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AN ANALYSIS OF CONSUMER PROTECTION LAW IN INDIA

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ABSTRACT

The Consumer Protection Law has evolved through a remarkable process from the pre-historic era to colonial legislative imports and Post-Independence Statutory Consolidation in India. The objectives of this paper are to discuss the evolution, structure and problems of the Consumer Protection regime under the landmark Consumer Protection Act, 1986,[1] and the reforming Consumer Protection Act, 2019,[2] highlighting the Act with special emphasis. This paper also sheds light on the shift from the doctrine of 'Caveat Emptor' to 'Caveat Venditor' and the alterations brought by different amendments in the liability of manufacturers, sellers and service providers.

This paper critically examines the three-tier quasi-judicial forum for redressal, the role of the newly created Consumer Protection Authority – Central Consumer Protection Authority (CCPA) and the introduction of the Product liability provisions into the Indian Consumer Law framework.

The paper also underlines the current challenges in consumer protection, such as the regulation of e-commerce, consumer protection related to data privacy, sluggishness in handling consumer disputes and the lack of consumer awareness, and proposes reforms and recommendations in the light of the global standards for improving the consumer protection mechanism in today's age of digital revolution.

KEYWORDS: Consumer Protection, Consumer Protection Act, 2019, Ccpa, Caveat Venditor, E-Commerce, Product Liability, Dispute Redressal, Unfair Trade Practices, India.

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[1] The Consumer Protection Act, 1986, No. 68, Acts of Parliament, 1986 (India).

[2] The Consumer Protection Act, 2019, No. 35, Acts of Parliament, 2019 (India).

INTRODUCTION

Every person, since their birth, be it at the inception or end of life, participates in the consumer market to meet their respective needs. Consumption of goods or services forms an essential facet of human existence; thereby, any legal framework worth its name, with social justice in its heart, would necessarily put consumer protection in its top list of priorities. While the journey of Indian Consumer Protection Law is rather significant, yet it has not been less thorny.

In fact, consumers have come a long way from the ages when the sale between the buyer and seller was strictly governed by the maxim 'caveat emptor', a maxim which meant "buyer beware" and literally relieved the seller of any responsibility for any defects after the transaction was complete. The ill effects of this arrangement were glaring, and it was after India experienced growth in terms of economy, leading to the expansion of the market, complex supply chains, and information asymmetry between sellers and consumers, that the issue became too evident to be ignored. The presence of adulterated food, sub-standard medicines, defective machines, and false advertisements not only created injustice towards consumers, but more often than not, individual consumers were neither competent to identify these discrepancies due to a lack of knowledge nor had adequate resources to file legal battles against commercial entities through civil litigation.

The enactment of the Consumer Protection Act, 1986 heralded a revolutionary change in the history of Indian laws.[3] It was for the very first time that the term 'consumer' was clearly defined and distinct rights were granted to consumers, which would then be enforced through a cost-effective and easily accessible quasi-judicial mechanism. Following its footsteps was the Consumer Protection Act, 2019, which was a direct consequence of the technological and social transformations, mainly induced by globalization and the introduction of e-commerce in the marketplace.

The modern legal landscape of India, to a certain degree, can be termed as an expression of the doctrine of 'caveat venditor', meaning "seller beware", which places greater responsibility upon the commercial world.

In this research paper, a detailed and holistic view of this process has been undertaken with a critical analysis of the structure and substance of the existing legal provisions of consumer law and to discern those gaps that are hindering effective consumer protection.

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[3] Rajkumar S. Adukia, Consumer Protection Laws of India (2015).

II. THE HISTORICAL BACKGROUND OF CONSUMER PROTECTION IN INDIA.

A. ANCIENT ROOTS

Of all things, the intellectual roots of consumer protection law in India could be said to lie deep in classical and medieval Indian Jurisprudence.

It is quite clear from the Arthashastra of Kautilya that a superintendence of markets existed wherein prices were regulated and those found committing fraud were punished.

The Manusmriti and the Yajnavalkya Smriti also talk about the punishment of merchants for deceit with lesser goods than claimed or sold; that is to say that some sense of responsibility on the shoulders of a seller already existed. The basic principles of the underlying norms - for example, the state providing equal opportunity for all, market fairness, and protecting the vulnerable segment of society - resonate strongly with the principles underlying modern consumer protection principles.

