



Indian Institute of Public Administration
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STATE CONSUMER HELPLINE KNOWLEDGE RESOURCE MANAGEMENT
PORTAL (SCHKRMP)

CENTRE FOR CONSUMER STUDIES, IIPA, NEW DELHI



Consumer Bulletin



SPONSORED BY DEPARTMENT OF CONSUMER AFFAIRS, GOVT. OF INDIA

Monthly E-Newsletter of STATE CONSUMER HELPLINE KNOWLEDGE RESOURCE
MANAGEMENT PORTAL (SCHKRMP)

February'2014

Issue No - 2

Volume No - 3



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Green Tribunal proposes heavy fine for illegal dumping of garbage, debris

[The Hindu: 27th February 2014 - Page NO. 4]

Heavy penalty for dumping *malba* and garbage in open drains and by the roadside in the city could soon become a reality.

The National Green Tribunal asked the civic agencies *“why in addition to a meagre fine provided under the Municipal Corporation Act in this regard, the Tribunal should not invoke the “polluter pay principle” and direct payment of much higher costs on throwing garbage, malba (debris)”* on roads, in drains and even by the roadside.

The Tribunal also directed the municipal



corporations *“to ensure and take appropriate measures so that no garbage or debris is thrown into the drains in any of the colonies of Greater Kailash, Defence Colony, South Extension and all other colonies of Delhi”*.

The Kushak drainage system is a major tributary of the Barapullah drainage basin. It drains areas in Saket, Pushp Vihar, Khidki Village and further into Chirag Delhi, Greater Kailash-1 and Defence Colony, and flows along the JLN Stadium and Jangpura before meeting the Barapullah drain opposite the Nizamuddin area. The 11-km-long drain is maintained by the South Delhi Municipal Corporation.

Now help at hand to clean up the city STAFF REPORTER

Residents of South Delhi will no longer have to deal with garbage piling up on the streets for days, the local civic body said on Wednesday.

A helpline for sanitation related complaints was officially launched by South Delhi Municipal Corporation Mayor Sarita Chaudhary on Wednesday, though it has been in operation for the past three days.

Four helpline numbers, one for each SDMC zone, are being run by three operators from 8 a.m. to 8 p.m., Ms.

Chaudhary said.

Residents can call the helpline no. if they see any trash on the streets or if an area has not been

cleaned for a while, the Mayor said. *“A complaints register will be maintained and issues resolved within 12 hours.”*

The helpline operators are municipal corporation employees. “We will not outsource this work,” said Ms. Chaudhary. The phone numbers for this service were earlier used to reach the Corporation’s zonal control rooms, but now the operators will be trained to deal with sanitation-related grievances.

The helpline numbers, as announced by the Leader of the House Subhash Arya, are 26522700 (South Zone), 29812700 (Central Zone), 25422700 (West Zone) and 28011235 (Najafgarh Zone).

While taking a home loan don't allow the bank to choose your insurance policy

[Hindustan Times: 9th February 2014 - Page NO. 9]

Whenever you take a home loan, the lending bank insists on an insurance policy to cover risks to your home. And before you know it, the bank would have deducted the premium amount from your account.

In most cases, the bank neither discusses the various insurance options available to you nor looks at what is best suited to your needs. You, as the policy holder, does not even get to choose or understand the policy conditions, what it covers and does not cover. The choice of the insurer and the policy will mostly depend on the insurance company with which the bank has a tie-up.

These are practices inimical to consumer interest and both the banking and the insurance regulators should stop them. And consumers on their part, would do well to insist on choosing the insurance company and the policy that suits their interest best. There are for example, policies that cover only the building, but with an additional amount, cover the appliances too. Similarly, home loan insurances ensure that in the event of the death of the borrower, the remaining loan amount is paid by the insurance company. Some insurance policies also cover disability or illness of the borrower and it should be the prerogative of the consumer to choose what is best suited to her or him.

A letter from a reader explains best, the kind of problems that consumers can face with a wrong policy chosen by the bank. Isha's husband, working as Vice-President in a multinational company had taken a home loan of Rs. 35 lakh. Then suddenly he contracted viral pneumonia and passed away at the age of 46.

Isha's hopes of the insurance taking care of the huge loan burden were soon dashed — she was told that the cause of death

was an illness falling outside the nine major illnesses covered under the policy!

An order of the apex consumer court decided on February 7, 2014, highlights another associated problem. Dr Ajay Singh Bhambri and his wife had taken a home loan, for which the bank insisted on an insurance policy covering the outstanding loan amount in the event of the death of either of the borrowers.

