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The Constitutional Dimensions of Consumer Justice in India: From Statutory Remedies to Fundamental Rights

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ABSTRACT

Consumer justice in India has reached a critical frontier where market governance and constitutional governance intersect. The article provides a solution to the doctrinal problem of the placement of consumer justice in the legal hierarchy. Should consumer justice be regarded as a statutory remedy or as part of a wider constitutional framework of equality, dignity, health, the right to justice, and the right to access justice? The article adopts a doctrinal approach to examine the Constitution of India, the Consumer Protection Act, 2019, seminal case laws, the existing regulatory framework, and recent enforcement trends. The article argues that there has been a significant shift in the normative position of Indian consumer law. The statutory model has expanded from post-transaction compensation to a preventive framework of regulation, the scrutiny of unfair contract terms, public enforcement, regulation of the digital market, and acknowledgment of the supply of concurrent remedies. The shift has been furthered by liberal and welfare interpretations of consumer laws, especially in the context of public services, the health service, housing, and arbitration. The analysis also shows that contemporary consumer injustices are a result of the Digital Architecture, especially the use of persuasive design and the exploitation of consumers in the context of digital data trading. The article argues that consumer justice in India is best understood as a field of law where statutory remedies are most important, but consumer justice in India is best understood as a field of law where statutory remedies are most important, consumer justice in India is best understood as a field of law where statutory remedies are most important, consumer justice in India is best understood as a field of law where statutory remedies are most important, consumer justice in India is best understood as a field of consumer law. This perspective has a bearing on the design of law, enforcement of law, and the regulations of data and the markets of the future. This consumer framework has a significant impact on adjudicative processes, regulatory enforcement, and future market reforms.

Keywords: *Consumer justice; constitutionalisation; Consumer Protection Act, 2019; digital markets; access to justice*

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I. INTRODUCTION

A Consumer protection was implemented in India as a part of the welfare schemes, meant to address faulty goods and services and unfair trade practices through cheap, informal, and speedy options. Issues related to consumers have now expanded and far surpassed the original welfare schemes. With the advent of the digital market, public goods and services, barriers in healthcare, housing, and deceptive designs that use algorithms to manipulate and control transactions have all transformed. These changes showcase the importance of a new constitutional challenge: Should securing consumer rights remain within the boundaries of orderly market interventions? Or has it established relevant claims to inequality and to the right to a dignified life and health, as well as the right to access justice effectively?

The research problem is in the doctrinal void between consumer laws and constitutional analyses. Indian courts have often sought to develop consumer remedies through a purposive interpretation of the provisions. However, there is no clear articulation of the possible constitutional values justifying this expansion. Consequently, consumer protection laws can be perceived to be disunified and consumer laws are statute-based in one instance, and fundamental rights and directive principles in another. This research intends to fill this gap by analyzing the Consumer Protection Act, 2019, and how Indian courts and the enforcement mechanisms have framed the consumer protection framework, thus conceptualizing consumer justice which is beyond the scope of just compensation and is more about accountability and fairness and systemic corrections of the market.

The Constitution of India, the Consumer Protection Act, 2019, relevant Supreme Court and High Court case law, and the current state of regulation of digital commerce and consumer law enforcement in India, define the Indian legal system and the focus of this article. Consumer law in India is analyzed using a combination of law and legal theory. Consumer protection law in India is largely a system of law and order. The Statutory remedies are important; however, the interpretation and development of the remedies will depend on the Constitution, particularly on the provisions of Article 14, Article 21, Article 38, Article 39A, and Article 47.[1]

II. CONSTITUTIONALISING CONSUMER JUSTICE

When we view the injuries caused to consumers as a violation of their status, autonomy, and equal citizenship, rather than simply an inconvenience in a contract, we begin to understand consumer justice as a constitutional right. This section explains why, in the context of

[1]Constitution of India 1950 <https://www.indiacode.nic.in/bitstream/123456789/19150/1/constitution_of_india.pdf> accessed 17 May 2026.

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contemporary consumer protection law in India, we must rely on constitutional values to understand the law and its interpretation.

A. Equality, Dignity, and Consumer Citizenship

A constitutional interpretation rejects all arbitrary and exploitative forms of market power. The lens of consumer citizenship is helpful, as it moves the consumer from being the passive recipient of the commercial good to being an active member of society who possesses rights. It is well established in Indian constitutional jurisprudence that Article 14 of the Constitution does not solely cover instances of classical discrimination. It covers arbitrariness in other forms of state action and the reasonableness and fairness of state action.[2] If public goods, statutory bodies, and the state in its regulatory spheres dictate terms to consumers and/or create systematic consumer detriment, the injury inflicted on consumers is of a constitutional nature.

