

Consumer Protection Law in India: Challenges and Prospects in the Digital Age

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Received:04/08/2025

Revised: 19/08/2025

Accepted:09/09/2025

Published:26/09/2025

ABSTRACT

The sudden development of e-commerce and electronic markets has transformative altered the pattern of mode of interaction among consumers and pattern of transaction effectively, which has necessitated a strict re-examination of existing systems of consumer protection systems, globally, inevitably, . In India, it resulted in the Consumer Protection Act, 2019, a direct successor of the Consumer Protection Act of 1986, a legal reflection of the intricacies that the digital economy has added to the situation due to technology. This legal rewrite is meant to deal with a new range of issues like web-based frauds and the problem of data privacy and the complexity of digital contracting which was not the focus of the previous law/legal system. The explosion of digital commerce as source of extraordinary convenience has also increased exposures on the part of consumers, prompting an urgent demand of powerful and collateral legal facilities. With the emergence of the digital economy, there have been new business generally economic models but they are not governed by traditional legal norms and therefore are particularly difficult to safeguard the consumer interests with. In particular, the advent of online payment systems with increased efficiency for conducting transactions has created new legal complexities addressing the fraud, data protection, and jurisdictional challenges, which have exacerbated the consumer protection process further. This incorporates the ever-prominent issue of data privacy intrusion and the challenge of evaluating litigation in a situation of online deal being transacted between a country. Moreover, the lack of transparency in web-based marketplaces and information asymmetry between the company and the customers increases those issues, rendering it difficult to take an informed choice and to seek redress among the consumers. This would further involve an in-depth analysis on whether the Consumer Protection Act, 2019 and its related laws are adequately provisioned to safeguard interests of the consumers in an increased competitive nature of market alongside the rate of change and remixing of technologies and customer preferences is alarming. The current regulatory framework of India is now undergoing interrogation about whether it is easy to cater to the complexities that -digital market markets present, particularly, the component of an anti-competitive nature of the said market platform, owing to the presence of high network effects and rapid rates of innovations presented by the said platforms. Such interaction between consumer protection and antitrust enforcement on the basis of digital metrics is particularly a highly acute element, which can be explained by the international regulatory trends that interpret the nexus of data protection and competition issue. The efficacy of the Consumer Protection Act, 2019, as the law, with the feature of predatory pricing, misleading advertisements, and approaches to the enforcement to be delegated to consumers, are going to be addressed critically in this review paper.

Keywords: Consumer Protection Act, 2019, Digital Economy, E-commerce Regulation, Data Privacy and Security, Online Consumer Rights.



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INTRODUCTION

The sudden development of e-commerce and electronic markets has transformative altered the pattern of mode of interaction among consumers and pattern of transaction effectively, which has necessitated a strict re-examination of existing systems of consumer protection systems, globally, inevitably, . In India, it resulted in the

Consumer Protection Act, 2019, a direct successor of the Consumer Protection Act of 1986, a legal reflection of the intricacies that the digital economy has added to the situation due to technology. This legal rewrite is meant to deal with a new range of issues like web-based frauds and the problem of data privacy and the complexity of digital contracting which was not the focus of the

previous law/legal system . The explosion of digital commerce as source of extraordinary convenience has also increased exposures on the part of consumers, prompting an urgent demand of powerful and collateral legal facilities. With the emergence of the digital economy, there have been new business generally economic models but they are not governed by traditional legal norms and therefore are particularly difficult to safeguard the consumer interests with . In particular, the advent of online payment systems with increased efficiency for conducting transactions has created new legal complexities addressing the fraud, data protection, and jurisdictional challenges, which have exacerbated the consumer protection process further. This incorporates the ever prominent issue of data privacy intrusion and the challenge of evaluating litigation in a situation of online deal being transacted between a country. Moreover, the lack of transparency in web-based marketplaces and information asymmetry between the company and the customers increases those issues, rendering it difficult to take an informed choice and to seek redress among the consumers. This would further involve an in-depth analysis on whether the Consumer Protection Act, 2019 and its related laws are adequately provisioned to safeguard interests of the consumers in an increased competitive nature of market alongside the rate of change and remixing of technologies and customer preferences is alarming. The current regulatory framework of India is now undergoing interrogation about whether it is easy to cater to the complexities that -digital market markets presents, particularly, the component of an anti-competitive nature of the said market platform, owing to the presence of high network effects and rapid rates of innovations presented by the said platforms. Such interaction between consumer protection and antitrust enforcement on the basis of digital metrics is particularly a highly acute element, which can be explained by the international regulatory trends that interpret the nexus of data protection and competition issue. The efficacy of the Consumer Protection Act, 2019, as the law, with the feature of predatory pricing, misleading advertisements, and approaches to the enforcement to be delegated to consumers, are going to be addressed critically in this review paper.

