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E-Consumerism: Issues, Trends and Development

ABHISHEK BISHNOI¹

ABSTRACT

Consumer, the person who devours the resources around him to satisfy his day by day needs. The contemporary time is the period of purchasers, as we as a whole are Consumer for somebody. The privileges of buyers are hampered at each place of time. To save these privileges of buyers and to advance the hypothesis of government assistance express our administration had passed different authorizations since the time. In this current time, whether the establishments are independent to ensure the rights or e-clients involves reality.

From unmerited exchange practices to monopolistic exchange rehearses, 1969 (the MTRP Act) to The Consumer Protection Act, 1986 to The Bureau of Indian Standards Act, 2016 to Consumer Protection Act, 2019, our administration can secure the clients. Article 46 of the Indian Constitution gives that 'the state will try to ensure the financial premium of the more vulnerable part of its populace and shield them from social foul play and all types of abuse which implies a wide range of disturbances and cheats in the commercial centre. It also includes people who should be entitled to general wellbeing and security.

Even after such enormous existing laws, is a Consumer safe? Nobody can answer it as it relies upon the purchaser whether he knows about his privileges and obligations. In this situation, the world is moving towards Digitalisation. Internet shopping is outstanding amongst other illustration of it. The entire inquiry is whether the customers have adequate laws and information to help themselves from online frauds. Whereby e-commerce organizations are confronting different difficulties in the Indian market.

Keywords: - Consumer, customer, e-commerce, e-consumer, Consumer Protection Act, 2019.

I. INTRODUCTION

As Mahatma Gandhi once said², "The customer is the most important visitor in our premises. He is not dependent on us. We are dependent on him. He is not any kind of interruption in our work. He is the purpose of it. He is part of it. We are not doing him any kind of favour by

¹ Author is an Assistant Professor at Department of Law, Jagannath University, Jaipur, Rajasthan, India.

² Speech in South Africa in 1890

servicing him. He is doing a favour by allowing us to do the same."

"Customer is king" means he is the one whose interest must be at priority. This is also an extreme old age mantra of every business. Today the customer is the same, but the mentality has changed. Today customers want the best value for their money. Now, what is the best value of money?

If we take an example of jeans, then for the first customer it could be like; cloth must be of better quality, for second it must be specific colour, for third it must be comfort, for fourth it must be cheap, and for fifth it must be costly. So in simple terms, customer justifies the value of money as per their needs.

Similarly, one would be satisfied with golgappa on the street, and another one is unsatisfied with the burger at McDonald's. So ultimately, the pocket and the need of every customer shall define their satisfaction level. Apart from the satisfaction, there are lot more issues with the customer.

If we sleep over our rights, the law will not help us. Here the main question arose about the knowledge of the consumers over their rights and duties. The primary responsibility is of the customer that he must be aware of his rights and responsibilities. Secondary responsibility is of the state that it enact and implement effective laws and familiar the beneficiaries.

The Indian Constitution, Articles 38, 39, 42, 43, 46 & 47;³ stipulates that the state must make every effort to maintain public order in order to enhance the well-being of society, and also guide your book accordingly. Welfare does not mean the concentration of wealth and means of production on the common good, does not guarantee fair and humane working conditions, and does not contribute to motherhood; It should strive to create an economic organization or develop appropriate legislation to ensure an adequate standard of living for all workers, who constitute the majority of consumers, and it should promote the educational interests and economies of registered tribes, registered voters and other sectors. And will also increase the level of nutrition and an adequate standard of living to improve the health of the population.

(A) Who are Consumer?

