



GRAHAK HITAY
GRAHAK SUKHAY



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MUMBAI GRAHAK PANCHAYAT

E-Magazine

Together, let's breathe life into Earth. Our Land, Our Future.



WORLD ENVIRONMENT DAY



Namaskar,

This is the 12th volume of our English e-magazine, which we launched to connect with our non-Marathi readers. Please read and share with your family and friends.

Be a responsible and resilient consumer.

- Team, MGP e-Magazine.



Editorial

Eco-Friendly Celebrations!

Recently I read about a new Idea of eco-friendly celebration. Grand celebrations of weddings, thread ceremonies, and birthdays has a huge impact on the environment. But there are also a few environment-friendly people who are aware of this impact and so they incorporate some eco-friendly measures when planning an event. Eco-friendly celebration is not a mere concept. Numerous examples of eco-friendly wedding ceremonies are published on the 'Better India Portal'.



Flashing party lights, lots of decorations, DJs, wide spread of food menus, plastic water bottles, tissue papers, disposable glasses, plates, etc. are a common sight at any event. During one ceremony, waste is generated in hundreds of kilos. Hundreds of kilos of food is wasted. There is noise and light pollution. After the event, the workers dispose of the waste as they see fit, and the disposal of waste has not even crossed the minds of weary hosts.

But if we take into account certain things when planning an event, it could be different. Let us welcome and endorse the innovative ideas as we celebrate World Environment

Day on June 5.

- All invitation cards need not be printed. It can be in a digital form and a few cards can be printed as necessary.
- The venue could be illuminated with minimum lights as necessary, going overboard must be avoided.
- Restricting the menu to a certain number of cuisines and food items will reduce the extent of food wastage. If there are too many food items, it is hard to estimate the quantity of food that will be consumed, resulting in the leftover food. The leftover food may be distributed to the needy if planned in advance.
- Avoid using disposable glasses, plates, etc. Instead, use glasses and plates made up of steel.
- Avoid using single-use plastic, thermocol for decorations.
- Choose useful and durable items as gifts/return gifts.
- Use recyclable packing materials for wrapping gifts.
- Make proper arrangements for waste management after the ceremony. On the last day of our Grahak Panchayat Peth, we had our Plastic Recycling Agency present at the venue. We could immediately dispose of a few kilos of waste. It is doable.
- Spend on what is necessary, but avoid having extravagant functions on the pretext of “You Only Live Once”.
- Donate some amount to a social service project on such celebratory occasions.

We must ensure to put innovative eco-friendly ideas into practice while celebrating World Environment Day.

Our activists regularly stand on the streets and in the vegetable markets to make an appeal to people not to use plastic bags. They offer cloth bags. Hearing their experiences is often disheartening. These activists have to constantly hear comments like 'Who are you to teach us, do you own the road, why are you asking us not to use plastic bags, when everyone else is doing it, if you can't stop vegetable vendors from offering plastic bags, then why are you teaching us'. But they don't give up. There could be several reasons why the production of thin plastic bags is not banned. Those producers may

have a strong political lobby. They might be manipulating our government agencies. But, if we consumers create an active pressure group to countercheck them, those bags can be banished from the market. In some places, this experiment has been successful. In some cities you get fruits and vegetables in paper bags, no plastic bags are available in the market. But unfortunately, this is still not a widespread reality.

Did you see the cover page of our magazine? The Earth is entangled by a thin plastic bag! The citizens who bear the consequences of pollution and global warming should inculcate a culture of taking small environment-friendly actions.

- **Shubhada Chaukar**, *Editor*

Jago Grahak Show on DD Sahyadri



सत्यम् शिवम् सुन्दरम्

Doordarshan, Sahyadri Channel, presents the popular programme 'Jago Grahak' every Monday at 7:30 pm, Tuesday at 2:30 pm, and Wednesday at 10 am. This programme is being organised by our organization. This show provides important information on various topics to consumers. Many of our activists along with the experts in the field participate and explain the topic. This show is receiving excellent feedback from the viewers. Have you watched it? If not, Do watch. And earlier programmes can be seen on Youtube channel of DD Sahyadri. Many topics like food adulteration, buying real estate, Insurance, MGP Distribution System, Green Washing, etc are already featured.



Appeal to Associate Members

All associate members are requested to renew their membership by paying Rs. 240 by 30th June 2024.

