

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

RAJYA SABHA
UNSTARRED QUESTION No. 2924
TO BE ANSWERED ON 19.08.2025

UNFAIR TRADE PRACTICE AND DARK PATTERNS

2924. SHRI BHUBANESWAR KALITA

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

- (a) whether the CCPA has taken any steps to stop unfair trade practices against consumers in general, if so, the details thereof and outcomes, if any;
- (b) the steps taken by CCPA to curb use of dark pattern practices;
- (c) the need for issuing the dark patterns guidelines by CCPA; and
- (d) the other actions taken so far by the CCPA on companies indulging in dark patterns?

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 Consumer Protection Act, 1986 was repealed and Consumer Protection Act, 2019 was enacted.

Under the provisions of the Consumer Protection Act, 2019, the Central Consumer Protection Authority (CCPA), an executive agency, came into existence on 24.07.2020. It is designed to intervene, to prevent consumer detriment arising from unfair trade practices and to initiate class action(s), including the enforcement of recalls, refunds and return of products. CCPA, under Section 19 of the Consumer Protection Act, is empowered to, upon receiving any information, complaint under Section 17 or directions from the Central Government, or on its own motion, conduct or cause to be conducted a preliminary inquiry to determine whether there exists a prima facie case of violation of consumer rights, unfair trade practices or false or misleading advertisements by any person, which is prejudicial to the public interest or the interests of consumers. If satisfied that such a prima facie case exists, the CCPA shall direct an investigation to be carried out by the Director-General or the District Collector.

"Unfair trade practice" [Section 2(47) of the Consumer Protection Act, 2019] encompasses deceptive methods such as misrepresenting product standards, falsely advertising old goods as new, claiming unverified sponsorship or benefits, offering misleading warranties, misrepresenting prices, or disparaging competitors' goods or services. These provisions ensure accountability, transparency and fairness, safeguarding consumer interests in a dynamic marketplace.

Section 2(28) of the Consumer Protection Act, 2019 defines "misleading advertisement" in relation to any product or service, as an advertisement, which— (i) falsely describes such product or service; or (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; or (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.

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 customer grievance redressal.

The CCPA has notified the “Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022” on 9th June, 2022. These guidelines inter-alia provide for; (a) conditions for an advertisement to be non-misleading and valid; (b) certain stipulations in respect of bait advertisements and free claim advertisements; and, (c) duties of manufacturer, service provider, advertiser and advertising agency. These guidelines states that due diligence is required for endorsement of advertisements such that any endorsement in an advertisement must reflect the genuine, reasonably current opinion of the individual, group or organisation making such representation and must be based on adequate information about, or experience with, the identified goods, product or service and must not otherwise be deceptive.

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.

In order to strengthen consumer protection, the CCPA issued the “Guidelines for Prevention and Regulation of Dark Patterns, 2023” on 30th November 2023. These guidelines address and regulate 13 specific dark patterns identified in the e-commerce sector, aiming to prevent deceptive practices that mislead consumers.

Bureau of Indian Standards (BIS) introduced the framework on ‘Online Consumer Reviews — Principles and Requirements for their Collection, Moderation and Publication’ on 23rd November 2022. This framework safeguards consumer interests by addressing fake and deceptive reviews in e-commerce. While the standards are voluntary, they apply to all online platforms that publish consumer reviews and are guided by principles such as integrity, accuracy, privacy, security, transparency, accessibility and responsiveness.

Department of Consumer Affairs, Government of India convened a meeting on 28th May, 2025 under the chairmanship of Hon'ble Minister of Consumer Affairs, Food & Public Distribution and New and Renewable Energy with representatives from major e-commerce companies, industry associations, Voluntary Consumer Organizations and National Law Universities for a focused dialogue on eliminating deceptive online practices.

As an outcome of the said meeting, an "Advisory in terms of Consumer Protection Act, 2019 on Self-Audit by E-Commerce Platforms for detecting the Dark Patterns on their platforms to create a fair, ethical and consumer centric digital ecosystem" was issued by Central Consumer Protection Authority on 5th June, 2025.

All E-Commerce platforms have been advised through the said Advisory to take necessary steps to ensure that their platforms do not engage in such deceptive and unfair trade practice which are in the nature of Dark Patterns. Further, all E-Commerce platforms have been advised to conduct self-audits to identify dark patterns, within three months of the issue of the advisory and take necessary steps to ensure that their platforms are free from such dark patterns. Based on the self-audit reports, the E-Commerce platforms should also give self-declarations that their platform is not indulging in any dark patterns in order to ensure fair digital ecosystem along with building trust between consumers and e-commerce platforms.

Action has already been taken by the CCPA against various entities including e-commerce platforms for affecting consumers, as a class, for violation of consumer rights, false and misleading advertisements and unfair trade practices as defined under the Consumer Protection Act, 2019. CCPA has taken actions to regulate matters affecting class of consumers with reference to the violation of consumer rights, misleading advertisement and unfair trade practices as defined under the Consumer Protection Act, 2019. Various directions were issued including discontinuation or modification of the advertisements besides imposition of penalties to protect the rights of consumers as a class and a penalty amount of ₹ 1,08,85,000 has been realized so far.

Action has also been taken against the sale of domestic pressure cookers that do not meet compulsory BIS standards on e-commerce platforms. Additionally, as per CCPA's directions, travel companies have refunded Rs. 1,454 Crores to consumers for cancelled flights due to the Covid-19 lockdown. CCPA has also mandated that these companies update their websites with clear instructions and status updates on refund claims related to cancelled tickets. Further, 13,118 listings of car seat belt alarm stopper clips have been delisted from major e-commerce platforms based on the Orders passed by CCPA to delist all such products which violate consumer rights and are unfair trade practice under the Consumer Protection Act, 2019 as the sale or marketing of said product compromises with the life and safety of consumer by stopping alarm beep when not wearing seat belts. Also, subsequent to CCPA's intervention, an e-commerce platform discontinued the practice of automatically adding Rs. 1 per ticket towards charity contribution in the ticket (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 has enacted six guidelines and issued six advisories so far for protection of interest of consumers.
