




**The Consumer  
Protection Act, 2019:  
Issues and Challenges**

ISBN: 978-93-341-1503-1

**Dr. Pradipkumar Tambe**  
Editor



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**Published by:**

Marathwada Mitra Mandal's  
Shankarrao Chavan Law College,  
202/A, Deccan Gymkhana, Pune 411004  
Email: mmmslc@gmail.com

**ISBN : 978-93-341-1503-1**

First Edition: January 2025

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Price: 300/-

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Typeset by: Rahul B. Gavali  
Printed at: Shanti Arts, Pune  
Email: shantiartspune@gmail.com

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# NAVIGATING THE NEW CONSUMERS PROTECTION LANDSCAPE: CHALLENGES AND OPPORTUNITIES UNDER THE CONSUMER PROTECTION ACT, 2019

*-Dr. Madhuri V. Sarwade\**

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## ABSTRACT

The Consumer Protection Act of 1986 was superseded by the Consumers Protection Act, 2019, which represents a substantial revision to India's consumer protection laws. This article examines the main points of the Act, lists the main problems and difficulties encountered during implementation, and makes suggestions for improving its efficacy. In order to address the increased complexity of consumer transactions—particularly in the digital age—the Consumers Protection Act, 2019 was introduced. The Act seeks to guarantee fair commercial practices and give consumers more power, but there are a number of obstacles in the way of its success. This article looks at these problems and suggests ways to fix them. The success of the Act hinges on how well it is implemented throughout India, while there are substantial obstacles due to differences in infrastructure and resources. There are still many uninformed consumers about their Act rights, and accessibility is still a problem, especially in rural regions. Particular difficulties brought about by the growth of e-commerce include jurisdictional concerns and the difficulty of handling cross-border transactions. The Act occasionally clashes with other current legislation, resulting in regulatory overlaps that make enforcement more difficult. India's consumer rights have advanced significantly with the passage of the Consumers Protection Act, 2019. To achieve its intended purposes, it is imperative to solve the problems associated with implementation, awareness, and enforcement. Through focused modifications and heightened involvement from stakeholders, the Act has the potential to greatly improve consumer protection in India. This article offers a thorough analysis of the

Consumers Protection Act of 2019, pointing out its shortcomings and providing workable fixes to increase its efficacy.

**KEYWORDS:** Consumer protection, Central Consumer Protection Authority, District Forum, E- Commerce, Online Banking

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#### **A) INTRODUCTION:**

Mahatma Gandhi once said that “*A customer is the most important visitor on our premises. He is not dependent on us. We are dependent on him. He is not an interruption in our work. He is the purpose of it. He is not an outsider in our business. He is part of it. We are not doing him a favour by serving him. He is doing us a favour by giving us an opportunity to do so*”.<sup>1</sup>

Humans have mastered the art of availing services that fulfill their daily needs. Our day-to-day lives revolve around exploiting the goods and services around us with an aim to lead a comfortable and hassle-free life. When we avail these amenities, we become ‘consumers’.<sup>2</sup> The moment a person comes into this world, he starts consuming. He needs clothes; milk, oil, soap, water, and many more things and these needs keep taking one form or the other all along his life. Thus we all are consumers in the literal sense of the term. When we approach the market as a consumer, we expect value for money, i.e., right quality, right quantity, right prices, information about the mode of use, etc. But there may be instances where a consumer

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1 Deepu P. Gowda, ‘An Overview of Consumer Protection Act 2019 and Challenges for Future ’(October 2023) [https://www.researchgate.net/publication/374784396\\_An\\_Overview\\_of\\_Consumer\\_Protection\\_Act\\_2019\\_and\\_challenges\\_for\\_future](https://www.researchgate.net/publication/374784396_An_Overview_of_Consumer_Protection_Act_2019_and_challenges_for_future) accessed 5 August 2024 at 1.48pm.

