

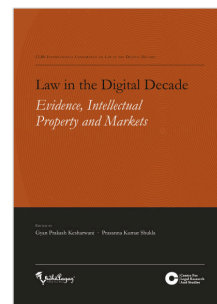
CHAPTER 14

Dark Patterns in Indian E-Commerce: Emerging Challenges for Consumer Protection and Algorithmic Accountability

Parth Sharma

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CHAPTER 14

Dark Patterns in Indian E-Commerce: Emerging Challenges for Consumer Protection and Algorithmic Accountability

PARTH SHARMA*

Indian e-commerce market has seen a rapid growth over the past decade. As the economy is undergoing structural changes, e-commerce has emerged as one of the adaptive elements considering the shift in consumer behavior, digital payments and internet access. Ensuring fair and open markets will become important to sustain the growth of e-commerce. The rapid growth in e-commerce led to convenience for the consumers but at the same time it has also exposed consumers to hidden digital manipulations known as dark patterns. Deceptive digital interfaces manipulate user decision making and compromise individual autonomy. This is facilitated by employing manipulative strategies such as artificial urgency cues, hidden transaction fees, and forced recurring billing structures.

The legal framework to deal with dark patterns revolves around the Consumer Protection Act, 2019, which authorizes the Central Consumer Protection Authority under section 18 to prohibit unfair trade practices. This framework was reinforced when CCPA issued specific guidelines on Dark Patterns that classify these manipulative designs as legal violations.

Despite these rules, there exists a gap between written laws and rapid changes in online platform code. Significant challenges remain because traditional consent rules often fail against automated systems that manipulate on a massive scale. Developers continuously alter their interfaces to bypass oversight of the regulators which is a challenge for regulatory bodies.

This paper examines the influence of manipulative interface designs on consumer choice and the effectiveness of Consumer Protection Act, 2019 and CCPA in protection of consumers in e-commerce from dark patterns. It proposes solutions to hold platforms legally accountable for the violations.

Keywords: Dark Patterns, Consumer Protection Act 2019, Central Consumer Protection Authority, Consumer Autonomy, Digital Regulation

1 INTRODUCTION

Dark Patterns are consumer-targeted marketing techniques which are designed to influence consumers' choices in online platforms. They often take advantage of cognitive biases and encourage consumers to make decisions that they may not have intended to make. The term "dark patterns" was coined by user experience designer Harry Brignull. In present times, the concept has gained attention due to rapid expansion of e-commerce and evolving nature of consumer behaviour.

These techniques use subtle nudges to influence consumers' decisions. Unlike ordinary marketing strategies, dark patterns may force consumers towards choices that benefit the business compared to their actual preferences. Digital businesses use algorithmic tools and behavioral science to influence

* Research Scholar at National University of Study and Research in Law, Ranchi, Jharkhand, India.

consumer choices. While these practices can help businesses in profit making, at the same time they can impact consumers' free and informed choices.

The Bureau of Indian Standards (BIS) has notified a framework on 'Online Consumer Reviews — Principles and Requirements for their Collection, Moderation and Publication' on 23.11.2022 for safeguarding and protecting consumer interest from fake and deceptive reviews in e-commerce.

The standards are voluntary and are applicable to every online platform which publishes consumer reviews. The guiding principles of the standard are integrity, accuracy, privacy, security, transparency, accessibility and responsiveness.

The growing use of dark patterns raises several consumer concerns. As e-commerce is rapidly growing in India, the use of such practices presents new challenges for protecting consumers and ensuring greater accountability from digital platforms.¹

2 CONSTITUTIONAL MANDATE AND CONSUMER PROTECTION

Consumer protection is not expressly mentioned in the Indian Constitution. However, its constitutional basis can be traced to the Preamble, Fundamental Rights and the Directive Principles of State Policy. These provisions reflect the broader constitutional commitment to justice, equality, dignity and social welfare.

The Preamble seeks to secure social and economic justice, equality of status and opportunity, and dignity for all citizens. These objectives provide a foundation for protecting consumers from exploitation and unfair practices in the marketplace.

