



**VIDHI** | Centre for  
Legal Policy

# Consumer Guide for Persons with Disabilities

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## Contributor's Note

The Consumer Guide for Persons with Disabilities has been developed through a collaborative effort between:

**Chair on Consumer Law & Practice at the National Law School of India University, Bengaluru**, established by the **Department of Consumer Affairs, Ministry of Consumer Affairs, Food & Public Distribution**, is dedicated to promoting research, teaching, and training in the field of consumer law and practice.

**Vidhi Centre for Legal Policy** is an independent think-tank that conducts legal research to create better laws and improve governance for the public good. The organisation has offices in New Delhi, Bengaluru, and Mumbai.

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The Guide has been developed solely to raise awareness and provide guidance on consumer rights for persons with disabilities. It does not involve any financial considerations.

## Introduction to the Guide

### Need for a Consumer Guide for Persons with Disabilities:

Persons with disabilities comprise 2.2% of India's population<sup>1</sup>, representing a significant consumer base. However, they frequently find themselves in a disadvantageous position. Like other consumers, they are vulnerable to exploitation by manufacturers, sellers, and service providers, but their challenges are compounded by widespread inaccessibility, discrimination, and exclusion.<sup>2</sup> To mitigate these challenges, Indian laws and policies offer various protections for consumers with disabilities. However, these safeguards can only be effective if consumers are aware of their rights. Thus, this Guide offers a comprehensive overview of the rights and entitlements accorded to consumers with disabilities, outlines recourse for rights violations, and offers a detailed, step-by-step approach to navigating the available legal processes.

### Who this Guide is for?

The Guide is designed for persons with disabilities who buy goods or avail services, enabling them to understand and exercise their rights effectively. It also serves as a valuable resource for caregivers, lawyers, law students, disability and consumer rights activists, and civil society organisations working to assist consumers with disabilities. Additionally, manufactures, sellers, and service providers can use this Guide to ensure they do not violate any of these rights.

### How to use this Guide?

This Guide is divided into two parts, focusing on the major legal and policy frameworks that govern the rights of consumers with disabilities:

- **Part I** outlines the **Consumer Rights Framework** in India, highlighting four avenues for consumers with disabilities to file grievances and seek redress, based on the type of remedy needed. It primarily focuses on the process under the Consumer Protection Act, 2019.
- **Part II** explores the **Disability Rights Framework** in India, primarily the Rights of Persons with Disabilities Act, 2016. This section details the rights of persons with disabilities that are pertinent to consumers, as well as the remedies available when these rights are violated.

Following a thorough reading of the Guide, consumers with disabilities can determine when their rights may have been violated and identify the appropriate remedies available to them, along with the processes for seeking those remedies. To enhance understanding, the Guide features real-life examples of complaints filed by consumers with disabilities, showcasing their rights and how they secured remedies under the two frameworks.

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<sup>1</sup> Population Census, 2011, Office of the Registrar General & Census Commissioner, India. However, the World Bank Estimates that persons with disabilities comprise 5-8% of India's population - People with Disabilities in India: From Commitments to Outcomes <<https://documents1.worldbank.org/curated/en/577801468259486686/pdf/502090WP0Peopl1Box0342042B01PUBLIC1.pdf>> accessed 7th October, 2024.

<sup>2</sup> Rahul Bajaj, Somya Jain and Husain Anis Khan, "Disabled Friendly Consumer Protection: Proposed Amendments to the Indian Consumer Rights Framework" <<https://vidhilegalpolicy.in/research/disabled-friendly-consumer-protection/>> accessed 7th October, 2024.

## Part I: Consumer Protection Framework

All consumers in India, including those with disabilities, are entitled to a range of rights and protections under the Consumer Protection Act, 2019 ('CP Act, 2019'), as well as through various government policies and programmes. When consumers encounter issues with respect to goods or services, they can seek redress through several channels within the consumer protection framework. This section provides a comprehensive overview of four key avenues available for consumers to file grievances and obtain relief:

- (i) National Consumer Helpline ('NCH')
- (ii) Sectoral Grievance Redressal Mechanisms
- (iii) Consumer Dispute Redressal Commissions ('CDRC')
- (iv) Central Consumer Protection Authority ('CCPA')

The first two mechanisms are instituted by government departments and are intended to resolve issues without litigation, while the last two involve filing grievances with bodies established under the CP Act, 2019, to obtain legal remedies provided thereunder. Consumers can choose any of these avenues depending on the type of relief and resolution they seek.

### **1. National Consumer Helpline**

#### ***What is it?***

The NCH, operated by the Department of Consumer Affairs ('DoCA') under the Ministry of Consumer Affairs, Food and Public Distribution, provides support to consumers by guiding them in resolving issues related to goods and services, providing information about companies and regulatory authorities, and facilitating the filing of complaints against manufacturers, sellers and service providers. To streamline the process, the DoCA hosts Integrated Grievance Redress Mechanism ('INGRAM') portal (<https://consumerhelpline.gov.in/>) which provides in-depth information pertaining to consumer issues and redresses consumer grievances. It acts as a central registry for lodging consumer grievances.

#### ***When to register a grievance?***

Consumers can file a grievance with the NCH when they encounter any issue with regard to any goods or services.<sup>3</sup> However, the NCH does not guarantee relief, as it functions as a pre-litigation step. This allows consumers to seek speedy redress before considering formal proceedings in a CDRC.

