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EVOLVING LEGAL INTERPRETATIONS OF INDIA'S COMPETITION ACT IN THE DIGITAL SPACE: A CRITICAL ANALYSIS IN SPECIAL REFERENCE TO INDIAN JUDICIAL SYSTEM

AUTHOR – ARGHA BANERJEE, RESEARCH SCHOLAR AT UNIVERSITY OF CALCUTTA

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Abstract

The Competition Act, 2002 was introduced to promote fair competition, safeguard consumer interests, and curb anti-competitive practices in India. It replaced the Monopolies and Restrictive Trade Practices Act, 1969 (MRTP Act), in response to the changing needs of a liberalized and globalized economy. This paper examines the background and evolution of the Act, with special focus on the Raghavan Committee's recommendations, which played a key role in shaping the legislation. The paper outlines the key objectives and core provisions of the Act, along with its enforcement structure, particularly the role of the Competition Commission of India (CCI). This paper investigates how recent CCI and judicial interpretations of the Competition Act, 2002 are shaping India's digital and platform economy. Focusing on landmark cases, especially the Google–Android TV settlement (April 2025) and the Zomato–Swiggy investigation (2024–25), it evaluates how enforcement actions on bundling, exclusivity, and predatory pricing apply legal tests under Sections 3 and 4 of the Act. By comparing these developments to U.S. and EU precedents, the paper highlights India's evolving stance on market leverage and two-sided platforms, while examining interpretive challenges like market definition, economic complexity, and procedural delays. This paper concludes with recommendations to enhance the Act's interpretive clarity and to improve the CCI's agility in regulating India's digital economy.

Keywords: *App-bundling, Abuse of dominance, Digital Economy.*

1. Introduction

I. Basic Overview

The Competition Act, 2002 is an important law in India that helps make sure businesses compete fairly in the market. It stops companies from doing unfair things like forming cartels, abusing their power, or controlling prices in a way that harms consumers. This law replaced the older MRTP Act, and it now focuses more on promoting healthy competition rather than just controlling monopolies.

For this law to work properly, it needs to be interpreted and applied carefully. Judges, lawyers, and legal researchers play a key role in understanding what the law means and how it should be used in different situations. The courts, especially the Supreme Court and High Courts, have explained many parts of the Act through their decisions. Bodies like the Competition Commission of India (CCI) and NCLAT also help by giving expert rulings on business practices and competition issues.

In today's world, especially with the rise of digital platforms and large tech companies, there are many new challenges in ensuring fair competition. That's why it's more important than ever to have good legal research and clear interpretation of laws. This helps protect both businesses and consumers, and ensures that the economy grows in a fair and balanced way.

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II. Historical Development of Competition Act

The history of competition law in India began with the **Monopolies and Restrictive Trade Practices (MRTP) Act, 1969**, which was introduced to prevent the concentration of economic power and to stop unfair trade practices. At that time, India had a controlled economy, and the law mainly focused on limiting monopolies rather than promoting competition.

However, after the **Economic Reforms of 1991**, India opened up its markets to private and foreign players. This exposed the shortcomings of the MRTP Act, as it was not suited to handle the complexities of a liberalized and global economy.

To address these issues, the **Raghavan Committee** was formed in 1999, which recommended a new, modern law focusing on promoting fair competition. As a result, the **Competition Act** was passed in 2002, replacing the old MRTP Act. The new Act aimed to prevent anti-competitive agreements, control abuse of market dominance, and regulate mergers and acquisitions that could harm market fairness.

In 2003, the **Competition Commission of India (CCI)** was set up to implement the Act. Initially, CCI had limited powers due to legal challenges, but amendments in 2007 gave it full authority to investigate and take action against unfair business practices.

Later, in 2017, the **National Company Law Appellate Tribunal (NCLAT)** became the authority to hear appeals against CCI decisions. With the rise of big digital companies and changing market structures, further changes were made in 2023 through an Amendment Act, introducing rules for faster investigation, new ways to settle cases, and better control over digital market practices.

Recently, **Digital Competition Bill, 2024** was proposed in March,2024. The bill is basically based on ex-ante framework (preventive measures to address issues before they occur), seeks to further regulate large digital enterprises, including news aggregators, as part of efforts to ensure a level-playing field and fair competition in the digital space.

Overall, the Competition Act has evolved over time to suit the needs of a fast-changing economy and to ensure fair competition in both traditional and digital markets.

