



Consumer protection; Empowering the Society on consumeristic attributes.

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Abstract: This globalisation has developed the age of digitalisation and networking, which has affected most of the sectors of the world. Trade and commerce have benefited the most, the shopping experience has become grand than ever, the e-commerce and shopping websites have created a huge web of sellers and consumers. These consumers are termed as the e-consumers, this paper evaluates the problems of the E-consumer in today's world. The consumer protection Act, 2019 has bordered the term of a consumer from the older version of CPA. In India, the necessities of the e-consumers are unfulfilled such as internet networking and product delivery, similarly, there are different issues of the e-consumers such as data security, digital payments, and cybercrimes. This all is deleted by the new CPA, 2019 allied with IT Act, 2000, and other complementary statutes. Cybercrimes, nationally and internationally affect data security of the consumers through different sources, even though social media, this paper shows that cybercrimes are not only in the e-commerce websites but would also connect to social media to get the information of the consumer, one of the example is the Cambridge Analytica scandal. The E-consumers had no absolute defined protection of laws or legislation till now, this paper discusses the benefits and drawbacks of the new CPA amendment and its vision to address the problem of online consumers with the development of CCPA to protect the rights of the consumer. The paper aims to highlight the problems of the online consumer with the sociological aspects of online shopping. The paper gives suggestions and guidelines for data protection of individuals, highlighting the needs of data protection to make online marketing experience safe for the consumers.

Key words :- CCPA, Digitalisation, online consumer protection, E- consumer, fraud, Online data, sociological aspects.

Introduction

E-commerce or direct purchase is very popular these days because it saves time, feasible to reach to the consumers, but sometimes people are a victim of false products, lower quality products and sometimes even costlier than the market products, in these conditions the buyers

are cheated knowingly or unknowingly by the seller or the window through which it has been deprived or sent. So, this paper contends many attributes of prevention, precaution, reparation and empowerment, to save the consumer from every aspect of injustice.

As an American Author, Jay Conrad Levinson, in his Guerilla Marketing



Handbook has said that "In order to sell a product or a service, a company must establish a relationship with the consumer. It must build trust and rapport. It must understand the customer's needs, and it must provide a product that delivers the promised benefits.

In the whole world day by day, the E-commerce is getting peak and the sale is increasing through, an estimation made by financesonline.com that online seller will get bigger and has been growing exponentially.

a) Who is an online consumer?

As it in a name which implies, an online consumer who comes in a contact with any source of online market of purchasing is an online consumer.

Section 7¹ of CPA 2019 gives the definition of consumer, which is as similar as the older CPA of 1984 but subsequently broadening the term extensively.

The Sub Sec. 2(7) of CPA, 2019 specifies that any service under any deferred payment, this includes online buying of products. This section broadens the term e-consumers from the older CPA of 1984. This new definition of consumer helps to identify various consumers who use different means of payment and platform to buy any product. This is to give the consumer an identity in the court of law to demand the rights of consumers in any certain condition of unjust behaviour towards him.

b) What is an E-commerce?

¹ Consumer Protection Act, 2019, § 7.

"e-commerce²" the definition of e-commerce is similar to the commerce itself, services including digital products over the digital or electronic network is added to it "electronic service provider³" is part of e-commerce, it is as a service provider, who provides technologies or processes to enable a product seller to engage in advertising or selling goods or services to a consumer, is extended to the definition.

