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INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

EVALUATING THE COMPETITIVE EFFECTS OF INDIA'S DATA PROTECTION BILL: A BALANCE BETWEEN PRIVACY AND COMPETITION

AUTHORED BY - SHILPA DAS¹

Abstract

In the modern, data-driven world, one may argue that the two areas of law with the most overlap are data protection and competition law. The analysis of the competitive repercussions of India's Data Protection Bill, 2022, via crucially important conflicting domains such as jurisdictional disputes, data portability, the resolution of required data sharing, and compliance costs, is relevant to entering this region of intersection. A competitive examination of the Data Protection Bill's consequences has not been done, despite the fact that the junction of privacy and competition law has been studied in Indian research. This article seeks to close this exact gap by analyzing by examining the many new effects that the Digital Personal Data Protection Bill (DPDPB) would have on Indian competition and providing a framework for evaluating different competition issues including jurisdiction, compliance, and data sharing of any upcoming data protection laws in India.

This paper analyzes the CCI's decision-making process in this area and offers a suitable course of action for the CCI in this regard. It also provides a quick summary of the current legal framework regarding data privacy in India. Further, the paper will examine how effectively the Indian data security system can resolve concerns about competition. With this foundation, in its second section, it examines the argument for the former on the question of whether the body has jurisdictional authority over the Data Protection Board and the Competition Commission. Thirdly, it tackles the DPDPB's requirements for mandatory data sharing, data portability, and compliance costs that may affect India's competitiveness by assessing the trade-offs critically and proposing alternate solutions. The objective of the paper is to assess the effects of the bill's 2022 implementation critically and offer suggestions for how to move forward with future revisions in India.

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I. INTRODUCTION

The digital industry has expanded dramatically during the past ten years, both in India and on global platforms. Although the reason of this expansion, it has created new business models, opened up new markets, and resulted in enormous efficiency, it has also raised concerns that tech giants may influence digital markets by gathering excessive amounts of user data. The Competition Commission of India (the "CCI") has launched investigations into a number of parties in this situation, including WhatsApp, Facebook, and Google. However, there are further reservations about using competition law (rather than consumer and privacy laws) to handle these issues.²

Instead of modifying the current Competition Act to control Big Tech corporations, the government passed a separate digital competition statute. And given that there has long been a need for ex-ante regulatory tools for digital markets through separate legislation, it is likely that this new law on digital competition will regulate Big Tech. The Digital Personal Data Protection (DPDP) Bill, on the other hand, will increase accountability for social media companies operating in India, expand the Information Technology (IT) sector's market, and alter how organisations handle Indians' personal data, according to Ashwini Vaishnaw, the minister of electronics and IT.³

II. THE CURRENT STATE OF DATA

PRIVACY LAW IN INDIA⁴

The Indian Supreme Court declared the right to privacy a basic right in 2017. In the month of August 2017, In Justice K.S. Puttaswami & Anr. v. Union of India⁵, the Supreme Court laid down a landmark decision that recognized the basic right to privacy as a component of the rights to life and personal liberty. The Court further clarified that "information privacy" must also be protected under the privacy rights framework. The Court further asserted that every individual should be able to exert authority over how their identity is used for commercial purposes, and that this

² Simran Dhir and Anuja Agrawal, *India: Data Protection And Competition Law: Developments And The Way Forward*, August 24, 2021, available at: <https://www.mondaq.com/india/antitrust-eu-competition-/1104738/data-protection-and-competition-law-developments-and-the-way-forward> (last visited on 5th August 2023)

³ Ashwini Vaishnaw, ETtech Interview on *Data Bill to make social media firms accountable*, Aug 10, 2023, available at: <https://economictimes.indiatimes.com/tech/newsletters/morning-dispatch/exclusive-new-law-on-digital-competition-likely-to-regulate-big-tech-it-minister-ashwini-vaishnaw-on-data-protection-bill/articleshow/102588582.cms?from=mdr> (last visited on 9th August 2023)

⁴ Priyansh Dixit and Sukarm Sharma, *Balancing Privacy and Competition: Evaluating the Competitive Effects of India's Data Protection Bill*, *Statute Law Review*, Volume 44, Issue 2, August 2023, available at: <https://doi.org/10.1093/slr/hmad004> (last visited on 9th August, 2023)