Summary Table: Key Milestones

Year	Event	Significance
1969	MRTP Act passed	First law to control monopolies and unfair trade
1991	Economic reforms	Need for modern competition law
1999	Raghavan Committee	Recommended a new law
2002	Competition Act passed	Shifted focus to promoting competition
2003	CCI established	Enforcement authority created
2007	Amendment to give powers to CCI	CCI became fully functional
2017	NCLAT took over appeals	Appeals now handled by NCLAT
2023 2024	New Amendment Act Digital Competition Bill	Addressed digital markets and new challenges Regulate large digital enterprises and foster a more competitive digital market

III. Statement of Problem

Despite important reforms brought by the Competition Act, 2002, and further strengthened by the 2023 amendments, India still faces significant challenges in applying competition law effectively to the digital and data-driven economy. The rise of large tech platforms has created legal grey areas that current frameworks struggle to address.

One of the biggest issues is the difficulty in defining dominance in platform-based markets. Traditional indicators like market share are not enough to assess power in digital ecosystems, where network effects, control over user data, and interlinked services define market influence. Courts and the Competition Commission of India (CCI) often find it challenging to define the 'relevant market' in cases involving multi-sided platforms such as app stores, search engines, or e-commerce websites.

Another major concern is the lack of clarity around bundling practices. Many digital companies offer bundled services, for example, app suites or pre-installed features, that make it hard for users to switch to competitors. While this could potentially harm competition, Indian law under Sections 3 and 4 of the Competition Act does not yet provide a clear legal test or standard to decide when bundling becomes anti-competitive.

A further challenge lies in the role of data as a source of market power. Today, digital companies gain significant influence simply by collecting and controlling large volumes of user data. However, the Competition Act still lacks a strong legal framework to assess data-driven dominance, especially in the context of abuse-of-dominance cases.

Moreover, India's approach to enforcement remains largely ex-post, i.e. it addresses violations after they occur, often resulting in delayed or ineffective remedies. While the proposed Digital Competition Bill recommends an ex-ante approach, which would allow authorities to prevent harm before it happens, the actual scope, authority, and enforceability of such preventive measures are still being debated.

Additionally, the CCI faces institutional and technical limitations. It often lacks the required manpower and specialized expertise in economics, data science, and technology. Investigations involving algorithms, bundled pricing, or digital market manipulation demand highly technical understanding and quicker turnaround, something that current CCI capacity struggles to deliver.

Finally, the absence of coordinated regulation between agencies is another serious concern. Digital competition issues frequently overlap with areas like privacy (handled by data protection authorities), consumer protection, telecom regulation, and intellectual property law. Without a structured system of inter-agency cooperation, enforcement becomes fragmented, inconsistent, and slow, leaving significant regulatory blind spots.

In conclusion, while India has made progress in modernizing its competition law, much work remains to be done, especially to adapt legal interpretations and enforcement mechanisms for the rapidly evolving digital economy.

IV. Literature Review

Recent scholarship and rulings under India's Competition Act, 2002 reflect a marked shift toward addressing digital market dominance through an evolving interpretive framework.[1780] Foundational works by Sundararaman & Desai (2018) and Chahal (2023) underscore how traditional market metrics struggle to grapple with network effects, bundled services, and data as sources of power in platform economies[1781]. This theoretical groundwork gained momentum in legal practice with Uber-style scrutiny in Umar Javeed v. Google (2019–22), where mandatory pre-installation of Google Mobile Services and compatibility commitments were deemed abuses of dominance. The trend continued in 2025 when the CCI's settlement with Google over

[1780] T. Raychaudhuri, Abuse of Dominance in Digital Platforms: An Analysis of Indian Competition Jurisprudence, Competition Comm'n India J. Competition L. & Pol'y 1 (2020), https://doi.org/10.54425/ccijoclp.v1.5.

[1781] A. Pandey, Digital Platforms, Competition Law and Consumer Protection in the Tech Economy, Legal Rsch. & Analysis no. 1 (2025), https://doi.org/10.69971/ef8ya926.

