

## COMPETITION LAW AS A TOOL FOR INCLUSIVE CONSUMER WELFARE IN INDIA: A CRITICAL ANALYSIS

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### ABSTRACT

The Competition Act of 2002 transformed India's existing economic regulations by replacing its previous system that restricted monopolies through the Monopolies and Restrictive Trade Practices Act of 1969 with new regulations that support competitive markets as the main method for delivering consumer benefits. The Act which created the Competition Commission of India (CCI) appeared after India's 1990s era of liberalisation and globalisation to give CCI three tasks: to stop anti-competitive agreements, to control abuse of dominant market positions, and to review business combinations that might bring serious harm to market competition. The Act's Preamble establishes consumer welfare as its main value which guides all parts of the regulatory framework.<sup>1</sup>

The research investigates whether the existing competition law framework of India achieves its goal to provide consumer welfare benefits that reach all segments of the Indian population including those who lack digital skills and live in remote areas and belong to economically disadvantaged groups. The study demonstrates through its evaluation of legislative texts and significant judicial rulings and the new regulatory issues which arise from digital markets that competition law in India successfully advances consumer protection through its three main achievements which include battling unfair pricing practices and enhancing market alternatives and controlling powerful business entities. The research identifies a fundamental discrepancy between the theoretical framework of competition law and its actual implementation because institutional limitations and insufficient consumer understanding and excessive legal complexities obstruct its complete distribution. The study assesses the Competition Amendment Act of 2023 because it establishes deal value thresholds and global turnover penalties and settlement processes which determine how these changes impact enforcement effectiveness and social welfare. The

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<sup>1</sup>Monopolies and Restrictive Trade Practices Act, 1969 (Act 54 of 1969).

study proposes a competition law framework which combines distributive fairness and institutional strength with public advocacy to meet the needs of all Indian consumer groups.

**Keywords:** *Consumer Welfare, Competition Act 2002, Competition Commission of India, Abuse of Dominance, Digital Markets.*

## RESEARCH QUESTIONS

- 1.The CompetitionAct2002 in India provides benefits to consumers through its enforcement but shows particular effectiveness in protecting economically disadvantaged groups and marginalized communities.
2. The Competition Commission of India (CCI) has conducted enforcement actions which successfully protect consumer rights across both traditional markets and digital markets.
3. The structural and institutional boundaries of India's competition law framework create obstacles which prevent people from accessing complete consumer protection rights.
4. The Competition (Amendment) Act 2023 enhances existing competition law powers by introducing new authority to regulate digital and platform market developments.
5. The consumer welfare standard in Indian competition law should move beyond its current efficiency-based framework to establish a system which distributes benefits to all people in society.

## RESEARCH OBJECTIVES

1. The study will analyse how competition law connects with consumer welfare through the Indian legal and constitutional system.
2. The study will assess how the Competition Act of 2002 establishes its framework through its legislative and institutional components which govern anti-competitive agreements and abuse of dominance and merger control.
3. The study will review important enforcement decisions made by the Competition Commission of India to determine their effects on consumer protection and market equity.
4. The study will demonstrate three fundamental obstacles which include enforcement delays and limited consumer awareness and the digital divide that hinder the establishment of inclusive consumer welfare systems.
5. The study will evaluate the Competition (Amendment) Act 2023 changes to digital markets and deterrent systems and their effects on regulatory performance.

6. The study will create recommendations for policy and institutional changes which will enhance competition law as a mechanism for fair and inclusive consumer protection in India.

## **I.INTRODUCTION**

The basic principle of current competition law research establishes that competitive markets remain the most effective method for delivering goods and services to consumers at fair prices with sufficient product quality and diverse options. The Competition Act 2002, which serves as India's primary competition law statute, draws its main justification from this proposition, which combines economic research with principles of democratic governance.<sup>2</sup>

The Monopolies and Restrictive Trade Practices Act of 1969 governed India's competition regulations until the enactment of the Act. The MRTP Act failed to control economic power distribution because it used structuralist principles for its regulations. The SVS Raghavan Committee, which the Ministry of Finance established in 1999, recommended that India should replace the MRTP Act with a contemporary competition law which focuses on actual market outcomes. The Competition Act of 2002 introduced a fundamental transformation from structure-based regulation methods to methods that assess regulations based on actual conduct and welfare outcomes.