Be associated with Mumbai Grahak Panchayat, the prime consumer organization. Be a part of an esteemed consumer movement!

Legal Service – Justice Denied?

In a judgement of far-reaching implications, the two-judge bench of Hon'ble Supreme Court has declared that no action can lie against the Advocates for their alleged acts of deficiency or negligence in any Consumer Court. The Bench of Justice Bela Trivedi and Justice Pankaj Mithal, in their separate but unanimous judgements dated 22nd April 2024 have declared that **“the Legislature (i.e. Parliament) never intended to include either the Professions or the services rendered by the Professionals within the purview of the Consumer Protection Act of 1986/2019.”** For the first time in the history of the Consumer Protection Act, the Supreme Court has felt that “the very purpose and object of the CP Act 1986 as re-enacted in 2019 was to provide protection to the consumers from unfair trade practices and unethical business practices only. **There is nothing on record to suggest that the Legislature ever intended to include Professions or the Professionals within the purview of the Act.**”

As if this blow was not enough, the said two-judge Bench of the Hon'ble Supreme Court has gone a step further by declaring that **“we are of the opinion that the decision of the three-judge bench (of the Supreme Court) in case of ‘Indian Medial Association v/s. V P Shantha’ deserves to be revisited and considered by a larger bench. We therefore refer the matter to Hon'ble Chief Justice of India for his Lordship's consideration”**. In 1995 the three-judge Bench of the Hon'ble Supreme Court in the landmark “IMA v/s. V P Shantha case” had categorically held that doctors/medical hospitals are covered under the Consumer Protection Act.



After carefully studying the two-judge Supreme Court judgement exempting Advocates and the legal services from CPA, MGP's legal team is of the opinion that this judgement is erroneous and has wrongly interpreted the definition of ‘Service’ under the CPA 1986/2019. With utmost respect to the Hon'ble Supreme Court, we are constrained to say that the judgement is bound to set an unhealthy and wrong precedent and has serious implications. The definition of ‘service’ under the CPA takes into its ambit any and every service rendered to the ‘consumer’ except the service provided free of charge or service rendered under contract of personal service. It is no body's case that Advocates render service free of charge. Significantly, the three-judge-bench of the Hon'ble Supreme Court, in its IMA v/s V P Shantha case had critically examined what is meant by **“contract of personal service”** way back in 1995 and ruled that services rendered by the Doctors/Hospitals are not under “contract of personal service” and hence the doctors/hospitals cannot claim immunity from the Consumer Protection Act. This three-judge Bench judgement of the Supreme Court is well settled over last almost 30 years. And now, we are faced with

a two-judge Bench judgement which finds the three-judge bench well settled judgement of the Supreme Court as wrong. Even assuming for the sake of argument that this 3-judge Bench judgement could be wrong, how could the 2-judge bench of the Supreme Court proceed to over-rule the larger bench judgement and rule that that the Advocates and other professionals are not covered under CPA 1986/2019 Such approach is in breach of the Judicial discipline that the ratio of the larger bench of the Supreme Court has to be followed by the smaller bench. If the two-judge bench was of the considered opinion that the IMA judgement of the larger Bench is wrong then the two-judge Bench ought to have declined to hear the matter further and requested the Hon'ble Chief Justice of India to constitute a larger Bench of 5 judges which will re-examine if the IMA judgement was at all erroneous and then decide if Advocates and their services are covered under CPA or not. But instead of adopting this approach, the Hon'ble 2-judge Bench proceeded to indirectly declare that the larger bench judgement is wrong and further gave a ruling to that effect by over-ruling the larger-bench judgement. With utmost respect we say it is a gross judicial impropriety and needs to be set right immediately by the Hon'ble Chief Justice of India by taking suo motu cognizance of this judgement of the two-judge Bench sooner than later.

