



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

DARK PATTERNS IN THE DIGITAL MARKETPLACE: AN ANALYSIS OF CONSUMER PROTECTION UNDER THE CONSUMER PROTECTION ACT, 2019

~ *Megha Sharma*

ABSTRACT

Rapid proliferation of digital transactions in India has led to a massive change in consumer behaviour and market dynamics. On the other hand, dependence on digital platforms has made it easier for manipulative design techniques to come into being, which are usually called "dark patterns," and are used to impact and direct consumers to make decisions that they may not have made under normal circumstances. The Consumer Protection Act, 2019 along with the regulatory measures taken by Central Consumer Protection Authority (CCPA) and Guidelines for Prevention and Regulation of Dark Patterns, 2023 is an important move in the right direction in dealing with such forms of digital deception. This research paper is an attempt to assess the sufficiency of existing law in protecting consumers against misleading and deceptive digital practices. Relevant statutory provisions, regulatory and judicial measures and other challenges related to dark patterns will be analysed in this paper along with some suggestions about future legal reforms in this field.

Keywords: Digital Transactions, Dark Patterns, Consumer Protection Act, 2019, Central Consumer Protection Authority, Digital Deception, Digital Practices.

INTRODUCTION¹

With the advent of the digital revolution, the nature of business transactions and the process through which consumers shop for their needs has been significantly transformed. In India, the

¹ Wikipedia, Dark patterns available at https://en.wikipedia.org/wiki/Dark_pattern (Accessed on September, 2026)

growing availability of the internet and the usage of smartphones has led to the emergence of a large and vibrant digital marketplace that incorporates e-commerce websites, mobile apps, and advertising on social media into the economic system. While these changes in the nature of shopping have brought many conveniences for the consumers, they have opened up new opportunities for deception. Deception in this case is not only confined to traditional means of cheating but is also becoming much more sophisticated and technological.

In contrast to traditional markets, where deceptive behaviour is typically easier to detect and also independent verification is possible, digital markets enable companies to use complex ways to impact the decision-making process of customers by using specific interface designs and functions of the online platform. Such behaviours, commonly referred to as “dark patterns”, refer to the manipulation of interface designs, visual cues, defaults, and algorithms in order to guide consumers into certain directions, which primarily benefits the businesses. Taking advantage of people’s psychology by exploiting their fears of missing an opportunity, default bias, sense of urgency, and seeking social validation, dark patterns may impact consumer choices in a negative way and affect people’s freedom to make independent and informed choices.

The previous consumer protection system, especially the Consumer Protection Act, 1986, in India, has been designed in a way that it regulates the transactions in terms of goods and traditional service providers functioning in the localized market environment. Nevertheless, the system has been found to be deficient in regulating the issues related to the digital economy, such as e-commerce, data-driven consumer profiling and personalization, and the involvement of online intermediaries. To overcome the above deficiency of the regulation, the Indian legislature passed the Consumer Protection Act, 2019, aiming at updating the consumer protection mechanism. Some important changes have been made by the new act, such as product liability, regulation of e-commerce, mediation as an alternative method of resolving disputes, and Central Consumer Protection Authority (CCPA). Moreover, the Indian legislative landscape concerning digital deception became even stronger through the enactment of the Guidelines for Prevention of Dark Patterns, 2023. Specifically, these guidelines officially identified the manipulative designs as an unfair trade practice. Such regulation indicates an evident change in the Indian consumer law, which moved from its traditional focus on settling consumer disputes into a preventive regulatory regime. The new regulatory framework not only aims to deal with the existing deceptive acts but also attempts to protect the freedom of consumer choices and decisions in the digital market environment.

This study will explore the issue of dark patterns in light of consumer rights and the regulation of new-age digital technology. This study aims at analysing the extent to which the existing statutory instruments, regulatory tools, and legal responses of the judiciary in India are able to effectively tackle the new-age digital deceptions. Further, this study will delve into the changing nature of consumer protection laws in the age of digitalization in order to preserve consumer dignity and ensure autonomy of choice for consumers.