This rationale is also valid for situations that go beyond state action. The markets for goods and services such as housing, healthcare, transport, and telecommunication, as well as insurance and digital services, are all intermingled with a dense web of laws and regulations and a public dependence. In such areas, the distinction between private control and public obligation is slight. Indian constitutional theory has consistently asserted that equality, reasonableness, and non-arbitrariness are applicable in situations of extreme power imbalances. Therefore, consumer law is a code of civil order, a legal instrument in the hands of the courts to deal with the imbalance of bargaining power that jeopardizes the integrity and fairness of the law.[3]

Article 21 further connects consumer protection to the domains of life, health, bodily integrity, and dignity. Potentially, any of the following could influence how and to what degree an individual may be able to exercise their autonomy: unsafe products, hazardous services, fraudulent claims regarding devices and medical treatment, and even digital choices that manipulate and coerce. Constitutions that are the source and descriptor of the foundational principles of India explain that the right to life creates a protection, beyond the right to simply exist, to health, safety, and to enable humane conditions of existence. When a consumer is viewed as an individual whose welfare is of constitutional concern, the rights to safety, information, and legal remedies are easier to support as the constituents of the right to live with

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[2] M P Jain, Indian Constitutional Law (9th edn, LexisNexis 2025) <https://store.lexisnexis.com/en-in/products/indian-constitutional-law-by-m-p-jain-insku9788119403134.html> accessed 17 May 2026.

[3] Mahendra P Singh (ed), V N Shukla's Constitution of India (Eastern Book Company 2024), https://www.ebcwebstore.com/product/v-n-shukla-constitution-of-india-revised-by-mahendra-p-singh?products_id=100139&srsltid=AfmBOor9bR-zEuvWyRhBp4g0DO8GGLsnT--9YmuwAjFE3yD_k6eY7p9_> accessed 17 May 2026.

dignity.[4]

B. Access to Justice and Social Welfare

The right to access justice is just as important to consumer law as the constitution itself. Although a consumer injury on its own may be small, its social impact is potentially large. As a result, a rational means of enforcing legal rights is through ordinary civil litigation, which is characterized by significant delays. Procedural access-to-justice innovations have focused on the importance of designing procedures that account for cost barriers, information deficiencies, and social inequities that obstruct the meaningful enforcement of rights.[5] Articles 38 and 39A of the Constitution of India embody this principle by requiring the state to eliminate social inequities and ensure equal access to justice through institutional innovations.

Administrative Law also underpins a consumer justice model that is constitutional. Regulatory bodies, adjudicatory bodies, and public bodies must act charitably, proportionately, and for lawful, prescribed reasons. If, for example, regulatory bodies, adjudicatory bodies, and public bodies fail to regulate dangerous goods, false advertising, aggressive billing, or other big-n abuse of platform design, the harm caused is not merely private. From the Indian administrative law perspective, it is often the case that welfare legislation is implemented via procedural safeguards, standards of review, and mechanisms of public accountability. Consumer law emerges within this framework, as it establishes the mechanisms in which state intervention and private accountability are integrated within a single mechanism of relief.[6]

It should be noted that a consumer rights framework does not equate a consumer dispute with a writ Petition, nor does it equate a consumer dispute with a violation of a consumer's right. Rather, the framework is narrower and sounder from a legal perspective. Constitutional law, when viewed from the perspective of vulnerable groups, basic needs, and systemic market failures, creates, when necessary, the framework of the law and enhances the protection of the law. In India, consumer law treats justice within a broader context, viewing the law in terms of social justice, as opposed to law governing illegal transactions. Thus, the focus and placement

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4 D D Basu, Introduction to the Constitution of India (27th edn, LexisNexis 2024) <https://www.ebcwebstore.com/product/introduction-to-the-constitution-of-india-d-d-basu-27th-edition?products_id=99107637&srsltid=AfmBOopHeLEvWQzE6Ht-lBRblaJJo1R0OmyF2HEE4gfGkw62oe_O2uaR> accessed 17 May 2026.

5 Mauro Cappelletti and Bryant G Garth (eds), Access to Justice: A World Survey (Sijthoff and Noordhoff 1978) <https://books.google.com/books/about/Access_to_Justice.html?id=Iq9vxwEACAAJ> accessed 17 May 2026.

6 I P Massey, Administrative Law (10th edn, Eastern Book Company 2024 reprint) <https://www.ebcwebstore.com/product/administrative-law-by-i-p-massey?products_id=859&srsltid=AfmBOoqvzbE0w6k9kmSXHEmi8xXrKsP3fApGS2v_0EKGYUEgkVKvYrvs> accessed 17 May 2026.

of the Constitution is, in essence, a complement to consumer law.[7]

III. The statutory architecture of rights-based consumer protection

The Consumer Protection Act of 2019 incorporates constitutional values as institutional and remedial frameworks to address issues in the current market. The significance of this act is that it builds on the 1986 Act, and expands the boundaries of consumer protection regarding compensation to include enforcement and regulation in the digital market.

