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NON EFFECTIVE CONSUMER PROTECTION LAWS: INCREASING UNETHICAL BUSINESS PRACTICES OF DARK PATTERN OF E-COMMERCE

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Abstract

Consumer purchase behaviour has undergone a significant change due to the widespread growth of eCommerce, with consumers getting easy access to products and services via online platforms. Yet, with the "dark design" of websites and apps becoming increasingly commonplace - known also as "dark patterns" - there are substantial concerns about the integrity and consumer protection of businesses. Dark patterns are subtle interface strategies enacted to guide products through "scissors" of the users' choices to drive otherwise unimkted transactions or information even if they're not what users intended. The practice of 'false urgency', 'basket sneaking', 'subscription traps', 'confirm shaming' and 'hidden charges' have all helped to reduce consumer autonomy and interests. The Consumer Protection Act, 2019, the Consumer Protection (E-Commerce) Rules, 2020 and the Guidelines for Prevention and Regulation of Dark Patterns, 2023 issued by the Central Consumer Protection Authority (CCPA), 2023 contains a legal framework to address this kind of practices in India. But barriers of implementation, regulation and user awareness and responsibility of digital platforms still need to be a burden on the effectiveness. This study throws light on the law of dark patterns in the ecommerce sector in India, elucidates the shortcomings of existing consumer protection laws and tries to estimate their efficacy. Secondly, this study compares the approaches with regard to Internationalization as follows: On one hand within the framework of the European Union, of the United States of America and in the United Kingdom, based on the doctrine method and analysis research. Consumer protection should be improved through greater legal enforcement, easily accessible digital platforms and systems, and tougher consumer penalty conditions and oversight of platforms. This study finds that

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insurance policies for consumer protection need to keep up with technology shifts to guarantee they are fair, accountable and with enough information to make a thought-out buying choice.

Keywords: *Dark Patterns, Consumer Protection, E-Commerce, Consumer Rights, Digital Manipulation, Consumer Protection Act, 2019*

I. Introduction

Internet technology and digitalization of infrastructure has vastly changed the business activities in India. With the emergence of e-commerce, the people can now buy items and provide services via online marketplaces, cellphone software and e-payment options. Online marketplace platforms are gaining a lot of popularity among consumers, attracting them with the products, simplicity of transactions, and availabilities of online services as they became more and more convenient in recent years, the consumers came to depend and rely upon purchasing items online[1]. This transition has also come with other challenges in regards to transparency, fair business practices and consumer protection, however.

Internet shoppers' behaviour has changed drastically due to the highly curated ads, product suggestions, consumer run reviews and promotional messages. When someone purchases online, their online purchase preferences, as well as their prior buying experiences, are based on their preferences. While these are benefits to convenience, they could also tempt impulse shopping and unnecessary purchases. While transacting online, the consumers may neglect to read or pay attention to certain deemed important terms and conditions, hidden charges or for any transactions, the need for a subscription, sometimes causing them to become victims of using unfair commercial practices.

Dark patterns are misleading or controlling UI designs that lead consumers to take an action they might not want to take. These techniques involve a number of issues such as false count down timers, hidden prices, obscuring the terms of cancellation and other items that go into shopping baskets that customers don't really want. A case in point is where platforms force customers to act quickly by offering a “limited time only discount, or “showcasing a complicated and complex subscription cancellation process”2. These practices complicate the ability of consumers to make informed decisions, and reduce the importance given to consumer

[1] Luguri J, Strahilevitz LJ. Shining a light on dark patterns. Journal of Legal Analysis. 2021 Jan 1;13(1):43-109.
[2] Leiser MR. Dark patterns: The case for regulatory pluralism between the European Unions consumer and data protection regimes. InResearch handbook on EU data protection law 2022 Apr 22 (pp. 240-269). Edward Elgar Publishing.

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control in digital transactions.

