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DEFINING THE RELEVANT MARKET IN DIGITAL PLATFORM ECONOMIES: AN ANALYSIS OF THE EMERGING EX-ANTE COMPETITION FRAMEWORK IN INDIA

AUTHORED BY - SHUBHANGI AGRAWAL

Abstract

Digital platform markets have fundamentally transformed the manner in which market power is created and sustained. Indian competition law traditionally relies on the definition of the “relevant market” as the foundation for assessing dominance and abusive conduct. However, the distinctive features of digital platforms—such as zero-price services, multi-sided market structures, data-driven network effects, and ecosystem-based lock-ins—have exposed the limitations of conventional market definition tools. These challenges have often resulted in prolonged investigations and inconsistent outcomes in digital competition cases.

This paper critically examines the difficulties associated with defining the relevant market in digital platform economies within the Indian competition law framework. It analyses the conceptual basis of relevant market definition under the Competition Act, 2002, and highlights the structural obstacles faced by the Competition Commission of India (CCI) in applying traditional price-based and substitutability tests to digital markets. Through an assessment of key regulatory and judicial precedents, the paper demonstrates how existing ex-post enforcement mechanisms struggle to capture market power in rapidly evolving digital ecosystems.

Against this backdrop, the study explores the emergence of ex-ante competition regulation in India as a response to the shortcomings of traditional dominance analysis. It argues that while ex-ante frameworks reduce excessive dependence on rigid market definition, they do not render it obsolete. Instead, they necessitate a more flexible and contextual assessment of market realities. The paper concludes by advocating a hybrid regulatory approach that balances doctrinal certainty with regulatory flexibility to ensure effective competition enforcement without undermining innovation.

Literature Review

The concept of **relevant market definition** has traditionally served as a foundation for competition law analysis, determining competitive boundaries and the existence of dominance. Under the Competition Act, 2002, this assessment relies primarily on demand substitutability and price-based tools such as the hypothetical monopolist test. However, the rise of digital platforms—characterised by zero-price services, multi-sided market structures, data-driven network effects, and ecosystem-based competition—has increasingly exposed the limitations of these conventional analytical frameworks.

Scholarly literature has consistently questioned the suitability of traditional market definition methodologies in digital contexts. Daniel A. Crane argues that substitutability-based analysis fails to capture competition that occurs at the level of ecosystems, technological capacity, or platform control rather than between substitutable products. He identifies forms of competition such as single-side, ecosystem, and capacity competition, which operate outside the boundaries of traditional market delineation and call for alternative analytical approaches suited to digital markets. Similarly, Tanvi Nimje highlights that price-based tests such as SSNIP are ill-equipped to address digital markets where data accumulation and non-price competition play a central role. She notes that while Indian competition enforcement initially treated online and offline markets as interchangeable, recent CCI decisions involving platforms such as Google and WhatsApp reflect a gradual recognition of digital markets as distinct.

Against this backdrop, the literature increasingly supports a **shift towards ex-ante competition regulation** for digital markets. Ex-post enforcement mechanisms, dependent on precise market definition, are seen as inadequate in addressing the speed and scale of digital market concentration. Ex-ante frameworks seek to focus on structural advantages and gatekeeper power rather than narrowly defined market boundaries. While this approach reduces the centrality of traditional relevant market definition, scholars caution against discarding it altogether, instead advocating a more flexible and contextual assessment of competition in digital platform economies.

Introduction

The rapid expansion of digital platforms has fundamentally reshaped modern economies, altering how goods, services, and information are produced, distributed, and consumed. Platform-based business models, driven by data accumulation, network effects, and economies

of scale, have enabled a small number of firms to attain unprecedented levels of market concentration and economic power. Unlike traditional markets, digital platforms often operate as multi-sided ecosystems, controlling access between users, advertisers, and business partners. This structural concentration raises significant concerns regarding competitive neutrality, market foreclosure, and long-term consumer welfare, particularly in jurisdictions such as India where digital adoption has grown at an accelerated pace.

