

DIGITAL COMPETITION LAW AND BIG TECH REGULATION: A COMPARATIVE ANALYSIS OF THE EU DIGITAL MARKETS ACT AND INDIA'S DIGITAL COMPETITION BILL

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1. Introduction

1.1 Background Study

Digital markets have evolved rapidly and are changing the economies of the world, as big tech firms have unprecedented power over commerce, communications, and data flows. A preventive regulatory tool to break the influence of big online platforms, the “Digital Markets Act (DMA)” was introduced in the European Union (EU)¹. It extends to gatekeepers, such as Alphabet (Google), Amazon, Apple, Meta (Facebook), Microsoft, and ByteDance (TikTok), in addition to imposing ex-ante liability on them in an attempt to promote contestability and more equitable digital ecosystems². The DMA has already led to significant changes in compliance, including Apple's permission for alternative app stores within the EU and Google's engineering of search results to prevent self-preferencing.

In a similar vein, the “Draft Digital Competition Bill (DCB)” of 2024, modelled after the DMA, attempted to create an ex-ante framework in India to regulate so-called “Systemically Significant Digital Enterprises (SSDEs)” to provide core digital services such as online search engines, social networking, and cloud computing³. Though the bill was pulled in August 2025 due to its effects on innovation, the government instead chose to conduct a comprehensive market study, demonstrating the increasing willingness of India to deal with the market power of big tech. The digital economy of India is expected to grow to \$1 trillion by 2026, and it is dominated by foreign technology giants, with Google controlling more than 95% of the search market and Amazon controlling miscellaneous e-commerce with a 35-40% share as of 2025⁴. The latter background clarifies that a comparative examination is necessary because both regimes seek to reduce anti-competitive forces, such as network effects and data monopolies, that entrench market dominance. It also examines global trends in antitrust regulations, noting that big tech collectively has a market valuation of trillions by 2025⁵.

1.2 Research Aim and Objective

This research aims to provide a comparative analysis of the EU's Digital Markets Act and India's Draft Digital Competition Bill, evaluating their roles in regulating big tech and promoting fair digital competition.

Objectives:

- To outline the key provisions, designation criteria, and enforcement mechanisms of the DMA and DCB.

¹Jussila, N. and Oezocak, A.U., 2025. Regulating Digital Platforms: The Interplay Between EU Competition Law and the Digital Markets Act.

²Thépot, F., 2025. Market power and gatekeepers: complements or substitutes?. *Market and Competition Law Review*, 9(1), pp.41-76.

³Afuwape, K., 2024. Analysing the ex-ante regulations in India's digital competition bill and its effects on Indian business interests. *World Competition*, 47(4).

⁴Agrawal, R. (2022). *By 2026, India's digital economy is expected to be worth \$1 trillion. Data protection bill paving the way?* [online] Times of India Voices. Available at: <https://timesofindia.indiatimes.com/blogs/voices/by-2026-indias-digital-economy-is-expected-to-be-worth-1-trillion-data-protection-bill-paving-the-way-2/> [Accessed 4 Sep. 2025].

⁵ Almeida, J.G.D., 2024. Regulating competition in platform economy: European Union's Digital Market Act's challenges and opportunities and analysis from a developing economy perspective (Doctoral dissertation, Universidade de São Paulo).

- To identify similarities and differences in their approaches to addressing market dominance.
- To assess the practical impacts on big tech companies and digital markets using statistical data and real-world examples.
- To recommend policy enhancements based on the analysis for effective regulation.

1.3 Research Question

- What are the primary features and obligations under the DMA and DCB?
- How do the two frameworks compare in terms of scope, effectiveness, and adaptability to digital market dynamics?
- What are the observable effects of these regulations on big tech dominance, competition, and innovation in the EU and India as of 2025?

1.4 Research Significance

“The *S&P 500* is a stock market index that tracks the performance of 500 major companies listed on US stock exchanges⁶”. This work is particularly important in an era when digital platforms dominate significant areas of economic engagement. As big tech represents almost a third of the *S&P 500* in 2025 and the world spends more than 9.3% on IT in 2025, policymakers can use insights into these regulations to strike a balance between innovation and competition⁷. In the case of the EU, the DMA has already affected market behaviours, which could diminish the power of gatekeepers in favour of smaller players. In India, with the IT sector already contributing 7.5 percent to GDP and likely to grow to 10 percent by FY25, the analysis of the DCB draft is set to reform future laws as antitrust investigations continue to open⁸. The study is recognised as an addition to the current academic debate on issues of global digital governance by emphasising the role of ex-ante rules in preventing market tipping, consumer protection, and start-up development, which lead to the creation of equitable digital economies.

2. Literature Review

2.1 Theory and Framework

Traditional antitrust theories are the foundations of the competition law in the digital market. It is, however, adjusted to the specifics of the online economy. The network effects of digital markets tend to be high, and the larger the number of people using a service, the more valuable it is⁹. Many services are provided at no cost, such as search engines and social media. These platforms are also two-sided and connect various categories of users, such as buyers, sellers, and advertisers.

⁶Economictimes (2025). *S&p 500*. [online] The Economic Times. Available at: <https://economictimes.indiatimes.com/definition/s&p-500?from=mdr> [Accessed 8 Sep. 2025].

