



CONSUMER UPDATE

Consumer Protection Act, 2019

Consumer Protection Act, 2019 has recently replaced the three-decade-old 1986 legislation. It received the President's assent and was published in the Official Gazette on August 9, 2019. The Act has provisions that aim to further safeguard consumer rights. Introduction of a Central Authority, stringent penalties for misleading advertisements, product liability, guidelines for e-commerce, etc. are some of the highlights. Another important provision is that the Act allows consumers to file complaints in Consumer Forum from anywhere, as against the earlier provision, where consumers were required to file a complaint only in the area where the seller/service provider was located. This is significant considering the rise in e-commerce transactions, where the seller could be located anywhere.

Pecuniary jurisdiction has been increased for consumers' convenience. The pecuniary jurisdiction of District Commission (Forum) has been increased from 20 lakhs to 1 crore; State Commission – from 1 crore to 10 crores; and National Commission – from above 1 crore to above 10 crores. All we need now is effective implementation, so that the spirit of the legislation is upheld.

CAG and other organizations submit 8-point Charter of Demands to FSSAI

In a bid to make food safer and healthier, CAG and other groups such as CUTS International, Consumer Voice, Generation Saviour Association (GSA) and DISHA Foundation, presented an eight point Charter of Demands to the Food Safety and Standards Authority of India (FSSAI).

This charter highlighted immediate steps to be taken for the elimination of trans fats from the Indian food system by 2022 and specifically demanded for earliest notification of regulations with two per cent limit of trans fats for oils, fats and all food products. It also included the need for strict implementation at state level, including the setting up of the required infrastructure mechanisms (labs, technicians etc.), institutional mechanisms, mandatory assessment report, sensitisation and capacity building of state food commissioners and Food Safety Officers (FSOs) on the implementation of trans fats regulations.

The organisations will be working as a coalition to create nationwide awareness and demand for healthier and safer foods, free of trans fats. *For more details, [click here](#)*

CAG submits comments to TRAI's Consultation Paper on KYC of DTH Set-top Boxes

The Telecom Regulatory Authority of India (TRAI), had floated the consultation paper in response to the concern of illegal smuggling of DTH equipments to other countries, raised by the Ministry of Information and Broadcasting. The document did not provide sufficient information/data in support for the cause of concern and did not provide details about the actual issue, whether it was a security threat or revenue loss, who were affected and so on.

Highlighting the above, CAG said that making KYC mandatory for non-critical services was unnecessary. It was only a one-way transmission and at time of installation, DTH operators always take the consumer's name, address and contact number, which is sufficient information. Submitting KYC is always a security and privacy concern for consumers, CAG said.

Home-buyer cannot be forced to take possession in case of delay – Supreme Court

Marvel Omega Builders had sold a villa to Mr. Shrihari Gokhale in July, 2012 with the promise to hand over the villa by December, 2014. Gokhale had filed a complaint in the National Consumer Disputes Redressal Commission (NCDRC) seeking refund of Rs.13.24 crores. The developer had challenged NCDRC's order to refund the principal amount of Rs.8.14 crores along with 10% annual interest, before the Supreme Court (SC). When the matter came up for hearing, the builder's counsel said that the villa was ready and that completion certificate would be obtained in 21 days.

Upholding the decision of the NCDRC, the SC observed that the delay of five years is a crucial factor and the bargain cannot be imposed on the buyer. The buyer is therefore justified in seeking refund of the deposited amount, along with reasonable interest. *For more details, [click here](#)*

FSSAI takes a step forward to ensure safe food to beneficiaries

India is the second largest food producer in the world but on Global Hunger Index 2014, India ranked 103rd out of the world's 119 hungriest countries. Due to some protocols, food businesses also destroy food with smaller shelf life. Prevention of food waste and promotion of surplus food distribution is a global concern.

To address the same, Food Safety and Standards Authority of India (FSSAI) Gazette notified Food Safety and Standards (Recovery of Surplus Food) Regulations, 2018 on August 4, 2019 to establish a uniform national regulation to protect organizations and individuals when they donate food in good faith. The regulations will come into force from July 1, 2020. This will further encourage big food businesses to come forward and donate food.

