

Ombudsmen for Redressal of Consumer disputes across all sectors

Over 200+ former Judges from courts and Tribunals
all over India Dedicated to the Cause. Bringing
Hope and Success to Consumers and Businesses.

**IMPARTIAL
ACCESSIBLE
PROFESSIONAL**



One Purpose, One Mission - Resolving Disputes.

Consumer Complaints are Business Opportunity

Complaints don't have to be bad for a brand....but a poorly handled complaint could be detrimental. It could be an opportunity to win back a customer and gain positive word-of-mouth if handled properly.

If the complaints are handled inappropriately there will be an overall negative impact on the company. Companies may not only lose one but may lose hundreds of potential customers through negative publicity, as many consumers will mention this to friends and social media and the overall negative impact on the company might be greater than first thought.

Consumers remain loyal to brands when they feel safe and empowered with them

Consumers should continue to feel empowered to raise their complaints to the companies and they should have easy access to an independent Ombudsman if not satisfied.

There should always be a straightforward way to pass the balance of power back to aggrieved consumer in a controlled environment.

When consumer expectations of a product or service are not met, the disappointment can lead to anger and frustration in the absence of a robust complaint handling mechanism of the company.

While the perceived hassle of complaining becomes overwhelming for many consumers, this poor experience can leave many feeling helpless, and may put them off completely.

If the consumers are not given a forum to vent out their anger through an independent neutral complaints redressal body, many feel disillusioned with business and the end result is always bad for businesses.

On the contrary, if consumer gets satisfied and happy about the complaint redressal system of a company, particularly through an external independent ombudsman office, they become the brand ambassadors.



Consumers will obviously have low levels of trust and confidence in businesses that do not take their complaints seriously.

This illustrates very clearly that a well-handled complaint can have far reaching benefits for a company and its brand.

Consumers think more highly of a business that handles complaints efficiently. Many also see the benefits of companies providing access to a neutral independent ombuds to handle complaints and say they would be more likely to buy a product or service from such a company.

Research shows that millions of complaints are ignored or mishandled every year and businesses lose these customers even if they had a strong product.



More and more companies are signing up with CDOS to build customer trust and loyalty.

The inclusion of CDOS, the external independent dispute redressal body forms an essential 'next step' in the Complaint Handling Process of any organization, for complaints where resolution has not been reached despite the best efforts of the customer and the company.