2 Vineet Kumar, ‘All You Need to Know About Consumer Protection Laws in India’ (13 September 2016) <https://blog.ipleaders.in/analysis-consumer-protection-laws-india/> accessed 9 August 2024 at 12.00pm.

is harassed or cheated.<sup>3</sup> With rapidly evolving technology and the need for a more comprehensive Act, CPA 2019 received the assent of the President on August 9, 2019, and was made effective from July 20, 2020. <sup>4</sup> To further strengthen the provisions for consumer protection especially in the new era of globalization, online platforms, e-Commerce markets etc., the Consumer Protection Act, 2019 was enacted to replace the Consumer Protection Act 1986. It inter-alia, provides for improved protection for consumers involved in online transactions. <sup>5</sup>

Consumer protection is the practice of safeguarding buyers of goods and services against unfair practices in the market. It refers to the steps adopted for the protection of consumers from corrupt and unscrupulous malpractices by the sellers, manufacturers, service providers, etc. and to provide remedies in case their rights as a consumer have been violated.<sup>6</sup>

#### **B) Major Challenges with the Consumers Protection Act, 2019:**

Consumer Protection has always been a matter of great concern. In ancient India, effective measures were initiated to protect consumers from crimes in the market place. Ancient law-givers ably described various kinds of unfair trade practices and

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3 'Commentary on Consumer Protection Act' [https://ncdr.nic.in/bare\\_acts/1\\_1\\_2.html](https://ncdr.nic.in/bare_acts/1_1_2.html) accessed 6 August 2024 at 2.11pm.

4 'The Consumer Protection Act 2019: A Critical Analysis from a Medical Practitioner's Perspective' (January 2012) [https://ijme.in/articles/comment-the-consumer-protection-act-2019-a-critical-analysis-from-a-medical-practitioners-perspective/?galley=html&utm\\_medium=email&utm\\_source=sendpress&utm\\_campaign#:~:text=The% 20ease% 20of% 20filing% 20complaints,the% 20cost% 20of% 20medical% 20services.](https://ijme.in/articles/comment-the-consumer-protection-act-2019-a-critical-analysis-from-a-medical-practitioners-perspective/?galley=html&utm_medium=email&utm_source=sendpress&utm_campaign#:~:text=The%20ease%20of%20filing%20complaints,the%20cost%20of%20medical%20services.) accessed 6 August 2024 at 12.54pm.

5 Ministry of Consumer Affairs, Food & Public Distribution, 'Consumer Protection Act, 2019 to Strengthen Provisions for Consumer Protection' <https://pib.gov.in/PressReleasePage.aspx?PRID=1945167> accessed 3 August 2024 at 11.24am.

6 'Consumer Protection Act, 2019' (29 April 2022) <https://blog.ipleaders.in/consumer-protection-act-2019-2/> accessed 6 August 2024 at 1.58pm.

also prescribed severe punishments for wrongdoers. Mainly, acts of adulteration and false weights and measures were seriously dealt with.<sup>7</sup>

The services which are hazardous or likely to be hazardous to life and safety of the public when used, are being offered by a person who provides any service and who knows it to be injurious to life and safety;<sup>8</sup>The goal of consumer protection is to shield customers from unfair commercial practises that could harm or exploit them. Legislation specifies how consumers are to be protected. The relevant law or act in India is made to stop enterprises from engaging in dishonest business practises or fraud to gain an advantage over competitors or fool customers.<sup>9</sup> Government regulations mandate that businesses provide comprehensive product information, particularly when it comes to products that affect the public's health and safety, such as food, medicine, vehicles, etc. Customers are empowered by consumer protection regulations to make informed purchases and to report irresponsible companies. The safety of E-consumers was also considered under this act due to the increasing use of technology in the market.<sup>10</sup>

Deficiency in services is a significant issue faced by consumers in India, and the Consumer Protection Act 2019 provides a framework for addressing this concern.

