Original Research Paper

Volume - 16 | Issue - 08 | August - 2026 | PRINT ISSN No. 2249 - 555X | DOI : 10.36106/ijar

Law

STRENGTHENING CONSUMER RIGHTS IN THE DIGITAL MARKETPLACE: AN ANALYSIS OF CONSUMER PROTECTION LAWS GOVERNING E-COMMERCE IN INDIA

Shaikh Shayer Shabbir	Research Scholar, Department of Law, Monark University, Vahelal, Ahmedabad, Gujarat, India.
Dr. Laxmi Pawar	Research Supervisor, Department of Law, Monark University, Vahelal, Ahmedabad, Gujarat, India.

ABSTRACT Consumer transactions have been drastically altered by the exponential rise of India's digital economy, which has brought with it special difficulties including fake products, misleading dark patterns, algorithmic prejudice, and data privacy concerns. The effectiveness of India's legal system in defending consumer rights in online marketplaces is examined critically in this study report. It mainly concentrates on laws pertaining to information technology from the year 2000, consumer protection from the year 2019, and regulations pertaining to electronic commerce from the year 2020. The paper evaluates important measures such required seller disclosures, Central Consumer Protection Authority (CCPA) interventions, and product liability laws via a qualitative examination of legislative provisions, regulatory enforcement mechanisms, and significant court precedents. Critical implementation shortcomings are identified in the research, such as sluggish grievance redressal, digital illiteracy, and cross-border jurisdictional obstacles. In order to guarantee an equal, transparent, and safe e-commerce environment in India, the research ultimately emphasizes the need of dynamic legislative updates, international legal collaboration, and strong technology integration.

KEYWORDS : Consumer Protection Act 2019, E-Commerce Rules 2020, Digital Marketplace, CCPA, Consumer Rights, India etc.

INTRODUCTION

Traditional contractual agreements established by the Indian Contract Act, 1872 have been transformed into intricate, algorithm-driven electronic transactions as a result of the tremendous growth of India's digital economy. E-commerce platforms have revolutionized market access thanks to the quick uptake of smartphones, inexpensive data infrastructure, and digital financial rails. However, this change creates unique legal vulnerabilities that call into question long-standing consumer jurisprudential tenets. The conventional caveat emptor (buyer beware) doctrine becomes structurally unfair in virtual marketplaces because of extreme information asymmetry, the lack of physical inspection at the locus contracts, opaque marketplace-seller relationships, and dishonest algorithmic techniques known as "dark patterns." Furthermore, customers are typically deprived of procedural leverage and substantive rights due to the non-negotiable character of online adhesion contracts, which are commonly enforced via standard-form "click-wrap" agreements.

Indian consumer law underwent a fundamental structural change to overcome these legislative blind spots. By defining "e-commerce" and incorporating digital transactions, direct selling, and tele-shopping inside its legal purview, Under the Consumer Protection Act (CPA), 2019, the regulatory framework was significantly altered, replacing the Consumer Protection Act, 1986. The 2019 Act's Section 10 sets up the Central Consumer Protection Authority (CCPA) are a crucial institutional innovation. It is a regulatory body with investigative powers under its Director-General, the ability to start suo motu proceedings, carry out class-action remedies, recall dangerous products, and issue cease-and-desist orders in opposition to misleading advertising and unjust business practices. The Customer Protection (E-Commerce) Guidelines, dated 2020 (updated in 2021) were issued by the Executive according to Section 101 of the CPA 2019. to supplement the parent Act. By creating joint and several liability rules, requiring country-of-origin declarations, appointing statutory compliance officers, and setting time-bound grievance redressal frameworks, these regulations imposed stringent statutory requirements on both marketplace and inventory e-commerce businesses. Additionally, Section 2(47) of the 2019 Act is expressly invoked in regulatory recommendations that target dark patterns in order to punish behavioral manipulations such as "drip pricing" and "forced action."

This research paper offers a critical legal study of the legislative, regulatory, and judicial procedures controlling e-commerce in India against this jurisprudential framework. This research assesses current compliance gaps and develops legal alternatives to improve consumer sovereignty within India's digital ecosystem by looking at the convergence of the CPA 2019, the IT Act 2000, and new court precedents.

