

Visit Report of Dr Jayashree Gupta, Special Monitor (Consumer Affairs and Food), NHRC to Dehradun from 23rd November 2020 to 27th November 2020

Dr Jayashree Gupta, Special Monitor for issues related to Consumer Affairs and Food, NHRC visited Dehradun from 23rd November 2020 to 27th November 2020. She visited District Consumer Forum of Dehradun, State Consumer Commission of Uttarakhand State and PDS and ICDS centres in Dehradun District.

The following are the key observations and recommendations emanated out of the visit report:

Observations

District Consumer Forum, Dehradun

No. of Cases

It was observed that the Forum had 930 pending cases at the beginning of October, 2020. 174 of them were pending for more than a year while 404 cases were pending for over two years. There should be no reason for pendency with the kind of filing Forum has.

Vacant Positions

The Forum has one vacancy of Lady Member since June 2019. However, its functioning need not be hampered due to this reason. It can function in full swing with the President and one Member in position.

Financial Jurisdiction

Consumer Disputes Redressal Forum has still not increased its financial jurisdiction as per the norms of amended act.

State Consumer Commission, Uttarakhand

No. of Cases

It was observed that the Commission had 1460 pending cases (124 OP and 1336 appeals). There should be no reason for pendency with the kind of filing Forum has.

Vacant Positions

It was observed that one post of Member fell vacant on 17 July, 2019 while the other one fell vacant in quick succession on 1 August, 2019. If the State Govt was serious, they could have taken advance action to fill up forthcoming vacancies.

Financial Jurisdiction

As per 47.(1) of the new Act State Commissions are empowered to entertain complaints about goods and services in the range of Rs 1 crore to Rs 10 crores. The practice is yet not adopted.

State and District Consumer Protection Councils: Not Established

Consumer Grievance Redressal Forum for Electricity related complaints

Despite, 9 CGRFs are functioning in different parts of the State it is not understood why a substantial number of cases, pertaining to electricity, are being filed in Consumer Forums (2554 cases) and State Commission (333 cases).

State Consumer Helpline

A State Consumer Helpline has been functioning in the State since 15 March, 2014. It was observed that its usage was very limited prior to outbreak of Covid-19; it was geared up and provided good service from March, 2020 onwards.

Status of Food and Nutrition in the State

The condition of food and nutrition is fine in the State. Fair Price Shops under PDS are responsive to the needs of beneficiaries and are working properly. Some areas have connectivity issues due to poor network/wifi.

Recommendations

Following suggestions and recommendations are made to address various concerns arising from this visit:

1. 'Consumer Protection (Administrative Control over the State Commission and the District Commission) Regulations, 2020' issued on 24th July, 2020 should be implemented.

(Action by: - Dept. of food, civil supplies & consumer affairs; District Consumer Forum of Dehradun; State Consumer Commission of Uttarakhand State)

2. The Defunct Consumer Protection Machinery in the State of Uttarakhand needs to be rejuvenated by immediate implementation of CP Act, 2019 and filling up of critical vacancies.

(Action by: - Dept. of food, civil supplies & consumer affairs)

3. Provisions relating to changes in the financial jurisdiction of District Commissions and State Commissions, setting up of a consumer mediation cell and online filing of complaints need to be enforced.

(Action by: - District Consumer Forum of Dehradun, State Consumer Commission of Uttarakhand State)

4. Consumer Protection Act was enacted to provide speedy justice to consumers. With the average filing of less than one case per day, there is no reason why all cases cannot be decided within the mandated period of three months /five months as per Section 38.(7) of Consumer Protection Act 2019.

(Action by: - District Consumer Forum of Dehradun, State Consumer Commission of Uttarakhand State)

5. State and District Consumer Protection Councils should be constituted and should meet regularly as per provisions of the act to proactively address concerns of the consumers of the State/ District.

(Action by: - Dept. of food, civil supplies & consumer affairs)

6. The training programme of Presidents and Members of Consumer Commissions should include exercises around best international practices so that they get over their inhibition and start awarding punitive damages, which also act as a deterrent.

(Action by: - Dept. of food, civil supplies & consumer affairs)

7. State Government should ensure that all District Commissions set up in the state remain functional at all times. Arrangements, as per section 32 of CP Act, 2019, maybe made by giving additional charge to President or member of a District Commission of some other district if the need arises.

(Action by: - Dept. of food, civil supplies & consumer affairs)

8. Proactive measures need to be taken to check adulteration-related concerns. Whether it is sanitiser or milk, consumers have the right to unadulterated products. The Consumer Protection Act 2019 has laid down appropriate penalties and sentences, depending upon the degree of hurt caused by such products.

