

Foreword

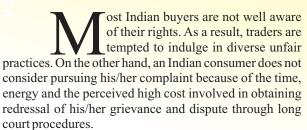
We are all consumers of goods and services in one way or the other. Consumers are cheated and harassed in many ways. Some time they are provided with inferior quality of goods, with less quantity than actually demanded or they are charged with excess prices than maximum retail price (MRP).

India has unique legislation Consumer Protection Act 1986 (CPA) that enables ordinary consumers to secure less expensive and often speedy redressal of their grievances. The Act seeks to promote and protects the interest of consumers against deficiencies and defects in goods or services. It also seeks to secure the rights of a consumer against unfair trade practices, which may be practiced by manufacturers and traders. The Act applies to all goods and services unless specifically exempted by the Central Government. It covers all the sectors whether private, public or cooperative.

Any person who can be termed as a consumer under the Act can make a complaint. To redress the consumer grievances this Act has provided machinery whereby consumers can file their complaints. Consumer forums (courts) are established in each districts and states. Many consumers are not aware about the function of consumer forums. They do not know how to file effective complaints and win their battle in court.

This booklet will guide consumers how to file a consumer complaint under Consumer Protection Act and how to use consumer courts effectively to get justice. Consumers can file and fight their own case in a consumer court without a lawyer or they can take help of consumer organizations. Consumer organizations try to settle complaints by adopting a conciliatory approach which includes mediation, arbitration and negotiations. When all such methods fail, they resort to litigation. PUBLIC IN LEREST

HOW TO WRITE CONSUMER COMPLAINTS



This article will help the readers understand better the procedure to file a complaint. It will be a systematic guide to solving your grievance.

Why Complain?

Indian consumers are covered by the Consumer Protection Act 1986, special consumer courts and a Directorate to implement the Act. A number of Acts have come into existence to ensure the protection of consumer rights like the standard of Weight & Measures Act 1976 Essential Commodities Act, 1955 Packaged Commodities Rules, 1977, which requires weights, price, date of manufacture and ingredients to be marked on all packages. This Act as well as "Agmark" and the "ISI" mark can be of substantial assistance in the fight for consumer's rights.

Tips for Writing Complaints

- Try to make sure your letter is sent to the right person or department.
- * Keep your letter short.
- * Be polite, avoid being sarcastic or rude.
- * Say what you want for your complaint to be
- resolved.
 Give a reasonable time limit for action before you consider other options.
- Keep a copy of letters you write.
- * Acknowledgement of complaint to be taken.
- Always send zerox copies of your bills. None original with your complaint
- Always mention your telephone number for contact.
- Mention the opposite party's name and number for easy contact by consumer groups.

if you have a complaint about a package holiday, you need to complain to the Tour Operator within 28 days of returning from the holiday). Even where there are no time limits set down, it is easier for you and the organisation to deal with recent events.

Keep all relevant documents about your complaint. You may need these records later if you take your complaint to another authority to solve it. Keep track of the steps you have taken to address this complaint. Keep receipts or cheque-stubs as proof of purchase for the products or services. If you complain by telephone, record details of the calls : whom you spoke to, what was agreed, etc. If your complaint is in writing, keep records of what you

write, send photocopies of receipts and keep originals.

Proof of purchase. It is your responsibility to prove that you bought the goods or services that you are complaining about. A receipt is just one way to prove it. If you have paid for the item by credit card, you can use your credit card statement as proof of purchase and or charge slip as well. A cheque stub can also be used as proof. If you do pay for an item in cash, ask for a receipt and keep it safe. A receipt issued following a cash transaction is your only record that you have bought an item.

Before You Complain

Be clear in your mind why you are dissatisfied. Were you treated in a proper manner? A wrong decision? Defective goods? What exactly went wrong? What do you expect from the person/organisation who caused the grievance?

Be clear in your own mind what you expect as a result of making a complaint. Do you want an apology? Do you want a different decision? Do you want the proper service that should have been provided in the first place?

Do you want the goods to be replaced ? You should mention this to the organisation you are complaining to

COMPLAINT

and ask for prompt action. **Deal with the issue as soon as possible.** If a product is defective, it is important that you return it as soon as possible after you notice the fault. If you keep a faulty

possible after you notice the fault. If you keep a faulty item for a long time, you may be considered to have accepted the item in that state. The situation is similar for services that you are unhappy with. In some cases, there are time limits for taking certain procedures (for example,

MODEL COMPLAINT LETTER FOR GOODS PURCHASED [Your address with postal code]

[Other contact details you may wish to give, phone, e-mail, etc.]