⁷Deloitte (2025). *2025 technology industry outlook*. [online] Deloitte Insights. Available at: <https://www.deloitte.com/us/en/insights/industry/technology/technology-media-telecom-outlooks/technology-industry-outlook.html> [Accessed 2025].

⁸IBEF (2025). *IT & BPM Industry in India: Market Size, Opportunities, Growth, Report | IBEF*. [online] www.ibef.org. Available at: <https://www.ibef.org/industry/information-technology-india> [Accessed 2025].

⁹Vakeel, K.A., Malthouse, E.C. and Yang, A., 2021. Impact of network effects on service provider performance in digital business platforms. *Journal of service management*, 32(4), pp.461-482.

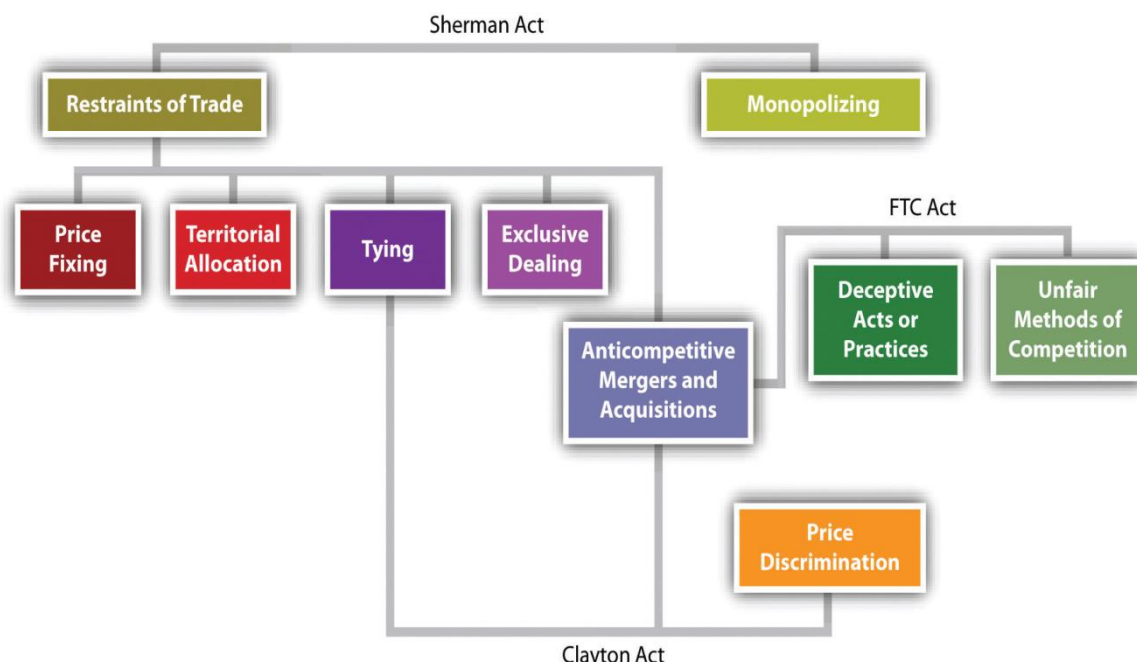


Figure 2.1: Traditional antitrust theories

(Source: Saylordotorg, 2024)[provide citation]

The concept of consumer welfare in the Chicago School concerned primarily the price effects. The traditional market perception is effective in conventional markets, but struggles in digital markets, where services are often free. It fails to capture the evil associated with data, market domination, or innovation¹⁰. This has resulted in neo-Brandeisian thought. These are more of market structure, fairness, and power distribution amongst firms. Regulators now consider theories of harm to analyse risky behaviour. This includes ostracism, predatory acquisitions of other competitors, and ecosystem lock-ins. These evils have the power to curtail choice and restrict competition. The legislation is at its early stage. It raises the question of data concentration and tipping points, where feedback loops can drive a market towards a monopoly¹¹.

2.2 Evolution of Competition Law in the Digital Era

The literature demonstrates a change in the application of competition law to digital markets. Previously, regulators were primarily ex-post¹², which implies that action was taken only after a breach had occurred, for example, by fining companies after damage had been caused. Throughout history, analysts and policymakers have held that this is too slow in the fast-moving digital markets. Instead, they present ex-ante rules. These rules are put in place prior to the incurring of harm, in an attempt to avoid trouble before it occurs.

¹⁰Lambert, T.A. and Cooper, T., 2023. Neo-Brandeisianism's Democracy Paradox. *J. Corp. L.*, 49, p.347.

¹¹OECD (2024). *THEORIES OF HARM FOR DIGITAL MERGERS OECD Competition Policy Roundtable Background Note*. [online] Available at: https://www.oecd.org/content/dam/oecd/en/publications/reports/2023/05/theories-of-harm-for-digital-mergers_7bae0553/0099737e-en.pdf

¹²Kasikci Unalan, A., 2025. Ex-ante and Ex-post Enforcement Mechanisms in Digital Markets under EU Competition Law and Digital Markets Act.