DARK PATTERNS AND DIGITAL DECEPTIONS: AN OVERVIEW²

Dark patterns can be defined as purposeful manipulation techniques used in digital interfaces and strategies that make users commit actions they may not have undertaken had they been given a chance to make a decision free of misleading interfaces, where all possible alternatives are clear and transparent. Unlike misleading advertising strategies which are usually based on false or misleading statements or information, dark patterns use the principles of behavioural psychology, cognitive bias, and interface designs to affect user choices. The distinguishing feature of dark patterns lies in their hiddenness. It does not simply offer the consumers misleading information but changes the decision-making environment in such a way that affects consumer choices. Thus, the consumer is deceived into thinking that he is making a conscious choice whereas, in reality, the digital interface forces him to choose a certain option. It is called the coercive choice architecture.

Dark patterns can be defined as purposeful manipulation techniques used in digital interfaces and strategies that make users commit actions they may not have undertaken had they been given a chance to make a decision free of misleading interfaces, where all possible alternatives are clear and transparent. Unlike misleading advertising strategies which are usually based on false or misleading statements or information, dark patterns use the principles of behavioural psychology, cognitive bias, and interface designs to affect user choices.

The distinguishing feature of dark patterns lies in their hiddenness. It does not simply offer the consumers misleading information but changes the decision-making environment in such a way that affects consumer choices. Thus, the consumer is deceived into thinking that he is

² Hhharleenk, what exactly dark patterns are? Available at <https://medium.com/design-bootcamp/what-exactly-dark-patterns-are-430ae5cf6d7b>, (Accessed on September, 2026)

making a conscious choice whereas, in reality, the digital interface forces him to choose a certain option. It is called the coercive choice architecture.

As per the OECD (2022), the dark pattern refers to the design of digital technology that is used to manipulate or affect the ability of consumers to exercise choice freely. In the case of India, the dark pattern was legally recognized in the form of Guidelines for Prevention and Regulation of Dark Patterns 2023, wherein the manipulative practices were categorized as a different kind of unfair trade practice. Thus, the emergence of the dark pattern represents a significant shift in the way digital deception occurs from being a simple act of misrepresentation to a systematic influence on the behaviour of the consumers.

EVOLUTION OF CONSUMER PROTECTION LAW IN INDIA³

The development of the laws pertaining to consumer protection in India demonstrates a substantial shift from an essentially grievance-redressal-based approach to a rights-based regulation framework. The 1986 Consumer Protection Act focused on such issues as defective products, deficiencies in service provision, and unfair trade practices in the conventional market environment. At the same time, the act introduced a three-level system for resolving consumer disputes. Nevertheless, the act was adopted in the pre-internet age and thus contained insufficient mechanisms to address the challenges of e-commerce.

The passage of the Consumer Protection Act, 2019 brought about many changes in the form of legislation which made consumer law more appropriate for the digital age. These changes include:

- Setting up the Central Consumer Protection Authority (CCPA);
- Strict control over misleading advertisements;
- A comprehensive system of product liability;
- Protection of consumers involved in e-commerce transactions;
- Use of the E-Dakhil method to lodge consumer complaints; and
- Creation of consumer mediation cells for alternate dispute resolutions.

Together, these measures have expanded the ambit of consumer protection in the digital world and increased legal recognition of the rights of consumers in technologically-enabled transactions. This Act represents an important step away from the traditional principle of

³ Abanti Bose, Consumer Protection Act, 2019 available at <https://blog.ipleaders.in/consumer-protection-act-2019-2/> (Accessed on September, 2026)

“caveat emptor” (“let the buyer beware”) to the principle of “caveat venditor” (“let the seller beware”).