'E' stands for electronics both together means electronic commerce anything which has a buying or selling of things over the internet. Consumer protection 2019 was developed in the time when India was a closed economy, globalisation has expanded the terminology of consumer and goods, e-commerce has therefore, become an important medium to online trade and exchange of goods. the only difference in e-commerce and traditional online marketing is, there is online networking involved. Services provided online over the internet network transaction of money, funds, and data are also considered as E-commerce. Therefore, to see online and cybersecurity aspects of consumer protection which were cover by the Indian consumer protection Act 2019.

c) E-commerce businesses may also employ some or all the followings:

Online shopping for retail sales direct to consumers via Web sites and mobile apps, and conversational commerce via live chat, chatbots, and voice assistants. Providing or participating in online market places, which process third-party

² Consumer Protection Act, 2019, § 16(2)

³ Consumer Protection Act, 2019, § 17(2).



business-to-consumer (B2C) or consumer-to-consumer (C2C) sales Business-to-business (B2B) buying and selling, Gathering and using demographic data through web contacts and social media. Business-to-business (B2B) electronic data interchange Marketing to prospective and established customers by e-mail or fax (for example, with newsletters)

d) Consumer scepticism and satisfaction

The moment when the consumer ordered any product through the internet, the toll it reaches to the consumer, the consumer is very much sceptical about the product and there are so many dubieties run on the mind of the consumer. So, this paper deals with various understandability of the consumer's satisfaction which is dealt with under Consumer protection.

Should globalise "caveat venditor" from "caveat emptor"

The doctrine "caveat emptor" means "let the buyer be aware" which puts the whole burden on the buyer about the good which the buyer buys, the seller can take the defence of this doctrine on his or her faulty products.

In simple words, it is not the seller's duty to give to the buyer the goods which are fit for a suitable purpose of the buyer⁴.

⁴Vanshika Sharma, Implied Conditions and Warranties under the Sale of Goods Act 1930 with reference to the rule of Cav, LEGAL SERVICE INDIA, (2020,), <http://www.legalserviceindia.com/legal/article-241-implied-conditions-and-warranties-under-the-sale-of-goods-act-1930-with-reference-to-the-rule-of-caveat-emptor.html>.

This should be replaced with caveat venditor which means "seller beware", in a case of Priest v Last, "In this case, the buyer went to the seller to buy a hot water bottle, the seller has said that the bottle is just for hot water not boiling water, after few days the hot water bottle got burst from hot water by injuring buyer's wife. The court held that the buyer's conditions were clear which was not met in this case"⁵.

Thus, it can be concluded that the rule of 'caveat emptor' is dying a slow death as is being replaced to 'caveat venditor' were the privileges given to the customer, not to the seller

e) A cyber-attack worse than a warfare

In today's century, the technologies have been so developed that not only the online consumers are inconvenient but also there is a cyber threat in digital platforms and so many countries have faced this threat.

In 2007, in Estonia, the country faces a horrendous cyber-attack, their one of the essential infrastructures got collapsed without any explosion or any sign of the enemy, from newspaper to banks to power system everything collapsed⁶.

⁵ Sreekumar.c.nir, Implied Conditions Of Sale Of Goods, Lawyerseulbindia, (Sep. 11, 2008,10:44 PM), <https://www.lawyersclubindia.com/article/s/implied-conditions-in-the-sale-of-goods--379.asp>.

⁶Steven Lee Myers, Cyberattack on Estonia stirs fear of 'virtual war', The



In 2005, in Ukraine hackers has hacked the power grid system and so many of the house had gone to far for hours⁷.

In 2010, in India there is a computer worm which has attacked the digital platform of India and it was the third most affected country of this worm Stuxnet and it attacked on the power grid and states owned oil corporation⁸.

So, there should be an ardent system be made to save the online users, systems, and digital platforms from online perpetrators, these cyber-attacks have made the data security of the internet users fragile, no matter how good the cyber laws are of any respective county but such contradistinctions will happen, to resolve such problem their needs to be a strong anti-cybercrime team that protects and administrated any such activity that harms the privacy and data of the citizens of the country. It is debated that because personal data is an

New York Times, (May. 18, 2007, 02:00 PM),

<https://www.nytimes.com/2007/05/18/world/europe/18iht-estonia.4.5774234.html>.

