



THE YEAR IN REVIEW

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INTERNATIONAL LEGAL DEVELOPMENTS YEAR IN REVIEW: 2019

Introduction Jason Scott Palmer and Kimberly Y.W. Holst

Business Regulation

Customs Law
Export Controls and Economic Sanctions
International Antitrust
International Contracts
International M&A and Joint Ventures
International Trade

Disputes

International Arbitration
International Courts & Judicial Affairs
International Criminal Law
International Family Law
International Litigation

Corporate

International Procurement

Finance

International Private Client

Industries

International Energy and Natural
Resources Law
International Transportation Law

Constituent Division

Sexual Orientation and Gender Identity
Women's Interest Network

Tax, Estate, and Individuals

Cross-Border Real Estate
International Tax

Public International Law

Anti-Corruption
International Animal Law
International Art and Cultural Heritage
International Human Rights
Life Sciences & Health Law
National Security Law

Regional and Comparative Law

Africa
Canada
Central/East Asia & China
Eurasia/Russia
European Law
Mexico
Middle East
South Asia/Oceania & India

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Bárbara Ávalos García
Matías Medina Sánchez
Susan Burns
Eduardo Sánchez Madrigal
Luis Armendariz
Alan Zamarripa
Ana Sofía Villa Hernández
Enrique García

Middle East Kelly Blount 559

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Arshad (Paku) Khan
Ebaad Nawaz Khan
Arunabh Choudhary
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implementation include introduction of settlement and commitment mechanisms for enforcement cases under the Competition Act, issuance of penalty guidelines, strengthening of the CCI's governance structure by introduction of a Governing Board, introduction of a dedicated and specialized bench in the appellate tribunal for hearing appeals under the Competition Act, and opening of CCI offices outside of the Indian capital New Delhi. These are all welcome changes, given that they foster an enabling environment for businesses and enhance the efficiency of business regulation in India.

III. An Overview of the New Consumer Protection Regime in India

As a growing economy with the third largest consumer market,³⁵ India offers huge markets for businesses (domestic and international) to trade their products and services. Acknowledging this, the Indian parliament decided to relook at the consumer protection policy in India and enacted the Consumer Protection Act 2019³⁶ (New Act or CPA 2019), replacing the previous Act of 1986 (Old Act).

The New Act defines a consumer as a person who buys any good or uses any service for a consideration.³⁷ But it does not include a person who obtains a good for resale or a good or service for commercial purpose. It covers transactions through all modes including offline, and online via electronic means, teleshopping, multi-level marketing, or direct selling.³⁸ The New Act essentially focuses on the concept of *Caveat Venditor*.

The New Act has introduced several reformatory measures and is focused on tightening the existing rules for product manufacturers, sellers, and service providers to safeguard the interests of consumers. The following are some of the crucial legal developments that have been introduced under the New Act.

A. ESTABLISHMENT OF THE CENTRAL CONSUMER PROTECTION AUTHORITY (CCPA)³⁹

CPA 2019 provides for establishment of the CCPA to promote consumer rights and to investigate matters of consumer welfare concerning unfair trade practices or false advertisements wherein consumers are affected as a class. The CCPA has been further empowered to (a) take matters *suo motu* if it is of the opinion that consumer welfare is being affected in any manner and (b) file a complaint before the respective consumer courts post

35. World Economic Forum [WEF], *Future of Consumption in Fast-Growth Consumer Markets: India*, at 8 (Jan. 2019), http://www3.weforum.org/docs/WEF_Future_of_Consumption_Fast-Growth_Consumers_markets_India_report_2019.pdf.

36. See Consumer Protection Act, 2019, No. 35, Acts of Parliament, 2019 (India).

37. *Id.* § 1(7).

38. *Id.* § 2(7).

39. *Id.* § 10.