



सत्यमेव जयते
Government of India

SCHKRM, CENTRE FOR CONSUMER STUDIES, IIPA, NEW DELHI

Consumer Connect



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Quarterly e-newsletter of STATE CONSUMER HELPLINE KNOWLEDGE RESOURCE MANAGEMENT PORTAL (SCHKRM)



STATE CONSUMER HELPLINES

GUJARAT

1800-233-0222,
079-27489945 / 46

MADHYA PRADESH

155343,
0755-2559778

ORISSA

1800-345-6724,
1800-345-6760,
0674-2351990,
0674-2350209

TAMIL NADU

044-28592828

BIHAR

1800 -345- 6188

RAJASTHAN

1800 -180- 6030

MAHARASHTRA

1800 -22- 22 62

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Workshop on Consumer Awareness held on 25-9-2012 at Administrative Training Institute, Ranchi.

Jharkhand will soon have Consumer Helpline for advise, guidance and information to promote consumer empowerment. Hon'ble Minister Sri Mathura Prasad Mahto, Department of Food, Public Distribution & Consumer Affairs, Government of Jharkhand announced during inauguration of a Workshop on Consumer Awareness held on 25/09/2012 at Administrative Training Institute, Ranchi. The workshop was organised by State Department of Food, Public Distribution and Consumer Affairs. President and Members of State Consumer Dispute Rederssal Commission, District Consumer Dispute Redressal Forum participated in the workshop.



Inaugurating the Workshop Hon'ble Minister discussed the need for Consumer Awareness and various programmes going on for awakening the Consumers. He impressed on the need for establishment of Consumer Awareness System at State Headquarter. Workshop was addressed by Secretary, Department of Food, Public Distribution & Consumer Affairs and President of the State Consumer Dispute Redressal Commission. Both dignitaries emphasised on a robust Consumer Protection System in the State as well as Consumer Awareness programme to be undertaken in the State.

Shri S. K. Virmani, Project Manager SCHKRM, I.I.P.A., New Delhi also participated in the Workshop. Shri Virmani also visited the State Helpline Centre where Consumer Helpline is being established. Shri S. K. Virmani delivered a lecture on Consumer Protection and Consumer Helpline. It was assured that IIPA would extend full cooperation to the State Government to ensure that the Helpline gets operational as soon as possible.

SCHKRM Portal

The centralized application software has been hosted on the Servers installed at IIPA. The State Consumer Helplines at Gujarat, Madhya Pradesh, Orissa, Bihar, Maharashtra and Rajasthan are already connected on the IIPA servers. The centralized software application is able to generate various MIS reports. This application software is easily accessible by all State Consumer Helplines across the country with the help of Internet connection. The software is hosting a centralized knowledge database of frequent occurring problems, service benchmarks wherever specified in various sectors of industries and their solutions which is available online to the consumer advisors. .

Sl. No.	State	Call Received	Resolved	Unresolved	Discharge	Pending	Closed	Case Backlog	Pending
1	BIHAR	495	396	99	0	0	0	0	0
2	GUJARAT	3490	400	3090	0	0	0	0	0
3	MADHYA PRADESH	2100	14	2086	0	0	0	0	0
4	MAHARASHTRA	1190	1007	183	0	0	0	0	0
5	ORISSA	1190	4	1186	0	0	0	0	0
6	RAJASTHAN	2110	0	2110	0	0	0	0	0
7	TAMIL NADU	1190	0	1190	0	0	0	0	0
8	UNRESOLVED	0	0	0	0	0	0	0	0
9	TOTAL	11900	1007	10893	0	0	0	0	0
10	BIHAR	495	396	99	0	0	0	0	0
11	GUJARAT	3490	400	3090	0	0	0	0	0
12	MADHYA PRADESH	2100	14	2086	0	0	0	0	0
13	MAHARASHTRA	1190	1007	183	0	0	0	0	0
14	ORISSA	1190	4	1186	0	0	0	0	0
15	RAJASTHAN	2110	0	2110	0	0	0	0	0
16	TAMIL NADU	1190	0	1190	0	0	0	0	0
17	TOTAL	11900	1007	10893	0	0	0	0	0
18	UNRESOLVED	0	0	0	0	0	0	0	0

EDITOR-IN-CHIEF
PROF. SURESH MISRA
(PROJECT DIRECTOR)

EDITOR
SHRI S. K. VIRMANI
(PROJECT MANAGER)

