

A Study on the Legal Issues Surrounding Product Liability and Consumer Protection in the Age of E-Commerce in India

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Abstract: *The rapid growth of e-commerce has revolutionised the way people shop, providing convenience and access to a wide range of products. However, this digital transformation has also given rise to unique legal challenges regarding product liability and consumer protection. This abstract provides an overview of the key legal issues associated with product liability and consumer protection in the age of e-commerce. Product liability in e-commerce involves holding online sellers, platforms, and manufacturers accountable for defective or dangerous products. Traditional product liability laws designed for physical retail environments must be adapted to address the complexities of the online marketplace. The major objective of the research is to identify and analyse the legal issues related to product liability in the context of e-commerce. The research method used here is an empirical method. Convenient sampling method is used to collect the sample. A total of 200 samples have been collected online. The study found that the involvement of multiple parties, including manufacturers, online marketplaces, and third-party sellers, can complicate the determination of liability when defective products cause harm to consumers. India's consumer protection laws must be adapted and strengthened to encompass the specific challenges arising from online transactions. These laws should emphasise the disclosure of accurate information, the right to withdraw from purchases, data privacy protection, and effective dispute resolution mechanisms.*

Keywords: Liability, Online transactions, E-commerce, Product Liability, Consumer, Manufacture

I. INTRODUCTION

In the age of e-commerce, the landscape of product liability and consumer protection has evolved significantly. With the rapid growth of online shopping platforms and digital marketplaces, consumers now have access to a vast array of products from all around the world at their fingertips. While e-commerce offers convenience and accessibility, it also presents unique legal challenges in ensuring product safety and safeguarding consumer rights. Product liability refers to the legal responsibility of manufacturers, distributors, and sellers for any harm or injuries caused by their products. In traditional brick-and-mortar retail, the supply chain is relatively straightforward, making it easier to trace and identify responsible parties. However, the decentralised nature of e-commerce introduces complexities, as products can be sourced from various sellers, often located in different jurisdictions. The Consumer Protection Act, 2019, is a comprehensive legislation that addresses various aspects of consumer protection, including e-commerce transactions. It establishes a Consumer Protection Council, Consumer Disputes Redressal Commissions, and a Central Consumer Protection Authority (CCPA) to safeguard consumer rights and interests. The Ministry of Consumer Affairs, Food & Public Distribution introduced the E-commerce Rules, 2020, to regulate e-commerce platforms in India. The rules mandate e-commerce companies to provide transparent information about products, sellers, terms of sale, and return policies. It also prohibits unfair trade practices and misleading advertisements. The rapid expansion of e-commerce in India has outpaced the development of specific laws and regulations tailored to address the unique challenges posed by online transactions. As a result, the legal framework may lag behind the dynamic e-commerce landscape, leading to gaps in consumer protection. E-commerce involves multiple stakeholders along the supply chain, including

manufacturers, online marketplaces, third-party sellers, and delivery services. Identifying the responsible party in case of a defective product becomes challenging, affecting the determination of liability and consumer redressal. The global nature of e-commerce allows consumers in India to purchase products from international sellers and vice versa. This raises jurisdictional challenges and complicates the enforcement of consumer protection laws across borders. The Indian government continued its efforts to strengthen e-commerce regulations, including the introduction of new rules and guidelines. These regulations aimed to enhance consumer protection, address product liability issues, and promote fair trade practices on online platforms. With increasing concerns about data privacy and security, there was a growing emphasis on formulating comprehensive data protection laws. The government and regulatory authorities were actively working to safeguard consumer data and ensure e-commerce platforms comply with data privacy standards. The legal issues surrounding product liability and consumer protection in the age of e-commerce are not unique to India; they are global challenges faced by many countries. However, the specific legal frameworks and approaches to addressing these issues may vary from one country to another. The United States has strong federal and state consumer protection laws, such as the Federal Trade Commission Act (FTC Act) and the Consumer Product Safety Act (CPSA). The EU has harmonised rules for cross-border e-commerce under the Digital Single Market (DSM) strategy, aiming to simplify cross-border trading and promote consumer trust in online transactions. While some countries have more developed and comprehensive legal frameworks for e-commerce-related consumer protection and product liability, others may have evolving regulations and enforcement mechanisms. In comparison, India has been actively working to strengthen its legal framework, especially with the introduction of the Consumer Protection Act, 2019, and the E-commerce Rules, 2020.

OBJECTIVES:

- To analyse the E-commerce companies have legal responsibility for ensuring the safety of the products they sell online .
- To examine the legal framework and regulations governing product liability and consumer protection in the age of e-commerce.
- To explore the challenges and implications of product liability and consumer protection in the e-commerce environment.
- To identify and analyse the legal issues related to product liability in the context of e-commerce.

LITERATURE REVIEW

Chawla and Kumar (2022) This study focuses on the entry of luxury brands in the Chennai retail space and the strategies that luxury brands are employing to target customers who want to purchase luxury brands because of their brand image, exclusivity and excellent quality. The paper discusses how luxury brands with high quality, uniqueness and social value will appeal to people of different age groups, occupations, income groups and gender. Structural Equation Modelling has been employed to help marketers to understand how consumers perceive luxury brands and what features are considered most important by them. **Dashe (2016)**(OECD 2016) The aim of this thesis is to investigate the impact of branding on the behaviour of Greek consumers towards olive oil products. The survey involved 488 consumers in Thessaloniki city. According to the research results, based on correlation test and t-test, it has been established that the preference for an olive oil brand is associated with increased brand awareness and higher levels of loyalty. Finally, it was found that higher consumption of olive oil is associated with a higher degree of brand recognition and stronger perceptions of its superiority to competitors. **Riefa and Saintier (2020)** The main objective of this scientific paper is to define the complete Demand Management process along the supply chain. It is to be shown with which concepts the consumer goods industry can overcome the challenges. **Murthy (2015)** FMCG companies today face immense distribution related challenges owing to the complex supply chain structures and intense competition. Surviving is impossible without continuous distribution channel innovation. Companies with exceptional quality distribution systems are able to outperform their competitors, being able to provide higher customer satisfaction, while the rest perish. **Malhotra (2016)** This book will provide detailed insight into the thinking of today's consumers towards FMCG products. The book will highlight the paradigm shift in consumer mindset that has created challenges and opportunities for 21st century companies. Fundamental issues, risks, and challenges will be looked into to provide

