



**CFBP**  
COUNCIL FOR FAIR  
BUSINESS PRACTICES  
HAR GRAHAK KI AWAAZ

*Our Mission*

"We shall promote the highest ethical practices, by business and professionals, in order to provide complete satisfaction to consumers and other stakeholders."

# CFBP TIMES

**JUNE - JULY, 2020**

## CFBP - JAMNALAL BAJAJ AWARDS FOR FAIR BUSINESS PRACTICES



The Awards are conferred every year on business and associations, which display an outstanding commitment to Fair Business Practices. It comprises the prestigious CFBP Trophy and a laudatory Citation.

The Awards are open to all Public/Private Sector, Co-operative Ventures, Service Industries, Partnership and Proprietary business, Federations/ Chambers of Commerce, Trade Association and Charitable organizations from all over India.

The Council for Fair Business Practices (CFBP) is a unique, self regulatory body of business and industry dedicated to upholding the voluntary Code of Fair Business Practices. Formed in 1966, CFBP instituted these Awards in 1988 in memory of the Shri Jamnalal Bajaj to honour those who adhere to Fair Business Practices in the interest of the consumer and the community at large.

For Details Contact:

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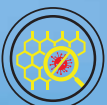
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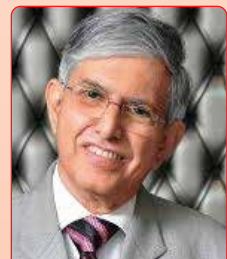
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Nayantara Jain



Sam Balsara



# Heartfelt From The President

**SWAPNIL S. KOTHARI**  
President

It has been an eventful two months. Our temporary shift to virtual meetings has borne fruit with more attendees. Although I hate to say it, Coronavirus has been a boon in some aspects.

On June 10, 2020, our Hon. Treasurer, Advocate Anand Patwardhan spoke at a Webinar on "Misleading Ads and the New Consumer Protection Act, 2019" jointly organised by College of Home Science, Nirmala Niketan and CFBP. It was well-attended and tended to be an enlightening discussion on the current spate of advertisements that tend to promise the moon but hardly deliver. On 22nd June, 2020, 10th July, 2020 and 29th July, 2020, we had our second, third and fourth virtual but 7th, 8th EC and 9th meeting respectively for the year 2019-2020 taking the mandate of CFBP forward. Well-attended, it was an exhilarating experience for all of us.

On 16th July, 2020, we had our second Webinar on "Virtual Schooling – Boon or Bane" in association with the very famous CNM School – its Principal is one of our very capable Invitees. A prolific speaker herself, she moderated and let her students speak on the many pros and cons of virtual schooling. As President of CFBP, I talked a bit about CFBP, its myriad activities and also a bit on virtual schooling. It was well-attended, and hopefully, we shall co-host similar seminars on different topics. We are happy to bring to you the three strategies to survive in the current business scenario by one of our regular contributors who is also our Executive Member. Also, we congratulate him and his organisation for completing a successful 25 years with best wishes for many more such years by re-publishing the commendatory article in *Business India*. A nice poem on lockdown by one of our regular contributors urges us to introspect in life generally. We are proud to publish an article by one of our most esteemed Advisory Board members on *Aarogya Setu App*.

I have to comment on the unnatural death of one of our superlative actors – *Sushant Singh Rajput*. Life is short and we have to achieve many things. Perhaps he knew that and lived each day to the fullest. He had many more dreams, but unfortunately, the Almighty had a different role for him to play in heaven. If it is a murder then let each of us pray for justice to Sushant with our deepest condolences to his near and dear ones.

I end with a quote from one of the greatest talk show hosts,

*"The biggest adventure you can take is to live the life of your dreams."*

*Oprah Winfrey*

*Sushant was a candle that burnt short but full spreading its glow all around!!*

## INVITEES 2018-2020



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Tahera Mandviwala

## CORONAVIRUS PREVENTION



Wear mask



Wash hands



Boil your food



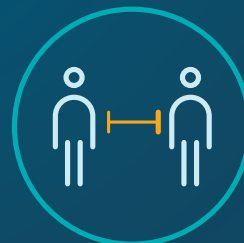
Avoid contact



Use soap & Antibacterial gel



Cough on your elbow

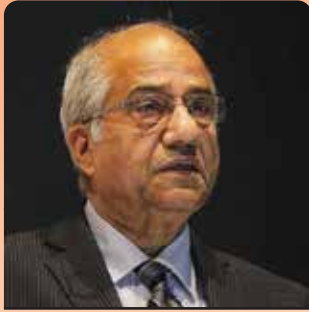


Keep your distance



Regular sleep





**Justice B. N. Srikrishna**  
(Retd. Judge, Supreme Court of India)

Amidst the pandemic, the Union Home Ministry in its guidelines issued on May 1, 2020 made the Aarogya Setu app “mandatory” for employees of private and public sector offices.<sup>1</sup> It also asked local authorities to ensure that everyone uses the App in containment zones, which are areas with high number of coronavirus cases.<sup>2</sup> The App is purported to be used by the government for contact-tracing and disseminating medical advisories to users in order to contain the spread of COVID-19 and has been installed by more than 10 crore smartphone users.<sup>3</sup> This has led to concerns about the data privacy of people who use the app in the absence of a robust data protection regime.