#### ***How to register a grievance?***

A grievance can be filed through the NCH website (<https://consumerhelpline.gov.in/>) or helpline number (1800-11-4000 or 1915) or SMS (8800001915), NCH app, UMANG app or WhatsApp. The DoCA also hosts details of State Consumer Helplines on its website (<https://consumeraffairs.nic.in/consumer-corner/state-consumer-help-line>), available in regional languages to assist local populations. These options ensure that the grievance redress process is accessible to everyone, including consumers with disabilities.

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<sup>3</sup> About INGRAM, National Consumer Helpline <<https://consumerhelpline.gov.in/about-portal.php>> accessed 8th October, 2024.

**Illustration:** A consumer with a hearing impairment is unable to obtain a refund from an online retailer and cannot access the telephonic customer care service to file a grievance. In this situation, the consumer can use accessible options such as the NCH or UMANG app, or WhatsApp, to register the grievance and seek redress.

### **What kind of remedy is provided?**

Each grievance is registered and assigned a Unique Docket number, then forwarded to the relevant company, regulator or authority. The consumer receives updates on actions taken. Efforts are made to resolve the grievance, but if it remains unsatisfactory, the consumer can escalate the matter to CDRC. Resolution of a grievance with the NCH may take up to 45 days.

## **2. Sectoral Grievance Redressal Mechanisms**

### **What is it?**

Certain sectors, such as railways, banking, and healthcare, have their own consumer grievance redressal mechanisms. Similar to the NCH, these sector-specific mechanisms provide an alternate, targeted avenue for consumers to file grievances before resorting to litigation. Grievances can be reported through these mechanisms for faster and specific redressal. Further, some of these sectors also have specific categories for persons with disabilities.

### **When to register a grievance?**

A grievance can be registered when a consumer encounters an issue specific to a sector. In cases where the grievance is not satisfactorily resolved, the consumer has the option of escalating the issue to a CDRC.

**Illustration:** If a person with a disability is unable to board a flight due to inadequate assistance or inaccessible facilities, they can file a grievance through the sector-specific mechanism established by the Ministry of Civil Aviation. If no satisfactory resolution is provided, the consumer can escalate the matter to the CDRC.

### **How to register a grievance?**

The procedure for registering grievances varies across sectors. Here are a few examples:

#### **(a) Railways**

The Indian Railways provides a customer grievance and feedback web portal, mobile app, and SMS based complaint mechanism called 'RailMadad' (<https://railmadad.indianrailways.gov.in/>) for train and railway station related grievances.

The portal has a specific category for 'Persons with Disability' when registering a grievance. The consumer can select "Divyangjan Facilities" under the "Type" of grievance, with sub-categories that include issues such as: Ramp at entry/exit gates, tactile pathway, parking, low height water booth, low seat toilet, low height ticket counter, seating arrangement at station/waiting area, wheelchair/battery operated car/divyang Sahayak, and travel concession.

**Illustration:** A person who uses a wheelchair faces difficulties boarding a train due to the lack of a ramp at the station. They can lodge a grievance under the "Divyangjan Facilities" category using the RailMadad portal, ensuring that their specific accessibility issue is addressed.

(b) Aviation

'Air Sewa' portal ([www.airsewa.gov.in](http://www.airsewa.gov.in)), launched by the Ministry of Civil Aviation, allows users to digitally report and track grievances. It includes a dedicated category for Persons with Disabilities in Step 3 under "Grievance Type and Category."

**Illustration:** A passenger with visual impairment is denied boarding assistance despite requesting it in advance. The passenger can lodge a grievance on Air Sewa.

(c) Education:

The University Grants Commission has an online grievance redressal portal 'e-Samadhaan' (<https://samadhaan.ugc.ac.in/Home/Index>) for students in higher education. For grievances related to the Right to Education Act, 2009, the 'Right to Education' portal (<https://righttoeducation.in/report-a-grievance>) serves a similar purpose. While there is no specific category for persons with disabilities, categories such as "RTE - Inclusion (SC/ST/EWS/CWSN/Disabled)" and "RTE - School Infrastructure" can address relevant issues.

**Illustration:** A student who uses a wheelchair is unable to access classrooms at a school because the doorways are too narrow. The student or their parents can lodge a grievance on the RTE portal, selecting the "RTE - School Infrastructure" category.

(d) Miscellaneous

Several other sectors also offer sector specific grievance redressal mechanisms:

- Food and Beverages – FSSAI ([www.foodlicensing.fssai.gov.in/cmsweb/](http://www.foodlicensing.fssai.gov.in/cmsweb/)) or 'Food Connect app'.
- Misleading Advertisements – Advertising Standards Council of India ([www.asiconline.org](http://www.asiconline.org)).
- Domestic Fuels – Nodal officer of the Ministry of Petroleum & Natural Gas.
- Automobiles – Society for Indian Automobile Manufacturers (<https://bookmyhsrp.com/GrievanceSelectState.aspx>).

**Did you know?** A popular way to raise concerns publicly about specific sectors is through social media. Tagging relevant authorities on platforms like X (formerly Twitter) often leads to quicker responses and resolutions, as frequently seen in the case of railways.

### 3. Consumer Dispute Redressal Commissions

**What is it?**

CDRCs, commonly known as consumer forums, are a three-tier system established under the CP Act, 2019 for addressing consumer disputes. Unlike NCH or sector specific mechanisms, the resolutions provided by the CDRC are binding, as discussed in this section. The structure of CDRCs include:

- District Consumer Dispute Redressal Commissions ('DCDRC'): For cases where the value of goods/services is up to ₹50 lakhs.<sup>4</sup>

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<sup>4</sup> Rule 3, Consumer Protection (Jurisdiction of the District Commission, the State Commission and the National Commission) Rules, 2021.

