

Competition Advocacy

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ABSTRACT

The establishment of a department is required to implement the administration and competition law. This arrangement should be more effective than counter contrary to policy management. This is not just a law enforcement agency. The established administration should take an active position to ensure that action should be taken not only by the action of those who violate the provision of competing law but by adopting institutional arrangements and policies, by promoting competition which is neutral and Collide with free trade operations. In this context, the following two basic tasks have been entrusted to the Indian Competitive Commission of the Law:

- a) Managing and enforcing competing law and competition policy to promote economic efficiency and consumer welfare
- b) To make sure governments are fair, independent, open, flexible and agreeable, take part seriously in making government policies objectives.

So, the law is new wine in a new bottle. Improves the wine with age. In 1969, the MRTP law was more than three decades old and the new law was changed in India with changing and changing economic scene, and according to the present and current economic thinking of the world, including liberalization, privatization and globalization.

1. Introduction

This chapter focuses on competing in all sectors of Indian economy and the importance of advocacy for competing in competition to compete in the role of India's Competitive Commission to promote the competitive system in Indian markets. Summary of the concept of competitive advocacy and the interpretation of development. It also discusses specific provisions of the Companies Act, 2002 which address the topic directly with the subject and at the national and sub-national level, based on the effective advocacy process in a different jurisdiction worldwide. What are the more important things in India to strengthen the process for Advocacy¹.

Some of the most recent laws of law are tied business negotiations, activity, abuse, unity and advocacy. This call includes the ability of the competing authority to influence the conduct of the government without the decision of government policy and implementation. Competition advocacy is one of the most important pillars of competitive agencies worldwide, in which culture is the process of creating and competitive. In accordance with this and the recommendation of the high-level committee, the law has enforced the judicial commission's mandate in addition to law enforcement.²

Section 49 allows the Competitive Commission of India to conduct advocacy functions. Appropriate measures were needed to encourage competition and advocacy, to create awareness on competitive issues and commute training. Despite this, during the expansion of competing policies, a state or central government can take opinion of the Competitive Commission of India. The Competitive Commission will make its own choice and submit its opinion

within 60 days. However, the opinion of the Competition Commission of India does not apply to any government.

It is said that it is particularly important for competitive agencies to participate in the competition to advocate. In these countries economic policies are making fundamental changes; markets are more open, new government and regulatory organizations are being formed, trade is the biggest influence and private companies are being privatized. Competitive policy should play an important role in this change, but the new challenge agency is difficult to obtain the necessary impacts and skills for this purpose.³

The generally accepted definition of competitive advocacy is that it involves all activities of a competition agency with the aim of promoting competition, including competition law enforcement. In this way, the purpose of the competitor is to increase the competition in the economy. It is important to take the role of a competitor, work effectively to develop government policies, reduce barriers to entry, promote trade liberalization, and encourage business liberalization and reduce unnecessary government intervention in the market. Competition Advocacy can be understood in general terms, such as to spread competitive areas in comparison to competition cultures. Advocacy measures can be from public partners, such as legislators, regulators or judges, but business communities and law or public may be completely.

Depending on the objectives, Competition Advocacy can take the form of definite publications to improve equipment understanding and understanding of competitive rules. An effective system on which this article will focus, is an active involvement in the institutionalized impact assessment process

¹Advocacy has been defined in Black's law dictionary.

²VERSHA VAHINI; *Indian Competition law*; 253; Lexis Nexis; 2016.

³The World Bank; OECD; A Framework for the design and implementation of Competition policy; 93; 1998.

in which the implementation of new laws and regulations or in the case of court proceedings before the Parliamentary committees' regulatory organizations or as a court member.

2. Definition and meaning:

Advocacy competition is a complicated and different process. Winning clean wins are relatively low India's Competitive Commission should try to adopt a patient, but managed approach to increase the competitive spirit due to competitive advocacy.

It is traditionally considered that a competing agency should do more than just implement its competition law.

