



The phrase "Buyer Beware" is still applicable while using an online shopping platform

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Abstract

The trade of products and services, as well as the transfer of funds and information via the Internet, is known as e-commerce. To enable purchasing and selling, e-commerce depends on digital platforms and technology, such as social media, mobile applications, and websites. The movement of funds and information via the Internet, together with the trade of products and services, is known as e-commerce. To facilitate purchasing and selling, e-commerce depends on digital platforms and technology, such as social media, smartphone applications, and websites.

Keywords: Consumer Protection Act, e-commerce, dispute resolution, product liability, unfair trade practices, digital platforms, consumer rights, government, transactions, investments

Introduction

In order to safeguard consumer interests and create consumer tribunals for dispute resolution, the Consumer Protection Act of 2019 was passed. The Act gives the federal government the authority to take action to stop unfair trade practices and safeguarding customers' rights and interests in online transactions. E-commerce refers to any type of electronic business transaction. The Consumer Protection (E-Commerce) Rules, 2020, which outline the obligations and responsibilities of e-commerce companies and sellers on their platforms, were announced in July 2020 in accordance with the Act. The Department of Consumer Affairs solicited public input on draft modifications to the 2020 Rules in July 2021. It said that the e-commerce ecosystem's pervasive unfair trade practices and cheating make modifications necessary. These include actions like giving select merchants special treatment and limiting customer options because of consecutive transactions. The global economy has grown as a result of technological advancements and economic digitization, and its adaptability has become a mania that has escalated globally and hasn't spared anybody. Even in the most remote rural areas of India, as well as in many other developing nations and regions around the world, we can now monitor internet transactions. The beginning of the buying and selling of commodities began with the data transfer system employing electronic data interchange (EDI), when computers and the internet were expected to be utilized for purposes other than computations of various kinds.

Consumers in e-commerce concept

A natural person, regardless of country, who acts primarily for personal, family, or home purposes is commonly referred to as a "consumer" under the United Nations Guidelines for Consumer Protection¹. When attempting to define what constitutes a consumer, the e-commerce canon does not deviate significantly. According to popular use, each individual who has made a purchase or used a service can be considered a member of the customer line. The definition of consumers is found in Section 2(7) of the Consumer Protection Act of 2019.

Products' liability

Liability for products is the main focus of consumer protection is on a few aspects that manufacturers, distributors, wholesalers, and retailers must consider whenever they conduct business with customers. Any inherent manufacturing flaws in a product's design, failure to provide warnings that are required for the product's correct use, and, of course, any violation of the warranty's conditions are all covered by the trigger point of product responsibility. According to Section 2(34) of the Consumer Protection Act of 2019, this awareness or obligation is known legally as "product liability."

All of the previously listed characteristics are expressly stated in the legislation to provide a predetermined parameter so that any breach of it can safeguard the rights of the consumers in India. In summary, the Consumer Protection Act of 2019's Section 2(10) establishes the definition of "defect," which, in everyday speech, refers to any flaw or imperfection. The definition of "design" 5 as it appears in Section 2(12) of the Consumer Protection Act of 2019 is another cause to examine the range of product responsibility.

Negligence or inadequacy is typically the most frequent reason why customers are dissatisfied with the caliber of the goods or services that the company offers. Additionally, Section 2(11) of the Consumer Protection Act of 2019 defines the term "deficiency."

Definition of e-commerce

The trade of products and services as well as the transfer of funds and information via the Internet is known as e-commerce. To enable purchasing and selling, e-commerce depends on digital platforms and technology, such as social media, smartphone applications, and websites. E-commerce is significant for several reasons. Here are a few reasons why e-commerce is important:

1. Its cost-effectiveness is the primary factor.
2. It gives people an easy option to shop.
3. It provides a large selection of goods and services.
4. It permits the sale of goods or services to clients who are not present in person at the moment of the transaction.

5. It offers a smooth transition between purchase and fulfillment.
6. It will allow businesses to advertise their goods and services on social media and other internet channels, giving them the chance to connect with a global audience.

The concept of electronic commerce is covered in Chapter I of the United Nations Conference on Trade and Development under Clauses 63 to 659. In this chapter, specific guidelines are projected for the development of this concept and for the formulation of appropriate laws by the member states of the United Nations Organization to ensure that no consumer suffers because of a lack of product liability in the electronic platform.

