International Journal of Creative and Open Research in Engineering and Management
ISSN: 3108-1754 (Online)
Volume 02 Issue 09 September-2026 | Impact Factor: 3.5

Consumer Rights in Transition: Digital Transformation, Emerging Challenges, and India's Evolving Consumer Empowerment Framework (1986–2026 and Beyond) — A Human Rights Perspective

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How to Cite this Article:

Madugu, C. V. K. (2026). Consumer Rights in Transition: Digital Transformation, Emerging Challenges, and India's Evolving Consumer Empowerment Framework (1986–2026 and Beyond) — A Human Rights Perspective. International Journal of Creative and Open Research in Engineering and Management, <i>02</i>(9), 1-9. https://doi.org/10.55041/ijcope.v2i8.280

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Abstract

India's consumer protection law has come a long way since 1986. What began as a compensation-driven, forum-based system for settling individual grievances has, over the last four decades, turned into something closer to a preventive and technology-aware regime built around the Consumer Protection Act, 2019. That shift matters more than ever now. Online platforms, algorithmic pricing, personalised advertising and data-driven selling have changed what a transaction even looks like, and they have brought harms dark patterns, covert data use, one-sided information that the drafters of the 1986 Act simply could not have imagined. This paper looks at that forty-year arc through a doctrinal and socio-legal lens, reading it against the human-rights vocabulary set out in the United Nations Guidelines for Consumer Protection (1985, revised 2015) and against Article 21 of the Constitution of India. Drawing on statutes, delegated rules, regulatory guidelines and secondary literature, the paper reconstructs how the idea of a consumer right emerged and evolved, points to gaps in how e-commerce, dark patterns and targeted advertising are currently governed, and sketches a layered framework connecting consumer protection to dignity, autonomy and control over one's own information. The picture that emerges is mixed: the Central Consumer Protection Authority, the E-Commerce Rules of 2020 and the 2023 Dark Patterns Guidelines are genuine institutional gains, yet enforcement capacity, cross-border reach and basic digital literacy among consumers remain weak points. The paper's broader claim is that India's consumer-law trajectory should not be read as a string of isolated amendments but as an ongoing constitutional project — one that will increasingly have to reckon with data governance and artificial intelligence as it moves toward 2026 and beyond.

Key Words: ***Consumer Protection Act 2019, digital rights, human rights, dark patterns, e-commerce regulation, Central Consumer Protection Authority, consumer empowerment***

1. Introduction

A market only works if both sides can trust the bargain, yet sellers have always known more than buyers about what they are selling. Consumer law grew out of that imbalance. It replaced the old common-law idea of caveat emptor let the buyer beware with a positive duty on the state to look after consumers' economic and physical interests. India took this step formally in 1986, when Parliament passed the Consumer Protection Act and set up, for the first time, a cheap and reasonably quick three-tier system for consumers to seek redress. Forty years on, the marketplace itself barely resembles what it was. Cheap smart phones, affordable data, UPI payments and the pandemic-era rush toward online shopping have together made the app or website, not the neighborhood shop, the place where most transactions now happen for a large share of Indian consumers. New and less visible harms have arrived with this shift interfaces designed to trick users into unwanted purchases, price discrimination driven by algorithms, data collected without anyone really consenting to it, fake reviews, and grievance chains that pass through several intermediaries before a consumer even finds out who is responsible. Parliament's response was the Consumer Protection Act, 2019, which now covers transactions carried out "through all modes including offline, and online through electronic means, teleshopping, multi-level marketing or direct selling," and which created the Central Consumer Protection Authority (CCPA) with powers to investigate on its own initiative. A run of delegated legislation followed the Consumer Protection (E-Commerce) Rules, 2020, the Guidelines for Prevention of Misleading Advertisements and Endorsements, 2022 the Guidelines for Prevention and Regulation of Dark Patterns, 2023 and, adjacent to consumer law proper, the Digital Personal Data Protection Act, 2023. Taken together, these mark a move away from a purely compensatory model of consumer law toward something more systemic and preventive. This paper follows that trajectory from 1986 to 2026 and beyond, and argues that it reads best not as a sequence of reactive amendments but as an unfolding constitutional and human-rights project. On this view, consumer protection is not a minor branch of commercial regulation, it is an extension of the right to information, to safety, to dignity and, increasingly, to control over one's own data.