⁵ AIR 2017 SC 4161

fundamental right derives the individual's exclusive right to commercial exploitation of their identity and personal data, control over the information about them that is made available online, and the ability to share specific personal information only for specific, authorized purposes. In order to prevent the improper disclosure of personal information, the earlier Information Technology Act of 2000 included two provisions⁶: (i) Section 43A of the IT Act mandates the maintenance of "reasonable security practices and procedures" in connection with any "sensitive personal data or information" managed by a body corporate.⁷ In the event that the user's personal information is misused, it also provides compensation; and (ii) Section 72A of the IT Act imposes penalties on anybody, including corporations, who knowingly discloses personal data against the user's consent.

The Personal Data Protection Bill, 2019 (the "PDP Bill") was created after the Government of India acknowledged⁸ the need for specialist legislation governing privacy rights. The IT Act's Section 43A will be repealed by the PDP Bill. According to the PDP Bill, personal data is defined as information that can "refer to a natural person anyone, whether online or off, can be recognized directly or indirectly by any feature, characteristic, or other characteristics of their identification, and who shall take into consideration any inference derived from such information for the purpose of profiling."⁹ It establishes guidelines for data storage and localization, enhances compliance-related requirements, provides people more control over their information, and creates the Data Protection Authority of India ("DPA") as a watchdog to keep an eye on data protection issues. The PDP Bill also gives the DPA extraterritorial power and authorizes monetary fines for failure to comply. It's interesting to note that the PDP Bill also offers the government the choice to exclude its departments and agencies from any or all privacy protection provisions.

Additionally, the Ministry of Electronics and Information Technology (MEITY) released a report (the "NPD Report") in July 2020 on the structure for non-personal governance of data.¹⁰ Non-personal data is information that cannot be utilized to identify a particular individual.¹¹ However,

⁶ Section 43A of the IT Act as per the Information Technology (Amendment) Act, 2008

⁷ Section 72A of the IT Act as per the Information Technology (Amendment) Act, 2008

⁸ See the Office Memorandum dated July 31, 2017 issued by the Ministry of Electronics and Information Technology, re: Constitution of a Committee of Experts to deliberate on a data protection framework for India, available at: https://www.meity.gov.in/writereaddata/files/MeitY_constitution_Expert_Committee_31.07.2017.pdf (last visited on August 10, 2023)

⁹ The Digital Personal Data Protection Bill, Section 3(28). Available at: <https://prsindia.org/billtrack/the-personal-data-protection-bill-2019> (last visited on August 10, 2023)

¹⁰ In December 2020, it was revised later on.

¹¹ Anurag Vaishnav, *The Personal Data Protection Bill, 2019: All you need to know*, December 23, 2019, available at: <https://www.prsindia.org/theprsblog/personal-data-protection-bill-2019-all-you-need-know> (last visited on August 5, 2023)

according to the NPD Report, a dominant position is illegal per se under competition law, in contrast to the principles under the Competition Act, 2002 and thus implies that the Competition Act may be used to protect rivals (rather than promote competition). The statement that “the fact that many new entrants and start-ups have been squeezed” as a result of this advantage, which “has left many large data pools and incomparable technological and economic benefits for corporations,” demonstrates that this advantage is problematic from the outset.¹²

As a result, even if this shows that the government recognizes the need for particular privacy rights, it is still necessary to develop the framework for such regulation, particularly how various regulators would work together after careful consideration and engagement. A draft of the bill was made available for public comment in November 2022, and the Digital Personal Data Protection Bill, 2023 was tabled in Parliament and approved by the Lok Sabha and Rajya Sabha in August 2023.¹³

III. THE INTERLINK BETWEEN DATA PRIVACY AND COMPETITION LAW

The Competition Commission is in charge of “avoiding practices with a detrimental impact on competition and maintaining competition in the market,” as per the Competition Act. The CCI is permitted to investigate the following three areas of competition law under Section 3¹⁴ of the Competition Act which states the prohibition of anti-competitive agreements between businesses, Section 4¹⁵ of the Competition Act's prohibition on business abuse of its dominant position, and Section 5 and 6 of the Competition Act's prohibition on mergers and acquisitions.¹⁶