According to Section 2(16) of the Consumer Protection Act 2019 and the Consumer Protection (E-Commerce) Rules, 2020, e-commerce is defined in India.

Types of e-commerce

There are now nine different forms of e-commerce:

- Business to Consumer (B2C)
- Business to Business (B2B)
- Business to Government (B2G)
- Consumer to Consumer (C2C)
- Consumer to Business (C2B)
- Consumer to Government (C2G)
- Government to Business (G2B)
- Government to Consumer (G2C)
- Government to Government (G2G)

Business to Consumer (B2C): These kinds of relationships can be more lively and easier, but they can also be more sporadic. Since the internet's inception, this form of business has grown significantly, and there are now a large number of online malls and virtual stores that offer a wide range of consumer items, including software, computers, books, shoes, vehicles, food, financial products, digital periodicals, and more.

Business to Business (B2B): These kinds of connections encompass all electronic exchanges of products or services between businesses. This kind of electronic commerce is usually used by producers and distributors in conventional trade.

Business to Government (B2G): Businesses that sell goods, services, or information to governments or government agencies are often covered by these kinds of connections. Examples of business-to-business (B2G) companies include Riskpluse, Senseware, Skycatch, and OpenGov.

Consumer to Consumer (C2C): All electronic exchanges of products or services between customers are included in this category of e-commerce. Typically, a third party facilitates these transactions by offering the web platform on which they are actually executed. The ads section of e-newspapers is a typical example of this type of transaction, and in addition to Amazon, which enables both B2C and C2C transactions, eBay is an auction website. Interested customers can list their homes on the Airbnb site to be rented to another customer.

Consumer to Business (C2B): A customer or end-user creates content, goods, or services that a business employs to finish a business process under the C2B business model. Examples of C2B services in the real world include Shutterstock and Google AdSense. Numerous real-world examples include focus groups, blogs, social media, reviews, freelancing websites, polls, surveys, and more. Because they are compensated, celebrities play a significant role in C2B marketing initiatives. Use social media to promote a range of items.

Consumer to Government (C2G): Consumer to Government refers to a situation in which the government agency is the seller and the consumer is the buyer. Online payments for goods like electricity, health insurance, or taxes made through government websites are examples of C2G e-commerce. Advantages of the C2G model establishes ties between the people and the government. Give individuals a means of communication with public spaces. The government agency is the vendor, while the customer is the buyer.

Government-to-business (G2B): Government-to-business (G2B) relationships occur when several levels of government agencies use government portals to offer services or information to a corporate organization. It describes business-specific transactions (including payments, the buying and selling of products and services, etc.) as well as the online delivery of services with a commercial focus.

Government to Consumer (G2C): A wide range of services are offered under this approach, which is often a type of e-governance.

- **All about Aadhaar:** This page offers all the details concerning an individual's Unique Identification Number (Aadhaar) in India.
- **All about ePIC:** This website offers digital information on the Electoral Photo Identity Card.
- **Business-related services:** details on internet resources for the business sector.
- **Cybercrime Reported Portal:** details on the portal for reporting cybercrimes.
- **The Digital Police Portal:** details about the portal.
- **E-Citizen Services:** Offers information and connections to online services for applying for PAN cards, Aadhaar cards, and other cards.
- **E-India Information:** this site offers India's political and geographic information.
- **Information on E-Rural Development:** Offers information on helpful government programs, skill-building courses, district health facility information, panchayat details, etc.
- **E-visa:** offers details about the Government of India's e-visa program.
- **Services pertaining to education:** details on online resources offered by the education sector.
 - **Employment-related services:** internet-based employment-related services.
- **Grievance Redressal:** internet resources for grievance redressal are accessible.
- **Election Commission of India ICT innovations:** details on the Election Commission of India's ICT developments.

- Information regarding the National CSR Data Portal may be found on the National CSR Data Portal.
- Information on the National Voter Service Portal is available at the National Voter Service Portal.
- Cantonment Board inhabitants can access online civic services through the E-Chhawani site and mobile app, which offers online civic services to more than one hundred Cantonment Board residents nationwide.
- The PDS portal of India offers details about the ePDS portal.
- Transportation-related services: offers details about online services in the transportation sector.