At the heart of competition law enforcement lies the concept of **relevant market definition**, which serves as the foundational step in assessing market power and determining the existence of dominance. Under the Competition Act, 2002, competition authorities rely on relevant market analysis to identify competitive constraints and evaluate abusive conduct. However, the application of this doctrine to digital platform markets has proven increasingly complex. Features such as zero-price services, non-price competition, multi-sided interactions, and data-driven feedback loops challenge traditional tools of market delineation that are primarily grounded in price-based substitutability and static market boundaries.

These structural challenges are compounded by the limitations of **ex-post enforcement mechanisms** in fast-moving digital markets. Competition law interventions in India have often been characterised by prolonged investigations, delayed remedies, and evolving market realities that outpace regulatory responses. By the time enforcement actions are concluded, market structures may already have tipped irreversibly in favour of dominant platforms, rendering corrective measures ineffective. This temporal mismatch highlights the inadequacy of relying solely on ex-post abuse of dominance frameworks to regulate digital market power. In response to these limitations, there has been a growing regulatory shift towards **ex-ante competition frameworks** designed to address structural risks in digital markets before harm materialises. Ex-ante regulation seeks to move beyond case-by-case enforcement by imposing forward-looking obligations on firms with entrenched market power, particularly those functioning as digital gatekeepers. Rather than depending exclusively on precise relevant market definition, such frameworks emphasise structural characteristics, ecosystem control, and enduring competitive advantages as indicators of market power.

Therefore, the present study examines the changing role of relevant market definition in the regulation of digital platform economies in India. It critically analyses the conceptual basis of relevant market definition under Indian competition law, identifies the challenges in its

application to digital platforms, and evaluates how emerging ex-ante regulatory approaches have recalibrated its relevance. The study is confined to digital platform markets, with a primary focus on Indian competition jurisprudence and regulatory developments, supplemented by limited comparative insights where appropriate. Through this analysis, the paper seeks to contribute to the evolving discourse on developing a competition framework that effectively addresses digital market concentration while preserving innovation.

Conceptual Framework of Relevant Market under Indian Competition Law

The concept of the relevant market forms the doctrinal foundation of competition law analysis in India, serving as the primary analytical tool through which market power and competitive constraints are assessed. The Competition Act, 2002 statutorily anchors this concept in Section 2(r)¹, which defines the “relevant market” with reference to both the relevant product market and the relevant geographic market. Sections 2(s)² and 2(t)³ further elaborate these components by identifying the relevant product market on the basis of substitutability of goods or services and the relevant geographic market on the basis of homogeneity of competitive conditions. The Competition Commission of India (CCI) has consistently treated these provisions as the starting point of competition analysis, recognising that market definition provides the context within which competitive effects and dominance must be evaluated.

Central to this statutory framework is the principle of demand-side substitutability, which examines whether consumers consider alternative products or services to be interchangeable in response to changes in price or other competitive variables. This inquiry is traditionally operationalised through the hypothetical monopolist or SSNIP test, which assesses whether a firm controlling a candidate market could profitably impose a small but significant and non-transitory increase in price.⁴ The CCI has relied on this approach in several early cases to delineate market boundaries, particularly in conventional markets where price-based competition and consumer switching behaviour were considered reliable indicators of competitive constraint. Judicial bodies have similarly acknowledged the relevance of substitutability analysis in defining market contours, emphasising its role in identifying the sphere of effective competition.

¹ Competition Act, 2002, § 2(r), No. 12, Acts of Parliament, 2002 (India).

² Competition Act, 2002, § 2(s), No. 12, Acts of Parliament, 2002 (India).

³ Competition Act, 2002, § 2(t), No. 12, Acts of Parliament, 2002 (India).

