

The Hindustan Times, New Delhi, 04 Mar 2008

# Consumers' forum to provide lawyers to poor for fighting court cases

Harish V. Nair  
New Delhi, March 3

LITIGANTS FROM economically weaker sections might no longer lose cases in capital's consumer courts just because they could not afford a lawyer to take on those engaged by multi national companies and powerful business houses and had to fight it out themselves.

In an unprecedented move set to benefit thousands of aggrieved, the State Consumer Disputes Redressal Forum on Monday offered to provide lawyers to poor consumers free of charge.

In a circular, its President Justice J.D. Kapoor said "those who have no means to avail the services of lawyers for redressal of their grievances can have one free of charge by approaching the commission and applying for it".

He said the lawyers would be paid from the State Consumer Welfare Fund. Besides the state consumer commission, the litigants can also avail of the facility in ten district forums.

Lawyers assigned fresh cases will be paid Rs 10,000 and those who argue appeals from lower forums before the state commission will get Rs 5,000.

"This was a long felt need for protecting the common man who are up against the rich and mighty organisations, powerful

business houses, multinationals and banks and also civic agencies like DDA, MCD, NDMC and DJB when they indulge in unfair trade practice. Part of the hefty punitive damages imposed from these organizations in the recent past have been deposited in a corpus", justice Kapoor said.

He said a Government account has been opened in the State Bank of India under the title "State Consumer Welfare Fund (Legal Aid)".

The Delhi High Court has stayed many of the consumer commission's significant orders

#### Some of the recent ones

- The order restraining Discoms from raising bills based on electronic meters
- The order asking all airlines to compensate all passengers for delayed flights
- The FIR against banks using goons for recovering loans
- Penalty on cellular operators allowing telemarketing calls
- Heavy penalty on NDMC for allowing commercial use of its parks

#### Lawyers skeptical

Lawyers specializing in consumer cases welcomed the order but was guarded in their reaction on the benefits of the scheme. Says advocate Ankit Jain: "Rather than giving the judge to appoint a lawyer, there should be a particular team of young lawyers. The advantage will be that they will work really hard and give justice to the poor consumer".

Jain also sounded skeptical. "Winning the case in the consumer court is not the end.

The big companies are definitely going to file appeal in higher courts like the High Court and National Commission and obtain a stay as is now happening in most cases", he said. Another lawyer Vinay Kumar agrees. "There should also be a provision that the same lawyer will continue defending the poor consumer in the higher court if the companies file appeal".