



## CONSUMER UPDATE

### **CAG submits comments on Telecom Regulatory Authority of India's (TRAI) Consultation Paper**

The current provision of Telecommunication Tariff (46<sup>th</sup> Amendment) Order, 2008 mandates all telecom service providers to provide hard copy of monthly bills to its post paid subscribers (mobile and landline) free of cost. However, if a customer opts for e-bill sent via e-mail, in lieu of the hard copy, the service provider should supply the same after obtaining explicit consent from the subscriber.

TRAI received representations from the Telecom Service Providers and their associations, MPs and MLAs to review the extant provisions of sending printed bills to post paid users of mobile and landline services amid changing mobile usage relating to cutting of trees for paper used in printing phone bills.

However, since consumers form an important segment of stakeholders on this issue, the Authority decided to hold a public consultation to understand views of all stakeholders and floated a consultation paper on "Review of extant provision for sending printed bills to consumers of landline and Post paid Mobile subscribers". CAG submitted its comments to TRAI.

#### **CAG's comments:**

Presently, there is no need to change the extant default option, i.e., provision of paper bill without any charge to postpaid subscribers of wire line and mobile services.

#### **Reasons:**

In light of the fact that a sizeable population in India uses feature phones, does not have access to internet, and is not very internet-savvy, it is necessary that hard copy of bills are provided for free. Also, over billing appears to be an issue as per TRAI's survey and it should be recognized that bills (in understandable, printed form), with details, are an important document for consumers to argue their case.

According to the paper, bills concern only less than 5% of total mobile subscriber base (only postpaid subscribers) apart from majority of landline subscribers. Therefore issuing printed bills for free should not be a concern.

While it is appreciated that use of papers is an environmental concern and needs to be addressed, service providers will have to do a proper study to understand consumers' preference to bills and reasons thereof, before considering further steps. Amending the regulations at this stage will be premature. In the meantime, service providers may continue to actively sensitize the public on paper use, give e-billing as an option to new subscribers and encourage them to choose the same by offering incentives.

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### **Online medical sales banned across country**

The Delhi High Court ordered a ban on sale of online medicines by e-pharmacies across the country and directed the Centre to immediately implement the order. In a Public Interest Litigation (PIL) filed by a

Delhi based dermatologist, it was pointed out that online sale of medicines is not permitted under the Drugs and Cosmetics Act, 1940 and Pharmacy Act, 1948.

The petitioner highlighted that even though the Drug Controller of India, in 2015, clearly directed all state drug controllers to protect the interest of public health by restraining such sale online, lakhs of medicines continue to be sold online, often without prescription. Unable to supervise, the government had failed in its responsibility to protect public health is its constitutional obligation under Article 21, the PIL said.

“Unlike common items, drugs are highly potent and its misuse or abuse can have serious consequences on human health, not just for the person consuming it, but for humanity at large, as some drugs can be addictive, habit forming and harmful to the body. A large number of children/minor or people from uneducated, rural background use internet and can be victims of wrong medication while ordering medicines online”, the PIL argued, seeking the Court’s intervention. For more details, click [here](#)

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### **TRAI pulled up telcos on minimum recharge plans**

The Telecom Regulatory Authority of India pulled up Airtel and Vodafone Idea for warning subscribers that their sim cards would be deactivated if they did not recharge their pre-paid accounts despite having the minimum required balance.

TRAI’s action came in the backdrop of Airtel and Vodafone going on a drive to weed out customers who maintain only minimum balance in their accounts so as to be able to receive calls but do not make outgoing calls, thus dragging the metric of average revenue per user down.

The regulator directed the telcos to duly inform the subscribers in a clear and transparent manner the date on which the current validity of their existing plan would expire, and the manner in which they may opt for available plans, including the minimum recharge plan, using the subscribers’ available prepaid account balance.

The telcos were also asked not to deactivate the sims of subscribers till such time that they have balance in their accounts equal to the minimum recharge amount required, as per a tariff plan.