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- 7 Suchita Shukla, 'Consumer Protection Act, 2019: A Primer' (24 December 2020) <https://www.sconline.com/blog/post/2020/12/24/consumer-protection-act-2019-a-primer/> accessed 6 August 2024.
- 8 'Consumer Protection Act 2019' <https://www.indiacode.nic.in/bitstream/123456789/15256/1/a2019-35.pdf> accessed 3 August 2024 at 11.09am.
- 9 Aastha Dongre, 'Consumer Protection in India: Challenges and Way Forward' (May 2023) *International Journal of Advanced Research in Science, Communication and Technology (IJARSCT)* <https://ijarsct.co.in/Paper10608.pdf> accessed 5 August 2024 at 2.10pm.
- 10 'Consumer Protection Act 2019: Features, Significance, Rights and Provisions' (18 January 2024) <https://www.geeksforgeeks.org/consumer-protection-act-2019-features-significance-rights-and-provision/> accessed 5 August 2024 at 2.32pm.



However, there are challenges in navigating the legal system, lack of awareness, and complexities in establishing deficiency in service.<sup>11</sup> A multifaceted strategy involving consumer awareness, sector-specific regulations, alternative dispute resolution mechanisms, consumer protection organizations, proactive monitoring and enforcement, and bolstering consumer empowerment is required to effectively address the service deficit. We can guarantee that consumer rights are upheld and that service deficiencies are successfully rectified in India by giving customers more authority and making service providers responsible.

We see our customers as invited guests to a party, and we are the hosts, it's our Job every day to make every important aspect of the customer experience a little bit better.<sup>12</sup>

The Consumer Protection Act, 2019 paved the way for a familiar yet new regime of consumer governance in India by creating the Central consumer Protection Authority. As opposed to the Consumer Councils, the CCPA's mandate of regulation has been empowered with a heavy arsenal of investigation, inquiry and injunctive actions.<sup>13</sup> The broad authority of the CCPA can potentially fill in the gaps created by the prior regime's restricted interpretations by the Commissions and Consumer Fora, as well as by statutory constraints.

### **C) Judicial Delays:**

The efficacy of the Act and consumer confidence is compromised by court system

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11 'Navigating Deficiency in Services under the Consumer Protection Act 2019: A Closer Look at Consumer Rights in India' <https://www.webnyay.in/blog/46> accessed 6 August 2024 at 2.43pm.

12 B.A. Garner, *Black's Law Dictionary* (8th edn, West Publishing Co. Ltd 2004) 7347.

13 Vagish K. Singh and Ashish K. Singh, 'Central Consumer Protection Authority – A Critical Analysis' *International Journal on Consumer Law and Practice* <https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1070&context=ijclp> accessed 7 August 2024 at 10.25am.

delays. While excluding advocates from the purview of the CP Act is fair and could be justified for a number of reasons, the judgment suffers from some serious procedural lapses.<sup>14</sup>

The legal maxim ‘Justice delayed is justice denied’ seems like an understatement at this point, considering the pendency of thousands of cases due to which lakhs of victims suffer because of delayed justice.<sup>15</sup>The Apex Consumer Forum is known to have hearings every three months on average; however the Consumer Protection Act restricts this time to ninety days for appeals. The National Commission has a number of consumer cases, revision petitions, and pending appeals; however, it does not provide the consumer an option; instead, it merely waits for the case to be heard. There are now a number of reasons for the aforementioned delay, ranging from the government’s failure to fill vacancies in the Consumer Forums to the advocates’ complaint about year-long adjournments. These reasons include the employment of onerous processes and dilatory techniques. The consumers are becoming the bait for the delays in making these decisions as a result of the legal system’s ineffective functioning. The Supreme Court’s decision to delay the retirement of its chairman and members in light of the previously existing scenario proved to be futile. A pedantic and hyper-technical approach would cause damage to the very concept of consumerism.<sup>16</sup>

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14 ‘Supreme Court on Advocates and Consumer Protection Act: A Case of Judicial Indiscipline?’ <https://www.barandbench.com/columns/supreme-court-on-advocates-consumer-protection-act-2019-a-win-for-advocates-but-a-case-of-judicial-indiscipline> accessed 7 August 2024 at 10.45am.