The Evolution of Agentic AI Over Time

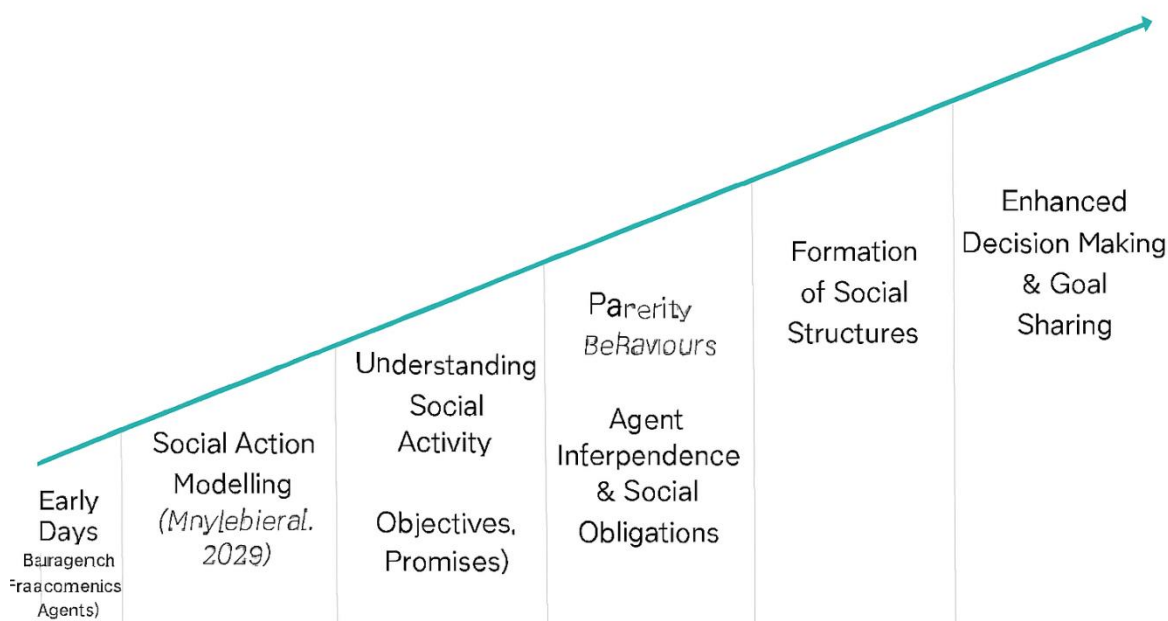


Figure 2.2: The Evolution of AI Agentic AI over time

(Source: Self-Made)

The author who wrote their thesis at the University of Chicago, played the central role in this debate¹³. It implied taking charge in responding to the strength of big online spaces. To a large extent, the EU Digital Markets Act (DMA) was influenced by this line of thought. The DMA establishes regulations on big platforms before they can indulge in malpractice, instead of seeking to reprimand them afterward. A similar approach has been spoken of in India. Many of these ideas were reflected in the Committee on Digital Competition Law (CDCL) report¹⁴. It put forward the idea of Significant Strategic Digital Enterprises (SSDEs). This is close to the EU gatekeeper model. The goal is to prevent anti-competitive behaviour in its early stages and defend fair competition.

2.3 Key Provisions of the EU Digital Markets Act

The specifications of the Digital Markets Act (DMA) are described by Moreno Beloso and Petit¹⁵. The DMA has specific criteria to determine the firms that are considered gatekeepers. A gatekeeper is a major platform with significant and enduring influence in the market. A company should have a minimum of EUR7.5 billion of turnover in the EU, over 45 million monthly active users and be consistent over the years to be classified¹⁶. These rules aim to target very large digital companies that influence online markets. A company must adhere to stringent requirements once it is branded as a gatekeeper. These include facilitating data portability, i.e. users can easily move their data to other services. There should also be

¹³Freedman, C. and Nottage, L., 2022. Revisiting Ramseyer: The Chicago School of Law and Economics Comes to Japan. *Ariz. J. Int'l & Comp. L.*, 39, p.225.

¹⁴Singh, M., 2025. Deciphering the Purpose (s) of Indian Competition Law: Where Does India Stand in the Neo-Brandeisian Debate?. *The Antitrust Bulletin*, 70(2), pp.143-175.

¹⁵Moreno Beloso, N. and Petit, N., 2023. The EU Digital Markets Act (DMA): a competition hand in a regulatory glove. *European law review*, 48, pp.391-421.

¹⁶European Commission (2022). *The Digital Markets Act: ensuring fair and open digital markets*. [online] European Commission. Available at: https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-markets-act-ensuring-fair-and-open-digital-markets_en [Accessed 2025].

interoperability of companies where their services interact with those of competitors. The other one is the self-preferencing ban in which a platform promotes its own products at the expense of others. These needs are trying to open and liberalise markets. The DMA is contestability-focused. This means that open markets are being maintained, and lock-in should be avoided¹⁷. The law has to be enforced by the European Commission. When companies violate the regulations, they may pay very large fines, even 10% of their world turnover.

Article	Provision	Key Example / Obligation
Art. 3	Designation of Gatekeepers	Criteria: \geq EUR 7.5 bn EU turnover, \geq 45m EU monthly active users, or \geq 10,000 yearly business users.
Art. 5	Core Obligations (do's & don'ts)	Ban on combining personal data without consent; ban on self-preferencing (e.g., Google search results); business users free to contact consumers outside the platform.
Art. 6	Obligations subject to further specification	Allow interoperability of messaging apps; ensure data portability; allow sideloading & third-party app stores (Apple case).
Art. 7	Implementation details	Commission can tailor obligations for gatekeepers based on evolving practices.
Arts. 29–36	Enforcement & Penalties	European Commission oversight; fines up to 10% of global turnover (20% for repeat infringements).