Consumer is defined as follows;

- "buys any products for a thought which has been paid or guaranteed or part of it has been paid, and part of the way guaranteed, or under any arrangement of conceded instalment, and incorporates any client for such merchandise other than the

³ Directive principles of state policy, under constitution of India

individual who purchases such products for such thought paid or guaranteed or somewhat paid or incompletely guaranteed, or under any arrangement of conceded instalment when such use is made with the endorsement of such individual, yet does exclude an individual who acquires such merchandise for resale or any business reason"⁴; or

- "hires or benefits of any administrations for a thought which has been paid or guaranteed or mostly paid and incompletely guaranteed, or under any arrangement of conceded instalment, and incorporates any recipient of such administrations other than the individual who recruits or profits of the administrations for thought paid or guaranteed, or halfway paid and part of the way guaranteed, or under any arrangement of conceded instalment, when such administrations are benefited of with the endorsement of the principal referenced individual."
- "Under the Amended Act⁵, "purchaser" is characterized as an individual who purchases any products and recruits or benefits of any help for thought however does exclude an individual who acquires merchandise for resale or products or administration for any business reason. The Act looks to enlarge the extent of this definition. Along these lines, a shopper will presently mean any individual who purchases any products and recruits any administrations which will incorporate both on the web and disconnected exchanges through electronic methods, online shopping, direct selling or staggered advertising"⁶.
- In a leading case of *Dinesh Bhagat versus Bajaj Auto Ltd*⁷., the Delhi State Commission confronted a circumstance in which A bought a bike, and since the buy, it was in the ownership of B. B set aside the cycle for fixes effort to time. Later on, B had a few grumblings about the bike, and he sued the vendor. The vendor argued that since B didn't buy the bike in any case, they were not at risk towards him under the Consumer Protection Act, 1986, as he was not the buyer. However, the Delhi State Commission held that B, the complainant, was utilizing it with the endorsement of A, the purchaser, and consequently, he was a buyer under the Act.

⁴ Section 2(d) in the Consumer Protection Act, 1986

⁵ Consumer Protection Act, 2019

⁶ Section 2(7) explanation (b) of the Consumer Protection Act, 2019

⁷Appeal No. A-74 of 1992, Decided On, 30 October 1992, At, Delhi State Consumer Disputes Redressal Commission New Delhi. By, THE HONOURABLE MR. JUSTICE R.N. MITTAL PRESIDENT & THE HONOURABLE DR. (MRS.) AVTAR PENNATHUR MEMBER. For the Appellant: Rajesh Gulati, Advocate. For the Respondent: Anil Sharma, Advocate.

(B) Rights of Consumers

As per the Consumer Protection Act, 2019, there are certain rights to the Consumer as follows;

- Right to be secured against the advertising of merchandise, items or administrations which can be unsafe to property and life
- Right to be educated about the quality, immaculateness, quantity, standard, intensity and cost of merchandise, items and administrations
- Right to be guaranteed admittance to merchandise, items and administrations at severe costs.
- Right to be heard i.e. audi alteram partem, at proper discussions
- Right to look for redressal against uncalled for exchange rehearses that are engaged with abuse of clients
- Right to consumer understanding

(C) Consumer Protection Act, 2019

On July 20, 2020, the new Consumer Protection Act 2019⁸ came into power, supplanting the prior institution of 1986. The most recent Act⁹ updates the organization and settlement of buyer questions. It gave different arrangements to exacting punishments, including prison terms for contaminated and for deceiving ads. It additionally endorsed rules for the offer of labour and products through internet business. The purchaser is presently really the ruler!

The essential features of the Act are as follows;

- An abused buyer can document grievances about a deformity in merchandise or insufficiency in administrations from where she resides, rather than the business environment or home of the vendor or specialist co-op. The new law accommodates e-recording of shopper objection also.
- No charge is needed to be paid for the case under Rupees 5 lakhs.
- A buyer can direct his case through video conferencing. Connecting with a legal counsellor isn't needed.
- An idea of item obligation has been presented by the new law, subsequently permitting wronged buyers to guarantee huge remuneration as an alleviation because of the carelessness of the producer or specialist organization.

