



उपभोक्ता मामले विभाग
DEPARTMENT OF
CONSUMER AFFAIRS



**REPORT ON
THREE-DAY TRAINING WORKSHOP AT PATNA FOR THE PRESIDENT OF DISTRICT CONSUMER
DISPUTES REDRESSAL COMMISSION OF BIHAR**

FROM 24TH - 26TH NOVEMBER, 2023

VENUE :VIJAYATEJ CLARKS INN, PATNA, 4TH FLOOR, P & M MALL PATLIPUTRA INDUSTRIAL AREA, PATNA-800013, TEL : +91- 612
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ORGANISED BY

Centre for Advanced Research in Corporate and Insolvency Laws (CARCIL) of Chanakya National Law
University, Patna In collaboration with

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I. Report on Technical Session of Day 1 (24th November 2023)

Date: 24-11-2023 Time: 9:30 A.M- 05:30 P.M

Technical Session 1: Evolution of Consumerism and Law

Prof (Dr.) S. S. Singh,

Former Vice-Chancellor,

NLIU , Bhopal

Ms. Akanksha Rana,

Senior Manager (Litigation) Diageo | Author of Consumer Claims | Mentor and
Adviser at Consumers India

Introduction

Consumerism, the ideology that emphasizes the protection and promotion of consumer interests, has undergone significant evolution globally. In the Indian context, the interplay between consumerism and the legal framework has been instrumental in shaping consumer rights and protections. This report aims to delve into the evolution of consumerism and law within the Indian legal framework, highlighting key milestones, legislative developments, and their implications.

Historical Overview

Consumerism in India traces its roots back to ancient times, where the concept of fair trade and consumer rights found mention in texts like the Arthashastra. However, modern consumerism gained momentum during the post-independence period with the establishment of consumer cooperatives and the enactment of the Monopolies and Restrictive Trade Practices (MRTP) Act in 1969. The 1980s witnessed a paradigm shift with economic liberalization, leading to increased consumer awareness and demands for stronger legal protections.

Legislative Framework

Consumer Protection Act (1986): This landmark legislation marked a significant milestone in India's consumer protection journey. It aimed to provide consumers with effective safeguards against unfair trade practices and substandard goods/services. The Act established consumer forums at the district, state, and national levels for speedy resolution of consumer disputes.

Amendments and Reforms: Over the years, the Consumer Protection Act underwent several amendments to align with evolving consumer needs and market dynamics. The most notable amendment came in 2019 with the introduction of the Consumer Protection Act, 2019, which replaced the erstwhile Act. The new Act aimed to enhance consumer rights, introduce stringent penalties for misleading advertisements, and establish the Central Consumer Protection Authority (CCPA) for proactive consumer protection.

Other Relevant Legislations: Apart from the Consumer Protection Act, several other legislations contribute to the legal framework governing consumer rights in India. These include the Sale of Goods Act, 1930, the Legal Metrology Act, 2009, and the Competition Act, 2002, among others. Each of these legislations plays a crucial role in safeguarding consumer interests across different sectors.

Challenges and Future Outlook

While India has made significant strides in strengthening consumer protection laws, several challenges persist. These include:

Enforcement Bottlenecks: Despite robust legislative frameworks, enforcement remains a challenge due to factors like limited awareness, inadequate infrastructure, and bureaucratic delays.

Emerging Issues: With the advent of e-commerce and digital transactions, new challenges such as data privacy, online frauds, and counterfeit products have emerged, necessitating the need for updated legal provisions.

Access to Justice: Accessibility to consumer dispute redressal mechanisms remains a concern, especially for marginalized and rural communities.

Globalization and Trade Agreements: India's participation in international trade agreements necessitates alignment with global standards while safeguarding domestic consumer interests, presenting a delicate balancing act.

Conclusion

The evolution of consumerism and law within the Indian legal framework reflects a dynamic interplay between regulatory interventions, market forces, and societal aspirations. While significant progress has been made in enhancing consumer rights and protections, continuous efforts are needed to address emerging challenges and ensure effective enforcement. A holistic approach involving collaboration between government, industry stakeholders, and civil society is imperative to foster a conducive environment for consumer empowerment and sustainable economic growth.

This report provides a comprehensive overview of the evolution of consumerism and law in the Indian legal framework, highlighting key legislative developments, challenges, and future outlook. It underscores the importance of adaptive regulatory mechanisms to meet the evolving needs of consumers in a rapidly changing socio-economic landscape.

