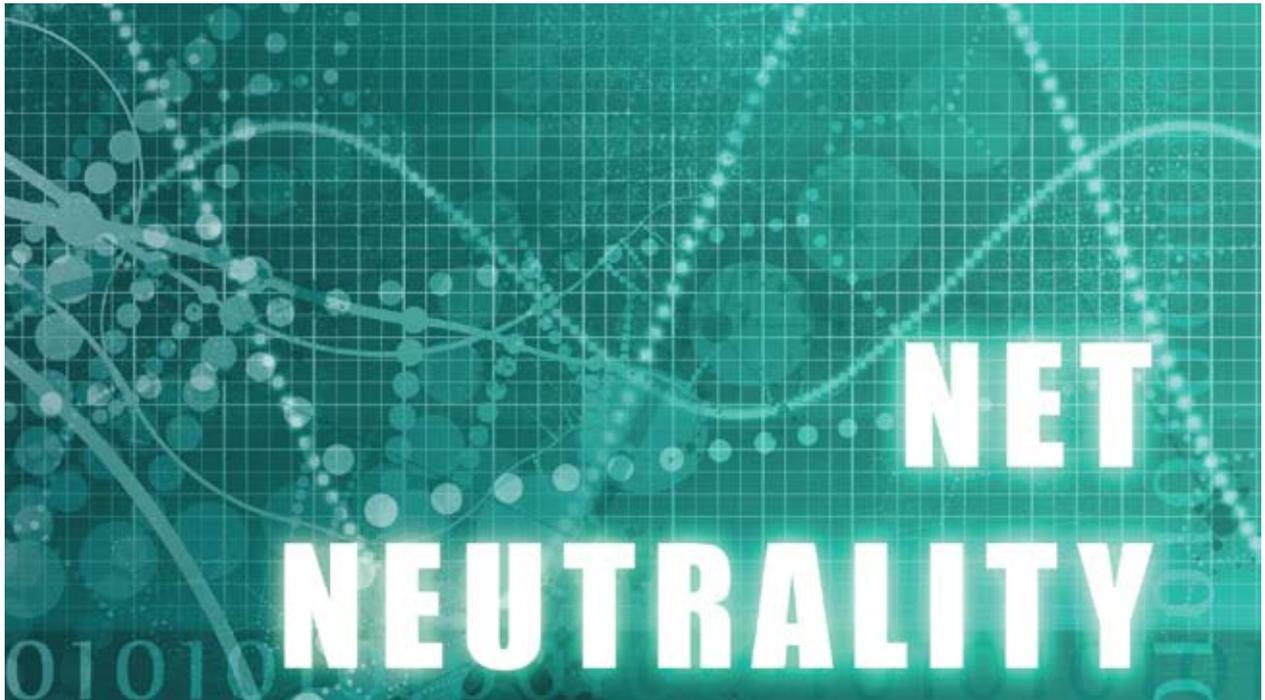


# Advocacy Role of the Competition Commission of India – An Appraisal



Competition advocacy is one of the important pillars relied upon by competition agencies across the World for engendering competition culture and process. The Competition Act, 2002 explicitly assigns the Competition Commission of India a proactive duty to act against anti-competitive forces prevailing in the market. The laudable objective of competition advocacy is to foster conditions that lead to a more competitive market structure and business behavior without the direct penalty loaded intervention of the Competition Commission of India (CCI). Generating awareness of Competition Law and promoting Competition Culture in a traditional economy like India which was hitherto subject to controls and regulations was a formidable challenging task. According to the author the CCI can overcome this challenge by adopting a multi-pronged approach suited to Indian mores and conditions.



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The major elements of any modern competition law are: restrictive trade agreements, dominance and its abuse, regulation of mergers and advocacy. Advocacy<sup>1</sup> involves the ability of the competition authority to influence the policy decisions of the Government and the behavior of the enterprises without resorting to enforcement. Competition advocacy is one of the important pillars relied upon by competition

agencies across the World for engendering competition culture and process. In line with this and the High Level Committee's recommendation<sup>2</sup>, the Competition Act, 2002 (the Act) extends the mandate of the Competition Commission of India beyond merely enforcing the law.