answers to the three magical questions. **Gupta (2020)** The book's theories go beyond simply introducing the reader to concepts in the field by providing tools and methods to develop marketing thinking and questioning skills that will help with application of real-life marketing strategies. As the chapters progress, the thinking/questioning develops toward higher levels and more specialized inquiry, helping readers acquire the skills needed in the practice of marketing. **Panigrahi (2016)** Availability of key raw materials, cheaper labor costs and presence across the entire value chain gives India a competitive advantage. The FMCG market is set to treble from US\$ 11.6 billion in 2003 to US\$ 33.4 billion in 2015. Penetration level as well as per capita consumption in most product categories like jams, toothpaste, skin care, hair wash etc in India is low indicating the untapped market Potential. **Jadhav, 2012** The minor points which usually people neglect can become a major threat in sales and distribution to cover up all the minutes of channel distribution. This book can stand as a helping hand to understand the system of sales and distribution for further growth and progress. **Murugesan (2008)** This book analyzes the essential techniques and platforms of digital marketing including social media, content marketing, SEO, user experience, personalization, display advertising and CRM, as well as the broader aspects of implementation including planning, integration with overall company aims and presenting to decision makers. **Kaur Chatrath, Batra and Chaba (2022)** To compete for the modern consumer it is critical to move from being an old-fashioned FMCG to being an FICG - a fast-innovating consumer goods company - but there are major internal and external hurdles to this transformation. Outdated communication strategies based on television, radio and print with constant repetition must be replaced by what the authors call 'Lego' strategies, whereby the marketing and communication strategies are built up by many key facets and delivered to the consumer through a mix of various touch points. **Cole, Etteldorf and Ullrich (2020)** saw that the Indian consumers have the right to seek compensation for harm caused by defective products purchased through e-commerce platforms. They can file complaints with consumer forums or seek legal action against the seller, manufacturer, or the e-commerce platform itself. Some e-commerce platforms and sellers may opt for product liability insurance to protect themselves against potential claims arising from defective products. **Bansal (2012)** In this study, by conducting a literature review and interviewing experts active in FMCG industries as an available case study, the most important challenges facing the AIoT-powered supply chain were extracted. By examining these challenges using nonlinear quantitative analysis, the importance of these challenges was examined and their causal relationships were identified. The results showed that cybersecurity and a lack of proper infrastructure are the most important challenges facing the AIoT-based supply chain. It has a strong MNC presence and is characterised by a well-established distribution network, intense competition between the organised and unorganised segments and low operational cost. **Singh (2022)** This chapter analyses the impact of digitalization on TV marketing strategies focusing on the role of brand as a loyalty-based resource, available to digital television networks to create a sustainable competitive advantage. The goal of this analysis is to offer insights on how a digital television network may create a channel experience leveraging on brand to increase viewers' loyalty and competitive advantage. **Dewan and Singh (2016)** This book investigates this effect, one of the most controversial fields of consumer literature, from a company perspective. In particular, it demonstrates the strategic relevance of the country of origin in creating and making use of the value in foreign markets. **Kalia (2017)** To inform the development of regulatory strategies, it is important to understand how alcohol branding interacts with seductive pricing strategies to influence purchasing decisions. Toward this aim, the current study examines how the "decoy effect" may operate to modify purchasing decisions for branded alcoholic beverages. **Miller and Jentz (2002)** saw that India does not have specific legislation solely dedicated to e-commerce and product liability. Instead, product liability issues are primarily governed by various existing laws and regulations. These include the Indian Contract Act, the Sale of Goods Act, and the Consumer Protection Act. **Matsuura (2001)** analysed that the E-commerce platforms should ensure that the products listed on their platforms meet Indian quality and safety standards. They can collaborate with government agencies and industry bodies to establish and enforce these standards. **Freedman (1988)** The strategies are formulated for the short and long run according to the goals of the company. The goals indicate what a company wants to achieve in a given environment and time frame; the strategy answers how to get there. Every business must develop a tailor-made strategy for achieving its goals. The corporate business strategies should possess three generic points: overall cost leadership, differentiation, and focus. **Pandit and Pandit (1998)** The study's goal is to look at Covid-19's pandemic and consumer survival as a mediator for the future of running a business when FMCG companies are doing well. The researchers employed a basic random sampling strategy to do a layered transverse evaluation of samples. EFA, CFA,

and SEM are used to choose data collection techniques for participants at Covid-19 **Tripathi (2012)** This book is a history of some of the world's most famous brands, from humble beginnings to current exalted status, from smudged, kitchen-table pamphlets to \$ multi-million ad campaigns, from backyard experiments to global research. It examines the most recent developments in these glittering trajectories and reveals the very DNA of the brands themselves. **Mathew (2018)** The book's theories go beyond simply introducing the reader to concepts in the field by providing tools and methods to develop marketing thinking and questioning skills that will help with application of real-life marketing strategies. As the chapters progress, the thinking/questioning develops toward higher levels and more specialised inquiry, helping readers acquire the skills needed in the practice of marketing.

METHODOLOGY

The research method used here is an empirical method . Convenient sampling method is used to Collect the sample. A total of 200 samples have been collected online . The sample frame is taken from the general public in Chennai. The independent variable includes gender,age,occupations,educational qualifications.The dependent variables are A customer receiving a damaged product due to shipping mishandling, A customer being disappointed with the colour of a product they ordered online, A customer receiving a defective product that causes injury or harm. The tools used are cluster bars, pie chart and chi square test.

HYPOTHESIS:

NULL HYPOTHESIS:

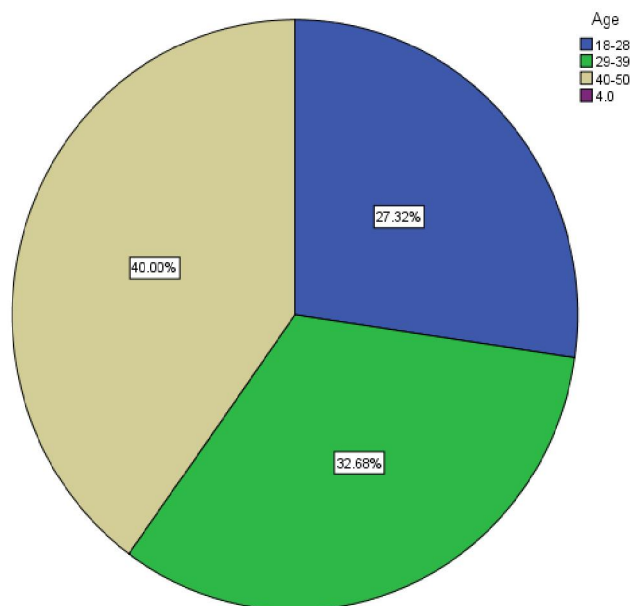
There is no significant relation between age and factors affecting consumer protection. [Technological advancement] with the reference of educational qualifications.

ALTERNATIVE HYPOTHESIS:

There is a significant relation between age and factors affecting consumer protection. [Technological advancement] with the reference of educational qualifications.

