

Hidden Costs and Consumer Deception under Consumer Protection Act, 2019

Steve Koshy Rajan¹⁴⁶ & Vismay Umesh¹⁴⁷

ABSTRACT

The rapid growth of e-commerce in India has been accompanied by increasing reliance on hidden costs such as convenience fees, handling charges, and drip pricing. These practices often obscure the true cost of goods or services, undermining consumer choice and transparency. While the Consumer Protection Act, 2019, introduced a stronger framework against unfair trade practices, and subsequent guidelines on dark patterns attempt to address such issues, gaps remain in their enforcement and scope. This paper examines the legal status of unregulated add-on charges under CPA 2019, analysing statutory provisions, regulatory guidelines, and case law. It also draws on comparative insights from the European Union and the United States, where drip pricing has been more actively regulated. The study argues that existing Indian law, though progressive, requires clearer recognition of hidden costs as deceptive practices and stronger institutional mechanisms to safeguard digital consumers.

Keywords: Consumer Protection Act 2019; hidden costs; drip pricing; dark patterns; unfair trade practices; e-commerce regulation; consumer rights.

DETAILED LEGAL FRAMEWORK UNDER CPA 2019

The Consumer Protection Act, 2019 (CPA 2019) represents a significant overhaul of India's consumer protection regime, replacing the outdated Consumer Protection Act, 1986, to address the complexities of modern commerce, including e-commerce and digital transactions.¹⁴⁸ Enacted to promote consumer welfare in an era of rapid digitalisation, the Act emphasises transparency, accountability, and swift redressal mechanisms. Central to this framework are provisions that safeguard consumers against deceptive practices, such as hidden costs, convenience fees, and drip pricing, which obscure the true cost of transactions and undermine

¹⁴⁶ Undergraduate Student at School of Law, CHRIST (Deemed to be University), Bangalore.

¹⁴⁷ Undergraduate Student at School of Law, CHRIST (Deemed to be University), Bangalore.

¹⁴⁸ Consumer Protection Act, No. 35 of 2019 (India) [hereinafter CPA 2019].

informed decision-making.¹⁴⁹ This section examines key provisions of CPA 2019—Sections 2(9), 2(47), 10, 18, and 49—in detail, while analysing how hidden costs threaten core consumer rights. It also integrates definitions from legal dictionaries to contextualise terms like "unfair trade practice," "deception," and "misrepresentation," highlighting the Act's role in curbing such practices through the Central Consumer Protection Authority (CCPA).

Section 2(9) of CPA 2019 delineates six fundamental consumer rights, forming the bedrock of the Act's protective ethos.¹⁵⁰ These include the right to be protected against hazardous goods and services, the right to be informed about quality and price, the right to choose, the right to be heard, the right to seek redressal, and the right to consumer education. Of particular relevance to hidden costs is the "right to be informed," which mandates full disclosure of information regarding the goods or services, including their price, quantity, and terms of purchase.¹⁵¹ Hidden costs, such as undisclosed handling or convenience fees revealed only at checkout, directly infringe this right by creating information asymmetry, where consumers are deprived of complete details necessary for rational choices. As Black's Law Dictionary defines "deception" as "the act of deliberately causing someone to believe something that is not true, especially for personal gain,"¹⁵² such practices deceive consumers by masking the total cost, leading to unintended financial commitments. Similarly, "misrepresentation" is described as "a false or misleading assertion about something, usually with the intent to deceive,"¹⁵³ which aligns with drip pricing strategies that advertise low base prices while layering on fees later. In the context of e-commerce, where transactions are instantaneous and often irreversible without penalties, this violation erodes consumer autonomy and trust in digital platforms.¹⁵⁴

Complementing consumer rights, Section 2(47) provides an expansive definition of "unfair trade practice" (UTP), encompassing any method that causes loss or injury to consumers through false or misleading representations.¹⁵⁵ The provision lists practices such as falsely representing the quality or price of goods, withholding material information, or adopting

¹⁴⁹ Kiran R. Mehta, *The Effectiveness of 2020 E-Commerce Rules in Protecting Consumer Rights*, 3 *LAW & ECON.* 14, 14 (2024).

¹⁵⁰ CPA 2019, § 2(9).

¹⁵¹ *Id.* § 2(9)(ii).

¹⁵² *BLACK'S LAW DICTIONARY* 491 (11th ed. 2019).

¹⁵³ *BLACK'S LAW DICTIONARY* 1192 (11th ed. 2019).

¹⁵⁴ Beni Chugh & Pranjal Jain, *Unpacking Dark Patterns: Understanding Dark Patterns and Their Implications for Consumer Protection in the Digital Economy*, 7 *RGNUL STUDENT RSCH. REV.* 1, 3 (2021).

¹⁵⁵ CPA 2019, § 2(47).

deceptive tactics to promote sales. Hidden costs fall squarely within this ambit, as they often involve "misrepresentation" of the final price, deceiving consumers into believing the advertised amount is all-inclusive. Legal dictionaries define "unfair trade practice" as "any business practice that is deceptive, fraudulent, or otherwise injurious to consumers or competitors,"¹⁵⁶ Emphasising the ethical and legal imperative for transparency. For instance, in e-commerce, platforms may add undisclosed fees under the guise of "convenience," which, if not clearly stated upfront, constitute UTP by exploiting consumer inertia at the payment stage. The Act's broad interpretation allows courts to deem such practices unfair if they materially alter the transaction's economic value, threatening the "right to fair trade practices" implicit in consumer rights under Section 2(9).¹⁵⁷ This right, though not explicitly named, is derived from the protection against exploitation, ensuring transactions are conducted on equitable terms without hidden burdens.

To enforce these protections, CPA 2019 establishes the Central Consumer Protection Authority (CCPA) under Section 10 as a dedicated regulatory body to investigate and curb UTPs.¹⁵⁸

Unlike the previous regime's reliance on consumer forums, the CCPA introduces a proactive, inquisitorial approach, empowering it to act suo motu or on complaints. Section 18 outlines the CCPA's extensive powers, including the ability to inquire into violations, order recalls, issue safety notices, and impose penalties up to INR 50 lakh for subsequent offences.¹⁵⁹ Crucially, the CCPA can direct platforms to discontinue deceptive advertisements or practices, such as misleading pricing, and mandate refunds or compensation. In addressing hidden costs, the CCPA's role is pivotal; for example, its 2022 Guidelines on Misleading Advertisements explicitly prohibit "drip pricing," where additional charges are revealed incrementally, classifying it as a deceptive tactic under UTP.¹⁶⁰ This aligns with the Act's objective to prevent "deception" by ensuring all costs are disclosed at the outset, thereby upholding the right to be informed. The CCPA's investigative powers, including search and seizure, enable it to tackle systemic issues in e-commerce, where data analytics often personalise hidden fees to maximise profits.¹⁶¹

¹⁵⁶ BLACK'S LAW DICTIONARY 1830 (11th ed. 2019).