Digital marketplaces typically operate as “zero-price markets,” which is a concept at variance with the accepted legal and economic theories of competitive harm, the interpretation of the Competition Act could become complex. These markets also have other distinctive features, such as difficulty in accessing the market power or market shares, and player’s low entry barriers, in

¹² See Appendix 2: Data - Trends and Socio-Economic Impact, on page 41, Report by the Committee of Experts on Non-Personal Data Governance Framework, MEITY, Government of India on December 16, 2020, available at: https://static.mygov.in/rest/s3fs-public/mygov_160922880751553221.pdf (last visited on August 5, 2023)

¹³ Rachit Sharma, *Decoding Digital Personal Data Protection Bill (DPDP): A Comprehensive Overview*, August 10, 2023, available at: <https://www.taxmann.com/research/company-and-sebi/top-story/22233000000022456/decoding-digital-personal-data-protection-bill-dpdp-a-comprehensive-overview-news> (last visited on August 10, 2023)

¹⁴ The Competition Act, 2002, Section 3- Anti-competitive agreements.

¹⁵ The Competition Act, 2002, Section 4- Abuse of dominant position.

¹⁶ The Competition Act, 2002, Section 5 & 6- Regulation of Combinations

contrast to network effects that customers' ability to multi-home while still being locked in owing to a dearth of interoperability may prohibit new entrants from developing or obtaining economies of scale, confounding the measurement of switching costs.

Since its formation in 2010, in spite of several prospects for an investigation into the digital sector, the CCI has only lately looked at data as an asset. The CCI noted the convergence of data privacy and competition legislation in a study on the Indian telecom industry (the "CCI Telecom Report") that was published in January 2021.¹⁷ Inferring that information obtained from consumers by a company may be used to offer the enterprise an advantage over its rivals, it defines the use of data as non-price competition. In a different study from 2020, the CCI issued a similar warning, a claim that corporations may compete without regard to pricing and create "winner takes all" systems thanks to network effects brought on by massive volumes of data collecting.¹⁸ As a result, data might be used as a stand-in for determining market power, and once that assessment has been made, misuse of data might be considered as having a significant negative impact on competitiveness.¹⁹

- **Data as an Instrument of Market Power**

In accordance with the CCI, it has issued an order opening a probe in accordance with Section 26(1) of the Competition Act ("WhatsApp Suo Moto Order"), on WhatsApp and Facebook, which takes into account data as a non-price competitive factor.²⁰ Given its popularity and widespread usage, for both individual and group chats, as well as its distinctive and unique features, WhatsApp looks to be dominating, according to the CCI's order, which considered its earlier findings regarding WhatsApp. This finding is crucial since it depends on a network effect being created by the platform's users, as was taken into account in the cases of *Harshita Chawla v. WhatsApp Inc.*²¹

¹⁷ Competition Commission of India, Report on Market Study on the Telecom Sector in India: Key Findings and Observations on January 22, 2021, available at: http://cci.gov.in/sites/default/files/whats_newdocument/Market-Study-on-the-Telecom-Sector-In-India.pdf (last visited on August 11, 2023)

¹⁸ Competition Commission of India, Report on Market Study on E-Commerce in India: Key Findings and Observations, on January 2020, available at: https://www.cci.gov.in/sites/default/files/whats_newdocument/Market-study-on-e-Commerce-in-India.pdf (last visited on August 11, 2023)

¹⁹ Competition Commission of India, The workshop on Competition Issues in the Telecom Sector in India on February 2021, available at: http://cci.gov.in/sites/default/files/whats_newdocument/Proceedings-Telecom-Workshop.pdf (last visited on August 11, 2023)

²⁰ Competition Commission of India's order stated under Section 26(1) of the Competition Act in *In the Re: Updated Terms of Service and Privacy Policy for WhatsApp Users*, (Case No. 01 of 2021), on 24 March 2021, available at: https://www.cci.gov.in/sites/default/files/SM01of2021_0.pdf (last visited on August 11, 2023)