SPSS AND DATA ANALYSIS:

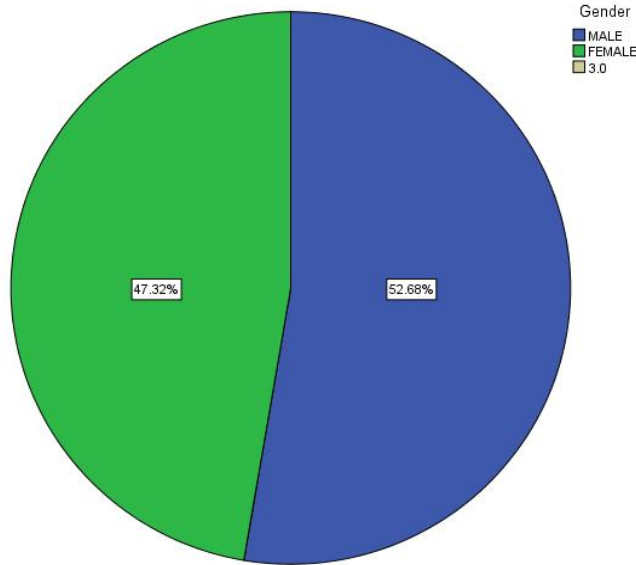
AGE:



LEGEND:

The pie chart shows the Age of the sample population. 18-28 have 27.32% , 29-39 have 32.68% , 40-50 have 40.00%

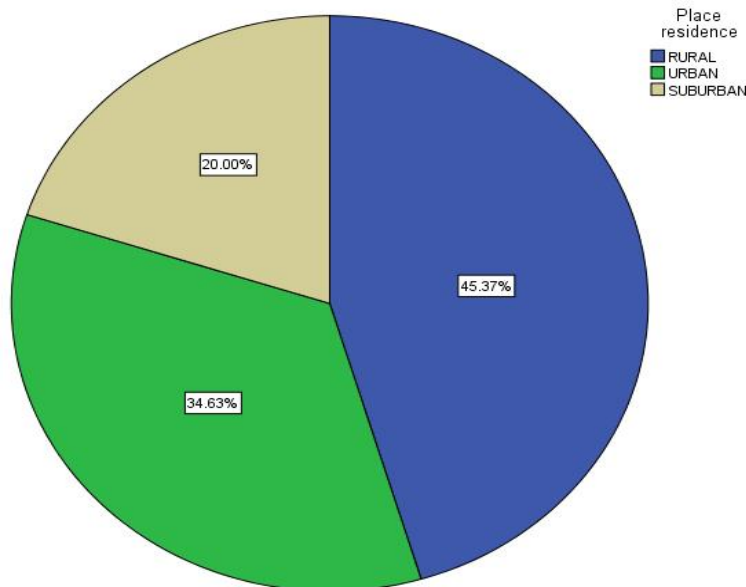
GENDER:



LEGEND:

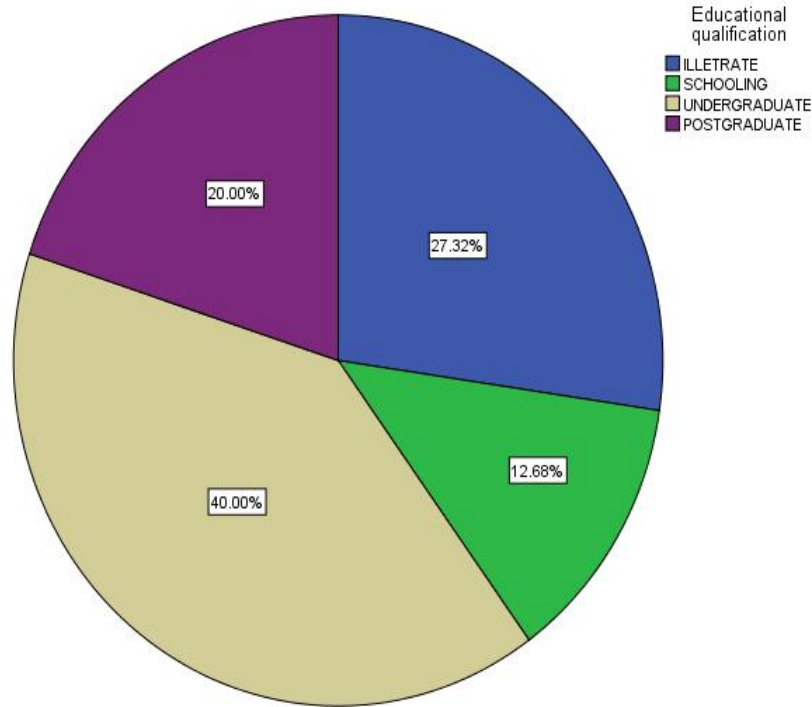
The pie chart shows the gender of the sample population. Male have 52.68%, Female have 47.32%.

PLACE OF RESIDENCE:



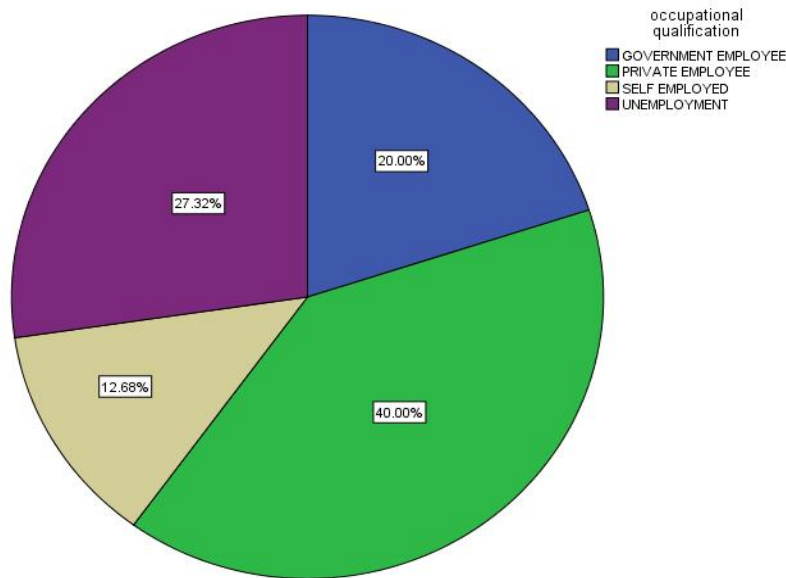
LEGEND: The pie chart shows the place of residence of the sample population. Rural areas have 45.37%, Urban have 34.63%, Suburban have 20.00%.

EDUCATIONAL QUALIFICATION:



LEGEND: The pie chart graph shows the Educational qualification of the sample population. Illiterate have 27.32%, Schooling have 12.68%, Undergraduate have 40.00% and Postgraduate have 20.00%.

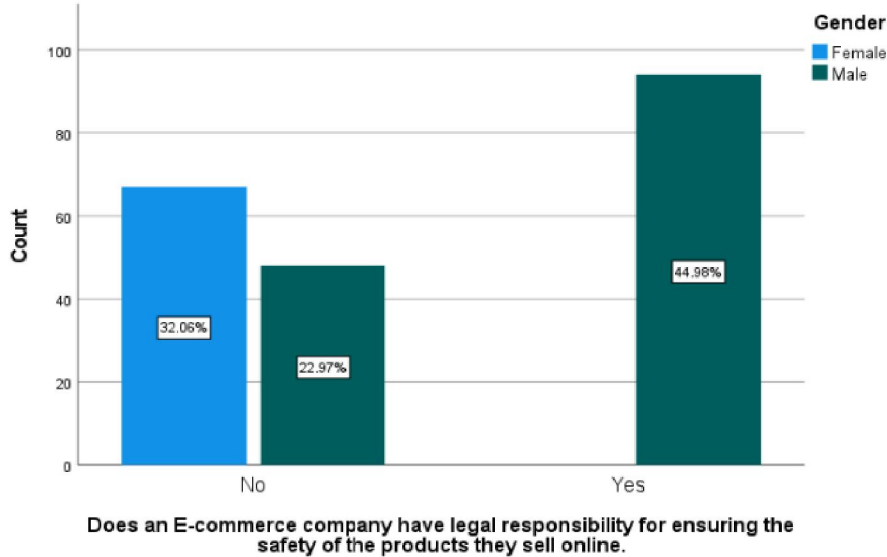
OCCUPATIONAL QUALIFICATION:



LEGEND: The pie chart Occupational qualification of the sample population. Government employees have 20.00%, Private employees have 40.00%, Self employed have 12.68%, Unemployment have 27.32%.