(Action by: - Dept. of food, civil supplies & consumer affairs)

9. The mobile app launched by FSSAI in 2016 may be propagated through awareness campaigns. Consumers should be encouraged to raise their concerns relating to the quality of packaged food and the food served in ready-to-eat outlets through this app.

(Action by: - Dept. of food, civil supplies & consumer affairs)

10. Consumer awareness regarding Consumer Grievance Redressal Forum (CGRF) for Electricity related complaints need to be enhanced so that services of such forums are used by consumers, instead of knocking at the doors of Consumer Commissions. Similarly, awareness regarding the presence of Electricity Ombudsman in the State may also be raised.

(Action by: - Dept. of food, civil supplies & consumer affairs)

11. As regards food and nutrition, various activities being undertaken by the State need to be monitored closely so that benefits of these programmes reach the remotest corners of the State and SDG targets to end all forms of malnutrition are achieved by 2025.

(Action by: - Dept. of food, civil supplies & consumer affairs)

12. Issues relating to connectivity due to poor network/wifi need to be addressed for successful implementation of computerisation, be it for PDS or online filing of consumer complaints.

(Action by: - Dept. of food, civil supplies & consumer affairs)

13. Alongside malnutrition concerns relating to overweight, obesity and consumption of tobacco and alcohol also need to be addressed so that people adopt healthy eating habits. The State should run the awareness campaign for healthy eating habits.

(Action by: - Dept. of food, civil supplies & consumer affairs)

**Tour Report of Dr Jayashree Gupta, Special Monitor
for issues related to Consumer Affairs and Food, NHRC
to Uttarakhand for the period 23.11.20 to 27.11.20**

As approved by the Commission, I visited District Consumer Forum of Dehradun District, State Consumer Commission of Uttarakhand State and held detailed discussions with officers, staff members and Consumer Organisations of the State to get first hand knowledge regarding the functioning of consumer protection machinery in the State during 23.11.20 to 27.11.20. I also visited PDS and ICDS Centres in Dehradun District and held detailed discussions with officials as also some beneficiaries of these schemes. Overall status of food and nutrition in the State was also reviewed, particularly with reference to initiatives taken by the State Govt to deal with problems of malnutrition and migrant labour in corona times. The visit was rounded off with meeting with Distt Collector of Dehradun Distt and Chief Secretary of the State of Uttarakhand.

Major observations and concerns emanating from this visit are given below:

Consumer Protection Machinery Defunct in the State

Visits to District Consumer Commission of Dehradun District and State Consumer Commission of Uttarakhand State revealed that these important organs, mandated to be established as per Consumer Protection Act 1986/2019 are more or less defunct in the State.

Visit to District Consumer Forum, Dehradun

It was set up in 1988 as per provisions of CP Act 1986. A total of 834 cases have been filed in the Forum during last 3 years, which averages to **less than one case per day**. With this kind of filing there should be no reason for pendency. But it was observed that the Forum had **930 pending cases** at the beginning of October, 2020. 174 of them were pending for more than a year while 404 cases were pending for over two years.

The Forum has one vacancy of Lady Member since June 2019. However, its functioning need not be hampered due to this reason. It can function in full swing with the President and one Member in position.

It was observed that the Forum has not been functioning properly since 23 March, 2020 due to Covid-19 induced lock down. No hearings have been held since 23 March, 2020, though cases are being filed. However, cases which could be settled by compromise have been taken up since 4 May 2020.

Consumer Protection Act was enacted to provide speedy justice to consumers. As per **Section 38.(7) of Consumer Protection Act 2019** 'every complaint shall be disposed of as expeditiously as possible and endeavour shall be made to **decide the complaint within a period of three months** from the date of receipt of notice by opposite party where the complaint does not require analysis or testing of commodities and within five months if it requires analysis or testing of commodities'.

If it functions properly, consumers can take up their cases on their own, as per the spirit of the Act. However, due to delayed disposal of cases, involving several adjournments, it was observed that advocates are being engaged in over 95% cases.

Consumer Protection Act 2019 has brought about several improvements over its preceding Act of 1986, which has been repealed with the enactment of CP Act, 2019. As per Section 28.(1) of the new Act, it is named as 'District Consumer Disputes Redressal **Commission**', as against its earlier name of 'Consumer Disputes Redressal **Forum**'. And more important than the change in nomenclature is the fact that its financial jurisdiction has been increased substantially. While erstwhile District Forums were empowered to entertain complaints upto a total value of Rs 20 Lakh only, as per **34.(1)** of the new Act 'District Consumer Disputes Redressal Commissions', to be known as District Commissions, are empowered to entertain complaints upto a total value of **Rs 1 crore**.

