

## Jurisdiction in Cyberspace with Special Reference to E-commerce: Issues & Challenges

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### Abstract

E-commerce success depends greatly on the availability of legal infrastructures and the use of correct techniques by virtual enterprises in order to achieve maximum company protection, consumer trust and legal compliance in the long run. There has been a rise in the use of the term "jurisdiction" in e-commerce. According to this study, jurisdiction has an impact on all parties involved in electronic commerce, and it proposes strategies that can be employed by virtual enterprises to mitigate or eliminate these risks. e-commerce laws and cyberspace jurisdiction are discussed in this paper.

**Keywords:** Jurisdiction, Cyberspace, E-commerce

### 1.1 Overview

One of the most important arguments presented by a court of law is whether or not it has the jurisdiction to hear a case. In the event that the court does not have a ward, the topic will not be heard in court. Experts in this field (domestic or international) do not exist in jurisdictionless courts (domestic or international). The internet's de-regional nature has highlighted basic questions about ward in universal rules and domestic laws. As previously mentioned, the web allows groups to carry out trades without revealing their identities, and the groups may not know each other's locations. The rights of another party or individual can be violated at any gathering, no matter where it takes place. International and national laws must be re-evaluated because of the ever-expanding use and necessity of the digital environment.<sup>1</sup>

The term "cyberspace" refers to an ephemeral, non-physical environment. The fact that individuals, corporations, communities, governments, and other organisations can exist within and beyond the borders of a nation state

in such an instantaneous, contemporaneous, or ubiquitous manner is another benefit of cyberspace as a place and a type of sovereignty in itself.

What we refer to as "cyberspace" consists of a vast network of interconnected electronic communication networks that are completely distinct from one another. International interest in cyberspace is justified, as it is already a global communications medium<sup>1</sup>. The Internet itself is not an actual substance, but rather a collection of network protocols that have been accepted by a vast number of different networks and allow data to be exchanged. In addition, the Internet serves as a conduit for allowing users in one jurisdiction to connect with users in another jurisdiction while both are physically present in that country. In a sense, cyberspace is a virtual world with no physical substance other than the computers that house it, but it doesn't make the information it contains any less real for that. When it comes to imposing state law on individual network communities, interplay between the many primarily centralised individual networks and the decentralised Internet work via which they might communicate is critical. As a result, the Internet's most distinguishing attribute is that it

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<sup>1</sup>Burno De ., Padirac., "The international dimensions of cyberspace law" ., published by Tata McGraw, Hill education ., on 2018 ., in India

is structured logically rather than geographically.<sup>2</sup>

There is no official definition of the phrase "E-Commerce," but it is generally understood to mean "doing business electronically," which encompasses not only the sale and purchase of items but also their delivery, service, management, and the entire supply chain as a whole. India's Foreign Direct Investment Policy is defined as "purchasing and selling items," however its interpretation is limited. As a result of the technological revolution that has taken place in India, prominent businesses like Amazon and Flipkart have been able to expand their operations as a result of the rapid growth of India's Ecommerce sector. As more and more transactions take place online, computer networks are playing an increasingly significant role in economic infrastructure.

## 1.2 "LAWS REGULATING E-COMMERCE IN INDIA"

### 1.2.1 "The Foreign Exchange Management Act, 1999 & the FDI Policy"

Foreign investments in E-Commerce are regulated by India's Foreign Exchange Management Act (FEMA). As an extra measure to attract foreign direct investment, the Department of Industrial Policy and Promotion introduces the Foreign Exchange Management (Transfer or Issue of Security by Persons Resident outside India) Regulations, 2000, as revised by the Reserve Bank of India (RBI). For example, the Foreign Investment Protection Board (FIPB) serves as a conduit for FDI, either by way of the automatic route or through government approval. Through automated routing, 100% FDI is allowed in B2B commerce enterprises, but not in companies involved in single- and multi-brand retail.