Competition can be significantly reduced through the management of various public policies and organizations. In fact, RBPs often get help through various government interventions in the market. In this way, the order of the Competition Office is beyond the mere compliance of competitive law. Their country's economic policies should be more expansive, which can adversely affect competitive market structures, business behaviors, economic policies, competitive market structures, business behaviors, and economic performance. It must play the role of Competition Advocacy who acts actively to achieve government policies that reduce barriers to entry, encourage control and liberalization of business, and reduce unnecessary government interference in the market.⁴

3. Origin of competition advocacy:

The concept of competitive advocacy is a latest asset, with the gradual opening up of monopoly of previous states in telecommunications, power, oil and other sectors of the developing and developing countries, when the beneficial effects of free competition from these areas are emerging.

In most countries, this concept is automatically linked with the successful implementation of competitive policy as well as the use of competitive law.

Applying the rules of competition is much better than the competition for the season. Apart from the jurisdiction, with a very long tradition of implementation, the date of attempts of advocacy for the early decades of the 20th century and a new focus on advocacy in some medical areas in the 1970s.

4. The need and purpose of competition advocacy

Competition law and competition advocacy is a direct link between defense of law enforcement. This relationship is particularly strong in the transnational and emerging economies, where often the benefits of a competitive market economy are appreciated or appreciated. Competitive advocacy facilitates coordination between government action and competition. Private and public competitive restrictions can have adverse effects on the competitive process. In this way, it is important to remove general restrictions such as removal of special restrictions. In fact, public restraints are more harm

than special restrictions. Competition advocacy is an important means of eliminating common barriers and advancing the way of competitors

5. Competition Advocacy:

The success of any law is directly related to the approval of those individuals where it applies or who are affected. Competitive training is necessary to ensure and ensure the "participants" desire for all the publicity and publicity. Competition in many countries of the Asian-Pacific region is largely due to the failure of law and policy to identify the importance of "Competition advocacy". It seems that the government has looked into practical experience and, in Chapter VIII of the Act, includes rules for advocacy for competition issues.

As the English Proverb says, "Prevention is better than treatment", advocacy programs have not only reduced the anti-competitive practices, but have significantly reduced the enforcement procedures, thus saving the expenses which represents the participant system first. Advocacy is a permanent attempt, of course, according to the discussions in Parliament, India's Competitive Commission is particularly focused on advocacy in the first year of its establishment. The International Competition Network reports describe the "time for competition" in relation to government's actions, primarily through their relations with the government, with other government organizations and creating awareness about the public's usefulness of competitive, non-enforceable In relation to the promotion of environmental competition for the promotion of economic activity.

To do so, the government and its staff should request to consider competing principles against their policies, even though it is related to liberalization, simplicity, privatization or non-investment. There is a need to focus on call competition:

1) Terminate the Complex, Unnecessary, Time-Lensing, Repeat, and Prevention Regulations

(2) preventing the development of unnecessary new rules which increase the burden of all the work and at the same time have no useful purpose.

(3) To ensure that the rules are designed to meet legal organizational goals.

It is important to compete effectively in India, that a clear difference should be made between enforcement and advocacy. Creating transparency support enhances the effect of advocacy. The credibility and political neutrality of India's Competitive Commission can help to accept its ideas and suggestions.

A replica is a dynamic theme, it is important that the rules and guidelines be developed in such a manner that the law is always ready to show the technical developments and challenges to the new market conditions and business sectors.

Competitive law has a wide range of very economic activities. Therefore, contact is required as a competitive advocacy in particular areas such as aviation / banking, insurance (communication, energy, port, airports, highways, environment, health, education, etc.). Large capacity is

⁴KHEMANI RSYAM & JOHAN CLARK; *Origin of Competition Advocacy*; World Bank; available at: <http://www.CompetitionAdvocacy.in> (visited at: 17th April 2019)

immovable; A comfortable approach will only lead to anarchy and the advocacy goal will be overrun.

Competition should not be invited merely as a responsibility of the Competition Commission of India. Business and industrial associations, professionals, their associations, consumer activists, media, central, government and local self-government need to do their best to build strong competitive cultures.