For more details, click [here](#)

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### **TRAI’s regulation on DTH and Cable TV operations**

The Telecom Regulatory Authority of India (TRAI) has come up with a new (mandatory) a-la-carte, free to choose television viewing framework that all Direct to Home (DTH) and cable operators all over India are expected to follow. This scheme is said to come into force by February 1st, 2019. The aim of this model is to initially bring down the cable and DTH bill for the average consumer. This is done to curb the existing practice where many service providers bundle unrelated channels and provide them as combos for higher prices. The new framework will not only regulate the fluctuating prices given by service providers but will also aim at increasing transparency.

The main feature of this framework is that consumers will be able to choose and pay only for channels that they are interested in watching. First, every consumer will have to purchase a basic channel pack wherein they get to choose 100 channels (of these 100, 26 will be Doordarshan channels). This basic channel pack will cost the consumers around Rs. 130 per month. If they wish to add more channels they can purchase them separately. They can either subscribe to singular channels or they can also make use of combo offers provided by service providers. TRAI has capped the price for each channel at Rs 19/-. Consumers have been asked to select their channels before 31st of January, 2019 (the initial deadline was supposed to be in December 2018 but an extension has been given). While service providers are not happy with the regulations and are contesting it, consumers are confused as to whether it would really mean a reduction in prices. How it is going to evolve is yet to be seen!

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### **Consumer Forum asks Tamil Nadu State Transport Corporation (TNSTC) to compensate for ill-treating pregnant woman**

Malarvizhi boarded a TNSTC bus at Thiruvellivoyal village along with her family. She gave Rs. 100 to the conductor of the bus to buy five tickets to Velur. Before the conductor could issue the tickets, two drunk men began to create a ruckus inside the bus and so the conductor had to intervene and coerce the men into getting down from the bus at the next stop. Meanwhile ticket checking inspectors got into the bus and pulled up a pregnant Malarvizhi and her family for not possessing tickets. Though she tried to explain that it was not her fault and that she had given the tickets' fare to the conductor, the checking inspectors refused to listen. As Malarvizhi demanded the balance of Rs.75 due to her, the checking inspectors gave a blank paper and asked her to write down that it was her fault to have not possessed the tickets. As she was threatened with dire consequences, Malarvizhi had no option than to write as told.

Later, she filed a complaint with TNSTC, requesting to take action against the conductor and the checking inspectors, for misconduct and not returning the balance amount of Rs.75, however there was no response. Following this, she approached the Tiruvallur District Consumer Disputes Redressal Forum for relief. TNSTC was found guilty and the Forum directed the transport corporation to pay Rs.7000 as compensation and return the balance of Rs.75 along with interest @ 9.5%.

For more details, click [here](#)

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### **A student is also a consumer!**

Aditya was a student studying in Oberoi International School, Goregaon. As the school had not allowed him to appear for his exams, his mother filed a complaint before the Mumbai Suburban District Consumer Forum alleging deficiency in service. The Forum dismissed the complaint on the grounds that a student cannot be considered a consumer. Aditya's mother challenged this by filing an appeal. The Maharashtra State Commission noted that in the absence of a legal binding, it would be wrong to declare that a student is not a consumer. The Commission held that since the law did not debar a student from redressing his grievance before the Consumer Fora, the complaint ought to have been adjudicated on merit. Thus, the complaint was remanded back to the Forum to decide whether or not the school was responsible for deficiency in service or unfair trade practice or restrictive trade practice. For more details, click [here](#)

## சிகிச்சை குறைபாட்டால் உயிரிழந்த கர்ப்பிணி குடும்பத்துக்கு ரூ.3 லட்சம் இழப்பீடு

நாகர்கோவில், தேரேகால்புதூரை சேர்ந்த நாகராஜன் மனைவி நீலா. இவருக்கு ஏற்கனவே ஒரு பெண் குழந்தை உள்ளது. நீலா, எம்.காம்., எம்.எஸ்.ஸி. எம்.பில் படித்துள்ளார். நீலா இரண்டாவதாக கருவுற்ற நிலையில் நாகர்கோவில் கோட்டர் பறக்கை ரோடு சந்திப்பு அருகில் உள்ள பிரபல தனியார் மருத்துவமனையில் மருத்துவ பரிசோதனை செய்து வந்தார். ஒவ்வொரு மாதமும் தவறாமல் மருத்துவ ஆலோசனை மற்றும் அறிவுரை கேட்டு பரிசோதனை செய்து வந்தார்.