⁷Alan, Ukraine, Is 'Ground Zero' For Hackers In Global Cyberattacks, Crosby, RadiofreeEro Radioliberty, (June. 28, 2017, 02:04 PM),

<https://www.rferl.org/a/ukraine-petya-ransomware-cyberattack-ground-zero/28583931.html>.

⁸Catalin Cimpanu, A decade of hacking: The most notable cyber-security events of the 2010s, ZDNet, (December 12, 2019, 06:52 AM),

<https://www.zdnet.com/article/a-decade-of-hacking-the-most-notable-cyber-security-events-of-the-2010s/>.

information key to a person's personal public life it should be a fundamental right of a human to secure personal information and in an age of digitalisation, it is the responsibility of the state to protect the privacy of its citizens. There should be guidelines given by the United Nations general assembly to make the member states work on the data security and protection of the citizens.

Problems of Online consumer: -

Today's world is the digital world because it rules by the internet, the growing use of the internet provides a developing prospect for E-marketers. The Internet is changing the way customers buy goods and services and has rapidly involved in a global phenomenon. Going to the globalised world, the normal way of buying and selling of goods is changing. As the internet has affected most of the sectors, economics and e-commerce are the widest spared and most affected. With the increase in⁹ online shopping and e-commerce websites, people have made preferences online shopping. Customers choose online shopping as it is more convenient and faster than offline shopping. The online marketing system is becoming well-accepted to purchase a wide range of products and services.

Considering the new developing need of the consumer and growth of e-commerce

⁹Shruti Jadhav, Do you Know...The Common Problems associated with Online Shopping!!, Smart Shop Collection-@Smart Reviews for Life, (Oct. 10, 2018, 02:20 PM), <https://www.smartreviewsforlife.com/know-common-problems-associated-online-shopping/>.



websites, there are certain limitations to problems in internet shopping. Further, the paper discusses the problems of online consumers.

A. Less internet connection: -

In-country like India, which has such low connectivity of internet connection. It is difficult for companies as well as consumers to connect and get some benefits. The problem starts with the very roots of online shopping that is online shopping. Problem is that people in India have very less knowledge of the internet and various use of the internet. It can also be described that the online consumer does not know their rights under CPA, the union government of India is about to bring a new modification of amendment of the act which is to be an amendment in July 2019. The urban area of the nation aware of the internet structure and its functioning, but still the rural area is not ever connected to the internet and its benefits. Thus, they are the easy targets of fraud. This paper will further discuss this matter of elaborate on this in large.

B. Faulty products: -

The main issue in online shopping and buying any goods is that there needs to be a big problem with the delivery of faulty products and products. Many times, goods demanded by the consumer through the online website turn out to be damaged or unspecified. For this, the websites have given an option of the return policy and exchange of products, but in between of this time there would be a waste of time and wastage of human resource. This creates consumer dissatisfaction and breaks e-consumers trust with the product. This door to door delivery of the product has been criticised because it

loses its trust from the product, the company as well as the website.

C. Quality issues: -

The reliability of the equality of the product is very less. The reviews of the products given on the online site are not always reliable, the product quality understood by the given reviews and people's ratings on the website. But even this can be a fraudulent act or biased rating. There are fraudulent sellers who mislead the consumer and make them by a default product or a product that they have not initially ordered. The system of e-commerce has brought an opportunity for customers of choosing some among several brands sitting at home and ordering them easily. But by and by with the increment of this type of online market it is compelling for the e-commerce companies to assure the quality of their every product except this customers also have a problem that the product which they ordered does not meet as per their satisfaction levels hence we can conclude that purchasing wears from these online websites is like making a gamble in a poker game. In such a scenario the goodwill of the company and the website policy helps the consumer to choose a product, the consumer relies upon the company's rate rather than the product itself to understand the quality. This is like the traditional way of shopping itself.

