CHAPTER – 6

SUGGESTIONS

6.1 Chapter Overview
Having generated the findings and drawn the conclusions based on the whole of the study, the researcher has drafted the suggestions so that the implementation of the Consumer Protection Act becomes more effective in redressal cases of mediclaim complaints, especially at the District Forum Surat. These suggestions are intended for the three sections of the society who are directly at play with the purpose of the study, they are:

- Primarily: The aggrieved – people insured, from within them, whether those seeking redress or not.
- Secondly: The law makers – government and the councils.
- Finally: Intermediary – the agents, lawyers, institutions/organisations and above all the insurance companies.

Findings Reaffirmed and Restated
On the basis of the study and through the assessment of the data collected, the researcher has concluded thus;

The Consumer Protection Act with regards to mediclaim consumers is implemented effectively, but not to the extent to serve its very purpose. More and more insured are seeking redress against claims but the redressal system at the forums is not cheap and quick, but on the contrary complicated, instilling a fear in the minds of the consumers wishing to file a complaint. There is immense scope for improvement.

6.2 Framing the Suggestions
Founded on the above sources, the suggestions have been structured so as to augment the benefits of the mediclaim redressal procedure and the system as a
whole to a point that cheap and quick (timely) decision is arrived at, and the aggrieved get due justice and the purpose of the Act is served. The objectives of the study are enlisted in the previous chapter three, and the suggestions rendered are framed accordingly to ensure that by implementing the suggestions, the core objective of the research is met.

6.3. Suggestions
Some routine and logical, and a few hard-core suggestions have been made to structure the minds of all concerned, so as to implement the Act more effectively.

Some suggestions whether they like or not are being enlisted for the main subject in survey, the aggrieved mediclaim consumer. After all he is the one who is at the receiving end and is at a loss. General awareness and alertness must be cultivated. He has to be more assertive about his rights and be sure about his standing under the Act. He has paid the mediclaim premium and must be reimbursed.

6.3.1 For Primary Objectives
6.3.1.1 Awareness Level
1. The insured, while buying a mediclaim policy should form a habit of studying the terms and conditions of the policy and discuss the same with the agent of the insurance company to avoid future issues. Some of the respondents were either not educated or less educated. In such occasions the researcher suggests that they argue out the implication with the officer or agent and clarify the doubts.

2. Many an insured are not fully aware of the correct process of filing a claim with the insurance company. A specific check-list of ‘dos & don’ts’ of the policy for smooth claim registration and reimbursement process need to be made well in advance at the time of purchasing the policy in consultation with the broker or seller of the policy.
3. Females need to get more involved. They should read or at least discuss the insurance policy terms and conditions, and also the pros and cons with their spouses and become more knowledgeable about the mediclaim insurance. The insurance company should come up with some incentives for female insured so as to induce more and more women to go in for mediclaim.

4. Special cell should be formed under Consumer Protection Act to carry on awareness campaign and bring about awareness. It has been seen in all aspects of life that if an instruction is to be followed, it has to be monitored regularly, and that can be done only if there is a special group to it. Similarly, to initiate awareness regarding redressal under the Consumer Protection Act, a special cell needs to be formulated to execute the awareness campaign effectively to bring results.

5. A few of the respondents were found to be careless as regards their documentation. Moreover, they tend to overlook the requirements due to anxiety of the happening. It is seen that when the claim is made, either proper supporting evidences are not attached or the treatment is undertaken at hospitals that do not qualify for claims, This is a money matter and bills and receipts play are important role and should be preserved and produced as and when demanded.

6. The Consumer protection Act has given six rights to consumer.
   - Safety;
   - Information;
   - Choice;
   - Representation;
   - Redress, and
   - Consumer Education

It is not a matter of studying law, but one should know one’s rights as enlisted above and have the inclination to demand it. The rights at the 5th and the 6th number are to be enforced.
He has to educate himself as a consumer and later on, if need be, seek redress under the Consumer Protection Act, by filing a complaint with the Consumer Forum.

7. The policy holder should give up the ‘let go’ style. It is his hard earned money from which he pays the premium, benefit of which cannot be denied to him. He has to strongly demand it under the law of the land.

8. Attend seminars and workshops organised by different organisations to stay update with the developments of the Act.

9. The Government, NGO’s, lawyers association and the insurance companies need to publicise Consumer Protection Act on a wide scale.