Table 1: Key Provisions of EU Digital Competition Bill (2024 Draft)

(Source: Self-Made)

2.4 Key Provisions of India's Digital Competition Bill

The Digital Competition Bill (DCB) of India forms the rules that govern powerful digital firms in India¹⁸. It presents the typology of Significant Strategic Digital Enterprises (SSDEs). A company has to fulfil some size requirements to qualify as an SSDE. These are: An Indian turnover of not less than 4,000 crore annually or a turnover worldwide of 16,000 crore¹⁹. The other test is over 10 million end users in India. The criteria will find the largest platforms with the potential to influence competition.

Article / Provision	Description	Key Example / Obligation
Section 3	Designation of SSDEs	Criteria: Turnover \geq INR 4,000 crore in India or \geq INR 16,000 crore worldwide; \geq 10 million end-users in India.
Section 5	Prohibition of Anti-Steering	Platforms cannot restrict users from learning about cheaper or alternative services outside the platform. (e.g., App stores must allow links to outside payment gateways).
Section 6	Prohibition of Self-Preferencing & Data Misuse	Ban on platforms using third-party seller data to launch competing products (similar to Amazon's private label concerns).
Section 7	Interoperability & Data Portability	SSDEs must ensure data sharing and compatibility with smaller competitors' services.
Section 10	Enforcement & Penalties	CCI empowered to impose fines up to 10% of average global turnover over 3 years.

Table 1: Key Provisions of India's Digital Competition Bill (2024 Draft)

(Source: Self-Made)

¹⁷Budzinski, O. and Stöhr, A., 2024. *Perfect competition, market power, and contestability* (No. 189). Ilmenau Economics Discussion Papers.

¹⁸Ganesh, A., Yadav, M. and Pathak, G. (2025). The Indian draft digital competition bill and report: a critical perspective. *Indian Law Review*, [online] 108(107), pp.1–15. doi:<https://doi.org/10.1080/24730580.2025.2506958>.

¹⁹Afuwape, K., 2024. Analysing the ex-ante regulations in India's digital competition bill and its effects on Indian business interests. *World Competition*, 47(4).

SSDEs are required similarly to the Digital Markets Act (DMA) in the European Union. The DCB prohibits such practices as tying, in which a company requires users to acquire one service to gain access to another²⁰. It also denies the user the right to anti-steering and to learn about cheaper or superior alternatives that do not exist on the platform. The other regulation is the prohibition of unfair utilisation of data, including the utilisation of third-party business data to rival smaller competitors. These proposals have been commented on by Radic²¹. They caution that these rules can create the overreach that critics claimed of the DMA. Nevertheless, they also commend the DCB as being adaptable and appropriately placed for the young and rapidly expanding Indian digital market.

2.5 Comparative Studies

As comparative research, the DMA of the EU and the Draft Digital Competition Bill (DCB) of India have numerous features in common²². One of the laws applies quantitative thresholds to distinguish strong firms, and so does the other. Both are also based on prohibition, or that some practices are prohibited by default without any prolonged investigation. Such similarities show that India too is adhering to global patterns of digital regulation. Meanwhile, differences are also significant. The DMA applies to all EU member states, and it defines a single rulebook in the region. In comparison, the DCB only uses its national priorities in India²³. The other difference is that the DCB allows SSDEs to increase defences. This implies that a company can justify its behaviour by claiming that its activities are associated with benefits such as innovation or efficiency. The DMA, however, does not give much space to such arguments. Talin incorporates the experience of early implementation of the DMA²⁴. Among the most important insights is that good appeal processes are must-haves. Long legal battles in Europe have slackened the process. In the case of India, this translates to the DCB making sure that the appeals are quick and fair. This would eliminate latitude and increase enforcement.

2.6 Gaps in Existing Literature

A significant body of literature is already available on the application of the Digital Markets Act (DMA) of the EU²⁵. Researchers and policymakers have studied its impact on the contestability of the market, consumer choice, and its impact on the gatekeepers. By comparison, little has been done on the Draft Digital Competition Bill (DCB) in India. This is primarily because the bill never got past its draft stage and was formally scrapped in 2025²⁶. Consequently, there is limited academic data and empirical evidence on its possible effect. The existing gaps in the literature are in evaluating the potential impact that such regulations can have on innovation in emerging economies, where a digital market is yet to mature²⁷. The

²⁰Stănculescu, A.A.M., 2023. Digital single market: consumer protection rules in the digital services act. *International Journal of Legal and Social Order*, 3(1), pp.400-411.

²¹Radic, L., Manne, G.A. and Auer, D., 2024. Regulate for What? A Closer Look at the Rationale and Goals of Digital Competition Regulations. *A Closer Look at the Rationale and Goals of Digital Competition Regulations (August 01, 2024)*.

²²Manne, G.A., Radic, L. and Auer, D., 2025. Regulate for What? A Closer Look at the Rationale and Goals of Digital Competition Regulations. *Berkeley Bus. LJ*, 22, p.201.

