

Compliance Handbook for ONDC Network Participants

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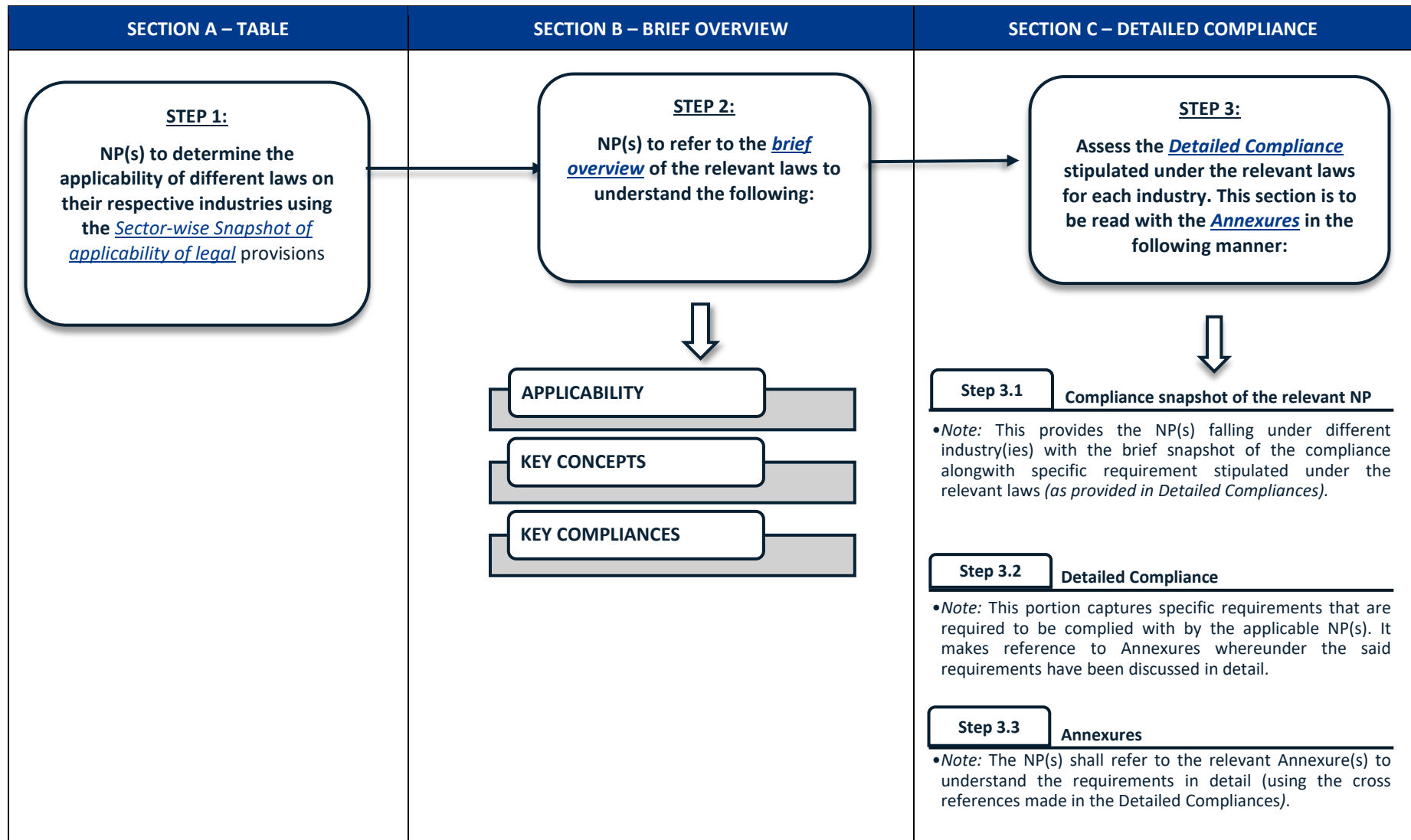
ABOUT THE HANDBOOK

1. Purpose of the handbook

This compliance handbook highlights the key obligations under certain legislations (relating to e-commerce) that Network Participants (“NP”) of the ONDC network may be required to ensure compliance with. This is an indicative list that focuses on obligations relating to e-commerce transactions, and the actual obligations may vary on a case-to-case basis depending on other factors such as the participant’s business model, structure, roles, etc.

Please note that this handbook only seeks to cover laws and regulations specified in this document. NPs must evaluate other laws and regulations that may apply to the operating domain/category. This document is merely a general overview of the legal obligations that participants may be required to comply with. We advise each participant to conduct their assessment of the requisite compliances, based on their specific business model.

2. How to use the handbook



Sector-Wise Snapshot of Applicability of Legal Provisions

✓ - Applicable


✗ - Not applicable

Industry / laws applicable	Food Safety Act	Legal Metrology Act 2009	Bureau of Indian Standards Act	Import and Export Laws	Consumer Protection Laws including Guidelines ¹	Coaching Sector Guidelines	Data Protection Laws	Information Technology Act	Drugs, cosmetics and medical devices Laws	Pharmacy Act	Lending Regulations	Insurance Regulations	Mutual fund Regulations	Seeds Act and Animal feed Laws	Pesticides and Fertilisers related laws	Mobility Related Laws	Master Directions on Pre-paid Instruments
Food & Beverage	✓	✓	✓	✓	✓	✗	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗
Grocery and pet supplies	✓	✓	✓	✓	✓	✗	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗
Fashion and Footwear	✗	✓	✓	✓	✓	✗	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗
Electronics	✗	✓	✓	✓	✓	✗	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗
Beauty and personal care industry	✗	✓	✓	✓	✓	✗	✓	✓	✗	✗	✗	✗	✗	✗	✗	✗	✗
Mobility and Transportation Industry	✗	✗	✓	✓	✓	✗	✓	✓	✗	✗	✗	✗	✗	✗	✗	✓	✗

¹ **Note:** Excluding Guidelines applicable to coaching sector.

Industry / laws applicable	Food Safety Act	Legal Metrology Act 2009	Bureau of Indian Standards Act	Import and Export Laws	Consumer Protection Laws including Guidelines ¹	Coaching Sector Guidelines	Data Protection Laws	Information Technology Act	Drugs, cosmetics and medical devices Laws	Pharmacy Act	Lending Regulations	Insurance Regulations	Mutual fund Regulations	Seeds Act and Animal feed Laws	Pesticides and Fertilisers related laws	Mobility Related Laws	Master Directions on Pre-paid Instruments
Financial services	❌	❌	❌	❌	✅	❌	✅	❌	❌	❌	✅	✅	✅	❌	❌	❌	❌
Gift Cards and other Services	❌	❌	❌	❌	✅	❌	✅	✅	❌	❌	❌	❌	❌	❌	❌	❌	✅
Gaming	❌	❌	❌	❌	✅	❌	✅	✅	❌	❌	❌	❌	❌	❌	❌	❌	❌
OTT media services	❌	❌	❌	❌	✅	❌	✅	✅	❌	❌	❌	❌	❌	❌	❌	❌	❌
Agricultural inputs	❌	✅	✅	✅	✅	❌	✅	✅	❌	❌	❌	❌	❌	✅	✅	❌	❌
Fresh produce products	✅	✅	✅	✅	✅	❌	✅	✅	❌	❌	❌	❌	❌	❌	❌	❌	❌
Pharmacy and healthcare devices	❌	✅	✅	✅	✅	❌	✅	✅	✅	✅	❌	❌	❌	❌	❌	❌	❌
Education services	❌	❌	❌	❌	✅	✅	✅	✅	❌	❌	❌	❌	❌	❌	❌	❌	❌
Home décor	❌	✅	✅	✅	✅	❌	✅	✅	❌	❌	❌	❌	❌	❌	❌	❌	❌

Note: For ease of accessing the information, following cross-linkages have been made in the table above:

- (a) The industries mentioned in the left-most column titled “Industry” have been cross-linked to the relevant chapter which contains a summary of the compliances to be followed by an NP undertaking business in such industry (e.g. food & beverages, grocery etc.);
- (b) The laws mentioned in the top-most row titled “laws applicable” have been cross-linked to the relevant portion in the brief overview which gives an outline of the relevant law; and
- (c) Each of the “” in the above table have been cross linked to the relevant portion of the summary of the compliances under such law applicable to the relevant industry.]

BRIEF OVERVIEW

1. **Food Safety and Standards Act, 2006 (“Food Safety Act”) and Rules made thereunder (“Food Safety Laws”)**
 - 1.1 The Food Safety Act is the principal legislation governing and regulating the manufacture, storage, distribution, sale, and import of food across India, to ensure the availability of safe and wholesome food for human consumption and matters related thereto.
 - 1.2 The key concepts under the Food Safety Laws that are relevant to understand the scope and applicability thereof are discussed below:
 - (a) **Digital and Electronic Network:** It means a network of computers, television channels, and any other internet application used in an automated manner such as web pages, extranets, mobiles, etc.
 - (b) **Food:** Any processed/ partially processed or unprocessed substance that is intended for human consumption including agricultural products, genetically modified or engineered food, infant food, packaging drinking water, alcoholic drinks, chewing gum, etc.
 - (c) **Food Business:** It means any entity carrying out any of the activities related to any stage of manufacture, processing, packaging, storage, transportation, distribution of food, import and includes food services, catering services, and sale of food or food ingredients.
 - (d) **Food Business Operator (“FBO”):** Any person or entity undertaking Food Business.
 - (e) **E-Commerce:** It means buying and selling goods and services over digital and electronic networks.
 - (f) **E-Commerce FBO:** It means any FBO carrying out Food Business through the medium of e-commerce.
 - (g) **Marketplace-based model of E-Commerce FBO:** It means providing an information technology platform by an E-Commerce FBO on a digital and electronic network to act as a facilitator between the buyer and seller/ brand owner/ manufacturer and provides support services to sellers/ brand owners/ product manufacturers.
 - (h) **Micronutrients:** They are essential dietary nutrients including vitamins, minerals or trace elements which are required in very small quantities. They are crucial for development, disease prevention and wellbeing of human beings.
 - 1.3 The Food Safety Laws provide for the following key compliances in respect of food and food articles:
 - (a) Registration / license for different kinds of food business activities i.e., manufacture, import, sale (wholesale, retail), storage, packaging, re-labelling, etc.;
 - (b) Labelling requirements for pre-packaged food articles;

- (c) Packaging requirements for the pre-packaged food articles; and
 - (d) Compliance with food safety standards prescribed for various food articles.
- 1.4 Contravention of the Food Safety Laws may lead to monetary penalty which ranges from INR 1,00,000 to INR 10,00,000 and imprisonment which ranges from 3 months to life imprisonment.
2. **Legal Metrology Act, 2009 (“LM Act”) and rules made thereunder (“LM Laws”)**
- 2.1 The LM Act is the principal legislation enacted for establishing and enforcing standards of weight and measures for goods that are sold or distributed by volume, weight, or measure.
- 2.2 The key concepts under the LM Laws that are relevant to understand the scope and applicability thereof are discussed below:
- (a) **Pre-packaged Commodity:** It means a commodity that is placed in a sealed or unsealed package in a pre-determined quantity, without the purchaser being present there.
 - (b) **E-commerce:** It means buying and selling goods and services over digital and electronic networks.
 - (c) **E-commerce entity:** It means any entity conducting e-commerce business.
 - (d) **Marketplace-based model of e-commerce:** It means providing an information technology platform by an e-commerce entity on a digital and electronic network to act as a facilitator between buyer and seller.
 - (e) **Dealer:** It means a person who, or a firm that carries out the business of buying, selling, supplying, or distributing any commodity in a packaged form but does not include a manufacturer who manufactures any commodity that is sold or distributed in a packaged form except where such commodity is sold by such manufacturer to any other person other than a dealer.
 - (f) **Packer:** It means a person who, or a firm that pre-packs any commodity in units suitable for sale.
 - (g) **Manufacturer:** It means a person who or a firm which produces, makes, or manufactures such commodity and includes a person or firm which puts, or causes to be put, any mark on any packaged commodity, not produced, made, or manufactured by him or it, and the mark claims the commodity in the package to be a commodity produced, made or manufactured by such person or firm as the case may be.
 - (h) **Retail sale:** It means the sale, distribution, or delivery of a pre-packaged commodity through retail sales shops, agencies, or other instrumentalities for consumption by an individual or a group of individuals, or any other consumer.

- 2.3 The LM Laws provide for the following key compliances with respect to the pre-packaged commodities:
- (a) Registration for manufacturer, packer, and/ or importers of pre-packaged commodities; and
 - (b) Labelling and packaging requirements for the pre-packaged commodity.²

2.4 Contravention of the LM Laws may lead to monetary penalty which ranges from INR 5,000 to INR 4,00,000 and imprisonment between 1 year and 5 years.

3. **Bureau of Indian Standards Act, 1986 ("BIS Act")**

3.1 The BIS Act is a regulatory legislation enacted to regulate, through the Bureau of Indian Standards ("**Bureau**"), the standards of production and quality of various products being distributed in the national market.

3.2 The key concepts under the BIS Act and rules, regulations, notifications, orders, etc ("**BIS Laws**") that are relevant to understand the scope and applicability thereof are discussed below:

- (a) **Conformity Assessment Scheme:** It means a scheme relating to such goods, articles, processes, systems, or services as may be notified by the Bureau under Section 12 of the BIS Act.
- (b) **Manufacturer:** It means a person responsible for designing and manufacturing any goods or articles.
- (c) **Person:** It means a manufacturer, an importer, a distributor, retailer, seller or lessor of goods or articles, or provider of service, or any other person who uses or applies his name or trademark or any other distinctive mark on to goods or article or while providing a service, for any consideration or gives goods or article or provides service as prize or gift for commercial purposes including their representative and any person who is engaged in such activities, where the manufacturer, importer, distributor, retailer, seller, lessor or provider of service cannot be identified.
- (d) **Standard Mark:** It means the mark specified by the Bureau, and includes a hallmark, to represent conformity of goods, articles, processes, systems, or services to a particular Indian standard or conformity to a standard, the mark of which has been established, adopted or recognized by the Bureau and is marked on the article or goods as a standard mark.
- (e) **License:** It means a license granted under the BIS Act, to use a specified standard mark about any goods, article, process, system, or service, which conforms to a standard.

3.3 The BIS Laws provide for the following key compliances with respect to goods and services which are

² **Note:** The labelling requirements prescribed under the LM Laws and other subject matter specific laws like Food Safety Laws, Drugs, and Cosmetics laws are co-existent and in case any labelling requirement is provided both under LM Laws and such subject matter specific laws, the compliance with the labelling requirement under subject matter specific laws is deemed as compliance with LM Laws.

required to conform to a standard:

- (a) Obtaining license or certificate of conformity for the goods and / or services which have been notified to mandatorily conform to a standard; and
- (b) Labelling requirements for the above stated goods.

3.4 Contravention of the BIS Laws may lead to monetary penalty which ranges from INR 1,00,000 to INR 5,00,000 and imprisonment between 1 year and 2 years.

4. **Import and Export laws**

4.1 The import and export of goods is governed by the Customs Act, 1962 ("**Customs Act**") and Foreign Trade (Development and Regulation) Act, 1992 ("**FTDR**") read with Foreign Trade Policy 2023 ("**FTP 2023**") and Handbook of Procedures 2023 ("**HBP 2023**").

FTDR Act

4.2 The FTDR Act is the principal legislation governing international trade in India. The FTDR Act and policies, notifications, trade notices, and circulars issued thereunder prescribe the prohibition, restrictions, or conditions with respect to the import and export of goods into/ out of India.

Customs Act

4.3 The Customs Act is the primary legislation, that provides for the imposition of various duty(ies) or tax(es) on the import of goods into and export out of India, at the rate specified under the First Schedule and Second Schedule to the Customs Tariff Act 1975 ("**Tariff Act**") respectively, or any other law for the time being in force.

4.4 The key concepts under the FTDR Act and Customs Act read with the rules, regulations, notifications, orders, etc. made thereunder that are relevant to understanding the scope and applicability thereof are discussed below:

- (a) **Import / Importer:** It means bringing goods into India from a place outside India. The term "importer" includes any owner or beneficial owner of the goods or any person holding himself out to be the importer.
- (b) **Export:** It means taking goods out of India to a place outside India. The term "exporter", in relation to any goods at any time between their entry for export and the time when they are exported, includes any owner, beneficial owner, or any person holding himself out to be the exporter.
- (c) **Goods:** It includes vessels, aircraft and vehicles, stores, baggage, currency and negotiable instruments, and any other kind of movable property.

4.5 The Import and Export Laws provide for the following key compliances with respect to import and

export of goods:

- (a) Obtaining Import Export Code for importing and exporting goods in and out of India respectively;
- (b) Filing of relevant documents for the purpose of importing and exporting goods; and
- (c) Requirements prescribed under the Import and Export policy pertaining to goods to be imported in or exported out of India

4.6 Contravention of the FTDR Act and Customs Act may lead to monetary penalty of up to 5 times the value of goods and imprisonment which depends on the type of contravention.

5. **Consumer Protection Act, 2019 ("CPA")**

5.1 The CPA aims to strengthen the rights of consumers and provide a more effective and transparent grievance redressal mechanism. It provides for establishment of various Consumer Commissions and Central Consumer Protection Authority ("**CCPA**") to address, among other things, unfair trade practices, deficiency in services, misleading advertisements, unfair contracts and to protect consumers' rights.

5.2 The key concepts under the CPA that are relevant to understand the scope and applicability thereof are discussed below:

- (a) **Consumer:** It means any person who buys any goods or services for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment but does not include a person who obtains such goods or services for resale or for any commercial purpose.
- (b) **Defect:** It means any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for the time being in force or under any contract, express or implied or as is claimed by the trader in any manner whatsoever in relation to any goods or product.
- (c) **Deficiency:** It means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by a person in pursuance of a contract or otherwise in relation to any service and includes: (i) any act of negligence or omission or commission by such person which causes loss or injury to the consumer; and (ii) deliberate withholding of relevant information by such person to the consumer.
- (d) **E-commerce:** It means buying or selling of goods or services including digital products over digital or electronic network.
- (e) **Electronic Service Provider ("ESP"):** It means a person who provides technologies or processes to enable a product seller to engage in advertising or selling goods or services to a consumer and includes any online marketplace or online auction sites.

- (f) **Misleading Advertisement:** It means an advertisement, which: (i) falsely describes such product or service; (ii) gives a false guarantee to, or is likely to mislead the consumers as to the nature, substance, quantity or quality of such product or service; (iii) conveys an express or implied representation which, if made by the manufacturer or seller or service provider thereof, would constitute an unfair trade practice; or (iv) deliberately conceals important information.
 - (g) **Product Liability:** It means the responsibility of a product manufacturer or product seller, of any product or service, to compensate for any harm caused to a consumer by such defective product manufactured or sold or by deficiency in services relating thereto.
 - (h) **Restrictive Trade Practice:** It means a trade practice which tends to bring about manipulation of price or its conditions of delivery or to affect flow of supplies in the market relating to goods or services in such a manner as to impose on the consumers unjustified costs or restrictions and shall include: (i) delay beyond the period agreed to by a trader in supply of such goods or in providing the services which has led or is likely to lead to rise in the price; (ii) any trade practice which requires a consumer to buy, hire or avail of any goods or, as the case may be, services as condition precedent for buying, hiring or availing of other goods or services.
 - (i) **Spurious Goods:** It means such goods which are falsely claimed to be genuine.
 - (j) **Unfair Contract:** It means a contract between a manufacturer or trader or service provider on one hand, and a consumer on the other, having such terms which cause significant change in the rights of such consumer, including the following, namely: (i) requiring manifestly excessive security deposits to be given by a consumer for the performance of contractual obligations; or (ii) imposing any penalty on the consumer, for the breach of contract thereof which is wholly disproportionate to the loss occurred due to such breach to the other party to the contract; or (iii) refusing to accept early repayment of debts on payment of applicable penalty; or (iv) entitling a party to the contract to terminate such contract unilaterally, without reasonable cause; or (v) permitting or has the effect of permitting one party to assign the contract to the detriment of the other party who is a consumer, without his consent; or (vi) imposing on the consumer any unreasonable charge, obligation or condition which puts such consumer to disadvantage.
 - (k) **Unfair Trade Practice:** It means a trade practice which, for the purpose of promoting the sale, use or supply of any goods or for the provision of any service, adopts any unfair method or unfair or deceptive practice
- 5.3 The CPA deals with the obligations of ESP, sellers, product service provider, manufacturers towards consumers.
- 5.4 Under the CPA, the Consumer Commissions have powers to pass various orders in the event of deficiency in service or unfair trade practice. Such powers are prescribed under Sections 39, 49 and 59 of CPA.
- 5.5 Under Section 72(1), any non-compliance with the orders of the Consumer Commissions may lead to a

monetary penalty ranging from INR 25,000 to INR 1,00,000 and imprisonment which ranges from 1 month to 3 years.

5.6 Additionally, if the CCPA is satisfied on the basis of their investigation that there is sufficient evidence of violation of consumer rights or unfair trade practice, it may pass an order as may be necessary for, *inter alia*: (i) recalling of goods or withdrawal of services which are dangerous, hazardous or unsafe, (ii) reimbursement of the prices of goods or services so recalled to purchasers of such goods or services, and (iii) discontinuation of practices which are unfair and prejudicial to consumers' interest.

5.7 Under Section 88, any non-compliance with CCPA directions may lead to a monetary penalty which may extend to INR 20,00,000 and imprisonment upto 6 months.

6. Consumer Protection (E-Commerce) Rules, 2020 ("E-Commerce Rules")

6.1 The E-Commerce Rules, aim to ensure transparency, fairness, and accountability in the e-commerce industry. The E-Commerce Rules mandate that e-commerce platforms disclose clear information about the seller, product, pricing, and policies, and prevent false advertising and misleading claims.

6.2 The key concepts under the E-Commerce Rules that are relevant to understand the scope and applicability thereof are discussed below:

- (a) **E-commerce entity:** It means any person who owns, operates or manages digital or electronic facility or platform for electronic commerce, but does not include a seller offering his goods or services for sale on a marketplace e-commerce entity.
- (b) **Platform:** It means an online interface in the form of any software including a website or a part thereof and applications including mobile applications.
- (c) **Marketplace e-commerce entity:** It means an e-commerce entity which provides an information technology platform on a digital or electronic network to facilitate transactions between buyers and sellers.
- (d) **Inventory e-commerce entity:** It means an e-commerce entity which owns the inventory of goods or services and sells such goods or services directly to the consumers and shall include single brand retailers and multi-channel single brand retailers.
- (e) **Seller:** It means the product seller as defined under the CPA and shall include any service provider. These are sellers listing their products on a Marketplace e-commerce entity.

6.3 The E-Commerce Rules provide for the compliances of each kind of E-commerce entity.

6.4 Contravention of the E-Commerce Rules will amount to deficiency in service and / or unfair trade practice under CPA.

7. Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading

Advertisements, 2022 (“Guidelines on Misleading Advertisements”)

- 7.1 The Guidelines on Misleading Advertisements have been issued by CCPA for prevention of any misleading advertisements and/ or endorsements for any misleading advertisements.
- 7.2 The key concepts under the Guidelines on Misleading Advertisements that are relevant to understand the scope and applicability thereof are discussed below:
- (a) **Advertiser:** It means a person who designs, produces and publishes advertisements either by his own effort or by entrusting it to others in order to promote the sale of his goods, products or services and includes a manufacturer and service provider of such goods, products or services.
 - (b) **Advertising agency:** It means a person or an establishment providing services in designing and production of advertisements or other related services for a commission or fee.
 - (c) **Bait advertisement:** It means an advertisement in which goods, product or service is offered for sale at a low price to attract consumers.
 - (d) **Surrogate advertisement:** It means an advertisement for goods, product or service, whose advertising is otherwise prohibited or restricted by law, by circumventing such prohibition or restriction and portraying it to be an advertisement for other goods, product or service, the advertising of which is not prohibited or restricted by law.
- 7.3 The Guidelines on Misleading Advertisements provide for the conditions of advertising and the duties of manufacturer, service provider, advertiser and advertising agencies.
- 7.4 If the CCPA is satisfied that any advertisement is in violation of the Guidelines on Misleading Advertisements, then it can issue directions to discontinue such advertisement or to modify the same in exercise of its powers under Section 21(1) of CPA.
- 7.5 Further, under Section 21(2) and Section 89 of CPA, an entity engaged in false or misleading advertising may attract a monetary penalty of up to INR 10,00,000 and imprisonment extending to 2 years. Further, the monetary penalty and the imprisonment may extend to INR 50,00,000 and 5 years respectively for every subsequent contravention.

8. Guidelines for Prevention and Regulation of Dark Patterns, 2023 (“Guidelines on Dark Patterns”)

- 8.1 The Guidelines on Dark Patterns have been issued by CCPA to prevent and regulate dark patterns indulged into by various entities and platforms to ensure fairness and consumer protection.
- 8.2 The key concepts under the Guidelines on Dark Patterns that are relevant to understand the scope and applicability thereof are discussed below:
- (a) **Dark patterns:** It mean any practices or deceptive design pattern using user interface or user experience interactions on any platform that is designed to mislead or trick users to do something they originally did not intend or want to do, by subverting or impairing the

consumer autonomy, decision making or choice, amounting to misleading advertisement or unfair trade practice or violation of consumer rights.

- 8.3 The Guidelines on Dark Patterns identify 13 types of dark patterns³ engaging in which amounts to deficiency in service and/ or unfair trade practice under CPA. The Guidelines on Dark Patterns also provide for the conditions of advertising goods or services offered by it to consumers.
- 8.4 The Guidelines on Dark Patterns have been made in furtherance of Guidelines for Misleading Advertisements and will attract the penalties/ punishment ascribed under the same.
9. **Guidelines for Prevention and Regulation of Greenwashing or Misleading Environmental Claims, 2024 (“Greenwashing Guidelines”)**
- 9.1 The Greenwashing Guidelines have been issued by CCPA to ensure that entities do not resort to misleading environmental claims so as to enable the consumer to make more informed decisions.
- 9.2 The key concepts under the Greenwashing Guidelines that are relevant to understand the scope and applicability thereof are discussed below:
- (a) **Environmental Claim:** It means any representation in any form regarding: (i) any goods (either in its entirety or as a component), the manufacturing process, packaging, the manner of use of the goods, or its disposal; or (ii) any service (or any portion thereof) or the process involved in providing the service.
 - (b) **Greenwashing:** It means: (i) any deceptive or misleading practice, which includes concealing, omitting, or hiding relevant information, by exaggerating, making vague, false, or unsubstantiated environmental claims; (ii) use of misleading words, symbols, or imagery, placing emphasis on positive environmental aspects while downplaying or concealing harmful attributes. However, the same shall not include: (A) use of obvious hyperboles, puffery, or (B) the use of generic colour schemes or pictures; either not amounting to any deceptive or misleading practice, or (C) a company mission statement that is not specific to any product or service.
- 9.3 The Greenwashing Guidelines seeks transparency, verifiability, accuracy and accountability of representations made with respect to environmental claims and in this regard, requires, disclosure of information with respect to the environmental claims and also provides as to how and to what extent the disclosures have to be made.
- 9.4 These guidelines have been made in furtherance of Guidelines for Misleading Advertisements and thus will attract the penalties/ punishment ascribed under the same.
10. **Guidelines for Prevention of Misleading Advertisement in Coaching Sector, 2024 (“Coaching Sector**

³ **Note:** the 13 types of dark patterns as per the Guidelines on Dark Patterns are as follows: (i) false urgency; (ii) basket sneaking, (iii) confirm shaming, (iv) forced action, (v) subscription trap, (vi) interface interference, (vii) bait and switch, (viii) drip pricing, (ix) disguised advertisement, (x) nagging, (xi) trick question, (xii) SaaS billing, and (xiii) rogue malwares.

Guidelines”)

- 10.1 The Coaching Sector Guidelines have been issued by CCPA to ensure that there are no practices of misleading advertisements in coaching sector.
- 10.2 The key concepts under these guidelines that are relevant to understand the scope and applicability thereof are discussed below:
- (a) **Coaching:** It includes academic support, imparting education, guidance, instructions, study programme or tuition or any other activity of similar nature but does not include counselling, sports, dance, theatre and other creative activities.
 - (b) **Coaching centre:** It includes a centre, established, run, or administered by any person(s) for providing coaching to more than fifty students.
- 10.3 The Coaching Sector Guidelines provide for the conditions of advertising services offered by Coaching centres to consumers.
- 10.4 An entity engaged in the business of running a coaching centre, whether it is running from an e-commerce platform or is providing services via its own online platform, will have to adhere to the Coaching Sector Guidelines.
- 10.5 These guidelines have been made in furtherance of Guidelines for Misleading Advertisements and thus will attract the penalties/ punishment ascribed under the same.
11. **Data protection laws**
- 11.1 The Information Technology Act 2000 (“IT Act”) read with Information Technology (Reasonable security practices and procedures and sensitive personal data or information) Rules 2011 (“SPDI Rules”) are the primary legislations in India governing data privacy and protection on a sector-neutral basis.
- 11.2 The key concepts under the IT Act and the SPDI Rules that are relevant to understanding the scope and applicability thereof are discussed below:
- (a) **Sensitive personal data or information⁴ (“SPDI”):** Under Section 43-A of the IT Act and the SPDI Rules, personal information relating to the following have been designated as sensitive personal data or information: (i) password; (ii) financial information such as bank account or credit card or debit card or other payment instrument details; (iii) physical, physiological and mental health condition; (iv) sexual orientation; medical records and history; (v) biometric information; (vi) any detail relating to the above clauses as provided to the entity for providing service; and (vii) any of the information received under above clauses by the entity for processing, stored or processed under lawful contract or otherwise.
- 11.3 The SPDI Rules provide for certain obligations in relation to collection and processing of SPDI. To the

⁴ **Note:** Any information that is freely available or accessible in public domain or furnished under the Right to Information Act 2005 or any other law for the time being in force shall not be regarded as SPDI for the purposes of SPDI Rules.

extent the NPs will collect/handle personal data falling under the category of SPDI, it is required to be compliant with the obligations specified under the SPDI Rules.

11.4 Under Section 43A of the IT Act, an entity that is negligent in implementing and maintaining reasonable security practices and procedures for the protection of SPDI, and thereby causes wrongful loss or wrongful gain to any person, such entity may be required to pay damages by way of compensation to the person so affected. Such damages are legislatively uncapped and will be determined by competent courts on a case-to-case basis. Section 43A can only be triggered by the affected individual and instances of affected individuals invoking Section 43A appear to be scarce.

11.5 Additionally, please note that on 11 August 2023, India enacted the Digital Personal Data Protection Act 2023 (“**DPDP Act**”) as its first ever dedicated and comprehensive legislation on privacy and data protection. Although enacted, the DPDP Act is yet to be brought into force by the Government of India. Presently, the final rules under the DPDP Act are awaited. The DPDP Act will apply to processing of personal data collected from individuals within India if collected: (i) in digital form; and (ii) in non-digital form and digitized subsequently. Once the DPDP Act is enforced, all entities collecting, handling, or processing personal data will be required to comply with the obligations prescribed under the DPDP Act.

12. **Compliances under IT Act and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 (“IT Rules 2021”)**

12.1 An intermediary as defined under Section 2(w) of the IT Act, with respect to an electronic record, means any person who “receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes”.

12.2 The key concepts under the IT Rules that are relevant to understanding the scope and applicability thereof are discussed below:

- (a) **Online gaming intermediary:** It means any intermediary that enables the users of its computer resource to access one or more online games.
- (b) **Online real money game:** It means an online game where a user makes a deposit in cash or kind with the expectation of earning winnings on that deposit.
- (c) **Permissible online game:** It means a permissible online real money game or any other online game that is not an online real money game.
- (d) **Permissible online real money game:** It means an online real money game verified by an online gaming self-regulatory body under Rule 4-A of the IT Rules 2021.
- (e) **Social media intermediary:** It means an intermediary which primarily or solely enables online interaction between two or more users and allows them to create, upload, share, disseminate, modify or access information using its services.

- (f) **Significant social media intermediary:** It means social media intermediaries having more than 50,00,000 (Fifty lakh) registered users in India
- 12.3 The IT Rules 2021 prescribe the due diligence obligations for intermediaries.
- 12.4 Non-compliance with the provisions of IT Rules 2021 may disqualify the intermediary from seeking exemption from liability as set out under Section 79 of the IT Act. The intermediary may also be liable for punishment under any law including the IT Act and Bharatiya Nyaya Sanhita 2023.
13. **Drugs, cosmetics and medical devices laws**
- 13.1 The Drugs and Cosmetics Act 1940 ("**Drugs Act**"), Drugs Rules 1945 ("**Drugs Rules**"), Cosmetics Rules 2020 ("**Cosmetics Rules**") and Medical Devices Rules 2017 ("**Medical Devices Rules**") were notified to regulate the manufacture, import, sale and distribution of drugs, cosmetics and medical devices in India, ensuring the safety, efficacy, and quality of drugs, cosmetics and medical devices.
- 13.2 The key concepts under the Drugs Act, Drugs Rules, Cosmetics Rules and the Medical Devices Rules that are relevant to understanding the scope and applicability thereof are discussed below:
- (a) **Board:** It means the drugs technical advisory board constituted under the Drugs Act.
- (b) **Drug:** It means and includes: (i) all medicines for internal or external use of human beings or animals and all substances intended to be used for or in the diagnosis, treatment, mitigation or prevention of any disease or disorder in human beings or animals, including preparations applied on human body for the purpose of repelling insects like mosquitoes; (ii) such substances (other than food) intended to affect the structure or any function of the human body or intended to be used for the destruction of vermin or insects which cause disease in human beings or animals, as may be specified from time to time by the Central Government by notification in the Official Gazette; (iii) all substances intended for use as components of a drug including empty gelatin capsules; and (iv) such devices intended for internal or external use in the diagnosis, treatment, mitigation or prevention of disease or disorder in human beings or animals, as may be specified from time to time by the Central Government by notification in the Official Gazette, after consultation with the Board.
- (c) **Cosmetics:** It means and includes any article intended to be rubbed, poured, sprinkled or sprayed on, or introduced into, or otherwise applied to, the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and includes any article intended for use as a component of cosmetic.
- (d) **Medical device:** It means: (i) substances used for in vitro diagnosis and surgical dressings, surgical bandages, surgical staples, surgical sutures, ligatures, blood and blood component collection bag with or without anticoagulant; (ii) substances including mechanical contraceptives (condoms, intrauterine devices, tubal rings), disinfectants and insecticides notified in the Official Gazette; and (iii) devices notified from time to time under the Drugs Act.
- 13.3 The Drugs Act, Drugs Rules, Cosmetics Rules and the Medical Devices Rules provide for certain

obligations in relation to manufacture, import, sale and distribution of drugs, cosmetics and medical devices in India.

- 13.4 Non-compliance with the provisions of the Drugs Act, shall be punishable with fine ranging between INR 500 to INR 10,00,000 and with imprisonment for a term which shall not be less than 3 years but which may extend to life imprisonment.

14. **Pharmacy Act 1948 ("Pharmacy Act")**

- 14.1 The Pharmacy Act lays down comprehensive provisions for the education, practice, and registration of pharmacists, ensuring that only qualified individuals practice pharmacy.

- 14.2 The key concepts under the Pharmacy Act that are relevant to understanding the scope and applicability thereof are discussed below:

- (a) **Medical Practitioner:** It means a person: (i) holding a qualification granted by an authority specified or notified under the Indian Medical Degrees Act 1916, or specified in the Schedules to the Indian Medical Council Act 1956; or (ii) registered or eligible for registration in a medical register of a State meant for the registration of persons practising the modern scientific system of medicine; or (iii) registered in a medical register of a State, who, although not falling within sub-clause (i) or sub-clause (ii) is declared by a general or special order made by the State Government in this behalf as a person practising the modern scientific system of medicine for the purposes of the Pharmacy Act; or (iv) registered or eligible for registration in the register of dentists for a State under the Dentists Act 1948; or (v) who is engaged in the practice of veterinary medicine and who possesses qualifications approved by the State Government.
- (b) **Registered Pharmacist:** It means a person whose name is for the time being entered in the register of the State in which he is for the time being residing or carrying on his profession or business of pharmacy.

- 14.3 The Pharmacy Act provides for the licensing and other obligations applicable to the NPs operating a pharmacy.

- 14.4 Falsely claiming to be registered as a pharmacist, shall be punishable on first conviction with fine which may extend to INR 500 and on any subsequent conviction with imprisonment extending to 6 months or with fine not exceeding INR 1,000 or with both.

15. **Lending Regulations**

- 15.1 Lending through digital channels is governed by the regulations, circulars and notifications issued by the Reserve Bank of India ("RBI") from time to time, including the Digital Lending Guidelines dated 2 September 2022 ("**Digital Lending Guidelines**"), the Master Direction- Reserve Bank of India (Non-Banking Financial Company – Scale Based Regulation) Directions, 2023 dated 19 October 2023 ("**Scale Based Regulations**"), Guidelines on Managing Risks and Code of Conduct in Outsourcing of Financial Services by banks dated 3 November 2006 and Guidelines for Managing Risk in Outsourcing of Financial Services by Co-operative Banks dated 28 June 2021 (collectively the "**Bank Outsourcing Guidelines**"),

Reserve Bank of India (Outsourcing of Information Technology Services) Directions, 2023 dated 10 April 2023 (“**IT Outsourcing Master Directions**”). The Reserve Bank of India Act, 1934 and Banking Regulation Act, 1949 prescribe the registration and licensing requirements for non-banking financial companies (“**NBFCs**”) and banks respectively.

Digital Lending Guidelines

15.2 The Digital Lending Guidelines apply to all banks and NBFCs offering loans through digital channels. The key concepts under the Digital Lending Guidelines that are relevant to understanding the scope and applicability thereof are discussed below:

- (a) **Digital Lending:** It means a remote and automated lending process, largely by use of seamless digital technologies for customer acquisition, credit assessment, loan approval, disbursement, recovery, and associated customer service.
- (b) **Digital Lending Apps/Platforms (“DLAs”):** It means a mobile and web-based applications with user interface that facilitate digital lending services. DLAs will include apps of the regulated entities (“**REs**”) as well as those operated by Lending Service Providers engaged by REs for extending any credit facilitation services in conformity with extant outsourcing guidelines issued by the Reserve Bank of India.
- (c) **Lending Service Provider (“LSP”):** It means an agent of an RE who carries out one or more of lender’s functions or part thereof in customer acquisition, underwriting support, pricing support, servicing, monitoring, recovery of specific loan or loan portfolio on behalf of REs in conformity with extant outsourcing guidelines issued by the Reserve Bank of India.

Compliance with Fair Practices Code

15.3 The RBI with a view to protect customers and improve transparency in the lending journey has introduced the ‘fair practices code’ to curtail activities on lending platforms that are viewed as non-standard and unfair such as charging exorbitant interest rates and penalties, non-transparent methods to calculate interest, harsh recovery measures, unauthorised use of personal data and harassment of customers by collection agents. The Scale Based Regulations as well as various notifications and circulars issued by the RBI from time to time such as the RBI circular titled ‘Fair Practices Code for Lenders – Charging of Interest’ dated 29 April 2024 prescribe practices and processes to be adopted by REs in relation to the lending business.

Guidelines on Outsourcing

15.4 The guidelines on outsourcing prescribe the guardrails to be followed by REs in the use of a third party to perform activities on a continuing basis that would normally be undertaken by the RE itself. REs are required to ensure certain compliances and contractual rights by the service providers to whom any function has been outsourced by the RE to ensure that there are no deficiencies in service for customers and the performance of such services by third parties do not materially affect the quality and security

of the RE's services.

KYC Master Directions

- 15.5 All REs must comply with the 'Master Direction - Know Your Customer (KYC) Direction', dated 25 February 2016 ("**KYC Master Directions**") in relation to conducting KYC of customers for credit products and undertaking customer due diligence.

Penalties

- 15.6 Non-adherence to the lending regulations set out above can incur penalties on the REs as prescribed under the Reserve Bank of India Act, 1934. Such penalties may range from INR 25,000 to INR 10,00,000 or twice the amount involved in such contravention, where such contravention is quantifiable.

16. Insurance Regulations

- 16.1 Insurance business in India is governed under the Insurance Act, 1938 ("**Insurance Act**") and the various regulations, circulars and guidelines issued by the Insurance Regulatory and Development Authority of India ("**IRDAI**") from time to time. Only registered insurers ("**Insurers**") are permitted to issue insurance policies to customers in India, in various categories, viz. life, health, general, and composite. Further, insurance intermediaries involved in the sale, distribution and solicitation of insurance, such as insurance brokers ("**Insurance Brokers**"), corporate agents ("**Corporate Agents**"), and insurance web aggregators ("**Insurance Web Aggregators**") are also required to be registered with the IRDAI.

(a) **Insurance Broker:** An insurance intermediary, who solicits and arranges insurance business for its clients with Insurers located in India and / or provides claims consultancy, risk management services or other similar services.

(b) **Corporate Agent:** A person authorised to undertake solicitation and servicing of insurance business for any of the specified category of life, general and health.

(c) **Insurance Web Aggregator:** is an insurance intermediary who maintains a website for providing interface to the insurance prospects for price comparison and information of products of different Insurers and other related matters.

- 16.2 The IRDAI (Insurance Brokers) Regulations, 2018 ("**Insurance Broker Regulations**") governs registration and compliances applicable to Insurance Brokers. The IRDAI (Registration of Corporate Agent) Regulations, 2015 ("**Corporate Agent Regulations**") prescribe the registration requirements and other compliances applicable to Corporate Agents. The IRDAI (Insurance Web Aggregators) Regulations, 2017 ("**Web Aggregator Regulations**") governs the registration requirements and compliances applicable to Insurance Web Aggregators.

- 16.3 Apart from the above, the IRDAI issues guidelines, regulations and circulars applicable to Insurers and insurance intermediaries in general in respect of their insurance business. Such regulations, as relevant for insurance business through ONDC, govern aspects relating to sale and advertisement of insurance products, issuance of e-insurance policies, provision of customer information sheet, KYC of customers

etc.

Penalties

- 16.4 Carrying on insurance business without appropriate registration under the Insurance Act can attract penalty of up to INR 25,00,00,000 and imprisonment of up to 10 years. Non-adherence to certain stipulations regarding insurance business by Insurers can attract penalties of up to INR 25,00,00,000. Violation of regulations by the intermediaries of their respective regulations may attract penalties ranging from INR 1,00,000 to INR 1,00,00,000, depending on the nature of contravention.

17. Mutual Fund Regulations

- 17.1 Offering of investments in mutual funds is primarily governed by the regulations, circulars and code of conduct issued by the Securities and Exchange Board of India (“SEBI”) and the Association of Mutual Funds in India (“AMFI”), including the SEBI (Mutual Funds) Regulations, 1996 (“MF Regulations”), SEBI (Investment Advisers) Regulations, 2013 (“IA Regulations”), Securities and Exchange Board of India {KYC (Know Your Client) Registration Agency} Regulations, 2011 (“KYC Regulations”) Master Circular for Mutual Funds dated 27 June 2024 (“MF Master Circular”), Master Circular for Investment Advisers dated 21 May 2024 (“IA Master Circular”), Master Circular on Know Your Client (KYC) norms for the securities market (“KYC Master Circular”), Code of Conduct for Mutual Fund Distributors (“Code of Conduct for MFDs”), AMFI Guidelines for Category-1 EOPs (“EOP Guidelines”), Unified AMFI Guidelines for AMFI Registered Mutual Fund Advisor dated 18 July 2008 (“MFD Guidelines”) and other applicable circulars and guidelines. The MF Regulations, IA Regulations, MF Master Circular EOP Circular and MFD Guidelines prescribe the registration process and requirements for Mutual Funds, Investment Advisers (“IAs”), Execution Only Platforms (“EOPs”) and Mutual Fund Distributors (“MFDs”).

- (a) **MFD:** An entity registered with AMFI that facilitates the buying, selling, and management of mutual funds on behalf of investors.
- (b) **IA:** An entity registered with SEBI who is engaged in providing investment advice or execution / implementation services to its clients.
- (c) **EOPs:** A digital platform which facilitates transactions such as subscription, redemption and switch transactions in direct plans of schemes of mutual funds.

MF Regulations and MF Master Circular

- 17.2 The MF Regulations and MF Master Circular applies to all Asset Management Companies (“AMCs”) offering mutual funds to investors either through digital means or through offline channels. These specify the requirements applicable to AMCs which *inter alia* include the disclosures and reporting norms, advertisements and the regulatory framework for EOPs.

IA Regulations and IA Master Circular

- 17.3 The IA Regulations and IA Master Circular are applicable to all registered IAs who engage in providing investment advice or implementation services to their clients. These *inter alia* provide the regulatory

framework under which IAs may offer implementation / execution services (including in relation to mutual funds) for the purpose of implementing their investment advice.

EOP Guidelines

- 17.4 The MF Master Circular and AMFI Guidelines are applicable to all EOPs who are engaged in providing execution services to investors in relation to mutual funds. EOPs are categorised into two categories: (i) Category-1 EOPs which are registered with AMFI and act as an agent of AMCs' (ii) Category-2 EOPs which obtain registration as a stock broker and act as an agent of the investors.

Code of Conduct for MFDs

- 17.5 The Code of Conduct for MFDs prescribed by AMFI applies to all MFDs registered with AMFI and details the operational guidelines and requirements which *inter alia* include obligations of the MFDs, disclosure requirements, infrastructure and client related obligations and record keeping requirements.

KYC Regulations and KYC Master Circulars

- 17.6 Before investors are allowed the option to invest in mutual funds, it must be ensured that their KYC process is completed in accordance with the KYC Regulations and KYC Master Circular and relevant details are uploaded by SEBI REs to the KYC Registration Agency ("KRA").

Penalties

- 17.7 Contravention of regulations set out above in relation to investment activities may attract penalties, which may range from INR 1,00,000 to INR 1,00,00,000.

18. Seeds Act 1968 ("Seeds Act") read with Seeds Rules 1968 and the Seeds (Control) Order 1983

- 18.1 The Seeds Act read with its rules and the Seeds (Control) Order 1983 is the principal legislation governing and regulating the quality of seeds sold for agriculture. The Seeds Act aims to ensure that farmers get access to high-quality seeds, promote agricultural productivity, and prevent the sale of substandard seeds. The Seeds Act provides for the establishment of a Central Seed Committee ("CSC"), which is responsible for advising the Central and State Governments on matters arising from the administration of the Seeds Act.
- 18.2 The key concepts under the Seeds Act read with its rules that are relevant to understand the scope and applicability thereof are discussed below:
- (a) Container: It means a box, bottle, casket, tin, barrel, case, receptacle, sack, bag, wrapper or other thing in which any article or thing is placed or packed.
 - (b) Seeds: It means any of the following classes of seeds used for sowing or planting: (i) seeds of food crops including edible oil seeds and seeds of fruits and vegetables; (ii) cotton seeds; (iii) seeds of cattle fodder; (iv) jute seeds; and (v) includes seedlings, and tubers, bulbs, rhizomes, roots, cuttings, all types of grafts and other vegetatively propagated material, of food crops or cattle fodder.

18.3 The Seeds Act along with the Seeds (Control) Order 1983 provides for the following key compliances in respect of seeds:

- (a) Licensing of any person willing to carry on the business of selling, exporting or importing seeds;
- (b) Certification of any seed of any notified kind or variety;
- (c) Restriction on import of seeds; and
- (d) Marking and labelling of seeds.

18.4 Contravention of the Seeds Act, its rules and the Seeds (Control) Order 1983 may lead to monetary penalty which ranges from INR 500 to INR 1,000 and imprisonment which ranges up to 6 months.

19. **State-Specific Animal Feeds Laws**

19.1 Every state and union territory has its own set of acts, regulations which govern **the quality, production, and sale of animal feeds**. The compliance under such laws depends on state to state.