Government to Government (G2G)

The electronic exchange of data and/or information systems between government departments, agencies, or organizations is known as government to government (G2G). G2G's primary goal is to advance e-government projects by enhancing data access, exchange, and communication. Making Bhoomi Project: Online Delivery of Land Records, KHAJANE: Automation of Government Treasury System e-Seva, e-Courts, etc. are examples of G2G e-commerce.

Project of E-commerce in India

A useful study was carried out in India to gauge the expansion of e-commerce there and to look at the areas that need reconsideration and rethinking in order to guarantee the sector's continued growth. This will undoubtedly accelerate IBEF's efforts to improve the Indian economy. According to these studies, there was a noticeable increase in investment and development, including the following:

Developments and investments

The following are a few significant advancements in the Indian e-commerce industry:

- Walmart is getting ready to invest more than US\$2.5 billion in India as it intensifies its efforts to capitalize on the country's e-commerce and payments businesses.
- Magicpin, a hyperlocal e-commerce firm, reported that after a month of joining the government-sponsored Open Network for Digital Commerce (ONDC) network, its daily order volume increased 100-fold, from over 100 to 10,000 per day.
- To encourage the expansion of craftspeople and weavers throughout the state, Amazon India and Manipur Handloom & Handicrafts Development Corporation Limited (MHHDCL), a Government of Manipur enterprise, inked a Memorandum of Understanding in June 2022.
- In 2021, the eCommerce industry in India got \$15 billion in PE/VC investments, a 5.4-fold increase from the previous year. This represents the largest investment value ever obtained by any Indian sector.
- In February 2022, the logistics e-commerce platform Xpressbees was valued at US\$1.2 billion, making it a unicorn. The company's Series F fundraising received \$300 million USD.
- In an effort to assist MSMEs, Amazon India introduced the One District One Product (ODOP) marketplace on its site in February 2022.
- Flipkart introduced the "sell back program" in February 2022 to facilitate smartphone trade-ins.

- With the goal of exporting \$10 billion annually from India by 2027, Walmart extends an invitation to Indian vendors to join its US marketplace in January 2022.
- Flipkart stated in January 2022 that it will be expanding its grocery services to 1,800 Indian cities.
- US-based e-commerce company XPDEL announced plans to expand into India in November 2021.
- In September 2021, CARS24, the top used automobile e-commerce site in India, secured US\$ 450 million in capital, which included US\$ 110 million in loans from several financial institutions and a US\$ 340 million Series F equity round.
- Amazon introduced Prime Video Channels in India in September 2021. A seamless experience and access to several well-known video streaming providers will be provided to Prime members through Prime Video Channels.
- In September 2021, Sequoia Capital India led a Series A fundraising round in which mobile commerce enabler Bikayi raised US\$10.8 million.
- In July 2021, Flipkart, the dominant force in Indian e-commerce, said that it had secured US\$ 3.6 billion in fresh capital from a number of sources, including sovereign funds, private equity, and parent firm Walmart.
- In light of the aforementioned, a thorough forecast was created for two sections of the research that anticipated the benefits India would experience as this industry grew by utilizing electronic platforms.

Different e-commerce models

We must comprehend the entire infrastructure and platform where the amplitude of e-commerce rests in order to focus on the concepts of consumer protection and product liability, which have been thoroughly explained in light of the Consumer Protection Act. To achieve this, we must also delve into the scope and ambit of various e-commerce models under which the same functions are carried out. This may be broadly divided into six categories:

- Marketplace Model
- Fulfillment Center Model
- Hybrid Model
- Agency Model
- Inventory Model, and
- Service Aggregator Model.

Marketplace model

A model of a marketplace E-commerce refers to a website or platform that facilitates the exchange of products and services between buyers and sellers. This kind of model is created, run, and/or maintained by the platform's owner. However, neither the platform's owner nor any of its services are involved in the selling of items. This approach typically consists of three parties: the customer, the vendor, and a third-party website (centralized platform). Amazon, Flipkart, Snapdeal, and others are prominent examples of these kinds of model marketplaces.