In addition, FSSAI steered multiple meetings with Surplus Food Distribution Agencies from various parts of the country to update them on the steps taken by government to ensure safe distribution of surplus food.

FSSAI has also started an initiative called 'Save Food, Share Food, Share Joy' to create a food recovery ecosystem. This initiative aims to bridge the gap between food companies, surplus food distribution agencies and beneficiaries. One of the key features is creation of Indian Food Sharing Alliance (IFSA) - A network of food collection/recovery agencies in India, to create a pan India network of these agencies. This network will serve as a common platform for the cause wherein all stakeholders will be equally benefitted with regulatory support, food safety training and capacity building efforts.

Integrated efforts from government, food businesses and surplus food distribution organizations are necessary to create an ecosystem for prevention of surplus food waste.

Source: FSSAI Press Release

Office of the DGCA issues updated Air Transport Circular on Facilities/Courtesies to esteemed travelling public at airports

Air transport is a service sector that entails extensive interaction of multiple stakeholder representatives with the travelling public who hold utmost prominence and so possess the right of being given the best care for hassle-free and comfortable travel. It is imperative to strengthen customer service skills at airport level especially in areas of courtesy and behaviour by all stakeholders to mitigate passenger inconvenience and create a passenger friendly environment in aviation. With the expansion of airports, distances to check-in counters security hold area and boarding gate has increased manifold, requiring passengers lugging their carry-on baggage to cover long distances. Most stakeholders involved in providing facilities to passengers at airports have resorted to outsourcing of services to vendors having high attrition rate, resulting in inability to provide quality service to passengers.

In view of the above, the Office of the Director General of Civil Aviation (DGCA) issued an updated Air Transport Circular on August 4, 2019. The Circular requires airline/airport operators at all airports having annual aircraft movements of 50,000 or more, to provide buggies free of charge for senior citizens, expectant mothers and disabled persons, to facilitate their access to boarding gates located beyond reasonable walking distance, airport operators to provide small trolleys after security check to carry hand baggage and display information about the availability of buggies and trolleys in website and prominent locations in the terminal building.

In addition, the Circular states that all airline/airport operators should ensure that all staff engaged in passenger handling undergo periodic soft skill training for sensitization, courtesy and procedures for handling passengers. Details of training programs should be made available in their websites. They should make sure that all their ground staff extend an extremely polite and courteous behavior towards air passengers. Moreover, the Circular states that all stakeholders should devise a proper and effective redress mechanism to redress passenger complaints within a stipulated timeframe.

All airline/airport operators should display name and contact details of the Nodal Officer and Appellate Authority on their website and also in a conspicuous manner in important areas at the airport. Grievance redressal procedure should be published in the website and all complaints should be redressed within one month of filing. In case of non-redressal of complaints, passengers may register their complaint at “AirSewa” web portal/ mobile app or take up the matter before any relevant statutory body.

Operators should submit data about passenger complaints before the 10th of the subsequent month to DGCA. Airlines/airport operators non-complying with above directions shall be liable of penal action as per the provisions of the Aircraft Act, 1934 read in conjunction with Aircraft Rules, 1937 and other relevant provisions of Indian Penal Code. *To read the Circular, [click here](#)*

RBI clarifies on free ATM transactions

The Reserve Bank of India has told banks not to treat

- failed transactions at ATM's that could be due to technical reasons like hardware, software, communication issues; non-availability of currency notes; invalid PIN/validations; and other declines attributable to the bank/service provider, and
- non-cash transactions such as balance enquiries; cheque book requests; payment of taxes; funds transfer, etc. which constitute “on-us” transactions (i.e., when a card is used at an ATM of the bank which has issued the card),

as part of five free transactions available to customers every month. *For more details, [click here](#)*

தரமற்ற உணவு வழங்கப்பட்டதாக வழக்கு: பாதிக்கப்பட்டவருக்கு ரூ.1 லட்சம் இழப்பீடு

சரவணபவன் ஓட்டலுக்கு நுகர்வோர் கோர்ட்டு உத்தரவு

சரவணபவன் ஓட்டலில் தரமற்ற உணவு வழங்கப்பட்டதாக தொடர்ந்த வழக்கில் பாதிக்கப்பட்டவருக்கு ஓட்டல் நிர்வாகம் ரூ.1 லட்சம் இழப்பீடாக வழங்க வேண்டும் என்று நுகர்வோர் கோர்ட்டு உத்தரவிட்டுள்ளது.

