



E-Commerce law and its legal Aspects

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Abstract

E-commerce or electronic commerce is a term which are formed by the commercial transactions of service in an electronic format. E-commerce consists of all business conducted by means of computer net work. The I.T Act 2000 aims to provide the legal recognition for transaction carried out by means of electronic data interchange and other means of electronic communication known as electronic commerce when the buying and selling is included over Web it involves a formation of contract known as E-contract or cyber contracts.

Keywords: e-commerce, e-contracts, legal validity of e-contract

Introduction

E-Commerce or Electronic commerce is a term for any type of business or commercial transaction that involves the transfer of information across the internet. It covers a range of different types of businesses from consumer based retail sites through auction or music sites to business exchanges trading goods and services between corporations. It is currently one of the most important aspects of the internet to emerge.

E-commerce allows consumers to electronically exchange goods and sources with no barriers of time or distance. Electronic commerce has expanded rapidly over the past ten years and is predicted to continue this rate or even accelerate. In the near future the boundaries between conventional and electronic commerce will become increasingly blurred as more and more business more sections of their operations onto the internet carry of these transactions electronically provides E-commerce.

Electronic Commerce or EC is the buying and selling of goods and services or the transmitting of funds or data over an electronic media. Internet some times use to call as information super highway or global information infrastructure. The Indian consumer are also accepting internet as a new medium for shopping.

E-commerce: Meaning and definition

Commerce has been defined as buying and selling of goods, The exchange of commodities and the distribution of finished product. E-commerce simply defined as commercial transactions of service in an electronic format. E-commerce also can be defined as the process of buying and selling or exchange of products, services and information via computer network including the internet. It can be further described as networking of business communications and digitalization of business information.

W.T.O Ministerial declaration on Ecommerce has defined as the production, distribution, marketing, sales or delivering of goods and services by electronic means E-commerce consist

of all business conducted by means of computer net work. Meaning of e-commerce has changed for last few years using technology such as electronic data interchange (EDI) and electronic funds transfer (EFT), It is also known as shopping or internet called as world wide web (WWW). E-commerce provides multiple benefits to consumers in form of (a) availability of goods at lower cost. (b) saving the time and wider choice. People can buy goods with a click of mouse with out making of their office or houses. In fact in E-commerce it took place instead of transacting business at physical shops it takes place In virtual shops and websites. Ecommerce tractions overtake the conventional transactions. E- Commerce also can be described as paperless exchange of business information using electronic data interchange and related technologies.

Evaluation and history of E-commerce

The beginning of e-commerce can be traced to the 1960's when business started using electronic data interchange (EDI) to share business documents with other companies. In 1979 the American National Standard Institute developed ASC as a universal standard for businesses to share documents through electronic networks. After the number of individual users sharing electronic document with each other grew in the 1980's. In the 1990's the rise of e-by and revolutionized the e-commerce industry. consumer can now purchase endless amounts of items online with from typical brick and mortar stores with e-commerce capabilities and one another.

Ecommerce will facilitates new types of information based on.

- a) Reading and in trading with customers
- b) Online adverting and marketing
- c) Online order taking and customer serviced

In e-commerce instead of transacting business at physical shops it takes place in virtual shops and websites. E-commerce transactions overtake the conventional transaction. In 1996, the united nations commerce on international trade

law (UNCITRAL) adapted a modal law on e-commerce. This model law provides equal legal treatment of users of electronic communication and paper based communication.

But there are some difficulties in e-commerce that-

1. Authority of sender who really send the message
2. Messages integrity: the recipient must able to determine whether or not message received has modified in route or is incomplete
3. Non-repudiation: The ability to insure that the sender cannot falsely deny the sending message nor falsely deny the content of message.

Advantages of E-commerce

Through E-commerce the seller can reach any part of the globe and buyer has ultimate choice to access any seller. Efficacy has been greatly increased, paper work reduced time length shortened and expenses decreased the advantages of E-commerce: are,

1. Availability of 24 hours / day/7days for week.: A cybershop or e-commerce can open 24 hours per day also 7 days per week without closure
2. Savings on customer services staff.: A detailed description of each product can be put on the web page with the details like price, dimension pictures, virtual reality, files that gives to customer look in the object in 3 dimensions
3. Savings on telephone operation and sales people: More customers use e-commerce to buy product and the less need for telephone operator and sales people.
4. Instant update of catalogue and prices: By e-commerce a sample change of web page will correct the catalogues and prices which saves the money and printing.
5. Product Tracking: By tracking the computer, how much product are available in stock and gives an hour to hour picture of what is making and what is net.
6. World wide visibility: Small companies can now advertise globally at a minimal cost and visible through out the world
7. Increase of sales and decrease of costs: the internet and webs particularly useful in creating virtual communities that becomes ideal target market
8. Creating opportunities for buyers: Just like the e-commerce increase the sale opportunity for seller, it can also increase the purchasing opportunities for buyers.
9. Attractive option for the physically challenged people.
10. Reduction in distribution costs: It establish the direct link between the customer and the supplier. No brokers, Commission agents and the transportation
11. Time Saving: The e-commerce transaction can be completed in a few seconds only.
12. Building customer relationship: Regular feed back from customers can easily be obtained with the help of e-mail.

Other Benefits

Electronic payments of tax and electronic funds can be transferred

Disadvantage of E-commerce

1. Credit card Frauds: credit card threats is a great concern when during the E-business

2. Product that do not show well: It is not possible to inspect the products physically perishable goods, jewelry or antiques are impossible to inspect from their own place.
3. Limits to the market: Stores like Amazone.com that operates strictly on the internet are missing and not available for the non users of internet.
4. Small companies unprepared for global selling: the small companies may not have the experience and knowledge to the world wide trade services that requires.
5. Unclear legal system: In many case the government regulations are not kept with technologies.
6. Security: The high degree of confidence, authority, confidentiality timely deliver can be the difficult in e-commerce internets.

E-Commerce and Law

International developments on the electronic commerce front are at a cross roads and raise the problems which may blur the line between the public and private law, the economics of and globalization of commerce and telecommunication and the opening up of electronic commerce trends and services between countries and district parties previously limited in their ability to engage in direct commerce and pushing the need to new legal standards and new concepts of jurisdiction

E-Commerce and E-contracts in India

Buying and selling exists in a contracts whom the buying and selling is conducted over web it involves a formation of contract known as electronic contract or E-contract or cyber contracts.

An E-contract can enterable agreement entered fully or in electronic form, and out flow of information has become instant and momentary digital technology information technology act 2000 replaced the traditional system of communication. Business communication and consumers are using computers more are more to transit and restore information in electronic term.

Information Technology Act 2000 the principle contribution in the field of contract formation. Electronic contracts are out of need of speed, convenience and effectiveness. In order to adhere to the growth of e-commerce, the govt of india the information technology act 2000 based on the model law, India became the 12th country in the world to adopt the model laws on e-commerce on October 17, 2000

The IT Act 2000 aims to provide the legal recognition for transaction carried out by means of electronic commerce.

1. The IT act facilitate the informational trade
2. Alternative to paper based methods of communication and storage of information.

Under IT Act 2000 The information in electronic form has granted the legal validity and sanction, digital signature have been debited and made legal. Electronic contracts has been recognized to be legal and binding sec. 10-A has been inserted by IT Act (Amendment) 2008 produces that the validity of contract formed through electronic means.

According to this sections, where in a contract transaction the communication of and acceptance on formation the communication of proposal and acceptance and the case may be expressed in electronic form or by means of electronic

record such as contract shall not be deemed to be unenforceable solely on the ground that such electronic form or means was used for that purpose.

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