

THE CONSUMER GRIEVANCE REDRESSAL MECHANISM OF E – COMMERCE SITES.

OVERVIEW:

Due to the improvements in technology and communication a whole new dimension of e-commerce platform was established. The e-commerce websites not only allowed the sellers to expand their business but also allowed the consumers to gain more choices in products. But, it's unfortunate that the legal system didn't update itself with the advancements of technology. Thus, there is a void in the judicial setup which would have governed and redressed the grievances related to the e-commerce sector. Though the e-commerce sites are a boon to mankind, it doesn't prevent it from triggering scams.

GROUND FOR FILING A COMPLAINT:

One can file complaint against the e-commerce websites, if it fails to

- Remove the defective good.
- Replacement of the defective good.
- Return of price in case of discrepancy.
- Discontinue any form of restrictive trade practice.

PROCEDURE FOR COMPLAINT:

One can file a complaint in any one of the consumer forums, under the Consumer Protection Act, 1986 (unfair trade practices). The consumers can also approach the OCMC, in order to get speedy relief for their grievances.

THE OCMC:

The Online Consumer Mediation Centre (OCMC) is established at National Law School of India University, Bengaluru under the aegis of Ministry of Consumer Affairs, Government of India. The Centre aims to provide for a state-of-the-art infrastructure for resolving consumer disputes both through physical as well as online mediation through its platform. The Centre accepts the cases arising out of electronic transactions involving at least one consumer within the definition of Consumer Protection Act, 1986. One can create an account and file a complaint in OCMC. The mediators appointed by OCMC would address the issue and would try to settle the matter amicably.

HOW TO FILE A COMPLAINT:

One can file a complaint by clicking in the link provided below:

<https://onlinemediationcenter.ac.in/account/signin.php>

ONLINE CONSUMER MEDIATION CENTRE MEDIATION RULES, 2016:

The OCMC abides to the Online Consumer Mediation Centre Mediation Rules, 2016. It mentions the protocol to be followed in a proceeding by both the mediator and the participants. The very important pro of the OCMC is the confidentiality which will be maintained. Rule no.15 of the OCMC Rules 2016 states in detail about the privacy which will be maintained.

THE METHDODOLOGY FOLLOWED BY THE OCMC IN DISPOSAL OF COMPLAINTS:¹

STEP 1- Registration with OCMC/Sign in

1. The first time you file your complaint, sign-up/register with us by filling a simple registration form.
2. Please furnish the following mandatory fields at the time of registration:
 - Name
 - Age
 - Gender
 - Address
 - City
 - State
 - Country
 - Mobile No.
 - Email
 - Password
 - Confirm Password
 - Identity Proof No. (which may be your Aadhar No. or Voter ID)
3. By signing up with OCMC you agree to be bound by the website's Terms of Use and Privacy Policy.
4. Upon signing up, you are sent a Welcome email.
5. Your validation will be confirmed by an email once you are registered with us.
6. An account is created with details of your profile. You may choose to either file a new case or view case history.
7. Subsequently, when you visit the website you can sign in with the registered email and password

STEP 2 – Select E-commerce Company

1. Select the company against whom you want to file your complaint from amongst the list of e-commerce companies provided by OCMC.
2. Enter the invoice no. /order no. / bill no.

STEP 3 – Payment

1. Next, you are taken through a secured payment gateway, Atom Technologies Limited, where you pay your registration fee. (Please find details of Registration Fee and Refund Policy)

¹ <https://onlinemediationcenter.ac.in/online-services/>

2. Once the payment is processed, you will receive message that payment has been successfully done.
3. The registration fee shall be applicable to ONE CASE only.

STEP 4 – Complaint Intake

1. On successful payment, you are now taken to the ‘File a Case’ Button where intake of the complaint details begins.
2. In case of a technical error between the payment and proceeding to ‘File a Case’, you can go back to ‘Case History’ in your Account to view the case.
3. In the Intake form, choose if the complaint was already filed before court/forum/commission – Yes/No.
4. If yes, then you need to give pending case details in addition to the details of the transaction and complaint you wish to make and relief you are seeking against the e-commerce company.
5. The complaint intake form requires the following details to be filled by you:
 - Transaction details –Purchase date, Receipt date, value of goods/service, nature of dispute, description of issue.
6. Upload documents supporting your complaint. The files shall be in PDF, PNG, JPG, JPEG, and GIF. Upload of documents in Word document (doc. Or docx.) is not allowed.
7. For subsequent registration of complaints, you may simply sign in with the platform using your login and password and proceed with payment of fee and file new complaints.

STEP 5 –Negotiation with the E-commerce Company

1. On this platform you will get the opportunity to directly communicate with the e-commerce company to resolve your case and discover a mutually agreeable solution.
2. In case you are not able to settle the matter through negotiation or if the parties could not reach agreement on terms, you may choose to escalate the case to mediation.

STEP 6 – Mediation

1. On choosing to settle the matter through mediation, OCMC appoints a third- party neutral party or mediator appointed by OCMC.
2. Mediation is a voluntary, party-centered and structured process where a neutral third party called mediator assists the parties in amicably resolving their dispute by using specialized communication and techniques.
3. Overall you have 30 days from the date the parties started with the Negotiation process (as under Step 5) to resolve your dispute through this platform. The parties may agree to a one-time extension of 15 days to complete the process.
4. If both parties agree to terms, the same can be finalized by a formal Settlement Agreement.

The link redirects the user to the walkthrough in filing a complaint via the OCMC.

<https://www.youtube.com/watch?v=bUUjcdDGVQs>

FAQ’S

For further queries visit:

<https://onlinemediationcenter.ac.in/faqs/>

THE CONSUMER PROTECTION BILL, 2018:

The Consumer Protection Bill, 2018 was introduced in Lok Sabha by the Minister of Consumer Affairs, Food and Public Distribution, Mr. Ram Vilas Paswan on January 5, 2018. The Bill replaces the Consumer Protection Act, 1986. The most significant aspect of the bill is that it includes provisions which govern the e-commerce sites too. The scams which take place through e-commerce website are a punishable offense under the said bill.

MEDIATION:

Mediation is a process where a neutral third party resolves the dispute between the parties by using special communication and negotiations techniques. The Consumer protection bill, 2018 proposes the establishment of mediation centers in order to achieve the following objectives:

- To reduce the burden of the court
- To control the costs incurred by the complainant in filing a complaint.
- To provide speedy relief for the grievances.

PROCEEDING IN ACCORDANCE WITH THE CONSUMER PROTECTION ACT 1986

One can file a case in the respective consumer forums either in case of getting relief or to appeal.

http://clap.nls.ac.in/?page_id=102