

THE CHANGING LANDSCAPE OF INDIAN LAW

CONTEMPORARY ISSUES AND ENFORCEMENT MECHANISMS



EDITED BY:

Prof. (Dr.) T. R. Subramanya
Dr. Vidya Selvamony

THE CHANGING LANDSCAPE OF INDIAN LAW

Contemporary Issues and Enforcement Mechanisms

Edited by

Prof. (Dr.) T. R. Subramanya

Dean, CMR University School of Legal Studies, Bengaluru

Dr. Vidya Selvamony, Advocate

Visiting Faculty, CMR University School of Legal Studies, Bengaluru



Jupiter Publications Consortium
Chennai • Tamil Nadu • India

Publication Details

Title: The Changing Landscape of Indian Law: Contemporary Issues and Enforcement Mechanisms

Edited by: Prof. (Dr.) T. R. Subramanya, Dean, CMR University School of Legal Studies, Bengaluru; and Dr. Vidya Selvamony, Advocate, Visiting Faculty, CMR University School of Legal Studies, Bengaluru.

© 2026 Jupiter Publications Consortium. All rights reserved. No part of this publication may be reproduced, stored, or transmitted without prior written permission, except for brief scholarly quotation.

First published on 06-08-2026 by Jupiter Publications Consortium, Chennai, Tamil Nadu, India.

ISBN: 978-93-86388-51-3

DOI: <https://doi.org/10.47715/978-93-86388-51-3>

Price: Rs. 400/-

Publisher: Jupiter Publications Consortium, 22/102, Second Street, Venkatesa Nagar, Virugambakkam, Chennai – 600 092, Tamil Nadu, India.

Imprint: Magestic Technology Solutions (P) Ltd, Chennai, Tamil Nadu, India.

Website: www.jpc.in.net

Email: director@jpc.in.net

Phone: +91 97909 11374 | 99625 78190

Edition: First Edition

Disclaimer: Views expressed in individual chapters are those of the respective contributors and do not necessarily represent those of the editors or publisher.



Preface



The contemporary legal order in India is being reshaped by rapid technological change, evolving constitutional interpretation, new forms of economic activity, environmental pressures, and renewed demands for dignity, accountability, and social justice. These developments require legal scholarship to do more than describe statutory provisions. It must examine how law operates in practice, identify gaps between legislative promise and institutional implementation, and propose reforms suited to emerging realities.

This edited volume, *The Changing Landscape of Indian Law: Contemporary Issues and Enforcement Mechanisms*, brings together thirteen scholarly contributions addressing significant questions in constitutional law, digital governance, criminal justice, labour welfare, environmental protection, intellectual property, competition law, land acquisition, religious endowments, animal welfare, e-commerce, and judicial administration. Although the chapters arise from distinct areas of legal inquiry, they share a central concern: how Indian law can respond effectively to social and technological transformation while remaining faithful to constitutional values.

The volume is intentionally interdisciplinary and policy-oriented. Its contributors analyse legislation, judicial decisions, administrative structures, comparative practices, and emerging regulatory challenges. The discussions move beyond doctrinal exposition to consider enforcement, institutional capacity, public accountability, access to justice, and the lived consequences of law. This approach makes the collection relevant to students, teachers, researchers, advocates, judges, policy-makers, administrators, and all readers interested in the continuing development of Indian legal institutions.

We are grateful to every contributor for the scholarship, care, and critical reflection invested in this work. We also acknowledge the academic environment of CMR University School of Legal Studies, Bengaluru, which has encouraged sustained engagement with contemporary legal questions. It is our hope that this volume will stimulate further research, informed discussion, and constructive legal reform.

The law remains a living institution. Its strength lies not only in continuity but also in its capacity to respond to change without surrendering the foundational commitments of justice, liberty, equality, dignity, and

the rule of law. This book is offered as a contribution to that continuing intellectual and institutional endeavour.

Prof. (Dr.) T. R. Subramanya
Dr. Vidya Selvamony, Advocate

Acknowledgement



This edited volume is the result of sustained scholarly engagement, institutional encouragement, and the collective commitment of its contributors. We express our sincere gratitude to every author whose research and critical insight have shaped this work. We acknowledge the academic support of CMR University School of Legal Studies, Bengaluru, and thank colleagues, reviewers, administrators, and well-wishers who assisted in the editorial and publication process. We are grateful to Jupiter Publications Consortium and its imprint, Magestic Technology Solutions (P) Ltd., for bringing the volume into publication with care and professionalism. Finally, we thank our families and readers, whose encouragement gives purpose to academic inquiry.

Prof. (Dr.) T. R. Subramanya
Dr. Vidya Selvamony, Advocate

Glossary

**Algorithmic governance**

Use of automated and data-driven systems in public administration and decision-making.

Constitutional environmentalism

Interpretation and application of constitutional principles to environmental protection and sustainable governance.

Digital footprint

A durable electronic record created through a person's or institution's digital activity.

Digital judiciary

Court administration and justice delivery supported by electronic filing, databases, virtual hearings, and related technologies.

Dilution

Weakening of the distinctiveness or reputation of a well-known trademark even without consumer confusion.

Domestic worker

A person engaged to perform household work within an employment relationship.

E-commerce

Commercial exchange of goods, services, or information through electronic networks.

Eminent domain

The State's authority to acquire private property for a legally recognised public purpose, subject to applicable safeguards.

Euthanasia

Intentional medical intervention to end life in order to relieve suffering, classified in law by consent and method.

Judicial accountability

Institutional and ethical mechanisms through which judicial power remains answerable to law and the public.

Predatory pricing

Pricing below an appropriate measure of cost with the object or effect of eliminating competition.

Public purpose

A legally recognised community or governmental objective invoked to justify public action such as land acquisition.

Rehabilitation

Measures designed to prepare an offender or prisoner for constructive reintegration into society.

Terrorism

Use or threat of serious violence intended to intimidate a population or compel governmental or institutional action.

Trademark infringement

Unauthorised use of a mark in a manner prohibited by trademark law, commonly involving likelihood of confusion.

Waqf

Permanent dedication of property under Islamic law for religious, charitable, or pious purposes.

Editors' Profiles



Prof. (Dr.) T. R. Subramanya is Dean of CMR University School of Legal Studies, Bengaluru. His distinguished career includes service as Vice-Chancellor of Karnataka State Law University, senior academic and administrative roles at Bangalore University and the West Bengal National University of Juridical Sciences, and international service as Legal Counsellor to the Kingdom of Bahrain. He has contributed extensively to international law, legal education, institutional development, research supervision, and scholarly publishing.



Dr. Vidya Selvamony, Advocate is a legal scholar and Visiting Faculty at CMR University School of Legal Studies, Bengaluru, with more than twenty-five years of experience. She is Managing Trustee of Legal Aid Trust and works in legal literacy, constitutional awareness, accessible legal aid, workplace dignity, child rights, and social reform. She is also a certified trainer and External Member of Internal Committees under the Sexual Harassment of Women at Workplace legislation.

List of Abbreviations



AI	Artificial Intelligence
CCI	Competition Commission of India
DBT	Direct Benefit Transfer
DPDP	Digital Personal Data Protection
EPIC	Electoral Photo Identity Card
IT	Information Technology
LL.M.	Master of Laws
NJDG	National Judicial Data Grid
PAN	Permanent Account Number
RFCTLARR	Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement
SUVAS	Supreme Court Vidhik Anuvaad Software
SUPACE	Supreme Court Portal for Assistance in Court's Efficiency
UAPA	Unlawful Activities (Prevention) Act
UK	United Kingdom
UN	United Nations

How to Use This Edited Book



This volume may be read sequentially as a study of the changing landscape of Indian law or selectively according to a reader's field of interest. Each chapter begins with its central research concern and proceeds through statutory, constitutional, judicial, comparative, or policy analysis. Readers should consult the abstract for orientation, use section headings to follow the argument, and refer to the chapter-specific references for deeper research. Cross-reading is encouraged: digital governance chapters illuminate questions of accountability and privacy; social-justice chapters connect dignity with labour, prisons, land, and health; and regulatory chapters reveal the interaction between markets, institutions, and constitutional values. The glossary and list of abbreviations provide quick assistance with recurring concepts.

Contents



Preface	i
Acknowledgement	iii
Glossary	iv
Editors' Profiles	vi
List of Abbreviations	vii
How to Use This Edited Book	viii
Introduction	xiv
1 A New Paradigm for Counterterrorism Strategies: Regulatory and Preventive Reforms Grounded in the Aetiology of Terrorism	1
1.1 Introduction	2
1.2 Defining Terrorism: A Multifaceted Challenge	3
1.2.1 The Origin And Transformation Of The Term "Terrorism"	3
1.2.2 Reasons Behind Challenge For Establishing A Definition Of Terrorism	3
1.2.3 Differing Perspectives On The Feasibility Of Establishing A Definition For Terrorism	4
1.2.4 A Suggestive Definition Of Terrorism	5
1.2.5 Current Legislative Definitions Of Terrorism	5
1.3 Root Causes Of Terrorism: Understanding Its Aetiology	7
1.3.1 Causal Link Between Political Instability And Terrorism	7
1.3.2 Socio-Economic And Demographic Perspective On The Roots Of Terrorism	8
1.3.3 Role Of Religious Ideology As A Crucial Root Of Terrorism	8
1.3.4 Psychological Perspectives To Terrorism	9
1.3.5 Need For Multifaceted Causal Frameworks Explaining Terrorism	9
1.3.6 Martha Crenshaw'S Multi-Factor Causal Framework On Terrorism	9
1.3.7 Role Of Internal Relationships And Socialization In Exacerbating The Propensity To Engage In Terrorism	12
1.3.8 Causes Of Terrorism Through The Lens Of Schmid And Sirseloudi'S Causal Framework	12
1.3.9 The Proposed Terrorism System Dynamics Framework	14

1.4 National And International Counterterrorism Frameworks . . .	15
1.4.1 Counterterrorism Regulatory Regime In India	15
1.4.2 International Legal Regime For Counterterrorism.	16
1.5 From Retaliation To Resilience: Reconciling Military And Pre- ventive Strategies In Counterterrorism	17
1.5.1 Prevalent Categories Of Counterterrorism Strategies . . .	17
1.5.2 Legal Justifications For Use Of Kinetic Force Against Ter- rorist Actors As A Counterterrorism Strategy	18
1.5.3 Limitations Of The Prevalent Counterterrorism Strate- gies And The Case For A Balanced Approach	18
1.6 Conclusion	19
1.7 References	21

2 Digital Footprints and Judicial Accountability: Trans- forming Transparency in the Indian Justice Delivery System	24
2.0.1 Keywords	25
2.1 II. Conceptual Framework: What Is a "Digital Footprint" in Judicial Administration?	26
2.2 III. Constitutional Foundations of Transparency and Account- ability	27
2.2.1 A. Article 14, Equality Before the Law	27
2.2.2 B. Article 19(1)(a), Freedom of Speech and the Right to Know.	28
2.2.3 C. Article 21, Life, Personal Liberty, and Access to Justice .	29
2.3 IV. Historical Evolution of Judicial Transparency in India	29
2.4 V. The Architecture of the Digital Transformation of the Indian Judiciary	30
2.4.1 A. The e-Courts Mission Mode Project	30
2.4.2 B. e-Filing.	32
2.4.3 C. Virtual Hearings	32
2.4.4 D. The National Judicial Data Grid (NJDG)	33
2.4.5 E. Justice Clocks.	34
2.4.6 F. Live-Streaming of Court Proceedings	34
2.4.7 G. Artificial Intelligence in the Judicial Process: SUPACE and SUVAS	35
2.5 VI. Digital Footprints as Indicators of Judicial Accountability. .	35
2.6 VII. Impact on Stakeholders	36
2.6.1 A. Litigants	36
2.6.2 B. Advocates	36
2.6.3 C. Judges	37
2.6.4 D. Registries, Researchers, and the Public	37
2.7 VIII. Landmark Judicial Decisions on Transparency and Open Justice.	37
2.8 IX. Challenges to the Digital Judiciary	39
2.8.1 A. The Digital Divide	39

2.8.2 B. Cybersecurity	39
2.8.3 C. Privacy Concerns	40
2.8.4 D. Judicial Independence	40
2.8.5 E. Infrastructure Deficiencies	40
2.8.6 F. Accountability for Algorithmic Tools	41
2.9 X. Comparative Perspectives	43
2.10XI. Toward a Framework for Reconciling Transparency, Privacy, and Independence	43
2.11XII. Recommendations	43
2.12XIII. Conclusion	44
2.13Bibliography	45
2.13.A. Constitutional and Statutory Materials	45
2.13.B. Cases	45
2.13.C. Government and Institutional Reports	45
2.13.D. Secondary Sources: Articles, Institutional Analyses, and Reports	46
3 The Digital Republic and the Invisible Citizen: Constitutional Limits on India's Emerging Data State . . .	47
3.1 Introduction	48
3.2 The Evolution of India's Digital Governance Architecture	50
3.3 From Data Silos to Data Convergence: The Rise of the Integrated Digital State	52
3.4 Artificial Intelligence and the Economic Valuation of the Citizen	54
3.5 The Constitutional Promise and the Digital Peril	57
3.6 Can Artificial Intelligence Become the New Welfare Adjudicator?	61
3.7 The Spectre of Digital Civil Death	64
3.8 The Case for a Digital Bill of Rights	66
3.9 Conclusion	69
4 Law Governing Animal Welfare and Protection in India: A Comparative Analysis with the United Kingdom	72
4.1 Introduction	73
4.2 Constitutional Normative Foundations	73
4.3 Core Legislative Frameworks	74
4.4 Institutional And Enforcement Architecture	76
4.5 Substantive Standards And Offences	77
4.6 Judicial Development Of Animal Welfare In India	77
4.7 Comparative Assessment: India And The United Kingdom	78
4.8 Recent And Proposed Reforms	79
4.9 Lessons For Indian Law And Policy	79
4.10Conclusion	80

