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A SNEAK PEEK INTO THE LEGAL ISSUES BEING FACED BY E-COMMERCE IN INDIA

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Abstract: With the advent of information technology, the entire way of doing business has changed. Information technology has transformed all aspect of life bringing in an entirely new landscape. In recent times, the e-commerce sector has boomed and has almost done away with the conventional way of business. E-commerce refers to the place where the retailers are directly able to sell their products and services to consumers virtually, while no need of physical contact between the buyer and seller. It has ushered in new era where the consumers get a wide range of choices at their convenience. E-commerce has also stretched the reach of small retailer to a vast extent, while buyers are now able to reach out to a number of retailers of their choice. Ensuing transactions have impacted positively on the Indian economy. However, it has brought in many instances of fraud and malpractices leading to the need of robust regulatory mechanism which ensures the smooth operation of E-commerce business in India.

E-commerce business in India is required to navigate through a vast terrain of laws. E-commerce is vastly dependent upon, inter alia, the data of consumers and retailers, which makes it susceptible to cyber threats and data breach thereby making it is necessary to follow the regulations so as to protect the interest of the concerned stakeholders. This paper will highlight the legal issues which are being faced by the e-commerce businesses in India. Furthermore, it will go through the relevant case laws impacting the business of e-commerce in India. The paper would deal with the data privacy of consumers and the dark patterns used by e-commerce businesses in detail. It will also analyze the applicable Indian laws on e-commerce. Lastly, the paper would conclude with the possible suggestions as to enhance the ease of doing business in India.

Index Terms - E-commerce, Challenges, Data privacy, Ease of doing Business, Dark Pattern

I. INTRODUCTION

With the availability of low cost smart-phones and internet, the e-commerce sector is booming at a higher pace in recent times. Now, everything is available at fingertips making it easier for the consumers and retailers buy and sell the products at ease. Moreover, e-commerce has made it easier for the retailers to sell their products easily to a vast number of consumers while listing their products on their platforms. On the other hand, consumers can easily buy those listed products easily while sitting at their homes. Platforms like Flipkart, Amazon, Swiggy, Zomato, Meesho etc. have entirely changed the way of doing business in the country. These platforms have expanded the reach of retailer to tap into the markets which were untapped earlier. The e-commerce sector is expected to surge \$325 billion by 2030.¹² This is the result of affordable internet and smart-phones which are catalyzing the use of e-commerce platform. With the urban elites, now the rural people have joined them in shopping through these platforms.

Digital penetration in every corner of the country has catalyzed the boom of the e-commerce sector in the country. It augurs well that it has increased the competition in the market thereby benefiting the consumers and the economy at large. Furthermore, surge in rural smart-phone users along with cheap internet and high internet speed will further propel the digital economy in the country. Moreover, financial inclusion and use of online transaction have also helped the e-commerce platforms in providing services more conveniently to the users.

However, despite the promising future in the digital e-commerce, there are some inherent flaws in it which are result of various factors. Moreover, there are various laws and regulations in place which has to be complied with in order to operate smoothly. The Information Technology Act, 2000 is the major law in this regard which regulates these platforms. In addition to it, there are certain laws which also need to be followed like – Intellectual Property Rights, Consumer protection Act, Central Goods and Services Act 2017 etc. These laws and regulations are there to protect the interest of concerned stakeholders and ultimately the economy of the country.

Through this paper, the author would explore the applicable laws on e-commerce business and would analyse it accordingly. Furthermore, it would analyze the relevant case laws in this regard and its implications thereupon. Moreover, the paper would prioritize the data privacy issues and dark pattern tricks used by the e-commerce business in detail. Lastly, the paper would conclude with possible suggestions.

Literature Review

“E-commerce market to hit \$325 billion by 2030, rural India to lead growth”

The article discusses the market value of e-commerce and what are the causes which are helping the e-commerce sector to grow in India.

“E-Commerce In India And Legal Challenges Faced By It Under The Indian Tax Regime”

The article gives the details with regard to the advent of e-commerce in the country. It also discusses the relevant laws in this regard, while it focuses upon the taxes applicable in e-commerce sector.