டெல்லியில் வக்கீலாக பணியாற்றி வரும் எஸ்.கே.சாமி என்பவர், சென்னையில் உள்ள மாநில நுகர்வோர் கோர்ட்டில் தாக்கல் செய்த மனுவில் கூறியிருந்ததாவது: கடந்த 16.10.2014 அன்று நான் சென்னை அண்ணாசாலையில் உள்ள சரவணபவன் ஓட்டலுக்கு சாப்பிட சென்றேன். அப்போது எனக்கு வழங்கப்பட்ட உணவில் தலைமுடி கிடந்தது. இது குறித்து ஓட்டல் மேலாளரிடம் கூறினேன். ஒரு மணி நேரத்துக்கு பின்பு வேறு உணவை கொடுத்தனர். இதன்பின்பு வீட்டுக்கு சென்ற எனக்கு வயிற்று வலி ஏற்பட்டது. பின்னர், வாந்தி எடுத்தேன். உடல்நிலை பாதிக்கப்பட்டதால் ராயபேட்டை அரசு மருத்துவமனையில் அனுமதிக்கப்பட்டு சிகிச்சை பெற்றேன். எனவே, சேவை குறைப்பாட்டுக்காக எனக்கு ரூ.60 லட்சம் வழங்கவும், மன உளைச்சலுக்காக ரூ.30 லட்சம் வழங்கவும் உத்தரவிட வேண்டும். இவ்வாறு அதில் கூறியிருந்தார். சரவணபவன் ஓட்டல் நிர்வாகம் தரப்பில், 'உணவில் ஏதேனும் குறைபாடு இருந்தால், சில மணி நேரங்களிலே பாதிப்பு தெரிந்து விடும். ஓட்டலில் சாப்பிட்டு 18 மணி நேரத்துக்கு பின்பே புகார்தாரர் உடல்நிலை பாதிக்கப்பட்டதாக ஆஸ்பத்திரியில் அனுமதிக்கப்பட்டுள்ளார். பொய்யான புகாரை அவர் கூறியுள்ளார்' என்று தெரிவிக்கப்பட்டது.

இந்த மனுவை மாநில குறைதீர் மன்ற உறுப்பினர் பாஸ்கரன் மற்றும் லதா மகேசுவரி விசாரித்து, 'தரமற்ற உணவால் உடல்நிலை பாதிக்கப்பட்டதன் காரணமாகவே புகார்தாரர் இந்த வழக்கை தாக்கல் செய்துள்ளார். அது போன்று இல்லாமல் இந்த புகாரை தாக்கல் செய்ய மனுதாரருக்கு எந்த அவசியமோ தேவையோ இல்லை. புகார்தாரர் தரமற்ற உணவால் பாதிக்கப்பட்டிருப்பது அவர் போலீசில் அளித்த புகார் மற்றும் மருத்துவமனையில் அனுமதிக்கப்பட்ட ஆவணங்களின் மூலம் தெரிகிறது. எனவே, மன உளைச்சல் மற்றும் இதர இடர்பாட்டுக்காக புகார்தாரருக்கு சரவணபவன் ஓட்டல் நிர்வாகம் ரூ.1 லட்சம் இழப்பீடாக வழங்க வேண்டும். மேலும், வழக்கு செலவுக்காக ரூ.10 ஆயிரம் வழங்க வேண்டும்' என்று உத்தரவு பிறப்பித்தனர்.



CAG

Citizen consumer and civic Action Group

New No.246, Old No.277-B,
T.T.K. Road (J.J. Road),
Alwarpet, Chennai 600 018.
Ph: 044 - 2499 4458 / 2466 0387
Email: helpdesk@cag.org.in

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.

TRUSTEES

Sriram Panchu
Arjun Rajagopalan
Suchitra Ramakumar
R. Hema
George S. Thomas
C. Rammanohar Reddy
Keshav Desiraju

ADVISORS

Tara Murali
N.L. Rajah