

FAIR COMPETITION: CONSUMER PROTECTION UNDER COMPETITION LAW AND CONSUMER POLICY IN INDIA

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ABSTRACT

Equitable competition and consumer safeguarding are essential foundations of a robust and effective market economy. In India, competition law and consumer policy are essential for protecting consumer interests and ensuring equitable conditions for enterprises. The Competition Act of 2002 and India's ever-changing consumer policy environment are used as case studies in this essay, which investigates the manner in which Indian competition law integrates the interests of consumers with the principles of fair competition. It examines how competition legislation inhibits anti-competitive actions; including price-fixing, market manipulation, and monopolistic conduct, while safeguarding consumers from exploitation. The Consumer Protection Act of 2019 is the subject of this article, which examines the legislation that was passed in 2019 to protect consumers and their rights. The legislation includes provisions such as the formation of consumer tribunals and the regulation of internet commerce. This paper provides a detailed overview of India's efforts to reconcile commercial interests with consumer welfare by examining the regulatory strategies and obstacles encountered in the implementation of these laws. The paper emphasizes the need of a strong legislative framework to foster fair competition, safeguard consumer rights, and guarantee the sustainable expansion of India's economy in an equitable way.

Keywords: Consumer welfare, competition law, competition policy, competition commission, anti-competitive practices.

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I. INTRODUCTION

India's Competition Act 2002, which strives to enhance fair competition, has a number of purposes, including the regulation of market activity, the avoidance of monopolies, and the protection of consumer welfare. In a market economy, it encourages innovation, combats actions that are anti-competitive, and ensures that resources are distributed in an efficient manner.¹ These articles of the Indian Constitution, which declare that the government should promote the welfare of society and guarantee that resources are distributed equitably, are adhered to by the law, which is in accordance with the provisions of the Constitution. By increasing the amount of competition, this would be beneficial to both the economy and consumers. In the interlinked global economy of today, it is of the highest significance to protect customers and ensure that there is a fair playing field across the industry. Both are essential for the growth of India's economy and for the protection of clients from predatory lending and other types of unfair treatment at the hands of financial institutions. Efficiency in the market, innovation, and providing customers with access to a diverse selection of products and services at prices that are affordable are all advantages that come with having a competitive marketplace. Consumer protection law, on the other hand, safeguards individuals against deceptive advertising, unfair business practices, and products of poor quality. The Competition Act of 2002 and the Consumer Protection Act are two important pieces of legislation that were enacted in India in order to fight these difficulties. These laws are intended to govern behaviors that are anti-competitive and to protect the rights of consumers.² The Competition Commission of India (CCI) is responsible for enforcing the Competition Act, which is designed to prevent monopolistic tendencies, price-fixing, and unfair business activities. The Competition Act is intended to promote a market that is competitive. In a similar vein, the Consumer Protection Act, especially with its modifications for 2019, intends to provide a more robust framework for the regulation of online commerce, the protection of the rights of consumers, and the resolution of consumer complaints. Both of these regulations work together to ensure that consumers are not taken advantage of and those businesses do not engage in dishonest or unfair business practices. Nevertheless, as markets adjust to new technology and expand their level of global integration, the rules that are now in place must contend with new challenges. Over the course of this essay, we will investigate the manner in which Indian law meets the need for consumer protection as well as fair corporate practices. By doing this analysis, it aims to establish a middle ground between the interests of consumers and those of corporations by examining the ways in which both frameworks are changing to the reality of the modern economy.

II. REVIEW OF LITERATURE

Dewani et al. (2022) despite the fact that it has a tendency to stifle healthy competition in India, it is against the law to engage in unfair practices or to abuse a dominant position in that country. In accordance with Section 3 of the Competition Act of 2002, organizations or

¹ Basant R, Morris S (2017). "Competition Policy in India: Issues for a Globalizing Economy", <http://www.epw.in/journal/2000/31/specialarticles/competition-policy-india.html>, accessed on 4th March 2017

² Khemani RS, Dutz MA (1996). "The Instruments of Competition Policy and their Relevance for Economic Policy, PSD Occasional Paper No.26

businesses may be asked to answer for their conduct if such acts have a detrimental effect on the competitive environment. Over the course of the research, the major focus has been placed on the potential for dominance to be abused.

Werden (2021) According to the findings of research on the abusive use of a dominating position for exploitative purposes, this is a terrible concept that need to be abandoned. A breakdown of confidence in the market is the outcome of each and every abuse, and this kind of abuse is an exploitative exploitation of a dominating position.