Android TV enforcement introduced standalone licensing under behavioral remedies, confronting bundling in new ways. Simultaneously, the CCI's probes into Zomato and Swiggy (2024–25) have spotlighted exclusivity contracts, price parity clauses, and algorithmic leverage as anti-competitive tools in multi-sided digital markets. These case studies, framed by emerging ex-ante regulation proposals like India's Digital Competition Bill and benchmarks like the EU's Digital Markets Act, signal an active recalibration of India's competition law, yet they expose persistent gaps in enforcement capacity, economic expertise, and durable structural reform.

V. Research Objectives

This research aims:

i. To clarify the recent case laws, such as the Google–Android TV bundling settlement and the Zomato–Swiggy exclusivity probe, are interpreted under Sections 3 and 4.
ii. To identify the conceptual and procedural gaps in current legal frameworks.
iii. To compare the legal frameworks with international perspective.
iv. To propose evidence-based reforms to enhance interpretive clarity, strengthen the CCI's institutional capacity, and expedite enforcement in India's evolving digital economy.

VI. Research Questions

R.Q.1. How have recent case laws, such as the Google–Android TV bundling case and the Zomato–Swiggy exclusivity probe, been interpreted under Sections 3 and 4 of the Competition Act, 2002?

R.Q.2. What are the key conceptual and procedural gaps in India's current competition law framework, especially in the context of digital platforms and data-driven markets?

R.Q.3. How does India's competition law framework compare with international legal standards?

R.Q.4. What evidence-based legal and policy reforms can improve interpretive consistency, build CCI's institutional expertise, and enable more effective enforcement in the digital economy?

VII. Research Methodology

This research will follow Doctrinal Research approach, primarily focused on the critical analysis of statutory provisions and their judicial interpretation, especially in the context of digital markets. In addition to doctrinal analysis, the research incorporates comparative legal methods, drawing from international competition frameworks.

2. Legislative Intent and Interpretation towards India's Digital Competition Bill

The Competition Act, 2002 was created to make sure that businesses in India compete fairly, without using unfair or harmful practices. Before this law, India followed the MRTP Act, which focused mainly on preventing monopolies. But after India opened its economy in 1991, that older law was no longer enough. The government needed a new law that could help manage a growing and competitive economy, where both Indian and foreign companies can do business freely.

The main purpose or intent of the Competition Act was to stop unfair business practices, protect consumer rights, and allow businesses of all sizes to grow without fear of being crushed by bigger companies. The law was also designed to support innovation, ensure reasonable prices, and keep market access open to all. The Competition Commission of India (CCI) was set up under this Act as the main body to check if companies are following the rules. The idea was not just to punish bad behavior but also to promote awareness about fair competition and keep the market healthy.

Over time, however, the business world changed. New digital platforms like Amazon, Google, and app stores became powerful. They don't work like traditional businesses. Their strength comes from user data, free services, and how many people use them, not just how much they sell. While the 2023 changes to the law tried to improve it, the original purpose of the law i.e., to keep markets fair, now needs to be applied in a new way for the digital age. However, just reading the words of the law is often not enough to apply it in real situations. That is why legislative interpretation becomes important. It means understanding what the law actually intends to do and how its words should be applied in modern markets, especially as markets change over time.

The purpose of interpreting competition law is to ensure that it serves its original goals i.e., promoting fair competition, stopping anti-competitive behavior, protecting consumer interests, and encouraging innovation. Laws cannot list every possible situation that might happen in the future, so the courts and the Competition Commission of India (CCI) must interpret the law in ways that match its purpose, especially when facing new and complex business practices.

Section 3 of the Competition Act bans agreements between companies that hurt competition in the market. These agreements can be between companies at the same level which is called horizontal agreements, like two companies fixing prices or different levels which is called vertical agreements, like a manufacturer and a distributor making an unfair deal. Horizontal agreements, u/s 3(3), are considered harmful from the start. For example, if companies agree to fix prices or divide the market, it is assumed they are doing something wrong unless they prove otherwise. On the other hand, vertical agreements u/s 3(4)) are judged by checking whether they really harm the market. This is known as the "rule of reason".

Section 4 talks about companies that have a lot of control in the market. It doesn't say being big is wrong, but using that power in the wrong way is. This is called "abuse of dominance". Some common forms of abuse are charging unfair prices, limiting production, forcing buyers to accept tough conditions, or not letting other businesses enter the market. The CCI checks how much control a company has using things like market share, size, money power, and how easy it is for others to enter the market.