Dark patterns are unethical business practices due to taking advantage of the consumers. Businesses can also design their digital front-ends to influence sales, seek extra payments and/or push for unwanted subscriptions as opposed to providing clear and information, and letting people make their own decisions. Such practices may create issues with consumer rights and misrepresentation and unfair trade practices. For this reason, digital commerce must be transparent, open to choice and respect consumer autonomy.

Statement of the Research Problem

But even after the Consumer Protection Act, 2019 and the Consumer Protection (E-Commerce) Rules, 2020 and the Guidelines for Prevention and Regulation of Dark Patterns, 2023 were passed, 'Dark Practices' continue to be a major problem in regulatory issues. Concerns include the identification and monitoring of breaches as well as the accountability questions about the efficacy of the current consumer protection regime over Digital platforms. Thus, the study looks into whether the continued legal landscape is suitable to coincide with manipulative digital practices or not.

Significance and Scope of the Study

The research focuses on legal and regulatory issues that are faced by dark aspects of ecommerce in India. Offers an Understanding of the existing laws and regulatory guidance and case law relating to consumer protection including awareness of international consumer protection laws. Promoting regulatory gaps and proposing amendments to reinforce consumer rights, platform accountability and transparency in the digital markets, through a doctrinal and analytical approach.

II. Understanding Dark Patterns and Their Forms in E-Commerce

A. Meaning, Definition and Characteristics of Dark Patterns

Dark patterns are therefore engagement techniques used in digital interfaces that trick users to make decisions favoring commerce. They work through providing misleading incentives to making key information obscure or simply not easy to access, or making it hard to enjoy consumer rights. Dark patterns try to trick users into making choices via the design and interface of Digital interfaces, unlike traditional advertising which is mostly about hidden

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promotional messages, sent by clear and obvious messages[3]. However, the Guidelines for Prevention and Regulation of Dark Patterns, 2023, issued by Central Consumer Protection Authority (CCPA), cite specific instances of dark patterns and put restrictions on their usage by platforms. The guidelines offer an important basis for the regulation of manipulative digital commercial activities.

B. Major Types of Dark Patterns in E-Commerce

The following practices are examples of dark patterns that impact online consumer behaviours:

1. False Urgency: Platforms have an illusion of urgency for their users, such as using false countdown timers or pop-ups or alerts of limited stock, or false messaging about it being a "one day, only one…" offer. The techniques influence consumers to buy things without taking any proper decisions.
2. Basket Sneaking: Other products, services or fees are added to a consumer's shopping basket without his or her knowledge and informed choice. This adds up the final amount received not at their expected rate[4].
3. Confirm Shaming: Consumers feel guilty or embarrassed when they refuse to consume additional product/service. For instance, there is buttons language that indicated that the consumer does not care about money saving, such as a refusal button provides language that implies that the consumer is not concerned about money savings.
4. Forced Action: When consumers must submit something prejudicial to the product or transaction (and to them) that is not required, like registering, giving the consumer personal data, or requiring a subscription to have access to, or in order to complete, a product or transaction.
5. Subscription Traps: sites offer an easy signup process for subscriptions, yet have a cumbersome procedure for people to cancel them. Customers can remain subscribed to services as it is hard for them to cancel the subscription plan[5].
6. Drip Pricing: Hidden extra costs are gradually added when the product is being bought. This makes it difficult for a consumer to get a correct idea about the real life product or service prices.

[3] Singh V, Vishvakarma NK, Kumar V. Unveiling digital manipulation and persuasion in e-commerce: a systematic literature review of dark patterns and digital nudging. Journal of Internet Commerce. 2024 Apr 2;23(2):144-71.
[4] Ramteke A, Tembhurne S, Sonawane G, Bhimanpallewar RN. Detecting deceptive dark patterns in e-commerce platforms. arXiv preprint arXiv:2406.01608. 2024 May 27.
[5] Raj P, Nanda SS, S Noorani M. Safeguarding the digital consumer: A comparative legal and psychological analysis of dark patterns in e-commerce. Advances in Consumer Research. 2025 Aug 30;2(4):3567-74.