²¹ *Harshita Chawla v. WhatsApp Inc. and Facebook Inc.* CCI's orders under Section 26(2) of the Competition Act, Case No. 15 of 2020, on August 18, 2020, available at: <https://www.cci.gov.in/sites/default/files/15-of-2020.pdf> (last visited on August 12, 2023)

and Shri Vinod Kumar Gupta v. WhatsApp Inc.²²

Firms like Facebook has the capacity to gather and use huge quantities of user data, according to a prior CCI statement that "in regard to data consumption".²³ With reference to the WhatsApp *Suo Moto* Order, according to the theory given by CCI that "in a based on information ecosystem, the competition law requires to look into whether or not there is necessary to conduct an antitrust investigation because excessive data gathering and the extent to which it is later used or shared have an anticompetitive effect."²⁴

Similar approaches have been used by the CCI to evaluate mergers, with the organization remarking that in "a novel age dynamic markets" conventional market share research is no longer relevant. It may only serve as a starting point for inquiry and is not the only factor to be taken into consideration when determining market dominance. Recent choices in these areas have taken into account potential problems with data interchange and net neutrality. Also, The CCI observed that in a situation where the victor obtains all the platform markets, it is essential to eliminate the anti-competitive conduct at the outset, provided that the alleged conduct is not founded on the merits. Network effects, combined with even marginal actions of the platforms, can lead to the exclusion and marginalisation of competitors, and further reinforce those effects, which may be more difficult to overcome at a later date.²⁵

• Abuse of Dominant Position by Manipulation of Data

As examples of abusive behaviour, the CCI Telecom Report provides the following examples: (a) a lax threshold for privacy that indicates poor consumer welfare; (b) a lower data protection standard, which may also be a sign of exclusionary behaviour; (c) using data advantages across several services. This notion of harm is backed by the CCI in the *WhatsApp Suo Moto Order*, opining that data-sharing by WhatsApp with Facebook degrades non-price competition

²²Case No. 99 of 2016, on June 1, 2017 as available at: <https://www.cci.gov.in/sites/default/files/26%282%29%20Order%20in%20Case%20No.%2099%20of%202016.pdf> (last visited on August 11, 2023)

²³ The Competition Act, 2002, Section 31(1), CCI's orders in Facebook & Jio, Combination Registration No. C-2020/06/747, on June 24, 2020, available at: https://www.cci.gov.in/sites/default/files/Notice_order_document/order-747.pdf and Google/ Jio, Combination Registration No. C-2020/09/775, on November 11, 2020, available at: https://www.cci.gov.in/sites/default/files/Notice_order_document/Order775.pdf (last visited on August 11, 2023)

²⁴ The Competition Act, 2002, Section 33, Interim order given in Federation of Hotel & Restaurant Associations of India (FHRAI) & Anr. v. MakeMyTrip India Pvt. Ltd. (MMT), available at: [https://www.cci.gov.in/sites/default/files/Interim Order 14-of-2019and01-of-2020.pdf](https://www.cci.gov.in/sites/default/files/Interim%20Order%2014-of-2019and01-of-2020.pdf) (last visited on August 11, 2023)

²⁵ *Ibid.*

parameters and that this conduct amounts to unreasonable terms and conditions being imposed on WhatsApp users, Facebook is also being looked into as a potential direct benefit of this privacy policy.

IV. IS NOW THE APPROPRIATE TIME FOR THE CCI TO INTERVENE REGULATORILY?

However, Data is a gauge of non-price competition, according to the CCI Telecom Report, which also acknowledges that privacy may fundamentally be a matter of consumer protection. This is in contrast to competition law, which is intended to preserve and foster competition rather than to protect specific market participants (such as competitors or consumers). The CCI should work with other organisations (in this case, the proposed DPA) that have been specifically tasked with developing data protection regulations. The CCI may be aware that a deviation from these norms is anti-competitive, but by attempting to define what a "huge amount of data" is, it risks conflicting with entities that may be in a better position to do so in any case.²⁶

Furthermore, it is evident that the CCI continues to hone its position on data consumption. The CCI has historically properly dismissed claims and has refused to accept "potential future exclusion,"²⁷ as an idea of the damage and "assertions that are neither substantiated nor adequate in any manner."²⁸ However, it appears that against the MMT Interim Order and the WhatsApp Suo Moto Order, CCI's inquiries are valid on unsupported claims. The CCI's investigation of these problems may be premature given that the required guidelines or requirements for data protection and use are still being defined and are currently the subject of legal challenges before higher courts. Preliminary hearings are one area where the CCI may take a more flexible approach. This would allow the CCI to better understand the underlying technology and business processes while also making the most use of its investigative resources.