B. THE COLONIAL LAW

The arrival of the British gave a totally different shape and direction to the Indian laws as many English common law principles came into play in India.

The Indian Contract Act, 1872 formed the basis of all commercial contracts. The Sale of Goods Act, 1930 included various clauses that offered various implied conditions and warranties in a commercial sale. However, it is noteworthy to observe that these enactments were made with commercial interests in the foreground, unlike consumer welfare statutes that focus upon the protection of the weaker party.

This did not provide adequate protection to consumers, as any person who had been cheated would only resort to civil litigation, which was a costly and prolonged process.

Also, the Indian Penal Code, 1860 made the sale of adulterated goods punishable, and the Drugs Act, 1940 addressed the issue of spurious medicines. But still, no exclusive law focused on the protection of consumers was enacted during that period.

C. THE POST-INDEPENDENCE ERA

The advent of Independence in India in 1947 was followed by the establishment of a progressive welfare state with various policies geared towards the welfare of people at the national level. The state had implemented measures for the control of the market and measures to safeguard the general population from the practice of exploitation in trade in order to achieve this objective.

The Constitution of India also set up principles based on social justice, wherein Article 38 states that the state should endeavour to promote the welfare of the people, particularly for minimizing the inequalities in income.

The goal of Article 39 is to provide the community with a system to ensure that the material resources are distributed in a way that is best for the common good and does not lead to the concentration of wealth and means of production, or to the detriment of the community; Article 43 of the Constitution is designed to guarantee a living wage to workers and to encourage consumer cooperatives, while Article 46 is designed to protect against social injustice and all forms of exploitation. Besides this, India enacted a number of laws to check economic abuses after gaining independence:

- The Essential Commodities Act, 1955: Regulates production, supply and distribution of commodities declared as essential.
- The Monopolies and Restrictive Trade Practices Act, 1969 (MRTP Act)[4]: The MRTP Act was also originally enacted to address monopolistic and restrictive trade practices, but it did have some elements to protect consumer interests and was amended over the years to include consumer issues.
- The Bureau of Indian Standards Act, 1986[5]: This Act seeks to establish the quality standard and certification.
- Competition Act, 2002[6]: Replaced the MRTP Act in accordance with the global standards and practices in the field of anti-competitive measures.
- The Right to Information Act, 2005[7]: Empowered the citizens with the right to seek information from public authorities, which indirectly helps the consumer in getting transparency on products.

III. THE CONSUMER PROTECTION ACT, 1986: ARCHITECTURE AND JURISPRUDENCE

A. SCOPE AND OBJECTIVES

[4] The Monopolies and Restrictive Trade Practices Act, 1969, No. 54, Acts of Parliament, 1969 (India).
[5] Bureau of Indian Standards Act, 1986, No. 63, Acts of Parliament, 1986 (India).
[6] Competition Act, 2002, No. 12, Acts of Parliament, 2002 (India).
[7] Right to Information Act, 2005, No. 22, Acts of Parliament, 2005 (India).

India's groundbreaking legislation in consumer protection, the Consumer Protection Act, 1986 (“the 1986 Act”), came into force on 24 December, 1986. It was promulgated using a comprehensive mechanism of consumer councils and redressal agencies for the better protection of the interests of consumers.

The 1986 Act was comprehensive and covered all goods and services provided by the private, public or cooperative sector, except for goods which were bought to be resold or for commercial purposes, and services which were provided free of charge.

B. KEY DEFINITIONS

The crux of any legislation, be it domestic or otherwise, rests upon the definition given of key terms. The definition of “consumer” under Section 2(1)(d) of the 1986 Act has been considered a landmark definition, which clearly includes a person who buys any goods for consideration which has been paid, promised or deferred, and includes any user of such goods other than the person who buys such goods with the approval of the buyer, and shall include the person who buys such goods for his use for the purpose of earning his livelihood by means of self-employment. However, an exception has been provided, that is, a person who obtains such goods for resale or for commercial purposes shall not be a consumer. The definition of “Service” under Section 2(1)(o) is very expansive in terms of its scope and coverage. It covers banking, finance, insurance, transport, housing, construction or real estate, entertainment, etc. The definition excludes the rendering of any service free of charge or under a contract of personal service.