This judgement is open to challenge on yet another important ground. This judgement proclaims that the parliament never ever intended to include professional or professional services under CAP, 1986 or CPA, 2019. All are aware that the CPA 1986 was replaced by CPA 2019 by expanding it further. Thus the Parliament had the opportunity in 2019 to specifically exempt professionals and professional services if it really so intended to do so. Most importantly the case which the two-judge Bench decided was from the Appeal against the order of the

National Commission in year 2007 and these Appeals were pending in Supreme Court since 2009 itself. Thus, the parliament and the draftsmen of the CPA, 2019 bill are deemed to have knowledge about such pending appeals on important point of law. And yet the Parliament has nowhere indicated what the Supreme Court Bench has declared to be the intention of the Parliament. We are also aware that IMA as well as Bar Council bodies were actively lobbying with the Government and the Parliamentarians to get their services exempted from the CPA when the draft Bill of CPA, 2019 was being considered by the Parliament. MGP had, in fact, actively opposed such moves by the medical fraternity. Thus, in spite of such efforts and lobbying, the Parliament in the final Bill did not exclude professions or professional services from the CPA, 2019. It is therefore grossly erroneous for the two-judge Bench of the Supreme Court to declare by interpretation that the Parliament never intended to include Professions or Professional services within the ambit of CPA, 1986/2019. It is grossly erroneous and over-statement, to say the least.

The Bench has also observed that the profession of Advocates is sui generis, meaning thereby it is unique or distinct and hence it should not be under CPA. Without debating if the profession of Advocates is really so or not, the question is how does it qualify to be out of the purview of the CPA on this count? It is undisputed that a client can sue the advocate in civil courts. Thus, if this Sui generis service is accountable in Civil Courts, why can't it be made accountable in Consumer Courts?

The said judgement has no doubt caused substantial damage to the consumer movement. It has wrongly restricted the scope of the CPA. Over last 35 years, various Benches of the Supreme Court have liberally interpreted definitions of "consumer" and

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The spice must always be right!

Making of MGP Masale- Behind the Scene Story! In current times, when a well-known spice brand is under scrutiny for the use of chemicals in its masalas, we at MGP can vouch for the authenticity and freshness of our masalas sent for distribution in May 2024... An apt time to understand the 'Making of MGP Masale'.

Distribution of various annual storage products in our MGP distribution cycle begins with new basmati rice and ends with freshly made masale. Right from procuring the different spices that go into making these masale to finally getting them ready, each step is meticulously followed. The exact proportion, quality, wastage or decrement of the ingredients is taken into consideration. In 2015 we got all the masale done from Deshpande's from Mulund. In 2016-17 Ahilya Mandal Pen made them for us. During that year, for the goda masala to have its very traditional homely taste, Vasanti Dev volunteered to be personally present at the venue and get it made most authentically. Even the procurement committee extended their



support. But in the following years due to some difficulties, Ahilya Mandal could not make the masala for us. From 2021 we are getting the masale made from Kelve Foods, Palghar. On Tuesday, 30th April 2024 Savita Sathe and myself, Chhaya Warange left for Palghar as early as 6.20 am, boarded a very crowded train and reached there by 9.45 am. Last



year members had observed that the goda masala had some lumps. So, we gave that aspect a thought. Goda masala comprises coconut, poppy seeds and sesame seeds, all of which are rich in their oil content. Also, to roast these dry ingredients some amount of oil is used. Even the spices like clove and big cardamom have oil in them. It is quite obvious that the final masale had oil content which made that powder have some lumps as grinding generated heat which brought some particles together forming lumps. There were no complaints of any mould or the masala turning rancid. So, we concluded that the masala powder having some lumps was a sign of a good masala. When we reached Kelve Foods they had kept all ingredients of both masalas ready. All these chosen ingredients were delivered by our vendors as per our guidelines. At 10 am, roasting of the first batch of garam masala began and the job was completed by 12.30 pm. Next was goda masala which was roasted by 1.30 pm. In garam masala, the proportion of hot spices like clove, black pepper and cinnamon is more as compared to goda masala. Also, ingredients like dry coconut, sesame and poppy seeds



further reduce the spiciness of goda masala making it a flavourful medium-spicy masala. While waiting for the roasted batches to cool down we decided to have lunch. This was followed by a power cut and the electric board sent out a message that electricity would be reinstated by 4.15 pm. This added to the already sweltering afternoon. The grinding work could not start and it was difficult to sit in the scorching heat. With

spare time in hand, we decided to go to the Palghar office to discuss the requirement of oil and packing bags. We returned by 5.10 pm. By then power supply was also reinstated. The grinding resumed immediately and we were done with our work by 6.30 pm. We returned to the railway station and took the next available train. Two ladies sitting across our seats asked ‘Do you sell masala? Since you boarded the train, the aroma of masala has spread across the whole compartment.’ With a smile, we told them that we were MGP volunteers and we had come to Palghar to get the masalas done. We also explained the scope and work of MGP to the ladies. Our clothes were full of the aroma of masala and their comment left us energised, satisfied and happy on our way home.