A. From the 1986 Model to the 2019 Framework

The Consumer Protection Act of 2019 is designed to safeguard consumer interests through timely and effective administration and resolution of disputes. The 2019 Act brings flexible legislative techniques to consumer protection.[8] In contrast to the 1986 Act that primarily relied on consumer fora and provided limited remedy for service deficiency, the 2019 Act retains adjudicatory redress, and introduces product liability, unjust contracts, mediation, electronic filing, and a central authority with investigatory and corrective functions. The shift from reactive resolution of disputes to a mixed model of regulation and adjudication is a better illustration of the constitutional demand for effective protection beyond the guarantee of rights.

The 2019 Act's statutory recognition of consumer rights invites an interpretation in line with the Constitution. While the rights to be informed, to be heard, to seek redressal, and to be safeguarded from dangerous goods and services are not explicitly fundamental rights, they are in line with the values of Constitution of India like autonomy, equity, and security. The Act acknowledges modern commerce, particularly cross-border and distance transactions, by addressing e-commerce and platform-based transactions. Research on India's e-commerce has shown that digital consumer transactions worsen information asymmetry, seller opacity, and problems with enforcement after the sale, and thereby justifies the need for stronger regulation.[9]

B. Unfair Terms, Product Liability, and Platform Power

One of the most groundbreaking legal innovations is how unfair contracts and product liability are specifically addressed. The review of unfair contracts allows adjudicative institutions to

[7] P K Majumdar and R P Kataria, Law of Consumer Protection in India (9th edn, Orient Publishing Company 2025 reprint) <https://www.ebcwebstore.com/product/law-of-consumer-protection-in-india-p-k-majumdar-r-p-kataria-9th-edition?products_id=99108790&srsltid=AfmBOoo76-AKPXIOwiQjG0LHa6AQOcrP14-4T6Y9lXmPi72Kwbht1LyS> accessed 17 May 2026.
[8] The Consumer Protection Act, 2019 <https://www.indiacode.nic.in/bitstream/123456789/16939/1/a2019-35.pdf> accessed 17 May 2026.
[9] Neelam Chawla and Basanta Kumar, 'E-Commerce and Consumer Protection in India: The Emerging Trend' (2022) 180 Journal of Business Ethics 581 <https://pmc.ncbi.nlm.nih.gov/articles/PMC8267237/> accessed 17 May 2026.

assess imbalanced terms that substantially impact consumers' rights, while product liability broadens recovery to include not just defective products, but also injuries and damages resulting from manufacturing flaws, design deficiencies, and a lack of adequate warnings. Modern scholarship suggests the 2019 framework has also extended the reach of law and disrupted exploitative cross-border consumer transaction settlement clauses. These elements strengthen consumer law's constitutional sensitivity, more so because of the structural disparities that are addressed, rather than leaving parties to fend for themselves from a position of disadvantage.[10]

The new statutory philosophy can best be represented by the Central Consumer Protection Authority. This body's expansive powers to protect the interests of consumers includes the ability to investigate violations of consumer rights, order the recall of goods that are unsafe, halt unfair trade practices, and take action against misleading advertising. The model of public enforcement lessens the previously exclusive burden on the individual complainant and acknowledges that market wrongs may be of a collective nature. The 2023 Guidelines for Prevention and Regulation of Dark Patterns reflect the same philosophy where user-interface practices that manipulate consumer choice are targeted. These measures seek to integrate consumer protection with the enhancement of the constitutional guarantee of preserving the consumer's right to make an informed and voluntary choice.[11]

C. Institutional Access, Mediation, and Data Governance

The system of district, state, and national commissions remains the core of a three-tier structure for adjudication. Access to justice has been addressed in the 2019 Act with the introduction of mediation and electronic filing. This has linkages to Article 39A. These changes in the statute attempt to address the problem of rational apathy to the consumer dispute, which is a relation between the economic value of a claim and the high costs of instituting litigation. The introduction of lower filing thresholds and the support of online activities take the statutory framework closer to the Constitution's serious application for effective access to justice.

Enforcement resources developed after 2019 indicate that this regime is meant to be active, as opposed to symbolic. In its annual report, the Central Consumer Protection Authority records acts taken in a range of fields, including food, electronics, e-commerce, coaching institutions,

[10] Saloni Khanderia, 'Beyond Borders: Unravelling the Territorial Scope of Consumer Protection Laws in India' (2025) 9 Indian Law Review 1 <https://www.tandfonline.com/doi/abs/10.1080/24730580.2025.2497006> accessed 17 May 2026.

[11] Central Consumer Protection Authority, The Guidelines for Prevention and Regulation of Dark Patterns, 2023 (Government of India 2023) <https://doca.gov.in/ccpa/files/The%20Guidelines%20for%20Prevention%20and%20Regulation%20of%20Dark%20Patterns%2C%202023_1732707717.pdf> accessed 17 May 2026.

and platform-based dark patterns. For the first time, the scope of consumer governance includes the supervision of market behavior.[12] This is a notable extension of the scope. Consumer justice in a constitution is more than ex post compensatory justice. It includes ex ante remedial regulation to curb systemic and structural malfeasance in the market, which may result in consumer injury in a multitude of transactions.