⁴ Approach to market definition in a digital platform environment, Digital Regulation Platform, <https://digitalregulation.org/approach-to-market-definition-in-a-digital-platform-environment/>

The delineation of the relevant market assumes particular importance in abuse of dominance analysis under Section 4 of the Competition Act⁵, as dominance is assessed only within the confines of a defined market. The Supreme Court of India, in *Competition Commission of India v. Fast Track Call Cab Pvt. Ltd.* (Ola–Uber case)⁶, affirmed that the determination of dominance is intrinsically linked to the definition of the relevant market and that such determination cannot be undertaken in isolation. Likewise, the CCI has repeatedly held that a narrowly defined market may indicate limited competitive constraints, whereas a broader market may dilute a finding of dominance, thereby underscoring the decisive role of market delineation in shaping the outcome of abuse of dominance inquiries.

Underlying this analytical framework are traditional competition law assumptions regarding market structure and competitive behaviour. The conventional approach presumes relatively stable markets, competition driven primarily by price, and rational consumer decision-making based on observable price effects and product characteristics. It further assumes that market boundaries can be clearly identified through substitutability analysis and that competitive harm can be assessed within these static boundaries. These assumptions have historically provided coherence and legal certainty to competition law enforcement, as reflected in earlier CCI decisions that treated online and offline channels as part of the same relevant market. However, as later cases involving digital platforms such as Google Search and Android⁷ demonstrate, these assumptions are increasingly strained in markets characterised by non-price competition, innovation, and ecosystem-based interdependencies. Nonetheless, within the Indian competition law regime, relevant market definition continues to operate as the principal doctrinal mechanism through which dominance and competitive harm are conceptualised and assessed.

Structural Challenges in Defining Relevant Markets for Digital Platforms

Defining the relevant market in digital platform economies poses significant analytical challenges for competition authorities because the foundational assumptions underlying traditional market definition do not neatly apply to digital ecosystems. In conventional competition law, market definition typically focuses on consumer substitution triggered by price changes, often assessed through tools such as the SSNIP (Small but Significant and Non-

⁵ Competition Act, 2002, § 4, No. 12, Acts of Parliament, 2002 (India).

⁶ Case No. 6 & 74 of 2015

⁷ (2022) T-604/18

transitory Increase in Price) test. However, many of the distinctive features of digital platforms complicate or even frustrate these traditional techniques.

i. Zero-Price and Freemium Services

One of the most striking features of digital platforms is the prevalence of services offered at zero monetary price to end-users. Platforms such as search engines, social networks, and many mobile applications generate revenue not through direct charges to users but through alternative streams such as advertising or data monetisation.⁸ Because the SSNIP test relies on observing consumer reactions to a hypothetical price increase (e.g., a 5–10% rise), it becomes ineffective where the baseline price is zero; a 10% increase on zero remains zero, offering no behavioural signal for substitutability. This makes it difficult to delineate product boundaries based on price substitution alone, undermining a core analytical building block of relevant market definition.

ii. Multi-Sided Platform Structures

Digital platforms often operate as multi-sided markets, meaning they facilitate interactions between distinct groups of users — for example, consumers and advertisers on social media platforms, or riders and drivers on ride-hailing apps. These multi-sided structures create interdependencies in participation: the value for one group depends on the size and engagement of the opposite group. Traditional market definition, which treats consumer groups as independent and substitution based on price, fails to account for such cross-side interdependencies.⁹ Regulators globally have recognised that multi-sidedness requires a more nuanced understanding of how users on different sides generate value for each other and how substitutability operates across these sides.

iii. Data Accumulation and Non-Price Competition

Digital platforms derive competitive advantage not merely from prices but increasingly from control over data. Vast data repositories enable platforms to improve services, personalise user experience, refine algorithms, and build predictive models — advantages that are not directly reflected in pricing but are central to competitive positioning. Since traditional market