D. Delivery logistics: -

One of the most big reasons why online shopping has grown is because it has made the consumers' life more comfortable. The consumer gets his/her product on the doorstep. This is one of the main reasons for the consumer to be more attracted to online shopping. But



one of the main issues with online delivery system is that it contains there is always uncertainty in the mind of the buyer about the delivery of the product, even though the delivery has to happen in a specific time and place, things always get mismanaged and thus creates a problem in the delivery system. It is also observed that deliveries of most of the products happen at the time when the buyer is at the workplace or the or not at the given destination, this similar situation happen while returning policy. Another problem with rural cities is that they are not feasible for the products to be delivered by E-commerce companies delivery services¹⁰.

E. Failures in digital payments: -

As even if one considers the flattering internet connection in the urban metropolitan, the digital payment always looms overhead while making online transactions. Even though the existence of credit/debit cards, net banking, and several digital wallets today there is always a technical glitch in digital payment. if the payment fails or transaction is not confirmed by the credit side, this shows a large problem I transaction and one has to wait for about 3 to 4 or 7to 10 working days to let the debited amount be withdraw from the consumer's bank account. This transaction problem happens almost in most of the online shopping websites. Because of this, there has always been a risk in online shopping.

F. An erroneous mental representation about the product: -

It happens many times that when a web site puts out an image of a product to sell after the delivery is done the consumer comes to his attention that the product shown on the site and the product delivered is different. This epiphany of the situation is almost kind of fraud to the consumer. Therefore, this erroneous mental representation falls under wrongful concealment of product, and fraud towards the consumer. What was promised to the consumer is not delivered to him, rather a faulty or even unknown product would be delivered. In this situation a consumer must do a legal complaint against the website or the company, but rather doing so he escapes the by just replacement o the product. This invokes certain companies and online web sites to take it granted of their miss behaviour. And there is no recognition on such the default in the company's faulty products and a website's hideous delivery system. This is what makes to change in consumer protection and no imposition of liability over the sellers.

G. Low-level database security: -

In the world of online networking and trade, data security is important. When a buyer puts data on a website, he mostly all the details of his transaction and delivery, E-commerce sites record important customer data like name, phone number, address, and bank details. If such data is recorded by the e-commerce company, that means that this data would be stored and could be missed used. These sites need to use straight cybersecurity measures because such kind data could be misused and be in the wrong hands which is a big risk of the consumer. Mostly nowadays these IDs are

¹⁰ PD, Praveen Duggal News, (Jan.16, 2016, 2020 3:15AM), <http://pavanduggal.com/pavan-duggal-in-news/>.



linked to bank accounts and email IDs, which creates a dangerous web to get any one's personal data. Most of the well-established and reputed online shopping sites have grate cybersecurity system but this assumption cannot be made for countless small sites who do not have the resources of experts to do a secure system.

One of the reasons the paper impasses on the social media websites and its relation to consumer rights is that social media websites have become the quick link to the young online consumers, but there is a greater risk in this kind web browsing for the online consumers, The Cambridge Analytica Scandal¹¹ is where official data of the users of a social media website was used, Facebook data was hacked and used. This highlights a debate over how much users can trust Facebook with their data. Facebook has also given permission to an app developer for developing an application for the personal purpose of collecting data and information of the users and of his friends without even their consent ¹². This scandal of data hacking had made a

reasonable question on how much can a person rely on internet data protection. This breach of trust and privacy of the users of Facebook had made a piece of global news, it affected many governments of respective have a wakeup call for internet data protection¹³ with this argument the paper wants to point out that even though there are laws for data protection but the online data can be used to any expend if used for the wrong intent, to exploit any kind of personal information. This is even a threat for online consumers because many social media sites promote some e-commerce companies and advertisements of products, consumer's intent to go to social media websites to explore public life. This may affect the online consumer's data directly. Many countries need to make implementation of such laws in which consumers may get exploited by their data by social media websites.