Once the policy was signed and the amount deducted from their account towards the first premium, the couple assumed that the bank had the policy.

Just 12 days after signing the policy, Vandana Bhambri suddenly died of heart attack.

When her husband made the claim, he was told that the policy had not even come into existence because of some pending medical examination.

The apex consumer court too upheld the decision of the insurer, on the basis of a Supreme Court order, in which the apex court had held that merely filing the proposal form and paying the premium did not create a binding contract (FA NO 881 of 2013).

What is unfortunate in this case is that the insurance company had taken advantage of its own inefficiency, resulting in delays in issuing the policy. The IRDA Regulation on the Protection of the Policy Holders' interests (PPHI), clearly states that *"proposals shall be processed by the insurer with speed and efficiency and all decisions thereof shall be communicated by it in writing within a reasonable period not exceeding 15 days from receipt of proposals by the insurer"*.

Besides, the very fact that the consumers were unaware of the process of completion of the contract or the requirement of medical examinations for the policy that was handed to them, also indicates a violation of this Regulation, which requires that the insurer gives all relevant information to the consumer.

So if you are going for a home loan insurance, look at the options yourself, understand the policy conditions and make an informed choice.

Do not allow the bank to choose your policy.

Aadhaar not mandatory for MGNREGA wages

[*The Hindu: 13th February 2014 - Page NO. 13*]

Programme Officer in every State should help workers get UIDAI numbers, says Ministry

The Ministry of Rural Development on Tuesday directed the States not to deny workers job cards under the Mahatma Gandhi National Rural Employment Guarantee Act for non-possession of either bank/post office account numbers or the Aadhaar card.

The instructions, a copy of which is available with *The Hindu*, say *it is the responsibility of the MGNREGA Programme Officer in the States to help workers obtain Aadhaar numbers.*

The directives follow an affidavit filed by activist Jean Dreze in the Supreme Court on denial of wages in Khunti district of Jharkhand to a few laborers without

Aadhaar cards. *“This is a violation of the Supreme Court’s interim order, dated September 23, 2013, which states ‘no person should suffer for not getting the Aadhaar card ...’.”*

The affidavit mentioned a specific case in Tirla gram panchayat, where three of the 22 workers who worked on land development at Belahati from December 19 to 25 last did not have UIDAI cards.

According to sources familiar with the case, the affidavit was filed as a *“wrong impression is being created that a UID is compulsory (or about to become compulsory) for NREGA WAGE payments and NREGA workers with no UID are paying the price for the confusion...”*

How banks dupe customers of money at ATMs

[*Hindustan Times: 17th February 2014 - Page NO. 5*]

Here’s an insight into how banks convert ‘failed ATM transactions’ into ‘successful transactions’, causing financial loss to their customers. If you are one such victim (or even if you are not), read on.

The Reserve Bank of India (RBI) has mandated that banks have to credit within seven working days the amount wrongly debited to the accounts of customers, following failed ATM transactions. Banks that do not do so within seven days have to pay a penalty of ` 100 per day for each day of delay.

What the bank officers probably do not realize is that many complaints like bank is denying the credit on the ground that investigations had shown that the money was actually dispensed by the ATM etc. come from poor people who are drawing their entire salary for the month through the ATM and unjust rejection of their claim causes them extreme financial hardship.

In fact in a case decided by the apex consumer court recently, the complainant had tried six times to withdraw his salary

amount of 10,000 from the ATM, but failed. However, the receipt showed a debit of 10,000 and a balance of 339 in his account. In this case too, the bank denied him credit, forcing him to wage a long legal battle.

There are couple of cases from the annual report of the banking ombudsman scheme, 2012-13, it gives consumers an insight into the investigations required to be done or not done by the banks on their complaints. Hopefully, this knowledge will empower consumers and help them question the banks on their decisions.

Take the first case, where the victim of a failed ATM transaction was told that the transaction was successful and, therefore, he was not entitled to any refund. However, a probe by the ombudsman revealed that the EJ (electronic journal which records every transaction) log clearly said "Transaction Declined". The bank was also unable to produce either the Cash Balance Report or the CCTV footage. When questioned by the ombudsman as to why the amount was not refunded when the EJ log clearly showed that the transaction was not successful, the bank could not give a convincing answer, but

immediately paid the complainant. The Ombudsman said: *"It was observed from the records/ submissions of the banks that neither of the banks appeared to have pursued the matter with due diligence and logically as EJ log was clearly showing the transaction as 'Declined'."*

In yet another case, the consumer tried to withdraw 20,000, but got only 14,500, yet 20,000 was deducted from his account. Here again, even though the reports showed the transaction was successful and there was no excess cash on that day, there were an unusually high number of notes in the 'divert tray' of the ATM (the divert tray captures non-deliverable/non-delivered notes from the cash dispenser). Further, the note retraction facility was not disabled on the date of disputed transaction and the bank failed to provide details of the notes in divert tray. It was asked to pay.

