



Ayana Legal

THE BUZZ

Team Ayana Legal wishes all a very Happy 2021

At last, a newsletter

A newsletter from Ayana Legal has been long in the coming. The year 2020 was a game changer in ways more than one. We decided that no time like present to share, keep in touch and disseminate knowledge. So here, goes our first newsletter!

The Year That Was

The world woke up into 2020 little expecting the churning that was going to be experienced all round due to the pandemic. What was taken for granted soon became premium. Masks, hand sanitisers, social distancing became part of our language. WFH, online classes, hearings, conferences, meetings, dialogues - all became virtual. Also with that came the realisation that what was considered indispensable actually is not. Many laws were enacted to keep sync with the times.

The Year That Wasn't

Free.. Minds were chained and so were people. Less said the better.



Consumer Protection Act, 2019

From Caveat Emptor to Caveat Venditor.

From when the buyer had to beware to when the buyer is king, the laws have come a long way. The Consumer Protection Act, 2019 has tried to keep pace with the changing times and is a welcome stature in the realm of consumer protection. We bring you an overview of the changes in the 2019 Act and how you will be benefitted by them.

- a. E-commerce transactions: The definition of a consumer now includes a person who buys goods or services through offline or online transactions, electronic means, teleshopping, direct-selling or multi-level marketing etc. The earlier Act did not cover e-commerce transactions and this lacuna has been filled by this enactment.
- b. E-filing of complaints: The new Act provides for flexibility to the consumer to file complaints with the jurisdictional consumer forum located at the place of

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Plea in the Supreme Court

A petition has been filed in the Supreme Court to fill up vacancies in District and State Commissions. There can be enactments and amendments, but without proper execution, they are mere words.

Webinar on Consumer Protection Act, 2019

Our Managing Partner, Rama R. Iyer was invited to a panel discussion on "India 2021 & Beyond: Consumer Protection and Advocacy in the New Normal" to commemorate the National Consumer Day, 2020. During the discussion, she opined that no relaxations are necessary for businesses to thrive or for ease of business as long as they follow the law, are sympathetic to any complaints of consumers, and are proactive to any feedback. Consumer friendly laws will in fact ensure that the consumer feels secure, and therefore spends more, leading to more business. Watch the discussion [HERE](#).

Thank you

Team Ayana Legal thanks you for the trust. Till we are back with our next edition, stay safe and keep that smile beneath the mask on!

residence or work of the consumer. This has changed the earlier practice of only that forum where the opposite party (or the seller) had their registered office having jurisdiction. This enactment enables the consumer to e-file the complaints and also participate in the proceedings through video-conferencing. This is to ensure there is procedural ease and reduction in inconvenience to the consumers.

c. Enhancement of pecuniary: The Pecuniary jurisdiction of the District Commission and the State commission have been increased to Rs. 1,00,00,000/- and Rs. 10,00,00,000/- respectively. Any claim above Rs. 10,00,00,000/- shall be before the National Commission.

d. Unfair Trade Practices: Now the new Act has broadened the definition of Unfair Trade Practices to include sharing of personal information provided by the consumer in confidence, unless such disclosure is made in accordance with the provisions of any law.

e. Product Liability and Penal Consequences: The new Act has introduced the concept of product liability and brings within its ambit the liability of the product manufacturer, service provider and the product seller for claim of any compensation. E-commerce platforms' claim that they are only aggregators or mere platforms cannot be accepted.

f. Establishment of Consumer Protection Authority (CCPA): This will be a regulatory authority with wide powers of enforcement. The CCPA headed by the Director General may conduct inquiry or investigation into consumer law violations, take sum-motor actions, recall products, file class action suits if a consumer complaint affects more than one individual, order reimbursement of the price of goods or services, cancel licenses etc.

g. Penalties for misleading advertisements: The CCPA may impose a penalty upto Rs. 10,00,000/- for misleading advertisements and for subsequent offences, fine may extend to Rs. 50,00,000/-. Liability on celebrity endorsers too makes it imperative for endorsers to verify the veracity of claims made in advertisements.

h. Alternate Dispute Resolution: The new Act provides for ADR (mediation) as an option for speedier resolution of disputes.