19.2 The common key concepts under the state-specific animal feeds acts that are relevant to understand the scope and applicability thereof are discussed below:

- (a) Animal Feed: It includes any substance or product, including premixes, intended to be used for oral feeding to livestock.
- (b) Manufacturer: It means a person or entity engaged in the production of animal feed.
- (c) Distributor: It means a person or entity involved in the distribution of animal feed to various sellers or retailers.
- (d) Retailer: It means a person or entity selling animal feed directly to the end consumer.
- (e) Feed Additives: It includes any substance added to animal feed to enhance its nutritional value or preserve its quality.

19.3 These acts require licensing, packaging, labelling, quality control, and record-keeping to ensure the availability of safe and nutritious feed for livestock.

19.4 Contravention of the state-specific animal feeds acts may lead to monetary penalties which depends on state to state and ranges between INR 1,000 to INR 5,00,000 and imprisonment ranging from 6 months to 10 years, depending on the severity of the violation.

20. **Pesticides Laws**

Insecticide Act, 1968 ("Insecticides Act"), Insecticides Rules, 1971 ("Insecticides Rules"), the Pesticides (Prohibition) Order, 2018 and the Insecticides (Price, Stock Display and Submission of Reports) Order,

1986 ("Pesticides Laws")

- 20.1 The Insecticides Act is the principal legislation governing and regulating the import, manufacture, sale, transport, distribution and use of pesticides with a view to prevent risk to human beings or animals to prevent risks to the health of human beings and animals.
- 20.2 The key concepts under the Pesticides Laws that are relevant to understand the scope and applicability thereof are discussed below:
- (a) **Insecticides:** The term "insecticides" has been defined to mean any substance which has been specified in the Schedule (*List of Insecticides*) to the Insecticides Act⁵, or such other substance which has been notified by the Central Government or preparation containing any one or more of the said substances.
 - (b) **Licensing Officer:** It means a licensing officer appointed by governments of respective states who *inter alia* issues the licenses to person desiring to manufacture, or to sell, stock or exhibit for sale or distribute any pesticides.⁶
 - (c) **Registration Committee:** It means the committee constituted by the Central government to *inter alia* register pesticides after their scrutinization and verifying claims made by the manufacturer or importer.⁷
 - (d) **Manufacture:** Any process involving the making, altering, finishing, packing, labelling, breaking up or treating or adopting any pesticides with the purpose of selling, distributing or using of pesticide (breaking and packing for retail sale is not covered hereunder).
- 20.3 The Pesticides Laws provide for the following key compliances in respect of pesticides:
- (a) Registration of pesticides for carrying out business activities, namely manufacture, import, sale (wholesale, retail), storage, packaging, etc.;
 - (b) Licensing of persons to manufacture or sell, stock or exhibit for sale or distribute any pesticide;
 - (c) Labelling requirements for pesticide;
 - (d) Packaging requirements for pesticides; and
 - (e) Compliance with respect to import, manufacture, sale, etc., prescribed for pesticides.
- 20.4 Contravention of the Pesticides Laws may lead to monetary penalties ranging from INR 500 to INR

⁵ The list of insecticides is available at ppqs.gov.in/sites/default/files/insecticides_act_1968_0.pdf.

⁶ Section 12 of the Insecticides Act.

⁷ Section 5 of the Insecticides Act.

75,000 and imprisonment up to 3 years, depending on the severity of the violation.

21. **Fertilizers laws**

Essential Commodities Act, 1955 ("Essential Commodities Act") read with Fertiliser (Inorganic, Organic or Mixed) Control Order 1985 ("Fertilizers Control Order") and Fertilisers (Movement) Control Order ("FMC Order") (collectively, the "Fertilisers Laws").

21.1 The Fertiliser Control Order and FMC Order issued by the Central Government under Essential Commodities Act, primarily govern and regulate the manufacturing, storage, distribution, sale, import, packaging and movement of fertilisers across India.

21.2 The key concepts under the Fertilisers Laws that are relevant to understand the scope and applicability thereof are discussed below:

- (a) **Fertiliser:** It means an essential substance used to provide essential plant nutrients or beneficial elements or both for soil and crops. They are specified by the Central Government and are covered under Schedules to the Fertilisers Control Order. They include bio stimulant, nano fertilisers and organic carbon enhancers from Compressed Biogas plants.
- (b) **Mixture of Fertilisers:** It means mixture of fertilisers made by physically mixing two or more fertilisers with or without inert material in physical or granular form.
- (c) **Special Mixture of Fertilisers:** It means any mixture of fertilisers which is prepared for experimental purposes in pursuance of a requisition made by a third party.
- (d) **Bio-fertiliser:** It means the products which consist of carrier based (solid or liquid) living micro-organisms which help with increasing the productivity of soil and/ or crops.
- (e) **Bio-stimulant:** It means a substance or microorganism or a combination of both whose primary function is to stimulate the physiological processes in plants and to enhance the nutrition efficacy and crop quality.
- (f) **Dealer:** It means a person who is carrying on the business of selling fertilisers, wholesale or retail or industrial use and includes a manufacturer, importer, pool handling agency and marketer.
- (g) **Industrial Dealer:** It means a dealer who sells fertilisers for industrial purpose, i.e., for purposes other than fertilisation of soil and increasing productivity of crops.
- (h) **Pool Handling Agency:** It is an agency entrusted by Central Government with the functions of handling and distribution of imported fertilisers.

- (i) **Controller:** It means the person appointed by Central government who *inter alia* undertakes the registration of industrial dealers.⁸
- (j) **Notified Authority:** It is an authority appointed by government of respective states which *inter alia* issues the authorisation letter to sell the fertiliser.⁹
- (k) **Registering Authority:** It means the authority appointed government of respective states who *inter alia* issues the certificate of manufacture with respect to the mixture of fertilisers and special mixture of fertilisers.¹⁰
- (l) **Certificate of Source:** It is the certificate given by state government, commodity board, manufacturer, importer, pool handling agency indicating the source of fertiliser for the purpose of sale.
- (m) **Prescribed Standard:** The following table enlists the standard set out for limits of permissible variation in concentration of fertilisers:

Micronutrients	Concentration (%)
Zinc	0.4 – 1.0
Boron	0.1 – 0.3
Molybdenum	0.01 – 0.05
Copper	0.2 – 0.5

21.3 The Fertilisers laws provide for the following key compliances:

- (a) Registration and authorisation for different dealers including industrial dealers;
- (b) Certificate of manufacture issued for carrying on the business with respect to the mixture of fertilisers and special mixture of fertilisers;
- (c) Labelling and packaging requirements for fertilisers;
- (d) Disposal of fertilizers and;

⁸ Clause 2(e) of the Fertilisers Control Order.

⁹ Clause 26-A of the Fertilisers Control Order.

¹⁰ Clause 26 of the Fertilisers Control Order.

- (e) Compliance with quality standards prescribed for fertilisers.
- 21.4 Contravention of the Fertilisers Laws may lead to imprisonment ranging between 3 months to 7 years along with fine, depending on the severity of the violation.

22. **Mobility and Logistics related Laws**

- 22.1 The mobility and logistics related laws are broadly governed by Motor Vehicles Act, 1988 (“MVA”), Carriage by Road Act, 2007 (“CBR”), Carriage by Air Act, 1972 (“CBA”), Carriage of Goods by Sea Act, 1925 (“CBS”), Multimodal Transportation of Goods Act, 1993 (“MMTG”), Motor Vehicles Aggregator Guidelines, 2020 (“MVAG”) and Online Travel Aggregator Guidelines, 2018 (“OTAG”).

Motor Vehicles Act, 1988 and Motor Vehicle Aggregator Guidelines, 2020

The MVA governs the regulation of motor vehicles, road safety, licensing, registration, and insurance. It aims to ensure safe and efficient movement of vehicles while establishing rules for driver behaviour, traffic management, penalties for offenses, and compensation for road accident victims. In 2020, the MVAG were introduced to regulate app-based ride-hailing services like Ola and Uber etc. These guidelines mandate aggregators to comply with vehicle safety standards, ensure fair pricing, protect driver and passenger rights, and provide a framework for insurance, licensing, and grievance redressal.

- 22.2 The Key Concepts identified under the MVA and MVAG are as follows:
- (a) **Aggregator:** It means a digital intermediary or marketplace for a passenger to connect with a driver for the purpose of transportation.
 - (b) **Fares:** It includes sums payable for a season ticket or in respect of the hire of a contract carriage.
 - (c) **Goods:** It includes livestock, and anything (other than equipment ordinarily used with the vehicle) carried by a vehicle except living persons, but does not include luggage or personal effects carried in a motor car or in a trailer attached to a motor car or the personal luggage of passengers travelling in the vehicle.
 - (d) **Goods Carriage:** It means any motor vehicle constructed or adapted for use solely for the carriage of goods, or any motor vehicle not so constructed or adapted when used for the carriage of goods.
 - (e) **Public Service Vehicle:** It means any motor vehicle used or adapted to be used for the carriage of passengers for hire or reward, and includes a maxi-cab, a motor-cab, contract carriage, and stage carriage.
 - (f) **App:** It means an electronic interface operated by the Aggregator or any third party on behalf of the Aggregator, which may be accessed either through a computer resource or a communication device.

- (g) **Driver:** It means “includes, in relation to a motor vehicle which is drawn by another motor vehicle, the person who acts as a steersman of the drawn vehicle.
- (h) **Rider:** It means a person who books a journey through the Aggregator App for availing the transportation provided by a Driver who is integrated with the Aggregator.

22.3 The MVA and the MVAG provide for the key compliances in respect of licensing requirements and other compliances that a NP is required to adhere to.

Carriage by Road Act, 2007 (CBR), Carriage by Air Act, 1972 (CBA), Carriage of Goods by Sea Act, 1925 (CBS), and Multimodal Transportation of Goods Act, 1993 (MMTG)

- 22.4 CBR governs the domestic transportation of goods by road. It establishes the rights and liabilities of common carriers and outlines the procedures for the carriage of goods, including the obligations of carriers and consignees. Under the CBR, carriers are authorized to sell goods in certain circumstances, such as when the consignee fails to take delivery after due notice.
- 22.5 CBA is an enactment which gives force of law to the Warsaw Convention for international carriage by air 1929 and the Montreal Convention for international carriage by air 1999 (both these conventions are incorporated as rules and annexed as Schedule I, II and III to CBA). These conventions govern the rights, liabilities and extent of compensation of compensation of air carrier in respect of international carriage of passengers, baggage and cargo by air and damages that may occur in such international carriage.
- 22.6 CBS is an enactment which gives force of law to a code of rules relating to bill of lading which was drawn up in Brussels at the International Conferences on Maritime Law in 1922 and 1923. These rules (annexed as Schedule to CBS) provide for responsibilities and liabilities of a carrier of goods by sea.
- 22.7 MMTG Act provides for regulation of transportation of goods by road, air, rail, inland waterways and sea, from any place in India to a place outside India, on the basis of a multimodal transport contract. This act is applicable when the carriage of goods is by at least two (2) different modes of transport under a multimodal transport contract, from the place of acceptance of the goods in India to a place of delivery of the goods outside India
- 22.8 The key concepts identified under CBR, CBA, CBS and MMTG are as follows:

Under CBR

- (a) **Common carrier:** It means a person engaged in the business of collecting, storing, forwarding or distributing goods to be carried by goods carriages under a goods receipt or transporting for hire of goods from place to place by motorised transport on road, for all persons indiscriminately and includes a goods booking company, contractor, agent, broker and courier agency engaged in the door-to-door transportation of documents, goods or articles utilising the services of a person, either directly or indirectly, to carry or accompany such documents, goods or articles, but does not include the Government.

- (b) **Consignment:** It means documents, goods or articles entrusted by the consignor to the common carrier for carriage, the description or details of which are given in the goods forwarding note.
- (c) **Goods:** It includes: (i) containers, pallets or similar articles of transport used to consolidate goods; and (ii) animals or livestock.

Under CBA

- (d) **International carriage:** It means any carriage in which according to the contract made by the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two High Contracting Parties, or within the territory of a single High Contracting Party, if there is an agreed stopping place within a territory subject to the sovereignty, suzerainty, mandate or authority of another Power, even though that Power is not a party to the Convention.

Under CBS

- (e) **Carrier:** It includes the owner or the charterer who enters into a contract of carriage with a shipper.
- (f) **Goods:** It includes any property including live animals as well as containers, pallets or similar articles of transport or packaging supplied by the consignor, irrespective of whether such property is to be or is carried on or under deck.
- (g) **Carriage of goods:** It covers the period from the time when the goods are loaded on to the time when they are discharged from the ship.

Under MMTG

- (h) **Carrier:** It means a person who performs or undertakes to perform for hire, the carriage or part thereof, of goods by road, rail, inland waterways, sea or air.
- (i) **Goods:** It means any property including live animals, containers, pallets or such other articles of transport or packaging supplied by the consignor, irrespective of whether such property is to be or is carried on or under the deck.
- (j) **Multimodal transportation:** It means carriage of goods, by at least two different modes of transport under a multimodal transport contract, from the place of acceptance of the goods in India to a place of delivery of the goods outside India.

- (k) **Multimodal transport contract:** It means a contract under which a multimodal transport operator undertakes to perform or procure the performance of multimodal transportation against payment of freight.
- (l) **Multimodal transport operator:** It means any person who: (i) concludes a multimodal transport contract on his own behalf or through another person acting on his behalf; (ii) acts as principal, and not as an agent either of the consignor or consignee or of the carrier participating in the multimodal transportation, and who assumes responsibility for the performance of the said contract; and (iii) is registered under sub-section (3) of Section 4.

Online Travel Aggregator Guidelines, 2018 (“OTAG”)

- 22.9 OTAG provides for various guidelines to be followed by various Online Travel Aggregators (“OTA”) providing services as an intermediary or an agent selling travel products and services such as airlines, car rental, cruise lines, hotels or accommodation, railways and vacation packages on behalf of suppliers using the internet as a medium by establishing an online market- place and earn profits on the discounts commonly referred to as commission offered by the suppliers.
- 22.10 The following is the key concepts identified under the OTAG
 - (a) **Online Travel Aggregator:** It is an intermediary or an agent selling travel products and services such as airlines, car rental, cruise lines, hotels or accommodation, railways and vacation packages on behalf of suppliers using the internet as a medium by establishing an online market-place and earn profits on the discounts commonly referred to as commission offered by the suppliers.

RBI Master Directions on Prepaid Payment Instruments (“PPI Master Directions”)

- 23.1 The PPI Master Directions set out the key compliance requirements for issuance and operation of Prepaid Payment Instruments (“PPIs”), including gift card PPIs. Under the PPI Master Directions, banks need RBI approval and non-bank entities require RBI authorization to issue these instruments.
- 23.2 Gift PPIs are subject to specific restrictions, viz. they have a maximum value limit of INR 10,000 per instrument, cannot be reloaded, and does not permit cash-out, refunds, or fund transfers. KYC is required for purchasers of the gift PPI. Additionally, PPI issuers are required to maintain transaction logs for 10 years to adhere to anti-money laundering regulations.
- 23.3 These instruments must have a minimum validity of 1 year from its issuance / loading.
- 23.4 The PPI issuer’s name must be prominently displayed and all features of the gift PPI must be clearly communicated to holders. Two-factor authentication is not mandatory, and interoperability remains optional for gift PPIs.
- 23.5 Consumer protection measures include clear disclosure of terms and fees, a grievance redressal system with 48-hour response targets, and access to the RBI Integrated Ombudsman scheme.

DETAILED COMPLIANCES

The obligations highlighted in this document may extend towards the sale of all categories of goods including food, grocery, apparel, cosmetics, consumer electronics, and home décor, as applicable. The compliance handbook is segregated to indicate applicable compliances for categories of NPs under each of the following industries:

1. Food & Beverage;
2. Groceries and pet supplies;
3. Fashion and footwear;
4. Electronics;
5. Beauty and Personal Care;
6. Mobility and Transportation;
7. Financial Services **(Credit, Insurance and Mutual Funds)**;
8. Gift card and other Services Industry;
9. Gaming Industry;
10. OTT Media Services;
11. Agricultural Inputs;
12. Fresh Produce Products;
13. Pharmacy and Healthcare Devices;
14. Education Services; and
15. Home Décor.

[Note: This section is structured to provide an overview of the relevant legal compliances that is required to be adhered to by different categories of NPs, based on the above heads. The Annexure, which has been cross-linked in the relevant portions, provides greater detail on such compliances, to the extent relevant for this Handbook.]

IDENTIFYING THE COMPLIANCES FOR NETWORK PARTNERS OF THE FOOD AND BEVERAGES INDUSTRY

✓ Applicable

✗ Not Applicable

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace App	Seller on the Market place Seller App
Food Safety laws	Licensing	✓	✓	✓	✓
	Packaging	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Labelling & display	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Importation	✗	✓ ^λ	✗	✓ ^δ
	Fortification	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Food Standards and additive	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Prohibition and Restriction on sale	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Recalling the food article	✓	✓	✓	✓
	Contaminants and Toxins	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Advertising and Claims	✓	✓	✓	✓
	Infant Nutrition	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Approval of Non-Specified Food	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
Legal Metrology laws	Licensing	✗	✓ [*]	✗	✓ ⁺
	Packaging and Labelling	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α

[▽] Contractually ensure with the seller that the commodity is in compliance with the specified requirements.

[◇] Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity).

^α Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity).

^λ Applicable, where the inventory seller is engaged in import of the commodities.

^δ Applicable, where the seller on marketplace seller app is engaged in import of commodities.

^{*} Applicable, where the inventory seller is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

⁺ Applicable, where the seller on the marketplace seller app is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace App	Seller on the Market place Seller App
	Other Compliances	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
BIS laws	Licensing / Certificate of conformity	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
Import and Export	Registration	✗	✓ ^ℳ	✗	✓ ^δ
Consumer Protection laws	Compliances of manufacturer, product service provider and product seller	✓	✓	✓	✓
	E-commerce Rules	✓	✓	✓	✓
	Guidelines on Misleading Advertisements	✓	✓	✓	✓ ¹¹
	Guidelines on Dark Patterns	✓	✓	✓	✓
	Greenwashing guidelines	✓	✓	✓	✓
Data protection laws	Compliances under the IT Act and SPDI Rules	✓	✓	✓	✓
Information Technology Act	Compliance with IT Rules	✗	✗	✓	✗

[Note: For ease of accessing the information, cross-linkages have been made in the second column of the table above which has been linked to the relevant compliance in this industry.]

¹¹ Please note that this is not applicable to endorsers/ influencers

I FOOD & BEVERAGE

1. Registrations and compliances required by all NPs

A. Food Safety Laws

1.1 Licensing Requirements

To commence or carry on the food business, both Buyer App and Seller on Marketplace Seller App (Marketplace seller app as well as Inventory Seller App) are required to obtain a license from the central authority. Sellers are also required to obtain a license from the central authority or the concerned state or union territory's licensing authority, as the case maybe. More details on the licensing requirements have been provided under [Annexure A](#) (under the head "*Licensing or Registration Requirements*").

The Guidelines for the operation of e-commerce FBOs under the FSS Act and Section I of the Food Safety and Standards (Licensing and Registration of Food Business) Amendment Regulation 2018 ("**Amendment Regulations 2018**") provide for the following:¹²

- E-Commerce FBOs shall obtain central license, comply with the requirements prescribed under the Food Safety Laws and hygiene and manufacturing standards for licensed FBOs engaged in food services, including packaging and transportation.
- The E-Commerce FBO must enter into agreements with the sellers, brand owners, or manufacturers onboarded by them. These agreements shall affirm that the said entities comply with the Food Safety Act, Rules, and Regulations.
- The seller/ brand owner/ manufacturer shall ensure that legible and clear picture of the 'principal display panel' for pre-packed food products offered for sale to the consumer, is made available for viewing by the customers, excluding specific details such as batch number, expiry date, and MRP.
- Any food article delivered to a consumer by E-Commerce FBO shall have a shelf life of at least 30 percent or 45 days remaining at the time of delivery.

1.2 Packaging Requirements

Food Safety and Standards (Packaging) Regulations, 2018 ("**Packaging Regulations**") which provides for the packaging requirements to be adhered to by the relevant food business operator. The packaging requirements stipulated thereunder have been provided under [Annexure A](#) (under the head "*Packaging Requirements*"). The Packaging Regulations are applicable to the Buyer App and Marketplace App i.e., they shall contractually ensure with the seller that the commodity is in compliance with the specified requirements; the Inventory Seller App (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity)) and Seller on the marketplace seller app

¹² **Note:** In February 2017, FSSAI issued Guidelines for the operation of e-commerce FBOs under the FSS Act which are to be read as explanatory memorandum and do not in any way supplant any of the requirements of the Food Safety Act. Additionally, Amendment Regulations 2018 which *inter alia* covers the provisions for licensing and registration of E-Commerce FBOs. However, the said regulations have not been notified, the FSSAI has operationalized the same under Section 18(2)(d) read with Section 16(5) of the Food Safety Act with effect from 15 February 2018 and subsequently re-operationalized for a period of six months from 16 August 2018, 28 February 2019, 29 August 2019, 16 February 2020, 16 August 2020, 19 March 2021, 12 November 2021, 24 June 2022, 11 November 2022, 11 May 2023, 11 November 2023, 11 May 2024.

(Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity)).

1.3 Labelling and Display Requirements

Every packaged food article shall be marked and labelled in accordance with the Labelling Regulations as provided under [Annexure A](#) (under the head “*Labelling and Display Requirements*”). Mandatory food information required under the Food Safety Act, Rules, and Regulations shall be provided to consumers without charging supplementary costs and must be available before the purchase is concluded. The above Labelling and Display Requirements are applicable to the Buyer App and Marketplace App i.e., they shall contractually ensure with the seller that the commodity is in compliance with the specified requirements; the Inventory Seller App (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity)) and Seller on the marketplace seller app (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity)).Food Standards, Fortification & Additives: Every FBOs shall ensure compliance with the

- (i) Standards & Additives: Must follow standards under the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011¹³.
- (ii) Fortification: Where applicable, food may be fortified to improve nutritional quality as per FSSAI Fortification Regulations, 2018¹⁴.
- (iii) Infant Nutrition: Products intended for infants must comply with the relevant Infant Nutrition Regulations as discussed under [Annexure A](#) (Infant Nutrition Requirements).
- (iv) Contaminants and Residues: Food must not contain contaminants, toxins, or residues beyond limits set under the Food Safety and Standards (Contaminants, toxins and Residues) Regulations, 2011¹⁵.

Furthermore, all the non-specified food articles or food ingredients shall be manufactured or imported on prior approval of the FSS in the manner prescribed under the Food Safety and Standards (Approval for Non-Specified Food and Food Ingredients) Regulations, 2017.¹⁶ In this regard, further reference may be made to the additional guidance documents available at <https://fssai.gov.in/cms/non-specified-food.php>.

The above Regulations are applicable to the Buyer App and Marketplace App i.e., they shall contractually ensure with the seller that the commodity is in compliance with the specified

¹³ https://fssai.gov.in/upload/uploadfiles/files/Food_Additives_Regulations.pdf.

¹⁴ https://fssai.gov.in/upload/uploadfiles/files/Gazette_Notification_Food_Fortification_10_08_2018.pdf.

¹⁵ https://fssai.gov.in/upload/uploadfiles/files/Contaminants_Regulations.pdf.

¹⁶ https://fssai.gov.in/upload/uploadfiles/files/Gazette_Notification_NonSpecified_Food_Ingredients_15_09_2017.pdf.

requirements; the Inventory Seller App (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity)) and Seller on the marketplace seller app (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity)).

1.4 Importing Requirements

To import the food articles, the food business operators/importer are required to obtain the import license under the Import Regulations. Compliances to import food articles have been provided under [Annexure A](#) (under the head “*Importing Requirements*”).

1.5 Prohibition and restrictions on sales

Some of the food articles are prohibited for sale or subjected to certain conditions for the purpose of sale. The Food Safety and Standards (Prohibitions and Restrictions on sales) Regulations, 2011¹⁷ prescribe the specifications of such food articles which are prohibited and / or restricted. Such compliances with respect to the prohibited or restricted food articles sale shall be observed by the FBOs. These Regulations are applicable to the Buyer App and Marketplace App i.e., they shall contractually ensure with the seller that the commodity is in compliance with the specified requirements; the Inventory Seller App (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity)) and Seller on the marketplace seller app (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity)).

1.6 Food Recall Requirements

In case the food article is determined to be unsafe (as defined in [Annexure A](#)), the food business operators are required to recall such food article in the manner prescribed under the Food Recall Regulations. Compliances to recall food articles have been provided under [Annexure A](#) (under the head “*Food Recall Requirements*”). These Regulations are applicable to the Buyer App, Inventory Seller App, Marketplace App and Seller on Marketplace Seller App.

1.7 Advertising and Claims

All the FBOs and marketers are required to comply with the standards prescribed for advertising and claims (including the claims made on labels) under the Advertising Regulations. Compliances related to advertising and claims have been provided under [Annexure A](#) (under the head “*Advertising and Claims*”). These Regulations are applicable to the Buyer App, Inventory Seller App, Marketplace App and Seller on Marketplace Seller App.

¹⁷ https://fssai.gov.in/upload/uploadfiles/files/Prohibition_Regulations.pdf.

B. LM Act

2.1 Licensing or Registration Requirement

Any individual, firm, society, company, corporation, or Hindu Undivided Family that pre-packs or imports any pre-packaged commodity for sale, distribution, or delivery is required to register itself under the LM Act with the Director or Controller of Legal Metrology. This registration must be completed within 90 days of starting such activities. Depending on the nature of the activity undertaken by the Network Participant or seller, registration under the LM Act may be required.

2.2 Packaging and Labelling Requirements

Entities must ensure that all pre-packaged products display the following mandatory declarations in accordance with PC Rules:

- Name and address of the manufacturer, packer, or importer
- Common or generic name of the product
- Net quantity (weight, measure, or number)
- Maximum retail price (inclusive of all taxes)
- Month and year of manufacture or packing
- Best before' or 'Use by' date must be mentioned where applicable
- Consumer care contact details
- Unit sale price (where applicable)
- Country of origin
- Mandatory indicators for vegetarian/non-vegetarian origin (where applicable)
- Special labelling for GM foods (where applicable)
- Where the sizes of the commodity contained in the package are relevant, the dimensions of the commodity contained in the package and if the dimensions of the different pieces are different, the dimensions of each such different piece

Notably, e-commerce entities must ensure that all mandatory declarations (except the month and year of manufacture or packing) are displayed on the digital or electronic platform used for selling the goods. As per the PC Rules, **in marketplace models**, the responsibility for the correctness of these declarations lies with the manufacturer, seller, dealer, or importer, as applicable.

The packaging and labelling requirements provided under [Annexure B](#) (under the head “*Packaging and Labelling Requirements*”) shall be complied with. However, for the purpose of packages containing food articles, further reference shall be made to Para 1.1 and 1.2 of [Annexure B](#).

2.3 Other compliances under Legal Metrology (Packaged Commodities) Rules 2011 (“PC Rules”):

Other compliance under PC Rules namely, declaration on container type commodities, general guidelines, manner of declaration, and maximum permissible errors on net quantities declared by weight or volume have been discussed in [Annexure B](#).

C. BIS Act

The Bureau of Indian Standards Act, 2016 (“BIS Act”) empowers the Bureau of Indian Standards (“BIS”) to regulate the quality and standards of products distributed in the Indian market. While BIS certification is generally voluntary, the Central Government has made it mandatory for certain products based on considerations such as public interest, health and safety of humans, animals, or plants, environmental protection, prevention of unfair trade practices, and national security.

For such products, the use of the Standard Mark is compulsory and must be obtained under a licence or Certificate of Conformity (CoC) from BIS. The list of products under compulsory certification is available on the BIS website: <https://www.bis.gov.in/product-certification/products-under-compulsory-certification/#>

Please refer to 1.4 of [Annexure C](#) to check the applicability of BIS laws on the subject product(s). Additionally, the labelling requirements have been provided in [Annexure C](#) (under the heading “Labelling requirements”).

D. Import and Export laws

4.1 Registration

Every importer and / or exporter is required to obtain Certificate of Importer-Exporter Code (“IEC”) as discussed in [Annexure D](#).

E. Consumer Protection Act and the rules/ guidelines issued thereunder

5.1 Compliances under E-commerce Rules

All e-commerce entities must comply with the E-Commerce Rules, including:

- **Nodal Officer:** Appoint a nodal officer or alternate senior functionary residing in India.
- **Information Disclosure:** Clearly and prominently display on its platform:
 - Legal Name
 - Principal and branch addresses
 - Name and details of the website
 - Contract information of customer care and grievance officer.
- **Grievance Redressal:** Set up a grievance mechanism and appoint a grievance officer. Display their name, contact, and designation of such officer on its platform. Grievances must be acknowledged in 48 hours and resolved within 1 month.
- **Imported Goods:** If offering imported goods/services, mention importer details.
- **Cancellation Charges:** No cancellation charges unless the platform bears similar charges if they cancel the purchase order unilaterally.
- **Consent:** Obtain a consumer’s consent for any purchase through explicit and affirmative action.
- **Refunds:** Process refunds as prescribed under applicable law.

Obligations for Marketplace E-Commerce Entities

Marketplace entities must additionally:

- **Seller Undertaking:** Require sellers through an undertaking to ensure that descriptions, images, and other content pertaining to goods or services on their platform is accurate and corresponds directly with features of such goods or services.
- **Differentiated Treatment:** Include in terms and conditions, a description of any differentiated treatment which it gives or might give between goods or services or sellers of the same category.
- **Disclosures:** Display all required information including that may be required by consumers to make informed choices: contractual terms, mandatory notices, expiry, seller/importer details, country of origin, return/exchange/refund/delivery terms, warranties, payment modes, grievance mechanism.
- **Seller Details:** Show seller name, registration status, address, customer care number, and ratings, if any.
- **Complaint Tracking:** Provide ticket numbers to track complaints.
- **Ranking Parameters:** Explain in plain language the key parameters affecting product/seller rankings.

Obligations for Inventory E-Commerce Entities

Inventory-based entities must:

- **No False Representation:** Not misrepresent themselves as consumers.
- **Return and Refunds:** Must not deny return, refund, or cancellation if goods/services are defective, deficient, spurious, or delivered late.
- **Disclosures:** Same disclosure obligations as marketplaces.
- **Price Transparency:** Show total price as a single figure, with breakup and applicable taxes.
- **Complaint Tracking:** Provide ticket numbers for consumer complaints that enables consumers to track status of their complaint.

Obligations for Sellers on Marketplaces

Sellers on marketplaces must:

- **No Fake Reviews:** Not falsely pose as consumers or post fake reviews.
- **Return and Refunds:** Must not deny return, refund, or cancellation for defective, deficient, spurious, or delayed goods/services.
- **Written Contract:** Must have a prior written contract with the platform and share details (name, address, GSTIN, PAN, website).
- **Grievance Officer:** Appoint and display grievance officer's name and contact. Acknowledge complaints in 48 hours, resolve within 1 month.
- **Disclosures:** Display all legally required info (e.g., expiry date, seller/importer details, country of origin, return/exchange/delivery terms, warranties).
- **Price Transparency:** Show total price and breakup with all charges and taxes.
- **Grievance Officer Info:** Display name, contact number, and designation.

[Annexure E](#) details compliances required under the E-Commerce Rules.

5.2 Guidelines on Misleading Advertisements

As per the Guidelines, advertisement is valid and not misleading if it:

- Is truthful and honest in its representation.

- Does not exaggerate the product's performance, accuracy, scientific basis, or usefulness.
- Does not mislead by presenting legal consumer rights as unique benefits offered by the advertiser.
- Does not claim universal acceptance of a claim where significant scientific or expert disagreement exists.
- Does not exploit fear, i.e., doesn't suggest that personal or family safety is at risk if the product is not purchased.
- Does not mislead by citing publications or sources that haven't been independently verified.
- Complies with all applicable sector-specific laws and regulations.

In addition, the Guidelines also details conditions for bait advertisements, surrogate advertisements, free claims advertisements, and child targeted advertisements among others.

- 5.3 Please refer to [Annexure F](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protectionGuidelines on Dark Patterns>

An entity advertising goods or services offered by it to consumers must comply with the Guidelines on Dark Patterns. The Guidelines defines Dark Patterns to mean any practices or deceptive design pattern using user interface or user experience interactions on any platform that is designed to mislead or trick users to do something they originally did not intend or want to do, by subverting or impairing the consumer autonomy, decision making or choice, amounting to misleading advertisement or unfair trade practice or violation of consumer rights. The Guidelines prohibits any person, including any platform, from engaging in any dark pattern practice. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

- 5.4 [Greenwashing Guidelines](#)

Please refer to [Annexure G](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

F. Data protection laws

The IT Act read with the SPDI Rules are the primary legislations in India governing data privacy and protection on a sector-neutral basis. To the extent the NPs will collect/handle personal data falling under the category of SPDI, it is required to be compliant with the obligations specified under the SPDI Rules. A summary of the key obligations under the SPDI Rules of an entity, inter alia, for collecting, processing and transferring of SPDI, has been set out in [Annexure H](#).

Please note that once the DPDP Act is enforced, all entities collecting, handling, or processing personal data will be required to comply with the obligations prescribed under the DPDP Act.

G. Compliance with IT Rules

An intermediary as defined under Section 2(w) of the IT Act, with respect to an electronic record, means any person who “receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes”. To the extent, the NP qualifies as an intermediary, it will be required to implement the due diligence obligations (depending on the category of intermediary) as has been set out in [Annexure I](#), if it seeks to avail the exemption from liability in accordance with Section 79 of the IT Act.

2. **Compliances for vegan products**

In addition to the compliances mentioned in Section 1 above, please see below the broad compliances that sellers of vegan products are required to adhere:

A. **Food Safety Laws**

The compliance required under the Food Safety Act and Rules made thereunder for vegan foods have been discussed under [Annexure A](#) at para-F *below*. Any person intending to manufacture, pack, sell, offer for sale, market or otherwise distribute Vegan products shall comply with the Food Safety and Standards (Vegan Foods) Regulations, 2022. Key highlights of the Regulations are as follows:

- Vegan foods must not undergo animal testing for safety, unless mandated by a regulatory authority.
- Businesses must prevent contamination with non-vegan substances during all production and distribution stages by following good manufacturing practices.
- Packaging must comply with Labelling Regulations and display a vegan logo approved by the Food Authority.
- Imported vegan foods must be accompanied by a certificate from a recognised authority in the exporting country, in the prescribed format.

3. **Compliances for organic foods**

In addition to the compliances mentioned in Section 1 above, please see below the broad compliances that sellers of organic foods are required to adhere:

A. **Food Safety Laws**

- 1.1 The compliance required under the Food Safety Act and Rules made thereunder for organic foods have been discussed under [Annexure A](#) at para-E *below*.

4. **Compliances for health supplements, nutraceuticals, food for special dietary use, food for special medical purpose, functional food and novel food**

In addition to the compliances mentioned in Section 1 above, please see below the broad compliances that sellers of health supplements, nutraceuticals, food for special dietary use, food for special medical purpose, functional food and novel food are required to adhere:

A. **Food Safety Laws**

1.1 Licensing Requirements

- (i) The manufacture, sale and distribution of the health supplements, nutraceuticals, food for special dietary use, food for special medical purpose, functional food and novel food is governed by the Food Safety and Standards (Health Supplements, Nutraceuticals, Food for Special Dietary Use, Food for Special Medical Purpose, Functional Food and Novel Food) Regulations, 2016 ("**Health Supplements and Others' Regulations**") as discussed in Para G of [Annexure A](#) below.
- (ii) The said Regulations stipulate provisions for nutrient claim on the label of the above stated products. Additionally, the Health Supplements and Others' Regulations provide for the labelling requirements as discussed in Para G of [Annexure A](#) below.

IDENTIFYING THE COMPLIANCES FOR NETWORK PARTNERS OF THE GROCERIES AND PET SUPPLIES INDUSTRY

✓ - Applicable

✗ - Not applicable

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Food Safety laws	Licensing	✓	✓	✓	✓
	Packaging	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Labelling & display	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Importation	✗	✓ ^ζ	✗	✓ ^δ
	Fortification	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Food Standards and additive	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Prohibition and Restriction on sale	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Recalling the food article	✓	✓	✓	✓
	Contaminants and Toxins	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Advertising and Claims	✓	✓	✓	✓
	Infant Nutrition	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Approval of Non-Specified Food	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
Legal Metrology laws	Licensing	✗	✓ [*]	✗	✓ ⁺
	Packaging and Labelling	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α

[▽] Contractually ensure with the seller that the commodity is in compliance with the specified requirements.

[◇] Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity).

^α Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity).

^ζ Applicable, where the inventory seller is engaged in import of the commodities.

^δ Applicable, where the seller on marketplace seller app is engaged in import of commodities.

^{*} Applicable, where the inventory seller is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

⁺ Applicable, where the seller on the marketplace seller app is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
	Other Compliances	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
BIS laws	Licensing / Certificate of conformity	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
Import and Export	Registration	✗	✓ ^λ	✗	✓ ^δ
Consumer Protection laws	Compliances of manufacturer, product service provider and product seller	✓	✓	✓	✓
	E-commerce Rules	✓	✓	✓	✓
	Guidelines on Misleading Advertisements	✓	✓	✓	✓ ¹⁸
	Guidelines on Dark Patterns	✓	✓	✓	✓
	Greenwashing guidelines	✓	✓	✓	✓
Data protection laws	Compliances under the IT Act and SPDI Rules	✓	✓	✓	✓
Information Technology Act	Compliance with IT Rules	✗	✗	✓	✗

[Note: For ease of accessing the information, cross-linkages have been made in the second column of the table above which has been linked to the relevant compliance in this industry.]

¹⁸ Please note that this is not applicable to endorsers/ influencers

II GROCERIES AND PET SUPPLIES

1. Registrations and compliances required by all NPs

A. Food Safety Laws

Please note that the Food Safety Laws are not applicable to pet supplies. Accordingly, we have discussed the compliance requirements stipulated for groceries in the ensuing paragraphs.

1.1 Licensing Requirements

To commence or carry on the food business, both Buyer App and Seller on Marketplace Seller App (Marketplace seller app as well as Inventory Seller App) are required to obtain a license from the central authority. Sellers are also required to obtain a license from the central authority or the concerned state or union territory's licensing authority, as the case maybe. More details on the licensing requirements have been provided under [Annexure A](#) (under the head "*Licensing or Registration Requirements*").

The Guidelines for the operation of e-commerce FBOs under the FSS Act and Section I of the Food Safety and Standards (Licensing and Registration of Food Business) Amendment Regulation 2018 ("**Amendment Regulations 2018**") provide for the following:¹⁹

- E-Commerce FBOs shall obtain central license, comply with the requirements prescribed under the Food Safety Laws and hygiene and manufacturing standards for licensed FBOs engaged in food services, including packaging and transportation.
- The E-Commerce FBO must enter into agreements with the sellers, brand owners, or manufacturers onboarded by them. These agreements shall affirm that the said entities comply with the Food Safety Act, Rules, and Regulations.
- The seller/ brand owner/ manufacturer shall ensure that legible and clear picture of the 'principal display panel' for pre-packed food products offered for sale to the consumer, is made available for viewing by the customers, excluding specific details such as batch number, expiry date, and MRP.
- Any food article delivered to a consumer by E-Commerce FBO shall have a shelf life of at least 30 percent or 45 days remaining at the time of delivery.

1.2 Packaging Requirements

Food Safety and Standards (Packaging) Regulations, 2018 ("**Packaging Regulations**") which provides for the packaging requirements to be adhered to by the relevant food business operator. The packaging requirements stipulated thereunder have been provided under [Annexure A](#) (under the head "*Packaging Requirements*"). The Packaging Regulations are applicable to the Buyer App and Marketplace App i.e., they shall contractually ensure with the seller that the commodity is in compliance with the specified

¹⁹ **Note:** In February 2017, FSSAI issued Guidelines for the operation of e-commerce FBOs under the FSS Act which are to be read as explanatory memorandum and do not in any way supplant any of the requirements of the Food Safety Act. Additionally, Amendment Regulations 2018 which *inter alia* covers the provisions for licensing and registration of E-Commerce FBOs. However, the said regulations have not been notified, the FSSAI has operationalized the same under Section 18(2)(d) read with Section 16(5) of the Food Safety Act with effect from 15 February 2018 and subsequently re-operationalized for a period of six months from 16 August 2018, 28 February 2019, 29 August 2019, 16 February 2020, 16 August 2020, 19 March 2021, 12 November 2021, 24 June 2022, 11 November 2022, 11 May 2023, 11 November 2023, 11 May 2024.

requirements; the Inventory Seller App (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity)) and Seller on the marketplace seller app (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity)).

1.3 Labelling and Display Requirements

Every packaged food article shall be marked and labelled in accordance with the Labelling Regulations as provided under [Annexure A](#) (under the head “*Labelling and Display Requirements*”). Mandatory food information required under the Food Safety Act, Rules, and Regulations shall be provided to consumers without charging supplementary costs and must be available before the purchase is concluded. The above Labelling and Display Requirements are applicable to the Buyer App and Marketplace App i.e., they shall contractually ensure with the seller that the commodity is in compliance with the specified requirements; the Inventory Seller App (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity)) and Seller on the marketplace seller app (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity)).Food Standards, Fortification & Additives: Every FBOs shall ensure compliance with the

- (i) Standards & Additives: Must follow standards under the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011²⁰.
- (ii) Fortification: Where applicable, food may be fortified to improve nutritional quality as per FSSAI Fortification Regulations, 2018²¹.
- (iii) Infant Nutrition: Products intended for infants must comply with the relevant Infant Nutrition Regulations as discussed under [Annexure A](#) (Infant Nutrition Requirements).
- (iv) Contaminants and Residues: Food must not contain contaminants, toxins, or residues beyond limits set under the Food Safety and Standards (Contaminants, toxins and Residues) Regulations, 2011²².

Furthermore, all the non-specified food articles or food ingredients shall be manufactured or imported on prior approval of the FSS in the manner prescribed under the Food Safety and Standards (Approval for Non-Specified Food and Food Ingredients) Regulations, 2017.²³ In this regard, further reference may

²⁰ https://fssai.gov.in/upload/uploadfiles/files/Food_Additives_Regulations.pdf.

²¹ https://fssai.gov.in/upload/uploadfiles/files/Gazette_Notification_Food_Fortification_10_08_2018.pdf.

²² https://fssai.gov.in/upload/uploadfiles/files/Contaminants_Regulations.pdf.

²³ https://fssai.gov.in/upload/uploadfiles/files/Gazette_Notification_NonSpecified_Food_Ingredients_15_09_2017.pdf.

be made to the additional guidance documents available at <https://fssai.gov.in/cms/non-specified-food.php>.

The above Regulations are applicable to the Buyer App and Marketplace App i.e., they shall contractually ensure with the seller that the commodity is in compliance with the specified requirements; the Inventory Seller App (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity)) and Seller on the marketplace seller app (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity)).

1.4 Importing Requirements

To import the food articles, the food business operators/importer are required to obtain the import license under the Import Regulations. Compliances to import food articles have been provided under [Annexure A](#) (under the head “*Importing Requirements*”).

1.5 Prohibition and restrictions on sales

Some of the food articles are prohibited for sale or subjected to certain conditions for the purpose of sale. The Food Safety and Standards (Prohibitions and Restrictions on sales) Regulations, 2011²⁴ prescribe the specifications of such food articles which are prohibited and / or restricted. Such compliances with respect to the prohibited or restricted food articles sale shall be observed by the FBOs. These Regulations are applicable to the Buyer App and Marketplace App i.e., they shall contractually ensure with the seller that the commodity is in compliance with the specified requirements; the Inventory Seller App (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity)) and Seller on the marketplace seller app (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity)).

1.6 Food Recall Requirements

In case the food article is determined to be unsafe (as defined in [Annexure A](#)), the food business operators are required to recall such food article in the manner prescribed under the Food Recall Regulations. Compliances to recall food articles have been provided under [Annexure A](#) (under the head “*Food Recall Requirements*”). These Regulations are applicable to the Buyer App, Inventory Seller App, Marketplace App and Seller on Marketplace Seller App.

²⁴ https://fssai.gov.in/upload/uploadfiles/files/Prohibition_Regulations.pdf.

1.7 Advertising and Claims

All the FBOs and marketers are required to comply with the standards prescribed for advertising and claims (including the claims made on labels) under the Advertising Regulations. Compliances related to advertising and claims have been provided under [Annexure A](#) (under the head “*Advertising and Claims*”). These Regulations are applicable to the Buyer App, Inventory Seller App, Marketplace App and Seller on Marketplace Seller App.

B. **LM Act**

2.1 Licensing or Registration Requirement

Any individual, firm, society, company, corporation, or Hindu Undivided Family that pre-packs or imports any pre-packaged commodity for sale, distribution, or delivery is required to register itself under the LM Act with the Director or Controller of Legal Metrology. This registration must be completed within 90 days of starting such activities. Depending on the nature of the activity undertaken by the Network Participant or seller, registration under the LM Act may be required.

2.2 Packaging and Labelling Requirements

Entities must ensure that all pre-packaged products display the following mandatory declarations in accordance with the PC Rules:

- Name and address of the manufacturer, packer, or importer
- Common or generic name of the product
- Net quantity (weight, measure, or number)
- Maximum retail price (inclusive of all taxes)
- Month and year of manufacture or packing
- Best before’ or ‘Use by’ date must be mentioned where applicable
- Consumer care contact details
- Unit sale price (where applicable)
- Country of origin
- Mandatory indicators for vegetarian/non-vegetarian origin (where applicable)
- Special labelling for GM foods (where applicable)
- Where the sizes of the commodity contained in the package are relevant, the dimensions of the commodity contained in the package and if the dimensions of the different pieces are different, the dimensions of each such different piece

Notably, e-commerce entities must ensure that all mandatory declarations (except the month and year of manufacture or packing) are displayed on the digital or electronic platform used for selling the goods. As per the PC Rules, **in marketplace models**, the responsibility for the correctness of these declarations lies with the manufacturer, seller, dealer, or importer, as applicable.

The packaging and labelling requirements provided under [Annexure B](#) (under the head “*Packaging and Labelling Requirements*”) shall be complied with.

2.3 Other compliances under Legal Metrology (Packaged Commodities) Rules 2011 (“PC Rules”):

Other compliance under PC Rules namely, declaration on container type commodities, general guidelines, manner of declaration, and maximum permissible errors on net quantities declared by weight or volume have been discussed in [Annexure B](#).

C. BIS Act

The Bureau of Indian Standards Act, 2016 (“BIS Act”) empowers the Bureau of Indian Standards (“BIS”) to regulate the quality and standards of products distributed in the Indian market. While BIS certification is generally voluntary, the Central Government has made it mandatory for certain products based on considerations such as public interest, health and safety of humans, animals, or plants, environmental protection, prevention of unfair trade practices, and national security.

For such products, the use of the Standard Mark is compulsory and must be obtained under a licence or Certificate of Conformity (CoC) from BIS. The list of products under compulsory certification is available on the BIS website: <https://www.bis.gov.in/product-certification/products-under-compulsory-certification/#>

Please refer to 1.4 of [Annexure – C](#) to check the applicability of BIS laws on the subject product(s). Additionally, the labelling requirements have been provided in [Annexure – C](#) (under the heading “Labelling requirements”).

D. Import and Export Laws

4.1 Registration

Every importer and / or exporter is required to obtain Certificate of Importer-Exporter Code (“IEC”) as discussed in [Annexure D](#).