REVIEW OF LITERATURE

Chawla and Kumar (2022) examine rules pertaining to consumer protection in online transactions, 2020 operational structure with an emphasis on platform responsibility. The authors contend that even while the regulations effectively require seller disclosures and grievance procedures for marketplace organizations, closing the gap between legal requirements and actual enforcement is still essential to getting rid of unfair business practices and successfully safeguarding online customers.

Sen (2022) examines the legal conflict between laws pertaining to consumer protection in 2019 and information technology in 2000. The report argues that more precise legislative limitations are required to stop online marketplace platforms from avoiding culpability for vendor fraud, highlighting procedural difficulties when applying intermediary the IT Act's safe harbor protections included in Section 79 during e-commerce disputes.

Verma (2023) assesses the Indian Consumer Dispute Redressal Commissions' institutional effectiveness in addressing digital complaints. Critical operational obstacles, such as personnel shortages, poor consumer digital literacy, and procedural delays, are identified by the study. Verma comes to the conclusion that structural changes are necessary to ensure that everyone has access to digital dispute resolution, even with the introduction of online filing portals such as e-Daakhil.

Mehta and Kapoor (2024) Examine the Central Consumer Protection Authority's (CCPA) regulatory actions that target misleading digital interface designs. The paper highlights "dark patterns" like coerced action and drip pricing to show how these unethical business tactics erode true contractual consent. To restore online consumer sovereignty, they want stringent regulatory enforcement and algorithmic openness.

OBJECTIVES OF THE STUDY

1) In order to evaluate the legislative structure that controls online transactions in India, specifically looking at how the IT Act of 2000, the CPA of 2019, and the CPS (E-Commerce) Rules of 2020 interact with one another.
2) To investigate the legal and regulatory enforcement mechanisms, with a focus on evaluating government agency known as the CCPA involvement in preventing platform responsibility evasion, unfair trading practices, and dark patterns.
3) To identify jurisdictional and systemic issues in digital consumer dispute resolution and suggest institutional, legal, and technical

changes to strengthen consumer sovereignty in online transactions.

RESEARCH METHODOLOGY

The legislative, regulatory, and judicial frameworks regulating e-commerce and consumer rights protection in India are methodically examined in this paper using a doctrinal and analytical legal research approach.

Research Design

The research employs a qualitative methodology with an emphasis on judicial reasoning, statutory analysis, and legal interpretation. It critically investigates the application of well-established consumer law ideas to the online market.

Sources of Data

The study is totally dependent on scholarly and secondary legal sources. Various laws and regulations pertaining to information technology, contracts, consumer protection, and electronic commerce (as amended in 2021), and pertinent regulatory notifications and guidelines issued by examples of documents produced by the CCPA include the Guidelines for the Prevention and Regulation of Dark Patterns (2023).

Data Analysis & Interpretation

Determine potential areas of conflict by reviewing relevant statutes; in particular, compare and contrast the exclusions from intermediary responsibility under Section 79 of the IT Act of 2000 with the responsibilities required by Rules for the Protection of Consumers in Online Transactions, 2020. Examining judicial cases to analyze how courts understand platform liability, "dark patterns," and customer permission in standard-form digital adhesion contracts.

RESULT AND DISCUSSION

There have been major structural changes and ongoing operational friction to safeguard online shoppers in India, according to a qualitative legal study of statutes, administrative orders, and court decisions.

At the crossroads of Section 79 of the IT Act of 2000 and Rule 5 of the E-Commerce Consumer Protection Rules of 2020 is a significant area of legal contention. As "passive intermediaries" that only provide access to communication systems, e-commerce platforms have historically claimed exemption of the Information Technology Act, namely Section 79. A 2019 judicial review of the CPA (Consumer Protection Act) nevertheless, has diminished the efficacy of this safeguard. Marketplace firms lose their safe harbour protections when they manage payment processing, product fulfillment, delivery dates, or algorithmic visibility, according to a new active-facilitator criterion used by courts and consumer commissions. If marketplaces do not conduct enough vendor verification or fail to provide mandatory product disclosures, they may be held secondary liable in accordance with the E-Commerce Rules, Rule 5(2).