Another good development is the requirement of setting up of a **consumer mediation cell** to be attached to each of the District Commissions and the State Commissions of the State, as per **74.(1)** of CP Act, 2019. **Provisions for online filing** of complaints have also been made.

Regretfully, none of the above clauses have yet been implemented. District Forums have not yet been renamed as District Commissions. Their financial jurisdiction has also not been increased. Mediation Centres and online filing of consumer complaints are nowhere in sight.

Discussions with **Shri Vimal Prakash Naithani, Member, Shri Dayal Singh Panwar**, Junior Assistant and others present in District Forum at the time of visit indicated that compensation being offered to consumers by the District Forum is generally in the range of 10,000 to 25,000, depending on their perception of the merits of the case. Since cases are not being heard, it was not possible to talk to consumers, who have filed cases, to know their first hand experience. However, it was clear from the discussion that the **powers vested in Consumer Forums under the provisions of Consumer Protect Act, 1986/2019 are not being used.**

As per **Section 39. (1)** of CP Act, 2019, the District Commission has been vested with the **power to grant punitive damages**, including withdrawal of the hazardous goods

from being offered for sale; to cease manufacture of hazardous goods and to desist from offering services which are hazardous in nature and to pay such sum as may be determined by it, if it is of the opinion that loss or injury has been suffered by a large number of consumers who are not identifiable conveniently.

In cases of misleading advertisements, it is also empowered to **issue corrective advertisement** to neutralize the effect of misleading advertisement at the cost of the opposite party responsible for issuing such misleading advertisement.

There are many more such provisions, which provide sufficient teeth to Consumer Commissions to proactively safeguard interests of consumers. There is either **lack of awareness or lack of will to exercise the powers** vested in them.

The example of hefty damages imposed by the Federal Trade Commission (FTC), a United States agency to protect consumers from the onslaughts of misleading ads etc was shared. For example, they imposed fine of **\$ 25 million (US Dollars) on Rebook** for their shoe brand claiming “Better legs and better butt with every step”, as the claim could not be substantiated. Such hefty penalties also act as a deterrent, not only for the company penalized but also other companies indulging in unfair trade practices.

Visit to State Commission, Uttarakhand

Status of functioning of State Commission was reviewed with **Shri D S Tripathi**, President, State Commission and **Ms Anjushri Juyal**, Registrar, State Commission. **Dr Suchismita Sengupta Pandey**, Additional Commissioner, Consumer Protection in Govt of Uttarakhand accompanied me in this visit.

The State Commission was established in 2000 as per provisions of CP Act 1986, after the State of Uttarakhand was carved out of erstwhile UP.

A total of 958 cases have been filed in the State Commission during last 3 years (2017-2019), which averages to less than one case per day. With this kind of filing there should be no reason for pendency. But it was observed that the Commission had 1460 pending cases (124 OP and 1336 appeals). Out of pending cases, **majority are pending for 2 years or more**. 320 cases are pending for five years, **218 for 7 years, 84 for ten years** and one case for more than 10 years!

It was disappointing to note that this apex body for Consumer Protection in the State has been **non functional since 1 August 2019**, ie for more than a year, due to both the posts of member being vacant. The President of the Commission was in position but as per provisions of the Act, the President needs to have a Member sitting together to carry out the proceedings of the Commission.

It was observed that one post of Member fell vacant on 17 July, 2019 while the other one fell vacant in quick succession on 1 August, 2019. If the State Govt was serious, they could have taken advance action to fill up forthcoming vacancies. Even if the action was initiated after the vacancies occurred, they could have been filled up within 3 months time and the State Commission made functional.

As per Section **42.(3)** of the new Act, the State Commission shall consist of a President and not less than 4 Members. More important is the fact that its financial jurisdiction has been increased substantially. The erstwhile State Commissions were empowered to entertain complaints upto a total value of Rs 1 crore only, in addition to appellate jurisdiction. Now, as per **47.(1)** of the new Act State Commissions are empowered to entertain complaints for goods and services in the range of **Rs 1 crore to Rs 10 crores**. It continues having appellate jurisdiction against the orders of the Distt Commissions within the State.

As mentioned above, the requirement of setting up of a **consumer mediation cell** to be attached to each of the District Commissions and the State Commission of the State has also been introduced as per **74.(1)** of CP Act, 2019. Provisions for **online filing** of complaints have also been made.

Regretfully, none of the above clauses have yet been implemented. The new Act, which was a concrete step towards empowering consumers through speedy disposal of cases and other proactive measures, has not yet seen the light of the day in the State of Uttarakhand.