Such sloppy investigations into consumer complaints show that banks have no qualms about unjustly enriching themselves at the cost of their customers. *It's time the RBI took serious note of this and initiated necessary action to bring about an attitudinal change.*



THINKSTOCK: The Reserve Bank of India has mandated that banks have to credit within seven working days the amount wrongly debited to the accounts of customers, following failed ATM transactions.

Assured benefit: CNG, PNG consumers to now get cost break-up

[Hindustan Times: 20th February 2014 - Page NO. 14]

NEW DELHI: For the first time, outlets retailing compressed natural gas (CNG) to automobiles and dealers selling piped natural gas (PNG) to household kitchens will have to give a bill that will provide the break-up of fuel to users, a move that will ensure that the benefit of cheaper domestic gas is passed on to the consumers.

Petroleum minister M Veerappa Moily has ordered city gas distribution (CGD) companies to provide breakup of fuel price to consumers.

“The entities (CGD) would give following details in the break- up of CNG and PNG price ...cost of gas to the CGD entity, supply and distribution cost of CGD entity, company’s margin, excise, VAT and any other tax,” the oil ministry said in an order, issued with Moily’s approval on Tuesday.

All CGD companies have been asked to furnish the break- up of CNG and PNG

price to the ministry on annual basis by April 30 each year, the order said, adding that the data for 2013-14 should be furnished by April 30, 2014.



“Non- compliance of the guidelines by CGD entities would lead to cancellation of their domestic gas allocation for CNG and PNG,” it said.

At present, no break-up of the price of petrol, diesel, LPG or kerosene is provided to consumers.

The move comes after the petroleum ministry had earlier this month rejigged supplies to ensure that city gas companies got cheaper domestic gas to meet all of their requirements for CNG and PNG supplied to households for cooking purposes compared with the previous limit of 80% for most states.

This led to a steep 14.90 per kg cut in price of compressed natural gas and 5 per kg reduction in rates of cooking gas piped into kitchens in Delhi.

Security alert: Frauds can clone your SIM, use your credit card

[Hindustan Times: 13th February 2014 - Page NO. 17]

NEW DELHI: *Somnath Sinha, a midlevel executive at a Kolkata-based FMCG company, was shocked when he received an SMS informing him in November last year that his credit card had been used to make a 45,000 purchase. By the time he called his bank two hours later to block his card, it was too late. He learnt that his mobile phone had been used to request a one-time password (OTP), which had been used to make the online purchase. The bank refused to compensate him as the OTP request had come from his registered mobile phone.*

Fraudsters can easily clone your mobile SIM card and get a connection with your

number. Grey market operators in Gaffar Market in Delhi’s Karol Bagh area, Manish Market near VT in Mumbai and practically every small town in Uttar Pradesh, Punjab and Rajasthan will “clone” any mobile number of your choice for as little as R50-R200.

Since many subscribers use mobile phones to access their bank accounts and get OTPs for their credit cards – and since saved passwords and other personal details can be accessed by anyone who can use the relevant software – this poses a serious risk to millions of subscribers who, like Sinha and Sandell, can, potentially, become victims of fraud.

It also raises serious national security risks as these phones can be used for terror-related communications and transactions.

The telecom ministry had informed the Lok Sabha in a written reply on August 22, 2012 that Delhi had 18,547 and Punjab 1,738 registered cases of illegal SIM card cloning. "There could be many more," said a senior official in the telecom ministry.

Currently, none of the major telecom operators — Airtel, Vodafone, Idea, Reliance Communications and Tata Teleservices — can immediately track if two separate phones (one in the hands of a bona fide subscriber and the other being used by a fraudster with an illegally cloned SIM) are simultaneously using the same number. This time lag (between the time the cloned SIM starts operating and this showing up in your telco's security system)

provides frauds a long-enough window to complete their operations.

In a meeting on September 3, 2013, the Department of Telecommunications (DoT) decided to set up a working group comprising representatives of the home and defence ministries and various national security agencies to draw up a blueprint to address loopholes in telecom security, including cloned SIMs.