FIGURE 1

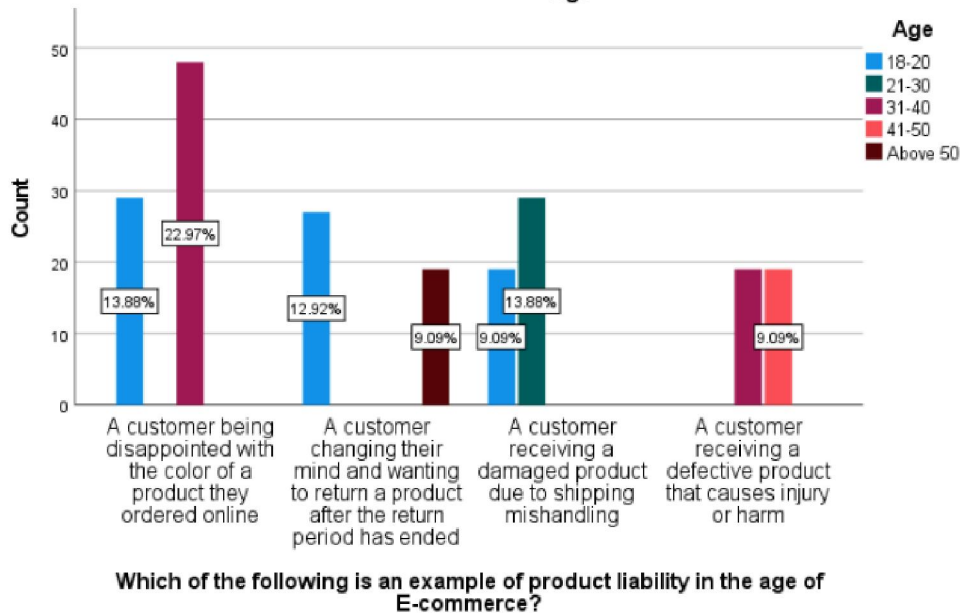
Clustered Bar Count of Does an E-commerce company have legal responsibility for ensuring the safety of the products they sell online. by Gender



LEGEND: Figure 1 shows does an E-commerce have legal responsibility for ensuring the safety of the products they sell online and the gender of the respondents.

FIGURE 2

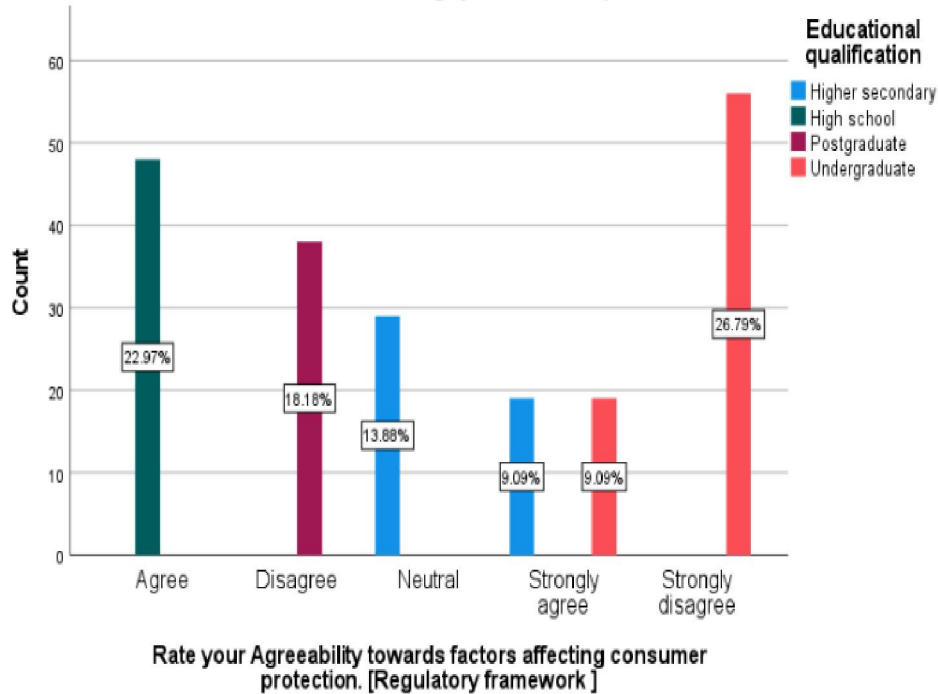
Clustered Bar Count of Which of the following is an example of product liability in the age of E-commerce? by Age



LEGEND: Figure 2 represents the following examples of products liability in the age of E-commerce and the age of the respondents.

FIGURE 3

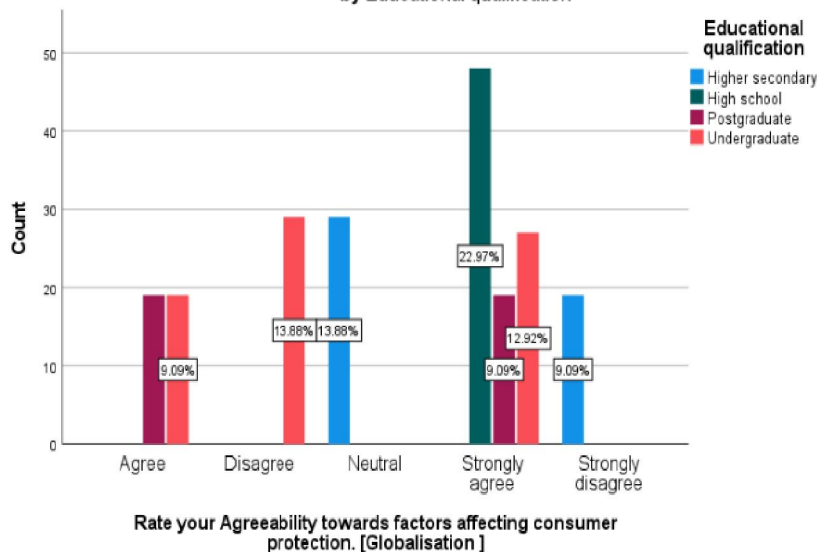
Clustered Bar Count of Rate your Agreeability towards factors affecting consumer protection. [Regulatory framework] by Educational qualification



LEGEND: Figure 3 represents the agreeability towards factors affecting consumer protection [regulatory framework] and educational qualifications of the respondents.