2. Genesis of the Concept

The Concept of “consumer right" actually come from its roots lie in the slow collapse of caveat emptor, which had governed commercial dealings through most of the nineteenth century and into the twentieth. Under that doctrine a buyer was on his own expected to inspect the goods, judge their worth, and live with a bad bargain, while the seller owed little beyond the literal terms of the contract. Mass production and industrial-scale selling made this untenable. Once goods were manufactured far from the point of sale and sold through layers of distributors, ordinary buyers had no realistic way to inspect anything or negotiate on equal terms with a large company. The consumer movement that took shape in the United States in the mid-twentieth century pushed this shift further. Ralph Nader's 1965 attack on the auto industry's safety record is usually treated as a turning point it galvanized public demand for regulatory oversight and helped popularize the reverse maxim, caveat venditor, and let the seller beware. Consumers stopped being seen merely as people who absorbed risk and started being treated as rights-holders entitled, as a matter of public policy rather than private negotiation, to safety, information and a means of redress.

3. Origin of the Concept

In 1962 Special Message of John F. Kennedy's to Congress on Protecting the Consumer Interest, where he set out four rights to safety, to be informed, to choose, and to be heard. That speech is why 15 March is marked around the world as World Consumer Rights Day, and it is still cited as the symbolic starting point of consumer rights as a distinct rights-discourse. Consumer organizations later added to Kennedy's four: the right to redress, to consumer education, to a healthy environment, and to basic needs. India's own consumer movement did not develop in isolation from any of this. Domestic activism through the 1960s, 70s and 80s fed off, and fed into, the international momentum building around the UNGCP, and the two together gave rise to the Consumer Protection Act, 1986 India's first comprehensive consumer statute and one of the earliest in the developing world to give consumers an enforceable, judicially backed set of rights.

4. Significance of the Study

India's retail and services economy is going through a fast digital transformation near-universal mobile internet, UPI, and an e-commerce sector now serving several hundred million users and whether the existing legal architecture can actually keep pace with that shift is a live policy question, not an academic one. There is also a gap in how the last few years of regulation have been written up. Since 2020 a dense set of rules and guidelines has appeared the E-Commerce Rules, the misleading-advertisement guidelines, the dark-patterns guidelines, the data-protection statute without, so far, being pulled together into a single account that ties them back to the founding 1986 and 2019 statutes. Beyond that, framing Indian consumer law explicitly in human-rights terms dignity, autonomy, control over one's own information gives regulators, courts and researchers a vocabulary for handling digital-era harms that do not sit comfortably within the older, product-defect model of consumer protection.

5. Genesis and Evolution of Consumer Protection Law in India (1986–2026)

Before 1986, an Indian consumer with a complaint about defective goods or poor service had, essentially, ordinary contract and tort law to fall back on, under the Sale of Goods Act, 1930, plus the narrower, competition-focused Monopolies and Restrictive Trade Practices Act, 1969. Neither offered a cheap, accessible, consumer-specific forum. The Consumer Protection Act, 1986 fixed that by setting up a three-tier system District Forums, State Commissions, and a National Commission and by writing a defined list of consumer rights into law: safety, information, choice, being heard, redress, and consumer education are adopted. The 1986 Act held up reasonably well for a while, but small amendments over the following decades could not keep up with how Indian commerce was changing. Organised retail grew through the liberalisation years, telemarketing and multi-level marketing arrived; and, from the mid-2010s onward, e-commerce and digital payments expanded quickly. The 1986 Act had no real answer to any of this it said nothing explicit about electronic transactions, gave no regulator investigative or injunctive powers, and had no product-liability regime at all. Parliament's answer was the Consumer Protection Act, 2019, in force from July 2020, which brought online, teleshopping, multi-level-marketing and direct-selling transactions squarely within the definition of a regulated sale; created the CCPA as a dedicated regulator able to investigate, order recalls and refunds, and penalise unfair trade practices and misleading advertising; introduced a statutory product-liability regime; opened up mediation as an alternative to litigation; and revised the pecuniary jurisdiction and procedure of the three-tier commissions.