E. Consumer Protection Act and the rules/ guidelines issued thereunder

5.1 Compliances under E-commerce Rules

All e-commerce entities must comply with the E-Commerce Rules, including:

- **Nodal Officer:** Appoint a nodal officer or alternate senior functionary residing in India.
- **Information Disclosure:** Clearly and prominently display on its platform:
 - Legal Name
 - Principal and branch addresses
 - Name and details of the website
 - Contract information of customer care and grievance officer.
- **Grievance Redressal:** Set up a grievance mechanism and appoint a grievance officer. Display their name, contact, and designation of such officer on its platform. Grievances must be acknowledged in 48 hours and resolved within 1 month.
- **Imported Goods:** If offering imported goods/services, mention importer details.

- **Cancellation Charges:** No cancellation charges unless the platform bears similar charges if they cancel the purchase order unilaterally.
- **Consent:** Obtain a consumer's consent for any purchase through explicit and affirmative action.
- **Refunds:** Process refunds as prescribed under applicable law.

Obligations for Marketplace E-Commerce Entities

Marketplace entities must additionally:

- **Seller Undertaking:** Require sellers through an undertaking to ensure that descriptions, images, and other content pertaining to goods or services on their platform is accurate and corresponds directly with features of such goods or services.
- **Differentiated Treatment:** Include in terms and conditions, a description of any differentiated treatment which it gives or might give between goods or services or sellers of the same category.
- **Disclosures:** Display all required information including that may be required by consumers to make informed choices: contractual terms, mandatory notices, expiry, seller/importer details, country of origin, return/exchange/refund/delivery terms, warranties, payment modes, grievance mechanism.
- **Seller Details:** Show seller name, registration status, address, customer care number, and ratings, if any.
- **Complaint Tracking:** Provide ticket numbers to track complaints.
- **Ranking Parameters:** Explain in plain language the key parameters affecting product/seller rankings.

Obligations for Inventory E-Commerce Entities

Inventory-based entities must:

- **No False Representation:** Not misrepresent themselves as consumers.
- **Return and Refunds:** Must not deny return, refund, or cancellation if goods/services are defective, deficient, spurious, or delivered late.
- **Disclosures:** Same disclosure obligations as marketplaces.
- **Price Transparency:** Show total price as a single figure, with breakup and applicable taxes.
- **Complaint Tracking:** Provide ticket numbers for consumer complaints that enables consumers to track status of their complaint.

Obligations for Sellers on Marketplaces

Sellers on marketplaces must:

- **No Fake Reviews:** Not falsely pose as consumers or post fake reviews.
- **Return and Refunds:** Must not deny return, refund, or cancellation for defective, deficient, spurious, or delayed goods/services.
- **Written Contract:** Must have a prior written contract with the platform and share details (name, address, GSTIN, PAN, website).
- **Grievance Officer:** Appoint and display grievance officer's name and contact. Acknowledge complaints in 48 hours, resolve within 1 month.
- **Disclosures:** Display all legally required info (e.g., expiry date, seller/importer details, country of origin, return/exchange/delivery terms, warranties).
- **Price Transparency:** Show total price and breakup with all charges and taxes.
- **Grievance Officer Info:** Display name, contact number, and designation.

[Annexure E](#) details compliances required under the E-Commerce Rules.

5.2 Guidelines on Misleading Advertisements

As per the Guidelines, advertisement is valid and not misleading if it:

- Is truthful and honest in its representation.
- Does not exaggerate the product's performance, accuracy, scientific basis, or usefulness.
- Does not mislead by presenting legal consumer rights as unique benefits offered by the advertiser.
- Does not claim universal acceptance of a claim where significant scientific or expert disagreement exists.
- Does not exploit fear, i.e., doesn't suggest that personal or family safety is at risk if the product is not purchased.
- Does not mislead by citing publications or sources that haven't been independently verified.
- Complies with all applicable sector-specific laws and regulations.

In addition, the Guidelines also details conditions for bait advertisements, surrogate advertisements, free claims advertisements, and child targeted advertisements among others.

Please refer to [Annexure F](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

5.3 Guidelines on Dark Patterns

An entity advertising goods or services offered by it to consumers must comply with the Guidelines on Dark Patterns. The Guidelines defines Dark Patterns to mean any practices or deceptive design pattern using user interface or user experience interactions on any platform that is designed to mislead or trick users to do something they originally did not intend or want to do, by subverting or impairing the consumer autonomy, decision making or choice, amounting to misleading advertisement or unfair trade practice or violation of consumer rights. The Guidelines prohibits any person, including any platform, from engaging in any dark pattern practice. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

5.4 Greenwashing Guidelines

Please refer to [Annexure G](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

F. Data protection laws

The IT Act read SPDI Rules are the primary legislations in India governing data privacy and protection on a sector-neutral basis. To the extent the NPs will collect/handle personal data falling under the category of SPDI, it is required to be compliant with the obligations specified under the SPDI Rules. A summary of the key obligations under the SPDI Rules of an entity, inter alia, for collecting, processing and transferring of SPDI, has been set out in [Annexure H](#).

Please note that once the DPDP Act is enforced, all entities collecting, handling, or processing personal data will be required to comply with the obligations prescribed under the DPDP Act.

G. Compliance with IT Rules

An intermediary as defined under Section 2(w) of the IT Act, with respect to an electronic record, means any person who “receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes”. To the extent, the NP qualifies as an intermediary, it will be required to implement the due diligence obligations (depending on the category of intermediary) as has been set out in Annexure I, if it seeks to avail the exemption from liability in accordance with Section 79 of the IT Act.

IDENTIFYING THE COMPLIANCES FOR NETWORK PARTNERS OF THE FASHION AND FOOTWEAR INDUSTRY

✓ - Applicable

✗ - Not applicable

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Legal Metrology laws	Licensing	✗	✓*	✗	✓ ⁺
	Packaging and Labelling	✓ [∇]	✓ [◇]	✓ [∇]	✓ ^α
	Other Compliances	✓ [∇]	✓ [◇]	✓ [∇]	✓ ^α
BIS laws	Licensing / Certificate of conformity	✓ [∇]	✓ [◇]	✓ [∇]	✓ ^α
Import and Export	Registration	✗	✓ ^ℵ	✗	✓ ^δ
Consumer Protection laws	Compliances of manufacturer, product service provider and product seller	✓	✓	✓	✓
	E-commerce Rules	✓	✓	✓	✓
	Guidelines on Misleading Advertisements	✓	✓	✓	✓ ²⁵
	Guidelines on Dark Patterns	✓	✓	✓	✓
	Greenwashing guidelines	✓	✓	✓	✓
Data protection laws	Compliances under the IT Act and SPDI Rules	✓	✓	✓	✓

* Applicable, where the inventory seller is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

⁺ Applicable, where the seller on the marketplace seller app is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

[∇] Contractually ensure with the seller that the commodity is in compliance with the specified requirements.

[◇] Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity).

^α Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity).

^ℵ Applicable, where the inventory seller is engaged in import of the commodities.

^δ Applicable, where the seller on marketplace seller app is engaged in import of commodities.

²⁵ Please note that this is not applicable to endorsers/ influencers.

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Information Technology Act	Compliance with IT Rules				

[Note: For ease of accessing the information, cross-linkages have been made in the second column of the table above which has been linked to the relevant compliance in this industry.]

III FASHION AND FOOTWEAR

1. Registrations and compliances required by all NPs

A. LM Act

1.1 Licensing or Registration Requirement

Any individual, firm, society, company, corporation, or Hindu Undivided Family that pre-packs or imports any pre-packaged commodity for sale, distribution, or delivery is required to register itself under the LM Act with the Director or Controller of Legal Metrology. This registration must be completed within 90 days of starting such activities. Depending on the nature of the activity undertaken by the Network Participant or seller, registration under the LM Act may be required.

1.2 Packaging and Labelling Requirements

Entities must ensure that all pre-packaged products display the following mandatory declarations in accordance with the PC Rules:

- Name and address of the manufacturer, packer, or importer
- Common or generic name of the product
- Net quantity (weight, measure, or number)
- Maximum retail price (inclusive of all taxes)
- Month and year of manufacture or packing
- Best before' or 'Use by' date must be mentioned where applicable
- Consumer care contact details
- Unit sale price (where applicable)
- Country of origin
- Mandatory indicators for vegetarian/non-vegetarian origin (where applicable)
- Special labelling for GM foods (where applicable)
- Where the sizes of the commodity contained in the package are relevant, the dimensions of the commodity contained in the package and if the dimensions of the different pieces are different, the dimensions of each such different piece

Notably, e-commerce entities must ensure that all mandatory declarations (except the month and year of manufacture or packing) are displayed on the digital or electronic platform used for selling the goods. As per the PC Rules, **in marketplace models**, the responsibility for the correctness of these declarations lies with the manufacturer, seller, dealer, or importer, as applicable.

The packaging and labelling requirements provided under [Annexure B](#) (under the head “*Packaging and Labelling Requirements*”) shall be complied with.

1.3 Other compliances under Legal Metrology (Packaged Commodities) Rules 2011 (“PC Rules”):

Other compliance under PC Rules namely, declaration on container type commodities, general guidelines, manner of declaration, and maximum permissible errors on net quantities declared by weight or volume have been discussed in [Annexure B](#).

B. BIS Act

The Bureau of Indian Standards Act, 2016 (“BIS Act”) empowers the Bureau of Indian Standards (“BIS”) to regulate the quality and standards of products distributed in the Indian market. While BIS certification is generally voluntary, the Central Government has made it mandatory for certain products based on considerations such as public interest, health and safety of humans, animals, or plants, environmental protection, prevention of unfair trade practices, and national security.

For such products, the use of the Standard Mark is compulsory and must be obtained under a licence or Certificate of Conformity (CoC) from BIS. The list of products under compulsory certification is available on the BIS website: <https://www.bis.gov.in/product-certification/products-under-compulsory-certification/#>

Please refer to 1.4 of [Annexure – C](#) to check the applicability of BIS laws on the subject product(s). Additionally, the labelling requirements have been provided in [Annexure – C](#) (under the heading “Labelling requirements”).

C. [Import and Export laws](#)

3.1 [Registration](#)

Every importer and / or exporter is required to obtain Certificate of Importer-Exporter Code (“IEC”) as discussed in [Annexure D](#).

D. [Consumer Protection Act and the rules/ guidelines issued thereunder](#)

4.1 [Compliances under E-commerce Rules](#)

All e-commerce entities must comply with the E-Commerce Rules, including:

- **Nodal Officer:** Appoint a nodal officer or alternate senior functionary residing in India.
- **Information Disclosure:** Clearly and prominently display on its platform:
 - Legal Name
 - Principal and branch addresses
 - Name and details of the website
 - Contract information of customer care and grievance officer.
- **Grievance Redressal:** Set up a grievance mechanism and appoint a grievance officer. Display their name, contact, and designation of such officer on its platform. Grievances must be acknowledged in 48 hours and resolved within 1 month.
- **Imported Goods:** If offering imported goods/services, mention importer details.
- **Cancellation Charges:** No cancellation charges unless the platform bears similar charges if they cancel the purchase order unilaterally.
- **Consent:** Obtain a consumer’s consent for any purchase through explicit and affirmative action.

- **Refunds:** Process refunds as prescribed under applicable law.

Obligations for Marketplace E-Commerce Entities

Marketplace entities must additionally:

- **Seller Undertaking:** Require sellers through an undertaking to ensure that descriptions, images, and other content pertaining to goods or services on their platform is accurate and corresponds directly with features of such goods or services.
- **Differentiated Treatment:** Include in terms and conditions, a description of any differentiated treatment which it gives or might give between goods or services or sellers of the same category.
- **Disclosures:** Display all required information including that may be required by consumers to make informed choices: contractual terms, mandatory notices, expiry, seller/importer details, country of origin, return/exchange/refund/delivery terms, warranties, payment modes, grievance mechanism.
- **Seller Details:** Show seller name, registration status, address, customer care number, and ratings, if any.
- **Complaint Tracking:** Provide ticket numbers to track complaints.
- **Ranking Parameters:** Explain in plain language the key parameters affecting product/seller rankings.

Obligations for Inventory E-Commerce Entities

Inventory-based entities must:

- **No False Representation:** Not misrepresent themselves as consumers.
- **Return and Refunds:** Must not deny return, refund, or cancellation if goods/services are defective, deficient, spurious, or delivered late.
- **Disclosures:** Same disclosure obligations as marketplaces.
- **Price Transparency:** Show total price as a single figure, with breakup and applicable taxes.
- **Complaint Tracking:** Provide ticket numbers for consumer complaints that enables consumers to track status of their complaint.

Obligations for Sellers on Marketplaces

Sellers on marketplaces must:

- **No Fake Reviews:** Not falsely pose as consumers or post fake reviews.
- **Return and Refunds:** Must not deny return, refund, or cancellation for defective, deficient, spurious, or delayed goods/services.
- **Written Contract:** Must have a prior written contract with the platform and share details (name, address, GSTIN, PAN, website).
- **Grievance Officer:** Appoint and display grievance officer's name and contact. Acknowledge complaints in 48 hours, resolve within 1 month.
- **Disclosures:** Display all legally required info (e.g., expiry date, seller/importer details, country of origin, return/exchange/delivery terms, warranties).
- **Price Transparency:** Show total price and breakup with all charges and taxes.
- **Grievance Officer Info:** Display name, contact number, and designation.

[Annexure E](#) details compliances required under the E-Commerce Rules.

4.2 Guidelines on Misleading Advertisements

As per the Guidelines, advertisement is valid and not misleading if it:

- Is truthful and honest in its representation.
- Does not exaggerate the product's performance, accuracy, scientific basis, or usefulness.
- Does not mislead by presenting legal consumer rights as unique benefits offered by the advertiser.
- Does not claim universal acceptance of a claim where significant scientific or expert disagreement exists.
- Does not exploit fear, i.e., doesn't suggest that personal or family safety is at risk if the product is not purchased.
- Does not mislead by citing publications or sources that haven't been independently verified.
- Complies with all applicable sector-specific laws and regulations.

In addition, the Guidelines also details conditions for bait advertisements, surrogate advertisements, free claims advertisements, and child targeted advertisements among others.

Please refer to [Annexure F](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

4.3 Guidelines on Dark Patterns

An entity advertising goods or services offered by it to consumers must comply with the Guidelines on Dark Patterns. The Guidelines defines Dark Patterns to mean any practices or deceptive design pattern using user interface or user experience interactions on any platform that is designed to mislead or trick users to do something they originally did not intend or want to do, by subverting or impairing the consumer autonomy, decision making or choice, amounting to misleading advertisement or unfair trade practice or violation of consumer rights. The Guidelines prohibits any person, including any platform, from engaging in any dark pattern practice. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

4.4 Greenwashing Guidelines

Please refer to [Annexure G](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

E. Data protection laws

The IT Act read with the SPDI Rules are the primary legislations in India governing data privacy and protection on a sector-neutral basis. To the extent the NPs will collect/handle personal data falling under the category of SPDI, it is required to be compliant with the obligations specified under the SPDI Rules. A summary of the key obligations under the SPDI Rules of an entity, inter alia, for collecting, processing and transferring of SPDI, has been set out in [Annexure H](#).

Please note that once DPDP Act is enforced, all entities collecting, handling, or processing personal data will be required to comply with the obligations prescribed under the DPDP Act.

F. Compliance with IT Rules

An intermediary as defined under Section 2(w) of the IT Act, with respect to an electronic record, means any person who “receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes”. To the extent, the NP qualifies as an intermediary, it will be required to implement the due diligence obligations (depending on the category of intermediary) as has been set out in Annexure I, if it seeks to avail the exemption from liability in accordance with Section 79 of the IT Act.

IDENTIFYING THE COMPLIANCES FOR NETWORK PARTNERS OF THE ELECTRONICS INDUSTRY

✓ - Applicable

✗ - Not applicable

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Legal Metrology laws	Licensing	✗	✓*	✗	✓ ⁺
	Packaging and Labelling	✓ [∇]	✓ [◇]	✓ [∇]	✓ ^α
	Other Compliances	✓ [∇]	✓ [◇]	✓ [∇]	✓ ^α
BIS laws	Licensing / Certificate of conformity	✓ [∇]	✓ [◇]	✓ [∇]	✓ ^α
Import and Export	Registration	✗	✓ ^ℵ	✗	✓ ^δ
Consumer Protection laws	Compliances of manufacturer, product service provider and product seller	✓	✓	✓	✓
	E-commerce Rules	✓	✓	✓	✓
	Guidelines on Misleading Advertisements	✓	✓	✓	✓ ²⁶
	Guidelines on Dark Patterns	✓	✓	✓	✓
	Greenwashing guidelines	✓	✓	✓	✓
Data protection laws	Compliances under the IT Act and SPDI Rules	✓	✓	✓	✓

* Applicable, where the inventory seller is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

⁺ Applicable, where the seller on the marketplace seller app is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

[∇] Contractually ensure with the seller that the commodity is in compliance with the specified requirements.

[◇] Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity).

^α Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity).

^ℵ Applicable, where the inventory seller is engaged in import of the commodities.

^δ Applicable, where the seller on marketplace seller app is engaged in import of commodities.

²⁶ Please note that this is not applicable to endorsers/ influencers.

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Information Technology Act	Compliance with IT Rules				

[Note: For ease of accessing the information, cross-linkages have been made in the second column of the table above which has been linked to the relevant compliance in this industry.]

IV ELECTRONICS

1. Registrations and compliances required by all NPs selling laptops, gaming laptops, and peripherals

A. LM Act

1.1 Licensing or Registration Requirement

Any individual, firm, society, company, corporation, or Hindu Undivided Family that pre-packs or imports any pre-packaged commodity for sale, distribution, or delivery is required to register itself under the LM Act with the Director or Controller of Legal Metrology. This registration must be completed within 90 days of starting such activities. Depending on the nature of the activity undertaken by the Network Participant or seller, registration under the LM Act may be required.

1.2 Packaging and Labelling Requirements

Entities must ensure that all pre-packaged products display the following mandatory declarations in accordance with the PC Rules:

- Name and address of the manufacturer, packer, or importer
- Common or generic name of the product
- Net quantity (weight, measure, or number)
- Maximum retail price (inclusive of all taxes)
- Month and year of manufacture or packing
- Best before' or 'Use by' date must be mentioned where applicable
- Consumer care contact details
- Unit sale price (where applicable)
- Country of origin
- Mandatory indicators for vegetarian/non-vegetarian origin (where applicable)
- Special labelling for GM foods (where applicable)
- Where the sizes of the commodity contained in the package are relevant, the dimensions of the commodity contained in the package and if the dimensions of the different pieces are different, the dimensions of each such different piece

Notably, e-commerce entities must ensure that all mandatory declarations (except the month and year of manufacture or packing) are displayed on the digital or electronic platform used for selling the goods. As per the PC Rules, **in marketplace models**, the responsibility for the correctness of these declarations lies with the manufacturer, seller, dealer, or importer, as applicable.

The packaging and labelling requirements provided under [Annexure B](#) (under the head “*Packaging and Labelling Requirements*”) shall be complied with. However, for the purpose of packages containing electronic products, further reference shall be made as per Para 1.3 of [Annexure – B](#).

1.3 Other compliances under Legal Metrology (Packaged Commodities) Rules 2011 (“PC Rules”):

Other compliance under PC Rules namely, declaration on container type commodities, general guidelines, manner of declaration, and maximum permissible errors on net quantities declared by weight or volume have been discussed in [Annexure B](#).

B. BIS Act

The Bureau of Indian Standards Act, 2016 (“BIS Act”) empowers the Bureau of Indian Standards (“BIS”) to regulate the quality and standards of products distributed in the Indian market. While BIS certification is generally voluntary, the Central Government has made it mandatory for certain products based on considerations such as public interest, health and safety of humans, animals, or plants, environmental protection, prevention of unfair trade practices, and national security.

For such products, the use of the Standard Mark is compulsory and must be obtained under a licence or Certificate of Conformity (CoC) from BIS. The list of products under compulsory certification is available on the BIS website: <https://www.bis.gov.in/product-certification/products-under-compulsory-certification/#>

Please refer to 1.4 of [Annexure – C](#) to check the applicability of BIS laws on the subject product(s). Additionally, the labelling requirements have been provided in [Annexure – C](#) (under the heading “Labelling requirements”).

C. [Import and Export laws](#)

3.1 [Registration](#)

Every importer and / or exporter is required to obtain Certificate of Importer-Exporter Code (“IEC”) as discussed in [Annexure D](#).

D. [Consumer Protection Act and the rules/ guidelines issued thereunder](#)

4.1 [Compliances under E-commerce Rules](#)

All e-commerce entities must comply with the E-Commerce Rules, including:

- **Nodal Officer:** Appoint a nodal officer or alternate senior functionary residing in India.
- **Information Disclosure:** Clearly and prominently display on its platform:
 - Legal Name
 - Principal and branch addresses
 - Name and details of the website
 - Contract information of customer care and grievance officer.
- **Grievance Redressal:** Set up a grievance mechanism and appoint a grievance officer. Display their name, contact, and designation of such officer on its platform. Grievances must be acknowledged in 48 hours and resolved within 1 month.
- **Imported Goods:** If offering imported goods/services, mention importer details.
- **Cancellation Charges:** No cancellation charges unless the platform bears similar charges if they cancel the purchase order unilaterally.
- **Consent:** Obtain a consumer’s consent for any purchase through explicit and affirmative action.

- **Refunds:** Process refunds as prescribed under applicable law.

Obligations for Marketplace E-Commerce Entities

Marketplace entities must additionally:

- **Seller Undertaking:** Require sellers through an undertaking to ensure that descriptions, images, and other content pertaining to goods or services on their platform is accurate and corresponds directly with features of such goods or services.
- **Differentiated Treatment:** Include in terms and conditions, a description of any differentiated treatment which it gives or might give between goods or services or sellers of the same category.
- **Disclosures:** Display all required information including that may be required by consumers to make informed choices: contractual terms, mandatory notices, expiry, seller/importer details, country of origin, return/exchange/refund/delivery terms, warranties, payment modes, grievance mechanism.
- **Seller Details:** Show seller name, registration status, address, customer care number, and ratings, if any.
- **Complaint Tracking:** Provide ticket numbers to track complaints.
- **Ranking Parameters:** Explain in plain language the key parameters affecting product/seller rankings.

Obligations for Inventory E-Commerce Entities

Inventory-based entities must:

- **No False Representation:** Not misrepresent themselves as consumers.
- **Return and Refunds:** Must not deny return, refund, or cancellation if goods/services are defective, deficient, spurious, or delivered late.
- **Disclosures:** Same disclosure obligations as marketplaces.
- **Price Transparency:** Show total price as a single figure, with breakup and applicable taxes.
- **Complaint Tracking:** Provide ticket numbers for consumer complaints that enables consumers to track status of their complaint.

Obligations for Sellers on Marketplaces

Sellers on marketplaces must:

- **No Fake Reviews:** Not falsely pose as consumers or post fake reviews.
- **Return and Refunds:** Must not deny return, refund, or cancellation for defective, deficient, spurious, or delayed goods/services.
- **Written Contract:** Must have a prior written contract with the platform and share details (name, address, GSTIN, PAN, website).
- **Grievance Officer:** Appoint and display grievance officer's name and contact. Acknowledge complaints in 48 hours, resolve within 1 month.
- **Disclosures:** Display all legally required info (e.g., expiry date, seller/importer details, country of origin, return/exchange/delivery terms, warranties).
- **Price Transparency:** Show total price and breakup with all charges and taxes.
- **Grievance Officer Info:** Display name, contact number, and designation.

[Annexure E](#) details compliances required under the E-Commerce Rules.

4.2 Guidelines on Misleading Advertisements

As per the Guidelines, advertisement is valid and not misleading if it:

- Is truthful and honest in its representation.
- Does not exaggerate the product's performance, accuracy, scientific basis, or usefulness.
- Does not mislead by presenting legal consumer rights as unique benefits offered by the advertiser.
- Does not claim universal acceptance of a claim where significant scientific or expert disagreement exists.
- Does not exploit fear, i.e., doesn't suggest that personal or family safety is at risk if the product is not purchased.
- Does not mislead by citing publications or sources that haven't been independently verified.
- Complies with all applicable sector-specific laws and regulations.

In addition, the Guidelines also details conditions for bait advertisements, surrogate advertisements, free claims advertisements, and child targeted advertisements among others.

Please refer to [Annexure F](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

4.3 Guidelines on Dark Patterns

An entity advertising goods or services offered by it to consumers must comply with the Guidelines on Dark Patterns. The Guidelines defines Dark Patterns to mean any practices or deceptive design pattern using user interface or user experience interactions on any platform that is designed to mislead or trick users to do something they originally did not intend or want to do, by subverting or impairing the consumer autonomy, decision making or choice, amounting to misleading advertisement or unfair trade practice or violation of consumer rights. The Guidelines prohibits any person, including any platform, from engaging in any dark pattern practice. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

4.4 Greenwashing Guidelines

Please refer to [Annexure G](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

E. Data protection laws

The IT Act read with the SPDI Rules are the primary legislations in India governing data privacy and protection on a sector-neutral basis. To the extent the NPs will collect/handle personal data falling under the category of SPDI, it is required to be compliant with the obligations specified under the SPDI Rules. A summary of the key obligations under the SPDI Rules of an entity, inter alia, for collecting, processing and transferring of SPDI, has been set out in [Annexure H](#).

Please note that once the DPDP Act is enforced, all entities collecting, handling, or processing personal data will be required to comply with the obligations prescribed under the DPDP Act.

F. Compliance with IT Rules

An intermediary as defined under Section 2(w) of the IT Act, with respect to an electronic record, means any person who “receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes”. To the extent, the NP qualifies as an intermediary, it will be required to implement the due diligence obligations (depending on the category of intermediary) as has been set out in Annexure I, if it seeks to avail the exemption from liability in accordance with Section 79 of the IT Act.

IDENTIFYING THE COMPLIANCES FOR NETWORK PARTNERS OF THE BEAUTY AND PERSONAL CARE INDUSTRY

✓ - Applicable

✗ - Not applicable

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Legal Metrology laws	Licensing	✗	✓*	✗	✓ ⁺
	Packaging and Labelling	✓ [∇]	✓ [◇]	✓ [∇]	✓ ^α
	Other Compliances	✓ [∇]	✓ [◇]	✓ [∇]	✓ ^α
BIS laws	Licensing / Certificate of conformity	✓ [∇]	✓ [◇]	✓ [∇]	✓ ^α
Import and Export	Registration	✗	✓ ^ℵ	✗	✓ ^δ
Consumer Protection laws	Compliances of manufacturer, product service provider and product seller	✓	✓	✓	✓
	E-commerce Rules	✓	✓	✓	✓
	Guidelines on Misleading Advertisements	✓	✓	✓	✓ ²⁷
	Guidelines on Dark Patterns	✓	✓	✓	✓
	Greenwashing guidelines	✓	✓	✓	✓
Data protection laws	Compliances under the IT Act and SPDI Rules	✓	✓	✓	✓

* Applicable, where the inventory seller is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

⁺ Applicable, where the seller on the marketplace seller app is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

[∇] Contractually ensure with the seller that the commodity is in compliance with the specified requirements.

[◇] Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity).

^α Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity).

^ℵ Applicable, where the inventory seller is engaged in import of the commodities.

^δ Applicable, where the seller on marketplace seller app is engaged in import of commodities.

²⁷ Please note that this is not applicable to endorsers/ influencers.

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Information Technology Act	Compliance with IT Rules				

[Note: For ease of accessing the information, cross-linkages have been made in the second column of the table above which has been linked to the relevant compliance in this industry.]

V BEAUTY AND PERSONAL CARE

1. Registrations and compliances required for selling skincare, haircare, and personal care products

A. LM Act

1.1 Licensing or Registration Requirement

Any individual, firm, society, company, corporation, or Hindu Undivided Family that pre-packs or imports any pre-packaged commodity for sale, distribution, or delivery is required to register itself under the LM Act with the Director or Controller of Legal Metrology. This registration must be completed within 90 days of starting such activities. Depending on the nature of the activity undertaken by the Network Participant or seller, registration under the LM Act may be required.

1.2 Packaging and Labelling Requirements

Entities must ensure that all pre-packaged products display the following mandatory declarations in accordance with the PC Rules:

- Name and address of the manufacturer, packer, or importer
- Common or generic name of the product
- Net quantity (weight, measure, or number)
- Maximum retail price (inclusive of all taxes)
- Month and year of manufacture or packing
- Best before' or 'Use by' date must be mentioned where applicable
- Consumer care contact details
- Unit sale price (where applicable)
- Country of origin
- Mandatory indicators for vegetarian/non-vegetarian origin (where applicable)
- Special labelling for GM foods (where applicable)
- Where the sizes of the commodity contained in the package are relevant, the dimensions of the commodity contained in the package and if the dimensions of the different pieces are different, the dimensions of each such different piece

Notably, e-commerce entities must ensure that all mandatory declarations (except the month and year of manufacture or packing) are displayed on the digital or electronic platform used for selling the goods. As per the PC Rules, **in marketplace models**, the responsibility for the correctness of these declarations lies with the manufacturer, seller, dealer, or importer, as applicable.

The packaging and labelling requirements provided under [Annexure B](#) (under the head “*Packaging and Labelling Requirements*”) shall be complied with. However, for the purpose of packages containing electronic products, further reference shall be made as per Para 1.3 of [Annexure – B](#).

1.3 Other compliances under Legal Metrology (Packaged Commodities) Rules 2011 (“PC Rules”):

Other compliance under PC Rules namely, declaration on container type commodities, general guidelines, manner of declaration, and maximum permissible errors on net quantities declared by weight or volume have been discussed in [Annexure B](#).

B. BIS Act

The Bureau of Indian Standards Act, 2016 (“BIS Act”) empowers the Bureau of Indian Standards (“BIS”) to regulate the quality and standards of products distributed in the Indian market. While BIS certification is generally voluntary, the Central Government has made it mandatory for certain products based on considerations such as public interest, health and safety of humans, animals, or plants, environmental protection, prevention of unfair trade practices, and national security.

For such products, the use of the Standard Mark is compulsory and must be obtained under a licence or Certificate of Conformity (CoC) from BIS. The list of products under compulsory certification is available on the BIS website: <https://www.bis.gov.in/product-certification/products-under-compulsory-certification/#>

Please refer to 1.4 of [Annexure – C](#) to check the applicability of BIS laws on the subject product(s). Additionally, the labelling requirements have been provided in [Annexure – C](#) (under the heading “Labelling requirements”).

C. [Import and Export laws](#)

3.1 [Registration](#)

Every importer and / or exporter is required to obtain Certificate of Importer-Exporter Code (“IEC”) as discussed in [Annexure D](#).

D. [Consumer Protection Act and the rules/ guidelines issued thereunder](#)

4.1 [Compliances under E-commerce Rules](#)

All e-commerce entities must comply with the E-Commerce Rules, including:

- **Nodal Officer:** Appoint a nodal officer or alternate senior functionary residing in India.
- **Information Disclosure:** Clearly and prominently display on its platform:
 - Legal Name
 - Principal and branch addresses
 - Name and details of the website
 - Contract information of customer care and grievance officer.
- **Grievance Redressal:** Set up a grievance mechanism and appoint a grievance officer. Display their name, contact, and designation of such officer on its platform. Grievances must be acknowledged in 48 hours and resolved within 1 month.
- **Imported Goods:** If offering imported goods/services, mention importer details.
- **Cancellation Charges:** No cancellation charges unless the platform bears similar charges if they cancel the purchase order unilaterally.
- **Consent:** Obtain a consumer’s consent for any purchase through explicit and affirmative action.

- **Refunds:** Process refunds as prescribed under applicable law.

Obligations for Marketplace E-Commerce Entities

Marketplace entities must additionally:

- **Seller Undertaking:** Require sellers through an undertaking to ensure that descriptions, images, and other content pertaining to goods or services on their platform is accurate and corresponds directly with features of such goods or services.
- **Differentiated Treatment:** Include in terms and conditions, a description of any differentiated treatment which it gives or might give between goods or services or sellers of the same category.
- **Disclosures:** Display all required information including that may be required by consumers to make informed choices: contractual terms, mandatory notices, expiry, seller/importer details, country of origin, return/exchange/refund/delivery terms, warranties, payment modes, grievance mechanism.
- **Seller Details:** Show seller name, registration status, address, customer care number, and ratings, if any.
- **Complaint Tracking:** Provide ticket numbers to track complaints.
- **Ranking Parameters:** Explain in plain language the key parameters affecting product/seller rankings.

Obligations for Inventory E-Commerce Entities

Inventory-based entities must:

- **No False Representation:** Not misrepresent themselves as consumers.
- **Return and Refunds:** Must not deny return, refund, or cancellation if goods/services are defective, deficient, spurious, or delivered late.
- **Disclosures:** Same disclosure obligations as marketplaces.
- **Price Transparency:** Show total price as a single figure, with breakup and applicable taxes.
- **Complaint Tracking:** Provide ticket numbers for consumer complaints that enables consumers to track status of their complaint.

Obligations for Sellers on Marketplaces

Sellers on marketplaces must:

- **No Fake Reviews:** Not falsely pose as consumers or post fake reviews.
- **Return and Refunds:** Must not deny return, refund, or cancellation for defective, deficient, spurious, or delayed goods/services.
- **Written Contract:** Must have a prior written contract with the platform and share details (name, address, GSTIN, PAN, website).
- **Grievance Officer:** Appoint and display grievance officer's name and contact. Acknowledge complaints in 48 hours, resolve within 1 month.
- **Disclosures:** Display all legally required info (e.g., expiry date, seller/importer details, country of origin, return/exchange/delivery terms, warranties).
- **Price Transparency:** Show total price and breakup with all charges and taxes.
- **Grievance Officer Info:** Display name, contact number, and designation.

[Annexure E](#) details compliances required under the E-Commerce Rules.

4.2 Guidelines on Misleading Advertisements

As per the Guidelines, advertisement is valid and not misleading if it:

- Is truthful and honest in its representation.
- Does not exaggerate the product's performance, accuracy, scientific basis, or usefulness.
- Does not mislead by presenting legal consumer rights as unique benefits offered by the advertiser.
- Does not claim universal acceptance of a claim where significant scientific or expert disagreement exists.
- Does not exploit fear, i.e., doesn't suggest that personal or family safety is at risk if the product is not purchased.
- Does not mislead by citing publications or sources that haven't been independently verified.
- Complies with all applicable sector-specific laws and regulations.

In addition, the Guidelines also details conditions for bait advertisements, surrogate advertisements, free claims advertisements, and child targeted advertisements among others.

Please refer to [Annexure F](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

4.3 Guidelines on Dark Patterns

An entity advertising goods or services offered by it to consumers must comply with the Guidelines on Dark Patterns. The Guidelines defines Dark Patterns to mean any practices or deceptive design pattern using user interface or user experience interactions on any platform that is designed to mislead or trick users to do something they originally did not intend or want to do, by subverting or impairing the consumer autonomy, decision making or choice, amounting to misleading advertisement or unfair trade practice or violation of consumer rights. The Guidelines prohibits any person, including any platform, from engaging in any dark pattern practice. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

4.4 Greenwashing Guidelines

Please refer to [Annexure G](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

E. Data protection laws

The IT Act read with the SPDI Rules are the primary legislations in India governing data privacy and protection on a sector-neutral basis. To the extent the NPs will collect/handle personal data falling under the category of SPDI, it is required to be compliant with the obligations specified under the SPDI Rules. A summary of the key obligations under the SPDI Rules of an entity, inter alia, for collecting, processing and transferring of SPDI, has been set out in [Annexure H](#).

Please note that once the DPDP Act is enforced all entities collecting, handling, or processing personal data will be required to comply with the obligations prescribed under the DPDP Act.

F. Compliance with IT Rules

An intermediary as defined under Section 2(w) of the IT Act, with respect to an electronic record, means any person who “receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes”. To the extent, the NP qualifies as an intermediary, it will be required to implement the due diligence obligations (depending on the category of intermediary) as has been set out in Annexure I, if it seeks to avail the exemption from liability in accordance with Section 79 of the IT Act.

IDENTIFYING THE COMPLIANCES FOR NETWORK PARTNERS OF THE MOBILITY AND TRANSPORTATION INDUSTRY

✓ - Applicable

✗ - Not applicable

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Food Safety Laws²⁸	Licensing	✓	✓	✓	✓
	Packaging	✓	✓	✓	✓
Consumer Protection laws	Compliances of manufacturer, product service provider and product seller	✓	✓	✓	✓
	E-commerce Rules	✓	✓	✓	✓
	Guidelines on Misleading Advertisements	✓	✓	✓	✓ ²⁹
	Guidelines on Dark Patterns	✓	✓	✓	✓
	Greenwashing guidelines	✓	✓	✓	✓
Data protection laws	Compliances under the IT Act and SPDI Rules	✓	✓	✓	✓
Information Technology Act	Compliance with IT Rules	✗	✗	✓	✗

[**Note:** For ease of accessing the information, cross-linkages have been made in the second column of the table above which has been linked to the relevant compliance in this industry.]

²⁸ The Food Safety Laws are applicable to the extent of conditions of transportation of food articles, on all the NPs.

²⁹ Please note that this is not applicable to endorsers/ influencers.

VI MOBILITY AND TRANSPORTATION

1. Registrations and compliances for app-based auto-rickshaw drivers, bus drivers, bike drivers, and car drivers

A. Consumer Protection Act and the rules/ guidelines issued thereunder

1.1 Compliances under E-commerce Rules

All e-commerce entities must comply with the E-Commerce Rules, including:

- **Nodal Officer:** Appoint a nodal officer or alternate senior functionary residing in India.
- **Information Disclosure:** Clearly and prominently display on its platform:
 - Legal Name
 - Principal and branch addresses
 - Name and details of the website
 - Contract information of customer care and grievance officer.
- **Grievance Redressal:** Set up a grievance mechanism and appoint a grievance officer. Display their name, contact, and designation of such officer on its platform. Grievances must be acknowledged in 48 hours and resolved within 1 month.
- **Imported Goods:** If offering imported goods/services, mention importer details.
- **Cancellation Charges:** No cancellation charges unless the platform bears similar charges if they cancel the purchase order unilaterally.
- **Consent:** Obtain a consumer's consent for any purchase through explicit and affirmative action.
- **Refunds:** Process refunds as prescribed under applicable law.

Obligations for Marketplace E-Commerce Entities

Marketplace entities must additionally:

- **Seller Undertaking:** Require sellers through an undertaking to ensure that descriptions, images, and other content pertaining to goods or services on their platform is accurate and corresponds directly with features of such goods or services.
- **Differentiated Treatment:** Include in terms and conditions, a description of any differentiated treatment which it gives or might give between goods or services or sellers of the same category.
- **Disclosures:** Display all required information including that may be required by consumers to make informed choices: contractual terms, mandatory notices, expiry, seller/importer details, country of origin, return/exchange/refund/delivery terms, warranties, payment modes, grievance mechanism.
- **Seller Details:** Show seller name, registration status, address, customer care number, and ratings, if any.
- **Complaint Tracking:** Provide ticket numbers to track complaints.
- **Ranking Parameters:** Explain in plain language the key parameters affecting product/seller rankings.

Obligations for Inventory E-Commerce Entities

Inventory-based entities must:

- **No False Representation:** Not misrepresent themselves as consumers.
- **Return and Refunds:** Must not deny return, refund, or cancellation if goods/services are defective, deficient, spurious, or delivered late.

- **Disclosures:** Same disclosure obligations as marketplaces.
- **Price Transparency:** Show total price as a single figure, with breakup and applicable taxes.
- **Complaint Tracking:** Provide ticket numbers for consumer complaints that enables consumers to track status of their complaint.

Obligations for Sellers on Marketplaces

Sellers on marketplaces must:

- **No Fake Reviews:** Not falsely pose as consumers or post fake reviews.
- **Return and Refunds:** Must not deny return, refund, or cancellation for defective, deficient, spurious, or delayed goods/services.
- **Written Contract:** Must have a prior written contract with the platform and share details (name, address, GSTIN, PAN, website).
- **Grievance Officer:** Appoint and display grievance officer's name and contact. Acknowledge complaints in 48 hours, resolve within 1 month.
- **Disclosures:** Display all legally required info (e.g., expiry date, seller/importer details, country of origin, return/exchange/delivery terms, warranties).
- **Price Transparency:** Show total price and breakup with all charges and taxes.
- **Grievance Officer Info:** Display name, contact number, and designation.

[Annexure E](#) details compliances required under the E-Commerce Rules.

1.2 Guidelines on Misleading Advertisements

As per the Guidelines, advertisement is valid and not misleading if it:

- Is truthful and honest in its representation.
- Does not exaggerate the product's performance, accuracy, scientific basis, or usefulness.
- Does not mislead by presenting legal consumer rights as unique benefits offered by the advertiser.
- Does not claim universal acceptance of a claim where significant scientific or expert disagreement exists.
- Does not exploit fear, i.e., doesn't suggest that personal or family safety is at risk if the product is not purchased.
- Does not mislead by citing publications or sources that haven't been independently verified.
- Complies with all applicable sector-specific laws and regulations.

In addition, the Guidelines also details conditions for bait advertisements, surrogate advertisements, free claims advertisements, and child targeted advertisements among others.

Please refer to [Annexure F](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

1.3 Guidelines on Dark Patterns

An entity advertising goods or services offered by it to consumers must comply with the Guidelines on Dark Patterns. The Guidelines defines Dark Patterns to mean any practices or deceptive design pattern

using user interface or user experience interactions on any platform that is designed to mislead or trick users to do something they originally did not intend or want to do, by subverting or impairing the consumer autonomy, decision making or choice, amounting to misleading advertisement or unfair trade practice or violation of consumer rights. The Guidelines prohibits any person, including any platform, from engaging in any dark pattern practice. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

1.4 Greenwashing Guidelines

Please refer to [Annexure G](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

B. Data protection laws

The IT Act read with the SPDI Rules are the primary legislations in India governing data privacy and protection on a sector-neutral basis. To the extent the NPs will collect/handle personal data falling under the category of SPDI, it is required to be compliant with the obligations specified under the SPDI Rules. A summary of the key obligations under the SPDI Rules of an entity, inter alia, for collecting, processing and transferring of SPDI, has been set out in [Annexure H](#).

Please note that once the DPDP Act is enforced, all entities collecting, handling, or processing personal data will be required to comply with the obligations prescribed under the DPDP Act.

C. Compliance with IT Rules

An intermediary as defined under Section 2(w) of the IT Act, with respect to an electronic record, means any person who “receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes”. To the extent, the NP qualifies as an intermediary, it will be required to implement the due diligence obligations (depending on the category of intermediary) as has been set out in [Annexure I](#), if it seeks to avail the exemption from liability in accordance with Section 79 of the IT Act.

D. Compliance with MVA and MVAG

4.1 As per Section 93, of the MVA the: (i) agent in the sale of tickets for travel by public service vehicles; (ii) agent in the business of collecting, forwarding or distributing goods carried by goods carriages; and (iii) aggregators are required to obtain necessary license to carry out the above activities. These licenses are to be obtained from the authorities and on such conditions as may be prescribed by respective state governments. In addition, it provides that the State Government may follow such guidelines as may be issued by the State Government.

4.2 In this context, the Ministry of Road Transport and Highways issued the Motor Vehicle Aggregator Guidelines in November, 2020. Notably, the Guidelines serve as a guiding framework for state

governments to lay down licensing conditions for aggregators. Pertinently, the Act read with the Guidelines provides that no person shall integrate any drive or represent himself as an aggregator unless he holds a valid license issued by the State Government.

4.3 The MVAG also provides for compliances to be undertaken by Aggregators prior to on-boarding of drivers, which includes obligation to ensure that every driver:

- (i) Holds a valid proof of identity - EIC card / Aadhaar card / PAN card and driving license & applicable badge to drive the relevant vehicle;
- (ii) Holds KYC compliant bank account or Jan-Dhan account under the Pradhan Mantri Jan-Dhan Yojana, in accordance with the Reserve Bank of India norms;
- (iii) Undergoes a complete medical examination, including eye check-up, at the Aggregator's expense;
- (iv) Completes his police verification with a written record of such verification prior to fifteen (15) days of On-Boarding; and
- (v) Has health insurance for not less than INR 5,00,000 and term insurance for not less than INR 10,00,000 with base year 2020-21 having increase of 5% each year.

4.4 The MVAG also provides that Aggregators must ensure that its app has basic features which includes:

- (i) Remains accessible in English and Hindi, for the Rider along with one official language of the state where the official language is not Hindi or such other language needed by the Driver;
- (ii) Gets certified for safety by a recognized cyber security firm;
- (iii) Stores data generated on a server in India for a minimum of 3 and maximum of 24 months from the date such data is generated;
- (iv) Includes a feature enabling the Rider to share the live location and status of his/ her ride after the ride booked through the App has commenced.

4.5 The MVAG also provides for guidelines in relation to regulation of fares, Aggregator's responsibility to ensure safety of passengers, suspension and cancellation of license of the Aggregators.

E. Compliance with Online Travel Aggregator Guidelines, 2018 ("OTAG")

5.1 The OTAs can: (i) List the travel related service providers/agents or other service providers like hotels, homestays on its platform under its brand; (ii) Connect the buyers with potential travel, hospitality and related service providers/ sellers on its platform under its brand; (iii) Prescribe amenities and/or quality standards and influence the service providers to match the potential customer's needs; and (iv) Enter into agreements with such service providers laying down benchmarks, standards, commission rates and

other services required from such service provider.

- 5.2 For an entity to engage in the business of OTA, an approval/ re-approval after five (5) years under the guideline nos. 1 and 2 of the OTAG, as applicable, has to be made by the Ministry of Tourism.
- 5.3 The OTAG provides that OTAs are obligated to designate a grievance officer and publish his name and contact details on its website.
2. **Compliances for app based aggregators hosting ride-hailing services, courier services, food delivery, and freight transport.**

A. Food Safety Laws

1.1 Licensing Requirements

To commence or carry on the food business, both Buyer App and Seller on Marketplace Seller App (Marketplace seller app as well as Inventory Seller App) are required to obtain a license from the central authority. Sellers are also required to obtain a license from the central authority or the concerned state or union territory's licensing authority, as the case maybe. More details on the licensing requirements have been provided under [Annexure A](#) (under the head "*Licensing or Registration Requirements*"). Such NPs shall comply with the GMP/ GHP requirements as discussed under Paras 1.4 and 1.5 of [Annexure A](#).

The Guidelines for the operation of e-commerce FBOs under the FSS Act and Section I of the Food Safety and Standards (Licensing and Registration of Food Business) Amendment Regulation 2018 ("**Amendment Regulations 2018**") provide for the following:³⁰

- E-Commerce FBOs shall obtain central license, comply with the requirements prescribed under the Food Safety Laws and hygiene and manufacturing standards for licensed FBOs engaged in food services, including packaging and transportation.
- The E-Commerce FBO must enter into agreements with the sellers, brand owners, or manufacturers onboarded by them. These agreements shall affirm that the said entities comply with the Food Safety Act, Rules, and Regulations.
- The seller/ brand owner/ manufacturer shall ensure that legible and clear picture of the 'principal display panel' for pre-packed food products offered for sale to the consumer, is made available for viewing by the customers, excluding specific details such as batch number, expiry date, and MRP.
- Any food article delivered to a consumer by E-Commerce FBO shall have a shelf life of at least 30 percent or 45 days remaining at the time of delivery.

³⁰ **Note:** In February 2017, FSSAI issued Guidelines for the operation of e-commerce FBOs under the FSS Act which are to be read as explanatory memorandum and do not in any way supplant any of the requirements of the Food Safety Act. Additionally, Amendment Regulations 2018 which *inter alia* covers the provisions for licensing and registration of E-Commerce FBOs. However, the said regulations have not been notified, the FSSAI has operationalized the same under Section 18(2)(d) read with Section 16(5) of the Food Safety Act with effect from 15 February 2018 and subsequently re-operationalized for a period of six months from 16 August 2018, 28 February 2019, 29 August 2019, 16 February 2020, 16 August 2020, 19 March 2021, 12 November 2021, 24 June 2022, 11 November 2022, 11 May 2023, 11 November 2023, 11 May 2024.