Rizvi (2020) by analyzing the events that had place in the European Union and India, the concept of abusing a dominant market position was formed. Monopoly, market dominance, and corporate power are not prohibited under the Act. This is due to the fact that vigorous competition is necessary in a market to function properly. To abuse one's dominant position is a violation of the Act, which makes it unlawful to do so. In this research, many factors that contribute to the inappropriate use of market dominance were explored.

Mihai (2018) argued that the abuse of a dominant position poses a threat to free markets and should be avoided at all costs. Specifically, the researcher has focused their attention on the European Union area in order to investigate the impacts of anti-competitive measures. The purpose of this research piece is to examine, from both a theoretical and a practical perspective, the many implications and ramifications that result from anti-competitive behaviors and the detrimental influence that these actions have on the market.

Belikova (2016) focused on broad plans for the strong market positions of the BRICS nations, taking control of market systems, and limiting the abuse of market power. In this research, the broad attitudes that the BRICS countries have taken in reaction to anti-competitive market activities are investigated. Particular attention is paid to the manner in which these nations have followed court decisions and established legislation within their respective jurisdictions. Abuse of market power and control of market structure were the strategies that were used. The current legal systems of the BRICS countries were the major focus of the research that was conducted.

Oliver (2015) analyzed the present pricing patterns as well as the concept of "abuse" of a dominant position in relation to Article 82 of the European Commission regulation. Considering that a dominant position has an effect on the structure of market share, the researcher asserts that the acts of dominant firms contribute to a reduction in competition.

III. OBJECTIVE

1. To examine the role of competition law in promoting consumer welfare and market efficiency.
2. To analyze the impact of the Competition Act 2002 on preventing anti-competitive practices.
3. To explore how the Competition Act safeguards consumers' interests in a free-market economy.
4. To understand the constitutional basis for competition policy through Articles 38 and 39 of the Indian Constitution.

IV. RESEARCH METHODOLOGY

This research employs a purely analytical method, so it will gather data relevant to the law by examining and assessing key provisions of the Competition Act, 2002. This analysis evaluates the CCI's role in safeguarding Indian consumers' rights and the exploitation of market dominance by firms, using relevant case law. Data has been extracted from several sources, including but not limited to books, government documents, websites, and newspapers.³

Enterprise

Section 2(h) of the Competition Act, 2002 provides a comprehensive definition of the term "enterprise."

1. Any person or
2. Any department of the government that is engaged in any type of activities that are relating to the provisions of any type or kind of services.

The term "services" may be used to refer to a broad range of operations, such as investment advising, underwriting, holding, trading in debentures, shares, or other securities, purchasing firms, and so on. However, this list is not exhaustive. Controls on the supply, production, procurement, storage, and distribution of goods and objects are also included in this area of responsibility. In common parlance, a security is defined as any object that makes it possible for the owner to exercise their right to vote. According to the definition of an agency, every company that is "related to the commercial as well as economic activities" must be classed as such. The Competition Commission of India (CCI) does not have the jurisdiction to carry out its regulatory responsibilities with regard to entities that are independent of one another themselves. For example, in a case where the Competition Commission of India (CCI) was asked to decide whether or not the Bar Council of India (BCI) should be considered a "enterprise" under section 2(h) of the Competition Act due to the fact that it possesses a high concentration of power, the CCI came to the conclusion that the BCI does not meet the definition of a "enterprise" because its primary objective is to regulate the legal profession.⁴

On the other hand, since the ICAI is subject to the jurisdiction of the aforementioned Act, it is deemed a corporation for the purposes of the aforementioned Act. After receiving their Chartered Accountant (CA) degree, individuals were expected to complete "Continuous Professional Education Hours" (CPE Hours) within a period of one year. This concept was conceived by the ICAI with the intention of ensuring that all professionals continue to maintain the highest standards of professionalism and competence in their work. The purpose of this action was to create a level playing field so that certified public accountants (CPAs) who had or did not possess the "Certificate of Practice" may both get trustworthy advice.⁵ In accordance with the CPE Hours Policy, it was anticipated that all certified public accountants (CAs) who

³ World Bank (1996). elibrary.worldbank.org/doi/abs/10.1596/1813-9450-1735, accessed on 4th March, 2017

⁴ Sorabjee F (2010). Competition for the Commission 24 (CLR 1, 2010) <http://www.jsalaw.com/wp-content/uploads/2015/09/Competition-forthe-Commission.pdf>, accessed on 28th Feb, 2017