## Meaning and Significance of Competition Advocacy

A commonly accepted definition

<sup>1</sup> Advocacy has been defined in Black's law Dictionary as the act of pleading for or actively supporting a cause or proposal.

<sup>2</sup> The High Level Committee on Competition more popularly known as S.V.S. Raghavan Committee recommended that the mandate of the CCI needs to extend beyond merely enforcing competition law. It needs to participate more broadly in the formulation of the country's economic policies which may adversely affect competitive market structure, business conduct and economic performance. The CCI therefore, needs to assume the role of competition advocate, acting pro-actively to bring about Governmental policies that lower barriers to entry, promote de-regulation and trade liberalisation and promote competition in the market place. There is a direct relationship between competition advocacy and enforcement of competition law. The aim of competition advocacy is to foster conditions that will lead to a more competitive market structure and business behavior without the direct intervention of the competition law authority namely the CCI (see paras 6,4,7 of the report).

**A** commonly accepted definition of competition advocacy is that it includes all activities of a competition agency that are intended to promote competition apart from those that involve enforcement of the competition law. ”

of competition advocacy is that it includes all activities of a competition agency that are intended to promote competition apart from those that involve enforcement of the competition law<sup>3</sup>. Thus competition advocacy aims at promoting pro-competition measures in an economy. Khemani and Clark point out that a competition authority must ‘participate more broadly in the formulation of its own country’s economic policies, which may adversely affect competitive market structure, business conduct, and economic performance<sup>4</sup>. It must assume the role of competition advocate, acting proactively to bring about government policies that lower barriers to entry, promote deregulation and trade liberalisation, and otherwise minimise unnecessary government intervention in the marketplace.<sup>5</sup> Competition advocacy in broad terms can be understood to encompass all activities pursued by competition authorities to spread a competition culture.<sup>6</sup> The addressees of advocacy measures can be public stakeholders like

legislators, regulators or judges but also the business and legal community or the public at large.<sup>7</sup>

The content of competition advocacy measures varies hinging on the legal and administrative framework and the degree of importance policy makers attach to the benefits of a sound competition policy at large. The objectives of competition advocacy include raising general awareness on competition issues and concerns amongst regulators, academia, the judiciary, and other public and private stakeholders and to empower the competition agencies to participate in the formulation of a country’s economic policies promoting competition friendly legislation and policies.

Depending on the objectives to be achieved, competition advocacy measures may take the form of guidance aimed at improving the understanding and acceptance of the competition rules by the stakeholders. Further, they may also consist in the active involvement of competition agencies in the regulatory impact assessment (RIA) process leading to the adoption of new laws and regulations benign to the fostering of competitive process and markets. Thus competition advocacy is a core instrument to address public as well as private restrictions on competition towards promoting competitive markets.

#### Origin of Competition Advocacy

The concept of competition advocacy is rather of recent origin having gained its acceptance

and prominence in developed and developing economics with the gradual opening up of the erstwhile state monopolies in sectors such as telecom, electricity, oil, etc. to market economy and when the beneficial effects of free competition started emerging from these sectors. In most countries the concept was linked automatically to the successful implementation of the competition policy<sup>8</sup> coupled with enforcement of the competition law. Competition law enforcement is much older than competition advocacy. Even though in jurisdictions with a very long enforcement tradition, competition advocacy efforts date back to the early decades of the 20<sup>th</sup> century, there was a renewed emphasis on competition advocacy in the 1970s, in some jurisdictions.

#### The Need and Purpose of Competition Advocacy

There is a direct relationship between competition advocacy and enforcement of a competition law and this nexus is especially strong in transition and developing economies, where an appropriate understanding or appreciation of merits of competitive market economic systems is often lacking. Competition advocacy facilitates synergy between government action and competition. Competition process may be affected adversely by private as well as public restrictions on competition.<sup>9</sup> Hence, removal of public restrictions on competition is as important as removal of

<sup>3</sup> Khemani, R Syam, and Johan Clark et al. 1999.

<sup>4</sup> Ibid.

<sup>5</sup> Khemani, R Syam, Johan Clark et al. (1999); “Competition Advocacy”, in World Bank/OECD p.93.

<sup>6</sup> ICN Report ‘Advocacy and Competition Policy 2002; available at <http://www.internationalcompetitionnetwork.org/>.

