

**GOVERNMENT OF INDIA
MINISTRY OF COMMERCE & INDUSTRY
DEPARTMENT FOR PROMOTION OF INDUSTRY AND INTERNAL TRADE**

LOK SABHA

**UNSTARRED QUESTION NO. 105.
TO BE ANSWERED ON WEDNESDAY, THE 07TH DECEMBER, 2022.**

E-COMMERCE LEGISLATION

105. SHRI MARGANI BHARAT:

Will the Minister of **COMMERCE AND INDUSTRY** be pleased to state:

वाणिज्य एवं उद्योग मंत्री

- (a) whether it is true that there is no legislation to regulate e-commerce platforms in the country;
- (b) if so, the reasons therefor;
- (c) whether it is also true that food service platforms are falling outside the competition rules and hence market regulators are not able to deal with them properly and if so, the details thereof;
- (d) whether the Ministry has studied the Digital Markets Act of Europe;
- (e) if so, the salient features of the above Act; and
- (f) whether the Ministry can adopt such legislation by modifying to Indian conditions to regulate e-commerce platforms, more particularly food service platforms and if so, the details thereof?

ANSWER

वाणिज्य एवं उद्योग मंत्रालय में राज्य मंत्री (श्री सोम प्रकाश)

**THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE & INDUSTRY
(SHRI SOM PARKASH)**

- (a) & (b):** The e-Commerce sector is governed by a comprehensive legislative framework. Some of the Acts applicable to e-Commerce sector are Consumer Protection Act, 2019; Competition Act, 2002; Central Goods and Services Tax (CGST) Act, 2017; Information Technology Act, 2000; Payment and Settlement Systems Act, 2007; Companies Act, 2013; Copyright Act, 1957 etc. FDI Policy and Foreign Exchange Management Act, 1999 contain provisions related to Foreign Direct Investment (FDI) in e-Commerce sector.

- (c):** The provisions of the Competition Act, 2002 are applicable in respect of food service platforms as provided in Section 3 (Anti-competitive Agreements), Section 4 (Abuse of dominant position) and Section 5 and Section 6 (Mergers & Acquisitions).
- (d) to (f):** No specific study of the Digital Markets Act (DMA) has been undertaken. However, as per the information available at the website of European Commission, the Digital Markets Act introduces rules for platforms that act as "gatekeepers" in the digital sector. The Act is applicable only to companies that may be designated as "gatekeepers" according to defined criteria. All legislations are formulated after wide stakeholder consultations including taking into account global best practices.
