

GOVERNMENT OF INDIA
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
DEPARTMENT OF CONSUMER AFFAIRS

RAJYA SABHA
UNSTARRED QUESTION No. 3400
TO BE ANSWERED ON 01.04.2025

CURBING OF DARK PATTERNS IN ADVERTISEMENTS

3400. DR. DHARMASTHALA VEERENDRA HEGGADE

Will the Minister of CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION be pleased to state:

- (a) whether it is a fact that Dark patterns involve using design and choice architecture to deceive, coerce, or influence consumers into making choices that are not in their best interest;
- (b) if so, the manner in which Government proposes to curb the increasing use of dark patterns in advertisements on online and offline platforms;
- (c) whether the exaggerated and misleading promotions carried out by educational institutions, healthcare institutions and real estate companies fall under the category of dark patterns; and
- (d) the details of measures Government proposes to take for prevention and regulation of dark patterns for protection of the rights of consumers?

ANSWER

THE MINISTER OF STATE, CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(SHRI B. L. VERMA)

(a) to (d) : Department of Consumer Affairs is continuously working for consumer protection and empowerment of consumers by enactment of progressive legislations. With a view to modernize the framework governing the consumer protection in the new era of globalization, technologies, e-commerce markets etc. Consumer Protection Act, 1986 was repealed and Consumer Protection Act, 2019 was enacted.

To safeguard consumers from unfair trade practices in e-commerce, the Department of Consumer Affairs has also notified the Consumer Protection (E-commerce) Rules, 2020 under the provisions of the Consumer Protection Act, 2019. These rules, inter-alia, outline the responsibilities of e-commerce entities and specify the liabilities of marketplace and inventory e-commerce entities, including provisions for consumer grievance redressal.

Dark patterns involve using design and choice architecture to deceive, coerce, or influence consumers into making choices that are not in their best interest. Dark patterns encompass a wide range of manipulative practices such as drip pricing, disguised advertisement, bait and switch, false urgency etc. Such practices fall under the category of “unfair trade practices” as defined in the Sub-section 47 under Section 2 of the Consumer Protection Act, 2019.

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 Department constituted a task force consisting of the representatives inter alia from Industry Associations, National Law Universities, Voluntary Consumer Organisations and e-commerce platforms seeking inputs for the draft guidelines for prevention and regulation of dark patterns.

After stakeholders consultations, the Central Consumer Protection Authority, in exercise of the powers conferred by Section 18 of the Consumer Protection Act, 2019, issued “Guidelines for Prevention and Regulation of Dark Patterns, 2023” on 30th November, 2023 for prevention and regulation of dark patterns listing 13 specified dark patterns identified in e-commerce sector. These dark patterns include false urgency, Basket Sneaking, Confirm shaming, forced action, Subscription trap, Interface Interference, Bait and switch, Drip Pricing, Disguised Advertisements, Nagging, Trick Wording, Saas Billing and Rogue Malwares.

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. Subsequent to CCPA’s intervention, an e-commerce platform discontinued the practice of automatically adding Rs. 2 per ticket towards charity contribution to the cart (a form of Basket Sneaking dark pattern), in the form of pre-tick format (a form of forced consent dark pattern). An airline modified the manner in which it used to offer insurance at the time of purchase of tickets (a form of confirm shaming dark pattern).

Further to strengthen consumer protection, the CCPA enacted the Guidelines for Prevention and Regulation of Greenwashing and Misleading Environmental Claims, 2024 (effective 15th October 2024), mandating transparency in environmental claims, and the Guidelines for Prevention of Misleading Advertisements in the Coaching Sector, 2024 (effective 13th November 2024), addressing false claims, exaggerated success rates and unfair practices in coaching institutes.

The Bureau of Indian Standards (BIS) has notified 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.