<sup>7</sup> Philip Lowe and Geraldine & Emberger, 2007 “Competition Advocacy and Interface with the Government”, in Vinod Dhall (ed) The Competition Law Today, Oxford University Press, New Delhi P1.

<sup>8</sup> Quite often there are anti-competitive outcomes due to policy distortions. To deal with policy induced anti-competitive outcomes, a competition policy is desirable. Competition policy means the governmental measures that affect the behavior of firms and the structure of the industry, and it is necessary to prevent anti-competitive practices, promote innovation, growth and promote competitive environment in the market. An adequate competition policy can ensure best possible utilisation of available resources, better quality products at lower prices to consumers and check hurdles to fair competition.

<sup>9</sup> At the State level there are five major policies that are responsible for nurturing anti-competitive policies, namely, procurement policy, excise policy, truck operations, bid rigging in construction and retail services. Manas Kumar Chaudary, ‘Mergers & Acquisitions under the Indian Competition Law-A Critical Legal View’.

**C**ompetition advocacy in broad terms can be understood to encompass all activities pursued by competition authorities to spread a competition culture. ”



private restrictions. In fact, public restrictions are more pernicious than private ones, given the fact that they are sanctified by different agencies of departments of the State. Competition advocacy is a core instrument to address public restrictions on competition and to promote competitive markets.

Tim Muris, the former chairman of the FTC has rightly observed:

“Attempting to protect competition by focusing solely on private restraints is like trying to stop the flow of water at a fork in a stream by blocking only one of the channels.”<sup>10</sup>

Governments, very often, in the name of advancing public interest or national security formulate and enforce certain policies and laws, imposing fetters on competition and promoting inefficiency. Therefore, there should be proper checks and balances for obviating the misuse and abuse of enormous powers vested with Governments under the ruse of public interest. Hence, there should be an earnest endeavour for the balancing of interests based on certain cardinal principles.

The competition agencies

through competition advocacy can strive to ensure that competition principles are properly and consistently inserted in the new legislation and regulations, where appropriate, particularly, in fostering competition in regulated sectors, such as electricity, telecommunications, petroleum sectors, etc.

The competition agencies in their role of advocacy can minutely scrutinise the baneful effects of State aids such as subsidies, tax rebates, preferential loans, capital injections, public procurements and other benefits for the selected and privileged market operators on competition and thereby strongly plead for the removal anti-competitive and inefficiency promoting concessions, rebates, remissions, etc. Further, the competition agencies in their role of advocacy can promote and sustain competitive neutrality for ensuring level playing field among various players operating in the market.

The competition agencies can play a pro-active role in building awareness and support for competition policy among the citizens and the business community, especially in transitional and developing economies.

#### Objectives of Competition Advocacy

- To raise the general awareness about competition issues and concerns amongst regulators, academia, the judiciary and other public and private stakeholders.
- To enable the competition agencies to participate in the formulation of a country's economic policies which may influence and impact the competitive market structures, business conduct and economic performance at large.
- To promote competition

benign legislations with public stakeholders, mainly regulators, legislators at the National and Sub-National levels.

- To foster and sustain competitive markets and culture in the economy.
- To promote that competition principles are at the edifice of economic policies and laws.
- To enhance understanding and acceptability of the competition rules by the stakeholders.
- To promote active involvement of competition agencies in the regulatory impact assessment (RIA) process.
- Involve competition agencies in hearings before sector regulators, parliamentary committees, or as amicus curiae in court proceedings.

#### Interface between Advocacy and Competition Enforcement

Advocacy and enforcement have a common objective as they strive to ensure that competition is not distorted and undermined. Hence, both are complementary to each other. The effectiveness of advocacy would definitely strengthen the process of enforcement, as it engenders habitual compliance with competition law, leading to least resort to sanctional mechanism.

#### Competition Advocacy in the Indian Context

In line with the recommendations of the High Level Committee on Competition Policy and Law, the Act extends the mandate of the Competition Commission of India

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<sup>10</sup> Remarks of Tim Muris before the Fordham Annual conference on 24 October, 2003.

