



**'Consumer Protection
in Globalized World:
National and International
Perspective'**

Editor
Dr. Pradipkumar Tambe

ISBN : 978-93-5987-810-2



'Consumer Protection in Globalized World: National and International Perspective'

Editor

Dr. Pradipkumar Tambe

Assistant Professor

Marathwada Mitra Mandal's

Shankarrao Chavan Law College, Pune

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

ISBN : 978-93-5987-810-2

First Edition : October 2023
Copyright © 2023 MMM's Shankarrao Chavan Law College, Pune

Price: 300/-

Every caution has been taken to avoid any mistake or omission in the book while the authors, publishers and the printer do not owe any responsibility for any damage or loss to any person on account of error or omission in this publication. Editor or Publisher will not be responsible for any idea or thought discussed in the research paper or copy rights violations. The publisher will be delighted if any mistake brings to the notice of him for future endeavors in this regard.

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



Hon. Prin. Bhausahab G. Jadhav
Executive President,
Marathwada Mitra Mandal, Pune

Executive President's Message

We take an immense pleasure in introducing you to Marathwada Mitra Mandal. It is an educational trust established in the year 1967, under the patronage of Late Shri Shankarrao Chavan, Former Home Minister of India. It is a trust, registered under the Bombay Public Trust Act, 1950. The basic objective of trust is to provide hostel or similar accommodation in Pune to the students. This trust is established through the inspiration of socially and educationally charged personalities, with motto 'Yethe Bahutanche Hit'(Welfare of Masses). At its various educational campuses the trust has created excellent facilities of education catering to Management, Law, Commerce, Pharmacy, Engineering, etc, which provide excellent education to more than 15000 students.

In an attempt to carry forward the legacy of social responsibility of its founder president Shri Shankarraoji Chavan, the institute always endeavour to extend helping hand to students from disadvantaged class. Since its establishment, it has provided free education and hostel facility to number of students and has played pivotal role in shaping their carrier. It has contributed significantly in making the dream of better life a reality for thousands of such students. Taking an inclusive approach, the institute has taken initiatives to reach to different geographical regions of Maharashtra such as Marathwada, Konkan and Vidarbha to extend financial and educational support to peoples suffering from natural calamities and social deprivation.

With the objective of imparting quality legal education, the Mandal has established the Shankarrao Chavan Law College, in 2003. Holistic development of students is the ultimate goal which college strives to achieve. In its pursuit of achieving excellence in the field of legal education, it intends to cross the barriers of traditional learning methodology with an aim of giving maximum exposure to law students and encouraging their transformation from ordinary to superlative. With this objective college conducts wide range of activities such as international and national conferences and seminars.

Conducive environment for research is essentially promoted in our institute. This book is the reflection of research-oriented activism carried out in our institute. In the era of consumerism, deliberation on various aspects relating to consumer is the necessity of today's world. I congratulate to all authors and editor for conversion of deliberations into this book. I am sure that this book will fulfil the expectations of the societal members. I wish all the success to the authors and editor for their future endeavour.



About Shanakarrao Chavan Law College

'Marathwada Mitra Mandal', the charitable trust is established in 1967 in Pune with the objective of providing accommodation facilities to the students. Being established through an inspiration of socially and educationally charged personalities, it serves with a motto 'Yethe Bahutanche Hit' (Welfare of Masses). At its various educational campuses, excellent facilities of education are provided to more than 15000 students pertaining to Architecture, Management, Law, Commerce, Pharmacy and Engineering etc. Recently, the Marathwada Mitra Mandal's four colleges are accredited with 'A' Grade by NAAC, Bengaluru.

With the objective of nurturing future lawyer with ideals and values required for playing constructive role to create a better world, in 2003, Shankarrao Chavan Law College is established. In an attempt to impart quality legal education, the college organizes wide range of co-curricular activities such as Hon'ble Late Justice P. B. Sawant National Moot Court Competition, Late Shri Shankarrao Chavan Memorial Elocution Competition etc. The college has also established Centre for Advanced Legal Research & Training and Centre for Academic Research, Publication and E-content in Law (CARPEL) for training the students on various legal issues and to inculcate various set of skills among students.