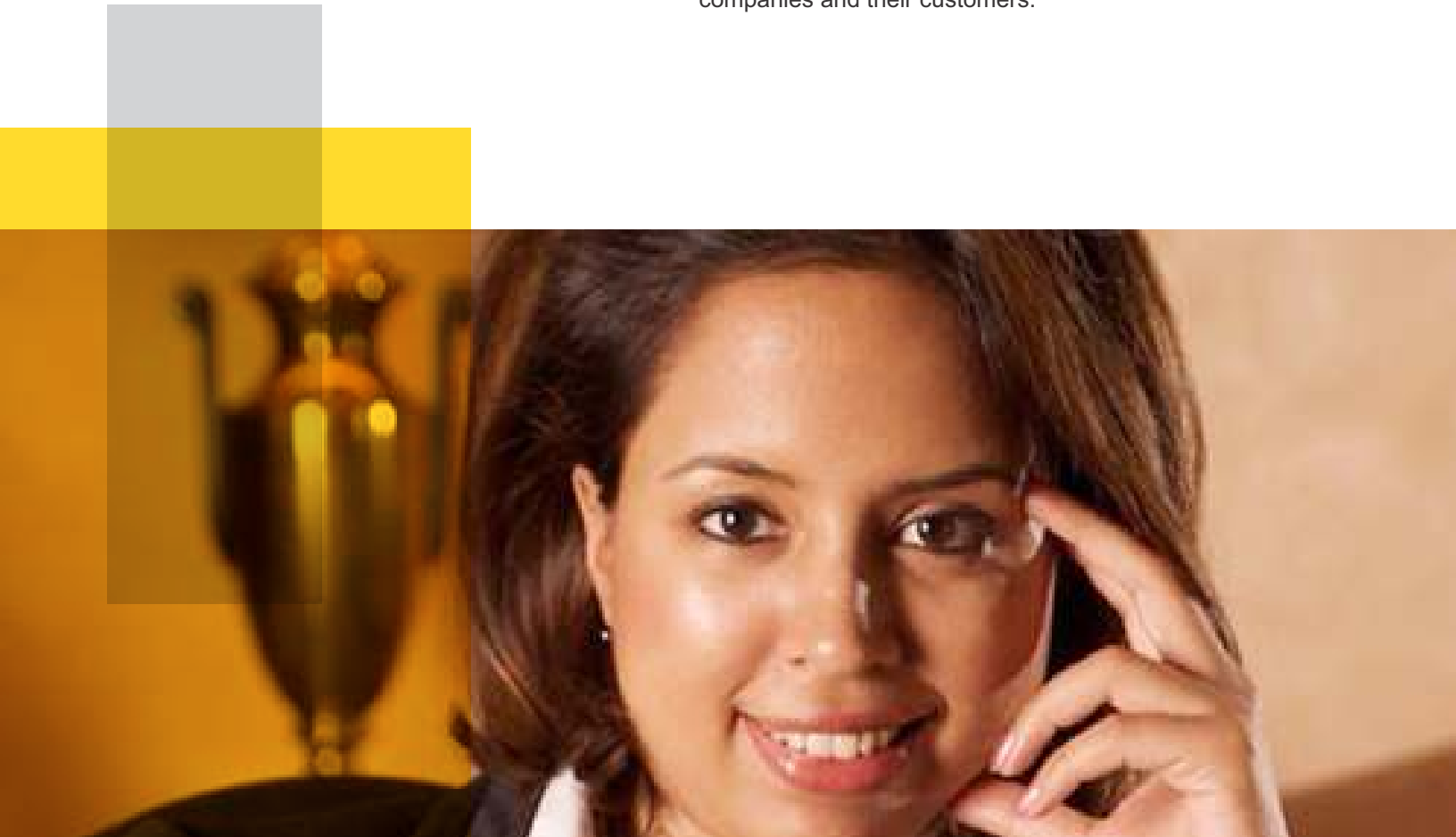
The role of Ombudsman Office is to provide redress where required and to help companies repair their relationships with customers.



Helping Companies Learn From Complaints

CDOS uses complaint based insight to make recommendations to the companies to improve procedures and customer service standards, and to prevent similar complaints in the future. Its solutions are tailored to work with each company's complaints process, offering an extension to their existing procedures. CDOS team of highly skilled, informed and motivated complaint handler's work with companies to ensure that the business can maintain and build on its relationship with the complainant.

CDOS is mandated to set the standards in dispute handling and to pass on the lessons learnt to participating companies. Many disputes handled by CDOS are not about the alleged error made by a company but about the way the company has dealt with the error and subsequent complaint. If CDOS can help companies to identify where they are going wrong, before the complaint comes to CDOS, it is better for the companies and their customers.



The Dispute Redressal Process

The process involves redressal through the internal dispute resolution mechanism of the company at the first stage and when the dispute remains unresolved even after a 60 days period, the consumer can lodge a complaint with CDOS.

Complaint-handling by the business

Typically, there is a specified process (and time limit) for the handling of complaints by businesses – so that as many disputes as possible can be resolved quickly and the number of disputes that have to be referred to CDOS is minimized.

The complainant must complain first to the business (orally or in writing). To which the business is required to provide a written response within a specified time. That written response must tell the complainant that, if he remains dissatisfied, he/she can refer the complaint to CDOS. If the complainant is still dissatisfied with the written response, or if the business fails to issue a response within the specified time, the complainant can go to CDOS.

The Dispute Redressal Process

Complaint-handling by the office of CDOS Ombudsman

Jurisdiction:

If a complaint is referred to the CDOS, it is first screened to check that it is within the jurisdiction and terms of service. If the complaint is within jurisdiction, the case may then be resolved in a variety of ways.

Early termination/resolution:

In some cases it is clear at the outset that a full investigation is not justified, for example where:

- the case has already been decided by a court
- the case raises legal issues that can only be resolved by a court, or the business has already offered as much redress as CDOS would award for what the complainant says the business did wrong

Mediation:

Some cases can be resolved quickly and fairly by mediation - where, assisted by an independent view from the ombudsman about the circumstances in dispute, a settlement can be negotiated that both the consumer and the business agree.

