

रोहित कुमार सिंह
भा प्र से
Rohit Kumar Singh
IAS



सचिव
भारत सरकार
उपभोक्ता मामले विभाग
Secretary
Government of India
Department of Consumer Affairs

D.O. No. J-24/34/2023-CPU

Dated: 26th May, 2023

1. Shri Kumar Rajagopalan, CEO
Retailers Association of India (RAI)
111/112, Ascot Centre, Near Hotel
ITC Maratha, Sahar Road,
Sahar, Andheri (E), Mumbai – 400099

2. Shri R Dinesh, President
The Confederation of Indian
Industry (CII)
The Mantosh Sondhi Centre
23, Institutional Area, Lodi Road,
New Delhi - 110 003

3. Shri Subhrakant Panda, President
The Federation of Indian Chambers of
Commerce & Industry (FICCI)
Federation House, Tansen Marg, New
Delhi, 110001

4. Shri Ajay Singh, President
The Associated Chambers of
Commerce & Industry of
India (ASSOCHAM)
4th Floor, YMCA Cultural Centre
and Library Building, 01, Jai Singh
Road, New Delhi – 110001

5. Shri Saket Dalmia, President
PHD Chamber of Commerce and
Industry
PHD House, 4/2 Siri Institutional Area
August Kranti Marg, New Delhi
110016

6. Shri Praveen Khandelwal,
Secretary General
Confederation of All India Traders
(CAIT)
Vyapar Bhawan, 925/1, Naiwalan,
Karol Bagh, New Delhi – 110005.
India.

Dear Sir,

It has been brought to our attention that a number of grievances are being registered on the National Consumer Helpline (NCH) about the fact that many retail stores are compelling consumers to submit their mobile number before purchasing a product. Further, in case of denial to provide the same, consumers



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were, in many cases, denied their rights under the Consumer Protection Act, 2019 ('Act') by retailers either declining to sell the product or service and/or also rejecting any refund, exchange etc. A sample of such complaints is attached herewith as **Annexure – I**.

2. It may be mentioned that insisting on mobile number during the sale of a product as a pre-requisite mandatory condition, even when a consumer opts not to provide the same, is a violation of their rights and constitutes unfair trade practice under the Act.

3. "Consumer rights", as defined under Section 2(9) of the Act includes the right to seek redressal against unfair trade practice or restrictive trade practices or unscrupulous exploitation of consumers. Further, sub-sections 46 and 47 of Section 2 of the Act define "unfair contract" and "unfair trade practices" respectively, which inter alia includes:-

- (i) imposing on the consumer any unreasonable charge, obligation or condition which puts such consumer to disadvantage.
- (ii) disclosing to other person any personal information given in confidence by the consumer unless such disclosure is made in accordance with the provisions of any law for the time being in force.

4. You would be aware that under Section 72-A of the Information Technology Act, 2000, disclosing personal information of a person including mobile number obtained **at the time of a sale, without her/his consent** or in breach of a lawful contract, to any other person, is a punishable offence.

5. By imposing a mandatory requirement to provide mobile number, consumers are often forced to share their personal information, against their will, after which consumers are often flooded with marketing and promotional messages from retailers, which they did not even opt for at the time of purchasing the product.

6. Restricting consumers to buy products or to return, exchange, and refund or resolving consumer grievance solely on the ground that the consumer has not shared her/his mobile number, constitutes unfair trade practice under the



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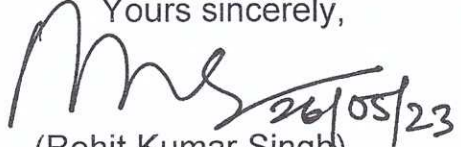


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Act. In the absence of breach of any other terms and conditions of sale, mere non-sharing of phone number cannot be a ground to deprive consumers from exercising their rights under the Act.

7. The Department has taken a serious note of this situation. I urge upon you to suitably advise the retailers that mobile number of the consumers should not be taken without their express consent at the time of sale of any goods or services and, providing the same should not ^{be} made a mandatory pre-condition for sale. Your cooperation in this regard will be highly appreciated.