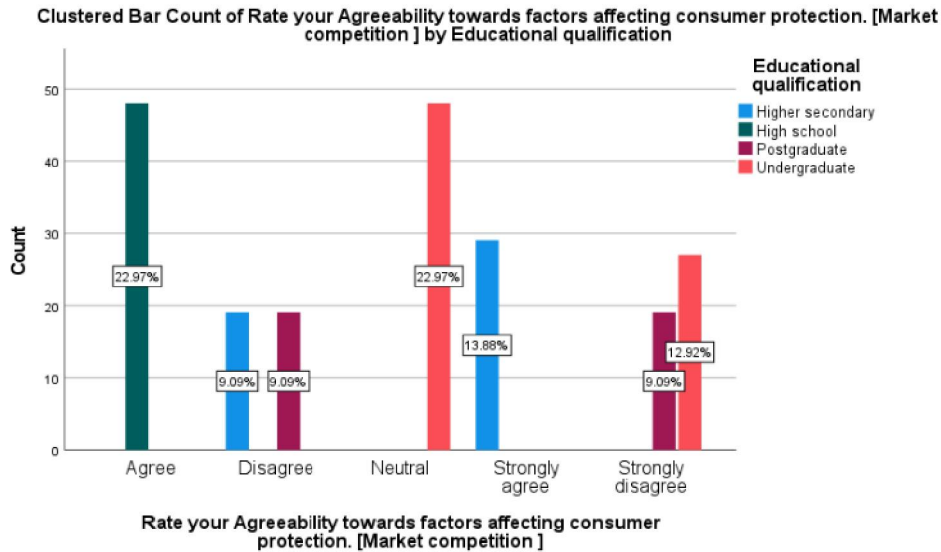
FIGURE 4

Clustered Bar Count of Rate your Agreeability towards factors affecting consumer protection. [Globalisation] by Educational qualification



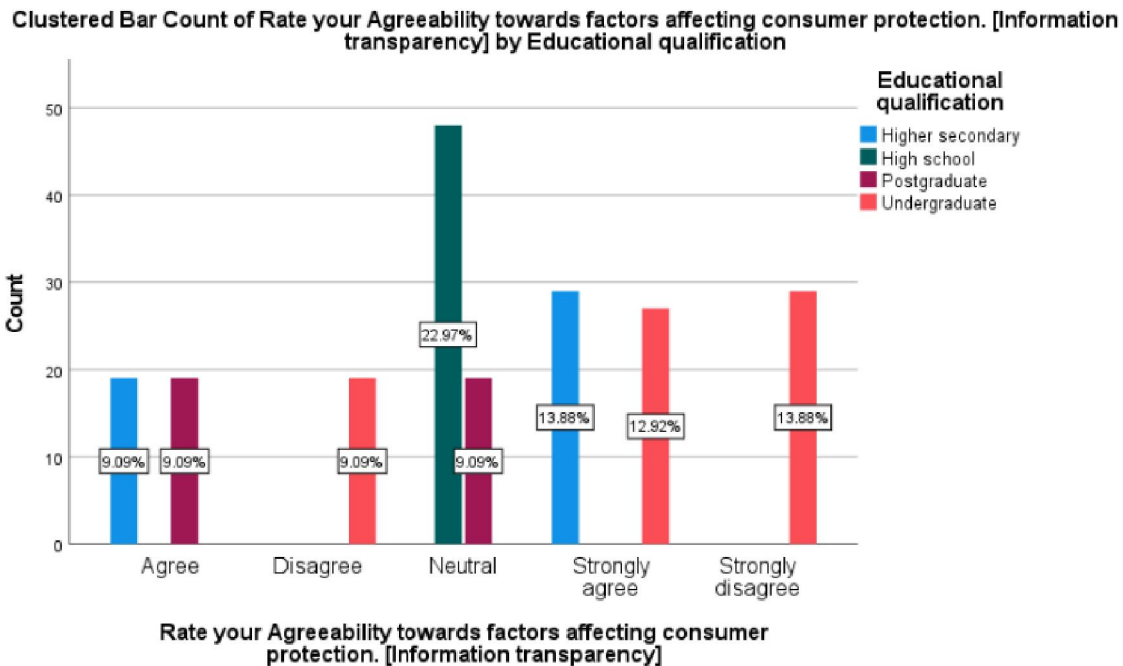
LEGEND: Figure 4 represents the agreeability towards factors affecting consumer protection [Globalization] and educational qualifications of the respondents.

FIGURE 5



LEGEND: Figure 5 represents the agreeability towards factors affecting consumer protection. [Market competition] with the reference of educational qualifications.

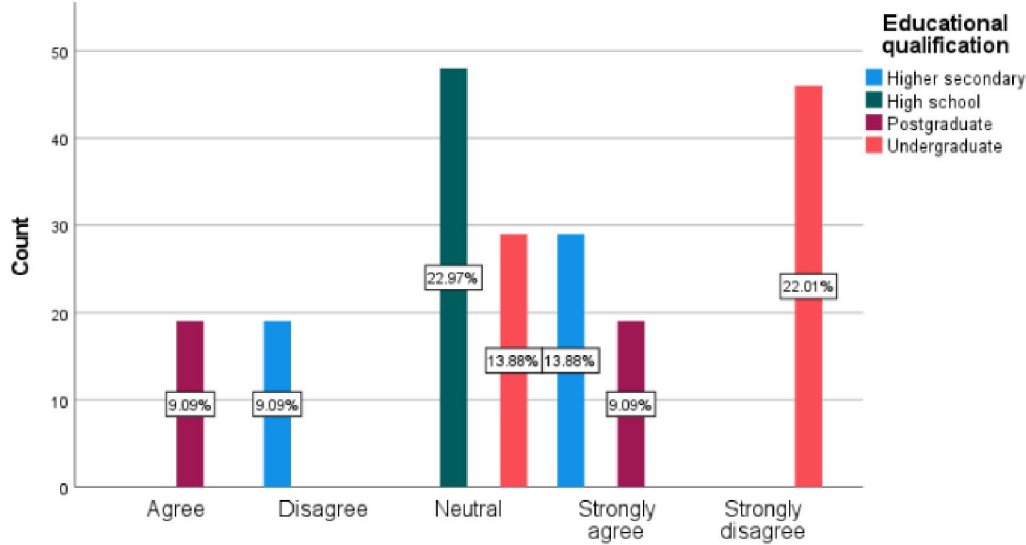
FIGURE 6



LEGEND: Figure 6 represents the agreeability towards factors affecting consumer protection. [information transparency] with the reference of educational qualifications.

