

Consumer Rights and Human Dignity: Legal Challenges in India during the COVID-19 Pandemic.

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Abstract

The COVID-19 pandemic has had a profound impact on global economies, markets, and consumers, particularly in India, where millions faced economic and social hardships. This research explores the intersection of consumer law and human rights in India during the pandemic, with a focus on the challenges consumers faced and the role of the Indian legal framework in addressing these issues. Through an examination of key legal instruments such as the Consumer Protection Act, 2019, and relevant human rights principles, the paper evaluates how India's consumer protection laws adapted during the pandemic. It also discusses the increased vulnerability of consumers in areas such as e-commerce, health, and essential goods, emphasizing the need for a robust legal response to ensure consumer rights are upheld in times of crisis. The study draws from various sources, including government reports, legal analyses, and case studies, to provide a comprehensive understanding of how consumer laws and human rights intersected during the pandemic era in India.

Keywords: Consumer Law, Human Rights, India, COVID-19 Pandemic, Consumer Protection Act, E-Commerce, Health Rights, Essential Goods, Vulnerability, Legal Framework, Crisis Response

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1. Introduction

The COVID-19 pandemic, a global health catastrophe, triggered seismic shifts in socio-economic systems worldwide, exposing systemic vulnerabilities and redefining the relationship between states, markets, and citizens. In India, a nation marked by stark socio-economic disparities and a population of over 1.3 billion, the pandemic amplified pre-existing inequalities and created unprecedented challenges for consumers. Lockdowns, supply chain disruptions, and the rapid digitization of commerce upended daily life, leaving millions grappling with inflated prices for essential goods, denial of critical services, and exploitative practices in both physical and digital marketplaces. While the pandemic tested the resilience of legal frameworks globally, India's consumer protection regime, anchored in the Consumer Protection Act, 2019 (CPA), faced a unique crucible: balancing market regulation with the protection of fundamental human rights, such as the right to health, dignity, and equitable access to resources under Articles 14, 19, and 21 of the Indian Constitution.

This research examines how India's legal system navigated the collision of consumer rights and human rights during the pandemic, a period marked by heightened vulnerability for marginalized groups, including low-income households, rural populations, and digitally excluded communities. The CPA, 2019—a landmark legislation designed to modernize consumer rights in the digital age—was thrust into the spotlight as grievances surged over e-commerce fraud, overpricing of medical supplies, and systemic failures in healthcare delivery. Simultaneously, the pandemic underscored the interdependence of consumer rights and human rights: exploitative pricing of life-saving drugs, for instance, was not merely a market failure but a violation of the constitutional right to life and health.

The study adopts a dual lens, analyzing both the efficacy of legal mechanisms (e.g., the Central Consumer Protection Authority, district forums) in addressing pandemic-era grievances and the broader human rights implications of these challenges. Key issues explored include:

1. The role of the CPA, 2019, in regulating digital marketplaces and curbing predatory practices (e.g., fake product listings, refusal of refunds).

2. The tension between privatized healthcare and consumer rights, particularly in cases where private hospitals denied treatment to economically vulnerable patients.
3. The systemic exclusion of rural and low-literacy populations from digitized services raises questions about equitable access under consumer law.

By drawing on case studies, legal rulings, and comparative insights from other developing nations, this paper evaluates whether India's consumer protection framework succeeded in mitigating pandemic-induced vulnerabilities or inadvertently deepened inequalities. It argues that the crisis exposed gaps in the CPA's enforcement mechanisms, particularly in addressing intersectional vulnerabilities, while also highlighting judicial innovations that reinforced the indivisibility of consumer rights and human dignity.

Ultimately, this research contributes to global discourse on crisis-responsive legal frameworks, offering lessons for policymakers on strengthening consumer protection laws to safeguard both economic fairness and fundamental rights in future emergencies.

Key Enhancements in the Introduction:

1. Contextual Depth: Connects the pandemic's socio-economic impact to India's structural inequalities.
2. Legal-Human Rights Nexus: Explicitly ties consumer grievances (e.g., healthcare denial, digital exclusion) to constitutional rights.
3. Research Objectives: Clearly outlines the dual focus on legal efficacy and human rights outcomes.
4. Theoretical Framework: Positions the CPA, 2019 as a tool for both market regulation and rights protection.
5. Forward-Linking: Sets up the paper's structure and relevance to global policymaking.