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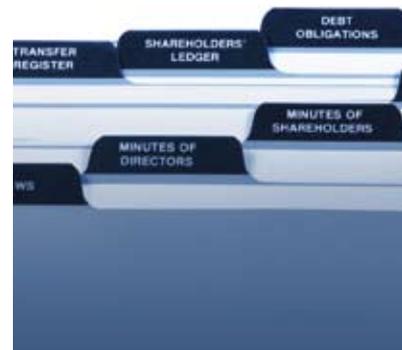
beyond merely enforcing law. The Competition Act explicitly mandates the Competition Commission to “eliminate practices having adverse effect on competition, promote the interests of consumers and ensure freedom of trade...in markets in India.<sup>11</sup> Thus, the Act explicitly assigns the Competition Commission a proactive duty to act against anti-competitive forces prevailing in the market. This duty is supported by the mandate to take “suitable measures as may be prescribed for the formulation of competition advocacy, creating awareness and imparting training about competition issues.<sup>12</sup> Further, the Competition Commission of India, in terms of the advocacy provisions in the Act, is enabled to participate in the formulation of the country’s economic policies and to take part in reviewing laws pertaining to competition at the instance of the Central and State Governments.<sup>13</sup> The Commission is mandated to proffer its opinion to the Government concerned within 60 days of receiving

the reference.<sup>14</sup> The Commission has been assigned the role of competition advocate, acting pro-actively to bring about Government policies that lower barriers to entry, that promote deregulation and trade liberalisation and to foster competition in the market place.

In a quasi- Federal polity set-up like India, there is every possibility that State Governments may bring about certain policies and laws imposing fetters on competition at the sub-national level, affecting the interest of consumers.<sup>15</sup> In fact, many such competition distortive policies prevail at the sub-national level. Therefore, policies and legislations creating barriers to free entry and thereby impairing and crippling competition needs to be addressed by the Competition Commission. The Parliament had long been grappled with the subject and which obviously explains the reason behind the extension of competition advocacy role of the Competition Commission even to State Governments by amending Section 49 to address competition inimical policies at the sub-national level.<sup>16</sup> Thus, the amended provision<sup>17</sup> certainly facilitates the formulation of competition engendering policies and practices at the national as well as sub-national level and further promotes harmony and convergence between the Central and State policies on the foundation of competition principles.

The opinion tendered by the

Commission under sub-section (1) of Section 49 shall have only persuasive value and therefore, it shall not be binding upon the Central Government or the State Government.<sup>18</sup> Hence, Government concerned is not duty bound to take into reckoning of any opinion tendered by the Commission and which makes the whole process of seeking opinion nugatory and a futile exercise. The author is of the considered opinion that in the event of Government not considering the opinion articulated by the Commission then it must be incumbent on it to give reasons for discarding such opinion. Such a provision in law would definitely bring about openness, transparency and increasing credibility to



**T**he advocacy role of the CCI would also facilitate the integration of competition principles in the policy formulation by the Central and State Governments. ”

<sup>11</sup> Section 18 of the Competition Act, 2002.

<sup>12</sup> Section 49 (3) of the Competition Act, 2002 as amended by the Competition (Amendment) Act, 2007.

<sup>13</sup> Ibid, Section 49 (1) of the Competition Act, 2002 as amended by the Competition (Amendment) Act, 2007 provides that the Central Government may, in formulating a policy on competition or on any other matter as the case may be make a reference to the Commission for its opinion on possible effect of such policy on competition and on the receipt of such a reference the Commission shall, within sixty days of making such reference, give its opinion to the Central Government or the State Government, as the case may be which may thereafter take further action as it deems fit.

<sup>14</sup> Ibid.

<sup>15</sup> The Liquor and excise Policy of almost all States in India sheds ample light on the unconscionable fetters created by such policy on the liquor trade hampering severely the competition process and same is the case with procurement policy of Governments.

<sup>16</sup> Section 49 prior to the Competition (Amendment) Act 2007 contained that the Central Government may make a reference to the Commission for its opinion on possible effects of such policy on competition. The amended section provides that both Central and State Governments may make a reference to the Commission and thereby the advocacy role of the Commission has been further strengthened.

<sup>17</sup> Ibid.