“Legal aspects of e-commerce in India”

This article discusses the boom of e-commerce sector in the country. It reflects upon the applicability of the information technology act, 2000.

“Emerging Trends Of E-Commerce In India: Challenges And Opportunities”

This article discusses the online transactions taking place on the e-commerce platforms. It also highlights the challenges and opportunities in this sector.

Aims and Objective

- To study the applicable laws on the e-commerce business in India.
- To discuss the relevant cases in this regard and impacts thereof on the sector.
- To highlight the issue of data privacy of the consumers.
- To study the employment of dark patterns on the e-commerce platform.

Research Questions

1. What are the laws applicable on the e-commerce business in India?
2. How do the judicial pronouncements affect the e-commerce sector in the country?
3. What are the current lacunae in the laws regulating e-commerce sector in the country?
4. Whether the data of the consumer is duly protected under the current laws of India.
5. What are the impacts of dark patterns employed by e-commerce businesses on their platform?

Hypotheses

- There is conducive environment for the e-commerce sector in India.
- Judicial pronouncements have brought in responsibility, accountability and transparency in the sector.

Research Methodology

The research is based upon doctrinal method. The author would go through the relevant articles, statutes and cases to complete for this research.

Source of Data

The sources of data for this research paper would be secondary. The data would be derived from articles, books, statutes, cases and websites.

Mode of Citation

The author would follow the 21st edition of Blue Book citation throughout this research paper.

Scope and Limitation

The scope of the study is the e-commerce sector in India. However, the study is limited to the applicable laws on the e-commerce sector in the country.

Current Status of E-commerce

Post Covid-19, the digital arena has veered into a new path of discovery. The e-commerce where a consumer can purchase or avail any goods or service at their fingertips has boomed. Moreover, the pandemic has catalyzed the growth of e-commerce across the world. In addition to it, there has been innovation and discoveries in the e-commerce place bringing in various services and goods available online. All of these helped in accessing the goods and services easily available for the consumers at their fingertips. According to

Invest India, India's e-commerce is predicted to grow to \$325 Billion by 2030.³ Moreover, in the same timeframe the digital economy of India is expected to reach \$800 Billion.⁴

The e-commerce sector in India is surging at a staggering rate. The entire e-commerce sector is competing among them to serve better to the consumer by providing them with various facilities and services at their platform. The Indian e-commerce sector is regulated by a wide gamut of different laws. However, currently there may be many loopholes in the current regulatory mechanism affecting the consumers, yet there is no doubt that it has been accepted by a large chunk of consumers residing in both rural and urban area in the country as first choice of shopping. First and foremost concern arises with regard to the data privacy of the consumer and the dark patterns employed by such platform to deceive the consumers. These issues are plaguing the concern of safety and fairness of e-commerce in today's time. In the year 2022, the Flipkart owned Cleartrip reported data breach in its internal system, however the company assured that no sensitive data has been compromised.⁵ The same platform had been hacked in the year 2017 by Turtle Squad.⁶ Moreover, in the year 2017 the emails and password of the customers, around 17 million, registered on Zomato had been hacked.⁷ These incidents question the security provided by the e-commerce giant on their platform. In addition to it, the e-commerce platforms dupe its customers by employing dark patterns on its platform making them to purchase any product immediately even if they don't need the product they are purchasing. This usages are evident in our day to day to life, when we use such platforms like "limited sale, hurry up only 1 left, 30 person purchased within last 10 minutes", etc. Moreover, sometimes offer shown on the platform does not happen to be offer as such.

However, with the introduction of Digital Personal Data Protection Act, 2023 and Dark Pattern Regulation, 2023 have fastened the responsibility upon the e-commerce platform to make the market secure, fair and transparent. Moreover, Consumer Protection Act, 2019 is also playing a key role in safeguarding the interest of the consumers. Thus, to a great extent there are no patch laws to be followed by e-commerce with the introduction of certain acts in this domain. Now, with these laws in place, there is mammoth task of e-commerce players to ensure its compliance so as to save itself from any penalty. They are now supposed to comply with privacy issue of the customers as well as the intellectual property rights of any third party on their websites. Furthermore, with the introduction of Dark Pattern Regulation, 2023, the e-commerce platforms are discouraged from employing any kind of practices which make a purchaser to purchase any product out of any farce necessity created by such dark pattern employed on the said platform.

