the Central Government and was also introduced in the State Consumer Disputes Redressal Commission, Odisha at my instance.

E-filing of consumer complaints was made mandatory from June, 2023 by the Central Government and the State Consumer Disputes Redressal Commission, Odisha has passed Office Order on 29th March, 2023 by issuing office order whereunder the manner of e-filing, e-summons, e-hearing and e-dispatch were implemented in accordance with the Ministry of Consumer Affairs, Government of India and the Food and Supply Consumer Welfare Department of the State Government.

Not only that, the digitisation of the pending records and the paperless Court was also introduced in the State Consumer Disputes Redressal Commission, Odisha at that time. By the process of digitisation of the

records, the Odisha Computer Application Centre (OCAC) was roped in to digitise the pending records and dispose of records. In this way, the records, which were preserved and taking space, was reduced.

The digitisation of the records by the District Commissions was also introduced by the State Commission, Odisha.

Instruments were provided by the State Government to continue the digitisation of records and virtual hearings. By virtual hearings, consumers residing far away got benefitted. As such, virtual hearings took place not only in the State Commission but also in the District Commissions of the State.

During my tenure, I inspected all the District Commissions to ensure that the e-filing, virtual hearing and digitisation of the records were properly implemented. By that, e-dispatch of the letters was also made feasible. As such, the consumers were delivered justice at the doorstep.

Therefore, we should ensure virtual hearings without prejudice to physical hearings of consumer disputes.

Since the National Informatics Centre (NIC) has also cooperated to ensure the digitisation of records and hearings, in my opinion, the best way of the disposal of the records is to ensure proper training to the staff and the President and Members of the Commission so that Artificial Intelligence (AI) can also be introduced in the Commissions to achieve the real object of the Consumer Protection Act, 2019.

Adding to this, the State Commission should be presided by competent persons and vacant posts, if filled up on time, can also take the State Commissions and District Commissions much ahead of the course with the complete cooperation of the Central Government and State Governments. ▶

Artificial Intelligence (AI) can also be introduced in the Commissions to achieve the real object of the Consumer Protection Act, 2019.





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Healthy You Foundation



Hamara Consumer Dost

National Consumer Day

24th December, 2024

THEME:

VIRTUAL & HEARINGS

Digital Access to Consumer Justice

Let's make every consumer more aware of their rights and responsibilities.

EASY DIGITAL ACCESS TO JUSTICE

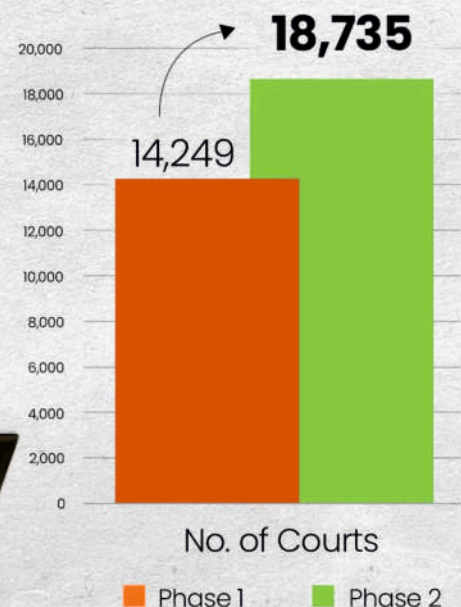


Easy Access to case status information



Over 23.81 crore cases computerized

Courts Computerized





A snapshot of success stories of consumer activists who are relentlessly battling for consumer rights. We will highlight decisions and awards in favour of the consumers. This should motivate other youngsters to take up the cause of the consumer for not only social benefit, but their own good too! Jai Ho Grahak!

Denied 50 Paise by Post Office, Consumer Gets Rs 15,000 Compensation

In a striking legal battle over seemingly trivial sums, a consumer dispute involving just 50 paise led to a significant court ruling that reinforces the power of consumer rights in India!

MR A MANASHA paid Rs 30 in cash for a registered letter at Polichalur post office near Chennai on 3rd December 2023. He expected to receive 50 paise in change since the postal fee was Rs 29.50. However, on asking for the change, he was informed that the system automatically rounded the amount to Rs 30. Even his offer to remit the exact amount through UPI was declined by the postal personnel due to technical issues.

Feeling aggrieved by this casual approach, Manasha escalated the issue to the Kancheepuram District Consumer Disputes Redressal Commission. In the complaint, he argued that lakhs of transactions happened daily and not accounting them properly could lead to significant amounts of money being siphoned off, even resulting in black money and a loss of GST revenue for the government. He termed India Post's alleged

practice of rounding off daily transactions as illegal which caused him 'serious mental agony'.