Hidden cyber-crime: -

Cyber-crime is the use of a computer network, internet or device which uses the internet to connect another part of the internet to make any unfair or illegal work, it uses the internet as a tool for criminal activities. The term cyber-crime includes every illegal practice that is done using a network or a device, so e-commerce crimes also come under cybercrimes,

¹¹Sam Meredith, Here's everything you need to know about the Cambridge Analytica scandal, CNBC News, (Mar.23, 2018, 9:21 AM), <https://www.cnbc.com/2018/03/21/facebook-k-cambridge-analytica-scandal-everything-you-need-to-know.html>.

¹²Alvin Chang, The Facebook and Cambridge Analytica scandal, explained with a simple diagram, Vox, (May. 2, 2018, 3:25 PM), <https://www.vox.com/policy-and-politics/2018/3/23/17151916/facebook-cambridge-analytica-trump-diagram>,

¹³ Author Aja Romano, The Facebook data breach wasn't a hack. It was a wake-up call, Vox, (Mar. 20, 2018, 4:50 PM), <https://www.vox.com/2018/3/20/17138756/facebook-data-breach-cambridge-analytica-explained>.



The various research paper found that \$1.5 trillion is reaped from the cybercrime services are offered on the dark web marketplaces annually. The profits from the dark web marketplaces returns of the top global earners such as Apple (\$260 billion in 2019), Saudi Aramco (\$356 billion in 2018), and Amazon (\$281 billion in 2019) combined. The English and Russian cybercrime underground markets constitute to be the largest dark web marketplaces¹⁴. This data shows the spread and connection of cybercrime on the mainstream internet and other service providers. If the influence of dark web expands there is no doubt that data security cannot be assured. The sell and purchase on Dark web is a totally

Not fit for all age group people: -

As a generation goes away, so does its touch goes away from the mainstream. This, the train on the 20th-century world is going faster forward so is the upgradation of its advancement in technology. At the start of the 20th century, not many things were as fast as compared to today, rather it was still dependent upon any kind of human resources, people were having industrial revolution on human resource. So, the world was much of a co-dependent on machines and humans. What we see today is the dependency of human beings on the machines.

¹⁴Alicia Hope, Cyber Crime Services on the Dark Web Marketplaces Easier to Obtain, Says Trend Micro, CPO Magazine, (Jun.4, 2020, 03:00 PM), <https://www.cpomagazine.com/cyber-security/cyber-crime-services-on-the-dark-web-marketplaces-easier-to-obtain-says-trend-micro/>.

The fact is this new generation has much of its dependency on technology. And the old generation has not been in the connecting of this advancement from the beginning. In India, this generation gap has become a problem. A vast amount of literate population does not know how to use the computer or the internet. Making the do this consumes a lot of cooperation and time, even they are not comfortable doing so, therefore this problem is critical but neglected. These are mostly the old age people and people who did not have access to the internet or computer and never were habitual to it. This population is totally deprived of any kind of benefits from networking. This shows that online networking is not suitable or adaptable to all groups of people. As the young generation is so much connected to technology, so are some unknown and deprived of it.

Less knowledge of understanding e-commerce: -

In a country like India which has many populations in rural India, it is exceedingly difficult to spread the influence of e-commerce. It is not just the rural region but also the literate population is not well versed with computer networking. This paper has already established that the internet and e-commerce are not suitable or adaptable to all age groups. The functioning of online websites is not adaptable to a larger population. Most of the population is much comfortable with traditional marketing and shopping, they do not rely upon the online shopping system. There is a fear factor involved and no trust with the way of product works or feels. The traditional consumer verifies the product of the feel factor. In the online web site, there is no conduct of understanding the



product with the shape, size, weight and structure of the product. Because of this, the traditional consumer has low trust in the product and web site.

Laws relating to consumer protection: -

There are different laws rather than CPA to give the consumer their rights and to bind the seller with liability and accountability. As given in various laws which link to each other to bind the seller with almost grave accountability so that the equilibrium and justice are maintained. The cybercrime is also recognised internationally, it is a grave problem for the protection of rights of online consumer and other people. There is various laws amendment in different laws in different faced by the consumer on the digital platforms as well as for the traditional exchange of goods.