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7. Bait and Switch: A platform offers an attractive product, product price or offer; but when the consumer tries to proceed with the purchase offers a differing product or commercial condition.
8. Interface Interference: the input regarding important information and options is misleading, and some options are not easily discernible which could encourage more commercially beneficial options.
9. Nagging: Chasing after consumers repeated notifications, requests and promotional messages provoke consumers to the actions for which they have refused or ignored despite the previous attempts[6].
10. SaaS Billing: Where there has been software-as-a-service, consumers are exposed to incorrect advertising of software as a service subscription fees or renewal terms for software, and where renewal is applicable, to new terms or conditions before the initial one is cancelled or lapses.

    These practices how digital interface design can transition away from service towards manipulation, making them an instrument for consumer manipulation, instead of a means to making informed consumer choices.

C. Psychological Manipulation and Consumer Decision-Making

Dark patterns often leverage emotions like FOMO, social pressure, huriya and decision fatigue. Countdown timers instigate urgency and repeated notifications can stimulate people to act now. Likewise, the number of steps in the process of cancelling a contract can dissuade consumers from using their rights, as they will be time and effort consuming[7].

It can become very problematic, if consumers don't know, that their decision has been taken by deliberately designed interface arrangements. The outcomes of these transactions could be described as "consensual," but may not be as wrought out as informed and independent.

D. Role of Digital Platforms, Algorithms and Interface Design

Digital platforms customize recommendations, organize products and programme promotions, using algorithms. These technologies can help companies become more efficient, but can also become a means to determine consumers' vulnerability and be used to influence their habits. Overall user experience is influenced by the design of the interface with regard to pricing,

[6] Nevala E. Dark patterns and their use in e-commerce (Doctoral dissertation, University of Jyväskylä).
[7] Zahratunnisa HS, Etiveni I, Purwandari B, Purwaningsih EH. How People Recognize Dark Pattern in E-Commerce?. Jurnal Sistem Informasi. 2025 Mar;21(1):82-97.

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opting in and out, subscription arrangement and cancellation policies. So, the platforms can't weaken consumer autonomy by means of technology innovations.

IV. Legal Framework Governing Consumer Protection in India

A. Constitutional Foundations of Consumer Welfare and Protection

The scope of social and economic justice is laid down a comprehensive framework in the Indian Constitution. Public welfare is advocated in Article 38 and the equitable distribution of material resources is stressed in Article 39(b). The State is responsible for strengthening public health and living conditions as stated in Article 47[8]. While they don't create a specific constitutional right of consumers against dark patterns, they offer a set of principles to help consumers flourish and enjoy fair business practices.

B. Consumer Protection Act, 2019

The Consumer Protection Act, 2019 supersedes the Consumer Protection Act, 1986, and provides a new Consumer Grievance redressal mechanism in the contemporary markets. It ensures awareness, redressal, hearing, choice, provision of information and safety of consumers.

Section 2(47) provides a definition of unfair trade practice, and outlines specified commercial conduct that is deceptive. Section 10 nucleates the formation of Central Consumer Protection Authority. The authority is given powers in Sections 18 and 19 which enable it to report on offenders[9]. The CCPA has the authority to order the recall of hazardous products, price reimbursement and discontinuance of unfair practices under section 20. There is a special provision in Section 21 to take action if the advertisements are false or misleading.

Such provisions can be applicable in cases where the foregoing dark patterns include element(s) of misrepresentation, unfair commercial practice, or violation of consumer rights. To ensure the general provisions are applied to the ever-evolving use of digital interfaces, effective interpretation and enforcement are needed, however.

C. Consumer Protection (E-Commerce) Rules, 2020

The Consumer Protection (E-Commerce) Rules, 2020 expand the obligations of protection for

[8] Sanikidze S. DARK PATTERNS IN THE AGE OF ARTIFICIAL INTELLIGENCE: HOW AI MISLEADS CONSUMERS IN GLOBAL E-COMMERCE. AGORA INTERNATIONAL JOURNAL OF ECONOMICAL SCIENCES. 2026 Jun 30;20(1):384-97.