<sup>18</sup> Section 4.(9) (2) as amended by competition(Amendment) Act, 2007 provides that the opinion given by commission under sub-section (1) shall not be binding upon the Central Government or the State Government as the case may be in formulating such policy.



the advocacy process apart from minimising the arbitrary, capricious and whimsical functioning of the government in policy formulation. Further, the existence of such mechanism would be helpful in injecting competition principles in the formulation of economic policies and laws at the National and sub-national level.

In order to promote competition advocacy and create awareness about competition issues and also to impart training to all concerned, the Act enjoins the establishment of a fund christened the Competition Fund.<sup>19</sup> The fund will be credited with the fees received for filing complaints and applications under the law, costs levied on the parties, grants and donations from the Government and the interest accrued there on.

Thus, the Act seeks to bring about a direct relationship between competition advocacy and enforcement of competition law. The laudable objective of

**A** proper understanding and analysis of the market is important for the Commission for discharging its advocacy role effectively and efficaciously. ”

competition advocacy is to foster conditions that lead to a more competitive market structure and business behavior without the direct penalty loaded intervention of the Competition Commission of India.

Thus, under the scheme of the Act, the CCI's opinion will definitely constitute an important input for the Central and State Governments in formulating economic policies having bearing on competition. Further, the advocacy role of the CCI would also facilitate the integration of competition principles in the policy formulation by the Central and State Governments.

#### Advocacy Measures Initiated by Competition Commission of India

The Competition Commission of India was established by the Central Government on 14<sup>th</sup> October, 2003. Since then, the Commission has been doing commendable work in its advocacy role. The Commission has forwarded its comments on competition issues in draft legislations in some sectors such as posts and telegraph, shipping trade practices, broadcasting, petroleum and natural gas and warehousing<sup>20</sup>. The Commission has also examined the proposed Warehousing (Development and

**T**he CCI has actively initiated advocacy measures and efforts with all the State Governments in India in order to facilitate the promotion of pro-competition measures at the sub-national level. ”

Regulation Bill, 2005 and the Carriage by Road Bill, 2005 and the Broadcasting Services Regulation Bill, 2006 from competition point of view.<sup>21</sup> The Commission has also approached the University Grants Commission (UGC) and the National Council for Education Research and Training (NCERT) to include study on competition law and policy in the curriculum of colleges and schools respectively.<sup>22</sup>

A proper understanding and analysis of the market is important for the Commission for discharging its advocacy role effectively and efficaciously. Market intelligence and data play a key role in tracking down hard core cartels and trade practices inimical to competition. With this in view, a number of studies have been commissioned to reputed research institutions. Until now 18 studies were commissioned, of which 12 have been completed and 6 are ongoing. Of the 12 completed studies, six are sector specific, covering the manufacturing sector in general and the cement, tyre, pesticides, paints sectors in particular, service sector like road transport, energy sector.<sup>23</sup>

The Commission has actively initiated advocacy measures and efforts with all the State Governments in India in order to facilitate the promotion of pro-competition measures at

<sup>19</sup> Section 51 of the Competition Act, 2002 Section 51 (2) (b) provides that fund shall be used *inter alia* for meeting other expenses of the Commission in connection with the discharge of its functions and for the purpose of the Act.

<sup>20</sup> As per the information provided by the CCI under the Right to Information Act, 2005, to the present author.

<sup>21</sup> *Ibid.*

<sup>22</sup> [http://www.CCI.gov.in/images/media/advocacy\\_paper\\_10407.pdf](http://www.CCI.gov.in/images/media/advocacy_paper_10407.pdf), accessed on 01-09-2009.

<sup>23</sup> *Supra* note 19.

**The activities undertaken by the Commission in its advocacy role are not adequate and effective to sustain a vibrant competition culture and process in India.**

the sub-national level. As part of these efforts, all states have been requested to appoint an officer of the level of Secretary to Government as the Nodal Officer for competition advocacy. At present 20 State Governments and Union Territories have notified Nodal Department for competition and appointed nodal officer for competition.<sup>24</sup> A meeting of National Level Steering committee for advocacy with State Governments was held in New Delhi on 31<sup>st</sup> January 2006 in which 20 States had participated through their designated Nodal officers for competition advocacy. In the meeting, a unanimous decision was taken for constitution of State Advisory Committees on competition issues in each State.<sup>25</sup> Until now, the interaction of the CCI with the State nodal departments has been primarily on the issues of organising seminar/workshops in the state.

