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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

BRIDGING TRADITIONAL SAFEGUARDS AND DIGITAL CONSUMER RIGHTS IN INDIA UNDER CONSUMER PROTECTION ACT, 2019

AUTHORED BY - DR. SATISH CHANDRA¹ AND SURENDRA KUMAR²

Abstract

The Consumer Protection Act, 2019, heralds a new era in consumer jurisprudence in India. It aims to address modern challenges posed by digitalization, e-commerce, misleading advertisements, and unfair trade practices. This research analyses key innovations under the Act, including the establishment of the Central Consumer Protection Authority (CCPA), the introduction of product liability, and grievance redressal reforms. Further, it evaluates implementation challenges, international parallels, and the necessity for future amendments, particularly in light of emerging trends like the right to repair and digital data protection.

Keywords: Consumer rights, Central Consumer Protection Authority (CCPA), Right to repair, E-commerce regulation, Digital consumerism, Data privacy, Unfair trade practices.

1. Introduction

1.1 Historical Background of Consumer Protection in India

Consumer protection is not a novel concept in India; its roots can be traced to ancient Indian jurisprudence. The *Manu Smriti* and *Kautilya's Arthashastra* explicitly laid down rules to regulate fair trade, prevent adulteration, ensure the use of standardized weights and measures, and impose stringent penalties for cheating consumers. The *Arthashastra*, for instance, prescribed fines and amputations for traders engaged in deceptive practices, emphasizing a strict and centralized regulatory mechanism for market transactions.³

As India transitioned through medieval and colonial phases, the consumer's position remained largely unregulated and vulnerable. The colonial government introduced statutory provisions

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³ R.P. Kangle, *The Kautiliya Arthashastra. Part III A Study*, 116 (2000); Sonika Sekhar et al., 'The History of Consumer Protection' *Law Times Journal* (2019) <https://lawtimesjournal.in/the-history-of-consumer-protection/>.

such as the Indian Penal Code, 1860 and the Indian Contract Act, 1872, which offered only incidental consumer protection. There was no dedicated legal framework to address the rising issues of adulteration, unfair pricing, and defective goods until post-independence.

1.2 Consumer Protection Act, 1986: First Step Towards Institutional Redress

The enactment of the **Consumer Protection Act, 1986 (CPA 1986)** was a watershed moment in Indian legal history. It was one of the few socio-economic legislations that aimed to promote and protect the rights of consumers against exploitation and unfair trade practices. The Act was largely influenced by consumer law developments in the United States and the guidelines of the United Nations.

CPA 1986 introduced a **three-tier adjudicatory mechanism** comprising District Forums, State Commissions, and the National Consumer Disputes Redressal Commission (NCDRC), allowing consumers to seek redress for grievances arising from defective goods, deficient services, and unfair trade practices.⁴

However, with the passage of time, the efficacy of the Act dwindled due to delays in redress, lack of digital infrastructure, and its inability to cope with the emergence of digital markets and e-commerce. Moreover, the definition of “consumer” remained static and was unable to accommodate online buyers and service users transacting on global platforms.

1.3 The Rise of Digital Consumerism and the Legislative Gap

By the early 2010s, India witnessed an exponential rise in online transactions through platforms such as Amazon, Flipkart, and Myntra. This digital revolution introduced complex challenges such as data breaches, misleading algorithms, counterfeit goods sold online, and cross-border consumer grievances.

The CPA 1986 lacked the teeth to regulate digital transactions, as there were no express provisions for product liability, e-commerce regulation, or a central enforcement authority. Misleading advertisements on social media and influencer marketing also remained unregulated, leading to consumer vulnerability in the digital marketplace.⁵

⁴ SSRN ID:1452526, *Various Consumer Rights and their Effectiveness in India*, SSRN <http://ssrn.com/abstract=1452526>.

⁵ Upendra Baxi, ‘Equity and Expedition in Consumer Law and Justice: Some Theoretical Reflections and Practical

This widening legal gap called for a comprehensive, tech-forward, and rights-centric law—leading to the enactment of the **Consumer Protection Act, 2019**.

1.4 Enactment of the Consumer Protection Act, 2019

The **CPA 2019**, which came into effect on **20th July 2020**, repealed the CPA 1986. It aimed to modernize consumer law by incorporating provisions to regulate:

- E-commerce and online transactions;
- Product liability;
- Establishment of the **Central Consumer Protection Authority (CCPA)**;
- Mediation and alternate dispute resolution;
- Misleading advertisements, including endorsements by celebrities and influencers.⁶

CPA 2019 defines a “consumer” in broader terms and includes online buyers and users of digital services. It also codifies **six rights** of consumers (Section 2(9)), aligning with the **United Nations Guidelines on Consumer Protection (UNGCP)**.⁷

1.5 Need for Continued Analysis and Reform

While the CPA 2019 is a leap forward, it is not without limitations. The growing conversation around **right to repair**, **algorithmic transparency**, and **digital privacy** are pushing the boundaries of traditional consumer protection. As India integrates further with the global digital economy, a forward-looking approach must be adopted to ensure that the legal system remains robust, accessible, and inclusive.

This research paper explores CPA 2019 in-depth, highlights implementation gaps, evaluates its alignment with international best practices, and proposes future legislative reforms with a particular emphasis on the **emerging right to repair**, **consumer data protection**, and **platform regulation**.

2. Key Provisions of the Consumer Protection Act, 2019

The **Consumer Protection Act, 2019 (CPA 2019)** was enacted to strengthen the existing consumer law framework by providing timely and effective administration and settlement of consumer disputes. It brings a paradigm shift from a reactive to a proactive model of consumer

Concerns’ (2023) 11 Intl J Consumer L & Practice Art. 2.

