

Government of India
Ministry of Consumer Affairs, Food and Public Distribution
Department of Consumer Affairs

LOK SABHA

STARRED QUESTION NO. *205

TO BE ANSWERED ON 21.12.2022

PROTECTION OF CONSUMER RIGHTS FOR ONLINE PURCHASE

*205. SHRI N.K. PREMACHANDRAN:

Will the Minister of **CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्री be pleased to state:

- (a) whether the Government proposes to protect the rights of consumers purchasing goods through online and if so, the details of action taken thereon;
- (b) whether the Government proposes to amend the Consumer Protection Law for ensuring protection of rights of consumers in e-commerce and if so, the details thereof;
- (c) whether the Government proposes to initiate action for ensuring warranty offered by the companies to the consumers and if so, the action taken thereon;
- (d) whether it has come to the notice of the Government that online service centers and manufacturers of the goods are not providing receipts to the complaints lodged by the consumers and failed to provide the service as agreed and if so, the action taken by the Government to protect the rights of consumers; and
- (e) whether the Government proposes to make dealers and retailers also liable for ensuring warranty and if so, the action taken thereon?

ANSWER

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्री
(श्री पीयूष गोयल)

THE MINISTER OF
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(SHRI PIYUSH GOYAL)

(a) to (e) : A Statement is laid on the Table of the House.

STATEMENT REFERRED IN REPLY TO PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION NO.*205 FOR 21.12.2022 REGARDING PROTECTION OF CONSUMER RIGHTS FOR ONLINE PURCHASE.

(a), (b) & (d): To protect the rights of consumers purchasing goods through e-commerce, the Central Government has notified the Consumer Protection (E-commerce) Rules, 2020. The rules were notified and came into force on 23rd July, 2020.

The rules have been notified under Section 101(zg) read with Section 94 of the Consumer Protection Act, 2019 wherein the Central Government has been empowered to take such measures as may be prescribed for the purposes of preventing unfair trade practices in e-commerce and to protect the interest and rights of consumers.

The rules prescribe the duties of e-commerce entities, liabilities of marketplace e-commerce entities, duties of sellers on marketplace and duties and liabilities of inventory e-commerce entities, which inter-alia include:

- i. Prominent display to users, in a clear and accessible manner on its platform – legal name, geographic address of its headquarters and all branches, contact details like e-mail address, landline and mobile numbers of customer care as well as of grievance officer
- ii. Establish adequate grievance redressal mechanism having regard to the number of grievances and appoint a grievance officer for consumer grievance redressal. The grievance officer is required to acknowledge the receipt of any consumer complaint within 48 hours and redress the complaint within 1 month.
- iii. In case of offering imported goods for sale, mention the name and details of any importer from whom it has purchased such goods or services, or who may be a seller on its platform.
- iv. To effect all payments of accepted refund requests of the consumers as prescribed by the RBI or any other competent authority under any law for the time being in force, within a reasonable period of time, or as prescribed under applicable laws.
- v. Not to adopt any unfair trade practice, whether in the course of business on its platform or otherwise.

Further, the Department of Consumer Affairs operates a National Consumer Helpline (NCH) wherein the consumer can lodge their grievances. The NCH acts as a pre-litigation mechanism which receives grievances of consumers through telephone (short code 1915), web portal, letters, SMS, emails etc. and Mobile App. These grievances are then taken up with the concerned entities for resolution.

All the complaints lodged with NCH are acknowledged through a docket number.

(c) & (e) : Giving to the public any warranty or guarantee of the performance, efficacy or length of life of a product or of any goods that is not based on an adequate or proper test thereof constitutes an 'unfair trade practice' under the Consumer Protection Act, 2019. The Act also provides for a product liability action against product manufacturers, product sellers and product service providers.

A product manufacturer shall be held liable if the product does not conform to the express warranty even if he proves that he was not negligent or fraudulent in making the express warranty of a product.

A product seller shall be liable where he has made an express warranty of a product independent of any express warranty made by a manufacturer and such product fails to conform to the express warranty made by the product seller.

A product service provider shall be liable for a product liability action, if the service did not conform to the express warranty or the terms and conditions of the contract.