<p>Technical Session 2: Consumer Protection Act, 2019 Overview: Definitions & Interpretation</p>	<p>Ms. Akanksha Rana, Senior Manager (Litigation) Diageo Author of Consumer Claims Mentor and Adviser at Consumers India</p>
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Overview

The Consumer Protection Act, 2019, marks a significant milestone in India's consumer protection landscape. Enacted to address the evolving needs and challenges faced by consumers in the contemporary market scenario, the Act introduces several key provisions aimed at enhancing consumer rights and redressal mechanisms. This report provides an overview of the definitions and interpretation aspects of the Consumer Protection Act, 2019, discussed in a recent technical session.

Definitions

Consumer: The Act defines a consumer as any person who buys goods or avails services for consideration. It includes users of such goods or beneficiaries of such services, but excludes those who obtain goods for resale or commercial purposes.

Goods and Services: The Act broadly defines goods as tangible movable property and services as facilities provided in exchange for consideration. It encompasses a wide range of transactions, including sale, hire-purchase, and lease.

Complaint: A complaint under the Act refers to any allegation in writing made by a consumer with respect to deficiencies in goods or services, unfair trade practices, or violation of consumer rights, seeking redressal.

Unfair Trade Practices: The Act delineates unfair trade practices as any deceptive, false, or misleading representation, omission, or conduct in the course of trade or commerce that may result in harm to the interests of consumers.

Interpretation

Expansive Definition of Consumer: The Act adopts a consumer-centric approach by broadening the definition of a consumer to encompass a wider spectrum of transactions and beneficiaries. This inclusive approach ensures that individuals availing goods or services, irrespective of their commercial intent, are entitled to protection under the Act.

Focus on Redressal Mechanisms: By defining complaint and specifying the grounds for filing a complaint, the Act emphasizes the importance of efficient redressal mechanisms in addressing consumer grievances. The provision for filing complaints electronically and establishment of Consumer Dispute Redressal Commissions at various levels further streamline the redressal process.

Stringent Measures Against Unfair Trade Practices: The Act adopts a zero-tolerance approach towards unfair trade practices, recognizing their detrimental impact on consumer welfare. By providing consumers with the right to seek compensation for losses incurred due to unfair trade practices, the Act serves as a deterrent against deceptive market practices.

Alignment with International Standards: The Act's definitions and interpretations are largely aligned with international best practices and principles of consumer protection, facilitating coherence with global standards and trade agreements.

Conclusion

The definitions and interpretation provisions of the Consumer Protection Act, 2019, lay the foundation for a robust legal framework aimed at safeguarding consumer interests and promoting fair trade practices. By adopting a broad and inclusive approach to defining consumers, delineating unfair trade practices, and emphasizing efficient redressal mechanisms, the Act reinforces the principles of consumer sovereignty and market transparency. Going forward, effective implementation and enforcement of these provisions are essential to realizing the objectives of consumer protection and fostering a conducive environment for sustainable economic growth.

Technical Session 3: Offences & Penalties	Dr. Mohd. Shariff, Principal, Patna Law College, Patna University, State of Bihar Ms. Akanksha Rana, Senior Manager (Litigation) Diageo Author of Consumer Claims Mentor and Adviser at Consumers India
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Introduction

The Consumer Protection Act, 2019, represents a significant legislative reform aimed at strengthening consumer rights and redressal mechanisms in India. Central to the Act's efficacy is the delineation of offences and penalties for violations, ensuring accountability and deterrence against unfair trade practices. This report explores the provisions related to offences and penalties under the Consumer Protection Act, 2019, and their implications for social welfare justice.

Offences under the Consumer Protection Act, 2019

Misleading Advertisements: The Act prohibits misleading advertisements that may deceive consumers regarding the nature, quality, or quantity of goods or services. Any advertisement containing false or misleading information is deemed an offence under the Act.

Unfair Trade Practices: It categorizes various unfair trade practices, including false representation, deceptive practices, and withholding material information, as offences. Any act or omission in the course of trade or commerce that adversely affects consumer interests constitutes an unfair trade practice.

Sale of Counterfeit Goods: Selling counterfeit or imitation goods under the guise of genuine products is a punishable offence under the Act. Such practices not only deceive consumers but also pose risks to health, safety, and intellectual property rights.

Non-Compliance with Orders: Failure to comply with the orders of consumer dispute redressal commissions or appellate tribunals constitutes an offence, subjecting the defaulter to penalties prescribed under the Act.

Penalties

Compensation: One of the primary penalties under the Act involves the payment of compensation to the aggrieved consumer for any loss or injury suffered due to the unfair trade practice or deficiency in goods/services. The compensation amount is determined based on factors such as the nature of the offence, extent of harm caused, and financial losses incurred.