### 1.2.2 "The Indian Contract Act, 1872"

E-commerce transactions will be subject to the Indian Contract Act, 1872, which governs the communication of offers, acceptance, and cancellation. An further need is that the agreement is not illegal, prohibited by law, dishonest, immoral, or otherwise in violation of public policy, and that it was not reached as a result of one party exerting undue influence

over another. Standard Form Contracts are used to make the agreements.

### The Information Technology Act, 2000

Contracts are the most common form of contract used on e-commerce platforms. An electronic contract is lawful and enforceable under the Indian Contract Act, 1872, according to provisions of the IT Act. And in order to ensure that contracts may be accepted electronically, the legislation also addresses the delivery and receiving of electronic contracts, which is a fundamental part of contract acceptance.<sup>3</sup>

## 1.3 JURISDICTION AND CYBERSPACE

Traditionally, jurisdiction is determined by the location of the cause of action, but how is this determined when several parties are involved in disparate regions of the world? Because a transaction in cyberspace involves three parties: Most efficient law should address whether a given event in cyberspace is controlled by laws of a particular state or nation, or the laws of all other states or countries.

Cyberspace transactions, in contrast to those conducted in the traditional manner, involve three parties. The User, the server Host, and anyone else involved in the exchange. A key question is which country's laws are applicable. so the most important flaws that can be spotted.

- How do we determine which country's laws apply and which court has jurisdiction when there are cross-border interactions?
- When online activity originates in a distant jurisdiction, how can a country claim to enforce its own laws and regulations?

When the parties to a contract or a dispute are of different nationalities, jurisdiction is a matter of state and international law. When there are foreign parties involved in a dispute, international law applies to the state.

A country's jurisdiction can be determined by one of three methods in international law. Prescriptive jurisdiction, adjudicatory jurisdiction, and enforcement jurisdiction are all examples.

### Prescriptive jurisdiction

It is within the power of the state to enact laws that apply to specific individuals and

<sup>2</sup>Zekos, Georgios, "State Cyberspace Jurisdiction and Personal Cyberspace Jurisdiction", International Journal of Law and Information Technology, 2007/03/01, 10.1093/ijlit/eai029

<sup>3</sup> Raunak Kurani, "JURISDICTIONAL ISSUES RELATING TO E-COMMERCE LAW IN INDIA", ASIA PACIFIC LAW & POLICY REVIEW (APLPR), VOLUME 6 – 2020, ISSN: 2581 4095

circumstances; but, international law restricts a state's ability to enact laws if there is a conflict of interest with another state.

### 1.3.2 “Jurisdiction to Adjudicate”

In civil or criminal cases or administrative tribunals, even if it is not a party to the issue, the state can bring a person or entity to justice. If the individual and the state have a strong relationship.

### 1.3.3 “Jurisdiction to Enforce”

The state has the power to penalise or encourage the breaking of rules and regulations, but who decides? State officials must give their permission for the police to implement a state's legislation. Consent is required at all stages of law enforcement operations, including arrest and the production of papers. It is possible that the state has the authority to prescribe, but not to adjudicate, in some situations. Criminal matters in particular lack jurisdiction to adjudicate without jurisdiction to adjudicate because courts do not use other states' criminal laws.<sup>4</sup>

## 2.1 Literature Review

**Lawrence Dinga(2020) in his Jurisdictional Challenges in E-Commerce**In today's fast-changing information and communications technology, as well as because of the Internet's global nature, creating an online presence is essential for both small and large organisations. Technology and the internet have driven a shift from a physical to an internet-based commercial environment. According to the World Trade Organization, ecommerce refers to the exchange of goods and services over the internet using computer-mediated methods (WTO). Businesses can now sell their goods and services to customers all over the world via the internet, eliminating the need to open a physical location in each country. To be subject to the laws and regulations of a certain country or state, a company had to be physically located in that country or state. This is a difficulty when doing business online. Customers from outside the country or state may be able to access an organization's products and services online, but this is rare. Because e-commerce is worldwide, borderless, virtual, and anonymous, determining jurisdiction is a

difficult task to accomplish. In light of the increasing number of cross-border conflicts that may develop as a result of e-commerce, this paper examines jurisdictional challenges.<sup>5</sup>

