

**CUTS Institute for Regulation and Competition
and
PHD Chamber of Commerce & Industry
Competition Law Enforcement and Business Strategy
29th November, 2012: PHD House, New Delhi**

Background Note

A successfully functioning market economy requires effective and enforceable functioning business laws. These include, among others, corporate governance, foreign investment, trade, and competition laws. Competition laws prohibit a variety of practices that restrain trade, such as cartels, anticompetitive mergers, and exclusionary acts by firms with monopoly power/dominance. In many cases, as in India, such laws also permit competition agencies to address anticompetitive behaviour in government regulations. Competition laws protect the competitive process, ultimately benefiting consumers and businesses through lower prices and better quality finished and intermediate goods and services.

Competition Commission of India (CCI) is the enforcement agency for India's Competition Act, 2002 which has replaced the Monopolies and Restrictive Trade Practices (MRTP) Act, 1969. CCI was constituted in 2003 and became fully operational in 2009, due to court challenges on the appointments of the commissioners. The regulation of combinations was notified only in June, 2011. In a little over three years, CCI has been coming down heavily on companies across all sectors. The mission of the CCI is to curb anti-competitive practices to protect the interest of consumers and achieve economic efficiency. Apart from this, competition advocacy is another mandate on the CCI agenda. CCI has been actively probing sectors like real estate, entertainment, cement, petroleum, steel, travel industry, healthcare and education.

In any event, the CCI has been acting as a deterrent by instilling fear of hefty penalties amongst large companies that flout the competition law. CCI has also impacted the way regulatory agencies behave. However, the challenge of CCI is the constant turf wars with regulatory agencies it is faced with. Recently, a Group of Ministers headed by Finance Minister P Chidambaram has decided to address the issue in a proposed amendment so as to end the deadlock by allowing no blanket exemptions from CCI's purview. In light of this, it is important that CCI be strengthened to incorporate multi-disciplinary expertise that will enable it to undertake better enforcement.

In this light, the CIRC – PHDCCI seminar on 'Competition Law Enforcement and Business Strategy', is designed to throw light on CCI's role and its success and challenges, cross border M&As in pharmaceutical sector and its challenges, competition issues in platform markets/network industries apart from focusing on importance of competition reforms in developing countries.

The seminar is primarily targeted at Competition Law Practitioners, Chartered Accountants, Economists, Advocates, Researchers, Academicians, Decision Makers, Senior Executives and Heads of Corporate Houses. Speakers include, inter alia, Competition Law Practitioners and Experts from academia, Law Firms and Competition Enforcement Agencies across the globe.