Digital market governance and consumer privacy protection are integrated and intertwined. Increasingly, consumer transactions are facilitated through a combination of profiling, consent design, personalized nudging, and data extraction. The Digital Personal Data Protection Act, 2023 does not replace consumer protection law; rather, it complements it and enhances the legal environment of digital services by stipulating obligations of data processing, notification, and individual control over one's data. In this context, digital consumer protection law in India is an integrative area that encompasses consumer protection, platform regulation, and data governance and should be assessed holistically.[13]

IV. Judicial expansion and doctrinal consolidation

Indian courts shift consumer protection from narrow law to wider jurisprudence of fairness, accountability, and remedial pluralism. Judicial doctrine consumer law not by making every complaint a right petition, but by liberal, welfare, and realistic interpretation.

A. Public Services and Consumer Status

Lucknow Development Authority v. M. K. Gupta is foundational because it rejected the idea of statutory housing authorities providing housing where consumers were not.[14] The case linked consumer protection with constitutional concern of the abuse of public power by arbitrariness and oppression. Public service monopolies are not a legally permitted excuse for delivering the same level of service that the private sector does in a monopolistic manner. The case linked state monopolies and public service failures to the right to consumer redress.

The decision in State of Karnataka v. Vishwabharathi House Building Co-operative Society deepened the welfare orientation of consumer adjudication upon the upheld the constitutional validity of the specialized statutory consumer adjudication framework.[15] The Supreme Court

[12] Central Consumer Protection Authority, Annual Report 2024-2025 (Government of India 2025) <https://doca.gov.in/ccpa/annual-report/Annual%20Report%20English-1-2024-25.pdf> accessed 17 May 2026.

[13] The Digital Personal Data Protection Act, 2023 <https://www.indiacode.nic.in/bitstream/123456789/22037/1/a2023-22.pdf> accessed 17 May 2026.

[14] Lucknow Development Authority v. M. K. Gupta AIR 1994 SC 787, (1994) 1 SCC 243 <https://indiankanoon.org/doc/1375046/> accessed 17 May 2026.

[15] State of Karnataka v. Vishwabharathi House Building Co-operative Society (2003) 2 SCC 412 <https://indiankanoon.org/doc/925018/> accessed 17 May 2026.

noted that the purpose of consumer fora is to provide justice that is both cheap and quick and that the legislation in question is a social benefit statute, to which a purposive approach is to be adopted. From a constitutional perspective, the value of this decision is that it recognizes that where the aim is to provide effective justice to a class of claimants who most need it, the specialized remedial bodies can, and indeed should, be allowed to step outside the bounds of the conventional civil system.

The case Secretary, Thirumurugan Co-operative Agricultural Credit Society v. M. Lalitha also played a major role in consumer law as it was the first case heard by the Supreme Court in India that affirmed the principle of additionality of consumer protection laws.[16] The Court avoided a literal, narrow interpretation of the law, which would restrict the law to a small number of commercial disputes. Instead, the Court took a much wider, remedial-oriented view of consumer protection law, stating that the law should be interpreted in a way that it protects the end users. This view was critical in consumer sectors where there was overlapping regulation, arbitration provisions, and other laws.

B. Healthcare, Safety, and the Right to Health

Although Consumer Education and Research Centre v. Union of India is not traditionally a consumer case, it is important for the constitutional aspects of consumer justice as it gave constitutional status to the right to health and to safe and humane working conditions under Article 21.[17] This judgment shows that the absence of health is not only a loss to the individual, but it is a loss to the entire nation. In relation to consumer law, this case provides a doctrinal connection between unsafe goods or services and the constitutional obligation to provide a person with safe and sound conditions that are not against the dignity of the person.

Indian Medical Association v. V. P. Shantha extended that constitutional obligation to the sphere of healthcare services and held that where a person provides medical services in return for a fee, those services fall within the protection of consumer laws, and consequently, the person consumes medical services.[18] This court case legitimized patients as consumers for the first time in many contexts, and for the first time, created a forum to address medical negligence and substandard treatment. It is also extremely valuable for an increase in the scope of the medical profession, as it shows that profane and professional medical services are not beyond

[16] Secretary, Thirumurugan Co-operative Agricultural Credit Society v. M. Lalitha (2004) 1 SCC 305 <https://indiankanoon.org/doc/1640713/> accessed 17 May 2026.

[17] Consumer Education and Research Centre v. Union of India (1995) 3 SCC 42 <https://indiankanoon.org/doc/1657323/> accessed 17 May 2026.

[18] Indian Medical Association v. V. P. Shantha (1995) 6 SCC 651 <https://indiankanoon.org/doc/723973/> accessed 17 May 2026.

the reach of common law obligations.

C. Housing, Homebuyers, and Unfair Contracts

You can especially see the constitutionalisation of consumer law in cases surrounding housing issues because of the informational asymmetry and housing issues which leads to locked consumer relations in structural inequivalence (i.e. standard-form contracts, delays in possession). Pioneer Urban Land and Infrastructure Ltd. v. Govindan Raghavan is a landmark case in which the Supreme Court applied the intensive scrutiny to one-sided apartment clauses and refused to enforce a clause that was highly inequitable to the builder.[19] Beyond real estate, the case stands as a precedent in showing how in situations where one side of a contract has delayed the consumer and has created an environment with inequitable bargaining power in which the consumer has no choice but to accept the contract, the freedom of contract cannot be morally defended.