Review of Functioning of District Consumer Forums in the State of Uttarakhand

Status of functioning of District Forums was reviewed with **Shri D S Tripathi**, President, State Commission, **Dr Suchismita Sengupta Pandey**, Additional Commissioner, Consumer Protection in Govt of Uttarakhand and **Ms Anjushri Juyal**, Registrar, State Commission. The position is really alarming with **9 out of 13 District Forums** being **non-functional** due to critical vacancies.

Overall 45262 cases have been filed in District Forums of the State since inception. 42564 have been disposed off and **2698 cases are pending**. While 297 cases are pending for less than six months, majority are pending for 2 years or more. 694 cases are pending for two years, **579 for 3 years, 235 for 5 years**, 50 for 7 years and 11 cases for more than 10 years!

As per **section 32 of CP Act, 2019**, 'If, at any time, there is a vacancy in the office of the President or member of a District Commission, the State Government may, by notification, direct— (a) any other District Commission specified in that notification to exercise the jurisdiction in respect of that district also; or (b) the President or a member

of any other District Commission specified in that notification to exercise the powers and discharge the functions of the President or member of that District Commission also'. Needless to say, these powers are not being invoked for the benefit of consumers and cases are piling up in the State Commission and District Forums.

Shri D S Tripathi, President, State Commission informed me that in 9 Districts of the State, District Judge has been given additional charge as President of the District Forum. In this scenario, giving additional charge to them of a non-functional District Forum was difficult.

Dr Suchismita Sengupta Pandey, Additional Commissioner, Consumer Protection in Govt of Uttarakhand informed me that new Rules, as per provisions of CP Act, 2019 are under finalization by the State Govt and are expected to be notified in very near future. Action to fill up critical vacancies and other measures as per new Act will be taken up thereafter.

State and District Counsumer Protection Councils Not Established

As per section **6.(1) of CP Act, 2019** 'Every State Government shall, by notification, establish with effect from such date as it may specify in such notification, a **State Consumer Protection Council** for such State to be known as the State Council.' It has further been mentioned that the State Council is an advisory council with the Minister-in-charge of Consumer Affairs in the State Government as the Chairperson and official or non-official members representing various consumer interests, as may be prescribed. The State Council is required to have **not less than two meetings every year**. The objects of every State Council shall be to **render advice on promotion and protection of consumer rights** under this Act within the State.

Similarly, as per **section 8. (1)** of CP Act, 2019 'The State Government shall, by notification, establish for every District with effect from such date as it may specify in such notification, a **District Consumer Protection Council** to be known as the District Council.' It has further been mentioned that the District Council is an advisory council with the Distt Collector as the Chairperson and official or non-official members representing various consumer interests, as may be prescribed. The District Council is required to have **not less than two meetings every year**. As in the case of State Council, the District Councils are also expected to render advice on promotion and protection of consumer rights under this Act within the district.

Similar provisions were in existence as per erstwhile Consumer Protection Act, 1986 as well.

Discussions with officials indicated that **these Councils have never been set up** in the State. When the State was carved out of UP in the year 2000, some Districts had

District Councils, set up by Govt of UP. They used to have occasional meetings in some Districts in initial years. But after expiry of their tenure, no new Councils were set up.

Sectoral analysis of cases filed in the State Commission and District Forums in Uttarakhand reveals that majority of cases relate to banking, medical, telephone, insurance, housing, electricity, railways etc. **Most of these issued could have been proactively addressed by the State and District level Councils, if they were set up!**

Major Consumer Concerns emanating from Meeting with NGOs and Others

Meeting with a few Consumer Organisations of the State gave a new insight into the underlying consumer concerns in the State. Following issues were highlighted by **Brig KG Behl**, President, All India Consumers Council, **Shri SK Kulshrestha**, representing Doon Consumers Action and Protection Society, **Dr Brij Mohan Sharma**, Secretary, Society of Pollution and Environmental Conservation Scientists (SPECS) and **Ms Shweta Rai Talwar** from All India Women's Conference:

Lack of potable water, particularly in Dehradun was a major concern. Lab Tests of tap water, carried out in Dehradun reveal presence of ecoli, faecal matter, hardness and other serious concerns.

Pollution due to excessive use of plastic bags and other plastic products, particularly during Corona times and burning of leaves was another major concern voiced by Consumer Organisations.

Adulteration was reported as a major problem. **Out of 70 brands of sanitizers tested by a Consumer Organization, 52 were found adulterated or spurious.**

Adulterated milk and milk products was another major concern. The 'National Milk Safety and Quality Survey 2018' carried out by FSSAI had revealed that while milk is largely safe, contamination due to Aflatoxin M1 and Antibiotic residues is more serious problem than milk adulteration. As per this survey 7 out of 59 samples from Uttarakhand showed non-compliance for Aflatoxin M1.