**Bradley J. Raboin (2019) “Treacherous Waters: Jurisdiction in E-Commerce and on the High Seas”** Discusses that E-commerce, or doing commercial transactions through the internet, is a well-established practise in today's corporate world. Certain benefits of this new trading model are without a doubt to be found. There are, however, disadvantages to this approach. When it comes to problems of jurisdiction, the global character of e-commerce makes it even more difficult to resolve conflicts. Preexisting precedent, rather than brand-new legal concepts, are studied in this article to see if they may be applied to e-preliminarily commerce's legal issue of jurisdiction. Our first step will be to see whether there are any similarities or differences between e-commerce and cyberspace as a whole when it comes to jurisdiction. An international admiralty legal framework could be used to establish a workable electronic trade standard, according to the Article. International law that establishes jurisdiction over ships in international waters could be extended to e-commerce, as stated in the article, Using the UN Convention on the Law of the Sea (UNCLOS) as a model, this essay argues for the adoption of a similar approach to the determination of jurisdiction in situations involving e-commercial transactions. The paper closes by emphasising that current international law can be changed to meet the problems of e-jurisdictional commerce's issues, rather than inventing a wholly new legal system.<sup>6</sup>

**K. Ganimozhi and Aswathy Rajan(2018) in “A Study and Analysis of the Cyberspace with Special Reference to Jurisdictional Issues and Challenges”** explains In contrast to the physical world, cyberspace is a

<sup>4</sup>“Miss Prevy Parekh & Miss Tarunya Rao, “CYBERSPACE AND JURISDICTION”, Journal On Contemporary Issues of Law (JCIL) Vol. 2 Issue 5, 2016, p.no. 5-6”

<sup>5</sup>“Lawrence Dinga ,”*Jurisdictional Challenges in E-Commerce*” , International Journal of Computer Science and Mobile Computing, Vol.9 Issue.7, July- 2020, pg. 115-124”

<sup>6</sup> Bradley J. Raboin, “*Treacherous Waters: Jurisdiction in E-Commerce and on the High Seas*”TULANE JOURNAL OF TECHNOLOGY AND INTELLECTUAL PROPERTY, vol. 21, 2019

fictitious environment since there are no apparent boundaries. With regard to personal jurisdiction, the physical boundary must be taken into account. The traditional rule of law should be extended to the internet is hotly debated. State jurisdiction over an out-of-state defendant has become more challenging in the current circumstances since different sovereignties in other states have used various methods. Jurisdiction is an issue for defendants who reside outside of a state's borders. " Furthermore, this essay will research and analyse other feasible alternatives to show that none of these options are acceptable in light of the difficulty. This essay will attempt to build a legal infrastructure to deal with today's difficult issue of internet jurisdiction and the out-of-state defendant dilemma in particular. It's also possible that the information in this page could be helpful if future legislation changes state sovereignty. Legal systems around the world commonly use the concept of jurisdiction as a guiding principle in cases involving online activity. No court proceedings may be conducted on the internet because it is a non-existent territory. In order to build an online jurisdictional and territorial nexus, this research employs a very hands-on methodology.<sup>7</sup>

**Dr. Jyoti Rattan (2015) in her paper "Law Relating To E- Commerce: International and National Scenario with Special Reference to India" discuss that -**

People's day-to-day lives have been profoundly affected by computers, the internet, and other ICTs in the information society of the twenty-first century (also known as the "e-revolution"). "Netizens," "cyber world," and "e-commerce" are now commonly used terms for people in the digital world. Cybercrime is one of the more ominous aspects of the e-revolution. As a result of a lack of legal protection, businesses are reluctant to use electronic data storage, transaction and communication systems because of their time and cost advantages over paper-based systems. New jurisprudence has been developed to maintain order in cyberspace, known as Cyber