This reasoning was continued in Imperia Structures Ltd. v. Anil Patni, where it was stated that the maintenance of the Real Estate (Regulation and Development) Act, 2016, offers no protection to consumers and therefore, the Court viewed the consumer law remedy as an additional remedy.[20] This was a significant shift in doctrine because we begin to see the importance of the intersection of law in the consumer law sphere. Where the intersection of remedial law creates access to justice, it is appreciated. Homebuyers are no longer viewed as speculative investors, and now, the system provides protection to ensure consumers are treated justly.

D. Concurrent Remedies and Sectoral Overlap

National Seeds Corporation Ltd. v. M. Madhusudhan Reddy highlights the importance of consumer jurisdiction in dealing with arbitration clauses.[21] The Court determined that arbitration does not remove the consumer's right to approach consumer fora. This ruling emphasizes the importance of preserving freedom within welfare legislation when confronted with arbitration clauses. In dealing with welfare legislation, this ruling emphasizes the importance of preserving freedom within welfare legislation when confronted with private arbitration clauses. In terms of jurisdiction, this ruling emphasizes the importance of preserving

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[19] Pioneer Urban Land and Infrastructure Ltd. v. Govindan Raghavan (2019) 5 SCC 725 <https://api.sci.gov.in/supremecourt/2018/46308/46308_2018_Judgement_02-Apr-2019.pdf> accessed 17 May 2026.

[20] Imperia Structures Ltd. v. Anil Patni (2020) 10 SCC 783 <https://api.sci.gov.in/supremecourt/2019/9796/9796_2019_34_1502_24555_Judgement_02-Nov-2020.pdf> accessed 17 May 2026.

[21] National Seeds Corporation Ltd. v. M. Madhusudhan Reddy (2012) 2 SCC 506 <https://api.sci.gov.in/jonew/judis/38984.pdf> accessed 17 May 2026.

the freedom that is within welfare legislation when confronted with private ordering clauses that divert consumers away from welfare legislation.

Recent public law litigation has provided ample opportunity for the judiciary to expand consumer justice to cover areas of the economy and market practices that go beyond the traditional consumer defect claim. The Delhi High Court's ruling in National Restaurant Association of India v. Union of India is an excellent example of this.[22] This ruling provided that service charges cannot be levied, and any gratuity provided must be purely voluntary. This is also an excellent example of a court ruling that fails to provide a justification of a contractual obligation to provide a notice that is in favor of controlling consumer autonomy. Additionally, it is an example of the judicial branch's recognition of consumer justice.

V. Contemporary enforcement, digital markets, and empirical trends

Today, examples of consumer justice in India are shaped by factors including enforcement data, platform design, and prudential subtleties. Empirical evidence in this context reflects advancements alongside continuous strains. On one hand, regulators are now more active in addressing the issues; on the other hand, adjudicatory capability remains inconsistent across various institutions and regions, and the harms of digital markets are proliferating.

A. Regulatory Priorities and Market Surveillance

Enforcement trends reflect a significant movement away from disputes grounded in traditional defects to misleading ads, digital interfaces, platform behavior, and vulnerable sectors such as coaching services. Figure 1 illustrates the sector-wise notifications documented by the Central Consumer Protection Authority (CCPA) during 2024-2025. The CCPA notices also explain direct selling, coaching, electronics, and dark patterns as primary areas of concern.[23] The effect of the CCPA notices is that consumer protection concerns are no longer limited to bilateral disputes over defective goods. Rather, they are a form of market monitoring that seeks to protect the right to make meaningful choices in mass consumption areas of the economy.

[22] National Restaurant Association of India v. Union of India 2025 SCC OnLine Del 1975 <https://indiankanoon.org/doc/139015092/> accessed 17 May 2026.

[23] Central Consumer Protection Authority, Annual Report 2024-2025 (Government of India 2025) <https://doca.gov.in/ccpa/annual-report/Annual%20Report%20English-1-2024-25.pdf> accessed 17 May 2026.

