

Celebration of National Consumer Day

24th December 2020

Organized jointly by VVLC and JSS Law College

The programme began with the welcome note given by Smt. Deepu.P Principal, Vidyavardhaka Law College. She formally welcomed Prof K.S Suresh, CEO, JSS Law College, Prof K.B Vasudeva, Director of Legal Studies, VVLC, Prod (Dr) Nataraj, Principal, JSS Law College and Sri Y.G Muralidharan, the guest speaker.



He spoke on “**New Themes in Consumer Protection Act 2019**”. The act was passed in 1986 and every year it is celebrated through new themes. New phrases are added in the new act and there are about 8 to 10 changes made to the act. Meaning of some phrases are added, nomenclature, monetary jurisdiction are changed additional facilities for filing complaints, e-commerce brought within CPA, mediation process introduced, central consumer protection authority constituted and concept of product liability is introduced. The phrases are- consumer Rights, Design, Direct selling, e-commerce, electronic service provider, endorsement, mediation, misleading advertisement, product liability, product manufacture, seller, product service provider and unfair contracts. On e-commerce there was divergent opinion especially on e-selling platforms like amazon, flip kart etc. the meaning of unfair trade practice is widened in the new act. Publication of misleading advertisements, holding lottery, prize schemes, not publishing results of lottery schemes, not providing bills and invoices, not refunding the price if goods returned within a stipulated time and refusing to take back defective goods etc. under unfair contracts there are 6 issues involved. Requiring a consumer to give excessive deposits for the performance of contractual obligations, imposing penalty on the consumer disproportionately. DCDRC can go up to 1 crore SCDRC up to 10 crores, and NCDRC above 10 crores. The minimum amount of compensation payable shall not be less than 25% of the value of such defective goods and services.

Speaking on the Central Consumer Protection Authority he said it aims to protect, promote and enforce the rights of consumers as a class and prevent violation of consumer rights. In US Consumer product safety commission is established which has the same objective. The authority can file complaints before commission. Sustainable Consumption is included in UN and millennium development goal. Colleges have to undertake funding mechanism for the research of consumer affairs. IRDA has announced funding of 5 lakhs and students should be encouraged to take up such research. The NGO should be encouraged to work for the consumer protection. There are several orders passed by CCPA like- Recalling of goods or withdrawal of services which are dangerous, hazardous or unsafe, reimbursement of the prices of goods, discontinuance of practices hampering safety of consumers etc.

On product liability there are several changes. It can be claimed against manufacturer, seller and product service provider. The seller themselves increases the warranty of goods which is actually not allowed. It is the manufacturer who gives the warranty over goods. The action of product liability cannot be brought against seller at the time of harm or the product was misused or altered or modified. If warning or instructions are given then the manufacturer are not liable. The product was sold as a component or material to be used in manufacturing process. If the product is used by experts, medical practitioners or dangers commonly known to the consumers are not actionable.

In the process of mediation, the government shall establish mediation centers/cell to assist the consumers. A panel of experts shall be appointed by president and members of that commission. Settlement can be arrived with the consent of the consumers. The act itself is passed with the objective of providing dispute resolution through mediation mechanism.

He concluded that we have to wait and watch as to how the amended provision would work towards ensuring protection to consumers in due course.

The programme concluded with the vote of thanks proposed by Smt. Swapna Patil, Assistant Professor, JSS Law College.