Investigation and recommendation:

If the case is not resolved by mediation, the investigator will investigate - taking an active role in deciding what evidence is required and calling for it - and will then recommend an outcome. In a majority of cases, both parties accept the recommendation.

The Dispute Redressal Process

CDOS Ombudsman Decision:

CDOS Ombudsman takes a decision about the case on the basis of submissions from both sides plus the documents and other records – supplemented, where necessary, by talking to the parties on phone – without requiring a formal hearing.

The ombudsman decision is based on what the ombudsman considers to be fair in the circumstances of the case – taking into account not only what a court would do but also any industry code and what the ombudsman considers to have been good business practice in that sector at the relevant time.

The CDOS ombudsman can award compensation up to a specified monetary limit and/or require the business to do something in relation to the complainant (whether or not a court could)

If the complainant accepts the ombudsman's decision, it could be binding through contract on the business and the complainant. If the complainant does not accept the ombudsman's decision, the complainant remains free to pursue the matter in court.

The ombudsman's award is to compensate the complainant. It does not set out to punish the business, and there are no exemplary or punitive damages.

At CDOS the ratio of case-handling staff among the three stages is about:

25% enquiry/complaint-handlers

45% ombudsmen

30% ombudsmen decision with help of investigators

What makes CDOS Ombudsman Independent?

We are a Not-for-Profit company incorporated under section 8 of companies act in India. Our board of independent executive and non executive directors are well-respected proponents of consumer law and Alternative Dispute Resolution processes. Our executive reports to the independent board and advisory council members.

The CDOS is controlled by the Board. The Board is appointed in accordance with the provisions of the bylaws of MCN (The Mediation and Conciliation Network) and the composition of the board is in terms of the MCN and CDOS bylaws.

The office of Ombudsman is an independent neutral who acts independently and objectively in resolving Disputes and is not influenced by anybody in making his or her decisions as they are absolutely independent of CDOS, MCN or any affiliated bodies.

The independence of the CDOS and the Ombudsman is further assured by the fact that the CDOS Ombudsman and employees of CDOS are entirely responsible for the handling and determination of complaints; accountable only to the Board; and adequately resourced to carry out their respective functions.

Who handles complaints at CDOS?

Ombudsmen, Negotiators, Investigators, Examiners, Complaints Reviewers and Handlers are part of CDOS Administrative Justice, dispute Resolution and Redress.

Our Dispute Handling Mechanism is divided into 2 main departments, the 'Complaint Handler' team and the 'Ombudsman's' office.

Complaint Handler Team

Our Complaint Handler's receive all initial complaints from consumers and collate the relevant information in relation to complaints, from both companies and consumers.

The Complaint Handler's role is to review all documentation and information in relation to each complaint and to make a recommendation for resolution. Where cases are not resolved by the Complaint Handler the complaint is passed to the Ombudsman's office for a determination.

Ombudsman's office

The Ombudsman's office follows its process to first resolve through mediation and conciliation process and otherwise make a determination of the case. The office consists of distinguished experts coming from diverse fields -

Former Judges and Chief Justices
Corporate CEO's
Former IAS, IRS, IPS, IFS officers etc.
Eminent Civil Society Members
Expert Qualified Mediators and Legal Experts

A Partial List of Experts and Ombudsman is on our website at:

<http://mediationhub.in/about-the-mediation-and-conciliation-network/our-expert-neutrals/>

Our Executive list is on our website at:

<http://mediationhub.in/about-the-mediation-and-conciliation-network/executive-body-and-initiators/>

CDOS Guiding Principles

Independence

The CDOS model ensures and demonstrates the freedom of the ombudsmen from interference in decision making. This happens because of multilayered appointment of Ombudsmen, transparent remuneration and the governance structure of the organization ensures independence of the decisions of Ombudsmen. There are over 100 Ombudsmen who are randomly taking up cases of disputes coming from consumers of different companies.

Openness and transparency

CDOS governance ensures openness and transparency for all stakeholders to have confidence in the decision-making and management processes of the CDOS.