HISTORICAL AND LEGISLATIVE CONTEXT

Pre-Digital Era Consumer Protection Framework

Classical model was primarily anchored on the physical observation of material objects and services, and could barely extrapolate its horizons towards intangible digital objects and compound service contracts online. In the same way that it is observed in this historical backdrop, there was a breach in terms of legislative commitment that determines the division where the bondage of a more heads-on law mode was presented once the online transactions began to take a turn. The shift to digital platforms brought with it new demands, including the regulation of digital content and services, which because they are usually not regulated in the traditional definition of goods and services, they can be challenging to regulate. In addition, the consumer may not have a

strong bargaining position in e-commerce business, thus taking the weak stance of facing up to the online giants. This imbalance of power is further enhanced by the complex terms and conditions that frequently are introduced to consumers in the take-it or leave-it form to the point of having significant difficulty with the real informed consent. The power imbalance often results in cases of situations when consumers often abandon important rights unintentionally, which makes it essential to make regulatory actions that provide a fair contractual relationship in the online environment.

Enactment of the Consumer Protection Act

Via overcome deliberate challenges passed the Consumer Protection Act, 2019, which was meant to revamp the consumer protection rule in India in terms of specific requirements to address certain characteristics related to digital commerce such internet based business (e-commerce) and e-commercial operations. This new law was to give more power to the consumers by enhancing the rights and benefits of the consumer to establish a central consumer protection agency and offer a more efficient resolution mechanism among disputes to provide consumers even more than ever with a even more highly digital market place. Most importantly, it established product liability, fraudulent advertisements as well as instituted the District, State, and National Consumer Disputes Redressal Commissions, e-filing complaints place consumers in the digital age in even greater redressal paths. However, with the same developments, the impact of the Act in wholesale lexicalizing consumer interests oversight of the dynamic digital scenario continues to be the subject of current debates notably in the new conditions of digital platforms, multi nation interactions. One such case under consideration being that in as much as the Act has a model of handling grievances, the mechanisms may not maintain the quick innovation cycle of online services vividly and the international character of most online transaction as the same is replicated in other jurisdictions.

Amendments and Key Provisions

Specifically, the unfair trade practices and untrue advertisement in the clause was transferred to the internet environment, such as influencer promoting and dark pattern of the user interface. Additionally, the Act defines the Central Consumer Protection Authority, and the article is a steps change regarding the proactive work, allowing investigations and intervention because of the misleading practice in the markets of the digital nature. The proactive measure will deter the negation of market and will foster equitable competition taking into consideration the vulnerability of the responding measures that will be quite responsive in the safeguarding of its consumer welfare in a highly dynamic online economy. However, the practical implementation of these stipulations, when applied to the learning process of how to operate in the fine details of jurisdiction of the globally operating digital platforms and the increased speed of the deceptive practices, things turn out to be very problematic. As a matter of fact, the

Consumer Protection Act of 2019 is a very large step in the right direction, but due to the scale and complexity of the digital market operation, coupled with the new variables of an inadequate level of consumer education and capacity to exercise reasonable protection, the act is an ocean to an all-inclusive, comprehensive achievement of the action. In addition to that, the modern rate of digital technology advancement presupposes the regular update of the regulatory frameworks to act institutionally to address such novel challenges as the data privacy invasion and algorithmic biases that cannot always be effectively met through the existing consumer protection laws.