This version balances academic rigor with accessibility, making it suitable for interdisciplinary audiences in law, public policy, and human rights studies.

2. Literature Review

2.1. Consumer Protection in India: Pre-pandemic Overview

India's Consumer Protection Act, 2019, is the cornerstone of consumer protection in the country. Dr. S. Ramesh (2023) in his study on the evolution of consumer protection law in India highlights the significance of the CPA 2019, which replaced the older CPA of 1986. The new law introduced mechanisms for addressing consumer grievances, including the establishment of consumer protection councils and the creation of an online grievance redressal system. These mechanisms aimed to protect consumers from unfair trade practices and enhance transparency in the marketplace.

However, the consumer protection landscape in India has been traditionally weak, with implementation gaps, limited awareness, and an inefficient dispute resolution system. In his comparative analysis, Ramesh (2023) notes that while the CPA 2019 sought to address these gaps, the pandemic era highlighted the limitations in enforcement and the need for a more responsive legal framework.

2.2. Human Rights and Consumer Protection

Human rights and consumer protection are closely intertwined. According to the United Nations, consumers have a right to be protected from economic exploitation, including unfair trade practices, unsafe products, and lack of access to essential services. During the pandemic, this relationship became even more pronounced. Research by Showkat Ahmad Dar (2022) discusses how the COVID-19 pandemic exacerbated vulnerabilities among marginalized consumers, especially in conflict regions such as Jammu and Kashmir. The lack of access to essential services, along with price gouging and supply shortages, violated consumers' basic human rights.

2.3. Vulnerability of Consumers During the Pandemic

Vulnerabilities in the consumer sector were starkly exposed during the pandemic, with many individuals facing difficulties in accessing healthcare, essential goods, and digital services. A study by Zimpah Bikunati Joseph et al. (2023) on the data privacy implications of increased e-commerce during the pandemic emphasizes that consumer rights to privacy and data protection became more critical as transactions moved online. The study notes that while India has enacted laws to safeguard consumer privacy, enforcement during the pandemic era was inconsistent.

2.4. E-Commerce and Consumer Protection

The rise in e-commerce during the pandemic has highlighted significant gaps in consumer protection. The shift to online shopping exposed consumers to fraud, such as fake products, deceptive advertisements, and unfulfilled orders. According to a report by the Consumer Protection Council (2020), e-commerce platforms faced increasing scrutiny for unfair practices, including unreasonably high prices for essential goods. Although the legal framework in India was updated in the CPA 2019 to include provisions for e-commerce transactions, it struggled to keep up with the rapid digital transformation during the pandemic.

2.5. Health Rights and Consumer Protection

Health rights became a crucial aspect of consumer protection during the pandemic. With widespread health concerns, access to essential medicines and treatments was central to safeguarding consumers' rights. Research by Gnanavi Gummadi and Biswanath Gupta (2022) on international intellectual property laws in the context of pharmaceuticals during the pandemic highlighted how patent laws and access to essential drugs were at the center of consumer health rights. In India, the government took measures to ensure the availability of critical healthcare products, but enforcement of price controls and regulation of private healthcare providers became a contentious issue.

Research Gaps in the Literature Review

The literature review provides a comprehensive overview of consumer protection and human rights in India during the pandemic, but leaves several critical areas underexplored. The following gaps highlight opportunities for future research:

1. Systemic Enforcement Challenges of CPA 2019

- o **Gap:** While the CPA 2019's shortcomings during the pandemic are noted, the structural or systemic reasons behind enforcement failures (e.g., resource constraints, bureaucratic inefficiencies, or lack of institutional capacity) are not deeply analyzed.
- o **Research Opportunity:** Investigate the root causes of enforcement gaps, such as funding limitations, training deficiencies, or jurisdictional overlaps in consumer forums.

2. Intersectional Vulnerabilities

- o **Gap:** Marginalized groups in conflict regions (e.g., Jammu and Kashmir) are mentioned, but there is limited exploration of how caste, gender, disability, or rural-urban divides compounded vulnerabilities during the pandemic.
- o **Research Opportunity:** Examine the intersectionality of consumer rights violations, focusing on how overlapping identities exacerbate access barriers to essential goods/services.