One common method of interpretation in competition law is the effect-based approach. This means the authorities do not just focus on what a company is doing, but instead look at how the company's behavior actually affects competition. For example, if a large company lowers prices, this may seem good for consumers. But if the price is so low that other smaller businesses are driven out of the market which is called predatory pricing. It is described u/s 4(2)(a)(ii) of the Competition Act. It could be harmful in the long run. Interpretation here helps the CCI decide when a practice crosses the line from fair to unfair.

Another key part of interpreting the law is defining the relevant market which is described u/s 2(r) of the Competition Act. Before the CCI can decide if a company is dominant or breaking the law, it has to decide what market the company is in. For example, 'online food delivery in urban India' or 'digital payments in the e-commerce sector.' This helps in judging whether a company truly has too much power and whether that power is being abused. This interpretation is especially tricky in digital markets where companies operate across multiple sectors at once.

The law also needs to be interpreted when dealing with bundling and tying practices. For example, when a company provides its product only if the consumer agrees to take another product too (like pre-installed apps). The law u/s 3 and 4 covers anti-competitive agreements and abuse of dominance. But it does not clearly define when bundling becomes illegal. This leaves it to the CCI to decide through case-by-case interpretation when bundling harms competition and when it simply offers convenience to users.

The law is also interpreted through the lens of merger control in u/s 5 and 6. Legislature introduced mandatory merger notification, balancing the need for regulatory oversight with ease of doing business. When two big companies combine, the CCI must interpret whether this 'combination' will reduce competition, create a monopoly, or hurt consumer choices. This involves looking at things like market size, barriers to entry, and possible future impacts. Interpretation here is based on both economic analysis and the original intent of the law to keep markets open and competitive.

One of the newest challenges in interpretation comes from the role of data. In today's world, companies gain huge advantages by collecting and controlling user data. This gives them the power to predict consumer behavior, target ads more effectively, and shut out smaller competitors. However, the current law does not clearly treat data as a form of market power, so the CCI must interpret existing rules in creative ways to deal with data-based dominance, even though the law doesn't yet directly mention data.

One limitation of how the law is currently interpreted is that it mostly works in a reactive way which means that authorities take action only after harm has already occurred. In fast-moving digital markets, this can be too late. By the time a harmful practice is investigated, the damage may already be done. This is why legal experts now recommend an ex-ante (preventive) approach, which would allow authorities to stop harmful practices before they take effect. However, this shift requires a broader interpretation of the law, which is still being discussed in policy circles.

Another difficulty is that interpreting competition law in the digital age requires technical knowledge about algorithms, artificial intelligence, platform economics, and more. The CCI often lacks enough experts in these areas. This can slow down investigations and weaken enforcement, especially when big tech companies are involved. Strong interpretation needs both legal insight and technical understanding, which is still growing within Indian regulatory bodies.

Lastly, the interpretation of competition law is affected by the lack of coordination with other regulators. Digital business practices often involve overlapping issues like data privacy, telecom rules, consumer rights, and intellectual property. These are handled by different regulators. But without a system of joint interpretation or cooperation, actions taken by the CCI may conflict with or miss issues under other laws. Better cooperation would help create a more complete and consistent interpretation of what fair competition means in today's complex market.

The Digital Competition Bill,2024 is a proactive legislative response aimed at addressing the unique challenges posed by the rapidly evolving digital economy. Unlike the traditional competition law enforcement which is primarily ex-post and case specific, this bill introduces an ex-ante regulatory framework. Its core legislative objective is to pre-emptively curb market distortions, gatekeeping behaviors and self-preferencing by dominant digital platforms. The Bill takes inspiration from global developments such as the EU's Digital Markets Act, but is tailored to Indian context imposing platform specific obligations to the digital platforms.

In conclusion, legislative interpretation of competition law means applying the law in a way that protects competition, supports fair business practices, and adapts to changing markets. In the digital age, where companies gain power through data, platforms, and user networks, old legal definitions are not always enough. The Competition Act must be interpreted in a dynamic and flexible way so that it stays relevant and effective. Courts and the CCI must focus on the true purpose of the law i.e., protecting consumers and the market, even as new business models and technologies emerge.

3. Judicial Insights and Interpretations: Building India's Digital Competition Law

The Indian judiciary plays an important role in making sure that the Competition Act, 2002 is understood and used properly. While the Competition Commission of India (CCI) is the main body that enforces the law, the courts, especially the High Courts and the Supreme Court of India help by interpreting what the law really means. They ensure that the law is applied fairly and according to the Constitution.