C. Consumer Rights

The Act of 1986 had enumerated six consumer rights in Section 6, which are: right to be protected against the marketing of goods which are hazardous to life and property; right to be informed about the quality, quantity, potency, purity, standard, and price of goods or services, as the case may be; right to be assured, wherever possible, of access to a variety of goods and services at competitive prices; right to be heard in adequate forums; right to seek redressal against unfair trade practices; and right to consumer education. The consumers’ rights under this Act were greatly influenced by the "Four Rights of Consumers" formulated by US President John F. Kennedy in his address to the Congress on 15 March 1962 and the United

Nations Guidelines for Consumer Protection, which were approved by the General Assembly on 9 April 1985.[8]

D. The Three-Tier Redressal System

The most important reform in the Act of 1986 was the constitution of a three-tier quasi-judicial mechanism for the redressal of consumer grievances, which is free of cost and free of the formal procedures of an ordinary lawsuit. The District Consumer Forum had to be vested with the powers to entertain claims where the total sum of money at one time does not exceed 20 lakhs. The State Commission had been assigned cases with a valuation above 20 lakhs and below 1 crore rupees, whereas the National Consumer Disputes Redressal Commission (NCDRFC), which is an apex body, entertained claims with a valuation above 1 crore, as well as entertained appeals from the State Commission. Consumer Forums had the power to award the replacement of goods, the repair of defective goods, the refund of the price, compensation to the consumer for the loss or injury suffered by the consumer, and costs to the complainant.

E. Judicial Contribution

It is a well-established fact that consumer forums could not have become as effective as envisioned by the legislation had it not been for the proactive approach adopted by the judiciary.

- In the case *of Lucknow Development Authority v. M.K. Gupta,*[9] *The* Supreme Court held that services rendered by statutory bodies, viz., housing boards, also fall within the expression ‘service’ as mentioned in Section 2(1)(o), thereby implying that government agencies too are responsible for deficiencies in services.
- In *Indian Medical Association v. V.P. Shantha,*[10] *The* apex court held that services rendered by a medical practitioner are covered by the term 'service' as per this Act, for which remuneration is paid or can be paid, thus covering services rendered by private practitioners; however, it does not cover free services rendered by them to their patients.
- In *Indian Oil Corporation Ltd. v. Anupama,*[11] *In* this case, the apex court stressed that it is the duty of the courts to give to the enactment a beneficial interpretation of “a simple, inexpensive and speedier means of redressal of the consumers’ grievances”, and

[8] United Nations Guidelines for Consumer Protection, G.A. Res. 39/248, U.N. Doc. A/RES/39/248 (Apr. 9, 1985), as revised, G.A. Res. 54/449 (Jul. 26, 1999).
[9] Lucknow Development Authority v. M.K. Gupta, (1994) 1 SCC 243; AIR 1994 SC 787 (India).
[10] Indian Medical Association v. V.P. Shantha, (1995) 6 SCC 651; AIR 1996 SC 550 (India).
[11] Indian Oil Corporation Ltd. v. Anneppa, (2004) 10 SCC 180 (India).

it has been held by the apex court time and again that the object is to promote *caveat venditor*.

- In *National Insurance Co. Ltd. v. Ramesh Kumar,*[12] *This* judgment further laid emphasis on the role of the courts and gave emphasis to preventing *caveat emptor*.

F. Drawbacks of the 1986 Act

As times evolved, the market transformed considerably, and with it, several flaws and shortcomings of the Act of 1986 came to the fore.

The financial jurisdiction was introduced in 1986, which gradually became archaic over time owing to inflation. E-commerce and online shopping were in their infancy; hence, product liability was not even considered. It failed to address the accountability issue concerning complex supply chains and multinational companies. There was an absence of a single authority to promote and protect the consumer, and to guide consumers on legal and other aspects. The accumulation of a huge number of cases in consumer forums was another great disadvantage of the 1986 Act. The rise of digital commerce, data breaches, online scams, and misrepresentation in digital ads further exposed the vacuum left by the 1986 Act, leading to the need for new consumer legislation.