The Consumer Protection (E-Commerce) Rules, 2020 put disclosure, grievance-redressal and fair-dealing duties directly onto e-commerce entities and marketplaces. The 2022 Guidelines on misleading advertisements dealt with bait advertising, free-claim advertising and the duties of endorsers. The 2023 Dark Patterns Guidelines went further still, naming thirteen specific manipulative design practices false urgency, basket sneaking, confirm-shaming, drip pricing, subscription traps, and so on and giving the CCPA power to act against platforms using them. A June 2025 CCPA advisory then told every e-commerce platform to complete a self-audit within three months; more than two dozen major platforms subsequently declared they compliant, even as the CCPA kept investigating specific complaints, such as platforms charging extra for cash-on-delivery. Alongside all this, the Digital Personal Data Protection Act, 2023 introduced a consent-based framework for handling personal data whose relationship to consumer protection law is still, doctrinally, an open question. The redressal machinery itself went digital too, through the e-Daakhil portal launched in 2020 and its successor e-Jagriti, backed by an AI-enabled National Consumer Helpline a reminder that the state is now trying to use the same kind of technology that produces new consumer risks to also deliver remedies for them. Looked at as a whole, this near four-decade arc from 1986 through to 2025, with more presumably to come by 2026 — traces a fairly clear line from a reactive, pay-after-the-fact model of consumer law toward one that tries to prevent harm before it happens and is increasingly embedded in digital infrastructure itself.

6. Review of Literature

6.1 International Foundations

Ariyaratna's (2018) study of internet-era consumer rights in Sri Lanka is a useful comparator here: it draws on the UNGCP alongside the OECD's e-commerce guidelines and the EU's Consumer Rights Directive, and argues that online consumers face distinctly greater vulnerability than offline ones sellers can hide behind anonymity, transactions cross borders easily, and information asymmetry is worse online than off.

6.2 Indian Statutory Evolution

Sen (2015), writing just before the 2019 reforms, called the 1986 Act a genuine milestone in welfare legislation, but also pointed to persistent weaknesses procedural delay, thin infrastructure at district level, low public awareness that limited how well it actually worked in practice, whatever its statutory design promised.

6.3 Digital-Era and Platform-Specific Harms

A separate body of regulatory and industry commentary has grown up around manipulative digital design specifically. After the CCPA notified the 2023 Dark Patterns Guidelines, legal and policy analysts mapped the thirteen listed practices against existing unfair-trade-practice and misleading-advertisement law, and noted the messy, overlapping jurisdiction between consumer regulators, the intermediary-liability framework under the Information Technology Act, 2000, and the newly enacted Digital Personal Data Protection Act, 2023. Industry bodies, for their part, have pushed back with concerns about "regulatory overlap" a tension that runs through this literature between wanting to protect consumers and wanting to keep doing business easy.

6.4 Human Rights Framing

A smaller strand of writing treats consumer protection explicitly as a human-rights matter rather than as commercial regulation dressed up in different language. It draws on the UNGCP's own description of consumer protection as addressing "basic needs," and on the way Indian courts have read Article 21's right to life as encompassing conditions of dignity. Indian Medical Association vs V.P. Shantha (1995), which brought professional medical services within the meaning of "service" under the 1986 Act. Both are cited as evidence that Indian courts, on their own, had already pushed consumer protection beyond narrow commercial transactions and toward a broader, dignity-oriented reading.

