

"I demand to speak to the Manager!"
Consumer Rights



Do you feel cheated every time you shop?
Worried about your rights as a consumer?
Know your rights to protect them!
Post your queries about consumer rights as
Charles Bell from the Consumers Union shares
the U.S. experience and his expert knowledge that
will help you protect yourself.
Chat live with Mr. Bell on July 8th, 10 am to 11 am.

Web chat - Consumer Rights-"I demand to speak to the manager"

July 8, 2010 with Charles Bell, Programs Director for Consumers Union

TRANSCRIPT:

Moderator (CK): Charles Bell, Programs Director for Consumers Union, is speaking across India. Join us for a live chat with him on Thursday, July 8, 10 to 11 am (IST). Mr. Bell will discuss consumer rights and address issues of competition, increasing choices and challenges for the Indian consumer. Submit your questions anytime before or during the webchat.

Moderator: Hello

Moderator: Good Morning

Ruthi: What happens when the problems happen online? for example ebay? or companies that sell products online?

Charles Bell: Good morning, this is Charles Bell, Programs Director from Consumers Union from New York. It's a pleasure to join you in the web chat here today!

Charles Bell: The better large web sites like Ebay have dispute resolution programs, so I would encourage web users to seek more detailed information from the web site itself, under the "Help" or "Consumer Assistance" sections. However if you encounter a dispute that you can't solve with the web site -- which often happens -- you may want to seek assistance from government or nongovernment consumer assistance programs.

Charles Bell: In India, there is now a National Consumer Helpline that will help with many kinds of consumer problems and disputes. The toll free number is 1 800 11 4000, and you can get more information at their web site at www.consumerhelpline.in. They can help with problems at web sites, such as financial disputes with web shopping sites.

Govindaraj V: I am cheated by my house owner and property dealer? will you take up for discussion

Govindaraj V: I occupied a flat on rent from third of Jan 10 for 11 months lease agreement, but the flat owner aske me to vaccat the flat by end of april 10 by giving one month notice, Now I vaccated the flat but still he have not done the sttlement of my security amount and other dues

Charles Bell: I am visiting India and I don't know your real estate laws, but I understand that problems with home owners and rentals are covered by the real estate laws, and not the consumer protection laws. So while this is indeed a consumer problem, it sounds like your best course of action is to assert your rights under the real estate laws, and for that, you may need an advisor or a lawyer.

RAJAT THAKUR: AS WE ALL KNW THAT THE PRICES OF ELECTRONICS GOODS CHANGES VERY FAST,SO IS THERE ANY WAY TO KNW THE ORIGINAL MARKET PRICE OF A GOOD ???

Charles Bell: You're right that this is a big challenge for consumers. In the US we have several electronics shopping web sites that collect that information and post the offering prices for electronic products. I suspect that some companies in India also collect this information, and you might find it through Google. If you type in the name of the product and model number, sometimes you will get referred to web sites that are offering that product for sale. Of course you have to be careful if it's a new or unfamiliar web site, don't go shopping there right away if you don't recognize the site name or ownership. BUT, you might be able to get a good idea of how much other stores are selling the product for, and this would put you in a better position to seek a fair price

CS: If you purchase a pre- loaded cash card of a certain value, say \$5000 from an Indian Bank (ICICI), and find that with the card still in your possession, it has been fraudulently used to purchase goods worth \$4800 in Utah in the US, while you are studying in California, whom can you complain to if ICICI disclaims responsibility? In this case, the fraudulent transactions have been made by swiping a card with the same number and expiry date as my card, but my card is still in my possession. ICICI Bank has reverted with the fraudulent transaction purchase slips- which show that the card number and expiry is the same, but the name of the customer is different. Also, they claim that their partner VISA in the US managed all the transactions once the money was loaded onto the cash card.The concern here is to get back the money that has been fraudulently stolen from me. I would appreciate a list of the exact steps I need to take.I can prove, and ICICI has accepted that a fraud has been committed. The issue is however

CS: that ICICI says that the 'safe custody' of the card is my responsibility. My point is that the card has always been safely in my possession, and is still with me- I can produce this if necessary.

Charles Bell: My friends at Consumer Voice in New Delhi www.consumer-voice.org have alerted me that there is a Banking Ombudsman program that can help solve financial disputes like this one. The Banking Ombudsman is based at the Reserve Bank of India, and anyone with a financial problem that they can't solve with their bank after a reasonable time (I think it is one month) can send a letter to the Banking Ombudsman and he or she will investigate the problem and help solve it. SO in the case you mention, I think that is where you can get some help

Charles Bell: You can visit the Banking Ombudsman online at www.bankingombudsman.rbi.in

Moderator: Hi! Here is the link to the Bio of Mr. Charles Bell <https://statedept.connectsolutions.com/bellbio/>

spk, chennai: Interestingly, as Consumers we rarely enjoy any rights? How can we promote a new culture among the consumers and corporates?