3. Efficacy of Digital Grievance Redressal Systems

- o **Gap:** The literature acknowledges the CPA 2019's online mechanisms but does not assess their accessibility, efficiency, or equity (e.g., disparities due to digital illiteracy or internet connectivity).
- o **Research Opportunity:** Evaluate the performance of India's online redressal platforms during the pandemic, including user experiences and outcomes for disadvantaged groups.

4. Comparative Analysis with Other Developing Nations

- o **Gap:** While India's pharmaceutical patent laws are discussed, there is no comparative analysis of how other Global South countries balanced intellectual property rights with consumer health needs.
- o **Research Opportunity:** Conduct cross-country studies to identify best practices in crisis-driven policy adaptations for essential medicines.

5. Role of Civil Society and NGOs

- o **Gap:** The review overlooks the contributions of non-state actors (e.g., NGOs, grassroots organizations) in bridging enforcement gaps or advocating for consumer rights.
- o **Research Opportunity:** Assess the impact of civil society initiatives in supplementing governmental efforts during the pandemic.

6. Consumer Awareness and Education

- o **Gap:** There is no discussion of public awareness levels regarding CPA 2019 rights or the effectiveness of educational campaigns during the crisis.
- o **Research Opportunity:** Study the role of media, government outreach, and community programs in empowering consumers with legal knowledge.

7. Political Economy of Healthcare and Price Controls

- o **Gap:** The contentious nature of healthcare regulation is noted, but the influence of lobbying, corporate power, or economic policies on price controls remains unexplored.
- o **Research Opportunity:** Analyze the political and economic drivers behind regulatory decisions affecting essential goods/services.

8. Longitudinal Impact of Pandemic-Driven Legal Changes

- o **Gap:** Existing studies focus on immediate pandemic effects, neglecting long-term shifts in consumer behavior, legal frameworks, or market practices.
- o **Research Opportunity:** Track sustained changes post-pandemic, such as permanent digitization of redressal systems or evolving judicial interpretations of consumer rights.

3. Methodology

This study adopts a qualitative research methodology, utilizing legal analyses, case studies, government reports, and academic literature to explore the intersections of consumer law and human rights during the pandemic in India. The research involves a review of the Consumer Protection Act, 2019, focusing on its application during the pandemic, alongside secondary data on the legal challenges faced by consumers during this period. A comparative analysis with other developing countries facing similar challenges is also included.

1. Case Study: Overpricing of Essential Medicines (India)

Context: During the COVID-19 pandemic, pharmaceutical companies and retailers in India were accused of exploiting consumers by charging exorbitant prices for life-saving drugs like Remdesivir and oxygen cylinders.

Legal Response: The National Consumer Disputes Redressal Commission (NCDRC) invoked the Consumer Protection Act, 2019, penalizing companies like Axonn Pharmaceuticals for unfair trade practices. State governments also capped prices under the Essential Commodities Act.

Human Rights Angle: Violation of the right to health (Article 21 of the Indian Constitution) and equitable access to healthcare.

Outcome: Judicial interventions prioritized affordability, setting precedents for enforcing price controls during emergencies.

2. Case Study: Denial of Medical Services by Private Hospitals (Delhi, India)

Context: Private hospitals in Delhi allegedly refused treatment to COVID-19 patients unless they paid exorbitant advance deposits, leading to preventable deaths.

Legal Analysis: Complaints filed under Section 2(47) of the Consumer Protection Act, 2019 (defining "unfair practices") and the Clinical Establishments Act. Courts emphasized hospitals' duty as "public services" under consumer law.

Human Rights Link: Highlighted the conflict between profit-driven healthcare and the right to life/dignity.

Outcome: The Delhi High Court mandated hospitals to allocate beds for economically vulnerable groups, reinforcing accountability.

3. Case Study: E-commerce Fraud and Misleading Advertisements (India)

Context: Surge in online scams (e.g., fake PPE kits, counterfeit sanitizers) and misleading claims by companies like Patanjali (promoting Coronil as a “COVID cure”).

Legal Action: The Central Consumer Protection Authority (CCPA) issued penalties under Section 89 of the Consumer Protection Act, 2019, for false advertising.

Human Rights Impact: Exploitation of consumer vulnerability during a crisis, undermining trust in public health systems.

Outcome: Strengthened regulatory scrutiny of e-commerce platforms and stricter penalties for deceptive marketing.