10. Awareness campaigns must be undertaken. There has to be a special drive i.e. a week to celebrate as Consumer Awareness Week at regular intervals, say every six months, and different ways be adapted to bring about awareness.

11. There should be a wide coverage by the awareness campaign. It should not be limited to certain people or area but efforts to be made so that it reaches to the people of all the strata of the society and both the urban and rural areas should be covered.

12. NGO’s should organize various training programmes and publish relevant literature at regular intervals to educate the masses as to the correct redressal.

13. On rejection of his claim, along with the rejection letter the insurance company must provide the guidelines to the policy holder for redressal of grievances to increase his awareness level.

**6.3.1.2 Cheap and Speedy Redressal**

1. It is an age old image of the Judiciary furthered by the tendency of the lawyer to create awe about the law and its proceedings. This is done for vested interests. The Forum is a quasi judicial body, and is not a judicial court. A person can file a complaint himself by simply writing to the Forum. The complaining consumer need not think twice before
approaching the Forum if he feels aggrieved. Please understand that lawyers are not mandatory. If you feel hesitant to complain directly, approach a Consumer Welfare Organisation working in your area. Considering the point above, the observation is that the redressal system is not cheap. The suggestion for this is that when the aggrieved complainant arrives at the Fora, the help desk set up at the Fora for the incoming complainants should educate him regarding the ease of the procedure. He should be advised to file the complaint himself or through a family member. This will help in reducing the financial burden on the complainant by way of lawyer fees.

A cause list for 03.01.2011, the 1st working day of the new year of the District Forum (Addl.) at Surat, as appearing on the NCRDC website shows that most of the cases are represented by lawyers. This prevalent stronghold of the lawyers should be penetrated. The complaining consumer is afraid of the tricky cross questioning of advocates and the facts get twisted. Being a quasi judicial body, the proceedings should be simple and in ordinary language so that the complainant is not puzzled and afraid to face. The consumer should not feel he is at the mercy of the lawyers.

2. Hearings should be quick. At least a summary hearing may be initiated within a week of receiving a complaint, and adjournments to be minimised. The Act should cap the number of maximum adjournments allowed in the regular course if all other factors are okay. Looking at the cost of city commuting, the lesser the adjournments, the cheaper will be the redressal. The complaints are filed on basis of the actual incident – the dishonour of a claim and most of the investigation is already done by the insurance company or the third party assessor (TPA) before the claim is decided upon and not much remains to be done. The facts and records stand good. In this case, the number of adjournments may be capped as the lawyers usually tend to ask for adjournments for various reasons best known to them.
3. Modern technology to be adopted and utilized to its optimum. The whole process, right from filing of complaints till the conveyance of the order need to be computerised, thus curtailing costs by lesser use of paper, documentation and personal attendance.

4. Right from the top level of the redressed agency i.e National Commission to the lowest level i.e. District Forums should be interconnected online. The concept of enterprises resource planning (ERP) should be adopted so that the whole redressal agency is interconnected with each other and the data can be easily available.

5. Not only there should be interconnectivity between the redressal agencies but there should be the interconnectivity between the redressal agency and insurance company so that the status can be immediately known without any paperwork and postage.

6. To facilitate the consumers in filing complaints, booths should be set up at different government offices from where the online complaints can be lodged with the forum and the consumer does not have to travel long distances, thereby saving both his time and money.

7. The Consumer Protection Act should fix the time for replying to the query of the complaint and action taken if the queries not replied within the prescribed time.

8. An online system not just for filing of complaints, but also for adjournments and other communication to be developed to save the valuable resources. It has been observed that on a few occasions when the consumer comes to attend the hearing, he finds that the case has been adjourned for whatsoever reason, and he has to get the next date and return without any fruitful action. In such cases communication by electronic media or telephone may save expenses and the time. The progress of the proceedings should be punctually updated on the system and also to be intimated to all the concerned parties from time to time.

9. A checklist should be given to the complainant on his first visit to the Forum and the procedure and documentation explained to him. This will
ensure that he does not come up with wrong or improper paper work and surely cut down on the time wasted by unnecessary trips on his papers being rejected.

10. As seen in the above point, the trend in the Fora is that every complaint undergoes multiple hearings. This is not just costly, but also frustrates the complainant. Adjournments to be minimized and in quick succession to give justice in a reasonable time, if not within the prescribed time frame.