FIGURE 7

Clustered Bar Count of Rate your Agreeability towards factors affecting consumer protection. [Technological advancements:] by Educational qualification

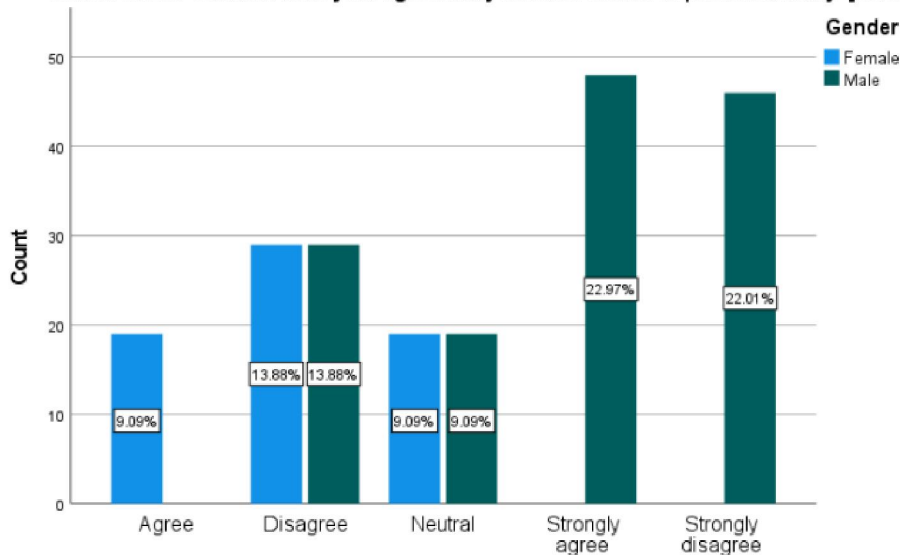


Rate your Agreeability towards factors affecting consumer protection. [Technological advancements:]

LEGEND: Figure 7 represents the agreeability towards the factors affecting consumer protection. [Technological advancement] with the reference of educational qualifications.

FIGURE 8

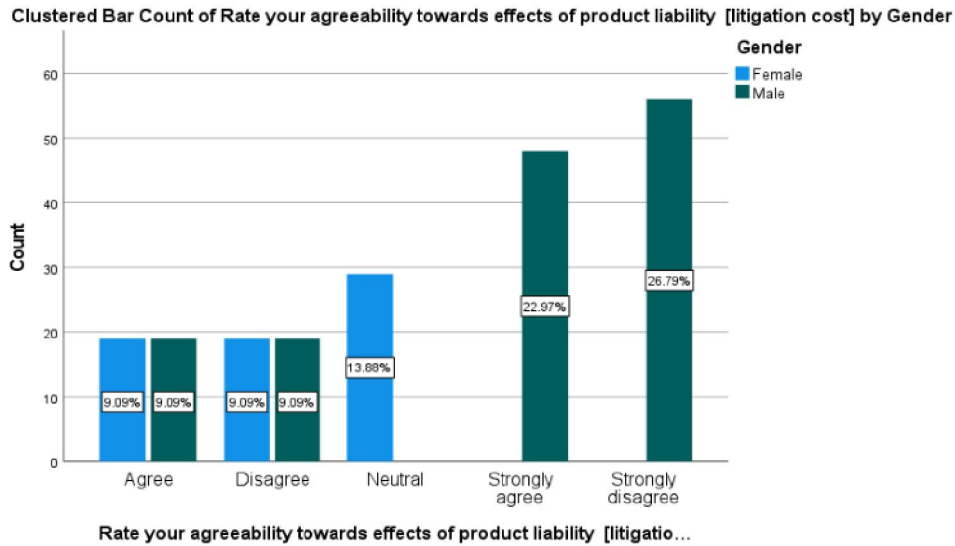
Clustered Bar Count of Rate your agreeability towards effects of product liability [Safety] by Gender



Rate your agreeability towards effects of product liability [Safety]

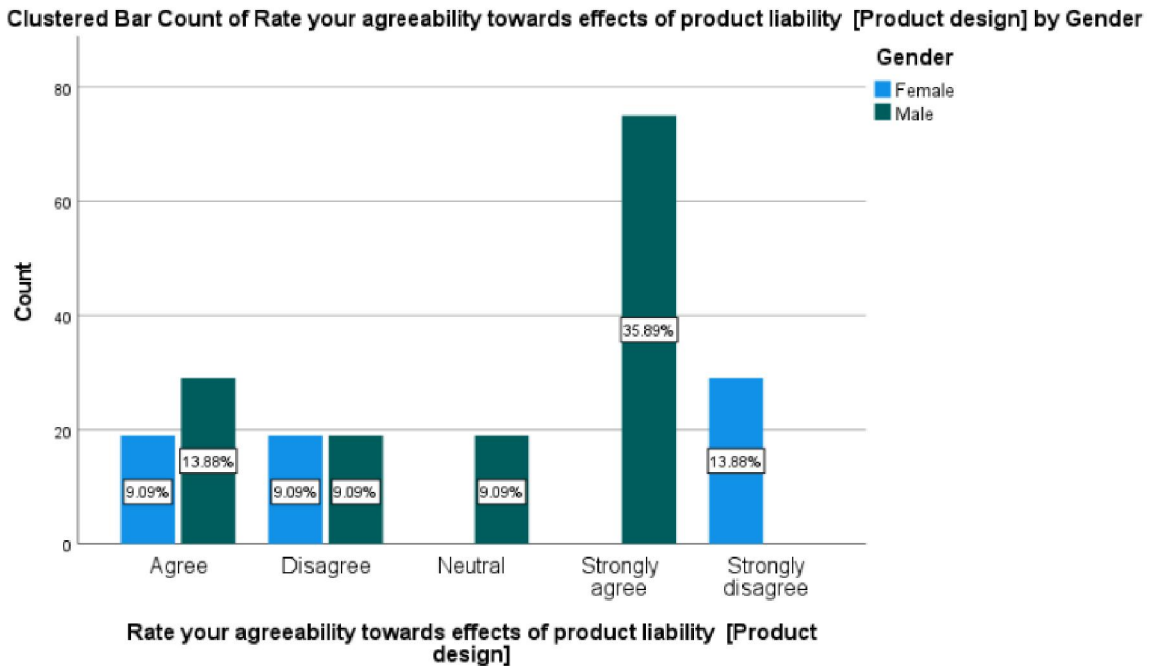
LEGEND: Figure 8 represents the agreeability towards effects of products liability [safety] with the reference of gender.

FIGURE 9



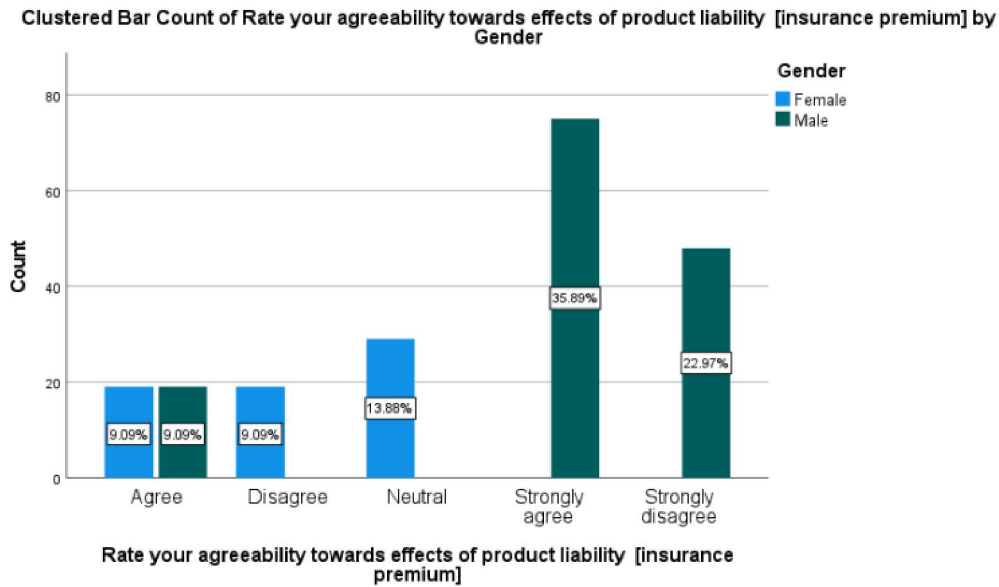
LEGEND: Figure 9 represents the agreeability towards effects of product liability [litigation cost] by gender.