⁸ Act no. 35 of 2019

⁹ Consumer Protection Act 2019

- A gathering of bothered customers can hold hands and document a class activity suit (like in the U.S.) to decrease costs and improve odds of redressal or settlement.
- Producers of deceptive products might be rebuffed with detainment.
- Misleading promotions might be rebuffed with detainment. But, on the other hand, big names supporting an item may not be overlooked yet can be banned from underwriting if the notice is misdirecting.
- E-trade is currently firmly managed, and online business organizations are presently expected to reveal all pertinent item data, including the beginning, and react to customers' complaints inside endorsed timetables.
- Settlement of purchaser debates through intervention, for example, with the assistance of a nonpartisan delegate outside the customer court, is empowered under the new law, saving time and assets of questioning gatherings that would somehow have been spent on debate goal through a conventional instrument.
- Consumers currently have a few ensured rights, including the privilege to wellbeing, data, decision, and redressal, just as an option to be heard, instructed as a shopper, and an intervened settlement.

Companies that take into account customers, should practice more critical and alert attention regarding the quality, quantity and well-being of the items. The sheets of companies that produce or trade buyer goods should make a Consumer Committee, intermittent buyer survey grunts and meets the need to proactively offer settlements intervened by maintaining on the web intercession and reframe to save themselves the costs of guarding a matter in consumer courts, in some far off piece of india other than causing the blow-back to notoriety.

II. E-CONSUMER PROTECTION IN INDIA

India, the biggest market centre, has become a prospering business hub, not due to the admittance to the internet but because of the development of speciality units past their topographical area by exchanging any piece of the world.

As India's online business is developing, significant issues are emerging for the security of the E-shoppers through this stage. The Internet has given shoppers valuable assets to look for Goods and services through online mode. Electronic trade is more than innovation and has become an essential element of working together In the exchanging worldwide. Regardless of the enormous development of web-based business, e-customers search ahead for relevant purchaser security rules and guidelines to acknowledge their privileges on electronic exchanges. We can consider that advancement of internet business is, by implication, a stage

for advancing the customers exercises, which centre for the most part around the labour and products to be conveyed yet the legitimate expert for online exchanges by one way or another lacks to secure the consumers¹⁰.

Security is one of the prima facia concerns of the buyers' assurance at the hour of web-based shopping. The interaction of internet business is challenging to finish except if the individual subtleties and personality of the client are referenced. Subsequently, an online business needs to consider or keep up the purchasers' protection. The instrument for validation and distinguishing proof should be followed to manage the infringement of an individual's protection. An online business can reach its most high potential in the realm of innovation just when the shoppers are given similar degrees of insurance as customary clients or purchasers. Online fakes and tricks through deceiving the data or non-accessibility of data profoundly affect the buyer's premium and trust in the online business sectors. Shopper affirmation is an essential piece of purchaser security; in this way, absence of mindfulness concerning the online entries, protection is viewed as the significant purposes behind the passageway of customers in the snare of deceitful exchanges.

The Consumer Protection Act 1986 in India deals with laws pertaining to customers and unnecessary exchange practices of the administration and large vendors. There is no communication of a single settlement in favor of insurance for the buyer. With this demonstration the risk definitely arises. In the event of "lack of administration" or "product imperfections" or "replacement attempts not required", the 1986 demonstration excludes the settlement of the buyer's guarantee. For a buyer through internet purchases, The Consumer Protection Act will make no difference. Judges issue various judgments to rule out interference with the location issue. With regard to the insurance of electronic buyers in web-based companies, the Consumer Protection Act 2019 has laid down important agreements that deal with relevant data and location issues in online business. When trading online, a suitable system must be set up in accordance with the buyer's insurance laws. The rules available should constantly try to think about updating the various provisions of the Consumer Code to cope with the problems that arise from the use of the Internet by customers.¹¹

III. ISSUES AND CHALLENGES

Today, with the advent of e-commerce, buying and selling things has become an easy process, people are just a click away from their desired product or service. The digital age has given all