4. Case Study: Flight Cancellations and Refusal of Refunds (Air India & SpiceJet)

Context: Airlines denied refunds for canceled flights during lockdowns, forcing consumers to accept travel vouchers instead of cash.

Legal Challenge: Consumer forums ruled this a violation of Section 2(47) (unfair contract terms) and directed airlines to process refunds.

Human Rights Dimension: Economic harm to consumers, disproportionately affecting low-income travelers.

Outcome: Landmark rulings reinforced the right to refunds, prompting the DGCA to issue binding refund guidelines.

5. Comparative Case Study: Price Gouging in Brazil (Developing Country Parallel)

Context: Brazil faced similar issues with inflated prices for masks and oxygen.

Legal Response: The National Health Surveillance Agency (ANVISA) enforced price caps, while courts linked overpricing to violations of the Brazilian Consumer Defense Code and the right to health.

Comparative Insight: Unlike India, Brazil's framework lacked centralized redressal mechanisms, leading to slower resolutions.

Relevance: Highlights the need for robust institutional enforcement in crises, as seen in India's CCPA.

6. Vaccine Distribution Inequity (Rural vs. Urban India)

Context: Urban-centric vaccine distribution via apps like CoWIN excluded rural populations without digital access.

Legal & Human Rights Angle: Violated Section 2(9) of the Consumer Protection Act (right to non-discriminatory service access) and Article 14 (equality before law).

Outcome: Public interest litigation (PIL) pushed for offline registration, balancing digital divide concerns.

4. Analysis and Discussion

4.1. Impact of the Pandemic on Consumer Rights

The pandemic significantly impacted consumer rights in India. Lockdowns and restrictions led to disruptions in the supply chain, with many consumers unable to access essential goods such as food, medicine, and household supplies. This exacerbated vulnerabilities, particularly for marginalized groups, elderly consumers, and those in rural areas. The government issued advisories to protect consumers, including price caps on essential goods and services. However, the enforcement of these measures was inconsistent, and many consumers faced exploitation.

4.2. E-Commerce and Consumer Grievances

E-commerce emerged as a critical sector during the pandemic, but it also posed significant challenges for consumer protection. Online platforms became increasingly responsible for ensuring product quality, timely delivery, and transparency in pricing. The Consumer Protection (E-Commerce) Rules, 2020, were introduced to address these concerns. However, despite these legal provisions, many consumers encountered problems with misleading advertisements, unfulfilled orders, and fraudulent activities online.

4.3. Health Rights and Consumer Protection

Health-related consumer rights were at the forefront of legal debates during the pandemic. The government's intervention to regulate prices of essential medicines, masks, and personal protective equipment (PPE) was critical in safeguarding consumer interests. However, private healthcare providers were often accused of exploiting the situation by charging exorbitant prices. Consumer forums and courts played an essential role in addressing such grievances, although their capacity to handle a surge in cases was limited.

4.4. Human Rights and Consumer Vulnerability

The pandemic underscored the intersection of consumer law and human rights. The government's responsibility to ensure access to essential goods and services as a fundamental right became evident. Vulnerable groups, including migrant workers, low-income families, and rural populations, faced severe challenges in accessing both healthcare and essential goods. Human rights violations, such as price gouging, failure to deliver essential goods, and inadequate healthcare services, were widespread. The legal system struggled to provide timely relief, and there were significant gaps in consumer awareness and access to redressal mechanisms.

5. Conclusion

The COVID-19 pandemic highlighted both the strengths and weaknesses of India's consumer protection framework. While the Consumer Protection Act, 2019, and other legal provisions aimed to safeguard consumer rights, the implementation challenges were evident. The pandemic exposed

vulnerabilities in access to essential goods, healthcare, and digital services, emphasizing the need for a more responsive legal framework. Moving forward, India must strengthen its consumer protection mechanisms, especially in the areas of e-commerce and health rights, to ensure that consumer laws are not only reactive but also proactive in addressing crises.

6. Recommendations

- Strengthen enforcement mechanisms for consumer protection laws, especially in rural and marginalized areas.
- Enhance consumer education and awareness, particularly about e-commerce and digital transactions.
- Establish stronger regulations for private healthcare providers to prevent exploitation during crises.
- Foster international collaboration to address global supply chain challenges and ensure the protection of consumer rights in cross-border transactions.

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