- Chhaya Warange

(Vice President- Procurement Committee)

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Legal Service – Justice Denied?

“service” and expanded the scope of the CPA, 1986 and 2019 since it is a benevolent legislation meant for the better protection of the consumers who are gullible, unorganised and often unaware of their own rights. The same Supreme Court in its another landmark judgement in “*Lucknow Development Authority v/s. M K Gupta*” has observed that **“The entire purpose of widening the definitions is to include in it not only day to day buying of goods by a common man but even such activities which are otherwise not commercial but professional or service-oriented in nature.”**

The question is, what next? Although normally the Supreme Court judgements are final and there lies no appeal against them, yet Art 137 provides for Review of the Supreme Court judgements if there are errors apparent

in such judgements. However, by procedure such Review is made by the same Bench which has delivered this judgement. Nonetheless, as mentioned above, if the Hon’ble Chief Justice of India takes cognizance of this Judgement and the judicial impropriety committed by the Bench, there are some hopes for reversal of this erroneous judgement. Alternatively, it is the Parliament which can take the call and bring in a specific amendment to clarify what the Parliament really intended and what not.

We have decided, for good reasons, to pursue the Parliamentary amendment path. We also plan to mobilise support from other consumer bodies to undo the damage caused by this judgement.

- Adv. Shirish V. Deshpande,

Chairman, MGP

Health Insurance – Age No bar, yet...?

The recent news in the limelight is removal of age limit on health insurance policies by the Insurance Regulatory and Development Authority of India – IRDAI. This may bring joy across all age groups, particularly, senior citizens. While apparently this is a welcome step, we need to analyze some of the new provisions and apply practical approach to check the viability and affordability for the policy holders.



The IRDAI has issued a notification on 20th March, 2024 adding / modifying certain guidelines and rules to cope up with the growing needs of the market and adopt better governance in the interest of the policyholders. It has become effective from 1st April, 2024. While it covers various insurance products, we would be focusing on Health Insurance because of its peculiar nature. This is that category of insurance where aggrieved policyholders approach us the most for guidance. *Schedule III of the notification describes specific provisions applicable to health insurance.* While most of the provisions continue as they were earlier, some provisions have changed.

Exclusion period reduced to 36 months : The schedule highlights various definitions. It is generally observed that most of the insurance companies have fixed the exclusion

period of 48 months for treatment on any pre-existing diseases. As per this new notification, clause 1.6 under definitions has specifically set this period for 36 months. It defines a ‘pre-existing disease’ as any condition, ailment, injury or disease which was diagnosed by a physician or for which physician recommended medical advice or treatment not more than 36 months prior to the date of the commencement of the policy. So, there is a great relief of straight 12 months for the new policy holders. However, this definition is not applicable for Overseas Travel Policies.

Lesser waiting period possible for a few diseases : Next clause 1.7 states that “specific waiting period” is one upto 36 months from the commencement of the health insurance policy for certain diseases or treatments that cannot be covered. At the same time, clause 7 permits insurers to specify lesser waiting period for pre-existing as well as specific diseases. Though presently insurance companies are following this, IRDAI needs to ensure whether the waiting period mentioned by insurance companies against specific diseases is reasonable one, considering the advancement in medical field.

Ayush treatment to get equal rights? Provision for Ayush coverage is important one. Clause 5 directs insurance companies to design ‘board approved policy’ to place Ayush treatment at par with other treatments. As we know, Ayush treatment includes treatments given under Ayurveda, Yoga, Naturopathy, Unani, Siddha and Homeopathy. I personally respect these age-old therapies and have no reservations for using any of them. For small causes like cough, cold, some fever, etc., I rely on home remedies. I also depend

upon some kadha (a liquid extracted from medicinal herbs and spices) that do give me the required relief. Still, I have not come across some proven data specifying any of these treatments for specific ailments.