Law or Cyber Space Law, Information Technology Law, or Internet Law. In 1996, the UN General Assembly passed and the UN Commission on International Trade and Law confirmed an electronic commerce law (UNCITRAL). One of MLEC's primary goals was to ensure that all e-commerce transactions were handled in the same manner regardless of whether they used paper or electronic data. These signatories have either passed new legislation or made changes to their current legislation in order to comply with the Model Law's criteria and suggestions. India's participation in the Model Law resulted in the passage of the Information Technology Act (Act) in 2000. Because electronic signatures are becoming more common, UNCITRAL has passed the Model Law on Electronic Signatures in 2001. (UNCITRAL). Thus, India passed the Information Technology (Amendment) Act in 2008. However, despite the fact that these Model Laws were developed to address specific legal issues that have arisen as a result of E-commerce activities in cyberspace (such as international taxation and intellectual property rights), they fail to address a host of other issues that the international community is beginning to take notice of. This article tries to address a number of important legal topics in an objective and comprehensive manner.<sup>8</sup>

**Cheng, Fa-Chang & Lai, Wen-Hsing (2011) in "The Prospects of Jurisdictional Issues in Cyberspace explains"** Cyberspace, in contrast to the actual world, lacks clearly defined bounds, making it distinct from it. In light of the importance of a person's physical boundaries in determining their jurisdiction, this fact is particularly noteworthy. While some argue that conventional rules should be followed when it comes to digital sovereignty, others argue that a new one should be implemented. Cyberspace jurisdiction is a complete surprise given the defendant's current location out-of-state. Methods for dealing with the issue of a state's sovereign jurisdiction over a defendant who is located outside the state are presented in this article. For your perusal, they're right here in front of your eyes. If there

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<sup>7</sup>K. Ganimozhi and Aswathy Rajan "A Study and Analysis of the Cyberspace with Special Reference to Jurisdictional Issues and Challenges" International Journal of Pure and Applied Mathematics, Volume 119, No. 17, 2018, ISSN: 1314-3395

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<sup>8</sup>Rattan, Dr. (2015). *Law Relating To E- Commerce: International and National Scenario with Special Reference to India*. International Journal of Social Science and Economics Invention. 1. 10.23958/ijssci/vol01-i02/01.

is no perfect solution, another alternative provided by readers will be considered and critiqued. These guidelines are intended to address the existing situation in which physical defendants located outside of state are subject to cyberspace jurisdiction. State sovereignty may be affected by future laws, in which case the information on this page may be helpful.<sup>9</sup>

**Stoney, Mark & Stoney, Susan. (2003) in their paper “The problems of jurisdiction to e-commerce – some suggested strategies”.** Businesses that sell directly to consumers must be able to rely on both customer confidence and legal compliance in order to be successful in B2C (business-to-consumer) e-commerce. In the world of online business, the concept of "jurisdiction" is becoming increasingly essential. This article tries to provide an explanation of why this is the case and identify steps that could be utilised by virtual organisations to reduce or eliminate the risks associated with e-commerce transactions.<sup>10</sup>

**The Business Lawyer (2000) “Achieving Legal and Business Order in Cyberspace: A Report on Global Jurisdiction Issues Created by the Internet.”** The rise of e-commerce has resulted in an increase in the number of potential issues involving jurisdictional considerations between buyers and sellers from different jurisdictions. Where specific acts took place has historically dominated jurisdictional law; however, these issues are much more difficult to resolve in the digital realm. There are real-world parties that can harm people when they are at well-known locations. When looking for local passive sellers, internet search engines like Google and Yahoo! can be helpful. The Report begins by addressing some of the most often asked topics about jurisdiction. It is first necessary to describe and explain the changes and doctrine in nine specific substantive areas of law most frequently affected by e-commerce before looking at the doctrinal framework for personal, prescription and enforcement

jurisdictions from the perspectives of the United States, Europe and Japan.<sup>11</sup>

### 3.1 Research Method

A systematic examination to get new insight about events or concerns is known as research technique. However, 'methodology' in a broader sense refers to the theory and practise of the overall research process. It offers criteria for researchers to follow when integrating data and drawing findings. To appear for the proper outcomes, study approaches would be necessary. The research involves a detailed investigation of the subject. To perform non-doctrinal research methodology, the standard approach of Doctrinal Research Methodology will be applied. The approach for explicative, exploratory, descriptive, and doctrinal research is proposed by the researcher.