²³Ganesh, A., Yadav, M. and Pathak, G. (2025). The Indian draft digital competition bill and report: a critical perspective. *Indian Law Review*, [online] 108(107), pp.1–15. doi:<https://doi.org/10.1080/24730580.2025.2506958>.

²⁴Talin, B. (2023). *EU Digital Markets Act (DMA) explained incl. Summary*. [online] MoreThanDigital. Available at: <https://morethandigital.info/en/eu-digital-markets-act-dma-explained/> [Accessed 2023].

²⁵Cabral, L., Haucap, J., Parker, G., Petropoulos, G., Valletti, T.M. and Van Alstyne, M.W., 2021. The EU digital markets act: a report from a panel of economic experts. *Cabral, L., Haucap, J., Parker, G., Petropoulos, G., Valletti, T., and Van Alstyne, M., The EU Digital Markets Act, Publications Office of the European Union, Luxembourg*.

²⁶Radic, L., Manne, G.A. and Auer, D., 2024. Regulate for What? A Closer Look at the Rationale and Goals of Digital Competition Regulations. *A Closer Look at the Rationale and Goals of Digital Competition Regulations (August 01, 2024)*.

²⁷Dana, L.P., Salamzadeh, A., Mortazavi, S. and Hadizadeh, M., 2022. Investigating the impact of international markets and new digital technologies on business innovation in emerging markets. *Sustainability*, 14(2), p.983.

other loophole is the ability of various jurisdictions to harmonise their competition laws. The 2025 data should also be utilised in future studies on market structure changes after the initial years of DMA implementation.

3. Methodology

3.1 Research Approach

This is an inductive research methodology where we base our research on certain observations and expand upon them²⁸. It is based on the close examination of laws, policy reports, and secondary data. Through these sources, the researcher determines several principles, requirements, and enforcement systems in the Digital Markets Act (DMA) in the EU and the Draft Digital Competition Bill (DCB) in India. The procedure allows designs and disparities to emerge from the content rather than examining a predetermined assumption. This method can be applied to find significant differences between the two regimes and their implications for the digital competition policy.

3.2 Research Philosophy

This study is informed by the interpretivism school of thought which teaches that knowledge is social construction (not objective)²⁹. The digital competition law, i.e., the DMA and the DCB are not technical laws but responds to the political, economic and social environment. Interpretivism allows us to study the variation in the way regulators, firms and consumers interpret such laws. A second use is also to deconstruct the motives of regulations, like promoting fairness, innovation or protecting the consumer. This approach allows to better understand the impacts of the competition law design, implementation, and practise, by examining meanings and perspectives in the digital marketplaces.

3.3 Research Method

Both the doctrinal and the comparative approaches are used to base the research. The reason is that the doctrinal approach is preoccupied with the intensive interpretation of case law, rules, and laws. It helps to define the key principles, needs, and restrictions of the competitions law regimes³⁰. In the meantime, different regimes (i.e., the Digital Markets Act (DMA) of the EU and the Draught Digital Competition Bill (DCB) of India) are contrasted using the comparative approach. Muhammad Yunus, a legal scholar who has studied legislation, judicial interpretations, and other scholarly texts, has made possible such an approach by looking at patterns side by side, identifying divergences, and seeing how other jurisdictions approach similar problems.

3.4 Data Collection Process

The research is based on secondary data gathered with the help of various reliable sources³¹. The Indian and the EU regulatory frameworks rely on certain primary texts of the law, such as the DMA Regulation and the CDCL Report. Scholarly journals and reports on antitrust complement theoretical knowledge and critical opinions regarding the competition law. Moreover, the current trends are captured using industry statistics. Statista and Deloitte offer the latest statistics of market shares, users and development of the IT sector. These materials are well-supported, contemporary, and the evidence related to law and economics is balanced.

²⁸Monteiro, E., Constantinides, P., Scott, S., Shaikh, M. and Burton-Jones, A., 2022. Qualitative research methods in Information Systems: A call for Phenomenon-focused Problemization.

²⁹William, F.K.A., 2024. Interpretivism or constructivism: Navigating research paradigms in social science research. *Interpretivism or Constructivism: Navigating Research Paradigms in Social Science Research*, 143(1), pp.5-5.

³⁰Ducci, F., 2025. Antitrust Goals and Decision Rules. *Forthcoming, UTLJ*.

³¹Panchal, S., 2024. Cross-Border Data Protection Laws in India and European Union: A Critical Analysis of the Complexities and the Legal Challenges.

3.5 Data Analysis Technique

Thematic analysis is a technique for identifying and describing important themes occurring in research aims and objectives³². It assists in structuring the complex information into simple patterns. Here, the data will be systematically examined and coded according to recurrent ideas, similarities and differences. These codes are then classified into larger themes that can summarise the key issues or trends. To reinforce the analysis, the themes are supported by statistics, examples, and facts. This makes the outcomes more legitimate and understandable. The process also emphasises effects, which indicate how various factors cause effects in meaningful ways.

3.6 Ethical Consideration

The study is done as a desk-based study, i.e., it is based solely on the available academic literature, policy reports, and official documents³³. This can ensure objectivity as the evaluation is based on reliable and verifiable sources and not personal opinion. All elements of the work are properly cited, ensuring that no one can claim any idea, data, or argument is plagiarized. Another objective of the study is to reflect a balanced perspective, i.e., to bring various views of various jurisdictions and stakeholders. This prevents the inclusion of any one country, region, or company, and provides fairness and academic integrity to the debate.

