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THE GIG ECONOMY AND COMPETITION LAW: A FRAMEWORK FOR CURBING PLATFORM-BASED MARKET ABUSE

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I. ABSTRACT

The proliferation of digital platforms has revolutionized labor markets through the gig economy model. This paper examines the intersection of India's competition law framework with platform-based labor markets. It analyzes how dominant platforms exercise substantial market power in ways that may constitute abuse. The Indian Competition Act, 2002, and the proposed Digital Competition Law have yet to fully address platform-specific challenges. These platforms frequently exhibit winner-takes-all dynamics through network effects and data aggregation advantages. Worker misclassification further compounds competitive distortions by enabling cost advantages through regulatory arbitrage.

This research explores how algorithmic management systems create information asymmetries that disadvantage both workers and consumers. It proposes a specialized regulatory framework addressing the unique characteristics of platform markets. The paper advocates a two-pronged approach: adapting competition law doctrines to platform contexts and developing platform-specific regulations.

Additionally, it examines worker classification reforms to eliminate unfair competitive advantages. Drawing comparisons with international approaches like the EU Digital Markets Act, this study contributes to the developing jurisprudence on platform regulation in India. Policy recommendations focus on enhancing algorithmic

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transparency, establishing gatekeeper criteria, and improving regulatory oversight to curb anticompetitive practices in India's rapidly evolving digital ecosystem.

II. KEYWORDS

Gig Economy, Platform Competition, Algorithmic Management, Worker Misclassification, Regulatory Framework

III. INTRODUCTION

The gig economy represents a transformative shift in labor market arrangements globally. It encompasses short-term contracts and freelance work delivered through digital platforms. This system connects service providers with consumers through technological intermediation. The traditional employer-employee relationship dissolves in this framework. Workers function as independent contractors without fixed wages or benefits.³

India has emerged as a significant hub for gig work in recent years. NITI Aayog data reveals gig workers increased from 0.54% in 2011-12 to 1.33% in 2019-20. This growth trajectory continues to accelerate post-pandemic. Current estimates suggest that approximately 7.7 million workers participate in India's gig economy. Various projections indicate this number could triple to 23.5 million by 2029-30.⁴

Digital revolution and smartphone penetration have catalyzed this expansion. Affordable internet access enables millions to participate in platform-mediated work. Major platforms like Zomato, Swiggy, Uber and Ola dominate India's gig landscape. These platforms operate across diverse sectors including transportation, food delivery

³ World Economic Forum, "What is the gig economy and what's the deal for gig workers?" (November 2024), <https://www.weforum.org/stories/2024/11/what-gig-economy-workers/>.

⁴ International Labour Organization, "Expansion of the gig and platform economy in India: Opportunities for Employer and Business Member Organizations" (November 21, 2024), <https://www.ilo.org/publications/expansion-gig-and-platform-economy-india-opportunities-employer-and>.

and personal services. The COVID-19 pandemic further accelerated platform adoption among both consumers and workers.⁵

The gig economy manifests through two primary models in the Indian context. Platform workers provide services coordinated through digital applications with algorithmic management. Non-platform gig workers perform temporary task-based work without technological intermediation. Both categories experience similar challenges regarding income security and social protection. This distinction becomes critical when designing appropriate regulatory frameworks.⁶

Several factors drive Indians toward gig work opportunities. Demographic factors play a significant role, with a large young workforce seeking income-generating options. Flexibility appeals to workers managing multiple responsibilities or pursuing education. Economic necessity pushes many into gig arrangements due to limited formal employment options. For businesses, gig workers offer cost-effective solutions through reduced overhead expenses.⁷

The economic impact extends beyond individual workers. Boston Consulting Group research indicates the gig economy could potentially create 90 million non-farm jobs in India. It might contribute an additional 1.25% to India's GDP through enhanced productivity. Platform companies attract substantial investments, generating employment across ancillary services. Their technological innovations also improve market efficiency through better matching of supply and demand.⁸

⁵ Gokhale Institute of Politics and Economics, "Gig Economy Workers' Livelihood: A Qualitative Study of Ride-Hailing Platforms in Bangalore City, India," <https://gipe.ac.in/gig-economy-workers-livelihood-a-qualitative-study-of-ride-hailing-platforms-in-bangalore-city-india/>.

⁶ Ideas for India, "Collecting labour market statistics to study the platform economy," <https://www.ideasforindia.in/topics/productivity-innovation/collecting-labour-market-statistics-to-study-the-platform-economy.html>.

⁷ Drishti IAS, "Rise of the Gig Economy in India," <https://www.drishtias.com/daily-updates/daily-news-editorials/rise-of-the-gig-economy-in-india>.

⁸ ForumIAS, "Gig Workers in India - Challenges and Way Forward" (October 21, 2024), <https://forumias.com/blog/gig-workers-in-india-challenges-and-way-forward-explained-pointwise/>.

Despite these benefits, significant challenges persist in the platform economy. Income volatility creates financial insecurity for workers dependent on algorithmic assignments. The absence of employment benefits leaves workers without health insurance and retirement security. Long working hours to meet platform incentives often lead to exploitation. Worker classification issues prevent access to labor protections available to traditional employees.⁹

IV. RESEARCH OBJECTIVES

- To analyze how dominant digital platforms in the gig economy exercise market power in ways that may constitute abuse under Indian competition law
- To examine the intersection of worker misclassification with competition law distortions
- To develop a specialized regulatory framework for curbing anti-competitive practices in platform-based markets

V. RESEARCH QUESTIONS

- How do algorithmic management systems create information asymmetries that disadvantage gig workers and distort market competition?
- To what extent does worker misclassification enable unfair competitive advantages for platform companies?
- What lessons can India derive from international approaches like the EU Digital Markets Act and US antitrust reforms?

VI. RESEARCH METHODOLOGY

This research employs a doctrinal methodology to examine the intersection of competition law with gig economy platforms. The doctrinal approach facilitates systematic analysis of primary legal sources, including statutes, case law, and regulatory

⁹ Velocity Global, “Gig Economy Statistics for 2024” (October 23, 2024), <https://velocityglobal.com/resources/blog/gig-economy-statistics/>.

frameworks. Legislative materials, including the Competition Act, 2002, Draft Digital Competition Law (2024), and Code on Social Security, 2020, are examined to assess the current regulatory landscape. The methodology incorporates comparative legal analysis of international jurisprudence, particularly focusing on the EU Digital Markets Act and US antitrust reforms to derive transferable insights for the Indian context. Academic literature, regulatory decisions, and policy papers are synthesized to identify regulatory gaps and formulate a framework that addresses the unique competitive challenges posed by gig economy platforms.

