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COMPETITION LAW CHALLENGES IN DIGITAL MARKETS: IS INDIA READY TO REGULATE BIG TECH?

~AFNAN MUNAF QURESHI

INTRODUCTION

The digital economy has become an integral part of our everyday lifestyle, from searching information on Google and shopping on Amazon to communicating through meta-owned platforms and downloading application from Apple's store, digital platforms have transformed the way consumers and businesses interact. Digital intermediaries have become indispensable to modern life. A handful of companies commonly referred as "Big Tech" now occupy a central position in digital ecosystem.

India, one of the world's fastest growing economies, is increasingly facing the challenge of balancing innovation with fair competition. Traditionally competition law was designed to address anti-competitive agreements/mergers in conventional market and abuse of dominant position, however the emergence of digital platforms has challenged these traditional principles. In digital markets, network effects, vast amounts of user data and platform ecosystem often give handful of companies the ability to dominate the market and influence competition. This raises an important question: **Is India's existing Competition Law framework sufficient to regulate Big Tech companies, or does the country require a specialized regulatory approach?**

WHY ARE DIGITAL MARKET DIFFERENT

Traditionally competition law assessed through factors such as price, production capacity and market share. Digital market, however, operates differently.

One of the key challenges of digital market is **network effects**[1], where a platform becomes more valuable as user base increases. For example, a new message app offers better features than WhatsApp, consumers may hesitate to switch because their friends, family and professional contact already using WhatsApp. This gives established platform a competitive advantage and creates barrier to entry for a new competitor.

Another most debated challenge is **self-preferencing**. When an online market platform acts as an intermediary for competitors but also give preference to its own products and services. Such practices may distort competition and reduce consumer choice.

Furthermore, **data**[2] has become a crucial asset in the digital market. This collective data improve services and develop advance technology such as artificial intelligence. While this data benefits large companies, excessive concentration of data creates competition advantage,

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[1] Cabral, L. (2021) *The EU Digital Markets Act A Report from a Panel of Economic Experts*. rep. European Union, pp. 12–14.

[2] Committee on Digital Competition Law (CDCL) (2024) *REPORT OF THE COMMITTEE ON DIGITAL COMPETITION LAW*. rep. Ministry of Corporate Affairs (MCA), p. 39.

smaller firms cannot easily replicate. Therefore, data dominance hinder market power that competition authorities must address.

INDIA'S RESPONSE TO DIGITAL MARKET CHALLENGES

In resent years, India's Competition Commission of India has witnessed major digital platform investigations. Several investigations examined allegations related to app store policies, digital advertising practices and mobile operating systems.

One of the significant investigations of CCI into googles practices in the android and digital advertising sector. The commission examined that Google Android TV case demonstrates rapidly evolving digital market concerns through fixable enforcement mechanisms. The regulatory expressed concerns that Google's control over multiple digital services could potentially disadvantage competitors and restrict market access for rival businesses. [3]

The CCI has also investigated Apple app store policies and restriction on alternative payment system. It highlights the concern that platform-imposed restriction may hinder fair competition among app developers. [4]

Meta WhatsApp privacy policy also comes under CCI scrutiny over data sharing practices. The investigation examined that sharing practices between WhatsApp and other meta-owned entities could strengthen market dominance and adversely affect competition. [5]

This investigation indicates that market power in digital market is no longer measured solely through pricing practices. Control over data, digital infrastructure, and platform access has become equally important this demonstrate that existing legal framework is capable of addressing anti-competitive conduct to some extent.

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[3] Arya v., K. (2025) CCI approves Google's ₹20.24 crore settlement in Android TV anti-competitive practices case | SCC Times, Google LLC.

[4] Kalra, A. (2026) Apple accuses India of 'copy-pasting' rivals' claims in antitrust investigation, Reuters.

[5] Kumar, S. (2025) 'Meta challenges Rs 213 crore CCI penalty at NCLAT, calls order legally flawed and beyond competition law scope', The Economic Times News, 12 September.

IS THE COMPETITION ACT, 2002 ENOUGH?

The Competition Act, 2002 provide a robust framework to address anti-competitive agreements, abuse of dominant position and anti-competitive combinations. However traditional competition law was not originally designed to tackle present digital market challenges. [6]

A major limitation is that the Act primarily follows an **ex-post** approach, meaning innervation occurs only after anti-competitive conduct has taken place. In the fast-evolving digital market, by the time an investigation is completed, a new startup may have exited the market. This practice continues, potentially causing irreversible damage to competition and innovation.

Addressing this concern, the government of India establishment the Committee on Digital Competition Law (CDCL), which recommended an **ex-ante** framework for major digital platform. It imposes obligations on digital gatekeepers before anti-competitive harm occurs.[7]

The idea behind this approach is straightforward: In rapidly evolving digital market, preventing problem before they arise may protect competition more effectively than trying to fix them after the harm has already occurred.

LEARNING FROM INTERNATIONAL DEVELOPMENTS

Indias response to digital market challenges is part of broader global trend. The European Union’s Digital Market Act (DMA), which impose obligations on designated “Gatekeeper” platform to prevent unfair business practices and ensure competitive market. Also specialized regulatory regime for firms possessing significant digital market status has interduce by the United Kingdom. These developments indicate a global shift toward proactive regulation of digital platforms.[8]

The Indian digital ecosystem differs significantly from those of Europe and North America. While international platform offers useful lessons, Inda must be cautious in adopting foreign model. India’s regulatory framework must adopt its unique digital ecosystem, growing startup sector, and developmental priorities.

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[6] (2026) Competition Commission of India, Government of India.

[7] Committee on Digital Competition Law (CDCL) (2024) REPORT OF THE COMMITTEE ON DIGITAL COMPETITION LAW. rep. Ministry of Corporate Affairs (MCA).

[8] Digital Markets Act (2022) European Commission.

Therefore, while international experiences provide valuable guidance, a balance approach tailored to domestic market realities with global practice will be essential for effective digital market regulation.

IS INDIA READY TO REGULATE BIG TECH?

The answer is not straightforward in view, is not weather Indian should regulate Big Tech, but how it should do so.

The Competition Act, 2002 has established foundational principles for protecting competition. Nervertheless traditional enforcement tools alone may not be sufficient. Stronge regulation may be necessary to prevent the abuse of market power and maintain fair competition, particularly for startups and smaller businesses. Digital markets can become highly concentrated, making timely intervention essential.

On the other hand, excessive regulation may discourage investment and business growth. Any future Digital Competition Act should therefore target dominant digital gatekeepers rather-than impose blanket restrictions on all technology firms.

A balance approach is crucial-one that curbs anti-competitive conduct by dominant platform while preserving opportunities for innovations, investment, and startup growth.

Conclusion

The rise of Big Tech has altered the modern competition challenge that traditional legal framework often struggles to address. The Competition Act, 2002 has provided a robust foundation, but digital market evolves at a pace that traditional enforcement mechanisms struggle to match.

In my opinion, India requires smarter regulations for those that function as digital gatekeeps. A carefully designed Digital Competition Act-one that is evidence-based, proportionate, and innovation friendly-could help preserve competitive markets without discouraging technological growth. The real challenge is not regulating Big Tech for sake of regulations, but ensuring that market does not come at the cost of consumer choice, innovation, or fair competition.