RESEARCH AND DESIGN
MR. ASHISH GAUR,
MR. RAJENDAR NATH

Room No-7 Indian Institute of Public Administration, I.P. Estate, Ring Road, New Delhi- 110002

Phone - (011) 23705055, 23705054, FAX - (011) 23705054

Email - schkrm.iipa@gmail.com, Website - www.consumeradvice.in, www.consumereducation.in

Denied boarding despite confirmed ticket entitles compensation not only for the monetary loss or injury suffered by the complainant but also for injustice suffered by the consumer

District Consumer Disputes Redressal Forum-I, UT Chandigarh (for short the 'District Forum') in complaint case No. 603 of 2010 of Lata Sikri vs. Kingfisher Airlines for deficiency in service on the part of the petitioner-Airlines in not issuing the boarding pass to her on a Delhi-Hyderabad flight for which the complainant held confirmed / OK ticket partly allowed the complaint of the complainant with the following directions:

"From the above detailed analysis of the entire case, we are of the considered opinion that the complaint must succeed. So, we accept the complaint and decide the same in favour of the complainant and against the Ops. The Ops are directed to issue a complementary return ticket to the complainant (as agreed), on any domestic flights operated by them. Ops are further directed to pay Rs. 30,000/- to the complainant, jointly and severally, towards compensation for physical harassment, as well as mental agony caused to her, along with Rs. 10,000/- as costs of litigation. This order be complied with by the Ops, which one month, from the date of receipt of its copy, failing which, they shall pay the awarded amount along with penal interest @ 12% per annum from the date of filing of present complaint i.e. 04.10.2010, till the date of realization, apart from cost of litigation i.e. Rs. 10,000/-."



"The main deficiency alleged by the complainant was that despite she having confirmed/OK ticket for a flight No. IT-802 scheduled to leave Delhi at 0925 hours and arrive at Hyderabad at 1135 hours, she was denied the boarding pass although other male member of the group were accommodated in the said flight. After several hours, she was put on the flight of another Airlines viz. Spice Jet, which left Delhi around 1530 hours and reached Hyderabad late in the evening, as a result of which she could reach the ultimate destination Bihar on the following day at about 130 hours. She being a woman remained apprehensive throughout the journey on flight as well as by road which caused her great mental torture and physical harassment. It would appear that once the grievance was brought to the notice of the petitioner-Airlines, they as an act of remorse/goodwill gesture, offered her complementary return ticket on any domestic flight, which she declined to accept and then filed the complaint. The complaint was resisted by the petitioner-Airlines not disputing the above facts but they claim that there was no deficiency in service on their part and explained that complainant was denied boarding pass for the scheduled flight on the ground of over-booking of the flight."

State Consumer Dispute Redressal Commission, Union Territory Chandigarh in First Appeal No. 293 of 2011, Kingfisher Airlines Ltd. Upheld the award given by District Consumer Disputes Redressal Forum. Kingfisher Airlines Limited preferred **REVISION PETITION NO. 27 OF 2012** before National Consumer Disputes Redressal Commission. National Commission in their judgment on 11th October 2012 dismissed the revision petition and stated that:

"The word 'compensation' is again of very wide connotation. It has not been defined in the Act. According to dictionary it means, 'compensating or being compensated; thing given as recompense; In legal sense it may constitute actual loss or expected loss and may extend to physical, mental or even emotional suffering, insult or injury or loss. Therefore, when the Commission has been vested with the jurisdiction to award value of goods or service and compensation it has to be construed widely enabling the Commission to determine compensation for any loss or damage suffered by a consumer which in law is otherwise included in wide meaning of compensation. The provision in our opinion enables a consumer to claim and empowers the Commission to redress any injustice done to him. The Commission or the Forum in the Act is thus entitled to award not only value of the goods or services but also compensate a consumer for injustice suffered by him."

From the above, it is evident that the consumer fora are well within its rights to award compensation not only for the monetary loss or injury suffered by the complainant but also for injustice suffered by the consumer. In the case in hand, going by the entirety of the facts and circumstances, we find that the fora below have done no wrong in awarding a compensation of Rs. 30,000/- to the respondent-complainant for the mental agony and harassment faced by her, besides, the return domestic ticket, which was offered by the petitioner-Airlines itself to the complainant in the very beginning.