FIGURE 10



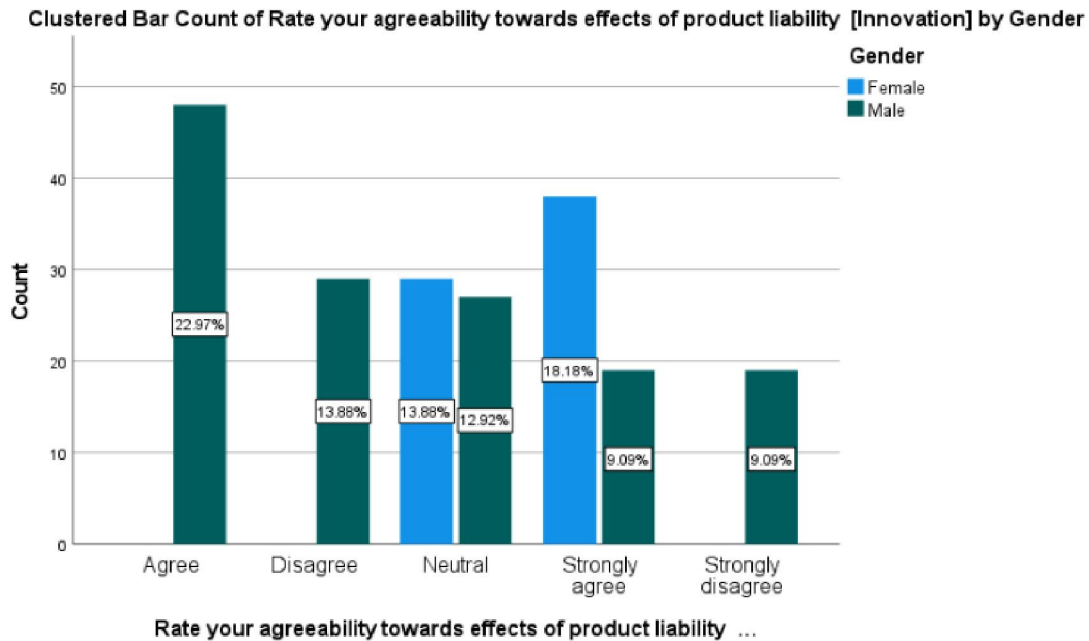
LEGEND: Figure 10 represents the agreeability towards effects of product liability [product design] by gender.

FIGURE 11:



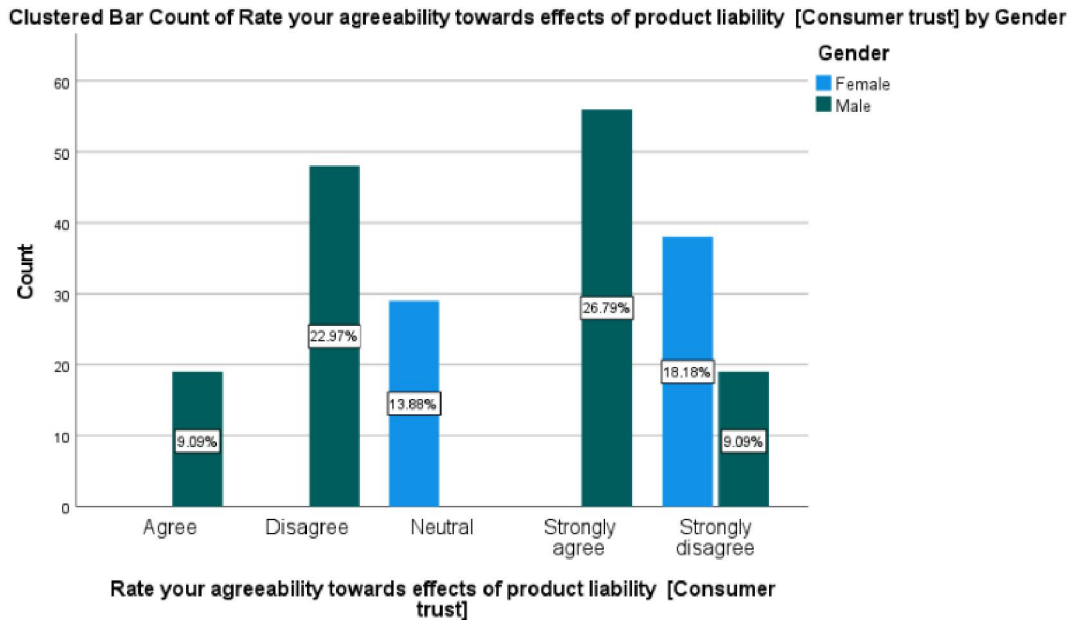
LEGEND: Figure 11 represents the agreeability towards effects of product liability [insurance premium] by gender.

FIGURE 12



LEGEND: Figure 12 represents the agreeability towards effects of product liability [innovation] by gender.

FIGURE 13



LEGEND: Figure 13 represents the agreeability towards effects of product liability [consumer trust] by gender.

TABLE 1

Chi-Square Tests

	Value	df	Asymptotic Significance (2-sided)
Pearson Chi-Square	77.153 ^a	8	.000
Likelihood Ratio	69.012	8	.000
Linear-by-Linear Association	29.870	1	.000
N of Valid Cases	210		

a. 5 cells (10.0%) have expected count less than 5. The minimum expected count is 2.33.

LEGEND:

Table 1 shows the age and factors affecting consumer protection. [Technological advancement] with the reference of educational qualifications.

NULL HYPOTHESIS:

There is no significant relation between age and factors affecting consumer protection. [Technological advancement] with the reference of educational qualifications.

ALTERNATIVE HYPOTHESIS:

There is a significant relation between age and factors affecting consumer protection. [Technological advancement] with the reference of educational qualifications.

Here the P value is less than 0.05 i.e .000. So the null hypothesis is rejected and an alternative hypothesis is accepted.