Fulfillment centre model

Receiving orders, packing, and delivering goods to customers is known as e-commerce fulfillment. This might imply that goods are packaged and sent to retailers for retail fulfillment (also known as business-to-business or B2B

fulfillment) or straight to customers (also known as business-to-consumer or B2C fulfillment).

Hybrid model

It enables businesses to implement sales plans more effectively and across several markets by giving them a single dashboard with a digital infrastructure that includes shared data, product information, content, and graphic layout. Companies may simply move to another platform, start configuring their products, and begin selling rather than starting from scratch with a new one. The combination of inventory-led and marketplace strategies is known as the hybrid method.

Agency model

Depending on the particular agreement, the agency's involvement in logistics and fulfillment changes under the Agency Model. The organization could suggest logistical partners, give advice on best practices, or even bargain for advantageous prices. Businesses may use the agency's current relationships and infrastructure to expedite operations and cut costs when they include them in logistics and fulfillment. Businesses may gain from prompt delivery, good inventory management, and quick order processing by depending on the agency's experience, which will eventually improve the client experience.

Inventory model

According to the inventory model, an online retailer owns products and sells them directly to consumers. There shouldn't be any third-party sellers on such an e-commerce platform; the e-commerce business should be the exclusive vendor. Examples include Jabong, Myntra, and IKEA.

Service aggregators model

This company, known as an aggregator, gathers information and data about certain products or service providers in one location as part of a networking e-commerce business strategy. But the name of such an aggregator/owner is the brand name. Ola, Uber, Meru, MakeMyTrip, Goibibo, 99acres, Yatra, and Urban Company are a few examples.

International laws governing e-commerce

Business to Consumer (B2C), Business to Business (B2B), Business to Government (B2G), Consumer to Consumer (C2C), Consumer to Business (C2B), Consumer to Government (C2G), Government to Business (G2B), Government to Consumer (G2C), and Government to Government (G2G) are the e-commerce categories that find their identity when we enter the realm of international law.

At its twenty-ninth session, the General Assembly of the United Nations Commission on International Trade Law enacted Resolution No. A/RES/51/162 to support the advancement of paperless communication and information storage techniques. The Model Law of Electronic trade with new Article 5bis was adopted by the United Nations Commission on International Trade Law (UNCITRAL) with the intention of enabling and facilitating trade through electronic means.

One European Union directive that governs the processing of personal data and its unrestricted transfer throughout the EU is the Data Protection Directive. Following this, the law known as the General Data Protection Regulation (GDPR) was passed. A key component of EU privacy and human

rights law, the GDPR regulates transfers of personal data outside of the EU and European Economic Areas and is specifically included in Article 8(1) of the EU Charter of Fundamental Rights. Its primary goals are to streamline the regulatory framework for global trade and to increase individual ownership and rights over their personal data.

Indian laws that affect e-commerce operators

Since e-commerce is expanding so quickly, it is now necessary to fortify the legal framework to guarantee that the rights of all users of these platforms are safeguarded and suitably regulated within the bounds of the law thanks to the existence of legislative legislation. Since e-commerce has given companies and consumers access to a global marketplace, it is a truth that the practice is not restricted to just one state or area. Therefore, it was necessary to implement local regulations to enable the seamless regulation of the aforementioned industry.

In a nutshell, the following is a list of acts that fall under the category of laws, rules, regulations, policies, etc. that apply to e-commerce transactions:

1. Information Technology Act, 2000
2. Consumer protection Act, 2019
3. The Consumer Protection (E-Commerce) Rules, 2020
4. Courier Imports and Exports (Electronic Declaration and Processing) Regulations, 2010
5. Chapter VII "Equalisation Levy" under the Finance of India Act, 2016 read with Equalisation Levy Rules, 2016 which was amended by the Equalisation Levy Rules, 2020
6. The Payment and Settlement Systems Act, 2007
7. Foreign Direct Investment Policy, 2020
8. The Mediation Bill 2023 ("Mediation Bill")

Information Technology Act, 2000

The Information Technology Act was passed in order for India to become a party to the Model Law on Electronic Commerce of the United Nations Commission on International Trade Law (UNCITRAL), which attempts to safeguard consumers on the new electronic commerce platform and guarantee that product liability is upheld in this new paperless platform. To put it another way, this statute is also known as cyber law.