The Fundamental Rights also have relevance to consumer protection. Article 14 guarantees equality before the law and equal protection of the laws. Article 21 protects the right to life and personal liberty. The courts have given Article 21 a wide interpretation, which includes the right to live with dignity and in a safe and healthy environment.

The Supreme Court also recognised access to justice as a fundamental right flowing from Articles 14 and 21. The Court emphasised that justice must be effective, accessible, speedy and affordable.² This principle is particularly relevant to consumer protection, where an effective and timely remedy is essential for addressing consumer grievances.

The Directive Principles of State Policy further strengthen this framework. Article 38 requires the State to promote the welfare of the people and secure a social order based on justice. Article 39 also seeks to prevent exploitation and promote the interests of citizens.

Therefore, although consumer protection is not expressly provided as a constitutional right, its principles flow from the Constitution and find statutory recognition through the Consumer Protection Act, 2019.

¹ Sandeep J. Sharma and Ishita Sharma, "Dark Patterns in a Bright World: An Analysis of the Indian Consumer Legal Architecture" 11 International Journal on Consumer Law and Practice, Art. 7 (2023), available at: <https://repository.nls.ac.in/cgi/viewcontent.cgi?article=1122&context=ijclp> (last visited on September 4, 2026).

² *Anita Kushwaha v Pushap Sudan* (2016) 8 SCC 509.

3 UNDERSTANDING DARK PATTERNS IN E-COMMERCE

Generally, e-commerce entities, platforms and sellers resort to deceptive practices such as dark patterns to boost sales, giving priority to profits over consumer autonomy. The sections of digital consumers who are prone to these practices are minors, the elderly and those with low literacy levels.

Dark Patterns are regarded as unfair trade practices and misleading advertisements which are prohibited under the Consumer Protection Act, 2019. Though the Consumer Protection Act, 2019, E-Commerce Rules, 2020 and the Guidelines for Prevention of Misleading Advertisements address the issue of Dark Patterns, comprehensive regulations were required to tackle the modern challenges associated with it. To address this concern, the Government of India issued the Guidelines for Prevention and Regulation of Dark Patterns, 2023 under Section 18 of Consumer Protection Act, 2019. Any contravention to the guidelines will lead to penalty under the Consumer Protection Act, 2019. In case of any dispute regarding the interpretation of guidelines, the decision of the Central Consumer Protection Authority (CCPA) will be final. The guidelines are applicable to all platforms, sellers and advertisers offering goods or services in Indian markets.

4 STRATEGIES AND GUIDELINES FOR DARK PATTERNS PREVENTION

The Guidelines for Prevention and Regulation of Dark Patterns, 2023 outline practices falling under the category of dark patterns in Annexure 1. There are several practices which fall under the category of dark patterns such as false urgency, basket sneaking, confirm shaming, forced action, subscription trap, interface interference, bait and switch, drip pricing, disguised advertisement, nagging, trick question, SaaS billing and rogue malwares which can affect consumers' autonomy while making an informed decision.

A brief description of the dark patterns is mentioned below:

TABLE 1. *Dark patterns specified in Annexure 1 to the Guidelines for Prevention and Regulation of Dark Patterns, 2023*

Dark Pattern	Brief Description
False Urgency	Creates artificial time pressure to influence user decisions.
Basket Sneaking	Adds unwanted products or services to user's basket.
Confirm Shaming	Uses guilt or shame to discourage user refusal.
Forced Action	Requires users to perform unwanted actions to proceed.
Subscription Trap	Makes subscriptions easy to start, difficult to cancel.
Interface Interference	Manipulates interface elements to prioritize unintended user choices.
Bait and Switch	Advertises one option but delivers another instead.
Drip Pricing	Reveals additional costs gradually during the purchasing process.
Disguised Advertisement	Presents advertisements as ordinary content or genuine recommendations.
Nagging	Repeatedly prompts users to perform unwanted actions.
Trick Question	Uses confusing wording to obtain unintended user consent.
SaaS Billing	Uses confusing billing practices to obtain recurring payments.
Rogue Malware	Uses malicious software to deceive, manipulate, or harm.

