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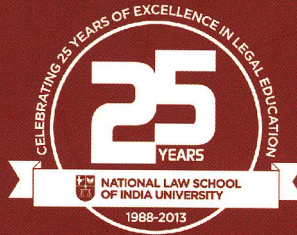
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Chair Professor
Chair on Consumer Law and Practice



National Law School of India University

Nagarbhavi, Post Box 7201,
Bangalore - 560242, Karnataka, India



**INTERNATIONAL JOURNAL ON CONSUMER
LAW AND PRACTICE**

VOLUME I, 2013

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MESSAGE

I am immensely happy to write this message for "International Journal on Consumer Law and Practice" a journal of quality and utility in the field. This journal is really International both in terms of contribution of articles by eminent scholars from all over and of quality of its contents. This journal is mainly intended to be used as a reference for students, academicians, professionals, government officials, consumer forum members, NGOs and all those with a concern for better consumer movement and protection.

Government of India is to be appreciated and congratulated for establishing a Chair on 'Consumer Law and Practice' for the first time at National Law School of India University in the year 2008. National Law School of India University occupies a very significant place in the field of legal education with substance. This chair is yet another feather in its cap. This Consumer Chair is acting as a "Think Tank" for Research and Policy related issues on Consumer Law and Practice to create an awareness for the consumers regarding their rights, duties and responsibilities and to promote consumer welfare by strengthening consumer movement at National

and International level. A right person, in a right place, at a right time itself, ensures right results intended. Knowing as I do, Prof(Dr.)Ashok R.Patil and his worth and work, I have no hesitation or reservation in saying that the right person is occupying the chair. Since 2008, I have observed the activities of this chair under the focused leadership of Prof.(Dr.) Ashok R.Patil. For his meaningful contribution, he has been awarded “Legal Education Innovation Award-2013” at the National level, rightly and deservingly so.

I am confident that this journal will enlighten the people and help them in protecting their consumer rights at National and International level. I am certain that in years to come, Chair on Consumer Law and Practice, NLSIU will not only achieve but also sustain its vision to contribute to the development of consumer law Internationally.

I appreciate the editor Prof.(Dr.) Ashok.R.Patil, Chair Professor, Chair on Consumer Law and Practice, editorial board and all the contributors, all the success for the upcoming publication.


3-1-2014
Justice Shivaraj V.Patil

पंकज अग्रवाल
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Pankaj Agrawala
Secretary



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MESSAGE

It is with sublime pleasure that I am writing this message for the inaugural of an International Journal titled "**International Journal on Consumer Law and Practice**" as Chair on Consumer Law and Practice, National Law School of India University, Bangalore is coming out with the annual publication of this journal which is a compilation few of the selected articles across the countries.

The primary objective of the Chair is to act as a "Think Tank" for the Research and Policy related issues on Consumer Law and Practice. It has also taken the initiative to create an awareness for the consumers regarding their rights, duties and responsibilities and to promote consumer welfare by strengthening consumer movement in the country.

I am confident that this journal will enlighten the people and help them in protecting their consumer rights. The present edition carries rich blend of a variety of legal topics. I am certain that exercises such as book publications by Chair on Consumer Law and Practice, National Law School of India University, Bangalore will go long way in helping the consumers internationally.

I wish all the best for the Chief Editor Prof. (Dr.) Ashok R.Patil, Chair Professor, Chair on Consumer Law and Practice and the editorial board all the success for upcoming publication.


(Pankaj Agrawala)

November 27, 2013



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Vice Chancellor

FOREWORD

It delights me to know that Chair on Consumer Law and Practice, National Law School of India University, Bangalore is coming out with the I Volume of "**International Journal on Consumer Law and Practice**" consisting of select papers from different countries related to Consumer issues at the International scenario.

At the international level, eight fundamental consumer rights were first declared in the 1985 United Nation Guidelines for Consumer Protection. These rights include the right to safety, to choice, to redress, to consumer education and to a healthy and sustainable environment along with the right to satisfaction of basic needs, the right to be informed and the right to be heard. In 1999, the above mentioned UN guidelines were supplemented by a new principle - the right to sustainable consumption. The guidelines are not binding but do provide a set of basic consumer protection objectives upon which governments have agreed, thereby providing a policy framework for implementation at national level. Although these fundamental consumer rights are not mandatory, they have significantly influenced international legal thinking. This influence has resulted in the enactment of binding laws elsewhere in the world.

The World Trade Organisation Consumers International's tacit admission that there has been glaring inequalities in the distribution of wealth all over the world clearly implies that World Trade Organisation has not been successful to the desired extent in fulfilling its avowed objective of promoting sustainable development and rising the living standards throughout the world through its multilateral trading system and its management there of. This clearly underscores the need for a new approach which would ensure equitable distribution of the benefits of the trade liberalisation to all consumers and not just for the Multinational Corporations.

I am sure that such exercises like the publishing of International Journal on Consumer Law and Practice will help us appreciate the magnitude of the task thereby enabling us to provide durable solutions.