15 D.K. & Civil, ‘Delayed Justice from Consumer Courts’ (26 January 2022) <https://www.linkedin.com/pulse/delayed-justice-from-consumer-courts-kishan-dutt-kalaskar> accessed 7 August 2024 at 10.55am.

16 ‘Supreme Court Annual Digest 2023 - Consumer Law’ (31 January 2024) <https://www.livelaw.in/supreme-court/supreme-court-judgments-consumer-protection-act-annual-digest-2023-248089> accessed 7 August 2024 at 11.03am.

#### **D) Inefficient Infrastructure and Resources:**

We, in our country infrastructure is that we do not have consumer forums with separate buildings, separate staff, lack adequate resources including human resources for translating programs and functions into effective actions and have follow up and lack of sufficient budgetary allocation.<sup>17</sup> It has also been observed that a large number of district forums lack the expertise needed to carry out their duties.

Timely delivery of justice is hampered by inadequate facilities and a shortage of resources at consumer redressal forums. The legislative intent behind the Consumer Protection Act, 2019 is empowerment of the consumers. However, the ground reality is quite different as there is little endeavor to translate this legislative intent into an administrative infrastructure with requisite facilities, members and staff to facilitate the decision on the consumer complaints.<sup>18</sup> Although numbers might be misleading, there are instances when they show the reality. As far as the chairman and members are concerned, the statistics of open positions best represent the position that is widespread in the State and District Consumer Forums.

#### **E) Education and Developing Capabilities:**

Illiteracy, ignorance and poor economic conditions are the basic characteristic of majority of the consumers in India.<sup>19</sup> Improved training and capacity building are desperately needed for all parties involved, including solicitors and members of consumer forums.

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17 Dr. Upender Sethi, 'Comparative Analysis of Consumer Protection Act 1986 & 2019' *International Journal for Multidisciplinary Research (IJFMR)* (September-October 2022) <https://www.ijfmr.com/papers/2022/5/1679.pdf> accessed 7 August 2024 at 11.43am.

18 'Supreme Court Asks for Impact Study of Consumer Protection Act, 2019' <https://consumer-voice.org/real-estate/supreme-court-asks-for-impact-study-of-cpa-2019/> accessed 7 August 2024 at 11.21am.

19 Dr. J.N. Barowalia and Abhishek Barowalia, *Commentary on the Consumer Protection Act* (7th edn, Universal LexisNexis) 159.

## **F) Implementation Challenges:**

In the diverse and vibrant landscape of India, consumer-related issues have emerged as a critical facet of daily life. As the nation progresses economically and the consumer market expands, individuals face a range of challenges that demand attention and proactive measures.<sup>20</sup>The concept of Consumer Protection is very deep rooted. In India, until the advent of Independence there were hardly any laws which were directed to the protection of consumer's interest. The contemporary era is marked as the era of consumers. No country can knowingly or unknowingly disregard the interest of the consumers.<sup>21</sup>The pendency in the dispute redressal system causes mental, financial, and emotional hardships for consumers and requires reimagining or redesigning the current dispute resolution framework. There is an urgent need to lessen the mediation of the procedural, proper, and process brokers in the system.<sup>22</sup>

### **a) Awareness and Accessibility:**

Almost all the countries enacted statutes to protect consumers and to promote welfare of the society.<sup>23</sup> Most customers who suffer come from economically disadvantaged backgrounds, and many of them are unaware of their legal rights or even that there are legal resources available to them for wrongs done to them.

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20 Pallavi Boeauh, 'Navigating Consumer Challenges in India: Implementing Effective Measures' <https://consumer-voice.org/guest-column/consumer-challenges-in-india/> accessed 12 August 2024 at 9.56am.