STATUTORY FRAMEWORK ADDRESSING DARK PATTERNS⁴

Even though the term “dark patterns” is not directly mentioned in the Consumer Protection Act, 2019, the wide coverage of the Act can offer a basis for handling some types of dark patterns. The section of the Consumer Protection Act that defines an unfair trade practice (section 2(47)) includes the use of deceptive means or practices that have the ability to deceive consumers. Because dark patterns involve using deceptive interfaces to influence consumer behaviour, some dark patterns may be covered under this section.

In addition, the regulatory framework is bolstered by the powers conferred on the Central Consumer Protection Authority (CCPA). The CCPA is authorized to take all actions necessary for the protection of consumers under Section 18 of the Act. This includes investigation into issues, issuance of an order for stopping the practice of unfair trade, and taking any other measures. In addition to this, under Section 21, the CCPA also has certain powers regarding misleading advertisements.

The regulatory model was further refined by the Guidelines for Prevention and Regulation of Dark Patterns, 2023, which categorically identify and proscribe some manipulative digital techniques such as:

- basket sneaking;
- drip pricing;
- false urgency;
- forced continuity; and
- confirm shaming.

These guidelines constitute an important advancement in the field of consumer protection laws in India, since they explicitly recognize the concept of deception as being incorporated into the design of the digital interface. It is an important step towards realizing that consumer deception can take place not just due to misleading communications but even by designing deceptive digital environments.

⁴ Abhishek Kumar, Dark patterns and consumer protection law available at <https://www.juscorpus.com/dark-patterns-and-consumer-protection-law/> (accessed on September, 2026)

Judicial Oversight of Consumer Protection in the Digital Era⁵

Indian courts have contributed greatly in developing the principles of consumer law by way of purposive and consumer-oriented approach in statutory interpretation. As stated by the Supreme Court in the case of Lucknow Development Authority v. M. K. Gupta (1994) that statutes of consumer protection shall always be construed broadly and liberally so that the spirit of social justice may get fulfilled. Likewise, in the case of Indian Medical Association v. V. P. Shantha (1995), Supreme Court incorporated the provisions of consumer protection laws to include medical services, thus emphasizing the concept of accountability for services. In more recent times, judicial involvement in the digital market place has also helped in shaping the principles of obligations of the digital market platform. This clearly shows how the issue of consumer rights is getting linked up with the other values enshrined in the Constitution such as the right to dignity and freedom under Article 21 of the Constitution of India. In the area of digital economy, this developing body of jurisprudence can be used to explore the question of whether misleading designs of the interface can affect the consumers' right to make choices.

International Perspectives on Regulating Dark Patterns in Consumer Markets⁶

The international legal regime has increasingly identified the existence of dark patterns as posing a threat to consumer autonomy and making informed choices. There are several countries which have taken a proactive approach to regulation that would serve as a useful point of comparison for India. In the European Union, the Digital Services Act 2022 specifically identifies certain kinds of manipulative interface design that hinder users from making their choices freely and in an informed manner. GDPR, too, puts the focus on obtaining informed consent through honest means. The United States' Federal Trade Commission (FTC) has launched enforcement actions against companies that use deceptive subscription schemes, misleading interfaces, and other forms of manipulation online. The litigation case of FTC v. Epic Games provides more examples of how the government is becoming increasingly vigilant about practices in digital design that might inadvertently result in consumer purchases.

On the international stage, the 2022 OECD report on dark commercial practices describes dark patterns as a design approach that may be used to undermine the consumers' autonomy, and

⁵ Ajay Kumar, Consumer protection in digital era: A critical analysis of legal safeguard against online shopping fraud

⁶ Ibid

recommends its inclusion in national legal regimes protecting consumers from such designs. The Indian Guidelines for Prevention and Regulation of Dark Patterns, 2023 take into consideration these international trends and form a crucial step towards tackling the issue of digital deception. However, compared to some other regulations in Europe and the USA, the Indian legislation is fairly new and still does not have a strong statutory enforcement of rules related to dark patterns.