Fines: Offenders found guilty of violating the provisions of the Act are liable to pay fines as prescribed by the concerned authorities. The fines imposed serve as a deterrent against non-compliance and discourage the recurrence of similar offences.

Imprisonment: In cases involving severe violations or repeated offences, the Act empowers the adjudicating authorities to impose imprisonment on the offenders. The duration of imprisonment varies depending on the nature and gravity of the offence.

Implications for Social Welfare Justice

Protection of Vulnerable Consumers: By penalizing unfair trade practices and deceptive advertisements, the Act promotes social welfare justice by safeguarding the interests of vulnerable consumers, including the economically disadvantaged, elderly, and illiterate.

Restitution and Redressal: The imposition of penalties, including compensation and fines, ensures restitution for aggrieved consumers and facilitates redressal for grievances arising from unfair business practices, thereby promoting social equity and justice.

Accountability and Deterrence: The stringent penalties prescribed under the Act create a sense of accountability among businesses and traders, fostering a culture of ethical conduct and responsible business practices conducive to social welfare justice.

Conclusion

The provisions related to offences and penalties under the Consumer Protection Act, 2019, play a pivotal role in upholding consumer rights, ensuring accountability in the marketplace, and advancing social welfare justice. By deterring unfair trade practices, penalizing violators, and facilitating restitution for aggrieved consumers, the Act

contributes to the promotion of a fair, transparent, and inclusive consumer ecosystem conducive to social equity and justice.

This report provides an overview of the offences and penalties under the Consumer Protection Act, 2019, and their implications for social welfare justice. It underscores the significance of stringent enforcement mechanisms in upholding consumer rights and fostering a conducive environment for ethical business practices and inclusive economic growth.

Report on Technical Session of Day 2 (25th November 2023)

Date: 25-11-2023 Time: 9:30 A.M- 05:30 P.M

Technical Session-I

Consumer Dispute Redressal Commission and Technology Upgradation

Resource Person: by Shri Krishna Kant Singh, Senior System Officer, Patna High Court



Objective: This report seeks to furnish an in-depth examination of the seminar conducted by Shri Krishna Kant Singh, Senior System Officer at Patna High Court, delving into the nuanced integration of technology within the Consumer Dispute Redressal Commission. The focus of this session encompassed the facilitation of technology-driven complaint filing, the adoption of dictaphones for expeditious judgment drafting, the implementation of online dispute redressal mechanisms, and the strategic incorporation of mediation procedures.

Introduction: Consumer Dispute Redressal Commission plays a pivotal role in the expeditious resolution of conflicts between consumers and service providers. The session

conducted by Shri Krishna Kant Singh illuminated the manifold ways in which technological interventions can optimize and streamline this critical process.

Key Points from the Session:

1. **Technological Modernization of Complaint Filing:** Shri Krishna Kant Singh underscored the imperative of leveraging cutting-edge technology to refine and simplify the consumer complaint filing process. The discussion encompassed the deployment of sophisticated online platforms, electronic filing systems, and user-centric interfaces designed to enhance accessibility for complainants.
2. **Dictaphone Integration for Judicial Pronouncements:** The session delved into the strategic integration of dictaphones for the expeditious articulation of judicial pronouncements. This technological innovation empowers judges and legal professionals to orally articulate their judgments, subsequently transcribed digitally. This not only accelerates the adjudication process but also ensures precision in documentation.
3. **Pioneering Online Dispute Resolution:** Emphasis was placed on the paradigm shift towards online dispute resolution mechanisms. Shri Krishna Kant Singh elucidated the merits of virtual hearings, the electronic submission of evidence, and the utilization of digital communication channels. This transformative approach aims to expedite dispute resolution while concurrently offering heightened convenience for all stakeholders.
4. **Mediation Strategies in Consumer Disputes:** Mediation emerged as a focal point in the discourse, with Shri Krishna Kant Singh expounding on the role of technology in facilitating virtual mediation sessions. The integration of digital platforms for negotiation and settlement discussions was highlighted, promising a more flexible and efficient dispute resolution landscape.
5. **Optimizing Accessibility and Expediency:** The overarching theme of technology was presented as a catalyst for enhancing accessibility for complainants, curtailing procedural delays, and expediting the overall resolution of consumer disputes. The session underscored the role of technology in rendering the dispute resolution process more user-centric and operationally efficient.
6. **Security and Confidentiality Protocols:** The imperative of robust security measures to safeguard the confidentiality of consumer data and proceedings was a salient

aspect. Ensuring the integrity of online platforms and fortifying protective measures to preserve sensitive information emerged as critical components of the technological integration strategy.