"The industry will cooperate with the government in resolving it," added Pankaj Mohindroo, national president, Indian Cellular Association, the association of handset manufacturers.

That's in the long term. Meanwhile, subscribers remain vulnerable to fraud. The only way you can avoid becoming a victim is by remaining vigilant.

ATTACK OF THE CLONES

Here's all you wanted to know about cloning SIM cards but didn't know whom to ask

If you lose your phone, how can you get a duplicate SIM card?

- You will have to file a complaint with the police
- Then you will have to ask your telecom service provider to give you a duplicate card with your number
- You will have to provide a copy of the police complaint, identity and address proof

What is SIM cloning?

- It is the process of creating duplicate SIM cards, with details that are identical to the original one
- It's illegal when done without the subscriber's knowledge

How is SIM cloned?

- Every SIM has a unique electronic serial number (ESN) and the mobile phone's unique mobile identification number (IMEI).
- A low-cost electronic scanning device can capture these numbers
- This pair of serial numbers is then written on a blank SIM card
- It is illegal when done without the knowledge of the subscriber

How will you know if your SIM has been cloned?

- When callers tell you they are receiving a busy signal, even when you are not on a call
- Your telephone bills show too many unknown numbers
- Accessing mobile banking/emails takes unusually longer
- Frequent cross connection and wrong numbers

What is the global practice to prevent cloning?

- European Union has made it mandatory to use only SIMs that cannot be cloned
- This involves higher levels of encryption and is more expensive

Is there a legal protection, if a phone is cloned?

- The IT Act and the Telegraph Act in India do not provide any specific reference to 'clone fraud'
- There is a need for a specific mobile device legislation to deal with the issue



■ **Electronic Serial Number (ESN)**

क्या स्टूडेंट भी कंस्यूमर है?

[Navbharat Times: 16th February 2014 - Page NO. 6]

सुधा ने आईआईटी का एग्जाम दिया था, लेकिन कामयाबी को लेकर निश्चित नहीं थीं। ऐसे में उन्होंने तीन साल का कंप्यूटर कोर्स करने का फैसला कर लिया। सुधा ने एक कंप्यूटर इंस्टिट्यूट में एडमिशन ले लिया। इंस्टिट्यूट ने तीन साल का कोर्स पूरा करने पर नौकरी का भी वादा किया, इसलिए उन्होंने तीनों साल की फीस 2 लाख 70 हजार रुपये एक साथ दे दिए।



इंस्टिट्यूट को दाखिले के समय ही सुधा ने बता दिया था कि उन्होंने आईआईटी का एग्जाम दिया है। इस पर मैनेजमेंट ने वादा किया था कि आईआईटी में एडमिशन मिल जाने पर उनकी सारी फीस वापस कर दी जाएगी।

जल्दी ही रिजल्ट निकला और सुधा को आईआईटी, कानपुर में दाखिला मिल गया। जब सुधा ने अपने इंस्टिट्यूट को बताया कि मैं अब आईआईटी में एडमिशन लेना चाहती हूँ, इसलिए मेरे पैसे लौटा दिए जाएं, तो मैनेजमेंट ने आनाकानी शुरू कर दी। उनसे पूछा गया कि क्या आपने दाखिला लेने से पहले हमारे रूल्स नहीं पढ़े थे/ अब आपकी सीट अगर खाली रह जाती है तो हमें तीन साल की फीस का नुकसान होगा। हम अपने पूरे सेशन के सारे खर्च कर चुके हैं, स्टडी मटीरियल तैयार है, फैकल्टी अपॉइंट हो चुकी है। ऐसे में अब तो कुछ नहीं हो सकता। हम आपको पैसा नहीं लौटा सकते।

सुधा सकते में थीं। हद तो तब हो गई, जब उनके ऑरिजिनल सर्टिफिकेट्स वापस करने के लिए 10 हजार और मांगे गए। सुधा किसी भी हालत में इंजीनियरिंग का अपना सपना नहीं छोड़ सकती थीं। 10 हजार रुपये देकर सुधा ने सर्टिफिकेट तो ले

लिए, लेकिन इंस्टिट्यूट ने साथ ही यह भी लिखवा लिया कि वह कोई केस नहीं करेगी और फीस भी वापस नहीं मांगेगी।

दरअसल, यह सिर्फ सुधा का मामला नहीं है। ढेरों छात्रों के साथ ऐसा होता रहता है। लेकिन ऐसे मामलों में सबसे ज्यादा दिक्कत पैरेंट्स को होती है और वह भी तब जब उन्हें एक से अधिक जगह पर फीस देकर सीट रोकनी पड़ती है। होता यह है कि पसंद के कोर्स में दाखिला मिलने पर