The CCPA is responsible for enforcement of Guidelines on Prevention of Dark Patterns and its interpretation. The procedure to enforce the guidelines is followed as enshrined under the Consumer Protection Act, 2019 for addressing unfair trade practices. CCPA may initiate a suo motu inquiry or act

upon a consumer complaint in the event of violation of guidelines. A preliminary inquiry is conducted to ascertain if a prima facie case exists and upon confirmation, the matter is sent for investigation. If CCPA confirms violation of guidelines, it can issue an order to modify or cease the infringing practice and impose penalties. Before making a final decision, the infringing party is given an opportunity to be heard.³

If proved, the punishment for the offence of misleading advertisement under the Consumer Protection Act, 2019 will be applicable. The imprisonment as a punishment may extend to a term of two years and fine of up to rupees ten lakhs. In case of repeated offence, the punishment may extend to a term of five years and fine of up to rupees fifty lakhs.⁴

Although the CCPA has been playing a proactive role by taking suo motu cognizance of consumer protection issues and initiating action against unfair practices, its effective functioning continues to face several challenges. These include inadequate staffing, difficulties in penalty collection, and concerns relating to transparency and public accountability.⁵

5 CCPA ACTION AGAINST DARK PATTERNS IN DIGITAL PLATFORMS

CCPA has acted against PhysicsWallah Limited and McAfee Software India Private Limited for what it found to be deceptive interfaces that misled consumers and influenced their choices on digital platforms. PhysicsWallah was imposed a penalty of rupees 5 lakhs while McAfee was fined 1 lakh rupees. CCPA also directed both the companies to remove manipulative digital interfaces to ensure autonomy in consumers' informed choices. The action was taken by CCPA in accordance with the Consumer Protection Act, 2019, E-Commerce Rules, 2020 and the Guidelines for Prevention and Regulation of Dark Patterns, 2023.

In the case of PhysicsWallah, CCPA found that a certain amount of donation to PhysicsWallah Foundation was automatically selected during checkout and it was added to the total amount payable without consumers' explicit consent. Emotional messages relating to children's education and healthcare were also used to encourage consumers to give donations. Also, courses which were advertised free could only be accessed after users submit personal information such as contact number and email addresses. CCPA considered these as dark patterns and identified them as basket sneaking, confirm shaming and forced action.

CCPA also examined McAfee's subscription renewal process and found that consumers have not been given a neutral choice regarding renewal. The platform and interface prominently displayed the options as "renew now" or "accept risk". These kinds of options represent that non-renewal is a risky decision. According to CCPA, the phrase "accept risk" reflects that consumers could be exposed to cyber security tricks if they did not renew the subscription, although this claim cannot be guaranteed by the company. CCPA identifies this practice as confirm shaming, interface interference, forced action and

³ Neha, "Dark Patterns Outlawed: Online Platforms to Watch Out," SCC Online Blog, 27 February 2025, available at: <https://www.sconline.com/blog/post/2025/02/27/dark-patterns-outlawed-online-platforms-to-watch-out/> (last visited 11 September 2026).

⁴ Consumer Protection Act, 2019, S. 89.

⁵ Gaurav Pathak, Mohit Yadav & Anush Ganesh, "Regulatory Innovation Through Authority: An Analysis of India's Central Consumer Protection Authority's Functioning (2020–2025)," 13 *International Journal on Consumer Law and Practice*, Art. 4 (2026), available at: <https://repository.nls.ac.in/ijclp/vol13/iss1/4> (accessed on 6 September 2026).

trick question. A consumer should be given autonomy to decide without fear-based messaging or misleading design.⁶

To strengthen compliance, CCPA issued an advisory on June 5th 2025 asking e-commerce companies and digital platforms to conduct self-audits and remove dark patterns from their interfaces.