It is pertinent to note that the National Executive Committee under the Ministry of Home Affairs (MHA) issued the aforesaid guidelines under the National Disaster Management Act, 2005. However, India is yet to get its data protection law after the Supreme Court in 2017 declared the right to privacy as fundamental right implicit under Article 21 of the Constitution (*Puttaswamy Judgement*). The Joint Parliamentary Committee on the Personal Data Protection Bill, 2019 is deliberating upon the regulation of personal data.<sup>4</sup>

In this context, the MHA guidelines could not be considered as having sufficient legal backing to make the use of Aarogya Setu mandatory. Legislations such as the National Disaster Management Act and the Epidemic Diseases Act are for a specific reason, and the National Executive Committee, in my view, is not a statutory body, which can mandate the use of the App.

It was surprising to read media reports outlining that the Noida police passed an order stating that not having the Aarogya Setu application would be punishable with imprisonment up to six months or fine up to Rs 1,000.<sup>5</sup> Such an order, in my view, is totally unlawful. India is a democratic country and such orders can be challenged in a court of law. Recently, the government issued a set of guidelines for processing of data collected through Aarogya Setu app that bar storage of data for more than six months and specify jail term for violators of certain rules.<sup>6</sup> The guidelines also provide an option to individuals to seek deletion of their data from the record within 30 days of making such a request.<sup>7</sup> The said protocols, by themselves, would not be adequate to protect the data as they amount to no more than an inter-departmental circular. Although, a conscious effort has been made to align the protocols with the principles of the Personal Data Protection Bill, there is no clarity as to who will store the data and be responsible if

there is a breach of data? The protocols do not specify how the data would be made secure and who should be notified. The protocols are more of a patchwork that will cause more concern to citizens than it will benefit them.

Such orders and protocols should be backed by Parliamentary legislation, which will authorise the executive to issue them at the first place, upholding the principles of separation of powers and democratic character of the government.

The MHA has issued fresh guidelines on May 17, stating that private sector employers should on a “best effort basis” ensure that Aarogya Setu is installed by all employees having compatible phones in order to ensure safety in offices and the workplace.<sup>8</sup> The guidelines also make no mention of whether Aarogya Setu is required to be downloaded by people who live within a containment zone, which was mandated earlier, and state that relevant district authorities “may advise” individuals to install Aarogya Setu on compatible mobile phone apps.<sup>9</sup>

Since the Right to Privacy has been declared to be a Fundamental Right under Article 21 of the Constitution (which guarantees the right to life), any invasion or restriction or infringement of that right has to be looked at askance. The only legitimate way in which personal data can be accessed without consent can be on the basis of a legislation by a competent legislature and that with full compliance with the triple parameters laid down by the Supreme Court in *Puttaswamy judgement*. Any attempt by the executive to short-circuit that procedure must be declared as unconstitutional.

Let us hope that the Personal Data Protection Bill navigates the choppy waters of the Joint Parliamentary Committee and gets passed by Parliament with full protection to the Fundamental Right of Privacy as elucidated so elaborately in the *Puttaswamy Judgement*.

Ref.:

1. <https://thewire.in/government/home-ministry-aarogya-setu-office-workers>
2. Id
3. <https://tech.hindustantimes.com/tech/news/aarogya-setu-india-s-covid-19-tracking-app-now-has-10-crore-users-story-at2phHaAtAlb5uPFDwVll.html>
4. <https://economictimes.indiatimes.com/news/economy/policy/jpc-on-data-bill-to-meet-on-friday-after-4-months-govt-officials-to-brief-the-committee/articleshow/76962346.cms>
5. <https://indianexpress.com/article/cities/delhi/aarogya-setu-app-fine-jail-noida-6394954/>
6. <https://www.ndtv.com/india-news/coronavirus-pandemic-centre-issues-data-processing-rules-for-aarogya-setu-app-amid-privacy-concerns-2227143>
7. Id
8. Point 9(ii), MHA Guidelines dated 17.05.2020 - [https://www.mha.gov.in/sites/default/files/MHAOrderextension\\_1752020\\_0.pdf](https://www.mha.gov.in/sites/default/files/MHAOrderextension_1752020_0.pdf)
9. Id, Point 9(iii)

# The Right Trading Junction



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Evaluating markets to determine the suitable strategy



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## CODE OF CONDUCT

### ■ TO

- Maintain the highest ethical standards in business and professions.
- Ensure maximum transparency to the satisfaction of consumers and other stakeholders
- Consider objectively the viewpoint of the consumers
- Satisfy the consumer with prompt, efficient and friendly service at a reasonable price.