21 Karan Vohra and Mehul Shokeen, 'Contemporary Challenges in Consumer Protection: Consumer Protection in E-Commerce' (30 July 2020) <http://www.penacclaims.com/wp-content/uploads/2020/07/Karan-Vohra.pdf> accessed 12 August 2024 at 10.12am.

22 'Safeguarding the Rights of Consumers' (13 March 2023) <https://www.drishtiiias.com/daily-updates/daily-news-editorials/safeguarding-the-rights-of-consumers> accessed 12 August 2024 at 10.21am.

23 Dr. Myneni, *Consumer Protection Law* (2nd edn, Asia Law House 2021) xi.

### **b) Inefficient Process for Resolving Disputes:**

Law is employed to protect citizens' interests, and until an appropriate implementing mechanism is in place, the Act's goal cannot be properly accomplished. Although the act contains provisions that provide consumers with remedy, their inefficient execution has led to a lack of interest from them in approaching the consumer court.

### **c) Digital Transactions:**

The Digital era has brought forward a lot of great opportunities. With the opportunities the problems associated with it also has increased manifold. The consumers are facing newborn challenges.<sup>24</sup>

With a view to enhance consumer rights in a digital economy, expand the scope of grievances consumers can complain against and ease the process of filing complaints, the government has introduced the Consumer Protection Act, 2019.<sup>25</sup> As a result, long-standing consumer traditions have been disrupted creating a need for a novel consumer grievance redressal scheme meant for the new market.<sup>26</sup>

In conclusion, the digital payments ecosystem in India has grown significantly in recent years, driven by government initiatives, an increase in internet and smart phone penetration, and the rise of e-commerce.<sup>27</sup> Private companies that provide a

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24 P.K. Gupta, 'Consumer Protection Act 2019 ' [https://www.academia.edu/41455118/CONSUMER\\_PROTECTION\\_ACT\\_2019](https://www.academia.edu/41455118/CONSUMER_PROTECTION_ACT_2019) accessed 9 August 2024.

25 Rohit Jain, 'Will the New Consumer Protection Act Make Consumers the King Again?' (29 August 2019) <https://www.ndtvprofit.com/law-and-policy/will-the-new-consumer-protection-act-make-consumers-king> accessed 9 August 2024 at 11.46am.

26 'Consumer Protection Act 2019: Promising Transparency and Choices to Consumers' (12 October 2020) <https://www.mondaq.com/india/dodd-frank-consumer-protection-act/993392/consumer-protection-act-2019-promising-transparency-and-choices-to-consumers> accessed 9 August 2024 at 1.51pm.

27 'Digital Payments Driving the Growth of Digital Economy' <https://www.nic.in/blogs/digital-payments-driving-the-growth-of-digital-economy/> accessed 7 August 2024 at 2.48pm

variety of digital payment services underpin the digital payment ecosystem. Given the anticipated rise in both the size of the e-commerce business and the number of internet users in India, the future of digital payments appears bright.

**d) Globalization and the Impact of Technology on Law:**

India has been an important country in the developing world. It has contributed regularly in all important conferences on various issues, guiding the future events in many sectors.<sup>28</sup> A number of issues have arisen as a result of the e-commerce sector, and consumer protection laws must be modified to address these demands.

The Consumer Protection Act being a beneficial legislation aims to protect the interests of a consumer as understood in the business parlance.<sup>29</sup>

**e) Pending Litigation:**

Consumer forums have a backlog of cases despite the Act's time limit. This delay lowers customer confidence in the system. The redressal method is slow and ineffective for normal scenarios where dealers harass consumers over minor complaints.<sup>30</sup>

According to Section 13 (3A) of the CPA, 1986, cases were to be resolved within three months in most circumstances and five months if procedural testing of the products was required. However, the reality is that these deadlines are not taken seriously because of the large backlog of cases and the random and frequent adjournments. This causes the procedure to be both time-consuming and financially exhausting for patients. As a result, the impacted customers choose to accept the consequences if their rights are violated rather than taking the legal path.