5	The Waqf (Amendment) Act, 2025: Reconstructing Waqf Governance through Transparency, Accountability and Constitutional Balance	81
5.1	Introduction	82
5.2	Historical And Legal Background	83
5.3	Reforms Under The 2025 Amendment	85
5.4	The Need For The Amendment	86
5.5	Key Areas Of Impact	87
5.6	Issues And Emerging Concerns	89
5.7	Suggestions And Recommendations	90
5.8	Conclusion	91
6	Trademark Harm in India: Infringement versus Dilution	93
6.1	Introduction	94
6.2	Conceptual Framework	95
6.2.1	<i>Trademark Infringement</i>	96
6.2.2	<i>Trademark Dilution</i>	98
6.3	Legal Framework: Trade Marks Act, 1999	99
6.3.1	<i>Section 29(1)–(3): Infringement Based on Confusion</i>	99
6.3.2	<i>Section 29(4): Dilution Protection for Well-Known Marks</i>	100
6.3.3	<i>Section 11: Relative Grounds for Refusal</i>	100
6.4	Judicial Approaches	103
6.5	Comparative Chart Analysis	104
6.6	Conclusion and Suggestions	105
7	Redefining Public Purpose in Indian Land Acquisition Law: From the Land Acquisition Act, 1894 to the RFCTLARR Act, 2013	106
7.1	Introduction	107
7.2	Constitutional Evolution Of Property Rights	108
7.3	Early Legislative History Of Land Acquisition In India	109
7.4	Land Acquisition Act, 1894: Structure And Public Purpose	110
7.5	Challenges And Need For Reform.	112
7.6	Rfctlarr Act, 2013: A Rights-Based Framework	113
7.7	Comparative Analysis Of Public Purpose Under The 1894 And 2013 Acts.	117
7.8	Conclusion	118
8	Constitutional Environmentalism and Sustainable Education in India: Building a New Generation of Green Savers.	120
9	Rehabilitation of Prisoners under the Indian Prison Legal Framework: A Critical Analysis	134
9.1	Colonial Origin And The Logic Of Suppression.	138

9.2 Punitive Orientation: Discipline As An End In Itself.	138
9.3 The Statutory Silence: Absence Of Rehabilitation Mechanisms	139
9.4 Inadequacy In Contemporary Administration.	140
10 Judicial Approaches to Euthanasia Laws in India: An Analysis.	147
11 Legal Framework Relating to Women Domestic Workers.	160
12 Legal Framework of Predatory Pricing in India.	184
12.1Introduction	185
12.2Overview Of The Competition Act, 2002.	186
12.3The Concept Of Dominance.	187
12.4Relevant Market And Determination Of Dominance	189
12.5Determination Of Dominance	190
12.6Predatory Pricing In Digital And Platform Markets	191
12.7Role Of The Cci In Regulating Digital Markets.	192
12.8Challenges In Enforcement In Digital Markets.	193
12.9Conclusion	196
13 The Evolution of E-Commerce Legislation in India . . .	198
13.1Introduction: Digital Transformation And The Law Of E-Commerce In India	199
13.2Conceptual Foundations Of E-Commerce	200
13.3Evolution Of E-Commerce In India: Economic And Social Context.	200
13.4Legislative History And Objectives Of The Information Technology Act, 2000	201
13.5Legal Recognition Of Electronic Records And Digital Signatures.	202
13.6Electronic Contracts In E-Commerce Transactions	203
13.7Intermediary Liability: Concept And Evolution.	203
13.8Judicial Interpretation Of Intermediary Liability In E-Commerce	204
13.9Safe Harbour Versus Platform Accountability	204
13.10Structural Limitations Of The It Act In The Contemporary E-Commerce Ecosystem	205
Closing Note from the Editors.	214

Introduction



INTRODUCTION

The history of law is, in many respects, the history of civilization itself. Legal systems emerge, evolve, and transform in response to the changing needs of society, reflecting the political, economic, cultural, and technological conditions of their time. From the earliest customary practices to sophisticated constitutional democracies, law has functioned as both a mirror of society and an instrument for its transformation. In constitutional democracies such as India, the significance of law extends beyond regulation and dispute resolution; it serves as a mechanism for securing justice, preserving liberty, ensuring accountability, and facilitating social and economic progress.

The Indian legal system occupies a unique position among the world's legal traditions. It is a product of multiple historical influences ancient indigenous legal philosophies, colonial legal institutions, constitutionalism, and international legal developments. At the time of Independence in 1947, India inherited a legal framework largely designed to serve the administrative interests of a colonial state. The adoption of the Constitution of India on 26 January 1950 fundamentally altered this trajectory. The Constitution did not merely establish institutions of governance; it articulated an ambitious vision of political democracy, social justice, economic equality, and individual freedom.

Over the past seventy-five years, Indian law has evolved through successive phases of constitutional and institutional development. The first decades following Independence were characterized by nation-building efforts, agrarian reforms, and the expansion of welfare legislation. The subsequent period witnessed the growth of public interest litigation, the emergence of judicial activism, and the increasing recognition of socio-economic rights. Economic liberalization in 1991 introduced new dimensions to legal governance, compelling the State to regulate markets, foreign investment, competition, and globalization. More recently, the digital revolution has ushered in a new era of governance defined by artificial intelligence, data-driven decision-making, online dispute resolution, virtual courts, and digital citizenship.

Each of these developments has significantly altered the nature of legal discourse in India. Contemporary legal scholarship is therefore confronted with an important question: How can legal institutions remain responsive to rapidly changing social realities while preserving the constitutional values that define the Republic? The answer lies in

recognizing that law is neither static nor self-executing. It is a living institution that continuously negotiates the relationship between the State and the individual, rights and responsibilities, liberty and security, innovation and regulation.

The twenty-first century has introduced challenges that were scarcely imaginable to earlier generations of lawmakers. Questions concerning digital privacy, algorithmic governance, cybercrime, artificial intelligence, climate change, biotechnology, transnational commerce, and platform economies have fundamentally transformed the legal landscape. Simultaneously, longstanding concerns relating to poverty, social exclusion, labour exploitation, gender inequality, access to justice, and institutional accountability continue to demand sustained legal attention. Consequently, contemporary law operates within a complex environment where traditional legal principles must be reconciled with emerging realities.

India's constitutional framework has played a central role in navigating these transformations. The Constitution has repeatedly demonstrated its resilience and adaptability, allowing courts and legislatures to respond to changing societal needs without compromising foundational principles. Fundamental Rights under Part III, the Directive Principles of State Policy under Part IV, and the Fundamental Duties under Part IVA collectively provide a normative framework that influences every branch of law. Judicial interpretation has further expanded constitutional protections, transforming Article 21 from a guarantee against arbitrary deprivation of life into a source of numerous substantive rights, including the rights to privacy, education, livelihood, health, and a clean environment.

The constitutionalization of legal governance constitutes one of the defining features of contemporary Indian law. Constitutional values increasingly permeate fields traditionally regarded as distinct from public law. Environmental jurisprudence is informed by principles of intergenerational equity and sustainable development. Labour law incorporates concerns relating to dignity and social justice. Competition law engages with questions of fairness and market access. Digital governance raises issues of privacy and informational autonomy. Prison administration is evaluated through the lens of human dignity and rehabilitation. Consequently, the boundaries between constitutional law and specialized legal disciplines have become progressively blurred.

Equally significant has been the emergence of the regulatory State. Modern governance demands specialized institutions capable of addressing increasingly complex legal and economic issues. Regulatory bodies such as the Competition Commission of India, National Green Tribunal, Securities and Exchange Board of India, Data Protection Board, and various sector-specific authorities have assumed a prominent role in shaping legal outcomes. Their growing influence highlights

an important reality of contemporary governance: the effectiveness of law depends as much upon institutional design and enforcement mechanisms as it does upon legislative drafting.

Enforcement remains one of the most persistent challenges confronting legal systems across the world. A legal right without an effective remedy risks becoming merely aspirational. Indian legal history provides numerous examples where progressive legislation has struggled to achieve its intended objectives due to institutional limitations, inadequate resources, procedural inefficiencies, or implementation deficits. The gap between law in books and law in action continues to influence debates concerning access to justice, judicial delays, regulatory effectiveness, and administrative accountability.

Technological developments have further complicated this relationship between law and enforcement. Digital technologies simultaneously enhance and challenge governance. Electronic courts improve access to justice while raising concerns regarding digital exclusion. Artificial intelligence increases administrative efficiency but generates questions concerning transparency, bias, and accountability. Digital identities facilitate welfare delivery while creating risks associated with surveillance and informational concentration. The law is therefore increasingly required to mediate not merely human relationships, but also the relationship between individuals and technological systems.

Another defining characteristic of contemporary Indian law is its increasing engagement with global legal developments. Climate change, cybersecurity, terrorism, migration, international trade, and data governance transcend national boundaries and require coordinated legal responses. Indian courts and legislatures frequently engage with comparative jurisprudence, international conventions, and transnational regulatory practices. This interaction has enriched domestic legal discourse while simultaneously raising questions concerning sovereignty, constitutional identity, and the localization of international norms.

Against this backdrop, *The Changing Landscape of Indian Law: Contemporary Issues and Enforcement Mechanisms* seeks to examine the evolving contours of Indian legal governance through an interdisciplinary and contemporary lens. This volume brings together contributions from distinguished academicians, practitioners, and emerging scholars who critically engage with some of the most pressing legal issues confronting India today.

The diversity of subjects represented in this collection reflects the breadth and complexity of modern legal scholarship. The volume examines counterterrorism strategies through criminological frameworks and preventive approaches; constitutional environmentalism as a means of promoting sustainable citizenship; digital footprints and judicial accountability within the justice delivery system; constitutional limits on India's emerging data state; the legal status and protection

of women domestic workers; reforms introduced through the Waqf (Amendment) Act, 2025; comparative perspectives on animal welfare; evolving judicial approaches to euthanasia; changing paradigms in land acquisition law; rehabilitation-oriented prison administration; competition law challenges in digital markets; trademark protection in the context of infringement and dilution; and the rapidly developing field of e-commerce regulation. Together, these chapters offer a panoramic view of contemporary Indian law and its engagement with questions of governance, rights, regulation, and institutional reform.

A common thread uniting these diverse contributions is the recognition that law today functions not merely as a mechanism of social control but as an instrument of transformation. Modern legal systems are increasingly expected to prevent harm rather than merely respond to it, to promote inclusion rather than merely regulate conduct, and to ensure accountability rather than merely establish authority. This transition from a reactive to a proactive model of governance is evident across virtually every field of law examined in this volume.

Furthermore, the contributors demonstrate the growing importance of interdisciplinary methodologies in legal research. Contemporary legal problems cannot be understood solely through doctrinal analysis. Effective engagement with issues such as artificial intelligence, environmental governance, terrorism, public health, and digital markets requires insights from economics, sociology, political science, technology studies, criminology, and public policy. The future of legal scholarship will depend upon its capacity to embrace this interdisciplinary reality.

This volume is intended to serve as a resource for multiple audiences. It seeks to contribute to academic discourse by encouraging critical engagement with emerging legal developments. It aims to assist judges, advocates, and policymakers by offering doctrinal and comparative perspectives on contemporary legal challenges. It aspires to guide students and researchers in understanding the increasingly interconnected nature of legal governance in the twenty-first century.

The changing landscape of Indian law is ultimately a reflection of a broader constitutional journey. It is a journey characterized by adaptation without abandonment, innovation without constitutional compromise, and progress without the erosion of fundamental values. As India continues to navigate the opportunities and challenges of an increasingly interconnected world, the role of law will remain indispensable in ensuring that development proceeds in a manner consistent with justice, accountability, and human dignity.

It is hoped that this volume will not only document the legal transformations of the present but also contribute to the conversations that will shape the future of Indian law. In doing so, it reaffirms a simple yet enduring truth: that the strength of a constitutional democracy lies

not merely in the laws it enacts, but in its continuing commitment to uphold the values that give those laws their meaning.