In addition to above, **Mr GC Kandwal**, Designated Officer for Food Safety in Dehradun informed that during last one year 274 samples of milk and other food products have been tested by FDA of the State Govt. Out of these 274 samples, 19 were found non-conforming to standard, 3 unsafe, 12 substandard while 4 had labeling defects.

Mr GC Kandwal also informed about the mobile App through which any consumer can complain about unsafe, adulterated or spurious food product and timely follow up action will be taken. But there was no awareness about this app, even amongst the consumer organizations of the State. On further exploration, it was found that Food safety regulator FSSAI had actually launched, in March 2016, **a mobile app through which**

consumers can raise their concerns related to quality of packaged food and the food served in ready-to-eat outlets. The app also provides food safety tips and food safety laws as prescribed by the regulator. It is necessary to raise consumer awareness about this initiative so that this facility could be properly utilized.

Consumer Grievance Redressal Forum for Electricity related complaints

Mr Saied Ahmed, Technical Member, Consumer Grievance Redressal Forum (CGRF), Uttarakhand Power Corporation Ltd (UPCL) apprised me of the functioning of Consumer Grievance Redressal Forum for dealing with Electricity related complaints. He informed me that all consumer grievances pertaining to electricity are resolved by them within a period of 60 days. Compliance of their decisions is also being ensured. Consumers not happy with the decision of CGRF can go in appeal to Electricity Ombudsman of the State. Only 5% cases go in appeal to the Ombudsman.

9 such CGRFs are functioning in different parts of the State. Though the system seems to be working well, it is not understood why a substantial number of cases, pertaining to electricity, are being filed in Consumer Forums and State Commission. As per information provided by the State Commission, 2554 cases relating to electricity have been filed in District Forums while in State Commission 333 such cases have been filed.

State Consumer Helpline

A State Consumer Helpline has been functioning in the State since 15 March, 2014 with a Toll Free No 1800-180-4188. A total of 2420 calls have been received from 15 March, 2014 till 9 October, 2020. 1787 calls were received from 3 Districts in plain areas while 613 calls were received from 10 Districts in Hill areas. Majority of calls related to food sector, particularly PDS issues, followed by LPG and consumer goods. It was observed that its usage was very limited prior to outbreak of Covid-19; it was geared up and provided good service from March, 2020 onwards. Out of a total of 2420 calls received since inception, **1739 relate to the period March 2020 to 9 October, 2020**. During this period it has been working in 2 shifts from 7 AM to 7 PM and providing resolution of complaints through concerned Departments. Out of 1739 complaints received during this period 1304 have been resolved and 435 are pending.

State Govt Sensitive to issues relating to Food and Nutrition

Visits to PDS shop Chandroti and ICDS Centre in Guniyal village of Dehradun District and discussion with the functionaries and beneficiaries of these centres, as also with

other concerned officials revealed that State Govt is sensitive to issues relating to food and nutrition and has been trying to rise to the challenges posed by Covid-19, as also malnutrition. Overall, the position is summed up as under:

The PDS shop Chandroti has 256 ration card holders. Discussions with **Ms Durga Devi** and 5-6 other beneficiaries present there indicated that ration is being given as per entitlement and **Shri Mukesh Kumar**, proprietor of the PDS shop is responsive to the needs of beneficiaries.

Shri Mukesh Kumar highlighted **connectivity issues due to poor network/wifi** in that area. With the computerization of PDS system, it is necessary to address this concern.

Aanganwadis in the State are closed since March 16, due to Covid-19. However, during visit to the **Aanganwadi in Guniyal village** of Dehradun District some beneficiaries had been invited. Discussions with **Ms Ritika**, the Aanganwadi worker, **Ms Subhagi**, the helper, **Ms Bina Pandey**, beneficiary of this Aanganwadi and other 5-6 beneficiaries present at the time of visit revealed that vaccinations etc have been started since May, 2020 and dry ration is being distributed to beneficiaries.

Guniyal Village has a population of 700 and the Aanganwadi has 29 children in the age group of 7 months to 6 years on its roll, in addition to 2 pregnant women and 4 lactating mothers. Take Home Ration (THR) @ Rs 200 per child per month is being home-delivered once a month, since 16 March, 2020. It consists of 1 kg daliya, 500 gram poha, 500 gram moong dal, 500 gram gur and 310 gram of roasted chana.

The Take Home Ration (THR) for pregnant and lactating women is slightly more @ Rs 237.50 per beneficiary.