"An Act to provide legal recognition for the transactions carried out by means of electronic data interchange and other means of electronic communication, commonly referred to as "Electronic Commerce," which involve the use of alternatives to paper-based methods of communication and storage of information, to facilitate electronic filings of documents with the Government agencies, and further to amend the Indian Penal Code, Indian Evidence Act, 1872, The Bankers' Books Evidence Act, 1891, and the Reserve Bank of India Act, 1934, and for matters connected therewith or incidental thereto." This is the actual goal of the statute, which can be quoted in the Preamble of the Act.

Whereas the Model Law on Electronic Commerce, which was adopted by the United Nations Commission on International Trade Law, was adopted by the General Assembly of the United Nations on January 30, 1997, and the resolution recommends, among other things, that all States give the Model Law favorable consideration when they enact or amend their laws because of the need for

uniformity in the laws pertaining to alternatives to paper-based methods of communication and information storage; and Whereas it is deemed necessary to implement the resolution and to encourage the efficient delivery of government services through dependable electronic records, BE it enacted by Parliament in the Fifty-first Year of the Republic of India;

As explained in the introduction above, a number of legislation adjustments were enacted with the passage of this Act to support the Information Technology Act, 2000's goal.

The Mediation Act 2023

In India, mediation is nothing new. Panchayat-mediated community dispute resolution has a long history and is still the method of choice. The Code of Civil Procedure, 1908, Section 89(1), permits courts to recommend arbitration, judicial settlement, mediation, or conciliation as a means of resolving disputes. The courts have embraced it and put it into practice. Throughout India, mediation facilities have been established. Nevertheless, the absence of legal legitimacy and organization in private arbitration deterred participation. In order to solve this, the Arbitration Bill 2021 was put out, and on September 14, 2023, Parliament enacted the Arbitration Act, which improved arbitration's efficacy and gave it a thorough legal foundation.

The purpose of this act is to "promote and facilitate mediation, particularly institutional mediation, for the resolution of disputes, whether commercial or otherwise, enforce mediated settlement agreements, provide for a body for the registration of mediators, encourage community mediation, and make online mediation an acceptable and cost-effective process, as well as for matters of a related or incidental nature."

Section 3(q) of the Arbitration Act 2023 defines online mediation as follows: Unless the context dictates otherwise, "Online Mediation" in this Act refers to online mediation as defined in Section 30 of Chapter VII;

1. With the parties' written consent, online mediation, including pre-litigation mediation, may be carried out at any point during the mediation process under this Act. This includes using computer networks or electronic forms, such as secure chat rooms, encrypted electronic mail services, or video or audio conferencing, or both.
2. The online mediation procedure will follow any guidelines that may be given.
3. Online mediation must be conducted under conditions that guarantee the confidentiality and integrity of the proceedings are always upheld, and the mediator is free to take any appropriate action in this respect that he sees suitable.
4. In the event of online mediation, the mediation communications must guarantee mediation secrecy, subject to the other provisions of this Act."

In India, mediation's future depends on its capacity to affect social change in a manner that the law cannot. As a famous judge once stated, "It is the spirit, not the form that keeps justice alive," the Act should be applied more in spirit than form.

Forum for grievance redressal

All transactions in India are explicitly covered by Rules 820 of the Consumer Protection (e-Commerce) Rules, 2020,

which stipulate that they are subject to the applicable provisions of the Consumer Protection Act. 1999. Section 2(35) of the Consumer Protection Act, 2019 will address any complaints that may emerge from e-commerce within the jurisdiction of India. This section offers a number of channels for filing a complaint against the company.

There are organizations that address these requirements in relation to cross-border conflicts. One of these is UNCTD, which works on consumer and competition policy and makes sure that partner nations benefit from more competition, open and competitive markets, private sector investment in important industries, and ultimately, improved consumer well-being.

Another group that deals with a variety of consumer-related concerns is the OCED, particularly through its Consumer Policy Committee (CCP). Another ICPEN observation body is the OECD. These organizations handle international internet trade and guarantee consumer protection by adhering to product liability regulations.

Details of further obligations of marketplace e-commerce businesses, obligations of inventory e-commerce entities, obligations of sellers on marketplaces, and obligations of e-commerce entities are also included in India's Consumer Protection (e-commerce) Rules, 2020.