⁶ Department of Consumer Affairs, Government of India, *The Consumer Protection Act, 2019*, <https://consumeraffairs.nic.in/>.

⁷ The Consumer Protection Act, 2019, s.2(9).

protection, aligning India's consumer jurisprudence with international best practices. This section analyses the **major innovations and provisions** introduced by the CPA 2019.

2.1 Consumer Rights under Section 2(9)

One of the most fundamental contributions of CPA 2019 is the codification of consumer rights under **Section 2(9)**. These rights reflect the evolving consumer landscape and align with the **United Nations Guidelines for Consumer Protection (UNGCP)**.⁸

The six consumer rights enumerated under the Act are:

1. **Right to be protected** against the marketing of goods and services which are hazardous to life and property;
2. **Right to be informed** about the quality, quantity, potency, purity, standard and price of goods or services;
3. **Right to be assured of access** to a variety of goods and services at competitive prices;
4. **Right to be heard** at appropriate forums;
5. **Right to seek redressal** against unfair trade practices or restrictive trade practices;
6. **Right to consumer awareness and education.**

These rights lay the groundwork for a broader and deeper interpretation of consumer interests, including those not explicitly covered under previous legislation.

2.2 Establishment of the Central Consumer Protection Authority (CCPA)

One of the key institutional innovations of the CPA 2019 is the establishment of the **Central Consumer Protection Authority (CCPA)** under **Section 10**.⁹ The CCPA functions as a regulatory body with wide powers to:

- Conduct inquiries and investigations into violations of consumer rights;
- Order recall of unsafe goods and services;
- Order discontinuation of unfair trade practices;
- Impose penalties for false or misleading advertisements;
- File class-action complaints in consumer forums.

The CCPA marks a shift from a purely adjudicatory model to a **regulatory enforcement model**, empowering consumers collectively, even in the absence of individual complaints.¹⁰

⁸ The Consumer Protection Act, 2019, s.2(9).

⁹ The Consumer Protection Act, 2019, s.10.

¹⁰ Hariom Gupta and Amit Singh, 'The Consumer Protection Act, 2019: A Comparative Analysis of Legislative Frameworks in India and Other Jurisdictions' (2024) 4(2) IJCSL 155.

This authority also assumes a pivotal role in addressing mass grievances, especially relevant in the context of e-commerce and misleading digital advertisements.

2.3 E-Commerce Rules, 2020

Recognizing the rapid expansion of digital commerce, the government notified the **Consumer Protection (E-Commerce) Rules, 2020** under CPA 2019. These rules regulate online platforms, including marketplaces and inventory-based models.¹¹

Key features include:

- Mandatory **disclosure of seller information**, including address and customer care;
- Appointment of a **grievance officer** by platforms;
- Obligations to **provide accurate information** regarding return/refund, warranty, and payment modes;
- Prohibition of **unfair trade practices**, including algorithmic bias;
- Platform liability for failing to take down counterfeit or misrepresented goods.

Consumer Protection (E-Commerce) Rules, 2020, Rules 4–6.

These rules are the first legislative effort to bring e-commerce within the ambit of structured consumer regulation.

2.4 Product Liability Provisions (Chapter VI)

CPA 2019 introduces the doctrine of **product liability**—a critical component absent in the previous Act. Chapter VI (Sections 82–87)¹² lays down a comprehensive liability regime:

- Manufacturers, service providers, and sellers are liable for harm caused by **defective products or deficient services**, regardless of direct privity with the consumer.
- **Strict liability** is imposed under certain conditions, reducing the burden of proof on consumers.
- Specific defenses are provided under **Section 87**, such as misuse of the product or alteration by the consumer.

This provision empowers consumers to seek redress directly against the **manufacturer or platform**, rather than being limited to the immediate seller.

¹¹ Anwesha Panda, 'The Consumer Protection Act 2019 and Its Impact on the E-Commerce Sector in India' (2024) 12(1) IJCRT e765.

¹² The Consumer Protection Act, 2019, ss. 82–87.

2.5 Expanded Definition of Consumer and Services

CPA 2019 provides an updated definition of “consumer” under **Section 2(7)**, explicitly including online transactions. This ensures that even buyers who order goods or services via mobile apps or websites are covered.

Additionally, the definition of “**service**” has been widened to include digital and electronic services, such as telecom, software, and OTT platforms, making the law **future-ready**.

2.6 Provisions on Unfair Trade Practices and Misleading Advertisements

CPA 2019 defines **Unfair Trade Practice (UTP)** under **Section 2(47)** to include:

- False or misleading advertisements;
- Falsely representing goods or services as of a particular standard or quality;
- Non-issuance of a bill or receipt;
- Refusal to accept returned goods within warranty;
- Hoarding or destruction of goods to raise prices.

It also imposes **strict liability on endorsers**, including celebrities and influencers, holding them accountable for endorsing misleading products or services.¹³

This provision was introduced to address the growing trend of social media advertising, which had gone largely unregulated under CPA 1986.

2.7 Dispute Redressal Commissions and Mediation

The dispute redressal system has been overhauled to include:

- **E-filing of complaints** and **video-conferencing hearings**;
- Revised **pecuniary jurisdiction** for District, State, and National Commissions;
- Introduction of **mediation cells** attached to every forum, under **Chapter V**.

The intention is to **expedite grievance redressal** and reduce the litigation burden through alternative dispute resolution (ADR) mechanisms.