The Commission has initiated the following advocacy activities to promote competition culture.

- Organising training programmes for officers of Central and State Governments involved in policy making.
- Organising/seminars/workshops, lectures independently or in collaboration with various stake holders.
- Publication of advocacy booklets on relevant issues of competition. The Commission has already published an appreciable quantity of advo-

cacy literature for generating awareness amongst different stakeholders.

- Internship programme in competition law for students and professionals.
- Research projects/ market studies on competition germane issues and concerns and using the results of the studies for advocacy.
- Awareness building on competition law and related issues with the Central and State Government ministries/ departments and also with State High Courts and business associations and academic institutions<sup>26</sup>.

It is perhaps too early to appraise the efficacy of competition advocacy being undertaken by the CCI in India, given the short period of the existence of the Competition Act, 2002.

However, the activities being undertaken by the Commission in the pursuit of promoting its duty of competition advocacy are mostly confined to awareness generation amongst stakeholders apart from taking up some interesting market studies and which by any means are inadequate and don't have much impact. What is imperative is sustained efforts of the Commission to prepare an effective and pragmatic road map for taking the advocacy forward for ensuring that competition principles are at the core of the economic policy. For this to achieve, the Commission needs to undertake screening assessment of laws and policies creating fetters on competition for giving right inputs and recommendations to the policy makers. Though competition advocacy has been the foremost priority for the Commission but in the absence of the enforcement of most of the provisions of the

India's new competition law until very recently the real efficacy and impact of competition advocacy could be gauged only in the near future.

Though, the Competition Act contains provisions for promoting and sustaining competition culture in the country, but in reality the sustaining of competition culture would hinge on the proactive and creative role of the Commission aided by the strong political will. The political establishment must have unflinching commitment and unwavering determination to sustain the process of competition. Unfortunately, the lack of a strong political will in the Indian context doesn't augur well for sustaining competition process in the country.

The activities hitherto undertaken by the Commission in its advocacy role are not adequate and effective to sustain a vibrant competition culture and process in India. In fact, the analyses of data procured under the Right to Information Act, 2005 by the present author from the Commission evidently discloses that a preponderance of the activities are merely confined to generation of awareness, conduct of market research studies and policy interventions on its own. Even the awareness generating seminars and workshops organised by the Commission are

**The views and opinions tendered by the Competition Commission of India in its advocacy efforts to either the Central Government or a State Government should be given due consideration and weightage.**

<sup>24</sup> Ibid.

<sup>25</sup> Id.

<sup>26</sup> Id.

very limited given the huge size and population of a country like India. In a country like India with the enormous size, population and wider social and cultural diversities resembling that of a continent, the CCI can perform its role of competition advocate when it is insulated from political interference in the discharge of its functions and further endowed with financial autonomy. Further, the Commission should have benches in every state to address the anti-competitive practices galore at the sub-national level. Ultimately, the common man will be able to realise the utility and efficacy of competition law when it makes his life better through the abundant qualitative goods and services at competitive prices. Therefore, it is imperative that the Commission should also focus considerably in addressing the anti-competition practices prevailing at the sub-national level to make its impact at the grassroots. Unfortunately, the nodal departments created at the State level for generating awareness about the competition at the sub-national level have become mere ornamental bodies as their powers and functions have not yet been defined in any manner. It is also quite distressing and

**T**he Commission as a part of its advocacy function needs to identify governmental policies and laws that impede and impair competition for advocating policy and legal reforms at State and National level. ”

disappointing to notice that the Central Government has so far not made any formal reference to the Commission for eliciting its views and inputs in the formulation of any economic policy shedding ample light on the lack of political will to sustain competitive process. The Commission doesn't have financial autonomy to discharge its role as the champion and vanguard of competition advocate. The Commission is also not totally insulated from the political interference as the Central Government enjoys the power to supersede it under certain situations, leaving ample scope for abuse of such power that the exercise of it hinges upon the subjective satisfaction of the government. There is no foolproof mechanism in the Competition Act, 2002 to prevent arbitrary, whimsical and capricious exercise of power

by the Central Government for superseding the Commission. There is pervasive ignorance about the enormous benefits of competition law and its principal concepts among the business community, consumers, policy makers, academia, judiciary, etc. and this ignorance is even more among the common people. Most of the people tend to think that many of the anti-competitive trade practices like, tie in sales, exclusive dealing practices, price fixing agreements resorted by trade associations, etc. are absolutely legally tenable owing to their ignorance and unawareness of the competition law. Hence, the task of promoting competition advocacy assigned to the Commission is indeed formidable warranting the active involvement and engagement with civil society organisations for generating increasing levels of awareness throughout the length and breadth of the country.