Panel of Experts for Ayush treatments required at company and Ombudsman level

I had attended a complainant whose mediclaim was rejected because the uterus removal surgery was not performed in a specific manner. My very carefully drafted letter addressed to the insurer was just ignored. I advised the complainant to approach the insurance ombudsman and attach copy of my letter to her submission. The Hon. Ombudsman not only took cognizance of my letter, but the medical experts attending the hearing also backed the type of surgery the complainant had. The insurer was directed to settle the claim immediately. That is why, I wonder whether a complainant undergoing an Ayush treatment would land into a similar situation, if the insurer takes a different view saying that the complainant should have performed such and such types of yogaasanas instead of the one he had! Like the expert medical team cited in my example above, the ombudsman may be required to have experts in such fields also.

Medical Insurance is now for all age groups but premium cost for very senior citizens may be a concern

Section 6 is the one that has brought relief for various age groups. It directs to offer health insurance products to cater the needs of all age groups, senior citizens, students, children, etc. It also wants insurers to cover all types of existing medical conditions. Now, students and children may get immensely benefited, but in what way very senior citizens will reap the benefit of health cover, need detailed discussion. The premium may be very low for the younger generation; it may not be so for senior citizens. We at Money Life, receive complaints about the exorbitant increase in premium on renewal even if the policy has

run claim free for years. Though the regulator permits revision of premium every three years, there are no standard guidelines. In such circumstances, even a healthy senior citizen purchasing a new policy may have to pay hefty premium after every three years.

Unawareness about co-payment: Generally all the senior citizens have to make a co-payment of 20% of the medical expenses out of their own pocket. The insurance companies will consider the balance 80%. Removing the age barrier and inclusion of existing diseases may go with huge medical expenses. Most of the policyholders are still unaware about their share of such expenses.

Existing Medical Conditions: Some media reports have stated that the new notification prohibits insurance companies from declining to issue a policy to individuals with severe medical conditions like cancer, heart or renal failure and AIDS. I am sorry to say that I did not find these specific diseases in the said notification. What clause 6.3 states is that “Insurers shall endeavor to offer coverage for persons with all types of existing medical conditions.” This does not appear to be mandatory for the insurers; only thing is that they may attempt to cover such diseases. And even if they attempt, what would be the premium? How many of us can afford to pay it? Key question is that why IRDAI has not specified existing medical conditions?

How to curb mis-selling? Having blood pressure, diabetes, asthma, is not new to us. There may be some more existing medical conditions which are not considered to be of very serious nature. But the ones like cancer, heart or renal failure and AIDS are life threatening conditions depending particularly upon the stage at which these conditions are existing. The regulator needs to be more specific to avoid any confusion or mis-selling of health insurance.

Grievances redressal made easy? Section 11, the last one in the notification has made a special provision for senior citizens directing

the insurers to establish a separate channel to address claims and grievances of senior citizens and make the same available on their respective websites. What type of special channel does IRDAI expect here? Would it be online or would doorstep services be provided?

Some practical difficulties still persist :

There were days when size of the family was quite big and relatives were easily available turn by turn during hospitalization; which is not so now. There is no sufficient man power in a family. Find a proper hospital, admit the

patient, complete paperwork, make down payment if the facility is not cashless, bring prescribed medicines, contact the near ones – and above all, find time to report to the insurance company of this hospitalization within the prescribed period. With everything becoming hectic, why not relax the norms for reporting hospitalization? It is high time that IRDAI takes a practical approach, understand the difficulties and redesign some such norms.

- Abhay Datar

Courtesy – Money Life

Simple Ways to Stop Global Warming

- **Change light fittings**
Replace regular light bulb with a compact fluorescent light bulb.
- **Drive less**
Walk, bike, carpool or take mass transit more often.
- **Recycle more**
You can save thousands of kilos of carbon dioxide per year by recycling just half of your household waste.
- **Check your tires**
Keeping your tires inflated properly can improve your gas mileage by more than 3 Percent.
- **Use less hot water**
It takes a lot of energy to heat water. Use less hot water by taking shorter and cooler Water for bathing and washing your clothes in cold or warm instead of hot water.
- **Avoid products with a lot of packaging**
You can save carbon dioxide if you reduce your garbage by 10 percent.
- **Plant trees**
A single tree will absorb one ton of carbon dioxide over its lifetime.
- **Turn off electronic devices**
Simply turning off your television, computer, etc when you are not using them, will save you thousands of kilos of carbon dioxide a year.
- **Open Up Your Windows**
Instead of running your A/C and electricity all day, try opening up some windows to create a cross-breeze that will cool your home.
- **Manage your garbage well**
Segregate the waste, compost and recycle.
- **Be Minimal**
Consume for need and not greed

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