



INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS

Open Access, Refereed Journal Multi Disciplinary
Peer Reviewed Edition :

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume 2 Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

IJLRA

EDITORIAL TEAM

EDITORS

Dr. Samrat Datta

Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board



Dr. Namita Jain



Head & Associate Professor

School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.

Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi.(2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019

Mrs.S.Kalpana

Assistant professor of Law

Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr. Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8 Articles in various reputed Law Journals. Conducted 1 Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.



Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

ABOUT US

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

COMPETITION COMMISSION OF INDIA VERSUS SECTOR SPECIFIC REGULATORS: A CASE FOR BETTER COORDINATION OR LEGAL AMENDMENTS?

AUTHORED BY - MAAHIR JAIN

I. INDIA'S SECTOR-SPECIFIC REGULATORS AND COMPETITION COMMISSION

The liberalization, privatization, and globalization (LPG) policies initiated in India in 1991 not only opened up the economy to global markets but also necessitated a transformation of the country's legal and regulatory frameworks. As the Indian economy evolved and private markets flourished, there was a corresponding need to strengthen regulatory oversight to ensure market integrity, fair competition, and consumer protection.

In response to the changing economic landscape, sectoral regulators emerged as key players in regulating specific industries and ensuring compliance with sector-specific laws and regulations. These regulators were tasked with monitoring various aspects of their respective sectors, including tariff rates, product quality, licensing, and other industry-specific parameters. Their establishment marked a departure from the era of government control, where most sectors were centrally managed.

Simultaneously, the Competition Commission of India (CCI) was established with the objective of promoting and sustaining competition, protecting consumer interests, and fostering a level playing field in the market. The CCI's mandate encompassed minimizing the adverse effects of market competition, promoting fair competition, and enhancing public awareness about competition issues.

However, the proliferation of sectoral regulators and the enactment of the Competition Act of 2002 led to a complex regulatory landscape characterized by overlapping jurisdictions and potential conflicts of interest. Sections 18, 21, 21A, 60, and 62 of the Competition Act delineate the CCI's powers and functions, sometimes leading to conflicts with the mandates of sectoral

regulators.

The issue of conflict of jurisdiction arises when both the CCI and sectoral regulators claim authority over certain market activities or competition-related matters. While the CCI is primarily responsible for regulating fair competition and preventing anti-competitive practices across all sectors, sectoral regulators also wield significant power in their respective domains.

Navigating these overlapping jurisdictions requires careful coordination and cooperation between the CCI and sectoral regulators to ensure regulatory coherence and avoid duplication of efforts. Additionally, stakeholders must adhere to the principles of legal interpretation and regulatory harmony to resolve disputes and maintain the integrity of the regulatory framework.

While the establishment of sectoral regulators and the Competition Commission of India has bolstered regulatory oversight in India's evolving economy, addressing conflicts of jurisdiction remains a critical challenge. Collaborative approaches, legislative clarity, and stakeholder engagement are essential for fostering a regulatory environment that promotes market fairness, competition, and consumer welfare.

The proliferation of sectoral regulators in India has led to a complex regulatory landscape, characterized by overlapping jurisdictions and potential conflicts with the Competition Commission of India (CCI). Several key regulators, each responsible for overseeing specific industries, wield significant authority in their respective domains. Here, we delve into the jurisdictional disputes that may arise due to the expansive powers of these regulators:

Securities and Exchange Board of India (SEBI):

SEBI, established as a statutory entity under the Securities and Exchange Board of India Act, 1992, plays a crucial role in regulating and promoting the growth of the securities market. Its mandate includes safeguarding the rights of investors and ensuring market integrity. However, SEBI's jurisdiction coexists with other market authorities, and it cannot supplant them. Despite its significant regulatory powers, SEBI must operate within the framework of existing legislation, often leading to overlaps with other regulatory bodies.

Insurance Regulatory and Development Authority of India (IRDAI):

The IRDAI, established under the Insurance Regulatory and Development Authority Act, 1999,

is responsible for regulating and licensing insurance and reinsurance activities in India. While its primary focus is on ensuring the stability and development of the insurance sector, the IRDAI's jurisdiction may intersect with other regulatory bodies, especially concerning financial market regulations and consumer protection.

Telecom Regulatory Authority of India (TRAI):

TRAI, created under the Telecom Regulatory Authority of India Act, 1997, oversees the telecommunications sector and ensures the orderly growth of the industry. Its powers include formulating regulations, setting tariffs, and resolving disputes. However, TRAI's jurisdiction may overlap with other regulatory bodies, particularly in areas such as competition enforcement and consumer rights protection.

Central Electricity Regulatory Commission (CERC):

CERC, established under the Electricity Act 2003, regulates the electricity sector in India, with a focus on promoting competition, preventing anti-competitive practices, and ensuring consumer welfare. However, its responsibilities may intersect with those of the CCI, which also has a mandate to maintain market competitiveness and protect consumer interests. The non-obstante provision in Section 174 of the Electricity Act gives CERC precedence over conflicting legislation, potentially complicating coordination efforts with other regulators.

These examples illustrate the potential for jurisdictional conflicts between sectoral regulators and the CCI, highlighting the need for clarity and cooperation in regulatory enforcement. Harmonizing regulatory frameworks, clarifying jurisdictional boundaries, and fostering collaboration among regulatory bodies are essential for ensuring effective oversight and promoting a fair and competitive market environment in India.