



CONSUMER UPDATE

Consumer Protection Bill removes “healthcare” from services!

The Government has chosen to remove “healthcare” from under the definition of “service” in Section 2 (42) of the Consumer Protection Bill, 2019, in what is seen as a bid to assuage the medical fraternity’s apprehensions over the law being used adversely against them. Earlier, the Ministry had introduced “healthcare” in the Bill, keeping in mind several Supreme Court Judgments which clearly said that medical services to patients, for which fees are charged, come within the purview of Consumer Protection Act. Now, the Ministry has removed word “healthcare” from the definition of “service” due to external pressures. Though it is argued that the change will not prevent aggrieved persons from approaching consumer forums for medical negligence or deficiencies in health services, this omission is anti-consumer and therefore it is imperative that the Government reinstate “healthcare” under the definition of “service” in the Consumer Protection Bill, 2019, before it is introduced in the Parliament.



CAG’s participation in seminars on RERA

S. Saroja participated in a workshop on "Consumers in Real Estate: Winners or Victims", organized by Dr. Ambedkar Law University on 31 May 2019, in Chennai, and spoke on “Consumer issues in Real Estate”. She highlighted the various issues faced by home buyers, including grievances against builders and government departments, and the lack of awareness and timely grievance redress mechanisms.

S. Saroja was a speaker at a program titled “Is RERA still under construction?” organized by the Madras Chamber of Commerce and Industry (MCCI) on 15 June 2019. She delineated the salient features of the Real Estate (Regulation and Development) Act and the need for the Tamil Nadu Real Estate Regulation Authority to act inline with the provisions of the Act in order to uphold the spirit of the legislation.



Only 1 in 5 eateries in the country has a food safety licence

Only one in five eatout joints in India has a food safety licence, compelling the Food Safety and Standards Authority of India to speed up registration of small businesses. Of the 2.49 million food business operators (FBOs) in the country, only 467,000 have FSSAI licence, according to the NRAI India Food Services Report 2019. The survey of FBOs covered restaurants, eateries, dhabas, and kiosks, among other channels.

India's food service sector generates business worth about Rs. 4.23 lakh crore every year but 65% of the industry is still unorganised. NRAI expects the share of this unorganised segment to drop to 57% by 2023. "These unorganised establishments are not registered under FSSAI or GST, and put public health and tax at risk. With increasing consumer awareness, FSSAI's vigilance and delisting by aggregators, we see this as a tilt towards the much needed formalisation of the sector," said Rahul Singh, president of NRAI. For more details, [click here](#)

Food Delivery Platforms

"We all eat, and it would be a sad waste of opportunity to eat badly."- Anna Thomas

The food industry in India is evolving at a fast pace. Food delivery platforms have become very popular. Couple of years back, only a few restaurants and the pizza outlets had the option of home delivery, whereas today, with a few clicks on the food delivery applications (apps), food is delivered at your doorstep. People just have to know how to operate smart phones and work the app. Food delivery apps also offer a lot of discounts and coupons which tempt the consumers to use the same instead of going to the restaurant directly to eat food. The restaurants range from small eateries to quaint cafes. Food can be ordered from different parts of the city, and they are delivered at the doorstep within a reasonable time.

Don Fox, The CEO of Firehouse Subs of America has observed that, during the midday lunch rush, the sandwich shops were relatively empty but the sales were better than ever. People are still eating restaurant food; they are just not doing it in restaurants. We can see the same trend being followed in our country too. We see many two wheelers on the roads with food delivery logo on them. This shows how fast the food industry is growing with the help of such food delivery apps.

These apps may be a boon to many, but it also causes a lot of inconvenience to the consumers, such as delay in delivery, switching up the orders, delivery of the wrong item, cancellation of orders, etc. though refunds are processed, it isn't as easy as it seems. For one, having placed the order, the consumer will be waiting hungry and when the order is cancelled after a time it turns out to be a hassle to the consumer. Also, to get a refund, the customer has to make repeated calls to the customer service.

Another major drawback is the lack of hygiene in preparation of food by a few restaurants that are registered on the food delivery platforms. These restaurants are not registered with the Food Regulator and do not possess a licence. However, they operate with a fancy name that catches consumers' attention and lures them into ordering food from these restaurants. This came to the notice of Food Safety and Standards Authority of India (FSSAI), which asked food delivery platforms to immediately delist restaurants that did not have a licence or were not registered. More than 11,000 restaurants were delisted by food delivery platforms like Zomato, Swiggy, and Uber eats. The food regulator has asked the food delivery platforms to submit the list of delisted restaurants to the state enforcement machinery.

