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## Consumer Protection Act, 2019: Reforming the Judiciary of Consumer Dispute Redressal Commissions

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### Consumer Dispute Redressal Commissions: Where Legal Expertise is Optional, and Justice is Negotiable

In the labyrinth of legal proceedings, where the common consumer seeks justice, the framework governing the appointment of presidents and members of Consumer Dispute Redressal Commissions demands meticulous scrutiny. The Consumer Protection Act, 2019, while aiming to fortify consumer rights, inadvertently stumbles upon the quagmire of ambiguity and potential pitfalls.

The forthcoming article endeavors to shed light on the sections within the existing legislation that remain ambiguous and imprecise, thereby impacting the accessibility of prompt and professional-quality service for Indian consumers. It is directed towards the esteemed Ministry of Consumer Affairs, with the intention of prompting the necessary revisions to uphold service standards and eliminate any lingering uncertainties.

Section 33 of the Act, ostensibly emphasizing the staffing of District Commissions, conspicuously lacks a mandate for legal expertise among its officers and employees. This oversight jeopardizes the efficacy of the commissions, as legal acumen becomes indispensable in navigating the intricacies of consumer disputes. Without a legal background, the drafting and interpretation of legal documents could become a laborious task, further exacerbating the already sluggish judicial process.

*33. Officers and other employees of District Commission.—(1) The State Government shall provide the District Commission with such officers and other employees as may be required to assist the District Commission in the discharge of its functions.*

*(2) The officers and other employees of the District Commission shall discharge their functions under the general superintendence of the President of the District Commission*

Furthermore, Section 4 delineates the qualifications for the appointment of Presidents and members of District Commissions. While it mandates experience in various domains, including law, it falls short of specifying the necessity of prior judicial experience. This raises concerns regarding the proficiency and credibility of those appointed, potentially undermining the trust of consumers in the commission's rulings. The recruitment section also fails to explicitly stipulate that the woman selected as a member must possess extensive legal knowledge, prior experience, and qualifications as a judge or judicial member, rather than merely any background.

*4. Qualifications for appointment of President and member of District Commission. - (1) A person shall not be qualified for appointment as President, unless he is, or has been, or is qualified to be a District Judge.*

*(2) A person shall not be qualified for appointment as member unless he-*

*(a) is of not less than thirty-five years of age;*

*(b) possesses a bachelor's degree from a recognised University; and*

*(c) is a person of ability, integrity and standing, and having special knowledge and professional experience of not less than fifteen years in consumer affairs, law, public affairs, administration, economics, commerce, industry, finance, management, engineering, technology, public health or medicine.*

*(3) At least one member or the President of the District Commission shall be a woman.*

A significant lacuna emerges in the selection process outlined in Section 6. The undue influence of the State Government in the selection committee poses a palpable threat to impartiality and integrity. With two members representing the State Government, the specter of political interference looms large, casting a shadow over the credibility of appointments. The absence of stringent criteria for the nominee from the State Government further compounds this issue, leaving room for arbitrary selections devoid of legal expertise.

*6. Procedure of appointment. - (1) The President and members of the State Commission and the District Commission shall be appointed by the State Government on the recommendation of a Selection Committee, consisting of the following persons, namely:-*

*(a) Chief Justice of the High Court or any Judge of the High Court nominated by him-Chairperson;*

*(b) Secretary in charge of Consumer Affairs of the State Government – Member;*

*(c) Nominee of the Chief Secretary of the State-Member.*

*(2) The Secretary in charge of Consumer Affairs of the State Government shall be the convener of the Selection Committee.*

In light of these inadequacies, a paradigm shift in the recruitment process is imperative. It is proposed that the recruitment of Presidents and members of Consumer Dispute Redressal Commissions be entrusted to individuals with robust judicial backgrounds. Retired District or High Court judges, equipped with extensive judicial experience and a thorough understanding of legal intricacies, are better poised to adjudicate consumer disputes effectively.

Moreover, the selection committee must be reconfigured to ensure impartiality and transparency. Increasing the representation of judicial officers within the committee and limiting the influence of the State Government can mitigate the risks of political interference. The onus lies on the Central Government to streamline the selection process, minimizing external influences and upholding the sanctity of consumer rights. Regular assessments and reports should be conducted to verify the suitability of individuals presiding over rulings and to ensure the smooth functioning of operations. Additionally, periodic conferences should be convened to disseminate, uphold, and enhance existing consumer protection authority regulations and amendments.

In conclusion, while the Consumer Protection Act, 2019, heralds a new era of consumer empowerment, its efficacy hinges on the judicious appointment of Presidents and members of Consumer Dispute Redressal Commissions. By fortifying the recruitment process with stringent criteria and impartial oversight, we can instill confidence in consumers and uphold the principles of justice and fairness in consumer dispute resolution.