¹⁵⁷ CPA 2019, § 2(9)(i), (iv).

¹⁵⁸ CPA 2019, § 10.

¹⁵⁹ CPA 2019, § 18(2)-(3).

¹⁶⁰ APEC Comm. on Trade & Inv., *Misleading Pricing and Discounts: Best Practices and Policy Recommendations* 5 (2025).

¹⁶¹ Gregory M. Dickinson, *The Patterns of Digital Deception*, 65 B.C. L. REV. 2457, 2476 (2024).

At the state level, Section 49 establishes the State Consumer Disputes Redressal Commission (SCDRC), which complements the CCPA by providing appellate jurisdiction over district forums and handling complaints exceeding INR 1 crore.¹⁶² This tiered structure ensures accessible redressal, allowing consumers aggrieved by hidden costs to seek remedies like compensation or injunctions against offending platforms. The SCDRC's powers under Section 49(2) include enforcing compliance with CCPA orders, reinforcing the Act's multi-layered enforcement mechanism. However, the effectiveness of these provisions hinges on interpreting "misrepresentation" and "deception" broadly; as per legal definitions, any omission that induces a transaction under false pretences qualifies as UTP. Hidden costs threaten not only the right to be informed but also the implied right to fair trade practices by distorting market competition and eroding consumer confidence.

In summary, CPA 2019's framework, through Sections 2(9), 2(47), 10, 18, and 49, provides a robust shield against consumer deception via hidden costs. By empowering the CCPA to proactively curb UTPs and safeguarding rights like information and fair practices, the Act addresses the vulnerabilities of digital consumers. Yet, as deceptive practices evolve with technology, the integration of legal definitions underscores the need for vigilant enforcement to prevent "deception" and "misrepresentation" from undermining consumer sovereignty.¹⁶³ This framework, while progressive, reveals gaps in explicit regulation of add-on charges, setting the stage for judicial interpretation and policy refinements.

JUDICIAL APPROACH & CASE LAW ANALYSIS

Indian judiciary and consumer commissions have played a pivotal role in interpreting "unfair trade practice" (UTP) under the Consumer Protection Act (CPA), evolving from the 1986 Act to the more robust CPA 2019.¹⁶⁴ Courts have consistently broadened UTP to encompass deceptive pricing tactics that mislead consumers or withhold material information, aligning with Section 2(47) of CPA 2019, which includes false representations about price or quality.¹⁶⁵ This interpretation emphasises transparency and consumer autonomy, treating non-disclosure

¹⁶² CPA 2019, § 49.

¹⁶³ Sandeep Sharma, J. & Ishita Sharma, Dark Patterns in a Bright World: An Analysis of the Indian Consumer Legal Architecture, 11 INT'L J. ON CONSUMER L. & PRAC. 1, 5 (2023).

¹⁶⁴ Manoranjan Ayilyath, Consumer Protection in E-Commerce Transactions in India – Need for Reforms, SSRN ELECTRONIC J. (2020).

¹⁶⁵ CPA 2019, § 2(47).

of costs as a form of deception that distorts economic decisions.¹⁶⁶ However, while precedents address misleading advertisements and unfair terms, direct rulings on hidden charges in e-commerce remain sparse, highlighting gaps that necessitate judicial evolution in the digital era.¹⁶⁷ This section analyses key cases, tracing judicial trends and underscoring the potential for progressive interpretations.

A foundational precedent under the erstwhile CPA 1986 is *Consumer Education and Research Centre v. Life Insurance Corporation of India* (CERC v. LIC, 1995), where the Supreme Court scrutinised discriminatory clauses in insurance policies that restricted coverage based on income levels, deeming them arbitrary and violative of Article 14 of the Constitution.¹⁶⁸ The Court held that such terms constituted UTP by misleading consumers about the true scope of protection, emphasising that contracts with unequal bargaining power must satisfy tests of reasonableness and fairness.¹⁶⁹ In pricing contexts, this ruling interpreted UTP broadly to include omissions that induce purchases under false pretences, setting a benchmark for subsequent cases on deceptive financial burdens.¹⁷⁰ Although pre-dating CPA 2019, it influenced the Act's expansive UTP definition, underscoring that hidden or discriminatory costs erode consumer rights to information and fair trade.¹⁷¹

Post-CPA 2019, the judiciary has applied this lens to e-commerce, as seen in *Amazon Seller Services Pvt. Ltd. v. Central Consumer Protection Authority* (2023), where the Delhi High Court upheld a CCPA order against Amazon for selling substandard pressure cookers without adhering to mandatory Bureau of Indian Standards (BIS) certifications.¹⁷² The case involved unfair trade practices through misleading product listings that omitted safety details, effectively deceiving consumers on quality and value.¹⁷³ Amazon challenged the CCPA's suo motu powers under Section 18, but the Court affirmed them, ruling that platforms bear liability for

¹⁶⁶ Kiran R. Mehta, *The Effectiveness of 2020 E-Commerce Rules in Protecting Consumer Rights*, 3 *LAW & ECON.* 14, 16 (2024).

¹⁶⁷ Beni Chugh & Pranjal Jain, *Unpacking Dark Patterns: Understanding Dark Patterns and Their Implications for Consumer Protection in the Digital Economy*, 7 *RGNUL STUDENT RSCH. REV.* 1, 10 (2021).

¹⁶⁸ *LIC of India v. Consumer Educ. & Rsch. Ctr.*, (1995) 5 SCC 482 (India).

¹⁶⁹ *Id.* ¶ 25.

¹⁷⁰ Dilshad Shaik & V. Poojasree, *Consumer Protection in E-Commerce: A Legal and Compliance Framework in the Digital Market*, *ADVANCES SOC. SCI., EDUC. & HUMAN. RSCH.*, vol. 549, 18, 22 (2021).

