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***Intergovernmental Group of Experts on Consumer Law and Policy***  
***(IGE Consumer)***

3rd SESSION

9-10 July 2018

Room XVII, Palais des Nations, Geneva

Tuesday, 10 July 2018

Morning Session

**Agenda Item 3d. Dispute resolution and redress**

Contribution by

Consumer Affairs Authority

Sri Lanka

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<p style="text-align: center;"><b>Questionnaire for UNCTAD secretariat note on: Dispute Resolution and Redress IGE on Consumer Protection Law and Policy July 2018</b></p>
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### **Background**

The second session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy requested "the UNCTAD secretariat, in accordance with guideline 97(b) to prepare reports and studies, taking into account the input from member States and other relevant stakeholders, for the third session of the IGE on the following topics:

a. Dispute resolution and redress"<sup>1</sup>

The work of UNCTAD relating to dispute resolution and redress comprises:

- [TD/B/C.I/CLP/23](#): Implementation report on the United Nations Guidelines for Consumer Protection (2013): paras. 25 - 27
- Report on modalities for the revision of the United Nations Guidelines for Consumer Protection (2015): paras. 54(financial services), 67 (other issues), 82 (implementation)
- [A/RES/70/186](#) 22 December 2015 on Consumer Protection:
- [United Nations Guidelines for Consumer Protection](#): 5(g); 11(f) 15; 14(g); Section F, 37-41; 44(d), 77

The UNCTAD secretariat will produce a background note to serve as basis for discussions at the third session of the IGE on consumer protection.

### **Objective**

The objective of this questionnaire is to feed into the background note which will provide a general and global overview of the state of dispute resolution and redress in light of the revised United Nations Guidelines for Consumer Protection (UNGCP). The note will contain proposed questions for discussions as well as recommendations for follow-up.

### **Questionnaire**

The UNCTAD secretariat is circulating the present questionnaire to officially designated contact points for the purpose of the UNGCP and relevant stakeholders participating in the IGE. The answers received will not be made public unless requested by the interested respondent and will be attributed to the institution.

Respondents should answer to their best knowledge, answers will not be considered official positions.

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<sup>1</sup> [TD/B/C.I/CPLP/9](#): Report of the Intergovernmental Group of Experts on Consumer Protection Law and Policy on its second session

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**Question 1: What legal avenues do consumers have to obtain redress? And which ones are the most effective?**

In terms of the provisions of the Consumer Affairs Authority Act, any aggrieved consumer could make a complaint for redress. Avenues are also available for redress through Civil courts but however, redress through CAA is the most effective avenue.

**Question 2: What legal avenues do consumers have to access dispute resolution? And which ones are the most effective?**

Consumers could access CAA for resolution of disputes with traders over purchase of goods or provision of services. However, redress is also available through civil courts which is not quite effective as the CAA.

**Question 3: What are the key characteristics for an effective out-of-court/alternative dispute resolution mechanism?**

- It should not be time consuming
- It should be at no/nominal cost to the aggrieved party
- The mechanism should be able to compensate an aggrieved party to their satisfaction

**Question 4: Summarize (include link if possible) the most salient court decisions regarding consumer issues**

- The Court extended the time bar of 3 months to make consumer complaints to the CAA from 3 months to the end of a period of warranty, if a warranty is available.
- The Court has affirmed that an order issued by the CAA to an aggrieved party subsequent to an inquiry is final and no appeal lies in respect of such Order. However, such an order issued by the CAA could be challenged under the writ jurisdiction and such order could be reversed

by such Court.

- Although compensation could be granted to an aggrieved party after an inquiry into a consumer complaint, Court has ruled out that such compensation could be awarded only to meet the actual loss in line with the other 2 remedies as per the Act, ie, replacement of goods and refund of the purchase price, and that the CAA has no jurisdiction to award compensation as in a Civil court.