### ■ NOT TO

- Use media to mislead consumers
- Knowingly support activities which are against the laws of the land
- Misuse an advantageous market position to the detriment of consumers

# Revive, Survive, Thrive

In today's difficult times, marketers must keep their businesses Alive through three strategies



**Jagdeep Kapoor**  
Chairman and Managing Director  
Samsika Marketing Consultants Pvt. Ltd.

Businesses can die, but businesses must continue. Businesses can die, but businesses must continue being Alive. For this, my recommendation is a three-pronged strategy of Revive, Survive, Thrive. This is very important in today's turbulent times. It is better to be Alive, than to be dead.

## **Revive**

In my opinion, good marketers must understand that they must Revive their thinking. They must Revive being proactive. They must Revive their aggression. They must Revive their ambition. They must Revive their growth.

All this starts, by being able to Revive positive thinking and looking at the market with optimism. In order to Revive, marketers must focus on things they can do, rather than focus on things they cannot do.

In order to Revive there are plenty of things marketers can do. For this, they need to adapt. For this, they need to stop crying, that markets are closed, but they must start trying to open their mind.

If they open their mind, then it will be easy to Revive because their spirit will be high, and with a positive outlook, they can move ahead to restart their marketing efforts, and Revive their businesses.

In certain businesses, where marketers used to make physical visits and calls, they may now need to do it through video conferences and phone calls. In certain businesses, the customers would reach the stores, the stores may now have to reach the customers. In certain businesses, where they would go out to consume, they may have to have service providers, come in and deliver.

It is very important that marketers Revive their businesses, by their mental strategic and open-minded thinking. Revive is the first step to being Alive.

## **Survive**

Conditions are tough. But they are tough for all. Demand has not subsided, but supply has been disrupted. In this situation, it is important to have a strong instinct to Survive (the survival instinct). To give up is not an option. If you mentally give up, you will land up giving up sales, you will land up giving up market share, you will land up giving up reputation and brand image, and you will land up giving up profits, you will land up giving up customers.

To give up is not the way, in my opinion. To Survive is the second step after Revive in my three step strategy.

A good company or a good business is a going concern. It is not a stopping concern.

In my opinion, brand marketing is like breathing. you cannot stop.

In order to Survive, you need to continue. you may need to adapt your product portfolio of new products, new variants, new sizes and new prices.

In order to Survive, you may need to adapt to new distribution strategies, with new supply chain methods, with new sales techniques and with new relationships.

You may need to adapt advertising methods, to look at new media options, to look at new messaging, to look at new promotion methods.

You need to adapt customer service strategies, to new segmentation strategies, to new target markets, to new organisation structures and to new positioning strategies.

You need to Survive. you need to be Alive.

## **Thrive**

The third strategy in my three-part solution is Thrive after Revive and Survive. This section keeps you more than Alive.

Once you have gone through the process of Revive mentally, physically, economically, and once you have gone through the process of Survive, adaptations and new ways, you need to grow in a robust manner and Thrive.

From the process of restarting in the Revive step to the process of continuing and being going on in the Survive step, you need to be growing on in the Thrive step.

Now, you have your thinking back, now you have your confidence back, now you have your optimism back, now, think of growth and Thrive in this step. you need to take bold steps to reach out to the market, to preach out to customers, to remove obstacles, to get your team motivated by removing negative thoughts, and by actually not only achieving targets, but exceeding targets and growing. Marketers must remember, consumption is still very strong in India. Consumers want to buy and consume.

Do marketers want to supply and sell?

In order to Thrive the question is not according to external customers. The question is about internal thinking and internal team.

This is the time for the marketers to go out with full confidence, whether physically or through telecommunication, conventionally or through new methods and technology, and make their brands Thrive.

I would strongly recommend that in order to be Alive use my three-part strategy of Revive, Survive, Thrive.

Wake up and win, while others are sleeping.



# Always lagega sweater aaj hi khareeda hai.

Ezee ka No soda formula andar jaakar safaai kare aur Micro-conditioners reshon ko rakhein soft, shiny aur naye jaisa.



Liquid Detergent with Micro-Conditioners



# 25 AND COUNTING

Both Samsika and Jagdeep Kapoor's journey is not over yet



Jagdeep Kapoor  
Chairman and Managing Director

Samsika Marketing Consultants Pvt Ltd, a leading brand strategic marketing consultant, celebrating 25 years of operations, has an impressive list of clients, drawn from both multinational and Indian firms. At the helm of operations is brand guru Jagdeep Kapoor, founder chairman & managing director. And Kapoor is proud of the fact that all his 32 clients approached him, "I have never pitched for a single client!"

Kapoor is a visiting faculty member at the Jamnalal Bajaj Institute of Management Studies, Mumbai, of which he is an alumnus. He is also the visiting faculty member of British Council's Strathclyde MBA course and SP Jain Institute.

Respected as a 'Brand Guru', Kapoor is a prolific writer and has published over 1,809 articles on brand marketing and sales in newspapers and magazines such as Business India, Economic Times, Business Today, The Hindu Business Line, Business World, Deccan Herald and The Times of India. He is also the author of several bestselling books; Brand Switch has been launched in the US – including a Spanish edition.