The **Umar Javeed v. Google**[1782] case is one of the most important competition law cases in India. It was filed before the Competition Commission of India (CCI) in 2018. The case looked at how Google was using its control over the Android mobile operating system to promote its own apps and services unfairly. The case was brought by two individuals, including Umar Javeed, who claimed that Google was misusing its dominant position in the market, which is not allowed under the Competition Act, 2002.

Under the Competition Act, a company cannot abuse its dominant position in the market. The law, especially Section 4, says that, A company should not put unfair conditions on other businesses, it should not use its power to block competition or control the market unfairly, and it should not force agreements that harm consumer or business freedom.

In this case, the CCI had to decide whether Google was using Android, which powers about 95% of Indian smartphones to promote its own apps unfairly and stop other companies from competing.

After a detailed investigation, the CCI found Google guilty of abusing its dominant position. It said that Google was forcing phone makers to pre-install a bundle of its apps in exchange for giving them access to the Google Play Store, not allowing these manufacturers to use other versions of Android (called 'forks') that didn't include Google's services, and using revenue-sharing deals to make sure only Google Search was promoted.

The CCI said that all of this gave Google an unfair advantage over other app developers and search engines. The CCI imposed a huge penalty of ₹1,337.76 crores (₹13.3 billion) on Google for its anti-competitive practices. It also gave strict instructions to Google, including the followings:

- It must not force phone companies to pre-install Google apps.
- It must allow users to choose their default apps, like browser and search engine.
- It must let companies develop and sell modified versions of Android without restrictions.
- It must allow third-party app stores to work freely on Android phones.

The Digital Competition Bill supports this kind of action. It introduces the idea of Systemically Significant Digital Enterprises (SSDEs) which are large digital companies, like Google, that provide core digital services and are deemed to have a significant presence and financial strength in the country. These enterprises are subject to specific regulations designed to prevent anti-competitive practices. If the new Bill becomes law, Google would be required to not force bundling, allow app choice, and not limit alternate Android versions, exactly what the CCI ordered in the Umar Javeed case, but this time it would be automatic and preventive, not reactive.

In **re: Kshitiz Arya and Anr. vs. Google LLC and Ors.**[1783] case, the Competition Commission of India (CCI) began an investigation into Google after it received complaints about how the company was controlling the Android TV platform. Android TV is the software used by many smart TVs in India. The complaint said that Google was using its powerful position to force TV companies to follow unfair rules if they wanted to use Android TV.

One of the main issues was that Google required TV makers to pre-install its own apps, like the Google Play Store, YouTube, and other Google services, in order to use Android TV. Also, Google

[1782] Umar Javeed, Sukarma Thapar & Aaqib Javeed v. Google LLC & Ors., Case No. 39 of 2018, Competition Comm'n of India (2022).

[1783] Kshitiz Arya & Anr. v. Google LLC & Ors., Case No. 19 of 2020, Competition Comm'n of India (2025).

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made these companies sign contracts that stopped them from using or making their own versions of Android which is called 'forked versions' on other devices. This meant that companies had very little freedom and couldn't try new ideas or work with other app stores.

This behavior raised two big concerns under Indian law. First, under Section 3 of the Competition Act, it could be seen as anti-competitive agreements where Google made unfair deals. Second, under Section 4, it might be an abuse of dominant position, because Google was so powerful that it could force others to do what it wanted.

In 2025, Google and CCI reached a settlement. A new method introduced in the law in 2023. This was also CCI's first-ever settlement order under Section 48A(3). Google agreed to pay a fine of ₹20.24 crore (about $2.37 million) and said it would change its behavior. The company promised to offer its apps (like Play Store and YouTube) separately, so TV makers wouldn't be forced to take all of them together. Google also said it would no longer stop TV makers from using or making other Android versions.

This case connects directly to the Digital Competition Bill, which encourages faster resolution of digital cases and focuses on changing behavior rather than just giving fines. The Bill includes powers for regulators to prevent self-preferencing, ensure fair access to app stores, and let TV and mobile makers choose what software they want to use. If the new digital rules were already in place, Google would have been stopped from doing these things in the beginning.

This decision is also part of a global trend. In other countries like the European Union and South Korea, Google has faced similar cases for its Android platform. The Indian decision adds to this movement, where governments are making sure that technology companies don't misuse their power over smaller businesses or consumers.