Applicable Laws

In last two decades, the brick and mortar market place has shifted to digital platform. The laws with regard to digital space are still evolving today in many aspects. Unlike conventional market, the digital platforms affect a large number of people given its reach in every household of the country. In addition to it, digital platforms hold a wide range of data of the consumers accessing their platform including contact details, email address, address, payment details etc. Moreover, duping consumers on digital platform has become quite easier, while employing unfair trade practice and dark patterns on its platform. It is no doubt that the boom in e-commerce has catalyzed the Indian economy. Thus, the regulation of the sector is needed so as to strike the balance between the ease of doing business and protecting the interest of the consumer. The Information Technology Act, 2000 is the umbrella act in this regard. The others are as follow:

- Consumer Protection Act, 2019
- Consumer Protection Act, 2019 and Consumer Protection (E-Commerce) Rules, 2020
- Guidelines for Prevention and Regulation of Dark Patterns, 2023
- Information Technology (Reasonable security practices and procedures and sensitive personal data or information) Rules, 2011,
- Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules, 2021
- The Digital Personal Data Protection (DPDP) Act, 2023

Majorly, these laws are applicable on the e-commerce business operating in India. In addition to these laws, there are other specific/general laws applicable on it, which are not the part of discussion for this article.

Consumer Protection Act, 2019 and Consumer Protection Act, 2019 and Consumer Protection (E-Commerce) Rules, 2020

Prior to the enactment of the CPA act 2019, the CPA 1986 was incompetent to address growing challenges of e-commerce sector in India. Moreover, the consumers rights over the digital commerce were very restricted leading to exploitation of the consumer at the hands of e-commerce platform.

However, with the introduction of CPA, 2019 and the e-commerce rules 2020 notified under the act, the rights of the consumers have been protected to a great extent. Per contra, it has fastened the responsibility

upon the e-commerce entities requiring them to comply with the rules strictly. It has brought in transparency and accountability in the e-commerce sector, while imposing duties and liabilities upon the e-commerce entities.

The consumer protection act entails the buying and selling of goods and hiring or availing service through offline or online transactions by means of electronic or teleshopping.⁸ The act now covers the online as well as offline transactions under its ambit. Majorly, the objective of the act is to protect the rights of the consumer, given under section 2(9) of the act, and address the grievance of the consumer with the robust mechanism of dispute resolution provided in the act. Section 2(16) of the act defines the e-commerce which states that goods or services bought or sold over digital or electronic network, including the digital products.⁹ As per the power conferred upon the central government under section 101(1)(zg) of CPA, 2019, the central government introduced the Consumer Protection (E-Commerce) Rules, 2020 in order to regulate the e-commerce sector and protect the interest of the consumer buying or selling goods or services online.

The said rule is applicable to the both model of e-commerce i.e. e-commerce entity and inventory e-commerce entity.¹⁰ The rule applies to on the all the goods and services bought or sold over digital or electronic network. It also includes the digital products. It applies to all kind of e-commerce whether it is marketplace e-commerce entity or inventory based e-commerce, including all kinds of e-commerce retail. It also applies to multi-channel single brand retailers and single brand retailers in single or multiple formats.¹¹ However, it does not apply to person who carries out such activities which are not part of any professional or commercial activity taken on systematic or regular basis.¹² It means that the rule does not apply to a person sharing his personal experiences of goods of any e-commerce entity on his social media without any commercial gains. However, if he derives any indirect commercial gains, then this rule will be applicable on him as well. Moreover, the sub-rule 2 of rule 2 of the rule says that it applies to those entities which are not established in India but offers goods and services to consumers systematically in India.¹³ The question arises here of its applicability on such entity which has global outreach due to absence of the interpretation of word “systematically”, which is open for interpretation.¹⁴ The purpose of the rule is to curb the unfair trade practice, while imposing certain compliances duties upon the ecommerce platform.