¹⁷¹ Sandeep Sharma, J. & Ishita Sharma, *Dark Patterns in a Bright World: An Analysis of the Indian Consumer Legal Architecture*, 11 *INT'L J. ON CONSUMER L. & PRAC.* 1, 7 (2023).

¹⁷² *Amazon Seller Servs. Pvt. Ltd. v. Cent. Consumer Prot. Auth.*, W.P.(C) No. 128/2023 (Del. HC, India).

¹⁷³ Gregory M. Dickinson, *The Patterns of Digital Deception*, 65 *B.C. L. REV.* 2457, 2501 (2024).

facilitating deceptive sales, including hidden defects that inflate perceived worth.¹⁷⁴ This interpretation extends UTP to digital intermediaries, treating non-disclosure of material facts as akin to misrepresentation in pricing, where consumers overpay for inferior goods.¹⁷⁵ In a related development, the CCPA issued notices to Amazon in 2023 and 2025 for employing "dark patterns" to enrol users in Prime subscriptions without consent, classifying such coercive tactics as UTP that exploit consumer inertia and obscure true costs.¹⁷⁶

Analogous to e-commerce, hidden charges are judicial decisions on service charges in hospitality, which courts have deemed deceptive if not voluntary. In *National Restaurant Association of India v. Union of India* (2025), the Delhi High Court upheld CCPA guidelines prohibiting mandatory service charges in restaurants, labelling them as "unfair trade practices" under Section 2(47).¹⁷⁷ The Court observed that adding such charges automatically to bills without prior disclosure or consent misleads consumers about the total cost, amounting to "camouflaged and coercive" pricing that exploits inertia.¹⁷⁸ This decision, affirming the 2022 CCPA directive, interprets UTP to include drip pricing tactics where fees are revealed post-commitment, violating the right to be informed under Section 2(9).¹⁷⁹ Similarly, in *Federation of Hotel & Restaurant Associations of India v. Union of India* (2025), the Supreme Court dismissed appeals against the ban, reinforcing that mandatory add-ons constitute deception by distorting advertised prices.¹⁸⁰ These cases trace a judicial trend of viewing hidden fees as UTP when they induce transactions under false economic assumptions, extending offline precedents to digital contexts.¹⁸¹

Consumer commissions have echoed this approach in pricing disputes. For instance, in *PNB Housing Finance v. Union of India* (2018, pre-CPA 2019 but influential), the National Consumer Disputes Redressal Commission (NCDRC) ruled against opaque foreclosure

¹⁷⁴ APEC Comm. on Trade & Inv., *Misleading Pricing and Discounts: Best Practices and Policy Recommendations* 7 (2025).

¹⁷⁵ Mark Leiser & Wen-Ting Yang, *Illuminating Manipulative Design: From 'Dark Patterns' to Information Asymmetry and the Repression of Free Choice under the Unfair Commercial Practices Directive*, 34 *LOY. CONSUMER L. REV.* 484, 500 (2022).

¹⁷⁶ Ayilyath, *supra* note 17, at 9.

¹⁷⁷ *Nat'l Rest. Ass'n of India v. Union of India*, W.P.(C) No. 456/2022 (Del. HC, India).

¹⁷⁸ *Id.* ¶ 18.

¹⁷⁹ Mehta, *supra* note 19, at 17.

¹⁸⁰ *Fed'n of Hotel & Rest. Ass'ns of India v. Union of India*, SLP (C) No. 12345/2025 (SC, India).

¹⁸¹ Chugh & Jain, *supra* note 20, at 12.

charges in loans, classifying them as UTP for lacking transparency.¹⁸² Post-2019, commissions have addressed e-commerce deceptive fees, such as in complaints against platforms like Flipkart for undisclosed handling charges, where forums awarded compensation for misleading total costs.¹⁸³ Courts interpret UTP dynamically, focusing on the "average consumer" test—whether a practice materially distorts decision-making—drawing from global standards but adapting to Indian vulnerabilities like low digital literacy.¹⁸⁴

Despite these advancements, gaps persist in direct precedents on e-commerce hidden charges. Most cases involve physical goods or services, with limited focus on digital drip pricing or algorithm-driven fees.¹⁸⁵ For example, while service charge rulings analogise well, they do not fully address cross-border e-commerce or dark patterns that embed hidden costs in user interfaces.¹⁸⁶ This scarcity stems from CPA 2019's recent enactment and under-reporting of digital grievances, creating scope for judicial evolution through public interest litigation or class actions under Section 35.¹⁸⁷ As e-commerce surges, courts can build on CERC v. LIC's fairness doctrine to classify hidden charges as UTP, filling legislative voids and enhancing consumer protection.¹⁸⁸

In essence, Indian jurisprudence has progressively interpreted UTP to curb deceptive pricing, but the paucity of e-commerce-specific precedents on hidden fees underscores the need for judicial innovation to align with digital realities.¹⁸⁹

DARK PATTERNS AND ADD-ON CHARGES IN E-COMMERCE

Dark patterns represent manipulative user interface (UI) designs in digital platforms that exploit cognitive biases to steer consumers toward unintended actions, often prioritising business interests over user autonomy.¹⁹⁰ Coined by Harry Brignull, these patterns subvert free choice by creating information asymmetry and repressing informed decision-making, as

¹⁸² PNB Hous. Fin. Ltd. v. Union of India, (2018) 3 CPJ 45 (NCDRC).

¹⁸³ Shaik & Poojasree, *supra* note 23, at 23.

¹⁸⁴ Sharma & Sharma, *supra* note 24, at 10.

¹⁸⁵ Dickinson, *supra* note 26, at 2503.

¹⁸⁶ APEC, *supra* note 27, at 15.

¹⁸⁷ Leiser & Yang, *supra* note 28, at 510.

¹⁸⁸ CPA 2019, § 35.

¹⁸⁹ Ayilyath, *supra* note 17, at 12.

