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EXAMINING THE CONCEPT OF PRIVACY OF CONTRACT IN ONLINE FOOD DELIVERY – AN EMPIRICAL ANALYSIS

AUTHORED BY - JYOTI

Abstract

I am doing research in the field of online food delivery and the contracts which make between online delivery app .as we all know that the food industry has been transformed by the rise of online food delivery services that make food more accessible and convenient for consumers. In any case, the development of these stages has likewise made lawful difficulties concerning the privacy of agreement between buyers, cafés, and conveyance suppliers. The idea of privacy of contract in online food delivery is the subject of this paper. It also looks at the legal issues and challenges that come with it and how it affects consumer protection. The paper begins by providing an overview of the current legal framework for privacy of contract, including the development of online contracting and traditional contract law principles. The use of third-party delivery providers and the allocation of responsibility for delivery errors, late deliveries, and issues with food quality are among the specific difficulties posed by online food delivery platforms that are the subject of the subsequent analysis. The research will analyse the various legal frameworks which apply in food delivery apps. Many online food delivery apps have terms and conditions which govern by government. These terms and conditions like ordering food, time and place of order. Application of law of agency applied here in context of online food deliver the delivery driver is an agent and he act on the behalf of his principal i.e restaurant. The relation of parties is complex as it provides addition to food delivery such as restaurant reviews, market programs etc.

Introduction

As we all know in today world online food delivery services become popular in recent years with the rise of various food delivery platforms. By increasing in food delivery service this led to increase in number of consumers using these services. The increasing use of food delivery service platforms, issues related to privacy of contract which means the legal relationship between parties are bound by the contract. This contract involves multiple parties

including customer, food delivery platforms, and restaurants. This empirical analysis aim is to explore the issue between this contract and focuses on the customer issue regarding food delivery service, late delivery, extra charges fees, quality of food etc. also this topic investigate the role of food delivery in our daily life, and how these things affect our life and how they effect privity to contract. We see that this habit of ordering food is how impacting different age groups of people.

Literature review

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Legal perspective

Privity of contract

The doctrine of privity of a contract is a common law principle which implies that only parties to a contract are allowed to sue each other to apply their rights and liabilities and no stranger is allowed to confer obligations upon any person who is not a party to contract even though contract.

In the contracts between swiggy, restaurants and the consumer there is privity to contract between three of them. The principle of privity of contract is a legal concept that limits the rights and obligations of a contract to the parties who entered into the agreement. In the case of swiggy, the restaurant, and the consumer, the privity to contract would mean that each party has distinct legal relationships with each other. Swiggy and the restaurants would be parties to contractual agreement, where the terms and conditions are mutually agreed upon by both parties. The contract could govern by the terms on the conditions like delivery, payment. Similarly, consumers enter into a contractual relationship with swiggy as consumers place an order through swiggy. In the event of dispute or any legal action each party would have the right to take legal action on any of them which are in direct relation with each other.

Cases

1. **Ms Prachi Agarwal & Or vs M/S Swiggy on 19 June, 2020**
2. **Mr. Rohit Arora vs Zomato Private Limited (Now ... on 4 April, 2022**
3. **National Restaurant Association ... vs Zomato Limited ('Zomato') & ... on 4 April, 2022**
4. [Swiggy Bundl Technologies Pvt Ltd vs Vikas Garg on 18 August, 2022](#)
5. M.S Sneha V. Zomato and ANR

Issues

1 .How can food delivery companies ensure the safety and hygiene of food during transportation and delivery?

A) Do you think that online food services ensure hygienic food?

b) Do you think quality food is delivered to you?

c) Does the food is delivered to you in the specified time?

d) Does the food received is warm or not?

e) Have you even been charged extra delivery charges by the delivery man?

f) Have you ever been declined food delivery due to your location?

2. What are ethical considerations involved in food delivery such as fair labor practices and sustainable packaging?

a) Does the quality of food packaging ensures its safety and quality?

3. What impact does food delivery have on small business and restaurant and how can companies ensure a fair and sustainable business model?

a) Do you think these online food apps have affected small businesses?

b) Do you think these apps have provided profit to some restaurants?

c) Does the rating of restaurants matter while ordering food?

Central argument

Do you think the cost of these online food services justify their quality and services provided by them. Do you find these services cheaper than going out and eat?

In terms of social context the cost of online food will be justifiable for people who have busy schedule and who have family responsibilities. Online food delivery services less justifiable for people prioritise healthy eating habits. In term of legal context there may also legal issues regarding online food services like food safety regulation, consumer protection laws. If food services does not justify their quality we use consumer protection laws.