It is nevertheless imperative that as soon as possible, clear and comprehensive data protection

²⁶ The Competition Act, 2002, Section 26(1), In Re: Updated Terms of Service and Privacy Policy for WhatsApp Users, Suo Moto Case No. 01 of 2021, on March 24, 2021, available at: https://www.cci.gov.in/sites/default/files/SM01of2021_0.pdf (last visited on August 12, 2023)

²⁷ The Competition Act, 2002, Section 27, *Matrimony.com Limited v. Google LLC. & Ors. and Consumer Unity & Trust Society (CUTS) v. Google LLC. & Ors.*, Case Nos. 07 & 30 of 2012, on February 8, 2018, available at: <https://www.cci.gov.in/sites/default/files/07%20%26%20%2030%20of%202012.pdf> (last visited on August 12, 2023)

²⁸ The Competition Act, 2002, Section 26(1), *XYZ v. Alphabet Inc. & Ors.* (Case No. 07 of 2020), on November 9, 2020, available at: <https://www.cci.gov.in/sites/default/files/07-of-2020.pdf> (last visited on August 12, 2023)

laws be put into place. The CCI could determine market power in digital marketplaces in accordance if such law establishes a threshold for data collecting. It's interesting to note that the MEITY has already published a notification that categorises social media intermediaries with 5 million or more Indian users as "significant social media intermediaries."²⁹ In light of this, it makes sense for the CCI to forego setting any benchmarks or standards in the field of data in favour of improving its understanding of the underlying challenges through market research, planning meetings, and a focus on effects-based initiatives. It is advised that companies that operate in digital marketplaces evaluate their privacy policies and follow recommended procedures for gathering user information, including being transparent about the data's intended purpose and advertising.

V. The Digital Personal Data Protection Bill, 2023

The Rajya Sabha on August 9, approved the Digital Personal Data Protection Bill, 2023, which takes an ethical approach to managing and safeguarding personal data. The 2022 version of the bill, Adopting the 2023 Bill, was made with a concept-based process as its guiding premise. The proclamation of the 2023 Bill admits that because data is so fundamental to the growth of the digital economy, it is also crucial and necessary to secure personal data. The exemption provisions established in Clause 17(3) of the 2023 Bill are an excellent reflection of Bill's economic ethos and its encouragement of businesses and start-ups.

The Competition Act, (CA) 2002, which strictly controls digital marketplaces and the actions of market participants, was also passed to aid in the nation's economic growth. The CA regulates business behaviour related to the abuse of a dominant position and keeps an eye out for mergers or agreements that would materially harm market competition. The 2023 Bill's relationship to and overlap with the CA, which firms must be wary of for good business hygiene, will become clear upon closer examination. In fact, the 2023 Bill's Clause 6(2) acknowledges that consent is void even if it is given in contravention of another active statute.

It is odd to see that even a small portion of automated processing of personal data is regulated by the 2023 Bill. It is no longer applicable to "profiling" activities, which involve any processing of personal data that assesses or anticipates features of a data principal's behaviour, traits, or interests.

²⁹ Notification on February 25, 2021 available at: <https://www.meity.gov.in/writereaddata/files/Gazette%20Significant%20social%20media%20threshold.pdf> (last visited on August 13, 2023)

This would indicate that some uses of AI, like digital advertising, are excluded. Similarly to this, the government may eliminate the ban on tracking, behavioural monitoring, and targeted advertising for minors and a specific data fiduciary may be exempt from parental permission rules if they engage in processing that may be shown to be safe. However, under all circumstances, the responsibilities of the antitrust legislation, which covers unauthorized use and exploitation of user data shall be enforced strictly, especially to the market leaders in the digital space.