11. The President and Members should use their Judicial powers and take quick and strong decisions. If the defendant is delaying the case or not producing relevant supporting documents, or not attending the hearings, the case may be decided by verifying the facts received from the complainant and strictures passed against the defaulter party. This will cut down on the cost and time of all involved.

6.3.1.3 Appropriate and Adequate Infrastructure

1. Lack in infrastructural facilities is a hindrance to corrective justice administered at the Forums. The infrastructure needs to be upgraded on a more frequent basis. As is the case in most of the government offices and courts, inadequacy and inefficiency of the infrastructural facilities, may it be manpower or otherwise, is one of the main causes for the dearth in effective implementation of the Consumer Protection Act. Having visited the Surat Forums and interacted with concerned people during the course of her study, the researcher has observed that the infrastructural facilities are not satisfactory. Men, machine and space, all are in short supply.

2. It has been observed that the decorum is not maintained. Complainants, lawyers and the staff do not maintain silence and move around at their will. Stricter discipline to be imposed and for that enough trained staff and open space is needed.
3. Ambience at the Forum to be conducive. The consumer arriving here need not be afraid as if entering a judicial court room. Distinct and better work place with enough dedicated staff will surely improve the situation. The Government must allocate more funds for the routine office expenses to facilitate smooth working of the Forum.

4. It has been seen that the order passed is not immediately complied with. The District Collector’s office should set up a dedicated cell to monitor the execution of the order and recovery of the settlement amount from the defaulting insurance company.

5. The infrastructure should be such so as to facilitate separate benches at Forums for products and services, which if started will help fast and timely disposal of the complaints. If separate benches are maintained, it will ease up the burden by faster decision on the complaints.

6. The Government, the Commissions or the Forums, as the case may be, should be more prudent in appointing individuals as Members of the body. Young and ruling judges to be appointed to the post of President. A further step would be to give the appointed Members basic training to make them fast but just adjudicators. Regular workshops, orientations, refresher courses to be organised to educate and update them.

7. The Forums and Commissions need to get more space and employees to segregate, monitor and proceed with the complaints. The suggestion here is broad classification of complaints for goods and services should be made and again a sub classification has to be made for various goods and services and specific persons should be assigned to look into the matter which will expedite implementation.

8. Technological infrastructure should be reviewed and updated at regular intervals. The latest technology available needs to be used and the staff to be trained under a special refresher course for the use of the same.

By and large, the current scenario is that of inadequate and inappropriate infrastructure in the form of manpower, machine and space.
6.3.2 For Secondary Objectives

The insurance company is not just to provide insurance it has got an implied responsibility to satisfy the insured consumer by providing good services. The adequate reimbursement of medical expenses at the time of claim should be judicious and practical. The situation arises because at the time of selling a mediclaim policy the terms and conditions are not conveyed properly to the insured. Moreover, the insurance companies are reluctant to shell out money. To improve on the situation, the researcher gives a few suggestions.

It has been observed by the researcher that to an extent the fault lies with the insurance companies also. It is a general tendency that while giving, one becomes extra cautious, rather reluctant. The insurance companies and especially the third party assessors tend to ask for too many documents.

1. First and foremost, at the time of selling the mediclaim policy, the company or its representative should make sure that the insured has understood the clauses of the policy. In case of an illiterate or less educated person, it is their duty to read out and explain to him in an easy language. As has been observed from the survey, the prime reason for dishonour of a claim is the ignorance about the terms and conditions of the policy. Doing this will greatly reduce future disputes.

2. At the time of claiming the money, the insurance company should be more attentive and helpful towards uneducated claimants. Their response towards them should be positive. A practical approach should be made to solve the queries.

3. Interaction meets with the insured, agents and the lawyers should be organised to create awareness regarding mediclaim, its benefits and redressal in case of disputes. This way, the consumer will feel comfortable and approach the company in case of dissatisfaction.

4. The companies should set up a dedicated grievance cell at one of their offices individually or jointly with other insurance companies to amicably resolve the matter of dishonoured claims. Doing this will
reduce the inflow of complaints at the forum as some of the grievances will be resolved at this level.

5. The third party assessors (TPA) should keep a pro-consumer approach. As is seen, most of the claims made are dishonoured for some reason or the other. Their negative outlook has to be changed.