A New Paradigm for Counterterrorism Strategies: Regulatory and Preventive Reforms Grounded in the Aetiology of Terrorism



Rugma S

Assistant Professor, CMR University School of Legal Studies, Bengaluru

Abstract

Undoubtedly, terrorism, has become a relentless and pervasive threat with violent incidents occurring almost every day across the globe. In response to this persistent threat, counterterrorism strategies ranging from military interventions to intelligence-led operations and legal frameworks have been adopted. Prevailing counterterrorism strategies, are heavily reliant on military and other reactive non-kinetic responses. However, to what extent are these counterterrorism strategies adequate in addressing the intricate causative forces of terrorism is a pressing question that remains ignored. A deeper exploration reveals terrorism not merely as a security threat but as a complex social phenomenon driven by structural, situational and individual forces. Moving beyond monocausal explanations, terrorism must be seen as a dynamic outcome of interacting forces like structural grievances, proximate triggers and individual predispositions, amplified by accelerators and tempered by decelerators. Addressing terrorism holistically requires a paradigm shift from retaliation to resilience, from containment to comprehensive prevention. Incorporating criminological insights into policy-making, fostering inclusive governance, safeguarding civil liberties, amplifying counter-narratives and building early-warning

systems are critical to dismantling ideologies and other conditions catalysing terrorism. Sustainable peace can only emanate from strategies that confront and address the roots of terrorism and strengthen the social fabric against future cycles of terror.

1.1 Introduction

Terrorism, undoubtedly has become a relentless and pervasive threat with violent incidents occurring almost every day across the globe, shaking the established foundations of peace and security. No region is immune to its devastating impact, as terrorist groups continue to launch attacks with alarming regularity. In response to this persistent threat of terrorism, governments and international organizations have heavily relied on a range of counterterrorism strategies including military interventions, intelligence-led operations and regulatory measures.

A crucial question that often remains blatantly ignored is: *To what extent are the contemporary counterterrorism strategies, particularly, military and retaliatory measures adequate in addressing the root causes of terrorism and how can they be effectively complemented by preventive and criminologically informed responses?*

A comprehensive addressal of this question requires a preliminary survey of the predominant scholarly definitions of terrorism and the obstacles faced by scholars in devising a universally accepted definition. Consequently, the article proposes a working comprehensive definition of terrorism. With the definitional issue addressed, the article turns to its central analysis: an examination of the root causes of terrorism through the lens of leading causal frameworks devised by Campos and Gassebner, Coccia, Shmuel Bar, Gurr, Knustson, Martha Crenshaw, Alex Schmid and Sirseloudi. It is however lamentable to note that these causal frameworks underexplore how the various drivers of terrorism interact dynamically over time, how they reinforce or neutralize one another and how terrorist movements themselves adapt in response to shifting environments. To fill this gap, the article proposes a Terrorism System Dynamics framework that reconceives terrorism as an outcome of interlocking and evolving forces rather than as a consequence of isolated variables.

The article then crucially evaluates if the presumably indispensable military and legal enforcement strategies reflect an understanding of the root causes that sustain terrorism over time and provide for their meaningful redress. The undertaken evaluation highlights that the legal counterterrorism frameworks and the various military and preventive strategies employed often operate within a reactive paradigm, penalizing acts of terror rather than interrogating their root causes. Thus, the article concludes with actionable, evidence-based policy recommen-

datations reflecting a nuanced understanding of terrorism's multifaceted causation.

1.2 Defining Terrorism: A Multifaceted Challenge

1.2.1 The Origin And Transformation Of The Term "Terrorism"

Acts of terrorism have frequently captured global headlines, affecting nearly every part of the world. Yet, the international community lacks a universally accepted definition of terrorism (Saul 2006). Etymologically, the word 'terror' has Latin origins to the word '*terrere*', but similar terms can be found in other languages, such as Sanskrit and Russian, all implying fear or trembling (Schmid 2023). The suffix '-ism' in terrorism is often associated with systematic behaviour. The use of term 'terrorism' dates back to 1793, during the French Revolution, when the revolutionary government, under threat from aristocrats and foreign powers, used terror as a tool to maintain control (Wurth 1941). The National Convention, led by the Jacobins, declared that terror would be an official legitimate policy to suppress royal sympathizers, leading to mass arrests and executions during what became known as the Reign of Terror (Jaggar 2005). However, when revolutionaries themselves began to fear for their lives under the Reign of Terror of the Committee of Public Safety of which Maximilien Robespierre was the most prominent member, they accused Robespierre of 'terrorism' since they could not accuse him of 'terror', a policy that they had legitimized the use of. Terrorism first described the unlawful abuse of power during the French Revolution and the terminology rapidly spread across Europe by 1795 (Schmid 1984; Jaggar 2005). Hence, the term 'terrorism' was initially tied to the misuse of political authority through violence and fear.

Overtime, the meaning of terrorism shifted from state-sponsored acts to acts of non-state actors. By the 19th century, terrorism evolved, with bombs replacing guillotines, and anarchists using violence to attract public attention through mass media, often called *propaganda by the deed* (Schmid 2004). Since then, the concept of terrorism has grown more complex, intersecting individual and collective action, rational and emotional motives and conventional and unconventional tactics. Such complexity has contributed to the ongoing challenge of reaching a generally accepted definition of terrorism.

1.2.2 Reasons Behind Challenge For Establishing A Definition Of Terrorism

The challenge of establishing a functional and a legal definition of terrorism, has been articulated best by Schmid (2004) who assigned four

reasons. First, the concept of terrorism is contested, with varying interpretations arising from political, legal and social viewpoints. Second, the challenge of defining terrorism is often intertwined with the legitimacy or criminal status of the individuals or groups labelled as terrorists, as governments may classify certain organizations as criminal, enabling actions such as asset freezes or arrests. Third, the wide range of terrorism typologies makes the formulation of a definition more complex. Lastly, the term's meaning has transformed significantly over its more than 200-year history beginning with its association with state terror during the French Revolution and evolving to encompass acts of political violence against the state, reflecting a shift in methods and targets of terrorism (Bakker & Zuijdewijn 2022).

1.2.3 Differing Perspectives On The Feasibility Of Establishing A Definition For Terrorism

Given the complexities, different perspectives on the feasibility of establishing an objective and universally accepted definition of terrorism have been explored (Ganor 2002). Scholars of one school of thought argue that a universally recognized and impartial definition of terrorism is unlikely to be reached since the label of 'terrorist' is inherently subjective, captured succinctly in the words '*one man's terrorist is another man's freedom fighter*' (Lacquer 1987). Hence, the question of who is a terrorist, according to this school of thought depends entirely on the subjective outlook of the definer. Consequently, a definition is not of much necessity or utility in the international fight against terrorism. Meanwhile, researchers of a contrasting school of thought argue that while a definition of terrorism is essential, it should align with their political objectives (Crenshaw 1995). As a result, nations that support terrorist organizations often seek to influence the international community's definition to exclude the groups they back, thereby freeing themselves from accountability and responsibility for their actions.

Ganor (2002) did not agree with both these perspectives and stressed on the achievability and significance of a clear and impartial definition of terrorism for any meaningful effort to combat terrorism. Furthermore, he outlined numerous reasons explaining why a common understanding of what constitutes terrorism is crucial. First, crafting an effective international strategy necessitates a consensus on what constitutes terrorism. Second, without a common definition, international counterterrorism efforts are unlikely to yield material results. Third, the absence of a definition makes it impossible to formulate international agreements aimed at combating terrorism. A clear definition will serve as a foundational tool to enhance the international community's capacity to address terrorism, to facilitate the creation of legislations and specific penalties for individuals involved in terrorist activities. It will also aid in establishing a comprehensive legal framework targeting

terrorist organisations, states that sponsor terrorism and businesses engaging with them. Most importantly, international agreements laying down a definition of terrorism form the basis for demanding that all nations withhold their support to terrorist organizations and act against terrorists, even when they agree with and support the terrorists' goals. Additionally, a solid definition will hinder terrorist groups' efforts to gain public acceptance, diminishing support from those segments of the society that might otherwise assist them. Fourthly, having a clear definition may encourage terrorist groups to reconsider their strategies, potentially leading them to adopt alternative methods such as guerrilla warfare, to achieve their objectives thereby reducing the prevalence of international terrorism.

1.2.4 A Suggestive Definition Of Terrorism

Acknowledging the significance of formulating a definition for terrorism, over 260 definitions have been proposed by various scholars including Schmid (2011), Lacquer (1987), Ganor (2002), Jaggar (2005), Saul (2006) among others (Easson & Schmid 2011). A suggestive comprehensive definition that aligns with the essence of these academic contributions could be as follows:

"Terrorism refers to the deliberate use or threat of violence by non-state actors, primarily targeting civilians or non-combatants, with the intent to create fear or terror. These acts are carried out to achieve political, ideological, religious or ethnic objectives, typically through the intimidation or coercion of governments, groups, or individuals. Terrorism is characterized by its indiscriminate nature, disregard for legal and moral boundaries, and its psychological or destabilizing effects on broader society. Its primary aim is to manipulate or demoralize a population or authority, compelling them to act in accordance with the terrorist's objectives, often through sustained violence or threats of future attacks".

An important aspect of this definition is the exclusion of state actors, based on the view that sovereign states cannot be held responsible for acts of terrorism (Schmid 2004). This concept is reinforced by international conventions, such as the 1949 Geneva Convention (Relative to the Protection of Civilian Persons in Times of War), which defines deliberate attacks on civilians by regular military forces during wartime as war crimes. If such actions occur during peacetime, they are classified as crimes against humanity. In both scenarios, these actions are addressed under international law, making the application of the term "terrorism" redundant when applied to sovereign states (Schmid 2004).

1.2.5 Current Legislative Definitions Of Terrorism

Meanwhile, statutory frameworks in India have adopted a broader and action-based approach. A statutory definition of terrorism in India finds

a mention in Section 15 of the Unlawful Activities (Prevention) Act, 1967 which articulates terrorism primarily in terms of its intent and violent consequences. Accordingly, a terrorist act is any act done with the intent to threaten the unity, integrity, security, sovereignty, or economic security of India or strike terrors among the people or any section thereof. It further enumerates specific methods such as the use of explosives, firearms, chemical, biological or nuclear substances and the resultant harms, including death, injury, damage to property or infrastructure and disruption of essential services. Section 15 also criminalizes acts targeting public functionaries, coercing governments or international organizations through kidnappings or threats and even actions aimed at destabilizing monetary stability in the country through counterfeit currency.

Building upon Section 15, Section 113 of the Bharatiya Nyaya Sanhita, 2023 replicates much of Section 15's structure and content. The incorporation of a terrorist act within the general criminal law signals a shift towards mainstreaming counter-terrorism provisions into the core criminal law framework. The definition under Section 113 also takes a broader and more enforcement-oriented approach. It focuses on the nature of the act and its potential or intended consequences, ranging from death, destruction, disruption and coercion to determine criminal liability. It also criminalizes preparatory and accessory conduct such as recruitment, training, harbouring, financing and possession of terror-linked property. Eventually, an important implication of incorporating terrorism as an offence under Bharatiya Nyaya Sanhita is that abetment of a terrorist act outside India by a person in India and abetment of a terrorist act in India by a person outside India is punishable under Sections 47 and 48 respectively, an aspect not provided for under the Unlawful Activities (Prevention) Act, 1967.

In contrast, the international legal regime remains fragmented and inconclusive in its attempts to codify a universally binding definition. This definitional vacuum continues to undermine the operational coherence of the global counterterrorism efforts. Although numerous treaties criminalize particular terrorist-related acts, they fall short of offering a comprehensive definition. A controversial moment occurred in the *2011 Interlocutory Decision of the Special Tribunal for Lebanon*, which asserted the existence of a customary international law definition of transnational terrorism, comprised of three elements: the commission or threat of a criminal act such as murder or hostage-taking, intent to intimidate a population or coerce a government and a transnational element (UNODC, 2018). Yet, this assertion remains vehemently contested among states concerned about preserving interpretative flexibility and sovereignty. Additionally, UNGA Resolution 49/60 (1994) and UNSC Resolution 1566 (2004) sought to provide definitional parameters with Resolution 1566 describing it as criminal acts intended to

provoke a state or coerce authorities, explicitly rejecting political, religious or ideological justifications. However, they only indicate evolving norms and lack binding force.

The most ambitious endeavour took place under the aegis of the 1996 UN Ad Hoc Committee on Terrorism. A provisional definition drafted as part of the proposed *Comprehensive Convention on International Terrorism* (CCIT) defined terrorism as intentional acts causing death, injury or major damage, carried out to intimidate a population or compel state action. However, over 25 years later, the CCIT remains in draft form, stalled by fundamental disagreements, particularly on whether acts committed by national liberation movements or state military forces fall within the ambit of terrorism. Consequently, the legal discourse on terrorism will be vulnerable to inconsistency, selective enforcement and political manipulation until this definitional gap is addressed either through the finalization of CCIT or the emergence of a widely accepted customary norm.

1.3 Root Causes Of Terrorism: Understanding Its Aetiology

Understanding the aetiology of terrorism has long been a subject of scholarly inquiry with early academic efforts often attempting to isolate a singular root cause underlying terrorist behaviour. Early theorists tended to attribute terrorism to standalone root causes like religious extremism, psychological factors, political instability and socioeconomic stressors. However, these monocausal explanations proved to be insufficient. Such a realization led scholars like Crenshaw, Schmid and Sirseldoudi to formulate multicausal frameworks explicating the roots of terrorism.