CHALLENGES IN THE DIGITAL AGE

E-commerce and Online Consumer Grievances

The rising e-commerce sector that offers convenience that has never existed, also offers new platforms where both the industry and individuals can lament against not only poor advertising and defective products, but also the stability of data security on the Internet and data confidentiality. The fact that online transactions are at times obscure and the impossibility to ascertain responsibility of online participants especially when internationalizing borders encourages the hindrances. The customers themselves tend to be shown wrong offers and misleading advertisements, especially in industries like online booking in hotels where they tend to express high degree of dissatisfaction thereof. This would be necessary in a more rigorous control mechanism, which would not only reduce direct conflicts in transactions, but more proactively control the advertisement system online to prevent consumer exploitation. The fact that online markets have a higher rate of friction in the process of searching also makes consumer-selection more difficult as a consumer might not be able to distinguish between those that are reputable in the market and are engaging in fraudulent processes. The problems highlight the necessity to manage effectively the problem through enhancing the ability of the law enforcers and through establishing ethical practices by the industries to uphold the interests of the consumer in the digital space. These are made more difficult by the emerging technology of generative AI since it has opened more forms of likely harm to consumers, requiring reformulated regulatory instruments to address the risks connected to its introduction into e-commerce and other online ecosystems. Furthermore, the cross-border nature of digital markets where data flows across countries and vendors are located in different countries introduces these cross-border jurisdictional issues as sources of effective consumer protection enforcement.

Data Privacy and Security Concerns

The extensive gathering and usage of personal information provided by online applications have elevated data protection to the top of the list of priorities as customers often cannot control the manner in which their data is processed and there is a risk of data violation and algorithmic biases. The e-commerce is most prone to increased vulnerability to fraud, and identity theft due

to sometimes enforced requirement of consumers to convey sensitive fiscal and personal information, making them all too easy a target in the face of insufficient security protocols taken care of and upheld. These architectures play a vital role in keeping the digital platforms accountable and by instilling confidence in the consumer regarding the digital economy, even as increasing intershare between online services continues to affect people in a rise and fall manner. Moreover, the fact that data is concentrated in the hands of a very small number of digital platforms are a source of concern as to whether there can be misuse of the market power and anti-competitive conduct which can indirectly other harm consumer welfare by reducing the existence of choice and innovation. As a matter of fact, the environment of e-commerce in itself poses serious questions of data protection and privacy matters, the weak links that can be traced include - Data intrusions, identity fraud and the lack of adherence to changing privacy policies.

Misleading Advertisements and Unfair Trade Practices Online

Things are only worsened with the integration of artificial intelligence, which could be used by placing the algorithms that run on AI to produce very personalistic and manipulating advertisements that capitalize on the vulnerabilities of consumers and increase information asymmetry. Without compromising consumer confidence, a technological innovation such as this can be used to utilize e-commerce platforms in a manner that creates comparable customer demand equal to that which would be generated using alternative methods, yet the innovation may also create panic concerning cybersecurity. Also, the doubt intense inquiries the concern about personal privacy conservation because of the high tendency toward the employment of AI in the study of consumer behavior, which could result in regulatory restrictions and legal penalties of greater severity. New layers of privacy concern to consumers accompany with the emergence of artificial intelligence and the application of the technology to e-commerce operations, notably, processing user data according to the on-demand operations, and creating profit. The global implementation of AI in marketing is healthy as such but still on the verge of attracting concerns associated with data security and privacy such as cybercrimes, and disinformation. And this is not to mention that becoming more efficient in the way they would interact with their customers and provide them with a simmering, personalized, retailing experience, chatbots and virtual assistants contribute to the huge data volumes in the of personal and conductive data, throwing the chance of breaching privacy and sensitive data abuse.