⁸ Md. Imran Wahab, Evaluating Market Power in the Digital Era: Challenges and Methodologies under Indian Competition Law, LEGAL SERVICE INDIA (2025), <https://www.legalserviceindia.com/Legal-Articles/evaluating-market-power-in-the-digital-era-challenges-and-methodologies-under-indian-competition-law/>

⁹ Aishwarya Agrawal, Competition Law and Digital Market, <https://lawbhoomi.com/competition-law-and-digital-market/>

definition tools emphasise price and quantity metrics, they often neglect data-driven competitive dynamics. Moreover, platforms may compete along dimensions such as innovation speed, quality of algorithms, and user engagement — none of which are adequately captured by conventional frameworks. This suggests the need for broader indicators of competitive constraints, including data access and usage patterns.

iv. Network Effects and Economies of Scale

Network effects — where the utility of a service increases with the number of users — are a defining characteristic of digital platforms. Strong network effects can rapidly lead to market concentration, creating a “winner-takes-most” dynamic in which dominant platforms accrue disproportionate power not easily contested by rivals. Coupled with economies of scale, where additional users impose negligible incremental cost, network effects can entrench dominant positions and raise significant barriers to entry. These dynamics mean that market power may be less a function of narrowly defined substitutability and more a result of structural feedback loops that favour incumbents. Such dynamics complicate traditional market definition, which typically assumes that entry and expansion are constrained by substitutable alternatives.

v. Switching Costs and Ecosystem Lock-In

Even when users can technically switch platforms without monetary cost, non-price barriers often lock them into a particular ecosystem. These switching costs can arise from data portability issues, loss of accumulated network benefits, or the inconvenience of re-establishing preferences and contacts on a new platform. Ecosystem lock-in further reduces effective substitutability because users may remain with a platform not because it is competitively superior, but because the costs (in time, data, or effort) of changing are prohibitively high. Lock-in thus stabilises dominant positions and weakens competitive constraints from potential alternatives, challenging the assumption that the mere existence of alternative services indicates true competitive pressure.

Overall, these structural characteristics of digital platforms fundamentally challenge the traditional assumptions underlying relevant market definition in competition law. The reliance on price-based tests, static substitutability analysis, and narrowly drawn market boundaries proves inadequate in capturing market power in digital ecosystems shaped by data, networks, and user lock-in. As a result, market definition in digital contexts risks becoming either excessively formalistic or artificially narrow, potentially distorting the assessment of dominance and competitive harm. These challenges necessitate a recalibration of analytical

tools and a more flexible, effects-based approach to market definition. The practical implications of these structural limitations become evident in the manner in which the Competition Commission of India has approached market definition in digital platform cases, which is examined in the following section.

Judicial Precedents in Digital Platform Cases

In response to the unique structural challenges presented by digital platforms, the Competition Commission of India (CCI) has progressively adapted its methodology for defining relevant markets and assessing dominance in platform economies. While the Competition Act, 2002 was originally designed for traditional goods and services markets, the CCI's evolving approach in digital cases illustrates an attempt to reconcile established analytical frameworks with the realities of digital competition.

The evolution of CCI's methodology can be traced through a series of high-profile digital platform cases where the Commission grappled with the relevance and application of traditional market definition tools. In the **Google Search and Android** investigations, for example, the CCI distinguished between various segments of search services and operating systems to delineate separate markets, including general web search, licensable smart mobile operating systems, and app distribution services.¹⁰ The Commission's analysis acknowledged network effects and data-driven competitive advantages, yet largely anchored its findings in demand-side substitutability and feature-based distinctions. This approach drew both academic critique and judicial attention for closely following conventional definitions despite the complex ecosystem dynamics at play.

In the **Amazon–Flipkart**¹¹ marketplace cases, the CCI defined the relevant market for online marketplaces narrowly as “marketplace services” while excluding broader e-commerce services, drawing criticism for insufficiently capturing the broader competitive constraints faced by sellers across platforms.