IV. THE CONSUMER PROTECTION ACT, 2019 - LEGISLATIVE OVERHAUL

A. Introduction and Rationale

The Consumer Protection Act, 2019, which came into effect on 20 July 2020, repealed and replaced the 1986 Act. This was done primarily to cope with the dynamically evolving markets in India since 1986 and the emerging global market, with special consideration for growing online trading platforms, the rise of innovative business models like multi-level marketing, the growing menace of misleading ads disseminated on social media, and multi-layered global product supply chains. The 2019 Act has not only built upon the foundations of its predecessors but has also introduced radical and groundbreaking reforms in its structure and substance.

B. Consumer: Expanded Definition Under Section 2(7)

Under Section 2(7) of the Act, "consumer" includes a person who buys goods or hires or avails of any services for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment, and includes any user of such goods, other

[12] National Insurance Co. Ltd. v. Ramesh Kumar, (2001) 6 SCC 713 (India).

than the person who buys such goods or hires or avails of any services for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment, when such use is made with the approval of such person, but does not include a person who gets goods on purchase or to be sold for commercial purposes, or avails of any service for commercial purposes. Online buyers would now fall within this definition, ensuring protection for customers participating in digital commerce, be it via direct selling, teleshopping, or e-commerce.

C. Central Consumer Protection Authority (Section 10)

The creation of a Central Consumer Protection Authority (CCPA) under Section 10 of the new Act marks a paradigm shift. The CCPA has the power to promote, protect, and enforce consumer rights on a proactive, pre-emptive, and regulatory basis, rather than purely on a reactive basis.[13] The Authority can conduct inquiries against product manufacturers, service providers, endorsers, or advertisers on grounds of unfair trade practices and misleading advertisements; issue directions to retailers to stop unfair trade practices or recall unsafe and hazardous goods; launch class-action suits against a company in case it engages in any such unfair practices; investigate product violations, issue directions to producers to remove defects or to pay compensation to the consumers, and has the powers to levy penalties for false and misleading advertisements. An investigation wing has been constituted under the CCPA headed by the Director-General of Investigation.

Penalties are prescribed for manufacturers, endorsers, and publishers for misleading advertisements up to ₹10 lakhs, with higher penalties for subsequent offenses, including imprisonment. It thus makes it a potent institution to serve and protect consumer interests without awaiting the filing of individual complaints by consumers.

D. Product Liability

Chapter VI (Sections 82-87) of the new Act defines product liability for the first time in the Indian Consumer Law regime.

The manufacturer, the product service provider, and the seller of a product may be held liable for any loss or injury caused to a consumer due to a defective product or a defective service. Under the scheme of the new Act, the manufacturer may be made liable if:

[13] Hariom Gupta & Amit Singh, The Consumer Protection Act, 2019: A Comparative Analysis of Legislative Frameworks in India and Other Jurisdictions, 4(2) Int'l J. Crim. Common & Statutory L. 155 (2024).

1. The product is in contravention of any standard specified under the Food Safety and Standards Act, 2006, the Bureau of Indian Standards Act, 2016, or under any other law for the time being in force;
2. There is a manufacturing defect in the product;
3. The product has a design defect;
4. The product does not contain adequate warnings or instructions.

For product services, a service provider may be liable if the service is deficient, or any act of negligence has caused injury or damage to the consumer, or if they fail to adhere to the terms of the contract for service. Further, under the Act, the liability of product sellers has also been provided, where they can be made liable in case they have exercised control over the design, testing, or labeling of the product; or have modified or altered the product which contributed to the injury; or, the product is sold by the seller and has not been manufactured by them, and in that case, they are liable where the product did not conform to its warranties.[14]

Thus, this clause aims to address instances such as *Maruti Suzuki India Ltd. v. Danish Sondhi*[15], whereby the State Commission awarded ₹5,50,000 against a leading automobile manufacturing company for the failure of its airbags to deploy at the time of the accident. The basic logic underlying the concept is that if a product is defective, its economic burden should be shifted from an innocent victim to the party that caused it. This will promote *caveat venditor* in India.