VII. CONCEPTUAL FRAMEWORK OF THE GIG ECONOMY

A. Definition and Characteristics

The gig economy represents a labor market characterized by short-term contracts and freelance work. It fundamentally departs from traditional employment relationships through technology-enabled platforms. These platforms function as intermediaries connecting service providers with consumers seeking specific services. The term “gig” originates from the music industry, where performers took short engagements.¹⁰ Digital platforms have transformed this concept into a pervasive economic model across sectors. Platform companies typically classify workers as independent contractors rather than employees. This classification creates significant legal and economic ramifications for competition analysis and worker protections. Workers generally use personal assets like vehicles or smartphones to deliver services. They also bear substantial operating costs and financial risks previously shouldered by employers.¹¹

The gig economy exhibits several distinctive characteristics that differentiate it from conventional markets. Algorithmic management replaces human supervision through data-driven performance metrics and automated decision-making. Workers experience

¹⁰ Kasturi Das & Swati Mishra, “Precarity by Design: A Regulatory Perspective on Labour Platforms in India,” 58 INDIAN J. LAB. ECON. 715, 718-719 (2022).

¹¹ Praveen Jha & Preksha Mishra, “Persistent Vulnerabilities in the World of Work and Contemporary Capitalism: Some Reflections on India,” 65 INDIAN J. LAB. ECON. 347, 350-352 (2022).

dynamic pricing mechanisms that fluctuate based on demand patterns and platform algorithms. The relationship structure involves a triangular arrangement between platform workers and consumers, rather than binary employer-employee dynamics. Platforms exercise considerable control through terms of service and algorithmic oversight while simultaneously distancing themselves from employer obligations. The Competition Commission of India acknowledged these unique market dynamics in its Market Study on E-commerce, noting how platform business models create novel competitive concerns.¹²

B. Key Stakeholders: Platforms, Workers, and Consumers

The platform companies constitute the primary stakeholders who develop and maintain the digital infrastructure. They establish marketplace rules and extract commissions from transactions facilitated through their technology. Major platforms in India, such as Zomato, Swiggy, Ola, and Urban Company, have achieved dominant market positions. These entities utilize sophisticated algorithms to optimize matching supply with demand. Their business models rely on network effects where value increases with more users. Most platforms operate under a commission-based revenue model, taking between 20-and 30% of transaction values. According to NITI Aayog, platforms in India generated approximately ₹2,500 crore in FY 2020-2021 through commission fees.¹³

Gig workers represent the second key stakeholder group providing actual services to end consumers. They typically lack traditional employment benefits such as social security or health insurance. The Code on Social Security, 2020, marks India's first legislative attempt to recognize gig workers. Section 2(35) defines them as workers outside conventional employer-employee relationships.¹⁴ Workers face algorithmically determined work allocation and compensation structures beyond their control. Many experience

¹² Competition Commission of India, "Market Study on E-commerce in India: Key Findings and Observations," 77-79 (2020), https://www.cci.gov.in/sites/default/files/whats_newdocument/Market-study-on-e-Commerce-in-India.pdf.

¹³ NITI Aayog, "India's Booming Gig and Platform Economy," 42-43 (2022), https://www.niti.gov.in/sites/default/files/2022-06/25th_June_Final_Report_27062022.pdf.

¹⁴ Government of India, "Code on Social Security," Section 2(35) (2020).

significant income volatility and job insecurity without predictable earnings. Their collective bargaining power remains severely limited due to independent contractor status. The Supreme Court in *Federation of Indian Micro and Small & Medium Enterprises v. Union of India* observed that technological intermediation creates power imbalances affecting worker autonomy.¹⁵

Consumers form the third essential stakeholder group who utilize platform services. They benefit from increased service availability, competitive pricing, and convenience. The consumer experience fundamentally depends on platform design choices and policies. Personalized pricing mechanisms sometimes result in different consumers paying varying prices. Platforms frequently engage in aggressive discount strategies to capture market share. These practices raise concerns under Section 4(2) of the Competition Act regarding discriminatory pricing.¹⁶ Consumer Protection (E-Commerce) Rules, 2020 require platforms to disclose terms of service. However enforcement remains challenging due to information asymmetries. Consumers experience limited visibility into pricing algorithms or worker compensation structures.

VIII. OVERVIEW OF COMPETITION LAW

A. Objectives and Principles of Competition Law

Competition law serves as the primary legal framework for maintaining economic fairness and efficiency. Indian competition jurisprudence emerged from a shift away from monopoly control toward market regulation. The Competition Act, 2002, represents this paradigm shift toward promoting healthy competition. It replaced the previous Monopolies and Restrictive Trade Practices Act of 1969. This transition marked a fundamental change in India's economic regulatory philosophy. The Competition Act enshrines four core objectives that guide its interpretation and enforcement. These

¹⁵ *Federation of Indian Micro and Small & Medium Enterprises v. Union of India*, Writ Petition (Civil) No. 1120/2020.

¹⁶ Competition Act, 2002, Section 4(2)(a), Government of India.

include preventing anti-competitive practices, promoting market competition, protecting consumer interests, and ensuring freedom of trade.¹⁷

The foundational principles of competition law reflect economic theories about optimal market function. These principles emphasize allocative efficiency where resources flow to their highest-valued uses. Dynamic efficiency encouraging innovation represents another central tenet of competition regulation. Distributional fairness ensuring widespread benefits from economic activity also shapes policy decisions. The Supreme Court in *Excel Crop Care Ltd. v. Competition Commission of India* articulated these principles. The Court stated that competition law strives to maximize consumer welfare through market efficiency.¹⁸ Competition regulation ultimately seeks to foster contestable markets with reasonable entry and exit conditions.

Indian competition framework operates on the premise that markets function optimally with minimal intervention. The Competition Commission of India operates primarily as a market corrector rather than a market regulator. This philosophy reflects the Act's preference for ex-post regulation over ex-ante market control. Competition policy recognizes that excessive intervention may stifle innovation and economic growth. However, the digital economy challenges traditional assumptions about minimal intervention needs. Platform monopolies with winner-takes-all dynamics increasingly necessitate more robust regulatory approaches. The draft Digital Competition Bill proposes the designation of Systemically Significant Digital Enterprises requiring ex-ante regulation.¹⁹

B. Anti-Competitive Practices Relevant to Digital Markets

Digital markets exhibit unique characteristics that create novel anti-competitive concerns requiring regulatory attention. Algorithmic collusion represents one emerging challenge where pricing algorithms facilitate tacit coordination. These automated systems can

¹⁷ Competition Act, 2002, § 18, No. 12, Acts of Parliament, 2003 (India).