Samsika, derived from the names of his children: son Samridh and daughter Hansika, is "a family business" with Kapoor's wife Sangeeta as his right hand. The company has contributed to the brand building of a large number of brands including Carrier air conditioners, Otis elevators, Navneet Publications, Mother Dairy milk and milk products, Frooti fruit drinks, Cinthol soaps, Godrej Consumer Products, etc, to name just a few. It has derived its own unique process for building winning brands from Asha to Yash (taken from Kapoor's parents names; see flow chart: Samsika process).

Prior to setting up Samsika, Kapoor worked with companies like Voltas – his first job – as a management probationer in the consumer products division, "despite my designation, I was actually just a salesman" he had said at the time. He joined Warner Lambert as a product manager and handled the advertising and marketing of products like Halls and Chiclets – gaining invaluable experience along the way. Other companies he worked for include gtc Industries (marketing manager) and Parle Agro (director), which was his longest stint. His shortest stint – eight months – was with Blue Dart,

which he claims was a turning point for him, "it had me determined to move out on my own". Blue Dart, he says, had excellent systems, operations and computerisation, but was lacking in market orientation, which got him thinking. If such a big company had a gap in marketing perception, many others must have a similar problem and would be "willing to avail of what I had to offer".

## Building brands

After much thought and debate with his wife, with an initial investment of R1.2 lakh which ate up all his savings, and wife Sangeeta by his side, Kapoor set up Samsika. On 3 October 1995 it became operational. The reasons for branching out on his own were many: to spend time with his children, his enjoyment of building brands and getting a chance to work in different categories. "And I wanted to make money!"

Kapoor has conducted over 945 training programmes and has trained over 24,516 MBA students and 28,736-plus Indian managers. He was awarded the 'Visionary of India' award 2014-15 by nexbrands in the category of Brand Guru; and the prestigious cmo Asia Fellowship for outstanding and successful contribution to building winning brands, over three decades, February 2017, among many others. And every year on Saraswati Puja Kapoor gives free consultancy to students, institutions, start-ups and corporates. In 2002 Samsika was awarded the prestigious Jamnalal Bajaj Fair Business Practices National Award from the Council for Fair Business Practices.

He has been chairman of Advertising Works Committee, Advertising Club of Bombay, and was joint secretary of the same. He is often quoted in world marketing publications including John Nabbitt's Mega Trends and is interviewed regularly as a brand-marketing expert on top television channels like BBC, Star News, CNBC and NDTV. Kapoor also hosted the popular Dream Merchants show on Zee TV that dealt with the advertising and marketing world.

Well this dream merchant still has many miles he wants to go.

### SAMSIKA PROCESS FOR BUILDING WINNING BRANDS



### The written word

Jagdeep Kapoor has penned a plethora of books, many of which have made it onto bestseller lists:

24 Brand Mantras	9 Brand Shastras
24 Brand Mantras – Second Edition	9 Brand Shastras – Second Edition
24 Brand Mantras – Hindi Edition	9 Brand Shastras – Hindi Edition
Brand Serve	Brand Switch
Brand Naamkaran	27 Brand Practices
18 Brand Astras	Brand Seg'meant'ation
18 Brand Astras – Hindi Edition	800 Runs – Brand Sale Khel Mein

# CFBP WEBINAR

Virtual Schooling - Boon or Bane? (16<sup>th</sup> July, 2020)



## C.N.M. School & N.D. Parekh Pre-Primary School along with CFBP

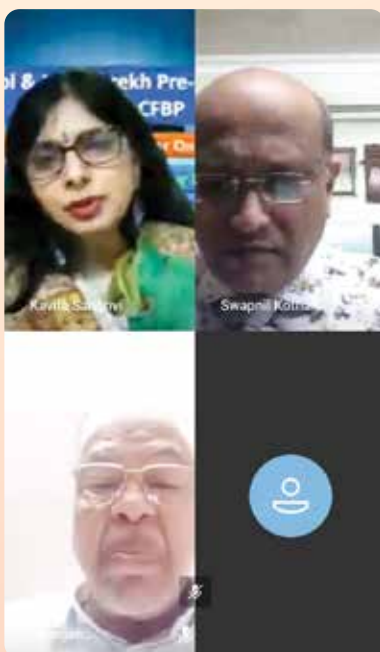
Organizes A Webinar On

“Virtual Schooling- Boon or Bane?”