- State Consumer Dispute Redressal Commissions ('SCDRC'): For cases where the value of goods/services is between ₹50 lakhs and ₹2 crores.<sup>5</sup>
- National Consumer Dispute Redressal Commissions ('NCDRC'): For cases where the value of goods/services exceeds ₹2 crores.<sup>6</sup>

### **Who can file a complaint?**

The CP Act, 2019 defines a consumer as anyone who buys goods or hires/avails services, including transactions conducted through electronic means, teleshopping, direct selling, or multi-level marketing, whether offline or online, for consideration, and utilises such goods or services for their own personal use and not for the purpose of resale or any other commercial purpose.<sup>7</sup> Apart from a consumer, a complainant under the CP Act, 2019 could be any registered voluntary consumer association, Central or State Governments, CCPA, multiple consumers with the same interest, legal heirs or representatives of deceased consumers or parents or guardians of minors.<sup>8</sup>

**Did you know?** *In the case of consumers with disabilities, complaints can also be filed by their representatives, as seen in various CDRC orders. For example, in Life Insurance Corporation v. Anil Laxman Matade (2020), a mother filed a complaint on behalf of her daughter, who has an intellectual disability, after her insurance claim was denied. The Maharashtra SCDRC ordered the insurance amount to be provided, along with compensation of ₹2,50,000 for the daughter's well-being due to the arbitrary decisions made by the insurance company.<sup>9</sup>*

### **When to file a complaint?**

Under the CP Act, 2019, a complaint can be filed with CDRC in relation to any goods sold or delivered or agreed to be sold or delivered or any service provided or agreed to be provided, on the following grounds:<sup>10</sup>

- **Unfair contract/unfair or restrictive trade practice<sup>11</sup>:** When the terms of the contract, or practices adopted by manufacturers, sellers or service providers are unfair to a consumer.  
*Example: A person with disability buys a subscription to an entertainment app and later finds undisclosed fees and vague cancellation terms.*
- **Defect in goods<sup>12</sup>:** When a product has any fault, imperfection or shortcoming in its quality, quantity, potency, purity or standard.  
*Example: A hearing aid emits whistling sounds when worn, making it uncomfortable or unusable.*
- **Deficiency in service<sup>13</sup>:** When there is any fault, imperfection, shortcoming or inadequacy in the quality, nature, and manner of performance of a service.

<sup>5</sup> Rule 4, Consumer Protection (Jurisdiction of the District Commission, the State Commission and the National Commission) Rules, 2021.

<sup>6</sup> Rule 5, Consumer Protection (Jurisdiction of the District Commission, the State Commission and the National Commission) Rules, 2021.

<sup>7</sup> Section 2(7), Consumer Protection Act, 2019.

<sup>8</sup> Section 2(5), Consumer Protection Act, 2019.

<sup>9</sup> *Life Insurance Corporation v. Anil Laxman Matade* [Revision Petition No. 1849 Of 2019].

<sup>10</sup> Section 2(6), Consumer Protection Act, 2019.

<sup>11</sup> Section 2(41), 2(46) & 2(47), Consumer Protection Act, 2019.

<sup>12</sup> Section 2(10), Consumer Protection Act, 2019.

<sup>13</sup> Section 2(11), Consumer Protection Act, 2019.

*Example: A cab ride service app denied customer care support to a person with disability due to lack of accessible support options.*

- **Charging of excess prices<sup>14</sup>:** When the price charged is more than the price legally fixed, displayed or agreed upon between the parties.

*Example: A person with a visual impairment orders groceries online and is charged more than the displayed prices.*

- **Sale or offering of hazardous goods or services<sup>15</sup>:** When a product or service is unsafe or hazardous to life and safety.

*Example: A restaurant delivered insect-infested food to a person with a visual impairment.*

- **Product liability action<sup>16</sup>:** When a product causes harm to a consumer and compensation can be claimed.

*Example: A person with a hearing impairment buys a smart home device that fails to alert them to an emergency due to a defect, leading to injury.*

### **How to file a complaint?**

Complaints must be filed within two years from the date the cause of action arose.<sup>17</sup> If there is a delay, the CDRC may still allow the complaint if sufficient cause for the delay is shown.<sup>18</sup> The process to file a complaint is as follows:<sup>19</sup>

#### **Step 1: Intimation via Notice (Optional)**

Before proceeding with legal action, it is advisable, but not mandatory, to send a notice to the opposite party against whom the complaint is made. This notice should outline the defects or deficiencies and state the intention to pursue legal action if the issue is not resolved. This step, while is optional, can often lead to a resolution without the need for further action.

**Illustration:** A person buys a specialised mobility scooter, which is advertised as being suitable for persons with locomotor disabilities. However, the person discovers that it has a significant design flaw that makes it difficult and unsafe to operate. Since the issue stems from defect in design, the notice can be sent to the manufacturer.

#### **Step 2: Drafting the Consumer Complaint**

A formal consumer complaint may be filed if the opposite party fails to resolve the issue or provide an appropriate solution. The complaint should include personal details, details of the dispute, relief sought, supporting documents such as bills, receipts etc., and signature of the complainant or an authorised agent.

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<sup>14</sup> Section 2(6)(iv), Consumer Protection Act, 2019.

<sup>15</sup> Section 2(6)(v) & 2(6)(vi), Consumer Protection Act, 2019.

<sup>16</sup> Section 2(35), Consumer Protection Act, 2019.

<sup>17</sup> Section 69(1), Consumer Protection Act, 2019.

<sup>18</sup> Section 69(2), Consumer Protection Act, 2019.