With the introduction of e-commerce rules, the sellers are required to share all the relevant information with respect to break price for the goods and services, policies of refund and cancelation, policies of return and refund, policies of warranty and guaranty, mode of payment, grievance redressal mechanism etc. All these information have to be clearly displayed on the website of the e-commerce entity. The sellers are refrained from posing itself as consumer and posting review on its own. In addition to it, the e-commerce entity is required to maintain a consistent approach in the advertisement of its product, while it is supposed to give the accurate description of the products. Moreover, the sellers cannot refuse to refund consideration taken for the goods and services which are deficient, spurious or defective, or the characteristics of the goods and services are not as per the given description of such product on its platform.¹⁵ All these duties are applicable to both the e-commerce entity and the inventory e-commerce.

Furthermore, the e-commerce entities are required to furnish certain information on its platform i.e. legal name, principal geographical addresses of its headquarters and all its branches, name and details of its website, contact details, fax, landline number, contact details of grievance officer and customer care.¹⁶ Moreover, the entities are required to provide the contact details of the grievance officer and such officer is obliged to acknowledge the complaint within 48 hours and the such complaint has to redressed within one month from the receipt of the complaint.¹⁷ The e-commerce entity is required to maintain the record of all the relevant information with regard to sellers selling goods and services repeatedly which have removed or disabled as per the copyright act, 1957, trademark act 1999, or the IT act 2000.¹⁸ This is required for the identification of such sellers. Moreover, the e-commerce entity is not obliged to remove such sellers but may do so on voluntary basis.

The rules also impose restriction upon the e-commerce entities. It restricts an e-commerce entity from imposing cancellation charges on the consumers after confirmation of purchase, if the order is cancelled unilaterally by it.¹⁹ However, it can impose such charges if it incurs similar charges. It cannot manipulate the price of goods and services so as to gain unjustified gains by imposition of unjustified prices.²⁰ It is restricted from using any kind of unfair trade practice either in course of its business activity on its platform or otherwise.²¹

The information technology act, 2000 provides the required recognitions to the e-commerce entities to carry out its business activities smoothly. It recognizes the electronic records and electronic signature which help e-commerce entities in carrying out paperless trade.²² Moreover, section 72A of the act provides for the punishment in case of disclosing sensitive personal data of consumers and sellers in breach of lawful contract.²³ Section 79 of the act provides for the safe harbor to the e-commerce entities for the third party

contents on its platform provided it had no knowledge of such content. In addition to it, the 2011 intermediary guidelines prohibits the intermediaries from such information gross harmful, blasphemous, defamatory etc.

Existing challenges

However, the current applicable laws seek to promote transparency, responsibility and competition in the digital marketplace, yet it has increased the compliance burden on the e-commerce entities thereby increasing the cost of the e-commerce entities. It will prevent the small e-commerce business from entering into the sector which defeats the entire purpose of bringing competition in the sector. There is no clarification as to what constitute price manipulation.²⁴ Such vague compliance may lead to untoward legal repercussions to the e-commerce entities. The rules lay certain other strict liabilities on the e-commerce entities like banning of flash sale. The rules fail to exactly define the flash sale and it is unclear about the kinds of discounts which e-commerce entities cannot offer. In addition to it, there is fall back liability upon the e-commerce entities for the losses caused to the consumers for the negligence of the sellers on its website. It burdens the e-commerce entities to ascertain the negligence of the sellers which is a tedious work to do.²⁵ There are challenges, especially for new small e-commerce entities, for the incorporation of e-commerce entities given the appointments of grievance officer and other compliances which demands a great chunk of wherewithal to comply with the rules.²⁶

The Indian courts have been very pro-consumer in cases of complaint against the e-commerce entities. In *Livspace Pte. Ltd. & Anr. v. Livspace-Reviews.com & Ors.*²⁷, the Delhi High Court has observed the menace of fake reviews on the e-commerce platforms. A consumer court in Karnataka was ordered to pay 94,000 rupees to a man for providing defective Ipad.²⁸ There are various orders of the consumer courts in India, which has taken pro-consumer approach in holding the e-commerce entities liable for the deficiency of service. These instances show the heavy burden of compliances on the e-commerce entities which are best in the interest of consumers. However, it portrays as challenges to the new entrant in the sector which may affect the competition in the market which will ultimately affect the interest of the consumers in the longer run.