Reader's View:-

It has been great pleasure writing to you, I was so happy to get the consumer Newsletter , which is very useful. I wish more awareness to be brought into the public main stream. Like in Hyderabad the consumer support is much needed as many consumers suffer due to lack of awareness and accessibility to the support required.

-T. Sreenivas

The magazine wherein the details given are very useful to the consumers as well as this forum. It will be good knowledge seeking source to create an awareness among the public and the consumers not working the things in several sectors.

- Dist. Consumer Forum, koppal

Thank You Sir for sending E-Newsletter and I received it is more informative about TRAI. I forwarded my friends the same to other friends.

- Ashok C

Thanks for sending the useful Newsletter of State Consumer Helpline Knowledge resource Management Portal. Very Informative indeed.

- S.K. Gupta.

AIRLINES PASSENGERS

1. The airlines have arrangement of booking tickets through their own web-site as well as that of their travel agencies. Compare the net cost of the tickets through various sites of travel agencies and before final booking just check the total cost of the ticket directly at the web-site of Airline. Look into if any special discounts are being offered. No additional cost is payable to the price what is stated as total ticket value.
2. Carry your ID card with the e-ticket as the same would be required for identification purposes.
3. Do not carry any item not allowed in the cabin baggage.
4. Please read carefully refund policies in case of cancellation / rescheduling of tickets. Read the weight, sizes of the baggage permissible to be carried as check in baggage and cabin baggage. Airlines are charging extra for the excess baggage.
5. Co-operate with Airline and security personal for security clearance.
6. Provide your contact number while booking the tickets as Airlines are required to intimate the passengers in advance for flight delays/ cancellation etc. No compensation is payable to passengers on account of flight delays and cancellation if the passengers has not provided any contact number.
7. Refund on account of cancellation of ticket is required to be done as follows:
 - (i) In case of credit card payment, refund shall be made by Airlines within 7 days of cancellation to the account of credit card holder.
 - (ii) In case of cash transactions, refund shall be made immediately by the airlines office from where the ticket was purchased.
 - (iii) In case of purchase of ticket through travel agents, the arrangement for refund be left to the passenger and the travel agent.
 - (iv) Airlines shall necessarily return the PSF collected by them from the passengers on non-utilization/ cancellation of tickets.
 - (v) The Airlines shall refund any charges such as congestion change, fuel surcharges etc. along with the refund of the ticket unless these are clubbed with basic fares.
 - (vi) When being offered tickets for future travel, passengers shall be allowed an option for refund of money instantly.
 - (vii) In case of lost ticket coupons, the airlines shall take prompt action to refund the ticket amount after verification from their records.
8. The disabled passengers may intimate Airlines in advance preferably at the time of booking tickets any additional facility required during check in and check out, at departure/ arrival lounge, embarking and disembarking.
9. Airlines have been advised to provide the necessary assistance to the persons having disability/ impairment who wish to travel alone without an escort.
10. Wheel chairs are to be provided to the disabled passengers without any extra charge.
11. The airlines do not have obligation to pay compensation in cases where the cancellation and delays have been caused by events of force majeure.
12. The airlines are not liable to pay any compensation in respect of cancellations and delays attributable to Air Traffic Control (ATC), meteorological conditions, security risks or any other causes beyond the control of the airlines.
13. All the airlines are to follow refunded and compensation policies in case of denied boarding, flight delays and flight cancellations. The denied boarding do not cover denial on account of reasons due to health, safety, security or inadequate travel documentation.
14. If the passengers is denied boarding against his will, the airlines shall as soon as practicable compensate as given in table 1 in addition to the refund of Air Ticket. The passenger is also to be offered an alternative to the compensation a choice of refund of air ticket at the price it was purchased, a flight to the first point of departure , alternative transportation to the final destination. Once an option is selected by the passenger, the passenger will not have any option to switch over to another form.
15. In case of cancellation of flight, the Airlines are required to inform the passengers at least 3 hours in advance through the contact information given at the time of booking the ticket. In case Airlines has failed to intimate passenger at least 3 hours in advance about the cancellation of flight, the passengers are entitled for a compensation as given in Table 1 in addition to the refund of the ticket prices in the event the passenger do not wish to travel on an alternate flight at no additional cost. The airlines are also required to provide additional facilities at the Airport for the meals and refreshment in relation to the waiting period in the event the passengers has already reported for original flight or waiting for additional flight. No compensation is payable if the passenger do not accept the alternate travel arrangement made by the Airlines or cancellation occurring due to circumstances beyond the control of Airlines.
16. In case a passengers has not provided contact information, the airlines will either refund the ticket prices or make alternate travel arrangement as per choice of passengers. In case of passenger who elect to travel to the destination on an alternate flight, the airlines shall provide them with reasonable facilities during the waiting period as per Table 2.
17. In case of flight delays, the compensation as per Table 2 is payable.
18. If delay time is more than 24 hrs. Airline shall arrange Hotel accommodation including transfers.