¹⁸ *Excel Crop Care Ltd. v. Competition Commission of India*, (2017) 8 SCC 47.

¹⁹ Draft Digital Competition Bill, 2024, § 3(1), Ministry of Corporate Affairs (India).

achieve supracompetitive pricing without explicit communication between competitors. The Competition Commission of India recognized this risk in its Market Study on E-Commerce. The study highlighted how algorithmic decision-making creates new forms of restrictive agreements.²⁰ Traditional concepts of “agreement” under Section 3 required substantial reinterpretation in this context.

Exclusionary agreements between platforms and service providers significantly impact competition dynamics. Most-favoured-nation clauses prevent vendors from offering better terms on competing platforms. These provisions restrict inter-platform competition by eliminating price differentiation. Platform parity agreements similarly constrain competition by standardizing offerings across marketplaces. The CCI imposed substantial penalties on MakeMyTrip-Golbibo and OYO for such arrangements. The Commission found their exclusivity arrangements prevented competitor hotels from accessing dominant platforms.²¹ Such vertical restraints create entry barriers limiting market contestability.

Predatory pricing strategies acquire unique manifestations in digital platform contexts. Platforms frequently engage in below-cost pricing to establish market dominance. These strategies rely on venture capital subsidies rather than traditional cross-subsidization models. Many platforms sustain prolonged periods of negative unit economics to capture market share. The Competition Commission's investigation of cab aggregators addressed these predatory concerns. In *Meru Travel Solutions v. ANI Technologies*, the Commission examined sustainable economic models.²² Traditional recoupment tests prove inadequate when platforms prioritize growth over profitability.

²⁰ Competition Commission of India, “Market Study on E-Commerce in India: Key Findings and Observations,” 30-32 (2020).

²¹ Competition Commission of India, “Case No. 14 of 2019, Federation of Hotel & Restaurant Associations of India v. MakeMyTrip India Pvt. Ltd. & Others,” (2022).

²² *Meru Travel Solutions Private Limited v. ANI Technologies Pvt. Ltd. (Ola)*, Case No. 25-28 of 2017, Competition Commission of India (2018).

C. Dominance, Abuse, and Market Power in Platform Economies

Platform economies fundamentally transform traditional understandings of market dominance and power. Network effects create powerful self-reinforcing dynamics favoring early market entrants. These effects generate winner-takes-all outcomes where markets tip toward dominant platforms. Two-sided market structures complicate dominance assessment through cross-platform externalities. Data accumulation advantages further entrench incumbent positions through superior predictive capabilities. The Competition Act defines dominance as a position of strength allowing independent market behavior. This definition requires contextual adaptation for platform-specific characteristics and dynamics.²³

The assessment of relevant markets faces unique challenges in platform competition analysis. Traditional product substitutability tests often prove inadequate for multi-sided platforms. Geographic market definitions become increasingly difficult with borderless digital services. The Competition Commission has developed specialized approaches for platform market definition. In cases involving online travel agencies, the CCI distinguished online and offline booking channels. It recognized distinct competitive dynamics in digital intermediation compared to direct booking services.²⁴ Market share metrics require careful interpretation when services are provided without a monetary price.

Abuse of dominance in platform contexts manifests through novel mechanisms requiring regulatory attention. Self-preferencing behavior represents a common form of platform advantage. Platforms with dual roles as marketplace and seller can undermine fair competition. Information asymmetries between platforms and their users enable exploitative practices. The Competition Commission addressed these concerns in its Google Search investigation. The Commission found Google abused its dominance by

²³ Competition Act, 2002, § 4, Explanation (a), No. 12, Acts of Parliament, 2003 (India).

²⁴ Competition Commission of India, "Case No. 14 of 2019, Federation of Hotel & Restaurant Associations of India v. MakeMyTrip India Pvt. Ltd. & Others," ¶ 77-83 (2022).

prioritizing its own services in search results.²⁵ Data-related abuses present particularly complex challenges for competition enforcement.

The Draft Digital Competition Bill, 2024, proposes a specialized dominance assessment for digital gatekeepers. This draft legislation introduces the concept of “Systemically Significant Digital Enterprises” based on multiple factors. These factors include user base, turnover, market capitalization, and network effects. The draft bill would permit ex-ante regulation of designated entities without an abuse demonstration. This approach aligns with international trends toward specialized digital competition frameworks. The European Union's Digital Markets Act similarly designates “gatekeepers” for enhanced oversight.²⁶ Traditional ex-post enforcement approaches have proven insufficient for rapidly evolving platform markets.

IX. MARKET ABUSE IN THE GIG ECONOMY

A. Algorithmic Collusion and Price Fixing

Algorithms now serve as the invisible backbone of gig economy platforms. They determine crucial market variables like price, worker allocation, and service availability. These automated systems operate through complex mathematical models and machine learning capabilities. Their widespread implementation raises novel competition concerns unaddressed by traditional regulatory frameworks. Platform operators frequently deploy dynamic pricing algorithms that adjust rates based on demand patterns. Many platforms employ strikingly similar pricing models despite claiming proprietary algorithmic designs. The Competition Commission of India has increasingly scrutinized these algorithmic similarities for potential collusive effects.²⁷

²⁵ In Re: Matrimony.com Limited v. Google LLC, Case Nos. 07 and 30 of 2012, Competition Commission of India (2018).

²⁶ European Parliament and Council Regulation 2022/1925 on Contestable and Fair Markets in the Digital Sector, 2022 O.J. (L 265) 1 (EU).

²⁷ Competition Commission of India, “Market Study on E-Commerce in India: Key Findings and Observations,” 44-47 (2020), https://www.cci.gov.in/sites/default/files/whats_newdocument/Market-study-on-e-Commerce-in-India.pdf.

Algorithmic price coordination creates serious anti-competitive risks in concentrated platform markets. Platforms can achieve tacit collusion without explicit communication between human decision-makers. This coordination emerges from algorithmic responses to identical market signals across competing platforms. Such parallel pricing behavior becomes particularly problematic in oligopolistic gig economy sectors. The food delivery market in India exemplifies this concern, with Zomato and Swiggy dominant presence. Consumers often observe identical surge pricing applied simultaneously across competing platforms. This raises questions about whether algorithms facilitate hub-and-spoke coordination arrangements.²⁸

Regulatory detection of algorithmic collusion faces significant technical and legal challenges. Traditional competition tools rely on evidence of explicit agreements between market participants. Algorithmic coordination often occurs without such explicit communications between platforms. The opacity of proprietary algorithms complicates regulators' ability to identify collusive design features. Information asymmetry between platforms and regulators creates serious enforcement obstacles. The Draft Digital Competition Law, 2024, proposes mandatory algorithmic transparency measures. These would include documentation requirements for pricing algorithms used by dominant platforms.²⁹

Courts and regulators continue refining legal standards for assessing algorithmic collusion liability. The Competition Act prohibits agreements that “directly or indirectly determine purchase or sale prices.” However, the Act's drafters did not envision algorithmic coordination mechanisms. The Supreme Court's interpretation of “agreement” focuses on consensus between parties through conventional means. This interpretation requires adaptation to capture algorithmic consensus absent human interaction. The Competition Commission has initiated algorithmic audits to understand

²⁸ Reuters, “India finds Zomato, Swiggy food delivery businesses breached antitrust laws, documents show,” (November 8, 2024), <https://www.reuters.com/world/india/indias-probe-finds-zomato-swiggy-breached-antitrust-laws-documents-show-2024-11-08/>.