### Conclusion

Generating awareness of Competition Law and promoting Competition Culture in a traditional economy like India which was hitherto subject to controls and regulations was a formidable challenging task. The Competition



Commission can overcome this challenge by adopting a multi-pronged approach suited to Indian mores and conditions. At the same time the Commission should draw salutary lessons from the vast and varied experience of the developed countries. Further, the Commission should undertake this task through multiple measures and tools such as educational literature, audio-visual material, seminars and workshops, articles in the print media and journals, conducting market studies and surveys and so on. Furthermore, the Commission should effectively use mass media to generate awareness at the grassroots. However, in an economy that has long been used to controls and where benefits of competition are not fully appreciated, the task of spreading the message of competition will definitely take a long time, demanding the combined and concerted efforts of various organisations such as civil society, consumer organisations, professional institutes, trade bodies, business chambers etc. Hence, the Commission should rope in the services of civil society organisations, especially consumer advocacy groups to generate awareness about beneficial effects of competition to the nook and corner of the country and also for procuring authentic information about the state of competition at the grassroots.

The Competition Commission of India should be allowed to participate in the drafting of legislative and policy proposals in particular through Regulatory Impact Assessment (RIA). This will certainly enable the Commission to articulate its views, opinions and

inputs before the policy makers at the earliest stage and which will certainly facilitate a congenial environment for generating a fruitful discussion for further refinement of such proposals. Further, Commission should be provided with adequate resources necessary to engage in competition advocacy with government agencies and sector specific regulators.

The Commission should undertake the task of screening all the prevailing laws and policies on the touchstone of competition principles so as to facilitate competitive process and culture in the economy in consonance with the recommendations of the Raghavan Committee.<sup>27</sup> Under the Competition Act, 2002, the views and opinion given by the Commission on any proposed policy or legislation may be discarded by the government without giving any reason whatsoever. This needs to be changed as it renders the task of advocacy assigned to the Commission nugatory and meaningless. The views and opinions tendered by the Competition Commission of India in its advocacy efforts to either the Central Government or a State Government should be given due consideration and weightage. In case, the government discards the opinion tendered by the Commission then the reasons for not considering the same shall be clearly stated by the government concerned by bringing necessary changes to the same effect in the existing law.

The Commission as a part of its advocacy function needs to identify governmental policies and laws that impede and impair

competition for advocating policy and legal reforms at State and National level. This is a gigantic task, requiring the undertaking of detailed case studies and analyses in various sectors entailing huge resources and innovative skills. Hence, the Commission needs to enter into collaboration agreements with accredited Institutions, Universities, trade bodies, civil society organisations to conduct and analyse joint studies to act more effectively against market abusive and distortive trade practices. Further, such studies would definitely be helpful in curbing hardcore cartels having severe baneful effects on competition and consumer interests. The functioning of State Competition advisory Councils should be strengthened and they should be fairly representative of different stake holders apart from injecting transparency in their constitution. Further, the State Advisory Councils should be encouraged to organise studies on anti-competitive trade practice prevailing at the sub-national level to render useful inputs to the Commission. Furthermore, civil society organisation, particularly consumer organisations should be encouraged to address the issues and concerns of competition by raising the capacity building as it would definitely facilitate in creating a congenial environment benign to competition.

The Commission should conduct its advocacy role in an open, transparent and focused manner backed by solid research and supportive data to safeguard its credibility and gain more respectability of the stake holders. ■

<sup>27</sup> The High Level Committee on Competition more popularly known as S.V.S Raghavan Committee suggested that Competition Commission of India must develop relationship with the Ministries and Departments of the Government, regulatory agencies and other bodies that formulate and administer policies affecting demand and supply positions in various markets. Such relationships will facilitate communication and a search for alternatives that are less harmful to competition and consumer welfare.