¹⁰ <http://www.researchgate.net>

¹¹ <http://docs.manupatra.in/newslines/articles/Upload/755BA66E-1F56-447F-A2A2-FA160F1D43D2.pdf>

customers easy access, different products and time-saving purchase modes. Due to the increasing digitization, the new Consumer Protection Act of 2019 came into force on July 20, 2020, replacing the Consumer Protection Act of 1986 a need for new consumer protection laws as international trade and e-commerce activities increased rapidly and numerous rights were granted to a potential consumer such as the right to be heard, the right to consumer education, the right to redress, the right to safety, the right to information, the right to choose that enables a consumer to freely and voluntarily make a good choice among the products available. of e-commerce, the changes proposed by the law seek to include e-commerce transactions within its scope.

According to the new consumer protection law, a consumer can only take legal action against a seller if the transaction has taken place. The law allows consumers, even if they are a consumer, to file a complaint with E-platforms or the court in whose jurisdiction the consumer lives or works. While many changes are being made to consumer protection law, several challenges are likely to threaten consumer confidence in an e-commerce transaction.

First, in the absence of a dedicated dispute resolution forum for e-consumers, e-consumers are still afraid of making any agreements with e-commerce companies that a consumer could trust the product and buy it.

Secondly, there is a lack of clear product break values because a consumer may know where does his crowd go? And how much do you put into a product? And when it comes to overseas, economic consumers are not very interested in paying with overseas e-commerce companies as it is a very time-consuming process; Therefore, filing a complaint against an overseas e-commerce company can be challenging as the question of jurisdiction becomes more complicated.

Thirdly, companies are constantly inventing and adapting new technologies and the evolving challenges in e-commerce. by economists are:

- Unfair business practices and misleading advertising with famous people
- No customer service centers.
- language barriers; Like today, every customer support staff starts speaking in English.
- Data security and online fraud.
- Delay or failure to deliver defective goods or products with no exchange or refund policy.
- Lack of consumer awareness of their rights and obligations.

- Lack of cash on delivery system.
- E-commerce offers from anonymous retailers.
- The long and tedious return process.
- Identity theft and fraud.
- Violation of legal regulations.
- Violation of any return or refund policy.
- Fraudulent companies that take money without providing goods or services.
- Protect personal data or privacy.

IV. RECOMMENDATIONS

The actor who is doing the advertisement, in which he is flaunting an idea or a particular use of any product, now if that product fails to comply with those descriptions, then that actor must be held liable. By this, we can stop the unfair practice of publicity of things. Besides this, the platform for online payment must be centralized and governed only by the government to prevent the frauds that are taking place in online payments. We can also monitor the charges on the particular transaction which we are paying unnecessarily. We can also ensure transparency in transactions by doing the same. Besides this, there must be strict compliance with rules and regulations is required. There must be enormous punishments for such wrongs, and those traders must cancel the licence.

That being said, we still need to improve our legal part as there needs to be an online government dispute settlement forum, although there are some who limit themselves to just taking complaints, they need to have tremendous powers to impose huge fines or terminate the license or to impose criminal penalties. In addition, consumer awareness and understanding of the e-commerce platform should be enhanced through the media and newspaper publications. Finally, the e-commerce entity that is involved in selling the goods and services must provide the relevant information. The internal working structure guarantees consumer protection and compliance with consumer rights so that it can be concluded that socio-economic developments can often be followed to await the necessary changes to the law and ensure adequate compliance with the Consumer Protection Act of 2019 in the near future.

V. CONCLUSION

By enforcing The Consumer Protection Act, 2019 government has proved their concern regarding Consumer. Bypassing this act government has enhanced the consumers' rights by elaborating the rights like punishment to offender, speedy dispute redressal provisions, etc. In this digitalized world, it is necessary to provide a platform for E-Commerce activities. The

frequency rate of using Internet increased online shopping. The government is already putting its efforts to make India a cashless economy. To accomplish this goal, it is necessary to promote E-Commerce. But while promoting E-commerce, the government also have to protect the rights of E-consumers. Although the government is making many efforts, but there is still more to be done related to it.

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