Date:- 16<sup>th</sup> July, 2020

Timing:- 5 pm sharp

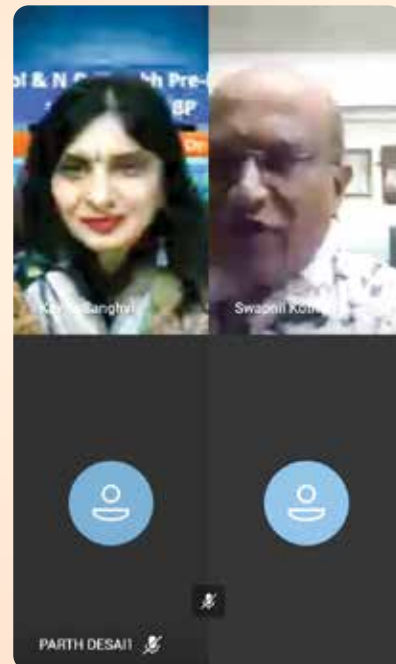
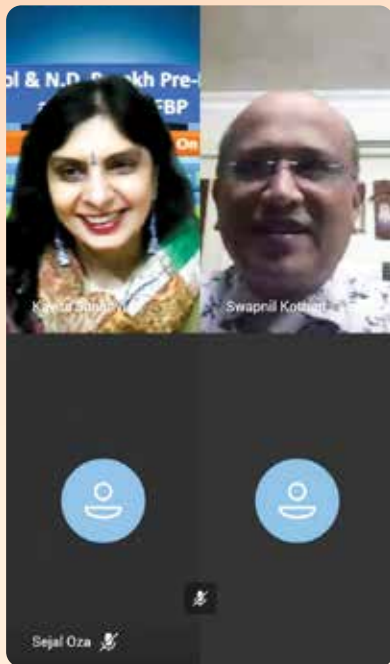
Keynote Speaker: Ms. Kavita Sanghvi with an  
Introduction by CFBP President Mr. Swapnil Kothari





# CFBP WEBINAR

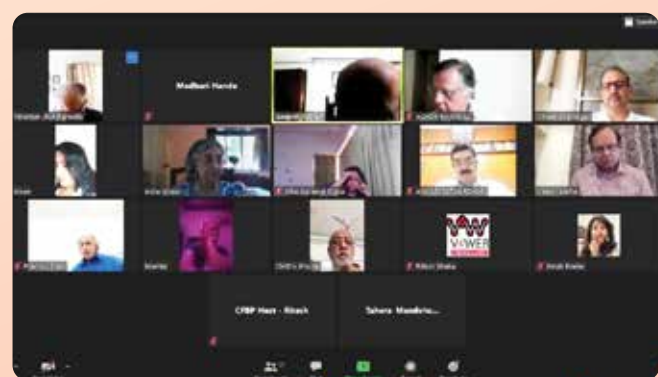
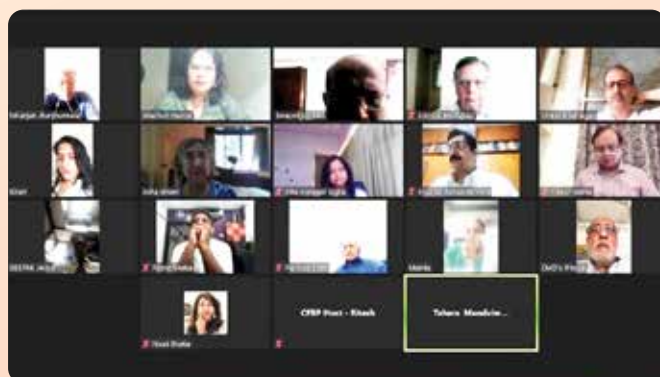
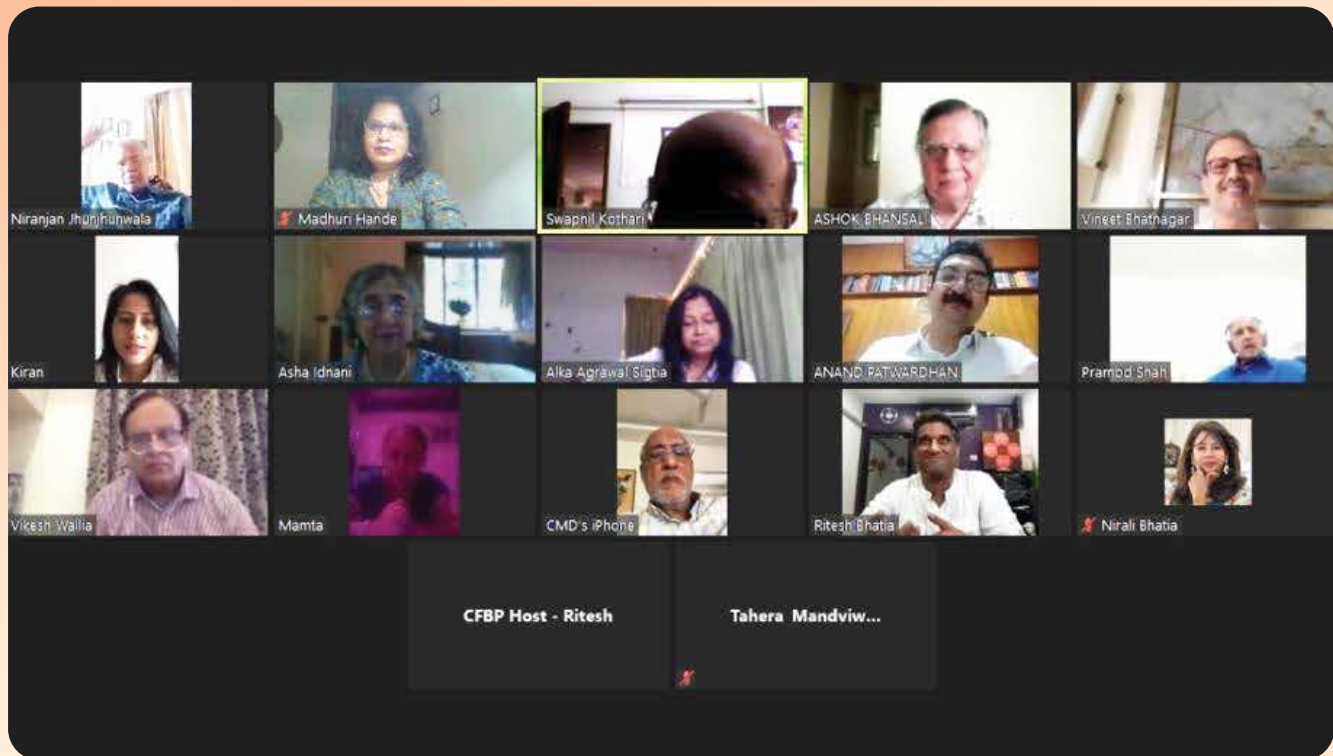
## Virtual Schooling - Boon or Bane? (16<sup>th</sup> July, 2020)