Principal's Message

With the object to edify value based legal education the Marathwada Mitra Mandal, has established the Law College with five years law course in the year June, 2003 & Three years Law course in June, 2004. We determine that the education is purely the psyche of a society as it inflates up on one generation to the other.

The Law College is affiliated to Savitribai Phule Pune University & Approved by the Bar Council of India, New Delhi. The College runs 5 years B.A. LL.B. Law Course, 3 Years LL.B. Course, LL.M.-Post Graduate Course & various Diploma Courses affiliated to the University. The Law College is a recognized Ph.D. Research Center of the Savitribai Phule Pune University. Shankarrao Chavan Law College, Pune is accredited with 'A' Grade by NAAC Bengaluru in its very first cycle in the year 2018.

To impart quality legal education, the college conducts wide range of curricular, co-curricular and extra-curricular activities such as International and national conferences and seminars, Justice P.B. Sawant National Moot Court Competition, Late Shri Shankarrao Chavan Memorial Elocution Competition etc. To provide specific and focused training in various areas of law the college also has established various centres and cells such as Cell for Human Rights Activities, Centre for Advanced Legal Research and Training, Centre for Public Policy and Governance, Centre for Criminal Justice Administration, Center for Public Health Laws etc.

Recently, Consumer Protection Act, 2019 covered several issues such as provisions for product liability, mediation, manufacturer's liability etc. Still, several legal and social issues are required to be discussed by the experts.

Recently, Consumer Protection Act, 2019 covered several issues such as provisions for product liability, mediation, manufacturer's liability etc. Still, numerous issues were required to be discussed for better understanding of the Consumer Protection Act, 2019. Various authors highlighted different consumer law issues in this book and provided solutions to overcome these issues.

I congratulate editor and author for this innovative step and valuable quality contribution in consumer law matters. I am confident that this book will be a substantive addition in the academic literature of consumer law.

Principal

Dr. Kranti Deshmukh



Preface

This edited book is the combine efforts made by the authors and editor which covers various aspects of consumer law in the legal and social context. At global level, United Nations Guidelines for Consumer Protection, 2015 has declared that consumers are facing several socio-legal issues pertaining to economic, educational awareness, weak bargaining power of the consumers, access to the non-hazardous goods etc. Protection of consumers is the significant objectives of these guidelines. Consequently, in India, Consumer Protection Act, 2019 was introduced in tune with United Nations Guidelines for Consumer Protection, 2015. Several issues such as e-commerce, direct selling of goods, e-marketing, product liability mediation etc are well addressed by the Consumer Protection Act, 2019. Despite of this efforts still several prominent topics are not addressed by the Consumer Protection Act, 2019. Researcher across India through their research papers highlighted different issues and provided solution to resolve the same. All the research papers published in this edited book reflects the quality and meaningful research based content.

I have been fortunate to have the support of our beloved mentor Prin. B.G. Jadhav Sir, Executive President, Marathwada Mitra Mandal and our Principal Dr. Kranti Deshmukh, Shankarrao Chavan Law College, Pune for their encouragement and valuable kindness to fulfil this task. Aboveall, I am thankful to my colleagues for their constant motivation which ultimately results into this book.

Dr. Pradipkumar Tambe

Assistant Professor

Marathwada Mitra Mandal's

Shankarrao Chavan Law College, Pune

INDEX

Sr. No.	Title of the Chapter	Page No.
1.	CONSUMER PROTECTION IN INDIA : A CONSTITUTIONAL MANDATE <i>- Dr. Sunita Adhav</i> <i>Principal, Shri DES Navalmal Firodia Law College, Pune</i>	1
2.	RIGHTS OF CONSUMER AND LIABILITY OF SERVICE PROVIDERS UNDER DIFFERENT SECTORS <i>-Dr. Phad Madhukar Nagnath</i> <i>Assistant Professor, V.P's V.P. Law College, Baramati, Pune</i>	12
3.	CONSUMER PROTECTION IN AI WORLD : E-COMMERCE AND DARK PATTERNS <i>-Ms. Ipshita Goyal and Ms. Ishani Goyal</i> <i>Student of 4th year B.A. L.L.B (Hons.) form Maharshi Dayanand University, Rohtak and student of 1st Sem, LL. M. (I.P.R.) Hidayatullah National Law University, Raipur</i>	30
4.	A CRITIQUE OF THE OECD CONSUMER PROTECTION GUIDELINES IN THE CONTEXT OF ELECTRONIC COMMERCE <i>-Bhavna Mahadew</i> <i>Law Lecturer, University of Technology, Mauritius</i>	49
5.	CHALLENGES ENCOUNTERED BY CONSUMERS DUE TO DECEPTIVE ADVERTISING: AN INVESTIGATION IN THE CONTEXT OF MANGALORE CITY <i>-Dr. Smitha DK and Delice Soraya Mendes</i> <i>Assistant Professor and Student from Department of Commerce, St Aloysius College (Autonomous) Mangalore</i>	60