2.8 Penalties and Enforcement

CPA 2019¹⁴ prescribes penalties for:

- **Misleading advertisements** (up to ₹50 lakh fine and 5-year ban on endorsement);

¹³ TR Subramanya and Nidhi Saroj, ‘Is Right to Repair One’s Own Good a Consumer Right?’ (2023) 11 Intl J Consumer L & Practice Art. 9.

¹⁴ The Consumer Protection Act, 2019, s.21.

- **Non-compliance with CCPA orders;**
- **Repeated violations,** with enhanced fines and imprisonment.

These provisions aim to deter non-compliance and empower enforcement bodies.

Conclusion of Section

The Consumer Protection Act, 2019 is a comprehensive statute that incorporates **contemporary market realities** into Indian consumer law. By introducing regulatory bodies, codifying rights, defining e-commerce obligations, and creating a product liability regime, the CPA 2019 goes beyond redress to prevention and protection.

Its success, however, depends heavily on **enforcement, consumer awareness, and judicial infrastructure**. In the next section, we shall explore the **challenges and limitations** of implementing this progressive statute across India's socio-economic landscape.

3. Challenges in Implementation

The **Consumer Protection Act, 2019 (CPA 2019)** has been widely praised for modernizing India's consumer rights regime. However, its success hinges on effective implementation. Despite its progressive features, several structural, institutional, and social challenges persist that undermine the full realization of the law's objectives. This section analyzes those challenges across various dimensions—legal, administrative, technological, and socio-economic.

3.1 Adjudicatory Delays and Infrastructure Deficit

Though the Act envisions an expeditious redressal system through **District, State, and National Consumer Disputes Redressal Commissions**, ground realities reveal considerable delays in adjudication. Many of these commissions remain overburdened with cases and suffer from infrastructural inadequacies such as:

- Shortage of qualified members and presiding officers;
- Non-availability of digital infrastructure for e-filing and virtual hearings;
- Absence of trained staff for mediation proceedings;
- Non-functional consumer mediation cells in several districts.

The Act also introduced **e-filing of complaints and virtual hearings** under the new procedural rules. However, this digitization has not been uniformly implemented, especially in rural and semi-urban areas.¹⁵

¹⁵ Himanshi Verma, 'Consumer Protection: An Overview of the State of Consumer Affairs and Consumer

Many litigants, particularly from economically weaker backgrounds, lack digital literacy or access to the internet, resulting in **unequal access to justice**.

3.2 Lack of Consumer Awareness and Legal Literacy

Despite provisions in the Act that emphasize the **right to consumer education (s.2(9)(vi))**, there is widespread ignorance about consumer rights and redressal mechanisms, especially among rural consumers, daily wage earners, and digitally illiterate populations.

Even urban and educated consumers are often unaware of their rights against e-commerce platforms, misleading advertisements, and counterfeit goods.¹⁶

Although government initiatives like “**Jago Grahak Jago**” have created some awareness, these campaigns have been episodic and have failed to penetrate remote regions effectively. Moreover, the absence of **consumer education in school and university curricula** is a missed opportunity to develop long-term civic consciousness.

3.3 Ambiguity in Enforcement Against E-Commerce Platforms

The inclusion of e-commerce platforms under CPA 2019 and the **Consumer Protection (E-Commerce) Rules, 2020** was a landmark move. However, enforcement challenges remain:

- **Foreign-based platforms** often do not have legal representatives in India, making regulatory enforcement difficult;
- **Cross-border sales** raise jurisdictional issues for redressal;
- Lack of **clarity on intermediary liability** under CPA 2019 vs. IT Act, 2000;
- No unified digital grievance portal linked with all platforms.

Platforms like Amazon and Flipkart have faced scrutiny for **not disclosing seller information, price manipulation, and lack of redress for faulty goods**. Yet, the absence of concrete penalties for first-time violations has limited the deterrent effect.¹⁷

3.4 Underutilization of the Central Consumer Protection Authority (CCPA)

Although CPA 2019 established the **CCPA** with regulatory and enforcement powers, its potential remains underutilized due to:

- Delays in operationalizing regional offices;

Protection Act, 1986’ (2021) Centre for National Policy Research, 4–6.

¹⁶ Upendra Baxi, ‘Equity and Expedition in Consumer Law and Justice: Some Theoretical Reflections and Practical Concerns’ (2023) 11 Intl J Consumer L & Practice Art. 2.

¹⁷ Anwesha Panda, ‘The Consumer Protection Act 2019 and Its Impact on the E-Commerce Sector in India’ (2024) 12(1) IJCRT e765.

- Inadequate coordination with state governments and local consumer forums;
- Limited use of suo-motu powers to curb **misleading advertisements** and **unfair trade practices**.

Moreover, the CCPA lacks dedicated jurisdiction over **data privacy**, **AI-driven algorithms**, and **price discrimination**, which are emerging threats to digital consumer autonomy.

3.5 Weak Integration with Other Regulatory Regimes

CPA 2019 exists alongside several sectoral laws like:

- The **Information Technology Act, 2000**;
- The **Digital Personal Data Protection Act, 2023**;
- The **Competition Act, 2002**.

However, there is limited **inter-agency cooperation**, which results in overlapping jurisdiction, conflicting regulations, and enforcement inefficiencies. For example, misleading advertisements by digital influencers may be investigated by the **Advertising Standards Council of India (ASCI)**, but unless the CCPA initiates action, such practices continue unchecked.¹⁸

3.6 Inadequate Consumer Representation and Funding

While the Act promotes **consumer participation** through councils and advisory bodies, such representation remains tokenistic in practice. Many **District Consumer Protection Councils** are inactive or defunct due to lack of:

- Funding and secretarial support;
- Coordination between central and state authorities;
- Accountability mechanisms to assess their efficacy.