# THE 8<sup>th</sup> CFBP EXECUTIVE COMMITTEE MEETING

The 8th CFBP Executive Committee Meeting for the term 2019-2020.  
Friday, July 10, 2020 at 4 pm via Zoom.



## SUCCESS CASES

### Ms. Siva Tejaswi, Hyderabad Vs Ajoio.com Reliance Retail Ltd.



An online order was placed by the complainant to Ajoio. The product turned out to be defective. Hence, she placed a return request and followed up many times for the same.

Even after 25 days there was no solution. She then registered a complaint at CFBP. We took up the matter with Ajoio. They responded and a pick-up was arranged and the refund request was also processed.

### Ms. Kusum Bagade, Mumbai Vs HP Gas, Mumbai



The complainant registered an online request three times for gas leakage at the HP gas centre. Since nobody attended the complaint from HP, she then registered a complaint at CFBP.

We wrote to Hindustan Petroleum and the leakage problem was solved immediately.

### Mr. Balakrishana D R, Bangalore Vs Eureka Forbes, Bangalore



The alarm system of water purifier started giving problem from day one of installation. He complained to Eureka Forbes. They sent their people and tried to rectify it but all in vain, the problem still remained the same. They were delaying the replacement request of the complainant.

The complainant registered a complaint at CFBP and the product was replaced by Eureka Forbes.

## THE LOCKDOWN

Is the lockdown the end,  
Or is it just a tortuous bend?

A bend for us humans to pause,  
A pause for a cause?

A pause for us to reflect;  
That it is necessary to deflect - deflect from the current  
path, which is moving us towards nature's wrath!

Is it not mother nature's call  
to help her and us prevent the fall?

A fall where we humans are mindlessly  
consuming for greed,  
And not just for our need.

Where we are just killing  
without any feeling,  
Not allowing any healing.

Is it not a reminder from Mother Nature,  
Asking us humans to mature and change our nature?

Is it not an opportunity for us to reset?  
Giving us one more chance to change our old mindset!

Is it not her kindness?  
To free us humans from blindness.

Blindness to the suffering around,  
With the mindless running around.

Is it not her benevolence?  
To relieve us from this maleficence.

Is it not her generosity?  
To help us eradicate our monstrosity.

Is it not her way to tend and mend?  
So that humanism in humanity doesn't end!!!



Payal Kothari

**COLLEGE OF HOME SCIENCE,  
NIRMALA NIKETAN**



**DEPARTMENT OF  
COMMUNITY RESOURCE  
MANAGEMENT**

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JUNE 10, 2020  
11.00 AM TO 1.00 PM**

**E- CERTIFICATES WILL  
BE ISSUED TO ALL THE  
PARTICIPANTS**



**ADV. ANAND  
PATWARDHAN**

**MISLEADING ADS  
AND NEW CONSUMER  
PROTECTION ACT,  
2019**

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# PROVISIONS FOR MISLEADING ADVERTISEMENTS UNDER THE CONSUMER PROTECTION ACT, 2019

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Madam Geeta Ibrahim, Principal of Nirmala Niketan College, Prof Sunita Jaiswal, Head of the Department of Community Resource Management, Prof Roopa Rao, My Learned Colleagues Dr Tejaswini Malegaonkar, Mr Swapnil Kothari, President of the CFBP, respected members of staff and dear students and all other participating webonairs.

At the outset I must thank the Nirmala Niketan College and the CFBP for organising such a webinar for utilising the time at our disposal for education and to try out this novel way of such virtual classes.