### 4.1 Analysis of jurisdiction issues and challenges with respect to ecommerce disputes in India

Providing legal recognition for e-commerce transactions is an important part of the Information Technology Act, 2000's preamble, which also applies to offences done outside of India that involve a computer, system or network in India. By including electronic communication in its scope, the law makes it possible to enforce legally binding agreements across the country. Digital signatures and awards are also recognised as a basis for lawsuits in federal courts around the country. E-Contracts are legally recognised because courts assume that the information presented in the certificate is accurate and true.<sup>xvii</sup> Electronically stored information is recognised as documents<sup>xviii</sup> by the courts and can be used as evidence in such proceedings.

A person who is liable under Indian law for an offence committed outside of India is subject to the same punishment as if the crime had been committed inside the country. *SMC Pneumatics v. Jogeshwar Kalra*, a defamation case using emails, led to the Delhi High Court adopting extraterritorial jurisdiction over the matter. The issue of jurisdictional disputes in E-Commerce transactions becomes more problematic

<sup>9</sup>Cheng, Fa-Chang & Lai, Wen-Hsing. (2011). *The Prospects of Jurisdictional Issues in Cyberspace*. 916-923. 10.1109/HPCC.2011.132.

<sup>10</sup>Stoney, Mark & Stoney, Susan. (2003). *The problems of jurisdiction to e-commerce – some suggested strategies*. Logistics Information Management. 16. 74-80. 10.1108/09576050310453778

<sup>11</sup>“Achieving Legal and Business Order in Cyberspace: A Report on Global Jurisdiction Issues Created by the Internet.” *The Business Lawyer*, vol. 55, no. 4, American Bar Association, 2000, pp. 1801–946, <http://www.jstor.org/stable/40687955>.

because the Internet is borderless. On numerous instances, the Delhi High Court has addressed the issue of jurisdiction in cyberspace. In the *Banyan Tree Case*, the Delhi High Court found that proof that the Defendant willfully invoked the jurisdiction of the court was required to convince a court that it had the Jurisdiction to hear an action when the Plaintiffs were a Singapore-registered hotel corporation. An action can be brought in a court where the defendant resides or where the cause of action is based, as long as the Code of Civil Procedure allows for such action. Courts in India should be able to issue injunctions to parties over whom they exercise personal jurisdiction, the Supreme Court has concluded. Because an injunction interferes with the jurisdiction of another court, it should only be used sparingly and only in the most extreme circumstances. It has been held by the Delhi High Court that a person's physical presence is not required in order to file a suit, and that only three elements related to agency must be met in order to conduct business. Supreme Court clarified that plaintiffs who are involved in cross-country business are entitled to choose the forum in which they begin legal actions. As a result, the Supreme Court has also developed a Purposeful Availability Test to apply to Internet-related cases. In some jurisdictional situations, the courts principally consider three elements. Among them are:

- “Availment of a company to another jurisdiction”.
- “Whether the commission of the act/offence happened in another jurisdiction”.
- “Whether the jurisdiction is reasonable enough for the defendant to defend himself”.

**Forum Convenience Test:** The Supreme Court created a second test stating that the High Court can't rule on the merits if a portion of a case's cause of action is founded in its jurisdiction, and in some situations, it may even refuse to exercise its discretionary jurisdiction based on this. It has been stated by the Delhi High Court that the mere act of accessing a website from Delhi is sufficient to bring an action within the court's geographical jurisdiction. No longer is territorial jurisdiction limited to where a domain name is accessed by the defendant's home address.

When it comes to e-commerce, the Indian judiciary has had little chances to deal with the subject of jurisdictional issues in India. As a

result, it's important to remember that precedents already established are still subject to revision, and the grey area around the delegation of jurisdiction to an adjudicating authority is still under investigation.