²⁹ Ministry of Corporate Affairs, “Draft Digital Competition Bill,” Section 9(1)(c) (2024).

these concealed pricing mechanisms. Its investigation into cab aggregator pricing revealed troubling coordination patterns through shared algorithms.³⁰

B. Exclusivity And Lock-In Strategies

Gig economy platforms employ various restrictive practices to constrain multi-homing by participants. Multi-homing refers to simultaneous participation on competing platforms by workers or consumers. Platforms often impose contractual restrictions preventing workers from offering services elsewhere. These exclusivity clauses create captive labor pools, undermining effective market competition. Workers face deactivation threats if discovered offering services on competing platforms. Such arrangements effectively partition the labor market among dominant platform operators. The Competition Commission identified these concerns in its Digital Markets Study of 2021.³¹

Technical barriers complement contractual restrictions in limiting mobility across platforms. Platforms design interface features that increase switching costs for users considering alternatives. Account setup procedures deliberately create tedious onboarding processes, discouraging multi-homing. Data portability restrictions prevent workers from transferring performance metrics between platforms. These strategies entrench incumbent platform dominance by artificially raising entry barriers. Indian competition jurisprudence recognizes such practices as potential abuse of dominance. The Competition Commission's examination of ride-sharing platforms highlighted these technical barriers.³²

Network effects intensify the anti-competitive impact of exclusivity strategies in platform markets. Each additional participant increases platform value through enhanced matching efficiency. This creates self-reinforcing dominance difficult to challenge even

³⁰ Competition Commission of India, "Case No. 37 of 2018, Samir Agrawal v. ANI Technologies and Uber India," (2020).

³¹ Competition Commission of India, "Market Study on E-Commerce in India," 63-68 (2020).

³² Competition Commission of India, "Case No. 25-28 of 2017, Meru Travel Solutions v. ANI Technologies," (2018).

absent explicit restrictions. Exclusive dealing arrangements magnify these inherent network advantages. New entrants struggle to achieve viable scale when established platforms control worker access. The Competition Commission addressed similar dynamics in the MakeMyTrip-GoIbibo case. It found exclusionary effects from hotel listing restrictions comparable to gig worker exclusivity.³³

C. Misclassification Of Workers and Its Competitive Impact

Worker classification directly influences competitive dynamics in the gig economy ecosystem. Platforms systematically classify workers as independent contractors rather than employees. This classification generates substantial cost advantages compared to traditional business models. Platforms avoid employer obligations, including social security contributions and benefits. Such arrangements create regulatory arbitrage opportunities, undermining fair competition. Traditional businesses complying with employment laws face significant cost disadvantages. This competitive distortion represents a key challenge for competition regulators globally.³⁴

The Code on Social Security, 2020, introduces India's first recognition of platform workers. Section 2(61) defines platform workers as persons engaged in platform work outside conventional employment models.³⁵ However, the Code creates a distinct category rather than granting employee status. This intermediate classification maintains significant cost advantages for platform operators. Implementation regulations remain pending, leaving legal status partially undefined. Competitive distortions persist despite this legislative recognition of platform-based work. Judicial decisions increasingly question the independent contractor classification.³⁶

³³ Competition Commission of India, "Case No. 14 of 2019, Federation of Hotel & Restaurant Associations of India v. MakeMyTrip India Pvt. Ltd. & Others," 95-101 (2022).

³⁴ International Labour Organization, "World Employment and Social Outlook 2021: The role of digital labour platforms in transforming the world of work," 172-180 (2021).

³⁵ The Code on Social Security, 2020, Section 2(61), defines a platform worker as "a person engaged in or undertaking platform work."

³⁶ Basudev Goswami & Anr. v. Uber India Systems Pvt. Ltd & Ors., W.P. No. 7215(W) of 2020, High Court of Calcutta (2021).

Control exercised by platforms over workers belies independent contractor classification claims. Algorithmic management systems dictate crucial work conditions including pricing and allocation. Workers cannot meaningfully negotiate terms with platforms beyond binary acceptance decisions. Performance evaluation systems create supervision structures resembling traditional employment. The Karnataka High Court addressed similar issues in a recent ride-sharing platform case. It was observed that driver-partners face employment-like control despite contractor classification.³⁷ This control indicates potential misuse of market dominance through misleading worker categorization.

Cross-border comparative approaches provide valuable insights for addressing misclassification concerns. The European Union's proposed Platform Work Directive creates a presumption of employment for controlled workers. California's ABC test similarly establishes restrictive criteria for independent contractor classification. These frameworks directly address competitive distortions created through worker misclassification. Indian regulators have the opportunity to incorporate these learnings into competition enforcement approaches. The draft Digital Competition Law proposals could address this regulatory gap.³⁸

D. Entry Barriers and Predatory Pricing

Capital intensity creates formidable barriers to entry in platform-based gig markets. Substantial investment requirements prevent new entrants from challenging established platforms. Venture capital subsidization enables incumbents to sustain below-cost operations over extended periods. This financial capacity facilitates market entrenchment through prolonged negative-unit economics. New entrants lacking similar investor backing face insurmountable disadvantages. Traditional competition assessment tools

³⁷ Ms. X v. Internal Complaints Committee, ANI Technologies Private Limited and Ors., High Court of Karnataka (September 30, 2024).