Concern of Consumer Data

The e-commerce entities process a vast amount of data of the consumers using its services so as to carry out business efficiently and provide the consumers with personalized experiences. However, given the recent data breaches of upon some of the e-commerce platforms, there is concern for the protection of data of the consumers. The data protection act 2023 imposes certain duties and liabilities upon the e-commerce entities so as to protect the data of the consumers. In *K.S. Puttaswamy v. Union of India*, the Supreme Court held that the right to privacy is fundamental right of a person.²⁹ Thus protection of individual data is of paramount importance. In order to protect the individual data, the DPDP, act 2023 has been enacted to put in the apt framework to secure the individual data and prevent any unauthorized data breaches. The data protection is not only good for the compliance of the law but it is also good for e-commerce entities so as to build the trust of its customer by protecting their digital privacy, as they use the addresses, emails, payment details, names and browsing history of consumers to cater the needs more effectively to them.

The DPDP act requires the data fiduciary to process only those data which has been consented to by the data principal or only those data which are not forbidden by law.³⁰ The e-commerce will require express and explicit consent of the data principal before processing their data. Moreover, the e-commerce entities may be asked to provide information with regard to data so processed, or to withdraw the consent, or to review the process of such data by the data principal. Upon the request of the data principal for the withdrawal of the data, the data fiduciary is required to erase the data so requested. Moreover, the central government may restrict transfer of data to across the border.³¹ This means that e-commerce entities could only transfer such data which are not restricted by the central government. Moreover, significant data fiduciary is required to appoint data protection officer for the impact assessment and periodic data audits.³² Thus, now e-commerce entities will require ensuring the compliance with the DPDP act, 2023 so as to avoid any hefty penalties under the act.

Use of Dark Pattern

Dark pattern on e-commerce platforms refers to employment of UI/UX (User Interface and User Experience) interaction which coerces a user in such a way to do certain thing which he would have not done if such dark pattern had not been there. Such patterns usually deceive or mislead the users to act in certain way contrary to his original intention. Such practices are used by employing deceptive patterns which makes a user to do certain acts immediately. Moreover, such practices compromise the consumer rights as they fail to exercise their autonomy and choice making power.

To curb the dark patterns employed by the e-commerce entities, the department of consumer affairs notified the dark pattern regulation 2023.³³ The regulation outlines thirteen kinds of dark pattern in Annexure-I of the said regulation. The guidelines are just indicative in nature and are not binding as such. Moreover, the central consumer protection authority is the adjudicating authority for the complaints of dark patterns and in case of any ambiguity in its interpretation the authority's decision would be considered final.³⁴

There are certain ambiguities in the regulation. Firstly, the guideline 7 gives the ample power to CCPA to interpret the guidelines which is matter of concern and could lead to unnecessary litigation over the interpretation of the guidelines. Guidelines 4 and 5 prohibits any person from engaging in any kind of dark patterns as specified under Annexure-I. However, the annexure says that is it just illustrative and cannot be construed as interpretation of law or binding opinion. This brings about the ambiguity on its enforcement. In addition to it, dark pattern is not only about encouraging consumer spending but also the e-commerce entities requires their consent for the data of the consumer like location, name or any other information required for the better consumer experience. Upon the denial of consent of consumer, the platform could not proceed further which may affect their business. Dark pattern is quite technical aspect entailing data privacy and consent, which may not be the domain of central consumer protection authority to deal with.³⁵ As there is symbiotic relationship between the consumer and seller, the offers and business practices may be brought under the dark pattern which may undermine the ease of doing business in India.