6.	<p>ADR INTEGRATION IN DIGITAL CONSUMER PROTECTION: NAVIGATING CHALLENGES AND PROSPECTS FOR REDRESSAL MECHANISMS WITHIN INDIAN LAWS & FRAMEWORKS</p> <p><i>-Gnanavel. L</i> <i>Law Student, School of Excellence in Law, The Tamil Nadu Dr Ambedkar Law University, Chennai</i></p>	78
7.	<p>E-COMMERCE AND CONSUMER POTECTION IN INDIA</p> <p><i>-Ms. Tanzima Contractor</i> <i>Faculty of Law, Bharati Vidyapeeth (Deemed to be) University, New Law College, Pune</i></p>	91
8.	<p>SHAPING THE FUTURE: LEGAL FRAMEWORKS, ADVERSE IMPACTS, AND LIABILITY OF AI-POWERED CONSUMER PRODUCTS IN INDIA</p> <p><i>-Jansi S</i> <i>Fourth Year Law Student, SASTRA University, B.Com; LL.B.(Hons.)</i></p>	106
9.	<p>IS ADVERTISING MANIPULATING CONSUMERS' PERCEPTIONS? – AN EMPIRICAL STUDY IN MANGALORE CITY</p> <p><i>-Shakin Raj & Rostllin Martis</i> <i>Faculty at St Aloysius College (Autonomous)Mangalore & Student St Aloysius College</i></p>	125
10.	<p>CONSUMER PROTECTION IN THE DIGITAL AGE: EXAMINING THE E-COMMERCE LANDSCAPE IN INDIA</p> <p><i>-Ashutosh Suman & Piyush Sharma</i> <i>Law Student, Chanakya National Law University, Nyaya Nagar, Mithapur, Patna</i></p>	139

11.	<p>SAFEGUARDING CONSUMER RIGHTS IN A GLOBALIZED WORLD: INTEGRATING NATIONAL AND INTERNATIONAL PERSPECTIVES ON CONSUMER PROTECTION AND IPR</p> <p><i>-Nidhi Naik and Rahul Kamath</i> <i>Law Student, School of Law, Christ (Deemed to be University)</i></p>	157
12.	<p>CONSUMER PROTECTION IN GLOBALIZED LANDSCAPE : A PARADIGM SHIFT IN INTERNATIONAL STANDARDS</p> <p><i>-Manishita Bhattacharjee</i> <i>4th year B.A, LL.B. (Hons.) student at Christ University, Delhi NCR</i></p>	177
13.	<p>CONSUMER DISPUTE REDRESSAL: EMERGENCE OF MEDIATION AND ARBITRABILITY CONUNDRUM</p> <p><i>-Dr. Sudhir Tarote</i> <i>Assistant Professor, MM Shankarrao Chavan Law College, Pune</i></p>	189
14.	<p>DISABILITY AND CONSUMERISM: PARTICIPATION OF PERSONS WITH HEARING DISABILITIES IN CONSUMER MARKET IN THE STATE OF GUJARAT</p> <p><i>-Dr. A. Marisport,</i> <i>Assistant Professor of Law, Head, GNLU Center for Disability Studies</i> <i>&</i> <i>Mr. Aniket Panchal (5th Year, GNLU)</i> <i>Ms. Vagmi Gandhi (3rd Year, GNLU)</i></p>	208