A total of 26 leading e-commerce platforms have voluntarily submitted their self-declaration letters confirming compliance with the Guidelines for Prevention and Regulation of Dark Patterns, 2023.

The platforms that have submitted declarations include Zepto, Flipkart, Myntra, MakeMyTrip, Reliance Digital, Swiggy, Zomato etc.⁷

6 INSTITUTIONAL FRAMEWORK FOR CONSUMER PROTECTION AND REDRESSAL

The Consumer Protection Act, 2019 provides for a three-tier quasi-judicial machinery at District, State and National level known as “Consumer Commissions” for protection of the rights of consumers. It aims to provide simple and speedy redressal of consumer disputes including those related to unfair trade practices.

As per Section 38(7) of the Consumer Protection Act, 2019, every complaint shall be disposed of as expeditiously as possible, and an endeavour shall be made to decide the complaint within the specified period. Where the complaint does not require analysis or testing of commodities, it should be decided within three months from the date of receipt of notice by the opposite party. Where the complaint requires analysis or testing of commodities, it should be decided within five months from the date of receipt of such notice.

To ensure speedy justice for consumers, the Consumer Protection Act provides that no adjournment shall ordinarily be granted by the Consumer Commissions unless sufficient cause is shown. The reasons for granting such adjournment must also be recorded in writing by the Commission.

The National Consumer Helpline (NCH) administered by the Department of Consumer Affairs has emerged as a single point of access to consumers across the country for their grievance redressal at a pre-litigation stage. Consumers can register their grievances from all over the country in 17 languages including Hindi, English, Kashmiri, Punjabi, Nepali, Gujarati, Marathi, Kannada, Telugu, Tamil, Malayalam, Maithili, Santhali, Bengali, Odia, Assamese and Manipuri through a toll-free number 1915.⁸

These grievances can be registered on Integrated Grievance Redressal Mechanism (INGRAM), an omnichannel IT enabled central portal, through various channels – WhatsApp, SMS, email, the NCH app, the web portal (consumerhelpline.gov.in) and the Umang app, as per their convenience. 1,853 companies, who have voluntarily partnered with NCH, as part of the ‘Convergence’ programme directly respond to these grievances according to their redressal process and revert by providing feedback to the complainant on the portal.⁹

⁶ Ministry of Consumer Affairs, Food & Public Distribution, “CCPA Acts Against Dark Patterns on Digital Platforms,” Press Information Bureau, Government of India, 3 June 2026, available at: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2268302®=3&lang=1> (accessed on 4 September 2026).

⁷ Government of India, Ministry of Consumer Affairs, Food and Public Distribution, Department of Consumer Affairs, *Lok Sabha Unstarred Question No. 1628*, to be answered on 10 December 2025, available at: <https://sansad.in/ls/questions/questions-and-answers> (accessed on 5 September 2026).

⁸ Government of India, Ministry of Consumer Affairs, Food and Public Distribution, Department of Consumer Affairs, *Rajya Sabha Unstarred Question No. 1798, Regulation of Dark Patterns on Digital Platforms*, to be answered on 4 August 2026, available at: <https://sansad.in/rs/questions/questions-and-answers> (accessed on 4 September 2026).

⁹ Ibid.

7 STRENGTHENING CONSUMER PROTECTION THROUGH E-COMMERCE REGULATIONS

The Government has amended the Consumer Protection (E-Commerce) Rules, 2020, to strengthen checks on dark patterns, fake sponsored listings and price manipulation on online platforms. The Consumer Protection (E-Commerce) (Amendment) Rules, 2026, will come into force from 1 January 2027. According to the Department of Consumer Affairs, the amendment seeks to strengthen consumer protection while maintaining a transparent and balanced regulatory framework. It will also consider Ease of Doing Business and avoiding unnecessary regulatory burdens on e-commerce entities.