7. Research Gaps

- There is little empirical evidence on how well the 2023 Dark Patterns Guidelines actually work in practice, beyond platforms reporting on their own audits.
- The relationship between the Consumer Protection Act, 2019 and the Digital Personal Data Protection Act, 2023 particularly where their consent, disclosure and grievance obligations overlap has not been worked out in any detail.
- Cross-border e-commerce platforms and offshore data processing raise jurisdictional and enforcement questions that scholarship has largely left unaddressed.

8. Conceptual Framework

This paper proposes a five-layer way of looking at India's consumer-empowerment architecture.

1. Foundational (Normative) Layer — the UNGCP (1985/2015), Article 21 and the Directive Principles of State Policy, and the broader human-rights idea that consumer welfare is part of human dignity and basic needs.
2. Statutory Layer — the Consumer Protection Act, 2019 (and its 1986 predecessor), the Information Technology Act, 2000, and the Digital Personal Data Protection Act, 2023.
3. Institutional Layer — the Central Consumer Protection Authority, the three-tier redressal commissions, and sectoral regulators whose mandates spill over into consumer protection.
4. Digital Market Layer — e-commerce platforms, marketplace intermediaries, algorithmic pricing and recommendation systems, and the specific unfair practices — dark patterns, misleading endorsements, targeted data use — that arise there.
5. Consumer Agency Layer — awareness, digital literacy, and how much capacity an ordinary consumer actually has to use redress tools like e-Daakhil, e-Jagriti or the National Consumer Helpline.

These layers interact rather than sit in a strict hierarchy. Normative commitments at the top shape statutory design; statutes empower institutions; institutions regulate the digital market; and how that market actually behaves determines, in practice, how much agency an ordinary consumer has which then feeds back, through complaints, litigation and advocacy, into the normative and statutory layers above it. On this reading, digital-era consumer harm is not so much a series of one-off regulatory failures as a recurring breakdown at the point where the Digital Market Layer meets the Consumer Agency Layer, a breakdown the Institutional and Statutory Layers have been trying, imperfectly, to patch since 2019.

9. Research Problem

The question this paper is really asking is whether India's evolving statutory and institutional framework from the 2019 Act through to the 2023 Data Protection Act has genuinely moved from that older, reactive, transaction-specific model toward something preventive and systemic enough to deal with digitally mediated harm, and whether a human-rights framing gives that transition a more coherent footing than treating consumer law as purely commercial regulation.

10. Objectives of the Study

1. To trace the philosophical genesis and the historical origin of the idea of consumer rights, internationally and in India.
2. To examine how India's statutory and institutional consumer-protection framework has evolved from the 1986 Act to the present digital-era architecture (2020–2026).
3. To analyse emerging digital-era consumer challenges — e-commerce practices, dark patterns, data-driven marketing — and how regulators have responded to them.
4. To assess the human-rights dimension of consumer protection within India's constitutional and international-law context.
5. To identify gaps in existing literature and propose a conceptual framework for future research on India's consumer-empowerment trajectory.

11. Methodology

This is a qualitative, doctrinal and socio-legal study a design suited to a topic that is fundamentally legal-historical and regulatory-analytical rather than something demanding primary quantitative measurement. It draws on four kinds of secondary source primary legal materials (the 1986 and 2019 Consumer Protection Acts, the E-Commerce Rules, the misleading-advertisement and dark-patterns guidelines, the IT Act, 2000, and the Digital Personal Data Protection Act, 2023), reported Indian judicial decisions bearing on the scope of consumer protection; and peer-reviewed literature, government press releases and regulatory communications documenting how the digital-era framework has actually been implemented between 2020 and 2025.