The Preamble of the Act unambiguously declares its purpose as, inter alia, "to protect the interests of consumers and to ensure freedom of trade carried on by other participants in markets." The statute specifically aims to protect consumer welfare as its primary goal. The question of how competition law delivers inclusive consumer welfare needs thorough evaluation because the nation exists between extreme socioeconomic groups and 900 million people live in rural areas which contain most of the economy's informal sector while people lack both digital skills and legal knowledge. The research paper follows this structure. The theoretical and normative framework which connects competition law to consumer welfare emerges in Part II of the document. The Act's main substantive provisions undergo analysis in Part III through the lens of consumer protection. Part IV examines landmark enforcement actions by the CCI. The study assesses how competition

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<sup>2</sup>The Competition Act, 2002 (Act 12 of 2003) (hereinafter "the Act").

law activates structural restrictions which prevent the creation of inclusive welfare systems. The study examines the Competition (Amendment) Act, 2023 to determine its effects. Part VII offers recommendations and concluding reflections.

## **II. THEORETICAL FRAMEWORK: COMPETITION LAW AND CONSUMER WELFARE**

Multiple theoretical frameworks exist which create different paths to understanding how competition law impacts consumer welfare. The Chicago School of economics uses the "consumer welfare standard" as its main antitrust principle which seeks to achieve economic efficiency through resource distribution. Market practices need to demonstrate their capacity to increase prices while decreasing output in order to show proof of consumer harm which justifies enforcement action. The current approach to assessment has received criticism because its narrow focus allows practices which have a negative effect on innovation and market structure and non-price aspects of consumer protection.

The Harvard School and post-Chicago approaches of today use a wider definition of consumer welfare which recognizes how economic competition and innovation and market structure and various consumer harms that include reduced product quality and limited product variety and loss of data privacy access affect consumer welfare.<sup>3</sup> The concept of "inclusive consumer welfare" in India as a developing economy requires welfare policy assessments to evaluate its impact on all citizens instead of only advanced urban organized consumers. The Indian competition law framework draws from both these traditions. The Act employs an effects-based standard which requires an assessment of the actual or likely impact of conduct on the competitive process and by extension on consumers. The Supreme Court of India in *Excel Crop Care Ltd v Competition Commission of India* confirmed that the purpose of the Act is to promote consumer welfare through the maintenance of a competitive market structure.<sup>4</sup>

The Indian Constitution mandates inclusive consumer welfare through its provisions found in Part IV of the Constitution. The State must create a social system that protects people according to Article 38 while both Articles 38 and 39(b) require the State to distribute community resources for

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<sup>3</sup>Eugene Buttigieg, *Competition Law: Safeguarding the Consumer Interest* 66 (Kluwer Law International, 2009).

<sup>4</sup>*Excel Crop Care Ltd. v. Competition Commission of India*, (2017) 8 SCC 473 (Supreme Court of India).

public benefit and to stop wealth accumulation that harms society. Competition law functions as an economic constitutionalism tool which enables legal implementation of the socioeconomic goals that the Constitution establishes. The OECD has further observed that competition policy and consumer policy, though distinct disciplines, "speak the same language" and share the overarching goal of ensuring that competitive markets serve consumer interests.<sup>5</sup> Their convergence is most visible at the interface between anti-competitive conduct and consumer harm: a cartel that raises prices, an abuse of dominance that forecloses choice, or a merger that eliminates rivalry—each ultimately injures consumers. Recognising this nexus is essential to understanding the protective function of competition law.