Table-1: Compensation for denied boarding and flight cancellation	
Fights Block Time	Compensation (subject to the value of ticket)*
Up to one hour	Rs. 2,000/-
> 1 hrs. up to 2 hrs.	Rs. 3,000/-
> 2 hrs.	Rs. 4,000/-

Table-2: Compensation in case of Flight Delays		
Fights Block Time	Minimum Delay	Compensation
Up to 2½ hrs.	2hrs.	Meals and refreshment in relation to waiting time
> 2½ hrs. up to 5 hrs.	3 hrs.	
> 5 hrs.	4hrs.	

Frequent Problems being faced by Airline Passengers

- ⇒ Delay in refund of unused ticket
- ⇒ Partial refund of unused tickets
- ⇒ Airline not refunding the ticket value on cancellation of ticket
- ⇒ Airline insisting passenger to adjust amount of refund on cancellation of ticket with future purchase of ticket
- ⇒ No intimation to passenger about flight delays/ cancellation
- ⇒ Denial of boarding
- ⇒ No compensation provided for flight delays/ cancellation/ denial of boarding
- ⇒ Misbehavior of Airline Staff
- ⇒ Entitled facilities not provided on account of flight delays/ cancellation
- ⇒ Loss / Damage of baggage
- ⇒ Tempering of baggage

District Consumer Dispute Redressal Forum-I, U.T., Chandigarh in a case of Er. R.P.Bhatti & Others vs. Go Air ordered in a case of denied boarding as under:

"In view of the foregoing, after taking into consideration the pleadings as well as evidence led by the parties, we are of the considered opinion that the OP Company was deficient in providing proper services to the complainants. The present complaint has lot of merit, weight and substance. The same is accordingly allowed. The OP is directed to pay Rs.6,062/- to each of the complainants i.e. Rs.18,186/- which they had spent for the purchase of air tickets of Indigo Flight plus Rs.9830/- spent by them for one day Hotel Stay at Mumbai (18,186 + 9830/- = Rs.28,016/-) The OP is also directed to pay a compensation of Rs.25,000/- apart from Rs.10,000/- as litigation costs. The order be complied with by the OP within a period of 30 days from the date of receipt of copy of this order, failing which the OP shall be liable to pay interest on the above said awarded amount @12% p.a. from the date of filing this complaint i.e. 09.12.2010 till its actual payment, besides paying litigation cost of Rs.10,000/-."

State Consumer Disputes Redressal Commission observed as under:

"The facts of the complaint, in brief, are that the complainants, along with their spouses, booked air tickets of the opposite party-Airlines, for their official tour from Chandigarh to Mumbai to attend the 71st Session of Indian Road Congress as official delegates. It was stated that they reached the airport, in time, and got the boarding passes issued. Thereafter, it was announced by the opposite party, that the flight was late due to technical fault and was likely to take off at 14.00 hours. However, at 13.00 hours, further announcement was made by the opposite party that the flight would take off at 16.00 hours. The complainants immediately approached the Officer-in-Charge of the opposite party, and apprised him of the situation, that their connecting flight would be missed due to the delayed flight and requested him to make alternative arrangement for them to reach Mumbai through some other Airlines, upon which he assured that the flight would be definitely connecting their further flight from Mumbai to Nagpur as he had spoken to his counterpart at Mumbai for making such arrangement for the complainants. But to the utter shock and surprise of the complainants, when they reached Mumbai, the connecting flight had already taken off. Subsequently, they approached the Officer-in-Charge of the opposite party, but to no avail. It was submitted by the complainants that they had to purchase fresh air tickets of IndiGo Airlines for next day i.e. 12.11.2010 and had also to stay in a hotel at Mumbai at their own expenses. They finally reached destination at 18.00 hours i.e. 22 hours behind schedule. It was further stated that the complainants were deprived of the knowledge, which they would have gained, had they reached the venue well in time. It was further stated that they not only suffered mental and physical harassment, and had to incur unnecessary expenditure, but also suffered irreparable loss by not acquiring the knowledge for which they were deputed by the concerned Government. When the grievance of the complainant was not redressed, left with no alternative, a complaint under Section 12 of the Consumer Protection Act, 1986 (hereinafter referred to as the Act) was filed".