In 2021, the National Restaurant Association of India (NRAI) filed a complaint with the Competition Commission of India (CCI) against food delivery companies **Zomato and Swiggy**[1784]. The NRAI, which represents many restaurants, said that these platforms were using their power unfairly and making it hard for small restaurants to survive. The complaint said that Zomato and Swiggy charged very high commissions from restaurants, sometimes up to 30% which made it difficult for restaurants to earn profits. The NRAI also claimed that these platforms forced restaurants to give discounts and promoted their own cloud kitchens more than regular restaurants listed on their platforms. Another big issue was data masking, where Zomato and Swiggy did not share customer data with the restaurants, making it hard for restaurants to understand and improve their service.

Under the Competition Act, 2002, the complaint focused on two major legal points. First, Section 3, which stops companies from making deals that reduce competition. The NRAI believed that the platforms had made special deals with certain restaurants, which was unfair to others. Second, Section 4, which says that companies with a lot of power in the market should not misuse it. The NRAI said that Zomato and Swiggy were doing exactly that by using their dominant position to control the food delivery market.

In 2022, the CCI asked its investigation team to look into the matter more deeply. Many people thought this was a big win for restaurants. However, in April 2025, the CCI gave its final decision and dismissed the case. The CCI said that there was not enough evidence to prove that Zomato or Swiggy had broken the law.

According to the CCI, the commissions and delivery charges were a part of normal business and were not shown to be unfair. It also said that the restaurants were not forced to join only

[1784] National Restaurant Association of India v. Zomato Ltd. & Bundl Technologies Pvt. Ltd., Case No. 16 of 2021, Competition Comm'n of India (Apr. 4, 2022), https://www.cci.gov.in/antitrust/orders/details/6/0.

Zomato or Swiggy. The CCI did not find strong proof that these platforms promoted their own cloud kitchens more than others in an unfair way.

The Zomato–Swiggy case was important because it was one of the first big antitrust cases involving digital platforms in India. This case clearly shows why the Digital Competition Bill is needed. Under the new Bill, platforms like Zomato and Swiggy could be classified as SSDEs and would have to follow fair business conduct rules. This includes not favoring their own products, sharing useful business data fairly, and not imposing unfair terms on small businesses. The current Competition Act requires long investigations and proof of harm, but the Digital Bill would bring pre-set rules that such platforms must follow from the start.

These cases together highlight a common issue, i.e., big digital platforms controlling access, visibility, and data in ways that harm competition. Whether it's Google controlling Android and Android TV, or Zomato and Swiggy controlling food delivery access, the underlying problem is the power imbalance between large digital gatekeepers and smaller businesses.

The Digital Competition Bill is designed to address this modern challenge. It takes inspiration from similar laws in the European Union (Digital Markets Act) and is India's step toward regulating digital platforms more effectively and proactively. It focuses on stopping harm before it happens, rather than only acting after complaints are made.

4. Comparative Analysis of India's Digital Competition Bill with EU's Digital Markets Act

The **Digital Markets Act (DMA)** is a regulation introduced by the European Union to create a fairer and more competitive digital economy. It officially came into force on 1 November 2022, but most of its rules started applying from 2 May 2023. The DMA is designed to prevent the biggest digital companies from abusing their power and to open up digital markets for smaller businesses and new players.

The law focuses on very large tech firms known as 'gatekeepers.' These companies have a strong and long-lasting presence in the digital world and often control access to important services such as search engines, app stores, social networks, or advertising platforms. To be considered a gatekeeper, a company must meet certain criteria, such as having tens of millions of active users and generating billions of euros in revenue. In September 2023, the EU officially identified six gatekeeper companies: Alphabet (Google), Amazon, Apple, ByteDance (TikTok), Meta (Facebook, Instagram, WhatsApp), and Microsoft, with a total of 22 services listed under regulation.

These gatekeepers were given a deadline of 6 March 2024 to follow all the new rules under the DMA. The law sets strict requirements to prevent unfair practices. One of the key rules is that companies cannot combine personal data collected from different services without a user's clear permission, such as Facebook merging data with WhatsApp. It also protects business users like advertisers and publishers by ensuring fair access to platform tools and data.