³⁸ European Commission, "Proposal for a Directive on improving working conditions in platform work," COM/2021/762 final (2021).

struggle to capture this financial barrier dimension. The competition framework requires adaptation to address these capital-based entry barriers.³⁹

Network effects generate powerful incumbent advantages that compound entry challenges. Each additional participant increases platform value through enhanced matching efficiency. These self-reinforcing effects create significant first-mover advantages favoring early market entrants. Critical mass requirements make platform entry increasingly difficult as markets mature. The Competition Commission's cases involving digital platforms recognize these network barriers. Its analysis of ride-sharing markets specifically highlighted these structural entry obstacles.⁴⁰

Data accumulation advantages create additional barriers, reinforcing incumbent market positions. Established platforms possess vast user data, enabling superior service optimization and personalization. This informational advantage allows precise targeting of incentives and dynamic pricing strategies. New entrants face significant disadvantages without comparable user history data. The Digital Personal Data Protection Act, 2023, touches upon data portability rights. However, the implementation is unclear regarding the competitive implications of data accumulation advantages.⁴¹

Venture capital-subsidized predatory pricing constitutes a particularly problematic entry barrier. Dominant platforms engage in sustained below-cost pricing to eliminate emerging competition. Traditional predatory pricing frameworks assume eventual recoupment through higher prices. Platform models instead prioritize market dominance over short-term profitability considerations. The Competition Act's predation standards require demonstration of below-cost pricing and recoupment potential. These criteria prove difficult to apply in platform contexts with unconventional monetization models.

³⁹ Competition Commission of India, "Case No. 40 of 2019, Delhi Vyapar Mahasangh v. Flipkart Internet Private Limited," 42-48 (2020).

⁴⁰ Competition Commission of India, "Case No. 06 & 74 of 2015, Fast Track Call Cab Pvt. Ltd. v. ANI Technologies Pvt. Ltd.," 12-15 (2017).

⁴¹ Digital Personal Data Protection Act, 2023, Section 9, No. 22, Acts of Parliament, 2023 (India).

The Competition Commission faced these analytical challenges in several platform investigations.

X. LEGAL AND REGULATORY FRAMEWORK IN INDIA

A. Role of the Competition Commission of India (CCI)

The Competition Commission of India functions as the primary regulatory body responsible for enforcing competition law in India. Established under the Competition Act, 2002, the CCI became fully operational in 2009 with comprehensive authority to investigate anti-competitive behaviors in markets.⁴² The Commission executes its mandate through two key provisions: Section 3, which prohibits anti-competitive agreements, and Section 4, which addresses abuse of dominant position by enterprises. These provisions have become particularly significant in regulating digital platforms operating in the gig economy landscape.⁴³

The CCI has developed specialized expertise to address platform-based market abuse. Its approach toward digital platforms in the gig economy recognizes the novel market dynamics created by these platforms. The Commission's regulatory stance has evolved through multiple investigations and market studies. In January 2020, the CCI released a comprehensive market study on e-commerce in India, highlighting concerns about platform-to-business relationships.⁴⁴ The study identified problematic practices including deep discounting, imposition of unfair contract terms, and asymmetrical dissemination of information. The report emphasized how platforms use algorithms to determine worker compensation and implement “take-it-or-leave-it” contracts with gig

⁴² The Competition Act, 2002, No. 12, Acts of Parliament, 2003 (India).

⁴³ Section 3, The Competition Act, 2002, No. 12, Acts of Parliament, 2003 (India) (prohibiting anti-competitive agreements); Section 4, The Competition Act, 2002, No. 12, Acts of Parliament, 2003 (India) (prohibiting abuse of dominant position).

⁴⁴ COMPETITION COMM'N OF INDIA, MARKET STUDY ON E-COMMERCE IN INDIA - KEY FINDINGS AND OBSERVATIONS (Jan. 8, 2020), <https://www.cci.gov.in/images/marketstudie/en/market-study-on-e-commerce-in-india-key-findings-and-observations1653547672.pdf>.

workers. Such practices potentially violate Section 4(2)(a) of the Competition Act, which prohibits imposing unfair conditions in the purchase or sale of services.⁴⁵

The Commission's enforcement approach has shifted from a relatively hands-off stance to more proactive intervention in digital markets. Initially, the CCI viewed online platforms as merely growing alternate distribution channels rather than established separate markets. However, this perspective has changed dramatically with the rapid growth of the gig economy.⁴⁶ The Commission now examines algorithmic pricing models, data collection practices, and platform neutrality concerns. The ex-post regulatory framework under the Competition Act allows the CCI to investigate and penalize anti-competitive conduct after it has occurred. But with the unique challenges posed by digital platforms, there is increasing discourse about implementing ex-ante regulations similar to the Digital Markets Act of the European Union. This would allow for preventive measures against potential market abuse before it materializes rather than relying solely on remedial actions.⁴⁷

The CCI's enforcement capabilities have faced substantial challenges with rapid technological advancement and emerging business models in the gig economy. Defining relevant markets in digital platform cases presents significant complexity. The Commission initially struggled with the question of whether online and offline markets constitute different relevant markets. In *Ashish Ahuja v. Snapdeal* (2014), the CCI concluded that online and offline markets were distinct.⁴⁸ However, this approach has evolved as the e-commerce landscape changed. More recent cases reflect a nuanced understanding of overlapping markets. The Commission has also been developing frameworks to address unique issues like network effects, multi-sided markets, and zero-

⁴⁵ Section 4(2)(a), The Competition Act, 2002, No. 12, Acts of Parliament, 2003 (India).

⁴⁶ CCI's Market Study on E-commerce: A Pragmatic Path En Route Fixing Competition Law Impediments, NUALS L.J. (Aug. 9, 2020), <https://nualslawjournal.com/2020/05/13/ccis-market-study-on-e-commerce-a-pragmatic-path-en-route-fixing-competition-law-impediments/>.

⁴⁷ The Competition Commission of India and Digital Markets, PYMNTS.COM (Apr. 11, 2025), <https://www.pymnts.com/cpi-posts/the-competition-commission-of-india-and-digital-markets/>.

⁴⁸ *Ashish Ahuja v. Snapdeal.com*, Case No. 17 of 2014 (Competition Comm'n of India, May 19, 2014).

price services that characterize platform businesses. These challenges necessitate innovative approaches to competition analysis and enforcement techniques adapted to the digital economy's distinctive features.⁴⁹

B. Key Investigations and Reports on Digital Platforms

The CCI has conducted several significant investigations into digital platforms operating in the gig economy, establishing important precedents for platform regulation. The Commission's approach has evolved significantly through these investigations. In January 2020, concurrent with its e-commerce market study, the CCI ordered a probe into Flipkart and Amazon *In Re: Delhi Vyapar Mahasangh and Flipkart Internet Pvt. Ltd. & Ors.* The investigation focused on deep discounting practices and preferential treatment allegations.⁵⁰ The Commission examined how these platforms' discount policies potentially created market distortions by forcing prices below cost, leading to erosion of profitability for traditional sellers.