In its defence, the post office claimed that it was standard practice to 'ignore' amounts less than 50 paise and cited software settings that rounded transactions to the nearest rupee. It further reported issues with the 'Pay U' digital payment system which had been malfunctioning since November 2023 and was discontinued in May 2025.

After deliberation, the commission ruled (in October 2025) that the post office had admitted to 'overcharging' due to a software glitch which

constituted an unfair trade practice under Section 2(47) of the Consumer Protection Act, 2019.

The Department of Posts (DoP) was ordered to refund the disputed 50 paise and pay a Rs 15,000 fine – equivalent to 2999900% - for the inconvenience and potential legal implications! ▶



UPDATE ...



Moving a Step Ahead

Update on the November edition

Webinar on Consumers' Right to Wholesome & Safe Food

THE NOVEMBER MAGAZINE edition was a starting point for creating a dialogue on wholesome and safe food with a focus on food processing and the advent of genetically modified foods. We followed up on this by organising a national webinar - in association with RJS Positive Media - on 1st December, Sunday at 11 am.

The event was graced by the presence of **DR NIRMAL GANGULY** as the Chief Guest. He is the Former Director General, Indian Council of Medical Research and Former Chairman of the Apex Technical Committee of FSSAI. The keynote speaker was **Ms DILNAVAZ VARIAVA**, an environmentalis

t working on Sustainable Rural Development. Our editor and international consumer policy expert, Prof Bejon Misra chaired and moderated the webinar.

A number of noted personalities across domains were in attendance – like Mr SB Dangayach, Dr PL Sahu, Mr Anil Jauhri, Mr Hrusikesh Panda, Mr Jagatbhai Kantharia, Mr Kuldeep Rai, Mr Ishaq Khan, Mr Sudeep Sahu, Mr Satender Suman, Mr Surjit Singh Deedewar, Mr Vivek Mallurwar, Mr Vijay Shankar Verma, Mr Lavi Tikka, Mr Gunjan Gupta, etc.

In his welcome address, Mr Prafull Sheth highlighted that Indians spend a significant portion of their income on food, yet many underprivileged households cannot afford basic meals. He emphasised the need for better food processing infrastructure, technology and farmer support to reduce wastage and ensure food security.

Prof Misra discussed the history and evolution of the Food Safety and Standards Authority in India (FSSAI). He highlighted the challenges faced in the early years, including the pressure to make the authority part of the Food Processing Ministry, which would have prioritised industry interests over food safety. He shared his experience as a founding member of FSSAI, representing consumers. He expressed concern over the lack of transparency and accountability in FSSAI, which hinders the goal of

providing wholesome, accessible and affordable food to the citizens. He also emphasised the need for citizen engagement in policymaking and ground-level activities to ensure food safety and standards.

Ms Dilnavaz took the stage and discussed the importance of sustainability in agriculture, stressing on the need for economic, ecological and equity pillars. She shared her journey from the environment field to sustainable agriculture, highlighting the role of organic kitchen gardens in addressing malnutrition. She also discussed her initial positive response to genetically modified (GM) crops, but after learning more, she began to question their claims. She also expressed a need to demystify the topic of GMOs and their impact on the environment and human health.

Discussing the impact of genetic modification (GM) on crop yields and the environment, she cited studies from 2008 onwards that showed no significant increase in yield from GM crops compared to non-GM ones. Going into further detail, she explained that most GM crops have only two traits: producing a poison or tolerating herbicide spraying. She explained the potential health risks associated with these practices. She stressed on the negative impacts, particularly the increased use of glyphosate herbicide, which has been linked to health issues and environmental degradation.

Ms Dilnavaz mentioned that 93% of GM crop growth is concentrated in six countries, including India, and that many European countries have stopped growing GM crops. She praised the PM for promoting natural farming, which has shown to be more effective and sustainable than chemical farming, and encouraged the audience to support this initiative by writing postcards to the PMO opposing GM crops. She concluded by mentioning the concerns raised by medical professionals in Argentina and India regarding the impact of GM crops on the health of children.

Dr. Nirmal Ganguly was invited to discuss the importance of wholesome food and the challenges faced in ensuring its accessibility. He spoke about various food safety issues and the role of science and technology in addressing them. He explored the importance of traditional knowledge in food production.

He highlighted the development of double-low mustard oil with reduced unhealthy components, the importance of nutrition for preterm babies, and efforts to increase protein content in rice. He also spoke about using CRISPR technology to improve crops, addressing arsenic contamination in food and water in parts of India, and working with companies to reduce pesticides and promote healthier food products.

