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RECALIBRATING CONSUMER RIGHTS IN THE DIGITAL MARKETPLACE

-Agrima Singh¹

“Consumers should have the right to know what they are buying and from whom.”

John F. Kennedy

ABSTRACT

The rapid expansion of e-commerce has significantly reshaped consumer markets by enhancing convenience, increasing product choices, and enabling seamless digital transactions. However, this shift has also brought forth new challenges that existing consumer protection laws were not equipped to handle. To address these concerns, India introduced the Consumer Protection (E-Commerce) Rules, 2020 under the Consumer Protection Act, 2019, aiming to protect consumer interests in the online environment. This paper critically analyses the development of consumer protection law in India with particular emphasis on these E-Commerce Rules, evaluating their key provisions, strengths, and shortcomings. It examines critical issues such as data privacy, transparency, unfair trade practices, and grievance redressal mechanisms. While highlighting the protections offered by the Rules, the paper also discusses practical challenges in their implementation, legal ambiguities, and gaps in enforcement. Using a doctrinal and analytical approach, the study assesses the effectiveness of India's regulatory framework and suggests improvements to strengthen consumer protection in the digital marketplace.

Keywords: Comparative law, Consumer law reform, Consumer protection, Digital marketplace, Digital regulation, E-Commerce Rules 2020, E-commerce, India, Online consumer rights.

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INTRODUCTION

The digital revolution has significantly reshaped consumer markets, transforming traditional brick-and-mortar transactions into seamless online experiences. E-commerce, broadly defined as the buying and selling of goods and services over electronic platforms, has grown rapidly in India. Valued at approximately US\$ 70 billion in 2022, the sector is expected to exceed US\$ 350 billion by 2030². This digital boom is driven by increased internet penetration, smartphone usage, digital payment options, and changing consumer behaviour.

While this shift enhances convenience and access, it introduces new consumer vulnerabilities such as data misuse, fake reviews, unfair pricing algorithms, and inadequate grievance redressal³. Many transactions occur without physical contact or adequate verification, amplifying risks for consumers. Cross-border transactions further complicate liability and enforcement mechanisms.

Recognizing these challenges, India has undertaken legal reforms to align consumer protection with digital commerce realities. The Consumer Protection Act, 2019, and the Consumer Protection (E-Commerce) Rules, 2020 represent significant steps in this direction⁴. This paper analyses the evolution and effectiveness of these rules in strengthening consumer rights in the digital marketplace.

EVOLUTION OF CONSUMER PROTECTION LAW IN INDIA

CONSUMER PROTECTION ACT, 1986: FOUNDATION OF CONSUMER RIGHTS

The Consumer Protection Act, 1986, was a landmark statute providing redressal for defective goods, deficient services, and unfair trade practices⁵. It introduced consumer forums at district, state, and national levels. However, it was designed for a physical marketplace and lacked provisions for digital transactions, remote purchases, or online service delivery.

² India Brand Equity Foundation, E-commerce Industry in India (2024), <https://www.ibef.org/industry/ecommerce> last visited 10th April 2025)

³ S. Priyadarshini, Consumer Protection in E-Commerce in India: Myths and Realities, 14(2) NUJS L. Rev. 79, 85 (2022).

⁴ Consumer Protection Act, 2019, No. 35, Acts of Parliament, 2019 (India); Consumer Protection (E-Commerce) Rules, 2020, "Gazette of India", July 23, 2020.

⁵ Consumer Protection Act, 1986, No. 68 of 1986, 2(1)(d) (India).

INFORMATION TECHNOLOGY ACT, 2000: LIMITED CONSUMER SCOPE

The Information Technology Act, 2000 marked a significant legislative milestone in India's digital governance landscape, establishing a foundational framework for the legal recognition of electronic records, digital signatures, and electronic contracts⁶. While the Act was instrumental in legitimising digital transactions and promoting cybersecurity, it was primarily technology-centric and lacked a consumer protection orientation. Consequently, although relevant to the infrastructure of e-commerce, the Act did not address the nuanced concerns of consumer rights in the online marketplace⁷.