The Commission's investigations have increasingly focused on data-related competition issues. The CCI recognized that access to consumer data enables profiling and can lead to locking effects, with data becoming a tradable asset emerging as the “new oil” for businesses.⁵¹ In a *Suo Moto* investigation in 2021 concerning WhatsApp's mandatory acceptance of their terms and conditions, the Commission examined how data collection practices could impact competition. The CCI has also investigated digital platforms for imposing price parity clauses that prevent service providers from offering better prices on other platforms. Such clauses reduce inter-platform competition and encourage oligopolistic coordination. These investigations demonstrate the Commission's growing

⁴⁹ Competition Commission of India (CCI), BYJUS (Mar. 7, 2024), <https://byjus.com/free-ias-prep/the-competition-commission-of-india/>.

⁵⁰ *Delhi Vyapar Mahasangh v. Flipkart Internet Pvt. Ltd. & Ors.*, Case No. 40 of 2019 (Competition Comm'n of India, Jan. 13, 2020).

⁵¹ Competition Commission of India, *Meru Travel Solutions, Cab Aggregators Case, Oravel Travels, MakeMyTrip, Goibibo, WhatsApp, Antitrust, Trinity Chambers*, LIVELAW (Dec. 9, 2022), <https://www.livelaw.in/law-firms/law-firm-articles-/competition-commission-of-india-meru-travel-solutions-cab-aggregators-case-oravel-travels-makemytrip-goibibo-whatsapp-antitrust-trinity-chambers-216183>.

understanding of how platform-specific practices in the gig economy can harm competition and limit consumer choice.⁵²

The Commission released its market study on e-commerce in India in January 2020 after extensive research involving stakeholder workshops, questionnaire surveys, and focused group discussions. The study identified several key competition concerns in platform markets.⁵³ It highlighted the practice of platforms implementing arbitrary terms in contracts with business users, creating relationships where smaller businesses operate at the mercy of platform operators. The study found that platforms often exercised unilateral power to revise terms, impose deep discounts, and control pricing strategies. It noted that third-party marketplace platforms were responsible for 64% of digital retail trade in India, indicating significant market concentration. The study concluded that platforms' bargaining power over service providers needed regulatory oversight to prevent abuse.⁵⁴

XI. CASE STUDIES

The Ola-Uber case represents a landmark investigation by the CCI into algorithmic pricing in the ride-hailing sector of the gig economy. In *Meru Travel Solutions Pvt. Ltd. v. ANI Technologies Pvt. Ltd. and Ors.*, the informant (Meru) alleged that Ola and Uber used attractive incentives to lure cab drivers into signing contracts and offered passengers steep discounts to increase market share.⁵⁵ The CCI's analysis focused on whether the platforms facilitated collusion among drivers, potentially violating Section 3 of the Competition Act. In its decision, the Commission held that for drivers to collude, there must be an agreement amongst them, such as through a drivers' association.

⁵² CCI's Market Study on E-commerce: The Way Forward, RFMLR (May 30, 2022), <https://www.rfmlr.com/post/cci-s-market-study-on-e-commerce-the-way-forward>.

⁵³ CCI's Market Study on E-commerce, S.S. RANA & CO. (Dec. 13, 2022), <https://ssrana.in/articles/cci-market-study-ecommerce-key-features/>.

⁵⁴ CCI's Market Study On E-Commerce, MONDAQ (Jan. 27, 2020), <https://www.mondaq.com/india/antitrust-eu-competition-/887628/cci39s-market-study-on-e-commerce>.

⁵⁵ *Meru Travel Solutions Pvt. Ltd. v. ANI Technologies Pvt. Ltd. & Ors.*, Case No. 25-28 of 2017 (Competition Comm'n of India).

The CCI determined that Ola and Uber could not be compared to associations of drivers; rather, they functioned as distinct entities connecting customers with drivers.⁵⁶ The Commission's decision was initially challenged by Meru before the Competition Appellate Tribunal (COMPAT), which directed an investigation. However, the Supreme Court ultimately upheld the CCI's jurisdiction to examine these issues, establishing an important precedent for how algorithmic pricing is evaluated under Indian competition law.⁵⁷

The MakeMyTrip-Goibibo (MMT-Go) and OYO case provides crucial insights into the CCI's approach to vertical agreements and preferential treatment in platform markets. Following complaints from the Federation of Hotel and Restaurant Associations of India (FHRAI), the Commission investigated allegations of abuse of dominance and anti-competitive vertical agreements.⁵⁸ The FHRAI alleged that MMT-Go imposed price parity in agreements with hotel partners whereby hotels were not allowed to sell rooms on other Online Travel Agencies (OTAs) or their own portals at prices below those offered on MMT-Go's platform.

The CCI defined the relevant market as “the market for online intermediation services for booking of hotels in India” and found MMT-Go to be dominant with approximately 63% of the domestic hotel online market.⁵⁹ The investigation revealed that MMT-Go had entered into an agreement with OYO that led to the delisting of competitors FabHotels and Treebo from the MMT-Go platform. In its final order in October 2022, the CCI determined this constituted a vertical agreement under Section 3(4) read with Section 3(1)

⁵⁶ CCI Rejects Allegations of Anti-Competitive Conduct against Uber and Ola, AZB & PARTNERS (Nov. 12, 2018), <https://www.azbpartners.com/bank/cci-rejects-allegations-of-anti-competitive-conduct-against-uber-and-ola/>.

⁵⁷ Uber not in a dominant position as there is a highly competitive market for radio taxi services in Delhi-NCR: CCI, TAXMANN (July 20, 2021), <https://www.taxmann.com/post/blog/uber-not-in-a-dominant-position-as-there-is-a-highly-competitive-market-for-radio-taxi-services-in-delhi-ncr-cci/>.

⁵⁸ Federation of Hotel & Restaurant Associations of India v. MakeMyTrip India Pvt. Ltd. & Ors., Case No. 14 of 2019 (Competition Comm'n of India, Oct. 19, 2022).

