

Seminar on
Amendments to Competition Act 2002: The Way Forward
New Delhi, Saturday 25th February 2006

Time: 0830 – 1400 hours

Venue: Hall Magnolia, Convention Centre, Lobby, India Habitat Centre, Lodhi Road, New Delhi 110003 (Entry from Gate No. 3 on Vardhman Marg)

Background

India enacted a new competition law, Competition Act 2002, to replace the Monopolies and Restrictive Trade Practices (MRTP) Act, 1969. The new law was enacted to suit the emerging economic order, nationally as well as globally, due to liberalisation and globalisation.

The Competition Act focuses on four core areas: anti-competitive agreements, abuse of dominant position, combinations regulation, and competition advocacy. One distinguishing feature of the Act is that it emphasises on behavioural approach to examine competition in the market as against the structural approach followed by the MRTP Act.

However the Competition Act and the Selection Rules were challenged. A writ petition filed in the Supreme Court challenged the constitutional validity of the Act, and the appointment of a bureaucrat to head the Commission. The Cabinet after examining the issues and with a view to resolving the matters, decided to incorporate certain changes to the Competition Act, 2002.

Among the key amendments proposed by the government is splitting the functions of the Competition Commission of India (CCI), and creating an appellate body to carry out the adjudicatory functions.

The amendments are expected to be tabled in the forthcoming budget session of the Parliament beginning 16th February 2006. Unfortunately, while the amendments had been pending for a long time, the government chose to bypass public consultation, which is in sharp contrast to the case when the Competition Act 2002 was itself drafted.

In view of this, CUTS International is organising this half-day seminar to provide a platform to all concerned to air their views. The deliberations will help in assessing amendments that have been proposed and make appropriate suggestions to policy makers towards ensuring a functional Competition Law.

Agenda

- 0830 – 0900 hours Registration and light breakfast**
- 0900 – 0930 hours Why Amendments?**
- 0930 – 1100 hours What Amendments Proposed?**
- Composition of the Competition Commission of India (CCI)
 - Interface between CCI and Sector Regulators
 - Establishment of Competition Appellate Tribunal
 - Leniency Provision
 - Others
- Panel discussion: 30 minutes
 - Open house discussion: 1 hour
- 1100 – 1230 hours What further amendments required? (Stakeholders' perspective)**
- Provisions to deal with IPR abuses
 - Independence of the CCI
 - Accountability of the CCI
 - Competition abuses at local level
 - Any Other???
- Consumer Perspective: 10 minutes
 - Business Perspective: 10 minutes
 - Professionals' Perspective: 10 minutes
 - CCI's Perspective: 10 minutes
 - Open house discussion: 50 minutes
- 1230 – 1400 hours Roundtable & Closing Up**
- 1400 hours Lunch**