Analysis of Key Legal Provisions

Definition of Consumer and Consumer Rights in the Digital Context

The phenomenon of digital environment demands that definitions of consumption and consumer rights must be redefined since online dealings and online based

services are proving to present new and challenging issues which are only partly addressed by legal frameworks. Specifically, the uncontrolled use of AI in electronic commerce raises some points regarding the procedure of obtaining and using personal data, and invasion of privacy, and the likelihood of a new phase of multiple infringements of human rights. This will demand critical understanding on how an existing consumer protection may apply in reference to AI; transactions, and specifically to data privacy and ethical adaptation to alignment with an application of an algorithm. These worries are additional fueled by the use of AI in a number of fields, such as healthcare, banking, and retail, and the issue requires extensive levels of regulatory intervention in order to control the types of ethical and societal harm that such technologies may cause. This would involve eliminating problems of AI bias, being transparent when making AI-driven decisions, and providing mechanisms of consumer redress in situations of AI-caused harm. The dynamic e-commerce landscape, which will be driven by AI, creates extra concerns of data protection and privacy, such as the possibility of data breaches, identity theft, and lack of compliance with privacy regulations. Furthermore, the ongoing advancement of AI-based personalization makes it essential to employ rather critical analytical and ethical scrutiny of its related aspects, such as data privacy, algorithm bias, and the possibility of intrusive personalization.

Liability of E-commerce Platforms

The increased contribution of e-commerce websites towards intermediate consumer transactions, and not marketplaces, has serious consequences towards the issue of liability determination in the event of product design inefficiency, mis-representation, or a service malfunction. The change erodes boundaries of culpability, leaving the consumer most frequently in some hazy legality openness by the power websites to repudiate duct services or commodities offered by third party dealers, although with injurious control over the transaction framework. This grey area is also complicated by the fact that AI is used in the work of platforms passing between platform initiatives and consumer harm, which is why the causal factor in mentioning trouble with assigning legal responsibility. The lack of transparency in AI decision-making processes makes the process both unaccountable and untransparent, particularly when used in the context of high stakes tools. Ethical laws should therefore be developed to place a more concrete burden of care on e-commerce sites, especially where their artificial intelligence endorses, or in and of itself leads to, consumer detriment. Moreover, the responsibility of the accountability of AI-driven decisions should involve a close attention to the question to whom to attribute the responsibility ordinary developers, users, the AI systems themselves.

Consumer Dispute Resolution Mechanisms

The cross-border nature of e-commerce and the complex and often opaque organizational frameworks of AI-

driven platforms are becoming increasingly problematic with regard to the usefulness of consumer dispute resolution tools in the digital age. Common approaches to dispute resolution do not always work well in solving the multi-jurisdictional, complex, problems that appear when handling transactions involving AI-mediation, causing challenges in imposing a judgment and providing a fair resolution to consumers. The biases inherent to establishing the AI model training data may bring discriminative results, making the process of dispute resolving even more challenging than the ones of algorithmic fairness and transparency suggest. Also, the speedy evolution of artificial intelligence implying more sophisticated AI agents capable of independent control over actions will be the factor that will make the current patterns of liability to be reevaluated regarding the need to explain harmless situations and assign liability. Therefore, it needs to establish new versatile frameworks of dispute resolution that would be capable of positively chosen and accommodated to the technical that would have control over the global application of AI and the vast market of digital trade to serve consumer interests and foster trust in the digital web market.

COMPARATIVE ANALYSIS WITH INTERNATIONAL JURISDICTIONS

Consumer Protection Laws in the United States

The US boasts of abundance of federal and state laws to defend consumers in digital world like Federal Trade Commission Act and a whole set of laws varying according to state. The mere scraps-like nature of such legislation, however and the present advancement of AI technologies is a consistent source of the validity of safeguarding the data of consumers and wrestling with such bias of algorithm in different industry uses. The example of such a proposal as the amendment to securing the protection of the sheltered groups in opposition to automated decision machines within the banking, insurance, and health/trained sector and which needs to be more powerful, needs a more AI-specific set of consumer shelves with which the identified necessity is associated. Similarly, the General Data Protection Regulation of the EU develops a powerful policy on the subject of data privacy and protection and tends to define the global course of action in the context of consumer rights treatment as an element of the digital realm, namely, the environmental issues of AI and autonomy of choice. This has a proposed AI Liability Directive and a revised Product Liability Directive but everything is towards an EU-wide approach to AI liability. These directives seize to clarify legal mandate on injuries caused due to services of the AI systems, in order that people can recover injuries caused by a AI system in a consistent method across the member states.

