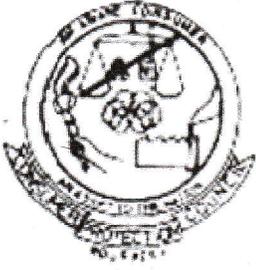


By SPEED POST



Consumer Protection Council, Rourkela (Regd.)

A pioneer in taking up class complaints since 1985

Office of the Chief Mentor

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An aware Consumer is an Asset to the Nation

Ref: CM/PM/ 14 /2016-17

Date: 11th June 2016

To

Hon'ble Sri Narendra Modi
Prime Minister of India
South Block,
Raisina Hill,
NEW DELHI – 110011.

Sub: Revitalising the consumer movement and saving the common man.

Respected Sir,

At the outset, we would like to record our deep appreciation for all the efforts that your government has been taking for ensuring a clean, transparent and efficient administration. It is indeed a challenge to put back the economy on its rails, so as to generate investors' confidence and to achieve higher growth and prosperity. The growth of the Indian economy under your stewardship has earned appreciation from all quarters including the developed nations, which indeed gives the hope that the country and its people are in for a bright future.

But, the people, especially, the burgeoning middle class, who constitute your core support base, have slowly started feeling the pinch and are feeling let down. The falling interest rates (which is key for the survival of the non-pensioners), increasing taxes and excise duties, with a thrust to reduce the subsidies and increase private stakes are all compounding the financial nightmare of the ordinary people.

We are sure, you are aware that what is best for the USA, can be best here also, provided, we are able to replicate the conditions prevailing therein. For example, even one of the best ministers of your government is found appallingly wanting, to resolve a petty routine issue such as approach to the Velachery MRTS (Mass Rapid Transport System) Railway Station, in Chennai. (Copy of the mail addressed to Hon'ble Sri Suresh Prabhu is attached.)

With a substantial increase in private participation and e-commerce, is the government not keen to strengthen the consumer movement, in the country? Unless we strengthen the systems which are capable of addressing the needs of the people, no wonder will happen.

To elaborate, the consumers/the people were armed with an important piece of legislation, well known as the Consumer Protection Act. The main objective of the Act is to speedily redress the grievances of the consumers, without the frills of the civil court, in different spheres of the domestic life, pertaining to availing of products and services. Irony is, though the Act and the consumer movement started making their presence felt during the 90s, and the Act was even strengthened during the earlier NDA rule (2003), it was with a vengeance deactivated from 2005-06, by systematically weakening the Central Consumer Protection Council, a nodal consultative body established under the Act. While amending the Act requires the approval of the Parliament, for making changes in the Rules (Central Consumer Protection Rules), the Parliament need not be consulted. Hence, the Ministry (Department of Consumer Affairs, Ministry of Consumer Affairs, Food & Public Distribution) subverted the most important consultative body, envisaged in the Act, to the detriment of the consumer movement and hence the public at large. The constitution of the Central Consumer Protection Council (CCPC) was watered down so much that instead of all the states getting represented in the body, which was the case till 2005, only 4 – 5 states are to be represented, for a period of 3 years. Which means, the consumer activists, from across the country will get covered only over a period of 24 to 30 years, provided the same states are ^{not} represented repeatedly.

It is relevant to note that the consumer movement got a big boost, in the initial phase, say, from 1989 to 1999, mainly because of the Voluntary Organisations, which were working in the field. But these voluntary organisations are now being totally relegated and the consultations have only become a farce.

We had a great hope when your government took over the reins of governance in 2014, but that hope is now slowly turning into a despair. (I was one of those millions who actually supported your candidature for prime ministership, in 2014, though not affiliated to any political party till date.) Our landmark case against M/s Indian Oil Corporation Ltd., against under-weightment of LPG refills, brought relief to crores of housewives across the country, as the Oil Marketing Companies were directed to automate their 184 LPG Bottling Plants, which were found to lack the capability to fill the right quantity of LPG in the refills. Though, the 2003 amended CP Act provides for a penalty of a minimum of 5% of the value of the defective goods/services sold to the consumers, against an estimated value of short-filled refills sold to be of ₹ 66,500 crores, neither the National Commission (NCDRC) (Original Petition No. 224 of 2001, M.A. No. 257 of 2007), nor the Supreme Court (Curative Petition (Civil) No. 84 of 2014, arising out of Review Petition (Civil) No. 150 of 2013 and Civil Appeal No. 10126 of 2010) had the gumption to deal with this aspect (compensation and penalty) of the case, in spite of filing the Review and Curative Petitions.

As a sad joke, my personal representation through "my Gov", addressed to you in this regard, got referred by an enlightened (!) bureaucrat to the Consumer Coordination Council, New Delhi (an association of consumer groups like ours), of which we are also a Founding Member, and which has never done any litigation.

It is unfortunate that the Ministry of Consumer Affairs and the bureaucrats therein, appear to be neither keen nor having the necessary expertise/wisdom to really play a role for strengthening the consumer movement. Instead, they are keen to introduce amendments to the CP Act, many of which are not going to help; rather, will be a drag on the scarce resources of the government.