1.3.1 Causal Link Between Political Instability And Terrorism

A compelling illustration of a monocausal explanation to terrorism is the link between violent political instability and the rise of terrorism. In their influential work, Campos and Gassebner (2009) contended that civil wars and guerrilla conflicts serve as a fertile ground for the emergence of international terrorism. Drawing on data from more than 130 countries, they introduced the concept of '*escalation effect*' to suggest that sustained, violent domestic turmoil provides an environment where individuals develop terrorist capabilities like strategic planning, armed confrontation and clandestine coordination, enabling expansion of cross-border operations. Their study discovered a strong correlation between frequency and severity of international terrorist events and political violence. Such a correlation challenges broader institutional theories, particularly the *failed states narrative* by emphasizing that it

is not the absence of state capacity in general, but the presence of ongoing violence that directly fosters terrorism. An analogous correlation was not revealed with respect to serene forms of dissent.

1.3.2 Socio-Economic And Demographic Perspective On The Roots Of Terrorism

While Campos and Gassebner emphasize the catalytic role of sustained political instability, Coccia (2018) proposed a socio-economic and demographic perspective on the roots of terrorism. He argued that demographic and socio-economic stressors, particularly high population growth, income inequality and relative deprivation disrupt societal stability, creating conditions ripe for terrorism. In regions facing rapid population growth, *subsistence stress* follows and basic resources like food, employment and housing become scarce in relation to the population's needs. Consequently, psychological strain and social disorganization arise, particularly among the youth, since their aspirations are persistently thwarted, leading to hostility, frustration and violence. Distinct from petty crimes, terrorism, according to Coccia, emerges from structural frustration reframed as a collective grievance with ideological or political connotations. In societies riddled with weak institutions and inadequate political liberty, peaceful outlets for frustration and grievance redressal are often missing. Resultantly, individuals may turn to terrorism as a way to reclaim dignity, assert group identity and retaliate against perceived injustice. Violent extremism in this context, is a symbolic act of resistance, one that conveys meaning and purpose in environments where traditional paths to empowerment have been systematically blocked. Henceforth, his causal framework underscored the need for counterterrorism strategies to go beyond security enforcement and address the deeper issues of demographic pressure, inequality and economic inclusion.

1.3.3 Role Of Religious Ideology As A Crucial Root Of Terrorism

Additionally, the role of religious ideology, especially when manipulated for political purposes is also a crucial root cause that cannot be overlooked. A substantial body of scholarship underscores how radical interpretations of religious doctrines serve not merely as post-facto justifications, but as primary motivators for terrorism. In his seminal work, Shmuel Bar (2004) argued that modern Islamic terrorism is rooted in a historically informed yet radically reinterpreted vision of Islam. Under this worldview, Islam is viewed not just as a faith and also as a political system (*din wa-dawla*) that rejects any separation between spiritual and political authority. The world is divided into *Dar al-Islam* (the realm of Islam) and *Dar al-Harb* (the realm of war), with the latter perceived

to be in constant disharmony with Islam until its eventual submission. This absolutist outlook delegitimizes peaceful coexistence and fuels the theological imperative of *jihad*, as an individual duty (*fard 'ayn*), termed by some extremists as the sixth pillar of Islam. Radical clerics reinforce this duty through fatwas, granting religious legitimacy to acts of terror, including suicide bombings. Though classic Islamic jurisprudence regulates warfare and prohibits suicide, extremists distort these principles to suit their apocalyptic narratives. Addressing terrorism's religious roots requires not confronting religion *per se*, but the confrontation of the distortion of sacred texts and authority to legitimize indiscriminate violence.

1.3.4 Psychological Perspectives To Terrorism

In contrast, psychological perspectives to terrorism delve into individual and group-level dynamics that drive people to terrorism rather than on the broader systematic and ideological structures. Central to this perspective is the notion that terrorists are made, not born and that their behaviour is driven by psychological, emotional and developmental factors. According to Gurr (1970)'s concept of relative deprivation and the *frustration-aggression hypothesis*, frustration from unmet expectations can escalate into aggression and violence. Similarly, Knustson (1981), drawing from Erikson, observed that alienated and humiliated individuals may reject assigned social roles and embrace radical identities rebelliously.

1.3.5 Need For Multifaceted Causal Frameworks Explaining Terrorism

However, the aforementioned reductionist explanations proved to be insufficient due to their limited analytical scope. The tenacious and evolving nature of terrorist activities made it difficult for monocausal explanations to comprehend terrorism comprehensively. Scholars thus adopted nuanced frameworks recognizing terrorism as rooted in an intricate, interconnected web of social, political and psychological influences. Notable contributions in this paradigm shift came from Martha Crenshaw (1981) and Alex Schmid (2005). Their causal frameworks offer a unique perspective into the multifaceted causes of terrorism, exemplify a deeper engagement with terrorism's underlying mechanisms and offer a more refined basis for both future theoretical inquiry and policy development.

1.3.6 Martha Crenshaw's Multi-Factor Causal Framework On Terrorism

Martha Crenshaw's framework for understanding the causes of terrorism operates on three distinct levels: the motivations of terrorist

groups, the broader environmental or contextual factors and the individual psychological influences that determine who participates in terrorist actions. The *rational actor model of crime and criminal behaviour*, posits that individuals possess free will and consciously decide to engage in criminal behaviour much like they decide on any other type of behaviour (Burke 2019). Quite similarly, Crenshaw argues that terrorism is a form of political behaviour chosen by rational actors, specifically, terrorist organizations. Therefore, grasping why such groups opt for terrorism is essential to understanding its root causes. Non-state actors often perceive terrorism as a reasonable choice to achieve various goals including gaining attention or recognition, dramatizing a cause, undermining governmental authority, destabilizing political processes, or provoking repressive state responses that could galvanize public support for their cause. Terrorism is particularly attractive to actors who are weaker compared to the state and feel compelled to act urgently (Crenshaw 1981).

However, focusing solely on the motivations of the terrorist groups alone provides an incomplete picture. A comprehensive analysis must also consider the broader social, political and economic landscape that makes terrorism more likely in certain contexts. The factors that foster terrorism can be categorized into *preconditions* and *precipitants*. Preconditions refer to the underlying, long-term conditions that create an environment where terrorism can thrive, even though they are not the direct causes of the terrorist acts. Additionally, Crenshaw identifies *enabling or permissive factors* within preconditions, which provide opportunities for terrorism to happen and inspire terrorist campaigns. These include factors such as modernization, urbanization and cultural traditions that legitimize violence against authorities, the process otherwise called '*social facilitation*' (Gurr, 1979). Furthermore, a government's inability or unwillingness to prevent terrorism is a significant permissive factor as well.

In contrast, precipitants are immediate events that directly trigger terrorist actions. One such instance is the lack of political participation. When regimes restrict access to power and repress dissent, this often leads to political dissatisfaction. In these situations, grievances are often political, driven by disillusioned, educated elites blocked from influencing political change despite their social standing. Luigi Bonanate's concept of a 'blocked society' describes that terrorism can arise in relatively stable societies where state institutions resist change, creating frustration among elites and inadvertently inviting terrorism, as a means of forcing political transformation (Bonanate 1979). In this context, terrorism is often an expression of elite frustration acting on behalf of a passive majority. Additionally, other precipitants include concrete grievances among an identifiable group, such as minority groups particularly facing discrimination or the government's use of force in

have multiple parties that are connected, such as consumers, sellers, and advertisers. When considering competition in digital markets, the CCI will take into account the impact on consumers as well as on sellers.¹⁸

12.5 Determination Of Dominance

5.1 Multi-Sided Markets and Their Complexities

For a digital platform like an ecommerce marketplace, ride sharing, social media, etc., many groups of users are using it at the same time, such as consumers, sellers, and advertisers. These groups are mutually dependent: the value of one of them is linked to the involvement of the other groups. This multi-sided aspect of the website makes market definition harder to achieve, because each side could be a different, but related, market.

The Competition Commission of India understands these issues and takes a holistic approach that considers the impact on consumers as well as the impact for sellers, the interactions between platforms, and pricing policies.

5.2 Assessing Dominance in Digital Markets

Once the relevant market is defined, the determination of dominance shall be based on the provisions of Section 19(4) of the Competition Act, 2002. Market share is just not enough to gain control in digital markets. Some forces, like network effects, data concentration, and switching costs, are important in deciding market power.¹⁹

5.3 Role of Network Effects

Both network effects and positive growth feedback make the platform grow in a self-reinforcing way—a larger user base is valued more and will be joined by others. This frequently leads to “winner takes most” markets, where the dominant position is built up quickly and easily and maintained for a long time, and where new firms find it difficult to compete. The availability of data as a source of market power. The ability to accumulate data is a huge advantage for digital platforms. Having access to a massive amount of user data enables platforms to refine algorithms, provide personalized advertising, and enhance consumer recommendations. Data concentration is increasingly recognised as an important measure of market power and a barrier to market entry by the CCI.

5.4 Data as a Source of Market Power

Another key aspect of examining dominance is data access and control. Digital platforms store huge volumes of user data that can be

¹⁸Competition Commission of India, *Market Study on E-commerce in India* (2020).

¹⁹Competition Commission of India, *Market Study on E-commerce in India* (2020).

used to enhance service quality, tailor recommendations, and execute targeted advertising.²⁰ Therefore, such data creates a major competitive edge for platforms that is very difficult for new players in the same space to copy.²¹

Competitors who do not have access to similar datasets will face high barriers to entry because competitor advantages based on data contribute to high entry barriers. In addition, as platforms accumulate more data on consumers, they are able to develop and improve their algorithms; predict consumer buying patterns; and enhance their pricing strategies, further entrenching their dominant position.²²

The CCI has acknowledged more frequently that data is not just an incidental outcome of engaging in digital activity but rather represents a major competitive resource.²³ As a result, data concentration is now viewed as an important component in determining whether a platform possesses market power and is abusing its dominant position.

5.5 Switching Costs and Platform Lock-in

Switching costs also reinforce the dominance in digital markets. Changing platforms may create barriers for users including loss of data, incompatibility, costs of learning and reduced network benefits. These factors lead to platform lock-in, which is hard for other platforms to compete successfully against the dominant ones.

12.6 Predatory Pricing In Digital And Platform Markets

The predatory pricing doctrine faces analysis issues when applied to digital markets in four major ways:

Zero price goods: Numerous digital platforms have no cost associated with providing their core products and generate their revenues purely from advertising or data monetisation. Given that the overall cost of a product is equal to zero (given that the price is also zero), it becomes very hard to apply the average variable cost (AVC) exception, and therefore, one must turn to other means, like deterioration of quality, retrieval of data from users or cost of attention as alternatives to establish how to indicate or prove predatory pricing has occurred.²⁴

Cross-subsidisation of different markets: It is common for digitally based multi-sided platforms to use revenues from one side of the marketplace to subsidise prices to users on the other side. Determining

²⁰OECD, *Data-Driven Innovation: Big Data for Growth and Well-Being* (2015)

²¹UNCTAD, *Competition Issues in the Digital Economy* (2019).

²²OECD, *Digital Economy and Competition Policy* (2019).

²³Competition Commission of India, *Market Study on E-Commerce in India* (2020).

²⁴OECD, *Rethinking Antitrust Tools for Multi-Sided Platforms* (2018).

whether that cross will be considered predatory or simply a result of an efficiency pricing model is going to require parties looking at each other's market to determine if the overall economic rationale exists.²⁵

High fixed/low marginal cost characteristics of digital markets: Digital platforms often have substantial fixed costs but very few or no marginal costs associated with servicing additional users (i.e. the dependant variable). Therefore, platforms that sell products/services either at or greater than AVC levels will not create sufficient factors for determining predation.

Revenue models based upon data: If a platform is providing products and/or services at 'no cost' in return for receiving user data and yet fails to appropriately account for the revenue generated through data monetisation, then that platform will most likely have sold products/services below cost and thus engaged in predatory behaviour. The ability to understand how to perform a standard 'cost accounting' analysis of the costs associated with providing products/services will not allow for addressing these circumstances.²⁶

12.7 Role Of The Cci In Regulating Digital Markets

The Competition Commission of India has emerged as a key regulator of digital markets in India, as a result of rapid digitalisation and changing nature of competition in the market. A more dynamic and responsive regulatory framework is needed than traditional markets for the digital economy, defined by platform-based business models, network effects, and the data-driven economy.

The CCI is an investigative authority as well as a quasi-judicial authority under the Competition Act, 2002. It is charged with preventing anti-competitive agreements, abuse of dominance and anti-competitive mergers as well as advising governments on issues concerning competition law.

7.1 Institutional Functions

The CCI is responsible for legal, investigative and advocacy activities to respond to competition issues in digital markets. It might undertake investigations in response to complaints or suo motu where anti-competitive conduct is suspected. The Commission also carries out market studies and sectoral investigations to detect new competition problems in digital sectors that are rapidly changing.

²⁵Jean Tirole, *Economics for the Common Good* (Princeton University Press).

²⁶Maurice E Stucke and Allen P Grunes, *Big Data and Competition Policy* (Oxford University Press)

Furthermore, the CCI raises awareness about competition law by interacting with industry, regulators, governments and consumers to foster pro-competitive policies.²⁷

7.2 Regulatory Focus on Digital Platforms

The CCI has been more focused on companies like e-commerce, ride-sharing, food delivery and digital finance, where the network effect and the concentration of data could potentially make them market leaders. The CCI raised issues in its 2020 study on the e-commerce marketplace, such as deep discounting, preferential treatment of private-label products, lack of platform neutrality and algorithmic collusion. Data concentration was also identified as a key challenge for market entry.