Advocacy include unofficial meetings and contracts. In the United Kingdom, at least once the Foreign Affairs Minister or the Competition will meet for a common exchange of views between the Commission's Minister. Effective information materials are not discussed, but discussions with committee processes or discussions discussed from entire investigations are discussed. After this, regular public meetings were conducted due to the competitive experience of the competition and the Competition Commission of India estimated the role of advisory role. If the experience of a person is getting stronger then it can be chased.⁵

To save effective competition, if advisory groups are also advised. Needless to say, the United States opposition parties have implemented their competition advocacy program through the "Economic Analysis Group", which includes experienced professionals from different regulated industries.

An organized and organized media promotion is needed for effective advocacy for the competition, which can be divided into three categories:

- Official media (annual profit, gazette, guidelines)
- Mass Media (website, press release, TV)
- Alternative media (seminars, workshops and business meetings, profiles, articles, newsletters, discussion papers, etc.)
- The two main parts of the mass media, i.e.TV and are radio-owned, the work of the Indian Competition Commission becomes easier to compete in these two ways.
- The Competition Commission of India can deal with international organizations such as the World Bank, the Asian Development Bank, the Integrated, World Trade Organization and the Organization for Economic Co-operation and Development (OECD) as it was an active agenda for the promotion of competition. These organizations have special programs to support their budget.⁶

6. Objective of competition advocacy:

- 1.5.1 An objective can be to increase awareness among people of competition and concerns among competitive, academic, judicial and other public and private stakeholders.
- 1.5.2 Enabling competing agencies to participate in the country's economic policies, which could affect the

marketing infrastructure of the market, business attitudes and overall economic performance.

- 1.5.3 To promote competitive-friendly legislation with public partners, mainly regulators and legislators, national and political level.
- 1.5.4 To understand and accept the rules of competition between stake holders.
- 1.5.5 To increase the active participation of competitive agencies in the institutional impact assessment process
- 1.5.6 Competitor agencies are organizing organizational committees, parliamentary committees, or court friends' court appearances in court proceedings.⁷

7. Competition commission of India (Return on measures for the promotion of competition advocacy, awareness and training on competition issues) rules, 2008

In the exercise of the powers conferred under section 1 of sub-section (2) of section 63, subsection 63 has been read with sub section (1) of Section 53 of Competition Act 2002 (12 of 2003). They are:

Short title and commencement

- (1) These rules can be called "Competition Commission of India" (Return on measures to encourage competitive advocacy, awareness and training on competitive issues) 2008.
- (2) These rules will apply to the date of their publication in the Official Gazette.

Preparation and furnishing of the Return on Measures.

- (1) Commissions will be provided for each year return and data completion, as per the rules, these rules have been merged which encourage the promotion of competition against proposed or existing measures and in relation to related activities, the Central Government Prepare training awareness and transfers on competitive issues. Enter the actual and complete details of the activities performed during the previous year.
- (2) The Central Government may request the Commission in relation to a proposed or current measure to increase the transfer of training to be made from time to time on the promotion of competition, awareness generation and competitive issues.⁸
- (3) There may be changes in the commission, no other thing has been included in the list, which included prior approval of the Central Government.
- (4) The commission will be withdrawn within 30 days of the end of the year in which the central government will be withdrawn.
- (5) In matters related to the time of form and preparation of return, in which no specific appointments have

⁵Sandeep Kumar; *Effective Competition Advocacy*; available at: <http://www.competitionadvocacy.in> (visited at 16th April 2019.)

⁶Supra Note 5.

⁷Supra Note 1.

⁸TAXMANN'S; *Competition laws Manual*; 3.31-3.32; 3rd edition; 2015.

been made in these rules, in every case, the final decision will be sent to the Central Government.

8. How to strengthen competition advocacy through competition screening:

Competition authority is involved in the preparation of legislative proposals, especially for effective legislation to influence economic rules and legislation, particularly through the Regulatory impact assessment (RIA). This type of advocacy is sometimes called "Competition Screening". As part of their screening activities, competition agencies typically offer comments, opinions and proposals on the terms of the draft laws or privatization projects.

The advantage of this method is that it establishes a continuous dialogue between the legislators and the competing authorities, which have influenced and influenced the legislative proposals from the viewpoint of avoiding or influencing the impact of unavoidable or excessive restrictions from the beginning to do. The need to review the rules regarding their effectiveness on the competition at the international level was explained. On March 15, 2005, the Council of Economic Co-operation and Development (OECD) adopted the OECD guidelines on quality and organizational performance to change the 1995 recommendation.