1.2 Packaging Requirements

Food Safety and Standards (Packaging) Regulations, 2018 (“**Packaging Regulations**”) which provides for the packaging requirements to be adhered to by the relevant food business operator. The packaging requirements stipulated thereunder have been provided under [Annexure – A](#) (under the head “*Packaging Requirements*”) read with relevant guidance note on GMP/GHP requirements. The Packaging Regulations are applicable to the Buyer App and Marketplace App i.e., they shall contractually ensure with the seller that the commodity is in compliance with the specified requirements; the Inventory Seller App (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity)) and Seller on the marketplace seller app (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity)).

3. Key compliances for carriage of goods by air, sea, land or multimodal transportation

A. CBR

- 1.1 CBR provides that a common carrier cannot engage in providing services as a common carrier without registration. Rules 4 and 5 of Carriage by Road Rules 2011 (“**CBR Rules**”) provides for the manner in which an application for registration and renewal of registration has to be made.
- 1.2 Further, the said CBR Rule 4 also provides for the following conditions that a common carrier has to fulfil for registration: (i) the applicant must provide a registration certificate for 2 commercial vehicles registered in their name, or in the name of an organization, partner, proprietor, or director; alternatively, they may submit a contract letter or work order from a registered company for carrying out functions as a common carrier; (ii) the applicant must have a minimum net worth of five lakh rupees (INR 5,00,000), either personally or through a proprietor, partner, or director, which must be certified by a Chartered Accountant; provided however, in case the application for the certificate of registration for providing services at a higher risk, the net worth of the applicant or any of the proprietor, partner or director shall be minimum rupees twenty lakhs rupees (INR 20,00,000); and (iii) if the Common Carrier is a proprietorship or partnership firm, the proprietors or partners must not be blacklisted or deregistered.
- 1.3 CBR Rule 8 obligates a registered common carrier to maintain a record of transactions in a register. CBR Rule 10 obligates a consignor to execute a goods forwarding note and submit it to the common carrier in duplicate; on receipt of the same, the common carrier shall issue a goods receipt.

B. CBA

- 2.1 The CBA provides for requirement of air carrier to issue and deliver passenger ticket, luggage ticket/ baggage check and air consignment note/ airway bill in relation to carriage of passengers, luggage and goods. These rules also provide for various particulars that are to be included in these tickets/ note.
- 2.2 The CBA also provides for liability of air carrier on account of death or injury to a passenger or on

account of damages sustained to goods during carriage by air.

C. CBS

The CBS provides for the responsibilities of a carrier with respect to: (i) make the ship seaworthy; (ii) properly man, equip, and supply the ship; (iii) make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation.

D. MMTG

- 4.1 MMTG provide that a person cannot engage in providing multimodal transportation services without registration from the appropriate authority.
- 4.2 MMTG also provides for liability upon a multimodal transport operator for loss resulting from: (a) any loss of, or damage to, the consignment; and (b) delay in delivery of the consignment and any consequential loss or damage arising from such delay.

IDENTIFYING THE COMPLIANCES FOR NETWORK PARTNERS OF THE FINANCIAL SERVICES INDUSTRY

✓ - Applicable

✗ - Not applicable

Applicable Laws	Requisite compliance	Buyer App	Seller App	Technology Service Provider
Consumer Protection laws	Compliances of manufacturer, product service provider and product seller	✓	✓	✓
	E-commerce Rules	✓	✓	✓
	Guidelines on Misleading Advertisements	✓	✓	✓
	Guidelines on Dark Patterns	✓	✓	✓
	Greenwashing guidelines	✓	✓	✓
Data protection laws	Compliances under the IT Act and SPDI Rules	✓	✓	✓
Lending Regulations	Licensing or registration requirement	✓ ^Σ	✓ ^Σ	✗
	Compliances in relation to credit products	✓ ³¹	✓	✓ ³²
Insurance regulations	Licensing or registration requirement	✓	✓	✗
	Compliances in relation to insurance products	✓ ³³	✓ ³⁴	✗
MF Regulations	Registration requirements	✓	✓	✗

^Σ Applicable only in case the DLA is owned and operated by an RE.

³¹ Contractually ensure with the buyer app is in compliance with the requirements specified by the RE.

³² Contractually ensure with the technology service provider is in compliance with the requirements specified by the RE.

³³ Specific regulations as applicable to the relevant insurance intermediary will apply.

³⁴ While certain regulations may be applicable to only the relevant insurance intermediaries, insurers (as the seller apps) would need to conform to the requirements prescribed therein *vis-à-vis* their relationship with such insurance intermediary (as the buyer apps).

Applicable Laws	Requisite compliance	Buyer App	Seller App	Technology Provider	Service
MF and Master Circular	Compliances in relation to offering of mutual fund products	✓	✓	✗	
EOP Guidelines	Registration requirements	✓	✓	✗	
	Compliances in relation to offering of mutual fund products	✓	✓	✗	
IA Regulations and Master Circular	Registration requirements	✓	✗	✗	
	Compliances in relation to offering of mutual fund products	✓	✗	✗	
Code of Conduct for MFDs	Registration requirements	✓	✗	✗	
	Compliances in relation to offering of mutual fund products	✓	✗	✗	

[Note: For ease of accessing the information, cross-linkages have been made in the second column of the table above which has been linked to the relevant compliance in this industry.]

VII FINANCIAL SERVICES (CREDIT, INSURANCE AND MUTUAL FUNDS)

1. Registrations and licensing compliances for financial services

A. Consumer Protection Act and the rules/ guidelines issued thereunder

1.1 Compliances under E-commerce Rules

All e-commerce entities must comply with the E-Commerce Rules, including:

- **Nodal Officer:** Appoint a nodal officer or alternate senior functionary residing in India.
- **Information Disclosure:** Clearly and prominently display on its platform:
 - Legal Name
 - Principal and branch addresses
 - Name and details of the website
 - Contract information of customer care and grievance officer.
- **Grievance Redressal:** Set up a grievance mechanism and appoint a grievance officer. Display their name, contact, and designation of such officer on its platform. Grievances must be acknowledged in 48 hours and resolved within 1 month.
- **Imported Goods:** If offering imported goods/services, mention importer details.
- **Cancellation Charges:** No cancellation charges unless the platform bears similar charges if they cancel the purchase order unilaterally.
- **Consent:** Obtain a consumer's consent for any purchase through explicit and affirmative action.
- **Refunds:** Process refunds as prescribed under applicable law.

Obligations for Marketplace E-Commerce Entities

Marketplace entities must additionally:

- **Seller Undertaking:** Require sellers through an undertaking to ensure that descriptions, images, and other content pertaining to goods or services on their platform is accurate and corresponds directly with features of such goods or services.
- **Differentiated Treatment:** Include in terms and conditions, a description of any differentiated treatment which it gives or might give between goods or services or sellers of the same category.
- **Disclosures:** Display all required information including that may be required by consumers to make informed choices: contractual terms, mandatory notices, expiry, seller/importer details, country of origin, return/exchange/refund/delivery terms, warranties, payment modes, grievance mechanism.
- **Seller Details:** Show seller name, registration status, address, customer care number, and ratings, if any.
- **Complaint Tracking:** Provide ticket numbers to track complaints.
- **Ranking Parameters:** Explain in plain language the key parameters affecting product/seller rankings.

Obligations for Inventory E-Commerce Entities

Inventory-based entities must:

- **No False Representation:** Not misrepresent themselves as consumers.
- **Return and Refunds:** Must not deny return, refund, or cancellation if goods/services are defective, deficient, spurious, or delivered late.
- **Disclosures:** Same disclosure obligations as marketplaces.

- **Price Transparency:** Show total price as a single figure, with breakup and applicable taxes.
- **Complaint Tracking:** Provide ticket numbers for consumer complaints that enables consumers to track status of their complaint.

Obligations for Sellers on Marketplaces

Sellers on marketplaces must:

- **No Fake Reviews:** Not falsely pose as consumers or post fake reviews.
- **Return and Refunds:** Must not deny return, refund, or cancellation for defective, deficient, spurious, or delayed goods/services.
- **Written Contract:** Must have a prior written contract with the platform and share details (name, address, GSTIN, PAN, website).
- **Grievance Officer:** Appoint and display grievance officer's name and contact. Acknowledge complaints in 48 hours, resolve within 1 month.
- **Disclosures:** Display all legally required info (e.g., expiry date, seller/importer details, country of origin, return/exchange/delivery terms, warranties).
- **Price Transparency:** Show total price and breakup with all charges and taxes.
- **Grievance Officer Info:** Display name, contact number, and designation.

[Annexure E](#) details compliances required under the E-Commerce Rules.

1.2 Guidelines on Misleading Advertisements

As per the Guidelines, advertisement is valid and not misleading if it:

- Is truthful and honest in its representation.
- Does not exaggerate the product's performance, accuracy, scientific basis, or usefulness.
- Does not mislead by presenting legal consumer rights as unique benefits offered by the advertiser.
- Does not claim universal acceptance of a claim where significant scientific or expert disagreement exists.
- Does not exploit fear, i.e., doesn't suggest that personal or family safety is at risk if the product is not purchased.
- Does not mislead by citing publications or sources that haven't been independently verified.
- Complies with all applicable sector-specific laws and regulations.

In addition, the Guidelines also details conditions for bait advertisements, surrogate advertisements, free claims advertisements, and child targeted advertisements among others.

Please refer to [Annexure F](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

1.3 Guidelines on Dark Patterns

An entity advertising goods or services offered by it to consumers must comply with the Guidelines on Dark Patterns. The Guidelines defines Dark Patterns to mean any practices or deceptive design pattern using user interface or user experience interactions on any platform that is designed to mislead or trick

users to do something they originally did not intend or want to do, by subverting or impairing the consumer autonomy, decision making or choice, amounting to misleading advertisement or unfair trade practice or violation of consumer rights. The Guidelines prohibits any person, including any platform, from engaging in any dark pattern practice. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

1.4 Greenwashing Guidelines

Please refer to [Annexure G](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

B. Data protection laws

The IT Act read with the SPDI Rules are the primary legislations in India governing data privacy and protection on a sector-neutral basis. To the extent the NPs will collect/handle personal data falling under the category of SPDI, it is required to be compliant with the obligations specified under the SPDI Rules. A summary of the key obligations under the SPDI Rules of an entity, inter alia, for collecting, processing and transferring of SPDI, has been set out in [Annexure H](#).

Please note that once the DPDP Act is enforced, all entities collecting, handling, or processing personal data will be required to comply with the obligations prescribed under the DPDP Act.

C. Compliance with Lending Regulations

3.1 Licensing or registration requirement

- (i) **Certificate of Registration for NBFCs** - Non-banking financial companies (“NBFCs”) must obtain a registration under Section 45IA of the Reserve Bank of India Act, 1934 for commencing its business. For the purposes of obtaining a certificate of registration as an NBFC, the applicant must also meet the principal business and net-worth criteria as prescribed by the Reserve Bank of India (“RBI”) for different categories of NBFCs.
- (ii) **Licensing of Banks** - All banks in India shall be required to be licensed as per the terms of the Banking Regulation Act, 1949 before commencing business. The license shall be issued by the RBI under Section 22 of the Banking Regulation Act, 1949 for carrying on the business of banking which is defined to mean *the accepting, for the purpose of lending or investment, of deposits of money from the public, repayable on demand or otherwise, and withdrawable by cheque, draft, order or otherwise is defined.*

3.2 Compliance in relation to credit products

- (i) The Digital Lending Guidelines are applicable to all entities regulated by RBI such as NBFCs and banks. LSPs may include Buyer and Seller Apps who are connecting the REs to buyers through the applications. Please refer to Para 1.1 and 1.2 of [Annexure K](#) for compliances in relation to the Digital Lending Guidelines.

- (ii) The Scale Based Regulations requires NBFCs having a customer interface to ensure compliance with the requirements set out in relation to the 'fair practice code' and having a board approved policy based on the guidelines set out in the Scale Based Regulations. Similarly, obligations are imposed under various notifications, circulars and guidelines issued by the RBI from time to time in relation to fair practices code for banks including the Guidelines on Fair Practices Code for Lenders dated 5 May 2003 and subsequent circulars and notifications. Please refer to Para B of [Annexure K](#) for compliances applicable to the Buyer and Seller Apps.
- (iii) REs who are engaging the services of third party service providers must comply with the outsourcing guidelines as prescribed for NBFCs and Banks under the Scale Based Regulations and Bank Outsourcing Guidelines. REs generally impose obligations for compliance with the outsourcing guidelines in the agreements executed with such outsourced service providers. A Buyer App engaged in customer acquisition for the credit products offered by REs is an example of outsourced service provider. Please refer to Para C of [Annexure K](#) for compliances applicable in relation to outsourcing of services by REs.
- (iv) All REs must comply with the RBI 'Master Direction - Know Your Customer (KYC) Direction', dated 25 February 2016 ("**KYC Master Directions**") in relation to conducting KYC of customers for credit products. As each entity will have their own KYC policy as mandated under the KYC Master Directions, the requirements on Buyer Apps will be determined basis the KYC norms that are communicated to them by the relevant RE.

D. Compliance with Insurance Regulations

4.1 Licensing or registration requirement

- (i) **Certificate of Registration for Insurers** - Any entity undertaking any class of insurance business in India is required to have obtained a certificate of registration for the particular class of insurance business from the IRDAI.
- (ii) **Registration of intermediaries** - insurance intermediaries, including (a) Insurance Brokers, (b) Corporate Agents and (c) Insurance Web Aggregators are required to obtain registration as such respective intermediary from the IRDAI.

4.2 Compliances in relation to insurance products

- (i) The Insurance Act governs the insurance business at large. It prescribes various compliance obligations on Insurers, who would act as Seller Apps, and prescribes stipulations in respect of their engagement with various insurance intermediaries, providing services as Buyer Apps. Please refer to Para A of [Annexure L](#) for compliances in relation to the Insurance Act, as relevant for Insurers (Seller Apps) and insurance intermediaries (Buyer Apps) engaging through ONDC.
- (ii) The Insurance Broker Regulations prescribe the registration requirements and other compliances applicable to Insurance Brokers, which include aspects relating to name of the Insurance Broker; offering of risk management and claim consultancy services; online sales,

telemarketing and distance marketing; conduct of Insurance Brokers, etc. Please refer to para B of [Annexure L](#) for relevant compliances applicable to Insurance Brokers (as Buyer Apps) under the Insurance Broker Regulations.

- (iii) The Corporate Agent Regulations prescribe the registration requirements and other compliances applicable to Corporate Agents. Such compliances include aspects such as, registration requirements; remuneration; arrangements with Insurers; conflict of interest; servicing of policyholders; sale by telemarketing and distance marketing; conduct of corporate agents, etc. Please refer to para C of [Annexure L](#) for relevant compliances applicable to Corporate Agents (as Buyer Apps) under the Corporate Agent Regulations.
- (iv) The Web Aggregator Regulations governs the registration requirements and compliances applicable to Insurance Web Aggregators. Such compliances relate to aspects such as, registration eligibility criteria; comparison and distribution of insurance products; arrangement with Insurers; conflict of interest; engagement of an authorised verifier and sale of insurance products by tele-marketing and other distance marketing channels; duties and functions undertaken by Insurance Web Aggregators; remuneration; conduct of Insurance Web Aggregators, etc. Please refer to para D of [Annexure L](#) for relevant compliances applicable to Insurance Web Aggregators (as Buyer Apps) under the Web Aggregator Regulations.
- (v) Miscellaneous regulations. Apart from the specific regulations applicable to Insurers and insurance intermediaries as set out above, the IRDAI has issued various other circulars and regulations governing aspects such as (i) sale and advertisement of insurance products, (ii) issuance of e-insurance policies, (iii) provision of customer information sheet, (iv) KYC of customers, etc. Please refer to para E of [Annexure L](#) for relevant compliances relating to the above, as applicable to Insurers and insurance intermediaries (as Seller and Buyer Apps).

E. Compliance for providing Investment services

5.1 Licensing or registration requirement

Certificate of Registration – All intermediaries including Mutual Funds, IAs, EOPs and MFDs must obtain a certificate of registration before commencing their business. For the purposes of obtaining a certificate of registration as an intermediary, the applicant must *inter alia* ensure compliance with the fit and proper person criteria, net-worth criteria and such other eligibility criteria as prescribed by SEBI for the respective intermediary.

5.2 Compliances in relation to offering of mutual fund products

The detailed compliances for IAs, EOPs, AMCs and MFDs (as the case may be) offering mutual fund products are detailed in [Annexure M](#).

IDENTIFYING THE COMPLIANCES FOR NETWORK PARTNERS OF THE SERVICES INDUSTRY (MOVIE AND EVENT TICKETING SERVICES, PERIODICAL SUBSCRIPTION SERVICES, WORK OPPORTUNITY SERVICES, FINANCIAL SERVICES)

☑ - Applicable

☒ - Not applicable

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Consumer Protection laws	Compliances of product service provider	☑	☑	☑	☑
	E-commerce Rules	☑	☑	☑	☑
	Guidelines on Misleading Advertisements	☑	☑	☑	☑ ³⁵
	Guidelines on Dark Patterns	☑	☑	☑	☑
	Greenwashing guidelines	☑	☑	☑	☑
Data protection laws	Compliances under the IT Act and SPDI Rules	☑	☑	☑	☑
Information Technology Act	Compliance with IT Rules	☒	☒	☑	☒

[Note: For ease of accessing the information, cross-linkages have been made in the second column of the table above which has been linked to the relevant compliance in this industry.]

³⁵ Please note that this is not applicable to endorsers/ influencers

VIII GIFT CARDS AND OTHER SERVICES INDUSTRY (MOVIE AND EVENT TICKETING SERVICES, PERIODICAL SUBSCRIPTION SERVICES)

1. Compliances and registration for all NPs providing services and gift cards

A. Consumer Protection Act and the rules/ guidelines issued thereunder

1.1 Compliances under E-commerce Rules

All e-commerce entities must comply with the E-Commerce Rules, including:

- **Nodal Officer:** Appoint a nodal officer or alternate senior functionary residing in India.
- **Information Disclosure:** Clearly and prominently display on its platform:
 - Legal Name
 - Principal and branch addresses
 - Name and details of the website
 - Contract information of customer care and grievance officer.
- **Grievance Redressal:** Set up a grievance mechanism and appoint a grievance officer. Display their name, contact, and designation of such officer on its platform. Grievances must be acknowledged in 48 hours and resolved within 1 month.
- **Imported Goods:** If offering imported goods/services, mention importer details.
- **Cancellation Charges:** No cancellation charges unless the platform bears similar charges if they cancel the purchase order unilaterally.
- **Consent:** Obtain a consumer's consent for any purchase through explicit and affirmative action.
- **Refunds:** Process refunds as prescribed under applicable law.

Obligations for Marketplace E-Commerce Entities

Marketplace entities must additionally:

- **Seller Undertaking:** Require sellers through an undertaking to ensure that descriptions, images, and other content pertaining to goods or services on their platform is accurate and corresponds directly with features of such goods or services.
- **Differentiated Treatment:** Include in terms and conditions, a description of any differentiated treatment which it gives or might give between goods or services or sellers of the same category.
- **Disclosures:** Display all required information including that may be required by consumers to make informed choices: contractual terms, mandatory notices, expiry, seller/importer details, country of origin, return/exchange/refund/delivery terms, warranties, payment modes, grievance mechanism.
- **Seller Details:** Show seller name, registration status, address, customer care number, and ratings, if any.
- **Complaint Tracking:** Provide ticket numbers to track complaints.
- **Ranking Parameters:** Explain in plain language the key parameters affecting product/seller rankings.

Obligations for Inventory E-Commerce Entities

Inventory-based entities must:

- **No False Representation:** Not misrepresent themselves as consumers.

- **Return and Refunds:** Must not deny return, refund, or cancellation if goods/services are defective, deficient, spurious, or delivered late.
- **Disclosures:** Same disclosure obligations as marketplaces.
- **Price Transparency:** Show total price as a single figure, with breakup and applicable taxes.
- **Complaint Tracking:** Provide ticket numbers for consumer complaints that enables consumers to track status of their complaint.

Obligations for Sellers on Marketplaces

Sellers on marketplaces must:

- **No Fake Reviews:** Not falsely pose as consumers or post fake reviews.
- **Return and Refunds:** Must not deny return, refund, or cancellation for defective, deficient, spurious, or delayed goods/services.
- **Written Contract:** Must have a prior written contract with the platform and share details (name, address, GSTIN, PAN, website).
- **Grievance Officer:** Appoint and display grievance officer's name and contact. Acknowledge complaints in 48 hours, resolve within 1 month.
- **Disclosures:** Display all legally required info (e.g., expiry date, seller/importer details, country of origin, return/exchange/delivery terms, warranties).
- **Price Transparency:** Show total price and breakup with all charges and taxes.
- **Grievance Officer Info:** Display name, contact number, and designation.

[Annexure E](#) details compliances required under the E-Commerce Rules.

1.2 Guidelines on Misleading Advertisements

As per the Guidelines, advertisement is valid and not misleading if it:

- Is truthful and honest in its representation.
- Does not exaggerate the product's performance, accuracy, scientific basis, or usefulness.
- Does not mislead by presenting legal consumer rights as unique benefits offered by the advertiser.
- Does not claim universal acceptance of a claim where significant scientific or expert disagreement exists.
- Does not exploit fear, i.e., doesn't suggest that personal or family safety is at risk if the product is not purchased.
- Does not mislead by citing publications or sources that haven't been independently verified.
- Complies with all applicable sector-specific laws and regulations.

In addition, the Guidelines also details conditions for bait advertisements, surrogate advertisements, free claims advertisements, and child targeted advertisements among others.

Please refer to [Annexure F](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

1.3 Guidelines on Dark Patterns

An entity advertising goods or services offered by it to consumers must comply with the Guidelines on Dark Patterns. The Guidelines defines Dark Patterns to mean any practices or deceptive design pattern using user interface or user experience interactions on any platform that is designed to mislead or trick users to do something they originally did not intend or want to do, by subverting or impairing the consumer autonomy, decision making or choice, amounting to misleading advertisement or unfair trade practice or violation of consumer rights. The Guidelines prohibits any person, including any platform, from engaging in any dark pattern practice. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

1.4 Greenwashing Guidelines

Please refer to [Annexure G](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

B. Data protection laws

The IT Act read with the SPDI Rules are the primary legislations in India governing data privacy and protection on a sector-neutral basis. To the extent the NPs will collect/handle personal data falling under the category of SPDI, it is required to be compliant with the obligations specified under the SPDI Rules. A summary of the key obligations under the SPDI Rules of an entity, inter alia, for collecting, processing and transferring of SPDI, has been set out in [Annexure H](#).

Please note that once the DPDP Act is enforced, all entities collecting, handling, or processing personal data will be required to comply with the obligations prescribed under the DPDP Act.

C. Compliance with IT Rules

An intermediary as defined under Section 2(w) of the IT Act, with respect to an electronic record, means any person who “receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes”. To the extent, the NP qualifies as an intermediary, it will be required to implement the due diligence obligations (depending on the category of intermediary) as has been set out in [Annexure I](#), if it seeks to avail the exemption from liability in accordance with Section 79 of the IT Act.

2. Compliances and registration for sellers of gift cards

A. Compliance with PPI

1.1 Licensing or registration requirement

Banks and authorised non-bank Prepaid Payment Instrument (“PPI”) issuers may issue PPIs, including

in the nature of gift cards.

- (i) **Approval for banks** – Banks that comply with the eligibility requirements prescribed under the Master Directions on PPIs, issued by the RBI dated 27 August 2021 (“**PPI Master Directions**”) may issue gift card PPIs after obtaining approval from the RBI under the Payment and Settlement Systems Act, 2007 (“**PSS Act**”).
- (ii) **Authorisation for non-bank PPI issuers** – Non-bank entities are required to obtain authorisation from the RBI to operate as a PPI issuer (and thereby a payment system operator) under the PSS Act.

1.2 Compliance in relation to issuance of gift PPIs

The PPI Master Directions are applicable to all bank and non-bank PPI issuers. It prescribed various compliances, in relation to eligibility requirements; safeguards against money laundering; issuance, loading and reloading of the PPI; co-branding of PPIs; interoperability; validity and redemption; customer protection and grievance redressal, etc. Please refer to [Annexure Q](#) for compliances in relation to the PPI Master Directions.

Gift PPIs in specific are subject to certain additional compliance requirements, which have been detailed in Para 1.5 of [Annexure Q](#).

IDENTIFYING THE COMPLIANCES FOR NETWORK PARTNERS OF THE GAMING INDUSTRY

✓ - Applicable

✗ - Not applicable

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Consumer Protection laws	Compliances of product service provider	✓	✓	✓	✓
	E-commerce Rules	✓	✓	✓	✓
	Guidelines on Misleading Advertisements	✓	✓	✓	✓ ³⁶
	Guidelines on Dark Patterns	✓	✓	✓	✓
	Greenwashing guidelines	✓	✓	✓	✓
Data protection laws	Compliances under the IT Act and SPDI Rules	✓	✓	✓	✓
Information Technology Act	Compliance with IT Rules	✗	✗	✓	✗

[Note: For ease of accessing the information, cross-linkages have been made in the second column of the table above which has been linked to the relevant compliance in this industry.]

³⁶ Please note that this is not applicable to endorsers/ influencers

IX GAMING INDUSTRY

1. Compliances and registration for all NPs in the gaming industry

A. Consumer Protection Act and the rules/ guidelines issued thereunder

1.1 Compliances under E-commerce Rules

All e-commerce entities must comply with the E-Commerce Rules, including:

- **Nodal Officer:** Appoint a nodal officer or alternate senior functionary residing in India.
- **Information Disclosure:** Clearly and prominently display on its platform:
 - Legal Name
 - Principal and branch addresses
 - Name and details of the website
 - Contract information of customer care and grievance officer.
- **Grievance Redressal:** Set up a grievance mechanism and appoint a grievance officer. Display their name, contact, and designation of such officer on its platform. Grievances must be acknowledged in 48 hours and resolved within 1 month.
- **Imported Goods:** If offering imported goods/services, mention importer details.
- **Cancellation Charges:** No cancellation charges unless the platform bears similar charges if they cancel the purchase order unilaterally.
- **Consent:** Obtain a consumer's consent for any purchase through explicit and affirmative action.
- **Refunds:** Process refunds as prescribed under applicable law.

Obligations for Marketplace E-Commerce Entities

Marketplace entities must additionally:

- **Seller Undertaking:** Require sellers through an undertaking to ensure that descriptions, images, and other content pertaining to goods or services on their platform is accurate and corresponds directly with features of such goods or services.
- **Differentiated Treatment:** Include in terms and conditions, a description of any differentiated treatment which it gives or might give between goods or services or sellers of the same category.
- **Disclosures:** Display all required information including that may be required by consumers to make informed choices: contractual terms, mandatory notices, expiry, seller/importer details, country of origin, return/exchange/refund/delivery terms, warranties, payment modes, grievance mechanism.
- **Seller Details:** Show seller name, registration status, address, customer care number, and ratings, if any.
- **Complaint Tracking:** Provide ticket numbers to track complaints.
- **Ranking Parameters:** Explain in plain language the key parameters affecting product/seller rankings.

Obligations for Inventory E-Commerce Entities

Inventory-based entities must:

- **No False Representation:** Not misrepresent themselves as consumers.
- **Return and Refunds:** Must not deny return, refund, or cancellation if goods/services are defective, deficient, spurious, or delivered late.
- **Disclosures:** Same disclosure obligations as marketplaces.

- **Price Transparency:** Show total price as a single figure, with breakup and applicable taxes.
- **Complaint Tracking:** Provide ticket numbers for consumer complaints that enables consumers to track status of their complaint.

Obligations for Sellers on Marketplaces

Sellers on marketplaces must:

- **No Fake Reviews:** Not falsely pose as consumers or post fake reviews.
- **Return and Refunds:** Must not deny return, refund, or cancellation for defective, deficient, spurious, or delayed goods/services.
- **Written Contract:** Must have a prior written contract with the platform and share details (name, address, GSTIN, PAN, website).
- **Grievance Officer:** Appoint and display grievance officer's name and contact. Acknowledge complaints in 48 hours, resolve within 1 month.
- **Disclosures:** Display all legally required info (e.g., expiry date, seller/importer details, country of origin, return/exchange/delivery terms, warranties).
- **Price Transparency:** Show total price and breakup with all charges and taxes.
- **Grievance Officer Info:** Display name, contact number, and designation.

[Annexure E](#) details compliances required under the E-Commerce Rules.

1.2 Guidelines on Misleading Advertisements

As per the Guidelines, advertisement is valid and not misleading if it:

- Is truthful and honest in its representation.
- Does not exaggerate the product's performance, accuracy, scientific basis, or usefulness.
- Does not mislead by presenting legal consumer rights as unique benefits offered by the advertiser.
- Does not claim universal acceptance of a claim where significant scientific or expert disagreement exists.
- Does not exploit fear, i.e., doesn't suggest that personal or family safety is at risk if the product is not purchased.
- Does not mislead by citing publications or sources that haven't been independently verified.
- Complies with all applicable sector-specific laws and regulations.

In addition, the Guidelines also details conditions for bait advertisements, surrogate advertisements, free claims advertisements, and child targeted advertisements among others.

Please refer to [Annexure F](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

1.3 Guidelines on Dark Patterns

An entity advertising goods or services offered by it to consumers must comply with the Guidelines on Dark Patterns. The Guidelines defines Dark Patterns to mean any practices or deceptive design pattern using user interface or user experience interactions on any platform that is designed to mislead or trick

users to do something they originally did not intend or want to do, by subverting or impairing the consumer autonomy, decision making or choice, amounting to misleading advertisement or unfair trade practice or violation of consumer rights. The Guidelines prohibits any person, including any platform, from engaging in any dark pattern practice. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

1.4 Greenwashing Guidelines

Please refer to [Annexure G](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

B. Data protection laws

The IT Act read with the SPDI Rules are the primary legislations in India governing data privacy and protection on a sector-neutral basis. To the extent the NPs will collect/handle personal data falling under the category of SPDI, it is required to be compliant with the obligations specified under the SPDI Rules. A summary of the key obligations under the SPDI Rules of an entity, inter alia, for collecting, processing and transferring of SPDI, has been set out in [Annexure H](#).

Please note that once the DPDP Act is enforced, all entities collecting, handling, or processing personal data will be required to comply with the obligations prescribed under the DPDP Act.

C. Compliance with IT Rules

- 3.1 An intermediary as defined under Section 2(w) of the IT Act, with respect to an electronic record, means any person who “receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes”. To the extent, the NP qualifies as an intermediary, it will be required to implement the due diligence obligations (depending on the category of intermediary) as has been set out in [Annexure I](#), if it seeks to avail the exemption from liability in accordance with Section 79 of the IT Act.

IDENTIFYING THE COMPLIANCES FOR NETWORK PARTNERS OF THE OTT MEDIA SERVICE INDUSTRY

✓ - Applicable

✗ - Not applicable

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Consumer Protection laws	Compliances of product service provider	✓	✓	✓	✓
	E-commerce Rules	✓	✓	✓	✓
	Guidelines on Misleading Advertisements	✓	✓	✓	✓ ³⁷
	Guidelines on Dark Patterns	✓	✓	✓	✓
	Greenwashing guidelines	✓	✓	✓	✓
Data protection laws	Compliances under the IT Act and SPDI Rules	✓	✓	✓	✓
Information Technology Act	Compliance with IT Rules	✗	✗	✓	✗

[**Note**: For ease of accessing the information, cross-linkages have been made in the second column of the table above which has been linked to the relevant compliance in this industry.]

³⁷ Please note that this is not applicable to endorsers/ influencers

X OTT MEDIA SERVICES

1. Registrations and licensing compliances for online video streaming services providing on-demand or subscription-based content, including movies, TV shows, and documentaries.

A. Consumer Protection Act and the rules/ guidelines issued thereunder

1.1 Compliances under E-commerce Rules

All e-commerce entities must comply with the E-Commerce Rules, including:

- **Nodal Officer:** Appoint a nodal officer or alternate senior functionary residing in India.
- **Information Disclosure:** Clearly and prominently display on its platform:
 - Legal Name
 - Principal and branch addresses
 - Name and details of the website
 - Contract information of customer care and grievance officer.
- **Grievance Redressal:** Set up a grievance mechanism and appoint a grievance officer. Display their name, contact, and designation of such officer on its platform. Grievances must be acknowledged in 48 hours and resolved within 1 month.
- **Imported Goods:** If offering imported goods/services, mention importer details.
- **Cancellation Charges:** No cancellation charges unless the platform bears similar charges if they cancel the purchase order unilaterally.
- **Consent:** Obtain a consumer's consent for any purchase through explicit and affirmative action.
- **Refunds:** Process refunds as prescribed under applicable law.

Obligations for Marketplace E-Commerce Entities

Marketplace entities must additionally:

- **Seller Undertaking:** Require sellers through an undertaking to ensure that descriptions, images, and other content pertaining to goods or services on their platform is accurate and corresponds directly with features of such goods or services.
- **Differentiated Treatment:** Include in terms and conditions, a description of any differentiated treatment which it gives or might give between goods or services or sellers of the same category.
- **Disclosures:** Display all required information including that may be required by consumers to make informed choices: contractual terms, mandatory notices, expiry, seller/importer details, country of origin, return/exchange/refund/delivery terms, warranties, payment modes, grievance mechanism.
- **Seller Details:** Show seller name, registration status, address, customer care number, and ratings, if any.
- **Complaint Tracking:** Provide ticket numbers to track complaints.
- **Ranking Parameters:** Explain in plain language the key parameters affecting product/seller rankings.

Obligations for Inventory E-Commerce Entities

Inventory-based entities must:

- **No False Representation:** Not misrepresent themselves as consumers.
- **Return and Refunds:** Must not deny return, refund, or cancellation if goods/services are defective, deficient, spurious, or delivered late.

- **Disclosures:** Same disclosure obligations as marketplaces.
- **Price Transparency:** Show total price as a single figure, with breakup and applicable taxes.
- **Complaint Tracking:** Provide ticket numbers for consumer complaints that enables consumers to track status of their complaint.

Obligations for Sellers on Marketplaces

Sellers on marketplaces must:

- **No Fake Reviews:** Not falsely pose as consumers or post fake reviews.
- **Return and Refunds:** Must not deny return, refund, or cancellation for defective, deficient, spurious, or delayed goods/services.
- **Written Contract:** Must have a prior written contract with the platform and share details (name, address, GSTIN, PAN, website).
- **Grievance Officer:** Appoint and display grievance officer's name and contact. Acknowledge complaints in 48 hours, resolve within 1 month.
- **Disclosures:** Display all legally required info (e.g., expiry date, seller/importer details, country of origin, return/exchange/delivery terms, warranties).
- **Price Transparency:** Show total price and breakup with all charges and taxes.
- **Grievance Officer Info:** Display name, contact number, and designation.

[Annexure E](#) details compliances required under the E-Commerce Rules.

1.2 Guidelines on Misleading Advertisements

As per the Guidelines, advertisement is valid and not misleading if it:

- Is truthful and honest in its representation.
- Does not exaggerate the product's performance, accuracy, scientific basis, or usefulness.
- Does not mislead by presenting legal consumer rights as unique benefits offered by the advertiser.
- Does not claim universal acceptance of a claim where significant scientific or expert disagreement exists.
- Does not exploit fear, i.e., doesn't suggest that personal or family safety is at risk if the product is not purchased.
- Does not mislead by citing publications or sources that haven't been independently verified.
- Complies with all applicable sector-specific laws and regulations.

In addition, the Guidelines also details conditions for bait advertisements, surrogate advertisements, free claims advertisements, and child targeted advertisements among others.

Please refer to [Annexure F](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

1.3 Guidelines on Dark Patterns

An entity advertising goods or services offered by it to consumers must comply with the Guidelines on Dark Patterns. The Guidelines defines Dark Patterns to mean any practices or deceptive design pattern

using user interface or user experience interactions on any platform that is designed to mislead or trick users to do something they originally did not intend or want to do, by subverting or impairing the consumer autonomy, decision making or choice, amounting to misleading advertisement or unfair trade practice or violation of consumer rights. The Guidelines prohibits any person, including any platform, from engaging in any dark pattern practice. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

1.4 Greenwashing Guidelines

Please refer to [Annexure G](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

B. Data protection laws

The IT Act read with the SPDI Rules are the primary legislations in India governing data privacy and protection on a sector-neutral basis. To the extent the NPs will collect/handle personal data falling under the category of SPDI, it is required to be compliant with the obligations specified under the SPDI Rules. A summary of the key obligations under the SPDI Rules of an entity, inter alia, for collecting, processing and transferring of SPDI, has been set out in [Annexure H](#).

Please note that once the DPDP Act is enforced, all entities collecting, handling, or processing personal data will be required to comply with the obligations prescribed under the DPDP Act.

C. Compliance with IT Rules

An intermediary as defined under Section 2(w) of the IT Act, with respect to an electronic record, means any person who “receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes”. To the extent, the NP qualifies as an intermediary, it will be required to implement the due diligence obligations (depending on the category of intermediary) as has been set out in [Annexure I](#), if it seeks to avail the exemption from liability in accordance with Section 79 of the IT Act.

IDENTIFYING THE COMPLIANCES FOR NETWORK PARTNERS OF THE AGRICULTURAL INPUTS (FERTILIZERS AND PESTICIDES)

✓ - Applicable

✗ - Not applicable

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Legal Metrology laws	Licensing	✗	✓*	✗	✓ ⁺
	Packaging and Labelling	✓ [∇]	✓ [◇]	✓ [∇]	✓ ^α
	Other Compliances	✓ [∇]	✓ [◇]	✓ [∇]	✓ ^α
BIS laws	Licensing / Certificate of conformity	✓ [∇]	✓ [◇]	✓ [∇]	✓ ^α
Import and Export	Registration	✗	✓ ^ℵ	✗	✓ ^δ
Consumer Protection laws	Compliances of manufacturer, product service provider and product seller	✓	✓	✓	✓
	E-commerce Rules	✓	✓	✓	✓
	Guidelines on Misleading Advertisements	✓	✓	✓	✓ ³⁸
	Guidelines on Dark Patterns	✓	✓	✓	✓
	Greenwashing guidelines	✓	✓	✓	✓

* Applicable, where the inventory seller is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

⁺ Applicable, where the seller on the marketplace seller app is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

[∇] Contractually ensure with the seller that the commodity is in compliance with the specified requirements.

[◇] Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity).

^α Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity).

^ℵ Applicable, where the inventory seller is engaged in import of the commodities.

^δ Applicable, where the seller on marketplace seller app is engaged in import of commodities.

³⁸ Please note that this is not applicable to endorsers/ influencers

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Data protection laws	Compliances under the IT Act and SPDI Rules	✓	✓	✓	✓
Information Technology Act	Compliance with IT Rules	✗	✗	✓	✗
Seeds Act	Licensing	✗	✓	✗	✓
	Certification ³⁹	✗	✓	✗	✓
	Restriction on import of seeds ⁴⁰	✗	✓	✗	✓
	Marking and labelling	✗	✓	✗	✓
Insecticides Act	Compliance with Pesticides laws	✓	✓	✓	✓
Essential Commodities Act read with Fertilisers Control Order	Compliance with Fertilisers laws	✓	✓	✓	✓

[Note: For ease of accessing the information, cross-linkages have been made in the second column of the table above which has been linked to the relevant compliance in this industry.]

³⁹ Applicable only if the seller desires to certify the seed.

⁴⁰ Applicable only to NPs importing seeds

XI AGRICULTURAL INPUTS (FERTILIZERS AND PESTICIDES)

1. Registrations and licensing compliances for intermediaries providing pesticides, fertilizers, seeds and cattle feed.

A. LM Act

1.1 Licensing or Registration Requirement

Any individual, firm, society, company, corporation, or Hindu Undivided Family that pre-packs or imports any pre-packaged commodity for sale, distribution, or delivery is required to register itself under the LM Act with the Director or Controller of Legal Metrology. This registration must be completed within 90 days of starting such activities. Depending on the nature of the activity undertaken by the Network Participant or seller, registration under the LM Act may be required.

1.2 Packaging and Labelling Requirements

Entities must ensure that all pre-packaged products display the following mandatory declarations in accordance with the PC Rules:

- Name and address of the manufacturer, packer, or importer
- Common or generic name of the product
- Net quantity (weight, measure, or number)
- Maximum retail price (inclusive of all taxes)
- Month and year of manufacture or packing
- Best before' or 'Use by' date must be mentioned where applicable
- Consumer care contact details
- Unit sale price (where applicable)
- Country of origin
- Mandatory indicators for vegetarian/non-vegetarian origin (where applicable)
- Special labelling for GM foods (where applicable)
- Where the sizes of the commodity contained in the package are relevant, the dimensions of the commodity contained in the package and if the dimensions of the different pieces are different, the dimensions of each such different piece

Notably, e-commerce entities must ensure that all mandatory declarations (except the month and year of manufacture or packing) are displayed on the digital or electronic platform used for selling the goods. As per the PC Rules, **in marketplace models**, the responsibility for the correctness of these declarations lies with the manufacturer, seller, dealer, or importer, as applicable.

The packaging and labelling requirements provided under [Annexure B](#) (under the head “*Packaging and Labelling Requirements*”) shall be complied with. However, for the purpose of packages containing electronic products, further reference shall be made as per Para 1.3 of [Annexure – B](#).

1.3 Other compliances under Legal Metrology (Packaged Commodities) Rules 2011 (“PC Rules”):

Other compliance under PC Rules namely, declaration on container type commodities, general guidelines, manner of declaration, and maximum permissible errors on net quantities declared by weight or volume have been discussed in [Annexure B](#).

B. BIS Act

The Bureau of Indian Standards Act, 2016 (“BIS Act”) empowers the Bureau of Indian Standards (“BIS”) to regulate the quality and standards of products distributed in the Indian market. While BIS certification is generally voluntary, the Central Government has made it mandatory for certain products based on considerations such as public interest, health and safety of humans, animals, or plants, environmental protection, prevention of unfair trade practices, and national security.

For such products, the use of the Standard Mark is compulsory and must be obtained under a licence or Certificate of Conformity (CoC) from BIS. The list of products under compulsory certification is available on the BIS website: <https://www.bis.gov.in/product-certification/products-under-compulsory-certification/#>

Please refer to 1.4 of [Annexure – C](#) to check the applicability of BIS laws on the subject product(s). Additionally, the labelling requirements have been provided in [Annexure – C](#) (under the heading “Labelling requirements”).

C. Import and Export laws

3.1 [Registration](#)

(i) Every importer and / or exporter is required to obtain IEC as discussed in [Annexure - D](#).

D. Consumer Protection Act and the rules/ guidelines issued thereunder

4.1 [Compliances under E-commerce Rules](#)

All e-commerce entities must comply with the E-Commerce Rules, including:

- **Nodal Officer:** Appoint a nodal officer or alternate senior functionary residing in India.
- **Information Disclosure:** Clearly and prominently display on its platform:
 - Legal Name
 - Principal and branch addresses
 - Name and details of the website
 - Contract information of customer care and grievance officer.
- **Grievance Redressal:** Set up a grievance mechanism and appoint a grievance officer. Display their name, contact, and designation of such officer on its platform. Grievances must be acknowledged in 48 hours and resolved within 1 month.
- **Imported Goods:** If offering imported goods/services, mention importer details.
- **Cancellation Charges:** No cancellation charges unless the platform bears similar charges if they cancel the purchase order unilaterally.
- **Consent:** Obtain a consumer’s consent for any purchase through explicit and affirmative action.
- **Refunds:** Process refunds as prescribed under applicable law.

Obligations for Marketplace E-Commerce Entities

Marketplace entities must additionally:

- **Seller Undertaking:** Require sellers through an undertaking to ensure that descriptions, images, and other content pertaining to goods or services on their platform is accurate and corresponds directly with features of such goods or services.
- **Differentiated Treatment:** Include in terms and conditions, a description of any differentiated treatment which it gives or might give between goods or services or sellers of the same category.
- **Disclosures:** Display all required information including that may be required by consumers to make informed choices: contractual terms, mandatory notices, expiry, seller/importer details, country of origin, return/exchange/refund/delivery terms, warranties, payment modes, grievance mechanism.
- **Seller Details:** Show seller name, registration status, address, customer care number, and ratings, if any.
- **Complaint Tracking:** Provide ticket numbers to track complaints.
- **Ranking Parameters:** Explain in plain language the key parameters affecting product/seller rankings.

Obligations for Inventory E-Commerce Entities

Inventory-based entities must:

- **No False Representation:** Not misrepresent themselves as consumers.
- **Return and Refunds:** Must not deny return, refund, or cancellation if goods/services are defective, deficient, spurious, or delivered late.
- **Disclosures:** Same disclosure obligations as marketplaces.
- **Price Transparency:** Show total price as a single figure, with breakup and applicable taxes.
- **Complaint Tracking:** Provide ticket numbers for consumer complaints that enables consumers to track status of their complaint.

Obligations for Sellers on Marketplaces

Sellers on marketplaces must:

- **No Fake Reviews:** Not falsely pose as consumers or post fake reviews.
- **Return and Refunds:** Must not deny return, refund, or cancellation for defective, deficient, spurious, or delayed goods/services.
- **Written Contract:** Must have a prior written contract with the platform and share details (name, address, GSTIN, PAN, website).
- **Grievance Officer:** Appoint and display grievance officer's name and contact. Acknowledge complaints in 48 hours, resolve within 1 month.
- **Disclosures:** Display all legally required info (e.g., expiry date, seller/importer details, country of origin, return/exchange/delivery terms, warranties).
- **Price Transparency:** Show total price and breakup with all charges and taxes.
- **Grievance Officer Info:** Display name, contact number, and designation.

[Annexure E](#) details compliances required under the E-Commerce Rules.

4.2 Guidelines on Misleading Advertisements

As per the Guidelines, advertisement is valid and not misleading if it:

- Is truthful and honest in its representation.
- Does not exaggerate the product's performance, accuracy, scientific basis, or usefulness.
- Does not mislead by presenting legal consumer rights as unique benefits offered by the advertiser.
- Does not claim universal acceptance of a claim where significant scientific or expert disagreement exists.
- Does not exploit fear, i.e., doesn't suggest that personal or family safety is at risk if the product is not purchased.
- Does not mislead by citing publications or sources that haven't been independently verified.
- Complies with all applicable sector-specific laws and regulations.

In addition, the Guidelines also details conditions for bait advertisements, surrogate advertisements, free claims advertisements, and child targeted advertisements among others.

Please refer to [Annexure F](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

4.3 Guidelines on Dark Patterns

An entity advertising goods or services offered by it to consumers must comply with the Guidelines on Dark Patterns. The Guidelines defines Dark Patterns to mean any practices or deceptive design pattern using user interface or user experience interactions on any platform that is designed to mislead or trick users to do something they originally did not intend or want to do, by subverting or impairing the consumer autonomy, decision making or choice, amounting to misleading advertisement or unfair trade practice or violation of consumer rights. The Guidelines prohibits any person, including any platform, from engaging in any dark pattern practice. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

4.4 Greenwashing Guidelines

Please refer to [Annexure G](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

E. Data protection laws

The IT Act read with the SPDI Rules are the primary legislations in India governing data privacy and protection on a sector-neutral basis. To the extent the NPs will collect/handle personal data falling under the category of SPDI, it is required to be compliant with the obligations specified under the SPDI Rules. A summary of the key obligations under the SPDI Rules of an entity, inter alia, for collecting, processing and transferring of SPDI, has been set out in [Annexure H](#).