[9] Rathour D. REGULATING "DARK PATTERNS" IN E COMMERCE. TMP Universal Journal of Law, Business, and Management. 2025 Oct 27;1(2).

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consumers in digital commerce. They lay down obligations for the e-commerce providers such as disclosure of information, ensuring grievance redressal, transparency in commercial activities etc. The rules aim to provide consumers with the correct information about the products, sellers, payment and return systems[10].

These rules are important as they are online consumers that rely heavily on information provided via digital platforms. However, the disclosure requirements and regulations may not be sufficient to prevent the occurrence of manipulative interface practices when significant information is technically accessible, but not clearly and easily displayed.

D. Central Consumer Protection Authority

The Consumer Protection Act, 2019 has provided for an important regulatory institution in the form of the CCPA[11]. It is responsible for ensuring consumer rights, non-unfair practices and incorrect advertisements. It is able to investigate infractions, give directions and take action for violations under the Act.

The authority will have an especially strong role in online marketplaces due to the fact that individuals will not have resources to challenge big online markets. Then regulatory action can have a more widespread effect in safeguarding consumers from practices involving large numbers of consumers.

E. Guidelines for Prevention and Regulation of Dark Patterns, 2023

Earlier, the CCPA released Guidelines for Prevention and Regulation of Dark Patterns, 2023, to tackle practice in deceptive digital interface. There are 13 specific dark patterns listed in the guidelines, such as false urgency, basket sneaking, confirm shaming, forced action and subscription traps, among others[12].

Policies will be initiated to prevent platforms from deceiving consumers' choice with their wickedly designed policy platform. These mark a considerable improvement in the definition of consumer law in India as they directly recognize the linkage between interface design and ‘unfair commercial practices'. But being effective requires awareness, compliance, monitoring and a proactive response by the Regulatory Authorities.

[10] The Consumer Protection (E-Commerce) Rules, 2020
[11] The Consumer Protection Act, 2019
[12] Gupta SV, Pratap EV, Lakkakula K, Kumar BS, Reddy K. Identifying and Mitigating Dark Patterns in E-Commerce Websites. Vishav and Lakkakula, Krantivir. and Kumar, B. Sai and Reddy, K. Jaswanth Koushik, Identifying and Mitigating Dark Patterns in E-Commerce Websites (November 30, 2025). 2025 Nov 30.

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F. Legal Responsibilities of E-Commerce Entities

E-commerce operators need to give factual information, there need to be grievance redressal mechanisms and unfair commercial practices must be avoided. Platforms should clearly be stating the terms of the sale and how user shall be paid and their actions should be stated in case of cancellation. They are also responsible to take reasonable measures when using digital interfaces to safeguard consumers from receiving misleading information, or being prevented from providing informed consent.

V. Ineffectiveness of Existing Consumer Protection Laws Against Dark Patterns

A. Regulatory Gaps in the Existing Consumer Protection Framework

India has passed laws and made guidelines to cover misleading online practices, but there are still lots of issues that need to be addressed in the regulation.

Dark patterns are mentioned in the Consumer Protection Guidelines 2023 and are introduced as a part of the Consumer Protection Act 2019 which offer a general definition of practices that are considered unfair[13]. This is by no means without its difficulties, though, when taking into account digitalisation is accelerating, and new methods of persuasion and manipulation.

Practices identified in the guidelines are just that, guidelines—digital platforms are constantly changing their interface designs and commercial strategies. This could create problems for regulators to spot new deceptive practices, which aren't obvious to them, because they are not in their usual bailiwicks.

B. Difficulties in Identifying and Proving Manipulative Interface Practices

Dark patterns are commonly entrenched in normal features of a website, which makes them hard for consumers to spot. It might seem like a typical component of an online transaction, but it can be a misleading countdown timer, hidden cancellation option or extra payment cost. But describing the appearance and functioning of this platform, technically, could be required to determine whether this activeness was an intentional effort to manipulate intents of consumers[14].