Some landmark judgments

The development of e-commerce laws in India has been aided by a number of significant rulings. The following are some significant case laws.

1. **Love Kumar Sahu & Anr vs. Amazon Seller Services Pvt. Ltd. (Appeal No. FA/2018/05):** This case highlights the need for customer trust and sufficient protections for growth in this industry by casting doubt on the legality of refund procedures established by e-commerce vendors and the protection of consumers under the IT Act.
2. **Securities and Exchange Board of India v. MCX Stock Exchange Ltd. (2013): The written petition, number 213 of 2011:** The regulation of internet trading platforms and adherence to securities rules are at issue in this case. In order to safeguard investors and maintain market integrity, the Supreme Court of India ruled that internet trading platforms must abide by the regulations established by the Securities and Exchange Board of India.
3. **Ajmal Mohammed State of Maharashtra v. Muhammad Amir Kasab:** In a historic ruling, the Supreme Court acknowledged the evidentiary importance of CCTV evidence. electronic gadgets such as cell phones, memory cards, and data storage devices; intercepted VoIP, IP, and other communications; and gazetteers.
4. **RBI v. Indian Internet and Mobile Association:** In a ruling on March 4, 2020, the Supreme Court of India invalidated the Reserve Bank of India's circular in the matter of Internet and Mobile Association of India vs. Reserve Bank of India. Trading in virtual currencies, or "cryptocurrencies," is prohibited under the circular. The Reserve Bank of India's limitations on banks and other businesses regarding the trade of virtual currencies are

deemed unjustified by the Court, which also declares the restrictions impractical.

5. According to a Gujarat High Court ruling, "Any seller of goods or services through a marketplace e-commerce entity is obliged to provide the necessary information to the e-commerce entity and that information would be displayed on its platform or website," according to the guidelines.

Impact of COVID pandemic on e-commerce

Many small companies have been driven by the COVID pandemic issue to reconsider their long-standing, conventional business structures or risk going out of business forever. Every company toolset now includes both new and established technology, and forward-thinking companies are tackling the talent issues brought on by these emerging digital business skill sets.

Many firms that are still in operation face a bleak future due to the risk of more business closures due to COVID-related interruptions and the underlying financial fragility of enterprises. Or is this only a view based on incomplete information?

The graph below shows a clear increase in global retail sales from 2019 to 2020, which supports a stable 8% rise in retail e-commerce sales globally predicted through 2024. This indicates that the paradigm change brought about by COVID interruptions to business has resulted in an increase in online retail sales.

Businesses resorted to pandemic-proof e-commerce sales channels for basic survival as a number of pandemic-related business regulations that hindered in-person operations spread around the world. Customers throughout the world were unable to stop making purchases on their preferred websites (44% of all digital purchases) and online marketplaces (47% of all digital purchases). Brazil, Spain, and Japan witnessed the biggest spike in the number of companies selling online in response to the epidemic and the shift of consumers to digital platforms.

Conclusion

The majority of people on the planet now converse electronically. Online commerce is becoming more and more common, which has advantages both locally and globally. The definition of e-commerce is evolving daily by introducing new ideas and categories of services and products to its clients, especially within the scope of paperless transactions, which are becoming more and more popular over time and are not only restricted to items. As new issues emerge, consumer laws and other laws that are related to them are being updated. New employment are being created and domestic economies are becoming more efficient thanks to digital commerce. In a nutshell, the barter system gave rise to the electronic platform, and there will likely be many more in the future.

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2. <https://unctad.org/system/files/official-document/webditccplp2016d1.pdf>
3. "Product liability" means the responsibility of a product manufacturer or product seller, of any product or service, to compensate for any harm caused to a consumer by such defective product manufactured or sold or by deficiency in services relating thereto.
4. "Defect" means any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for the time being in force or under any contract, express or implied or as is claimed by the trader in any manner whatsoever in relation to any goods or product and the expression "defective" shall be construed accordingly.
5. "Design", in relation to a product, means the intended or known physical and material characteristics of such product and includes any intended or known formulation or content of such product and the usual result of the intended manufacturing or other process used to produce such product.
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