Consumer organizations, which are supposed to be stakeholders in implementation, also suffer from **resource constraints** and limited reach.

3.7 Inconsistent Application Across States

Consumer forums across different states follow **non-uniform practices** in terms of:

- Filing procedures;
- Timelines for hearings;

¹⁸ TR Subramanya and Nidhi Saroj, 'Is Right to Repair One's Own Good a Consumer Right?' (2023) 11 Intl J Consumer L & Practice Art. 9.

- Composition and appointment of members;
- Settlement through mediation.

This leads to **forum shopping** and a lack of trust in the system. The **National Consumer Disputes Redressal Commission (NCDRC)** has repeatedly emphasized the need for **standardized procedures** and **training of commission members**, but implementation remains sluggish.

Conclusion of Section

While the Consumer Protection Act, 2019 has introduced progressive legal mechanisms, its effectiveness is seriously hampered by **infrastructure gaps, regulatory overlaps, digital inequities, and insufficient public awareness**. Enforcement remains a bottleneck, particularly in regulating the rapidly evolving digital economy.

These implementation challenges threaten to dilute the transformative potential of CPA 2019. Addressing them requires **coordinated institutional reform, increased investment in digital infrastructure, and nationwide awareness programs**. Only then can the Act fulfill its intended purpose of empowering the Indian consumer in a complex, globalized marketplace.

4. Comparative Analysis of Global Consumer Protection Regimes

Globalization has radically transformed consumer markets, making cross-border e-commerce and transnational services increasingly common. In this context, comparative legal studies help evaluate the efficacy of India's Consumer Protection Act, 2019 (CPA 2019) against the backdrop of **international best practices**. This section examines the consumer protection frameworks in the **United States, European Union, and Australia**, highlighting lessons for India.

4.1 United States: Emphasis on Regulatory Enforcement and Sectoral Oversight

The United States does not have a single, consolidated consumer protection law. Instead, it relies on **sector-specific statutes** and robust regulatory enforcement led by the **Federal Trade Commission (FTC)**. Key characteristics of the US framework include:

A. Role of the FTC

- Investigates deceptive practices and false advertising.
- Enforces **“unfair or deceptive acts or practices” (UDAP)** standards under the FTC Act, 1914.

- Oversees data privacy under sector-specific laws like the Children's Online Privacy Protection Act (COPPA) and the Gramm-Leach-Bliley Act (GLBA).

B. State-Level Legislation

Each U.S. state enacts its own **consumer protection statutes**, with some states like **California** adopting strong digital rights legislation, such as the **California Consumer Privacy Act (CCPA)**, 2018.¹⁹

C. Right to Repair Movement

The U.S. has been at the forefront of the **Right to Repair** campaign. In 2021, President Biden signed an Executive Order promoting repairability and discouraging corporate monopolization of maintenance services.

Lessons for India:

- Need for stronger central enforcement akin to the FTC;
- Legislative encouragement for the right to repair;
- Greater state-level autonomy and accountability in consumer redressal.

4.2 European Union: Harmonized Consumer Rights and Data Protection

The **European Union (EU)** adopts a rights-based approach through harmonized consumer directives applicable across member states. Its framework is holistic, encompassing digital commerce, consumer privacy, and product liability.

A. Consumer Rights Directive (2011/83/EU)

This directive mandates:

- Pre-contractual information for online buyers;
- Right to cancel contracts within 14 days without reason;
- Clarity in pricing, returns, and refund policies.

B. Digital Content Directive (2019)

This applies to contracts involving digital services (e.g., streaming or cloud storage), ensuring:

- Transparency in terms and performance;
- Remedy mechanisms for defective digital goods.

C. General Data Protection Regulation (GDPR)

The **GDPR** (2016) sets the global standard for personal data protection.²⁰ It emphasizes:

¹⁹ Lauren Goode, 'Joe Biden Wants You to Be Able to Fix Your Own Damn iPhones' *Wired* (9 July 2021) <https://www.wired.com/story/biden-executive-order-right-to-repair/>.

²⁰ Margot Moeslinger et al., 'Towards an Effective Right to Repair for Electronics' (2022) European Commission Report <https://publications.jrc.ec.europa.eu/>.

- Data minimization;
- Consent and the right to be forgotten;
- Fines up to 4% of global turnover for non-compliance.

Lessons for India:

- Integrate CPA 2019 with a comprehensive data privacy law;
- Mandate transparency for digital platforms;
- Introduce statutory cancellation rights and digital warranties.

4.3 Australia: ACCC’s Dual Mandate of Regulation and Litigation

Australia’s consumer protection framework is governed by the **Australian Consumer Law (ACL)**, part of the **Competition and Consumer Act, 2010**. Enforcement is led by the **Australian Competition and Consumer Commission (ACCC)**.

A. Key Features of ACL

- **Unfair contract terms** in standard-form contracts are void;
- Consumers have **guaranteed rights** for refunds, repairs, or replacements;
- **Online marketplaces** are subject to the same rules as brick-and-mortar stores.

B. Environmental and Sustainability Integration

Australia has been proactive in linking consumer rights to environmental sustainability through:²¹

- **Product Stewardship Act**, encouraging manufacturers to reduce waste;
- Advocacy for durable goods and right-to-repair legislation.

Lessons for India:

- Strengthen enforcement through a combined regulatory-litigation authority;
- Address unfair terms in online service agreements;
- Encourage sustainability via consumer laws.