AIRLINES TOLL-FREE NUMBERS

Air Deccan Airlines

1800-425-7008

Air India Airlines

1800 180 1407

Go Airlines (India) Ltd

1800-222-111

IndiGo Airlines

1800-180-3838

Jet Airways (India) Ltd.

1800-225-522

Jet lite (India) Ltd.

1800-223-020

Jet Konnect Airlines

1800-22-3020

Kingfisher Airlines Ltd.

1800-200-9000

Spice Jet Ltd.

1800-180-3333

Against the order of District Consumer Forum, Go Air filed first **Appeal No. 35 of 2012 in State Consumer Dispute Redressal Commission, U.T., Chandigarh**. The State Commission stated as

“It is undisputed that the flight got delayed due to some technical snag but, at the same time, this fact cannot be ignored that the complainants were to board the connecting flight from Mumbai to Nagpur in order to attend the 71st session of Indian Road Congress as official delegates. It was the bounden duty of the opposite party, being in aviation and hospitality sector, to be helpful and courteous to the complainants. It should have made some alternative arrangement, firstly, at Chandigarh as the officials of the opposite party came to know, regarding the technical snag, in the aircraft, much before the due departure time, at 1100 hours, and, as such, the opposite party had ample time to make some alternative arrangement to send the complainants to Mumbai. Secondly, at Mumbai also, knowing well that the complainants had missed their connecting flight to Nagpur, the opposite party did not help them to board the next flight for Nagpur, and they were left with no other alternative, except to buy fresh tickets, on their own, and the IndiGo Airline booked the tickets for the next day only and the complainants were forced to stay in a hotel at Mumbai by spending money from their own pocket. Hence, the aforesaid sequence of events surely caused a lot of inconvenience, mental and physical harassment to the complainants, and the whole purpose of their journey was defeated. With these observations, we are of the considered opinion, that the opposite party was definitely deficient, in rendering service, and the order passed by the learned District Forum is just and fair.”

Consumer to get 3 LPG cylinders at subsidized rates till 31st March 2013.

Cabinet committee on Political Affairs (CCPA) in its meeting on 13th Sept. 2012 has taken a decision to restrict the supply of subsidized cylinders to each consumer to 6 cylinders (of 14.2Kg) per annum. However, any number of cylinders will be available over and above the cap of LPG cylinders at market rate. The number of subsidized LPG cylinders available to each consumer in the remaining part of this financial year i.e. till 31st March 2013 will be 3 cylinders. The market rate of LPG cylinders at non-subsidized rates will be notified by the Oil Manufacturing companies on monthly basis.



Telecom consumers to get double the excess amount deducted by Telecom Service Provider

There have been instances of levy of excess charges in violation of provisions of Telecom Tariff Orders and other regulations of TRAI. The practice adopted so far was to get refunds of the excess amounts charged by the Telecom Company. Since the refund made is only the amount that has been levied illegally, the service providers were not confined to charging the permitted level. TRAI has now decided that in cases where excess charges have been levied in violation of the provisions of Telecom Tariff Order and is ordered to be refunded to the affected subscribers, the service providers shall, in addition to such refund, remit to TRAI, an amount not exceeding the total of such excess amount charged from subscribers.

It is to be noted that Telecom Service Providers have been prohibited to activate any value added service without explicit consent of the subscribers. However, in practice it has come to the notice that the telecom companies are activating such value added services without taking consent from the subscribers and deducting the amount from the account of the subscribers or including in post paid bills. Such problems are quite prevalent in pre-paid subscribers wherein the prepaid balance get deducted. The subscribers who were able to raise their voice against such unauthorized deduction were getting back the refund. The subscribers are now advised to insist for refund of double the amount so deducted or levied. It is also advised that subscribers may like to report such instances to TRAI at the following address:



Telcom Regulatory Authority of India

Mahanagar Doorsanchar Bhawan
(next to Zakir Hussain College)
Jawaharlal Nehru Marg (Old Minto Road)
New Delhi: 110 002

T.No. 011-23236308
Fax No. 011-23213294
Email: ap@traigov.in

(Unless the concerned authorities are informed of the unethical business practices being adapted by the business houses, we cannot get rid of such practices)