Another major rule is the ban on self-preferencing, which stops companies from giving their own services priority over competitors. For instance, Google can no longer automatically place its own services at the top of search results. The DMA also addresses pre-installed software by requiring that users be allowed to remove default apps from their devices. It prevents gatekeepers from bundling services unfairly, such as forcing users to use one product in order to access another.

The law also promotes interoperability and data portability. This means users should be able to switch between services more easily and take their data with them. Businesses are also supposed to gain better access to data they generate on these platforms, which helps them improve services and compete fairly.

If a gatekeeper breaks the rules, the European Commission can take strong action. Companies can face fines of up to 10% of their global annual revenue, and the fine can go up to 20% if violations continue. In extreme cases, the EU could force companies to change how they operate or even break up parts of their business.

The overall goal of the DMA is to regulate the behavior of "Big Tech" firms in a way that creates a 'level playing field' for all businesses in the European digital market. The EU wants to stop markets from being dominated by a few companies where, typically, the winner takes all. The DMA makes room for fair competition, innovation, and user freedom, which are often blocked by the gatekeepers' control.

The DMA focuses on eight major service areas, known as Core Platform Services (CPS). These are: (1) online search engines like Google Search, (2) app stores such as Google Play and Apple's App Store, (3) social networks like Facebook, (4) video-sharing platforms such as YouTube, (5) messaging and communication platforms like WhatsApp and Gmail, (6) digital advertising services like Google Ads, (7) operating systems like Android and iOS, and (8) cloud computing services like Amazon Web Services. These services are considered essential because many businesses and consumers rely on them every day.

Interestingly, the first signs of the DMA's effect appeared soon after it was implemented. In April 2024, Reuters reported that smaller web browsers experienced a noticeable increase in user numbers. For example, Aloha Browser, based in Cyprus, saw a 250% growth in EU users in just one month. Other independent browsers, such as Vivaldi (Norway), Ecosia (Germany), and Brave (U.S.), also saw user growth, suggesting that people are beginning to explore more alternatives now that the big players are required to give them more choice.

On the other hand, India's **Digital Competition Bill, 2024** is a new law designed to regulate big tech companies and ensure fair competition in the digital market. As India's digital economy grows rapidly, the government wants to make sure that powerful digital companies, such as large online marketplaces, app stores, and social media platforms do not misuse their influence to block smaller businesses or harm consumers. This Bill is based on recommendations from a government committee and is modelled on similar laws in places like the European Union.

The Bill introduces a new category of companies called Systemically Significant Digital Enterprises (SSDEs**)**. These are large digital firms that have a strong hold over the market, a huge user base, and control over how other businesses reach customers online. If a company is identified as an SSDE, it will have to follow special rules and restrictions so that it doesn't use its dominance unfairly.

Some of the unfair practices that the law wants to prevent include:

- Giving preference to their own products or services over those of others (called *self-preferencing*).
- Stopping businesses from directing users to their own websites or apps (called *anti-steering*).
- Forcing people to use a set of products together, even when they don't want to (*tying and bundling*).
- Using private business data from one user to compete against them unfairly.

To make sure these companies follow the rules, the Competition Commission of India (CCI) will have more power. SSDEs will need to regularly submit compliance reports. If they break the rules, they can be fined heavily i.e., up to 10% of their global turnover. The CCI can also investigate companies, collect evidence, and even order changes to how a company operates.

Another important part of the Bill is that it promotes data portability and service interoperability. This means consumers should be able to move their data from one service to another easily, and different digital services should work well together. This helps new or smaller companies compete with big ones and gives users more freedom.

As of now (mid-2025), the Digital Competition Bill is still under public consultation. The government is collecting feedback from companies, civil society groups, and the public. It is expected to be introduced in Parliament later in 2025. If passed, it will be one of the most significant steps India has taken to regulate the digital economy and ensure fair competition.