<sup>19</sup> Information about the procedure can be found in the Consumer Court FAQ's <<https://consumerhelpline.gov.in/hi/ConsumerCourt.pdf>> accessed 8th October, 2024; INGRAM Consumer Protection Act 2019 FAQ's <<https://consumerhelpline.gov.in/faq-details.php?fid=Consumer+Protection+Act+2019>> accessed 8th October, 2024.



### **Step 3: Gathering Necessary Documents**

It is essential to gather all relevant documents that support the complaint. These could include:

- The drafted consumer complaint;
- Copies of bills, receipts, and warranties;
- Copies of written complaints and notices sent to the opposite party, and
- An affidavit verifying that the facts presented are true.

### **Step 4: Determining Jurisdiction**

Under the CP Act, 2019, the complaint has to be filed within the local jurisdiction where the opposite party or the complainant resides, conducts business, or where the cause of action arose.<sup>20</sup> The pecuniary jurisdiction would determine the CDRC one should approach.

### **Step 5: Filing the Complaint**

Complaints can be filed either offline or online, and it is not necessary to approach an advocate to file the complaint.<sup>21</sup>

#### *Offline Filing:*

- The complaint can be written on plain paper and submitted in person at the concerned CDRC.
- Three copies of the complaint are required, with additional copies for each opposite party.
- The necessary filing fee, if any, must be paid via demand draft.

#### *Online Filing:*

The 'e-Daakhil' portal (<https://edaakhil.nic.in>) is designed for filing consumer complaints directly with CDRCs. It allows users to lodge complaints and simplifies the process of filing and tracking them. The process includes:

- Registration: Creation of a user account through the e-Daakhil portal.
- Filing: Filing and submitting complaint by entering the necessary details and uploading supporting documents.
- Complaint ID: After submission, a unique complaint ID will be generated for tracking purposes.

Once a complaint is filed, the concerned CDRC will refer the complaint to the opposite party. Attendance at hearings is required, and additional documentation may be requested. Once an order from the CRDC is issued, it shall be enforced as any decree made by a Court.<sup>22</sup>

#### ***What kind of remedy is provided?***

When the CDRC is satisfied with the claims made by the complainant, the opposing party can be directed to<sup>23</sup>:

- Remove defects in goods or services
- Provide replacement or refund along with interest
- Compensate for loss or injury

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<sup>20</sup> Section 34(2) & 47(4), Consumer Protection Act, 2019.

<sup>21</sup> Section 35, Consumer Protection Act, 2019.

<sup>22</sup> Section 71, Consumer Protection Act, 2019.

<sup>23</sup> Section 39, Consumer Protection Act, 2019.

- Discontinue unfair trade practices
- Withdraw and stop manufacturing and offering hazardous goods or services
- Issue corrective advertisements
- Provide adequate costs to parties
- Discontinue misleading advertisements

If the complainant is not satisfied with the CDRC's order, they can file an appeal with the higher CDRC within the following timeframes:

- DCDRC to SCDRC: Appeals must be filed within 45 days.<sup>24</sup>
- SCDRC to NCDRC: Appeals must be filed within 30 days.<sup>25</sup>
- NCDRC to Supreme Court: Appeals must be filed within 30 days.<sup>26</sup>

#### **Examples of complaints filed by consumers with disabilities before CDRC**

**Defective wheelchair:** The complainant, a person with locomotor disability, bought a wheelchair from a company, however, the wheelchair turned out to be *defective*. The Chandigarh DCDRC directed the company to provide a replacement of the wheelchair with a new one within the time period of 45 days.<sup>27</sup>

**Inaccessible movie theatre:** The complainant, who is a wheelchair user, went to a cinema hall to watch a film but since there were no ramps or elevators, he could not reach his seat. The Thiruvallur DCDRC noted that the lack of accessibility at the theatre was in violation of the rights of persons with disabilities and constituted a *deficiency in service*. The cinema hall management was directed to pay ₹1,00,000 in compensation.<sup>28</sup>

**Faulty mobile phone and denial of customer service:** A complainant, who has a visual impairment, purchased a mobile phone that stopped functioning after a software update. When he sought free service, the company refused, citing that the warranty had expired. The Kollam DCDRC ruled that the defect occurred within reasonable usage and directed the company to refund the full cost of the phone. The DCDRC also noted that denying free service to the visually impaired complainant amounted to a substantial *deficiency in service*. Given the hardships faced, the company was ordered to pay ₹10,000 in compensation.<sup>29</sup>

**Denial of admission in private school due to disability:** The complainant, who is a mother of a child with a hearing impairment, paid an admission fee to a private school, but they denied admission due to the child's disability and consequently the child had to enrol in a different school. The Gurgaon DCDRC noted that the school provided *deficient services* to the complainant and was ordered to refund the admission fee with interest and pay ₹25,000 in compensation to the complainant.<sup>30</sup>

<sup>24</sup> Section 41, Consumer Protection Act, 2019.

<sup>25</sup> Section 51, Consumer Protection Act, 2019.

<sup>26</sup> Section 67, Consumer Protection Act, 2019.

<sup>27</sup> *Sandeep Singh v. Neo Motion Assistive Pvt. Ltd.* [Consumer Complaint No. 89/2024].

<sup>28</sup> *S. Suresh v. The Manager i/c, Gokulam Cinemas* [Consumer Complaint No. 14/2023].

<sup>29</sup> *Subi George v. Samsung Electronics & Ors.* [Consumer Complaint. No. 296/2023].

<sup>30</sup> *Sneh Lata v. Bal Bharti Public School* [Consumer Complaint No. 610/2023].