¹⁰ Simran Dhir; Akshat Kulshresth; Anuja Agrawal, *Digital Markets Must Be Defined Well For Competition Regulation*, Mondaq (2025), <https://www.mondaq.com/india/antitrust-eu-competition/1194564/digital-markets-must-be-defined-well-for-competition-regulation>

¹¹ MANU/KA/3124/2021

Another important case that highlights the CCI's evolving methodology is **Sony Interactive Entertainment (PlayStation) / Microsoft Xbox**.¹² In this review, the CCI examined whether cloud gaming and content distribution constituted related or separate markets, probing issues such as cross-platform substitutability and ecosystem exclusivity. Although ultimately not a full-blown investigation in the digital sense of platform dominance, the inquiry demonstrated the CCI's willingness to explore market boundaries in areas where digital and service ecosystems overlap.

The **Google Play Store** case further tested the Commission's analytical tools, focusing on the distribution of Android apps, in-app billing mechanisms, and developer-platform relationships. Here, the CCI again focused heavily on feature-based product delineation while attempting to account for multi-sided dynamics. Similarly, in the **Meta (Facebook/WhatsApp)** review involving allegations of data-driven exclusionary conduct, the Commission considered whether large social media platforms constituted a distinct digital social networking market and how data accumulation could cause competitive harm — though this too centred on traditional differentiation criteria.

Across these cases, one recurring issue has been **inconsistencies and procedural delays** in market definition. The CCI's reliance on nuanced feature comparisons and segmented product lines often resulted in protracted analysis and sometimes ambiguous market boundaries. Such delays not only slowed enforcement but also invited criticism that the CCI was attempting to force fit digital markets into tools better suited to traditional price-based competition.

Judicial review has further influenced the trajectory of competition analysis in digital cases. Appellate scrutiny by the National Company Law Appellate Tribunal (NCLAT) and, in some instances, the Supreme Court, has examined whether the CCI's market definition and dominance findings met the statutory and evidentiary thresholds under the Act. These judicial interventions have emphasised procedural exactitude and the need for robust evidentiary support, underscoring that even in digital contexts, deviations from established doctrine require clear justification. For instance, appellate orders have reiterated that the failure to appropriately define the relevant market can vitiate the entire dominance analysis, leading to remand for reconsideration or re-analysis of market contours.

¹² Case No. 03 of 2024

Taken together, the CCI's jurisprudence reflects an ongoing struggle: to faithfully apply the Competition Act's framework while responding to competitive dynamics that defy simple categorisation. These cases reveal that while the Commission has made incremental adjustments to its analytical toolkit, significant gaps remain in how market definition is conceptualised and operationalised in digital contexts. The limitations evident in this jurisprudence lend powerful support to the argument that alternative regulatory frameworks — such as emerging ex-ante competition measures — might offer a more effective means of capturing and constraining market power in digital platform economies

Shift Towards Ex-Ante Regulation: The Digital Competition Bill

The limitations of traditional ex-post enforcement in addressing the structural peculiarities of digital platform markets have prompted competition policymakers in India to reconsider their regulatory tools. Ex-post enforcement under the Competition Act, 2002 — where anticompetitive conduct is addressed *after* it has occurred — can be slow, resource-intensive, and often ill-suited to fast-moving digital markets where harm can crystallise rapidly and irreversibly. A key impetus for this shift lies in concerns that the existing regime lacks adequate mechanisms for early detection and timely intervention, and that prolonged investigations and appeals can allow market tipping in favour of dominant firms before remedies are imposed.

In response to these challenges, India has been evaluating the adoption of an **ex-ante regulatory framework** specifically tailored to digital platform markets. Such a framework would seek to **predict and prevent anticompetitive conduct** rather than react to it, drawing inspiration from global precedents like the European Union's Digital Markets Act (DMA), which imposes upfront obligations on designated "gatekeepers" of digital markets. The emerging *Digital Competition Bill* (DCB) in India embodies this paradigm shift by proposing a regime where certain large digital firms, once classified as **Systemically Significant Digital Enterprises (SSDEs)**, would be subject to predefined conduct obligations and prohibitions — including duties related to fair and non-discriminatory treatment, data access and portability, and restrictions on self-preferencing.