These guidelines recommend that the current and new rules be reviewed competitively according to the strategy and the Regional Integration Agreement should be used to evaluate the impact of competitive objectives and rules regarding market opening. The International Competition Network (ICN) has done a significant research in the competitive examinations.

The most effective advocacy tools used by authorities to compete with strategies, such as market definition, special definitions and special definition effects, issuing bindings or non-binding ideas on bills, and the ability to issue authenticity of participants in the bidding process. Privatisation).⁹

9. Role of competition advocacy

Advocacy with local authorities

Encouraging effective competition across the country is a difficult task for the Commission, to achieve this objective, it is important that they encourage local interaction. To ensure knowledge of i.e., municipal level, additional political aid and competitive principles.

In addition, in the form of economic reforms in the Serbian, changes in the developing countries and other countries, local governments that use interest in community service facilities to cause interest in this situation. Because local authorities are the owners of these properties, they are interested in the profits of their business, which can increase the cost of services and reduce the quality of services. Under the Competition Act, Competition Authority cannot legally intervene against the local authority and therefore competition is the only

⁹GERALDINE EMBERGER; *how to strengthen competition advocacy through Competition screening*; available at: <http://www.internationalcompetitionworkorganisation.in> (visited on 17th April, 2019)

tool that can be used to replace such anti-competitive practices.

However, the committee has succeeded in changing its policies on the provision of facilities services for burial of some local authorities and provision of cemeteries arrangements. After analyzing the initiatives to investigate any possible violation of the competition, the Commission considered the need to revise the rules for the service of burial and cemetery management services, and associations of Pancevo city were discussed, so that they could not compete And cannot provide monopoly to the utility companies of those cities.

City of Novi sad and the town of Pancevogave a good response and informed the committee that he had prepared a revision to amend the rules of the controversial decisions of the public utilities and the law of grave management services and the amendments would be adopted.

The Commission sent a similar opinion to Subocita City, where the status of the committee was not fully recognized or implemented. The Committee expressed its concern over the failure of the Subotica City Assembly to work out the entire work in consultation with the committee's opinion regarding the disputed arrangements in regulatory decisions to subtotal cemeteries and cemetery management services. Likewise, the Committee has also given an opinion to the concerned Ministry keeping in mind the need to determine the right organization of the area buried and cemeteries for grazing grounds to protect the related texts from the allotment of copies of these activities on the basis of various interpretations of copies sent to Subotica and ministry responses and the consequences of these advocacy activities are still unknown.

Although the Commission did not provide adequate political support and did not get the understanding of the competent officers, which was more likely to be able to achieve the objectives of the advocacy, it once again seized the opportunity to emphasize the importance of the conduct of the local authority Have done it.¹⁰

10. Conclusion

It is important that competitive agencies in all countries participate in the fight for the competition, but the above discussions show that it is important for doing so in developing countries. There are some incidents that occur in the initial phase of the market's economy, which include privatization and regulatory reforms, which will have a significant impact on the development of a new economy.

Instead of trying to correct these changes later, implementing these changes is best, and competition is an obvious value for the defense of the competition. In addition, most developing countries lack adequate competitive cultures, and it is important for the agency to start a building process. These conditions indicate that the competition agency in developing countries should be more active than competing countries. But, at the same time, they can not be the basis for

¹⁰Boris Begovic; *Role of Competition Advocacy*; available at: <http://www.competitionadvocacy.in> (visited on 17th April, 2019).

doing this - perhaps they still have not gained the necessary independence, resources and credibility for effective advocacy. There is no clear solution for this illusion.

The agency should make the right decision to select and promote advocacy projects only. You should look for political things from a political perspective, which will not stay on many sources and will not give a fair chance of success. Continuous

attention is needed to build a culture of competition through the promotion of upcoming public relations and information, and most importantly, its law enforcement responsibilities should not be ignored.

It is important to use the same care and spend at least energy to find and prosecute on the violation of the law because they make advocacy efforts.