New data protection legislation redefines "consent" in the digital economy and includes antitrust provisions.³⁰ The 2023 Bill's Clause 6(1) read in conjunction with Clause 5(2) specifies that the data principal's permission for already-completed contracts must be unconditional, which is somewhat analogous to Clause 7(8) of the 2022 Bill. This provision may also address problems with platforms abusing their dominant position by selling services that are indispensable or unavoidable. Additionally, the framework for the purpose and limitations of consent-seeking should address concerns about the gathering of the high amount of data that the Data Protection Board of India and the Indian Competition Commission may both look into. It's also noteworthy that in the European Union, privacy and competition regulations work hand in hand, and this has repercussions all around the world, including in India. The General Data Protection Regulation (GDPR) can be found to be violated by member state antitrust authorities while they are looking into a case of abuse of a dominant position, according to a recent and very remarkable decision of the European Court of Justice in *Meta Platforms and Ors. v. Bundeskartellamt*³¹ on the date July 4, 2023. The key finding was that while some behaviour may be acceptable under the GDPR but illegal under antitrust laws, it was examined in detail in several key areas where the two laws intersected.

In the clause 7(a), 2023 of the Bill cites the voluntary disclosure of personal information and the data principal's failure to indicate "no consent" as a lawful use situation. Even if such action might be legal in terms of privacy laws, it would be illegal in terms of antitrust laws, particularly in the digital market. Untrained users frequently don't look into the info they share or its purpose. The popularity of dark patterns for obtaining consent instead of services makes the situation worse. Both authorities in competition law and privacy regulation are looking into this. The US Federal Trade Commission is already looking into Amazon's use of "dark patterns" to sign up customers

³⁰ Abir Roy and Aman Shankar, August 10, 2023, available at: <https://www.moneycontrol.com/news/trends/legal/new-data-protection-bill-encompasses-antitrust-provisions-redefines-consent-in-digital-economy-11147731.html#> (last visited on August 13, 2023)

³¹ CJEU - C-252/21, available at: https://gdprhub.eu/index.php?title=CJEU_-_C-252/21_-_Meta_Platforms_and_Others_v_Bundeskartellamt (last visited on August 13, 2023)

for Amazon Prime without their permission and make the cancelling process difficult. This also includes deceptive assent to strict terms of sharing personal data, where the process of revoking consent is challenging. Clause 6(4) of the 2023 Bill contains a provision that makes it simple to withdraw permission. Due to all of these consent management-related problems, the 2023 Bill will now include a new class of organisations known as "consent managers," a phrase that is unusual under privacy legislation everywhere.

Clause 9(1) states that the data fiduciary is in charge of the 2023 Bill's requirements. Nevertheless, the Bill grants the data fiduciary authorization to "engage, decide on, employ or somehow involve a Data Processor to handle personal data on the company's behalf for any activity related to the offering of goods or services to Data Principals merely under a valid contract." In a sophisticated digital market environment with marketplace service providers as well as sellers that both cooperate to provide consumers with a variety of services, it's inevitable that the topic of what a data fiduciary and data processor are will come up. In which data, its ownership, privacy, and sharing among corporations were all issues in recent antitrust lawsuits in India have all become contentious issues, the subject has greater significance. Once it has been intended that the negotiation of indemnity clauses and other contractual clauses will be of the greatest significance for both the data fiduciary and the processors to safeguard their respective interests as well as in the general business framework once it is known who the data fiduciary and the data processor is and that the data fiduciary has the liability and obligations under the 2023 Bill. Depending on the negotiating data fiduciary and processor, all of these operations will be subject to antitrust considerations with equal force. The 2023 Bill also includes the idea of a voluntary undertaking under Clause ³², which is similar to the commitment and settlement procedure under the recently passed Competition Act 2023.

VI. CONCLUSION

Undoubtedly, the beginning of India's privacy law journey will be a fascinating one. The 2023 Bill is encouraging in its purpose and methodology for both people and corporations. In the future, every business working with digital data will be expected to observe legal compliance as a behavioural activity and thoroughly map all sectoral rules for business compliance.³²

³² Beatriz Kira, *Regulating digital ecosystems: bridging the gap between competition policy and data protection, Industrial and Corporate Change*, Volume 30, Issue 5, October 2021, Pages 1337–1360. Available at: <https://doi.org/10.1093/icc/dtab053> (last visited on August 14, 2023)

Laws controlling privacy, data protection, and competitiveness are convergent on a global scale. India appears to have gone down the same road with the new Bill. It has been demonstrated that there is a significant chance for institutions and competition policy players to meaningfully integrate data privacy considerations into their decision-making practice and that this integration can enhance and inform the implementation of competition legislation. It is suggested that an integrated strategy to better control digital platform ecosystems fosters innovation, and safeguards consumers and the marketplace.