7. **Capacity Building and Training Initiatives:** Shri Krishna Kant Singh emphasized the necessity for comprehensive training and capacity-building initiatives targeting legal professionals, judges, and support staff. Such initiatives are deemed indispensable for ensuring adept utilization and seamless adaptation to the technological enhancements within the consumer dispute resolution domain.

Conclusion: Shri Krishna Kant Singh's session provided an incisive exploration into the multifaceted realm of technological interventions in the Consumer Dispute Redressal Commission. By harnessing advancements in online filing, dictation-assisted judgment drafting, online dispute redressal, and mediation, the judiciary stands poised to elevate accessibility, expedite processes, and augment efficiency in resolving consumer disputes.



Day-2 Session

II Orientation Training to deal with Consumer Cases
&

Session- III Principles of Natural Justice: Jurisdiction & Functioning Consumer Dispute
Redressal Commission

Resource Person : Mr. Hon'ble AVM J. Rajendra, AVSM VSM (Retd.) Member National
Consumer Dispute Resolution Commission

Orientation Training to Deal with Consumer Cases

By Air Vice Marshal J Rajendra, AVSM, AVM Member, NCDRC



Air Vice Marshal J Rajendra, AVSM, AVM Member of NCDRC, investigates the critical realm of consumer protection, emphasizing the necessity for professionals to undergo orientation training. This training focuses on understanding the evolution of the consumer movement, the dynamic nature of consumer behavior, and the intricate expectations of consumers. The report systematically delves into key areas, commencing with the Evolution of Consumer Movement, where Air Vice Marshal J Rajendra delineates the historical context and pivotal milestones shaping the consumer movement. Moving forward, the report emphasizes the significance of professionals having a profound Understanding of the Consumer, exploring the intricacies of consumer psychology, expectations, and the evolving nature of consumer behavior.

A pivotal aspect, Change in Consumer Behavior, is addressed next, elucidating the dynamic and multifaceted influences on consumer behavior, such as increased awareness of rights and privileges. The report transitions seamlessly to Expectations of Consumers, highlighting the close correlation between consumer satisfaction and meeting their

expectations. Factors like assured quality, accurate information, fair consideration, ethical practices, and safety and reliability are expounded upon. Initiatives for Grievance Redressal take center stage in the subsequent section, as Air Vice Marshal J Rajendra underscores the importance of addressing grievances through a streamlined procedure that ensures financial viability, opportunities for being heard, speaking orders, early disposal, and fair compensation.

The report then navigates into the realm of Adherence to the Mandate, emphasizing the necessity for professionals to align with mandates and undergo periodic reviews for efficacy and expediency. The strategic Way Forward for Efficacy and Expediency is proposed as a conclusion, advocating for staying abreast of changes in consumer behavior, embracing technology, and consistently refining grievance redressal procedures. In summary, the report provides a comprehensive exploration of behavioral training, offering insights into the dynamic landscape of consumer protection and effective strategies for addressing consumer grievances. Air Vice Marshal J Rajendra's work stands as a valuable resource for professionals seeking to navigate the evolving consumer landscape with competence and adaptability.



Technical Session 3: Consumer Disputes vis-à-vis Mediation
Resource Person:

1. Mr. M.P. Srivastava, District Judge (Retd) Bihar Judiciary and
2. Mr. Ajitesh P. Coordinator for Government at Sama | Mediation Coach | Certified Mediator from Ministry of Corporate Affairs



1. Mr. M.P. Srivastava, District Judge (Retd) Bihar Judiciary and

I. Introduction

On this session, Mr. M.P. Srivastava, a seasoned legal expert and retired District Judge from the Bihar Judiciary, delivered an insightful lecture on the intersection of the Consumer Protection Act and Mediation. The lecture aimed to shed light on how the Consumer Protection Act, coupled with mediation, can significantly expedite case disposal, offering speedy justice to consumers.

II. Overview of the Consumer Protection Act

Mr. Srivastava commenced the lecture by providing a comprehensive overview of the Consumer Protection Act. He elucidated its pivotal role in safeguarding consumer rights, emphasizing key provisions that empower consumers and establish a framework for addressing grievances. The act, as explained, plays a crucial role in ensuring fairness in business practices and protecting consumers from unfair trade practices.

III. Understanding Mediation as an ADR Method

The lecture seamlessly transitioned to the discussion of mediation as an Alternative Dispute Resolution (ADR) method. Mr. Srivastava highlighted the voluntary and confidential nature of mediation, underscoring the importance of a neutral third party—the mediator. He emphasized how mediation fosters open communication, collaboration, and the preservation of relationships, setting the stage for the subsequent exploration of its benefits.

