

FOREWORD

Dear discerning reader,

“*Consumer is King and the King Never Bargains*” is a slogan that Indians have seen displayed in retail shops all over the country. This simple sentence brings forth a concern: does the modern-day consumer have the power to bargain? With price tags and effective competition governing the pressure on consumer’s pockets, further research on consumer protection methods from a legal perspective becomes imperative. In actual fact, changes in different legislations are bound to have an impact on the consumer. Alterations or additions to competition policies, food regulation, corporate liability and even intellectual property rights tend to influence consumer choices and benefit.

The need to do away with the old consumer legislation and draft one afresh was reflected in the culmination of the Consumer Protection Act, 2019 (“**the Act**”) which came into effect in July 2020. Not only has the ambit of the Act increased to include e-commerce portals, but contradictory precedents have continued to redefine the horizon of the services that fall within the ambit of the consumer legislation. The *prima facie* intent is to forge a safe path for the consumers concerned. Healthcare services, specifically when free,¹ and education, have often faced test of ‘service’ under the legislation.

The Product Liability framework introduced within the Act has enticed the interest of the legal fraternity. Probing into the viability of this framework would highlight issues such as unnecessary additional costs² and the extent of the liability so imposed on the people involved in the supply chain. It has to be meticulously deliberated whether imposition of criminal penalties on body corporates will be effective vis-a-vis heavier monetary penalties on the body corporations. Another concern that comes to the forefront is that an employer may escape conviction by putting the blame on an employee.³

The pandemic and lockdown measures have gravely altered consumer behavior, with demands now being met via online platforms. Global shopping sites have further diminished borders. The E-commerce-Big Data duo has been spiraling multiple dialogues ranging from ‘harm’ in relation to the personal data of consumers to influencing consumers through ‘dark patterns’. From targeted advertisements to top-grade customized services, consumers have been put under the spotlight. Is

¹ Union of India v. N.K. Srivastava, 2020 SCC OnLine SC 636.

² A.M. Polinsky & S. Shavell, *The Uneasy Case for Product Liability*, 123 Harvard Law Review 1438 (2010).

³ *Consumer Protection and the Criminal Law*, 35 Journal of Criminal Law 281, 282 (1971).

‘personalization’ the new privacy breach now? Are consumers safe online or are even more exposed to exploitation? The release of the Consumer Protection (E-Commerce) Rules, 2020, can be seen as a step taken by the Government to ensure the protection of the consumer on online platforms. The said Rules should be put through the legal lens to prefigure the success of its objective. Furthermore, misleading advertisements are a leading factor that impact consumer loyalty, safety as well as confidence. With false claims of curing diseases or the false guarantee of warranty of electronic products, innocent consumers often get duped. It is also pertinent to note that consumer confidence was at an all-time low in March 2020, right before the lockdown⁴ and the survey initiated in January 2021 by the RBI would reveal the reverberations of the pandemic on the Indian consumer.⁵ This journal is a humble attempt to answer the questions raised on consumer rights and protection in India. The horizon has to be broadened to discern what the future holds for the average Indian consumer and what are the possible legal safeguards and remedies that should be taken into consideration.

In the context above, Saikrishna & Associates is pleased to present Volume 7 Issue 1 of RGNUL Student Research Review Journal (“**RSRR**”). We would like to express our sincere gratitude to all professionals, academicians and students who have taken out the time to present their valuable perspectives and opinions, adding to the discussion of the hour. As an organization extending its arm into academic endeavors, we are glad to have received submissions ranging from complex issues of privacy, Artificial Intelligence and dark patterns to intricacies of new law vis-a-vis product liability, education and much more.

We are delighted to have shared the enormous experience and contributed to the success of this journal, alongside the dedicated set of students in the Editorial Board. We commend their perseverance and hard work to curate the journal when consumer issues are rising more than ever, despite the hurdles created by the pandemic. We congratulate the Editorial Board of RSRR for this outstanding initiative and wish them success in all their future endeavors.

We hope that our inquisitive readers have an enriching escapade and become a part of the discussion!

Saikrishna & Associates

⁴ *Consumer Confidence Survey*, Reserve Bank of India, available at <https://www.rbi.org.in/Scripts/PublicationsView.aspx?id=19434>, last seen on 04/03/2021.

⁵ *RBI launches the January 2021 round of Consumer Confidence Survey*, Reserve Bank of India, available at https://www.rbi.org.in/Scripts/BS_PressReleaseDisplay.aspx?prid=50905, last seen on 04/03/2021.