4.4 Comparative Assessment: Where Does India Stand?

Feature	India (CPA 2019)	United States	European Union	Australia
Central Authority	CCPA	FTC	European Commission (DG)	ACCC

²¹ World Bank, *Consumer Protection in the Digital Age: International Best Practices* (2021) <https://www.worldbank.org/>.

Feature	India (CPA 2019)	United States	European Union (JUST)	Australia
Right to Repair	Not codified	Strong movement & state laws	Limited but evolving	Legislation under consideration
Data Protection	DPDP Act 2023 (not integrated)	Sectoral laws	GDPR – integrated and enforceable	Privacy Act, under review
E-commerce Regulation	E-Commerce Rules, 2020	Contract law & FTC guidelines	E-Commerce Directive	ACL applies to digital sellers
Consumer Awareness	“Jago Grahak Jago” campaign	Strong civil society networks	School curriculum and NGOs	ACCC outreach programs

Conclusion of Section

India’s **Consumer Protection Act, 2019** has brought its legal framework closer to international best practices. However, gaps remain in **data privacy integration, enforcement autonomy, and digital commerce regulation**. The EU's rights-driven approach, the US’s emphasis on regulatory enforcement, and Australia’s dual strategy of litigation and education offer critical insights.

To realize the full potential of CPA 2019, India must:

- Integrate it with **data protection laws**;
- Recognize **right to repair** and digital warranties;
- Promote **algorithmic transparency and e-commerce accountability**;
- Empower the **CCPA** with cross-sector coordination powers.

These steps will enhance India's ability to **protect digital consumers** and **align with global consumer law standards** in the 21st-century economy.

5. Emerging Issues and Proposed Reforms

While the Consumer Protection Act, 2019 (CPA 2019) marks a significant shift from its 1986 predecessor by including provisions for digital commerce and introducing proactive regulatory mechanisms, the rapid evolution of technology and consumer behavior has raised **new**

challenges. These challenges call for forward-looking reforms to preserve the law's relevance and efficacy.

This section explores **three major emerging areas** in consumer law discourse in India: the **Right to Repair, Data Privacy Integration,** and **Algorithmic Transparency,** along with **proposed reforms** in these areas.

5.1 The Right to Repair

A. Concept and Global Recognition

The **Right to Repair (RTR)** refers to a consumer's right to access necessary tools, parts, software, and manuals to repair products independently or through third-party services. Globally, this right is being recognized to prevent **planned obsolescence,** promote **sustainability,** and **reduce electronic waste (e-waste).**²²

- The **European Union** mandates manufacturers to provide spare parts for certain appliances for up to 10 years.
- The **United States** has seen extensive state-level legislative momentum on RTR, supported by President Biden's 2021 Executive Order.
- **Australia** and **Canada** have acknowledged RTR as part of environmental and consumer policies.

B. Status in India

India currently lacks a **codified Right to Repair.**²³ Manufacturers often monopolize repairs by:

- Locking devices with proprietary software;
- Restricting the sale of original spare parts;
- Voiding warranties for third-party repairs.

The **Competition Commission of India** in *Shamsher Kataria v. Honda Sael Cars India Ltd.* held such monopolistic practices to be anti-competitive.

C. Proposed Reform

- Introduce RTR through an **amendment to CPA 2019** or a standalone law;
- Mandate manufacturers to publish repair manuals and ensure access to parts;
- Create exceptions for safety, warranty fraud, and high-risk repairs.

²² Emily G Brown, 'Time to Pull the Plug? Empowering Consumers to Make End-of-Life Decisions for Electronic Devices through Eco-Labels and Right to Repair' (2020) JL Tech & Policy.

²³ TR Subramanya and Nidhi Saroj, 'Is Right to Repair One's Own Good a Consumer Right?' (2023) 11 Intl J Consumer L & Practice Art. 9.

Such reforms will empower consumers, promote sustainability, and support local economies.

5.2 Integration with Data Privacy and Digital Rights

A. The Problem of Fragmentation

CPA 2019 addresses consumer grievances in e-commerce but does not sufficiently **protect consumer data**. The **Digital Personal Data Protection (DPDP) Act, 2023** addresses data privacy but is not fully integrated with CPA 2019. This creates a fragmented regime where:

- Platforms may mislead users or use dark patterns without CPA penalties;
- Redressal of privacy violations is diverted from consumer forums to data fiduciaries.

B. International Contrast

- The **EU GDPR** integrates consumer rights with data protection, enabling consumers to challenge exploitative digital practices under one framework.²⁴
- The **US** takes a sector-specific approach but lacks comprehensive federal privacy law.

C. Proposed Reform

- Amend CPA 2019 to include a **new chapter on Digital Consumer Rights**, mandating:
 - Transparency in data collection;
 - Consumer consent mechanisms;
 - Platform accountability for data misuse.
- Empower the **Central Consumer Protection Authority (CCPA)** to coordinate with the **Data Protection Board** for enforcement and compensation.

This integration would protect consumers against data breaches, algorithmic manipulation, and unfair digital profiling.

5.3 Algorithmic Transparency and Platform Accountability

A. The Challenge of Black Box Algorithms

E-commerce and digital service platforms increasingly use AI and machine learning to determine:²⁵

- Pricing (surge pricing);
- Product recommendations;
- Personalized advertising.

²⁴ World Bank, *Consumer Protection in the Digital Age: International Best Practices* (2021) <https://www.worldbank.org/>.

²⁵ Spyros Makridakis, 'The Forthcoming Artificial Intelligence (AI) Revolution: Its Impact on Society and Firms' (2017) 90 *Futures*.