4. Data Analysis

4.1 Designation of Regulated Entities

The agendas of both the Digital Markets Act (DMA) by the EU and the Draft Digital Competition Bill (DCB) by India revolve around singling out dominant actors in digital markets and imposing special restrictions on them. The DMA has certain quantitative criteria according to which firms are considered to be gatekeepers. These are at least EUR7.5 billion of annual turnover in the EU, a worldwide market capitalization of EUR75 billion, and over 45 million monthly active users. According to these rules, six companies, including Alphabet, Amazon, Apple, ByteDance, Meta, and Microsoft, were officially declared as KasikciUnalan³⁴. The two of them dominate over 80 percent of the key digital services in the EU. In this regard, in Europe alone, Google enjoys about 92 percent of the market share of search engines³⁵.

The DCB suggests the same rules to Significant Strategic Digital Enterprises (SSDEs). A company can become eligible when it has a turnover of 4,000 crore in India, 16,000 crore worldwide, or has over 10 million end users³⁶. Google, Amazon, and Meta are likely SSDEs and are all leading the digital economy in India. Google has a 95-percent share of the search market and Amazon a 35-percent share of online retail³⁷. Although in the EU, Apple was required to make changes to iOS as a condition of the DMA, in India, Flipkart may have been willing to adapt to the realities of the local market, given that it has 40 percent of the e-commerce market.

³²Özden, M., 2024. Content and thematic analysis techniques in qualitative research: Purpose, process and features. *Qualitative Inquiry in Education: Theory & Practice*, 2(1), pp.64-81.

³³ Taylor, W.C., Williams, J.R., Harris, L.E. and Shegog, R., 2023. Computer prompt software to reduce sedentary behavior and promote physical activity among desk-based workers: a systematic review. *Human Factors*, 65(5), pp.891-908

³⁴Kasikci Unalan, A., 2025. Ex-ante and Ex-post Enforcement Mechanisms in Digital Markets under EU Competition Law and Digital Markets Act.

³⁵Fortune, P., 2024. *Democratising digital advertising and e-commerce in South Africa* (Master's thesis, University of the Witwatersrand, Johannesburg (South Africa)).

³⁶Admin (2024). *The Digital Competition Bill, 2024 - Reddy & Reddy*. [online] Reddy & Reddy. Available at: <https://reddyandreddy.law/the-digital-competition-bill-2024/> [Accessed 2025].

³⁷Peng, S.Y., 2024. *International Economic Law in the Era of Datafication*. Cambridge University Press.

4.2 Prohibited Conducts and Obligations

These regulations are meant to prevent anti-competitive behaviour and make the digital market fairer. Bans are articulated by the Digital Markets Act of the European Union (DMA)³⁸. It does not allow any self-preferencing where platforms discriminate favourably of their own services. It also prohibits tying, in which users are compelled to use one product to access another. Limitations on the unfair use of information are also contained. The DMA also requires interoperability to enable service integration and mandates sideloading to provide users with the option to use additional apps.

It has been proven why such rules are necessary. Statistics emphasise the strength of big companies. As one such example, some 50% of the EU e-commerce market is controlled by Amazon³⁹. This hegemony led to ruthless prohibition against Amazon accessing information of independent sellers to produce its own-label products. The Draft Digital Competition Bill (DCB) in India takes a similar route. It outlaws anti-steering, which prevents users from finding a superior off-platform price or encountering malicious terms on nine large online services. The DCB, however, is different in that Significant Strategic Digital Enterprises (SSDEs) are permitted to explain some behaviour as security in nature. Such defences are not allowed in the DMA. The problem is illustrated using real cases. Android abuse was fined EUR 4.3 billion against Google in the EU in 2018 and upheld in 2022. In India, Google was fined 1,337 crore in 2022 by the Competition Commission because of the same practice⁴⁰. Such problems may not recur with the DCB, as it will require choice screens, potentially decreasing the market share of 98% of the mobile operating systems in India that Google already holds⁴¹.

Prohibited Conducts and Obligations (with Case Law Examples)

To demonstrate why ex-ante regulation is necessary, key EU and Indian cases can offer some useful insights:

- **EU Case 1 - Google Android (2018; affirmed 2022):** The European Commission imposed a EUR 4.3 billion fine on Google, as it violated dominance regulation by imposing the installation of Google search and chrome as pre-installed software on Android devices. This historic case influenced the DMA provisions on choice screens and interoperability⁴².
- **EU Case 2 - Apple App Store (2025):** The European Commission imposed a fine of EUR 500 million on Apple because of its efforts to reduce the capability of the developers to inform consumers about the cheaper option that is not accessible via the App Store. This is the anti-steering responsibilities of the DMA⁴³.
- **India Case 1 - Google Android (CCI, 2022):** The Competition Commission of India imposed a fine of INR 1,337 crore on Google because it used its Android mobile

³⁸Larouche, P. and De Streel, A., 2021. The European digital markets act: A revolution grounded on traditions. *Journal of European Competition Law & Practice*, 12(7), pp.542-560.

³⁹Klimek, L. and Funta, R., 2021. Data and e-commerce: An economic relationship. *Danube: Law, Economics and Social Issues Review*, 12(1), pp.33-44.