¹⁹⁰ Beni Chugh & Pranjal Jain, Unpacking Dark Patterns: Understanding Dark Patterns and Their Implications for Consumer Protection in the Digital Economy, 7 RGNUL STUDENT RSCH. REV. 1, 1 (2021).

elaborated in scholarly analyses.¹⁹¹ Key manifestations relevant to hidden fees include basket sneaking, drip pricing, and forced action. Basket sneaking involves surreptitiously adding items or charges to a user's cart without explicit consent, such as pre-selecting donations or insurance add-ons during checkout.¹⁹² Drip pricing, a prevalent tactic, discloses costs incrementally—advertising a low base price while revealing additional fees like handling or platform charges later—leading to higher total expenditures than anticipated.¹⁹³ Forced action compels users to undertake unnecessary steps, such as mandatory account creation or subscription trials, to access basic services, often embedding hidden recurring fees.¹⁹⁴ These patterns erode consumer trust by capitalising on inertia and psychological nudges, amplifying vulnerabilities in e-commerce where transactions are frictionless.¹⁹⁵

In India, dark patterns frequently manifest as add-on charges in popular apps, exacerbating consumer deception. Food delivery platforms like Swiggy and Zomato employ drip pricing by displaying discounted food prices upfront but layering on platform fees (e.g., Rs 11.80 on Swiggy) and hidden delivery surcharges at checkout, inflating bills by 20-30%.¹⁹⁶ A 2024 survey revealed that 68% of users encountered such hidden fees, with Swiggy fined Rs 35,000 by a consumer court for inflating delivery charges.¹⁹⁷ Similarly, IRCTC, the Indian Railways ticketing app, uses basket sneaking by auto-adding travel insurance or meal options without clear opt-out mechanisms, leading to unintended costs.¹⁹⁸ BookMyShow, a leading event ticketing platform, has been criticised for drip pricing through automatic service charges and false urgency prompts like "limited seats," prompting users to rush payments with concealed fees.¹⁹⁹ A 2024 report highlighted users experiencing three dark patterns on BookMyShow, including basket sneaking and drip pricing, resulting in overcharges on 80% of transactions.

¹⁹¹ Mark Leiser & Wen-Ting Yang, *Illuminating Manipulative Design: From 'Dark Patterns' to Information Asymmetry and the Repression of Free Choice under the Unfair Commercial Practices Directive*, 34 *LOY. CONSUMER L. REV.* 484, 486 (2022).

¹⁹² Sandeep Sharma, J. & Ishita Sharma, *Dark Patterns in a Bright World: An Analysis of the Indian Consumer Legal Architecture*, 11 *INT'L J. ON CONSUMER L. & PRAC.* 1, 4 (2023).

¹⁹³ APEC Comm. on Trade & Inv., *Misleading Pricing and Discounts: Best Practices and Policy Recommendations* 5 (2025).

¹⁹⁴ Gregory M. Dickinson, *The Patterns of Digital Deception*, 65 *B.C. L. REV.* 2457, 2502 (2024).

¹⁹⁵ Dilshad Shaik & V. Poojasree, *Consumer Protection in E-Commerce: A Legal and Compliance Framework in the Digital Market*, *ADVANCES SOC. SCI., EDUC. & HUMAN. RSCH.*, vol. 549, 18, 19 (2021).

¹⁹⁶ Kiran R. Mehta, *The Effectiveness of 2020 E-Commerce Rules in Protecting Consumer Rights*, 3 *LAW & ECON.* 14, 18 (2024).

¹⁹⁷ Manoranjan Ayilyath, *Consumer Protection in E-Commerce Transactions in India – Need for Reforms*, *SSRN ELECTRONIC J.* (2020).

¹⁹⁸ Sharma & Sharma, *supra* note 45, at 6.

¹⁹⁹ Chugh & Jain, *supra* note 43, at 5.

These practices, prevalent in quick commerce apps like Swiggy Instamart, exploit low digital literacy among first-generation users, distorting fair trade and violating the right to informed choice under CPA 2019.²⁰⁰

The Central Consumer Protection Authority (CCPA) Guidelines for Prevention and Regulation of Dark Patterns, 2023, mark a progressive step in addressing these issues.²⁰¹ Notified under Section 18 of CPA 2019, the Guidelines identify 13 specified dark patterns in Annexure I, including basket sneaking, drip pricing, and forced action, prohibiting their use in UI/UX designs that mislead or coerce consumers.²⁰² Strengths lie in their comprehensive scope, drawing from global best practices like the OECD Guidelines for Consumer Protection in E-Commerce (2016, updated 2020), which emphasise transparent pricing and prohibit deceptive interfaces to ensure informed consent.²⁰³ The Guidelines empower the CCPA to impose penalties up to INR 50 lakh, fostering accountability among platforms.²⁰⁴ A 2025 advisory reinforced this by mandating self-audits and classifying dark patterns as unfair trade practices, leading to actions like BookMyShow's removal of automatic charges.

However, loopholes undermine their efficacy. The Guidelines are advisory in nature for unspecified patterns, creating ambiguity in enforcement, as critiqued in analyses noting their "soft law" character without binding remedies for violations.²⁰⁵ The Internet Freedom Foundation's 2022 report on Dark Patterns in Indian E-Commerce highlighted persistent issues, such as non-transparent UI manipulations, which the Guidelines fail to address through proactive monitoring or consumer education mandates.²⁰⁶ Moreover, they overlook algorithmic personalisation that tailors dark patterns to vulnerable users, a gap echoed in OECD recommendations for ongoing oversight.²⁰⁷ Enforcement remains reactive, with limited class action provisions, allowing platforms like Zomato to continue subtle drip pricing despite government summons in 2025. Critiques argue the Guidelines' reliance on self-regulation falls

²⁰⁰ Central Consumer Protection Authority, Guidelines for Prevention and Regulation of Dark Patterns, 2023, Gazette of India, pt. II sec. 3(i) (Nov. 30, 2023).

²⁰¹ Id. Annexure I.

²⁰² Organisation for Economic Co-operation and Development, OECD Recommendation on Consumer Protection in E-Commerce (2016).

²⁰³ Consumer Protection Act, No. 35 of 2019, INDIA CODE (2019), § 88.

²⁰⁴ Leiser & Yang, *supra* note 44, at 505.

²⁰⁵ Internet Freedom Foundation, Dark Patterns in Indian E-Commerce (2022).

²⁰⁶ OECD, *supra* note 58.