Charles Bell: Probably the first thing we have to appreciate is that there are literally hundreds, thousands and millions of other consumers who may have the same problems and frustrations that we may have -- so we are not alone. There is strength in numbers. We need to have confidence we can succeed in solving our problems, and that every time I stand up for my rights, I can help other consumers too

Charles Bell: So that is one aspect of the culture change. As consumers we need to be assertive and speak up for our rights. If the product doesn't work, or I am getting cheated in a service contract, it's not my fault. The consumer didn't do anything wrong. The business may be trying to take unfair advantage

Charles Bell: So the second thing is that for corporations, they should want their customers to be happy and to succeed. It's bad business practice to engage in sharp or unfair practices. In the long run, businesses benefit by establishing fair rules to ensure customers get fair value, and can solve their problems if the product is broken or other things are going wrong

saiyam joshi: hi sir, i purchased a mobile phone from naaptol.com after seeing their ads on tv and daily newspaper and was assured a 6months warrenty from purchased date but they refused to take it back when i complained of malfunctioning and didnt replied to my repeated reminders on mail and calls. pls provide me a solution

Charles Bell: Remember, though, there are big economic stakes here. If a merchant puts his thumb on the scale, and charges higher prices to each customer, at the end of the day that merchant walks home with a fat wallet. Also in some industries we have monopolies and little competition, and the consumer is a price-taker, not a price maker. So sometimes change will not come easy, that is when we as consumers have to get busy as advocates and make a lot of noise complaining and documenting the unfair practices

Aashish: What should one do when finds cheated?

Charles Bell: On the mobile phone problem, I'm sorry to hear about your experience. I see a lot of ads for these phones in your newspaper and I'm a little shocked that a national company wouldn't respond to you, if that's what happened. But, here is a case where you can make use of the National Consumer Helpline at the University of Delhi.

They can advise you about your rights in that situation and how to seek justice from the company. Call 1 800 11 4000 or visit their web site at www.consumerhelpline.in

sam: Are these consumer forums really effective

Charles Bell: Aashish, I think the best thing to do is to politely and patiently insist on your rights by speaking directly to the company or merchant, and if you can, to the manager in charge. Realize that you won't always succeed, but at least you've put your best foot forward. Tell them what went wrong and how they can fix it for you. Appeal to the manager or the owner as a human being -- what would he or she do if they were in your shoes? And then, if they aren't willing to fix the problem, call the Consumer Helpline or consider other ways to protect your rights. Just knowing that you have options can give you more confidence and power in the transaction

Charles Bell: You can also consider joining a non-governmental consumer organization to campaign with other who have similar problems. It takes some work, but over time companies will learn that they have to respect consumer rights. It also helps to discuss common problems relating to fraud, deceptive practices and consumer ripoffs in the media, if you can write a letter to the paper or call a radio news program

Ruthi: Is there any advise that we the consumers have when we feel cheated? do we have any protection?

Charles Bell: Sam, I think in general the answer is yes. The consumer forums are there for you and they are established specifically to help consumers with their problems, particularly those that have some government support or access to decisionmakers. Sometimes the process for solving consumer problems may be slow, but it will get better over time as more people use these channels for redress. I also like the approach of the Consumer Helpline and the Banking Ombudsman, because they give greater visibility to problem-solving. In the case of the Ombudsman, he/she will definitely have the bank's attention. The challenge is making sure that consumer forums or helping agencies can solve problems efficiently and directly. Delays can be very frustrating

SB: Good morning Mr. Bell. There are a few international brands that have set up in India. I recently bought a product from The Body Shop which did not suit me. When I went to rerun it they would not take it back. However, when I had a similair experince in the US and The Body Shop took the product back? Is there some advice you can give me on this.

Charles Bell: When we stand together to fight for consumer rights, we help to create a fairer and more economically just society. So it's a good thing to invest your time as a volunteer in helping other consumers to navigate the marketplace and claim their rights

Charles Bell: SB, sometimes when there is a clear discrepancy between a global corporate policy or business practice and a national practice, you can make progress by

pointing out the glaring contradiction. Why should consumers in India have less rights when it comes to returning a personal care or cosmetic product? Your story is shocking and disappointing, but I wouldn't give up. I would write to both the national company office and their global affiliate, and ask them to give you a written explanation for their practice of not accepting the returned product. Ask them why consumers in India should have fewer rights than consumers of the same company in other countries? I don't think it's easy to defend a policy like that

leopm: Hi, I need to know the importance of MRP printed on a product. Can a seller sell his wares at a price above the MRP? If he cannot do it legally and is doing it how do we ensure that he is brought to books?

Charles Bell: leopm, my understanding is that merchants or retailers cannot legally charge about the posted MRP, and if you see that happening, you should complain about it

HAR: We become a consumer the moment we are born! Some of the regulations in place protect an infant/child's rights as a Consumer. Is anything special being done in terms of Consumer Rights for children?

Charles Bell: 1) Take the official bill of the product from the shop which has the product name, price, date and signature/stamp of the shopkeeper. 2) If the pricing label is missing from the product, then you can sue him for having removed the label for which too you require the bill. 3) The State legal metrology department has started a new helpline for consumer complaints in Maharashtra having the following numbers. 022-22023354, 022-22045706 4) Or you may hire a lawyer and approach the Local Consumer Court. This information comes from this web site:

<http://www.merineews.com/article/consumer-rights-never-pay-above-the-mrp/125268.shtml> also you can call the Consumer Helpline if you spot MRP violations 1 800 11 4000 www.consumerhelpline.in

Charles Bell: The Ministry of Consumer Affairs, Food and Public Distribution does include protection of children within the scope of its protections. Please see their web site <http://fcamin.nic.in/>

Sudeep (privately): As an individual, can I publish an environmental ranking of products based on individual company audit reports without fear of litigation?