Do you think the delivery persons are paid according to their working hours or are they underpaid? Do these services ensure the safety of their workers or not?

Online food services should widen the gap between different socio- economic groups. Ordering online food is convenient for those people who have busy schedules and who can afford it. People with lower income may not able to afford the higher cost delivery food. Delivery persons are paid according to their working hours but in some cases delivery persons are not paid according to their working hours. In some countries there is concerns about delivery services working hours and rights of delivery drivers who work for online food services.

Methodology

Investigation of sources-

Primary sources-

Bareacts- Indian contract act 1872

Secondary sources- google scholar

e-journal

Hein online

My research is non- doctrinal research because it relates to social- legal research. It employs methods taken from other empirical data that answers research question. It is practical matter related to logistics and operations of food industry and also food delivery to customer and relation between food delivery and restaurants. It employs primary sources like surveys, quessionaire etc. it focuses on empirical observations, data collection and analysis and seeks to provide solution on practical problems in various fields. Also in doctrinal research we examine various food delivery methods, impacts of technology on industry and consumer preferences and behaviour.

- This research is an empirical analysis as it involves collection of data and we analyzing data through observation and experiments. We analyze data in the research such as delivery times, customer satisfaction, accuracy of order and delivery charges. We use various methods to collect data such as surveys, interviews and observation. By conducting empirical analysis we identify patterns and trends in data that can help in improving delivery processes, optimizing delivery routes, and consumers overall experience. This issue is benefit from empirical analysis as it allows systematic data driven approach to understand that effect the relationship between restaurants, food delivery apps and consumer.
- We use here quantitative research because it involves collecting numerical data and we analyze it statically. We use here structured surveys, and collection of data. Also this is a very vast research so we have to analyze data on a large scale and we identifying patterns and trends in data. By conducting a quantitative research we studying issues between restaurants, food delivery and consumer and we gather data that can help in identifying the most common problems that customer face. Alsop the factors that contribute to these factors. We find potential solutions to improve the overall issues.
- We use here survey method because by doing survey it allows us to collect data directly from customers who have experience or interest on food delivery or apps. From survey

method we used to understand customer preferences, behaviour and attitudes towards food delivery services as well as we can find areas for improvement. By doing survey method we can understand customer preferences regarding food delivery, delivery times, delivery fees etc. We also get feedback from customer that how we should do improvements in these fields and in what areas that need improvements.

Sampling

Sampling size- we had taken 36 responses from each age group. Here we use probability method because we select samples from population by random process. In which every member of population have an equal chance to participate. Under probability method we use here random sampling because it provides unbiased and representative sample of population. And random people participate in the sample.

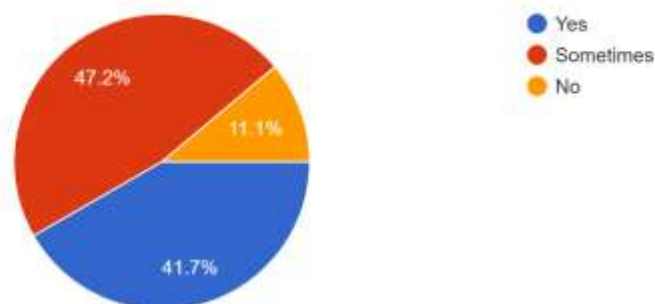
Hypothesis

1. How can food delivery companies ensure the safety and hygiene of food during transportation and delivery?

Here we see different age groups people use different apps for online food delivery. The 19 age group people mostly use these food delivery services.¹

Do you think that online food services ensure hygienic food?

36 responses



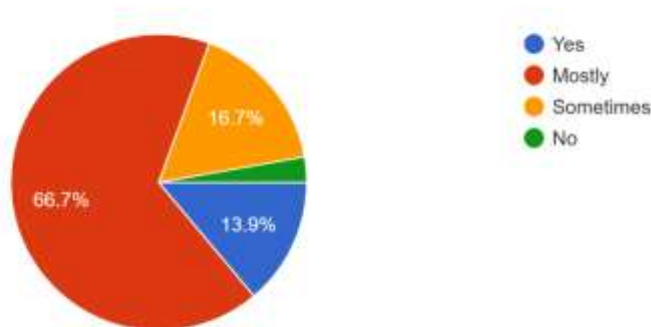
In literature review we see that most of the food services ensure hygiene. Sometimes or in some cases we see that they doesn't ensure hygiene in reality if see by given pie chart most of the people says that it sometimes ensures hygiene. Very low percent participant says that it

¹ F Osei, G Agyemang, C Kankam-Kwarteng Customer use of online order for food delivery service: the application of UTAUT2 Model *Technium Soc. Sci ...*, – HeinOnline(2021) RS BEHARAA SIMULATION STUDY OF FOOD DELIVERY IN CAFETERIA SERVICES. - *elibrary.ru*(1990)

does not ensure hygiene.