**Denial of concession in public bus:** The complainant, a person with a locomotor disability, was denied concessional fare on a state transportation service and was asked to pay the full fare despite presenting a valid disability certificate. The Maharashtra SCDRC ordered the state transportation authority to refund the *excess fare* and awarded compensation of ₹3,000 to the complainant for mental agony.<sup>31</sup>

**Mistreatment or harassment by shopkeeper:** The complainant, a person with a locomotor disability, received a defective mobile phone from a store. When he asked for a replacement, he was ill-treated by the shopkeeper. The Dindigul DCDRC noted that such treatment against the consumer constituted *deficient services*, and the shopkeeper was ordered to provide refund and compensation of ₹5,000 to the complainant.<sup>32</sup>

**Failure to consider a concession train ticket:** The complainant's son, who has intellectual disability, bought a concessional ticket, however the railway staff charged *excessive fare* disregarding the concessional ticket. The Anantapur DCDRC directed the divisional manager to refund the fare along with interest and compensation of ₹500 for mental agony.<sup>33</sup>

**Delayed possession of a house purchased at a discounted rate:** The complainant, a person with a locomotor disability, purchased a house at a discounted rate from the builder based on his disability status. However, the possession of the house was not given within the stipulated time. After filing a complaint, the complainant eventually received possession, and the NCDRC directed the builder to pay compensation in the form of interest at 9% p.a. for the delayed possession.<sup>34</sup>

**Denial of concession on purchase of flat:** The complainant applied for a Delhi Development Authority ('DDA') flat under the "person with disability" category and was entitled to a concession, which the DDA failed to provide despite multiple reminders. Eventually, the complainant cancelled the booking and demanded a refund of the deposit along with compensation. The Amritsar DCDRC ruled that DDA's conduct amounted to a *deficiency in service* and *unfair trade practice*, directing them to refund the deposit with interest and pay ₹50,000 as compensation for mental and physical agony.<sup>35</sup>

**Inadequate care and education:** The complainant's son, who has autism, was enrolled in a school which failed to provide proper education, causing him to forget previously acquired skills. The Hyderabad DCDRC noted a *deficiency in service* and ordered the school to refund a portion of the admission fee. The decision was later upheld by the Telangana SCDRC.<sup>36</sup>

**Failure to provide wheelchair assistance at the airport:** The complainant, a person with locomotor disability, was denied pre-booked seats and wheelchair assistance at Delhi

<sup>31</sup> *Shri Nandkishor Gajananrao Samarth v. The Secretary, Maharashtra State and Ors.* [First Appeal No. A/09/804].

<sup>32</sup> *Thomas v. M/s.Poorvika Mobiles P Ltd.* [Consumer Complaint No. 9/2018].

<sup>33</sup> *Shri N. Prabhakar Naidu v. The Senior Divisional Commercial Manager* [Consumer Complaint No. 142/2007].

<sup>34</sup> *Sahara City Homes Ltd. v. Ajit Singh* [First Appeal No. 1857/2018].

<sup>35</sup> *Anil Shah v. Delhi Development Authority and Ors.* [First Appeal No.102/2022].

<sup>36</sup> *Rainbow International v. Misbha fatima* [First Appeal No. 647/2014].

Airport. The NCDRC noted that denying pre-booked seats and not providing wheelchair assistance at the airport constituted a *deficiency in service* and awarded the passenger ₹5,00,000 in compensation and ₹25,000 in costs, considering the inconvenience and mental agony caused to the consumer.<sup>37</sup>

#### 4. Central Consumer Protection Authority

##### **What is it?**

CCPA is a regulatory body, established under CP Act, 2019 to regulate matters related to violations of consumer rights, unfair trade practices, and misleading advertisements. It aims to protect the rights of consumers as a class.<sup>38</sup> It has the authority to inquire into violations and can file complaints before any of the CDRCs.<sup>39</sup>

##### **When to file a complaint?**

Under the CP Act, 2019 provides the following rights to consumers:<sup>40</sup>

- Right to Safety: Protection against the marketing of goods, products or services which are hazardous to life and property
- Right to Information: Information about the quality, quantity, potency, purity, standard and price of goods, products or services, to protect the consumer against unfair trade practices
- Right to Access: Assurance, wherever possible, of a variety of goods, products or services at competitive prices
- Right to be Heard: Assurance that consumer's interests will receive due consideration at appropriate CDRCs
- Right to seek Redressal: Against unfair trade practices or restrictive trade practices or unscrupulous exploitation of consumers
- Right to Consumer awareness

In cases where the rights of “consumers as a class” are violated, a complaint can be submitted to any one of the authorities, i.e., District Collector or the Commissioner of regional office or CCPA.<sup>41</sup> Typically, for disputes between an individual consumer and a manufacturer, seller, or service provider, a complaint is filed with the CDRC, which is discussed in the previous section. However, when the rights of consumers as a collective group are infringed, the appropriate authorities for filing complaints are the District Collector or the CCPA.

**Illustration:** For example, in 2022, the CCPA took a suo-motu case against Snapdeal for selling pressure cookers that did not conform to BIS standards, violating consumers' right to safety and right to information.<sup>42</sup> However, there is no record of the CCPA addressing a case involving a

<sup>37</sup> *Air India v. Gokul Chandra* [First Appeal No. 399/2017].

<sup>38</sup> Section 10, Consumer Protection Act, 2019.

<sup>39</sup> Section 18(2)(a), Consumer Protection Act, 2019.

<sup>40</sup> Section 2(9), Consumer Protection Act, 2019.

<sup>41</sup> Section 17, Consumer Protection Act, 2019.