Please note that once the DPDP Act is enforced, all entities collecting, handling, or processing personal data will be required to comply with the obligations prescribed under the DPDP Act.

F. Compliance with IT Rules

An intermediary as defined under Section 2(w) of the IT Act, with respect to an electronic record, means any person who “receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes”. To the extent, the NP qualifies as an intermediary, it will be required to implement the due diligence obligations (depending on the category of intermediary) as has been set out in [Annexure I](#), if it seeks to avail the exemption from liability in accordance with Section 79 of the IT Act.

G. Compliance with Pesticides Laws

7.1 Registration Requirements

To manufacture or import the pesticides, the manufacturer and importers are required to obtain a registration for such pesticide (including the pesticide) from the Registration Committee. The registration requirements have been provided under [below](#) (under the head “*Registration and Licensing*”).

7.2 Licensing Requirements

To manufacture or to sell, stock or exhibit for sale or distribute any pesticide, the license shall be obtained from the licensing officer. The licensing requirements have been provided under [below](#) (under the head “*Registration and Licensing*”).

7.3 Packaging and labelling Requirements

The Pesticides Laws provides that every package of pesticides shall adhere to the packaging and labelling requirements that are discussed under [below](#) (under the head “*Packaging and Labelling Requirements*”).

7.4 Importing Requirements

In addition to the general import requirements discussed above, the import of pesticides is allowed via specific customs ports that are listed under [below](#) (under the head “*Import of Pesticides*”).

7.5 Sale through E-commerce

In order to sell the pesticides through e-commerce, the licensee shall comply with the provisions of Pesticides Laws and Consumer Protection (E-commerce) Rules, 2020. Notably, the e-commerce operator before engaging the licensee for sale of pesticides, shall verify the validity of the license issued to it. Please refer [below](#) for further details (under the head “*Sale through e-commerce*”).

7.6 Storage and disposal of pesticides

The pesticides shall be stored in accordance with the conditions prescribed under Pesticides Laws. Further, the disposal of surplus material, expired pesticides and packages shall be in compliance with the Pesticides laws. The standards pertaining to storage and manner of disposal along with other

necessary requirements have been discussed under below**Error! Reference source not found.** (under the head “Other compliance”).

H. Compliance with Fertiliser laws

8.1 Registration of Industrial Dealer and authorisation letter for dealers

Dealer: Any person including manufacturer, importer, pool handling agency, wholesaler and a retail dealer, selling fertilisers is required to obtain the authorisation letter from the Notified Authority.

Industrial Dealer: Every person intending to sell or offer to sell the fertilisers for industrial purposes i.e., for uses other than the fertilisation of soil and increasing productivity of crops, is required to obtain certificate of registration from the Controller.

The authorisation and registration requirements have been provided under below (under the head “Authorisation or Registration of Dealers”).

8.2 Certificate of Manufacture

Every person shall obtain the certificate of manufacture to carry on the business of preparing any mixture of fertilisers and special mixture of fertiliser. The said requirement has been provided under below (under the head “Certificate of Manufacture”).

8.3 Restrictions on manufacture, sale, etc. of fertilisers

The Pesticides Laws prescribe certain restrictions on manufacture, sale, offer for sale, stock or exhibition for sale or distribution of fertilisers, including bio stimulants, customised fertilisers, and nano fertilisers. The specific restrictions for aforementioned categories of fertilisers are discussed in belowbelow (under the head “Restriction on manufacture, sale, etc., of fertilisers”).

8.4 Packaging and labelling Requirements

The Fertilisers Laws prescribe packaging and labelling requirements for fertilisers that are required to be complied by the manufacturer, retail dealer, importer, etc. The specific packaging and labelling requirements are discussed in detail in below (under the head “Packaging and Labelling Requirements”).

8.5 Compliance with FMC Order

The FMC Order prescribes the manner in which the fertilisers shall be transported from one state to another. The requirements for transportation of fertilisers are discussed in below (under the head “Compliance under FMC Order”).

8.6 Import and export of fertilisers

In addition to the general import and export requirements discussed above, the import and export of fertilisers are subject to specific condition prescribed under import and export policy. The specific policy conditions have been discussed in below (under the head “*Import and Export*”).

8.7 Disposal of Fertiliser and other compliances

The fertilisers shall be stored and disposed of in accordance with the conditions prescribed under Fertilisers Laws. The standards pertaining to conditions of storage, manner of disposal and other necessary requirements are discussed in below**Error! Reference source not found.** (under the head “*Other compliance*”).

I. **Compliances for selling, storing and distributing seeds**

9.1 Licensing

Any person willing to carry on the business of selling, exporting or importing seeds at any place shall do so upon obtaining license from the licensing authority in accordance with the Seeds (Control) Order 1983 and in accordance with the terms and conditions of licence granted.

9.2 Certification

Any person selling, keeping for sale, offering to sell, bartering or otherwise supplying any seed of any notified kind or variety may (“**Notified Seeds**”)⁴¹, if he desires to have such seed certified by the certification agency, apply to the certification agency for the grant of a certificate for the purpose.

9.3 Restriction on import of Notified Seeds

No person shall, for the purpose of sowing or planting by any person (including himself), export or import or cause to be exported or imported any seed of any notified kind or variety, unless—

(a) it conforms to the minimum limits of germination and purity specified for that seed under Section 6 of the Seeds Act; and

(b) its container bears, in the prescribed manner, the mark or label with the correct particulars thereof specified for that seed under Section 6 of the Seeds Act.

9.4 Marking and labelling

When seed of a Notified Seed is offered for sale, each container shall be marked or labelled in the manner hereinafter specified. The person whose name appears on the mark or label shall be responsible for the accuracy of the information required to appear on the mark or label so long as seed is contained in the unopened original container. The details of marking and labelling of the container

⁴¹ List of notified seeds and its variety is notified by the relevant ministry from time to time. We recommend the NPs to refer to the notifications issued under Section 5 of the Seeds Act from time to time.

shall be as per the Seeds Rules 1968, an overview of which are discussed in Annexure P below.

J. Compliances under State-Specific Animal Feeds Acts

- 10.1. Various states in India have enacted their own specific regulations and acts to govern the quality, production, and sale of animal feeds within their respective jurisdictions. These state-specific animal feeds acts aim to ensure the availability of safe and nutritious feed for livestock, thereby promoting the health and productivity of animals. The acts typically provide guidelines for the registration and licensing of manufacturers, packers, and distributors of animal feeds, as well as standards for the composition, packaging, and labelling of these products.

IDENTIFYING THE COMPLIANCES FOR NETWORK PARTNERS OF THE FRESH PRODUCE INDUSTRY

✓ - Applicable

✗ - Not applicable

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Food Safety laws	Licensing	✓	✓	✓	✓
	Packaging	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Labelling & display	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Importation	✗	✓ ^ℵ	✗	✓ ^δ
	Fortification	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Food Standards and additive	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Prohibition and Restriction on sale	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Recalling the food article	✓	✓	✓	✓
	Contaminants and Toxins	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Advertising and Claims	✓	✓	✓	✓
	Infant Nutrition	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
	Approval of Non-Specified Food	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
Legal Metrology laws	Licensing	✗	✓ [*]	✗	✓ ⁺
	Packaging and Labelling	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α

[▽] Contractually ensure with the seller that the commodity is in compliance with the specified requirements.

[◇] Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity).

^α Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity).

^ℵ Applicable, where the inventory seller is engaged in import of the commodities.

^δ Applicable, where the seller on marketplace seller app is engaged in import of commodities.

^{*} Applicable, where the inventory seller is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

⁺ Applicable, where the seller on the marketplace seller app is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
	Other Compliances	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
BIS laws	Licensing / of Certificate conformity	✓ [▽]	✓ [◇]	✓ [▽]	✓ ^α
Import and Export	Registration	✗	✓ ^λ	✗	✓ ^δ
Consumer Protection laws	Compliances of manufacturer, product service provider and product seller	✓	✓	✓	✓
	E-commerce Rules	✓	✓	✓	✓
	Guidelines on Misleading Advertisements	✓	✓	✓	✓ ⁴²
	Guidelines on Dark Patterns	✓	✓	✓	✓
	Greenwashing guidelines	✓	✓	✓	✓
Data protection laws	Compliances under the IT Act and SPDI Rules	✓	✓	✓	✓
Information Technology Act	Compliance with IT Rules	✗	✗	✓	✗

[Note: For ease of accessing the information, cross-linkages have been made in the second column of the table above which has been linked to the relevant compliance in this industry.]

⁴² Please note that this is not applicable to endorsers/ influencers

XII FRESH PRODUCE PRODUCTS

1. Registrations and licensing compliances for all NPs selling fresh produce products

A. Food Safety Laws

1.1 Licensing Requirements

To commence or carry on the food business, both Buyer App and Seller on Marketplace Seller App (Marketplace seller app as well as Inventory Seller App) are required to obtain a license from the central authority. Sellers are also required to obtain a license from the central authority or the concerned state or union territory's licensing authority, as the case maybe. More details on the licensing requirements have been provided under [Annexure A](#) (under the head “*Licensing or Registration Requirements*”).

The Guidelines for the operation of e-commerce FBOs under the FSS Act and Section I of the Food Safety and Standards (Licensing and Registration of Food Business) Amendment Regulation 2018 (“**Amendment Regulations 2018**”) provide for the following:⁴³

- E-Commerce FBOs shall obtain central license, comply with the requirements prescribed under the Food Safety Laws and hygiene and manufacturing standards for licensed FBOs engaged in food services, including packaging and transportation.
- The E-Commerce FBO must enter into agreements with the sellers, brand owners, or manufacturers onboarded by them. These agreements shall affirm that the said entities comply with the Food Safety Act, Rules, and Regulations.
- The seller/ brand owner/ manufacturer shall ensure that legible and clear picture of the 'principal display panel' for pre-packed food products offered for sale to the consumer, is made available for viewing by the customers, excluding specific details such as batch number, expiry date, and MRP.
- Any food article delivered to a consumer by E-Commerce FBO shall have a shelf life of at least 30 percent or 45 days remaining at the time of delivery.

1.2 Packaging Requirements

Food Safety and Standards (Packaging) Regulations, 2018 (“**Packaging Regulations**”) which provides for the packaging requirements to be adhered to by the relevant food business operator. The packaging requirements stipulated thereunder have been provided under [Annexure A](#) (under the head “*Packaging Requirements*”). The Packaging Regulations are applicable to the Buyer App and Marketplace App i.e., they shall contractually ensure with the seller that the commodity is in compliance with the specified requirements; the Inventory Seller App (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity)) and Seller on the marketplace seller app

⁴³ **Note:** In February 2017, FSSAI issued Guidelines for the operation of e-commerce FBOs under the FSS Act which are to be read as explanatory memorandum and do not in any way supplant any of the requirements of the Food Safety Act. Additionally, Amendment Regulations 2018 which *inter alia* covers the provisions for licensing and registration of E-Commerce FBOs. However, the said regulations have not been notified, the FSSAI has operationalized the same under Section 18(2)(d) read with Section 16(5) of the Food Safety Act with effect from 15 February 2018 and subsequently re-operationalized for a period of six months from 16 August 2018, 28 February 2019, 29 August 2019, 16 February 2020, 16 August 2020, 19 March 2021, 12 November 2021, 24 June 2022, 11 November 2022, 11 May 2023, 11 November 2023, 11 May 2024.

(Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity)).

1.3 Labelling and Display Requirements

Every packaged food article shall be marked and labelled in accordance with the Labelling Regulations as provided under [Annexure A](#) (under the head “*Labelling and Display Requirements*”). Mandatory food information required under the Food Safety Act, Rules, and Regulations shall be provided to consumers without charging supplementary costs and must be available before the purchase is concluded. The above Labelling and Display Requirements are applicable to the Buyer App and Marketplace App i.e., they shall contractually ensure with the seller that the commodity is in compliance with the specified requirements; the Inventory Seller App (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity)) and Seller on the marketplace seller app (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity)).Food Standards, Fortification & Additives: Every FBOs shall ensure compliance with the

- (i) Standards & Additives: Must follow standards under the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011⁴⁴.
- (ii) Fortification: Where applicable, food may be fortified to improve nutritional quality as per FSSAI Fortification Regulations, 2018⁴⁵.
- (iii) Infant Nutrition: Products intended for infants must comply with the relevant Infant Nutrition Regulations as discussed under [Annexure A](#) (Infant Nutrition Requirements).
- (iv) Contaminants and Residues: Food must not contain contaminants, toxins, or residues beyond limits set under the Food Safety and Standards (Contaminants, toxins and Residues) Regulations, 2011⁴⁶.

Furthermore, all the non-specified food articles or food ingredients shall be manufactured or imported on prior approval of the FSS in the manner prescribed under the Food Safety and Standards (Approval for Non-Specified Food and Food Ingredients) Regulations, 2017.⁴⁷ In this regard, further reference may be made to the additional guidance documents available at <https://fssai.gov.in/cms/non-specified-food.php>.

The above Regulations are applicable to the Buyer App and Marketplace App i.e., they shall contractually ensure with the seller that the commodity is in compliance with the specified

⁴⁴ https://fssai.gov.in/upload/uploadfiles/files/Food_Additives_Regulations.pdf.

⁴⁵ https://fssai.gov.in/upload/uploadfiles/files/Gazette_Notification_Food_Fortification_10_08_2018.pdf.

⁴⁶ https://fssai.gov.in/upload/uploadfiles/files/Contaminants_Regulations.pdf.

⁴⁷ https://fssai.gov.in/upload/uploadfiles/files/Gazette_Notification_NonSpecified_Food_Ingredients_15_09_2017.pdf.

requirements; the Inventory Seller App (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity)) and Seller on the marketplace seller app (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity)).

1.4 Importing Requirements

To import the food articles, the food business operators are required to obtain the import license under the Import Regulations. Additional compliances to import food articles have been provided under [Annexure – A](#) (under the head “*Importing Requirements*”).

1.5 Prohibition and restrictions on sales

Some of the food articles are prohibited for sale or subjected to certain conditions for the purpose of sale. The Food Safety and Standards (Prohibitions and Restrictions on sales) Regulations, 2011⁴⁸ prescribe the specifications of such food articles which are prohibited and / or restricted. Such compliances with respect to the prohibited or restricted food articles sale shall be observed by the FBOs. These Regulations are applicable to the Buyer App and Marketplace App i.e., they shall contractually ensure with the seller that the commodity is in compliance with the specified requirements; the Inventory Seller App (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity)) and Seller on the marketplace seller app (Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity)).

1.6 Food Recall Requirements

In case the food article is determined to be unsafe (as defined in [Annexure A](#)), the food business operators are required to recall such food article in the manner prescribed under the Food Recall Regulations. Compliances to recall food articles have been provided under [Annexure A](#) (under the head “*Food Recall Requirements*”). These Regulations are applicable to the Buyer App, Inventory Seller App, Marketplace App and Seller on Marketplace Seller App.

1.7 Advertising and Claims

All the FBOs and marketers are required to comply with the standards prescribed for advertising and claims (including the claims made on labels) under the Advertising Regulations. Compliances related to advertising and claims have been provided under [Annexure A](#) (under the head “*Advertising and Claims*”). These Regulations are applicable to the Buyer App, Inventory Seller App, Marketplace App and Seller on Marketplace Seller App.

⁴⁸ https://fssai.gov.in/upload/uploadfiles/files/Prohibition_Regulations.pdf.

B. LM Act

2.1 Licensing or Registration Requirement

Any individual, firm, society, company, corporation, or Hindu Undivided Family that pre-packs or imports any pre-packaged commodity for sale, distribution, or delivery is required to register itself under the LM Act with the Director or Controller of Legal Metrology. This registration must be completed within 90 days of starting such activities. Depending on the nature of the activity undertaken by the Network Participant or seller, registration under the LM Act may be required.

2.2 Packaging and Labelling Requirements

Entities must ensure that all pre-packaged products display the following mandatory declarations in accordance with the PC Rules:

- Name and address of the manufacturer, packer, or importer
- Common or generic name of the product
- Net quantity (weight, measure, or number)
- Maximum retail price (inclusive of all taxes)
- Month and year of manufacture or packing
- Best before' or 'Use by' date must be mentioned where applicable
- Consumer care contact details
- Unit sale price (where applicable)
- Country of origin
- Mandatory indicators for vegetarian/non-vegetarian origin (where applicable)
- Special labelling for GM foods (where applicable)
- Where the sizes of the commodity contained in the package are relevant, the dimensions of the commodity contained in the package and if the dimensions of the different pieces are different, the dimensions of each such different piece

Notably, e-commerce entities must ensure that all mandatory declarations (except the month and year of manufacture or packing) are displayed on the digital or electronic platform used for selling the goods. As per the PC Rules, **in marketplace models**, the responsibility for the correctness of these declarations lies with the manufacturer, seller, dealer, or importer, as applicable.

The packaging and labelling requirements provided under [Annexure B](#) (under the head “*Packaging and Labelling Requirements*”) shall be complied with. However, for the purpose of packages containing electronic products, further reference shall be made as per Para 1.3 of [Annexure – B](#).

2.3 Other compliances under Legal Metrology (Packaged Commodities) Rules 2011 (“PC Rules”):

Other compliance under PC Rules namely, declaration on container type commodities, general guidelines, manner of declaration, and maximum permissible errors on net quantities declared by weight or volume have been discussed in [Annexure B](#).

C. BIS Act

The Bureau of Indian Standards Act, 2016 (“BIS Act”) empowers the Bureau of Indian Standards (“BIS”) to regulate the quality and standards of products distributed in the Indian market. While BIS certification is generally voluntary, the Central Government has made it mandatory for certain products based on considerations such as public interest, health and safety of humans, animals, or plants, environmental protection, prevention of unfair trade practices, and national security.

For such products, the use of the Standard Mark is compulsory and must be obtained under a licence or Certificate of Conformity (CoC) from BIS. The list of products under compulsory certification is available on the BIS website: <https://www.bis.gov.in/product-certification/products-under-compulsory-certification/#>

Please refer to 1.4 of [Annexure – C](#) to check the applicability of BIS laws on the subject product(s). Additionally, the labelling requirements have been provided in [Annexure – C](#) (under the heading “Labelling requirements”).

D. Import and Export laws

4.1 Registration

Every importer and / or exporter is required to obtain IEC as discussed under the heading below of [Annexure - D](#).

E. Consumer Protection Act and the rules/ guidelines issued thereunder

5.1 Compliances under E-commerce Rules

All e-commerce entities must comply with the E-Commerce Rules, including:

- **Nodal Officer:** Appoint a nodal officer or alternate senior functionary residing in India.
- **Information Disclosure:** Clearly and prominently display on its platform:
 - Legal Name
 - Principal and branch addresses
 - Name and details of the website
 - Contract information of customer care and grievance officer.
- **Grievance Redressal:** Set up a grievance mechanism and appoint a grievance officer. Display their name, contact, and designation of such officer on its platform. Grievances must be acknowledged in 48 hours and resolved within 1 month.
- **Imported Goods:** If offering imported goods/services, mention importer details.
- **Cancellation Charges:** No cancellation charges unless the platform bears similar charges if they cancel the purchase order unilaterally.
- **Consent:** Obtain a consumer’s consent for any purchase through explicit and affirmative action.
- **Refunds:** Process refunds as prescribed under applicable law.

Obligations for Marketplace E-Commerce Entities

Marketplace entities must additionally:

- **Seller Undertaking:** Require sellers through an undertaking to ensure that descriptions, images, and other content pertaining to goods or services on their platform is accurate and corresponds directly with features of such goods or services.
- **Differentiated Treatment:** Include in terms and conditions, a description of any differentiated treatment which it gives or might give between goods or services or sellers of the same category.
- **Disclosures:** Display all required information including that may be required by consumers to make informed choices: contractual terms, mandatory notices, expiry, seller/importer details, country of origin, return/exchange/refund/delivery terms, warranties, payment modes, grievance mechanism.
- **Seller Details:** Show seller name, registration status, address, customer care number, and ratings, if any.
- **Complaint Tracking:** Provide ticket numbers to track complaints.
- **Ranking Parameters:** Explain in plain language the key parameters affecting product/seller rankings.

Obligations for Inventory E-Commerce Entities

Inventory-based entities must:

- **No False Representation:** Not misrepresent themselves as consumers.
- **Return and Refunds:** Must not deny return, refund, or cancellation if goods/services are defective, deficient, spurious, or delivered late.
- **Disclosures:** Same disclosure obligations as marketplaces.
- **Price Transparency:** Show total price as a single figure, with breakup and applicable taxes.
- **Complaint Tracking:** Provide ticket numbers for consumer complaints that enables consumers to track status of their complaint.

Obligations for Sellers on Marketplaces

Sellers on marketplaces must:

- **No Fake Reviews:** Not falsely pose as consumers or post fake reviews.
- **Return and Refunds:** Must not deny return, refund, or cancellation for defective, deficient, spurious, or delayed goods/services.
- **Written Contract:** Must have a prior written contract with the platform and share details (name, address, GSTIN, PAN, website).
- **Grievance Officer:** Appoint and display grievance officer's name and contact. Acknowledge complaints in 48 hours, resolve within 1 month.
- **Disclosures:** Display all legally required info (e.g., expiry date, seller/importer details, country of origin, return/exchange/delivery terms, warranties).
- **Price Transparency:** Show total price and breakup with all charges and taxes.
- **Grievance Officer Info:** Display name, contact number, and designation.

[Annexure E](#) details compliances required under the E-Commerce Rules.

5.2 Guidelines on Misleading Advertisements

As per the Guidelines, advertisement is valid and not misleading if it:

- Is truthful and honest in its representation.

- Does not exaggerate the product's performance, accuracy, scientific basis, or usefulness.
- Does not mislead by presenting legal consumer rights as unique benefits offered by the advertiser.
- Does not claim universal acceptance of a claim where significant scientific or expert disagreement exists.
- Does not exploit fear, i.e., doesn't suggest that personal or family safety is at risk if the product is not purchased.
- Does not mislead by citing publications or sources that haven't been independently verified.
- Complies with all applicable sector-specific laws and regulations.

In addition, the Guidelines also details conditions for bait advertisements, surrogate advertisements, free claims advertisements, and child targeted advertisements among others.

Please refer to [Annexure F](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

5.3 Guidelines on Dark Patterns

An entity advertising goods or services offered by it to consumers must comply with the Guidelines on Dark Patterns. The Guidelines defines Dark Patterns to mean any practices or deceptive design pattern using user interface or user experience interactions on any platform that is designed to mislead or trick users to do something they originally did not intend or want to do, by subverting or impairing the consumer autonomy, decision making or choice, amounting to misleading advertisement or unfair trade practice or violation of consumer rights. The Guidelines prohibits any person, including any platform, from engaging in any dark pattern practice. The Guidelines are available here: <https://consumeraffairs.nic.in/acts-and-rules/consumer-protection>

5.4 Greenwashing Guidelines

Please refer to [Annexure G](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

F. Data protection laws

The IT Act read with the SPDI Rules are the primary legislations in India governing data privacy and protection on a sector-neutral basis. To the extent the NPs will collect/handle personal data falling under the category of SPDI, it is required to be compliant with the obligations specified under the SPDI Rules. A summary of the key obligations under the SPDI Rules of an entity, inter alia, for collecting, processing and transferring of SPDI, has been set out in [Annexure H](#).

Please note that once the DPDP Act is enforced, all entities collecting, handling, or processing personal data will be required to comply with the obligations prescribed under the DPDP Act.

G. Compliance with IT Rules

- 7.1 An intermediary as defined under Section 2(w) of the IT Act, with respect to an electronic record, means any person who "receives, stores or transmits that record or provides any service with respect to that

record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes”. To the extent, the NP qualifies as an intermediary, it will be required to implement the due diligence obligations (depending on the category of intermediary) as has been set out in [Annexure I](#), if it seeks to avail the exemption from liability in accordance with Section 79 of the IT Act.

IDENTIFYING THE COMPLIANCES FOR NETWORK PARTNERS OF THE PHARMACY AND HEALTHCARE DEVICES INDUSTRY

✓ - Applicable

✗ - Not applicable

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Legal Metrology laws	Licensing	✗	✓*	✗	✓ ⁺
	Packaging and Labelling	✓ [∇]	✓ [◊]	✓ [∇]	✓ ^α
	Other Compliances	✓ [∇]	✓ [◊]	✓ [∇]	✓ ^α
BIS laws	Licensing / of Certificate of conformity	✓ [∇]	✓ [◊]	✓ [∇]	✓ ^α
Import and Export	Registration	✗	✓ ^ℵ	✗	✓ ^δ
Consumer Protection laws	Compliances of manufacturer, product service provider and product seller	✓	✓	✓	✓
	E-commerce Rules	✓	✓	✓	✓
	Guidelines on Misleading Advertisements	✓	✓	✓	✓ ⁴⁹
	Guidelines on Dark Patterns	✓	✓	✓	✓
	Greenwashing guidelines	✓	✓	✓	✓

* Applicable, where the inventory seller is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

⁺ Applicable, where the seller on the marketplace seller app is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

[∇] Contractually ensure with the seller that the commodity is in compliance with the specified requirements.

[◊] Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity).

^α Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity).

^ℵ Applicable, where the inventory seller is engaged in import of the commodities.

^δ Applicable, where the seller on marketplace seller app is engaged in import of commodities.

⁴⁹ Please note that this is not applicable to endorsers/ influencers.

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Data protection laws	Compliances under the IT Act and SPDI Rules	✓	✓	✓	✓
Information Technology Act	Compliance with IT Rules	✗	✗	✓	✗
Drugs, cosmetics and medical devices laws	Licensing requirements	✗	✓	✗ [▽]	✓
	Packaging and labelling requirements	✗	✓	✗ [▽]	✓
Pharmacy Act	Licensing and other requirements	✗	✓	✗ [▽]	✓

[Note: For ease of accessing the information, cross-linkages have been made in the second column of the table above which has been linked to the relevant compliance in this industry.]

XIII PHARMACY AND HEALTHCARE DEVICES

1. Registrations and licensing compliances for all pharmacies and sellers of healthcare devices

A. **LM Act**

1.1 Licensing or Registration Requirement

Any individual, firm, society, company, corporation, or Hindu Undivided Family that pre-packs or imports any pre-packaged commodity for sale, distribution, or delivery is required to register itself under the LM Act with the Director or Controller of Legal Metrology. This registration must be completed within 90 days of starting such activities. Depending on the nature of the activity undertaken by the Network Participant or seller, registration under the LM Act may be required.

1.2 Packaging and Labelling Requirements

Entities must ensure that all pre-packaged products display the following mandatory declarations in accordance with PC Rules:

- Name and address of the manufacturer, packer, or importer
- Common or generic name of the product
- Net quantity (weight, measure, or number)
- Maximum retail price (inclusive of all taxes)
- Month and year of manufacture or packing
- Best before' or 'Use by' date must be mentioned where applicable
- Consumer care contact details
- Unit sale price (where applicable)
- Country of origin
- Mandatory indicators for vegetarian/non-vegetarian origin (where applicable)
- Special labelling for GM foods (where applicable)
- Where the sizes of the commodity contained in the package are relevant, the dimensions of the commodity contained in the package and if the dimensions of the different pieces are different, the dimensions of each such different piece

Notably, e-commerce entities must ensure that all mandatory declarations (except the month and year of manufacture or packing) are displayed on the digital or electronic platform used for selling the goods. As per the PC Rules, **in marketplace models**, the responsibility for the correctness of these declarations lies with the manufacturer, seller, dealer, or importer, as applicable.

The packaging and labelling requirements provided under [Annexure B](#) (under the head “*Packaging and Labelling Requirements*”) shall be complied with. However, for the purpose of packages containing food articles, further reference shall be made to Para 1.1 and 1.2 of [Annexure B](#).

1.3 Other compliances under Legal Metrology (Packaged Commodities) Rules 2011 ("PC Rules"):

Other compliance under PC Rules namely, declaration on container type commodities, general guidelines, manner of declaration, and maximum permissible errors on net quantities declared by weight or volume have been discussed in [Annexure B](#).

B. BIS Act

2.1 Licensing / Certificate of conformity and labelling

Please refer to 1.4 of [Annexure – C](#) to check the applicability of BIS laws on the subject product(s). Additionally, the labelling requirements have been provided in [Annexure – C](#) (under the heading "Labelling requirements").

C. Import and Export laws

3.1 Registration

Every importer and / or exporter is required to obtain IEC as discussed under the heading below of [Annexure - D](#).

D. Consumer Protection Act and the rules/ guidelines issued thereunder

4.1 Compliances of manufacturer, product service provider and product seller under the CPA

A manufacturer, product service provider and product seller shall comply with the obligations provided under Section 84, 85 and 86 of the CPA.

4.2 Compliances under E-commerce Rules

- (i) Please refer to Para 1.1 of [Annexure E](#) for compliances to be followed by all E-commerce entities.
- (ii) Please refer to Para 1.2 of [Annexure E](#) for additional compliances to be followed by all marketplace E-commerce entities.
- (iii) Please refer to Para 1.3 of [Annexure E](#) for additional compliances to be followed by all inventory E-commerce entities.
- (iv) Please refer to Para 1.4 of [Annexure E](#) for additional compliances to be followed by all sellers on the marketplace E-commerce entity.

4.3 Guidelines on Misleading Advertisements

Please refer to [Annexure F](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

4.4 Guidelines on Dark Patterns

An entity advertising goods or services offered by it to consumers must comply with the Guidelines on Dark Patterns.

4.5 Greenwashing Guidelines

Please refer to [Annexure G](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

E. Data protection laws

The IT Act read with the SPDI Rules are the primary legislations in India governing data privacy and protection on a sector-neutral basis. To the extent the NPs will collect/handle personal data falling under the category of SPDI, it is required to be compliant with the obligations specified under the SPDI Rules. A summary of the key obligations under the SPDI Rules of an entity, inter alia, for collecting, processing and transferring of SPDI, has been set out in [Annexure H](#).

Please note that once the DPDP Act is enforced, all entities collecting, handling, or processing personal data will be required to comply with the obligations prescribed under the DPDP Act.

F. Compliance with IT Rules

To the extent, the NP qualifies as an intermediary, it will be required to implement the due diligence obligations (depending on the category of intermediary) as has been set out in [Annexure I](#), if it seeks to avail the exemption from liability in accordance with Section 79 of the IT Act.

G. Compliance with drugs, cosmetics and medical devices laws

7.1 Licensing Requirements

- (i) Please refer to Para 1.1 of [Annexure J](#) for the license required for retail sale of Drugs under the Drugs Rules.
- (ii) Please refer to Para 1.2 of [Annexure J](#) for the license required for wholesale sale of Drugs under the Drugs Rules.
- (iii) Please refer to Para 1.3 of [Annexure J](#) for the license required for import license under the Drugs Rules.
- (iv) Please refer to Para 1.4 of [Annexure J](#) for the restricted license under the Drugs Rules.
- (v) Please refer to Para 1.5 of [Annexure J](#) for the license required for selling homeopathic medicine under the Drugs Rules.
- (vi) Please refer to Para 1.6 of [Annexure J](#) for the license required for manufacturer, importer, seller of medical devices under the Medical Devices Rules.

- (vii) Please refer to Para 1.7 of [Annexure J](#) for the license required for importing cosmetics under the Cosmetics Rules.

7.2 Packaging and labelling requirements

- (i) Depending on the category of Drug, the relevant NP is required to adhere to the packaging and labelling requirements as provided in Para 2.1 of [Annexure J](#).
- (ii) Depending on the nature of the medical device, the relevant NP is required to adhere to the packaging and labelling requirements as provided in Para 2.2 of [Annexure J](#).
- (iii) The packaging and labelling requirements of the cosmetic products must be in compliance with Chapter VI of the Cosmetics Rules.

H. Compliance with Pharmacy Act

8.1 Licensing and other requirements

Every pharmacy is required to be under the supervision of a pharmacist who is registered with the relevant State's Pharmacy Councils in compliance with the Pharmacy Act. Additionally, a pharmacy and the pharmacist is required to comply with the provisions of the Pharmacy Act read with the Pharmacy Practice Regulations 2015 which includes the manner of maintaining prescription register, qualification of pharmacist, duties and responsibilities of a registered pharmacists etc.

IDENTIFYING THE COMPLIANCES FOR NETWORK PARTNERS OF THE EDUCATION SERVICE INDUSTRY

✓ - Applicable

✗ - Not applicable

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Consumer Protection laws	Compliances of product service provider	✓	✓	✓	✓
	E-commerce Rules	✓	✓	✓	✓
	Guidelines on Misleading Advertisements	✓	✓	✓	✓ ⁵⁰
	Guidelines on Dark Patterns	✓	✓	✓	✓
	Greenwashing guidelines	✓	✓	✓	✓
	Coaching sector guidelines	✓	✓	✓	✓
Data protection laws	Compliances under the IT Act and SPDI Rules	✓	✓	✓	✓
Information Technology Act	Compliance with IT Rules	✗	✗	✓	✗
UGC Act and AICTE Act	Compliance under formal education framework	✗	✓	✗	✓
State specific regulations	Compliance under informal education framework	✗	✓	✗	✓

[Note: For ease of accessing the information, cross-linkages have been made in the second column of the table above which has been linked to the relevant compliance in this industry.]

⁵⁰ Please note that this is not applicable to endorsers/ influencers.

XIV EDUCATION SERVICE INDUSTRY

1. Compliances and registration for all NPs in the education service industry

A. Consumer Protection Act and the rules/ guidelines issued thereunder

1.1 Compliances of product service provider under the CPA

A product service provider shall comply with the obligations provided under Section 85 of the CPA.

1.2 Compliances under E-commerce Rules

- (i) Please refer to Para 1.1 of [Annexure E](#) for compliances to be followed by all E-commerce entities.
- (ii) Please refer to Para 1.2 of [Annexure E](#) for additional compliances to be followed by all marketplace E-commerce entities.
- (iii) Please refer to Para 1.3 of [Annexure E](#) for additional compliances to be followed by all inventory E-commerce entities.
- (iv) Please refer to Para 1.4 of [Annexure E](#) for additional compliances to be followed by all sellers on the marketplace E-commerce entity.

1.3 Guidelines on Misleading Advertisements

Please refer to [Annexure F](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

1.4 Guidelines on Dark Patterns

An entity advertising goods or services offered by it to consumers must comply with the Guidelines on Dark Patterns.

1.5 Greenwashing Guidelines

Please refer to [Annexure G](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

1.6 Coaching Sector Guidelines

A Coaching Centre providing coaching to the students must adhere to the compliances under the Coaching Sector Guidelines.

B. Data protection laws

The IT Act read with the SPDI Rules are the primary legislations in India governing data privacy and protection on a sector-neutral basis. To the extent the NPs will collect/handle personal data falling under the category of SPDI, it is required to be compliant with the obligations specified under the SPDI Rules. A summary of the key obligations under the SPDI Rules of an entity, inter alia, for collecting, processing and transferring of SPDI, has been set out in [Annexure H](#).

Please note that once the DPDP Act is enforced, all entities collecting, handling, or processing personal data will be required to comply with the obligations prescribed under the DPDP Act.

C. Compliance with IT Rules

To the extent, the NP qualifies as an intermediary, it will be required to implement the due diligence obligations (depending on the category of intermediary) as has been set out in [Annexure I](#), if it seeks to avail the exemption from liability in accordance with Section 79 of the IT Act.

D. Compliance under formal education framework

The provision of formal education, particularly courses that lead to the award of degrees or diplomas, is regulated under the University Grants Commission Act 1956 (“**UGC Act**”) and the All India Council for Technical Education Act 1987 (“**AICTE Act**”). In particular:

- (i) **UGC Act:** Under Section 22(1), the right to confer degrees is reserved for universities established by law, deemed universities, or those institutions specifically empowered by Parliament. Section 22(2) of the UGC Act prohibits any other entity from conferring or granting degrees.
- (ii) **AICTE Act:** Programs leading to degrees or diplomas in technical education (e.g., engineering, architecture, pharmacy, management, etc.) can only be offered by institutions registered with the AICTE. This is governed under the AICTE Act, AICTE Grant of Approval Regulations 2020, and related guidelines.

Skilling courses offered by ecosystem players on the ONEST platform would generally not fall within the formal education framework if the following conditions are adhered to:

- (i) **Nomenclature:** The course names should not match AICTE or UGC-approved program names (e.g., “Post Graduate Diploma” or “Master's in Artificial Intelligence”).
- (ii) **Duration:** The courses must be of a shorter duration, less than those required for formal degree or diploma courses under UGC / AICTE.
- (iii) **Curriculum:** The curriculum should not align with any UGC or AICTE approved curriculum.
- (iv) **Award:** Upon completion, the students should only receive a certificate of completion and not a degree or diploma.

E. Compliance under informal education framework

Informal education programs, such as certificate courses or executive programs, offered by private entities or education operators that are not recognized by AICTE or UGC, are not regulated under UGC or AICTE laws. However, some key compliance considerations remain:

- (i) **State-specific regulations:** Certain states regulate coaching centres or tutorial institutions that prepare students for state or national exams. These institutions may need to be registered with the state government.
- (ii) **Sector-specific regulations:** Some sectors, such as aviation, may require specific approvals for training organizations. For instance, the Directorate General of Civil Aviation mandates approvals for aviation training institutions under the Aircraft Act 1934 and Aircraft Rules 1937.
- (iii) **Coaching sector guidelines:** As noted in the draft compliance handbook shared by you, entities providing coaching services must adhere to the Guidelines for Prevention of Misleading Advertisement in Coaching Sector 2024. Additionally, according to the Ministry of Education's Guidelines for Regulation of Coaching Centres, tuition and instruction provided to more than 50 students fall under the coaching centre definition. However, the guidelines do not explicitly address online centres. Nonetheless, ecosystem players operating in a hybrid mode are likely to be subject to regulation.

IDENTIFYING THE COMPLIANCES FOR NETWORK PARTNERS OF THE HOME DÉCOR INDUSTRY

✓ - Applicable

✗ - Not applicable

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Legal Metrology laws	Licensing	✗	✓*	✗	✓ ⁺
	Packaging and Labelling	✓ [∇]	✓ [◊]	✓ [∇]	✓ ^α
	Other Compliances	✓ [∇]	✓ [◊]	✓ [∇]	✓ ^α
BIS laws	Licensing / Certificate of conformity	✓ [∇]	✓ [◊]	✓ [∇]	✓ ^α
Import and Export	Registration	✗	✓ ^ℵ	✗	✓ ^δ
Consumer Protection laws	Compliances of manufacturer, product service provider and product seller	✓	✓	✓	✓
	E-commerce Rules	✓	✓	✓	✓
	Guidelines on Misleading Advertisements	✓	✓	✓	✓ ⁵¹
	Guidelines on Dark Patterns	✓	✓	✓	✓
	Greenwashing guidelines	✓	✓	✓	✓
Data protection laws	Compliances under the IT Act and SPDI Rules	✓	✓	✓	✓

* Applicable, where the inventory seller is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

⁺ Applicable, where the seller on the marketplace seller app is engaged in pre-packing or importing the commodity for its sale, distribution or delivery.

[∇] Contractually ensure with the seller that the commodity is in compliance with the specified requirements.

[◊] Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the inventory seller is not manufacturing or packing / labelling the commodity).

^α Contractually ensure with the vendor / manufacturer that the commodity is in compliance with the specified requirements (where the seller on the marketplace seller app is not manufacturing or packing / labelling the commodity).

^ℵ Applicable, where the inventory seller is engaged in import of the commodities.

^δ Applicable, where the seller on marketplace seller app is engaged in import of commodities.

⁵¹ Please note that this is not applicable to endorsers/ influencers.

Applicable Laws	Requisite compliance	Buyer App	Inventory Seller App	Marketplace Seller App	Seller on the Market place Seller App
Information Technology Act	Compliance with IT Rules				

[Note: For ease of accessing the information, cross-linkages have been made in the second column of the table above which has been linked to the relevant compliance in this industry.]

XV HOME DÉCOR

1. Registrations and licensing compliances for home décor

A. LM Act

1.1 Licensing or Registration Requirement

Any individual, firm, society, company, corporation, or Hindu Undivided Family that pre-packs or imports any pre-packaged commodity for sale, distribution, or delivery is required to register itself under the LM Act with the Director or Controller of Legal Metrology. This registration must be completed within 90 days of starting such activities. Depending on the nature of the activity undertaken by the Network Participant or seller, registration under the LM Act may be required.

1.2 Packaging and Labelling Requirements

Entities must ensure that all pre-packaged products display the following mandatory declarations in accordance with PC Rules:

- Name and address of the manufacturer, packer, or importer
- Common or generic name of the product
- Net quantity (weight, measure, or number)
- Maximum retail price (inclusive of all taxes)
- Month and year of manufacture or packing
- Best before' or 'Use by' date must be mentioned where applicable
- Consumer care contact details
- Unit sale price (where applicable)
- Country of origin
- Mandatory indicators for vegetarian/non-vegetarian origin (where applicable)
- Special labelling for GM foods (where applicable)
- Where the sizes of the commodity contained in the package are relevant, the dimensions of the commodity contained in the package and if the dimensions of the different pieces are different, the dimensions of each such different piece

Notably, e-commerce entities must ensure that all mandatory declarations (except the month and year of manufacture or packing) are displayed on the digital or electronic platform used for selling the goods. As per the PC Rules, **in marketplace models**, the responsibility for the correctness of these declarations lies with the manufacturer, seller, dealer, or importer, as applicable.

The packaging and labelling requirements provided under [Annexure B](#) (under the head “*Packaging and Labelling Requirements*”) shall be complied with. However, for the purpose of packages containing food articles, further reference shall be made to Para 1.1 and 1.2 of [Annexure B](#).

1.3 Other compliances under Legal Metrology (Packaged Commodities) Rules 2011 ("PC Rules"):

Other compliance under PC Rules namely, declaration on container type commodities, general guidelines, manner of declaration, and maximum permissible errors on net quantities declared by weight or volume have been discussed in [Annexure B](#).

B. BIS Act

2.1 Licensing / Certificate of conformity and labelling

Please refer to 1.4 of [Annexure – C](#) to check the applicability of BIS laws on the subject product(s). Additionally, the labelling requirements have been provided in [Annexure – C](#) (under the heading "Labelling requirements").

C. Import and Export laws

3.1 Registration

Every importer and / or exporter is required to obtain IEC as discussed under the heading below of [Annexure - D](#).

D. Consumer Protection Act and the rules/ guidelines issued thereunder

4.1 Compliances of manufacturer, product service provider and product seller under the CPA

A manufacturer, product service provider and product seller shall comply with the obligations provided under Section 84, 85 and 86 of the CPA.

4.2 Compliances under E-commerce Rules

- (i) Please refer to Para 1.1 of [Annexure E](#) for compliances to be followed by all E-commerce entities.
- (ii) Please refer to Para 1.2 of [Annexure E](#) for additional compliances to be followed by all marketplace E-commerce entities.
- (iii) Please refer to Para 1.3 of [Annexure E](#) for additional compliances to be followed by all inventory E-commerce entities.
- (iv) Please refer to Para 1.4 of [Annexure E](#) for additional compliances to be followed by all sellers on the marketplace E-commerce entity.

4.3 Guidelines on Misleading Advertisements

Please refer to [Annexure F](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

4.4 Guidelines on Dark Patterns

An entity advertising goods or services offered by it to consumers must comply with the Guidelines on Dark Patterns.

4.5 Greenwashing Guidelines

Please refer to [Annexure G](#) for the compliances to be followed under these guidelines by an entity advertising goods or services offered by it to consumers.

E. Data protection laws

The IT Act read with the SPDI Rules are the primary legislations in India governing data privacy and protection on a sector-neutral basis. To the extent the NPs will collect/handle personal data falling under the category of SPDI, it is required to be compliant with the obligations specified under the SPDI Rules. A summary of the key obligations under the SPDI Rules of an entity, inter alia, for collecting, processing and transferring of SPDI, has been set out in [Annexure H](#).

Please note that once the DPDP Act is enforced, all entities collecting, handling, or processing personal data will be required to comply with the obligations prescribed under the DPDP Act.

F. Compliance with IT Rules

To the extent, the NP qualifies as an intermediary, it will be required to implement the due diligence obligations (depending on the category of intermediary) as has been set out in [Annexure I](#), if it seeks to avail the exemption from liability in accordance with Section 79 of the IT Act.

ANNEXURE – A

FOOD SAFETY LAWS

A. Licensing or Registration Requirements

1.1 A registration or license (Central or State) is required to be obtained to operate a food business in India. The registration or licensing requirements are determined in the following manner:

- (a) The registration or licensing requirements are prescribed for different kinds of food business activities i.e., manufacture, import, sale (wholesale, retail), packaging, etc.
- (b) Further, the requirement for obtaining either **Central license** or **State license** or a simpler **registration** is determined based on the annual **turnover** or **production/ storage** capacity of a food business as prescribed under the Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011 (“**L&R Regulations**”). The details pertaining to eligibility criteria and fee structure for the said registration or license is readily available on the *Food Safety Compliance System’s* portal⁵².

Note: *The registration or license under the food safety laws is issued for a premise or place of business. Thus, a single integrated registration or license can be issued for multiple activities undertaken from one premise or place of business by a food business operator.*

1.2 The licensees shall ensure to keep the licensing authority updated with respect to their food business establishment.

1.3 The licensee under L&R Regulations shall submit a return on or before 31 May each year (separate for each license issued to it), to the licensing authority in respect of each class of food articles handled by him during the previous financial year.

1.4 The L&R Regulations also stipulate the requirements inter alia with respect to (i) the hygiene of the premises, containers, equipment and material (raw material and packaging material) used in manufacturing, packing and storing of food articles and vehicles used to transport the same; (ii) facilities including water supply, drainage, waste disposal, ventilation, lighting, food testing, pest control; (iii) personnel facilities and their personal hygiene; (iv) audit, documentation and records; (v) training of the food handlers; and (vi) storage, transportation and handling of the food articles, for the following FBOs under Schedule – 4 of the L&R Regulations [*General Hygienic and Sanitary practices to be followed by Food Business Operators*]:

- (a) Petty FBOs applying for registration (Part I of Schedule – 4).
- (b) All FBOs applying for license under L&R Regulations (Part II of Schedule – 4).

⁵² <https://foscos.fssai.gov.in/assets/docs/KindofBusinessEligibilityLatest.pdf>.

- (c) FBOs engaged in manufacture, processing, storing and selling of milk and milk products (Part III of Schedule – 4).
 - (d) FBOs engaged in manufacture, processing, storing and selling of meat and meat products (Part IV of Schedule – 4).
 - (e) FBOs engaged in catering or food service establishment (Part V of Schedule – 4).
- 1.5 On the basis of Schedule – 4 of the L&R Regulations, the guidance documents to implement GMP/GHP requirements for food articles such as spices⁵³, health supplements and nutraceuticals⁵⁴ and milk and milk products⁵⁵ have been issued by FSSAI as part of food safety management systems.

B. Packaging Requirements

- 2.1 In this regard, the FSSAI has issued the Food Safety and Standards (Packaging) Regulations, 2018 (“**Packaging Regulations**”).
- 2.2 The requirements stipulated for the manner of packaging are provided in Regulation 3 of the Packaging Regulations which includes:
- (a) Packaging materials shall be suitable for the type of product, the conditions provided for storage, and the equipment for filling, sealing, and packaging of food as well as transportation conditions.
 - (b) Packaging materials shall be able to withstand mechanical, chemical, or thermal stresses encountered during normal transportation. In the case of flexible or semi-rigid containers, overwrap packaging may be necessary.
 - (c) Food articles shall be packed in a clean, hygienic, and tamperproof package or container.
 - (d) Printing inks for use on food packages shall conform to IS: 15495.
 - (e) In the case of multilayer packaging the layer which comes in direct contact with food or layers likely to come in contact with food shall meet the requirements of packaging materials specified in Schedule I (Paper and board materials intended to come in contact with food articles), II (Metal and Metal Alloys intended to come in contact with food articles) and III (Plastic Materials intended to come in contact with food products) of the Packaging Regulations.
- 2.3 The Packaging Regulations framework provides a list of suggestive packaging materials corresponding

⁵³ https://fssai.gov.in/upload/uploadfiles/files/Guidance_Document_Spices_23_10_2018.pdf.