IV. Speedy Case Disposal through Mediation

Mr. M.P. Srivastava delved into the core theme of the lecture by illustrating how mediation expedites case disposal. He articulated the timeliness of resolutions in mediation, comparing it favorably to traditional court processes. The cost-effectiveness of mediation was underscored, relieving consumers of financial burdens associated with prolonged legal battles. Flexibility in scheduling and the streamlined process were emphasized as key factors contributing to the expeditious nature of mediation.

V. Convenience to Consumers

The retired District Judge passionately discussed the convenience that mediation offers to consumers. By elucidating the less formal nature of mediation proceedings, the ability for consumers to choose their mediator, and the preservation of relationships, Mr. Srivastava highlighted how mediation aligns with the evolving expectations of modern consumers.

The emphasis on consumer-centric approaches and the empowerment of consumers to control aspects of the resolution process resonated well with the audience.

VI. Legal Recognition and Enforcement

In a pivotal segment of the lecture, Mr. M.P. Srivastava explained the legal recognition and enforceability of agreements reached through mediation. Drawing on his extensive legal experience, he elaborated on how many jurisdictions are increasingly incorporating mediation provisions within consumer protection laws, thereby providing consumers with a reliable and legally binding mechanism for dispute resolution.

VII. Q&A Session and Interactive Dialogue

Following the lecture, an engaging Question and Answer session ensued, allowing participants to seek further clarification and insights. Mr. M.P. Srivastava's responses demonstrated his depth of knowledge and facilitated a dynamic exchange of ideas among the attendees.

VIII. Conclusion

In conclusion, Mr. M.P. Srivastava's lecture on the Consumer Protection Act and Mediation was a thought-provoking and informative session that left attendees with a heightened understanding of the symbiotic relationship between consumer protection laws and mediation. The emphasis on speedy justice, convenience to consumers, and the legal enforceability of mediated agreements positioned mediation as a progressive and effective tool for resolving consumer disputes. The lecture underscored Mr. Srivastava's commitment to advancing legal discourse and empowering legal practitioners and enthusiasts with valuable insights.

2. Mr. Ajitesh P. Coordinator for Government at Sama | Mediation Coach | Certified Mediator from Ministry of Corporate Affairs

I. Introduction

Consumer protection has taken center stage in legal frameworks globally, aiming to safeguard the rights and interests of consumers. In this context, the Consumer Protection Act plays a pivotal role, providing a legal foundation for addressing grievances and ensuring fair practices. Mediation, as an alternative dispute resolution (ADR) method, emerges as a valuable tool to expedite case disposal and enhance convenience for consumers.

II. Consumer Protection Act: Safeguarding Consumer Rights

Enacted to empower consumers and hold businesses accountable, the Consumer Protection Act outlines the rights and responsibilities of consumers and provides a legal framework for addressing disputes. Key provisions include the right to information, protection from unfair trade practices, and the right to seek redressal for grievances. The Act is designed to ensure speedy and effective resolution of consumer complaints.

III. Mediation as an ADR Method

Mediation is a voluntary, confidential process where a neutral third party, the mediator, assists parties in reaching a mutually acceptable resolution. Unlike traditional litigation, mediation promotes open communication, collaboration, and the preservation of relationships. It is increasingly recognized as an efficient and consumer-friendly method for resolving disputes.

IV. Speedy Case Disposal through Mediation

1. *Timely Resolution:* Mediation offers a swift resolution compared to lengthy court processes. This is especially beneficial for consumers seeking quick redressal of their grievances.
2. *Cost-Effective:* Mediation is generally more cost-effective than traditional litigation, reducing financial burdens on consumers. The streamlined process minimizes legal fees and other associated costs.
3. *Flexibility:* Mediation allows for flexible scheduling, enabling parties to choose convenient times for resolution meetings. This flexibility caters to the convenience of consumers who may have busy schedules.

V. Convenience to Consumers

1. *Less Formality:* Mediation proceedings are less formal than court trials, making it more accessible and less intimidating for consumers. The consumer-centric approach encourages open communication.
2. *Choice of Mediator:* Consumers have the opportunity to choose a mediator, fostering a sense of control and ensuring that the mediator understands the consumer perspective.

3. *Preservation of Relationships:* Mediation often results in a win-win situation, preserving relationships between consumers and businesses. This is particularly beneficial for ongoing or potential future transactions.