#### **4.2 Analyse by Law cases**

##### **1. Apar Gupta vs Ministry Of Home Affairs on 31 January, 2022**

It was sent to the High Court of Delhi on December 7, 2021, together with a copy of the High Court's Dec. 2, 2021, judgement, the Writ Petition No. 12584/2021, and the reply affidavit of the MHA. On December 7, 2021, the Appellant wrote to this Commission with four specific requests:

The CPIO, MHA, in defiance of the FAA's 30 July 2021 directive, claimed at the last minute that the Appellant's requested material was no longer available because it had been routinely destroyed. Affidavits and supporting documentation were not provided to back the PIO's claim, according to the appellant. While there is an accusation that the Respondents deleted records, even though no policy for data destruction was submitted or an affidavit from a relevant official was recorded, and yet, the submissions were accepted. Despite the lack of evidence, the appellant claims that the Respondent weeded away records in order to substantiate his claim of record destruction by weeding. A request was made under Section 19(a)(i) of the 2005 Right to Material Act for whatever steps necessary to ensure compliance with the Act and for the release of similar information for a length of time that is available to Ld. CPIO, MHA, as sought by the appellant. Both sides have been heard and their points of view have been presented based on the discussion points listed above. The Appellant has been given permission to issue a brief rebuttal in response to the arguments made by the Respondent.<sup>12</sup>

##### **2. Dabur Invest Corp, New Delhi vs Prcit-16, New Delhi on 11 March, 2019**

**ACCOUNTANT MEMBER'S ADVICE REQUIRED** As a result of the PCIT-16, New Delhi of February 6, 2018, the assessee filed two appeals under Section 263 of the Income Tax Act, 1961 [hereinafter known as "the Act]." Because the underlying facts in both appeals are the same, they were heard together and will be decided by the same order for the sake of simplicity and expediency. After

<sup>12</sup>Available at - <https://indiankanoon.org/>

consulting with the Id. Counsel and following ITAT Rule 18(6), we went over all of the materials presented on record in a paper book, as well as the case files. The decisions of the courts on which we relied were scrutinised in great detail.

either 6.1.5 The Appointed Actuary has informed the Board that in his opinion, the Company's financial resources are insufficient to meet its working-capital needs, and hence the Company is compelled by applicable law to increase its issued share capital. Prior to raising money from any other source, the firm may ask each shareholder to pay an amount equal to their paid-up share capital, expressed as a % of the total paid-up share capital of the company (the "specified Proportion").

### **3. Baker Hughes Asia Pacific Ltd., ... vs Assessee on 11 July, 2014**

It's not unusual for a judge to have to make a decision on an issue that affects a big number of people. In order to speed things along, a composite judgement was given because all of the appeals were based on the same set of facts. Because the facts and circumstances of the case are identical, future appeals are likely to result in the same outcome. ITA no. 5283/Del/2012, a Baker Hughes Asia Pacific Ltd. case from 2007-2008, is referenced here.

The taxpayer reported Rs. 3,31,25,447/- in total income on his tax forms. Section 44BB(1) returns have been filed by four ITA no. 5283/D/2010 & 12 other mineral oil producers because the assessors discovered that the producers were engaged in providing services and facilities and supplying equipment to prospect for, extract from, and produce the mineral oils. Andheri-Ghatkopar Link Road, and Andheri (East), Mumbai, were listed as the company's address in its income statement. A "permanent establishment" in India (abbreviated "PE") has been acknowledged in the return of the assessee, he says. According to the assessing officer, the assessee has a large number of contracts in three different categories: supply, rental, and service (paragraph 4).

### **4. Tata Sons Limited vs Greenpeace International & Anr on 28 January, 2011**

As a result, the respondents in IA No.9089/2010 in CS(OS) No.1407/2010 Page 6 argued that the Maheswar Hydro-Electric Power Project should be abandoned. Respondents indicated that Madhya Pradesh

residents firmly oppose the construction of such an electric power station. That being the case, the respondents' outrageous assertions, as described above, cannot stand up to scrutiny. While criticising the Appellant Company is perfectly acceptable, the use of inflammatory terminology as mentioned hereinabove would have harmed the appellant's credibility and reputation, which is not acceptable. According to the review of the information used by the Respondents' counsel, the Appellant Company's conduct cannot be described in such terms. That "; theft of public money" is used to refer to defaulters and consequently, the respondents are permitted to use the same word cannot be accepted at all by Mr. Desai, the learned Counsel for respondents. This is a major oversight in the case. Hon. Finance Minister's statements were protected by the privilege of speaking within the boundaries of Parliament, because he did so within its walls. The respondent does not have the right to make a comment like this using language like this.<sup>13</sup>