Thus, there is no doubt as to the direction of guidelines, yet due to certain ambiguities and lacunae in the guidelines it may undermine the rights of the consumer and sellers as well. It need to be applied with robust mechanism and the guidelines need to be made mandatory, while bringing technical professionals in the adjudicating authority board so as to protect the interest of the e-commerce entities as well.

Conclusion

Indeed, the e-commerce has changed the way of doing business in the country. It has brought in many benefits to consumers as well as to the retailers. Ultimately, the sector has also added its share in the Indian economy. Burgeoning economy cannot be left with unfettered power and so as to contain malpractices the laws and regulations need to be implemented. Thus, the e-commerce sector in the country has to go through a long way of compliance to meet the demands of the laws and regulations in the country.

Indeed, the CPA 2019 and the e-commerce rule 2020 have brought in transparency, responsibility and competition in the sector. However, rules of are ambiguous which may led to less completion in the sector. The rules make the e-commerce platform liable for the negligence of the sellers registered on its platform which is a tedious task, known as fall back liability. Moreover, there is ban of flash selling making it unclear as to what kind of offer would be legal under the rules. In addition to it, the courts in the country are pro-consumer which demands strict compliance of such laws by these entities. These unclear rules may lead to unnecessary litigation undermining the ease of doing business in the country.

The data protection act of 2023 is also in direction to save the consumer data from any kind of data breach or cyber threats. However, there are certain compliances which are both good and bad for the e-commerce entities. Now, with this act in place cannot transfer those data which are restricted by the central government. Now, in certain situation won't be able provide certain service to its customers if he denies any consent required for such service. The data principle has got wide range of rights so as to protect their data.

The dark pattern regulations augur well for the good of consumer, as now any kind of deceptive means would be prohibited under the guidelines. Yet, due to its being not mandatory, there is concern over its applicability, Moreover, a wide range of power has been given to central consumer protection authority under these guidelines to adjudicate on complaints under this guideline. It may be unwise to transfer such power such authority who may not have the required technical knowledge about the dark patterns which may lead to ineffectiveness to the guidelines. Also, such ambiguities and absence of technical experts to decide the question of the dark pattern may lead to ill-effects upon the e-commerce sector. Thus such ambiguities in 2020 rules as well the dark pattern guidelines 2023 need to be made clear and explicit so as to make it amenable for the e-commerce to abide it easily.