I congratulate the Chief Editor, Prof.(Dr.) Ashok R Patil, Chair Professor, Chair on Consumer Law and Practice and the Editorial Board for their commendable effort and wish them all success.

Prof. (Dr.) R. Venkata Rao
Vice-chancellor



Prof. (Dr.) ASHOK R. PATIL
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EDITORIAL

It is my great pleasure to present the first issue of the *International Journal on Consumer Law and Practice* which we are able to publish in 2013. Since the beginning of this year, a number of articles have been sent to us. Article submissions came from various other countries such as India, China, Poland, Spain and Brazil where in manuscripts covering the most varied scope of topics, all of them being interesting and innovative.

Awareness of consumer rights as basic rights began when US President John F. Kennedy outlined in his special message to the United States Congress, on 15 March 1962, four fundamental consumer rights. Nevertheless, the speech attracted widespread attention elsewhere, descriptive of, and contributing to, the emergence of new social and legal phenomena. Over the last 50 years, consumer law has developed considerably, influenced by growth in trade and wealth, globalisation, and the strengthening of the consumer movement. As a result of these trends, numerous regulations have been adopted to balance the greater power of professional suppliers over individuals. The United Nation Guidelines will identify, as well as deconstruct the national laws which impact consumers and assist in the comparison of a national framework with other jurisdictions.

I would like to thank Patron-in-Chief, Patron, Editorial Advisory Panel, Editor without whose cheerful help and practical wisdom this issue would not have been possible. I would like to thank the authors who have submitted articles to *IJCLP* and thus endorsing a new initiative and an innovative academic organ and, in doing so, encouraging many more authors. I would also like to thank Mrs. Anita A. Patil and Mr. Mahesh S. Betasur, Research Assistants, who have contributed to the making of this first issue and whose work has increased the quality of articles even more.


Prof.(Dr.) Ashok R. Patil
Chief Editor

INFORMATION ABOUT THE JOURNAL

The *International Journal on Consumer Law and Practice* (ISSN 2347-2731) is a peer-reviewed journal, edited and published annually by Chair on Consumer Law and Practice, National Law School of India University, Bangalore, India. The Journal comprises of:

- The Chief Editor who provided strategic guidance to the Journal
- The Article Review Board, a panel of external peer-reviewers.
- The Editorial Board, National Law School of India University, which is responsible for selecting and editing content as well as contributing occasional notes and comments.
- The Chair on Consumer Law and Practice, National Law School of India University Bangalore, which publishes the Journal and carries out many academic functions such as promoting research, and teaching and training Consumer Law and Practice. The Chair will undertake outreach programmes in the form of workshops, seminars, publications and training programme for academicians, professionals, government official, consumer forum members, and NGOs.

INFORMATION FOR CONTRIBUTORS

The International Journal on Consumer Law and Practice invites the submission of articles, book reviews, comments and essays relating to Consumer Law and Practice from both national and international perspective.

Mode of Submission

Manuscripts may be submitted either in electronic form (email) or in hard copy through post.

Please address electronic submissions to the Chief Editor of the International Journal on Consumer Law and Practice at consumerlaw@nls.ac.in

To facilitate the review of manuscripts submitted in hard copy form, authors are also encouraged to provide copies of their manuscripts on a compact disc or DVD-R. It is regretted that manuscripts cannot be returned to the authors.

Please address hard copies of manuscripts to:
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Regular Submission Review

The Journal will provide authors with an acknowledgement shortly upon receipt of the manuscript. Efforts will be made to complete the peer-review process within a reasonable time frame, and the journal will duly notify and update authors regarding the status of the peer reviews as and when they are completed.

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Authors who have received an offer of publication (whether conditional or unconditional) from another journal for their manuscripts may request an expedited review. It shall be at the discretion of the Editorial Board whether to grant an expedited review or not. Please note that requests for expedited review can only be made for electronic submissions. Every such request needs to be accompanied by the following details:

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- The Journal encourages the use of gender-neutral language in submissions.
- Word limit varies according to the nature of the contribution. The word limit insisted upon is exclusive of footnotes.
- The word limit for an 4,000-5,000 words containing a comprehensive study of the theme indicating the lacunae in the present Consumer Protection Laws with suggestions and recommendations.
- An **Essay** is more concise than an article and is supposed to specifically deal with the challenges to the problems within 3,000- 4,000 words.
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- A **Book Review** where a literary work is criticized on the basis of its content and merit shall not exceed 2,000 words.
- **Format:** The body of the contribution should be in Times New Roman, size 12 and 1.5 spacing. The footnotes should be in Times New Roman, size 10 and in single spacing.
- One of the reasons the Journal was set up was to encourage debate on issues pertaining to Consumer Law and Practice. Thus, the Journal welcomes Articles, Essays, Case Comment, Book Review from a variety of view points, and the content of any article that it publishes should not be taken as an indicator of the ideological leanings of the Journal. Articles, Essays, Case Comments and Book Reviews that rebut previously published articles or which hold radically different viewpoints are greatly appreciated and will be reviewed on their own merit.
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