### **III. THE LEGISLATIVE FRAMEWORK: CONSUMER PROTECTION UNDER THE COMPETITION ACT, 2002**

The Competition Act of 2002 establishes its consumer protection duties through its three main components which include Section 3's anti-competitive agreement regulations Section 4's dominant position abuse prevention measures Section 5 and Section 6 combination assessment rules and Section 49 competition advocacy program.<sup>6</sup>

#### **A. Anti-Competitive Agreements (Section 3)**

The Act forbids both businesses and individuals from making contracts which involve physical goods or services throughout their production process until their final distribution which leads to a situation that creates an AAEC throughout India. Section 3(3) creates a standard that allows parties to prove existence of AAEC through horizontal agreements which include cartels that control prices and market distribution and combine their bidding efforts. Cartels represent the most egregious form of anti-competitive conduct because they damage consumer welfare through their illegal price agreements which result in consumers paying higher prices for every product that includes cement and LPG cylinders and pharmaceutical products and technology components.

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<sup>5</sup>OECD, Policy Roundtable: The Interface between Competition and Consumer Policies (Paris: OECD Publishing, 2008).

Section 3(4) regulates vertical agreements which involve businesses that operate at various supply chain levels. The assessment of vertical restraints requires organizations to demonstrate their justifications because these restraints have not established an automatic presumption of AAEC. The economic consensus shows that vertical restraints create operational efficiencies which help consumers but also restrict particular types of competition between brands.<sup>7</sup>

#### **B. Abuse of Dominant Position (Section 4)**

The section 4 rule prohibits enterprises from using their market dominance to create unfair advantages in their business operations. The term dominant position describes a state in which an enterprise holds sufficient strength to conduct its activities without any market competition restraints and to manipulate market conditions for its benefit. The Commission assesses dominance through various factors listed in Section 19(4) which include market share and resource size and entry barriers and consumer economic dependence and vertical integration.<sup>8</sup>

The Section 4(2) abusive behavior forms list all forms of unfair pricing and discriminatory sales conditions which show evidence of market manipulation through production limits and technical development restrictions and market access denial and market power abuse which permits entry into new markets or the establishment of protective barriers. The provisions protect consumers directly because they address business practices which originate from one company but produce negative effects on all consumers who need competitive markets to obtain fair pricing and proper service.

#### **C. Regulation of Combinations (Sections 5–6)**

The Act requires all transactions that meet asset turnover thresholds to undergo mandatory pre-merger notification and review processes which Section 5 and Section 6 of the Act established. The CCI evaluates proposed combinations on the basis of their likely effect on competition in India, including whether they cause an AAEC. The Act prohibits a merger which reduces market competition because it leads to three main consumer damages which the legislation aims to protect

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<sup>7</sup>Abir Roy & Jayant Kumar, *Competition Law in India* (Eastern Law House, New Delhi, 2008).

<sup>8</sup>The Competition Act, 2002, § 19(4) (listing factors for determination of dominance).

against. The CCI may approve a combination, grant conditional approval, or prohibit it while the agency can also request changes to the transaction structure.

#### **D. Competition Advocacy (Section 49)**

The CCI receives its authorized powers through Section 49(3) which allows the organization to perform its competition advocacy work that includes activities for public awareness and competition training. The provision functions as a vital legal obligation which guarantees equal consumer protection to all customers. The enforcement process delivers benefits to consumers because it establishes protection measures after actual harm from a violation has taken place. The practice of advocacy provides forward-looking benefits because it teaches competition principles to consumers and businesses and regulators which results in decreased anti-competitive behavior. The CCI has using its legal power to share competition law materials with more than 140 universities while conducting training programs for government agencies and industry organizations and consumer protection groups.<sup>9</sup>

The Competition Act and the Consumer Protection Act of 2019 interact with each other through a complementary relationship that does not allow for either law to be undermined. The Consumer Protection Act handles individual complaints about defective products and unfair business practices and deceptive marketing while the Competition Act addresses market behavior that creates widespread harm to consumers. The two laws establish a dual system of consumer protection which operates at both micro and macro levels.

#### **IV. ENFORCEMENT ACTIONS AND JUDICIAL DEVELOPMENTS: THE CCI'S CONSUMER WELFARE JURISPRUDENCE**

The CCI has created a significant collection of legal decisions through its enforcement activities which have continued for more than ten years. The study of important cases shows how competition authorities can protect consumers but also shows their enforcement capabilities.