VI. Legal Recognition and Enforcement

Many jurisdictions, recognizing the efficacy of mediation, have incorporated provisions in consumer protection laws encouraging or mandating mediation before resorting to litigation. Agreements reached through mediation can be legally binding and enforceable, providing consumers with a reliable means of redressal.

VII. Conclusion

The synergy between the Consumer Protection Act and mediation as an ADR method offers a potent combination for expediting case disposal while prioritizing convenience for consumers. Embracing mediation not only aligns with the spirit of consumer protection but also contributes to building a more responsive and consumer-friendly legal system. As consumer expectations evolve, the integration of mediation within the framework of consumer protection serves as a progressive step towards ensuring justice that is both swift and convenient.





Technical Session – IV on Changing Dimensions of Consumer Law & Policies

Resource Person

Mr. Om Prakash Srivastava, District Judge (Retd) Bihar Judiciary



I. Introduction

On this session, Mr. Om Prakash Srivastava, a distinguished legal expert and retired District Judge from the Bihar Judiciary, delivered a thought-provoking lecture on the evolving landscape of Consumer Law & Policies. The lecture, held during Technical Session 4, aimed to provide insights into the dynamic changes occurring within the realm of consumer protection.

II. Overview of Changing Dimensions

Mr. Srivastava commenced the session by providing an insightful overview of the changing dimensions in consumer law and policies. He highlighted the dynamic nature of the consumer landscape, influenced by technological advancements, globalization, and shifting societal expectations. The lecture set the stage for a comprehensive exploration of the multifaceted changes within the consumer protection domain.

III. Emerging Trends in Consumer Law

The lecture delved into emerging trends, shedding light on how contemporary consumer law is adapting to meet the challenges posed by the digital age. Mr. Srivastava explored issues related to e-commerce, data protection, and the increasing complexity of transactions in a globalized market. The evolving definition of consumer rights and the expanding scope of protection were key focal points.

IV. Technological Impacts on Consumer Policies

A significant portion of the lecture was dedicated to unravelling the technological impacts on consumer policies. Mr. Om Prakash Srivastava discussed how advancements such as artificial intelligence, digital platforms, and online marketplaces have reshaped consumer interactions. He emphasized the need for robust legal frameworks to address new-age challenges while ensuring the protection of consumer rights.

V. Regulatory Responses and Policy Shifts

The retired District Judge provided insights into the responses of regulatory bodies and policymakers to the changing dynamics. He discussed how legal frameworks are evolving to keep pace with technological advancements, ensuring that consumer protection laws remain relevant and effective. The lecture explored case studies and examples of jurisdictions adapting their policies to address emerging challenges.

VI. Global Perspective on Consumer Protection

Mr. Srivastava broadened the scope by providing a global perspective on consumer protection. He compared and contrasted the approaches of different countries in addressing common challenges, offering the audience a broader understanding of the international dynamics influencing consumer law and policies.

VII. Case Studies and Practical Implications

The session included illustrative case studies and practical implications of the changing dimensions in consumer law. Mr. Om Prakash Srivastava shared real-world examples, providing attendees with a practical understanding of how legal principles are applied to address contemporary issues.

VIII. Q&A Session and Interactive Dialogue

A lively Question and Answer session followed the lecture, allowing participants to engage with Mr. Srivastava, seek clarifications, and share their perspectives. The interactive

dialogue showcased the collective interest in understanding and navigating the evolving landscape of consumer protection.

IX. Conclusion

In conclusion, Mr. Om Prakash Srivastava's lecture on the Changing Dimensions of Consumer Law & Policies in Technical Session 4 was a comprehensive and enlightening exploration of the challenges and opportunities within contemporary consumer protection. The session offered a nuanced understanding of the legal intricacies surrounding emerging trends, technological impacts, regulatory responses, and global perspectives. Mr. Srivastava's wealth of experience and insightful commentary contributed significantly to the collective knowledge of the audience, making the session a valuable contribution to ongoing discussions on the evolution of consumer law and



policies.



DAY 3	
26 th November 2023	
Technical Session 8: Interplay of Competition Law and Consumerism Technical	Mr. Sumit Jain Founding Director Centre for Competition Law and Economics

Introduction

The interplay between competition law and consumerism represents a dynamic regulatory framework aimed at fostering fair competition and protecting consumer interests in the marketplace. This report explores the intricate relationship between competition law and consumerism, highlighting key aspects discussed in a recent technical session.

Competition Law: Ensuring Fair Market Practices

Regulating Market Competition: Competition law aims to prevent anti-competitive practices that hinder market competition, such as monopolies, cartels, and abuse of dominant market positions. By promoting a level playing field, competition law fosters innovation, efficiency, and consumer welfare.