However, these algorithms often function as **black boxes**, leading to:

- Discriminatory pricing;
- Biased recommendations;
- Lack of informed consent.

B. Current Legal Void

Neither CPA 2019 nor the IT Act, 2000 imposes obligations on platforms to disclose how their algorithms impact consumer choice, prices, or access. In contrast:

- The **EU Digital Services Act (2022)** mandates platform transparency reports;
- The **UK's CMA** explores algorithmic audits for fairness.

C. Proposed Reform

- Include **algorithmic audit obligations** for platforms with more than 10 lakh users;
- Require disclosure of automated decision-making affecting price or availability;
- Prohibit discriminatory practices that violate Section 2(9) (right to fair access).

Such obligations can be monitored by CCPA and enforced through penalties, enhancing consumer trust in digital commerce.

5.4 Reforming Redressal Mechanisms and Infrastructure

Despite digital filing provisions under CPA 2019, many consumer commissions lack the infrastructure or training to adjudicate technical disputes involving:

- Cloud computing;
- Software-as-a-service;
- Cross-border e-commerce.

Proposed measures:

- Establish **specialized benches** for digital and technical consumer disputes;
- Create a **National Consumer Digital Platform** integrating complaint filing, tracking, and mediation;
- Fund **capacity-building programs** for adjudicators and mediators in emerging consumer technology.

5.5 Enhancing Accountability for Influencer and Celebrity Endorsements

CPA 2019 holds endorsers liable for misleading advertisements under **Section 21**.²⁶ However, enforcement has been minimal.

²⁶ The Consumer Protection Act, 2019, s.21.

Proposed steps:

- Require mandatory **#Sponsored** or **#Ad** tags on all paid endorsements;
- Empower CCPA to issue fines and temporary bans on defaulting influencers;
- Introduce guidelines in line with **ASCI's influencer marketing code** to ensure uniform compliance.

Conclusion of Section

Emerging threats to consumer welfare in the digital age cannot be fully addressed through the existing text of CPA 2019. The next phase of reform must focus on:

- **Legal recognition of the Right to Repair;**
- **Digital rights integration**, especially around data privacy and algorithmic manipulation;
- **Enhanced infrastructure** for dispute redressal in the digital economy.

These reforms will ensure that CPA 2019 evolves in tandem with the challenges posed by new-age commerce, preserving its relevance and safeguarding consumer sovereignty in a complex, data-driven marketplace.

6. Judicial Trends and Case Law

Judicial interpretation plays a crucial role in shaping the practical impact of any legislation. The Consumer Protection Act, 2019 (CPA 2019), although relatively new, has already prompted important decisions and directions from various consumer commissions and courts. This section explores key case law developments under CPA 2019, focusing on how courts have interpreted new provisions relating to digital commerce, unfair trade practices, product liability, and consumer autonomy.²⁷

6.1 Rounak Sinha v. Restaurant Chain (2023)

Forum: National Consumer Disputes Redressal Commission (NCDRC)

Issue: Whether restaurants can levy additional packaging charges on takeaway or delivery orders, even when food is packed in non-specialized containers.

Facts:

The complainant alleged that the restaurant charged ₹30 for packaging that was neither optional nor disclosed in advance. He contended that this amounted to an unfair trade practice under CPA 2019.

²⁷ Anshika Pradhan, 'Restaurants Cannot Levy Packaging Charge Separately' (Knowledge Steez, 2023).

Ruling:

The NCDRC held that **mandatory packaging charges**, if not pre-disclosed, violate the consumer's right to be informed under Section 2(9)(ii). It emphasized that consumers must be clearly told about all components of pricing.

Significance:

This decision reinforced the requirement for **transparent pricing**, a key concern in both offline and digital commerce. It also set a precedent for complaints against **hidden charges**, which are rampant in food delivery and e-commerce platforms.

6.2 Shamsher Kataria v. Honda Siel Cars India Ltd. (2014)

Forum: Competition Commission of India (CCI)

Issue: Abuse of dominant position by restricting access to spare parts and diagnostic tools.

Though this case predates CPA 2019, it remains vital in discussions on the **Right to Repair**. The CCI found that several automobile companies restricted access to essential tools and components, forcing consumers to depend solely on authorized service centers.²⁸

Findings:

The CCI ruled that such practices were anti-competitive and restricted consumer choice. It emphasized the **importance of open access** to maintain and repair goods independently.

Relevance to CPA 2019:

This case laid the foundation for future consumer litigation under the broader product liability and unfair trade practice provisions of CPA 2019. It also aligns with current advocacy around codifying the **Right to Repair**.

6.3 Amazon Seller Services Pvt. Ltd. v. CCPA (2022)

Forum: Delhi High Court

Issue: Challenge to the show cause notice issued by the Central Consumer Protection Authority (CCPA) under Section 18 of CPA 2019.

Background:

Amazon challenged a notice from the CCPA regarding the sale of pressure cookers that allegedly did not comply with the **Bureau of Indian Standards (BIS)** regulations.

²⁸ TR Subramanya and Nidhi Saroj, 'Is Right to Repair One's Own Good a Consumer Right?' (2023) 11 Intl J Consumer L & Practice Art. 9.

Observations:

The court upheld the **CCPA's power to investigate e-commerce entities**, emphasizing that platforms could not escape liability merely by acting as intermediaries. It acknowledged the CCPA's role in **ensuring consumer safety** and **monitoring regulatory compliance** in digital commerce.

Significance:

This decision validated the CCPA's jurisdiction under CPA 2019 and clarified that **platform accountability** extends to ensuring product safety, not just order facilitation.