The Commission has recognised that traditional competition law tools may not be as effective in addressing the complexities of multi-sided digital platforms because they may involve different types of users, who are interdependent, and pricing dynamics that differ from one part of the platform to another.²⁸

7.3 Proactive Enforcement and Emerging Challenges

In recent years, the CCI has taken a more proactive stance, with suo motu investigations, the use of economic and data analysis, and interactions with international organisations, including the International Competition Network.

The Competition (Amendment) Act, 2023, contained additional measures such as those on the threshold for what is deemed to be a significant digital enterprise, as well as deal-value thresholds for mergers between digital businesses.

However, there are obstacles to overcome, such as algorithmic pricing, transparency issues in platform operations, unequal access to data, and technology change. The CCI has therefore come to appreciate that it is necessary to have a balance of traditional competition law principles and contemporary economic and digital-market analysis to have a proper control on anti-competitive practices in the digital economy.²⁹

12.8 Challenges In Enforcement In Digital Markets

The Competition Act of 2002 is very comprehensive, along with an evolving body of law from the Competition Commission of India, however, enforcement of predatory pricing law in the digital market is difficult and, in some ways, is new as it relates to the structural aspects of all

²⁷Competition Commission of India, *Advocacy and Institutional Framework Reports*.

²⁸OECD, *Digital Economy and Competition Policy Developments* (2020).

²⁹OECD, *Challenges of Competition Enforcement in Digital Markets* (2020).

digital markets, limitations of existing analytical tools, and limitations of institutional capabilities.³⁰

8.1 Difficulty in Cost Determination

The first step in evaluating whether predatory pricing has occurred is to determine an appropriate benchmark. This can be particularly difficult within digital markets compared to traditional markets due to the predominantly fixed nature of costs associated with digital platforms. For example, once a digital platform has fixed costs (for example, to purchase a server), the incremental cost of serving an additional customer on the same server is typically very small, and may be near zero. Because of this small incremental cost, the average variable cost (AVC) number cannot be relied upon to establish whether or not predatory pricing has occurred.

Additionally, there are significant methodological issues that arise around shared infrastructure costs that traditional approaches to accounting do not necessarily address. In combination with the aforementioned, there are complications further complicating this analysis because many platforms operate multiple business lines simultaneously. In this case, determining how to allocate costs among the various functions of a platform (search, e-commerce, etc.) will require judgements that must also be made regarding how costs will be allocated.³¹

8.2 Multi-Sided Market Complexity

Digital platforms provide services to multiple user groups simultaneously, and the demand for products from each of the different user groups is affected by the demand from the other user groups. Thus, when evaluating the price charged by a digital platform for any goods or services on one side of the platform, one cannot do so in isolation from the other side of the platform because the platform's value offering applies to all sides of the platform.³²

So, if a platform has zero pricing for buyers and substantial revenue from advertisers, the platform may: (1) be acting as a rational multi-sided platform and charging zero to buyers and very high amounts from advertisers; or (2) use advertising revenues to subsidise buyer pricing at zero to engage in predatory conduct against other digital platforms. To determine if either is the case will require a thorough examination of both sides of the platform; however, current regulatory processes may lack the sophistication or resources to do so.³³

8.3 Algorithmic and Dynamic Pricing

The use of sophisticated algorithms for real-time, demand-responsive pricing has made the enforcement of predatory pricing more opaque and complex. Because algorithmically priced systems change pricing

³⁰UNCTAD, *Competition Issues in the Digital Economy* (2019).

³¹UNCTAD, *Digital Platforms and Competition Law* (2020).

³²Jean Tirole, *Platform Competition in Two-Sided Markets* (2003)

³³OECD, *Rethinking Antitrust Tools for Multi-Sided Platforms* (2018).

so rapidly and at such a granular level, it will be nearly impossible for periodic data requests to obtain a representative snapshot of price changes in particular circumstances. Responding to competitors that also use pricing algorithms may cause competitors to undergo 'reactive algorithms', i.e., automatically price match or undercut their competition, further complicating the determination of whether collusion or unilateral predation has occurred.³⁴

Detecting algorithmic predation is also extremely difficult because firms with price-setting logic embedded within their proprietary software have an enormous interest in keeping it as a trade secret. This may require regulatory authorities to have special investigative authority, such as the authority to audit an algorithm or to mandate transparency within an automated pricing programme.³⁵

8.4 Establishing Anti-Competitive Intent

Under 4(2)(a)(ii), intent is a major burden of proof that requires a dominant supplier to establish, through its pricing strategy, via circumstantial evidence and economic analysis, its exclusionary purpose. A dominant entity will often provide alternative legitimate explanations to explain their low prices, such as operational efficiencies, stimulating demand, or discounting.³⁶ Manufacturers will often use internal documents and communication from executives to provide direct evidence of an exclusionary intent, but may not have access to this information until after the investigation or rely on the use of a statutory mechanism (or powers) that grant them the ability to obtain the information needed at the time of drafting a complaint. CCI has also turned to economic analyses, especially cost-benefit analyses of the pricing strategies from the dominant supplier's perspective, in order to draw inferences about intent.

8.5 Pace of Market Evolution

Enforcement of competition law in digital markets is confronted with a structural issue as a result of the rate of change in these markets. By the time an investigation concludes (the time interval involved in going from an initial complaint to final decision run over several years), the market may have completely changed; competitors have exited, new entrants have entered, the dominant firm's price is back to a normal level, and the market being investigated may need to be reassessed. The mismatch in time between the change in the market (digital) and the enforcement of competition law represents a systemic challenge, particularly in digital markets.

³⁴OECD, *Algorithms and Collusion: Competition Policy in the Digital Age* (2017).

³⁵Ezrachi and Stucke, *Virtual Competition: The Promise and Perils of the Algorithm-Driven Economy* (Harvard University Press).

³⁶Competition Commission of India, *Case Practice on Abuse of Dominance*.

12.9 Conclusion

The Indian digital revolution has changed the nature of competition and competition through platforms, low pricing tactics and data-centric approaches. Discount pricing, algorithmic pricing and cross subsidisation are practices that can lower prices for consumers in the short term but can also cause issues of predatory pricing and dominant market power of the major digital platforms.

The key provisions of the Competition Act, 2002 provide the framework for regulating such conduct and the Competition Commission of India (CCI) is a key enforcer of competition law. The CCI has evolved its policy in line with the characteristics of the digital market, such as network effects, data concentration, multi-sided platforms and switching costs, through the provisions on abuse of dominance, relevant market determination and market power assessment. Case studies like the decision in *MCX Stock Exchange Ltd v National Stock Exchange of India Ltd* have contributed to this.

Enforcement is still difficult, however, because of challenges in cost determination, algorithmic pricing, changing technology, and the multi-sided nature of platforms. The regulation of digital markets thus needs to be flexible and adaptive, reflecting the traditional competition law principles and the new economic and technological approaches to competition in the digital world, to safeguard competition and consumer welfare.

REFERENCES

1. Areeda, Phillip, and Donald F. Turner, Predatory Pricing and Related Practices Under Section 2 of the Sherman Act, 88 Harv. L. Rev. 697 (1975).
2. Competition Act, No. 12 of 2003, § 4, India Code.
3. Monopolies and Restrictive Trade Practices Act, No. 54 of 1969, India Code.
4. Organisation for Economic Co-operation and Development, Algorithms and Collusion: Competition Policy in the Digital Age (2017).
5. Organisation for Economic Co-operation and Development, Data-Driven Innovation: Big Data for Growth and Well-Being (2015).
6. Organisation for Economic Co-operation and Development, Digital Economy and Competition Policy (2019).
7. Organisation for Economic Co-operation and Development, Challenges of Competition Enforcement in Digital Markets (2020).
8. Organisation for Economic Co-operation and Development, Digital Economy and Competition Policy Developments (2020).
9. Organisation for Economic Co-operation and Development, Predatory Pricing in Competition Law and Policy (2019).

10. United Nations Conference on Trade and Development, Competition Issues in the Digital Economy (2019).
11. Competition Commission of India, Market Study on E-Commerce in India: Key Findings and Observations (2020).
12. Competition Commission of India, Advocacy and Institutional Framework Reports.
13. Competition Commission of India, Case Practice on Abuse of Dominance.
14. Ezrachi, Ariel, and Maurice E. Stucke, Virtual Competition: The Promise and Perils of the Algorithm-Driven Economy (Harvard Univ. Press 2016).
15. Stucke, Maurice E., and Allen P. Grunes, Big Data and Competition Policy (Oxford Univ. Press 2016).
16. Tirole, Jean, Economics for the Common Good (Princeton Univ. Press 2017).

The Evolution of E-Commerce Legislation in India



Neeksha K. N.

LL.M., CMR University School of Legal Studies, Bengaluru

Abstract

The quick growth of e-commerce in India can be considered one of the most drastic changes in the economic and legal environment of the country. During the past two decades, India has transformed its primitive online transactions to sophisticated data-based digital marketplaces that have integrated logistics, payment systems, algorithms, and cross-border commerce. This has brought a revolution of a universal rule of law with the capacity to deal with any kind of technological innovation without jeopardizing the interests of consumers. This paper includes doctrinal and analytical study of the history of e-commerce laws in India, both on the Information Technology Act, 2000; the Consumer Protection Act, 2019 read with the Consumer Protection (E-Commerce) Rules, 2020; and new data management laws, especially the Digital Personal Data Protection Act, 2023. The paper examines the legal provisions, adjudicated case interpretations, regulatory overlaps, and enforcement issues to evaluate the current e-commerce system in India. It claims that despite the fact that India has gone a long way in transforming the facilitative regulation to the rights-based digital governance; there exist some gaps in the harmonisation, institutional capacity, and the clarity of compliance. The article ends with the suggestions of specific policy and legislative solutions that could be implemented to develop a coherent, future-ready regulatory ecosystem, consumer protection, and data privacy.

Keywords: E-Commerce Law; Information Technology Act, 2000; Consumer Protection (E-Commerce) Rules, 2020; Digital Personal Data Protection Act, 2023; Intermediary Liability; Consumer Rights; Platform Regulation; Digital Economy; India.

13.1 Introduction: Digital Transformation And The Law Of E-Commerce In India

The rise of e-commerce in India is not just a tale of technological innovation; it is a tale of social transformation, restructuring of the economy and legal adjustment. The digital platforms have transformed the processes of buying and selling Indians in the market over the past 20 years. What was initially seen as being in the physical stores and face to face deals, now occupies the screen, applications. ¹This has made the old legal assumptions of contracts, consumer protection, liability and state control questionable and in response, Indian law has had to shift.

Electronic commerce was initially perceived as a technical issue in the law when India first started going digital. The key questions were to find out whether online contracts could be enforced and whether the electronic records could be accepted by the law. This small-scale focus was warranted at a time when transactions that were digital in nature were rare and the use of the internet was limited. However, as the e-commerce emerged at a very rapid rate and became the part and parcel of everyday life, a more facilitative legal approach seemed to be increasingly inadequate. Nowadays, online stores are not only connecting buyers and sellers, but also managing information, determining price, affecting consumer preference, and collecting colossal quantities of personal information. An even more complicated legal reaction is needed in the face of these facts.

The experience with e-commerce regulation in India may be considered as a slow yet significant shift in the regulatory philosophy. That was laid down by the IT Act 2000 that introduced the concept of intermediary liability and recognition of electronic transactions. Nevertheless, it largely overlooked the dynamics of the digital trade that saw the consumers-centric regulation with the enactment of the Consumer Protection Act 2019 and the Consumer Protection (E-Commerce) Rules 2020 that recognized that consumers are especially vulnerable in the digital market. ²A right-based approach to data governance was recently introduced in the DPDP Act, 2023, which understood that consumers are especially vulnerable in the digital market. It attempts to transcend an account of statutes but presents a critical, doctrinal and policy-driven analysis of the way Indian e-commerce law has evolved, its points of success, and its points of failure. The article tries to give

¹Ministry of Electronics and Information Technology, 'E-Commerce in India: Growth and Policy Framework' (Government of India 2024); World Bank, 'India Digital Economy: Rapid Expansion and Emerging Challenges'

²Consumer Protection Act 2019 (No 35 of 2019) (India); Consumer Protection (E-Commerce) Rules 2020 (SR&O 2020 No 2093) (India) rr 1-5

an overall picture of how e-commerce regulation in India operates by putting the legislative process within the wider context of the Indian economy, technology, and the constitution.

13.2 Conceptual Foundations Of E-Commerce

E-commerce in essence is the act of carrying out business transactions through electronic mediums. Yet, this apparently simple definition conceals a complex network of economic and legal interactions.³E-commerce is touched on by electronic payments, online contracts, online advertisements, data analytics, logistics management, and after sales services. The conventional commercial legislation was not designed to meet the special legal issues presented by each of these aspects.

Legally, e-commerce challenges the conventional concept of space, jurisdiction as well as identity. Commercial activities between two parties that may never meet in person often occur on interstate and national boundaries. Online interactions create more challenges to accountability and enforcement due to the anonymity or pseudonymity of interactions. Moreover, the traditional boundaries between sellers, agents and service providers are obscured by the need to use intermediary's platform that facilitates transaction without a direct holding of inventory.