A. Metrology Act, 2009: -

This Act was enacted to understand standards of weight, measures and regulate trade and commerce and weight, measures and other products or goods which are sold and purchased by weight. the term 'legal metrology'¹⁵ is defined under the legal Metrology, Act which means measurement and treating units of weight in relation to the mandatory technical and legal requirements to ensure guarantee and security to the consumer.

Basically, this Act helps the government authorities to embed the manufacturer for its conduct of manufacturing and production, indirectly empowering the consumer. This binds the e-commerce companies to package their delivery goods in weight and measurement. This

help in controlling the production of any certain good above its limits of production. This makes restrictions over the manufacturers and companies and empowering the consumer. The objectives of the Act are as follows: -

Guarantee of security and precision of the weights and measurements.

Constitutional provisions related to Weights and Measures.

Registration for the export of weight and measurements is not required.

Prohibition on manufacture, repair or sale of weight or measure without licence

Standardization of units is based on metric system.

B. I.T. Act, 2000: -

With the growing connectivity of the internet and need of the internet. The Information Technology Act, 2000 or the IT Act, was notified on October 17, 2000. We see a need for laws in the nation. With the emerging need of legal amending in this electronic data transaction and communication. India became the 12th country to enable cyber Law after it passed the Information Technology Act, 2000. Further, this act has amended to India Penal Code, 1860. the Indian Evidence Act, 1872, the Banker Books Evidence Act, 1891, and the Reserve Bank of India Act, 1934. The objectives of the Act could be known as:-

Grant legal recognition to transactions done via electronic exchange of data and other electronic means of communication or e-commerce.

Legal recognition of digital signatures.

Encourage electronic storage of data.

Making documents with Government agencies and departments.

legal sanction and encourage the electronic transfer of funds.

¹⁵ legal Metrology Act, 2009, §5 2(g).



Grant legal recognition to bankers under the Evidence Act, 1891 and the Reserve Bank of India Act, 1934,

Food safety and standards Act, 2006: -

The basic objective of FSSA is to grant a license to every business relating to food activities. The Government is to give certification, registration and regulation under this Act. FSSA lays down standards to regulate and manufacture, storage of food and grains for consumption, distribution of raw food grains or material, selling and importing of foods related goods to ensure availability of safe and wholesome food for consumption. The criteria for licencing would depend on a couple of variables. The FSSA, Act creates a network to help consumers and local authorities, etc, to make information available about food and safety across the country, also to create a single authority to contact and administrate all matters relating to the safety of food. The main objectives of FSSA are as follows: -

Regulations for food and safety standards.

Guidelines for creating laboratories for food testing.

Scientific advisement of food and nutrition to the public and to technical support to the central government.

Promoting awareness relating to food safety and nutrition in the country.

Collecting data regarding consumption, chemical intake and risks of food.

Development of technical standards in food, provided by international research. Drugs and Cosmetics Act, 1940: -

This Act protects the consumer from the health care perspective, unlike other Acts and amendments this Act enlarge the ambit of personal health care. It creates the consumer much power to question the reliability manufacturer or the seller on health care products. This Act defines the terminology of drug and cosmetic in the at itself, to ascertain the ambit of the act, it also applies to the animals. The objectives of the act are as follows: -

Regulating importing of drugs, manufacturing the cosmetics, distribution and sale of goods related to drugs & cosmetics.

Manufacturing of products, distribution and sale of drugs and cosmetics by qualified identification.

Maintaining high standards of drugs for getting good medical treatment.

Regulate the manufacturing and sale of Ayurvedic products such as Siddha and Unani drugs.¹⁶

Establishing a technical advisory board and consultative committees for drugs and cosmetics.