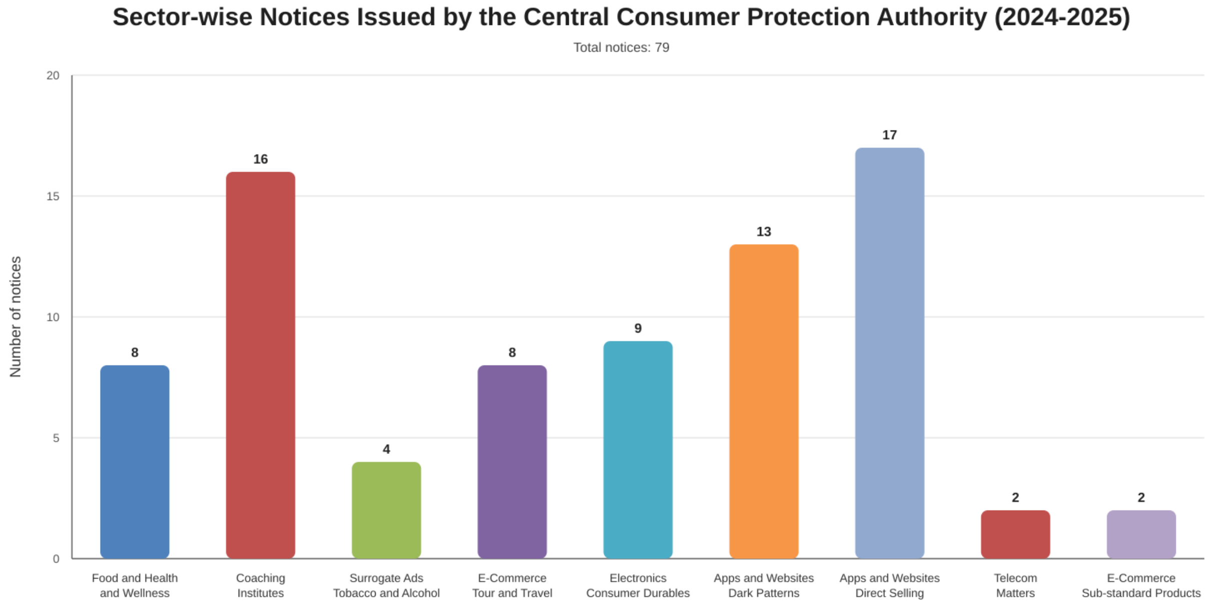

Figure 1. Sector-wise notice distribution by the Central Consumer Protection Authority, 2024-2025.

Figure note: The strongest attention was noted for direct selling, coaching institutes, and dark patterns; the weakest was for telecom issues and interventions on low quality products. The distribution demonstrates the regulator's change from individual complaints of faults to misleading practices and commercial conduct, gathering evidence to support the regulator's practices across platforms.

The figure illustrates another important development. The state is beginning to see manipulation and the use of deceptive design and practices as injuries that affect the capacity of consumers to control their actions, even prior to engagement in a transaction. This shift also represents the use of a rights-based approach where the safeguarding of informed choice is a good in and of itself. The annual reports of the Central Consumer Protection Authority thus lend credence to the argument that the consumer justice system in India is becoming preventive and systemic in nature, with enforcement focused on patterns of conduct as opposed to only the transactional loss of value.

B. Digital Consent, Dark Patterns, and Data Governance

The greatest challenge today concerning digital infrastructure is how these platforms cater their services for specific user preferences. Designers build countdown timers, pre-ticked boxes, concealed paths for cancellation, ads, or consent flows to make opting out as difficult as possible. Digital susceptibility reveals that misleading design can exploit cognitive boundaries and contextual pressure. Especially with control asymmetry and design dominance, India is most affected.[24] Within the areas of finance, travel, health, and educational services the need for clear, user-oriented design is becoming crucial.

Different angles of privacy and disclosure behavioral scholarship yield the same conclusion. Users tend to "consent" to terms that are harmful and/or intrusive. Design can capture that consent. Cognitive bias and dark patterns can explain why disclosure is inadequate when interfaces are designed to cause users to act quickly, exhaust them, or cause them to comply more than is needed.[25] This suggests that in the Indian legal context, when analyzing the design of the decision-making context within which consumers encounter text, informational obligations within consumer protection and data protection laws should go beyond the mere presence of text.

The Digital Personal Data Protection Act, 2023, connects consumer justice with data protection laws at a structural level. Consumer laws tackle exploitative terms, unfair trade, and misrepresentation laws. Data protection laws focus on consent, and other lawful obligations concerning data. These both form the basis of the constitutional framework concerning consumer dignity within the digital context. A consumer is viewed not only as a buyer, but as a data subject who is put at risk because of the design of interfaces, behavioral data extraction, and targeting. Such intersections require greater judicial regard in the context of the future lawsuits concerning platforms and other services.

C. Adjudicatory Capacity and Access

There are still several concerns regarding the ability of a legal system to deal with the challenges posed to it. Data showcasing filing and disposal trends from 2021 to 2023 concerning the National, State, and District Consumer Commissions, alongside information about the implementation of the e-Daakhil System (a form of digital filing accessible to the public), is shown in Figure 2. Overall, the results are mixed.[26] District Commissions are still dealing with the most burdensome caseloads. Regarding State Commissions, most deal with significantly high caseloads, while those dealing with National Commissions see significantly lower caseloads. Regarding the National Commissions, most deal with significantly lower caseloads.

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[24] Arianna Rossi and others, 'Who Is Vulnerable to Deceptive Design Patterns? A Transdisciplinary Perspective on the Multi-Dimensional Nature of Digital Vulnerability' (2024) 55 Computer Law & Security Review 106031 <https://www.sciencedirect.com/science/article/pii/S0267364924000979> accessed 17 May 2026.