A central feature of ex-ante regulation under the proposed Bill is **gatekeeper identification and presumed market power**. Instead of requiring the detailed delineation of relevant markets — a step that has repeatedly challenged the Competition Commission of India (CCI) in past digital cases — the DCB foresees criteria (such as user base, revenue thresholds, and systemic

impact) to designate SSDEs that inherently wield significant influence over digital ecosystems. Once designated, these entities are presumed to possess market power warranting preventive regulation.¹³ This approach **reduces the reliance on strict, traditional market-definition exercises**, which have struggled to account for multi-sided interactions, zero-price offerings, and data-driven competitive dynamics. By embedding presumptions of power and behavioural obligations into the regulatory framework, the regime aims to elevate the focus from *where* the market boundary lies to *how* structural advantages may translate into exclusionary conduct.

Crucially, the emerging ex-ante framework does **not entirely abandon the notion of market definition**. Rather, it **recalibrates its role**: relevant market analyses may still inform specific determinations of competitive effects or the tailoring of obligations, but they are no longer the sole gateway to regulatory intervention. Instead of awaiting anticompetitive harm to crystallise within narrowly defined product or geographic boundaries, the ex-ante model concentrates on **preventing predictable conduct** that impairs competition and contestability. In doing so, it complements — rather than replaces — the existing ex-post regime, establishing a **dual framework** where preventive duties and traditional investigatory powers co-exist, with the former ensuring faster, more forward-looking checks on market power while the latter remains available to address conduct that escapes the prophylactic net.

The rationale behind this shift reflects both doctrinal evolution and practical necessity. Digital markets are characterised by rapid innovation, network effects, and data-driven feedback loops — contexts in which delayed intervention can entrench dominance long before an ex-post order is delivered. By contrast, an ex-ante framework enables regulators to impose baseline duties that preserve contestability and reduce the scope for entrenched advantage, thereby preserving the fundamental objectives of competition law — consumer welfare, market access, and innovation — in a dynamic digital economy.

RECOMMENDATIONS AND REMEDIES

In light of the structural limitations of traditional competition tools and the evolving regulatory landscape for digital platforms, a recalibrated approach to competition enforcement in India is necessary. Any effective response must reconcile the preventive strengths of ex-ante regulation

¹³ Rafique Khan; Divya Dwivedi; Dr. Neha Singh Assistant Professor; Rohit Ranjan, An Overview of the Journey on Competition Laws in India, Journal of Informatics Education and Research (2024), <https://jier.org/index.php/journal/article/download/1978/1647/3441>

with the corrective safeguards of ex-post enforcement, while preserving legal certainty and innovation incentives.

First, India should adopt a hybrid competition framework that integrates ex-post adjudicatory mechanisms under the Competition Act, 2002 with targeted ex-ante obligations for systemically significant digital platforms. Ex-ante measures should function as preventive guardrails aimed at preserving market contestability and fairness, while ex-post enforcement should continue to address novel or context-specific anticompetitive conduct that falls outside predefined obligations. This dual-track approach ensures that the flexibility and case-specific scrutiny of traditional competition law are not displaced, but rather complemented by timely preventive intervention in markets prone to tipping and irreversible concentration.

Second, there is a pressing need to move towards dynamic and qualitative methods of market definition in digital markets. Instead of relying predominantly on static price-based tests such as SSNIP, competition authorities should incorporate non-price parameters including data access, user attention, switching costs, and innovation capabilities. Market definition in digital contexts should be treated as a continuous and evolving assessment rather than a one-time determination, allowing regulators to respond to shifting competitive dynamics. Such an approach would better reflect the realities of multi-sided platforms and ecosystem competition, while retaining analytical discipline.