⁵⁴ https://fssai.gov.in/upload/uploadfiles/files/Guidance_Document_Nutraceutical_18_05_2018.pdf.

⁵⁵ https://fssai.gov.in/upload/uploadfiles/files/Guidance_Document_Milk_14_03_2019.pdf.

to the product category in Schedule IV of the Packaging Regulations.

C. Labelling and Display Requirements

- 3.1 To manufacture, distribute, sell, or expose for sale or despatch or deliver to any agent or broker for sale, every pre-packaged food article shall be marked and labelled in accordance with Food Safety and Standards (Labelling and Display) Regulations, 2020 (“**Labelling Regulations**”).
- 3.2 Every pre-packaged / pre-packed food should carry a label containing the information prescribed under Regulation 4 of the Labelling Regulations which include the following details:
- (a) Particulars of labelling declarations should be in Hindi or English language;
 - (b) Label should be applied on pre-packaged or pre-packed food in such a manner that it cannot be separated from the container;
 - (c) Where the container is wrapped in a wrapper, then the wrapper shall carry the necessary information or label so that readily legible by consumers under normal conditions of purchase and use; and
 - (d) License number shall be displayed on the principal display panel in the prescribed format.
- 3.3 Further, the information required to be declared on every label of a pre-packaged or pre-packed food has been prescribed under Regulation 5 of the Labelling Regulations, which includes the following:
- (a) Name of the food – This shall include the trade name or description;
 - (b) List of ingredients;
 - (c) Nutritional information;
 - (d) Calculation of nutrients;
 - (e) Declaration regarding the vegetarian or non-vegetarian nature of the food;
 - (f) Declaration regarding food additives;
 - (g) Name and complete address of the manufacturer – In addition to the above, for imported food articles, the name & address of the importer along with the details of the bottling or packing unit, if any;
 - (h) FSSAI logo and license number;
 - (i) Net Quantity – by weight, volume, or number, as the case may be, retail sale price and consumer care details;
 - (j) Lot/ Code/ Batch identification reference;

- (k) Date of manufacturing or packing and expiry / use;
 - (l) Country of Origin details for imported foods;
 - (m) Instructions for use – wherever necessary;
 - (n) Declaration regarding food allergen; and
 - (o) If the food material is not meant for human consumption, the package shall bear a declaration to this effect by a symbol consisting of a cross inside a square in black colour.
- 3.4 The relevant information / declarations are required to be made on the principal display panel (“**PDP**”) and can be given in the following manner:⁵⁶
- (a) All information should be grouped and given in one place; or
 - (b) The pre-printed information can be grouped together and given in one place and Online information or those not pre-printed be grouped together in another place.
- 3.5 The PDP area shall adhere to of the Labelling Regulations including Regulation 6 of the Labelling Regulations. The Labelling Regulations also allow certain exemption from requirements which are provided in Regulation 8 of the Labelling Regulations.

D. Importing Requirements

- 4.1 An import license is required to be obtained from the Central Licensing Authority to import any article of food as per the Food Safety and Standards (Import) Regulations, 2017 (“**Import Regulations**”). The imported food article shall be imported in the manner prescribed under Regulation 5 of the Import Regulations.
- 4.2 The compliance with standards for packaging and labelling has been prescribed in Regulation 6 of the Import Regulations
- 4.3 No-objection certificate (Form 3) provided under the Import Regulations) shall be issued to the importer if the Authorised Officer is satisfied that the food articles conform to the standards stipulated under the Import Regulations. The no objection certificate is valid for thirty days from receipt of the said certificate within which the importer shall remove the food articles from the customs area.

E. Organic Foods⁵⁷ Requirements

- 5.1 The organic food meant for sale shall comply with the applicable provisions of one of the following

⁵⁶ Regulation 6(1) of the Labelling Regulations.

⁵⁷ Regulation 2(1)(g) of the Food Safety and Standards (Organic Foods) Regulations, 2017 (“**Organic Foods Regulations**”) defines the term “*Organic food*” as “*food products that have been produced in accordance with specified standards for organic food production*”.

systems:⁵⁸

- (a) National Programme for Organic Production (NPOP);
- (b) Participatory Guarantee System for India (PGS-India); and
- (c) Any other system or standards as may be notified by the Food Authority from time to time.

- 5.2 The organic food marketed through direct sales by a small original producer or producer organization to the end customer and such intermediaries or aggregators who collect organic food from such producers are exempted from the above requirement.
- 5.3 Packaging and labelling of organic food: The label shall convey the organic status of the food article by carrying a logo therefore with the dimensions (in mm) provided in Regulation 5 of the Organic Foods Regulations; Schedule I to the Labelling Regulations Display for sale of organic food: The seller of the organic food shall display such food in a manner distinguishable from the display of non-organic food.
- 5.4 Import of organic food: The organic food imported under bilateral or multilateral agreements on the basis of equivalence of standards between that of NPOP and the exporting country, is not required to be re-certified on import. However, the organic food consignment shall be accompanied by a transaction certificate issued by the accredited certification body.

F. Vegan Foods⁵⁹ Requirements

- 6.1 The vegan foods shall not involve animal testing for any purpose of safety evaluation unless provided by any regulatory authority.
- 6.2 The food business operator shall ensure to take appropriate precautions in all stages of production, processing, and distribution with good manufacturing practices and avoid the unintended presence of non-vegan substances.
- 6.3 Labelling and Packaging of Vegan Foods: The vegan foods package shall be in compliance with the Labelling Regulations.⁶⁰ The packaging of the vegan foods shall carry a logo (after approval of the Food Authority) to display the status of vegan products.
- 6.4 Import of Vegan Foods: Vegan food articles shall be imported with a certificate issued by the recognised authorities of the exporting countries in the format as specified by the Authority is accepted.

G. Health Supplements and Others' Requirements

- 7.1 The Food Safety and Standards (Health Supplements, Nutraceuticals, Food for Special Dietary Use, Food

⁵⁸ Regulation 4 of the Organic Foods Regulations.

⁵⁹ As per Regulation 2(a) of the Food Safety and Standards (Vegan Foods) Regulations, 2022 ("**Vegan Foods Regulations**"), the term "vegan food" means "the food or food ingredient, including additives, flavourings, enzymes and carriers, or processing aids that are not products of animal origin and in which, at no stage of production and processing, ingredients, including additives, flavourings, enzymes and carriers, or processing aids that are of animal origin has been used."

⁶⁰ Regulation 3(3) of the Vegan Foods Regulations.

for Special Medical Purpose, Functional Food and Novel Food) Regulations, 2016 (“**Health Supplements and Others’ Regulations**”) are applicable on food for special dietary use, functional foods, health supplements, nutraceuticals, food for special medical purpose and novel foods.

- 7.2 The food articles with standard nutrients or nutritionally complete formulation shall deliver desired level of energy, protein, vitamins and minerals and other essential nutrients required for respective age group, gender and physiological stage as per the guidelines made by Indian Council of Medical Research as per Regulation 3 of the Health Supplements and Others’ Regulations.
- 7.3 The quality of nutrients added to the articles of food shall not be in excess to the recommended daily allowance as specified by the Indian Council of Medical Research. If the standards have not been specified, the nutrients shall comply with the standards laid down by Codex Alimentarius Commission.⁶¹
- 7.4 The food articles shall conform to the Food Safety and Standards (Contaminants, Toxins and Residues) Regulations, 2011.
- 7.5 The food business operator may use the following with food articles covered under the Health Supplements and Others’ Regulations:
- (a) Approved colours and additives.
 - (b) Natural flavours or nature identical flavours or synthetic flavours. Please note that the addition of flavour shall be declared on the label of such food article in accordance with the Labelling Regulations.
 - (c) The Health Supplements and Others’ Regulations provides that the ingredients listed in the schedules I, II, III, IV, VI, VII and VIII of the Health Supplements and Others’ Regulations are permitted to be used in food articles.
 - (d) The Health Supplements and Others’ Regulations permits the use of additives listed in the schedules V-A, V-B, V-C, V-D, V-E and V-F of the Health Supplements and Others’ Regulations in the food articles.

No hormones or steroids or psychotropic ingredients shall be added in any food article covered under the Health Supplements and Others’ Regulations.

- 7.6 The food articles in the form of capsules, tablets or syrups shall be sold in compliance with the Health Supplements and Others’ Regulation including Rule 3 of the Health Supplements and Others’ Regulation.
- 7.7 **Nutrient claim:**

⁶¹ Regulation 3(4) of the Health Supplements and Others’ Regulations.

- (a) The individual nutrient content of the health supplement shall be in compliance with the Health Supplements and Others' Regulation including Regulation 3 and 4 of the Health Supplements and Others' Regulation.
- (b) The health claims⁶² in respect of an article of food shall be commensurate with the adequate level of documentation and valid proof made available for review by the Food Authority when called for. For health claims where scientific support does not exist, or if a novel ingredient is to be introduced, there shall be a prior approval of the Food Authority.
- (c) The other claims in a food article other than drug claims may be allowed subject to prior approval of the Food Authority.
- (d) If the health claims are product led, the food business operator shall notify to the Food Authority before putting the same in the market, by submitting relevant documents and copy of the label.

7.8 Labelling Requirements:

- (a) The labelling on food articles shall be in accordance with the Labelling Regulations, and the specific labelling requirements provided in the Health Supplements and Others' Regulation.

7.9 The compliance pertaining to different food articles covered under the Health Supplements and Others' Regulations has been tabulated below:

S. No.	Food article category	Requirements under the Health Supplements and Others' Regulations
1	Health Supplements	The compliance pertaining to health supplements shall be in accordance with Regulation 6 of the Health Supplements and Others' Regulation.
2	Nutraceuticals	The compliance pertaining to nutraceuticals shall be in accordance with Regulation 7 of the Health Supplements and Others' Regulation.
3	Food for special dietary use, other than infants, and those products intended to be taken under medical advice	The compliance pertaining to food for special dietary use, other than infants, and those products intended to be taken under medical advice shall be in accordance with Regulation 8 of the Health Supplements and Others' Regulation.
4	Food for special medical purposes	The compliance pertaining to food for special medical purposes shall be in accordance with Regulation 9 of the Health Supplements and Others' Regulation.

⁶² Health claim means any representation in respect of an article of food that states, suggests or implies that a relationship exists between the constituent of that nutrient or nutritional, health, and specific disease conditions. The health claim consists of the following two essential components, namely, (i) nutrient or nutritional ingredients; and (ii) health related benefits.

S. No.	Food article category	Requirements under the Health Supplements and Others' Regulations
5	Food with added probiotic ingredients	The compliance pertaining to food with added probiotic ingredients shall be in accordance with Regulation 10 of the Health Supplements and Others' Regulation.
6	Food with added prebiotic ingredients	The compliance pertaining to food with added prebiotic ingredients shall be in accordance with Regulation 11 of the Health Supplements and Others' Regulation.
7	Specialty food containing plant or botanical ingredients with safe history of usage	The compliance pertaining to specialty food containing plant or botanical ingredients with safe history of usage shall be in accordance with Regulation 12 of the Health Supplements and Others' Regulation.
8	Novel Food ⁶³	The compliance pertaining to novel food shall be in accordance with Regulation 13 of the Health Supplements and Others' Regulation.

H. Food Recall Procedure

- 8.1 The Food Safety and Standards (Food Recall Procedure) Regulations, 2017⁶⁴ ("**Food Recall Regulations**") prescribe the conditions and guidelines for the purpose of recalling food by the food business operator in view of Section 28 of the Food Safety Act. These Regulations are applicable on food or food articles that are determined to be (on *prima facie* basis as well) unsafe⁶⁵ and / or specified by the relevant

⁶³ Novel food is defined as a food that—
 (i) may not have a history of human consumption; or
 (ii) may have any ingredient used in it which or the source from which it is derived, may not have a history of human consumption; or
 (iii) a food or ingredient obtained by new technology with innovative engineering process, where the process may give rise to significant change in the composition or structure or size of the food or food ingredients which may alter the nutritional value, metabolism or level of undesirable substances.

⁶⁴ https://fssai.gov.in/upload/uploadfiles/files/Food_Recall_Regulations.pdf.

⁶⁵ The term "Unsafe food" has been defined under Section 3(1)(zz) of the Food Safety Act in the following manner:
 "unsafe food" means an article of food whose name, substance or quality is so affected as to render it injurious to health:—
 (i) by the article itself, or its package thereof, which is composed, whether wholly or in part, of poisonous or deleterious substances; or
 or
 (ii) by the article consisting, wholly or in part, of any filthy, putrid, rotten, decomposed or diseased animal substance or vegetable substance; or
 (iii) by virtue of its unhygienic processing or the presence in that article of any harmful substance; or
 (iv) by the substitution of any inferior or cheaper substance whether wholly or in part; or
 (v) by addition of a substance directly or as an ingredient which it not permitted; or
 (vi) by the abstraction, wholly or in part, of any of its constituents; or
 (vii) by the article being so coloured, flavoured or coated, powdered or polished, as to damage or conceal the article or to make it appear better or of greater value than it really is; or
 (viii) by the presence of any colouring matter or preservatives other than that specified in respect thereof; or
 (ix) by the article having been infected or infested with worms, weevils or insects; or
 (x) by virtue of its being prepared, packed or kept under insanitary conditions; or
 (xi) by virtue of its being misbranded or substandard or food containing extraneous matter; or

authority.

- 8.2 The food recall process may be initiated by the food business operator to fulfil his responsibilities under Section 28 of the Food Safety Act, on directions issued by the Chief Executive Officer, FSSAI or the Commissioner of Food Safety of the State or Union territory or both on the basis of report or complaints from any stakeholder.
- 8.3 The initiation of food recall process does not preclude the Chief Executive Officer, FSSAI or the Commissioner of Food Safety of the State or Union territory from taking any further action.
- 8.4 The food business operator shall maintain the food distribution records including the names and addresses of suppliers and customers, nature of food, date of purchase, date of delivery, lot number, batch code, pack size, brand name, date of manufacture, date of expiry and best before date, for a period of one year from best before date or the expiry date, as applicable.
- 8.5 The food business operator shall submit information as specified under Schedule I to the concerned Authority immediately but not post 24 hours from the time it comes to his notice that such food is to be recalled. Further, Commissioner of Food Safety of the State or Union territory shall inform the Chief Executive Officer, FSSAI about the initiation of recall procedure within twenty-four hours of receipt of such information.
- 8.6 The food business operators (including the food retailers) engaged in the manufacture or importation or wholesale supply of food must have an up-to-date recall plan.
- 8.7 The food retailers and food businesses in the food service sector shall remove the recalled stock from shelves and return it separately from other food to the manufacturer, importer or wholesaler.
- 8.8 The food business operator initiating a food recall shall promptly inform food business operator(s) in the food chain including consumers about the recall in accordance with Regulation 8 of the Food Recall Regulations. Every Food business operator in the food chain who receives a recall communication shall immediately carry out the instructions detailed therein by the recall initiating food business operator and extend the recall to all concerned stakeholders.
- 8.9 The food business operator shall determine whether the recall is progressing effectively and shall submit periodic status reports to the Chief Executive Officer, FSSAI or Commissioner of Food Safety of the State or Union territory in accordance with Regulation 9 of the Food Recall Regulations.
- 8.10 The accurate records of the recovered food including their lot number, batch code, pack size, brand name, date of manufacture, date of expiry, best before date, and all related data shall be maintained. The recovered food shall be stored separately from other food and be identified by a label plate including prominently that "RECALLED PRODUCT NOT FIT FOR HUMAN CONSUMPTION".
- 8.11 The report shall be submitted to the Chief Executive Officer, FSSAI after completion of the recall process

(xii) by virtue of containing pesticides and other contaminants in excess of quantities specified by regulations.

in accordance with Regulations 11 and 13 of the Food Recall Regulations.

I. Advertising and Claims

- 9.1 The FBOs and marketers shall comply with the principles prescribed under the Food Safety and Standards (Advertising and Claims) Regulations, 2018⁶⁶ ("**Advertising Regulations**") while advertising and publishing the marketing communications meant for promotion or sale of food articles including the labelling claims.
- 9.2 As per the Advertising Regulations, the claims shall be *inter alia* truthful, unambiguous, conspicuous and legible accompanied by relevant disclaimers. It shall not encourage or condone excess consumption of the food article. Further, the claims as well as the advertisements shall not undermine the importance of healthy lifestyle. The claims and advertisements shall not be deceptive in nature.
- 9.3 The compliance pertaining to different claims covered under the Advertising Regulations has been tabulated below:

S. No.	Food article category	Requirements under the Health Supplements and Others' Regulations
1	Nutrition claims	The compliance pertaining to nutrition claims shall be in accordance with Regulation 5 read with Schedule I [Nutrition Claims] and Schedule II [Synonyms which may be used for claims defined in these regulations] of the Advertising Regulation.
2	Non-addition claims	The compliance pertaining to claims for non-addition of sugar, salt and additives shall be in accordance with Regulation 6 of the Advertising Regulation.
3	Health claims	The compliance pertaining to health claims shall be in accordance with Regulation 7 read with Schedules I [Nutrition Claims], III and IV [Health Claims for Fortified Food Articles] of the Advertising Regulation.
4	Claims related to dietary guidelines or healthy diets	The compliance pertaining to claims related to dietary guidelines and healthy diets shall be in accordance with Regulation 8 of the Advertising Regulation.
5	Conditional claims	The compliance pertaining to conditional claims shall be in accordance with Regulation 9 read with Schedule V [Use of certain words or phrases] of the Advertising Regulation.
6	Prohibited claims	No claim as prohibited under Regulation 10 of the Advertising Regulation shall be made.

- 9.4 The FBO or marketer shall seek prior approval from the FSSAI in accordance with Regulations 11 and 12

⁶⁶ https://fssai.gov.in/upload/uploadfiles/files/Gazette_Notification_Advertising_Claims_27_11_2018.pdf.

of the Advertising Regulations.

J. Infant Nutrition Requirements

- 10.1 The Food Safety and Standards (Foods for Infant Nutrition) Regulations, 2020⁶⁷ ("**Infant Nutrition Regulations**") prescribe standards and requirements with respect to the composition of food articles for infant.
- 10.2 Regulation 3 read with Schedules I(a) [*Advisory list of mineral salts for use in foods for infant nutrition under the provisions of the regulations*], I(b) [*Advisory list of vitamin compounds for use in food for infant nutrition under the provisions of the regulations*] and I(c) [*Advisory list of amino acids and other nutrients for use in foods for infant nutrition under the provisions of the regulations*] of the Infant Nutrition Regulations prescribe general requirements such as variation from declared nutrient levels, presence of algal and fungal oil in foods for infant nutrition, packaging material and manner of packaging.
- 10.3 Regulation 4 of the Infant Nutrition Regulations stipulates the specific labelling requirements for foods for infant nutrition in addition to provisions of Packaging Regulations.
- 10.4 The Infant Nutrition Regulations provide for compliance standards for Infant Food articles as tabulated below:

S. No.	Food article category	Requirements under the Heath Supplements and Others' Regulations
1	Food Additives	The compliance pertaining to food additives shall be in accordance with Regulation 5 of the Infant Nutrition Regulation.
2	Infant Formula	The composition of infant formula and the permissible food additives therefor, shall be in compliance with Regulation 7 read with Schedule I(d) [<i>Advisory list of food additives for special nutrient formulations under the provisions of the regulations</i>] of the Infant Nutrition Regulation.
3	Milk cereal based complementary food	The compliance pertaining to composition of milk cereal based complementary food and food additives therefor, shall be in accordance with Regulation 8 read with Schedule I(d) of the Infant Nutrition Regulation.
4	Processed cereal based complementary food	The compliance pertaining to composition of processed cereal based complementary food and food additives therefor, shall be in accordance with Regulation 9 read with Schedule I(d) of the Infant Nutrition Regulation.
5	Follow Up Formula	The compliance pertaining to composition of follow up formula and food additives therefor, shall be in accordance with Regulation 10 of the Infant Nutrition Regulation.

⁶⁷ https://fssai.gov.in/upload/notifications/2020/12/5fd719575c4d5Gazette_Notification_Food_Infant_14_12_2020.pdf.

S. No.	Food article category	Requirements under the Health Supplements and Others' Regulations
6	Food for infants based on traditional food ingredients	The compliance pertaining to composition of food for infants based on traditional food ingredients shall be in accordance with Regulation 11 of the Infant Nutrition Regulation.
7	Food for special medical purpose intended for infants	The compliance pertaining to composition of food for special medical purpose intended for infants and its advertisements and food additives shall be in accordance with Regulation 12 read with Schedule I(d) of the Infant Nutrition Regulation.
8	Preterm infant milk substitute	The requirements for preterm infant milk substitute have been prescribed under Regulation 13 of the Infant Nutrition Regulations.
9	Lactose free milk substitutes	The requirements for lactose free milk substitutes have been prescribed under Regulation 14 of the Infant Nutrition Regulations.
10	Hypoallergenic infant milk substitutes	The requirements for hypoallergenic infant milk substitutes have been prescribed under Regulation 15 of the Infant Nutrition Regulations.
11	Food for infants with inborn errors of metabolism (IEM)	The compliance (labelling, composition and description) pertaining to food for infants with IEM shall be in accordance with Regulation 16 of the Infant Nutrition Regulation.

ANNEXURE – B
LEGAL METROLOGY ACT, 2009 (“LM ACT”)

A. Packaging and Labelling Requirements

- 1.1 The package or the label affixed to a product in accordance with the PC Rules including Rule 6 of the PC Rules, which shall include the name and address of the manufacturer or where the manufacturer is not the packer, the name and address of the manufacturer and packer.
- 1.2 In the case of packages containing food articles:
- (a) In the case of genetically modified food, the package shall bear the words “GM” on top of its principal display panel (“PDP”).
 - (b) Where the commodity may become unfit for human consumption after some time, the ‘best before’ or ‘use by date, month, and year’ of the commodity shall be mentioned on the package thereof.
- 1.3 In the case of electronic products:
- (a) the package shall bear the name of the manufacturer or packer or importer;
 - (b) the package shall inform the consumer about the details (including the address of the manufacturer, the common or generic name of the commodity, name and number of the commodity in case the package consists of more than one commodity, and other information which has not been declared on the package) made available through the QR code provided on the package;
 - (c) the month and year of manufacture shall be specified on the retail package visibly and legibly in the case of electronic products, spare parts, and accessories;
 - (d) the package shall inform the consumers to scan the QR code for the size and dimension of the commodity if such information is declared through the QR Code and not declared on the package itself;⁶⁸ and
 - (e) the package shall declare the telephone number and e-mail address on the package itself, and such declaration shall also inform the consumers to scan the QR code for other related information if such information is declared through the QR Code and not declared on the package itself.

Note: *If the brand name and address of the brand owner appear on the label as a marketer, then the brand owner shall be held responsible for any violation of these rules, and action as may be required shall be initiated against the deemed manufacturer and in the event of more than one name and address*

⁶⁸ Proviso to Rule 6(1)(f) of the PC Rules.

appearing in the label, prosecution shall be launched against the manufacturer indicated on the label, in the first place and not against all of them.

- 1.4 The common / generic names of the commodity and in case of the package with more than one product, the name and number or quantity of each product shall be mentioned on the package thereof.
- 1.5 The net quantity (weight or measure) and / or size (if relevant) of the commodity contained in the package and its maximum retail price shall be specified thereon.
- 1.6 The month and year of manufacture of the commodity shall be specified on its package. The packages containing seeds have been exempted from such requirements. In this regard, the packages containing food articles and cosmetics products shall be subjected to the provisions of the Food Safety Act and Drugs and Cosmetics Rules 1945 respectively.
- 1.7 The package shall bear the contact details for consumer complaints.
- 1.8 The declarations under PC Rules shall not be made on the package by affixing individual stickers on it.
- 1.9 The package of soap, shampoos, toothpastes, and other cosmetics and toiletries shall bear at the top of its PDP a red or as the case may be, brown dot for products of non-vegetarian origin and a green dot for products of vegetarian origin.
- 1.10 The unit sale price in rupees shall be declared on every pre-packaged commodity in the manner provided under Rule 6 of the PC Rules.
- 1.11 An e-commerce entity shall ensure to display of the mandatory declarations as required under PC Rules, except the date of manufacturing or packing, on the digital / electronic network used by such entity.
- 1.12 The following declarations are required to be mandatorily mentioned on a wholesale package:
 - (a) The name and address of the manufacturer or importer or where the manufacturer or importer is not the packer, of the packer;
 - (b) The identity of the commodity contained in the package; and
 - (c) The total number of retail packages contained in such wholesale package or the net quantity in terms of standard units of weights, measures, or number of the commodity contained in the wholesale package.
- 1.13 The PC Rules are not applicable on the loose commodities ordered through e-commerce channels where consumers are aware of the ordered commodity, its type, and quantity. However, such commodity shall bear the following:
 - (a) name and address of the manufacturer or marketer or brand owner or importer or seller with the country of origin or manufacture in the case of imported products;
 - (b) Consumer care email id and phone number;

- (c) Retail sale price of the package inclusive of all taxes in the Indian;
- (d) Currency; and
- (e) Net quantity, in terms of the standard unit of weight or measure, or where the commodity is sold by number, the number of the commodity.
- (f) All cattle feed products shall be packaged and labelled according to the Food Safety and Standards (Packaging) Regulations, 2018. Labels must include product name, net weight, manufacturer details, ingredients, nutritional information, and expiry date and such other information as prescribed under applicable laws.

B. Other compliances under PC Rules:

Sr. No.	Declarations	Particulars/ Pre-conditions
Declarations		
1	General Guidelines	Declaration on the package should be as per Rule 4 read with Rule 9 of the PC Rules. Declarations required under PC Rules shall be made on the package or the label affixed thereon. When one or more packages intended for retail sale are grouped together for being sold as a retail package on a promotional offer, every package of the group shall have the declarations prescribed under Rule 6 of the PC Rules.
2	Declaration on container-type commodities	The declaration with regard to the dimensions of container type commodities is provided in the PC Rules including Rule 17 of the PC Rules.
Manner of Declaration		
3	PDP	The manner of the declaration on the PDP shall be as per the PC Rules including Rule 7 of the PC Rules.
4	Place of Information on the package	Every declaration required to be made under these rules shall appear on the PDP and shall be as per Rule 8 of the PC Rules.
Maximum Permissible Errors on Net Quantities declared by weight or volume		
5	Maximum permissible error	The maximum permissible error in relation to the quantity contained in an individual package, means an error in deficiency which, subject to the provision of these rules, does not exceed the limits specified in the First Schedule read with Rule 2(e) of the PC Rules.

Note: Nothing under PC Rules precludes a manufacturer, packer, or importer to make declarations on the package which are mandated under other laws.

ANNEXURE – C
THE BUREAU OF INDIAN STANDARDS ACT, 1986 (“BIS ACT”)

A. Licensing or certification requirements

- 1.1 A person may apply for the grant of license or certificate of conformity, as the case may be if the goods, article, process, system, or service conforms to an Indian Standard. Where such goods, articles, processes, systems, or services conform to a standard, on payment of requisite fee and/or fine, the Bureau issues an order to grant:
- (a) certificate of conformity in a manner as may be specified by the Bureau of Indian Standards (Conformity Assessment) Regulations, 2018 (“BIS Regulations”); or
 - (b) a license to use or apply a Standard Mark in a manner as may be specified by BIS Regulations.
- 1.2 The license holder shall remain responsible for conformance with the compliance requirements pertaining to Standard Mark. However, the seller or the distributor shall ensure that the goods, articles, processes, systems, or services carrying the Standard Mark are purchased from a certified body or license holder. Similarly, the seller shall ensure that the goods, articles, processes, systems, or services to be sold or offered for sale, conform with the labelling and marking requirements stipulated under the BIS Act.
- 1.3 In view of the above and the BIS Regulations, the Government has notified various conformity assessment schemes which inter alia, include ‘ISI Registration Scheme’, ‘Compulsory Registration Scheme’, ‘Compulsory Certification Scheme’ in terms of which compliance is mandated with the relevant standard(s).
- 1.4 In pursuance of the above, the Bureau has notified the following schemes with respect to the import and supply of certain goods:
- (a) **Compulsory Registration Order for electronics and information technology goods (“CRO”) -** In terms of the CRO, the importer of electronics and information technology products enlisted thereunder is mandated to obtain a BIS registration for the import of such products. In this regard, the CROs have been provided on the website.⁶⁹
 - (b) **Quality Control Order (“QCO”) –** In terms of the QCOs read with Section 17 of the BIS Act, the notified goods are required to be manufactured, imported, distributed, sold, hired, leased, stored or exhibited for sale in accordance with the respective IS specified in such QCO and affix the Standard Mark on such goods. The QCOs issued by the Central Government have been provided on the website of the Bureau.⁷⁰

⁶⁹ [Scheme - II \(Registration Scheme\) - Bureau of Indian Standards](#)

⁷⁰ [Scheme - I \(ISI Mark Scheme\) - Bureau of Indian Standards; Scheme – IV \(Grant Of Certificate Of Conformity \) - Bureau of Indian Standards; Scheme – X \(Certification\) - Bureau of Indian Standards.](#)

- (c) **Foreign Manufacturer Certification Scheme (“FMCS”):** Under the FMCS, the foreign manufacturer may apply for a license under the BIS Laws to use the Standard Mark on the products sought to be exported to India. It is pertinent to note that FMCS is voluntary in nature, except for the products which require compulsory certification in terms of the QCOs issued by the Central Government from time to time. An importer is not required / eligible to apply for a license under FMCS. As such, the application can be made by the foreign manufacturer only.⁷¹

B. Labelling requirements

- 2.1 The BIS Act also empowers the Bureau to specify the marking and labelling requirement that shall necessarily be affixed. As per Section 18 of the BIS Act, it is the responsibility of the seller before the goods or article is sold or offered to be sold or exhibited or offered for sale to ensure the following:
- (a) goods, articles, processes, systems or services carrying the Standard Mark bear the requisite labels and marking details, as specified by the Bureau from time to time; and
 - (b) the marking and labelling requirements on the product or covering is displayed in a manner that has been specified by the Bureau.

⁷¹ The FAQs are available at <https://www.bis.gov.in/index.php/fmcs/fmcs-faqs/>.

ANNEXURE – D

IMPORT AND EXPORT LAWS

1.1 In terms of the FTP, the Central Government has notified the import and export policy (Schedule 1 and 2 to ITC(HS) respectively). As per the provisions of the FTP, Schedule 1 of the import policy provides a classification for various kinds of goods, organized into chapters containing similar types of goods and sub-classifications of the same (based on the Harmonized System of Nomenclature (“HSN”). The import and export of goods have been divided into three (3) categories under the FTP read with Schedule I and II to the ITC(HS), namely:

- (a) **Prohibited:** If import of a product is specified as Prohibited, then import thereof is not allowed in India;
- (b) **Restricted:** The goods under this category are allowed to be imported, under the specific license(s) or permission(s) granted by the Director General Foreign Trade (“DGFT”) or concerned ministries of the Indian Government;
- (c) **State Trading Enterprises (“STE”):** Certain goods are allowed to be imported exclusively by an STE (i.e., a government undertaking), and other entities are permitted to import such goods only through STEs;
- (d) **Free:** Goods falling under this category are allowed to be imported into India without any specific license, but subject to general procedural requirements applicable to the import of goods; and
- (e) **Special Chemicals, Organisms, Materials, Equipment and Technologies (“SCOMET”):** The goods constituting SCOMET items (falling under Appendix 3 to Schedule – 2 of the ITC(HS) Classification of Export and Import Items) are allowed to be exported only under the specific authorisation issued by the DGFT or other relevant authorities.

Note: *The import of goods is assumed to be free unless they are specified as prohibited, restricted, or allowed to be traded exclusively through STE.*

In addition to the above, the import of goods is subjected to the “General Notes Regarding Import Policy” under the FTP, as per which, all the domestic laws apply to the imported goods, including specifically, consumer protection laws such as food safety standards, quality standards by the Bureau of Indian Standards, labelling and packaging requirements under Legal Metrology laws, etc.

A. Registration / License

In terms of the FTP, every importer or exporter of goods, unless specifically exempted, is required to obtain the IEC from the DGFT.

ANNEXURE – E
E-COMMERCE RULES

- 1.1 All e-commerce entities shall comply with the provisions of the E-Commerce Rules which includes the following compliances:
- (a) Appoint a nodal officer or an alternate senior designated functionary who is resident in India;
 - (b) provide the following information in a clear and accessible manner on its platform - (i) legal name of the e-commerce entity; (ii) principal geographic address of its headquarters and all branches; (iii) name and details of its website; and (iv) contact details like e-mail address, fax, landline and mobile numbers of customer care as well as of grievance officer;
 - (c) establish an adequate grievance redressal mechanism and shall appoint a grievance officer for consumer grievance redressal, and shall display the name, contact details, and designation of such officer on its platform. The grievance officer should acknowledge the receipt of any consumer complaint within 48 hours and redresses the complaint within 1 month;
 - (d) if an e-commerce entity offers imported goods or services for sale, it shall mention the name and details of any importer from whom it has purchased such goods or services, or who may be a seller on its platform;
 - (e) not impose cancellation charges on consumers cancelling after confirming purchase unless similar charges are also borne by the e-commerce entity;
 - (f) record the manual consent of a consumer for the purchase of any good or service; and
 - (g) effect all payments towards accepted refund requests of the consumers as prescribed.
- 1.2 All marketplace e-commerce entities shall comply with the provisions of the E-Commerce Rules which includes the following compliances:
- (a) require sellers through an undertaking to ensure that descriptions, images, and other content pertaining to goods or services on their platform is accurate and corresponds directly with the appearance, nature, quality, purpose and other general features of such good or service;
 - (b) include in its terms and conditions generally governing its relationship with sellers on its platform, a description of any differentiated treatment which it gives or might give between goods or services or sellers of the same category;
 - (c) take reasonable efforts to maintain a record of relevant information allowing for the identification of all sellers who have repeatedly offered goods or services that have previously been removed or access to which has previously been disabled under the Copyright Act, 1957 (14 of 1957), the Trade Marks Act, 1999 (47 of 1999) or the Information Technology Act, 2000 (21 of 2000);

- (d) display of all contractual information required to be disclosed by law, mandatory notices, expiry date, details of goods / services along with its sellers and country of origin, name and details of importer, information related to exchange, returns and refund, details related to delivery, relevant warranties / guarantees, mode of payment, grievance redressal mechanism, procedure to cancel payments, any fees or charges, contact information of payment service provider and all information provided to it by sellers;
- (e) display the details about the sellers offering goods and services, including the name of their business, whether registered or not, their geographic address, customer care number, any rating;
- (f) display a ticket number for each complaint lodged through which the consumer can track the status of the complaint; and
- (g) display an explanation of the main parameters which, individually or collectively, are most significant in determining the ranking of goods or sellers on its platform and the relative importance of those main parameters through an easily and publicly available description drafted in plain language.

1.3 All inventory e-commerce entities shall comply with the provisions of the E-Commerce Rules which includes the following compliances:

- (a) refrain from falsely representing itself as a consumer;
- (b) refrain from refusing to take back goods, or withdraw or discontinue services purchased or agreed to be purchased, or refuse to refund consideration, if paid, if such goods or services are defective, deficient spurious, or if such goods or services are delivered late from the stated delivery schedule;
- (c) display of all contractual information required to be disclosed by law, mandatory notices, expiry date, details of goods / services along with its sellers and country of origin, name and details of importer, information related to exchange, returns and refund, details related to delivery, relevant warranties / guarantees, mode of payment, grievance redressal mechanism, procedure to cancel payments, any fees or charges, and contact information of payment service provider;
- (d) display total price in single figure of any good or service along with the breakup price, showing all the compulsory and voluntary charges, and applicable tax; and
- (e) a ticket number for each complaint lodged, through which the consumer can track the status of their complaint.

1.4 All sellers on a marketplace e-commerce entity shall comply with the provisions of the E-Commerce Rules which includes the following compliances:

- (a) No such seller shall falsely represent itself as a consumer and post reviews;

- (b) No seller offering goods or services shall refuse to take back goods, or withdraw or discontinue services purchased or agreed to be purchased, or refuse to refund consideration, if paid, if such goods or services are defective, deficient or spurious, or if such goods or services are delivered late from the stated delivery schedule;
- (c) have a prior written contract with the respective e-commerce entity in order to undertake or solicit such sale or offer. Further, all the information pertaining to the seller (like legal name, address, GSTIN, PAN details, website etc) shall be provided by it to the e-commerce entity;
- (d) appoint a grievance officer for consumer grievance redressal and ensure that the grievance officer acknowledges the receipt of any consumer complaint within forty-eight hours and redresses the complaint within one month from the date of receipt of the complaint;
- (e) display all contractual information required to be disclosed by law, mandatory notices, expiry date, details of goods / services along with its sellers and country of origin, name and details of importer, information related to exchange, returns and refund, details related to delivery and relevant warranties / guarantees;
- (f) display total price in single figure of any good or service, along with the breakup price, showing all the compulsory and voluntary charges and applicable tax; and
- (g) the name and contact numbers, and designation of the grievance officer.

ANNEXURE – F
GUIDELINES ON MISLEADING ADVERTISEMENTS

- 1.1 An advertiser advertising goods or services offered by it to consumers must comply with the conditions and restrictions for bait advertising as prescribed under the Guidelines on Misleading Advertisement, which includes:
- (a) Advertisements must not encourage consumers to purchase anything goods, products, or services without a reasonable expectation of being able to fulfil those offers at the advertised price;
 - (b) The advertisement must clearly outline the advertiser's reasons for believing they may not be able to supply the goods, products, or services within a reasonable time or in sufficient quantities;
 - (c) The advertisement must indicate that the stock is limited;
 - (d) If the advertisement's goal is to assess potential demand, this purpose must be explicitly stated; and
 - (e) The advertisement should not mislead consumers by omitting any restrictions, such as geographic limitations or age restrictions on availability.
- 1.2 An advertiser advertising goods or services offered by it to consumers must comply with the conditions and restrictions for free-claims advertising as prescribed under the Guidelines on Misleading Advertisement, which includes:
- (a) Advertisements must not describe anything as “free” or “without charge” unless the consumer is only required to pay the unavoidable costs associated with responding to the advertisement or collecting and paying for the delivery of the item;
 - (b) The advertisement must clearly outline the commitment required from the consumer to take advantage of a free offer;
 - (c) Goods, products, or services should not be described as free if the consumer is required to pay for packing, packaging, handling, or administration, or if the cost of response;
 - (d) The offer should not be described as free if the quality or quantity of the goods, products, or services that must be purchased is reduced to take advantage of the offer or it is already included in the package price; and
 - (e) The term "free trial" must not be used to describe a “satisfaction or your money back” offer or any offer that requires a non-refundable purchase.
- 1.3 An advertiser advertising goods or services offered by it to consumers must comply with the conditions and restrictions for free-claims advertising as prescribed under the Guidelines on Misleading

Advertisement, which includes:

- (a) Advertisements targeted at children should not encourage dangerous behaviour, take advantage of their inexperience or gullibility, or exaggerate product features to create unrealistic expectations;
- (b) Advertisements must avoid promoting practices harmful to children's physical or mental health, or implying that children will be ridiculed or excluded if they do not buy a product;
- (c) Advertisements should not use misleading price qualifiers, feature children in ads for prohibited products (like tobacco or alcohol), or involve celebrities endorsing products with health warnings or unsuitable for children; and
- (d) Advertisements should not encourage negative body image or suggest that processed goods are superior to natural foods.

1.4 The Guidelines on Misleading Advertisements also provide for duties of manufacturer, service provider, advertiser and advertising agency, which include:

- (a) All descriptions, claims, and comparisons made in an advertisement that relate to objectively verifiable facts must be substantiated, and such substantiation should be provided if requested by the CCPA;
- (b) If claims are based on independent research or assessments, the source and date of such research must be clearly indicated;
- (c) The advertisement must not reference any person, firm, or institution in a way that unfairly benefits the advertised product or causes harm to the reputation of the referenced entity, unless explicit permission has been obtained. Moreover, advertisements should not contain statements or visual elements that, whether directly or indirectly, mislead consumers about the product, the advertiser, or any other product or advertiser. Advertisements must be framed in a way that does not exploit consumers' trust or lack of experience. For example, advertisements should avoid vague claims such as "up to five years guarantee" or "prices from as low as Rs. X," instead clearly stating the actual guarantee period or fixed price;
- (d) If different guarantee periods apply to different parts or components of the product, these should be disclosed, specifying both the minimum and maximum guarantee periods; and
- (e) Advertisements promoting lotteries, prize competitions, or gifts must clearly outline all relevant terms and conditions, ensuring consumers have a clear and fair understanding of their chances and expectations.

ANNEXURE – G

GREENWASHING GUIDELINES

1.1 An entity advertising goods or services offered by it to consumers must comply with the Greenwashing Guidelines which include the below requirements:

- (a) Generic terms such as ‘clean’, ‘green’, ‘eco-friendly’, ‘eco-consciousness’, ‘good for the planet’, ‘minimal impact’, ‘cruelty-free’, ‘carbon – neutral’, ‘natural’, ‘organic’, ‘pure’, sustainable, regenerative or other similar claims shall not be used without adequate, accurate and accessible qualifiers and substantiation and adequate disclosures;
- (b) While using technical terms like Environmental Impact Assessment (EIA), Greenhouse Gas Emissions, Ecological Footprint, one shall use consumer-friendly language and explain the meaning or implications of technical terms;
- (c) All environmental claims shall be supported by accessible verifiable evidence based on independent studies or third-party certifications;
- (d) disclose all material information in the advertisement or communications, a QR Code or URL (or any such technology or digital medium) can be used to do the same;
- (e) While making an environmental claim should specify whether it refers to the goods, manufacturing process, packaging, manner of use of the goods or its disposal; or service or the process of rendering the service;
- (f) Specific environmental claims such as Compostable, Degradeable, free-of, Sustainability claims, Non-Toxic, 100% Natural, Recyclable, Refillable, Renewable, plastic-free, plastic-positive, climate-positive, net-zero and similar claims must be supported by disclosure about credible certification, reliable scientific evidence, internal verifiable evidence, certificates from statutory or independent third-party verification; and
- (g) Disclosures made in relation to the environmental claims shall: (i) be easily accessible to the consumer; and (ii) not contradict the relevant environmental claim.

ANNEXURE – H

DATA PROTECTION LAWS

A summary of the key obligations under the SPDI Rules of an entity, *inter alia*, for collecting, processing and transferring of SPDI, has been set out below:

- (i) **Reasonable Security Practices and Procedures:** Section 43-A of the IT Act mandates following "reasonable security practices and procedures" in relation to SPDI. An entity is considered compliant if it implements security practices, standards, and a documented information security program with managerial, technical, operational, and physical controls proportionate to the information assets it seeks to protect. The IS/ISO/IEC 27001 standard relating to 'Information Technology-Security Techniques-Information Security Management System-Requirements' is one of the specified standards under the SPDI Rules. Additionally, an audit must be conducted at least annually or after significant upgrades to processes and resources.
- (ii) **Privacy policy:** Under the SPDI Rules, an entity that collects, receives, possesses, stores, deals or handle SPDI of an information provider, is required to publish a privacy policy on its website that addresses its handling of SPDI. Such privacy policy must contain clear and easily accessible statements of the entity's practices and policies. Further, the entity is also required to state in its privacy policy, the type of SPDI being collected, purpose of collection and usage of such information, information in relation to disclosure of SPDI and the reasonable security practices and procedures it has taken under the SPDI Rules.
- (iii) **Consent and collection:** Under the SPDI Rules, for collection of SPDI, an entity is required to obtain consent in writing through letter or any mode of electronic communication from the provider of SPDI. Further, the entity is not permitted to collect SPDI unless the information is collected for a lawful purpose connected with a function or activity of the entity; and the collection of SPDI is considered necessary for that purpose. The entity is also mandated to take steps, as are reasonable in the circumstances to ensure that the information provider has knowledge about the collection of information, the purpose of collection of such information, the intended recipients and the name and address of the agency collecting and retaining the information.
- (iv) **Rights of the information provider:** The entity is required to allow the information provider the right to review or amend any SPDI and ensure that the same is corrected or amended as feasible if they are found to be inaccurate or deficient. The entity is also required to give the information provider an option to retract consent at any point of time, in writing, in relation to the information that has been so provided.
- (v) **Purpose limitation and retention:** Under the SPDI Rules, an entity is not permitted to use SPDI for any reasons other than those for which it has been collected and is not allowed to retain SPDI for a period longer than is required for the purposes for which the SPDI may lawfully be used or is otherwise required under any other law for the time being in force.
- (vi) **Disclosure of SPDI:** The SPDI Rules specify that apart from disclosure of SPDI sought by governmental agencies or where it is required for compliance with a legal obligation, the entity is required to obtain

consent from the information provider, prior to disclosure of such information to a third party, unless such disclosure has been agreed to in an agreement between the parties.

- (vii) **Transfer of SPDI:** As per the SPDI Rules, an entity may transfer SPDI to any other entity, in India or overseas, that ensures the same level of data protection that is adhered to by the transferring entity, as provided for under the SPDI Rules. The transfer may be allowed only if: (i) it is necessary for the performance of the lawful contract between the transferring entity and the information provider; or (ii) where such information provider has consented to the data transfer.
- (viii) **Grievance Officer:** Under the SPDI Rules, the entity is required to designate a grievance officer for redressal of grievances in relation to SPDI and publish the name and contact details of such officer on its website.

ANNEXURE – I

IT RULES

1.1 A summary of the key obligations under the IT Rules which the NP, as an intermediary, will be required to implement, has been set out below:

- (i) **Publication of key documents:** Publish rules, privacy policy, and user agreement prominently on the website or app in English or any language specified in the Eighth Schedule of the Constitution.
- (ii) **User Information:** Inform users about its rules, privacy policy and user agreement and ensure users do not host, display, upload, modify, publish, transmit, store, update, or share information that falls under the objectionable information as provided under the IT Rules.
- (iii) **Notice to users:** Inform users at least once a year of any changes to rules, privacy policies, and user agreements in English or a language from the Eighth Schedule of the Constitution. They must also notify users annually that non-compliance with these terms may result in termination of access or usage rights of the users or removal of non-compliant information.
- (iv) **Disabling Information:** Not store, host, or publish unlawful information that violates laws related to India's sovereignty, security, foreign relations, public order, decency, morality, contempt of court, defamation, or incitement to an offense. If such information is hosted, the intermediary must remove or disable access within 36 hours of a court order or notification from a government agency.
- (v) **Preservation of Records:** Maintain records of content which has been removed or access to which has been disabled, for a period of 180 (one hundred and eighty) days, or such longer period as may be required by a court or duly authorised government agencies. User-information collected for registration is required to be preserved for 180 (one hundred and eighty) days after cancellation/ withdrawal of such registration.
- (vi) **Compliance with SPDI Rules:** Take all reasonable measures to secure its computer resource and information contained therein following the reasonable security practices and procedures as prescribed in the SPDI Rules.
- (vii) **Disclosure and Assistance for Compliance with Lawful Order:** Provide (i) information for verification of identity; or (ii) assistance to any lawfully authorised government agency for prevention, detection, investigation and prosecution of offences or for cyber security incidents, no later than 72 hours of receiving a written order.
- (viii) **Modification of technical configuration of a Computer Resource:** Not knowingly deploy, install or modify the technical configuration of a computer resource in a way that alters its normal functioning to circumvent any law, but may use technology to secure the resource and its information.