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28 H.R. Khan and Jayanta Bagchi, *World Trade Organisation: An Indian Perspective* (2nd edn, Eastern Law House) 15

29 B.M. Gandhi, *Law of Torts* (4th edn, Eastern Book Company 2016) 484.

30 Sanidhi Agrawal, 'Critical Analysis of Consumer in Consumer Protection Act 2019' <https://www.ijnrd.org/papers/IJNRD2308212.pdf> accessed 7 August 2024 at 2.05pm.

#### **f) Regulatory Overlap:**

It is anticipated that overlaps would either result in disputes between stakeholders or perplexity for consumers and regulated businesses as they try to determine which regulator is most appropriate for handling their complaints.

Another area where there can be an overlap between the Competition Act 2002 and the Consumer Protection Act 2019 is in the case of anticompetitive behaviour by businesses.

Businesses are not allowed to engage in anticompetitive behaviours like price-fixing, bid-rigging, or abusing their dominating market position under the Competition Act.<sup>31</sup> Similarly, companies are not allowed to engage in unfair commercial practices that could endanger customers under the Consumer Protection Act, 2019 and the Consumer Protection (E-commerce) Regulations, 2020. These tactics may consist of unfair contract clauses, false statements made in advertisements, and deceptive advertising. Businesses are not allowed to engage in anticompetitive behaviours like price-fixing, bid-rigging, or abusing their dominating market position under the Competition Act. The Competition Act and the Consumer Protection Act may both apply when a company engages in anticompetitive activity that negatively impacts consumers. For instance, a company may face penalties under the Competition Act for engaging in price-fixing with its rivals, which is prohibited as an anticompetitive behaviour. In addition, customers may register a complaint under the Consumer Protection Act if they suffer losses as a result of price-fixing-related price increases. In today's digital age, where personal data is often the currency for online interactions,

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31 Suraksha P., 'Fears of Regulatory Overreach Emerge as Tech Rules Overlap' (11 April 2023) *ETtech* <https://economictimes.indiatimes.com/tech/technology/regulating-competition-issues-of-it-companies-experts-point-overlaps-in-laws/articleshow/99385169.cms?from=mdr> accessed 10 August 2024 at 10.23am.

the interface between these two realms becomes evident.<sup>32</sup> The rights and expectations of individuals collide with the obligations of corporations in a changing legal landscape created by issues like informed consent, fair use of consumer data, and transparent data collection procedures.

**g) E-commerce Complaints:**

Today e-commerce has become an integral part of everybody life. The volume of international trade has increased via e-commerce.<sup>33</sup> An E-commerce Complaints Online is a grievance raised by a customer against an online retailer or service provider for unsatisfactory products or services.<sup>34</sup> Consumers can also complain against unfair trade practices involving digital and other products bought through e-commerce platforms and retailers.<sup>35</sup>

An e-commerce entity is any individual that owns, runs, or oversees any digital or electronic platform that sells products or services. In India, e-commerce entities are subject to distinct regulation under the Consumer Protection (E-Commerce) Rules, 2020. According to the Proviso to Rule 2, Consumer Protection (E-Commerce) Rules, 2020, these regulations do not apply to individuals operating in their individual capacities; rather, they are only applicable to professional and commercial enterprises. For example, a customer may file a complaint against Amazon because the company

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- 32 Srishti Kumar, 'Navigating the Intersection of Data Protection and Consumer Protection Laws in India' (20 October 2023) <https://www.barandbench.com/columns/navigating-the-intersection-of-data-protection-and-consumer-protection-laws-in-india> accessed 7 August 2024 at 2.55pm.
- 33 *Indian Bar Review* (Vol. 45(1) 2018, Times Press: New Delhi) 113.
- 34 Suveera Satyajee Patil, 'How to File E-Consumer Complaints Online?' (29 July 2024) <https://vakilsearch.com/blog/e-filing-of-consumer-complaints/> accessed 12 August 2024 at 10.42am.
- 35 "Consumer Complaints Against E-Commerce Platforms" (7 June 2022) <https://nyaaya.org/legal-explainer/consumer-complaints-against-e-commerce-platforms/> accessed 10 August 2024 at 9.44am.