⁵⁹ What Makes MMT-GO Dominant But Not OYO In Cases Of Competition On The Online Platform?, LIVELAW (Jan. 27, 2020), <https://www.livelaw.in/law-firms/articles/what-makes-mmt-go-dominant-but-not-oyo-in-cases-of-competition-on-the-online-platform-152049>.

of the Competition Act and imposed substantial penalties: Rs. 223.48 crores on MMT-Go and Rs. 168.88 crores on OYO.⁶⁰

The food delivery segment of the gig economy has also faced CCI scrutiny, particularly regarding exclusionary practices and deep discounting. The National Restaurant Association of India filed complaints against food delivery platforms like Swiggy and Zomato, alleging that these platforms imposed unfair conditions on restaurant partners, including high commission rates and bundling of services.⁶¹

The investigation examined how exclusive agreements between platforms and certain restaurants could potentially create barriers to entry for new competitors and restrict market access. The Commission examined whether these platforms' data collection practices gave them unfair competitive advantages. In analyzing these cases, the CCI has attempted to balance the innovative benefits of food delivery platforms with their potential to harm competition through market concentration. These investigations highlighted how platforms leverage their position as intermediaries to exert control over both ends of the market - service providers and consumers.⁶²

The WhatsApp privacy policy case represents the CCI's engagement with data-related competition issues in the digital economy. When WhatsApp updated its privacy policy in 2021, requiring users to accept new terms or lose access to the service, the CCI initiated a suo motu investigation.⁶³ The Commission found that WhatsApp held a dominant

⁶⁰ "Fair market opportunity is the hallmark of competition"; CCI imposes hefty monetary penalty on MakeMyTrip, Goibibo, and OYO for their anti-competitive practices and abuse of dominant position, SCC ONLINE (Dec. 15, 2022), <https://www.sconline.com/blog/post/2022/10/21/cci-makemytrip-oyo-goibibo-anti-competitive-practice-abuse-of-dominant-position-monetary-penalty-imposed-competition-news-legal-updates/>.

⁶¹ National Restaurant Association of India v. Zomato Ltd. & Anr., Case No. X of 2021 (Competition Comm'n of India).

⁶² Antitrust Law and Collective Bargaining in the Gig Economy, LAW SCH. POL'Y REV. (Aug. 29, 2020), <https://lawschoolpolicyreview.com/2020/08/15/antitrust-law-and-collective-bargaining-in-the-gig-economy/>.

⁶³ In Re: Updated Terms of Service and Privacy Policy for WhatsApp Users, Suo Moto Case No. 01 of 2021 (Competition Comm'n of India, Mar. 24, 2021).

position in the “market for OTT messaging apps through smartphones in India” with limited substitutability due to network effects.

The CCI examined how the policy could constitute an abuse of dominance through the imposition of unfair terms on users. Significantly, the Commission recognized data privacy as a crucial non-price factor influencing competition in digital markets. This case highlighted the intersection between data protection and competition law in the platform economy. The Delhi High Court eventually upheld the CCI's jurisdiction to investigate WhatsApp, affirming the Commission's authority to examine how data practices impact competition, even when data protection laws also apply.⁶⁴

XII. COMPARATIVE JURISPRUDENCE

A. EU Approach to Platform Competition and Market Abuse

The European Union has pioneered a robust regulatory approach to curb market abuse by digital platforms through the Digital Markets Act (DMA). This legislation targets “gatekeeper” platforms that control essential services and exhibit entrenched market dominance. Such companies must follow strict obligations to ensure market fairness. They cannot favor their own services over competitors or track users without consent. These rules apply to tech giants like Alphabet, Amazon, Apple, ByteDance, Meta, and Microsoft.⁶⁵

The DMA emerged because traditional competition law proved insufficient against digital giants. It complements existing EU competition rules rather than replacing them. The legislation addresses the unique challenges of digital platforms and their concentrated market power. The EU recognized that these platforms act as unavoidable intermediaries, connecting large user bases to businesses while wielding significant

⁶⁴ WhatsApp LLC v. Competition Commission of India, W.P.(C) 4378/2021 (Delhi High Court, Apr. 22, 2021).

⁶⁵ European Commission, “The Digital Markets Act: ensuring fair and open digital markets,” https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-markets-act-ensuring-fair-and-open-digital-markets_en.

economic control. Platform companies exhibiting a strong economic position, significant market impact, and a durable position within multiple EU countries fall under the gatekeeper designation.⁶⁶

Under the DMA's framework, gatekeepers must allow business users to access data generated on the platform. They must permit businesses to promote their offers outside the gatekeeper's ecosystem. The DMA also requires gatekeepers to provide advertisers with tools for independent verification of advertisements. These measures aim to rebalance power dynamics between platforms and businesses that depend on them. The penalties for non-compliance are severe, including fines up to 10% of global annual turnover, which can increase to 20% for repeated violations.⁶⁷

The EU has also taken steps specifically addressing the gig economy through proposed regulations on platform work. These regulations aim to improve working conditions and social rights for gig workers. The EU estimates that around 500 digital labor platforms operate across member states, with revenues growing from €3 billion to €14 billion between 2016 and 2020. The proposed directive seeks to ensure workers are granted legal employment status corresponding to their actual working arrangements. It provides a checklist of criteria to determine whether platforms are effectively acting as employers rather than mere intermediaries.⁶⁸

B. US Antitrust Enforcement in the Gig Economy

The United States has adopted a markedly different approach to regulating digital platforms in the gig economy, relying primarily on traditional antitrust enforcement rather than comprehensive ex-ante regulation. Recent developments, however, indicate a gradual shift toward more proactive protection for gig workers. The Federal Trade

⁶⁶ Digital Markets Act, "The Digital Markets Act is the EU's law to make the markets in the digital sector fairer and more contestable," https://digital-markets-act.ec.europa.eu/index_en.

⁶⁷ International Policy Review, "Competition in the Digital World: How the EU and the US Are Addressing New Challenges," January 27, 2025, <https://ipr.blogs.ie.edu/2025/01/27/competition-in-the-digital-world-how-the-eu-and-the-us-are-addressing-new-challenges/>.

⁶⁸ Consilium, "EU rules on platform work," <https://www.consilium.europa.eu/en/policies/platform-work-eu/>.

Commission (FTC) issued a policy statement in January 2025 clarifying that independent contractors and gig workers are shielded from antitrust liability when engaging in protected bargaining and organizing activities. This represents a significant policy change toward recognizing gig workers' collective rights.⁶⁹

The FTC has shown increased willingness to intervene in perceived platform abuses. In August 2024, the agency announced enforcement priorities focused on protecting gig workers from unfair, deceptive, and anticompetitive practices. The Commission highlighted concerns about misrepresentations regarding potential earnings, opaque contract terms, and concentrated markets where dominant platforms can exercise market power in anticompetitive ways. This enforcement shift reflects growing recognition that gig workers, while classified as independent contractors, deserve consumer protections.⁷⁰

Unlike the EU's comprehensive regulatory approach, US enforcement has evolved through case-by-case challenges to specific anti-competitive practices. Antitrust authorities have traditionally been reluctant to address worker misclassification issues through competition law. This creates a persistent tension between antitrust enforcement and labor protection. Workers classified as independent contractors historically faced antitrust liability for collective organizing, while platforms have largely avoided scrutiny for practices that restrict worker autonomy and competition.⁷¹

The current stance represents an evolution in thinking about how antitrust law should apply to gig economy relationships. Antitrust enforcers increasingly recognize that gig platforms may simultaneously claim workers are independent while exerting significant control over working conditions. Platform practices like algorithmic price-setting,

⁶⁹ Federal Trade Commission, "FTC Issues Policy Statement Clarifying that Independent Contractors, Gig Workers' Organizing Activities Are Shielded from Antitrust Liability," January 14, 2025, <https://www.ftc.gov/news-events/news/press-releases/2025/01/ftc-issues-policy-statement-clarifying-independent-contractors-gig-workers-organizing-activities-are>.