A pivotal component of the IT Act is Section 79, which provides a “safe harbour” provision for intermediaries, including e-commerce platforms⁸. This clause exempts intermediaries from liability for third-party content hosted on their platforms, provided they observe due diligence and do not initiate or modify the transmission of such content. While this provision encouraged the growth of online platforms by shielding them from excessive legal burdens, it inadvertently created a significant accountability gap⁹. Consumers facing issues such as defective goods, fraudulent sellers, or misleading product representations often found it difficult to hold the platform itself responsible, as the safe harbour provision limited legal recourse against intermediaries. This highlighted a critical deficiency in the consumer protection regime, thereby necessitating a more robust regulatory framework tailored specifically to the e-commerce context¹⁰.

CONSUMER PROTECTION ACT, 2019: DIGITAL-AGE REDRESSAL

Replacing the Consumer Protection Act, 1986, the Consumer Protection Act, 2019, was designed to address the complexities of digital commerce¹¹. The 2019 legislation responded to the growing role of e-commerce in consumer transactions, explicitly recognizing the rights of online buyers.

Key innovations of the 2019 Act included:

- The recognition of “unfair contracts,” a prevalent issue in e-commerce transactions.

⁶ Information Technology Act, No. 21 2000, § 4, Acts of Parliament, 2000 (India).

⁷ Aparna Viswanathan, India's IT Act and Its Relevance to Consumer Protection, 56(2) J. Indian L. & Tech. 103, 105 (2014).

⁸ IT Act § 79; see also *Shreya Singhal v. Union of India*, AIR 2015 SC 1523 (India)

⁹ R. Sharma, Reimagining Platform Liability under India's Digital Framework, 41(1) Delhi L. Rev. 102, 110 (2023).

¹⁰ Id.

¹¹ Consumer Protection Act, 2019, Preamble.

- Extending broader product liability to platforms, making them accountable for the goods sold through their services¹².
- Enabling online filing of complaints, allowing consumers to seek redress conveniently in the digital space¹³.
- The establishment of the Central Consumer Protection Authority (CCPA), which was granted powers to investigate and penalize violations in the digital marketplace¹⁴.

This Act also empowered the government to issue sector-specific rules, leading to the creation of the E-Commerce Rules, 2020, further clarifying the regulatory framework for e-commerce in India¹⁵.

E-COMMERCE RULES, 2020: SECTOR-SPECIFIC REGULATION

Notified under Section 101 of the 2019 Act, these Rules aim to regulate online marketplaces and inventory models. They impose transparency obligations, consumer grievance redress mechanisms, and curbs on unfair trade practices. The Rules mark India's first structured legal response to challenges in digital commerce.

OVERVIEW OF CONSUMER PROTECTION (E-COMMERCE) RULES, 2020

SCOPE AND APPLICABILITY

The Rules apply to all digital transactions involving goods and services, regardless of whether the platform is domestic or foreign¹⁶. This extraterritorial reach ensures that any entity offering goods or services to Indian consumers is within the regulatory net. It covers both inventory (direct sellers) and marketplace models (platforms hosting third-party sellers)¹⁷.

DUTIES OF E-COMMERCE ENTITIES

Under the Consumer Protection (E-Commerce) Rules, 2020, e-commerce entities are subject to a set of clearly defined duties aimed at ensuring transparency, accountability, and consumer welfare¹⁸. All e-commerce platforms are required to display their legal and contact information prominently,

¹² Id. §§ 2(34), 83 (India) (product liability provisions).

¹³ Id. § 17(3).

¹⁴ Id. § 10; see also Central Consumer Protection Authority (CCPA) Guidelines.

¹⁵ Consumer Protection (E-Commerce) Rules, 2020, Gazette of India, July 23, 2020.

¹⁶ Consumer Protection (E-Commerce) Rules, 2020, r. 2(1).

¹⁷ Id. r. 2(2); see also Press Release, Ministry of Consumer Affairs, July 23, 2020.

enabling consumers to verify the legitimacy of the entity they are engaging with. They must also ensure that all representations, advertisements, and product listings are accurate and not misleading in any way¹⁹. Additionally, platforms are prohibited from engaging in price manipulation or using unfair promotional tactics that could deceive or exploit consumers²⁰.