E. Unfair Trade Practices & Misleading Advertisements

Section 2(47) of the 2019 Act lays down a wider explanation of unfair trade practices comprising nine types of such practices, namely:

1. False representation regarding standards, quality, and quantity;
2. Bargains advertised without any intention to provide them at that advertised price;
3. Spurious lottery or prize schemes;
4. Goods of standards notified by concerned authorities not being sold;
5. Goods hoarded or destroyed to enhance the price;

[14] Aditi Singh & Syed Zaid Alvi, The Evolution of Consumer Protection Law in India: A Detailed Analysis, 7(3) Indian J.L. & Legal Res. 2603 (2025).
[15] Maruti Suzuki India Ltd. v. Danish Sondhi, State Consumer Disputes Redressal Commission (2020) (India).

6. Issuing a bill or receipt not conforming to prescribed rules;
7. The sale or preparation of spurious goods;
8. Denial of returning defective goods within the stipulated time;
9. Disclosure of a consumer's personal information to any third party unless specifically authorized by the consumer.

The inclusion of personal information being disclosed to any third party is a significant change made owing to the increase in online fraud.

F. Enhanced Dispute Redressal Mechanism

The 2019 Act improves the three-layer structure of dispute resolution provided by the 1986 Act to a significant extent. The territorial limits of the pecuniary jurisdiction were increased *(Note: per the 2021 rules modification)* up to ₹50 lakhs for the District Commission, above ₹50 lakhs to ₹2 crores for the State Commission, and above ₹2 crores for the National Commission.

Consumers can sue at the place of their residence or work under Section 34(2)(d) instead of being confined to suing in the jurisdiction where the opposite party works or resides.

Section 38(6) provides for the online registration of complaints and the conduct of proceedings through video conferencing, which is very advantageous for the elderly, the differently abled, and people who are located far from the appropriate courts. There is the establishment of mediation cells as a dispute resolution mechanism under Sections 74 to 81 for the speedy disposal of cases in a more non-adversarial way for disputants, provided both parties agree. There is an increase in penalties in the form of imprisonment up to 3 years and a fine up to ₹1 lakh under Section 72 for failure to comply with consumer court directions in the 2019 Act, which was absent in the 1986 Act.

G. E-Commerce and Digital Consumer Protection

Digital markets and the protection of digital consumers have been covered under the Consumer Protection Act, 2019 through the Consumer Protection (E-Commerce) Rules, 2020.[16] The rules demand that sellers shall provide clear information regarding their prices, refund, and return policies; promote the authenticity of goods and services listed on the platform; and ensure

[16] The Consumer Protection (E-Commerce) Rules, 2020, Gazette of India, Part II, Section 3, Sub-section (i) (Jul. 23, 2020) (India).

adequate consumer grievance officers for redressing consumer grievances related to such platforms.

This section also prohibits practices such as using "flash sales" to generate artificial demand and create scarcity, and manipulating search results in favor of the platform or preferred sellers on the platform for the purpose of making higher gains.

The recent move of the CCPA in January 2025 to issue show-cause notices to Ola and Uber for using a dynamic pricing model that discriminates based on the type of mobile device, and the Competition Commission of India's (CCI) investigation into discriminatory behavior by Amazon and Flipkart in preference of selected sellers, demonstrate how the digital consumer has caught regulatory attention.

V. FROM CAVEAT EMPTOR TO CAVEAT VENDITOR: A DOCTRINAL TRANSFORMATION

As discussed earlier, the biggest doctrinal and intellectual transition of consumer protection law is the shift from *Caveat Emptor* ("buyer beware") to *Caveat Venditor* ("seller beware"). As per the *Caveat Emptor* doctrine, once the sale is finalized, the risk of poor quality or defects falls on the buyer, and the seller will not be liable for the same. It originated in a scenario when goods were generally bought upon in-person inspection, and most transactions happened face-to-face.