E-commerce has seen a transformation in India that has been aligned with the economic growth in India. E-commerce having been considered as a specialized form of commerce is currently recognized as an important ingredient of the digital economy. Digital commerce and its strategic importance in the economic growth, employment, and competitiveness in the world are increasingly being identified in government policy documents. At the same time, the fear of data monopolization, exploitation of consumers, and concentration of the market has increased.

Thus, in the regulation of e-commerce in the law, opposing interests should be balanced. On the one hand, it has to offer a stable and favourable regulatory condition to facilitate economic growth and innovation. Nonetheless, it must also ensure that there is fair competition, consumer protection and maintenance of basic rights. Striking this balance is one of the key problems of the contemporary e-commerce law.

13.3 Evolution Of E-Commerce In India: Economic And Social Context

The e-commerce in India was in fact taking a shape with the larger shifts in the society and economy. In the late nineties and early 2000s,

³'E-commerce and Development Report 2023' (United Nations Conference on Trade and Development 2023). rr 3-6;

the few who could access the internet were in the cities. The majority of the population did not trust online payments, and all were afraid of fraud or a non-appearance of their goods. All that made starting first e-commerce companies difficult.

All this actually changed when mobile phones and broadband became a reality. Overnight, the internet was now in the pocket of millions of people in India, even in smaller towns and villages, with the aid of cheap smartphones.⁴ Digital payments were gaining traction as well. UPI transformed everything overnight to the point that money can be sent in seconds at minimal cost. Government intervened by initiating initiatives such as Digital India, which advocates improved digital infrastructure and facilitating ease of people moving online.

Then the COVID-19 toxin struck, and all accelerated. People were isolated in their homes, so they relied on the internet to order groceries, medicine, and so forth. E-commerce firms became rapid, creating their own delivery systems and warehouses. But this boom did not only demonstrate how tough digital commerce could be, it also revealed some of its weak points, particularly with regards to individuals who had no one to blame when things went bad.

Socially, e-commerce transformed the shopping and working behavior of people. The new economy has made delivery staff and warehouse employees the workhorse, however, that has raised difficult issues regarding proper treatment and employment security. Small stores are now given a chance of accessing more customers but they too are competing with larger and more difficult firms. This is indication that we require rules which will look beyond profit and sales.

13.4 Legislative History And Objectives Of The Information Technology Act, 2000

The first attempt that India made to address the crazy world of online business and digital communication was the IT Act, 2000. At the time, the internet had only begun to take hold in India and lawmakers were more than inspired by UNCITRAL Model Law of 1996. It was not aimed at squeezing the trigger and limiting it, it was merely to render electronic records and digital signatures legally binding, to ensure individuals and the business sector could be sure that online transactions were being counted.

You can hear this combination of hope and nerves of the unpredictability of the digital age when you look back at the debates in Parliament. The legislators could not risk India lagging behind in the online trade as other countries of the world shifted to it, particularly

⁴IAMAI, 'Internet in India: 2022 Report' (Internet and Mobile Association of India 2022); TRAI, 'Telecom Subscription Data' (Telecom Regulatory Authority of India) <https://www.trai.gov.in>

with international trade and outsourcing gaining momentum. Nevertheless, not much was said related to what digital platforms could possibly do to society and the economy in general. Thus, the Act took a closer look at such issues as the authentication of digital documents, to whom they belong, and whether they would be accepted as evidence in the court. Consumer rights, competition or data privacy? Not really on the radar.⁵

That bit of history matters. It is a reason why the IT Act was so effective as a starting point- it provided the electronic records with real regulation which is the basis of the electronic commerce of any sort. But it also reveals the shortcomings of the Act. It simply could not be a platform to support the complex digital world we live in today. With the growth of online business, the loopholes in the law began to become apparent and the law or the courts had to intervene to address such gaps.

13.5 Legal Recognition Of Electronic Records And Digital Signatures

The IT Act was a huge success as it has leveled the playing field between electronic records and paper documents. In essence, the two sections 4 and 5 state that the fact that something is digital does not imply it is not legally binding- and also digital signatures can be used to authenticate as well as to do functional equivalence.⁶ This is the concept known as functional equivalence, which makes online business continue.

Thanks to that, any type of business may occur online: conclude the contract, issue the invoices, maintain the accounts, even announce the official legal notices. The Indian courts have invariably supported this, as long as a contract possesses the essentials, that is, it must have an offer, acceptance, consideration and genuine intention to make it official.

However, the process of going paperless does not always go well. As far as evidence is concerned, there are real battles. The IT Act attempted to manage this by revising the Indian Evidence Act, 1872 and introducing a rule that dealt with electronic records. Nevertheless, issues continue to arise--people doubt authenticity, fear tampering, and debate the integrity of digital evidence and, in particular, in the context of online disputes. All these problems demonstrate one point: we

⁵Parliamentary Standing Committee on Information Technology, 'Report on the Information Technology Bill, 1999' (Lok Sabha 1999).

⁶Information Technology Act 2000 (c 21 of 2000) (India) ss 4-5; Indian Evidence Act 1872 (c 1 of 1872) (India) ss 62-90-A (amended); Supreme Court of India, 'Guidelines on Admissibility of Electronic Records as Evidence' (2020).

should have more technical requirements and better-educated judges in case we want to address e-commerce conflicts in a proper manner.

13.6 Electronic Contracts In E-Commerce Transactions

Electronic contract maintains the e-commerce. Whenever you press the I agree button or make any purchases over the internet you are in fact signing a legal contract- no hand shake, no face to face conversation, all it takes is a few taps or clicks. All this became possible with the IT Act that had legal weight of the digital communication and consent.

The Indian courts tend to approach such contracts realistically. They refer to statements such as click- wrap and browse- wrap agreements as far as they are reasonable and fair. Still, there's a problem. The vast majority of users do not read them, and the platforms are aware of it. The contracts are lengthy, full of legalese and frankly, does anybody have time? This puts buyers in a position where they are left wondering what they have actually signed and whether their signature really has a significance.

IT Act does not help much to resolve this. It is rather the technology than protecting the rights of people. With online shopping being more of an explosion than ever, this blind spot is more pronounced. This is why the consumer protection laws have been forced to intervene and address the unjust stuff that goes down the drain.

13.7 Intermediary Liability: Concept And Evolution

The manner in which the IT Act deals with the intermediary liability actually influences the way e-commerce is regulated. Ethers Section 2(1)(w)- this has a very broad net in that anyone who receives, stores or transmits electronic records on behalf of another person is an intermediate.⁷ This includes internet service providers, social media and, of course, e-commerce marketplaces.

Section 79 is where things become interesting now. It provides the intermediaries with some form of protection, this safe harbour, and they are not liable to the material other people post on their sites as long as they abide by some guidelines. The point of this is to maintain some sense of innovation and open-dialog, as without that safeguard, the platforms may simply be risk-averse: over-censored or not accepting user-driven transactions at all.

⁷Information Technology Act 2000 (c 21 of 2000) (India) s 2(1)(w); Information Technology (Intermediary Guidelines) Rules 2021 (SR&O 2021 No 676) (India) r 2(k).

relaying information as is the case with other platforms, e-commerce sites usually have their hands dirty. They employ algorithms, make product suggestions, price setting and even do logistics. Therefore, it is now time that people begin to question: does such platforms really warrant immunity the same as the ones that are merely neutral go-betweens? The controversy is not fading away soon.

13.8 Judicial Interpretation Of Intermediary Liability In E-Commerce

The Indian courts have been instrumental in deciding the limit of the intermediary liability of the IT Act. In situations like the *Shreya Singhal v. Union of India*,⁸ the Supreme Court made it clear that the intermediaries must only take action when they have actual knowledge of the illegal content as established by a court order or government notification. This was meant to avoid random takedowns in order to safeguard freedom of speech.

Courts have been more subtle in the case of e-commerce, though. A case like *Amazon Seller Services Pvt. Ltd. v. Amway India Enterprises Pvt. Ltd* and the example of *Christian Louboutin SAS v. Nakul Bajaj*⁹ is a judicial acknowledgement that platforms that enjoy such a substantial degree of control over transactions may not be capable of enjoying blanket immunity. Where platforms are highly engaged in the sale of products, maintaining product inventory, or determining prices, they can be viewed as being more than intermediaries.

These judgments are an indication of a move to functional analysis of platform activity. Courts are no longer exclusively looking at the nature of the conduct of platforms but instead are also considering the substance of the conduct. The strategy conforms to the international trends to regulate the platform but it is also creating confusion to businesses that want to understand their legal responsibilities.

13.9 Safe Harbour Versus Platform Accountability

It is this continual back and forth between keeping platforms safe under the law of safe harbour and directly holding them to account- it is huge in e-commerce at the present. When the rules become too strict, digital

⁸*Shreya Singhal v Union of India* [2015] 5 SCC 1 [108]-[115]; Information Technology (Intermediary Guidelines) Rules 2021 (SR&O 2021 No 676) (India) r 3.

⁹*Amazon Seller Services Pvt Ltd v Amway India Enterprises Pvt Ltd* [2020] SCC OnLine Delhi 1107 [45]-[52]; *Christian Louboutin SAS v Nakul Bajaj* [2018] SCC OnLine Delhi 1895 [23]-[29]; Information Technology Act 2000 (c 21 of 2000) (India) s 79

businesses will be lost in documents and they are not able to innovate. However, when you grant platforms excessive immunity, they will become a simple way to get away with fake products, false information or even shoddy treatment of purchasers.

The IT Act attempts some golden mean between its due diligence rules, but frankly speaking, they are quite broad. The bulk of the information has not been based on the law, but on both court rulings and other regulations. That has caused much misunderstanding and unequal matters of enforcement.

The economic strength of the platforms has become so huge that it is no longer appropriate to refer to them as neutral intermediaries. It is likely high time we reconsidered the way we deal with their liability- and ensure that the regulations do reflect the degree of influence that these platforms actually exert the market.

13.10 Structural Limitations Of The It Act In The Contemporary E-Commerce Ecosystem

It is the IT Act upon which the digital laws of India are still based but to be honest, it is aging. It was not designed to address issues such as consumer rights, competition, data protection or even to check the algorithms. And since it is so technologically focused, we have this patchwork quilt of legislation, a series of regulators and no one is on the same page as to e-commerce. And that makes it all the more difficult.¹⁰ Businesses must also contend with overlapping regulations of the IT Act, consumer protection, data protection, and anything else that is applicable to their industry. And in case you are a consumer and something goes awry with an online order, you will be lucky to know who should actually be helping you.

Conclusion: India should have a leaner, networked method of controlling e-commerce. The IT Act has made the initial move but it simply does not suffice to deal with the complex digital world that we are in today. New consumer and data protection laws that attempt to close the loopholes are being introduced and you can notice an improvement. Nonetheless, it is quite a long way before the system will work actually when it comes to everyone.

11.CONSUMER PROTECTION AND PLATFORM ACCOUNTABILITY IN E-COMMERCE

11.1 From Caveat Emptor to Consumer-Centric Digital Markets

¹⁰Consumer Protection Act 2019 (No 35 of 2019) (India); Digital Personal Data Protection Act 2023 (No 49 of 2023) (India); Information Technology Act 2000 (c 21 of 2000) (India); Ministry of Electronics and Information Technology, 'Regulatory Framework for Digital Economy: Coordination Mechanisms' (Government of India 2023).

The Consumer protection in India has evolved significantly. It has been taken out of the antique concepts of buyer beware and more towards rights, particularly because the buyer and the seller are not even playing with each other. In the olden days people could feel and physically examine what they were purchasing and bargain. That's not how it works online. Today, consumers are relying on what websites and Amazon sellers write whatever appears in the catalog, the ratings, and the reviews. Algorithms determine even what you see in the first place, and sellers may be on the other side of the world, and be completely anonymous.

E-commerce only increases these gaps. Even when you are purchasing something, you are doing it with a person that you will never see, and you are obliged to believe what the platform will present to you. The platform will determine what you see, what prices you pay or what is recommended. Therefore the old regulations of guarding shoppers do not suffice any more. That is why the Consumer Protection Act of 2019 specifies new regulations of online shopping. It considers e-commerce as a special thing and says, see we require other laws here to make things even.

11.2 Consumer Protection Act, 2019: Expanded Rights and Remedies

The new Consumer Protection Act, 2019 in actuality is a game-changer against the previous legislation of 1986. Today, it has a much larger range of coverage- particularly to people who make purchases online. The Act does not simply discuss fundamental consumer rights. It actually saves you bad deals in the online world, such as the deceitful advertisements or unjust agreements. The concept of product liability is also huge today, which is relevant in the event that the product that you bought online turns out to be defective.

One of the things that can be identified with the 2019 Act is the manner in which it attempts to prevent problems before it begins. The law reverses the scenario and instead of consumers getting injured and seeking assistance, it is the other way around. It puts regulations that will deter unjust practices at the very beginning and actual punishments in case the companies will step over the boundary. This is reflected in the new Central Consumer Protection Authority (CCPA). The government is now able to intervene and address false advertisement or shady business actions, regardless of the medium.