A fundamental change from conventional deceit to algorithmic control has occurred with the implementation of Section 18 of the CPA 2019 via the CCPA Dark Pattern Prevention and Control Guidelines for the Year 2023. Explicit intent to mislead or actual pecuniary harm had to be shown in previous legal systems. The subject of misleading user interface design is now front and center in the 2023 Guidelines.

Case law from the CCPA's enforcement branch shows that the law aggressively prosecutes "basket sneaking," "confirm shaming," and "forced action”

Per the E-Commerce Rules, 2020, Rule 4(9), which requires clear, affirmative permission, is violated by pre-selected opt-ins, according to the CCPA. There is a clear correlation between consumer rights and data confidentiality regulations (e.g., the Digital Information Protection Act of 2023) when data disclosure for basic service access is classified as an unfair trade conduct.

Jurisdictional Bottlenecks and Remedial Efficacy

Procedural research indicates systematic enforcement deficiencies notwithstanding the strong legislative architecture:

1) **Jurisdictional Arbitrage:** Complex cross-border corporate structures are sometimes used by foreign corporations and platform-backed shell merchants to postpone process service and decree execution.
2) **Underutilization of Digital Dispute Portals:** Although e-Daakhil and other similar platforms are designed to facilitate access to Consumer Commissions, its efficacy is limited, especially in Tier-II and Tier-III areas, by systemic problems such digital illiteracy, technological difficulties, and personnel shortages.
3) **Advisory Compliance vs. Mandatory Audits:** A cooperative approach is shown by the CCPA's advisory directives mandating platforms to conduct self-audits for misleading design. However, minor interface manipulations continue to exist due to the lack of impartial public reporting tools.

CONCLUSIONS

A framework characterized by increased platform accountability and active statutory monitoring has replaced the old theory of caveat emptor in the legal system as a result of the emergence of India's digital marketplace, which has drastically changed the dynamics of consumer transactions. The Consumer Protection Act (CPA) of 2019 and the Consumer Protection (E-Commerce) Rules, 2020 have substantially revised consumer law in India. The legislative architecture effectively addresses numerous information asymmetries present in virtual storefronts by creating clear statutory definitions for e-commerce, imposing joint and several liabilities for marketplace facilitators, and making it possible for the CCPA to go against widespread unfair trade practices. Additionally, regulatory action against misleading digital architectures more especially, "dark patterns" shows an admirable, proactive dedication to maintaining true consumer consent in algorithmic contexts.However, ongoing operational and jurisdictional issues continue to limit the effectiveness of this regulatory framework. Procedural difficulties during litigation are still caused by the legal conflict between platform obligations under the CPA 2019 appropriate safeguards for intermediaries as outlined in Section 79 of the IT Act of 2000. Furthermore, the actual implementation of consumer remedies is compromised by the cross-border nature of digital commerce, delays in dispute resolution, and underutilization of electronic filing portals like e-Daakhil.

Future legislative changes must extend international legal cooperation for cross-border dispute resolution, require independent algorithmic and interface audits for key e-commerce platforms, and standardize intermediary liability requirements in order to close these implementation gaps. To guarantee that procedural mechanisms are really accessible, it is also crucial to increase digital literacy programs across Tier-II and Tier-III places. In the end, a dynamic, techno-legal strategy that strikes a balance between technological innovation and unwavering consumer sovereignty, transparency, and procedural justice is needed to strengthen consumer rights inside India's digital environment.

REFERENCES:

1. Chawla, N., & Kumar, B. (2022). E-Commerce and Consumer Protection in India: The Emerging Trend. Journal of Business Ethics, 180(2), 581–604.
2. Sen, S. (2022). A Legal Study Relating to Consumer Rights and Digital Marketplace in India. International Journal of Law Management & Humanities, 4(3), 1120–1135.
3. Verma, R. (2023). Consumer Protection in India: Laws, Challenges, and Effectiveness. Legal and Policy Review, 5(1), 45–62.
4. Mehta, P., & Kapoor, A. (2024). Regulating Dark Patterns and Unfair Trade Practices in the Indian E-Commerce Ecosystem. Journal of Consumer Policy, 47(2), 189–210.