<sup>42</sup> F.No.J-25/25/2022-CCPA (Pt.1)

<[https://doca.gov.in/ccpa/checkuploaddocs.php?updocs=./uploads/1704107776-snapdeal%20order%2013.04.2023.pdf&unique\\_id=NjkzODI1MTM1MTkwMTY1NjkzODI1MTM1MTkwMQ](https://doca.gov.in/ccpa/checkuploaddocs.php?updocs=./uploads/1704107776-snapdeal%20order%2013.04.2023.pdf&unique_id=NjkzODI1MTM1MTkwMTY1NjkzODI1MTM1MTkwMQ)> accessed 8th October, 2024.

consumer with a disability.

### **How to file a complaint?**

CCPA does not handle individual consumer grievances. It typically takes suo-motu action or can inquire or investigate based on a complaint received or on directions from the Central Government, against concerns about widespread consumer rights violations or unfair trade practices or misleading advertisements. Complaints can be forwarded either in writing or in electronic mode, to any one of the authorities, i.e., District Collector or the Commissioner of regional office or the Central Authority through their official email address - [com-ccpa@gov.in](mailto:com-ccpa@gov.in).

### **What kind of remedy is provided?**

The reliefs available include:

- Recall of goods or withdrawal services that are dangerous, unsafe or hazardous, along with reimbursement<sup>43</sup>
- Discontinuation of practices which are unfair and prejudicial to consumers' interest<sup>44</sup>
- Issuance of directions or imposition of penalties for misleading advertisements<sup>45</sup>

Appeals against orders issued by the CCPA can be made to the NCDRC within 30 days.<sup>46</sup> Non-compliance with the order of the CCPA can result in imprisonment for a term which may extend to six months or with fine which may extend to twenty lakh rupees, or with both.<sup>47</sup>

### **Using CCPA constructively**

Consumer rights organisations or consumers can send a dossier or report to the CCPA detailing a violation of consumer rights or a particular issue prejudicial to the interests of consumers as a class. These submissions can prompt the authority to investigate, and once the CCPA investigates the issue, it can set new policy standards, issue new or update regulations to ensure consumer protection. For example, when the CCPA was made aware of advertisements from online betting and gambling platforms, it issued an advisory cautioning these platforms against such advertisements.<sup>48</sup>

**Illustration:** A group of consumer and disability rights organisations may collectively file a report on lack of accessibility in a particular industry. In response, the CCPA can issue new guidelines or advisories ensuring certain accessibility standards for products and services catering to consumers with disabilities.

<sup>43</sup> Section 20(a) & 20(b), Consumer Protection Act, 2019.

<sup>44</sup> Section 20(c), Consumer Protection Act, 2019.

<sup>45</sup> Section 21, Consumer Protection Act, 2019.

<sup>46</sup> Section 24, Consumer Protection Act, 2019.

<sup>47</sup> Section 88, Consumer Protection Act, 2019.

<sup>48</sup> Central Consumer Protection Authority Advisory, CCPA-1/1/2024-CCPA  
<<https://doqa.gov.in/ccpa/files/Advisory-6.pdf>>

## PART II: Disability Rights Framework

The Rights of Persons with Disabilities Act, 2016 ('RPwD Act, 2016') is a comprehensive legislation that ensures protection, promotion, and full participation of persons with disabilities in society. It outlines a range of entitlements for persons with disabilities and establishes responsibilities for both public and private entities. From a consumer perspective, it delineates several rights and offers guidance on the actions they can take if these rights are violated.

### **Who is a person with disability under the RPwD Act, 2016?**

A person with disability means a person with long term physical, mental, intellectual, or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others.<sup>49</sup> The RPwD Act, 2016 recognises 21 disabilities, broadly covering: physical disability, intellectual disability, mental illness, chronic neurological conditions and blood disorders and multiple disabilities.<sup>50</sup>

### **What rights do consumers with disabilities have under the RPwD Act, 2016?**

The following are the rights of persons with disabilities and the responsibilities of different bodies that might be relevant from a consumer perspective:

- **Right to equality and non-discrimination:** The appropriate government is required to ensure that all persons with disabilities enjoy the right to equality, life with dignity and respect for their integrity equally with others. The RPwD Act, 2016 also prohibits discrimination on the ground of disability.<sup>51</sup>

**Illustration :** *In the case of Jeeja Ghosh v. Union of India (2016), a woman with a disability was deplaned by airline staff due to her disability. The Supreme Court directed the airline to pay her a compensation of ₹10,00,000 for violating Civil Aviation Requirements and for engaging in discriminatory practices against her.*<sup>52</sup>

- **Right to reasonable accommodation:** Reasonable accommodation refers to the necessary and appropriate modifications and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others.<sup>53</sup> Denial of reasonable accommodation is considered discrimination under the RPwD Act, 2016.<sup>54</sup>

**Illustration:** *If a movie is inaccessible to a consumer with a visual or hearing impairment, the movie maker is responsible for providing reasonable accommodations, such as subtitles, captions, or audio descriptions, to ensure accessibility. Both government entities and private parties are obligated to offer reasonable accommodations to persons with disabilities. These observations were made by the Delhi High Court in Akshat Baldwa & Ors. v. Yash Raj Films & Ors (2023).*<sup>55</sup>

<sup>49</sup> Section 2(s), Rights of Persons with Disabilities Act, 2016.

<sup>50</sup> Schedule, Rights of Persons with Disabilities Act, 2016.

<sup>51</sup> Section 3, Rights of Persons with Disabilities Act, 2016.

<sup>52</sup> *Jeeja Ghosh v. Union of India* [(2016) 7 SCC 761].