Legal and Regulatory Challenges in Protecting Digital Consumer Rights in India⁷

Even though the Consumer Protection Act, 2019, and the Guidelines for Prevention and Regulation of Dark Patterns, 2023, have set a progressive framework, the enforcement of consumer rights in India's online marketplace is still riddled with institutional, technological, and procedural difficulties. The goals of regulation in the current framework are hindered by inherent constraints that limit the capacity of the authorities to detect, investigate, and react to advanced cases of online manipulation. The first key problem relates to the growing use of sophisticated algorithms for pricing, advertising, searching results and personalized recommendations. This happens because the algorithms tend to be proprietary "black boxes," and therefore the way certain design features or algorithmic techniques affect consumer behaviour cannot be understood by the regulator and the consumer himself/herself. The information asymmetry here becomes significant, because digital platforms have more information on the processes of consumer behaviour shaping than consumers and the regulator do. The transboundary character of electronic commerce further compounds the problem of enforcement. Many Internet e-commerce sites are located in several countries, and instances of deception could also involve the use of infrastructure or even servers that are located in other countries, apart from India. In such situations, the application and enforcement of domestic law in the realm of consumer protection becomes complicated from both legal and practical perspectives. Even though the Central Consumer Protection Authority (CCPA) holds investigation and enforcement power concerning the use of unfair trade practices, regulation of dark patterns might necessitate more technological know-how on the part of CCPA. Specifically, the need for an understanding of interface design, user experience manipulation,

⁷ Atul Kumar, Consumer protection law in India: Challenges and Prospects in the Digital Age, available at <https://acr-journal.com/article/consumer-protection-law-in-india-challenges-and-prospects-in-the-digital-age-1544/>

(Accessed on September, 2026)

algorithms, and artificial intelligence systems is key in detecting more sophisticated cases of digital deception.

Consumer awareness is another major issue here. Many consumers may lack knowledge about their digital rights, ways of redressing grievances, and even about the existence of dark patterns. Lack of awareness will likely result in fewer reports of violation of digital rights, hence reducing the impact of existing regulations. In addition to this, unlike conventional frauds, there is no clear way of telling when dark patterns have been used because dark patterns do not create any obvious or physical proof of manipulation.

Recommendations for Strengthening Consumer Protection⁸

- Enact statutory recognition and regulation of dark patterns through the consumer protection paradigm.
- Institute mandatory algorithmic audits to detect and evaluate algorithms that could influence consumer decisions.
- Implement UX transparency and certification in digital platforms to ensure a transparent design of interfaces.
- Enhance consumer digital literacy through awareness and education campaigns about their digital rights and digital deception.
- Put in place real-time and accessible redress mechanisms to allow consumers to file grievances about digital deception.

CONCLUSION

Dark patterns form one of the subtlest forms of consumer manipulation in the modern era. Even with the enactment of the Consumer Protection Act, 2019 and Guidelines for Prevention and Regulation of Dark Patterns, 2023, which are huge steps toward curbing digital manipulation, their efficiency is still constrained by enforcement challenges and advancing technology.

⁸ Harsh Jain, Strengthening India Consumer Protection framework: Tackling counterfeits and enhancing regulations, available at <https://lhssccollective.in/strengthening-indias-consumer-protection-framework-tackling-counterfeits-and-enhancing-regulations/> (Accessed on September, 2026)

The guarantee of the dignity and autonomy of consumers is best achieved by India improving its regulation and institutions, developing technical skill among its enforcement authorities, and implementing a broader strategy of dealing with digital manipulation. These actions must also take place in consideration of constitutional principles, such as Article 21, which guarantees individual dignity and autonomy. This means that the future of consumer protection goes beyond simply regulating commercial dealings. It should also involve regulating and conserving the structure of consumer choice to make sure that technology is used to support informed and free decision making rather than covert manipulation of consumers' actions.