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ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provide dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

CONSUMER PROTECTION IN THE AGE OF ONLINE MARKETPLACES

AUTHORED BY - ABHIRAMI V.S

Abstract

The rise of online marketplaces has significantly changed consumer behaviour and commercial practices. While digital platforms provide convenience and variety, they also create new challenges related to privacy, safety, transparency, and accountability. This article analyses the legal issues, evolving regulations, and consumer protection mechanisms in the digital marketplace environment, with a focus on India and global developments.

1. Introduction

Digital marketplaces such as Amazon, Flipkart, Meesho, and Snapdeal have transformed commerce by enabling instant access to goods and services. Consumers benefit from competitive pricing, easy comparison tools, and broad product choices. However, online platforms also create risks such as misleading advertisements, counterfeit products, privacy violations, and difficulties in grievance redressal.

Traditional consumer laws could not fully address these emerging issues, prompting the adoption of the Consumer Protection Act, 2019 (CPA 2019), which for the first time explicitly recognized e-commerce transactions. The Act aims to empower consumers in digital spaces through provisions relating to misleading advertisements, product liability, and unfair trade practices.

2. Evolution of Consumer Protection in Digital Commerce

The shift from traditional physical markets to digital platforms required updated regulatory frameworks. Online marketplaces operate through algorithms, AI-driven recommendations, and third-party sellers, creating complex layers of responsibility.

In India, the CPA 2019 and Consumer Protection (E-Commerce) Rules, 2020 expanded the legal understanding of consumers, sellers, and intermediaries. Internationally, the EU has

adopted strong regulations such as the Digital Services Act (DSA) and General Data Protection Regulation (GDPR), which emphasise platform accountability and data privacy.

3. Key Issues and Challenges in Online Marketplaces

3.1 Information Asymmetry

Consumers often do not receive adequate information about products or sellers. Algorithms may favour sponsored listings, reducing transparency. Fake reviews remain a significant challenge, influencing consumer decisions unfairly.

3.2 Data Privacy and Profiling

Online marketplaces routinely collect personal data, raising concerns about consent, tracking, targeted advertising, and personalised pricing. India's Digital Personal Data Protection Act, 2023 aims to regulate these practices through consent-based data processing.

3.3 Cross-Border Transactions

Many sellers are located outside India, making dispute resolution difficult. Jurisdictional issues and lack of enforceability affect consumer rights in such cases.

3.4 Platform Liability Ambiguity

Platforms often classify themselves as "intermediaries" to avoid liability for defective goods or unethical seller behaviour. The extent of platform responsibility remains a debated issue globally.

3.5 Counterfeit and Unsafe Goods

Despite verification systems, counterfeit and low-quality goods continue to proliferate online. Studies show that online platforms are significant channels for unsafe consumer products.

3.6 Grievance Redressal Barriers

Although CPA 2019 mandates grievance officers and consumer helplines, many platforms still lack accessible or efficient redressal systems.

4. Legislative and Regulatory Framework in India

4.1 Consumer Protection Act, 2019

The CPA 2019 is the primary law governing consumer rights in India. It recognises e-commerce transactions and prohibits misleading advertisements. It also introduces the concept of product liability applicable to manufacturers, sellers, and service providers.

4.2 Consumer Protection (E-Commerce) Rules, 2020 These rules impose obligations on online platforms such as:

- Mandatory disclosure of seller details
- Transparent refund and return policies
- Appointment of a grievance officer
- Prohibition of manipulative practices such as fake reviews

4.3 Data Protection Laws

The Digital Personal Data Protection Act, 2023 strengthens consumer privacy by requiring consent for data collection, secure data storage, and rights to correction and deletion.

4.4 IT Act and Intermediary Guidelines

The IT Act, 2000 and 2021 Intermediary Guidelines outline due-diligence obligations for digital intermediaries. Online marketplaces must comply with these standards to maintain safe-harbour protections.

5. Global Approaches to Digital Consumer Protection

European Union

The EU's DSA and GDPR impose obligations on platforms, including transparency in advertising, algorithm accountability, and consumer redressal rights.

United States

The US Federal Trade Commission (FTC) regulates unfair and deceptive trade practices, focusing on data privacy and false advertising.

United Kingdom

The UK's Online Safety Act and consumer law reforms introduce obligations relating to

platform accountability and protection against misleading advertisements.

6. Recommendations to Strengthen Digital Consumer Protection

6.1 Clear Platform Liability

Governments must clarify when platforms are liable for defective or unsafe products sold by third-party sellers.

6.2 Stricter Data Governance

Platforms should follow privacy-by-design models and disclose data usage practices clearly.

6.3 Regulation of Reviews and Influencer Marketing

Mandatory verification of reviews and transparency in influencer promotions are essential.

6.4 Stronger Grievance Redressal

Standardised online dispute resolution (ODR) mechanisms can make redressal more efficient.

6.5 Consumer Awareness

Digital literacy campaigns must be encouraged to help consumers understand online risks.

6.6 International Cooperation

Cross-border enforcement mechanisms are necessary for disputes involving foreign sellers.

7. Conclusion

Online marketplaces offer numerous benefits, but they also pose risks that require strong regulatory oversight. The CPA 2019, E-Commerce Rules 2020, and DPDP Act, 2023 have strengthened consumer rights in India. However, enforcement challenges and evolving digital ecosystems demand continuous reforms. As online commerce expands, ensuring fairness, safety, and transparency will remain central to consumer protection.

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