In addition, under State Govt's Bal Palash Yojana, started in December, 2019, children of the age group 3-6 years, coming to the Aanganwadi Centre, are being fed fruit or egg @ Rs 20 per week per child, in addition to other meals as per ICDS programme.

I was informed that only 4 children in the age group 3-6 years, were coming to this Aanganwadi Centre, prior to lock down. Remaining children of the village, in this age group have started going to regular nursery schools/play schools and, therefore, are not enrolled in the Centre.

Discussions with beneficiaries confirmed that they are fully satisfied with the services provided by the Aanganwadi Centre. Vaccination of children and pregnant women, blood test for anaemia, provision of iron-folic tablets, growth monitoring, awareness programmes for 'Beti Bachao, Beti Pathao' etc are being regularly carried out.

Overview of Food and Nutrition Programmes being implemented in the State

Discussions with **Dr Suchismita Sengupta Pandey**, Additional Commissioner, Consumer Protection in Govt of Uttarakhand, **Shri PS Pangtey**, Joint Commissioner, Food, **Dr MS Visen**, Joint Commissioner, Food, **Shri Vipin Kumar**, Dy Commissioner, Garhwal Division, **Ms Khsama Bahuguna**, Child Development Project Officer, City Dehradun and others familiarized me with the overall status of Food and Nutrition related Programmes being implemented in the State.

About 60% of the State population is covered under National Food Security Act, (NFSA) 2013. As per this Act, beneficiaries of the Public Distribution System (PDS) are being given 5 kilograms per person per month of cereals at the following prices:

Rice at ₹3 per kg

Wheat at ₹2 per kg

About 35% of the State population is covered under Rajya Khadya Yojana. Under this scheme, people with less than Rs 5 lakh per annum family income are covered and are being given 5 kilograms wheat and 2.5 kg rice per card per month at the following prices:

Rice at ₹11 per kg

Wheat at ₹8.60 per kg

10.37 lakh families of the state are covered under this scheme. With a view to address Corona related concerns, all these families were provided with 20 kg of additional foodgrains during April-June.

Under Pradhan Mantri Garib Kalyan Anna Yojana 5 kg of rice and one kg of dal was given free of cost to NFSA beneficiaries. This scheme was initially for 3 months (April-June, 2020) but was subsequently extended till end of November, 2020.

Under Atma Nirbhar Bharat Yojana 5 kg of rice and one kg of dal was given free of cost to migrants. This scheme was initially for 2 months (May-June, 2020) but was subsequently extended till end of August, 2020.

One Nation One Ration Card Scheme has been implemented in the state from July 2020 onwards.

I was informed that home delivery of essential items was organized during lock down period. PDS shops were also dispensing essential household items of daily use. Some other initiatives were also taken to feed migrants and others in need with cooked food etc.

As regards **Mid-day Meal Scheme**, Schools are closed since March, 2020 but students enrolled in schools are being provided with food grains and cooking cost @ 2.20 kg of food grain and Rs 109.34 as cooking cost per month per child upto primary level. For upper primary level, this is increased to 3.30 kg of food grain and Rs 163.90 as cooking cost per month

Some of the initiatives taken by the State Govt to deal with problem of malnutrition are given below:

‘God Abhiyan’ was launched by the Chief Minister on September 3, 2019. As per this scheme 9177 mal-nourished/ severely mal-nourished children were adopted by the Chief Minister and senior officers of the State. This initiative has helped them bring 2007 mal-nourished/ severely mal-nourished children to ‘normal’ category.

Dr Ashish Kumar Srivastava, District Magistrate of Dehradun also shared the success of this programme. 364 mal-nourished/ severely mal-nourished children were adopted in Dehradun Distt and 102 of them became normal with perseverant efforts.

Chief Minister’s Bal Poshan Yojana ‘Urja’ is another scheme for mal-nourished/ severely mal-nourished children. Under this scheme a combination of nutritious millets, peanuts, gur, pure ghee etc is being prepared by self-help groups and is being distributed free of cost. This is rich in energy, protein, iron, calcium etc and can be easily eaten by mixing in milk or water.

Bal Palash, Chief Minister’s Aanchal Amrit Yojana are some other schemes to address concerns relating to malnourishment in the state.

As mentioned above **State Consumer Helpline, was geared up** and provided good service from March, 2020 onwards. During this period it has been working in 2 shifts from 7 AM to 7 PM and providing resolution of complaints through concerned Departments. 1739 calls were received during the period from March 2020 to 9 October, 2020. Majority of calls related to food sector, particularly PDS issues, followed by LPG and consumer goods.