### **5.1 Conclusion**

According to India's principal e-commerce law, the IT Act of 2000, there is a lack of preciseness in regulating online transactions, including jurisdictional concerns. E-commerce is still in its infancy, and it will be some time before it can be considered a success. Provisions that benefit consumers are sorely required. Contrary to popular belief, consumer courts only have jurisdiction over monetary disputes in e-commerce transactions, even though the vast majority of these are B2C. A comparison of the 1872 Indian Contract Act with the pre-existing legal framework for the Information Technology Act is necessary. In most cases, the CPC rules the decision of where to suit, however the CPC does not contain any procedures for the execution of a foreign verdict aside from Section 10. When no court has been granted jurisdiction by a contract, particularly under Private International Law, the enforcement of cross-border decisions becomes problematic. The ability to file a complaint in any region where multinational corporations (MNCs) conduct business gives them the freedom to shop around for the best forum, which is not in the best interest of the client, and thus some clarification is needed here. A new piece of

<sup>13</sup>*Ibid*

legislation will be required to oversee E-Commerce transactions in the future, one that takes into account the Indian Contract Act and Information Technology Act, as well as providing proprietary information structures that protect all parties involved in a transaction from harm and loss.

## References

1. Burno De ., Padirac., *The international dimensions of cyberspace law* ., published by Tata McGraw, Hill education ., on 2018 ., in India.
2. Zekos, Georgios, *State Cyberspace Jurisdiction and Personal Cyberspace Jurisdiction*, International Journal of Law and Information Technology, 2007/03/01, 10.1093/ijlit/eai029.
3. Raunak Kurani, *JURISDICTIONAL ISSUES RELATING TO E-COMMERCE LAW IN INDIA*, ASIA PACIFIC LAW & POLICY REVIEW (APLPR), VOLUME 6 – 2020, ISSN: 2581 4095.
4. Miss Prevy Parekh & Miss Tarunya Rao, *CYBERSPACE AND JURISDICTION*, Journal On Contemporary Issues of Law (JCIL) Vol. 2 Issue 5, 2016, p.no. 5-6.
5. Lawrence Dinga ., "Jurisdictional Challenges in E-Commerce" , International Journal of Computer Science and Mobile Computing, Vol.9 Issue.7, July- 2020, pg. 115-124
6. Bradley J. Raboin, "Treacherous Waters: Jurisdiction in E-Commerce and on the High Seas" TULANE JOURNAL OF TECHNOLOGY AND INTELLECTUAL PROPERTY, vol. 21, 2019
7. K. Ganimozhi and Aswathy Rajan "A Study and Analysis of the Cyberspace with Special Reference to Jurisdictional Issues and Challenges" International Journal of Pure and Applied Mathematics, Volume 119, No. 17, 2018, ISSN: 1314-3395.
8. Rattan, Dr. (2015). *Law Relating To E-Commerce: International and National Scenario with Special Reference to India*. International Journal of Social Science and Economics Invention. 1. 10.23958/ijsssei/vol01-i02/01.
9. Cheng, Fa-Chang & Lai, Wen-Hsing. (2011). *The Prospects of Jurisdictional Issues in Cyberspace*. 916-923. 10.1109/HPCC.2011.132.
10. Stoney, Mark & Stoney, Susan. (2003). *The problems of jurisdiction to e-commerce – some suggested strategies*. Logistics Information Management. 16. 74-80. 10.1108/09576050310453778
11. "Achieving Legal and Business Order in Cyberspace: A Report on Global Jurisdiction Issues Created by the Internet." The Business Lawyer, vol. 55, no. 4, American Bar Association, 2000, pp. 1801–946, <http://www.jstor.org/stable/40687955>.
12. Available at - <https://indiankanoon.org/>
13. *Ibid*