- (ix) **Reporting of Cyber Security Incidents:** Report all cyber security incidents and share cyber security incident related information with the Indian Computer Emergency Response Team ("CERT-In").
- (x) **Grievance Officer:** The grievance officer is required to acknowledge a complaint within 24 (twenty four) hours and resolve all complaints within 15 (fifteen) days.
- (xi) **Grievance Redressal:** Complaints for removal of "objectionable information" (as mentioned in the IT Rules), must be resolved within 72 hours. This accelerated timeline applies to all content in objectionable information, except for information that belongs to another person, infringes intellectual property rights, or violates any law.
- (xii) **Disabling of Explicit Content:** An intermediary must remove or disable access to explicit content (e.g., nudity, sexual conduct, impersonation, or morphed images) within 24 hours of receiving a complaint from the aggrieved individual or their representative. Additionally, the social media intermediary must provide a mechanism for users to lodge such complaints.

1.2 Additionally, the following are the key obligations applicable to only an online gaming intermediary (i.e., an NP who enable the users to access any permissible online real money game):

- (i) **Verification:** Display a demonstrable and visible mark of verification of permissible online game by an online gaming self-regulatory body.
- (ii) **User Verification:** Identify users and verification of their identity before accepting any deposit in cash or kind from them for a permissible online real money game in line with procedure laid down for a Reserve Bank of India-regulated entity for identification and verification of a customer at the commencement of an account-based relationship.
- (iii) **Prohibited activities:** Not provide credit or enable financing offered by third party for its users for the purpose of playing online games.
- (iv) **Disclosures:** Inform its users of the following as part of its rules and regulations, privacy policy, terms of service and user agreements:
 - (a) the policy related to withdrawal or refund of the deposit made with the expectation of earning winnings, the manner of determination and distribution of such winnings and the fees and other charges payable by the user;
 - (b) the know-your-customer procedure followed by it for verifying the identity of the users of such online game;
 - (c) the measures taken for protection of deposit made by a user for such online game; and
 - (d) the framework for verification of the online game.

ANNEXURE – J
COMPLIANCES UNDER DRUGS, COSMETICS AND MEDICAL DEVICES LAWS

A. License requirement⁷²

Depending on the nature of Drugs and the activity undertaken by the NP, the following registrations are required under the Drugs Rules:

- 1.1 To sell Drugs on a retail basis, following licenses are required depending on the nature of the Drug:
 - (i) Form 20: Required for the sale, stocking, exhibition, or distribution of drugs other than those specified in Schedule C, C1, and X.
 - (ii) Form 21: Required for the sale, stocking, exhibition, or distribution of drugs specified in Schedule C and C1.
 - (iii) Form 20F: Required for the sale, stocking, exhibition, or distribution of drugs specified in Schedule X.
- 1.2 To sell Drugs on a wholesale basis, following licenses are required depending on the nature of the Drug:
 - (i) Form 20B: Required for the sale, stocking, exhibition, or distribution of drugs other than those specified in Schedule C, C1, and X.
 - (ii) Form 21B: Required for the sale, stocking, exhibition, or distribution of drugs specified in Schedule C and C1.
 - (iii) Form 20G: Required for the sale, stocking, exhibition, or distribution of drugs specified in Schedule X.
- 1.3 To import Drugs, following licenses are required depending on the nature of the Drug:
 - (i) Form 10: Required for the sale, stocking, exhibition, or distribution of drugs excluding those specified in Schedule X.
 - (ii) Form 10A: Required for the sale, stocking, exhibition, or distribution of drugs specified in Schedule X.
- 1.4 To sell restricted drugs, following licenses are required depending on the nature of the Drug:
 - (i) Form 20A: Required for the sale, stocking, exhibition, or distribution of drugs other than those specified in Schedule C, C1, and X – valid only for drugs set out in the license.

⁷² Note: Please note that we have covered licenses which are required by the NPs for the sale of products/ services on the ONDC network and we have not covered the licenses required at the back-end by such NP (i.e., manufacturing, loan licensing, labelling, packing, testing etc.)

- (ii) Form 21A: Required for the sale, stocking, exhibition, or distribution of drugs other than those specified in Schedule C1 only – valid only for drugs set out in the license.
- 1.5 To sell homeopathic medicines, following licenses are required depending on the nature of the Drug:
- (i) Form 20C: Required for the retail sale, stocking, exhibition, or distribution of homeopathic drugs.
 - (ii) Form 20D: Required for the wholesale sale, stocking, exhibition, or distribution of homeopathic drugs.
- 1.6 The following licenses are prescribed under the Medical Devices Rules depending on the activity undertaken by the NP:
- (i) Import License in Form MD-15: Required for the import of medical devices.
 - (ii) License for manufacture for purpose of sale / distribution in form MD-5 / MD-6: Required for distribution of Class A or Class B medical device.
 - (iii) License for manufacture for purpose of sale / distribution in form MD-9 / MD-10: Required for distribution of Class C or Class D medical device.
 - (iv) Seller License in Form MD-42: Required for selling/distribution of medical products including in vitro diagnostic medical device.
- 1.7 The following licenses are required to import cosmetics in India depending on the category of the cosmetics:
- (i) Import License in Form COS-2 from the Central Licensing Authority: Required for the import of cosmetics.⁷³
 - (ii) Import License in Form COS-4A from the Central Licensing Authority: Required for cosmetic manufactured in a foreign site and already registered under the Cosmetics Rules for import and sale in India.

B. Packaging and labelling requirement

- 2.1 Depending on the nature and quantity of the Drug, the relevant NP is required to adhere to the packaging and labelling requirements as prescribed under the Drugs Rules which include the following labelling requirements:
- (i) Schedule G Drugs must have the following words in legible black font size in a completely red rectangular box:

⁷³ Note: A single application may be made and a single registration certificate in Form COS- 2 may be issued in respect of import of one or more cosmetics manufactured by the same manufacturer.

SCHEDULE G PRESCRIPTION DRUG – CAUTION

It is dangerous to take this preparation except under medical supervision.

- (ii) Schedule H Drugs must have the symbol Rx at the left top corner and the following words in legible black font size in a completely red rectangular box:

SCHEDULE H PRESCRIPTION DRUG – CAUTION

Not to be sold by retail without the prescription of a Registered Medical Practitioner.

- (iii) Barcoding for Schedule H2 Drugs:

- (a) Primary Packaging or Secondary Packaging must have a bar code or quick response (QR) code that stores specific information to facilitate authentication.
- (b) Following information must be Included on label:
- I. Proper and generic name of the drug
 - II. Brand name
 - III. Name and address of manufacturer
 - IV. Batch number
 - V. Date of manufacturing
 - VI. Date of expiry
 - VII. Manufacturing licence number

2.2 Depending on the nature of the Medical Device, the relevant NP is required to adhere to the packaging and labelling requirements as prescribed under the Medical Devices Rules which include the following labelling requirements:

- (i) The following details are required to be disclosed on the label:
- (a) Name of the medical device.
 - (b) Details necessary for the user to identify the device and its use.
 - (c) Name and address of the manufacturer.
 - (d) Batch or lot number.
 - (e) Date of manufacture.
 - (f) Expiry date.

- (g) Any special storage or handling conditions.
 - (h) Warnings or precautions to be taken during storage, handling, and use.
- (ii) Additionally, the NPs must also adhere to the following labelling requirements:
 - (a) Devices intended for single use must be labelled appropriately.
 - (b) Instructions for use or prescriber's manual must be provided.
 - (c) Imported devices must include labelling details via stickering if not already printed.
 - (d) Free sample devices intended for medical professionals must bear the words "Physician's Sample—Not to be sold".
- (iii) Small-Sized Medical Devices: For devices which cannot accommodate all information must at least include the following:
 - (a) Name of the medical device.
 - (b) Name and address of the manufacturer.
 - (c) Batch or lot number.
 - (d) Date of manufacture.
 - (e) Expiry date.

ANNEXURE – K
COMPLIANCES APPLICABLE IN RELATION TO LENDING

A. Compliances under the Guidelines on Digital Lending dated 2 September 2022

- 1.1 The Digital Lending Guidelines prescribe the compliance requirements on REs (*i.e.* all banks and NBFCs) in relation to their DLAs and the DLAs of their LSP which include the following:
- (a) An RE / lender is required to ensure that their DLAs and DLAs of their LSPs also display detailed information about the loan products which may include particulars such as eligibility criteria, features, documents required, steps on how to apply for the loan products and indicative list of fees and charges, interest and gradation of risk in relation to determination of the interest percentage.
 - (b) RE / lender must ensure that their DLA or the DLA of the LSP include particulars of customer care and grievance redressal, links to the privacy policy and terms and conditions as well as any other customer facing policy. A link also needs to be provided to the website of the RE / lender where such policies can be viewed at a prominent single place for ease of accessibility.
 - (c) RE / lender must prominently publish the list of their DLAs, LSPs engaged by them and DLAs of such LSPs along the work performed by such LSPs on their website and DLA.
 - (d) RE / lender shall ensure that their DLAs or DLAs of their LSPs at on-boarding stage itself prominently displays information relating to the loan product including features, loan limit and cost, *etc.*, so as to make the customers aware of these aspects.
 - (e) A facility of lodging complaint shall also be made available on the DLAs used by an RE / lender.
 - (f) RE / lender shall provide a 'Key Fact Statement' ("**KFS**") to the customers before the execution of the contract in a standardized format⁷⁴ for all digital lending products.
 - (g) RE / lender should publicly make available their or their LSPs privacy policies on their DLA.
- 1.2 The Digital Lending Guidelines also impose certain additional obligations and restrictions in relation to digital lending. Some of the key restrictions and compliance requirements are set out below:
- (a) **Restrictions on usage of third-party accounts:** A restriction is placed on disbursements or repayments, or loan servicing being routed through or pooled in the accounts of any third parties. RE / lenders are required to ensure that all repayments are made by the customers directly into their bank accounts and similarly all disbursements are made into the bank accounts of the customers. The only exceptions to the above considered are; (i) disbursements covered exclusively under statutory or regulatory mandate (of RBI or of any other regulator); (ii) flow of money between REs for co-lending transactions; (iii) disbursements for specific end use, provided

⁷⁴ Format of KFS - rbidocs.rbi.org.in/rdocs/content/pdfs/CIRCULARKFS1504242_A.pdf

the loan is disbursed directly into the bank account of the end-beneficiary; and (iv) Where a physical interface is used for recovery of delinquent loans.

- (b) **Obligations before and during loan execution:** A KFS in a standardised format, detailing aspects like the annual percentage rate (“APR”), recovery mechanisms, grievance redressal contacts, and the cooling-off period available to the customer must be provided. Loan documents, such as KFS, loan summaries, sanction letters, and terms and conditions, must be digitally signed and automatically sent to customers upon loan agreement execution.
- (c) **Data Collection:** RE / lender must ensure that data collection through their DLAs or DLAs of LSPs must be on a need-based manner, with explicit consent of the customers. Audit trails must be maintained in relation to collection of data from customers. Customers must be provided with the options to restrict data usage, revoke consent, and request data deletion. Customer information shall only be shared with third parties on obtaining explicit consent for the same from customers.
- (d) **Access to phone resources:** Phone data of the customer, such as files, media, contact list, call logs, etc. must not be accessed by the DLA or LSP. However, one-time access for the camera, microphone, location or any other facility necessary for on-boarding and / or KYC requirements is permitted, only with the explicit consent of the customer. A restriction is prescribed on storage or collection of biometric data by the DLA and LSP of RE / lender.
- (e) **Storage of customer data:** All customer data must be stored on servers located in India, with stringent protocols to prevent unauthorised access.
- (f) **Grievance redressal and regulatory compliance:** Additionally, RE / lender and LSPs must establish robust grievance redressal mechanisms, including designated officers for handling digital lending-related complaints. If complaints are unresolved within 30 days, customer can escalate them to the RBI Complaint Management System (“CMS”).
- (g) **Assessment of creditworthiness of borrowers:** RE / lender must ensure that creditworthiness assessments must be auditable, and there must be no automatic credit limit increases without explicit customer consent.

B. Fair Practice Code related compliances

- 2.1 The Scale Based Regulations requires NBFCs having a customer interface to ensure compliance with the requirements set out in relation to the ‘fair practice code’ and having a board approved policy based on the guidelines set out in the Scale Based Regulations. Similarly, requirements to comply with the ‘fair practices code’ are also imposed on banks engaged in lending through various circulars issued by the RBI such as Guidelines on Fair Practices Code for Lenders dated 5 May 2003 and subsequent circulars such as Fair Practices Code for Lenders – Charging of Interest dated 29 April 2024.
- 2.2 All banks and NBFCs are further directed to ensure that they have a robust board approved policy for

complying with the requirements specified in relation to the fair practices code as applicable.

2.3 The key requirements under the fair practices code are detailed below:

- (a) All loan application forms need to include information about the fees/charges, if any, payable for processing, pre-payment options, interest rates, penal charges and any other matter which affects the interest of the customer.
- (b) All lenders shall give an acknowledgement for receipt of the loan applications. The timeframe within which loan applications will be processed would be indicated in the acknowledgement of such applications.
- (c) All documents as required for considering the loan application shall be specified in the loan application itself. If additional details / documents are required, the lenders should intimate the customers immediately.
- (d) For all categories of loans and irrespective of any threshold limits, the lenders are expected to process the application without delay. In case the application is rejected, the lender will convey in writing to the applicant the reasons for rejection within one month.
- (e) Lenders must not discriminate on grounds of sex, caste and religion in the matter of lending.
- (f) The relevant lender would convey to the customer the credit limit along with the terms and conditions thereof through the KFS and obtain the customer's confirmation that they have understood and accepted the terms and conditions in the KFS. Banks must also ensure that all terms and conditions are communicated through authorised officials of the banks as well.
- (g) Under the Scale Based Regulations, all communications with the customer should be in the vernacular language of the customer. The Scale Based Regulations further require all NBFCs to ensure that the loan agreements, KFS, sanction letter and other customer facing documents are provided in the vernacular language of the customer. All enclosures and annexures relevant to the loan agreements shall also be shared with the customer to ensure they have full visibility over the terms of loan. For banks, the KFS must be provided in the vernacular language of the customer. Other requirements such as ensuring all documents relevant to the loan are shared with the customer also apply to banks.
- (h) Sanction letters shall include timeline and place of return of original movable / immovable property documents.
- (i) The RBI notification on 'Reset of Floating Interest Rate on Equated Monthly Instalments (EMI) based Personal Loans' dated 18 August 2023 mandate that all applicable charges for switching loans from floating to fixed rate, if applicable, and any other service charges / administrative costs incidental to the exercise of the above options need to be transparently disclosed in the sanction letter by the lenders.

- (j) All lenders should also clearly communicate to the customers about the possible impact of change in benchmark interest rate on the loan leading to changes in the equated monthly instalments (“EMI”) and / or tenor or both.
- (k) The rate of interest and the approach for gradations of risk and rationale for charging different rate of interest to different categories of borrowers to be disclosed explicitly in the sanction letter in addition to the KFS.
- (l) The sanction letter shall include details in relation to the amount of loan sanctioned along with the terms and conditions including annualised rate of interest and method of application of such interest.
- (m) In the RBI Notification on ‘Responsible Lending Conduct – Release of Movable / Immovable Property Documents on Repayment/ Settlement of Personal Loans’ dated 13 September 2023, all lenders are required to ensure that they release all the original movable / immovable property documents and remove charges registered with any registry within a period of 30 days after full repayment/ settlement of the loan account. In case of delay for reasons attributable to the lender, they shall compensate the customer at a rate of ₹5,000/- for each day of delay.
- (n) The acceptance of the terms and conditions mentioned in the sanction letter by the customer needs to be kept on record by NBFCs.
- (o) Lenders should give notice of any change in the terms and conditions including interest rates, service charges etc. Lenders should also ensure that changes in interest rates and charges are made only prospectively and suitable language to this effect should be incorporated in the loan agreement.
- (p) The Fair Practices Code for Lenders – Charging of Interest circular dated 29 April 2024 requires all lenders to ensure that charging of interest on a loan should be from the date of actual disbursement of the funds to the customer and should not be reckoned from the date of sanction of the loan or date of execution of the loan agreement. Further interest must only be charged on the outstanding amounts and only for the period for which the loan is outstanding. In the event the customer makes payment of any amounts in advance, the interest should be calculated on the remaining outstanding amount and not the entire loan amount
- (q) The circular on ‘Fair Lending Practice - Penal Charges in Loan Accounts’ dated 18 August 2023, requires all lenders to ensure that any penalty, if charged, for non-compliance of material terms and conditions of loan contract by the customer shall be treated as ‘penal charges’ and shall not be levied in the form of ‘penal interest’ that is added to the rate of interest charged on the advances. Further, there must not be any capitalisation of penal charges i.e., no further interest computed on such charges.
- (r) All lenders must have a board approved policy on penal charges or any similar charges on loans and such charges must be disclosed to the customers in the KFS and loan agreement as elaborated in sub-paragraph (a) above

- (s) Lenders must ensure that they do not interfere in the affairs of the customers once the loans have been issued or in any manner harass the customers for repayment of claims.
- (t) In the matter of recovery of loans, the lenders should not resort to undue harassment viz. persistently bothering the customers at odd hours, use of muscle power for recovery of loans, etc.
- (u) Lenders should ensure that their DLAs display a board approved policy for ensuring compliance with the 'fair practice code' as set out in the Scale Based Regulations.
- (v) All lenders shall share / make accessible to the customers, a statement at the end of each quarter which shall at the minimum, contain details of the principal amount and interest recovered till date, EMI amount, number of EMIs left and annualized rate of interest / APR for the entire tenor of the loan.
- (w) Any decision to recall / accelerate payment or performance under the agreement shall be in consonance with the terms specified in the loan agreement.
- (x) In the case of receipt of request for transfer of customers account, either from the customer directly or from other banks / FIs which propose to take over the loan, banks are required to convey their consent or objection, if any, within 21 days from the date of receipt of request.

C. Requirements in relation to outsourcing of services to third parties.

3.1 The term "Outsourcing" is defined under the Scale Based Regulations, as well as the Bank Outsourcing Guidelines to mean *the use of a third party (either an affiliated entity within a corporate group or an entity that is external to the corporate group) to perform activities on a continuing basis that would normally be undertaken by the bank / NBFC itself, now or in the future*. Examples of outsourcing services under the Scale Based Regulations include loan origination, credit card, document processing, marketing and research, supervision of loans, data processing etc. and the Bank Outsourcing Guidelines also include back office related activities as part of the services that may be outsourced. Some of the key obligations under the Scale Based Regulations and Bank Outsourcing Guidelines are detailed below:

- (a) Board approved policy. All NBFCs and banks are required to have a board approved outsourcing policy which shall set out the criteria for selection of activities and service providers to whom such activities will be outsourced, as well as the extent of delegation of authority considering risks and materiality of the outsourced activity. The policy shall also prescribe systems for monitoring the outsourced activities. Core functions such as internal audit, compliance function and decision-making functions like determining compliance with Know-Your-Customer norms for opening deposit accounts, providing sanction for loans (including retail loans) and management of investment portfolio shall not be outsourced.
- (b) Consideration of risks associated with outsourcing. NBFCs and banks outsourcing any services shall take into account risks such as strategic, reputational, legal, compliance, systemic, counterparty and operational risks when outsourcing any of its activities and shall also consider risks associated with exiting the outsourcing arrangement.

- (c) Due Diligence of service provider. All NBFCs and banks must conduct a due diligence of the service provider which should take into consideration qualitative and quantitative, financial, operational and reputational factors before outsourcing any services to such service provider. They also rely upon market feedback and independent reviews of the service provider at the time of conducting the due diligence exercise. The Scale Based Regulations and Bank Outsourcing Guidelines prescribe factors to be considered while conducting due diligence of the Service Provider.
- (d) Outsourcing Agreement. All NBFCs and banks must ensure that the agreement with outsourced service provider is clearly drafted and the defines the scope of outsourced activities and performance standards. In addition to the same the NBFCs and banks must also ensure certain rights in its agreements with outsourced service providers as detailed in paragraph 5.5 of Annex XIII of the Scale Based Regulations and paragraph 5.5 of the Bank Outsourcing Guidelines⁷⁵. For example, REs should ensure that Buyer Apps ensure that all data collected by them for providing any services in relation to the credit products are stored in India with specific rights provided to the RE and the RBI to audit the services provided by the Buyer Apps.

3.2 **IT Outsourcing.** As REs have been extensively leveraging Information Technology (IT) and IT enabled Services (ITeS) to support their business models, products and services offered to their customers, the various risks associated with outsourcing such services to third party service providers need to be addressed. The IT Outsourcing Master Directions provides the guidelines to be followed by regulated entities for 'Outsourcing of IT Services'. The term 'Outsourcing of IT Services' is defined in an inclusive manner and also includes the following activities:

- (a) Information technology infrastructure management, maintenance and support (hardware, software or firmware);
- (b) Network and security solutions, maintenance (hardware, software or firmware);
- (c) Application development, maintenance and testing; application service provider including ATM switch application service providers;
- (d) Services and operations related to data centres;
- (e) Cloud computing services;
- (f) Managed security services; and
- (g) Management of information technology infrastructure and technology services associated with payment system ecosystem.

⁷⁵ Refer to paragraph 5.5 of [Reserve Bank of India - Notifications](#) and [Reserve Bank of India - Notifications](#) for Banks and paragraph 5.5 of Annex XIII of [106MDNBFC51910202343073E3EF57A4916AA5042911CD8D562.PDF](#) for NBFCs.

- 3.3 **Exclusions to IT Outsourcing.** Reference is made to Appendix – III of the IT Outsourcing Master Directions, which prescribes a list of services which do not fall within the ambit of ‘Outsourcing of IT Services’ and entities which are not deemed to be third party service providers.
- 3.4 **Board approved IT outsourcing policy.** The IT Outsourcing Master Directions requires all RE to have a board approved outsourcing policy for IT outsourcing which shall set out the criteria for selection of activities and service providers to whom such activities will be outsourced, parameters for defining material outsourcing, delegation of authority depending on risk and materiality, disaster recovery and business continuity plans, systems to monitor and review the operations of these activities and termination processes and exit strategies. Where services of a cloud service provider are availed by the RE, the IT outsourcing policy should also cover all processes related to cloud computing services such as generation of data, data collected by cloud, erasure / deletion of data from the cloud servers and from the regulated entity’s systems. Further, the policy should also explicitly list out activities which can be moved to the cloud, address various stakeholder interests and safety, and include compliance with appropriate regulatory requirements associated with data classification and continuous monitoring of the cloud service providers.
- 3.5 **Due Diligence of the service provider.** In addition to the due diligence requirements set out in 3.1(c) above as applicable in case of outsourcing under the Scale Based Regulations and Bank Outsourcing Guidelines, REs must also consider aspects such as details of the technology, infrastructure stability, security and internal control, data backup arrangements, capability to segregate data of the regulated entity, information/ cyber security risk assessment etc., when conducting due diligence of IT service providers.
- 3.6 **IT Outsourcing Agreement.** The IT Outsourcing Master Directions also prescribe certain provisions to be specifically included in the outsourcing agreement with their service providers. REs who are outsourcing any IT service to a third party service provider should ensure that the requirements mentioned in paragraph 16 of the IT Outsourcing Master Directions⁷⁶ are included in the agreements with such service providers.
- 3.7 **Arrangements with cloud service providers.** Appendix-I of the IT Outsourcing Master Directions also prescribe additional obligations in relation availing the services of cloud service providers.

⁷⁶ [Reserve Bank of India - Master Directions](#)

ANNEXURE – L
COMPLIANCES APPLICABLE IN RELATION TO OFFERING OF INSURANCE PRODUCTS

A. Key compliances applicable to the Insurer under the Insurance Act

- 1.1 **Registration of Insurer.** The Insurance Act is the principal legislation that governs the business of insurance. It requires any person carrying on any class of insurance business in India to obtain a certificate of registration for the particular class of insurance business undertaken by it.
- 1.2 **Payment of remuneration / commission / reward to insurance intermediaries.** Insurers are required to abstain from excessive amounts of remuneration to insurance intermediaries, by way of commission or otherwise. In this regard, the IRDAI (Payment of commission or remuneration or reward to insurance agents and insurance intermediaries) Regulations, 2016 (“**IRDAI Commission Regulations**”) mandates Insurers to have a written policy for payment of commission or remuneration or reward to insurance agents and insurance intermediaries, which must be approved by the board of the company. Where the Insurer has paid any remuneration / commission / reward to an insurance intermediary, the Insurer must not pay any commission to an insurance agent on the same insurance policy. The maximum remuneration that can be paid by the Insurer to the insurance intermediaries is specified in the Schedules to the IRDAI Commission Regulations.
- 1.3 **Assuming of risk by Insurer.** The Insurer shall assume any risk in respect of any insurance business (on which premium is not ordinarily payable outside India), only upon the premium payable is received by the Insurer or is guaranteed or unless and until deposit of such amount is made in advance. In case of risks for which premium can be ascertained in advance, the risk may be assumed not earlier than the date on which the premium has been paid in cash or by cheque to the Insurer. Any refund of premium which may become due to an insured on account of the cancellation of a policy or alteration in its terms and conditions or otherwise shall be paid by the Insurer directly to the insured, in the manner as specified in the Insurance Act.
- 1.4 **Protection of policyholders’ interests.** Insurers are subject to the specific compliances and obligations prescribed under the IRDAI Master Circular on Protection of Interests of Policyholders dated 5 September 2024 (“**Policyholders Master Circulars**”). Such obligations relate to, *inter alia*, (a) activities prior to sale of insurance products, (b) proposal for sale of insurance policies, (c) issuance of insurance policies, (d) servicing of policyholders and settlement of claims, (e) portability of health insurance policies, etc. The Policy Holders Master Circular, through its schedules, also provides for (a) form and manner of policy documents and benefits illustrations, (b) contents of insurance policies, and (c) customer information sheet (“**CIS**”).

B. Key Compliances applicable to Insurance Brokers

- 2.1 **Registration of Insurance Brokers.** Insurance Brokers are required to be registered with the IRDAI as per the Insurance Broker Regulations. In this regard, the Insurance Broker Regulation specifies the form and manner of submission of application for grant of certificate of registration.
- 2.2 **Display of details in correspondences.** Every Insurance Broker is required to display, in all their correspondences with all stakeholders, their name registered with IRDAI, address of the registered and

corporate office, IRDAI registration number, category for which Insurance Broker is registered, and validity period of registration.

- 2.3 **Remuneration and reward.** For direct insurance business, payment of remuneration and / or reward to the Insurance Broker shall be as per the limits specified in the IRDAI Commission Regulations.
- 2.4 **Risk management services.** Insurance Brokers may charge the client fee for the services rendered by them to the client for risk management services or other similar services as per the functions defined under the Insurance Broker Regulations. The Insurance Broker can undertake this activity only for commercial risks based on the written confirmation from client for those fees. However, the Insurance Broker cannot receive both the remuneration and reward as stipulated under the IRDAI Commission Regulations, and fees for the same risk management services. The Insurance Broker shall obtain a written mandate from the client to offer risk management services and shall keep a record of the risk management services offered to the client which will include details such as name of the client, place of risk, nature and type of risk management services undertaken, amount of fee charged from the client, basis of fee charged, etc.
- 2.5 **Claim consultancy services.** Insurance Brokers may undertake claims consultancy only for commercial lines of general insurance business, subject to the conditions as prescribed under Regulations 28 of the Insurance Broker Regulations.
- 2.6 **Sale of insurance products through online channels, tele-marketing and distance marketing.** Insurance Brokers may enter into an agreement with Insurers for sale of insurance products online by linking to the web portals of the Insurers, or through tele-marketing and other distance marketing activities. The sale of insurance products through such online or telemarketing channels by Insurance Brokers shall be as per Web Aggregator Regulations and Guidelines on Insurance e-commerce issued by IRDAI.
- 2.7 **Functions of a direct Insurance Broker.** Functions of a direct Insurance Broker acting as a Seller App would include, *inter alia*, the following:
- (a) Assisting the insurer by appraising on the client's business and underwriting information;
 - (b) Submitting quotation received from Insurer/s for consideration of a client;
 - (c) Rendering advice on appropriate insurance cover and terms and acting promptly on instructions from a client and providing written acknowledgements and progress reports;
 - (d) Assisting clients in paying premium under the Insurance Act;
 - (e) Assisting in the negotiation of the claims; and
 - (f) Assisting in opening of e-insurance accounts and assisting in issuing e-insurance policies.
- 2.8 **Code of conduct.** While acting as a Seller App and providing its services, Insurance Broker shall be required to adhere to its code of conduct, as prescribed under the Insurance Broker Regulations. The code of conduct for Insurance Broker, as provided under Schedule I – Form H of the Insurance Broker

Regulations, specifies specific conduct requirements in relation to: (i) client relationship; (ii) sales practices; (iii) furnishing of information; (iv) explanation of insurance contract; (v) renewal of policies; (vi) claims by clients; (vii) receipt of complaints; (viii) documentation; (ix) advertising; (x) receipt of remuneration; and (xi) training of staff.

C. Key compliances applicable to Corporate Agents

- 3.1 **Registration of Corporate Agents.** Corporate Agents are required to be registered with the IRDAI as per the Corporate Agent Regulations. In this regard, the Corporate Agent Regulations specifies the form and manner of submission of application for grant of certificate of registration.
- 3.2 **Arrangements with Insurers.** Corporate Agents must enter into arrangements with Insurers for distribution of their products, subject to the specific conditions listed under Regulation 23 of the Corporate Agent Regulations. The minimum period of such arrangement must be for 1 year. A Corporate Agent (Life), Corporate Agent (Health), and Corporate Agent (General), may have arrangements with a maximum of 9 life Insurers, 9 health Insurers, and 9 general Insurers, respectively, to solicit, procure and service their insurance products Further, the Corporate Agent (General) shall solicit, procure and service retail lines of general insurance products and commercial lines of such Insurers having a total sum insured not exceeding INR 5 crores per risk for all insurances combined. A Corporate Agent (Composite) may have arrangements with up to 9 Insurers in each class, subject to the condition that the total number of arrangements with life, general and health Insurers, shall not exceed 27 at any point of time.
- 3.3 **Grievance redressal.** As part of the registration conditions, a Corporate Agent is required to take adequate steps for redressal of grievances of its clients within 14 days of receipt of such complaint and keep IRDAI informed about the number, nature and other particulars of the complaints received from such clients in format and manner as may be specified by IRDAI.
- 3.4 **Prohibition of multi-level marketing.** Corporate Agents are prohibited from undertaking any multi-level marketing for solicitation of insurance products.
- 3.5 **Remuneration and reward.** Payment of remuneration and receipt of remuneration by a Corporate Agent shall be as per the limits specified in the IRDAI Commission Regulations.
- 3.6 **Conflict of interest.** While soliciting and procuring the insurance business, Corporate Agents are required to comply with the following:
- (a) The Corporate Agent having tie-ups with more than 1 Insurer in a particular line of business, disclose to the prospective customer the list of Insurers, with whom they have arrangements to distribute the products and provide them with the details such as scope of coverage, term of policy, premium payable, premium terms and any other information which the customer seeks on all products available with them. Further, disclose the scale of commission in respect of the insurance product offered, if asked by the prospect;
 - (b) Where the insurance is sold as an ancillary product along with a principal business product, the corporate agent or its shareholder or its associates shall not compel the buyer of the

principal business product to necessarily buy the insurance product through it. The Principal Officer and CFO (or its equivalent) of the corporate agent shall file with the Authority a certificate in the format given in the Schedule VIII on half-yearly basis, certifying that there is no forced selling of an insurance product to any prospect.

(c) No Insurer shall require the corporate agent to insure every client with it.

- 3.7 **Servicing of policyholders.** Corporate Agent shall have the duty to service its policyholders during the entire period of contract. Servicing includes assisting in payment of premium, providing necessary assistance and guidance in the event of a claim, and providing all other services and guidance on issues which arise during the course of an insurance contract.
- 3.8 **Sale of insurance products through tele-marketing and other distance marketing.** Schedule VII of the Corporate Agent Regulations specifies the conditions to be adhered to by Corporate Agents while selling of insurance products through tele-marketing mode and other distance marketing activities. It specifies various compliances, which include, *inter alia*, aspects relating to (i) persons that can be engaged for solicitation; (ii) agreements between Corporate Agents and telemarketers; (iii) role of authorised verifiers; (iv) conduct in relation to sale of insurance products through distance marketing; (v) process of solicitation, including standardised script, introduction, consent, procuring prospect's information, communication of product benefits and features; premium ceilings in case of sale of ULIPs, prohibition of sale of universal life products over telephonic mode, etc., (vi) post solicitation process, (vii) prohibition of unfair denial of insurance cover, (viii) preservation of records, (ix) verification processes to be adopted by Corporate Agents, etc.
- 3.9 **Code of conduct.** While acting as a Seller App and providing its services, Corporate Agents shall be required to adhere to its code of conduct, as prescribed under the Corporate Agent Regulations. The code of conduct for Corporate Agents, as provided under Schedule III of the Corporate Agent Regulations, prescribes (i) general code of conduct for Corporate Agents; and (ii) Pre-sale code of conduct; (iii) Post-sale code of conduct.

D. Key compliances applicable to Insurance Web Aggregators

- 4.1 **Registration of Insurance Web Aggregators.** Insurance Web Aggregators are required to be registered with the IRDAI as per the Web Aggregator Regulations. In this regard, the Web Aggregator Regulations specifies the form and manner of submission of application for grant of certificate of registration.
- 4.2 **Display of details in correspondences.** Insurance Web Aggregators are required to display in all its correspondences with all stakeholders its name registered with IRDAI, address of the registered and corporate office, IRDAI registration number and validity period of the registration. Insurance Web Aggregators are not permitted to use any other name in their correspondence / literature / letter heads without the prior approval of IRDAI.
- 4.3 **Board approved policy for comparison and distribution of insurance products.** Insurance Web Aggregators are required to have a Board approved policy on the manner of soliciting insurance products. The policy, amongst others, must include the approach to be followed by the Insurance Web Aggregator in having multiple tie-ups, type of products sold, grievance redressal mechanism, reporting

requirements, etc.

4.4 **Arrangements with Insurers.** Insurance Web Aggregators must not enter into any arrangements with Insurers which are against the interests of policyholders. The details pertaining to the arrangement made by the Insurance Web Aggregators with the Insurers must adhere to the requirements specified in Form L (Arrangements with Insurers for distribution of products) of Schedule III of the Web Aggregator Regulations.

4.5 **Conflict of interest.** While soliciting and procuring the insurance business, Insurance Web Aggregators are required to comply with the following:

- (a) The Insurance Web Aggregator having tie-ups with more than 1 Insurer in a particular line of business, shall display to the prospective customer the list of Insurers, with whom they have arrangements to distribute the products and provide them with the details such as scope of coverage, term of policy, premium payable, premium terms and any other information which the customer seeks on all products available with them;
- (b) The product to be sold shall be based on the need analysis of the prospect; and
- (c) No Insurance Web Aggregator shall promote or push a particular product of a particular company either through its web-site or through distance marketing approaches.

4.6 **Duties and functions of Insurance Web Aggregators.** Insurance Web Aggregators are required to fulfil the following duties:

- (a) Display Information in their designated website pertaining to the products of Insurers who have signed agreement with the Insurance Web Aggregators, and carryout the activities for the purpose of lead generation for Insurers.
- (b) Ensure that the information systems, (both hardware and software) including the aggregation website(s) / portals, Lead Management System and the data centers hosting the website(s) / Portal(s) / Lead Management System are in compliance with the generally accepted information security standards and procedures in force in India from time to time.
- (c) Ensure that the leads and other data is transmitted to the Insurers and others using secured layer data encryption technologies like 128-bit encryption.
- (d) Use only RBI registered payment gateways for collection and transfer of premium to Insurers when the Insurance Web Aggregator is authorized by the Insurer to collect the premium on behalf of the Insurer.

Further, Insurance Web Aggregators are required to abstain from the following:

- (a) Display any information pertaining to products or services of other financial institutions / FMCG or any product or service on the website.

- (b) Display advertising of any sort, either pertaining to any product or service including insurance product or service, other financial products or service / or any other product or service in the Insurance Web Aggregators Website.
- (c) Operate multiple websites or tie up with other approved / unapproved / un-registered entities / websites for lead generation / comparison of product etc. Using multiple domain names or same domain names with suffixes such as .com or .in or .co.in for the primary website of the Insurance Web Aggregator used for comparison of insurance products is allowed provided the domain names of primary or secondary or product category specific websites or mobile sites are owned and registered in the name of the Insurance Web Aggregator; and the Insurance Web Aggregator shall inform IRDAI in writing about the date of registration and also date of launching of domain names of such websites or mobile sites in the application for grant of registration and thereafter within 15 days from the date of Domain Name registration and date of launching respectively in case of any change in the name(s) of the existing websites or new websites.
- (d) Operate the websites of other Financial / Commercial / marketing or sales or service entities or use other Social Media sites etc. for comparison of products etc.
- (e) Operate in any other manner for the purpose of transmitting leads to any entity engaged in insurance business except as provided under the Web Aggregator Regulations.

4.7 **Display of product comparisons.** Insurance Web Aggregators are required to disclose prominently on the home page, a notice that, (a) the Prospect's / visitor's particulars could be shared with Insurers, and (b) the information displayed on the website is of the Insurers with whom our company has an agreement. Product information displayed by Insurance Web Aggregators must be authentic and be based solely on information received from Insurers. Insurance Web Aggregators must not display ratings, rankings, endorsements or bestsellers of insurance products on their website. The content of the websites of the Insurance Web Aggregators must be unbiased and factual in nature; and Insurance Web Aggregators must not comment on Insurers or their products in their editorials or at any other location in their websites. Products listed on the Insurance Web Aggregator's website for comparison must be categorized in the form and manner as prescribed under Form Q of Schedule IV under the Web Aggregator Regulations.

4.8 **Remuneration and reward.** Payment of remuneration and receipt of remuneration by an Insurance Web Aggregator shall be as per the limits specified in the IRDAI Commission Regulations, read with Regulation 30 of the Web Aggregator Regulations.

4.9 **Code of conduct.** While acting as a Seller App and providing its services, Insurance Web Aggregators shall be required to adhere to its code of conduct, as prescribed under Form W of Schedule VIII to the Web Aggregator Regulations.

E. Other general compliances applicable to Insurers and insurance intermediaries

5.1 **Insurance advertisements and disclosures.** Insurers and insurance intermediaries are required to adhere to various compliances in relation practices while issuing advertisements of insurance products,

as prescribed under the IRDAI (Insurance Advertisements and Disclosure) Regulations 2021 ("**Insurance Advertisements Regulations**"). The requirements, *inter alia*, include the following:

- (a) Establish and maintain a system of control over the content, form, and method of dissemination of all advertisements concerning its policies or products;
- (b) Ensure that (i) the names of the product and benefits shall be as per the product filed with IRDAI; (ii) sales material and advertisements shall be comprehensible; (iii) it must prominently state the availability of underlying element of 'insurance coverage' to clearly identify the product as an insurance product;
- (c) Their website or portal must (i) contain disclosure statements which outline the website's specific policies *vis-à-vis* the privacy of personal information for the protection of both their own businesses and the consumers they serve; and (ii) display their registration numbers on their websites.
- (d) Not allow a third party whether individual, association, entity or group, by whatever name called, to (i) distribute information about an insurance policy, Insurer or intermediary or insurance intermediary, on its letterhead or envelope or through any mode or medium including mail system or domain, unless the third party is providing only a distribution service for the advertisement and is not itself soliciting the insurance, and the insurance information or advertisement is a piece separate from any other information distributed by the third party and clearly indicates its origin; (ii) recommend that its members purchase specific insurance products; (iii) imply that a person must become a member of its organization in order to purchase the insurance policy; and (iv) imply that a purchaser of an insurance policy by becoming a member of a limited group of persons shall receive special advantages from the insurer not provided for in the insurance policy or product.
- (e) Follow recognised standards of professional conduct as prescribed by the Advertisement Standards Council of India and discharge its functions in the interest of the policyholders.
- (f) Every proposal form for an insurance product shall carry the following stipulation: *"No person shall allow or offer to allow, either directly or indirectly, as an inducement to any person to take out or renew or continue an insurance in respect of any kind of risk relating to lives or property in India, any rebate of the whole or part of the commission payable or any rebate of the premium shown on the policy, nor shall any person taking out or renewing or continuing a policy accept any rebate, except such rebate as may be allowed in accordance with the published prospectuses or tables of the insurer."*

5.2 **Issuance of e-insurance policies.** The IRDAI (Issuance of e-Insurance Policies) Regulations, 2016 ("**e-Insurance Regulations**") prescribes compliances in relation to issuance of electronic policy and submission of electronic proposal form of insurance policies.

- (a) **e-Proposal form.** Every insurer soliciting insurance business through electronic mode is required to create an e-insurance proposal form similar to their physical form approved by

IRDAI. Such form should enable capture of information in electronic form that would enable easy processing and servicing.

- (b) Electronic insurance policies. Every insurer must issue electronic insurance policies that fulfill the criteria given in Schedule I to the e-Insurance Regulations. Electronic Insurance Policies shall be deemed compliant only when issued with digital signature in accordance with applicable provisions prescribed by law.
- (c) Discount on electronic insurance policies. An insurer may offer discount in the premium rates to the policyholders for such electronic insurance policies exempt from issuance in physical form. Such discount must be in accordance with the discount rates filed under the Product Approval or the File & Use guidelines or as specified by IRDAI.

5.3 **Customer information sheet.** Insurers and intermediaries are required to forward the CIS to all policyholders and acknowledgement, physical or digital, must be duly obtained. The CIS must be made available in local language if the policyholder so desires. The CIS shall have minimum font size '12' (Arial) or above. All details provided for in the CIS shall be duly filled in. The policy document forwarding letter shall contain a cross reference to the CIS. Annexure 1 to the IRDAI circular on '*Revision of Customer Information Sheet*' dated 30 October 2023 provides for the template CIS, which includes the key information about the policy. Insurers must provide web-link where the product related documents including the CIS are available on the website of the insurer. In case of any conflict, the terms and conditions mentioned in the policy document shall prevail. Insurers are required take confirmation of the policyholder regarding receipt of CIS.

5.4 **Insurance e-commerce.** Any Insurer or insurance intermediary undertaking insurance e-commerce activities must comply with the 'Guidelines on Insurance e-commerce' issued by IRDAI, dated 9 March 2017 ("**Insurance e-Commerce Guidelines**"). Any insurance e-commerce activity must undertake such activities through an Insurance Self Network Platform ("**ISNP**") set up with the permission of IRDAI. The Insurance e-Commerce Guidelines prescribes the code of conduct for Insurers and insurance intermediaries while undertaking insurance e-commerce activities through their ISNP and provides for other operational compliances.

5.5 **KYC of customers.** Insurers are required to ensure appropriate KYC fulfilment of their customers, in compliance with the guidelines prescribed under the consolidated 'Master Guidelines on Anti-Money Laundering/ Counter Financing of Terrorism (AML/CFT), 2022', issued by IRDAI dated 1 August 2022.

ANNEXURE – M
COMPLIANCES APPLICABLE IN RELATION TO OFFERING OF MUTUAL FUNDS

A. Compliances under the Code of Conduct for MFDs

1.1 The following disclosures are to be provided by MFDs offering Mutual Funds to investors:

- (a) If MFDs are engaged in the distribution of Mutual Fund products of their group / affiliate / associate entities, it shall make appropriate disclosures to the investors regarding the conflict of interest arising from distribution of such Mutual Fund scheme. Further, if the MFD is an associate / group company / sponsor of AMC of a mutual fund, the MFD shall, while providing suggestions to investor, disclose all material information about its association with the concerned AMC and the total amount of commission received/receivable
- (b) MFDs are required to provide and full and updated information on Mutual Fund schemes, as provided to them by AMCs, to the investors including Statement of Additional Information (SAI), Scheme Information Document (SID), addendums, performance reports, fact sheets, portfolio disclosures and brochures. MFDs shall not deliberately withhold or omit any material fact or information supplied to them by the AMCs from any investor that the investor should know or may want to know.
- (c) MFDs shall disclose to the investors all material information including all commissions (in the form of trail commission or any other mode) received or receivable by them for the different competing schemes of various Mutual Funds from amongst which the scheme is being recommended to the investor.
- (d) MFDs shall disclose to their clients the list of mutual funds they are affiliated with and inform to the clients that the information provided is limited to the mutual fund products that are being distributed/promoted by the MFDs and inform the clients that the clients may also consider other alternate products, which are not being offered by the MFDs before making investment decision.
- (e) MFDs shall ensure that on any digital platform provided by MFD for offering investment facility to investor, it is categorically disclosed that the scheme the investor is subscribing to is of Regular Plan which involves payment of commission to MFD. The link for the rate of commission received or receivable by the MFD for the different competing schemes of various Mutual Funds shall be prominently displayed on the platform indicating the same as a hyperlink. Further, a link to the scheme offer documents (SID/SAI/KIM) shall also be prominently displayed on the concerned page.

B. Compliances under the EOP Guidelines

2.1 The following disclosures are to be provided by EOPs offering Mutual Funds to investors:

Disclosures by an EOP

- (a) The platform offering Mutual Funds shall provide an interactive tool for the investors to screen or filter various schemes based on the criteria selected by the investor including past performance, AUM, etc. and ensure that there is no auto display of recommendation or ranking of any of the schemes. The aforesaid tool shall not itself provide any research reports or opinions or perform any research based or investment advisory activity.
- (b) Further, the platform shall display in a user-friendly manner, the factual information pertaining to Mutual Funds as available on public domain including past performance of Mutual Fund schemes. It shall be ensured that the following disclosures are provided on the platform.
 - I. Name of the Mutual Fund. Link to Mutual Fund website whose products are offered.
 - II. Name of the scheme of the Mutual Fund. Type and category of the scheme of Mutual Fund.
 - III. Name of the Fund Manager.
 - IV. Investment objective of the scheme.
 - V. Scheme performance along with source.
 - VI. Scheme details such as minimum investment, AUM, NAV, Exit Load, Expense Ratio.
 - VII. Risk-o-Meter of the scheme and Potential Risk Matrix, wherever applicable.
- (c) The platform shall also display the grievance redressal mechanism available for the investors including the manner in which a complaint can be lodged by an investor.

Advertisement Code for EOPs

- (a) Advertisement shall include all forms of communications issued by or on behalf of the platform in any publicly available media that may influence investment/sale decisions of any investor/prospective investors, or decision of investor to avail services of the EOP including digital media, print media, television, radio, out-of-Home, cinema theatres etc.
- (b) The platform shall display the following:
 - I. Relevant information regarding the entity providing the platform, which is accurate, true, fair, clear, complete, unambiguous and concise.
 - II. Name of the entity providing the platform, registered office address, official website, email address, helpline number, and AMFI Registration number.
 - III. Standard warning in legible fonts (minimum font size 10) stating that 'Mutual Fund Investment are subject to market risks, read all the related documents carefully before investing.' No addition or deletion of words shall be made to the standard warning.