Protection of Consumer Interests: Consumer welfare lies at the heart of competition law, which seeks to ensure that consumers have access to a diverse range of goods and services at competitive prices. Competition enforcement actions aim to mitigate market distortions and prevent practices that harm consumer choice or inflate prices.

Market Entry and Innovation: Competition law encourages market entry and innovation by removing barriers to entry and preventing anti-competitive agreements or practices that stifle competition. This dynamic environment fosters innovation, drives quality improvements, and expands consumer choices.

Consumerism: Empowering Consumers

Empowering Consumer Rights: Consumerism advocates for the protection of consumer rights, including the right to safety, information, choice, and redressal. It seeks to empower consumers by ensuring transparent business practices, truthful advertising, and effective grievance redressal mechanisms.

Promoting Product Safety and Quality: Consumerism emphasizes the importance of product safety and quality standards to protect consumers from harm and deception. Through regulations and standards, consumerism promotes the availability of safe and quality products in the market.

Consumer Education and Awareness: Consumerism encourages consumer education and awareness initiatives to empower consumers with knowledge about their rights and responsibilities. Informed consumers make better choices, hold businesses accountable, and drive market demand for ethical and sustainable products.

Interplay of Competition Law and Consumerism

Balancing Competing Interests: The interplay between competition law and consumerism requires a delicate balance between promoting market competition and protecting consumer interests. Regulatory interventions should aim to foster competitive markets while safeguarding consumer rights and welfare.

Collaborative Enforcement: Effective enforcement of competition law and consumer protection regulations necessitates collaboration between competition authorities, consumer protection agencies, and other relevant stakeholders. Coordination and information sharing enhance regulatory effectiveness and maximize consumer benefits.

Addressing Emerging Challenges: Rapid technological advancements, digitalization, and globalization present new challenges for competition law and consumerism. Regulators must adapt to evolving market dynamics, address digital market monopolies, and ensure consumer privacy and data protection in the digital age.

Conclusion

The interplay of competition law and consumerism represents a symbiotic relationship aimed at promoting fair market practices and protecting consumer interests. By fostering competition, empowering consumers, and addressing market distortions, this regulatory framework contributes to economic efficiency, innovation, and social welfare. Going forward, collaborative efforts, adaptive regulatory strategies, and consumer-centric policies are essential to navigate the complex challenges of the modern marketplace and advance the twin objectives of competition and consumer protection.

This report provides insights into the interplay of competition law and consumerism, highlighting their complementary roles in promoting fair market practices and protecting consumer interests. It underscores the importance of regulatory collaboration, adaptive strategies, and consumer empowerment in fostering competitive, inclusive, and sustainable markets.

Technical Session 9: E-Commerce & Product Liability	Mr. Sumit Jain Founding Director Centre for Competition Law and Economics
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Introduction

The proliferation of e-commerce platforms has revolutionized the retail landscape, offering consumers unprecedented convenience and access to a wide array of products and services. However, this digital transformation has also raised significant concerns regarding product liability, especially in cases of defective or harmful products sold online. This report examines the intersection of e-commerce and product liability, exploring the challenges, legal implications, and emerging trends in this evolving domain.

E-Commerce and Product Distribution

Market Dynamics: E-commerce platforms serve as intermediaries connecting consumers with sellers and facilitating product transactions. The borderless nature of online marketplaces enables sellers to reach a global audience, while consumers benefit from a diverse selection of products and competitive pricing.

Supply Chain Complexity: The decentralized nature of e-commerce supply chains, involving multiple vendors, distributors, and logistics partners, adds complexity to product sourcing and distribution. This intricate network increases the risk of product defects, counterfeit goods, and regulatory non-compliance, posing challenges for product safety and liability.

Product Liability in E-Commerce

Legal Framework: Product liability laws hold manufacturers, distributors, and sellers accountable for injuries or damages caused by defective products. In the context of e-

commerce, determining liability becomes complex due to the involvement of multiple parties and the lack of physical presence.

Direct vs. Vicarious Liability: E-commerce platforms may face direct liability for their own actions, such as negligence in product vetting or misrepresentation. Additionally, they may incur vicarious liability for the actions of third-party sellers operating on their platforms, depending on the degree of control exercised over product listings and transactions.

Jurisdictional Challenges: The cross-border nature of e-commerce transactions raises jurisdictional challenges in determining applicable laws and resolving disputes. Conflicting regulations across jurisdictions further complicate liability issues, necessitating harmonization efforts and international cooperation.