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<sup>9</sup>Competition Commission of India, Annual Report 2022–23 (New Delhi: CCI, 2023) (reporting advocacy initiatives including workshops with government bodies and universities).

**A. Belaire Owner's Association v. DLF Ltd. (2011): Exploitative Abuse and Consumer****Protection**

The DLF case stands as the CCI's most significant early landmark in consumer protection through competition law. The Belaire Owner's Association filed a complaint against DLF Limited, a dominant real estate developer in Gurgaon, alleging that DLF had imposed arbitrary, one-sided contractual terms upon apartment buyers—including unilateral changes to building plans, arbitrary increases in the number of floors, and draconian forfeiture clauses for cancellation. The CCI defined the relevant market as "services for development and sale of high-end residential apartments in Gurgaon" and found DLF dominant therein. The Commission determined that the implementation of such unfair buyer conditions constituted an abuse of dominant market power according to Section 4(2)(a) which resulted in a financial penalty of Rs. 630 crore.<sup>10</sup>

The importance of this decision for consumer welfare with its benefits for consumers is impossible to measure. First, the court established that Section 4 prohibits both exclusionary abuses which harm competitors and exploitative abuses which use market power to directly damage consumers. Second, the law recognized that individual consumers face vulnerability in situations where they have unequal power to negotiate with dominant suppliers thus competition law exists to solve this problem through its role in reducing informational and bargaining power differences. Third, the real estate industry experienced regulatory changes which supported wider discussions that led to the implementation of the Real Estate (Regulation and Development) Act 2016.

**B. Cartelisation in the Cement Industry (2012): Collective Consumer Harm**

The CCI started its official investigation against eleven leading cement companies and the Cement Manufacturers' Association in 2012 after discovering their illegal activities of fixing prices and controlling market supply. The Commission imposed penalties which totalled about Rs. 6,307 crore because these penalties ranked among the highest amounts ever assessed under the Act. This case holds important educational value because it presents multiple reasons for study. Cement functions as an essential material which fuels all construction activities throughout India because

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<sup>10</sup>Id. The Commission imposed a penalty of Rs. 630 crore (approximately 7% of DLF's average turnover for the preceding three financial years).

it serves all consumers who belong to various income groups from individual homebuilders in rural areas to major infrastructure construction companies. Cement price manipulation through collusion created a financial burden which affected lower-income consumers because they had to pay higher prices for housing and construction materials. The decision proved that competition enforcement creates different distribution results because establishing cartel control creates various welfare benefits which help all consumer groups.

### **C. MCX Stock Exchange v. National Stock Exchange (2011): Predatory Pricing and Market Access**

The CCI established that the National Stock Exchange used predatory pricing methods in its currency derivatives market through its free service offers which aimed to drive MCX-SX out of business. The Commission imposed a penalty of Rs. 55.5 crore. The decision brought major advantages to consumers because it established that predatory pricing which used zero pricing to attract customers would create market dominance through the elimination of rivals. The long-run consumer interest thus required intervention despite short-term price benefits.

### **D. Automobile Spare Parts Case (2014): Aftermarket Exploitation**

The CCI determined that fourteen car manufacturers established a spare parts and diagnostic equipment distribution limit which prevented customers from accessing these items through aftermarket channels to maintain their exclusive control over vehicle maintenance services and charge excessive rates to their customers. The case powerfully demonstrates how dominant companies can take advantage of their customers within aftermarkets, which are markets for products and services that customers buy after making their initial purchase, and it shows how competition law can effectively solve the problem of customer exploitation through locked-in situations.

### **E. The Google Android Case (2022): Non-Price Harm and Digital Consumer Welfare**

The CCI penalized Google LLC with a fine of Rs. 1,337.76 crore in 2022 while ordering the company to implement complete behavioral changes which included stopping the requirement that all Android devices must have Google apps pre-installed and forbidding Google from using its

Android system to forcefully extend its market control into other business areas. The CCI established a new standard which marks its most advanced evaluation method to assess non-price related damages that affect digital market consumers. The Commission acknowledged that digital consumer welfare extends beyond traditional price measurements because it includes three essential elements which are choice and privacy and innovation. The research demonstrated that network effects and data lock-in create permanent advantages for dominant platforms which result in continuous harm to consumer welfare when these factors remain unregulated.