The lockdown of more than 77 days, hopefully the only one in our life time has been eased, however the threat of the virus looms large over the ill-equipped population of our country. We were all fine as long as we remain confined in our homes is the mantra. It was this situation that had sprung up the use of internet for buying and selling activities. The technological advances have to be put to use for the betterment and ease of transaction which is what was intended. The scope of marketing has increased across the globe. Online purchasing has actually become the fashion. Such a fashion trend has caused purchasing of goods which are purchased because they are available and the visual display is attractive. Suddenly one starts seeing the use of the product because it is seen on the screen and that too at a bargain price. The facility of delivery at home and payment on delivery is the most luring factor. This all is a thing that has plummeted the new generation into the 21st century. We have progressed from the stone age to the metal age and have already entered into what is the said to be the communication age. You are constantly being bombarded with

information about different products, newer models, better technology for the old items and also about the availability of the product.

At a click of a button, while sitting in your home, you can put the search mode of your intelligent /smart phone into action and get a list of what all that you were looking for and many more items at a bargain price. You don't need to see and feel or smell the mangoes. We have only visual of all these things and so we have to believe on what is said and what is shown to be the product of our required specifications. It has thus become easy to deceive a gullible consumer.

However, all that glitters is not gold and there are certain traders who in order to lure the buyers, make advertisement which are often misleading or exaggerated and even deceptive. The Consumer Protection Act, 1986, therefore required to be amended to be able to redress the grievances arising out of the e-transactions as well the new modes of advertising and luring the customers which if found deceptive were difficult to redress.

The Consumer Protection Act, 2019, was enacted on the 9th of August 2019, and the amendments have brought in certain provisions like the formation of a Central Consumer Protection Authority, which is in addition to the Consumer Commissions at the District, State and the National level, by which the mis-leading or deceptive advertisement shall be dealt with sternly and the consumer rights protected.

Lets us see some of the provisions under the new Consumer Protection Act, 2019, which is enacted for the protection of consumers.

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## Aims & Objectives

The object of the Consumer Protection Act, 2019:

1. Is to provide for better protection of the interest of consumers and for making provision for establishing consumer protection councils and other authorities for settlement of consumer disputes through consumer dispute redressal agencies.
2. Consumer Markets have undergone drastic transformation and modern market place contains a plethora of products and services. Emergence of global supply chains, rise in international trade and the rapid development of e-commerce have lead to new delivery system of goods and services and have provided new options and opportunities for consumers. This has rendered the consumer vulnerable to new forms of unfair trade and unethical business practices. Misleading advertisements, telemarketing direct marketing, multilevel marketing and e-commerce pose new challenge to consumer protection requiring swift executive intervention to prevent consumer detriment

## Section 2 (1)

"advertisement" means any audio or visual publicity, representation, endorsement or pronouncement made by means of light, sound, smoke, gas, print, electronic media, internet or website and includes any notice, circular, label, wrapper, invoice or such other documents;

## Section 2 (7)

"consumer" means any person who—

(i) buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment, when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose; or

(ii) hires or avails of any service for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any beneficiary of such service other than the person who hires or avails of the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person, but does not include a person who avails of such service for any commercial purpose

## Section 2 (9)

"consumer rights" includes,—

1. the right to be protected against the marketing of goods, products or services which are hazardous to life and property;
2. the right to be informed about the quality, quantity, potency, purity, standard and price of goods, products or services, as the case may be, so as to protect the consumer against unfair trade practices;
3. the right to be assured, wherever possible, access to a variety of goods, products or services at competitive prices;
4. the right to be heard and to be assured that consumer's interests will receive due consideration at appropriate fora;
5. the right to seek redressal against unfair trade practice or restrictive trade practices or unscrupulous exploitation of consumers; and the right to consumer awareness;

## Section 2(10)

"defect" means any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for the time being in force or under any contract, express or implied or as is claimed by the trader in any manner whatsoever in relation to any goods or product and the expression "defective" shall be construed accordingly;

## Section 2(11)

"deficiency" means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by a person in pursuance of a contract or otherwise in relation to any service and includes—

- (i) any act of negligence or omission or commission by such person which causes loss or injury to the consumer; and
- (ii) deliberate withholding of relevant information by such person to the consumer

## Section 2 (16)

"e-commerce" means buying or selling of goods or services including digital products over digital or electronic network;

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## Section 2 (43)

"spurious goods" means such goods which are falsely claimed to be genuine;

## Section 2 (28)

"misleading advertisement" in relation to any product or service, means an advertisement, which—

- (i) falsely describes such product or service; or
- (ii) gives a false guarantee to, or is likely to mislead the consumers as to the nature, substance, quantity or quality of such product or service; or
- (iii) conveys an express or implied representation which, if made by the manufacturer or seller or service provider thereof, would constitute an unfair trade practice; or
- (iv) deliberately conceals important information;

## Section 2 (18)

"endorsement", in relation to an advertisement, means—

- (i) any message, verbal statement, demonstration; or
- (ii) depiction of the name, signature, likeness or other identifiable personal characteristics of an individual; or
- (iii) depiction of the name or seal of any institution or organisation, which makes the consumer to believe that it reflects the opinion, finding or experience of the person making such endorsement;

## Section 10

The Central Government shall, by notification, establish with effect from such date as it may specify in that notification, a Central Consumer Protection Authority to be known as the Central Authority to regulate matters relating to violation of rights of consumers, unfair trade practices and false or misleading advertisements which are prejudicial to the interests of public and consumers and to promote, protect and enforce the rights of consumers as a class.