To the online shoppers the situation is much clearer. It is possible to make complaints online and this only makes sense in the contemporary times. Moreover, the Act provides that you can do so depending on where you are but not only where the seller happens to be. That is enormous, as the online sellers can be in another state- or even a

different country.¹¹This all is an improvement to more protection and easy help in case something should go wrong with an online sale.

11.3 Consumer Protection (E-Commerce) Rules, 2020: Regulatory Architecture

The Consumer Protection (E-Commerce) Rules, 2020 of India is the best effort so far by the country to regulate the e-commerce realm. They are based on the Consumer Protection Act, 2019, and impose a pile of conditions on online sellers. Corporations should be sincere with what they are marketing, establish actual methods of client complaints, and evade unscrupulous activities.

The Rules distinguish between two types of e-commerce: the marketplace and inventory-based. It is so as it alters the responsibility of such companies. Marketplace platforms such as imagine buying and selling sites between the buyer and third-party sellers have to conduct their research but do not receive the same treatment as the third-party sellers. Models that are based on inventory are different. In this case, they have a platform that owns or controls the products hence they have tougher rules.

However, the problem is in the following: in reality, there is no universal answer to a question of where a platform is. Many businesses confuse the two models, and it is difficult to declare which rules are effective. The misunderstanding continues to cause disputes and headache among the regulators. At this juncture, it is rather obvious that the government must be more explicit.

11.4 Transparency, Disclosure, and Informed Consumer Choice

One of the key goals of the E-Commerce Rules is to improve openness in online market. The platforms must make available essential information such as the name of the sellers, country of origin of goods, the overall price with a break-down and the basis by which products are ranked to ensure the consumer makes an informed decision, as well as reducing chances of deception.¹²

Regardless of these needs, concerns have been raised as to whether they are effective. When critical information is overloaded, the interface is complicated, and the design of the algorithms, meaningful transparency may be damaged. Merely issuing information is not equal to understanding and informed consent especially in cases where consumers are cognitively challenged and lack time to understand what they are getting into.

¹¹Consumer Protection Act 2019 (No 35 of 2019) (India) ss 60-62; Consumer Protection (E-Commerce) Rules 2020 (SR&O 2020 No 2093) (India) rr 8-10

¹²Consumer Protection (E-Commerce) Rules 2020 (SR&O 2020 No 2093) (India) rr 4-5; Central Consumer Protection Authority, 'Transparency Guidelines for E-Commerce Platforms' (2020).

This provokes more general concerns regarding the sufficiency of the disclosure based regulation in digital markets. There is a growing scholarly consensus that transparency should be augmented by substantive fairness requirements, and algorithmic responsibility systems, in order to deal with systemic risks.

11.5 Dark Patterns, Fake Reviews, and Algorithmic Manipulation

The spread of dark patterns: design techniques that attempt to influence consumer behaviour by misleading, intimidating, or manipulating it is one of the most acute problems in e-commerce regulation.¹³ They can be false sense of urgency, hidden costs, and complicated purchase cancellations. The falsified reviews and artificial ratings also mislead consumer decision-making.

The Consumer Protection Act, 2019 and the E-Commerce Rules can be used as a legal foundation to deal with such practices in the context of unfair trade practices. Nonetheless, there is a lack of evenness in enforcement and a lack of regulatory ability to track algorithmic behaviour.

To solve dark patterns, technologies and the interdisciplinary approach are essential, along with banning them by law. To ensure that manipulative design behaviour is identified and discouraged, regulators need to come up with tools and standards, whereas platforms need to be encouraged to embrace ethical design principles.

11.6 Grievance Redressal and Access to Justice

Confidence in the e-commerce industry is essentially linked to the effectiveness of grievance redressing model. The e-commerce Rules technically require the selection of so-called grievance officers and the prompt resolution of the conflicts to avoid formal litigation, but there is a considerable gap between the requirements and their implementation. Practically, a wall of mechanical answers, cloud of deafening procedures, and too much delays often meet a consumer, and the question of the objectivity of the corporation internal mechanisms is also justified. Although the consumer commissions do offer a needed external alternative, they are usually crippled by lack of resources and procedural backlog. The industry needs to go beyond access to justice disparity and transition to institutional reform and incorporation of open, equitable Online Dispute Resolution mechanisms that will focus on consumer education rather than bureaucratic resistance.

11.7 Overlap with Competition Law and Market Regulation

The E-commerce regulation is not a solitary effort; it interplay with consumer protection and competition law, especially in markets characterized by high concentration and network effects power.

¹³Consumer Protection Act 2019 (No 35 of 2019) (India) s 2(zzc); Central Consumer Protection Authority, 'Guidelines on Dark Patterns and Manipulative Design Practices' (2021).

¹⁴The crossover is reflected in the CCI interest in market research of practices such as preferential listing, deep discounting, and exclusive collaboration. This means that when these two domains of law are used simultaneously, there is the need to have smooth regulatory alignment. Since consumer law focuses on individual redress but competition law is focused on structural market failures, the pivot of these systems is important in avoiding regulatory gap and facilitating a legal level playing field.

11.8 Limitations and Critiques of the Consumer Protection Framework

The current e-commerce consumer protection structure in India, though it has been improved, still faces the problem of insufficient enforcement infrastructure and a slow rate of regulation that does not keep up with the fast changing nature of the industries. The intensive use of delegated law as opposed to primary statutes also leads to a lack of democratic control and uncertainty of the law. Moreover, the tough compliance environment can unwillingly shift the advantage to big sites with deep pockets and on the small business can overly burden the fragile balance between consumer protection and the competitive, innovative digital economy.

12 DATA GOVERNANCE, PRIVACY, AND THE DIGITAL PERSONAL DATA PROTECTION ACT, 2023

12.1 Constitutional Foundations of Data Protection in India

The constitutional right to privacy has also become a fundamental data governance principle in India, and this principle was reinvented in the landmark case of *Justice K.S. Puttaswamy v Union of India*.¹⁵ that privacy has ceased to be a marginal issue in the context of data governance, being made an essential part of personal liberty and dignity in Article 21. The Court has made sure that data protection is no longer subject to a compromise by taking into consideration informational privacy as a precondition to individual autonomy and democratic participation in the digital society.

This The DPDP Act 2023 is a fundamental change as it based data protection on constitutional values and not the sector compliance. Through this rights-based approach, the Act tries to fill in the divide between economic innovation and human rights- a notably tricky endeavor in the e-commerce environment where personal data becomes both an assured right and a major economic force.

12.2 From Sectorial Norms to a Unified Data Protection Framework

¹⁴Competition Commission of India, 'Market Study on E-Commerce in India' (2019); Competition Act 1988 (No 51 of 1988) (India) ss 3-4

¹⁵Justice K.S. Puttaswamy (Retd) & anr v Union of India & ors (2017) 10 SCC 1 [1]-[6]; Constitution of India 1950 Art 21.

Up to The DPDP Act, the data privacy situation in India was an ad hoc collection of clauses throughout the Information Technology Act, 2000 and its ancillary regulations. This fragmented system provided only nominal enforcement and minimal protections and was not very useful in regulating the large, complicated data processing processes that characterize contemporary e-commerce.

The DPDP Act replaces this fragmented strategy with a coherent statutory framework with a defined duty of data fiduciaries and enforceable rights of individuals. With these minimum standards that are implemented in all industries, the Act essentially changes the business environment of the e-commerce organizations, which base their business models on the collection, analysis and monetization of personal data.

12.3 Core Principles of the DPDP Act and Their Application to E-Commerce

The DPDP Act is designed to have a number of fundamental principles, such as lawful purpose, informed consent, minimum data, accuracy, storage limitation, and security protection.¹⁶ These concepts are internationally best practices but adjusted to the institutional setting of India.

In case of e-commerce platforms, adherence to these principles needs major operation changes. The aspect of informed and specific consent requires poses a challenge to current practices of bundled consent and inscrutable privacy statements. The data minimization requirements force the platforms to reconsider the extent of data gathering, especially concerning behavioral surveillance and targeted advertising.

The other concept presented in the Act is that of data fiduciaries, as it focuses on the trust aspect of the relationship between entities that process data and individuals whose data is processed. This fiduciary framing develops the ethical aspect of data governance, and it is an indication that the economic interests should be put in check with personal rights.

12.4 Rights of Data Principals and Consumer Empowerment

DPDP Act provides people with a series of rights which include, the right to information on how their data is processed, the right to correct and to erase, and the right to compensation of grievances. In the e-commerce setting, such rights are particularly important because erroneous or overly ambitious data processing may stem out discrimination, exclusion or financial damages.

The Act enhances the consumer protection system mentioned above by enabling the consumers as data principals. Collectively, these

¹⁶International Organization for Standardization, 'ISO/IEC 27001:2022 Information Security Management' (ISO 2022) (comparative global standards) ss 5-8

regimes understand that modern consumers are not just consumers of goods and services but also sources of useful data the interests of which should be discussed.

The realisation of these rights however, is subject to well-functioning institutional mechanisms and user awareness. Rights, in the absence of available enforcement avenues and directives, can only be described as hypothetical as opposed to realistic.

12.5 Obligations of E-Commerce Platforms as Data Fiduciaries

The e-commerce platforms are considered data fiduciaries under the DPDP Act because of the amount and sensitivity of data processed through them.¹⁷ The obligation of the e-commerce platforms under the DPDP Act includes the requirement of implementing reasonable security measures, notifying about data breaches, and adherence to the statutory principles.

Other requirements, such as data protection impact assessment and independent auditing, can have supplementary requirements on big platforms that are classified as significant data fiduciaries. These requirements not only mirror the increased risk of large-scale data processing, but they are also costly in terms of compliance.

Smaller e-commerce firms might not be in a position to fulfill these requirements and this brings up the question of regulatory disproportion and market concentration. The policymakers should therefore make sure that compliance frameworks are scaled and conducive to innovation.

12.6 Cross-Border Data Transfers and Global E-Commerce

Global e-commerce relies on a cross-border data flow which facilitates cloud computing, cross-border logistics and cross-border payments. The DPDP Act pursues the prudent path to cross-border transfer of data, allowing it to be done on the condition of conditions and governmental notifications.

This strategy aims to strike the national balance between national interests and the reality of digital trade in the world. The unpredictability about the mechanisms of transfer and compliance can however pose a problem to businesses that have operations in multiple jurisdictions.

The Indian approach is relatively pragmatic in terms of striking a balance between data strict localisation requirements and open data flows. Effective work of it will be performed based on open rule-making and international cooperation.

12.7 Enforcement Architecture and Institutional Capacity

The DPDP Act provides the Data Protection Board to adjudicate and enforce. This institution will play a crucial role in converting the statutory rights and obligations into practice.

¹⁷Ministry of Electronics and Information Technology, 'Data Protection Impact Assessments: Guidance for E-Commerce Platforms' (Government of India 2023)

E-commerce cases about data protection can result in the overlap of consumer protection and competition law, which makes it questionable how jurisdiction and coordination. It will be necessary to create integrated enforcement methods and inter-regulatory collaboration mechanisms to prevent fragmentation.

12.8 Critiques and Limitations of the DPDP Act

The DPDP Act has had its share of criticism despite its importance. The issue of exemptions to the state, less than complete independence of the enforcement mechanisms and sufficiency of protection of vulnerable populations have been raised.

Critics of the Act suggest that in the e-commerce setting, the Act fails to answer the question of transparency in the algorithms and automated decision-making. These loopholes can jeopardize the protective purpose of the Act as platforms become more and more dependent on a data-based system to influence consumer behavior.

13 CONCLUSION

The nature of the institutional and legal framework is also highly fragmented; this is one of the most enduring challenges in the regulation of e-commerce in India. As has been shown in this article, the regulation of e-commerce today is spread among a variety of laws, such as the Information Technology Act, 2000, the Consumer Protection Act, 2019, and the Digital Personal Data Protection Act, 2023 as well as industry-specific regulations and guidelines. All these tools deal with a different aspect of online trading but their overall effects are usually disjointed.

This fragmentation poses uncertainty to both the consumers and the businesses. E-commerce sites have to work around conflicting compliance requirements by various bodies such as MeitY, the Central Consumer Protection Authority, the Data Protection Board, and even the Competition Commission of India. Online, the consumers might not know where they can get redress in cases of online transactions which may bring up several legal matters.

Standardisation in regulation is thus necessary. Instead of considering e-commerce in the context of single legal silos, policies should have a holistic approach in which they realize that technology, consumer rights, competition, and data governance are interdependent.

References

1. BananaIP Counsels, Technology Law in India: IT Act, Data Protection and E-Commerce Regulation (2025).
2. Chandra, Navneet & Yadav, Raj Kumar, Evolution of E-Commerce and Consumer Protection Laws in India (2024).
3. Consumer Protection Act, No. 35 of 1986, INDIA CODE (repealed).
4. Consumer Protection Act, No. 35 of 2019, INDIA CODE (2019).
5. Consumer Protection (E-Commerce) Rules, 2020, Gazette of India, Extraordinary, Part II, Section 3.