It is important that this list be made public for the benefit of consumers. In addition, it is imperative for the state authorities to ensure constant monitoring at the state level to make certain that food business operators without proper licence/registration do not register with food delivery platforms.

- Raajalakshmi Rajan, Law Intern at CAG

Medical Council serves notice on doctors for online advertisements

The Tamil Nadu Medical Council (TNMC) has served notices and initiated disciplinary action against 100 doctors in the state for advertising online.

The Council observed that as per Professional Conduct, Etiquette and Ethics Regulations of Medical Council of India, it is misconduct for a registered doctor to advertise the details of his profession online, as it amounted to solicitation. In May 2019, the Council issued a circular to deans of all medical colleges, and medical associations, advising doctors to refrain from advertising online.

The President of TNMC said that the idea behind the move was to ensure that doctors comply with the code of conduct and provide a level-playing field for everyone. He added that there were plans to launch a facility on TNMC website by the end of this year, to help the public look for doctors.

For more details, [click here](#)

Telecom Subscription Data as on 30th April, 2019

Particulars	Wireless	Wireline	Total (Wireless + Wire-line)
Urban Telephone subscribers(Millions)	652.35	18.52	670.86
Rural Telephone subscribers(Millions)	509.95	2.96	512.91
Total Telephone subscribers(Millions)	1162.30	21.47	1183.77
Share of Urban Subscription (%)	56.13%	86.23%	56.67%
Share of Rural Subscription (%)	43.87%	13.77%	43.33%
No. of Broadband Subscribers (Million)	553.54	18.41	571.95

In the month of April, 2019, 4.57 million subscriber requests were made for Mobile Number Portability (MNP). Till the end of April, 2019, a total of 432.97 million consumers have availed MNP facility since its implementation.

Source: TRAI

HDFC Bank ordered to pay Rs 60,000/- relief for harassing consumer

HDFC Bank has been chastised by a Consumer Court in Bangalore for harassing a consumer. The leading bank falsely accused a businessman of failing to pay his credit card dues. The bank spammed the consumer with threat calls despite him producing proof of payment, and lowered his CIBIL score. The court has ordered the bank to pay Rs. 60,000/- towards mental agony and litigation costs.

Bhageerath was issued a credit card in 2016. Trouble began after he made an online payment of Rs.4500/- towards his credit card dues in April, 2017. HDFC recovery team repeatedly called him and asked him to clear the dues. His attempts to convince them that the bill was already paid and that there was some technical error at the bank's end fell on deaf ears. The payment calls soon turned into a heap of abuses, with Bhageerath desperately trying to make the bank staff see truth by even emailing the e-payment receipt to the bank. Aggrieved by this, the complainant approached the Consumer Forum for redress.

Source: Times of India

வங்கி கட்டணம் மாற்றம்

“வங்கிக் கணக்குக்கு இணையதளம் வழியாக பணம் அனுப்புவதற்காக வங்கிகளிடமிருந்து கட்டணம் வசூலிக்கப்படாது” என ரிசர்வ் வங்கி அறிவித்துள்ளது.

வங்கியில் கணக்கு வைத்திருப்போர், மற்றொரு கணக்குக்கு என்.இ.எப்.டி. (NEFT) எனப்படும் தேசிய மின்னணு பணம் பரிமாற்றம் மற்றும் ஆர்.டி.ஐ.எஸ். (RTGS) எனப்படும் உடனடி பணம் பரிமாற்றம் ஆகியவற்றின் மூலம் பணம் அனுப்பலாம்.

இதற்காக, வங்கிகளிடமிருந்து ரிசர்வ் வங்கி கட்டணம் வசூலிக்கிறது. வங்கிகள், வாடிக்கையாளர்களிடம் இருந்து சேவைக் கட்டணம் வசூலிக்கின்றன. மின்னணு பரிமாற்றத்தை ஊக்குவிக்கும் வகையில், இந்த பரிமாற்றங்களுக்கான கட்டணம் ஜூலை 1 ஆம் தேதி முதல் முழுவதுமாக நீக்கப்படும் என ரிசர்வ் வங்கி அறிவித்தது. வங்கிகளும், இந்த சலுகையை வாடிக்கையாளர்களுக்கு வழங்க வேண்டும் என்று ரிசர்வ் வங்கி அறிவித்து உள்ளது. அதனால், சேவைக் கட்டணத்தை விலக்கி கொள்வதாக பெரும்பாலான வங்கிகள் அறிவித்துள்ளன.



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