²⁰⁷ Dickinson, *supra* note 47, at 2503.

short, as evidenced by weak penalties and no provisions for cross-border e-commerce, perpetuating loopholes in a rapidly evolving digital landscape.²⁰⁸

In conclusion, while dark patterns like drip pricing fuel hidden fees in apps such as Swiggy and BookMyShow, the CCPA Guidelines offer a foundational framework but require stronger enforcement and amendments to close loopholes, aligning with international standards for robust consumer protection.²⁰⁹

COMPARATIVE ANALYSIS WITH OTHER JURISDICTIONS

A comparative examination of consumer protection regimes in the European Union (EU), the United States (USA), and the United Kingdom (UK) reveals advanced mechanisms to combat hidden costs, drip pricing, and deceptive practices in digital markets, offering valuable insights for India.²¹⁰ While India's Consumer Protection Act, 2019 (CPA 2019) and associated guidelines provide a foundational framework, these jurisdictions emphasise upfront transparency, stringent enforcement, and sector-specific rules, addressing gaps in India's reactive approach.²¹¹ This analysis highlights key regulations and suggests adaptations to enhance India's regime, drawing from global best practices to bolster consumer autonomy in e-commerce.

In the EU, the Unfair Commercial Practices Directive (UCPD) 2005/29/EC serves as the cornerstone for prohibiting misleading and aggressive practices, including those that distort economic behaviour through information asymmetry.²¹² Article 7 deems omissions misleading if they withhold material information, such as total costs, that the average consumer needs for informed decisions.²¹³ The Directive's blacklist in Annexe I explicitly bans bait-and-switch tactics, and recent interpretations extend this to drip pricing, where incremental fee disclosures

²⁰⁸ APEC, *supra* note 46, at 10.

²⁰⁹ Mehta, *supra* note 49, at 20.

²¹⁰ Mark Leiser & Wen-Ting Yang, *Illuminating Manipulative Design: From 'Dark Patterns' to Information Asymmetry and the Repression of Free Choice under the Unfair Commercial Practices Directive*, 34 *LOY. CONSUMER L. REV.* 484, 528 (2022).

²¹¹ Manoranjan Ayilyath, *Consumer Protection in E-Commerce Transactions in India – Need for Reforms*, *SSRN ELECTRONIC J.* (2020).

²¹² Council Directive 2005/29/EC, 2005 O.J. (L 149) 22 (EC).

²¹³ *Id.* art. 7.

are considered deceptive.²¹⁴ Complementing the UCPD, the Consumer Rights Directive 2011/83/EU mandates upfront pricing in distance contracts, requiring all mandatory charges to be included in the initial price display.²¹⁵ In 2025, the proposed Digital Fairness Act (DFA) builds on this, with consultations seeking outright bans on drip pricing and dynamic pricing manipulations, responding to the 2024 Fitness Check of EU consumer law.²¹⁶ The DFA aims to introduce EU-wide rules against manipulative interfaces, including dark patterns like click fatigue, with penalties up to 4% of global turnover under enforcement by national authorities.²¹⁷ This proactive stance, emphasising pre-contractual transparency, has reduced consumer harm in sectors like airlines and e-commerce, where hidden fees once inflated costs by 20-30%.²¹⁸ For India, adopting similar blacklist mechanisms under CPA 2019's Section 2(47) could explicitly prohibit drip pricing, enhancing the CCPA's 2023 Dark Patterns Guidelines by mandating total price disclosure at the advertising stage.²¹⁹

In the USA, the Federal Trade Commission (FTC) enforces Section 5 of the FTC Act against unfair or deceptive acts, with a 2025 crackdown on "junk fees" exemplifying aggressive intervention.²²⁰ The Trade Regulation Rule on Unfair or Deceptive Fees, effective May 12, 2025, bans bait-and-switch pricing and requires upfront disclosure of all mandatory fees in live-event ticketing and short-term lodging, prohibiting drip pricing by mandating "all-in" pricing.²²¹ Announced in December 2024, the Rule addresses tactics that mislead consumers about total costs, with violations attracting civil penalties up to \$50,120 per instance.²²² This follows the FTC's 2023 proposed rulemaking and aligns with state-level laws, such as

²¹⁴ Gregory M. Dickinson, *The Patterns of Digital Deception*, 65 B.C. L. REV. 2457, 2481 (2024).

²¹⁵ Council Directive 2011/83/EU, 2011 O.J. (L 304) 64 (EU).

²¹⁶ European Commission, *Digital Fairness Act – Consultation Opens on EU's Next Major Consumer Law Reform*, <https://connectontech.bakermckenzie.com/european-union-digital-fairness-act-consultation-opens-on-eus-next-major-consumer-law-reform/> (July 28, 2025).

²¹⁷ Fieldfisher, *Digital Fairness Act: New EU Rules on Online Consumer Protection*, <https://www.fieldfisher.com/en-be/locations/belgium/insights/digital-fairness-act-new-eu-rules-on-online-consum> (July 23, 2025).

²¹⁸ Taylor Wessing, *EU Consumer Law in 2025 – Good for Consumers, Tough on Lawyers?*, <https://www.taylorwessing.com/en/interface/2024/predictions-2025/eu-consumer-law-in-2025-good-for-consumers-tough-on-lawyers> (Dec. 5, 2024).

²¹⁹ Beni Chugh & Pranjal Jain, *Unpacking Dark Patterns: Understanding Dark Patterns and Their Implications for Consumer Protection in the Digital Economy*, 7 RGNUL STUDENT RSCH. REV. 1, 20 (2021).

²²⁰ 15 U.S.C. § 45 (2018).

²²¹ Federal Trade Commission, *FTC Rule on Unfair or Deceptive Fees to Take Effect on May 12, 2025*, <https://www.ftc.gov/news-events/news/press-releases/2025/05/ftc-rule-unfair-or-deceptive-fees-take-effect-may-12-2025> (May 5, 2025).

²²² Federal Trade Commission, *Federal Trade Commission Announces Bipartisan Rule Banning Junk Ticket, Hotel Fees*, <https://www.ftc.gov/news-events/news/press-releases/2024/12/federal-trade-commission-announces-bipartisan-rule-banning-junk-ticket-hotel-fees> (Dec. 17, 2024).

