

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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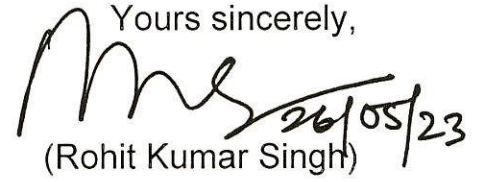


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Act. In the absence of breach of any other terms and conditions of sale, mere non-sharing of phone number cannot be a ground to deprive consumers from exercising their rights under the Act.

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