⁷⁰ Federal Trade Commission, "FTC to Crack Down on Companies Taking Advantage of Gig Workers," August 20, 2024, <https://www.ftc.gov/news-events/news/press-releases/2022/09/ftc-crack-down-companies-taking-advantage-gig-workers>.

⁷¹ Harvard Law Review, "Consumer Protection for Gig Work?" April 10, 2023, <https://harvardlawreview.org/print/vol-136/consumer-protection-for-gig-work/>.

performance metrics, and restrictions on multi-homing raise competition concerns. Some legal scholars argue for reconceiving gig platforms' business models as reliant on vertical restraints that inhibit competition between platforms, which could provide grounds for antitrust liability.⁷²

XIII. CONCLUSION

The gig economy presents unique challenges for competition law frameworks globally, and India stands at a critical juncture. Platform dominance creates market imbalances that traditional competitive approaches struggle to address effectively. Existing regulatory mechanisms need urgent recalibration to tackle the distinctive features of digital platforms in the gig sector.⁷³

India's labor market has witnessed a remarkable transformation, with gig work expanding significantly. NITI Aayog reports show gig workers increased from 0.54% in 2011-12 to 1.33% in 2019-20 of the total workforce. This growth trajectory demands specialized regulatory attention beyond conventional competition paradigms. The Code on Social Security, 2020, represents initial recognition of the gig workers' unique position, yet implementation remains fragmented.⁷⁴

The proposed Digital Competition Bill, 2024, attempts to address platform-based market abuse through ex-ante regulation. It introduces the Systematically Significant Digital Enterprises (SSDEs) designation for platforms meeting specific thresholds. This mirrors the EU's Digital Markets Act approach but requires careful contextualization for India's

⁷² LPE Project, "The Antitrust Case Against Gig Economy Labor Platforms," April 14, 2022, <https://lpeproject.org/blog/the-antitrust-case-against-gig-economy-labor-platforms/>.

⁷³ Ministry of Corporate Affairs, Report of the Committee on Digital Competition Law (March 2024), <https://www.mca.gov.in/bin/dms/getdocument?mds=gzGtvSkE3zIVhAuBe2pbow%3D%3D&type=open>.

⁷⁴ NITI Aayog, "India's Booming Gig and Platform Economy" (2022), as cited in International Bar Association, "Rules governing India's gig economy," <https://www.ibanet.org/rules-governing-india-gig-economy>.

developing digital economy. The legislation prohibits practices like self-preferencing, data misuse, and mandates non-discriminatory treatment of business users.⁷⁵

Competition Commission of India faces substantial challenges in enforcing these emerging frameworks. Traditional tools of market dominance assessment prove inadequate when confronted with multi-sided platform dynamics and zero-price markets. Network effects, data accumulation and algorithmic decision-making create novel competition concerns requiring specialised technical competencies which need urgent development within CCI.⁷⁶

State-level initiatives like Rajasthan Platform-Based Gig Workers Act, 2023 and Karnataka's draft Bill show growing recognition of platform workers vulnerability. These efforts focus primarily on social security rather than addressing underlying market power imbalances. A more integrated approach connecting labor protections with competition policy would yield more effective outcomes for platform workers and market competition.⁷⁷

The tension between innovation and regulation requires careful balancing. Critics argue that ex-ante regulation may stifle India's nascent digital economy and deter investment. However, unfettered platform growth risks entrenching market concentration and exploitative practices that harm gig workers. Policy makers must consider both short-term development goals and long-term market health when designing interventions.⁷⁸

Worker misclassification remains a central challenge in platform competition. By designating workers as independent contractors, platforms avoid employment

⁷⁵ Draft Digital Competition Bill, 2024, as cited in PRS India, "Digital Competition Law," May 16, 2025, <https://prsindia.org/policy/report-summaries/digital-competition-law>.

⁷⁶ Competition Commission of India, as cited in PYMNTS, "The Competition Commission of India and Digital Markets," April 11, 2025, <https://www.pymnts.com/cpi-posts/the-competition-commission-of-india-and-digital-markets/>.

⁷⁷ ICRIER, "Regulation of Gig work," February 13, 2025, https://icrier.org/policy_bank/regulation-of-gig-worker/.

⁷⁸ Mondaq, "The Draft Digital Competition Bill, 2024 & Challenges For Big-Tech," January 29, 2025, <https://www.mondaq.com/india/antitrust-eu-competition/1575982/the-draft-digital-competition-bill-2024-challenges-for-big-tech>.

obligations while maintaining substantial control over working conditions. This creates unfair cost advantages against traditional businesses with employed workforces, distorting market competition. Addressing misclassification would level the competitive playing field while ensuring basic protections for gig workers.⁷⁹

The FTC's recent policy clarification shielding gig workers from antitrust liability when organizing provides valuable insights for Indian regulators. Similar protections would enable collective bargaining as a counterbalance to platform market power. Without such shields, atomized gig workers face overwhelming disadvantages when negotiating with platform giants, ultimately reducing market competitiveness.⁸⁰

Algorithmic transparency and data portability represent critical elements of any effective regulatory framework. Current platform design creates substantial switching costs for workers, reducing their ability to multi-home across competing platforms. Mandating data portability and algorithmic transparency would foster greater worker mobility and enhance inter-platform competition.⁸¹

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⁷⁹ Acuity Law, "India: Rules Governing the Gig Economy," September 27, 2024, <https://acuitylaw.co.in/india-rules-governing-the-gig-economy/>.

⁸⁰ Federal Trade Commission, "FTC Issues Policy Statement Clarifying that Independent Contractors, Gig Workers' Organizing Activities Are Shielded from Antitrust Liability," January 14, 2025, <https://www.ftc.gov/news-events/news/press-releases/2025/01/ftc-issues-policy-statement-clarifying-independent-contractors-gig-workers-organizing-activities-are>.

⁸¹ George Washington University Competition & Innovation Lab, "Overview of India's Digital Competition Bill, 2024," <https://competitionlab.gwu.edu/overview-indias-digital-competition-bill-2024>.

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