- (c) The advertisements shall not contain / use:
- I. Anything which is otherwise prohibited from being published under any legislation or regulations.
 - II. Statements which are unwarranted, or exaggerated, or false, or misleading, or biased or deceptive, or based on assumptions/projections.
 - III. Statements which directly or by implication or by omission may mislead the investor.
 - IV. Any customer testimonials and/or any celebrity endorsements.
 - V. Any statement which is likely to be misunderstood/ mis-interpreted or likely to mislead or disguise the actual intended message.
 - VI. Any statement designed to exploit the lack of knowledge of un-informed or inexperienced investors.
 - VII. Any slogan or tagline which is exaggerated or unwarranted or inconsistent with or unrelated to the platform.
 - VIII. Any indicative returns or promise or guarantee of assured return to the general investors.
 - IX. Any statement which directly or indirectly discredits other platforms or make unfair comparisons.
 - X. Any representations about the performance or activities of the platform unless accompanied by factual / verifiable data, disclosures of all the risk factors, etc. and disclaimer that "Such representations are not indicative of future results". Such disclaimer shall be in the same font as the rest of the advertisement.
 - XI. Any superlative terms, such as "The Best", "No. 1", "Market leader", etc.
 - XII. Any celebrities in any advertisements regarding its platform services

Compliance and other requirements

- (a) Statistical information, charts, graphs, etc. whenever used, should invariably mention their source.
- (b) Where advertising claims are expressly stated to be based on or supported by independent research or assessment, the source and date thereof should be mentioned in the advertisement.
- (c) The platform shall not involve/engage in games/leagues/schemes/campaigns/competitions etc. which may involve distribution of prize monies/medals/gifts, etc.

C. Compliances under the IA Master Circular

Disclosures by IAs providing distribution / execution services.

- 3.1 IAs are required to disclose the following information on their platforms:
- (a) Full name, type of registration, registration number, validity, complete address with telephone number.
 - (b) Investor Charter as provided under Annexure E of the IA Master Circular.
 - (c) Details of investor complaints.
 - (d) Link / option to lodge a complaint with them. Additionally, link to the SCORES platform of SEBI may also be provided.
- 3.2 In the event IAs are offering mutual funds as part of their distribution services in the capacity of an MFD, the requirements as provided in Paragraph A of Annexure E shall apply.
- 3.3 Further, while there are no specific disclosure requirements applicable to an IA offering mutual funds to clients, it is recommended that the platform offered by the IA adopts similar disclosure requirements as detailed for EOPs in Paragraph B of Annexure G.

D. Compliances under the MF Regulations and MF Master Circular

- 4.1 In the event mutual funds are directly provided through the AMC, it is recommended that similar disclosures as are applicable to EOPs (highlighted in Paragraph B of Annexure G) are provided. Further, a link to the website of the respective AMCs detailing other statutory disclosure may also be provided thereby ensuring compliance with the disclosure requirements provided under the MF Regulations and MF Master Circular.
- 4.2 In relation to the advertisements provided by AMCs, it must be ensure that such advertisements inter alia comply with the guidelines provided in Sixth Schedule of the MF Regulations.

ANNEXURE – N
COMPLIANCES APPLICABLE TO PESTICIDES

A. Registration and Licensing

- 1.1 Registration of Pesticide: The importer or manufacturer of any pesticide is required to obtain the registration for such pesticide by making application in Form I before the Registration Committee, along with the applicable fee.⁷⁷ The certificate of registration is issued within a period of twelve (12) months from the date of receipt of application (extendable to a further period of six (6) months). It is important to note that a provisional registration is provided for a period of two (2) years in case of introduction of a new pesticide in the country.
- 1.2 License: In order to manufacture or to sell, stock or exhibit for sale or distribute any pesticide, an application for grant of license in Form II, is required to be made before the licensing officer, along with applicable fee.⁷⁸ The license is granted by the licensing officer on his satisfaction that the necessary plant and machinery, safety devices, etc. are made available in the manufacturing premise.
- 1.3 It is pertinent for the person filing the application for manufacturing license to possess or to employ a person who possesses, the requisite educational qualification, i.e.,
- (a) Doctorate in chemistry or agriculture chemistry or agriculture chemicals or Master of Technology or Master of Science in chemical engineering or equivalent for manufacture of technical grade pesticides; or
 - (b) Master's degree in science with chemistry or agricultural chemistry or agriculture chemicals or equivalent as one of the subjects for manufacture of pesticide formulation.
- 1.4 The person applying for grant of license to sell, stock or exhibit to sell or distribute pesticides shall possess or employ a person who possesses the following educational qualification:
- (a) graduate degree in Agricultura Sciences or Biochemistry or Biotechnology or Life Sciences or in Science with Chemistry or Botany or Zoology from a recognised university or institute or,
 - (b) one year diploma course in Agriculture or Horticulture or related subjects from any government recognised university or institute with course content on plant protection and pesticides management.
- 1.5 The license to sell, stock or exhibit for sale or distribute pesticides issued in Form III, needs to be displayed at a prominent place in the premises which is open to the public.

B. Packaging and Labelling Requirements

- 2.1 Prior approval shall be obtained from the Registration Committee with respect to the packages

⁷⁷ Section 9 of the Insecticides Act available at ppqs.gov.in/sites/default/files/insecticides_act_1968_0.pdf read with Rule 6 of the Insecticides Rules available at [Insecticides Rules, 1971 | Directorate of Plant Protection, Quarantine & Storage | GOI](#)

⁷⁸ Section 13 of the Insecticides Act read with Rule 9 of the Insecticides Rules.

containing the pesticides.

2.2 Every package shall contain leaflet providing for the following details⁷⁹:

- (a) The plant disease, insects and noxious animals or weeds for which the pesticide is to be applied, the adequate direction concerning the manner in which the pesticide is to be used at the time of application;
- (b) Particulars regarding chemicals harmful to human beings, animals and wild life, warning and cautionary statements including the symptoms of poisoning, suitable and adequate safety measures and emergency first-aid treatment where necessary;
- (c) Cautions regarding storage and application of pesticides with suitable warnings relating to inflammable, explosive or other substances harmful to the skin;
- (d) Instructions concerning the decontamination or safe disposal of used containers;
- (e) A statement showing the antidote for the poison shall be included in the leaflet and the label.
- (f) If the pesticide is irritating to the skin, nose, throat or eyes, a statement shall be included to that effect;
- (g) Common name of the pesticide as adopted by the International Standards Organisation and where such a name has not yet been adopted such other name as may be approved by the Registration Committee;
- (h) The information furnished on the label in English and Hindi shall be translated and published on the leaflet in Hindi, English and in the regional language of the region where the product is proposed for sale;
- (i) The leaflet shall be printed legibly and font size of the text shall be not less than eight points (8) or 2mm;
- (j) Safety pictograms provided on the label and others, if any, shall also be printed on the leaflet;
- (k) Leaflet shall contain advice to physicians for treatment in cases of poisoning
- (l) Details of label claims and directions for use with reference to target organism and crop shall be printed on the leaflet;
- (m) Good practices relating to pesticide application techniques covering the following shall be provided for each crop or recommended other use, whichever is applicable, namely (i) weather conditions in general, (ii) soil and water, wherever applicable, (iii) crops stage for application, (iv) application techniques, (v) equipment type, (vi) nozzle type, (vii) dosage (include gram active ingredient formulation and dilution in litres), (viii) instructions for mixing, (ix) re-entry period, (x) pre-harvest interval, (xi) application timings, (xii) fertilisers including maximum number of sprays;
- (n) Stages during which pesticides should not be applied on any crop shall be furnished;
- (o) Precautions to be taken to avoid harm to the beneficial insects like honey bees and natural enemies of pests shall be furnished;
- (p) The leaflet shall also contain the practices to be followed for usage of pesticides in confined areas, such as glasshouses, polyhouses, nursery beds, storage structures, fumigation chambers and public dwellings;

⁷⁹ Rule 18 of the Insecticides Rules.

- (q) The warning directing the users not to re-use the containers- “Dangerous to re-use empty containers” shall be printed in bold letters;
- (r) Directions for safe disposal of used containers shall be provided;
- (s) Instructions on leaflets shall be appropriately coloured or printed in bold to draw attention of all users;
- (t) Company shall furnish all information about the label and leaflet on their website and the address of the website shall be printed on the leaflet; and
- (u) The leaflet for the pesticide formulations shall be secured to primary pack or inserted or kept in between primary and secondary packing or pouch.

2.3 The packages containing pesticides shall be labelled *inter alia* the following manner⁸⁰:

- (a) The label shall have either one, two or three panels and shall be printed only in English and Hindi languages
- (b) The minimum size of all label panels shall be according to the size affixed on the face of the package. There shall be three types of labels depending on the content as prescribed under Rule 19 of the Insecticides Rules which *inter alia* includes
 - (i) The name of pesticide (brand name or trade name under which the pesticide is sold), along with the common name as approved by Registration Committee
 - (ii) The instructions to “Read Leaflet Before Use” shall be placed on the top of the label in bold, in a prominent place at least in English and Hindi languages in all package sizes. In addition, for big pack size in all such regional languages where it is proposed for sale.
 - (iii) The directions for use, manner and time of application and broad category of pests on which it is registered to apply.
 - (iv) The dosage (include gram active ingredient, formulation and dilution in litres and area) (Please refer leaflet for details).
 - (v) The purpose of the chemical shall be mentioned on the label, for example— for agricultural use
 - (vi) The optimal re-entry period after each application of pesticide as approved by the Registration Committee.
 - (vii) The safety precautions as approved by Registration Committee.
 - (viii) The composition of the formulation or pesticides.
 - (ix) The symptoms of poisoning and first aid.
 - (x) The antidote statement.
 - (xi) The name of the manufacturer and marketer.
 - (xii) The imported and re-packed by (wherever applicable), marketed by.
 - (xiii) Registration number of the pesticide and the manufacturing license number.
 - (xiv) Batch number, manufacturing date along with the expiry date.
 - (xv) Maximum Retail Price (MRP) Inclusive of all taxes.
 - (xvi) Net content weight or volume (in metric system).
 - (xvii) Cautionary statement,—
 - Not to be used for any purpose other than those subscribed on label and leaflets;

⁸⁰ Rule 19 of the Insecticides Rules available at [Insecticides Rules, 1971 | Directorate of Plant Protection, Quarantine & Storage | GOI](#).

- Destroy the container after use as directed on leaflet; and
 - Any other warning or cautionary statement as approved by Registration Committee.
- (xviii) Customer care details.
- (xix) QR Code shall be placed on retail pack for opening the URL of the manufacturing company and to take the user to the entire unique information of label and leaflet and the QR code shall contain at least the following information:
- Unique Identifier or GTIN;
 - Batch Number;
 - Date of Manufacturing;
 - Date of Expiry; and
 - Web link or URL.
- (c) The label shall be printed legibly with indelible ink in English and Hindi languages in the font sizes not less than the size prescribed under Rule 19 of the Insecticides Rules.
- (d) The ultra small or small packages shall also be packed in a secondary pack and manufacturer shall ensure leaflet and QR code be securely attached with each primary pack before packing them in one secondary pack.
- (e) For ultra-small packs, multiple primary packs may be packed in one secondary pack and the manufacturer shall ensure leaflet and QR code be securely attached with each primary pack before packing them in one secondary pack.
- (f) The label shall contain in a prominent place and occupying not less than one-sixteenth of the area of the panel or four-square centimetres whichever is greater, a square, set at an angle of 45 degrees (diamond shape). The dimension of the said square shall depend on the size of the package on which the label is to be affixed. The upper portion of square shall contain the following symbols and warning statements:
- (i) Pesticides belonging to Category I (Extremely toxic) shall contain the symbol of a skull and cross-bones and the word "POISON" printed in red. The following warning statements shall also appear on the label at appropriate place, outside the triangle – "KEEP OUT OF THE REACH OF CHILDREN"; "IF SWALLOWED, OR IF SYMPTOMS OF POISONING OCCUR CALL PHYSICIAN IMMEDIATELY."
 - (ii) Pesticides in Category II (Highly toxic) will contain the word "POISON" printed in red and the statement "KEEP OUT OF THE REACH OF CHILDREN"; shall also appear on the label at appropriate place, outside the triangle.
 - (iii) Pesticides in Category III (Moderately toxic) shall bear the word "DANGER" and the statement "KEEP OUT OF THE REACH OF CHILDREN"; shall also appear on the label at suitable place outside the triangle.
 - (iv) Pesticides in Category IV (Slightly toxic) shall bear the word "CAUTION".

The lower portion of the square shall contain the following colours:

Classification of the Pesticides	Medium lethal dose by the oral route (acute toxicity) LD 50 mg/kg body weight of test animal	Medium lethal dose by the dermal route (dermal toxicity) LD 50	Colour of identification
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		mg/kg body weight of test animal	brand on the label
1	2	3	4
1. Extremely Toxic	10 – 50	1 – 200	Bright red
2. Highly Toxic	51 – 500	201 – 2000	Bright yellow
3. Moderately Toxic	501 – 5000	2001 – 20000	Bright blue
4. Slightly Toxic	More than 5000	More than 20000	Bright green

- (g) The label shall be affixed in the package containing pesticides which are highly inflammable shall indicate that it is inflammable or that the pesticides should be kept away from heat or open flame and the like.
- (h) The label of the big package shall be printed with indelible ink displaying all contents of Rule 19(1)(i). The big package may also be packed in a secondary pack.
- (i) The label shall be printed at least in English and Hindi languages unless stated otherwise. The leaflets attached to the package containing pesticides shall be printed in Hindi, English and such regional languages in use in the areas where the said packages are likely to be stocked, sold or distributed.
- (j) Labelling of pesticides must not bear any unwarranted claims for the safety of the product or its ingredients. This includes statements such as 'SAFE', 'NON-POISONOUS', 'NON-INJURIOUS' or 'HARMLESS' with or without such qualified phrase as "when used as directed".

2.4 The manufacturer is required to pack every container of the pesticide in the following manner:

- (a) The package shall bear the particulars as specified by the Controller
- (b) The container shall be packed and sealed such that the contents cannot be tampered with without breaking the seal.
- (c) The bags containing pesticide shall be stitched in such a manner that the contents cannot be tampered with or without visible break in the stitching.

2.5 Any inscription or mark made by the manufacturer on the container, label or wrapper of any pesticide shall not be altered.

C. Import of pesticides

3.1 Pesticides shall only be imported through one of the following places:

- (a) Inland Container Depot, Gurugram, Haryana.
- (b) Chennai Port, Jawaharlal Nehru Port and Mumbai Port (Mumbai), in respect of pesticides imported by sea.

- (c) Chennai International Airport (Chennai), Chhatrapati Shivaji International Airport (Mumbai), Indira Gandhi International Airport (New Delhi), in respect of pesticides imported by air into India.

D. Sale through e-commerce

- 4.1 A licensee may undertake sale of any pesticide through e-commerce entity for supply of pesticides to farmers. Such licensee shall comply with the provisions of the Insecticides Act and rules made thereunder as well as provisions of the Consumer Protection (E-Commerce) Rules, 2020 (as discussed under **Error! Reference source not found.** above). The e-commerce operator before engaging with the licensee for sale, shall verify the validity of the license issued by the concerned Licensing Officer of the respective state.

E. Other Compliances

In addition to the above requirements, the Pesticides Laws prescribe *inter alia* the following key compliances:

- 5.1 No person shall manufacture or import the pesticides for supply, wherein:
 - (a) the label provides for any false or misleading information (in the form of statement, design, graphic representation);
 - (b) the package is deceptive with respect to its contents;
 - (c) the pesticide is an imitation of another pesticide or is sold under the name of another pesticide;
 - (d) the label does not provide for warning or caution necessary to prevent risk to human beings or animals;
 - (e) the relevant information as required under the Insecticides Act is not displayed on the label in conspicuous manner or displayed as a customary condition of purchase and use;
 - (f) the registration number is different from the registration number of respective pesticide;
 - (g) the toxicity is higher than the prescribed level; or
 - (h) the pesticide has been mixed or packed with any substance to alter its nature or quality or it contains any substance which is not covered under the registration.
- 5.2 No person shall manufacture, import, formulate, transport, sell, use any pesticide enlisted in Schedule to the Pesticides (Prohibition) Order, 2018 ("**Pesticides Prohibition Order**"). The said Schedule to the Pesticides Prohibition Order is extracted in [Annexure R](#) (*Pesticide Prohibition Schedule*) attached herewith.
- 5.3 The manufacturers and distributors shall keep sufficient stocks of first aid tools, equipment, antidotes, medicine and injections to treat poisoning resulting from the inhalation, skin or eye contamination and swallowing. The workers shall be provided with protective clothing and respiratory devices in accordance with Rules 39 and 40 of the Insecticides Rules.
- 5.4 Disposal of pesticides: The manner of disposal as prescribed under Insecticides Rules has been

discussed hereinbelow:

S. No.	Description	Manner of Disposal
(a)	Surplus Material and washings	The manufacturers, formulators and operators shall dispose the surplus and washings in safe manner which prevents environment or water pollution.
(b)	Used packages	The manufacturers, formulators and operators shall dispose the used packaged in safe manner which prevents environment or water pollution. Further, the used packages shall not be left outside to prevent their re-use and shall be broken and buried away from habitation.
(c)	Date expired pesticides	The date expired pesticides shall be kept by the licensee in a separate place demarked for the purpose with a declaration "date expired insecticides" to be exhibited conspicuously. The record of such stock shall be maintained in Appendix A to Form III. Such stock shall then be disposed of in a manner that is environment friendly, as prescribed by the Central Government.

5.5 Conditions for storage: The following conditions with respect to the storage of fertilisers shall be followed:

- (a) Conditions of packaging while transporting: The pesticides shall be transported and stored in such a manner that they do not come in direct contact with food stuff or animal feed. The pesticides shall be packed in accordance with the conditions prescribed in the red tariff, when transported by rail. In case of any leakage, the transport agency shall take such measures to prevent poisoning and pollution of soil or water, if any.
- (b) Conditions for storage of pesticide: The packages shall be stored in separate rooms or premises, away from other articles. Such rooms or premises shall be well-built, dry, well-lit and ventilated and of sufficient dimensions.
It is pertinent to note that no person shall manufacture, store or expose for sale or permit the sale or storage of any pesticide in the same building where any consumable article for humans or animals are manufactured, stored or exposed for sale.

5.6 In case 'Sulphur' or its formulations are used as pesticide, all licenses shall observe precautions to prevent its theft; report the theft to the nearest police station, if any; and maintain separate register of

the persons and their address, to whom it has been sold or distributed.

- 5.7 All sales of pesticides shall be made by a bill or cash memo or credit memo in the manner prescribed under Rule 15 of the Insecticides Rules. Further, the importers and manufacturers shall maintain the stock register, books of accounts and register for sale, manufacture or import of pesticides as per Rule Further, the Controller may direct the manufacturer or dealer to maintain the books, accounts and records relating to the manufacture and sale of the pesticides, to submit returns or statement or to produce the stocks, accounts or records, when so required for inspection in the manner specified by the Controller.

ANNEXURE – O
COMPLIANCE APPLICABLE ON FERTILISERS

A. Authorisation or Registration of Dealers

- 1.1 The authorisation letter and certificate of registration are required to be obtained for selling or carrying on the business of selling fertilisers under the Fertilisers Control Order⁸¹, as discussed hereunder:
- (a) Authorisation of dealers: For the purpose of selling or carrying on the business of selling of fertiliser, every person including manufacturer, importer, pool handling agency, wholesaler and a retail dealer are required to obtain the authorisation letter from the Notified Authority, by filing the Memorandum of Intimation thereto along with the requisite fee and certificate of source. However, the applicant is required to complete a certificate course of fifteen (15) days from any State Agriculture University or Krishi Vigyan Kendras or National Institute of Agricultural Extension Management (MANAGE) or National Institute of Rural Development and Panchayati Raj (NIDPR) or Fertiliser Association of India or any other approved Government Institute, unless the applicant possesses Bachelor of Science in Agriculture or Chemistry or Diploma in Agriculture Science from a recognised University or Institute or equivalent course having one of the subject on fertiliser or Agri-inputs, as notified by the State Government. The authorisation letter remains valid for a period of five (5) years.
 - (b) Registration of Industrial Dealer: Every person intending to sell or offer to sell or carrying on the business of selling the fertilisers for industrial purposes i.e., for uses other than the fertilisation of soil and increasing productivity of crops, is required to obtain certificate of registration from the Controller, by making an application along with requisite fee and certificate of source⁸². Pertinently, the Controller shall grant the certificate within a period of thirty (30) days from the date of receipt of application, subject to the conditions specified under Clause 9 of the Fertiliser Control Order. The certificate of registration is valid for a period of five (5) years. Any person other than state government, manufacturer, importer or pool handling agency, holding the certificate of registration for industrial dealer, shall not carry on the business of selling the fertilisers for agricultural use. Further, the state government, manufacturer, importer and pool handling agency shall not carry on the business of selling the fertilisers for industrial and agricultural purposes in the same premises.

B. Certificate of Manufacture

- 2.1 The Fertiliser Control Order stipulates that every person shall obtain the certificate of manufacture to carry on the business of preparing any mixture of fertilisers and special mixture of fertiliser. However, the applicant is required to comply with the standards provided thereunder and possess the qualification as prescribed in accordance with Clause 14 of the Fertiliser Control Order.⁸³ The certificate

⁸¹ Fertilisers Control Order available at https://www.faidelhi.org/general/FCO_24.pdf

⁸² The term 'certificate of source' has been defined as "a certificate given by a State Government, Commodity Board, manufacturer, importer, pool handling agency or, as the case may be, wholesale dealer indicating therein the source from which fertiliser for purpose of sale is obtained."

⁸³ Fertilisers Control Order available at https://www.faidelhi.org/general/FCO_24.pdf

of manufacture is required to be obtained as discussed hereunder:

- (a) For preparation of mixture of fertiliser: The application for certificate of manufacture shall be filed before the registering authority in Form D along with the requisite fee. If the registering authority is satisfied with the application, it is required to issue the certificate of manufacture within the period of forty-five (45) days from the date of receipt of the application. The said certificate of manufacture for preparation of mixture of fertilisers remains valid for a period of three (3) years from its date of issuance.
- (b) For preparation of special mixture of fertiliser: The application for certificate of manufacture for preparation of special mixture of fertiliser shall be filed before the registering authority, in Form D along with fee and attested copy of requisition of purchaser. It is mandatory for such applicant to hold a valid certificate of manufacture of any mixture of fertilisers. The certificate of manufacture for preparation of special mixture of fertilisers remains valid for a period of six (6) months from its date of issuance, extendable for a total period of twelve (12) months.

C. Restrictions on manufacture, sale, etc. of fertilisers

- 3.1 The fertilisers, mixtures of fertilisers and special mixtures of fertilisers which do not conform to the standards prescribed under the Fertilisers Control Order, shall not be manufactured for sale, sold, offered for sale, stocked or exhibited for sale or distributed.
- 3.2 No person shall sell, offer for sale, stock or exhibit for sale or distribute:
 - (a) Any fertiliser with a container which is not packed or marked in accordance with the standards prescribed in the Fertiliser Control Order and / or fertiliser whose label bears false claims, name of a fictitious or non-existing company or firm;
 - (b) Any imitation or substitute for another fertiliser under the name of which it is sold;
 - (c) Adulterated fertilisers or substance which is not a fertiliser as a fertiliser;
 - (d) Any fertiliser without exhibiting the minimum guaranteed percentage by weight of plant nutrient.
- 3.3 The Central Government may from time to time prescribe separate specifications in respect of imported fertilisers and provisional fertilisers⁸⁴, which remains valid for a period of three years.
- 3.4 Customised Fertilisers: The Central Government may from time to time prescribe general specifications for customised fertilisers which remains valid for a period of up to four years. The prior permission is necessary for manufacturing any particular grade of customised fertiliser. The application for the above permission shall be made in Form Q to the Controller. The said permission remains valid for a period of three years. Further, the permission for manufacture and sale of Customised Fertiliser is granted to

⁸⁴ Order dated 10 October 2015 issued by the Department of Agriculture, Cooperation and Farmers Welfare available at [https://www.agriportal.cg.nic.in/agridept/ActandRules/Ammendments-Fertilizer-Control-Order-1985/2777%20\(E\)%20dt.%2010-10-2015.pdf](https://www.agriportal.cg.nic.in/agridept/ActandRules/Ammendments-Fertilizer-Control-Order-1985/2777%20(E)%20dt.%2010-10-2015.pdf)

only such Fertiliser Companies whose annual production of fertilisers other than CFs is 5.00 lakh metric tonne. Such manufacturers can set up manufacturing units of CF either on their own or through subsidiaries or joint venture through a minimum stake of 51% in such joint ventures. Further, it is important that the grades of customised fertilisers shall be based on soil fertility data maintained by the Ministry of Agriculture and Farmers Welfare or State Government.⁸⁵

- 3.5 Bio Stimulant: No person shall manufacture or import any bio stimulant which has not been notified by the Central Government under the Fertilisers Control Order (Schedule VI). The Central Government shall specify the specification of bio stimulants in accordance with Clause 20-C of the Fertilisers Control Order. Further, to include any new bio stimulants under the Fertilisers Control Order, the manufacturer or importer is required to submit an application before the Control in Form G and in accordance with Clause 20-C. It is pertinent to note that the bio stimulant shall not contain any pesticide beyond the permissible limit of 1 ppm and any heavy metal beyond the maximum limit tabulated below:

In mg/kg (maximum)	
Cadmium (as Cd)	5.00
Chromium VI (as Cr)	50.00
Copper (as Cu)	300.00
Zinc (as Zn)	1000.00
Lead (as Pb)	100.00
Arsenic (as As ₂ O ₃)	10.00

- 3.6 Nano Fertilisers: All the nano fertilisers shall be manufactured in conformity to the standard set out by the Central Government and with the approval of the Controller. The specifications for nano fertilisers shall be notified by the Central Government which remains valid for a period up to three years. For the purpose of obtaining the approval of the Controller shall submit the application in Form G-4 along with a report of the State Agriculture University or of the Indian Council of Agricultural Research on multi-locational and multi-crop bio efficacy trial of minimum one season and also a report from any of the NABL accredited laboratories on biosafety, biotoxicity and quality trial as per the guidelines issued by the Department of Bio-Technology. The manufacturer shall make nano-fertilisers available to the

⁸⁵ Further reference may be made to the Guidelines for manufacture and sale of Customized Fertilizer under Clause 20'B' of Fertiliser(Control) Order 1985 available at <https://agriwelfare.gov.in/Documents/Guideline2013.pdf>

farmers in accordance with Clause 20-D of the Fertilisers Control Order.

D. Packing and Labelling Requirements

4.1 The manufacturer, importer and pool handling agencies shall comply with the following packing and marking requirements for containers of fertilisers, bio-fertilisers, organic fertiliser, non-edible de-oiled cake fertiliser or bio stimulant as prescribed under the Insecticides Act read with Insecticides (Price, Stock Display and Submission of Reports) Order, 1986:

- (a) The fertiliser' container shall be superscribed with words "Fertiliser" and shall bear only such particulars as may be specified by Controller.
- (b) The containers of bio-fertiliser/ organic fertiliser/ bio stimulant shall be packed with words "bio-fertiliser"/ "organic fertiliser" or "Non-Edible De-Oiled Cake Fertilizer"/ "Bio stimulant" superscribed on them and shall bear only such particulars as may be specified by Controller.
- (c) The container/ bag shall be packed/ stitched and sealed/ tag sealed such that they cannot be tampered without breaking the seal. However, if the bag is stitched in such a manner that it cannot be tampered with without breaking the seal, the tag sealed shall not be necessary.
- (d) The above fertilisers shall be packed in the manner as specified by the Central Government.

E. Compliance under FMC Order

5.1 The fertilisers can be taken to any place outside a state in accordance with the FMC Order under the authorisation issued by the Government of India in the Ministry of Chemicals and Fertilisers or the Director of Agriculture of a state government or any officer authorised by the state government. In addition to the above, it is pertinent to take note of the following:

- (a) Bringing in the physical and granulated mixtures of fertilizers in a state from another, is subjected to the authorisation allowing entry of the same issued by the Director of Agriculture or such other officer as authorised by the state government.
- (b) The Government of India may order any manufacturer, importer or supplier to move and sell fertilisers produced or imported by him in the manner that it may specify.
- (c) The distribution and movement of fertilisers shall continue to be monitored through online web based "Fertilisers Monitoring System."

F. Import and Export Requirements

6.1 The import and export fertilisers classifiable under Chapter 31 of the First Schedule of the Customs Tariff Act, 1975 are subject to import and export policy prescribed under Chapter 31 of the Import Policy (Schedule I to ITC(HS)) and Export Policy (Schedule II to ITC(HS)).

- (a) Import Policy: The goods falling under Chapter 31 can be freely imported except the following:

S. No.	HS Code	Description	Importability	Condition, if any
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(i)	31010091	Animal Dung	Restricted	-
(ii)	31010092	Animal Excreta	Restricted	-
(iii)	31021000	Urea, whether or not in aqueous solution		<p>Import allowed through RCF and NFL subject to Para 2.20 of Foreign Trade Policy, 2015-2020.</p> <p>Import of Urea is also allowed through IPL for a period up to 31 March 2024.</p> <p>Import of Urea (for agriculture purpose) on Government Account shall be allowed either by designated State Trading Enterprise (STE) itself, or through any entity/entities so authorized by the Department of Fertilizer for filing Bills of Entry at Indian ports.</p> <p>However, import of Technical Grade Urea (TGU) meant for non-agricultural purpose/ industrial use/ NPK Manufacturing shall be "Free".</p>
(iv)	31021010	Fertiliser grade, conforming to IS 5406	STE	<p>Import allowed through RCF and NFL subject to Para 2.21 of Foreign Trade Policy, 2023. Import of Urea is also allowed through IPL for a period up to 31 March 2025.</p> <p>Import of Urea (for agriculture purpose) on Government Account shall be allowed either by designated STEs itself, or through any entity/entities (Fertilizer Marketing Entities) so authorized by the Department of Fertilizers from time to time, for filing BEs at Indian ports.</p>
(v)	31021090	Other	Free	Import of Technical Grade Urea (TGU) meant for non-agricultural purpose/ industrial use/ NPK Manufacturing shall be Free
(vi)	31023000	Ammonium nitrate, whether or	Free	However, import of Ammonium Nitrate having the chemical formula NH_4NO_3 or any combination containing more than

		not in aqueous solutions		45% of Ammonium Nitrate by weight including emulsions, suspensions, melts or gels (with or without inorganic nitrates), and classified as explosive under Explosives Act, 1884, is subject to license from Chief Controller of Explosives under the Ammonium Nitrate Rules, 2012.
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- (b) Export Policy: The export of goods falling under Chapter 31 may be subjected to the following policy conditions 1 and 2 of the Chapter:

Policy Condition 1: Export of the item produced from animal by-products is allowed to be exported to European Union subject to the issuance of “shipment clearance certificate” consignment wise by the CAPEXIL and submission of “health certificate” consignment wise to the buyer, issued jointly by CAPEXIL and Regional Animal Quarantine Officer, Department of Animal Husbandry, Dairying and Fisheries, Ministry of Agriculture and Farmers Welfare, Government of India.

Policy Condition 2: The Export of NP(16-20-0), NP(20-20-0), NP(28-28-0) and NP(23-23-0) is free provided the manufacturers of NP and NPK, as listed in Main Notes 1 at List C (refer to the export policy of Chapter 31), shall export their own manufactured NP and NPK subject to intimation to department of fertiliser about the quantity of export along with a self-declaration and certificate issued by statutory auditors stating that no concession/ subsidy has been claimed. Such certificate shall be produced before the customs at the time of export.

The export of other NP Complex Fertilisers shall be exported on production of prior permission or NOC of the Department of Fertilisers.

For determining the export policy for fertilisers falling under Chapter 31 of the Schedule II to ITC(HS) at DGFT Website⁸⁶.

G. Other Compliances

In addition to the above requirements, the Fertilisers Laws prescribe *inter alia* the following key compliances:

- 7.1 The dealers, manufacturers, importers and pool handling agencies shall maintain books of accounts, records, etc., with respect to their business and submit the same before the authorities, on directions of the Controller. Notably, a person holds certificate of registration for retail sale, wholesale and for sale for industrial use, shall maintain separate books of accounts for these types of sales.
- 7.2 For the purpose of bulk sale, it is pertinent to take note of the following:
 - (a) The retail dealer may retain one bag or container of each variety of fertiliser in an open and unsealed condition for the purpose of bulk sale.

⁸⁶ Export Policy is available at <https://www.dgft.gov.in/CP/?opt=itchs-import-export>

- (b) The manufacturer and importer may sell in bulk the fertiliser manufactured and imported by him respectively, to manufacturer or importer of mixture of fertilisers, compound/complex fertilisers or special mixture of fertilisers.
- (c) The Central Government (unless the municipality is the manufacturer of city compost), may authorise a manufacturer and importer for bulk sale of any fertiliser manufactured or imported by him to farmers directly.

7.3 The fees shall be discharged in accordance with Clause 36 of the Fertiliser Control Order.

7.4 For disposal of fertilisers, the reference shall be made to the following⁸⁷:

S. No.	Description	Requirements under the Fertilisers Control Order
(a)	Non-standard fertiliser	The compliance pertaining to disposal of non-standard fertiliser shall be in accordance with Clause 23 of the Fertilisers Control Order.
(b)	Fertiliser damaged during storage	The compliance pertaining to reprocessing of fertiliser damaged during storage shall be in accordance with Clause 23-A of the Fertilisers Control Order.
(c)	Damaged and expired stock of bio-fertilisers or organic fertilisers	The compliance pertaining to disposal of damaged and expired bio-fertiliser and/ or organic fertilisers shall be in accordance with Clause 23-B of the Fertilisers Control Order.

7.5 The manufacturers, importers and pool agencies, in consultation with the Central Government, shall appoint an officer who shall be responsible for compliance with the provisions of Fertilisers Control Order.

7.6 Before the import or within a period of fifteen days of import, the importer shall inform the Director of Agriculture of the relevant state where he intends to discharge the imported fertiliser, under intimation

⁸⁷ The Fertilisers Control Order is available at https://www.faidelhi.org/general/FCO_24.pdf

to the Central Government, the following:

- (a) name of fertiliser;
- (b) name of the country of import;
- (c) name of manufacturer;
- (d) quantity to be imported;
- (e) date of arrival of the consignment;
- (f) name of the discharge port;
- (g) name, designation of authorized or responsible person along with mobile number; and
- (h) any other information.

7.7 The manufacturer and importer shall possess the minimum laboratory facility, as may be specified by the Controller.

7.8 Further, some of the states have issued legislations governing the manufacture, sale and related activities pertaining to bio-fertilisers in their respective states such as Telangana Bio-Fertilisers (Monitoring and Quality Control) Act, 2006 and Andhra Pradesh Bio-fertilisers (Monitoring and Quality Control), Act, 2006.

ANNEXURE – P
COMPLIANCES APPLICABLE IN RELATION TO SELLING NOTIFIED SEEDS

A. Marking and labelling of the containers

1.1 Every mark or label on the container shall contain the following:

- (a) a correct statement of the net content in terms of weight and expressed in metric system;
- (b) date of testing;
- (c) if the seed in container has been treated in accordance with the Seed Act:
 - a statement indicating that the seed has been treated;
 - the commonly accepted chemical or abbreviated chemical (generic) name of the applied substance; and
 - if the substance of the chemical used for treatment, and present with the seed is harmful to human beings or other vertebrate animals, a caution statement such as “Do not use for food, feed or oil purposes”. The caution for mercurials and similarly toxic substance shall be the word “Poison” which shall be in type size, prominently displayed on the label in red;
- (d) the name and address of the person who offers for sale, sells or otherwise supplies the seed and who is responsible for its quality; and
- (e) the name of the Notified Seed.

1.2 The mark or label containing the particulars of the Notified Seed shall appear on each container of seed or on a tag or mark or label attached to the container in a conspicuous place on the innermost container in which the seed is packed and on every other covering in which that container is packed and shall be legible.

1.3 Any transparent cover or any wrapper, case or other covering used solely for the purpose of packing of transport or delivery need not be marked or labelled.

1.4 The mark or label shall not contain any statement, claim, design, device, fancy name or abbreviation which is false or misleading in any particular concerning the seed contained in the container.

B. Other requirements

2.1 Every person selling, keeping for sale, offering to sell, bartering or otherwise supplying any Notified Seed, shall keep over a period of 3 years a complete record of each lot of seed sold except that any seed sample may be discarded 1 year after the entire lot represented by such sample has been disposed of.

2.2 The sample of seed kept as part of the complete record shall be as large as the size notified in the official

Gazette. This sample, if required to be tested, shall be tested only for determining the purity.

ANNEXURE – Q
COMPLIANCES APPLICABLE IN RELATION TO ISSUANCE OF GIFT PPI

A. Key compliances applicable to the PPI Issuers under the PPI Master Directions

- 1.1. **Registration of PPI Issuer.** The PPI Master Directions requires any bank desirous of issuing PPIs, including gift PPIs, to seek prior approval from the RBI. Any non-bank entity desirous of issuing PPIs, including gift PPIs, is required to obtain authorisation from the RBI as a PPI issuer. The PPI Master Directions prescribe certain specific eligibility requirements for issuance of PPIs by non-banks.
- 1.2. **Anti-money laundering compliances.** PPI issuers are required to adhere to the requirements under the KYC Master Directions. In this regard, PPI issuers must have a board-approved AML / KYC policy. The PPI issuer must maintain a log of all the transactions undertaken using the PPIs issued by it, including any gift PPI, for at least 10 years. The PPI issuer shall also file Suspicious Transaction Reports (“STRs”) to Financial Intelligence Unit-India (“FIU-IND”).
- 1.3. **Issuance and loading of PPIs.** PPI issuer must have a clear board-approved policy for issuance of various types / categories of PPIs and all activities related thereto. Therefore, the PPI issuer must have a policy for issuance of gift PPIs also. Further, PPI issuers are required to adhere to the following requirements specifically in respect of issuance and loading of gift PPIs:
 - (a) Ensure that the name of the PPI issuer is prominently displayed along with the PPI brand name.
 - (b) Not pay any interest on PPI balances.
 - (c) PPI may be loaded by cash, debit to a bank account, credit and debit cards, PPIs and other payment instruments issued by regulated entities in India and shall be in INR only.
 - (d) PPIs may be issued as cards, wallets, and in any such form / instrument which can be used to access the PPI and to use the amount therein. No PPI must be issued in the form of paper vouchers.
- 1.4. **Co-branding of PPIs.** The co-branding arrangement must be as per the board approved policy of the PPI issuer. The policy must clearly lay down the roles, responsibilities and obligations of each co-branding partner. PPI issuer shall be liable for all acts of the co-branding partner. The PPI issuer shall also be responsible for all customer-related aspects of the co-branded PPIs. PPI issuer is permitted to co-brand the PPIs with the name / logo of the company for whose customers / beneficiaries such co-branded instruments are to be issued. The name of the PPI issuer must be prominently visible on the co-branded PPI. Non-bank PPI issuer desirous of issuing co-branded PPIs must seek one time approval from the RBI.
- 1.5. **Specific compliances in relation to Gift PPIs.** Prepaid gift instruments are subject to the following

additional compliance requirements:

- (a) Maximum value of each prepaid gift instrument must not exceed INR 10,000.
- (b) These instruments shall not be reloadable.
- (c) Cash-out or refund or funds transfer shall not be permitted for such instruments.
- (d) KYC details of the purchasers of such instruments shall be maintained by the PPI issuer. Separate KYC would not be required for customers who are issued such instruments against debit to their bank accounts and / or credit cards in India.
- (e) Entities must adopt a risk-based board-approved approach in deciding the number of prepaid gift instruments which can be issued to a customer, transaction limits, etc.
- (f) The PPI issuer must provide the prepaid gift PPI holder the option to revalidate the gift PPI (including through issuance of new instrument) as per the board-approved policy of the issuer.
- (g) The features of gift PPIs must be clearly communicated to the PPI holder by SMS / e-mail / post or by any other means at the time of issuance of the PPI / before the first loading of funds.
- (h) 2-factor authentication / additional factor of authentication is not mandatory for gift PPIs.

1.6. **Validity and redemption.** All issued PPIs, including gift PPIs, must have a minimum validity period of 1 year from the date of last loading in the PPI. PPI issuers are free to issue PPIs with a longer validity. In case the PPI is issued in the form of card (with validity period mentioned on the card), then the customer must be given the option to seek replacement of the card. In case the PPI holder approaches the PPI issuer for refund of such amount, at any time after the expiry date of PPI, then the same must be paid to the PPI holder in a bank account.

1.1 PPIs with no financial transaction for a consecutive period of 1 year must be made inactive by the PPI issuers after sending a notice to the PPI holder/s. These can be reactivated only after validation and applicable due diligence.

1.7. **Interoperability.** Gift PPI issuers have the option to offer interoperability on the prepaid gift instruments issued by them. Where the PPIs are issued in the form of wallets, interoperability across PPIs shall be enabled through UPI; and where the PPIs are issued in the form of cards (physical or virtual), the cards shall be affiliated to the authorised card networks.

1.8. **Disclosure of terms.** PPI issuers are required to disclose all important terms and conditions in clear and simple language (preferably in English, Hindi and the local language) to the holders while issuing the

instruments. These disclosures shall include:

- (a) All charges and fees associated with the use of the instrument; and
- (b) The expiry period and the terms and conditions pertaining to expiration of the instrument.

1.9. **Grievance redressal**. The framework shall include, *inter alia*, the following key obligations:

- (a) disseminate the information of customer protection and grievance redressal policy in simple language.
- (b) clearly indicate the customer care contact details, including details of nodal officials for grievance redressal (telephone numbers, email address, postal address, etc.) on website, mobile wallet apps, and cards.
- (c) provide specific complaint numbers for the complaints lodged along with the facility to track the status of the complaint by the customer.
- (d) initiate action to resolve any customer complaint / grievance expeditiously, preferably within 48 hours and endeavour to resolve the same not later than 30 days from the date of receipt of such complaint / grievance.
- (e) in case of PPIs issued by banks and non-banks, customers shall have recourse to the Reserve Bank - Integrated Ombudsman Scheme, 2021 for grievance redressal.

ANNEXURE – R

SCHEDULE (LIST OF PROHIBITED PESTICIDES) TO THE PESTICIDES (PROHIBITION) ORDER, 2018

Sl. No.	Name of Pesticides	Decision of the Central Government
1.	Benomyl	The registrations, import, manufacture, formulation transport, sell is prohibited and its use is completely banned from the date of publication of this Order.
2.	Carbaryl	The registrations, import, manufacture, formulation transport, sell is prohibited and its use is completely banned from the date of publication of this Order.
3.	Diazinon	The registrations, import, manufacture, formulation transport, sell is prohibited and its use is completely banned from the date of publication of this Order.
4.	Fenarimol	The registrations, import, manufacture, formulation transport, sell is prohibited and its use is completely banned from the date of publication of this Order.
5.	Fenthion	The registrations, import, manufacture, formulation transport, sell is prohibited and its use is completely banned from the date of publication of this Order.
6.	Linuron	The registrations, import, manufacture, formulation transport, sell is prohibited and its use is completely banned from the date of publication of this Order.
7.	Methoxy Ethyl Mercury Chloride	The registrations, import, manufacture, formulation transport, sell is prohibited and its use is completely banned from the date of publication of this Order.
8.	Methyl Parathion	The registrations, import, manufacture, formulation transport, sell is prohibited and its use is completely banned from the date of publication of this Order.

9.	Sodium Cyanide	The registration, import, manufacture, formulation transport, sell and its use is completely banned for insecticidal purpose only from the date of publication of this Order.
10.	Thiometon	The registrations, import, manufacture, formulation transport, sell is prohibited and its use is completely banned from the date of publication of this Order.
11.	Tridemorph	The registrations, import, manufacture, formulation transport, sell is prohibited and its use is completely banned from the date of publication of this Order.
12.	Trifluralin	<p>(i) The Registration, import, manufacture, formulation, transport, sell and its all uses except use in wheat shall be prohibited and completely banned from date of publication of this Order.</p> <p>(ii) A cautionary statement has to be incorporated in the label and leaflet that it is toxic to aquatic organism, hence should not be used near water bodies, aquaculture or pisciculture area.</p>
13.	Alachlor	<p>(i) No new certificate of registration to manufacture shall be issued after publication of this Order.</p> <p>(ii) No person shall import, manufacture or formulate Alachlor with effect from the 1st January, 2019.</p> <p>(iii) The use of Alachlor shall be completely banned with effect from the 31st December, 2020.</p> <p>(iv) It is toxic to aquatic organism, hence a cautionary statement should be incorporated on label and leaflets "toxic to aquatic organism hence should not be used near water bodies, aquaculture or pisciculture area.</p>
14.	Dichlorvos	<p>(i) No new certificate of registration to manufacture shall be issued after publication of this Order.</p> <p>(ii) No person shall import, manufacture or formulate dichlorvos with effect from the January, 2019.</p> <p>(iii) The use of dichlorvos shall be completely banned with effect from the 31st December, 2020.</p>

		<p>(iv) It is very toxic to aquatic organism, hence a cautionary statement should be incorporated on label and leaflets that it is toxic to aquatic organism, hence should not be used near water bodies, aquaculture or pisciculture area.</p> <p>(v) A warning may be incorporated in the label and leaflet stating that this product is toxic to honey bees so do not spray during active honey bees foraging period of the day.</p>
15.	Phorate	<p>(i) No new certificate of registration to manufacture shall be issued after publication of this Order.</p> <p>(ii) No person shall import, manufacture or formulate Phorate with effect from the 1st January, 2019.</p> <p>(iii) The use of Phorate shall be completely banned with effect from the 31st December, 2020.</p> <p>(iv) It is very toxic to aquatic organism, hence a cautionary statement should be incorporated on label and leaflets that it is toxic to aquatic organism, hence should not be used near water bodies, aquaculture or pisciculture area.</p> <p>(v) A warning may be incorporated in the label and leaflet stating that this product is toxic to honey bees so do not spray during active honey bees foraging period of the day.</p> <p>(vi) A cautionary statement should incorporate in label and leaflet that this product is toxic to birds.</p>
16.	Phosphamidon	<p>(i) No new certificate of registration to manufacture shall be issued after publication of this Order.</p> <p>(ii) No person shall import, manufacture or formulate Phosphamidon with effect from the 1st January, 2019.</p> <p>(iii) The use of Phosphamidon shall be completely banned with effect from the 31st December, 2020.</p> <p>(iv) It is very toxic to aquatic organism, hence a cautionary statement should be incorporated on label and leaflets that it is toxic to aquatic organism, hence should not be used near water bodies, aquaculture or pisciculture area.</p>

		<p>(v) A warning may be incorporated in the label and leaflet stating that this product is toxic to honey bees so do not spray during active honey bees foraging period of the day.</p> <p>(vi) A cautionary statement should incorporate in label and leaflet that this product is toxic to birds.</p>
17.	Triazophos	<p>(i) No new certificate of registration to manufacture shall be issued after publication of this Order.</p> <p>(ii) No person shall import, manufacture or formulate Triazophos with effect from the 1st January, 2019.</p> <p>(iii) The use of Triazophos shall be completely banned with effect from the 31st December, 2020.</p> <p>(iv) It is very toxic to aquatic organism, hence a cautionary statement should be incorporated on label and leaflets that it is toxic to aquatic organism, hence should not be used near water bodies, aquaculture or pisciculture area.</p> <p>(v) A warning may be incorporated in the label and leaflet stating that this product is toxic to honey bees so do not spray during active honey bees foraging period of the day.</p> <p>(vi) A cautionary statement should incorporate in label and leaflet that this product is toxic to birds.</p>
18.	Trichlorfon	<p>(i) No new certificate of registration to manufacture shall be issued after publication of this Order.</p> <p>(ii) No person shall import, manufacture or formulate Trichlorfon with effect from the 1st January, 2019.</p> <p>(iii) The use Trichlorfon shall be completely banned with effect from the 31st December, 2020.</p> <p>(iv) It is very toxic to aquatic organism, hence a cautionary statement should be incorporated on label and leaflets that it is toxic to aquatic organism, hence should not be used near water bodies, aquaculture or pisciculture area.</p> <p>(v) A cautionary statement should incorporate in label and leaflet that this product is toxic to birds.</p>



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