<sup>53</sup> Section 2(y), Rights of Persons with Disabilities Act, 2016.

<sup>54</sup> Section 2(h), Rights of Persons with Disabilities Act, 2016.

<sup>55</sup> *Delhi High Court in Akshat Baldwa & Ors. v. Yash Raj Films & Ors* [2024 SCC OnLine Del 2125].



- Universally designed consumer goods: The appropriate government is required to take measures to promote development, production and distribution of universally designed consumer products and accessories for general use for persons with disabilities.<sup>56</sup>
- Accessible built environment: All establishments both private and public are required to adhere to the accessibility rules formulated by the Central Government that is the Harmonised Guidelines and Space Standards for Universal Accessibility in India, 2021 (<https://niua.in/intranet/sites/default/files/2262.pdf>).<sup>57</sup>
- Accessible transportation: The appropriate government is required to ensure that all modes of transport are accessible to persons with disabilities.<sup>58</sup>

**Illustration:** *If a person who uses a wheelchair plans to board a bus but finds that it is inaccessible as the door is not wide enough for a wheelchair to enter, the relevant government department responsible for that bus service would be in violation of the RPwD Act, 2016. The Supreme Court in *Rajive Raturi v. Union of India* (2017) held that it is the duty of the government to ensure that both government and private buses are accessible for persons with disabilities.<sup>59</sup>*

- Accessible services: The service providers, whether government or private, are obligated to provide services in accordance with the rules on accessibility formulated by the Central Government.<sup>60</sup> Specific to Information and Communication Technology ('ICT') products and services, all service providers are obligated to adhere to Accessibility for the ICT Products and Services Part 1 and Part 2 ([https://standardsbis.bsbedge.com/BIS\\_SearchStandard.aspx?keyword=Accessibility%20f or%20the%20ICT%20Products%20and%20Services&id=0](https://standardsbis.bsbedge.com/BIS_SearchStandard.aspx?keyword=Accessibility%20f or%20the%20ICT%20Products%20and%20Services&id=0)).
- Access to justice: Every person with a disability has the right to access any court, tribunal, authority, commission, or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of disability.<sup>61</sup>

### **What to do when these rights are violated?**

In case of violation of any provisions of the RPwD Act, 2016 or any other safeguards available to persons with disabilities, a complaint can be made to:

- Chief Commissioner for Persons with Disabilities ('CCPD'): A complaint can be filed with CCPD in matters where the Central Government is the appropriate government.<sup>62</sup>
- State Commissioner for Persons with Disabilities ('SCPD'): A complaint can be filed with SCPD in matters where the State Government is the appropriate government.<sup>63</sup>

### **How to register a complaint?<sup>64</sup>**

<sup>56</sup> Section 43, Rights of Persons with Disabilities Act, 2016.

<sup>57</sup> Section 44, Rights of Persons with Disabilities Act, 2016.

<sup>58</sup> Section 41, Rights of Persons with Disabilities Act, 2016.

<sup>59</sup> *Rajive Raturi v. Union of India* [(2018)2SCC413].

<sup>60</sup> Section 46, Rights of Persons with Disabilities Act, 2016.

<sup>61</sup> Section 12(1), Rights of Persons with Disabilities Act, 2016.

<sup>62</sup> Section 75(b), Rights of Persons with Disabilities Act, 2016.

<sup>63</sup> Section 80(b), Rights of Persons with Disabilities Act, 2016.

<sup>64</sup> The procedure for registering a complaint with the CCPD is provided under Rule 38 of the Rights of Persons with Disabilities Rules, 2017. The process is also available on the website of the Chief

## Chief Commissioner for Persons with Disabilities

A complaint may be filed:

- In-person or through a representative by filing a written complaint;
- Through registered post addressed to Office of the Chief Commissioner for Persons with Disabilities (Divyangjan) 5th Floor, NISD Building, Plot No.G-2, Sector-10, New Delhi-110075 - Telephone no- 011-20892364, 20892275;
- By e-mail addressed to [ccpd@nic.in](mailto:ccpd@nic.in); or
- Through an online complaint portal (<https://ccpdcourt.gov.in/>).

An aggrieved person may present a complaint containing the following particulars in person or by his agent, namely:

- the name, description and the address of the aggrieved person;
- the name, description and the address of the opposite party or parties, as the case may be, so far as they may be ascertained;
- the facts relating to complaint and when and where it arose;
- documents in support of the allegations contained in the complaint; and
- the relief which the aggrieved person claims.

The following documentation is required while filing a complaint:

- A copy of the disability certificate of the aggrieved person with disability
- Documents in support of the allegation contained in the complaint (optional)

## State Commissioner for Persons with Disabilities:

The procedure may vary across states and is outlined in the respective State Rights of Persons with Disabilities Rules. An aggrieved person can visit the respective website of the SCPD to learn more about the process. A list of SCPDs is available on the website of the Office of Chief Commissioner for Persons with Disabilities (<https://ccpd.nic.in/list-of-states-uts-commissioners/>).

### **What kind of remedy is provided?**

After the proceedings, the CCPD/SCPD can issue a recommendation to the relevant authority, which is required to take necessary action and report back to the CCPD/SCPD within three months.<sup>65</sup> If the authority chooses not to accept the recommendation, it must provide reasons for its non-acceptance to the CCPD/SCPD and inform the aggrieved person, all within the same three-month period.<sup>66</sup>

### **Examples of complaints related to goods and services filed before the CCPD/SCPD**

**Inaccessible healthcare website:** A person with visual impairment filed a complaint against Practo, an online healthcare service provider, for failing to make its website and mobile application accessible in compliance with accessibility standards. The CCPD recommended

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Commissioner or the Commissioner <<https://ccpd.nic.in/learn-how-to-register-a-complaint/>> accessed 8th October, 2024.