With regards,

Yours sincerely,

(Rohit Kumar Singh) 26/05/23



Sample of Grievances Registered on National Consumer Helpline

Annexure - I

Grievance Number	Grievance Registration Date	State	City	Grievance Details
3442577	4/24/2022 23:38	ODISHA	BHUBANESHWAR	My family and I bought clothes Unit 2 Market Building on April 23, 2022. When I got home, I saw that the dress I had bought for my daughter was a tight fit. The next day, on April 24, 2022, we went to again to exchange clothes. But the employees did not exchange the clothes. According to them, I did not give my mobile number at the time of the billing. It is mandatory to enter a mobile number when billing. The exchange cannot be made because I did not give the mobile number at the time of the billing. That's why I met with the manager of the mall, but the manager said that he could not help us. According to mall rules, giving a mobile number is mandatory. However, at the time of the bill, the billing staff did not provide any information, and such a provision was not included in the bill. I want to exchange the clothes I bought.
3491881	5/16/2022 10:59	KERALA	TRIVANDRUM	They denied delivering the products at the billing counter when I denied giving them my mobile number. I denied it to save myself from their incessant unwanted SMSs. This is gross violation of my rights as a consumer that they deny products to me without mobile number. They told me that the billing system (software) is designed in such a way that the bill get processed only if mobile number is provided. Therefore, the problem has become systemic in their value chain and needs rectification. Else, I will have to move towards Consumer Court.
3498713	5/18/2022 12:05	UTTAR PRADESH	Lucknow	1. On 9th May at 19:50 I visited there store in Vrindavan Sector 11, Lucknow (PIN-226029). During payment I opted to pay via UPI. There billing rep asked me for my mobile number, which I politely denied and told him that I do not wish to share my personal number. My billing was denied citing that providing mobile number is mandatory for UPI Payment. Later I wrote to there customer care enquiringly whether this was the policy as a company to make phone providing phone number mandatory or this was fault of that particular store. The customer care asked me to provide billing details and mobile number. I told them that my complaint was that I was denied billing for not providing mobile number. After that they did not respond at all. 2. Its against the government directions which clearly states that there is no need to share personal details for making UPI Payment to any merchant. The store denied me billing for totally inappropriate reason. They are forcing customer to give mobile number which they can later use to give promotion calls and spams. There customer service is also not helping in any way. 3. it is requested that appropriate action be taken against them to stop this malpractice of forcibly taking customer mobile number or denying him service for not providing mobile number.
3609152	6/26/2022 18:23	UTTAR PRADESH	Nawabganj	The store refused to sell a torch worth Rs. 399 without my personal details like mobile number and email ID. According to them they say that they comply with IT rules. My right not to provide my personal details for their database was totally overlooked. Their explanation that they need to contact me in case of product deficiency does not hold any water as most of the items they are selling does not have danger elements, Please look into the matter and confirm if refusing to sell with personal details is covered under faulty sale practice.
3792035	8/31/2022 0:08	KARNATAKA	Bangalore	I had purchased items worth ₹525 from a bakery at 4:16pm on 30 Aug, 2021. The shopkeeper asked for mobile number inorder to get the bill. I wasn't ready to share my mobile number. However even after insisting on bill I wasn't provided one. Though giving mobile number is my sole discretion, but as a consumer getting a bill for the products purchased is my right. No consumer can be forced to provide their mobile number. Request you to take immediate action

4037058	11/20/2022 22:51	UTTAR PRADESH	Lucknow	On billing time the retail store staff members were making pressure to share mobile number. When I refused they to share my personal number they marked on my bill as "no exchange" even no exchange policy only applied on discounted items.
4070266	12/2/2022 23:23	JAMMU & KASHMIR	Jammu	Today , I went for buying something at a store situated at above mentioned address. I took my stuff and went for billing and the sales boy asked for my mobile number which I refused to give as there is no such law or policy to share anyone's phone number to shop. He billed my stuff and I paid the amount by swiping my card and I left . After checking the bill I found some over pricing to a particular item which I decided to return back and get my amount refunded . I reached the return counter completed all formalities but they again asked me to share my phone number with them which I denied . In return they denied to refund amd told me unless I will not share my phone number they will not refund infact they dont roll back the amount and told me that the amount will get credited to ur mobile number which can be used in future shpping in the same store. I found this policy very illogical rather illicit. They have some hidden illegal policies by which they fraudulently taking money from innocent customers same they did it with my .Finally, they denied to refund the amount n I left the store . Keeping in view the above facts , I want my amount to be returned back or roll back the amount to my account. Moreover, I request that the store must be directed to put such information or refund policy on display and make it

*Name of the person registering the grievance and the company has not been indicated to protect their identities.

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