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**INDIAN COMPETITION LAW AN INTERNATIONAL
PERSPECTIVE (2012) BY SUZANNE RAB, WOLTER
KLUWER (INDIA) PVT LTD, 10TH FLOOR, TOWER C,
BUILDING NO. 10, PHASE II, DLF CYBER CITY,
GURGAON, HARYANA. PP 41+156**

AUTHORED BY - DR. SATYAVAN KUMAR NAIK¹

This well-researched study by ‘Suzanne Rab’² Is based on the need for effective regulation over the control of Anti-competitive practices, since competition plays a pivotal role in the survival of not only human beings but also small and micro business organisations. The book is a very comprehensive work on competition laws and their enforcement, both of which came into being for the first time since the specific legislative journey started in the arena of Competition law after the Treaty of Rome.

An International Perspective is an insightful and comprehensive examination of India's competition law regime, meticulously analyzed through a global lens. This book stands out as a valuable resource for legal practitioners, academics, regulators, and students interested in competition law's intricacies in one of the world's largest and most dynamic economies. There are several books on this subject, but most of them are collections of vague data, and no comprehensive analysis of laws or their enforcement is found in them. The book by Suzane Rub comprises nine chapters, including an introduction and conclusion and looking ahead.

In the introduction, the author introduces the problem of anti-competitive practices in general and abuse of dominant position in particular and the regulatory authority in law. The second chapter, titled "Why a Comparative Approach", exhaustively and analytically deals with the comparative analysis approach. The writer has also made efforts to provide detailed insight into Indian competition laws and describe about existing competition law framework, the MRTP Act 1969, with the Competition Act 2002, and the stage of their implementation.

The third chapter, titled “Enforcement of Competition Law- Legal Framework in India”, deals

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² Suzane Rub, INDIAN COMPETITION LAW: an international perspective (2012).

with the CCI,³ CLAT⁴ and the Supreme Court. This chapter also deals with the sector regulators and the economics-based approach.

The fourth chapter, titled “agreements and commercial practices”, deals with the provisions regarding international and national perspectives and abuse of dominant position with case law analysis. The fifth chapter, titled “merger control”, deals jurisdictional area and issues related to mergers and amalgamations. The six chapters titled “international dimension” deal with various provisions about cross-border issues, international cartels, domestic mergers, inbound mergers and coordination with other regulators, etc. The seven chapters titled “challenges ahead” deal with the matter in a futuristic approach, such as a complementary ideological environment, awareness programme, legitimacy of the competition authority and criminalisation of competition law. The eight chapters titled “future legal development” deal with the provisions of legal privilege, dawn raids, sector-wide regulations, and areas where competition law may be strengthened. The last two chapters focus on the conclusion and looking ahead, suggestions pertaining to different climates for deal making, high stakes, emerging trends of competition law enforcement, risk management, and say about future legal development.

Suzane Rab begins by offering a succinct historical context for the evolution of competition law in India, tracing its journey from the Monopolies and Restrictive Trade Practices (MRTP) Act⁵ to the more robust and modern Competition Act⁶ of 2002. This provides readers with a foundational understanding of how India's competition policy has adapted to its economic liberalization and integration into global markets. The book is structured thematically, covering key aspects such as anti-competitive agreements, abuse of dominance, and merger control. It also delves into the functioning of the Competition Commission of India (CCI), offering critical insights into its enforcement trends, challenges, and decisions.

The author then, in the second chapter, discusses the law of antitrust relating to India, the UK, the US and the European Union with a comparative approach. The book then moves on to the general legislations relating to the Competition Act and related issues, Comparative study of

³ Competition Commission of India.

⁴ Company Law Appellate Tribunal.

⁵ The Monopolies and Restrictive Trade Practices 1969 (Act no. 54 of 1969).

⁶ The *Competition Act, 2002* (Act 12 of 2003).

the MRTP Law⁷ and the Competition Act. One of the book's most notable features is its comparative method. Rab regularly places alongside India's Antitrust law structure with that of international jurisdictions. This comparative perspective not only focuses on the uniqueness of India's approach but also points out areas where international best practices could further enhance its regulatory regime.

After the comparative approach background, the book explains in the next chapter titled "Enforcement of competition law-legal framework of India ", which is the main focus of the book, the laws relating to the Competition Authority and the Appellate body.

In this journey, the legislative measures have also been described with coherence. The main Act⁸ of 2002 and its various components have been exhaustively dealt with in such a manner that the Act and authorities constituted thereunder and their powers and responsibilities can easily be understood by the readers. The provision of appeal is also described in detail.

The author did not confine himself to the discussion of the legislation and their details only, but also shows his anxiety towards the Jurisdiction of sector regulators and appreciable adverse effect on Competition and the relevant market. In his next chapter, "Agreements and commercial Practices", he discusses the legal framework of Indian competition law relating to the Agreement u/s 3⁹ giving the difference between horizontal and vertical agreements. He also gave the provision of joint ventures and other forms of pro-competitive collaboration, a legal framework for abuse of dominant position, and intellectual property. The author did not restrict his discussion merely to a description of various laws and judicial approaches towards the problem of Antitrust Law, but critically examined the vital question of Merger of laws by devoting a full chapter titled "Merger control". This chapter covers mandatory notification, suspension before clearance, exemption to file notice with CCI, intra-group amalgamation, international dimensions and comparisons on merger.

Chapter six discussed about issues at the interface between trade and competition law in an

⁷ *Supra* note 4.

⁸ *Ibid.*

⁹ *Id.*. Sec. 3 -Anti-competitive agreements. 1- No enterprise or association of enterprises or person or association of persons shall enter into any agreement in respect of production, supply, distribution, storage, acquisition or control of goods or provision of services, which causes or is likely to cause an appreciable adverse effect on competition within India.

2-Any agreement entered into in contravention of the provisions contained in sub-section (1) shall be void.

international dimension, and the next chapters cover challenges before Antitrust law. The last two chapters deal with future legal development and conclusions, and the nine chapters deal with conclusions and suggestions.

Although in complete agreement with the author, it is respectfully submitted that some types of Anti-competitive practices have nowadays become dominant and are counterproductive to the very cause for which they exist in the first place, and, therefore, a precaution is necessary before assessing the role of a particular organisations and market players. In his book, there is no conceptual definition of competition law terminology, nor a clear-cut description of the nexus of competition law and IPR. This reference book does not give a detailed analysis of case laws decided by the CCI, various High Courts and the Supreme Court on the substantive section of competition law, extraterritorial jurisdiction, threshold of merger and amalgamation, various committees regarding Antitrust law, Anticompetitive practices using online platforms and the authority regarding that.

While the book excels in granting a detailed and well-researched account, it occasionally assumes a level of familiarity with competition law concepts that may pose challenges for readers entirely new to the field. However, this is alleviated by Rab's clear and engaging writing style, which keeps the reader engaged throughout. The book is a unique contribution to the subject and a complete digest of Antitrust law and its enforcement. It is a discourse that would be useful to law students, researchers, teachers, lawyers, professionals and administrative and enforcement agencies.

The book has been printed very beautifully and its get-up looks nice. The author deserves great appreciation for producing a good research work on the legal control of anticompetitive practices. However, a bibliography of books and articles would have helped a reader to study the subject in more detail. An International Outlook is an influential work that bridges the gap concerning Indian and global Antitrust law conversation. It serves as both a critical and a practical academic guide for understanding and navigating the complexities of Indian Antitrust law. For anyone looking to grasp the interaction of national and global Antitrust law principles in the Indian context, this book is a must-read.