<sup>65</sup> Section 76 & 81, Rights of Persons with Disabilities Act, 2016.

<sup>66</sup> The scope of the powers of the CCPD, including handling disputes and addressing non-compliance with their orders, is currently under review by the Delhi High Court in the case *Mukesh Kumar v. National Power Training Institute* (LPA 980/2024).



that Practo make both its website and app fully accessible to persons with disabilities. Additionally, the CCPD recommended the Director-General of Health Services to ensure that Practo complies with accessibility mandates.<sup>67</sup>

**Denial of health insurance:** Insurance companies refused to provide health insurance to a woman with intellectual disability. The CCPD recommended the Insurance Regulatory and Development Authority of India to revise the policy framework of insurance from the perspective of persons with disabilities with a particular reference to Article 25(e) of United Nations Convention on Rights of Persons with Disabilities.<sup>68</sup>

**Denied entry into a cab:** An Uber driver refused to load the wheelchair of a person with a locomotor disability and cancelled the ride without refund. The Delhi SCPD, taking suo-motu cognizance, held Uber liable for the discriminatory behaviour of its driver and recommended compensation for the aggrieved individual, considering the stress caused. It also advised Uber to introduce driver training on disability and urged the Central Government to frame a policy for manufacturing disability-friendly cars.<sup>69</sup>

**Inaccessible travel website:** The complainant, who is a person with visual impairment, raised concerns about the inaccessibility of the website of the private travel company, MakeMyTrip. In response, the CCPD recommended that MakeMyTrip make its website accessible to persons with disabilities, and the company informed the CCPD that it complied with this recommendation.<sup>70</sup>

**Inaccessible ATM machines:** A complaint was filed emphasising the need for bank branches and ATMs to be made accessible to persons with disabilities in accordance with the provisions of the RPwD Act, 2016, and the advisory issued by the Reserve Bank of India. In response, the CCPD directed the Department of Financial Services to ensure that ATMs and other financial facilities are accessible to persons with disabilities, particularly those with visual impairments.<sup>71</sup>

**Inaccessible KYC procedures:** The complainant, a person with a hearing disability, applied for an Axis Bank credit card, and a video Know Your Customer ('KYC') process was conducted to complete the application online. However, the KYC process was not accessible to her. In response, the CCPD recommended that Axis Bank implement KYC procedures in formats accessible to persons with disabilities of all categories.<sup>72</sup>

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<sup>67</sup> *Rahul Bajaj v. Practo Technologies Pvt. Ltd. & Ors.* [Case No. 13205/1102/2022].

<sup>68</sup> *Chander Mohan v. Life Insurance Council* [Case No. 114/1092/12-13].

<sup>69</sup> *Suo Motu v. The Uber India* [Case No.996/1108/2019/06].

<sup>70</sup> *Amena Kanchwala v. MakeMyTrip Private Limited* [Case No. 13242/1101/2022].

<sup>71</sup> *Shri K. Palaniyappan v. Department of Financial Services* [Case No. 9900/1102/2018].

<sup>72</sup> *Saraswathi Chandrasekaran v. MD & CEO, Axis Bank Limited* [Case No. 134 76/1102/2022].

## Snapshot

The 'Consumer Protection Framework' and the 'Disability Rights Framework,' represent the two key frameworks that safeguard the rights of consumers with disabilities in India. While both provide various protections, they differ in their scope and applicability.

The Consumer Protection Framework, governed by the CP Act, 2019 applies to all consumers and focuses on protecting consumers against commercial malpractices. It provides four key avenues for grievance redressal: NCH, Sectoral Grievance Redressal Mechanisms, CDRCs and CCPA. Among these, CDRCs serve as the official mechanism for filing individual complaints and obtaining legal remedies. On the other hand, the Disability Rights Framework, governed by the RPwD Act, 2016, includes provisions for equal treatment, access to goods and services, access to justice, reasonable accommodation and grievance redressal through CCPD/SCPD.

Below are the key factors that a consumer with a disability should consider before deciding which of the two mechanisms to use when filing a complaint:

Particulars	CDRC	CCPD/SCPD
<b>Whom the Complaint is Against</b>	Typically, complaints are filed against individual entities such as manufacturers, service providers, or sellers for violations under the CP Act, 2019.	The RPwD Act, 2016 primarily focuses on the government to ensure the protection of rights for persons with disabilities. However, it does place certain responsibilities on the private sector as well.
<b>Type of Complaints</b>	Complaints can be filed on grounds of unfair contract/unfair or restrictive trade practice, defect in goods, deficiency in service, excess pricing, sale or offering of hazardous goods or services and product liability action.	Complaints can be filed in cases where persons with disabilities are deprived of their rights and safeguards provided under the RPwD Act, 2016 and other relevant laws and policies.
<b>Type of Remedy</b>	Orders are issued to the manufacturers, service providers, or sellers to remove defects, provide replacement or refund, provide compensation, discontinue unfair trade practices, and withdraw hazardous goods or services	Orders are issued to the entity that has violated the right of the complainant under the RPwD Act, 2016 to take corrective measures.
<b>Enforceability of Orders</b>	Orders issued by the CDRC are binding in nature.	Orders issued by CCPD and SCPD are recommendatory in nature.

[For any queries, please feel free to reach out via email at [consumerlaw@nls.ac.in](mailto:consumerlaw@nls.ac.in) and [vclp@vidhilegalpolicy.in](mailto:vclp@vidhilegalpolicy.in)]