கடந்த 11.04.2007 அன்று மாதந்திர பரிசோதனை செய்ய மருத்துவமனை சென்றார். அப்போது அவர் வழக்கமாக பார்க்கும் மருத்துவர் இல்லை. இதனையடுத்து அடுத்த நாள் காலையில், நீலா தன் மூத்த மகளை பள்ளிக்கூடத்திற்கு அனுப்பிவிட்டு தனது மாமியாருடன் ஆட்டோவில் அதே மருத்துவமனைக்கு சென்றுள்ளார். அங்கு அவருக்கு உடனடி மருத்துவ பரிசோதனை நடத்தாமல் காலதாமதம் செய்துள்ளனர். நீலாவிற்கு சிறிது இருமல் இருந்துள்ளது. கீழ்மடியில் வைத்து பரிசோதித்து மருத்துவமனையில் இருக்க வேண்டும் என்று கூறி உள்ளனர். பின்னர் அறைக்கு செல்லுங்கள் நர்ஸ் ஏற்பாடு செய்வார் எனக் கூறி, நீலாவிற்கு சக்கர நாற்காலி கூட வழங்காமல் மாடிக்கு அவரை நடத்தி சென்றுள்ளனர்.

தங்கும் அறை இல்லாததால் பிரசவ வார்டில் நீலாவை இருக்க கூறியுள்ளனர். நீலா மருத்துவமனையில் தங்கி சிகிச்சை பெற வேண்டி உள்ளதால், அவரது மாமியார் வீட்டிற்கு உணவு எடுக்க சென்றுள்ளார். அப்போது நீலாவிற்கு மருத்துவர் அறிவுரைப்படி நர்ஸ் ஊசி மூலம் மருந்தை வேகமாகவும், அஜாக்கிரதையாகவும் செலுத்தியாக கூறப்படுகிறது. இதில் நீலாவுக்கு மூச்சு திணறல் ஏற்பட்டு சிறிது நேரத்திலேயே மருத்துவமனையில் மரணமடைந்தார். அன்று காலை 10.40 மணிக்கு பின் நீலாவின் மருத்துவ ரிப்போர்ட்டில் ஒன்றும் எழுதப்படவில்லை. ஆனால் 12.20 மணிக்கு நீலா இறந்ததாக கூறியுள்ளனர். மேலும் ஊசி போட்டதால் ஏற்பட்ட விளைவுகளுக்கு சிகிச்சை செய்ய எந்த ஒரு சிறப்பு வல்லுனரும், மருத்துவரும் அங்கு இல்லை.

இதன்பின் நீலாவின் கணவரும், அவருடைய மகளும் மருத்துவ சேவை குறைபாட்டை காரணம் காட்டி கன்னியாகுமரி மாவட்ட நுகர்வோர் பாதுகாப்பு சங்கத் தலைவர் ஸ்ரீராமிடம் முறையிட்டனர். அவர் தனது வழக்கறிஞர் மூலம் கன்னியாகுமரி மாவட்ட நுகர்வோர் குறைதீர்மன்றத்தில் வழக்கு தொடர்ந்தார். வழக்கை விசாரித்த நீதிபதி நாராயணசாமி மற்றும் மன்ற உறுப்பினர் ஏ. சங்கர் ஆகியோர் பாதிக்கப்பட்ட கணவர், குழந்தைக்கு ஏற்பட்ட மன உளைச்சல் மற்றும் நீலாவின் இழப்புக்கு ரூ.3 லட்சமும், வழக்கு செலவு தொகைக்கு ரூ.10 ஆயிரமும் வழங்குமாறு உத்தரவிட்டனர். தவறும் பட்சத்தில் 6 சதவீத வட்டியுடன் தொகையை செலுத்தும்படியும் அதிரடியாக தீர்ப்பு வழங்கினர். **ஆதாரம்: தினகரன்**

## December 24 - National Consumer Rights Day



# CAG

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CAG is a 33 year old non profit, non political, professional organization working towards protecting citizen's rights in consumer and environmental issues and promoting good governance including transparency, accountability and participatory decision making.

The complaints cell at CAG addresses specific problems of consumers. Also CAG regularly conducts consumer awareness programmes for schools, colleges and special target groups.

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