RESULT:

(**Figure 1**) Most of the respondents being male (44.98%) stated yes and a maximum of 32.06% of the females had given as no. (**Figure 2**) Most of the respondents from the age of 31-40 (22.97%) stated that a customer was disappointed with the colour of a product they ordered online and 13.86% of the respondents belonging to the age group 18-20 had given as a customer being disappointed with the colour of a product they ordered online. (**Figure 3**) Most of the respondents from the UG strongly disagreed (26.79%) with the regulatory framework and a maximum of 18.18% of the respondents who had done postgraduate had disagreed with the contention. (**Figure 4**) Most of the respondents from the high school (22.97%) strongly agree with globalisation and 13.88% of the respondents who had done undergraduate and higher secondary education had given the same. (**Figure 5**) The majority of the respondents from UG remain neutral (22.97%) with market competition and the same percentage of respondents who done high school had agreed to the contention. (**Figure 6**) The majority of the respondents from the high school qualification remain neutral (22.97%) and 13.88% of the respondents who had done undergraduate had strongly disagree to the contention that information transparency affects consumer protection. (**Figure 7**) Most of the respondents from high school remain neutral (22.97%) for technological advancements and 22.01% of the respondents who had done undergraduate had strongly disagreed with the contention. (**Figure 8**) Most of the respondents being male strongly agree (22.97%) with safety and 22.01% of the male respondents has also strongly disagreed to it. (**Figure 9**) Most of the respondents being male strongly disagreed (26.79%) with litigation cost and a maximum of 13.88% of the female respondents had given a neutral opinion for the contention. (**Figure 10**) The majority of the respondents being male (35.89%) strongly agree with product design and a maximum of 13.88% of the respondents who are female had strongly agreed to the contention made. (**Figure 11**) Most of the respondents being male (35.89%) strongly agree with insurance premium and at the second level 22.97% of the male respondents had strongly disagreed to the contention that insurance premium as the effect of product liability. (**Figure 12**) Most of the respondents being male (22.97%) agree with innovation and a maximum of 18.18% of the female respondents have strongly agreed to the contention that innovation is the effect of product liability. (**Figure 13**) The majority of the respondents being male (26.79%) strongly agree with consumer trust 18.18% of the female respondents had strongly disagreed to the contention that consumer trust is the effect of product liability. **Table 1** shows There is a significant relation between age and factors affecting consumer protection. [Technological advancement] with the reference of educational qualifications. As the p value is less than 0.05, the alternative hypothesis has been accepted.

DISCUSSION:

Figure 1: The figure indicates that nearly half of the respondents were male and stated "yes." It suggests that a significant portion of male respondents agrees with or supports a specific aspect, which needs to be specified further for a complete understanding of the context. **Figure 2:** The figure reveals that the largest group of respondents in the age range of 31-40 reported that a customer was disappointed with the colour of a product ordered online. This finding highlights the relevance of product appearance and customer expectations in e-commerce transactions, indicating a potential concern related to product liability and consumer satisfaction. **Figure 3:** Among the respondents with an undergraduate (UG) qualification, the majority strongly disagreed with the regulatory framework. This indicates that a significant portion of UG respondents hold a negative perception of the existing regulations concerning product liability and consumer protection in e-commerce. Further investigation is necessary to understand the specific concerns and potential recommendations for improvement. **Figure 4:** In contrast to Figure 3, the figure shows that the majority of high school respondents strongly agree with globalisation. This suggests a positive perception among high school respondents regarding the impact of globalisation on product liability and consumer protection in the e-commerce context. The reasons behind this agreement require further exploration. **Figure 5:** The figure indicates that the majority of UG respondents remained neutral regarding market competition. This suggests a lack of strong opinions or a need for more information among UG respondents regarding the influence of market competition on product liability and consumer protection in e-commerce. **Figure 6:** Similar to Figure 5, the majority of high school respondents remained neutral. This indicates a similar trend of neutrality among high school respondents regarding the impact of market competition on product liability and consumer protection. **Figure 7:** The figure shows that the majority of high school respondents also remained neutral regarding technological advancements. This suggests that high school respondents

may require more information or have mixed opinions regarding the influence of technological advancements on product liability and consumer protection. **Figure 8:** Among male respondents, the majority strongly agrees with safety. This indicates a positive perception among male respondents regarding the importance of safety measures in product liability and consumer protection. **Figure 9:** The figure indicates that most male respondents strongly disagreed with litigation cost. This suggests that male respondents perceive litigation costs as burdensome or unfavourable in the context of product liability and consumer protection. **Figure 10:** The majority of male respondents strongly agrees with product design. This highlights the importance of product design in the eyes of male respondents concerning product liability and consumer protection. **Figure 11:** Similarly, most male respondents (35.89%) strongly agree with insurance premium. This suggests that male respondents recognize the significance of insurance coverage in addressing product liability concerns. **Figure 12:** Among male respondents, the majority agrees with innovation. This indicates a positive perception among male respondents regarding the role of innovation in improving product liability and consumer protection in e-commerce. **Figure 13:** Lastly, the majority of male respondents strongly agree with consumer trust. This underscores the importance of establishing and maintaining consumer trust in the e-commerce landscape from the perspective of male respondents. **Table 1:** it can be seen that there is a significant relation in the chi square test therefore all the respondents had given an equal distributive agreement towards technological advancement.

LIMITATIONS:

One of the major limitations of the study in the sample frame. There is a major constraint in the sample frame as it is limited to a small area. Thus, it proves to be difficult to extrapolate it to a larger population. Another limitation is the sample size of 200 which cannot be used to assume the thinking of the entire population in the particular country, state or city. The physical factors have a larger impact, thus limiting the study.

SUGGESTIONS:

E-commerce has become a significant part of India's retail landscape, and with its growth, the issue of product liability has gained prominence. Product liability refers to the legal responsibility of manufacturers, sellers, and distributors for the safety of the products they make or sell. India does not have specific legislation solely dedicated to e-commerce and product liability. Instead, product liability issues are primarily governed by various existing laws and regulations. These include the Indian Contract Act, the Sale of Goods Act, and the Consumer Protection Act. The Consumer Protection Act, 2019, has made significant changes to the legal framework concerning product liability. It introduces the concept of "product liability action," making manufacturers, sellers, and service providers liable for any harm caused to consumers due to defective products or deficient services. This law applies to e-commerce platforms as well.

CONCLUSION:

The study on the examination of legal issues surrounding product liability and consumer protection in the age of e-commerce sheds light on several important aspects. The rise of e-commerce has brought convenience and accessibility to consumers, enabling them to shop from the comfort of their homes. However, this convenience also comes with new challenges, particularly concerning product liability. The study found that the involvement of multiple parties, including manufacturers, online marketplaces, and third-party sellers, can complicate the determination of liability when defective products cause harm to consumers. In addressing these challenges, it is imperative for India's legal system to provide clear and unambiguous regulations regarding product liability in the e-commerce ecosystem. Establishing well-defined responsibilities and liabilities for each stakeholder within the supply chain is essential to ensure that consumers are adequately protected and compensated in cases of injury or damages caused by faulty products. International aspects of e-commerce add further complexity to the regulatory landscape. Cooperation with international bodies and the harmonisation of laws to ensure cross-border consumer protection will be instrumental in addressing disputes involving foreign entities.

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