Emerging Trends and Mitigation Strategies

Enhanced Due Diligence: E-commerce platforms are increasingly implementing robust due diligence measures to vet sellers and products, verify compliance with regulatory standards, and mitigate risks of counterfeit or unsafe products.

Consumer Protection Measures: Proactive consumer protection measures, such as product reviews, ratings, and buyer guarantees, enhance transparency and trust in e-commerce transactions. Prompt resolution of consumer complaints and effective dispute resolution mechanisms further bolster consumer confidence.

Technological Solutions: Advancements in technology, including artificial intelligence and blockchain, offer innovative solutions for product traceability, authentication, and supply chain transparency. These technologies enable real-time monitoring of product quality and provenance, enhancing accountability and reducing liability risks.

Conclusion

The intersection of e-commerce and product liability presents complex challenges and legal implications for stakeholders in the digital marketplace. While e-commerce offers unprecedented opportunities for commerce and innovation, it also demands proactive measures to ensure product safety, consumer protection, and regulatory compliance. By adopting enhanced due diligence practices, implementing consumer-centric policies, and leveraging technological solutions, e-commerce platforms can mitigate liability risks, foster trust, and promote a safe and sustainable online shopping environment.

This report provides an overview of the interplay between e-commerce and product liability, highlighting the challenges, legal considerations, and emerging trends in this evolving landscape. It underscores the importance of proactive risk mitigation strategies, regulatory compliance, and technological innovation in promoting consumer safety and trust in the digital marketplace

<i>Technical Session 10: Interactive Session</i>	<i>Mr. Sumit Jain Founding Director Centre for Competition Law and Economics</i>
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DAY 3
26th November 2023

Report on Valedictory Ceremony

Introduction

The valedictory ceremony held at Vijayatatej Clarks Inn , Patna on marked a significant occasion to honor distinguished dignitaries and scholars in the field of law and consumer affairs. The event provided a platform for intellectual discourse, reflection, and recognition of contributions towards promoting consumer rights and legal justice. This report encapsulates the proceedings and highlights the key insights shared by esteemed guests and speakers.

Dignitaries Present

Hon’ble Mr. Justice Amreshwar Pratap Sahi: Former Chief Justice of Patna and Madras High Courts, and President of the National Consumer Dispute Resolution Commission, New Delhi.

Mr. Rohit Kumar Singh, IAS: Secretary, Department of Consumer Affairs, Ministry Of Consumer Affairs, Food & Public Distribution.

Hon’ble Mr. Justice Sanjay Kumar: Hon'ble President, State Consumer Disputes Redressal Commission, Bihar, Patna.

Prof. (Dr.) S. P. Singh: Registrar, Chanakya National Law University, Patna.

Key Highlights

Address by Hon'ble Mr. Justice Amreshwar Pratap Sahi: Justice Sahi underscored the importance of upholding consumer rights and ensuring accessible and efficient dispute resolution mechanisms. He emphasized the role of the National Consumer Dispute Resolution Commission in adjudicating consumer grievances and promoting fair and transparent redressal processes.

Insights from Mr. Rohit Kumar Singh, IAS: Mr. Singh emphasized the government's commitment to safeguarding consumer interests and implementing policies that ensure the availability of safe and quality goods and services. He highlighted the role of the Department of Consumer Affairs in formulating regulations and initiatives aimed at enhancing consumer protection and welfare.

Perspectives from Hon'ble Mr. Justice Sanjay Kumar: Justice Sanjay Kumar shared insights into the challenges and opportunities in consumer dispute resolution at the state level. He emphasized the need for strengthening consumer awareness, capacity building of adjudicatory bodies, and leveraging technology for efficient case management and redressal.

Closing Remarks by Prof. (Dr.) Nandita S Jha : Dr. Jha expressed gratitude to the esteemed guests and participants for their valuable insights and contributions to the valedictory ceremony. She reiterated the university's commitment to promoting excellence in legal education and research, with a focus on social justice and consumer rights.

Conclusion

The valedictory ceremony served as a platform for meaningful dialogue and collaboration among legal luminaries, policymakers, and scholars in advancing consumer rights and legal justice. The insights shared by distinguished speakers underscored the imperative of collective action in addressing contemporary challenges and advancing the cause of consumer protection. As the event concluded, participants departed with renewed commitment and enthusiasm to contribute towards a fair, inclusive, and rights-based legal ecosystem.

This report encapsulates the proceedings of the valedictory ceremony organised by Chanakya National Law University, Patna, honoring eminent personalities and scholars

in the field of law and consumer affairs. It highlights the key insights shared by distinguished guests and speakers, reaffirming the commitment to promoting consumer rights and legal justice in society.