



FAQ

Consumer Hand Book

Citizen's Action Group

Centre for Advocacy and Governance

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FAQs

Who Is A Consumer?

A consumer is identified as one who buys goods or services for self-consumption and not for any trade purpose, such as resale or any other commercial purpose. Therefore, this definition, does not apply for Traders, Manufactures and value-added resellers.

What Are Your Rights As Consumers?

1. Basic Needs:

The right to basic goods and services which guarantee survival: adequate food, clothing, shelter, health care, education and sanitation.

2. Safety:

The right to be protected against the marketing of goods or the provision of services that are hazardous to health and life.

3. Information:

The right to be protected against dishonest or misleading advertising or labelling, And the right to be given the facts and information needed to make an informed choice.

4. Choice:

The right to choose products and services at competitive prices with assurances of satisfactory quality.

5. Representation:

The right to express consumer interests in the making and execution of government policy.

6. Redress:

The right to be compensated for misrepresentation, shoddy goods or deficient or unsatisfactory services.

7. Consumer Education:

The right to acquire the knowledge and skills necessary to be an informed consumer.

8. Healthy Environment:

The right to live and work in an environment which is neither threatening nor dangerous and which permits a life of dignity and well-being.

Do The Sellers Have Any Rights?

Sellers do not have to refund your money just because you change your mind or if you damage the goods yourself.

They do not have to give you a refund if you knew, or should have known, about the fault when you bought the goods. For example, obvious faults in goods marked as 'seconds'.

What Are The Precautions To Be Taken Before Purchasing Any Commodity?

- Think about what you want the product to do
- Shop around for the best deal
- Compare quality and price
- Ask for advice
- Inspect goods carefully
- Keep all invoices, dockets and receipts.

If things go wrong inspite of the precautions, be sure you did not cause the faults. Stop using the faulty goods. Let the seller know as soon as possible. Return the faulty goods as soon as you can or, if they are too large to handle, write to the seller. Give details of the fault and what you want to do about it. Take proof of purchase with you, for example, a receipt or a credit card slip. Ask to see the manager or the owner. Often you can settle things then and there. If you can't see someone in authority, write a letter. Explain the problem calmly and clearly. If you leave the goods with the store, make sure you get a receipt. Make sure you look after the goods while they are still in your care.

What Do You Do If The Seller Does Not Agree?

If you and the seller cannot agree, seek advice from some consumer organisations. If there is not much money involved, you could go to your local customer courts or small causes court. If there is a fair amount of money involved, you might prefer to get advice from a lawyer or a relevant organisation, for example, Small Investors Association. Your last resort is to go to Court.

When are you entitled to a refund, repair or exchange of any good and services purchased?

If the goods you buy:

- Have some basic, serious fault you could not have known about, when you bought them, for example, a heel should not come off your shoe the first time you wear it:
- Does not perform the job that you were made to believe it would, for example, if the glue shop told you that the glue would fix plastic and it only fixes wood:

- Are not what they are described as, for example, shoes with plastic soles should not be called 'all leather shoe'
- The goods do not match the sample you were shown.

These are your rights as a consumer. They cannot be taken away or voided by any other guarantee or warranty offered with the goods.

So do not give up, if a seller tries to tell you that your warranty has run out and you do not have any more rights. The seller may offer to repair the goods or exchange them. But you have a right to insist on a refund, if that is what you want.

Services

In some workshops, or on some services dockets or tickets you may find signs or statements like:

No responsibility for loss or damage; 'goods left for repair at your own risk'; or 'All care but no responsibility taken'.

These signs are misleading. You must be compensated for services that are not carried out with due care and skill, for example, carpet cleaners are responsible for making sure your carpet does not shrink or your furniture is not damaged. Repairs or services must be carried out professionally using the right materials. You may also have a right to compensation for any loss or damage caused by faulty goods and services.

If the goods were bought on hire purchase, you can only ask for a refund of your deposit, any trade-in value, any payments you have made and cancellations of balance outstanding on those goods. If you have already had a fair bit of use from the goods, you may only have a right to part refund, or repair.

Who Can File A Complaint?

- Consumer
- Consumer organisation
- Representative of many consumers
- Central and State Governments

Against Whom Can You File A Consumer Complaint?

Manufacturers/ providers of goods and services, value adders, retailers and Traders. But it should be noted that a consumer complaint can not be filed against providers of free goods and services.

How Do Consumer Courts Function?

The bench at the District forum and State Commission consists of a President and two nominated members, male and female. The President of this forum is usually a District or High Court Judge. The decision of these members is final. The National Commission has five member bench, the president being a Supreme Court Judge, and four other members, one of them being a nominated lady member.