[Name of contact person, if available] [Title, if available] [Customer Services Manager, if you don't have a contact name] [Company Name with postal code]

[Date] Re: [Account number, goods purchased, etc.]

Dear [Contact person or Customer Service Manager],

On [date], I bought a [name of goods purchased, model number etc.] at [location and other details of the transaction].

I am disappointed because your [name of goods purchased, etc.] has not performed as it should, [was faulty, etc.] because [state the problem as you understand it giving as much detail as possible]. Therefore, this product is not [of satisfactory quality, fit for the purpose described] as laid down by the law.

Ref. To earlier telephonic talk/correspondence.

To resolve the problem, I require you to [state the action you require, e.g. refund, repair, etc.] while I reserve my right to claim against you. Enclosed is a copy/are copies of the [receipt, contract, etc].

I look forward to hearing from you and to the resolution of this problem. I will wait for [set a time limit] before seeking help from [Trading Standards, consumer group, solicitor, etc. (details of relevant authorities can be found through our complaints procedures section]. Please contact me at the above address or by phone [give numbers].

Yours sincerely, [Sign]

[Print your name] Enclosures: [state documents you have enclosed , if any] Cc: [Include name, company, if you want to send a copy of this letter to someone else.]

STEP 1: Start at the Least Formal Level

Begin by making your complaint informally: give the retailer or service provider the first opportunity to solve the problem. It is advisable to speak to a 'decision-maker' such as a supervisor or a manager who may have the authority to give you a refund or replacement. If informal contact with them doesn't work, put your complaint in writing. Keep a note of the conversation also and mention in the letter.

Exhausting less formal routes shows that you took all reasonable steps to redress your complaint before complaining formally and that the retailer had opportunities to set matters right.

STEP 2: Write a Complain

Check in advance if the business has a customer complaint form to fill in. When you put your complaint in writing, be clear and state all the facts of the case. Remain objective and avoid giving personal opinion or comments. (See the two sample complaint letters alongside.)

Remember

Various valuable hints which should help you to get the result you are looking for:

MODEL COMPLAINT LETTER FOR SERVICES AVAILED

[Your address with postal code] [Other contact details you may wish to give, phone, e-mail, etc.]

[Name of contact person, if available] [Title, if available] [Customer Services Manager, if you don't have a contact name] [Company Name with postal address]

[Date] Re: [Account number, service provided, etc.] Dear [Contact person or Customer Service Manager],

On [date], I [bought, rented, was provided with, etc.] a [service performed, etc.] at [location and other details of the transaction].

I am disappointed because [the service you provided, your service, etc.] was [unsatisfactory, unfinished, defective, etc.] because [state the problem as you understand it giving as much detail as possible].

Ref. To earlier correspondence / telephonic talk

To resolve the problem, I require you to [state the action you require, e.g. refund, service performed again, rectified, etc.] While I reserve my right to claim against you. Enclosed is a copy/are copies of the [receipt, contract, etc].

I look forward to hearing from you and to the resolution of this problem. I will wait for [set a time limit] before arranging for the matter to be corrected by a third party at your cost or seeking help from [Trading Standards, consumer group, solicitor, etc]. Please contact me at the above address or by phone [give numbers].

Yours sincerely, [Sign]

[Print your name] Enclosures: [state documents you have enclosed, if any] Cc: [Include name, company, if you want to send a copy of this letter to someone else.]

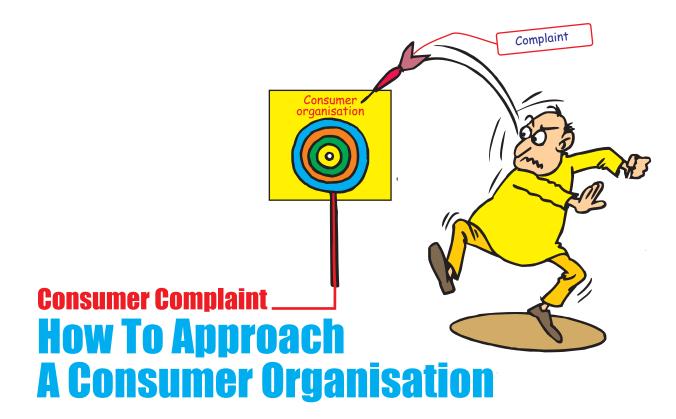
Stay Calm. If you have confronted someone directly, then don't let the emotion of the moment overcome you. If you are clearly not getting an adequate response, take the next step in the procedure as advised above. Don't be shy to use a bit of humour.