6. Digital Personal Data Protection Act, No. 22 of 2023, INDIA CODE (2023).
7. Digital Personal Data Protection Rules, 2025, Gazette of India, Extraordinary (India).
8. GNLU Journal of Law & Economics, The E-Commerce Rules: A Digital Disruption in the Time of the Pandemic (2020).
9. Gupta, Ankit & Singh, Prerna, Digital Consumer Rights: Navigating E-Commerce Challenges in India, 4(2) CIVIL L.J. 45 (2024).
10. IMPRI India, Consumer Protection (E-Commerce) Rules, 2020: Managing and Bolstering Consumer Rights (2022).
11. Information Technology Act, No. 21 of 2000, INDIA CODE (2000).
12. Jain, Rohan, Legal Framework for E-Commerce in India, 6(4) INT'L J. RES. PUB. & REV. 210 (2025).
13. Kumar, Saurabh, Digital Contracts and E-Commerce Laws in India, 3(2) IJJ J. 53 (2025).
14. Ministry of Consumer Affairs, Government of India, E-Commerce Consumer Protection Framework (2020).
15. Patil, Avinash, India's Evolving Legal Framework for E-Commerce, Data Protection and Cybersecurity (SSRN Working Paper, 2024).
16. Reuters, India Strengthens Privacy Law with New Data Collection Rules (2025).
17. Sharma, Pooja, Balancing E-Commerce Growth and Data Privacy in India, 11(3) J. INFO. SYS. & E-MGMT.89 (2025).
18. Singh, Vikram, Data Privacy and Consent in E-Commerce Transactions, 11(10) ALL RES. J.L. 621 (2025).
19. The Law Institute, Safeguarding Consumers in the Digital Age: The Role of the Information Technology Act, 2000 (2024).
20. World Intellectual Property Organization, Consumer Protection (E-Commerce) Rules, 2020 – India, WIPO Lex Database.

Closing Note from the Editors



The law is neither static nor self-executing; it is a dynamic institution that evolves alongside the society it governs. Every era presents its own social, economic, technological, and political challenges, compelling legal systems to adapt while remaining anchored in the constitutional values of justice, equality, liberty, dignity, and the rule of law. The contemporary legal landscape in India reflects precisely such a period of transformation. Rapid technological advancement, globalization, environmental degradation, changing social relationships, expanding constitutional jurisprudence, and increasing public expectations have fundamentally altered both the scope and function of law. Consequently, legal scholarship today is expected not merely to interpret existing legislation but to critically examine its effectiveness, identify institutional shortcomings, anticipate emerging challenges, and contribute to meaningful legal reform.

The chapters presented in this volume collectively capture this evolving nature of Indian law. Although each contribution focuses upon a distinct area of legal inquiry, together they portray a legal system that is progressively moving beyond traditional doctrinal boundaries towards a more integrated, rights-oriented, and policy-sensitive framework of governance. Whether discussing constitutional principles, criminal justice, commercial regulation, labour welfare, environmental sustainability, intellectual property, religious endowments, or digital governance, every chapter reflects the continuing effort of Indian law to balance individual rights with collective welfare while responding to rapidly changing social realities.

One of the most significant themes emerging from this collection is the centrality of the Constitution in shaping contemporary legal discourse. Constitutional principles increasingly permeate every branch of law, influencing legislative policy, judicial interpretation, administrative action, and institutional governance. Fundamental rights are no longer viewed as isolated constitutional guarantees but have evolved into guiding principles that inform diverse legal fields, including environmental protection, prison administration, labour welfare, commercial regulation, digital privacy, religious freedoms, and animal welfare. Similarly, the Directive Principles of State Policy and Fundamental Duties, once regarded primarily as aspirational provisions, have gradually assumed greater normative significance in judicial reasoning and legislative reform. This constitutionalization of legal governance demon-

strates the continuing vitality of the Indian Constitution as a living document capable of responding to new social and legal challenges without compromising its foundational values.

Another prominent observation emerging from this volume is that modern governance requires law to operate as an instrument of both regulation and social transformation. Traditional legal frameworks were largely concerned with prescribing rights, imposing obligations, and resolving disputes after they arose. Contemporary legal governance, however, increasingly emphasizes prevention, participation, transparency, accountability, and institutional responsibility. This shift is evident across multiple chapters. Environmental law seeks not merely to punish polluters but to cultivate environmental consciousness through education and public participation. Competition law focuses not only on penalizing anti-competitive conduct but also on preserving healthy markets capable of fostering innovation and consumer welfare. Labour law extends beyond contractual relationships to recognize dignity, social protection, and equitable working conditions. Prison law gradually shifts from punishment towards rehabilitation and reintegration, while counterterrorism scholarship increasingly advocates preventive and evidence-based interventions rather than exclusive reliance upon reactive enforcement measures.

The volume further demonstrates that effective legal reform cannot be achieved through legislative enactments alone. Although India has enacted several progressive statutes in recent decades, including reforms concerning consumer protection, digital governance, environmental regulation, land acquisition, data protection, prison administration, and religious endowments, the practical implementation of these laws often remains inconsistent. Administrative inefficiencies, institutional fragmentation, inadequate infrastructure, insufficient financial resources, limited public awareness, procedural delays, and uneven enforcement continue to impede the realization of legislative objectives. The existence of progressive legal provisions therefore does not automatically translate into meaningful access to justice or effective governance. This recurring implementation gap serves as an important reminder that institutional capacity is as significant as legislative intent.

A further insight emerging from the contributions is the increasing importance of interdisciplinary legal scholarship. Modern legal problems rarely exist in isolation. Issues relating to artificial intelligence, data governance, environmental degradation, public health, climate change, digital commerce, cybersecurity, migration, labour markets, and transnational crime intersect with economics, sociology, political science, criminology, technology, psychology, ethics, and public administration. Consequently, contemporary legal research must move beyond narrow doctrinal analysis and embrace multidisciplinary method-

ologies capable of addressing complex governance challenges. The contributors to this volume have effectively demonstrated this broader approach by integrating constitutional analysis with policy evaluation, comparative jurisprudence, empirical observations, and international legal developments.

Comparative legal research also occupies an important place within this volume. Several chapters draw valuable lessons from foreign jurisdictions while critically evaluating their relevance within the Indian constitutional framework. Comparative scholarship enables legal systems to benefit from international experiences, identify successful regulatory models, and avoid previously encountered policy failures. At the same time, the contributors appropriately recognize that legal transplantation cannot occur mechanically. Every legal system reflects unique constitutional traditions, historical experiences, cultural values, administrative structures, and socio-economic conditions. Comparative analysis is therefore most valuable when it serves as a source of informed adaptation rather than unquestioning imitation. India's legal evolution must continue to remain rooted in its own constitutional philosophy while remaining receptive to global best practices.

Technology emerges as another defining feature of contemporary legal development. The digital revolution has transformed governance, commerce, communication, financial transactions, consumer behaviour, and public administration in ways that were unimaginable only a few decades ago. Digital platforms now influence economic competition, consumer choice, data processing, algorithmic decision-making, privacy, and market structures. These developments present unprecedented legal questions concerning intermediary liability, data protection, artificial intelligence, platform regulation, cybersecurity, competition policy, intellectual property, and consumer rights. The legal system must therefore remain sufficiently flexible to regulate technological innovation without unnecessarily restricting economic development or individual freedoms. Future legal reforms will increasingly depend upon the ability of legislators, regulators, courts, and scholars to understand rapidly evolving technologies and their societal implications.

Another significant contribution of this volume lies in its continued emphasis upon human dignity as the underlying foundation of legal governance. Whether examining euthanasia, rehabilitation of prisoners, labour protections for domestic workers, land acquisition, animal welfare, or environmental justice, the contributors consistently highlight the importance of dignity as a constitutional value that transcends traditional legal classifications. The expanding interpretation of Article 21 by the Supreme Court of India reflects this broader understanding of dignity as encompassing not merely physical survival but also humane treatment, quality of life, environmental well-being, privacy, autonomy,

and meaningful participation within society. This rights-oriented approach represents one of the defining characteristics of modern Indian constitutional jurisprudence and is likely to continue shaping future legal developments.

Environmental sustainability represents another recurring concern throughout this volume. Climate change, biodiversity loss, ecological degradation, pollution, waste management, and unsustainable patterns of development have emerged as global challenges that demand urgent legal responses. Indian environmental jurisprudence has evolved significantly through judicial innovation and legislative intervention. However, environmental protection ultimately depends not only upon regulatory enforcement but also upon societal awareness and responsible citizenship. The emphasis placed upon environmental education, constitutional environmentalism, and participatory governance within this volume reflects an important shift from environmental compliance towards environmental culture. Sustainable development requires collaboration between governments, educational institutions, businesses, civil society organizations, and citizens alike.

The contributions concerning criminal justice similarly demonstrate the gradual evolution of India's penal philosophy. Contemporary criminal jurisprudence increasingly recognizes that justice cannot be achieved solely through punishment. Rehabilitation, restorative justice, correctional administration, mental health support, legal aid, and community reintegration have become essential components of modern criminal justice systems. Likewise, effective responses to terrorism require addressing the structural, psychological, ideological, and socio-economic factors contributing to radicalization rather than relying exclusively upon coercive measures. Such perspectives reinforce the broader understanding that sustainable peace and security require long-term institutional and societal resilience.

The diversity of subjects represented in this volume also reflects the remarkable breadth of contemporary legal education and research. Legal scholarship today extends well beyond courts and legislation into areas such as governance, technology, international relations, environmental science, economics, business regulation, healthcare, education, and social policy. This interdisciplinary expansion enriches legal discourse while enabling scholars to address emerging challenges with greater intellectual sophistication. It is encouraging to observe that the contributors have engaged with these developments through thoughtful analysis, critical reflection, and constructive recommendations rather than merely descriptive accounts of existing law.

An equally important contribution of this volume is its encouragement of future research. Many of the issues discussed remain works in progress. Artificial intelligence, digital regulation, climate governance, prison reforms, data protection, algorithmic accountability, reli-

gious autonomy, competition in digital markets, and constitutional governance will undoubtedly continue to evolve over the coming decades. Legislative reforms will require continuous evaluation, judicial interpretations will further refine legal doctrines, and technological innovations will generate entirely new regulatory questions. Consequently, the discussions contained in this volume should be viewed not as final conclusions but as contributions to an ongoing scholarly conversation regarding the future direction of Indian law.

The editors deserve special appreciation for bringing together a diverse range of contributions that collectively present a coherent picture of contemporary legal developments. Editing a multidisciplinary legal volume requires careful academic judgment, thematic coherence, and intellectual vision. By selecting topics of significant contemporary relevance and encouraging analytical scholarship, the editors have created a resource that will remain valuable for students, researchers, legal practitioners, judges, policymakers, and academicians alike.

Ultimately, this book reinforces a simple yet profound truth: the strength of any legal system depends not merely upon the quality of its legislation or the authority of its institutions but upon its ability to uphold constitutional values while responding effectively to changing societal needs. Law must continuously evolve to address emerging challenges, yet it must do so without compromising the principles of justice, fairness, accountability, human dignity, and the rule of law. The chapters contained in this volume collectively affirm that legal scholarship plays an indispensable role in achieving this balance.

It is sincerely hoped that the ideas, analyses, and recommendations presented in this collection will inspire further research, stimulate informed policy discussions, support progressive legal reforms, and contribute to strengthening India's constitutional democracy. More importantly, this volume aspires to encourage a deeper understanding of law not merely as a body of rules, but as a living instrument of justice that shapes institutions, protects rights, advances social welfare, and promotes the collective aspirations of a democratic society.

As India continues its constitutional journey through an era of rapid transformation, legal scholarship of this nature will remain essential in ensuring that the law evolves with wisdom, foresight, inclusivity, and an unwavering commitment to the ideals enshrined in the Constitution. This volume represents one meaningful contribution towards that enduring endeavour.

Prof. (Dr.) T. R. Subramanya
Dr. Vidya Selvamony, Advocate

ABOUT THE EDITORS



PROF. (DR.) T. R. SUBRAMANYA

Dean, CMR University School of Legal Studies, Bengaluru

A distinguished scholar of international law and legal education, he has served as Vice-Chancellor of Karnataka State Law University and in senior academic and administrative roles at Bangalore University and the West Bengal National University of Juridical Sciences. He has also served as Legal Counselor to the Kingdom of Bahrain.



DR. VIDYA SELVAMONY, ADVOCATE

Visiting Faculty, CMR University School of Legal Studies, Bengaluru

A practicing advocate, legal scholar, and social reformer with more than twenty-five years of experience, she is Managing Trustee of Legal Aid Trust. Her work advances legal literacy, constitutional awareness, accessible legal aid, workplace dignity, child rights, and institutional accountability.

JUPITER PUBLICATIONS CONSORTIUM

22/102, Second Street, Venkatesa Nagar, Virugambakkam,

Chennai - 600 092, Tamil Nadu, India

www.jpc.in.net | director@jpc.in.net | +91 97909 11374

Imprint: Magestic Technology Solutions (P) Ltd., Chennai, India



THE CHANGING LANDSCAPE OF INDIAN LAW

This edited volume examines emerging legal questions and enforcement mechanisms in India through contemporary constitutional criminal, commercial, technological, environmental, and human rights perspectives. It brings together scholarly analysis designed for students, researchers, practitioners, and institutions navigating a rapidly changing legal order.

ISBN: 978-93-86388-51-3

DOI: 1047715-978-93-86388-51-3

First published: 06-08-2026

Price: Rs. 400/-