Changes in the consumer protection Act, 2019

¹⁶Prof. Rabinarayan Acharya, Ayurveda, Siddha and Unani Drugs in Drugs and Cosmetic Act, 1940; Drugs and Cosmetic Rules 1945, Ayurveda Network, (Mar. 28, 2020, 06:08 PM), <https://ayurvedanetworkbhu.com/ayurveda-siddha-and-unani-drugs-in-drugs-and-cosmetic-act-1940-drugs-and-cosmetic-rules-1945/>.



The Indian Consumer Protection Act, 1984 was an important legislative Act, but the major problem in the act was the view towards the concept of rights of different types of consumers for the contemporary needs of the consumer. The CPA, 1984 was amended in the pre-globalized era before the liberalization of the Indian market. It is a critical view that the Indian market before and after the liberalization has changed with the demand of the consumer. The growth of the Indian economy boosted after adapting the new economic policy. With this change in the structure of the economy, the markets shifted from the traditional form of sale of goods, with internet connections, e-commerce companies took a major role in the sale of products and the advertisement. With this vast expansion of economic structure the rights of consumer protection laws of CPA, 1984 could not deliver much emphasis on online consumers and e-commerce laws, the act didn't give any assured protection of laws to online consumers from any fraud or compensation on online product. It is to be noted that the CPA, 1984 did not apply to the modern-day protection of rights of the online consumer.

Because of this made a legislative amendment was made to have structural alterations for the rights of contemporary online consumers. The new CPA of 2019 gave a border definition to the term of consumer, it has made a border ambit of the concept of online consumer and outgrown of the traditional concept of a physical market and has brought into its ambit the transactions happening in the internet and e-commerce world. A

broader definition of the term "goods"¹⁷ means every kind of movable property and includes "food"¹⁸ as defined in The Food Safety and Standards Act, 2006. has made a better understanding of the definition of a consumer. The Act has given scope for the e-commerce sites, online marketplaces and online auction sites have been included. The Central Consumer Protection Authority (CCPA) 2019 is a regulatory body which is linked with other sector regulators like TRAI, FSSAI, etc. The CCPA is to protect the rights of consumers. It will be relating to the violation of consumer rights, unjust and misleading trade practices, and misleading promotions and advertisements of products¹⁹. The above give legal statutes act as complementary to the consumer protection and CCPA, all to gather act interlinked and interwoven to each other but aim to an objective, to protect the rights of the consumer.

Drawbacks of CPA, 2019: -

With the development of different committees and forums, CPA has strengthened its structure for protection of the rights of the consumer. Digitalization has affected CPA and it has adapted reforms to resolve the problems

¹⁷ The Consumer Protection Act, 2019, § 2(21).

¹⁸ Food Safety and Standards Act, 2006, § 3(1)(j).

¹⁹ Sonam Mhatre and Radhika Nair, Consumer Protection Bill, 2019, Mondaq collection, (Aug. 21, 2019, 12:30 PM), <https://www.mondaq.com/india/dodd-frank-consumer-protection-act/838356/consumer-protection-bill-2019>.



of the e-consumer with the development of CPA, 2019, but the problem lies in the consumer itself. The lack of awareness in the consumer on the right to demand reparation to the faulty product, misleading advertisement and data sharing. The consumer protection can happen only if the consumer tries to complain against the manufacturer or the e-commerce company. It is also a critical view that the consumer gets mislead, because of too many formalities in making a complaint in consumer protection forum, though CPA, 2019 has made many changes to it easy make a complaint about the consumer by online complain system, it cannot be neglected that a large population of the country is not well educated with the internet and technology. therefor the paper had established that not all age groups are adaptable to internet networking. Similarly, the problems of the e-consumers must be acknowledged, as they have different problems that need simple solution rather than going through an elaborate structure of CPA. India is a mixed economy, with a different kind of economic policies.