Typically, individual consumers do not have any access to the inner record of the platforms,

[13] Singh V, Vishvakarma NK, Kumar V. Profit over principles: unveiling the motivating factors behind dark patterns in e-commerce through the lens of agency theory. Journal of Enterprise Information Management. 2025 Apr 3;38(3):821-48.

[14] Bijelac D. *The Impact of Dark Patterns in E-Commerce on User Behaviour and Decision-Making* (Master's thesis, Sveučilište u Rijeci, Sveučilište u Rijeci-Tehnički fakultet).

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algorithmic information, and algorithmic design decisions available. It helps introduce imbalance when trying to set up violations between customers and stores.

C. Lack of Effective Monitoring and Enforcement Mechanisms

A key challenge is the monitoring by the regulators. A complaint won't reveal all of the deceptive practices taking place throughout the range of digital platforms. A technical skill set and institutional resources are needed to continually review website designs, mobile applications and payment processes.

The CCPA also made a recommendation to e-commerce platforms to perform a self-audit within three months of the publication of this guidance to identify and relax dark patterns in the marketplace in June 2025[15]. The government also decided to set up a Joint Working Group to facilitate the identification and eradication of such practices. These are good initiatives that show that the problem is recognised by the regulators, though unless they are independently verified, and enforced consistently, they won't save them in the long term.

D. Challenges in Determining Liability of E-Commerce Platforms

Marketplace operators, third-party sellers, payment intermediaries, advertising and technology service providers could be involved in modern ecommerce transactions. As soon as a manipulation interface feature is developed or maintained by different entities, the situation becomes complicated in determining the responsibility.

Either platforms could claim that individual sellers are responsible for representations relating to the product, or consumers could believe that the platform itself is responsible for the entirety of the purchasing process. More responsible criteria would then be required to hold businesses accountable if they could devise this kind of complicated transaction to exempt themselves from responsibility.

E. Inadequate Consumer Awareness and Difficulties in Seeking Remedies

Not many consumers realize what a dark pattern is and are aware that user’s decisions have been made by way of deceit in the designing of the interface. On top of the difficulty of defining what constitutes an unfair practice, consumers might be reluctant to report an unfair practice because they may be unclear about remedies, time and effort.

[15] Yang WT, Leiser M. Illuminating Manipulative Design: From" Dark Patterns" to Information Asymmetry and the Repression of Free Choice under the Unfair Commercial Practices Directive. Loy. Consumer L. Rev.. 2022;34:484.

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Accessible and effective consumer protection mechanisms require digital literacy programmes and simplified means of grievance.

F. Limitations of Existing Penalties and Deterrent Mechanisms

The Consumer Protection Act, 2019 confers powers to impose penalties and directions in specified/suspected situations. However, it is important that regulatory action will be effective if enforcement actions do deter. Many large, national commercial sites may hold more money and technology than individual consumers[16]. Therefore enforcement should ensure that the seriousness, time and commercial benefit of deceptive practices will be taken into account as well as the individual complaints or corrective directions.

VI. Impact of Dark Patterns on Consumer Rights and Interests

A. Violation of the Right to Information and Informed Choice

The right to be informed is one of the rights of the consumer recognised by the Consumer Protection Act, 2019. Consumers should be informed accurately concerning the characteristics of the product, prices, conditions of payment or contract obligations. Dark patterns violate this right by making information unreadable or hard to access, or displaying it in a confusing way[17]. If key specifications are buried in difficult to navigate places or difficult to understand terms and conditions, consumers can't truly make informed choices.

B. Financial Exploitation Through Hidden Charges and Subscription Traps

On the final bill, the items' costs may be increased because of either "drip pricing" or basket sneaking. Similarly, paying the trapping fee/s and service may result in the unnecessary second billings of services for which the customer may not wish to pay. The practices can lead to expenses in a transaction, financial loss for instance, particularly for those less familiar with digital transactions.