Marketplace based e-commerce entities those that facilitate transactions between third-party sellers and consumers have additional obligations. They must clearly identify sellers, disclose relevant terms of sale, and take steps to ensure the authenticity of product reviews. Maintaining neutrality in product search results and pricing algorithms is essential to prevent discriminatory practices²¹. Furthermore, these platforms are responsible for supporting return, refund, and warranty processes in accordance with applicable consumer protection laws.

On the other hand, inventory-based e-commerce entities those that own and sell goods directly to consumers bear full liability for the quality, delivery, and safety of products. They are also held accountable for any false or misleading representations. Crucially, such entities cannot shift their responsibilities onto third parties, ensuring that consumers have a clear and direct line of accountability in case of disputes or product-related grievances²².

GRIEVANCE REDRESSAL FRAMEWORK

All platforms must appoint a grievance officer with visible contact details. Complaints must be acknowledged within 48 hours and resolved within one month. This brings uniformity and speed to online grievance resolution, reinforcing consumer trust²³.

UNFAIR TRADE PRACTICES

The Consumer Protection (E-Commerce) Rules, 2020 impose strict prohibitions on a range of unfair trade practices to safeguard consumer interests in the digital marketplace. Platforms are expressly barred from publishing or facilitating fake reviews, which can mislead consumers about the quality or performance of products. Similarly, the dissemination of misleading advertisements that exaggerate features or conceal critical information is prohibited. The Rules also address manipulation of search results, requiring platforms to maintain algorithmic neutrality to ensure fair visibility of listings. Coercive bundling of products or services—forcing consumers to purchase additional items to access a desired product—is not allowed, as it restricts consumer choice. In

¹⁹ Id. r. 4(2).

²⁰ Id. r. 4(3).

²¹ Id. r. 5(1)-(4).

²² Id. r. 6(1).

²³ Id. r. 4(5).

addition, artificial pricing tactics such as fake flash sales, which create a false sense of urgency or scarcity, are banned to prevent deceptive pricing practices²⁴.

To enforce these provisions, the Central Consumer Protection Authority (CCPA) has been empowered with significant regulatory authority. The CCPA can initiate investigations against e-commerce entities suspected of violating consumer rights, levy financial penalties, and even direct the recall of products found to be unsafe or fraudulently marketed²⁵. These enforcement mechanisms are crucial for ensuring compliance and deterring malpractices in the evolving digital commerce ecosystem.

LIABILITY OF SELLERS AND PLATFORMS

Under the Consumer Protection (E-Commerce) Rules, 2020, both sellers and platforms are entrusted with specific responsibilities to uphold consumer trust and ensure fair trade practices. Sellers are required to disclose complete and truthful information about their products or services, enabling consumers to make informed choices. They must honour all return and refund commitments as advertised or agreed upon, and refrain from engaging in false endorsements or any form of deceptive marketing²⁶.

Platforms, on their part, are obligated to enforce compliance with these rules among the sellers operating on their sites. This includes monitoring seller conduct, addressing consumer grievances, and ensuring that only legitimate vendors are allowed to operate. Moreover, platforms must actively cooperate with legal authorities in investigations or enforcement actions. Failure to act against errant vendors not only undermines consumer rights but also risks the platform losing its intermediary “safe harbour” protection under Section 79 of the Information Technology Act, 2000, which shields them from liability for third-party content in certain circumstances²⁷.

²⁴ Id. r. 5(3); see also *Guidelines for Prevention of Misleading Advertisements and Endorsements*, CCPA, June 2022.

²⁵ Consumer Protection Act, 2019, § 10(1); CCPA Enforcement Guidelines, 2022.

²⁶ E-Commerce Rules, 2020, rr. 5(2), 6(2).

²⁷ Information Technology Act, 2000, § 79; *Shreya Singhal v. Union of India*, AIR 2015 SC 1523.

PROPOSED AMENDMENTS (POST-2020)

The draft amendments to the Consumer Protection (E-Commerce) Rules, released in 2021, proposed several significant changes aimed at strengthening consumer protection in the digital space. Among the key proposals were a ban on certain types of flash sales that manipulate consumer choice or pricing transparency, and the introduction of “fallback liability,” which would make platforms liable in cases where sellers default or fail to deliver on their commitments. Additionally, the amendments suggested mandatory appointment of compliance officers for larger e-commerce entities to ensure accountability and legal adherence²⁸.