Miles to go in Fight against Malnutrition

Goal 2 of Sustainable Development Goals (SDGs) states that by 2030 we should end hunger and all forms of malnutrition. More specifically, it seeks to end all forms of malnutrition, including achieving, by 2025, the internationally agreed targets on stunting and wasting in children under 5 years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons.

As per **SDG-India-Index and Dashboard-2019-20**, brought out by NITI Aayog, **Uttarakhand's overall score for SDG 2 is just 45**, against the target of 100! Current status of 31% stunting, 58% underweight and 53% anaemia for the age group 0-5 years is a matter of grave concern. Even amongst pregnant women anaemia is a serious concern with 50 % pregnant women aged 15-49 being anaemic.

Prior to this, NFHS-4 (2015-16) had also highlighted the need for a strong fight against malnutrition. As per this report **only 8.5% children** in the State of Uttarakhand were **receiving adequate diet**. NFHS-4 had also flagged the concerns relating to **overweight, obesity and consumption of tobacco and alcohol**. As per this report, besides anaemia and underweight, 20.4% women and 17,7% men were overweight or obese. 43.7% men and 2,9% women were consuming tobacco in some form. 35.2% men and 0.3% women were consuming alcohol.

These figures tell a lot about the growing popularity of Junk Food, with high levels of sugar, fat and salt! Rural areas are fast catching up with junk food culture. Even those who can afford, are spending more on fast food, tobacco and alcohol and less on fruits and vegetables.

Most of the initiatives taken by the State Govt for battling malnutrition have been launched recently. Their impact would be visible in couple of years if they are implemented in letter and spirit and reach the remotest corners of the State.

Meeting with Chief Secretary, Uttarakhand

Discussions with **Shri Om Prakash, Chief Secretary**, Govt of Uttarakhand were held on 26 November, 2020. **Shri Minakshi Sundaram**, Secretary, Education, **Shri HC Semwal**, Secretary, Women, Employment & Child Development, **Shri Pratap Singh Shah**, Additional Secy, Food, **Shri PS Pangtey**, Joint Commissioner, Food and **Shri Akhilesh Mishra**, Distt Programme Officer were present in this meeting. The observations and concerns emanating from the visits and discussions held by me in the State, as per details above, were shared with the Chief Secretary. Concerns relating to malnutrition, emerging from SDG-India-Index and Dashboard-2019-20, brought out by NITI Aayog and NFHS-4 (2015-16) were also shared, with the request to take remedial measures. Major issues arising from this meeting are summed up as under:

The Chief Secretary asked the concerned officers to take action for activating consumer protection machinery in the State. He also informed me that considering the number of cases being filed in Consumer Forums and budgetary constraints, some clubbing of District Forums may have to be done.

Progress made for providing safe potable tap water through Jal Jeevan Mission was shared. By the end of 2021 majority of problem areas would be covered.

Initiatives are being taken for double fortification of salt with iron and iodine to meet the challenge of anaemia.

Pilot project for fortification of rice has also been taken up in Udham Singh Nagar.

Fortified milk is being distributed under ICDS and Mid-day Meal Schemes.

Fish production is being promoted. Various other initiatives have been taken by the Animal Husbandry Deptt which will not only provide employment but also improve nutrition status of the population.

Conclusion

The Consumer Protection Act, 1986 was a recognition of the rights of consumers and provided three tier mechanism for speedy disposal of consumer complaints, in addition to Consumer Protection Councils at District, State and National levels.

The new Consumer Protection Act, 2019 is an improvement of the earlier Act and incorporates some of the best international practices for protection of consumer interests, including a provision for setting up of the 'Central Consumer Protection Authority' to proactively safeguard interests of consumers from the increasing menace of misleading advertising and other unethical and unfair trade practices. It takes into consideration, the modern methods of selling goods and services such as online sales, teleshopping, direct selling and multi-level marketing alongside the traditional methods. It also enables online filing of consumer complaints. It has come into force on 20 July, 2020.

The pecuniary jurisdiction of Consumer Commissions has been substantially increased at District, State as well as National levels. With District Commissions having pecuniary jurisdiction upto Rs 1 crore, practically, most cases can now be heard by the District Commission, which are easier to reach considering they need to be set up in each and every district of the country. The provision of a Consumer Mediation Cell, to be attached to every District Commission, State Commission as well as the National Commission further aims at facilitating speedy justice to consumers.

It is unfortunate that **even after 34 years since the Consumer Protection Act, 1986 was enacted, the consumer protection machinery in the State of**

Uttarakhand is more or less defunct. This shows total indifference of the State Govt authorities to this important legislation.