It started proving obsolete in an industrial economy as complex goods produced via standardized manufacturing processes reach an anonymous consumer. This is when the Indian consumer protection law began making progress away from *Caveat Emptor* via the 1986 Act, where it recognized a consumer, defined their rights, and provided remedies. Then, in the 2019 Act, product liability was introduced, which imposes an obligation upon a manufacturer, seller, or service provider towards the consumer. They are liable for harm caused by the product as well as for deficiencies in services. Now, the consumer can sue without having to prove that it was their fault.

VI. CHALLENGES AND CONSTRAINTS IN IMPLEMENTATION AND ENFORCEMENT

A. Delays in Dispute Resolution

Unfortunately, despite its revolutionary reforms, the consumer justice delivery system is plagued by undue delays. A survey of Indian consumers indicated that more than 40% of consumer dispute resolution cases took more than a year to be disposed of, adversely affecting the right to a timely remedy.[17]

This is due to a variety of factors: the number of cases often exceeds the number of existing consumer courts; a paucity of well-equipped physical consumer courts; a shortage of trained staff to work as judges and other legal functionaries; the complexity of consumer proceedings often nearing the civil proceedings of ordinary courts; and the lack of an effective process for alternative dispute resolution. However, the recent introduction of mediation for dispute resolution and its effective implementation can lead to the expeditious disposal of cases.

B. Low Consumer Awareness

The awareness level of consumers about their consumer rights and remedies is still quite low in India. In fact, recent reports from the National Consumer Helpline revealed that only 30% of Indian consumers knew about the new Consumer Protection Act, 2019.

This low level of awareness is particularly evident among rural consumers and vulnerable segments of society such as the aged, economically weaker sections, and first-generation digital consumers. Without adequate awareness and understanding of consumer protection laws, no system of redressal can be fully effective.

C. Regulation of Digital Markets

The regulatory mechanisms for the digital market under the 2019 Act have limitations. E-commerce platforms typically cater to consumers in multiple geographic locations, making it difficult to enforce Indian consumer laws on foreign sellers and on the platforms they operate. Cross-border transactions leave consumers at risk, as enforcement actions against such firms may be unavailing if they are based outside the Indian jurisdiction.

Data breaches, identity theft, the sale of counterfeit goods, and the algorithmic manipulation of purchasing decisions are all concerns that the regulatory framework will have to contend with.

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[17] Kasina Naga Suryanarayana, Consumer Protection in India: Laws, Challenges, and Effectiveness, 5(1) Int'l J. Res. Hum. Resource Mgmt. 94 (2023).

However, the Digital Personal Data Protection Act, 2023[18] is a step in the right direction for data protection.

D. Regulatory Fragmentation

Other institutions and legislation deal with consumer welfare too. India has an array of legislative enactments related to specific sectors, such as telecommunications, financial services, banking, food and drug safety, and health.

In addition, it has comprehensive laws on competition and data protection, both with potential cross-overlaps and gaps in their consumer protection jurisdiction with that of the 2019 Act and each other. Robust coordination among the CCPA, the Competition Commission of India, and other sector-specific agencies is key to the effective regulation of consumer protection in India.

VII. COMPARATIVE PERSPECTIVES

We make a comparative examination of the framework for the protection of consumers in India vis-a-vis that in leading jurisdictions, to highlight the achievements of the 2019 Act as well as the scope of areas needing further development.

Consumer protection in the United States has been chiefly driven by the Federal Trade Commission (FTC), established under the Federal Trade Commission Act, 1914[19] and endowed with ample investigative and enforcement powers. However, to a greater extent than other jurisdictions discussed, much consumer protection in the US occurs through private class-action litigation, where consumers pool relatively small damages in aggregate for collective relief against businesses. Protection of consumer privacy is largely left to state legislatures, fragmented at the federal level.

In Europe, the European Union offers a global paradigm of consumer protection, which has evolved most significantly online. The General Data Protection Regulation (GDPR) sets globally significant standards for the protection of personal information. Member states are required to ensure that consumer standards in the online world remain high through a broad consumer directive and related codes on deceptive practices. Moreover, the EU offers effective avenues for redressing cross-border disputes through online dispute settlement mechanisms, which are now complemented by a separate directive on dispute resolution.

[18] The Digital Personal Data Protection Act, 2023, No. 22, Acts of Parliament, 2023 (India).

[19] Sherman Antitrust Act, 15 U.S.C. Ss 1–7 (1890).