Dr Ganguly stressed on the need to balance scientific advancements with safety concerns while making nutritious food accessible. He also addressed the need for better regulation, public awareness and local entrepreneurship to ensure safe and wholesome food for all citizens.

The audience raised various questions leading to discussions on both the challenges and potential solutions.

Mr Dangayach voiced concerns about the misuse of science and the need to ensure that food is wholesome and not just safe.

Mr Vijay Shankar Verma discussed various issues related to food safety and quality in India. He highlighted the problem of toxins in food, particularly in traditional Indian cooking methods. Dr Suresh discussed the issue of heavy metal toxicity in food, and the creation of a monograph to address this.

Dr Ganguly again emphasised the importance of food processing, packaging and renewable energy in improving the shelf life and quality of food. Mr Sudeep stressed on the importance of not wasting food. Prof Misra brought the focus on the potential of local entrepreneurship and the need for awareness about organic food and farming.

Dr Sahu and Ms Bina spoke about kitchen gardens and organic farming to which Ms Dilnavaz discussed the challenges of urbanisation and the need for vertical gardens and microgreens in urban areas. The challenges of growing vegetables at home was highlighted and the potential of microgreens as a space-efficient solution was explored. The potential health benefits of consuming locally grown food and the need for further research and experimentation was also discussed.

Mr Ramjibhai spoke about the importance of healthy food consumption and the need for better regulation and awareness regarding food quality. The role of food safety laboratories and the regulation of food storage was highlighted by Dr Ganguly.

Mr Gunjan touched on the issue of junk food and the need for healthier options, particularly for school children. The idea of a star system for classifying food based on healthiness was proposed as a potential solution. The participants agreed on the importance of promoting safe food and discouraging junk food. They also discussed the potential health benefits of certain traditional foods, such as camel milk and fermented foods.

The conversation ended with a vote of thanks by Ms Bina Jain. ▶



YOUR OPINION MATTERS

letters to the

editor

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.

(November issue:
Consumers' Right to
Wholesome and Safe Food)



YOU TOUCHED ON the sensitive topic of processed food! It is my favourite topic and I advocate to all my friends the myth about processed food. I tell everyone here do not drink orange juice from grocery store because it is not pure.

Technology and science is overpowering the safety part!

- **Mukund Yelvi**

*Adjn. Assoc. Professor of Pharmaceutics,
University of Mississippi, USA
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I READ ALL the articles and found this a very informative and knowledge-spreading issue.

I was more concerned about the data on use of junk and processed food among children in rural India as I am working on malnutrition and anaemia in children in tribal villages under Palghar district, Maharashtra where 90% children are malnourished and 70% are anaemic. As expected, my

observations have been now supported by the studies published in this respect in this journal.

It is now a well-established fact that rural children are victims of this double burden of 'Nutritious Food Insecurity', on one side by unaffordability to pay for nutritious food and on the other side heightened consumption of malnutritious junk food easily available, accessible and at affordable price.

In a market-based economy, as expected, the supply chain of junk food is excellent and more effective compared to supply chain of essential food items. It may not be believed that milk, eggs and vegetables are not available in most of these villages but junk food is freely available!

How to check this is a big problem before us now. I think the only way is that like tobacco and alcohol, there should be heavy taxation on the processed food industry to discourage use of these junk foods making it unaffordable.

However, I doubt any government will dare to do it. Heavy taxation should be considered especially on processed foods which contains high proportion of sugar, fats and chemical additives.

- **Dr Suresh Sarvadekar**

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SOURCES / REFERENCES

<https://en.wikipedia.org/>
<https://unctad.org/>
<https://consumerhelpline.gov.in/>
<https://confonet.nic.in/>
<https://edaakhil.nic.in/>
<https://e-jagriti.gov.in/>
<https://www.nja.gov.in/>
<https://www.yourti.in/>
<https://ecommitteesci.gov.in/>
<https://vcourts.gov.in/>

<https://vidhilegalpolicy.in/>
<https://www.openaccessgovernment.org/>
<https://byjus.com/>
<https://www.digilaw.in/>
<https://egyankosh.ac.in/>
<https://www.livemint.com/>
<https://economictimes.indiatimes.com/>
<https://www.business-standard.com/>
<https://www.cnbctv18.com/>

<https://www.ndtvprofit.com/>
<https://www.thehansindia.com/>
<https://www.aninews.in/>
<https://www.newindianexpress.com/>
<https://www.deccanherald.com/>
<https://lawtrend.in/>
<https://bnblegal.com/>
<https://thebetterindia.com/>
<https://indiankanoon.org/>

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