The Consumer Courts do not charge any Court fee. Like in the usual case, the complainant can appear himself, through a lawyer or a registered consumer protection organisation. Under the Consumer Protection Act, the cases received by these courts are solved / disposed with in three months of receiving the complaint

What Are The Essential Points For The Complainant Before Taking Legal Action?

- Collect all the relevant documents relating to the complaint, such as, guarantee card, receipt, terms of agreement, cutting/clipping of the advertisement, bills, any other correspondence like letter of acknowledgement.
- Write to the opposite party stating your complaint. Give them 10 – 15 days to respond to your letter.
- Complainant should not part with these documents unless the court asks for it.

A. The Necessary Information That A Complaint Should Have

A cause- title before the main heading. e.g. Before the District Forum at Madras.

A Complainant

Vs

Y Co Opposite Party

? The complaint should, if possible, have a heading

e.g. 'complaint under Section 12(a) of the Consumer Protection Act'.

The name, description and address of the complainant and the opposite party (ties)

The facts relating to the complainant such as when and where it arose

Why is the opposite party answerable or accountable to you?

State how the case falls within the jurisdiction of the tribunal – whether the opposite party(isn't there a better term for this?) resides/ carries on business/ has a branch office/ personally works for gain within jurisdiction of the forum/ whether the cause of action started within the Forum's jurisdictions.

Copies of all documents relating to the complaint duly signed by you **

B. Nature Of Compensation Expected

- Rectification of a defect or deficiency in goods or services
- Damages and costs of filing the complaint
- If consequential damages have to be claimed for negligence, then:
Negligence must be clearly alleged, defined and established to get compensation under Consumer Protection Act.

Compensation may also be sought on account of consequential damages, in spite of the fine print in many contracts, that the seller is not responsible.

- There is no ceiling on compensation claimed, but it has to be in proportion with the loss or injury suffered.
- (the forum where the complaint is to be filed depends on the amount of compensation claimed, refer- point/ qn no?)
- More relief can be claimed after the amendment.
- To remove the defects or deficiencies in the services in question
- To discontinue the unfair trade practice or the restrictive trade practice
- Not to offer the hazardous goods for sale
- Cost of your complaint can also be included in the compensation claimed

Where Should The Complaint Be Filed?

Consumer complaints can be filed according to the value of the compensation required.

If the value is up to Rs.20 lakhs - District forum

Value between Rs. 20 lakh to Rs. 1 crore - State Consumer Disputes Redressal Commission

Value above Rs.1 crore - National Consumer Redressal Commission, New Delhi.

Is There A Procedure To Complain?

After considering the points / questions (so & so numbers). The below mentioned procedure has to be followed for filing a complaint in District Forum or State Commission.

- The complainant can present his / her complaint in person or by his / her authorised representative to the District Forum/ State Commission.
- This complaint can be sent by registered post ** (to the respective forum)
- 5 copies of the complaint have to be taken. One for each member (3), one for the opposite party. And one copy for you.

An additional copy for each opposite has to be filed **

Retain your copy while filing the complaint. The complaint has to be signed by the complainant. Or any authorised person can do the same with an authorisation letter.

Is There A Time Frame For Filing A Complaint?

The time frame is within two years of receiving the last correspondence, letters, notices, acknowledgement etc.

Is Legal Action Always Necessary?

There are problems in each of these options. For a criminal case, high standards of proof is required and also physical presence of the complainant is required for every sitting of the case. And if the case is under MRTP Act, there would be a problem of access, as there is only one commission which sits at Delhi. This problem would not arise under Consumer Protection Act as it has been established in every district.

Moreover legal action might prove to be very expensive and time consuming. In case of most of the consumer complaints, the problem can be solved by reasoning with the opposite party. This option has to be explored before taking any legal action.

How Can You Solve Your Complaint Instead Of Going To The Court?

It is very important to decide which kind of relief does the complainant seek. That is it could be monetary relief or prosecute the trader in criminal court. In case an urgent relief is sought before the main trial, then a complainant can proceed only under MRTP or the Write a letter to the opposite party and speak your mind clearly. Detail any specific instances where you have found the service defective.

If you have been promised service of some degree of quality and if the opposite party has not measured up to the standards of service claimed by them in any advertisement, pamphlet, brochure or letter, say so. State whether you want (a) rectification of deficiency, or (b) refund of the amount paid by you, with interest and damages for deficiency in service and harassment.

Send the letter by Registered Post and keep the acknowledgment card carefully.