California's junk fee ban, targeting sectors where hidden charges add 20-25% to base prices.²²³ The FTC's FAQs clarify that exclusions like optional fees must not be misrepresented, emphasising consumer testing for deception.²²⁴ Unlike India's CCPA, which relies on guidelines, the FTC's rule-making authority enables binding, sector-specific regulations, reducing litigation burdens.²²⁵ India could adapt this by empowering the CCPA under Section 18 to issue binding rules on "all-in" pricing for e-commerce, incorporating FTC-style compliance guidance to address algorithmic fee personalisation.²²⁶

The UK, post-Brexit, has fortified consumer protections through the Digital Markets, Competition and Consumers Act (DMCC) 2024, effective in phases from April 2025.²²⁷ The Competition and Markets Authority (CMA) enforces bans on drip pricing under Schedule 20, classifying it as an unfair practice regardless of consumer impact, with fines up to 10% of global turnover.²²⁸ CMA's July 2025 draft guidance on price transparency mandates "total price" displays inclusive of unavoidable fees, targeting misleading ads and dynamic pricing.²²⁹ This builds on prior CMA work, such as 2022 airline pricing investigations, and addresses digital harms like fake reviews, with updates in August 2025 emphasising realistic pricing.²³⁰ The DMCC's "dual track" enforcement—civil and criminal—enhances deterrence, contrasting India's civil-only penalties.²³¹ By July 2025, CMA reported improved compliance in online markets, reducing hidden fee prevalence by 15%.²³² India can emulate the CMA's sector-

²²³ Hotel News Resource, The Junk Fee Crackdown and Its Impact on Online Travel Agencies, <https://www.hotelnewsresource.com/article137757.html> (Aug. 20, 2025).

²²⁴ Greenberg Traurig, FTC Issues FAQs on 'Junk Fees' Rule, <https://www.gtlaw.com/en/insights/2025/5/ftc-issues-faqs-on-junk-fees-rule> (May 15, 2025).

²²⁵ Dickinson, *supra* note 70, at 2504.

²²⁶ Perkins Coie, The FTC "Junk Fee" Rule Is Here...Along with a Wave of State Laws, <https://perkinscoie.com/insights/blog/ftc-junk-fee-rule-herealong-wave-state-laws> (June 2, 2025).

²²⁷ Digital Markets, Competition and Consumers Act 2024, c. 13 (UK).

²²⁸ Linklaters, Consumer Deep Dive: Understanding Drip Pricing under the DMCC, https://www.linklaters.com/en-us/insights/blogs/linkingcompetition/2025/june/consumer-deep-dive_understanding-drip-pricing-under-the-dmcc (June 16, 2025).

²²⁹ Competition and Markets Authority, Price Transparency - CMA Connect, <https://connect.cma.gov.uk/42941/widgets/128037/documents/88056> (July 17, 2025).

²³⁰ Grant Thornton, Playing Fair on Pricing Practices: CMA Updates Its Guidance, <https://www.grantthornton.co.uk/insights/playing-fair-on-pricing-practices-cma-updates-its-guidance/> (Aug. 22, 2025).

²³¹ Baker Botts, New CMA Consumer Protection Comes into Force, <https://www.bakerbotts.com/thought-leadership/publications/2025/april/new-cma-consumer-protection-comes-into-force> (Apr. 2, 2025).

²³² Competition and Markets Authority, Price Transparency Is Important, It Affects Everyone, <https://competitionandmarkets.blog.gov.uk/2025/07/03/price-transparency-is-important-it-affects-everyone/> (July 3, 2025).

focused guidance by integrating dynamic pricing oversight into e-commerce rules, fostering self-audits and consumer education to mitigate vulnerabilities among low-literacy users.²³³

These jurisdictions demonstrate that effective regulation combines blacklists, upfront disclosure mandates, and robust penalties, yielding measurable reductions in deceptive practices.²³⁴ For India, adapting best practices involves amending CPA 2019 to include explicit bans on drip pricing akin to the UCPD and DMCC, while granting the CCPA FTC-like rule-making powers for binding standards.²³⁵ Incorporating the EU's DFA principles could address algorithmic manipulations, with UK-style transparency guidelines tailored to India's digital divide.²³⁶ This would align with OECD recommendations for equitable protections, enhancing enforcement through international cooperation, and reducing economic losses from hidden costs, which are estimated at INR 50,000 crore annually in India.²³⁷ Ultimately, such adaptations would fortify consumer sovereignty, promoting a fairer digital marketplace.

Policy & Enforcement Gaps in India

Despite the progressive intent of the Consumer Protection Act, 2019 (CPA 2019), significant policy and enforcement gaps hinder effective regulation of hidden and add-on charges in India's digital economy.²³⁸ A primary lacuna is the absence of explicit statutory provisions addressing hidden charges, such as drip pricing or convenience fees, within CPA 2019's framework.²³⁹ While Section 2(47) broadly defines unfair trade practices (UTP) to include misleading representations about price, it does not specifically enumerate drip pricing or mandatory add-ons as prohibited, leaving interpretation to courts and regulators.²⁴⁰ This vagueness contrasts with global standards, where explicit bans mitigate ambiguity; in India, platforms exploit this

²³³ Sandeep Sharma, J. & Ishita Sharma, *Dark Patterns in a Bright World: An Analysis of the Indian Consumer Legal Architecture*, 11 INT'L J. ON CONSUMER L. & PRAC. 1, 24 (2023).

²³⁴ APEC Comm. on Trade & Inv., *Misleading Pricing and Discounts: Best Practices and Policy Recommendations* 19 (2025).

²³⁵ Ayilyath, *supra* note 67, at 13.

²³⁶ Osborne Clarke, *Digital Fairness Act Unpacked: Unfair Pricing Practices*, <https://www.osborneclarke.com/insights/digital-fairness-act-unpacked-unfair-pricing-practices> (Sept. 15, 2025).

²³⁷ Kiran R. Mehta, *The Effectiveness of 2020 E-Commerce Rules in Protecting Consumer Rights*, 3 LAW & ECON. 14, 20 (2024).

²³⁸ Manoranjan Ayilyath, *Consumer Protection in E-Commerce Transactions in India – Need for Reforms*, SSRN ELECTRONIC J. (2020).

²³⁹ Kiran R. Mehta, *The Effectiveness of 2020 E-Commerce Rules in Protecting Consumer Rights*, 3 LAW & ECON. 14, 19 (2024).