- Clear explanation of legal constitution, governance and funding arrangements
- Open and clear policies and procedures, and clear criteria for decision making
- Clear and proper recording of decisions and actions
- Free availability of information and publication of decisions, consistent with good practice
- Clear delegation arrangements, including levels of authority

Accountability

CDOS bylaws govern the working of all its members and staff including the ombudsmen and members of any board, executive and governing body. The bylaws makes all responsible and accountable for their decisions and actions, including the stewardship of funds (with due regard to the independence of the office holder) subject to appropriate public or external scrutiny and always accountable to stakeholders for operation of scheme.

Integrity

CDOS dispute resolution processes and laws ensure straightforward dealing and completeness, based on honesty, selflessness and objectivity, and ensuring high standards of probity and propriety in the conduct of the scheme's affairs and complaint decision making.

- Impartiality in all activities
- Identify, declare and deal with conflicts of interest (including office holder, staff members and members of any governing body)
- Compliance of all those involved in the governance or operation of the scheme with relevant principles of public conduct

Clarity of purpose

CDOS open communication through various media outlets ensure that stakeholders know why the scheme exists and what it does, and what to expect from it.,

- Explanation of the purpose of the scheme and who it serves
- Clear status and mandate of the scheme
- Clarity of extent of jurisdiction
- Governance arrangements which are clear in relation to the office holder's adjudication role

Effectiveness

CDOS quality charter ensures that the scheme delivers quality outcomes efficiently.

- Strong leadership which defines and promotes the values of the scheme
- Keeping to commitments
- Good internal planning and review processes
- Quality assurance and a process for review of service
- Quality outcomes for complainant, organization complained about, scheme and all other stakeholders
- Effective risk management controls
- Cost effectiveness and value for money

CDOS Distinguished Peacemakers

Ombudsmen, Mediators, Conciliators, Arbitrators



Chief Justice N C Jain (Retd.)
Gauhati High Court



Justice B S Saluja (retd.)
Secretary-General,
ICADR & Former
Member, ITAT



Justice K C Sood (Retd.)
Himachal Pradesh



Justice Zakiullah Khan (Retd.)
Allahabad High Court
LR/Principal Sec. Law, Govt.



Justice Aruna Suresh (Retd.)
High Court of Orissa & Delhi



Justice Viney Mittal
Former Judge Punjab &
Haryana High Court



Justice Vinod Jain (Retd.)
Allahabad High Court.



Chief Justice V K Gupta (Retd.)
Jharkhand & H.P High
Court. Presently residing
in Shimla.



**Chief Justice
Uma Nath Singh**
Meghalaya High Court



Justice Arvind Kumar (Retd.)
P&H High Court



**Justice Kamaljit
Garewal (Retd.)**
He was a sitting United
Nations Appeals Tribunal
and Punjab and Haryana
High Court judge.



Justice S.M. Soni (Retd.),
Gujarat High Court and
former Lokayukta of
Gujarat



**Justice Chandresh
Bhushan (Retd.) High
court of M.P**
SIT Chief to monitor the
probe into the Vyapam
scam.



Justice S. L. Bhayana (Retired)
Delhi High court



**Chief Justice Chittatosh
Mookerjee (Retd.)**
Bombay High Court.
Residing in Calcutta.



Justice S N Aggarwal (Retd.)
High Court of Uttarakhand.



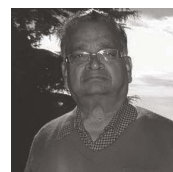
Justice Raj Rahul Garg
Delhi High Court & P&H
High Court



**Justice Rajesh
Tandon (Retd.)** High Court
of Uttarakhand
Former Chairperson,
Cyber Appellate Tribunal



**Justice KC
Sharma (Retd.)**
District & Session Judge



**Justice Prabhat
Chandra Aggarwal (Retd.)**
Supreme Court of India.



**Justice Mahavir Singh
Chauhan (Retd.)** P&H High
Court.
Chairman of Police
Complaint Authority.

You may still want to know even more about CDOS

CDOS resolves disputes. CDOS is not a regulator, though some of CDOS decisions may be seen as precedents and have wider effect.

The ombudsman model is used to resolve complaints made by someone 'small' (consumer) against something 'big' (public body or commercial business).

CDOS procedures are designed to redress the difference between the resources and expertise available to the consumer and those available to the business.

Access to ombudsman is free for consumers, and they are not at risk of an order for costs. CDOS handles enquiries as well as complaints, because dealing with an enquiry may head off a complaint (for example, by resolving a misunderstanding).