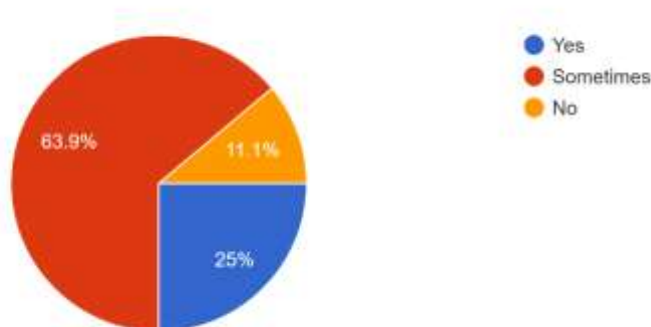
If we see in social terms we see that what people suggested that it sometimes ensure hygiene. From this perception we see that these services have to provide more control and transparency over the preparation of food and delivery process. from legal perspective, online food services subject to health and safety regulations .

Do you think quality food is delivered to you?
36 responses



We see that most of the people got mostly quality food. In literature review there are very low cases regarding food quality. In social terms we see that ever person who ordered food is of quality which he expect from those restaurants. If people doesn't get that quality of food which he expect they may claim compensation.

Does the food received is warm or not?
36 responses

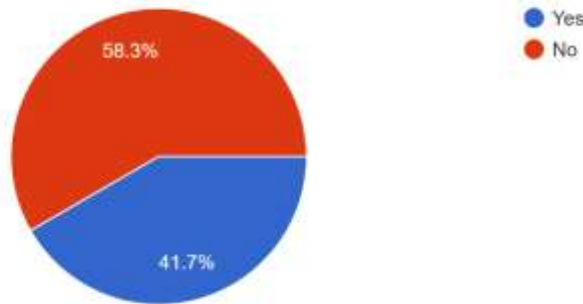


We see from survey that most of the people received sometimes warm food. And 25% people get warm food whenever they have ordered. Restaurant should ensure that food will be warm if a customer has pay for it.

- 2. What are ethical considerations involved in food delivery such as fair labour practices and sustainable packaging?

Have you even been charged extra delivery charges by the delivery man?

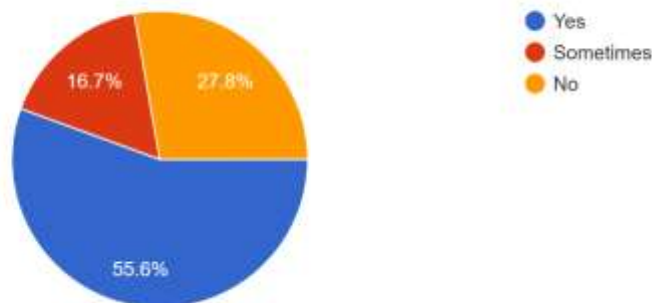
36 responses



More than 50% percent people had pay extra charges from delivery person. From literature sources we see that in some cases that people have paid extra charges from delivery person. The delivery charges should be add in order so delivery person has no right to charge extra delivery charges.

Have you ever been declined food delivery due to your location?

36 responses

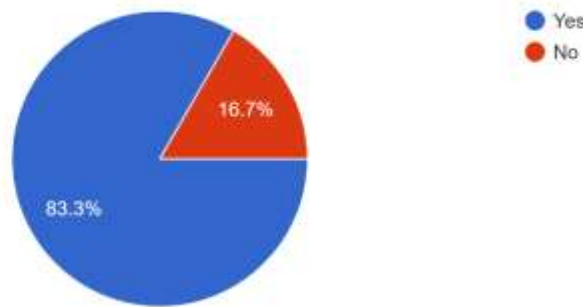


From the above survey we see that more than 50% people been declined food delivery due to our location. Like in Kandoli place or Bhidoli area the food delivery have been declined like KFC don't give delivery to this area. They should start giving delivery in also these area so people order their food according to their taste.²

² R Ghosh, TR Saha *A study of E-payment system on food delivery industry: A case study on swiggy International Journal on Recent Trends in ...*, - *ejournal.lucp.net(2018)*

Does the quality of food packaging ensures its safety and quality ?