Finally, can we expect you to ponder whether promoting the business alone can help, while ignoring the people's need of ensuring that they do get the value for their money, in terms of quality of goods and services? If you do agree with us in our belief that a strong consumer movement (as in the

United States) alone can ensure a vibrant business and industry, capable of delivering world class quality products and services, we solicit the following:

- 1) Immediately amend the Central Consumer Protection Rules, as it was existing prior to 2005 and pave the way for the meeting of the Central Consumer Protection Council, at least thrice a year;
- 2) Direct the Department of Consumer Affairs, to file a second Curative Petition, in the Supreme Court, for non-adjudication of an important prayer, in the Civil Appeal No. 10126 of 2010, relating to payment of compensation and penalty; (All the details were shared with the then Additional Secretary, Department of Consumer Affairs, in person, on 30th July 2014. We can share all the details once again, as per requirement.) and
- 3) Direct the Department of Consumer Affairs to consult the consumer activists, without bias, before placing the proposal for amendments to the Consumer Protection Act.

With warm regards,



(B.VAIDYANATHAN)

CHIEF MENTOR CHIEF MENTOR
CONSUMER PROTECTION COUNCIL.
ROURKELA,
NO. 10/18, 40th STREET,
NANGANALLUR. CHENNAI-61.

Encl.: Transcript of our email, ref. no. CM/Rly/119/2014-15, dated 9th Jan. 2015.

B Vaidyanathan, Chief Mentor

From: "B Vaidyanathan, Chief Mentor" <vaidya@advantageconsumer.com>
Date: 10 January 2015 12:22
To: "Suresh Prabhu Union Minister for Railways" <froa@rb.railnet.gov.in>
Cc: "Suresh Prabhu, Minister for Railways" <sprabhu1@gmail.com>; "Suresh Prabhu Minister for Railways" <sprabhu@sansad.nic.in>
Attach: Footpath at Velachery MRTS4.JPG; Footpath at Velachery MRTS1.JPG; Footpath at Velachery MRTS2.JPG; Footpath at Velachery MRTS3.JPG; Footpath in Seattle1.jpg; Footpath in Seattle2.jpg; Footpath in Seattle3.jpg; Footpath in Seattle4.jpg
Subject: Fw: Pavement constructed at Velachery Metro Station causing hardship to rail travellers.

CM/Rly/119/2014-15

9th Jan. 2015

Sir,

As we understand and are being informed that the present government is serious about delivering better governance. But the officials who are working for the government do not seem to be serious about such declared commitments. The Railways appears to be no exception to this general malady affecting India.

The case in point is that in spite of the undersigned's letter dated 4th Sept. 2014, there has been no improvement in the status of the footpath in the last 4 months. Kindly have a look at the 4 attached photographs (Footpath at Velachery MRTS). The footpath constructed at a height of more than 1' above the ground level causes immense hardship to all the physically challenged, women, aged, those suffering from arthritis and those carrying heavy luggage. The designated official to whom the problem was informed is yet to respond. He is designated as Director, Public Grievances only to create "Public Grievances"?

Attached please find some photographs depicting the footpaths laid out at Redmond, Seattle, USA. The whole design (sloping of the footpath to the road level) clearly indicates the care with which such pathways designed to take care of even the physically challenged should be an eye-opener for all those in government and municipal administration. Paving such pathways does not cost anything extra, but reveals the concern you have towards the people who use your facility.

We want India to grow and be comparable with the developed. But dreams will remain a dream and an empty rhetoric if even the officials in responsible positions turn indifferent to such needs in spite of the timely feedback from responsible citizens.

Can we expect some action for making the footpath accessible by one and all?

Shall very much appreciate your reply in confirmation.

Regards,

B.Vaidyanathan
Chief Mentor
Consumer Protection Council, Rourkela

11-06-2016

Chennai
Camp: Seattle, US
M: +1 425-949-6370

From: B.Vaidyanathan, Chief Mentor
Sent: Wednesday, September 3, 2014 11:19 PM
To: S.Vijayakumaran, Addl. GM / Director, Public Grievances, Southern Railway
Subject: Pavement constructed at Velachery Metro Station causing hardship to rail travellers.

CM/SR/46/2014-15

4th Sept. 2014

Sub: Pavement erected at the entrance of Velachery Metro Station causing hardship to rail commuters - especially to the aged, ladies and physically handicapped.

Sir,

Velachery MRTS Station was having free approach from all sides till last month (August 2014). Probably, to prevent crowding of the entrance to the Railway Station, pavements have been laid, that too to a height of about 2 feet, causing inconvenience to the traveling public, especially the aged, handicapped and the ladies, who have to enter the Station (via) the ticket issuing counters. Even others, who can directly board the trains, cannot approach the ramp at the end, without walking through the slush and stagnant water, which is prevailing beyond the pavement, on rainy days.

Railways may consider the following suggestions and implement them urgently, to mitigate the misery of those who are not fully physically fit:

1. Open up the pavement at the front or provide a ramp or small steps, with hand-railings for the people to easily access the Station.
2. Provide a ramp along the hand-railings (which have already been provided) at the entrance to the Railway Station.
3. For regular travelers who can enter the station through the ramps provided, at the platform end, provide a *pucca* (all season) passage way, beyond the pavement.
4. For travelling between the platforms (presently people are crossing the railway lines), provide pavement of about 3 feet wide, to facilitate the passengers walk with more comfort.

Hope, the problems highlighted herein do not need further elucidation. In case, you still need any further visual clarification, I will provide you with photographs of the existing arrangements. I expected the Railways to help the passengers and hence about a fortnight back I contacted 25355793 - the Contact number provided in your website for "Help & Complaints". Unfortunately, till date there is no change in the status and hence this mail.

Shall appreciate your immediate action and a reply in confirmation.

Thanking you,

Yours faithfully,

B.VAIDYANATHAN
Chief Mentor

11-06-2016