15.	<p>ENFORCEMENT MACHINERY UNDER THE CONSUMER PROTECTION ACT 2019 TO ENSURE SPEEDY JUSTICE</p> <p><i>- Kailash K Chafale</i> <i>Research Scholar (Ph.D in Law), Centre for Higher Learning and Research-C.H.L.R. (Shantaram Potdukhe College of Law Chandrapur) of the Gondwana University Gadchiroli (M.S.)</i></p>	234
16.	<p>COMPARATIVE ANALYSIS OF THE OPERATIBILITY BETWIXT THE AMERICAN VIS - A - VIS INDIAN CONSUMER PROTECTION LAW</p> <p><i>-Asst. Prof. Sanghpriya Shere and Aditi Bharti</i> <i>Assistant Professor and Student, MM Shankarrao Chavan Law College, Pune</i></p>	251
17.	<p>SAFEGUARDING THE CONSUMER'S RIGHTS AND INTERESTS: AN ANALYSIS OF INDIA'S CONSUMER PROTECTION ACT OF 1986 AND 2019</p> <p><i>-Shakshi Kothari</i> <i>Research Scholar, National Law University Jodhpur</i></p>	271
18.	<p>CONSTITUTIONAL PROVISIONS AND CONSUMER PROTECTION IN INDIA: SAFEGUARDING RIGHTS AND PRACTICES</p> <p><i>-Prachi Sharma</i> <i>Research Associate, MIT School of Government, MIT-WPU, Pune</i></p>	287
19.	<p>REMEDIES UNDER THE CONSUMER PROTECTION ACT: THROUGH THE LENS OF HOMEBUYERS</p> <p><i>-Dr. Arvind A. Dhond</i> <i>Professor, St. Xavier's College, Mumbai</i></p>	306

20.	REGULATORY SCENARIO OF SOCIAL MEDIA ADVERTISEMENTS IN INDIA, USA AND EU <i>-Shruti Das and Unmesha Patil</i> <i>Assistant Professor, Department of Law,</i> <i>Vishwakarma University, Pune</i>	325
21.	EXAMINING CRYPTOCURRENCY THROUGH THE PRISM OF CONSUMER PROTECTION IN INDIA <i>-Dr. Deepshikha Sharma and Shruti Das</i> <i>Assistant Professors, Department of Law,</i> <i>Vishwakarma University, Pune</i>	345
22.	A STUDY ON CUSTOMER PREFERENCE WITH REFERENCE TO SANITARY NAPKIN <i>-S. Maheshwari and S. Shahira</i> <i>Assistant professor and PG scholar Department of</i> <i>Commerce, Vyasa Arts and Science Women's College</i> <i>Subramaniyapuram</i>	358
23.	MENTAL HEALTH CONSUMERS: THE MANAGED CARE <i>-Anoop Yadav</i> <i>Law Student, Delhi University, Delhi</i>	365
24.	CONSTITUTIONAL GOAL: PROTECTION OF WOMEN CONSUMER RIGHTS IN INDIA <i>- Dr. Brinda Gobind Gurbuxani</i> <i>Faculty, K C Law College, Mumbai</i>	376
25.	ENHANCING CONSUMER AWARENESS AND PROTECTION: A COMPREHENSIVE STUDY ON THE CONSUMER PROTECTION ACT IN INDIA <i>-Suchitra and Ankitha.C.M.</i>	389

	<i>Assistant Professor and Student, Bachelor of Commerce, St.Aloysius College, Mangaluru, Karnataka</i>	
26.	EXPLORING THE RELATIONSHIP, BETWEEN THE CONSUMER PROTECTION ACT OF 2019 AND ALTERNATE METHODS OF DISPUTE RESOLUTION; STRENGTHENING CONSUMER RIGHTS AND REMEDIES <i>-Faheem APM</i> <i>Law Student, Faculty of Law, University of Delhi, North Delhi</i>	406
27.	BALANCING CONSUMER RIGHTS IN REAL ESTATE : ANALYSING THE INTERACTION OF RERA 2016, CPA 2019 AND IBC 2016 <i>-Dnyaneshwar Kendre</i> <i>Assistant Professor, ILS College, Pune</i>	427
28.	TRACING THE ROOTS OF CONSUMER PROTECTION: A HISTORICAL ANALYSIS OF CONSUMER PROTECTION ACTS <i>-Dr. Ashwini Vinod Ingole</i> <i>Asst. Prof., Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune</i>	451