Be clear and conscise. Don't be afraid to convey the detail of any incident and to articulate your disappointment.

Make an attempt to know your rights. Equip yourself with adequate knowledge regarding your rights. You may browse the Internet or go through books for updating your knowledge on the same subject.

Don't give up. Praise where praise is deserved. Organisations welcome complaints but most certainly praise too!

Sources: http://www.consumercourt.netfirms.com/, http://www.cgsiindia.org/forum.html, http://www.howtocomplain.com/info/cl-template.shtml#tips, Consumerism Strategies and Tactics, Http://www.citizensinformation.ie.com



In the earlier part, you spoke to the 'decision maker' (step 1) and wrote out a complaint (step 2) to get the issue resolved. Yet, you met with silence or outright refusal to do anything about your complaint. Your next step is to send the opposite party a reminder informing it of the action you propose to take.

Step 3: Send a Reminder

With no satisfactory response within a reasonable period, you may escalate the protest with a follow-up letter or a reminder to the company. It is better to be tactful rather than sarcastic or abusive in tone. Otherwise you may offend the receiver and make him/her take a tough stand or an uncooperative attitude instead of being willing to listen and settle your complaint. Wait for a decent period (at least a fortnight) before you take the next step.

You may now want to explore approaching an organisation that helps aggrieved consumers, because as a consumer you are not helpless and, in fact, enjoy certain rights under the **Consumer Protection Act**, 1986, including the right to redressal.

There are two basic groups designed to help you. Consumer organisations make the first group. The second comprises government agencies, on a national, State or local level. In this article, we deal with how to forward complaints to the first group, the consumer organisations, and seek effective redressal.

Consumer Organisations

Most consumer organisations handle individual complaints and have complaints redressal cells. The entry of a third party — a consumer organisation — into a dispute raises a few concerns for the business:

- * The consumer is determined to see the case through, and won't give up.
- * The individual is not alone now. There is an organisation to support him/her. This makes a lot of difference.
- * There could be bad publicity and lost business.
- * People with sufficient expertise, sophistication and resources may represent the consumer, putting the business in a difficult spot.

However, before writing to any of them, you must ensure that your complaint falls under the 'consumer' category, as defined by the Consumer Protection Act 1986, and is not *time barred* i.e. two years has not elapsed from the date of cause of action.

Remember, writing to a consumer organisation must be your step 4 for getting your problem solved if the opposite party has not acted satisfactorily so far.

Step 4: Letter to the Organisation

A written complaint to a consumer organisation may be drafted on the following lines:

With the intervention of a consumer organisation, you are likely to find a solution to your consumer grievance. The organisation may suggest necessary measures or even take action itself. Most companies, reaching this level, mellow down and offer solutions acceptable to the consumer as they don't want to bring down their market standing. However, one may come across companies In such cases, legal help is sought. Consumer organisations may have an in-house Legal Department, e.g. CERC, that fights cases on behalf of consumers or else they may advise the consumer accordingly.

Some Major Consumer Organisations*

Consumer Education & Research Centre ** Thaltej, Sarkhej-Gandhinagar Highway Ahmedabad - 380 054

Phone: +91 - 27489945/46, 27450528, 27438752/53/54, Fax : 079 - 27489947 Email: cerc@cercindia.org

Consumer Guidance Society of India Block 'J' Mahapalika Marg Mumbai-400001 Phone: +91 - 22 - 22621612 Fax : 022 - 22659715 Email:cgsibom@mtnl.net.in

Mumbai Grahak Panchayat Grahak Bhavan Sant Dhyaneshwar Marg, Vile Parle [West], Mumbai-400056 Phone: +91 - 022 - 26288624 Email: mgp@bom5.vsnl.net.in/

Consumer Unity & Trust Society D-217, Bhaskar Marg, Bani Park Jaipur - 302 016 Phone: +91 - 0141 - 2282821 Fax :0141-2282485

mgpanchayat@hotmail.com

Consumer Voice

441, Jangpura, Bhogal, Mathura Road, New Delhi-110014 Phone: +91 - 011 - 24379078/79/80 Fax :011-24379081

Consumers Association of India 3/242, Rajendra Garden, Vettuvankeni, Chennai - 600 041 Phone: +91 - 044 - 24494576, 24494578 Email:admin@cai-india.org

Citizen Consumer and Civic Action <u>Group</u> 9/5, II Street, Padmanabha Nagar, Adyar

reluctant to solve a complaint even if their reputation is at stake.

