

COMPETITION LAW AND POLICY IN INDIA: EMERGING TRENDS AND FUTURE CHALLENGES

Proposed Chapterisation

Part I — Foundations and Evolving Architecture

Chapter 1 — Evolution of Competition Law in India: From MRTP to the Modern Competition Regime

- Historical development of Indian competition policy
- MRTP Act, 1969 and its limitations
- Raghavan Committee
- Competition Act, 2002
- Establishment and evolution of the CCI
- From regulation of monopolies to promotion of competitive markets
- Contemporary objectives of Indian competition law

Chapter 2 — The Competition Act, 2002: Statutory Framework and Institutional Architecture

- Objectives and scope of the Act
- CCI and its powers
- Director General
- Appellate mechanisms and judicial review
- Role of NCLAT and constitutional courts
- Interaction with sectoral regulators

Chapter 3 — Competition (Amendment) Act, 2023: Paradigm Shift in Indian Competition Law

- Key amendments
- New enforcement architecture
- Changes to combinations
- Settlement and commitment mechanisms
- Penalty reforms
- Deal Value Threshold
- Changes in the definition of control
- Implications for businesses and legal practitioners

Part II — Regulation of Anti-Competitive Conduct

Chapter 4 — Anti-Competitive Agreements: Cartels, Collusion and Emerging Forms of Coordination

- Section 3 of the Competition Act
- Horizontal and vertical agreements
- Cartelisation
- Price fixing and market sharing
- Bid rigging
- Information exchange
- Hub-and-spoke arrangements
- Algorithmic collusion
- Recent cartel enforcement trends

The CCI continues to actively investigate alleged cartelisation; for example, a 2026 investigation involving major fragrance companies illustrates the continuing importance of cartel enforcement in contemporary Indian markets.

Chapter 5 — Abuse of Dominant Position: Contemporary Challenges and Enforcement Trends

- Dominance versus dominant position
- Relevant market
- Predatory pricing
- Excessive pricing
- Refusal to deal
- Exclusive dealing
- Loyalty rebates
- Discriminatory conduct
- Leveraging and tying
- Self-preferencing

Chapter 6 — Vertical Restraints and Platform-Based Distribution Models

- Resale price maintenance
- Exclusive supply and distribution
- Franchise arrangements
- Most-favoured-nation clauses
- Platform restrictions
- Online marketplace restrictions
- Dual-role/platform conflicts
- Competition concerns in digital distribution

Part III — Digital Markets and Technology

Chapter 7 — Competition Law and Digital Markets in India

- Characteristics of digital markets
- Network effects
- Zero-price markets
- Data as an economic resource
- Multi-sided platforms
- Switching costs
- Digital gatekeepers
- Market power in technology markets

Chapter 8 — Big Tech, Platform Dominance and the CCI

- Google and digital ecosystem cases
- Apple and app-store competition issues
- Amazon and e-commerce competition concerns
- Meta and digital-platform issues
- Self-preferencing
- App-store restrictions
- Interoperability
- Data-driven market power

The Google smart-TV matter is particularly significant because the CCI accepted a settlement proposal addressing alleged barriers to entry, representing an important development in India's newer settlement framework.

Chapter 9 — Artificial Intelligence, Algorithms and Competition Law

- AI-driven markets
- Algorithmic pricing
- Algorithmic collusion
- Generative AI and market concentration
- Access to computing resources
- Data advantages
- AI partnerships and strategic investments
- Competition concerns surrounding foundation models
- AI-enabled antitrust enforcement
- Future regulatory challenges

Chapter 10 — Data, Privacy and Competition: Convergence of Regulatory Frameworks

- Data as a competitive advantage
- Data portability
- Data accumulation and market power
- Privacy as a parameter of competition
- Competition law and data-protection regulation
- Consumer welfare and data-driven markets
- Interoperability and switching

Part IV — Merger Control and Combination Regulation

Chapter 11 — Regulation of Combinations in India: The New Merger-Control Framework

- Sections 5 and 6
- Acquisition, merger and amalgamation
- Thresholds
- Control and material influence
- Group and enterprise thresholds
- Substantial business operations

Chapter 12 — Deal Value Threshold: Regulating High-Value Acquisitions in Digital and Emerging Markets

- Rationale behind the ₹2,000 crore threshold
- Killer acquisitions
- Start-ups and innovation
- Digital acquisitions
- Substantial business operations in India
- PE/VC transactions
- Compliance challenges

The deal-value threshold introduced through the 2023 reforms has become an important component of Indian merger control, particularly for transactions involving valuable businesses whose traditional asset/turnover figures may be comparatively low

Chapter 13 — Combination Regulations, 2024 and the New Filing Framework

- Competition Commission of India (Combinations) Regulations, 2024
- Revised filing requirements
- Forms and disclosures
- Green Channel mechanism
- Confidentiality
- Material influence
- Timelines and procedural reforms
- Practical issues in combination filings

The CCI's official regulatory framework records the 2024 combination regulations and subsequent amendments/notifications.