However, these proposals have sparked considerable debate. While they aim to enhance consumer safeguards, they also raised concerns among industry stakeholders about potential overregulation. Critics argue that such stringent measures could increase operational burdens, especially on smaller platforms and startups, and may stifle innovation in a rapidly evolving digital marketplace. As a result, the proposed amendments remain under consideration, pending broader stakeholder consultation and policy deliberation²⁹.

CRITICAL APPRAISAL OF INDIA’S E-COMMERCE RULES

ACHIEVEMENTS

The Consumer Protection (E-Commerce) Rules, 2020 mark a significant achievement in India’s regulatory landscape by introducing a framework specifically tailored to the dynamics of the digital marketplace³⁰. These Rules have enhanced transparency by mandating detailed information disclosures, including seller identities, product descriptions, and terms of service, thereby empowering consumers to make informed choices. They have also strengthened the consumer voice by institutionalizing grievance redressal mechanisms, requiring platforms to appoint dedicated officers and adhere to defined timelines for complaint resolution³¹.

Importantly, the Rules address online-specific risks such as algorithmic distortion, fake reviews, and deceptive promotional practices issues that were previously unregulated. By signalling a move toward greater platform accountability, the Rules establish a foundational expectation that platforms play a proactive role in consumer protection, even if they are not fully liable under

²⁸ Draft Consumer Protection (E-Commerce) Rules, 2021, Ministry of Consumer Affairs, (last visited on 15th April 2025)

²⁹ Confederation of Indian Industry (CII), Comments on Draft E-Commerce Rules, Aug. 2021.

³⁰ Ministry of Consumer Affairs, Press Note on Stakeholder Consultations, Sept. 2022.

³¹ E-Commerce Rules, 2020, r. 4(5).

existing legal frameworks. This shift reflects a progressive step toward safeguarding digital consumer rights in an increasingly complex e-commerce environment.

LEGAL AND PRACTICAL CHALLENGES

Despite the progressive intent of the Consumer Protection (E-Commerce) Rules, 2020, several structural and legal challenges persist. One key issue is jurisdiction—while the Rules aim to regulate foreign e-commerce entities targeting Indian consumers, enforcement remains weak in the absence of binding international cooperation mechanisms. This hampers the ability of Indian regulators to take action against overseas platforms that violate consumer rights³².

Another area of concern is the ambiguity surrounding safe harbour protections. E-commerce platforms frequently invoke Section 79 of the IT Act to claim immunity as intermediaries, even as consumer protection laws attempt to impose proactive duties on them³³. This overlap leads to legal uncertainty and complicates liability assessments. Moreover, the enforcement landscape is underdeveloped. Regulatory bodies like the Central Consumer Protection Authority face capacity limitations, making it difficult to ensure real-time monitoring and compliance in a fast-evolving digital space³⁴.

Additionally, while data privacy has become a critical concern for consumers, the E-Commerce Rules fall short of imposing robust data protection requirements. In the absence of an enacted data protection law still pending in the form of the draft Data Protection Bill consumers remain vulnerable to unauthorized data collection, profiling, and misuse by platforms³⁵.

STAKEHOLDER CONCERNS

The implementation of the Consumer Protection (E-Commerce) Rules, 2020 has elicited varied responses from key stakeholders, each grappling with specific concerns³⁶. For consumers, one of the major challenges lies in distinguishing between sellers and platforms, particularly in marketplace models. This ambiguity often leads to confusion about who is accountable in cases of defective products or service failures, thereby undermining the consumer's ability to seek effective redress.

On the other hand, sellers especially micro, small, and medium enterprises (MSMEs) have expressed apprehension about the compliance burdens imposed by the Rules. They argue that the

³² Id. r. 5(3); see also CCPA Guidelines, 2022.

³³ N. Tandon, Cross-Border E-Commerce and Jurisdictional Challenges, 9(3) Indian J. L. & Tech. 75, 83 (2022).

