



## THE NATIONAL UNIVERSITY OF ADVANCED LEGAL STUDIES

(Established by Act 27 of 2005 of Kerala Legislature)  
HMT Colony P.O., Kalamassery, Kochi 683 503, Kerala  
Tel: 91-484-2555990, 2555991 Tel. Fax: 91-484-2555992  
Email: ccplap@nuals.ac.in Website: www.nuals.ac.in/ccplap  
www.nuals.ac.in/



---

### CENTRE FOR CONSUMER PROTECTION LAW AND POLICY

---

## **SPECIAL LECTURE ON “Whether free web services such as emails and job portals are amenable to the jurisdiction of consumer laws?”**

03/03/2016

A special lecture on the topic “Whether free web services such as emails and job portals are amenable to the jurisdiction of consumer laws?” was organised under the auspices of the Centre for Consumer Protection Law and Policy at 11.15 am on 03-03-2016 (Thursday), discussing the various subjects relating to online purchases and availing online services. The lecture was delivered by Mr. Arvind Moorchung, Partner, King & Partridge, Bangalore and Ms. Stuti Desai, Assistant Professor, Bangalore Institute of Legal Studies, Bangalore.

The lecture delved into various topics beginning with a comprehensive definition of the term consumer by comparing the relevant Acts of several countries and examining whether they were too restrictive or not, in terms of aspects like the Digital Content, online job portals, social media and internet wallets.

The speakers emphasised that while in the definition followed in UK, a person falls under the definition of “consumer” depending on the act that has been undertaken by him or performed by him, in India, the focus is on the relationship and the payment. The speakers opined that from an international perspective, even the UN Charter of 1985 on Consumer Protection does not define “Consumer” since each State wanted their specific definition. The definition followed in UK according to the speakers is too comprehensive that, its Act on Consumer Protection even has 2 chapters (33 and 49) dedicated to discuss the concept of “Digital Content”. Simultaneously, USA has 46 statutes to protect consumers.

The lecture also went on to discuss as to whether the digital services and software are products or services. The discussion concluded by maintaining that digital services and softwares are products and their implementation would amount to service. However all apps are services.

In the case of Online Job Portals, the speakers were of the opinion that Online Job portals were to be seen as shops which promises you not a job, but a job opportunity. All are put on the

display in the best manner possible. Thus visibility is what is promised. Similarly social media also falls in the ambit where ones lack of privacy amounts to be the consideration.

The lecture concluded by giving the audience a brief awareness on the three different types of internet wallets ranging from the open, semi-closed and closed and also regarding their technicalities and functions and also regarding the jurisdiction of the various consumer related matters, especially in this era of globalization and the like. It was conveyed that judgements and decisions were not based entirely on the Contract but relied heavily on the domestic laws on the country concerned.

The lecture was accompanied with an interactive session between the students of the university and the speakers on areas relating to consumer protection and web services.