C. Compromise of Consumer Autonomy and Freedom of Choice

Consumer autonomy is about consumers and marketing being free from any misleading pressure to make independent decisions in their purchase. Shaming, forced action and false urgency, both have an impact on consumers through emotional pressure or limiting choices,

[16] Di Porto F, Egberts A. The collective welfare dimension of dark patterns regulation. European Law Journal. 2023 Jan;29(1-2):114-41.
[17] Raj P, Nanda SS, S Noorani M. Safeguarding the digital consumer: A comparative legal and psychological analysis of dark patterns in e-commerce. Advances in Consumer Research. 2025 Aug 30;2(4):3567-74.

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thus taking away this freedom[18]. So such practices undermine the concept of free-consent in commercial transactions.

D. Privacy Concerns and Manipulation Through Personal Data

Some of the dark patterns are designed to make users share unneeded personal information or give permission without being fully aware of the implications. Means powerful control over personal data can be compromised by forced action or by consent that is misguided. As such, dark pattern also concerns private and transparent and responsible use of the consumer information.

E. Disproportionate Impact on Vulnerable Consumers

Recognizing manipulative practices could be more challenging for children, elderly people, those with less digital literacy, and/or the economically vulnerable consumer. They have less experience with handling digital interfaces which may have them more susceptible to misleading offers, unwanted subscriptions and hidden charges. As digital consumption and vulnerability vary, it is important to consider the specific levels when crafting consumer protection and working through the approach to it.

VII. Judicial Approach, Regulatory Actions and Case Analysis

A. Judicial Interpretation of Unfair Trade Practices and Misleading Representations

Consumer welfare and the obligation of commercial service provider to not engage in unfair practices have been recognised by the Indian courts. In Lucknow Development Authority v M K Gupta[19], the Supreme Court gave a very liberal and consumer centric reading to the Consumer Protection Act. Judgment stressed the need for tangible relief from deficiencies and unfair practices through consumer protection mechanisms.

The case dealt with the topic of 'Dark Patterns' but the view of 'deceptive commercial practices' in digital marketplaces is also applicable.

B. Relevant Decisions Under Consumer Protection Law

In Indian Medical Association's case against V P Shantha, the Supreme Court looked at the nature and ambit of consumer protection in the context of medical services[20]. The Court held

[18] Luguri J, Strahilevitz LJ. Shining a light on dark patterns. Journal of Legal Analysis. 2021 Jan 1;13(1):43-109.
[19] *Lucknow Development Authority v M K Gupta* (1994) 1 SCC 243.
[20] *Indian Medical Association v V P Shantha* (1995) 6 SCC 651.

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consumers' rights in consumer protection law should be properly understood to offer remedies to consumers when the statutory conditions are met.

These decisions are meant to offer higher-level guidance on consumer rights, as well as some general tips, but don't completely rely on them as judicial rulings about dark patterns.

C. Regulatory Interventions by the CCPA

Through the 2023 guidelines and advisories, the CCPA has made progress to address suboptimal digital practices. The authority has also said that in some instances, it had issued notices for the alleged violation of 'dark patterns'. The June 2025 self-audit advisory is a further step towards making the platforms reflect on their digital platforms and end manipulative practices.

D. Analysis of Enforcement Actions Against E-Commerce Platforms

The regulatory approach represents a significant change and evolution from dealing with complaints from financial consumers who have suffered an injury to trying to prevent deceptive practices during the design process[21]. But self-declarations of platforms should not be considered definitive evidence of compliance. Independent verification, public reporting and appropriate investigation are needed to ensure digital businesses are compliant with the set standards.

E. Challenges in Translating Regulatory Guidelines into Consumer Remedies

Having regulations does not necessarily mean that consumers who have been affected are compensated and entitled to receive other forms of relief. Consumers should have access to complaints process and the ability to report violation, and timely response and decision to complaint. Therefore, individual and collective redress actions should be made available to ensure regulatory action can be supported by them.

VIII. Comparative Analysis: International Legal Framework

A. European Union

The European Union (EU) has put in place a fairly detailed legal regime to tackle unfair commercial practices and manipulative digital interfaces. The Unfair Commercial Practices Directive 2005 bans on unfair and aggressive commercial practices. The Digital Services Act

[21] Xhelita O, Manthos A. Dark Patterns on the Internet Under the EU Consumer Law. Strategic Innovative Marketing and Tourism. 2025:863.