[25] Ari Ezra Waldman, 'Cognitive Biases, Dark Patterns, and the Privacy Paradox' (2020) 31 Current Opinion in Psychology 105 <https://www.sciencedirect.com/science/article/abs/pii/S2352250X19301484> accessed 17 May 2026.

[26] National Consumer Disputes Redressal Commission, reply enclosing data on consumer commissions, e-Daakhil and filing-disposal trends (Rajya Sabha/Lok Sabha parliamentary material, 2024-2025) <https://ncdrc.nic.in/pdf_Files/querySecRTI.pdf> accessed 17 May 2026.

Some data suggest improvements in the avg. case disposal delay across certain segments, but these data also suggest that improvements in accessibility are at risk due to the challenges of uneven functionality, staff vacancies, and administrative pressures concerning overall scale.

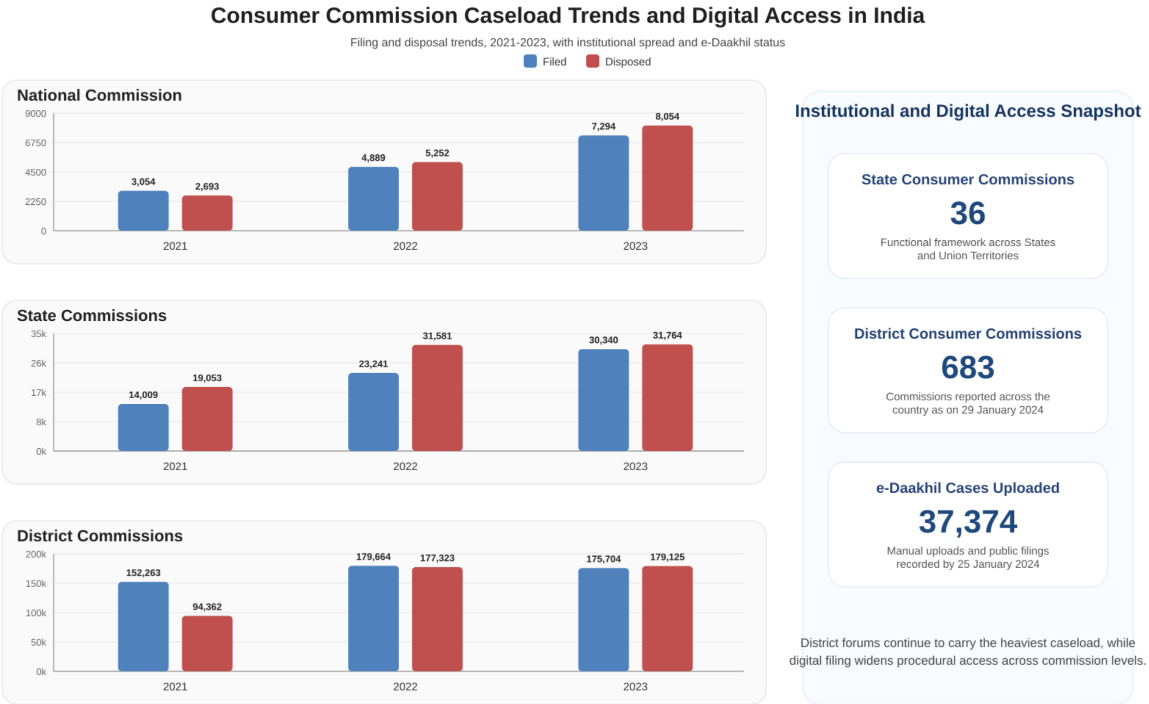

Figure 2. Consumer commission caseload and digital access snapshot.

Figure note: District consumer commissions show the greatest amount of disputes, while activity in the State and National levels is minimal, though is increasing. The image also shows the distribution of the commissions and the growth of e-Daakhil, which shows increasing access to procedure and continuing pressure of capacity.

The work done empirically, around grievance redress, points to the design of the institution to be key. For consumer outcomes to be more favourable, it requires more than just substantive rules and access to the forum. It needs greater procedural ease and the presence of several alternative paths to remedy.[27] This lesson is applicable to Indian Consumer law in general as well. The use of digital filing coupled with hybrid hearings, and the use of mediation with a standard electronic record, can help lower access costs. However, this is only possible with the commissions being staffed adequately, as well being technologically supported and confident with their jurisdiction. Otherwise, more formal and procedural rights may grow on paper, while the enforcement of these rights in practice erodes.

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[27] Karan Gulati and Renuka Sane, 'Consumer Disputes in the Financial Sector: Grievance Redress by Courts' (2022) 6 Indian Law Review 409 <https://www.tandfonline.com/doi/abs/10.1080/24730580.2022.2122253> accessed 17 May 2026.