When dealing with complaints, CDOS seeks to achieve a fair resolution at the earliest possible stage – rather than working towards an assumed future hearing.

CDOS uses flexible and informal procedures – resolving cases by mediation, recommendation or decision as appropriate.

CDOS Ombudsmen do not just rely on the evidence the parties volunteer. They actively investigate cases (using their specialist expertise) – calling for the information they require.

So the outcome is not affected by how well either of the parties presents his/her/its case, and representation by lawyers (or others) is not necessary

CDOS Ombudsman recommendations/decisions are based on what is fair in the circumstances, taking account of good practice as well as law

CDOS publicly feedback the general lessons from cases its ombudsmen have handled, so stakeholders can take steps to improve things for the future.

Because there is a flexible and informal process, and representation is not necessary, the costs of an average ombudsman case are significantly less than an equivalent case in a court or tribunal.

The Consumer Disputes Ombudsman Service's mark of quality shows customers that companies take complaints seriously and are likely to lead to repeat customer.

Typically, Ombudsman decisions are based on what the ombudsman considers to be fair in all the circumstances - taking into account the law, any regulator's rules and guidance, any relevant code of practice and what the ombudsman considers to have been good practice at the relevant time.

FAQ'S

When can consumers take a complaint to CDOS (Consumer Disputes Ombudsman Service)?

Before consumers can use CDOS (Consumer Disputes Ombudsman Service), they must go through the company's formal complaints process as specified in the brochure.

How do consumers make their complaint to CDOS (Consumer Disputes Ombudsman Service)?

Consumers can make complaints to the email ID provided on the website of the Company. They can send written evidence related to the case.

What will the CDOS (Consumer Disputes Ombudsman Service) do with consumer complaint?

Normally the first step is to clarify the complaint and identify the issues with consumers. The same shall be done within 2 days from receipt of the complaint. Once the complaint is clarified, CDOS Complaints Officer will then convey the complaint to the company, inviting the company to respond. As far as possible the CDOS Complaints Officer will attempt to establish the facts of what has happened and then to assess the fairness of the company's action.

If the CDOS Complaints Officer is initially satisfied with the company's response or if it is necessary to clarify information, the complainant will be contacted and invited to respond to the information received from the company. This process shall be completed within 5 days from the date of receipt of the complaint.

The CDOS Complaints Officer will look at consumers complaint and work with the company to resolve the issue within time frame of 7 days. If the issue is not resolved by the complaints Officer online, the issue will be forwarded to the designated Ombudsman.

The Ombudsman will then work with the consumer and the company to decide what the outcome should be. The Ombudsman is independent and impartial individual which means he/she won't take sides. The ombudsman looks at the evidence sent in by both sides and arguments made by them and decides what should be done. Initially consumers don't have to meet the ombudsman at the stage of submitting their arguments, so they can avoid the stress of presenting their evidence face to face. In few cases, where the consumers want to meet face-to-face or the issue at hand is complex, the Ombudsman will serve a date to the consumers to come face-to-face for presenting evidence and explaining their case/ arguments further. The venue for the meeting will be also communicated to the consumer. Normally it will be the premises of the Ombudsman or one of the defined venues listed and provided by CDOS in that city. In case the meeting requires a specific venue in a particular city which is not listed, the same will also be arranged by CDOS. The face to face meetings and the entire process shall be completed within a period of 2 weeks.

Initially the Ombudsman shall not require the face-to-face presence of company representative, but in case the issue demands the presence of company representation, the Ombudsman may do so with prior written notice to company to maintain the neutrality and confidence of the consumer.

Conciliation

In a Face-to-Face situation, CDOS Ombudsman may refer the matter for conciliation. This is when all parties are brought together to attempt to find a resolution. This option may be preferred if the Ombudsman considers that an outcome acceptable to both the complainant and the agency may be achieved. If this option occurs, an officer from Ombudsman will convene and chair a conference with the parties. The aim of such a conference is initially to clarify issues with the parties, and then to attempt to identify possible solutions. Conciliation is a voluntary process and if either party declines to cooperate then the Ombudsman will not proceed with this approach.