Mahatma Gandhi has said, "though honesty, integrity, and trust should form the pillars of trade and commerce"²⁰ yet they are commonly found in the trade and business, on the contrary consumer becomes a victim of malpractices of traders like adulteration, under weighing or overpricing and misleading prices of goods or substandard services. The pre-human civilisation was based on giving and take, it didn't use any currency, it

was based on trust and mutual respect towards the seller and the reviser, thus that means that human-being have become more corrupt after becoming so-called civilised? If cheating and misleading are being civilised, then what is to be civil? Because this all is deliberately done in the modern society of the 21st century.

I. Remedies for Consumer Protection under new CPA, 2019: -

The Central Consumer Protection Authority (CCPA) 2019 is a regulatory body which is linked with other sector regulators like TRAI, FSSAI, etc.²¹ The CCPA is to protect the rights of consumers. It will be relating to the violation of consumer rights, unjust and misleading trade practices, and misleading promotions and advertisements of products²². The CCPA gives consumers the right to make online complaints against the manufacturer and the company. False, misleading and harmful advertisements are a problem to online as well as offline consumers, these advertisements are merely to attract the consumers and not be true in many cases, such issues of the consumers will be legislated under CCPA. The legal actions will not be just limited to the manufacturer but also the advertiser, trader, website, and publisher. The CCPA authority may impose a penalty up to Rs 10 lakh. With imprisonment up to two

²⁰ R.K. Nayak, Consumer Protection Law in India – Eco-Legal Treaties on Consumer Justice: 3 (1st edn.1991)

²¹ Manoranjan Ayilyath, Banking Kanoon, Relevance Of Coastal Regulatory Zone In Banking, Blog on legal developments in Indian Banking sector, (Apr. 7, 2020, 06:11 AM), <https://banking-kanoon.blogspot.com/>.

²²Supra Pg.16 No.3



years on the manufacturer or endorser for false and misleading advertisements as per the Act. The penalty may go up to Rs 50 lakh. The penalty for such crime may rise with imprisonment for up to five years. The authorities may ban the functioning of the manufacturer and endorser for any feature products and services for at least the next one year. Therefore, the CCPA is more structured to empower the consumer and resolve the problems of the consumer by protecting their rights and implementing on taking actions against the offence of consumers. The Act also imbibes the offences against the e-consumers and consumers, therefore it also restricting the online websites and the online advertisers similarly. The CCPA has the authority to make primary investigation, CCPA's Investigation Wing has the powers to enter any premise and search for any document or article, and to seize the document. The Code of Criminal Procedure, 1973²³. The consumer protection program is not different for e-consumer in the CPA, 2019 and CCPA, they both are interlinked and complementary to the each other and have single aim to protect the rights of the consumer and protect the safety of the individual information

II. **Conclusion:** This paper does not deny the existence of law and statues present to protect the rights of the

consumer but to reach to the consumer in need. Finally, be drawn that in addition to the available laws and social phenomena the findings of the paper are following measures that can be adopted and could be helpful to protect and aware of the consumer.

1. The consumers should be made alert because it is said that an alert consumer is an asset to the nation.

2. Both the buyers and sellers need to be made socially and legally more responsible.

3. The available judicial and extrajudicial remedies should be communicated to the consumers.

4. The awareness regarding the exact time, place, procedure to get his right enforced should immediately be made by adopting all sorts of available resources.

5. Their needs to be a systematic and accountable governmental body as well as non-governmental to educate and promote the consumers about their rights and responsibilities which will certainly lessen the number of violations of consumers' rights.

6. India needs to consider digital data of person on the internet as primary information of an individual as a consumer and needs to make an accountable body to monitor matters relating to digital data scandals.

7. Fraud is a crime as it is given in the Indian Penal Code, 1860, as personal data links to various information to an individual it needs to give a grievous punishment.

²³Harikishan Sharma, Explained: Govt to establish Central Consumer Protection Authority; what is it?, The Indian express (February 27, 2020 8:36:59 am), <https://indianexpress.com/article/explained/ram-vilas-paswan-food-and-public-distribution-central-consumer-protection-act-6288654/>.