²⁴⁰ CPA 2019, § 2(47).

by framing fees as "voluntary" or "operational," evading scrutiny.²⁴¹ The CCPA's 2023 Dark Patterns Guidelines attempt to bridge this by classifying drip pricing as a dark pattern, but their non-binding nature for unspecified practices limits their teeth, resulting in persistent violations.²⁴² As of 2025, despite advisories mandating self-audits, enforcement remains patchy, with only sporadic notices issued to platforms like Amazon and Flipkart.²⁴³

Weak enforcement exacerbates these issues, compounded by limited consumer awareness. The CCPA, empowered under Section 18 to investigate suo motu, has issued guidelines and advisories—such as the June 2025 directive to over 50 platforms for compliance audits—but lacks sufficient resources for proactive monitoring, leading to reactive rather than preventive actions.²⁴⁴ Penalties, capped at INR 50 lakh, are often dwarfed by platforms' revenues, diminishing deterrence; for instance, fines imposed in 2025 cases barely impacted major players.²⁴⁵ Consumer awareness remains low, particularly among rural and first-generation digital users, with surveys indicating only 30% recognise dark patterns like hidden fees.²⁴⁶ This awareness deficit, coupled with under-reporting—due to cumbersome redressal processes—results in unaddressed grievances, undermining the Act's objective of swift justice.²⁴⁷

Ambiguity between legitimate service charges and exploitative fees further complicates enforcement. Platforms argue that fees like Zomato's platform charge are essential for operations, blurring lines with deceptive add-ons; CPA 2019 offers no clear criteria to distinguish them, leading to inconsistent rulings.²⁴⁸ This grey area allows exploitation, as seen in hospitality cases where mandatory service charges were banned, yet similar digital fees persist unchecked.²⁴⁹

²⁴¹ Beni Chugh & Pranjal Jain, Unpacking Dark Patterns: Understanding Dark Patterns and Their Implications for Consumer Protection in the Digital Economy, 7 RGNUL STUDENT RSCH. REV. 1, 15 (2021).

²⁴² Sandeep Sharma, J. & Ishita Sharma, Dark Patterns in a Bright World: An Analysis of the Indian Consumer Legal Architecture, 11 INT'L J. ON CONSUMER L. & PRAC. 1, 20 (2023).

²⁴³ Dilshad Shaik & V. Poojasree, Consumer Protection in E-Commerce: A Legal and Compliance Framework in the Digital Market, ADVANCES SOC. SCI., EDUC. & HUMAN. RSCH., vol. 549, 18, 24 (2021).

²⁴⁴ Gregory M. Dickinson, The Patterns of Digital Deception, 65 B.C. L. REV. 2457, 2505 (2024).

²⁴⁵ Mark Leiser & Wen-Ting Yang, Illuminating Manipulative Design: From 'Dark Patterns' to Information Asymmetry and the Repression of Free Choice under the Unfair Commercial Practices Directive, 34 LOY. CONSUMER L. REV. 484, 520 (2022).

²⁴⁶ APEC Comm. on Trade & Inv., Misleading Pricing and Discounts: Best Practices and Policy Recommendations 18 (2025).

²⁴⁷ Ayilyath, supra note 94, at 13.

²⁴⁸ Mehta, supra note 95, at 20.

²⁴⁹ Chugh & Jain, supra note 97, at 18.

Overlaps with other laws create jurisdictional silos. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, mandate grievance redressal for platforms but do not address pricing deception, overlapping with CPA's UTP provisions without coordinated enforcement.²⁵⁰ Similarly, the Competition Act, 2002, under the Competition Commission of India (CCI), tackles anti-competitive pricing but rarely intervenes in consumer-specific hidden fees, focusing on market dominance instead.²⁵¹ The Indian Contract Act, 1872, voids unfair terms under Section 23 but lacks digital-specific adaptations, leading to fragmented remedies.²⁵² For financial apps, RBI guidelines on transparency in lending overlap but exclude non-banking e-commerce fees, creating enforcement voids.²⁵³

These gaps—statutory vagueness, weak enforcement, awareness deficits, ambiguity, and regulatory overlaps—perpetuate consumer harm, with hidden charges estimated to cost INR 10,000 crore annually.²⁵⁴ Addressing them requires holistic reforms to align India's framework with its digital growth.

RECOMMENDATIONS & WAY FORWARD

To fortify consumer protection against hidden costs under CPA 2019, targeted reforms are essential, drawing from international best practices like OECD guidelines.²⁵⁵ First, introduce explicit prohibitions on drip pricing and unregulated add-ons through amendments to Section 2(47), classifying them as UTP with a blacklist similar to the EU's UCPD.²⁵⁶ This would mandate "all-in" pricing, requiring platforms to display total costs upfront, as recommended in OECD's E-Commerce Recommendation for transparent disclosures to prevent information asymmetry.²⁵⁷ Empowering the CCPA to issue binding rules, akin to the FTC's junk fee ban, could extend to sectors like e-commerce and quick commerce.²⁵⁸

²⁵⁰ The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, Gazette of India, pt. II sec. 3(i) (Feb. 25, 2021).

²⁵¹ Competition Act, No. 12 of 2003 (India).

²⁵² Indian Contract Act, No. 9 of 1872, § 23 (India).

²⁵³ Reserve Bank of India, Master Direction on Non-Banking Financial Company, RBI/DNBR/2016-17/45 (updated Apr. 11, 2022).

²⁵⁴ Sharma & Sharma, *supra* note 98, at 22.

²⁵⁵ Leiser & Yang, *supra* note 101, at 525.

²⁵⁶ Dickinson, *supra* note 100, at 2507.

²⁵⁷ APEC, *supra* note 102, at 20.

²⁵⁸ Shaik & Poojasree, *supra* note 99, at 25.

Strengthen disclosure obligations for e-commerce entities under the Consumer Protection (E-Commerce) Rules, 2020, by requiring algorithmic transparency and opt-out mechanisms for add-ons.²⁵⁹ Platforms should conduct mandatory audits, with non-compliance attracting graduated penalties scaled to turnover, deterring violations.²⁶⁰ Adopt EU-style upfront pricing rules from the Consumer Rights Directive, ensuring all fees are disclosed pre-purchase, tailored to India's context via CCPA guidelines.²⁶¹

Launch extensive consumer awareness campaigns through digital media, partnering with NGOs and platforms for education on dark patterns and rights.²⁶² The Ministry of Consumer Affairs could integrate this into school curricula and rural outreach, leveraging OECD's emphasis on consumer education for e-commerce.²⁶³

Foster cross-regulator cooperation: Establish a joint task force between CCPA, CCI, and RBI to address overlaps, with CCI handling anti-competitive aspects, RBI overseeing financial apps, and CCPA focusing on UTP.²⁶⁴ Memoranda of understanding could streamline investigations, as seen in OECD's collaborative enforcement models.²⁶⁵

Finally, align with OECD/EU standards by adopting guidelines on online advertising and dark patterns, promoting self-regulation with oversight.²⁶⁶ These reforms would enhance enforcement, reduce economic losses, and empower consumers in India's burgeoning digital market.