6. An officer with a legal background should be there to assist the complainant if he is not in a position to file the complaint and attend the hearings in person, something on the grounds of a Public Prosecutor.

7. The insurance company should not be rigid and condone procedural and technical lapses like delay in intimation, photocopy of a document instead of an original, and the like. The claimant is not out to make money out of his sickness, it is a genuine issue and needs to be addressed accordingly.

8. Insurance companies tend to review and alter the terms and conditions of the policy on a regular basis to be in tune with the changing society and to best suit it. They should make the insured aware of these amendments by sending them a write up in mail or through the broker at the time of renewal.

9. It is a practice in the revenue department to advice the aggrieved the mode of appeal, that is to say the time frame, the procedure, the authority to whom appeal stands. Something similar needs to be followed in the case of insurance claim settlements. When communicating the dishonour of the claim, whether in part or full, the insurance company should inform the insured whom to approach and how.

### 6.3.3 General Suggestions

Over and above these suggestions, the researcher focuses on the general practices involving all concerned parties, that is, the Government and the Councils / Fora, the insurance companies and the consumer, to aptly delivery justice.
The purpose of enacting any law is that justice is done, that is to say that the aggrieved gets cheap, fast and easy justice. The current situation is far from it and is such that the law is not implemented the way it should be and the consumers are at the receiving end. Thus, pre-planning for the execution of the law, though an integral part of the judicial system is also the deserted one.

The Government frames the law and sees to its enactment. The law needs to be simplified. It should be framed in such a way that it can be easily understood by the aggrieved consumers, clearly executed and the benefits gained by the public at large. Albeit, it is not correct or wise to advice the Government, but some of the below points are plain indicative while others are proactive measures to as to bring about a change in the current scenario.

1. More involvement from the professional lawyers and activist organisations (Government and non-Government) should be sought to get an idea of the current situation and system from the other side of the table, take a pragmatic approach and accordingly bring about a paradigm shift.

2. Audit or review of the working of the Forum may be done regularly, say once in six months and reported to the higher body, say the State Commission or the National Commission as the case may be. Discussions to be held between the review committee, President, Members, concerned lawyers and NGOs to analyse the situation and accordingly plan out for improved working of the next six months. This may be done by setting up a special audit cell.

3. It is the Government’s duty to educate the consumer about his rights under any Act. Educative and informative literature in English and local vernacular to be distributed free. It should carry the sketch of the procedure of filing a complaint, the address and contact numbers of the Forum having jurisdiction over the area and of consumer welfare
organisations. A vigorous consumer education drive should be organized to create what would be termed as consumerism.

4. Catch them early. To educate the people, the subject "consumerism" may be introduced in the curriculum of high schools, colleges and universities. Formation of voluntary consumer organizations at these levels to be encourage.

5. Workshops and seminars need to be arranged more frequently. NGOs, colleges and association like the Bar Council should be roped in to organise these.

6. Complainants to be given online access to the useful public records and history of his complaint and earlier judgements.

7. E-filing to be encouraged to reduce process time and give the much required transparency to the operations.

8. The President and the Members are people of substance. Their remuneration should be practical and befitting.

9. Mobile Courts and camp on the lines of Lok Adalat to be organised frequently especially at semi-urban and rural locations to dispose of pending cases which will ease up a lot of burden of the consumers.

10. A special cell should be formed to check on the claims/complaints filed by the consumer with the insurance company whereby, the total claims/complaints lodged, those resolved and those pending can be studied, to evaluate the satisfaction level the company has given to the consumer. This would be on the lines of Weights and Measures inspector’s random checking at the trading or selling outlets. Under the Weights and Measures case, the trader or seller is penalised and fined for the mal-practice but the consumer cannot be redressed due to certain restraints, say not knowing the whereabouts of the consumers. In this case, by auditing the claim/complaint register of the insurance company, the officer appointed under the Act, if need be, may penalise the insurance company and also call upon the consumer as his details will be available in the complaint register and offer him remedy under the
Act for the loss he has suffered, even if he himself has not filed a complaint with the forum.

11. There is a need to incorporate a provision for levying penalty for wrong rejection of claim by the insurance companies to be made under Consumer Protection Act so that the insurance company would not take selfish decisions and harass the insured.