Third, the development of sector-specific guidelines for digital platforms would significantly enhance regulatory clarity and consistency. Given the heterogeneity of digital services — ranging from search engines and social media to e-commerce marketplaces and app stores — a one-size-fits-all regulatory approach is unlikely to be effective. Tailored guidelines addressing platform-specific conduct, such as self-preferencing, data sharing, and interoperability, would assist both regulators and market participants in understanding permissible conduct and compliance expectations. These guidelines could also help bridge the gap between abstract statutory provisions and their practical application in digital markets.

Fourth, meaningful reform requires sustained capacity building within the Competition Commission of India (CCI). Effective regulation of digital markets demands interdisciplinary expertise encompassing law, economics, data science, and technology. Strengthening the CCI's technical capabilities through specialised digital market units, enhanced data analytics tools, and continuous training would improve the quality and speed of investigations. Institutional

capacity building is particularly crucial in an ex-ante framework, where forward-looking assessments and predictive judgments play a central role.

Finally, competition regulation in digital markets must remain innovation-friendly. Overly rigid or expansive regulatory intervention risks discouraging investment, deterring entry, and stifling technological progress. Safeguards such as periodic review of ex-ante obligations, sunset clauses, and proportionality assessments should be embedded within the regulatory framework to ensure that intervention remains responsive to market evolution. By striking a careful balance between competition enforcement and innovation incentives, India can foster a regulatory environment that promotes both market fairness and technological growth.

Overall, these recommendations underscore the need for a nuanced and adaptive competition regime that recognises the distinctive features of digital platform markets while remaining anchored in core competition law principles. By recalibrating enforcement tools rather than replacing them, Indian competition law can evolve in a manner that is both effective and legitimate, ensuring that regulatory intervention enhances market contestability without undermining the dynamism that characterises the digital economy.

CONCLUSION

This paper has examined the growing challenges associated with defining the relevant market in digital platform economies and the implications of these challenges for competition enforcement in India. It has demonstrated that traditional market definition tools, grounded in price-based substitution and static market boundaries, are increasingly inadequate in capturing market power in digital ecosystems characterised by zero-price services, multi-sided interactions, data-driven advantages, and network effects. The analysis of the Competition Commission of India's jurisprudence further reveals that while incremental adaptations have been made, persistent inconsistencies and procedural delays continue to undermine effective enforcement in digital markets.

The study finds that the emerging shift towards ex-ante competition regulation represents a significant evolution in India's competition law framework. Rather than abandoning relevant market definition altogether, ex-ante regulation recalibrates its role by reducing excessive dependence on rigid market delineation and emphasising functional assessments, structural indicators of power, and gatekeeper-based obligations. This transformation reflects an attempt

to address enforcement gaps inherent in ex-post mechanisms while preserving the analytical foundations of competition law.

The implications of this shift for future digital competition enforcement in India are substantial. Ex-ante frameworks offer the potential for earlier and more effective intervention in markets prone to tipping and irreversible concentration, thereby enhancing market contestability and consumer welfare. However, the success of such frameworks will depend on their ability to balance regulatory flexibility with legal certainty, and preventive intervention with proportionality. Without careful design, ex-ante regulation risks overreach and may inadvertently stifle innovation in fast-evolving digital markets.

Looking ahead, the way forward lies in adopting a hybrid and adaptive regulatory approach. India's competition regime must integrate ex-ante safeguards with robust ex-post enforcement, supported by dynamic market assessment tools, sector-specific guidance, and strengthened institutional capacity within the CCI. By recalibrating—rather than discarding—traditional competition law concepts, Indian competition enforcement can remain responsive to digital market realities while upholding doctrinal coherence. Such an approach is essential to ensuring that competition law continues to promote fair competition, innovation, and consumer welfare in India's digital economy.