Moderator (privately): What is the source you use. Have you contacted your legal help?

Charles Bell: Also, consumer advocates believe that we should incorporate programs of consumer education and financial literacy in school curriculums so that children and youth understand consumer rights. Teachers and educators can help to popularize the concepts of consumer rights in schools and community education workshops

leopm: How does one document the unfair practices? What kind of documentary proof is admissible?

Charles Bell: leopm, in general you are going to need whatever records of the sales transaction or contract that you entered into. You might also be able to document your case by writing down what happened and creating a current record of the dispute as it develops. It always helps if you put your complaints to merchants or retailers in writing. Copies of documents in support of the allegations contained in the petition. Complainants are advised to keep copies of the complaint / petition and all furnished documents for their records. A list of documents should also be furnished along with the complaint, duly signed by you.

Charles Bell: Sorry, that last part is the description of what you're supposed to file with the consumer court: Copies of documents in support of the allegations contained in the petition. Complainants are advised to keep copies of the complaint / petition and all furnished documents for their records. A list of documents should also be furnished along with the complaint, duly signed by you.

Govindaraj V: Charles, Non-governmental consumer organization and on-governmental Human Rights organization are doing good job in India? do you have any NGO list with you to approach to solve the problems or get information?

Charles Bell: But try to pull together any records, receipts, whatever you have.

Charles Bell: Govindarah V., one list of non-governmental organizations can be found at the Consumers International web site, the international consumer network www.consumersinternational.org or more specifically <http://www.consumersinternational.org/Templates/SearchMembers.asp?NodeID=92711&search=True&Region=Asia+Pacific&Country=India&MemberType=&submsearch=search>

Charles Bell: Also our colleague at the American Center just found this list, which gives a more detailed description <http://www.consumerdaddy.com/a-11-major-consumer-ngos-in-india.htm>

Sudeep 2: Hello sir, perhaps you missed my question - As an individual, can I publish an environmental ranking of products based on individual company audit reports without fear of litigation?

SB: Thank you, Mr. Bell.

Charles Bell: Sudeep 2, I am a guest in India, and don't want to speak out of school not knowing all the laws that govern speech and expression. But your proposal sounds responsible and reasonable, I think we would encourage you to seek additional advice from environmental NGOs and/or an attorney, just to avoid any possible problems. As long as the information is coming from reputable, authoritative sources you generally

would not have a problem if you were publishing this information in the US, where journalists and nonprofit organizations have substantial latitude to publish both facts and opinion

Govindaraj V: Thank you Mr. CB

Moderator: We are about to close the chat. Thanks

ss: Health insurance firms in India never cover the patient against the diseases he/she is suffering from before the insurance contract is finalised, where as that cover is exactly what the patient seeks. What is the scenario in the U.S.? Or can U.S. firms work in India to set an example for other players in this field?

Charles Bell: Dear SS, getting a fair health insurance contract that provides adequate health insurance coverage has been an enormous challenge in the US. There are lists of literally dozens of illnesses and common conditions such as pregnancy that many US health insurance companies would not cover. Thankfully now, however, many of these practices will become a thing of the past as such "medical underwriting" is banned. Insurance companies will be required to offer comparable, comprehensive benefits and the consumer will know what they are getting without such hassles and disappointing rejections and surprises

Charles Bell: To some degree, the reason that health insurance companies exclude certain conditions is an economic matter. The more comprehensive a policy is, the more it may cost to price it fairly for all the people covered by the policy. But at the same time, with some few exceptions, consumers can't control what diseases or medical conditions or accidents they may experience. So a fair health insurance system would ensure that coverage is both affordable and accessible

Moderator: Thank you for joining us today! We close this chat after some more response from Mr. Bell to the question just posted. A recording of the chat will be available on our website <http://newdelhi.usembassy.gov/>

Charles Bell: As you know we've just passed a comprehensive law to expand health insurance coverage to 32 million people in the US. Most people in the US get coverage through their employer, which is unusual internationally. I'm not sure we'd design our system again the same way if we were starting from scratch. But there are some lessons we've learned about fairness and preventing discrimination against the sick, the disabled and the chronically ill. I expect that India will need to gradually improve its health safety net and create simple affordable coverage that will reach more people. WE consumer organizations would be happy to share what we've learned but we hope you could also avoid some of the mistakes we've made, that caused care to be unavailable for many sick people and needlessly expensive for others. It's really important to design an efficient system that minimizes barriers to care and coverage, and doesn't waste money on administration and duplicative paperwork.

Moderator: Thank you Mr. Bell!

Charles Bell: Thanks, I appreciated the opportunity to join you today. I encourage you all to assert your Consumer Rights, and demand to speak to the manager!!