#### **F. WhatsApp Privacy Policy Case (2021–2023): Data and Consumer Autonomy**

The CCI's examination of WhatsApp's 2021 privacy policy changes which required users to share their data with Meta's entire network for ongoing service access created fresh inquiries into how data misuse interacts with competition regulations. The Commission's finding that the take-it-or-leave-it terms imposed on users constituted an abuse of dominance marked a significant expansion of the consumer welfare standard to encompass data privacy as a parameter of competition. The current method handles emerging worldwide agreement which considers privacy as a product quality aspect that leads to actual consumer damage through its loss by market-leading companies.

### **V. CRITICAL ANALYSIS: STRUCTURAL LIMITATIONS OF COMPETITION LAW AS A VEHICLE FOR INCLUSIVE WELFARE**

The extensive accomplishments listed above demonstrate that competition law serves as an effective instrument for protecting consumer rights in India. The assessment process requires an examination of multiple fundamental structural constraints which operate as major obstructions that impede its ability to serve the most disadvantaged members of society.

#### **A. The Reach Problem: Informational and Access Barriers**

Most Indian consumers cannot understand competition law because it functions through abstract principles that go beyond their everyday life. The CCI investigates and remedies market-wide conduct through its examination of cartel behaviour and abuse of dominant market power and anti-competitive mergers. The CCI allows any person to submit information according to Section 19(1)(a) however most complaints come from organized commercial entities and trade

associations and professional litigants. Individual consumers who live in rural or semi-urban areas face difficulties accessing competition enforcement as a method to resolve their disputes about collusive pricing in essential commodities which include fuel and fertilisers and pharmaceuticals and food grains.<sup>11</sup>

The fundamental consumer awareness gap creates more difficulties for the existing access deficit. Surveys and advocacy reports show that most Indian consumers do not know about the CCI and the main parts of the Competition Act and the ways competition enforcement helps them.<sup>12</sup> The OECD study shows that competition enforcement brings consumer advantages to different groups during delayed periods because price reductions develop through time and product selection benefits from gradual improvements which make it hard for individual consumers to notice the value they gain from competition law.

### **B. The Enforcement Delay Problem**

The extended duration of competition cases in India results from their need to complete three different stages which include preliminary investigations and adversarial proceedings and their subsequent appellate reviews at both the National Company Law Appellate Tribunal and Supreme Court. The DLF case required several years to reach its final resolution after the first complaint, which resulted in affected consumers already experiencing their harms before the case reached its conclusion. The Competition Commission of India v. Steel Authority of India Ltd. litigation demonstrated how basic jurisdictional issues about the Commission's authority and operational powers create complicated legal procedures. The enforcement of competition laws is impeded by delays because they need time to reach their full efficiency in protecting consumers and delivering benefits.

### **C. The Informal Economy Blind Spot**

India's informal economy which includes street vendors and small traders and unregistered service providers and rural markets operates mainly outside the competition law regulatory framework.

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<sup>11</sup>Pradeep S. Mehta, Competition Policy and Consumer Welfare, in A Functional Competition Policy for India (Academic Foundation & CUTS International, 2006).

<sup>12</sup>Hemant Singh & Radha Naruka, "Competition Commission of India and Consumers' Welfare: An Analysis," SSRN Working Paper (Apr. 17, 2013), available at <https://ssrn.com/abstract=2252526>.

The competition law faces structural challenges in handling anti-competitive practices which occur in informal markets through local cartel operations in agricultural wholesale markets and exclusive distribution agreements of dominant suppliers in rural networks and price fixing activities of regional essential goods traders. The Act's enforcement system activates for registered formal businesses which possess known physical assets and financial resources but fails to track the informal market competition practices that operate through unregistered and spoken and community-based methods.<sup>13</sup>