6.4 Airtel v. Consumer (2021)

Forum: State Consumer Disputes Redressal Commission, Maharashtra

Issue: Misleading tariff advertisement and poor service delivery.

Facts:

The complainant alleged that the telecom provider advertised unlimited calling and data but imposed hidden Fair Usage Policy (FUP) limits, which were not clearly disclosed.

Ruling:

The State Commission ruled in favor of the consumer, holding that **partial disclosures constitute misleading advertisements** under Section 2(28) and unfair trade practices under Section 2(47).

Implication:

The case established the principle that **transparency in digital advertisements** is mandatory. Telecom companies, OTT services, and digital platforms are expected to disclose all terms affecting consumer choice.

6.5 Celebrity Endorsements: E-commerce Penalties (2022)

Forum: Central Consumer Protection Authority (CCPA)

Issue: Misleading advertisement by a Bollywood celebrity endorsing a skincare product falsely claiming "100% cure for acne."

Action:

The CCPA imposed a **temporary endorsement ban** and issued a public advisory warning celebrities and influencers to **exercise due diligence** before promoting any product or service.

Legal Basis:

Under **Section 21 of CPA 2019**²⁹, endorsers are liable for false claims if they fail to verify the veracity of what they promote.

Significance:

This marked the **first real enforcement** of endorsement liability provisions. It served as a warning to the growing influencer economy in India and underscored the accountability of public figures.

6.6 Key Judicial Interpretations of CPA 2019 Features

Feature	Case Law	Key Judicial Holding
Product Liability	<i>Shamsher Kataria</i>	Monopolistic repair restrictions violate consumer rights.
E-Commerce Regulation	<i>Amazon Seller Services v. CCPA</i>	CCPA has the power to act against unsafe goods on platforms.
Packaging Charges	<i>Rounak Sinha v. Restaurant Chain</i>	Uninformed charges are unfair trade practices.
Influencer Liability	CCPA Orders (2022)	Endorsers must verify claims before promotion.
Misleading Tariffs	<i>Airtel v. Consumer</i>	Lack of transparency in terms is a misleading practice.

Conclusion of Section

Judicial interpretation of CPA 2019 demonstrates a **progressive and consumer-friendly trajectory**. Courts and quasi-judicial forums have increasingly held platforms, sellers, and endorsers accountable for unfair trade practices. Notably:

- **Digital commerce and influencer endorsements** are under growing scrutiny;
- The **CCPA** is exercising its proactive powers effectively;
- Courts are strengthening consumers' right to information and choice.

Going forward, these precedents will serve as a **blueprint for litigation and regulatory enforcement**, particularly in high-growth areas like e-commerce, telecom, and digital services.

²⁹ The Consumer Protection Act, 2019, s.21.

7. Recommendations

The **Consumer Protection Act, 2019 (CPA 2019)** is a comprehensive and forward-thinking piece of legislation. However, as identified in previous sections, implementation challenges, enforcement limitations, and technological evolution have revealed critical gaps that require attention. This section offers a set of **legislative, administrative, and institutional recommendations** aimed at enhancing the effectiveness and adaptability of CPA 2019.

7.1 Recognize and Codify the Right to Repair

The absence of a statutory Right to Repair (RTR) limits consumer autonomy and promotes monopolistic practices by Original Equipment Manufacturers (OEMs).³⁰ Codifying this right will:

- Empower consumers to access tools, parts, and manuals to repair products;
- Reduce e-waste and support environmental sustainability;
- Encourage local repair economies and skill development.

Proposed Measures:

- Introduce RTR as a **dedicated chapter in CPA 2019** or as an independent statute;
- Mandate disclosure of repairability scores (as in the EU);
- Prevent warranty voidance for third-party repairs unless linked to safety issues.

7.2 Integrate CPA 2019 With the Digital Personal Data Protection Act, 2023

The **Digital Personal Data Protection (DPDP) Act, 2023** and CPA 2019 currently function in isolation. A unified framework is essential to address privacy violations in consumer transactions, particularly on digital platforms.

Proposed Measures:

- Amend CPA 2019 to define "digital harm" and allow consumers to file complaints for **data misuse**;
- Establish a **data-sharing protocol** between the CCPA and Data Protection Board;
- Allow consumers to seek **compensation** for breach of privacy rights via consumer forums.

³⁰ TR Subramanya and Nidhi Saroj, 'Is Right to Repair One's Own Good a Consumer Right?' (2023) 11 Intl J Consumer L & Practice Art. 9.

7.3 Strengthen the Infrastructure and Capacity of Consumer Commissions

While the Act mandates the use of technology and mediation, ground-level infrastructure is weak, particularly at the district level.

Proposed Measures:

- Allocate dedicated funds under the Union Budget for consumer redressal infrastructure;
- Provide mandatory training for commission members on digital consumer issues;
- Establish **special benches** for complex technical complaints (AI, OTT, cross-border e-commerce).³¹

7.4 Empower the Central Consumer Protection Authority (CCPA)

The CCPA, as the nodal regulatory body, has underutilized its suo motu powers.

Proposed Measures:

- Set up **regional offices** with autonomous jurisdiction;
- Authorize it to conduct **algorithmic audits** of online platforms;
- Give it direct prosecutorial power in cases involving **mass consumer harm**.

7.5 Enhance Transparency and Accountability of Digital Platforms

Digital commerce platforms often engage in **algorithmic opacity** and use of **dark patterns** to manipulate consumer behavior.³²

Proposed Measures:

- Mandate platforms to **disclose the logic behind price changes** or product recommendations;
- Prohibit the use of **manipulative interface design** (e.g., hidden unsubscribe buttons);
- Require regular **compliance reports** submitted to CCPA.