⁴⁰Pib.Gov (2022). *CCI imposes a monetary penalty of Rs. 1337.76 crore on Google for anti-competitive practices in relation to Android mobile devices*. [online] Pib.gov.in. Available at: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1869748> [Accessed 4 Sep. 2025].

⁴¹Manne, G.A., Radic, L. and Auer, D., 2025. Regulate for What? A Closer Look at the Rationale and Goals of Digital Competition Regulations. *Berkeley Bus. LJ*, 22, p.201.

⁴²European Commission (2025). *Press corner*. [online] European Commission - European Commission. Available at: https://europa.eu/rapid/press-release_IP-18-4581_en.htm [Accessed 2025].

⁴³European Commission (2024). *Commission fines Apple over €1.8 billion over abusive App store rules for music streaming providers*. [online] European Commission - European Commission. Available at: https://ec.europa.eu/commission/presscorner/detail/ga/ip_24_1161 [Accessed 2024].

device dominance to compel OEMs to pre-install Google apps. This reflects the position of the EU and signifies alignment of the digital antitrust regulation⁴⁴.

- **Practice Case 2 - Amazon Favouritism of Sellers (CCI, 2024):** The CCI examined the Amazon favouring sellers on its site. Although the case remains under adjudication, it raises the danger of discrimination and justifies the reasons why the DCB prohibits self-preferencing⁴⁵.

4.3 Enforcement Mechanisms

One of the key components of competition law is enforcement, which ensures that companies do not violate the rules. Regulators can penalise firms that violate commitments. The European Commission gets its powers through the Digital Markets Act (DMA). It can initiate inquiries, observe practice and issue extremely high penalties. The fines can be up to 10%⁴⁶ on the global turnover of a corporation, and up to 20%. In cases of repeated offences. By mid-2025, the European Commission had gathered some EUR2.5 billion in fines. A EUR500 million App Store antitrust penalty on Apple due to the practice that restricted developer choice was one such high-profile case.

In India, the Competition Commission of India (CCI) has been given such powers in the Draft Digital Competition Bill (DCB). The maximum fines that the DCB can impose are 10 percent of the average turnover of a company in the past three years⁴⁷. This is a proportional measure that still makes a good deterrent. Data available indicates the extent to which regulators have become active. The European Commission report on the state of the digital market in 2025 suggests that since the DMA became effective, there has been a 30% growth in the volume of probes into digital platforms. The CCI has already dealt with over 50 digital competition cases since 2020 in India. A case in point is the 2025 EUR200 million penalty on Meta in the EU related to data tying⁴⁸. Concurrently, India CCI is researching the WhatsApp and Instagram integration by Meta. Had the DCB been in force, it likely would have allowed a quicker ex-ante response in these situations⁴⁹.

4.4 Impacts on Competition and Innovation

The idea behind such laws is to minimise the influence of extremely large digital platforms. They are, however, associated with the risks of lowering the growth rate and increasing the costs. There are positive and negative implications of the Digital Markets Act (DMA) in the European Union. The usage of alternative stores increased 25 times due to compliance with the DMA⁵⁰. This provided start-ups and smaller developers with new access to consumers. Simultaneously, an information technology and innovation foundation has reported that gatekeepers have to spend approximately ten billion dollars on compliance⁵¹. Such high prices reflect the economic cost of regulation.

Things also change in the market share. Through sideloading, an example of which is that Apple had lost 30% of its iOS market share to 28% in Europe because the latter gave

⁴⁴pib.gov.in (2022). *CCI imposes a monetary penalty of Rs. 1337.76 crore on Google for anti-competitive practices in relation to Android mobile devices*. [online] Pib.gov.in. Available at: <https://www.pib.gov.in/PressReleasePage.aspx?PRID=1869748> [Accessed 2022].

⁴⁵Reuters (2024). *Amazon, Flipkart violated competition laws by favouring certain sellers: Report*. [online] India Today. Available at: <https://www.indiatoday.in/business/story/amazon-flipkart-competition-laws-cci-favour-2600861-2024-09-16> [Accessed 2024].

⁴⁶Larouche, P. and De Streel, A., 2021. The European digital markets act: A revolution grounded on traditions. *Journal of European Competition Law & Practice*, 12(7), pp.542-560.

⁴⁷Casu, B., Gallo, A., Kalotychnou, E. and Sarkisyan, A., 2023. Bank misconduct, board diversity and CEO turnover. *Review of Corporate Finance*, 3(1-2), pp.149-174.

⁴⁸DMA (2025). *Commission gathers views on how the DMA can support fair and contestable digital markets and AI sector*. [online] Digital Markets Act (DMA). Available at: https://digital-markets-act.ec.europa.eu/commission-gathers-views-how-dma-can-support-fair-and-contestable-digital-markets-and-ai-sector-2025-08-27_en [Accessed 4 Sep. 2025].

⁴⁹Tewari, A., 2024. A Critical Evaluation of India's Proposed Digital Competition Act. *Competition Commission of India Journal on Competition Law and Policy*, pp.79-104.

⁵⁰Geraadin, D., 2025. Why the Apple App Store and the Google Play Store fees should be low or even zero. Available at SSRN 5272037.