जब पिछले इंस्टिट्यूट से पैरेंट्स फीस वापस लेने जाते हैं, तो इंस्टिट्यूट अपने प्रॉस्पेक्टस, नियमों और शर्तों का हवाला दे कर फीस रिफंड करने से इनकार कर देते हैं। जाहिर है, उनके पास सर धुनने के अलावा और कोई चारा नहीं होता। लेकिन अब कंस्यूमर कोर्ट के दरवाजे छात्रों के लिए भी खुले हैं और वे अपनी शिकायत ले कर वहां जा सकते हैं।

सुधा ने भी ऐसा ही किया। कंस्यूमर ने उनकी सारी बातों पर गौर किया। *इंस्टिट्यूट का रवैया सेवा में कमी का तो था ही, स्टूडेंट की मजबूरी का फायदा मांगना पूरी तरह गलत था। फीस न मांगने और उठाकर ऑरिजिनल सर्टिफिकेट्स के लिए और केस न करने का प्रेशर बनाने पर कोर्ट का रुख बड़ा सख्त हुआ। सुधा की सारी फीस तो वापस कराई ही गई, इंस्टिट्यूट के अनुचित व्यवहार के लिए उसे लाख रुपये सुधा को मुआवजे के रूप में देने के आदेश भी दिए गए।*

वैसे, सुधा जैसे लोगों के लिए राह इतनी आसानी से नहीं निकली है। यह सब इतनी आसानी से नहीं हो गया था। जब कंस्यूमर प्रोटेक्शन एक्ट में संशोधन कर वस्तुओं के साथ-साथ सेवाओं को भी कंस्यूमर

कोर्ट्स का विषय बना दिया गया तो सभी सेवा देने वाली एजेंसियों ने पूरी कोशिश की कि वे इस कानून से मुक्त रहे। शिक्षा संस्थानों ने भी कई तर्क दे कर कंस्यूमर कोर्ट्स से बाहर रहने की कोशिश की। लेकिन तमाम सुनवाई के बाद सुप्रीम कोर्ट आखिरकार इस नतीजे पर पहुंचा कि स्टूडेंट्स भी कंस्यूमर हैं और एजुकेशनल इंस्टिट्यूट सेवा प्रदान करने वाली एजेंसी।

सुप्रीम कोर्ट ने सभी शिक्षण संस्थानों के लिए निर्देश दिए :

1. शिक्षा संस्थान पूरे कोर्स की फीस एक साथ नहीं ले सकते। एक सेशन या एक साल की फीस एक साथ ली जा सकती है।
2. छात्र के संस्थान छोड़ने के वाजिब कारण पर अनुपातिक फीस काट कर बाकी रकम लौटाई जाए।
3. किसी भी हालत में संस्थान ऑरिजिनल सर्टिफिकेट नहीं रोक सकता।

यूजीसी ने भी इसी तर्ज पर नोटिफिकेशन जारी किया:

1. छात्र के कुछ क्लास लेने पर एक हजार रुपये काटकर बाकी रकम लौटाई जाए।

2. ऑरिजिनल सर्टिफिकेट संस्थान किसी भी दशा में नहीं रख सकता।

अपने स्कूल, कॉलेज या इंस्टिट्यूट के विरुद्ध निम्न बातों के लिए उपभोक्ता अदालत जा सकते हैं:

- (i) स्कूल की खराब व्यवस्था
- (ii) पर्याप्त टीचर्स न होना
- (iii) जरूरी सुविधाओं की कमी
- (iv) पढ़ाई का समय पर शुरू न करना
- (v) स्टडी मटीरियल का न दिया जाना
- (vi) क्लास लेने के स्थान में बदलाव
- (vii) ऑरिजिनल सर्टिफिकेट देने से इनकार करना
- (viii) संस्थान के बारे में गलत और भ्रामक सूचना देना

नोट : इन सारे तथ्यों को देख कर यह नहीं मान लेना चाहिए कि हर मामले में फीस रिफंड के आदेश होंगे ही। पूरी जानकारी के बाद अगर कोई छात्र इस तर्क पर फीस वापस मांगे कि उसका मन नहीं लग रहा या बिल्डिंग अच्छी नहीं है या उसे पढ़ाई समझ नहीं आ रही तो ऐसे कारणों में रिफंड के आदेश नहीं दिए जाते, जिनमें इंस्टिट्यूट का दोष नहीं होता।

STATE CONSUMER HELPLINES

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