Chapter 14 — Merger Control in Technology, E-Commerce and Platform Markets

- Digital mergers
- Killer acquisitions
- Acquisitions of start-ups
- Ecosystem acquisitions

- Vertical integration
- Conglomerate mergers
- Innovation theories of harm
- Data-driven acquisitions

Part V — New Enforcement Mechanisms

Chapter 15 — Settlement and Commitment Mechanisms under Indian Competition Law

- Introduction of settlement
- Commitment mechanism
- Statutory framework
- CCI (Settlement) Regulations, 2024
- CCI (Commitment) Regulations, 2024
- Procedural framework
- Remedies and behavioural commitments
- Advantages and limitations

The CCI notified its Settlement Regulations in March 2024, establishing a formal mechanism for resolving eligible competition-law proceedings without proceeding through the entire conventional enforcement route.

Chapter 16 — Penalties, Global Turnover and the New Enforcement Philosophy

- Penalty provisions
- Relevant turnover versus global turnover
- Deterrence
- Proportionality
- Penalty Guidelines, 2024
- Individual liability
- Director/officer liability
- Compliance programmes

The global-turnover penalty framework has already generated significant constitutional and proportionality questions, including Apple's challenge to the application of the regime.

Chapter 17 — Leniency, Lesser Penalty and Cartel Enforcement

- Leniency framework
- Lesser-penalty applications
- Confidentiality
- Whistleblowing
- Evidence gathering
- Digital evidence
- Dawn raids and investigation
- Challenges in detecting sophisticated cartels

Chapter 18 — Confidentiality, Commercially Sensitive Information and Due Process

- Confidentiality under the Competition Act
- Business secrets
- Disclosure to parties
- Natural justice
- Investigation reports
- Procedural fairness
- Balancing transparency with commercial confidentiality

Recent CCI proceedings illustrate the practical importance of confidentiality: in a 2026 fragrance-industry investigation, an investigation report was reportedly recalled after concerns over insufficient redaction of commercial secrets.

Part VI — Sectoral and Emerging Competition Issues

Chapter 19 — Competition Law in E-Commerce and Online Marketplaces

- Amazon/Flipkart-type marketplace issues
- Platform neutrality
- Seller restrictions
- Private labels
- Self-preferencing
- Deep discounting
- Exclusive arrangements
- Consumer welfare

Chapter 20 — Competition in the FinTech, Banking and Digital Payments Ecosystem

- UPI ecosystem
- Payment platforms
- FinTech concentration
- Interoperability
- Digital lending
- Payment-app competition
- Network effects
- Role of sectoral regulators

Chapter 21 — Competition Law and the Pharmaceutical & Healthcare Sector

- Generic medicines
- Patent-related competition issues
- Pharmaceutical distribution
- Price competition
- Hospital markets
- Healthcare platforms

- Competition and public health

Chapter 22 — Competition Law in Energy, Infrastructure and Telecommunications

- Natural monopolies
- Essential facilities
- Network industries
- Telecom competition
- Spectrum and market structure
- Infrastructure sharing
- Competition and regulation

Chapter 23 — Competition Law, Labour Markets and No-Poach Agreements

- Labour markets as competition markets
- Wage-fixing
- Employee mobility
- No-poach agreements
- Anti-competitive employment practices
- CCI's emerging approach

The issue is particularly timely because Indian antitrust enforcement has increasingly examined coordination affecting labour markets, including alleged anti-poaching arrangements.

Part VII — Judicial and Institutional Developments

Chapter 24 — Judicial Review of Competition Commission Decisions

- Role of NCLAT
- Role of High Courts
- Supreme Court jurisprudence
- Standards of judicial review
- Natural justice
- Constitutional challenges

Chapter 25 — Landmark Supreme Court and NCLAT Decisions in Indian Competition Law

This chapter can provide a case-law-driven analysis of major decisions concerning:

- Relevant market
- Dominance
- Cartels
- Abuse of dominance
- Combinations
- CCI jurisdiction
- Penalties

- Natural justice
- Digital markets

Chapter 26 — CCI and Sectoral Regulators: Jurisdictional Conflicts and Cooperation

- CCI versus TRAI
- CCI versus SEBI
- CCI versus RBI
- CCI versus other regulators
- Sectoral regulation versus competition regulation
- Regulatory overlap
- Comity and institutional cooperation

Part VIII — Competition Policy and Future Challenges

Chapter 27 — Competition Compliance in the Modern Indian Corporate Environment

- Antitrust compliance programmes
- Board responsibility
- Employee training
- Competition audits
- M&A compliance
- Digital compliance
- Dawn-raid preparedness
- Risk management

Chapter 28 — Competition Law and Sustainability: Green Agreements and ESG Considerations

- Sustainability agreements
- Green collaborations
- Climate objectives
- Consumer welfare
- Environmental benefits
- Risk of greenwashing
- Balancing competition and sustainability

Chapter 29 — Competition Law and Innovation: Protecting Innovation Without Restricting Markets

- Innovation as a competitive parameter
- Start-ups
- Intellectual property and competition
- Patent licensing
- Technology transfer
- Innovation markets

- Killer acquisitions
- Dynamic competition

Chapter 30 — The Future of Competition Law in India: Towards a Digital and Innovation-Centred Regime

- Future of CCI enforcement
- Ex-ante regulation of digital markets
- AI and antitrust
- Data and competition
- Cross-border enforcement
- Global cooperation
- Institutional capacity
- Future legislative reforms
- Competition policy and India's \$5 trillion-plus economy
- Towards a next-generation Indian competition framework