REFERENCES

- ¹ Abhijeet Kumar, *E-commerce market to hit \$325 billion by 2030, rural India to lead growth*, BUSINESS STANDARD (May. 12, 2024, 2:20 PM), https://www.business-standard.com/industry/news/e-commerce-market-to-hit-325-billion-by-2030-rural-india-to-lead-growth-124042900284_1.html.
- ² TIMES OF INDIA, <https://timesofindia.indiatimes.com/technology/tech-news/india-to-become-worlds-third-largest-e-commerce-market-by-2030/articleshow/109669019.cms>, (Last visited May. 16, 2024).
- ³ *Ibid.*
- ⁴ THE ECONOMICS TIMES, <https://economictimes.indiatimes.com/tech/startups/travel-booking-website-cleartrip-announces-data-breach-in-internal-systems/articleshow/92957783.cms?from=mdr>, (Last visited May. 17, 2024).
- ⁵ *Ibid.*
- ⁶ Anu Thomas, *Zomato hacked: Security breach results in 17 million user data stolen*, THE ECONOMICS TIMES (May. 17, 2024), <https://economictimes.indiatimes.com/small-biz/security-tech/security/zomato-hacked-security-breach-results-in-17-million-user-data-stolen/articleshow/58729251.cms?from=mdr>.
- ⁷ The Consumer Protection Act 2019, §2(7), No. 35, Acts of Parliament, 2019 (India).
- ⁸ The Consumer Protection Act 2019, §2(16), No. 35, Acts of Parliament, 2019 (India).
- ⁹ The Consumer Protection (E-Commerce) Rules, 2020, Reg. 2(1)(b).
- ¹⁰ Nadita Damle, *Broad Analysis Of Consumer Protection (E-Commerce) Rules, 2020*, MONDAQ (May. 25, 2024), <https://www.mondaq.com/india/dodd-frank-consumer-protection-act/1309776/broad-analysis-of-consumer-protection-e-commerce-rules-2020#authors>.
- ¹¹ *Ibid.*
- ¹² The Consumer Protection (E-Commerce) Rules, 2020, Reg. 2(1)(2).
- ¹³ Shivani Dutta, *The Legal Compliances of E-Commerce Entities Under the Consumer Protection Act, 2019*, 7.1 RSRR 187, 194 (2021).
- ¹⁴ The Consumer Protection (E-Commerce) Rules, 2020, Reg. 6(3).
- ¹⁵ The Consumer Protection (E-Commerce) Rules, 2020, Reg. 4(2).
- ¹⁶ The Consumer Protection (E-Commerce) Rules, 2020, Reg. 4(5).
- ¹⁷ The Consumer Protection (E-Commerce) Rules, 2020, Reg. 5(5).
- ¹⁸ The Consumer Protection (E-Commerce) Rules, 2020, Reg. 4(8).
- ¹⁹ The Consumer Protection (E-Commerce) Rules, 2020, Reg. 4(11).
- ²⁰ The Consumer Protection (E-Commerce) Rules, 2020, Reg. 4(3).
- ²¹ S.S. RANA AND CO. <https://ssrana.in/corporate-laws/information-technology-law-india/e-commerce-laws-india/>, (Last visited May. 26, 2024).
- ²² The Information Technology Act, 2000, §72A, No. 21, Acts of Parliament, 2000(India).
- ²³ *Supra*, Note 10.
- ²⁴ Supratim Chakraborty, Sanjay Khan Nagra and B.N. Vivek, *Stricter Rules Proposed for E-commerce Entities*, MONDAQ (May. 26, 2024), <https://www.mondaq.com/india/dodd-frank-consumer-protection-act/1088188/stricter-rules-proposed-for-e-commerce-entities>.
- ²⁵ Dhanush Dinesh, *E-Commerce Rules 2020: Protecting Consumer Welfare or Harming Individual Enterprise?*, INDIACORPLAW (May.26, 2024), <https://indiacorplaw.in/2020/08/e-commerce-rules-2020-protecting-consumer-welfare-or-harming-individual-enterprise.html>.
- ²⁶ Livspace Pte. Ltd. v. Livspace Reviews.com, 2022 SCC OnLine Del 2729.
- ²⁷ THE INDIAN EXPRESS, <https://indianexpress.com/article/cities/bangalore/amazon-ordered-to-pay-rs-94k-to-karnataka-man-defective-ipad-8477714/>, (Last visited May. 26, 2024).
- ²⁸ K.S. Puttaswamy v. Union of India, (2018) 10 SCC 1.
- ²⁹ The Digital Personal Data Protection Act, 2023, §4, No. 22, Acts of Parliament, 2023(India).
- ³⁰ The Digital Personal Data Protection Act, 2023, §16, No. 22, Acts of Parliament, 2023(India).
- ³¹ The Digital Personal Data Protection Act, 2023, §10(2), No. 22, Acts of Parliament, 2023(India).
- ³² Harikishan Sharma, *Center notifies guidelines against 'dark patterns' that mislead buyers*, THE INDIAN EXPRESS (May. 27, 2024), <https://indianexpress.com/article/india/center-a-guidelines-against-dark-patterns-mislead-buyers-9049966/>.
- ³³ The Guidelines for Prevention and Regulation of Dark Patterns, 2023, Reg. 7.
- ³⁴ Ansruta Debnath and Shubham Singh, *Evaluating India's Dark Patterns Guidelines – Advocating a Comprehensive Approach*, LAW SCHOOL POLICY REVIEW & KAUTILYA SOCIETY (May. 27, 2024), <https://lawschoolpolicyreview.com/2024/03/04/evaluating-indias-dark-patterns-guidelines-advocating-a-comprehensive-approach/>.