A key provision requires every e-commerce entity to become a partner in the convergence process of the National Consumer Helpline (NCH), thereby strengthening the connection between e-commerce platforms and the national grievance redressal mechanism. The Department stated that the NCH received 17,71,622 grievances in 2025, of which 5,11,196, or around 29 per cent, related to the e-commerce sector. The amended rules also require e-commerce entities to provide complainants with a copy of the complaint as recorded by their grievance officer.¹⁰

The amendments introduce requirements concerning search results, sponsored listings and price reductions. E-commerce entities cannot manipulate search results in a manner that misleads users or affects the relevance of results to their search queries. Sponsored listings must be identified through clear and prominent disclosures. Where a price reduction is announced, both the reduced price and the prior price must be displayed. The prior price is defined as the lowest price at which the goods or services were offered during the 30 days preceding the announcement.

With regard to dark patterns, e-commerce entities are required to comply with the Guidelines for Prevention and Regulation of Dark Patterns, 2023. They must also undertake a yearly self-audit and prominently display a certificate of compliance. Marketplace e-commerce entities are further required to provide important seller and product information, including best-before or use-before dates and details relating to returns, refunds, warranty, delivery and payment, to enable informed consumer decisions. They are prohibited from using consumer information for specified purposes without express and affirmative consent and from collecting bundled fees for services unrelated to the e-commerce platform, subject to the specified exception for loyalty or membership programmes. In the case of imported goods, the importer's details and country of origin must also be disclosed.

The Consumer Protection (E-Commerce) Rules, 2020, notified under the Consumer Protection Act, 2019, provide the existing framework for protecting consumers against unfair trade practices in the e-commerce sector. The Department stated that the amendments further strengthen this framework in response to evolving business models, digital practices and consumer expectations. They are intended to promote a more transparent, accountable and consumer-centric e-commerce ecosystem, while providing e-commerce entities with greater clarity regarding their responsibilities and supporting a level playing field in the digital marketplace.

¹⁰ "Government amends e-commerce rules to check price manipulation, dark patterns, fake sponsored listings," *The Economic Times*, 10 September 2026, available at: <https://economictimes.indiatimes.com/industry/services/retail/government-amends-e-commerce-rules-to-check-price-manipulation-dark-patterns-fake-sponsored-listings/articleshow/134009564.cms> (accessed on 10 September 2026).

8 CONCLUSION

The guidelines for prevention of dark patterns play a significant role in promoting consumer rights in the digital age. Strict enforcement is crucial for protecting consumers from malpractices in e-commerce. Keeping in pace with the international best practices and also, being the forerunners of consumer rights, the Department of Consumer Affairs has acted proactively to protect consumers from such deceptive patterns. The Central Consumer Protection Authority (CCPA) in India is empowered under the Consumer Protection Act, 2019 to take various actions to ensure consumer rights are protected.

The CCPA has taken a proactive approach in addressing dark patterns, which is commendable, but its role can be made more effective through stronger monitoring, better enforcement, greater transparency and improved investigative capacity.

Apart from establishing a publicly accessible case management system and strengthening investigative infrastructure, the CCPA could take extra measures to improve its ability to address dark patterns. Regular monitoring of e-commerce websites, applications and other digital platforms could help identify manipulative practices at an early stage. The existing requirement of annual self-audits by e-commerce entities could also be strengthened through clearer reporting and compliance requirements. As digital practices continue to evolve, the CCPA could regularly review existing categories of dark patterns and provide guidance on emerging forms of manipulation.

A simple and accessible mechanism for consumers to report suspected dark patterns could further assist in identifying problematic practices. Greater accountability for repeated violations and timely investigation and disposal of cases would also strengthen enforcement. Better coordination between the CCPA, the National Consumer Helpline and e-commerce entities could help identify recurring consumer complaints and patterns of manipulation. Consumer awareness regarding common dark patterns such as Basket Sneaking, Confirm Shaming, Forced Action and Interface Interference should also be strengthened so that consumers can recognise and report such practices.

Also, regular publication of information regarding investigations, violations and compliance with CCPA directions could improve transparency and public accountability. Particular attention may also be given to digital practices affecting consumers who may be more susceptible to manipulative designs, especially students and minors.

* * *