Chennai 600020. Phone: +91 - 44 - 24460387, Fax : 044 - 24914358

Federation of Consumer Organisations in Tamil Nadu

[Name of contact person, if available] [Address of consumer organisation]

[Your name] [Address]

[Contact details]

[PIN#]

[Date]

[PIN#]

Re: [Complaint Redressal]

Dear [Contact person],

[Title, if available]

I understand that your organisation handles consumer complaints on behalf of aggrieved consumers. I am having a problem because a product/service [name of goods purchased or service availed, etc.] has [not performed as it should/was unsatisfactory, faulty, etc.] because [state the problem in brief]. On [date], I bought/availed [name of goods/service] at [location and other details of the transaction].

I had spoken to the department concerned and sent a written complaint to the opposite party (copy attached), to which I have received no response yet / but have been denied corrective action.

Documents establishing the facts have been enclosed.

Yours sincerely,

[Sign] [Print your name]

Enclosures: [state documents you have enclosed, e.g. letter to the company, bill, receipt, guarantee/warranty cards, reply from opposite party, etc. Always send photocopies of the documents only]

A CONSUMER COURT

WANT TO APPROACH

Consumer Forum and Commissions

For simple redressal to consumer disputes, a quasijudicial machinery is set up at District, State and National levels called District Forums, State Consumer Disputes Redressal Commission and National Consumer Disputes Redressal Commission respectively. At present, there are 604 District Forums, 35 State Commissions (log on to *ncrdc.nic.in* for details) with apex body as a National Consumer Disputes Redressal Commission (NCDRC) having its office at Janpath Bhawan, A Wing, 5th Floor, Janpath, New Delhi.

Proceedings are concise in nature and endeavour is made to grant relief to the parties in the quickest possible time keeping in mind the spirit of the Act which provides for disposal of the cases within stipulated time schedule.

If the District Forum's decision is not acceptable to a consumer he can challenge the same before the State Commission and against the order of the State Commission, a consumer can go to the National Commission.

The National Commission has been conferred with the powers of administrative control over all the State Commissions. National Commission is empowered to issue instructions regarding,

- (1) adoption of uniform procedure in the hearing of the matters;
- (2) prior delivery of copies of documents produced by one party to the opposite parties;
- (3) urgent supply of copies of documents; and
- (4) general overseeing of functions of the fora

The functioning of the fora is consumer friendly, and thus consumers can file complaints and appear as party in person.

Area of Authority

Before resolving a consumer dispute, two aspects are laint is filed either in the forum or commission concerned.

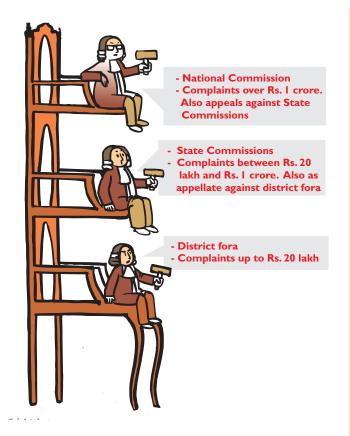
Vertice and final part of our series on "How To Write Complaints". It will help you understand the procedure to file a complaint in a Consumer Court.

In the earlier parts of the series, we mentioned that two basic groups — consumer organisations and the threetier consumer grievance redressal mechanism — are empowered to help consumers through advice and/or redressal. Here, in the final part of the series, we explain the procedure and essentials of complaining to consumer forum/ commissions. You can file complaints in the consumer court without having approached any consumer organisation.

Machinery Under Consumer Protection Act, 1986

The Consumer Protection Act, 1986, has two important implications; first it gives the consumer the right to complain to the relevant authority and seek speedy redressal; second, one can claim compensation for any loss or injury suffered on account of the negligence and/or deficiency in service of the manufacturer/service provider.

The consumer can file a complaint at a District Forum, State or National Commission empowered by the Act to promote and protect the rights of consumers.



taken into consideration - the money/stake involved and the territory where the cause of action has arisen. Based on this the complaint is filed either in the forum or commission concerned.

Financial Authority

- * In cases where the value of goods or service is less than Rs. 20 Lakh, you will have to file the complaint before the District Forum.
- * In cases where the value of goods or service involved is more than Rs. 20 Lakh but does not exceed Rs. 1 crore, you will have to file the complaint before the State Commission.
- * In cases where the value of goods or service involved is more than Rs. 1 crore, you can file a complaint before the National Commission.