³⁴ R. Sharma, Platform Liability under India's IT and Consumer Laws, 41(1) Delhi L. Rev. 110 (2023).

³⁵ The Digital Personal Data Protection Bill, 2023 (India), Draft version pending before Parliament.

³⁶ P. Ghosh, Consumer Confusion in Marketplace Liability, 12(4) NUJS L. Rev. 222, 230 (2021).

extensive disclosure requirements, return obligations, and liability provisions strain their limited operational capacities, potentially discouraging participation in the digital economy³⁷.

Platform operators, meanwhile, have raised strong objections to the growing compliance costs and expanding liability framework. They caution that increased regulatory obligations, such as ensuring seller compliance and handling grievances, could stifle innovation and deter new entrants from joining the market. These concerns reflect a broader tension between consumer protection and maintaining a competitive, innovation-friendly digital commerce environment³⁸.

JUDICIARY'S ROLE

As of now, judicial interpretations remain limited. However, decisions by consumer courts have begun establishing precedent, particularly where platforms failed to ensure seller accountability. Courts may soon clarify how intermediary protections under the IT Act intersect with the duties imposed by consumer law³⁹.

RECOMMENDATIONS AND WAY FORWARD

To strengthen consumer protection in the digital marketplace, several reformative measures are necessary. First, there is an urgent need to establish a coherent and unified legal framework potentially through a sector-specific digital commerce code that integrates consumer protection, data privacy, and e-commerce regulation. Such a framework would help eliminate the overlaps and inconsistencies currently existing between the Information Technology Act, the proposed Data Protection Bill, and the Consumer Protection (E-Commerce) Rules, 2020.

Second, the current liability framework must be clarified to distinctly allocate responsibilities between e-commerce platforms and individual sellers. Platforms that engage in activities such as curating products, controlling listings, or influencing pricing structures should bear fallback liability in cases of seller default or misconduct. This would prevent evasion of accountability in marketplace transactions.

Third, the grievance redressal mechanisms require substantial enhancement. The Central Consumer Protection Authority (CCPA) must be empowered with robust digital monitoring tools and real-time enforcement capabilities to effectively address violations. Additionally, industry-led self-regulatory mechanisms can support governmental oversight by offering faster and more accessible redress for consumers.

³⁷ Federation of Indian MSMEs, Submission to Ministry of Consumer Affairs, Sept. 2021.

³⁸ IndiaTech.org, Policy Note on Draft E-Commerce Amendments, Oct. 2021.

³⁹ *M/s Cloudbail India Pvt. Ltd. v. Consumer*, 2022 SCC OnLine NCDRC 183.

These reforms are essential to build a transparent, accountable, and consumer-centric digital commerce ecosystem in India.

CASE LAWS

1. AMAZON SELLER SERVICES PVT. LTD. V. COMPETITION COMMISSION OF INDIA⁴⁰

SUMMARY:

This case arose from an investigation ordered by the Competition Commission of India (CCI) into the alleged preferential treatment of select sellers by Amazon. The court upheld the CCI's decision to initiate the probe, highlighting the role of platforms in influencing marketplace dynamics.

RELEVANCE:

The case is significant for understanding how platform behaviour (like pricing influence and preferential listing) may warrant scrutiny under both competition and consumer protection laws.

2. SHREYA SINGHAL V. UNION OF INDIA⁴¹

SUMMARY:

Though primarily a free speech case, the Supreme Court clarified the scope of Section 79 of the IT Act, 2000, concerning intermediary liability. It held that intermediaries are protected only if they take down unlawful content upon actual knowledge or court order.

RELEVANCE:

This case is key to understanding the safe harbour provision and the limits of platform immunity especially relevant when assessing platform accountability under the E-Commerce Rules, 2020.

3. M/S FLIPKART INTERNET PVT. LTD. V. STATE OF NCT OF DELHI⁴²

Citation: *M/S Flipkart Internet Pvt. Ltd. v. State of NCT of Delhi*, 2019 SCC OnLine Del 9720

SUMMARY:

The Delhi High Court examined whether an e-commerce platform could be held liable for the sale of substandard goods by a third-party seller. The court considered Flipkart's role as an intermediary and whether it exercised control over the transaction.