The current empirical evidence allows for a nuanced conclusion. India has made substantial strides toward a constitutional model of consumer justice through specialized commissions, digital pathways, public enforcement, and their ample interpretive stance. However, constitutionalisation is not simply or adequately achieved by the use of rights-based language. It requires the ability to create and maintain institutions, active and constant judicial control to defend against predatory system design, as well as collaboration of consumer regulators, sector regulators, and data governance. Absent these frameworks, the promises of dignity, equality, and access will be liable to erosion in the markets that require the greatest protection.

VI. Conclusion

Consumer justice in India is no more a self-contained field of minor legal remedies, isolated from the rest of the law. As is evident through the recent developments, it has become a part of the emerging Indian public law.

Several components create the constitutional framework for consumer justice. Articles 14 and 21 focus on fairness, health, and dignified choice. Articles 38, 39A, and 47 justify the need for fairness and accessible remedies and controls. The Consumer Protection Act of 2019 seeks to address these issues through its enforcement of the review of unfair contracts, product liability, and the provision of mediation, enforcement, and supervision in the digital space. The judicial system has taken the position that consumer remedies are beneficial as a response and remedy to service delivery structural inequities in the public sphere of medicine, housing, and the transactions undertaken in the digital space at the marketplace.

However, this evolution remains insufficient. First, consumer harm is increasingly data-driven, behavioral, and infrastructural. Additionally, these harms may take place at the point of data collection and agreement to the terms and conditions of a service. They often occur to large collections of users and not the individual complainant. This highlights the need for greater attention to the issue of dark patterns, the architecture of digital choices, and the consumer's right to data. In this case, consumer vulnerability is not an exception or the loss of data for a mere few; this is the case for almost all consumers in a fully automated market with algorithms and platform-based business models.

India's consumer justice system needs to start regarding consumers as both constitutional subjects and statutory beneficiaries. This approach allows for the utilization of streamlined, specialized remedies while also enhancing the system for appropriate interpretation, enforcement, and reform. It explains the necessity for consumer law to respond aggressively to digital manipulation and standard-form inequality, as well as the various institutional barriers to redress. If Indian law proceeds along this path, consumer protection will evolve as a principled commitment to equal respect.

VII. Suggestions

The issues discussed above point toward a set of concrete reforms for strengthening consumer justice in India.

1. Strengthen constitutional reasoning: When addressing unfair contracts, essential services, and digital manipulation, consumer adjudicatory bodies and reviewing courts should clearly express explicit constitutional values. Along the lines of equality, dignity, health, and access to justice, clarity would enhance doctrine and assist regulators.
2. Create a unified digital harm framework: Consumer authorities, data protection agencies, and regulators of specific industries must provide coordinated guidance on deceptive design, the architecture of consent, profiling, and personalized nudging. Harmonization would enhance oversight and close gaps that impede regulation and allow platforms to manipulate the interface of consumer and data protection laws.
3. Prioritise structural remedies: The Central Consumer Protection Authority must utilize market wide corrective orders, product recalls, and directives to address conduct in repetitive cases involving digital mass harm. It is better to implement structural solutions to protect the thousands of consumers who will continue to be in the same situation if they are left to take action individually.
4. Improve commission capacity: The recruitment of district and state commissions should be accompanied by professional case-management assistance and set deadlines. The ability to access the courts for adjudication is as dependent on the administration's consistency, as it is on the legal rights available.
5. Institutionalise data-driven monitoring: There should be an annual uniform system of consumer enforcement reporting at national, state and district levels. This should include public access databases with data on filings, their disposal, sectoral trends, and compliance results. Reliable data will improve accountability and allow reform to be targeted where bottlenecks are present.
6. Regulate one-sided standard terms: Consumer commissions and regulators should formulate better techniques for pinpointing and rendering null dispensable boilerplate clauses within housing, finance, healthcare, education, and digital services.

Standardization in reviewing criteria will also discourage the drafting of exploitative clauses and decrease inconsistent results.

7. Expand multilingual digital access: The e-Daakhil project and related digital systems should incorporate multilingual interfaces, assisted filing options, and simplified, technology-adjustable accessible formats, which should help bridge the gap for self-represented consumers. Technology only improves access when it lowers, as opposed to replicating, the barriers of language and legal literacy.
8. Link mediation with safeguards: Consumer-mediated resolution should be adopted wherever possible. However, settlement constructs that compel parties to enter under-valued compromises should not be permitted. Traditional protections around disclosure, consent, and instruction should be provided to ensure that mediation does not undermine consumer protection.
9. Deepen regulation of misleading information: We should focus on omissions, interface positioning, and design-based deceits when targeting misleading advertisements rather than just the outright untruths. The majority of consumer injury stems from the structuring of information, the deliberate omission of information, or the obscuring of information and may not stem from the outright misrepresentations.
10. Build consumer law literacy: Public education should focus on the practical understanding of rights and risks in the digital world, awareness of complaint avenues, the digital consent problem, and the signs of unfair contracts, rather than relying on a slogan. A consumer order founded on rights becomes practical and effective when the person can quickly and easily identify and respond to the harm without incurring unreasonable costs.

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