Territorial Authority

The place where the cause of action arises as per the facts of the case, determines the jurisdiction of the complaint. This means you will need to consider the area in which the opposite party is based or carries on its work or business.

If you, for instance, file a complaint against a service

Procedure for Consumer Complaint at a Glance

- 1. One may send a notice to the opposite party mentioning a time-limit to settle the grievance though it is not compulsory.
- 2. Prepare a complaint with the required details (as given below).
- 3. Get the complaint affidavit notarised through a notary.
- 4. Make required number of photocopies after notarising.
- 5. Prepare a bank draft from a nationalised bank to pay court fee.
- 6. Submit the complaint and court fee to the receiving clerk in the consumer court who will give you the date for admission hearing and complaint reference number.
- On admission hearing, you would be informed whether or not your matter is admitted. If admitted you will be given the date for next hearing.
- 8. The court will send a notice with your complaint copy to the opposite party seeking reply within 30 days, and asking it to attend the hearing.
- 9. The hearings will continue till the matter is decided.
- 10. A copy of the court order will be communicated to all the parties by registered post.

It is important that you attend the hearings, else the matter may be decided ex parte on the merits of the case.

provider who is based or functions or has a branch office in central Mumbai for a sum below Rs. 20 lakh you would need to approach the Central Mumbai District Forum for redressal.

Required Details

Many consumers find it difficult to decide on the matter to be included in the complaint. Primarily, your complaint should be clear, definite and precise. All facts and documents must be in order. Here is a list of details that are necessary for lodging a complaint at the district, State and national level.

(a) A cause-title i.e. The complaint should, if possible,

have a heading

- (b) Your name, description and address
- (c) The name, description and address of the opposite party or parties
- (d) Facts about the complaint and when and where it arose
- (e) How the opposite parties are liable to be proceeded against and why they are answerable or accountable to this petition
- (f) 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 be furnished along with the complaint, duly signed by you

- (g) You would also need to state how the case falls within the jurisdiction of the forum/ commission — whether the opposite party resides or carries on business or has a branch office or personally works for gain within the jurisdiction of the forum or whether the cause of action (damaged goods or deficient service) arose within the forum's jurisdiction
- (h) You are also entitled to claim the cost of your complaint from the opposite party. Hence include that amount in your complaint

According to the Consumer Protection Act, 1986, you don't need a lawyer to file the petition or argue the case as you can it do it yourself.

Filing Your Complaint Before...

The District Forum

The procedure for filing a complaint is very simple. It can be made on a plain paper with the necessary particulars. You can file a petition in person or by an authorised agent, after it has been notarised, through registered post or regular post. It is important that you serve a personal or legal notice to the opposite party before filing the complaint.

Required copies: 4 plus additional copies for each opposite party

Limitation: complaint must be filed within two years from the date of cause of action having arisen

Monetary/

Jurisdiction: up to Rs.20 lakhs

Court Fee :

- * Upto Rs.1 Lakh : NIL for those below the poverty line holding Antyodaya Anna Yojana cards
- * Upto Rs.1 Lakh: Rs.100
- * Above Rs.1 lakh up to Rs.5 Lakhs: Rs.200
- Above Rs.5 lakhs up to Rs.10 Lakhs : Rs.400
- * Above Rs.10 lakhs up to Rs.20 Lakhs : Rs.500
- * Demand draft in favour of **President**, Consumer Disputes Redressal Forum, (name of) District

State Commission

According to the Consumer Protection Act, 1986, complaints where the value of goods or services exceeds Rs. 20 lakhs but does not exceed Rs. 1 crore, can be filed straightaway in the State Commission. It has also been provided that any person aggrieved by an order passed by the District Forum may prefer an appeal against such order to the State Commission within 30 days from the date of the order.

Required copies : 4 plus additional copies for each opposite party

Limitation: complaint must be filed within two years from the date of cause of action having arisen Monetary Jurisdiction : Rs.20 lakhs to Rs. 1 crore

Court Fee :

- * Above Rs. 20 lakhs up to Rs. 50 lakhs : Rs. 2,000
- * Above Rs. 50 lakhs up to Rs. 1 crore : Rs. 4,000
- * Demand Draft in favour of **The Registrar**, (Name of) State Commission, payable at that state only

First Appeal against District Forum

First Appeal can be filed against the order of any District Forum within the state with the following requisites -

- 1. Documents of record with correct name of all parties and their addresses.
- 2. Certified copy of the District Forum order.
- 3. Four plus additional copies for each respondent for filing an appeal.
- 4. Appeal to be filed within 30 days from the date of receipt of District Forum Order.
- 5. Any conditional delay, interim orders and other petitions are to be submitted along with an affidavit.
- Statutory Deposit: Rs. 25,000 or 50 per cent of award/compensation amount which ever is less to be deposited by appellant/opposite parties

Consumers having the same problem can join together and file a single complaint. This can be done by enclosing a petition with the complaint.