is an online retailer that routinely sells products via its website. On the other hand, rather than the product maker, Amazon would be responsible for product liability claims if a product on an online marketplace like Amazon had problems. For Indian customers to have their complaints addressed, e-commerce platforms must set up a “Grievance Redressal Mechanism” and designate a “Grievance Officer” ((Rule 4(4), Consumer Protection (E-Commerce) Rules, 2020)). On the e-commerce platform, information regarding the Grievance Redressal Mechanism must be visible. The Grievance Officer is required by Rule 4(5) of the Consumer Protection (E-Commerce) Rules, 2020 to acknowledge the complaint within 48 hours and resolve the issue within a month.

In the present day market driven economy, consumer is the pivot around which the whole of the marketing system revolves.<sup>36</sup>The Act’s provisions for resolving online concerns are highlighted by cases involving e-commerce platforms, but they also reveal weaknesses in the enforcement methods.

#### **h) Product Liability:**

“Product Liability has been defined for the first time under the Consumer Protection Act, 2019 (“2019 Act”)<sup>37</sup> With increasing consumerism in today’s world and greater awareness of legal rights, product liability claims have risen rapidly and have become popular in many countries.<sup>38</sup> In today’s world where misleading claims about products

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36 Nabi Mohammed Kamalun, Nabi M. Irshadun and Raut Kishore C., *Consumer Rights and Protection in India* (New Century Publication: New Delhi 2015) p. 1.

37 K.B. Gujarathi, ‘Product Liability’ (Prepared by President, DCDRC Ahmedabad City (Main), 5 April 2023) <https://cdrc.gujarat.gov.in/images/pdf/Product-Liability-pdf.pdf> accessed 9 August 2024 at 10.03am.

38 Kartik Sharma, ‘An Appraisal of Strict Product Liability in India: Making a Case for Protection to Bystanders ’ (21 October 2022) <https://www.sconline.com/blog/post/2022/10/21/an-appraisal-of-strict-product-liability-in-india-making-a-case-for-protection-to-bystanders/> accessed 9 August 2024 at 10.23am.

are rampant, Product Liability has assumed more importance than ever.<sup>39</sup>

The Manufacturer, Product Service Provider and Product Seller shall be liable under the new Act for any kind of harm caused by their product(s) which results in any injury or death of the consumer. However, the liability on the part of the manufacturer will be more.<sup>40</sup> This will also hold true for the online shopping sites. The defective good must have caused the damage, death, mental suffering, loss of consortium, or any other harm those results in harm. The injury must be actual and devoid of any monetary loss.

Every consumer has certain rights which this Act sought to protect.<sup>41</sup> Every consumer has the right to be informed about the quality, quantity, potency, purity standard and price of goods or services, as the case may be, he buys or avails of.<sup>42</sup> The Act has potential, as seen by cases where consumers have successfully sued for compensation for defective items; nonetheless, inconsistent court decisions point to room for reform. The Central Consumer Protection Authority (CCPA), rules for product liability, and stiffer fines for deceptive advertising are only a few of the new elements brought about by the Act. It also handles complaints from customers regarding online shopping, which is a big improvement over the 1986 Act. Given the Consumer Protection Act of 2019's broader definition of "Services," another significant hurdle is the question of legal practitioners' responsibility for carelessness and inadequate

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39 'Product Liability Insurance and Indian Consumer Protection Act, 2019 ' <https://www.qian.co.in/blog/product-liability-insurance-policy-and-consumer-protection-act-of-2019/> accessed 9 August 2024 at 10.07am.