From the above discussion, we can compare the European Union's Digital Markets Act with India's Digital Competition Bill by the following ways:

Feature	**EU's Digital Markets Act (DMA)**	**India's Digital Competition Bill (DCB)**
Type	Regulation (binding law)	Draft bill (not yet passed)
Target Entities	Gatekeepers	SSDEs (Systemically Significant Digital Enterprises)
Enforcement Agency	European Commission	Competition Commission of India (CCI)

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Feature	EU's Digital Markets Act (DMA)	India's Digital Competition Bill (DCB)
Approach	Ex-ante (prevention-based)	Ex-ante with existing ex-post CCI framework
Speed of Enforcement	Faster appeals (EU courts)	Delayed due to NCLAT/Supreme Court process
Market Maturity	Mature digital markets	Still growing; over-regulation risk exists
Transparency and Evidence Base	Strong EU-level studies, market analysis	Lacks Indian market-specific concentration data
Early Impact	Already shifting user behavior	Yet to be tested

5. Suggestions

To improve India's Digital Competition Bill, 2024, some of the suggestions has been explained below which may help to make the bill fairer, clearer, and more effective. These suggestions may protect smaller businesses and consumers while still allowing India's digital economy to grow and innovate:

- **Clearly Explained about SSDE**

Right now, the Bill talks about 'Systemically Significant Digital Enterprises' or SSDEs, but it's not very clear which companies will fall under this label. The government should provide clear rules, like how many users, how much money a company makes, or how much control it has over the market. This will help companies know whether the law applies to them.

- **Support Startups with a Special Exemption**

If the rules are too strict, small companies might be afraid to grow. To help startups, the government can create a special system called a "sandbox," where new or small companies are given more flexibility until they reach a certain size. This way, innovation is protected while keeping big players in check.

- **Make Data Portability Easy**

The Bill says companies should let users move their data to other platforms. That's a good idea, but it needs to be practical. Companies should be required to offer simple tools that help people download or transfer their data easily and safely.

- **Include Different Voices in Decision-Making**

The law will be enforced by the Competition Commission of India (CCI), but it would help to include more people in the discussion. A special group with members from the tech industry, universities, small businesses, and consumer groups can be created to guide the CCI. This will make decisions fair and better-informed.

- **Make Complaint Handling Faster and Easier**

Small businesses might not have the time or money to fight big companies in court. The government should set up a simple and fast online complaint system where businesses and users can report unfair practices without much hassle.

- **Match Global Standards**

Many Indian tech companies operate worldwide. To make things easier, India's rules should be similar to laws in other places like Europe. This will help businesses follow the same set of rules globally and avoid confusion.

- **Let Industries Create Their Own Guidelines**

Instead of the government creating strict rules for every situation, industries like e-commerce, app stores, or food delivery can make their own guidelines with the help of the CCI. If they follow these well, they should be recognized and rewarded.

- **Review the Law Regularly**

Technology changes fast, so the rules must be updated from time to time. The government should check how the law is working every two years and make improvements based on feedback from users and businesses.

- **Educate Small Businesses**

Most small businesses don't know how competition laws work. The government should launch a nationwide awareness campaign to help small firms and startups understand their rights and how to deal with unfair treatment by big platforms.

- **Give Companies a Fair Chance to Defend Themselves**

If a company is accused of breaking the rules, it should be given a fair chance to explain its side. There should be clear timelines for investigations, the right to

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appeal, and third-party reviews before any big fines or actions are taken.

6. Conclusions

India's Digital Competition Bill, 2024 is a very important step toward making sure that the country's digital economy remains fair, open, and competitive. Today, big technology companies hold a lot of power over how people buy, sell, and access information online. While these companies have helped make digital services faster and more convenient, they can also misuse their position to hurt smaller businesses and limit consumer choices. This Bill is designed to stop that from happening.

One of the main ideas of the Bill is to keep a close watch on large tech platforms, called Systemically Significant Digital Enterprises (SSDEs). These are companies that have a strong hold over digital markets and can affect how other businesses operate. By setting rules for these companies before they do something unfair which is called ex-ante regulation, the government wants to prevent problems instead of fixing them later.

The Bill also supports ideas like data portability (so people can move their data to another platform), fair competition (so smaller players get a chance), and strong enforcement (so powerful companies can be punished if they break the rules). It gives more power to the Competition Commission of India (CCI) to make sure the law is followed properly.

At the same time, the Bill tries to balance fairness with support for innovation. Startups and small businesses are a big part of India's digital success, and it's important they are not held back by too many rules. The law includes steps like public consultations and regular reviews to make sure it stays up to date with fast-changing technology.

The Digital Competition Bill, 2024 is a forward-looking law. If implemented well, it can make the Indian digital space more inclusive, safer, and fairer for everyone like consumers, startups, and even responsible big companies. It shows that India is ready to lead the way in building a digital economy that supports both growth and justice.