

Name of the PhD Scholar : Biranchi Narayan Prasad Panda  
Name of the Supervisor : Dr. Qazi Mohammad Usman  
Name of the Faculty : Faculty of Law  
Title of the PhD : A Comparative Study of Competition Law & Policy Regime in India, China & Japan: Special focus on Cartel, abuse of dominance and cross-border issues

### **ABSTRACT**

*The final cause of law is the welfare of society"*

*-Benjamin Cardozo*

In the last two to three decades, there have been several developments in the global law and policy environment and that leads many nations to change their domestic legislations and comply with the global legislations for achieving better economy growth, fair market, consumer welfare and to maintain sustainable development. Competition law and policy (hereinafter CLP), though it is not a new law, is one such law-and-policy measures that has received tremendous attention in the global community, specially among the developing nations during the post-globalisation period. With this growing global trading system, competition law & policy is considered as one of the central element of this globalization, it ensures free flow of trade and business without anti-competitive practices.

There are now, nearly 140 nations have adopted CLP. More than two-thirds of them enacted their first competition laws in the past 25 years. This shows the paradigm has changed with small economies to developed economies started implementing competition law & policy. However, according to the WTO, the degree of success of enforcing competition law in the majority of nations is relatively low due to many lacunae such as the institutional and legislative failures of domestic CLP, many jurisdictions have faced serious issues like cartels, abuse of dominance, cross-border cartels, etc. Additionally, the improper enforcement, absence of implementation and timely corrections and amendments of CLP are the main reasons for failure in these jurisdictions.

As many international scholars and reports projected that the future economy power will slowly shift towards the Asian countries within next 15/20 years. Therefore, this study evaluates the CLP regime in major Asian countries like India, China and Japan perspective. The study mainly focuses on a comparative perspective and highlighted the CLP regime of these three jurisdictions along with their legislations, enforcement mechanisms and the recent trends and initiatives taken to foster the competition culture among the market players.

However, The sole purpose of this study has been to enquire into the effectiveness and aggressiveness of Indian competition law regime in comparison to other countries competition law regime, especially China & Japan. The doctrinal method was used in this study with the existing data and reports available.

The study divided into 7 chapters; first chapter deals with Introduction; second chapter deals with evolution and revolution of CLP regime; third chapter deals with CLP regime in India, China and Japan context; chapter four deals with cartel, abuse of dominance and cross-border perspective; chapter five deals with competition advocacy and competition compliance; chapter six deals with comparative analysis of these CLP regime; chapter seven deals with conclusion and suggestions.

With this comparative study, it can be concluded that despite all the shortcomings and issues identified, the Competition Act, 2002 & CCI is still a reasonable piece of legislation and enforcement mechanism as it has to a certain extent played a pivotal role in protecting consumer welfare and monitoring market conditions in India. The CCI's continuous efforts and timely legislative improvements prevented oppressive market behavior from holding sway, which has benefited consumers, free & fair market and sustainable business practices across the nation. The competition regime in India under CCI has contributed to the achievements, albeit that there are loopholes and weaknesses. Despite of several lacunas, in these apprx.10 years, CCI has achieved a lot in terms of establishing a strong legislation, commission, actions towards violations, different studies & reports and building better connection and coordination with international level. Therefore, a proactive approach of CCI is needed to modify, amend the identified loopholes and issues in this study, and should incorporate new concepts, tools to the legislation that would help to achieve its preamble and section 18 of the Competition Act, 2002.

Based on the comparative analysis and observations from this research, it is understood that CCI is well-structured agency under Ministry of Corporate Affairs that worked as a watchdog for the Indian corporate sectors. Yes, there are few extra initiatives required by CCI to strengthen the mechanism, which will be more helpful in eradicating cartels, abuse of dominance and cross-border issues. Additionally, competition advocacy & competition compliance are two important pillars to promote competition law & policy in India. Though, the commission is now taking many steps to promote competition advocacy and compliance programme. The commission may consider in use of mass media to generate awareness at the grass root level and also maintain good relations with various organizations such as civil society, consumer organizations, professional and educational Institutes, trade bodies and associations, business chambers etc. for better competition culture.