40 'Consumer Protection Act 2019: Analysis and Challenges for Future ' <https://www.latestlaws.com/articles/consumer-protection-act-2019-analysis-and-challenges-for-future/> accessed 9 August 2024 at 10.25am.

41 Dr. Avtar Singh and Prof. (Dr.) Harpreet Kaur, Introduction to the Law of Torts and Consumer Protection (4th edn, LexisNexis 2020) p. 225.

42 Ibid at p. 226.

services that fell under its purview. In addition to the developments in technology, the Consumer Protection Act of 1986 had certain disadvantages. They were as follows: As a developing country, India's biggest problem is that of perennial shortages taking place in various types of consumer goods and services. The pressure of population is high.<sup>43</sup> It is now realized that a common consumer is neither knowledgeable nor well informed. He needs support and protection from unscrupulous sellers. A common consumer is not in a position to approach civil court; quick, cheap and speedy justice to his complaints is required.<sup>44</sup> The right if information has been given to the consumers to protect them from unfair trade practices.<sup>45</sup>

### **CONCLUSION:**

The function of Central Consumer Protection Authority (CCPA) authority is to regulate the violation of consumer rights, unfair trade practices, and misleading advertisements. It will be dedicated task for the government to enforce and enhance this authority. Although this is a commendable initiative, it is unclear how this authority will be used, particularly in relation to investigations and enquiries. When taking into account the investigative branch and search and seizure functions, it appears that there is overlap between the Director General's functions. The CCPA has the authority to mandate product recalls, pay back costs, give instructions, and impose sanctions on suppliers or endorsers. It's interesting to note that the National

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43 Prof. (Dr.) V.K. Agarwal, *Bharat's Law of Consumer Protection with Question Bank* (2nd edn, Bharat Law Publications) p. 4.

44 *Taxmann's Consumer Protection Law & Practice* (2020, Taxmann Publications P. Ltd, New Delhi) p. 1.3.

45 Dr. Avtar Singh and Harpreet Kaur, *Introduction to the Law of Torts and Consumer Protection* (3rd edn, LexisNexis 2013) p. 241.

Consumer Dispute Redressal Commission is the exclusive forum for appeals against such decrees.<sup>46</sup> It's still unclear under what conditions or standards the National Commission will consider these claims. It's uncertain if the current cases will be moved due to the shift in financial jurisdiction. There are rumours, though, that the new jurisdiction will only apply to newly filed cases. All-in-all the 2019 Act is a positive step towards reformation and development of consumer laws, in the light of dynamically changing socio-economic developments.<sup>47</sup>

Therefore, it can be concluded that "The Consumer Protection Act, 2019" is a noteworthy advancement in the growth and reform of consumer laws in light of the constantly shifting socioeconomic developments that guarantee the protection of consumers' rights. However, one cannot simultaneously contest or doubt how the provisions are put into practice. Any law's successful implementation depends on how well and quickly it is put into practice. Thus, in order for the 2019 Act to be effective, its shortcomings must be addressed, and flexibility must be allowed in order to truly provide relief for consumers.

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46 Dr. B.Y. Reddy and Dr. Rekha, 'Consumer Protection Act, 2019: New Dimensions' (March 2022) A Global Journal of Interdisciplinary Studies [https://www.gapinterdisciplinarity.org/res/articles/\(16-19\)%20CONSUMER%20PROTECTION%20ACT,%202019%20NEW%20DIMENSIONS.pdf](https://www.gapinterdisciplinarity.org/res/articles/(16-19)%20CONSUMER%20PROTECTION%20ACT,%202019%20NEW%20DIMENSIONS.pdf) accessed 9 August 2024 at 10.53am.

47 Satvik Varma, 'Consumer Protection Act 2019: Enhancing Consumer Rights' (2 September 2019) <https://www.barandbench.com/columns/consumer-protection-act-2019-enhancing-consumer-rights> accessed 9 August 2024 at 11.26am.