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2022 (DSA) expressly prohibits a designer, organiser or developer of an online platform from doing so in a way that leads or otherwise so distracts or otherwise materially affects the capacity of recipients to make free and informed choices [22].

This approach highlights the need to concern both general measures of consumer defence provided by consumer protection law as well as specific measures imposed on digital platforms.

B. United States

Section 5 of the Federal Trade Commission Act (FTCA) is the law used by the Federal Trade Commission (FTC) to deal with deceptive commercial practices in the United States (US). The FTC also has policy and enforcement work focused on the topic of online choice architecture, which has explored dark patterns. It's about false 'disclosures' of subscriptions, hidden fees, tricky cancellation policies and confusing ways of getting a subscription.

C. United Kingdom

It is governed by consumer protection law in the UK, such as the Digital Markets, Competition and Consumers Act 2024. It introduces robust safeguards against deceptive and unfair business practices and is also giving the Competition and Markets Authority new enforcement powers.

D. Lessons for Strengthening India's Consumer Protection Framework

India should look into implementing stricter standards on the digital interface, make Indian consumer protection authorities more proactively engage in independent verifications and ensure greater cooperation with experts and technicians[23]. The experiences of the international approaches also highlight the need to ensure cancellation is easy and clearly presented and that there are no misleading arrangements for consent.

The comparative analysis indicated that striking the right balance of preventive regulation and access to remedies in case of violation will lead to effective consumer protection.

IX. Suggestions and Recommendations for Strengthening Consumer Protection

There are a number of ugly patterns developing, and more stringently enforcing existing legislation to protect consumers is needed. More severe punishments for repeat offenders, and transparency about who is responsible for providing accountability in the e-commerce space

[22]Directive 2005/29/EC concerning Unfair Business-to-Consumer Commercial Practices.
[23] Regulation (EU) 2022/2065, Digital Services Act, art 25.

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should be enforced. The terms of subscription/cancellation should be adhered to at the right price for the right. Independent digital interface audits have the power to detect deceptive practices and help enhance regulatory monitoring. Moreover, the simpleness of refund and cancellation procedures should be introduced to safeguard the interest of consumers. Awareness programmes for consumers, as well as digital literacy programmes, should be promoted. Enabling consumers to make informed decisions about the elections they participate in is the responsibility of the e-commerce company as well, by designing their interface transparently, from an ethical and responsible perspective.

X. Conclusion

As dark patterns become more prevalent in eCommerce, consumer rights and fair commerce come to the forefront as key issues. The implementation of the Consumer Protection Act, 2019 and Dark Patterns Guidelines, 2023, is crucial in order to implement them effectively in India. The existence of misleading 'subscription to this' and this type of continued interface issues and hidden costs continue to compromise consumer choice and autonomy. Success in tackling those issues lies in increasing enforcements, imposing penalties, an independent digital audit and more awareness of consumers. To conclude, digital companies should adopt clear and responsible digital behaviour and stay accountable, promote consumer rights, and establish a fair and trustworthy ecommerce marketplace.

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1. Luguri J, Strahilevitz LJ. Shining a light on dark patterns. Journal of Legal Analysis. 2021 Jan 1;13(1):43-109.
2. Leiser MR. Dark patterns: The case for regulatory pluralism between the European Unions consumer and data protection regimes. InResearch handbook on EU data protection law 2022 Apr 22 (pp. 240-269). Edward Elgar Publishing.
3. Singh V, Vishvakarma NK, Kumar V. Unveiling digital manipulation and persuasion in e-commerce: a systematic literature review of dark patterns and digital nudging. Journal of Internet Commerce. 2024 Apr 2;23(2):144-71.
4. Ramteke A, Tembhurne S, Sonawane G, Bhimanpallewar RN. Detecting deceptive dark patterns in e-commerce platforms. arXiv preprint arXiv:2406.01608. 2024 May 27.
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