As regards food and nutrition, most of the initiatives taken by the State Govt for battling malnutrition have been launched recently. They need to be monitored closely so that benefits of these programmes reach the remotest corners of the State and SDG targets to end all forms of malnutrition are achieved by 2025. Govt of India (Ministry of Women and Child Development) seems to be aware of the challenges in this area and has launched a **National Nutrition Mission** in 2017. A **National Council on India's Nutritional Challenges** has also been constituted under the **Chairmanship of the Vice Chairman of Niti Aayog**.

Alongside malnutrition concerns relating to overweight, obesity and consumption of tobacco and alcohol also need to be addressed so that people adopt healthy eating habits.

Recommendations

Following suggestions and recommendations are made to address various concerns arising from this visit:

1. As per Section 70.(1) of CP Act, 2019, '**the National Commission** shall have the authority to lay down such **adequate standards** in consultation with the Central Government from time to time, for better protection of the interests of consumers and for that purpose, shall have **administrative control** over all the State Commissions....' The erstwhile Act had also vested this responsibility on the National Commission. The monitoring mechanism has also been detailed in the subsequent clauses of the Act as also in the 'Consumer Protection (Administrative Control over the State Commission and the District Commission) Regulations, 2020' issued on 24th July, 2020. It is necessary that they do not remain on paper and are actually implemented by following ground reality checks and time-bound compliance with certain minimum standards.
2. The Defunct Consumer Protection Machinery in the State of Uttarakhand needs to be rejuvenated by immediate implementation of CP Act, 2019 and filling up of critical vacancies.
3. Provisions relating to changes in the financial jurisdiction of District Commissions and State Commissions, setting up of a consumer mediation cell and online filing of complaints need to be enforced.
4. Consumer Protection Act was enacted to provide speedy justice to consumers. With average filing of less than one case per day, there is no reason why all

cases cannot be decided within the mandated period of three months /five months as per Section 38.(7) of Consumer Protection Act 2019.

5. The powers vested in Consumer Commissions under the provisions of Consumer Protection Act, 1986/2019 are not being used. They need to be properly sensitized and trained to use their office effectively for the well being of consumers. Their orders should have some deterring value as well.
6. State and District Consumer Protection Councils should be constituted and should meet regularly as per provisions of the act to proactively address concerns of the consumers of the State/ District.
7. The training programme of Presidents and Members of Consumer Commissions should include exercises around best international practices, so that they get over their inhibition and start awarding punitive damages, which also act as a deterrent.
8. State Government should ensure that all District Commissions set up in the state remain functional at all times. Arrangements, as per section 32 of CP Act, 2019, may be made by giving additional charge to President or member of a District Commission of some other district if the need arises.
9. Concerns relating to lack of potable water and pollution due to excessive use of plastic bags and burning of leaves etc need to be addressed on priority basis.
10. Proactive measures need to be taken to check adulteration-related concerns. Whether it is sanitizer or milk, consumers have right to unadulterated products. The Consumer Protection Act 2019 has laid down appropriate penalties and sentences, depending upon the degree of hurt caused by such products.
11. The mobile app launched by FSSAI in 2016 may be propagated through awareness campaigns. Consumers should be encouraged to raise their concerns relating to quality of packaged food and the food served in ready-to-eat outlets through this app.
12. Consumer awareness regarding Consumer Grievance Redressal Forum (CGRF) for Electricity related complaints need to be enhanced so that services of such forums are used by consumers, instead of knocking at the doors of Consumer Commissions. Similarly, awareness regarding presence of Electricity Ombudsman in the State may also be raised.
13. Above all, highest functionaries of the State need to be sensitized about the importance of Consumer Protection Act so that they appreciate the urgency and implement it well in time
14. As regards food and nutrition, various activities being undertaken by the State need to be monitored closely so that benefits of these programmes reach the remotest corners of the State and SDG targets to end all forms of malnutrition are achieved by 2025.

15. Issues relating to connectivity due to poor network/wifi need to be addressed for successful implementation of computerisation, be it for PDS or online filing of consumer complaints.
16. Alongside malnutrition concerns relating to overweight, obesity and consumption of tobacco and alcohol also need to be addressed so that people adopt healthy eating habits.

It is suggested that this report may be shared with Deptt of Consumer Affairs, Deptt of Food and Public Distribution, Ministry of Women and Child Development and Niti Aayog in Govt of India. National Consumer Grievance Redressal Commission (NCDRC) may also be kept in the loop.

At the State level, this may be shared with the Chief Secretary, as also with Secretary, Food and Consumer Protection and President of the State Consumer Grievance Redressal Commission. **They may also be asked to send action taken report on the issues highlighted in this report.**

Dr Jayashree Gupta,

NHRC Special Monitor for Consumer Affairs and Food

5.12.20