#### **D. The Digital Divide and Consumer Vulnerability in Digital Markets**

The quick digital transformation of Indian markets leads to new types of consumer protection issues which existing competition law methods fail to address. The CCI's Market Study on E-Commerce (2020) discovered that platform self-preferencing and deep discounting which investors fund and algorithmic pricing practices create competitive problems for the market.<sup>14</sup> The majority of Indian digital platform users who access these services through basic smartphones and limited internet access and low digital skills face hidden dangers that result from algorithm manipulation and dark patterns and data misuse and lock-in effects. The competition law system needs structural market outcome analysis to deal with consumer harm which exists at a detailed level through customer behavior. The Fast Track Call Cab case against Ola showed how predatory pricing rules become difficult to implement in platform markets which use cross-subsidized pricing and cause consumer damage through multiple paths. Digital markets with multiple sides face significant difficulties because their harm assessments lack a standardized method that needs to be applied in all circumstances.

#### **E. The Chicago School Influence and the Limits of Efficiency-Centric Analysis**

Critics of Indian competition law argue that the legal system prioritizes economic efficiency more than it considers distributional issues. The AAEC analysis which CCI conducted focuses on price effects and allocative efficiency while it studies the welfare impacts on specific consumer groups which include poor people and elderly people and digitally excluded individuals and users of

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<sup>13</sup>UNCTAD, The Benefits of Competition Policy for Consumers (UNCTAD/TD/B/C.I/CLP/27, 2014).

<sup>14</sup>Competition Commission of India, Market Study on E-Commerce in India: Key Findings and Observations (New Delhi: CCI, 2020).

essential services who lack substitute options. Kati Cseres has observed that competition law which focuses on efficiency establishes consumer welfare standards that benefit overall community welfare but create results which help advanced consumers while neglecting their basic needs.<sup>15</sup>

The Indian Constitution requires the state to distribute resources for public benefit while preventing the accumulation of wealth because the Directive Principles of the Constitution demand this distribution. The competition law framework should include distributive aspects because its enforcement needs to focus on those industries and markets which have the greatest impact on vulnerable consumers' welfare.

## **VI. THE COMPETITION (AMENDMENT) ACT, 2023: A CRITICAL ASSESSMENT**

The Competition (Amendment) Act, 2023 marks the most substantial update to India's competition rules, which have remained unchanged for 20 years. Its reforms address consumer welfare issues that arise from current market conditions, especially those found in digital marketplaces. The analysis of its main provisions shows that they produce both positive and negative results.

### **A. Deal Value Threshold: Closing the Digital Merger Loophole**

The introduction of a deal value threshold of Rs. 2,000 crore for transactions where the target has "substantial business operations" in India addresses the well-documented phenomenon of "killer acquisitions"—acquisitions by dominant digital platforms of nascent competitors with large user bases but limited revenues. The CCI, which previously could not investigate certain acquisitions because the acquired companies failed to satisfy asset and turnover requirements, now faces dedicated investigations of these transactions because they now completely eliminate all possible new competitors who would have challenged market. The 2023 Amendment's deal value threshold is therefore a significant pro-consumer reform, which requires all digital market transactions that jeopardize competitive market conditions to undergo official review before execution.

### **B. Global Turnover-Based Penalties: Deterrence and Proportionality**

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<sup>15</sup>K.J. Cseres, Competition Law and Consumer Protection 307 (Kluwer Law International, 2005).

The CCI gains authority to impose fines that reach 10% of an enterprise's total global sales according to the amendment of Section 27(b). The Supreme Court's previous decision in Excel Crop Care established that penalties should apply only to the actual sales of a specific product or market area.<sup>16</sup> The new law establishes stronger competition enforcement mechanisms which will better dissuade technology companies operating in India who earn only a small portion of their international revenues. The effective deterrence system decreases anti-competitive behavior which benefits all consumers according to their rights. The reform creates proportionality issues because it allows markets to use global revenue as a basis for punishing offenses which creates penalties that exceed actual harm to customers in India.

### **C. Settlement and Commitment Mechanisms: Faster Relief for Consumers**

The introduction of settlement and commitment mechanisms offers enterprises the opportunity to resolve investigations without an adverse finding, in exchange for structural or behavioural commitments. The mechanisms deliver substantial value for consumer welfare because they enable businesses to correct market problems through faster processes which create consumer advantages that occur before extended legal battles end. The EU's extensive use of commitment decisions in competition cases provides a proven template for India.