In Australia, consumer protection law is unified under a federal scheme administered under the Australian Consumer Law by a powerful national regulator: the ACCC. This law provides consistent protection against false or misleading representations, poor product quality (consumer guarantees), and has a substantial penalty regime. Australia's simpler and more effective institutions and dispute settlement procedures present several lessons for the Indian system in terms of building capacity and strengthening regulatory enforcement, including streamlined procedures, a well-funded enforcement institution, and a clearer understanding of market behavior that should support a clearer sense of duty and responsibility amongst firms to the consumer.

The Consumer Protection Act, 2019 is more effective than most others in the broad coverage it gives to consumer rights and the provision of innovative structures for more dynamic enforcement, such as the creation of the CCPA. However, it does lag in infrastructure, consumer awareness programmes, and to date, consumer disputes still generally take too long to be resolved.

VIII. RECOMMENDATIONS

We put forward for discussion the following recommendations:

1. **Expanding the infrastructure and capacities of consumer courts:** It is critical to substantially increase the number of consumer courts and mediation centres, fill vacant positions of judges and quasi-judicial officers, and utilise technology effectively. A conscious effort must be made to leverage the digital process for hearings via video conferencing, rather than treating it as an exception, with an integrated digital case management system for consumer dispute resolution at all levels.

2. **Investment in public consumer education and outreach programmes**: The government must design and implement sustained and well-funded national consumer education and awareness programmes disseminated through integrated curricula in schools and universities, as well as community media. Targeted educational inputs must be provided by trained counsellors through various centres (Grahak Suvidha Kendras). Even in the case of the National Consumer Helpline, the number of callers could increase significantly if there is further outreach for publicizing the free telephone number.

3. **Development of cross-border consumer dispute redressal mechanisms:** To counter potential jurisdictional hurdles where an Indian consumer transacting with a foreign entity needs effective redress, India should invest in bilateral and multilateral arrangements for international consumer dispute resolution, particularly following the model of a dispute resolution portal such as that established by the EU.
4. **Enhancement of regulatory cooperation:** The functioning of the CCPA in relation to other regulators such as the Competition Commission of India (CCI), the Food Safety and Standards Authority of India (FSSAI), the Insurance Regulatory and Development Authority of India (IRDAI), and the Telecom Regulatory Authority of India (TRAI) needs formal coordination and information-sharing mechanisms. Regular meetings should be scheduled to address issues that fall within the purview of multiple regulators.
5. **Re-definition of 'unfair trade practice':** The existing definition of "unfair trade practice" in the 2019 Act should be frequently reviewed and updated by an expert committee to cover new forms of consumer exploitation. These should include digitally specific deceptive practices such as dark patterns, algorithmic price discrimination, subscription traps, and the upselling of products at purchase.

IX. CONCLUSION

The story of consumer protection legislation in India, which begins with Manu's and Kautilya's prohibitions on adulteration and unfair practices, proceeding through colonial enactments such as the Sale of Goods Act and the Indian Contract Act, has culminated in the modern and comprehensive Consumer Protection Act, 2019. Over generations of legislation, India has developed an increasingly sophisticated framework to safeguard its consumers from all forms of malfeasance and exploitation.

The Consumer Protection Act, 2019 represents a new stage in this evolution. The definition of a consumer is more expansive now, encompassing digitally enabled transactions; product liability has been introduced as a tool of enforcement; there is a specific agency for dynamic enforcement; consumers can file complaints online and have their cases heard virtually by a dispute resolution forum; and alternative modes of dispute resolution are also now formally recognized by the legislation. These are substantial advances which, in principle, should enable the system to effectively deal with the complexities of 21st-century markets.

However, the principles, no matter how sound, often have not yet become practice on the ground. Delays, a lack of awareness, difficulty in getting a remedy against a foreign entity, and institutional fragmentation can make effective redress an elusive aspiration for many Indians. It will be a challenge of a different nature—in the legislative and policy arena of the next legislative cycle- not to rewrite rights or to expand coverage, but to ensure these rights are delivered effectively to every single Indian. When we achieve this goal, we will finally have an operational and functioning consumer regime that stands by its principles.