⁵¹Enriques, L., Romano, A. and Tuch, A.F., 2024. Green gatekeepers. *Minn. L. Rev.*, 109, p.609.

consumers more choice⁵². Amazon had to allow third-party sellers to charge whatever they wished, and price parity was no longer enforced. This directly assisted small and medium-sized businesses (SMEs) by leveling the competition. The Draft Digital Competition Bill (DCB) was withdrawn in 2025 in India, and its direct effect was postponed. Nevertheless, simulation indicates that it might have competed better. This matters to the market since big techs are investing between 2023 and 2025 in India⁵³. Stricter rules are necessary, as evidenced by the Competition Commission of India's 2024 investigation into Amazon seller favouritism⁵⁴.

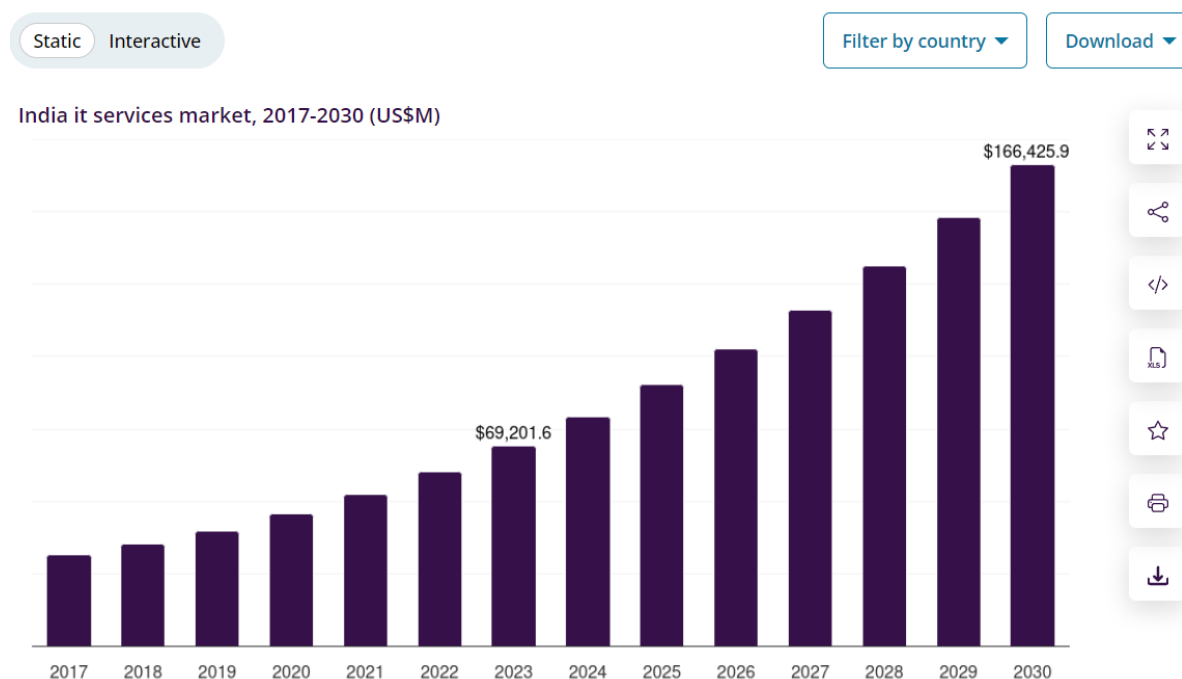


Figure 4 1: India It Services Market Size & Outlook

(Source: Grand View Research. 2024)

Since the Indian IT industry is expanding at a 13% CAGR to become a 166-billion industry by 2030, these reforms are likely to enable local companies such as Paytm to operate in a more level playing field⁵⁵.

5. Conclusion

The comparative analysis reveals that both the DMA and the DCB employ ex-ante models to combat big tech monopolies, with similar bans but contextually variant approaches; notably, the former is stricter than the latter. Numbers matter. Big tech will be worth \$17 trillion worldwide in 2025, with EU penalties topping EUR3 bn and India set to command 10 percent of GDP. Examples of successes in checking abuses include Google and Apple cases.

⁵²Goodwin, C.N. and Woolley, S., 2022, July. Sideloading: an exploration of drivers and motivations. In *35th International BCS Human-Computer Interaction Conference* (pp. 1-6). BCS Learning & Development.

⁵³Priyanka Salve (2025). *CNBC's Inside India newsletter: How 'Digital India' is driving Big Tech investments into the country*. [online] CNBC. Available at: <https://www.cnbc.com/2025/09/04/cnbcs-inside-india-newsletter-whats-driving-us-big-tech-investments-in-india.html> [Accessed 4 Sep. 2025].

⁵⁴Mittal, A. and Jhanwar, S., 2023. The EU Digital Markets Act and the WTO Non-Discrimination Policy: An Impediment for Developing Nations. *NUJS J. Regul. Stud.*, 8, p.91.

⁵⁵Grand View Research (2024). *India IT Services Market Size & Outlook, 2030*. [online] Grandviewresearch.com. Available at: <https://www.grandviewresearch.com/horizon/outlook/it-services-market/india> [Accessed 2024].

However, these issues, including the smothering of innovation, remain. An action plan would be to match thresholds and improve the CCI capacity of India. The rules aim to create a more equal ecosystem through changes in digital markets, which also need to be a process.

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