### **D. The Committee on Digital Competition Law and Ex-Ante Regulation**

The Ministry of Corporate Affairs' Committee on Digital Competition Law (CDCL) proposed a Digital Competition Bill which would establish ex-ante requirements for Systemically Significant Digital Enterprises (SSDEs) that include bans on self-preferencing and data sharing limitations and obligations to implement interoperability standards without needing to show prior instances of misconduct.<sup>17</sup> The new approach establishes a basic break from the previous Competition Act framework which used ex-post methods. The digital market system benefits from ex-ante regulations because they enable protection of consumer welfare through their ability to stop potential damage which would occur during market evolution before it can be restored through

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<sup>16</sup> Competition (Amendment) Act, 2023, § 29 (substituting § 27(b) of the Competition Act, 2002 to permit penalties based on global turnover).

<sup>17</sup> Ministry of Corporate Affairs, Report of the Committee on Digital Competition Law (Government of India, 2023) (recommending an ex-ante regulatory framework for Systemically Significant Digital Enterprises).

post-facto enforcement. The establishment of ex-ante obligations will create a negative impact because their improper design will lead to two outcomes which result in decreased consumer service quality and variety through decreased investment and innovation. The CCI's institutional capacity needs urgent attention according to PRS Legislative Research Committee (2026) because 42% of its approved positions remain unfilled, which makes it necessary to boost funding while building capacity to achieve successful digital market management.<sup>18</sup>

## VII. RECOMMENDATIONS AND CONCLUSION

### A. Recommendations

The CCI needs to create an official enforcement priority policy which requires them to consider how their actions will impact consumer welfare when deciding how to allocate their resources for investigation and advocacy work in essential pharmaceuticals and agricultural inputs and financial services for low-income customers and digital platforms which serve underserved communities.<sup>19</sup>

The second requirement demands that organizations develop their institutional capacity. The CCI needs to have sufficient staff members who include digital market economist experts and who require funding that should not depend on ministry budget allocation. The vacancy crisis which the 2026 Parliamentary Committee report identified needs immediate resolution.<sup>20</sup>

The scale of public knowledge about consumer products must see significant improvements. The CCI needs to use its Section 49(3) authority to create consumer education programs which should include multiple languages and regional content to serve rural and semi-urban areas. Civil society organisations together with consumer associations and panchayati raj institutions should work together to create solutions which help regular consumers understand competition law better. The Digital Personal Data Protection Act 2023 and the Competition Act 2002 require establishment of an official inter-regulatory coordination system which will enable the CCI and the Data Protection

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<sup>18</sup> PRS Legislative Research, Evolving Role of Competition Commission of India: Report Summary (New Delhi, 2026) (noting that 42% of CCI's sanctioned posts remain vacant and recommended institutional capacity building).

Board to work together for unified digital platform data protection enforcement. The cartel detection leniency program needs addition of a private enforcement system which allows consumer associations and affected parties to obtain compensation from cartelists because this system creates an incentive for civil society members to participate in competition law enforcement activities.

## **B. Conclusion**

The development of competition law in India during the last 20 years has progressed from being an experimental system to an effective regulatory system which provides measurable benefits to consumers in multiple industries including real estate and cement and digital platforms and financial markets and automotive aftermarkets. The Competition Commission of India has established its institutional independence through its analytical capabilities while developing its ability to analyze contemporary market systems.

The system of welfare provides advantages to all Indian consumers especially those who belong to marginalized groups and those who live in rural areas and those who work in informal sectors and those who lack access to digital technology. The structural features of competition law establish limits on its ability to function as the main consumer protection system which protects India's most at-risk citizens. The Competition Amendment Act of 2023 brings substantial advancements through its digital market reforms and its improved deterrence methods. The process of changing laws needs more than legislative action. The twenty-first century Indian economy demands an ecosystem of competition law which needs to establish strong institutions and provide adequate resources while developing consumer education programs to handle rapidly changing business environments. The welfare of the people needs to receive complete attention.<sup>21</sup>

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