Investigation-

A CDOS Ombudsman office may consider it necessary to interview relevant witnesses. The form of the investigation and the manner in which it is conducted is at the discretion of the Ombudsman and will vary according to the circumstances of the case.

Once all relevant information is obtained, the Ombudsman will form a provisional view about the company's actions. Both consumer and the company may be informed of this view, and invited to provide comment in response.

In case, the issue needs further investigations, the Ombudsman may appoint an investigator to investigate all the points that are crucial to the case and may want to reserve a future date to determine the outcome of the case after due deliberations and communications with the company.

In complex cases, up to maximum three meetings may be required for the Ombudsman to come up with a solution for the determination of the case.

What will the outcome be?

If the CDOS Ombudsman believes that the company has acted unfairly or contrary to law, the Ombudsman will make a recommendation in writing to remedy the error and provide reasoning for the same. Alternatively, if the Ombudsman believes that the company has acted fairly he will express this view to consumer in writing and explain his reasoning.

Once the Ombudsman makes its decision which is agreed by both the parties, they shall sign a mutual agreement to this effect which will be binding between the Parties.

Any mutual settlement among the parties or an award passed will be documented with reason and will be provided in writing to parties within 7 days of the last mediation/ hearing.

What if consumers are not happy with the CDOS ombudsman's decision?

Consumers can still take court action if they're not happy with the decision but the court may take the CDOS ombudsman's decision into account if the company presents it when they make a decision.

Does the ombudsman decide who is right or wrong?

No. Ombudsmen do not determine whether ethics violations have occurred, rather they anticipate, identify, and resolve misunderstandings and disagreements.

How long does the ombudsman process take?

Disputes can often be resolved through the ombudsman process in as little as a few hours or days, depending on the availability of the ombudsman and the parties.

Is the ombudsman process confidential?

Yes, the allegations, discussions, and decisions made in ombudsman proceedings are confidential and may not be reported or published by the board, any member of a tribunal (including the ombudsman), or any party under any circumstances.

Why CDOS may not accept few complaints?

We decide the best way to resolve the complaints we accept. There are some reasons why we will not accept complaints, for example:

- The customer has not first attempted to resolve the complaint directly with the company
- The dispute is frivolous or vexatious
The dispute is currently being, or has in the past been, considered by another ADR scheme or court
- Dealing with the dispute would seriously impair the effective operation of Ombudsman Services

What CDOS can deal with?

We can deal with complaints about:

- Defect in Product
- Failed/incomplete delayed or non delivery of apartment
- Shoddy workmanship in apartment
- Pricing issues

MCN's Consumer Ombudsman Services has absolute discretion to decide whether a complaint is within its terms of reference.

What CDOS cannot deal with?

We cannot accept a complaint if:

- The complaint appears to be frivolous or vexatious.
- The complaint is not about goods or services.
- The complaint has been or is subject to court proceedings, arbitration, or other independent procedure for the resolution of the complaint. Unless there is proof that the process has been abandoned or suspended.
- Dealing with the complaint, or a complaint of its type, would seriously impair the operation of Ombudsman Services.



Start Resolving!



To know more on how you can join the CDOS program and gain access to Distinguished Peacekeepers and Ombudsmen, please call 08505999819 or mail us at info@mediationhub.in.

The Consumer Disputes Ombudsman Service provides impartial and neutral service for the resolution of unresolved disputes between consumers and businesses – fairly, reasonably, quickly and informally.

Consumer Disputes Ombudsman Service - CDOS deals with complaints from consumers about companies that have signed up to its service. Its job is to investigate complaints and resolve them as early as possible.

CDOS is entirely independent; it does not take sides and it makes decisions based on the facts. The service is absolutely FREE for consumers.



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The CDOS logo is a ‘seal of approval’, for building consumer confidence as it reassures potential customers and instills their confidence in a brand.



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About The Mediation and Conciliation Network (MCN)



The Mediation and Conciliation Network (MCN) is India's first and leading integrated dispute resolution organization providing solutions through a range of ADR services. With our range of dispute resolution services, we have a product offering for every business need.

CDOS is part of "The Mediation and Conciliation Network, MCN".
India's Leading Dispute Resolution Organization initiated by Lawrel
Winners Advisory Advocacy and Law Network Pvt. Ltd. A Not-for-Profit
Organization.