If your letter does not produce the desired results, you can then file a complaint before the consumer courts.

Note: Generally with regard to the services offered by the Government you may be unable to solve it by writing a letter alone. You may have to resort to other modes like meeting the Public Relations Officer or the officer of the grievances redressal cell or the concerned departmental staff. One other strategy is to complain collectively about common problems in the name of the Residents' Association or the local Exnora group. A collective complaint gets a better response than a individual complaint. Further, it is only by continued and persistent action that system can be made to function effectively.

What Do You Do If The Case Is Decided Against You?

There is always an option of appealing to the higher court. The time frame for it being, appeal to the State Commission within 30 days against order of District Forum. The same applies to each level.

Is There A Deadline Within Which Fresh Electricity Connections Should Be Issued?

Yes, the Tamil Nadu Generation and Distribution Corporation's Standards of Performance requires electricity connections to be made within 30 days of request. The deadline is 60 days for those connections requiring extension & improvement work without transformers.

Does The Indian Law See Egg As A Vegetarian Or Non Vegetarian Item?

Non vegetarian. But in order to assist vegetarian buyers who are egg-eaters, the FSSAI (packaging and labeling) regulations, 2011, specify that a product whose only non-vegetarian ingredient is egg, should say so along with the non-vegetarian food symbol.

Is There Any Way By Which I Will Be Able To Identify The Nature Of Milk In A Packet?

Yes, The caps of the milk bottles /pouch/tetrapack shall clearly indicate the nature of the milk contained in them. The indication may be either in full or by abbreviation like:

B for Buffalo milk, C for Cow milk, G for Goat milk, S for Standardized milk, T for Toned milk, DT for Double toned

milk, K for Skimmed milk. Pasteurised milk may be denoted by the letter 'P'; followed by the class of milk. If a specific colour is used to indicate each of these types of milk, a chart of the different colours and their representations will be kept in the place that milk is sold.

Can A Hospital Refuse Treatment To A Person In Case Of An Emergency?

No. No hospital- private or government run- can refuse treatment to a person in case of an emergency, citing procedural formalities like waiting for the police to arrive or any other reason.

What Does This Symbol Mean In A Food Package?

This is a symbol you're most likely to see in meat, poultry products, vegetables and fruits. It implies that the product has been treated with ionising radiation, a process that will delay the decay of the product, and keep it fresh for a longer time. This symbol should be present in the package of such a product.

How can I find out if the food vendor I buy my food from is registered or not?

All petty food businesses which have obtained registration from the government will be issued a certificate and Photo ID card. These should be displayed at a prominent place always in the food stall, vehicle or cart or wherever food is sold or manufactured, as the case may be. The same applies to licensed Food Businesses.

Is There A Cut-Off Income Level Below Which Food Business Operators Do Not Require Licenses?

Yes, that limit is Rs 12 lakh per annum as turnover. But that's not all. A food business within such income level should:

Slaughter less than 2 large animals/10 small animals/50 poultry birds

Produce less than 100 kg/litre of food

Handle or collect milk less than 500 litres per day.

What If A Food Business Operator Does Not Register/License His Business Under FSSAI?

Such a violation will attract penalty under section 55 of the Act. This means a penalty of up to Rs 2 lakh can be imposed on the FBO- who may run a hotel or have a retail store selling food products.

Relevant Section: 2.1.2.1

In A Sweet Stall, Is There Any Way That I Will Know If A Food Item Is Made Of Vanaspathi?

Yes. Hotels should in fact display this information. This rule applies to those hotels, restaurants and other food shops which display items like sweets or savouries for sale. They should have a notice board containing an exclusive list of articles which have been cooked in ghee, edible oil, vanaspathi or other fats.

Annexure 3: Other conditions No 1

Does The Packaged Water That I Drink At Home Have Pesticides?

This problem will be addressed if you choose to buy packaged drinking water from a manufacturer who has a license from FSSAI. This is because those units manufacturing Packaged Drinking Water, Packaged Mineral Water or Carbonated Water, while applying for a license, should submit a report from a recognized or public health lab. This Pesticide Residues report should indicate the name of the authorized lab representative who collected the sample, and date of that. The source of raw materials and the water treatment plan should also be included in that.

Relevant regulation: Annexure 2: Point 16.

Are Pantries In The Trains Covered For Quality Under FSSA Act?

Yes. FSSAI's Food Safety Commissioner should appoint a Designated Officer for Central Government Organisations, including the Railways, Defence, which have many food establishments. The authority could also carry out a food safety audit at these places annually.

Relevant Regulation: 2.1.5 (2)

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