

# Ocular Learning of Consumer Laws Episode 3: Product Liability and Consumer Protection

June 30,  
2020

*Main  
Takeaway*

The whole scenario is about raising your voice then only our consumer law will improve.

## Introduction

Meet our experts for the episode – **Mr. Deepak Dayal**, Managing Partner, Dayal Legal Associates, Secretary General of Society for Legal Reforms and Education and **Ms. Payel Chatterjee**, Leader, International Disputes Team at Nishith Desai Associates and Safety in conversation with **Ms. Apoorvi Shrivastava**, Assistant Professor IFIM Law School.



**Ocular Learning of Consumer Laws**  
**Product liability and Consumer Protection**

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Managing Partner, Dayal Legal Associates  
Secretary General of Society for Legal Reforms and Education

**Ms. Payel Chatterjee**  
Leader, International Disputes Team  
at Nishith Desai Associates

In Conversation with

**Ms. Meghana R**  
BBA LLB Batch of 2022,  
IFIM Law School, Bangalore

**Ms. Apoorvi Shrivastava**  
Assistant Professor,  
IFIM Law School

**30<sup>th</sup> June 2020**  
**4.00 PM to 5.00 PM IST**

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*Takeaway* **Learnings**

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- Prior to consumer product there was no specific product liability theory in India
- When a product has an unexpected defect or danger, the product cannot be said to meet the ordinary expectations of the consumer.
- When there is digital component is involved then there is no product liability concept liable, only when you are actually getting the physical product, the product liability concept is liable
- When can you calm the product liability? When some harm done to consumer when used
- What is harm
  - It can be physical injury
  - It can be emotional injury
  - It can be mental injury
- Who to fix the liability on?
  - The product manufacturer
  - The product seller
  - The product service provider
- When can you held responsible the manufacture?
  - Difficult in manufacturing
  - Difficult in quality
  - Express breach of warranty
- Penalty imposed on product liability like fines, imprisonment, recall of the product, withdrawal of the product
- The responsibility of choosing the right accessories, dealers, suppliers & sellers lies in the hands of the manufacture
- Recall & withdrawal can be with conditions applied
- Negligence is simply the failure to exercise due care: 3 ingredients of negligence are:
  - The defendant owns a duty of care to the plaintiff
  - The defendant has breached this duty of care
  - The plaintiff has suffered an injury due to the breach
- The consequences of legally cognizable medical negligence can broadly be put into 3 categories
  - Criminal Liability
  - Monetary Liability
  - Disciplinary Liability

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**Speaker****Mr. Deepak Dayal,**

Managing Partner, Dayal Legal Associates, Secretary General of Society for Legal Reforms and Education and

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Leader, International Disputes Team at Nishith Desai Associates and Safety

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