National Commission

The procedure to file a complaint at the National commission is the same as for State Commission. A dissatisfied consumer may file a complaint directly in the National commission or appeal against the decisions made by State commission within 30 days from the date of the order.

Required copies : 4 plus additional copies for each opposite party

Limitation: complaint must be filed within two years from the date of cause of action having arisen Monetary

Jurisdiction : above Rs.1 crore

Court Fee :

- * Above Rs. 1 crore : Rs. 5,000
- * Demand Draft in favour of **The Registrar**, National Consumer Disputes Redressal Commission

Appeal against the orders of the National Commission can be filed before the Supreme Court within a period of thirty days. You may note that there is no fee for filing appeal before the State Commission or the National Commission.

Joint Complaint

Consumers having the same problem can join together e

and file a single complaint. This can be done by enclosing a petition with the complaint. This petition should just state that since the facts and circumstances relating to the complaint are the same and since the same relief is to be claimed for all the petitioners, they may be allowed to join and file a single complaint.

Possible Redressal

Depending on the nature of relief sought by the consumer and facts, the redressal forums may give orders for one or more of the following relief:

- (a) removal of defects from the goods
- (b) replacement of the goods
- (c) refund of the price paid
- (d) award of compensation for the loss or injury suffered
- (E) removal of defects or deficiencies in the services
- (f) discontinuance of unfair trade practices or restrictive trade practices or direction not to repeat them
- (g) withdrawal of the hazardous goods from being offered for sale or
- (h) award for adequate costs to parties

Sources: Consumers Guide To Fighting Back (Book); Consumerism - Strategies and Tactics (Book); CERS Complaints Division; delhistatecommission.nic.in, vakilno1.com, consumercourt.netfirms.com/consumercourtfee.htm, http://ncdrc.nic.in/, http://www.virtualpune.com/citizen-centre/html/ filling_complaint.shtml, http://delhistatecommission.nic.in/filing_procedure.htm, http://www.consumergrievance.com

Consumer Education and Research Centre

Consumer Education and Research Centre (CERC), set up in 1978, is a non-political, non-profit and non-government organisation dedicated to the education and empowerment of consumers as well as promotion and protection of consumer interests through effective uses of education, research, the media and law. CERC has three major roles-to make consumers aware of their rights, to help them protect themselves and to make providers of goods and services accountable.

Its activities include complaints handling, legal advice and litigation, consumer education and awareness programmes, library and information service, publication, comparative testing of products, advocacy, investor and environment protection.

CERC-ENVIS Centre

Ministry of Environment & Forest, Government of India has recognized Consumer Education and Research Centre (CERC) as ENVIS (Environment Information System) Centre in 2005. The focus of ENVIS is to provide environmental information to decision makers, policy planners, scientists and engineers, research workers, etc. across the country. ENVIS was conceived as a distributed information network with the subject-specific centers to carry out the mandates and to provide the relevant and timely information to all concerned.

Subject assigned to the CERC- ENVIS Centre is "Eco labelling and Promotion of Eco friendly products." The Centre launched the website <u>http://cercenvis.nic.in/</u> on NIC (National Informatics Centre) platform with the theme 'Eco-labelling and Promotion of Eco-Friendly Products'. The website furnishes the information on national and international scenario on this subject.

It publishes theme based quarterly newsletter named "Green Insights". It also circulates bimonthly e-bulletin "Green Alert". Since Social Media is very popular among youth and to attract them and sensitise them towards eco products. ENVIS Centre has started a page on facebook also (https://www.facebook.com/EcoProductsEcoLabeling).

CERC Since 1978



CERC-ENVIS CENTRE

Consumer Education and Research Centre "Suraksha Sankool", S. G. Highway, Thaltej, Ahmedabad – 380 054. Tel: 079-27489945/6, 27450528, 27438752/3/4 - Fax: 079-27489947 Email: cerc-env@nic.in, cerc@cercindia.org Website: www.cercenvis.nic.in, www.cercindia.org Toll-free Gujarat Consumer Helpline: 1800 233 0222 [from BSNL]