⁴⁰ *Amazon Seller Servs. Pvt. Ltd. v. Competition Comm'n of India*, 2021 SCC OnLine Del 3197.

⁴¹ *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

⁴² *M/S Flipkart Internet Pvt. Ltd. v. State of NCT of Delhi*, 2019 SCC OnLine Del 9720.

RELEVANCE:

This case demonstrates judicial concern over platform liability, especially where platforms are not passive intermediaries but active participants in the transaction process.

4. AJAY KUMAR SINGH V. FLIPKART INTERNET PVT. LTD⁴³.**SUMMARY:**

The complainant received a defective laptop and filed a complaint against Flipkart. The platform claimed it was merely an intermediary, but the Forum held that platforms cannot escape liability when they facilitate and profit from such transactions.

RELEVANCE:

This case reinforces the consumer-centric approach that even intermediaries may bear responsibility if they are integrally involved in the sale.

5. NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION (NCDRC) RULING ON SNAPDEAL⁴⁴**SUMMARY:**

In this case, the consumer received counterfeit goods and filed a complaint. The NCDRC emphasized that platforms must exercise due diligence to ensure the authenticity of products sold through them.

RELEVANCE:

Important for assessing platform responsibility under the due diligence obligations mandated in the E-Commerce Rules, 2020.

CONCLUSION

The shift to digital marketplaces has transformed the consumer experience, introducing both unprecedented convenience and complex challenges. In response, India's Consumer Protection (E-Commerce) Rules, 2020 emerged as a significant legislative step to safeguard consumer rights in the online sphere. These Rules impose obligations on e-commerce platforms and sellers, emphasizing transparency, fair trade, grievance redressal, and accountability. This paper evaluated the scope and content of these Rules within India's broader consumer protection framework. While the Rules represent a progressive effort to modernize consumer law, several practical and legal gaps persist. Vague liability provisions, limited enforcement, and

⁴³ *Ajay Kumar Singh v. Flipkart Internet Pvt. Ltd.*, 2021 SCC OnLine NCDRC 553.

⁴⁴ *Snapdeal.com v. Consumer*, 2018 SCC OnLine NCDRC 1337.

inadequate regulation of data misuse and fake reviews highlight the need for reform. Additionally, jurisdictional and implementation challenges affect the Rules' efficacy, especially regarding foreign platforms or anonymous sellers.

Despite these limitations, the Rules provide a foundational regulatory structure that builds consumer confidence and install's discipline in the digital marketplace. However, a more holistic legal approach is required. This may involve clearer platform liabilities, a central authority to monitor compliance, improved grievance resolution, and harmonization with other digital governance laws such as data protection and cybersecurity.

Ultimately, recalibrating consumer rights in the digital era demands adaptive, enforceable, and inclusive legal mechanisms. The E-Commerce Rules, 2020 are a step forward, but their success depends on sustained policy innovation, effective enforcement, and constant engagement with evolving technological realities and market behaviour.

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4. Consumer Protection Act, 2019, s. 2(7).
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6. Consumer Protection (E-Commerce) Rules, 2020, r. 2.
7. Consumer Protection (E-Commerce) Rules, 2020, rr. 3 & 4.
8. E-Commerce Rules, r. 2(1)(d).
9. IT Act, 2000, s. 79; see also *Shreya Singhal v. Union of India*, AIR 2015 SC 1523.
10. Consumer Protection Act, 2019, s. 18(1); CCPA Guidelines.

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1. *Amazon Seller Services Pvt. Ltd. v. CCI*, W.P. No. 3363/2020, Karnataka High Court
2. *Shreya Singhal v. Union of India*, AIR 2015 SC 1523
3. *M/S Flipkart Internet Pvt. Ltd. v. State of NCT of Delhi*, 2019 SCC OnLine Del 9720
4. *Ajay Kumar Singh v. Flipkart Internet Pvt. Ltd.*, Complaint No. 311/2018, District Consumer Disputes Redressal Forum, Lucknow
5. *Ravindra Kumar v. Snapdeal.com & Ors.*, Revision Petition No. 1956 of 2016, NCDRC