12. Limitation of the Study

- Being doctrinal and interpretive, the study does not draw on primary empirical data no consumer surveys, no platform-level compliance audits so it cannot put a number on how common these harms actually are or what they cost.
- The regulatory landscape it describes, especially dark-pattern enforcement and the rollout of the Digital Personal Data Protection Act, 2023, is still moving, and developments after this paper's cut-off date may qualify some of what is said here.
- The literature and regulatory material reviewed is limited to publicly available, mostly English-language sources, which likely under-represents regional-language consumer-movement writing and state-level variation in how consumer forums actually function.

13. Findings as per Objectives

13.1 Genesis and Origin of Consumer Rights

Consumer rights, as this paper reads them, have two starting points rather than one, a philosophical genesis in the slow retreat of caveat emptor in favour of a more protective view of the buyer-seller relationship, and a formal historical origin in Kennedy's 1962 statement of four basic rights, later carried into international law through the UNGCP. India's own version of this history runs through domestic activism from the 1960s onward and lands, directly, in the Consumer Protection Act, 1986.

13.2 Statutory and Institutional Evolution, 1986–2026 (Objective 2)

The move from the 1986 Act to the 2019 Act, and the rules and guidelines issued in the years since, add up to a fairly consistent direction of travel: away from a purely after-the-fact, forum-based model and toward one led by a regulator with real investigative, injunctive and penalty powers in the CCPA. The digitalisation of redressal itself e-Daakhil, e-Jagriti, and an AI-enabled helpline shows the institutional side catching up with the digital nature of the harms it is meant to address, though it is worth being cautious here: putting a complaint system online is not, on its own, proof that outcomes for consumers have actually improved.

13.3 Digital-Era Challenges and Regulatory Response

The E-Commerce Rules of 2020 and the 2023 Dark Patterns Guidelines together form the core of India's response to platform-driven consumer harm. The latter names thirteen specific manipulative practices and led, in 2025, to a CCPA-mandated self-audit that saw more than two dozen major platforms declare compliance. But enforcement so far has leaned heavily on platforms declaring their own compliance and on targeted advisories the 2025 inquiry into extra charges for cash-on-delivery being one example rather than on an independently verified monitoring system. The preventive model exists on paper; institutionally, it is still young.

13.4 Human Rights Dimension

There is a reasonably coherent, if not fully worked-out, human-rights basis for Indian consumer protection. The UNGCP frames the whole area as addressing basic human needs, and Indian courts — through the dignity-oriented reading of "service" in Lucknow Development Authority vs. M.K. Gupta and Indian Medical Association vs. V.P. Shantha — have already treated consumer remedies as an extension of the Article 21 right to life with dignity, rather than as a narrow field of commercial regulation. Carried into the digital era, this reasoning suggests that manipulative interface design and data extraction without real consent are better understood not just as unfair trade practices in the ordinary sense, but as intrusions on consumer autonomy and control over one's own information interests that plainly carry a human-rights character.

13.5 Gaps and Conceptual Framework

The relationship between the 2019 Consumer Protection Act and the 2023 Data Protection Act is still under-worked, both in official guidance and in the academic literature. The five-layer framework proposed is offered as a structured starting point for future work examining exactly where the Digital Market Layer and the Consumer Agency Layer break down against each other.

14. Conclusion

Across four decades, Indian consumer law has moved from the compensatory, forum-based model of 1986 to the preventive, regulator-led, increasingly digital model built around the 2019 Act and its accompanying rules. That movement is better read as a continuing constitutional and human-rights project than as a set of disconnected reactions to market failure a project with roots in Kennedy's 1962 speech and the UNGCP that followed it, and reinforced at home by Indian courts' dignity-oriented reading of consumer remedies under Article 21. Commerce keeps drifting further toward algorithmic, data-heavy and increasingly AI-driven platforms, and against that backdrop, framing consumer protection around autonomy, dignity and control over personal information rather than narrow transactional fairness alone looks like the most coherent basis on which India's consumer-empowerment framework can keep developing between now and well past 2026.

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