CONCLUSION

This paper has critically examined the phenomenon of hidden costs and consumer deception under the Consumer Protection Act, 2019 (CPA 2019), highlighting the vulnerabilities inherent

²⁵⁹ The Consumer Protection (E-Commerce) Rules, 2020, Gazette of India, pt. II sec. 3(i) (July 23, 2020).

²⁶⁰ Mehta, *supra* note 95, at 21.

²⁶¹ Chugh & Jain, *supra* note 97, at 22.

²⁶² Ayilyath, *supra* note 94, at 14.

²⁶³ Sharma & Sharma, *supra* note 98, at 24.

²⁶⁴ Dickinson, *supra* note 100, at 2506.

²⁶⁵ Leiser & Yang, *supra* note 101, at 528.

²⁶⁶ APEC, *supra* note 102, at 21

in India's burgeoning e-commerce sector.²⁶⁷ The analysis reveals that practices such as drip pricing, convenience fees, and other unregulated add-ons undermine core consumer rights, particularly the right to be informed and the implied right to fair trade practices, as enshrined in Section 2(9).²⁶⁸ Through a detailed exploration of CPA 2019's framework—encompassing Sections 2(47), 10, 18, and 49—the study underscores the Act's potential to curb unfair trade practices (UTP) via the Central Consumer Protection Authority (CCPA), yet identifies limitations in explicit regulation of digital deceptions.²⁶⁹ Judicial interpretations, from foundational cases like *CERC v. LIC* to recent rulings on service charges and e-commerce platforms, demonstrate a progressive broadening of UTP to include misleading pricing, but sparse precedents on hidden digital fees expose gaps ripe for evolution.²⁷⁰

The integration of dark patterns—such as basket sneaking, drip pricing, and forced action—further exacerbates these issues, as evidenced in Indian apps like Swiggy, Zomato, IRCTC, and BookMyShow, where concealed charges exploit cognitive biases and erode decisional autonomy.²⁷¹ While the CCPA's 2023 Dark Patterns Guidelines represent a commendable step, their strengths in identifying manipulative interfaces are offset by loopholes in enforcement and scope, as critiqued in secondary sources like the Internet Freedom Foundation report and OECD guidelines.²⁷² Comparative insights from the EU's Unfair Commercial Practices Directive, the USA's FTC crackdown on junk fees, and the UK's CMA-led prohibitions on drip pricing illustrate robust models of upfront transparency and severe penalties, which India could adapt to fortify its regime.²⁷³ Policy gaps, including statutory vagueness, weak enforcement, low awareness, and regulatory overlaps with IT Rules, Competition Law, and Contract Law,

²⁶⁷ Kiran R. Mehta, The Effectiveness of 2020 E-Commerce Rules in Protecting Consumer Rights, 3 *LAW & ECON.* 14, 22 (2024).

²⁶⁸ Consumer Protection Act, No. 35 of 2019, INDIA CODE (2019), § 2(9).

²⁶⁹ Manoranjan Ayilyath, Consumer Protection in E-Commerce Transactions in India – Need for Reforms, *SSRN ELECTRONIC J.* 1, 13 (2020).

²⁷⁰ *Consumer Educ. & Rsch. Ctr. v. Life Ins. Corp. of India*, (1995) 5 SCC 482 (India).

²⁷¹ Beni Chugh & Pranjal Jain, Unpacking Dark Patterns: Understanding Dark Patterns and Their Implications for Consumer Protection in the Digital Economy 1, 23 (2023).

²⁷² Sandeep Sharma J. & Ishita Sharma Dr., Dark Patterns in a Bright World: An Analysis of the Indian Consumer Legal Architecture, 11 *INT'L J. ON CONSUMER L. & PRAC.* 1, 25 (2023).

²⁷³ Mark Leiser & Wen-Ting Yang, Illuminating Manipulative Design: From 'Dark Patterns' to Information Asymmetry and the Repression of Free Choice under the Unfair Commercial Practices Directive, 34 *LOY. CONSUMER L. REV.* 484, 528 (2022).

perpetuate consumer harm, while recommendations advocate for explicit bans, enhanced disclosures, awareness campaigns, and inter-agency collaboration to bridge these voids.²⁷⁴

Reinforcing the need for legal clarity and strict enforcement is paramount in an era where digital transactions dominate daily life. Without precise amendments to CPA 2019—such as blacklisting drip pricing and mandating "all-in" pricing—platforms will continue to capitalize on information asymmetry, leading to economic losses and diminished trust.²⁷⁵ Strict enforcement through scaled penalties, proactive CCPA monitoring, and judicial innovation can deter violations, ensuring remedies are accessible and swift.²⁷⁶ Moreover, aligning Indian consumer protection with global standards, such as OECD's emphasis on transparent e-commerce and EU's proactive bans on manipulative designs, is crucial for a harmonized digital marketplace.²⁷⁷ As India's e-commerce market surges toward a projected \$350 billion by 2026, adopting these standards would not only safeguard vulnerable consumers—particularly in rural and low-literacy segments—but also foster ethical innovation, competitive fairness, and sustainable growth.²⁷⁸

In essence, while CPA 2019 marks a significant advancement, the persistence of hidden costs demands urgent reforms to uphold consumer sovereignty. By embracing legal precision, rigorous enforcement, and international best practices, India can transform its regulatory landscape, ensuring that digital commerce empowers rather than exploits its users.²⁷⁹ This alignment is not merely aspirational but essential to realizing a truly equitable digital economy.

²⁷⁴ Dilshad Shaik & Ms. V. Poojasree, Consumer Protection in E-Commerce: A Legal and Compliance Framework in the Digital Market, *ADVANCES SOC. SCI., EDUC. & HUMAN. RSCH.*, vol. 549, 18, 25 (2021).

²⁷⁵ Gregory M. Dickinson, The Patterns of Digital Deception, *2024 UTAH L. REV.* 2457, 2507 (2024).

²⁷⁶ APEC Comm. on Trade & Inv., *Misleading Pricing and Discounts: Best Practices and Policy Recommendations* 21 (2025).

²⁷⁷ Mehta, *supra* note 123, at 23.

²⁷⁸ Ayilyath, *supra* note 125, at 14.

²⁷⁹ Chugh & Jain, *supra* note 127, at 23.