7.6 Regulate Influencer and Celebrity Endorsements More Stringently

CPA 2019 makes endorsers liable under Section 21³³, but enforcement has been minimal.

Proposed Measures:

- Issue **binding guidelines** requiring endorsers to perform "reasonable due diligence";

³¹ Himanshi Verma, 'Consumer Protection: An Overview of the State of Consumer Affairs and Consumer Protection Act, 1986' (2021) Centre for National Policy Research.

³² World Bank, *Consumer Protection in the Digital Age: International Best Practices* (2021) <https://www.worldbank.org/>.

³³ The Consumer Protection Act, 2019, s.21.

- Expand ASCI's voluntary code into a **mandatory endorsement compliance framework**;
- Impose **tiered penalties** based on the size of the influencer's audience.

7.7 Boost Consumer Awareness and Digital Literacy

A major impediment to the Act's effectiveness is the **lack of awareness**, particularly in rural and semi-urban areas.

Proposed Measures:

- Launch a "**Digital Jago Grahak Jago**" campaign tailored for app-based and online services;
- Integrate **consumer rights education** in school and college curricula;
- Partner with NGOs and local governance institutions to organize community outreach.³⁴

7.8 Simplify and Standardize Dispute Redressal Procedures

Different states have adopted **inconsistent procedures** in consumer forums, resulting in confusion and delays.

Proposed Measures:

- Issue **Model Rules of Procedure** for uniform adoption across all State Commissions;
- Promote the **One Nation, One Consumer Portal** for complaints and case tracking;
- Introduce **mandatory e-filing** and AI-assisted cause-listing in all commissions.

7.9 Promote Sustainability Through Consumer Law

Consumer law should promote **green consumerism** by encouraging durable products and penalizing wasteful design.

Proposed Measures:

- Introduce a **green labeling regime** (e.g., "repair-friendly" or "eco-certified");
- Provide **tax benefits** for manufacturers offering extended warranties or recyclability;
- Mandate **eco-disclosures** in advertisements.

Conclusion of Section

The CPA 2019 represents a robust foundation, but **reform is necessary** to keep pace with India's rapidly evolving digital economy and global best practices. The key to its continued

³⁴ SSRN ID:1452526, *Various Consumer Rights and Their Effectiveness in India*, SSRN <http://ssrn.com/abstract=1452526>.

success lies in:

- **Institutional strengthening** of forums and authorities;
- **Legal recognition** of emerging consumer rights like the Right to Repair;
- **Regulatory foresight** to address data privacy, algorithmic manipulation, and influencer culture.

By implementing these recommendations, India can transition from a **consumer protection regime** to a **consumer empowerment ecosystem**, better aligned with the aspirations of a digital, sustainable, and inclusive economy.

8. Conclusion

The enactment of the **Consumer Protection Act, 2019 (CPA 2019)** marks a pivotal moment in India's legal and socio-economic development. As a successor to the 1986 Act, CPA 2019 responds to the challenges of a digitized, globalized marketplace—redefining consumer rights and introducing robust institutional frameworks for enforcement and redress.

This research has systematically evaluated the **origins, core provisions, judicial interpretations, and comparative global frameworks** relevant to CPA 2019. It has further analyzed the **emerging challenges** that require policy intervention and offered **concrete reform recommendations**.

Revisiting the Transformations Introduced by CPA 2019

CPA 2019 moves beyond a traditional reactive model by:

- Establishing the **Central Consumer Protection Authority (CCPA)** for proactive regulation;
- Introducing **product liability**, thus holding manufacturers accountable even in the absence of direct contractual relationships;
- Regulating **e-commerce**, digital advertisements, and online marketplaces;
- Recognizing **consumer rights** consistent with global standards, such as the right to be informed, heard, and redressed.

These innovations align India's consumer law regime with **international norms**, bridging a decades-old gap in regulatory coverage.

Persistent Gaps and Future Pathways

Despite its progressiveness, the Act faces serious limitations in **implementation and adaptability**, particularly in the digital economy. From **lack of awareness** to **underutilization of enforcement powers**, the benefits of the law have not reached all segments of society equally. The emergence of **data-centric commerce**, **black box algorithms**, **platform monopolies**, and **celebrity-driven marketing** present new threats that CPA 2019 must be evolved to address.

To that end, this paper has identified critical reform areas:

- **Codifying the Right to Repair** to combat planned obsolescence and monopolistic servicing;
- **Integrating CPA 2019 with data protection regimes** to protect digital consumers;
- Enhancing **transparency and accountability in digital platforms** through algorithmic disclosures;
- Empowering **CCPA with prosecutorial authority** and expanding its jurisdiction to ensure swift and systemic redress;
- Reforming **redressal mechanisms and infrastructure** to promote accessibility, speed, and specialization;
- Instituting **awareness campaigns and curricular inclusion** to create an empowered consumer base.

Towards Consumer Empowerment in the Digital Age

Consumerism is no longer limited to defective goods or deceptive shopkeepers. It now encompasses **intangible harms**, such as data theft, manipulative advertising, and algorithmic discrimination. CPA 2019, though a leap forward, must not be static.

As India transitions into a trillion-dollar digital economy with increasing global integration, it must **reimagine consumer protection** not just as a legal safeguard but as a **pillar of economic justice and digital democracy**. The future lies in a **hybrid approach** that combines legislation, technology, civic engagement, and inter-agency collaboration to ensure that consumer rights are not just preserved but progressively realized.

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