



THE NATIONAL UNIVERSITY OF ADVANCED LEGAL STUDIES

(Established by Act 27 of 2005 of Kerala Legislature)
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CENTRE FOR CONSUMER PROTECTION LAW AND POLICY

SEMINAR REPORT

One day National Seminar on

Equipping the Consumer Dispute Redressal Agencies for the Present and the Future

The Centre for Consumer Protection Law & Policy, NUALS held a One day National Seminar on Wednesday, 26th March 2014 in the NUALS Campus at Kalamassery on the topic “*Equipping Consumer Dispute Redressal Agencies for the Present and for the future*”. The inaugural session started at 9.30am with Sri. Hari S Nayar, the Director (i/c) of the Centre welcoming the gathering. In his welcome speech, Mr. Hari S Nayar emphasized that the aim of the Centre was not confined to research alone but also extended to efforts to reach out to the general public and bridge the gap between consumers and consumer protection agencies. The presidential address was delivered by Dr. M C Valson, Professor, NUALS, who stressed on the need to evaluate whether the current agencies are adequate to address consumer grievances in the current scenario. The Chief Guest of the session Sri B G Harindranath, Additional Director, Kerala Judicial Academy stressed on the importance of adjudicatory functions being performed by experts. Sri. Raveendrakumar D., Asst, Professor, NUALS and Sri.Sridhar J., General Secretary, NUALS Students’ Council felicitated the gathering. The inaugural session came to an end with the vote of thanks by Alok Padman, President, NUALS Students Council, NUALS.

FIRST TECHNICAL SESSION

The first technical session of the day began with The Chief Guest’s keynote address which briefly touched upon consumer movement and the role of American lawyer Ralf Nadal. He emphasized that when adjudication is entrusted to people who have no training it has serious pitfalls. He spoke on the need for adequate regulatory and supervisory bodies, the need for transparent functioning and the need for quality of appointments to such mechanisms for the protection and promotion of consumer rights.

The session chaired by Dr. M.C.Valson, Professor, NUALS focused on “Quality of appointments, Efficiency of fora and complicated questions of law and fact vis a vis need for summary proceedings.” Sri Paul Gomez, former member of the District Consumer Forum, Ernakulam spoke about the irregularities in the selection of forum members. He noted that the

Supreme Court has taken progressive steps to remedy the situation by holding that appointment of members should be substantiated by valid reasons by the Government in Chandramohan Nair's case. . He also emphasized that there is a need to scrutinize whether the corresponding rules regarding selection is intra vires the statutory provisions. He also recommended that a sitting High Court judge should be given chairmanship of the selection panel to avoid irregularities in selection of members.

Dr. Balakrishnan K., Associate Professor, NUALS discussed the importance of ensuring that complicated matters of law and fact are referred to regular court proceedings rather than merely deciding such cases summarily.

SECOND TECHNICAL SESSION

The second session chaired by Dr. Anil R Nair, Assistant Professor, NUALS dealt with 'Changing definitions and dimensions of consumer'. Dr. Sushila, Assistant Professor, NLU-Delhi presented a paper on 'Emerging Contours of Consumer: A Critical Look' where she pointed out that sufficient judicial clarification has not been rendered on the definitions of consumer.

Adv. George Markose, Advocate, High Court of Kerala, spoke on why "Class Action" was not to be encouraged in the Indian scenario. He was also of the opinion that though the Amendment Act, 2002 widened the term 'consumer', the definition of the term has been lessening as seen from recent judicial decision which should be changed.

Later, Adv. Shyam Padman, Advocate, High Court of Kerala delivered a presentation which gave a different perspective. He criticized the ambiguity and confusion in the definition of certain terms in Act and questioned the need for a pecuniary jurisdiction among other things. He attributed the defects in the Act to the legislature.

Adv. Sunil Kumar, Senior Legal officer, Jananeethi, who spoke later was highly critical of recognizing consumer rights as secondary rights and not as fundamental or a human right.

THIRD TECHNICAL SESSION

The third session chaired by Dr. Balakrishnan K., Associate Professor, NUALS, was on the topic "Reliefs under the Consumer Protection Act - Need for a Relook".

Sri. Sundaram Govind, District and Session Judge (Rtd.) addressed the gathering. He started by mentioning the primary objectives of the consumer protection act which were basically to reduce expenses incurred and ensures prompt grievance redressal. He stressed on the need for an efficacious remedy mechanism while observing principles of natural justice.

Adv. Madhu S, Team Leader, Centre for Public Policy and Research, Kochi spoke about the private initiatives in consumer redressal agencies. . He was of the opinion that although the case

disposal rates in consumer cases was high; it is tough to equate this to providing justice as only 6% of the cases were disposed within the stipulated time frame. The deficiency in the number of district fora as compared to the giant consumer population and lack of awareness among consumers of their rights were cited as major drawbacks. Even among those aware of their rights, those actually approaching the fora are only a dismal 7% according to the CUTS study. He emphasized on how extra judicial mechanisms can be relied upon for the efficient redressal of consumer grievances. He also highlighted the need to link consumer policies with other state policies for better implementation.

Adv Abraham V Tharakan, Advocate at the Kerala High Court specified that the relief of injunction and interim orders should be made available to consumers also. He mainly addressed three issues in his presentation. Firstly he suggested that there should be a provision under the Consumer Protection Act which provides specific relief to those affected by deficiency in services of educational institutions. Secondly he emphasized on the need for passing of injunctions and interim orders by consumer grievance redressal agencies. And finally, he recognized the need for a global mechanism to safeguard the rights of consumers involved in cross-border transactions. His presentation underlined the need for a greater share of responsibility on the part of the government service providers.

After every technical session, there were paper presentations by students of NUALS and other Universities.

VALEDICTORY SESSION

The Valedictory session which commenced at 6.00 P.M was presided over by Prof. (Dr.) M C Valson, Professor, NUALS. Sri Abhayachandran K, Co- Director, CCPLaP welcomed the gathering and Prof. (Dr.) N Balu, the Vice Chancellor, NUALS delivered the valedictory address. Sri Rohit Nandakumar, Student Co-ordinator, CCPLaP delivered the vote of thanks.

CCPLaP