36 responses

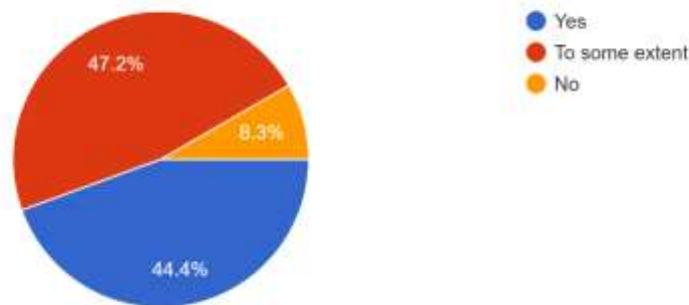


More than 80% people say that it ensures its safety and quality. Also from literature sources there were may be no complaint or very few complain regarding their packaging. Packaging is important so that the food will be safe.

3. What impact does food delivery have on small business and restaurants and how can companies ensure a fair and sustainable business model?

Do you think these online food apps have affected small businesses?

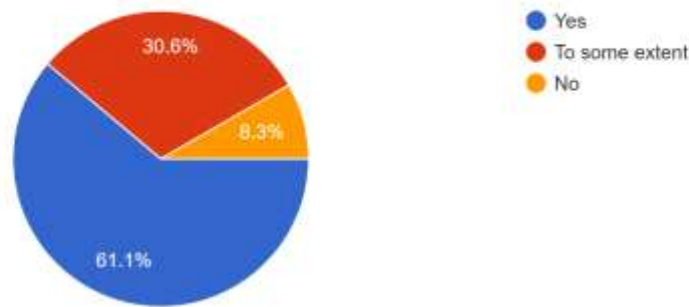
36 responses



Most of the people say that online food apps have affected small buisnesses. Like who have small shops in a particular place now people don't go there they buy food through online. Or they prefer to go in restaurants. It is good to some extent that apps are playing an important role in life whenever we want to order food we can order at any time even at mid night. But shops close at a fix time like it night small shops close at 9 or 10 pm so if a person needs food at night he should order food

Do you think these apps have provided profit to some restaurants ?

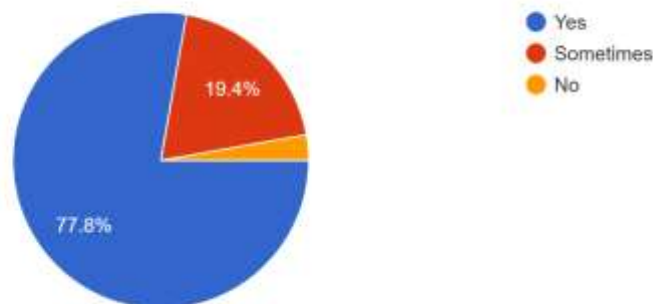
36 responses



More than 50% people believes that these apps are providing benefit to restaurants because these apps contract with restaurant for food , restaurant makes food and do packaging and the delivery persons under these apps gives us delivery. By contracting with these restaurants its benefit for both restaurants and food delivery apps.

Does the rating of restaurants matter while ordering food?

36 responses



More than 60% people believes that restaurant ratings is important while ³⁴ordering food . As when we order every person first see ratings of restaurants not that delivery is conducting by whom. We will only order food if the rating of the restaurant is high. And every customer order food in the perspective that if they had paid food for themselves the food will be good and tasty.

Conclusion

- Social rationale for privity to contract in this context is to ensure that each party is to be held accountable for their obligation under contract. By maintaining clear terms between these parties it become easier to become to enforce the terms of contract and

clear disputes which may arise. Next in food delivery service the online food delivery is to ensure the transparency and accountability in the food supply chain. It is important that each party enter into contract so that it becomes easier to track movement of food from restaurant to customer.

- At core the privity of contract is a principle of contract that defines the rights and obligation of the parties. In some platform food delivery act an agent for restaurant, which means food delivery service work for his principle. There also consumer protection laws which regulate online food delivery platforms. These laws provide remedies for customers who are harmed by unfair.
- My research questions are explanatory in which we link different relationship to understand the cause and effect. We link here different ideas of people in order to understand issue. We use here primary sources like surveys.
- People use online delivery service for their convenience. Customer quickly order food and food delivery has to be on time and place where the customer has ordered food. It will be of good quality which the customer has expected from restaurants also the food is to be hygienic. The delivery person has no right to charge extra delivery fees. If he charges extra fees customer can go to court for their consumer protection. The delivery person has to work on the working hours they are not bound to do work for extra hour.

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