## Section 18

(1) The Central Authority shall—

- a. protect, promote and enforce the rights of consumers as a class, and prevent violation of consumers rights under this Act;
- b. prevent unfair trade practices and ensure that no person engages himself in unfair trade practices;

- c. ensure that no false or misleading advertisement is made of any goods or services which contravenes the provisions of this Act or the rules or regulations made thereunder;
- d. ensure that no person takes part in the publication of any advertisement which is false or misleading.

## Section 21

1. Where the Central Authority is satisfied after investigation that any advertisement is false or misleading and is prejudicial to the interest of any consumer or is in contravention of consumer rights, it may, by order, issue directions to the concerned trader or manufacturer or endorser or advertiser or publisher, as the case may be, to discontinue such advertisement or to modify the same in such manner and within such time as may be specified in that order.
2. Notwithstanding the order passed under sub-section (1), if the Central Authority is of the opinion that it is necessary to impose a penalty in respect of such false or misleading advertisement, by a manufacturer or an endorser, it may, by order, impose on manufacturer or endorser a penalty which may extend to ten lakh rupees:  
  
Provided that the Central Authority may, for every subsequent contravention by a manufacturer or endorser, impose a penalty, which may extend to fifty lakh rupees.
3. Notwithstanding any order under sub-sections (1) and (2), where the Central Authority deems it necessary, it may, by order, prohibit the endorser of a false or misleading advertisement from making endorsement of any product or service for a period which may extend to one year:  
  
Provided that the Central Authority may, for every subsequent contravention, prohibit such endorser from making endorsement in respect of any product or service for a period which may extend to three years.

4. Where the Central Authority is satisfied after investigation that any person is found to publish, or is a party to the publication of, a misleading advertisement, it may impose on such person a penalty which may extend to ten lakh rupees.
5. No endorser shall be liable to a penalty under sub-sections (2) and (3) if he has exercised due diligence to verify the veracity of the claims made in the advertisement regarding the product or service being endorsed by him.
6. No person shall be liable to such penalty if he proves that he had published or arranged for the publication of such advertisement in the ordinary course of his business:



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Provided that no such defence shall be available to such person if he had previous knowledge of the order passed by the Central Authority for withdrawal or modification of such advertisement.

7. While determining the penalty under this section, regard shall be had to the following, namely:—
  - a. the population and the area impacted or affected by such offence;
  - b. the frequency and duration of such offence;
  - c. the vulnerability of the class of persons likely to be adversely affected by such offence; and
  - d. the gross revenue from the sales effected by virtue of such offence.
8. The Central Authority shall give the person an opportunity of being heard before an order under this section is passed.

## Section 88

Whoever, fails to comply with any direction of the Central Authority under Penalty for sections 20 and 21, shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to twenty lakh rupees, or with both.

## Section 89

Any manufacturer or service provider who causes a false or misleading advertisement to be made which is prejudicial to the interest of consumers shall be punished with imprisonment for a term which may extend to two years and with fine which may extend to ten lakh rupees; and for every subsequent offence, be punished with imprisonment for a term which may extend to five years and with fine which may extend to fifty lakh rupees.

## Section 39 (1) (I)

to issue corrective advertisement to neutralise the effect of misleading advertisement at the cost of the opposite party responsible for issuing such misleading advertisement;

## Section 38 (8)

Where during the pendency of any proceeding before the District Commission, if it appears necessary, it may pass such interim order as is just and proper in the facts and circumstances of the case.

## Section 71

Every order made by a District Commission, State Commission or the National Commission shall be enforced by it in the same manner as if it were a decree made by a Court of orders of in a suit before it and the provisions of Order XXI of the First Schedule to the Code of Civil Procedure, 1908 shall, as far as may be, applicable, subject to the modification that every reference therein to the decree shall be construed as reference to the order made under this Act.

## Section 72

1. Whoever fails to comply with any order made by the District Commission or the Penalty for State Commission or the National Commission, as the case may be, shall be punishable with imprisonment for a term which shall not be less than one month, but which may extend to compliance of order. three years, or with fine, which shall not be less than twenty-five thousand rupees, but which may extend to one lakh rupees, or with both.
2. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the District Commission, the State Commission or the National Commission, as the case may be, shall have the power of a Judicial Magistrate of first class for the trial of offences under sub-section (1), and on conferment of such powers, the District Commission or the State Commission or the National Commission, as the case may be, shall be deemed to be a Judicial Magistrate of first class for the purposes of the Code of Criminal Procedure, 1973.
3. Save as otherwise provided, the offences under sub-section (1) shall be tried summarily by the District Commission or the State Commission or the National Commission, as the case may be.

I conclude my presentation with the message

“Excellence is always a product of sincere and honest efforts. There has to be a keen desire to produce the finest”

I may be remembered by my motto

“where love ends, law starts. . . .”

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