Consumer Protection Laws in the European Union

The most pertinent development regarding AI regulation is the huge number of laws covered in the European Union, including the groundbreaking General Data Protection Regulation, which significantly affects the consumer rights in the online environment since it emphasizes the importance of data privacy and ethical

considerations of AI and automated decision-making. Such a sound regulatory environment is also adhered to on specific initiatives such as the AI Liability Directive and renewed Product Liability Directive steering the two entities together in the harmonization of the AI-labile system damages to the EU through the establishment of the legal standing in regard to the two. All these legislative acts underline the dynamic attitude to consumer protection, particularly, to addressing the questions new AI technologies and their potential implication on individual rights and justice of the markets. There will also personalities include the utilization of the future miniaturized EU AI Act that will present a regulatory frame of AI systems that is risk based, where higher harm potential systems will be more thorough requirement of being fundamental, transparent, and non-discriminative systems of applications compared to those that are not in the higher risk organization. The reason this type of holistic approach succeeds in dealing with the black box issue of AI is because in many of the most sensitive areas of application of AI, including healthcare, black box algorithms might be the difference between life and death. However, these laws and regulations (including the AI Liability Directive and the amendment of the Product Liability Directive) have more connections with a more generally-AI Act, and would have a better tendency to have bacteria-self-reinforcing-effects on global AI regulation.

Lessons and Best Practices for India

India can be interested in the comprehensive regulatory approach of the EU, particularly, the development of an ideal framework that would include the combination of data privacy, accountability in learning algorithms, and explicitly posed Liability Automobile in relation to harms caused by AI as proposed in the AI Liability Directive and updated Product Liability Directive in the EU. Such a framework would be able to manage the complexities associated with AI liability aspect required because it would also allow consumers to seek damages through their AI systems and, in fact, establish innovation in a secure monitoring edge. One such area that India might explore is especially the issue of implementing a single set of digital consumer protection laws in which the matters concerning AI directly address issues rather than sectoral regulations. It would involve developing explicit guidelines on transparency and explainability of algorithms, particularly of AI systems explicitly serving the consumers and therefore give them a clear image about the algorithm decision making by the AI systems directly affecting them.

CONCLUSION

Moreover, India can establish a unitarized regulator or expand the roles of the regulating bodies to address the AI ethics and its compliance, and in this respect, the EU is also establishing a governance structure concerning the AI act. Some of these responsibilities including this authority would come up with technical standards, impact assessment and implement the rules of AI to ensure equal process of implementing the principles of

consumer protection in various AI applications. Further, a more constrained application of new AI based technologies as a sandbox could enable experimenting with the regulations as well as learning to make these technologies, which belong to the population of regulators, learn how to make appropriate defenses to be in place before massive application. Such adaptive policy would enable refinement policies based on the rapid changes in technology thus the regulatory areas are flexible and current. Lastly, promoting cross-border partnerships and standardizing regulatory frameworks with other global agencies such as the EU would also enhance the Indian consumer protection environment in connection to changing AI issues. Such partnerships play a key role in eliminating cross-border AI problems, as well as being part of the worldwide discussion on responsible AI creation. It would also compromise the disconnect between national rules of fault-based liability and a resurgent product liability regime to AI systems, in line with the attempts at harmonising liability regimes within the EU. Although it is not a horizontal AI law in India, the offered Digital Personal Data Protection Act attempts to draw certain ethical issues involving AI by prioritising responsible data use, which is in line with international trends in data governance. Nonetheless, AI-specific regulatory framework remains absent at a larger scale, and numerous aspects of use of artificial intelligence, especially requirements of an algorithmic bias, transparency, and accountability still require it. This overall framework must involve a strong set of data ethics policies and governance plans to reduce discriminatory feedback and inequality in society, which in line with the global agenda aim at ethical AI development and implementation.

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