⁵ Louis Altman, Malla Pollack; Kallmann on Unfair Competition, Trademarks, and Monopolies (4th ed., 2016)

were employed and had a "Certificate of Practice" would be required to complete twenty hours of structured continuing education and ten hours of unstructured continuing education on an annual basis. The completion of fifteen hours of unstructured continuing professional education credits was a requirement for certified public accountants who did not possess a Certificate of Practice. The CPE policy allows for a wide range of organized options to obtain continuing professional education (CPE) credits. Participating in activities that are sponsored by the International Council of Arbitration (ICAI), such as conferences, seminars, and workshops, either as a guest speaker or as a teacher and submitting to the ICAI Journal are all components comprising this criterion.

The rule outlined the following methods via which California businesses with seven or more than seven partners might get unstructured continuing professional education credits: Reading trade journals and books, taking part in the company's internal training programs, and doing similar things are all examples. To participate in any workshop, seminar, or conference organized by the ICAI or one of its affiliated bodies, Certified Accountants were required to pay a fee. That is why CPAs used to have to shell out cash to participate in events put on by the Institute of Chartered Public Accountants (ICAI) or one of its subsidiaries so they could rack up structured CPE hours. In order to prove they had logged the necessary hours, CAs had to report their attendance at these events to the ICAI. Consequently, CPAs might include six hours of attendance at a six-hour workshop, conference, or seminar towards their continuing education requirements. It wasn't that the ICAI or any of its branches were in charge of planning these workshops, seminars, and conferences; what was problematic was that CPAs who were actively practicing were expected to personally attend these gatherings, while CPAs who were not were not.⁶ People who are certified public accountants who are not currently employed in the accounting profession have the opportunity to obtain unstructured continuing education hours by reading trade periodicals such as business magazines or journals. Participating in an in-house training program at a certified public accounting firm that has seven or more partners is still another alternative. Consequently, the ICAI was the target of a lawsuit that claimed that their CPE Hours credits scheme was discriminatory and that they were abusing their dominant position in violation of paragraph four of the Competition Act of 2002. The case was filed against the ICAI. Another allegation that was made in the lawsuit was that the program was subject to adverse conditions.⁷ Due to the fact that the CCI is a Statutory Body that is tasked with the responsibility of monitoring the accounting sector in India and was established in accordance with a separate legislation known as the Chartered Accountants Act, 1949, the ICAI reasoned that it did not possess the jurisdiction to take into consideration the case at hand. The most appropriate "relevant market" in this instance would be "the market for organizing recognized CPE conferences, seminars, or workshops in India." Despite this, the CCI came to the conclusion that the ICAI was organizing these events with the purpose of acquiring these

⁶Marta Giner, Acquisition of Darty by Fnac: the competition watchdog modernizes its view to define a market by including in-store and online retail channels, January 2017, retrieved from

⁷ Richard Whish & David Bailey, Competition Law (7th ed. 2012)

credits. This conclusion was based on the documentation that was provided, which contained the requirements for continuing professional education (CPE) hour's credit.

Despite the fact that it has the ability to do so, the ICAI has not yet acknowledged any external entity that participates in the organizing of conferences, seminars, or workshops that are qualified to receive continuing education units (CEUs). It is believed that there are one hundred study circles in India that offer activities that are eligible for continuing education units. Conferences, seminars, and workshops that are intended to give continuing professional education (CPE) hours have been continuously refused authorization by the ICAI, despite the fact that the organization has received several requests from well-known outside organizations. Conferences, seminars, and workshops are held by a number of well-known Indian chambers of business, including ASSOCHAM, FICCI, NASSCOM, and CCI, amongst others; however, the Indian Chamber of business and Industry (ICAI) has not authorized these events to count towards continuing professional education (CPE) credit. The ICAI was also deemed to have the ability to govern the accounting profession in India and to be able to establish rules for the continued professional development of its members, according to the findings of the CCI. The organization's practice of charging for continuing professional education (CPE) credits at conferences, seminars, and workshops, on the other hand, does not constitute a regulatory role. Within the context of the Competition Act of 2002, this behavior seems to be an arbitrary exercise of authority on the part of the ICAI, which is in violation of Section 4. Consequently, the ICAI was granted entry into the "enterprise" category by the CCI after their findings and investigations provided evidence in favors of this admission⁸.

For this reason, government agencies are regarded as an "enterprise," and even autonomous organizations such as the Board of Control for Cricket in India (BCCI) or Hockey India are seen as a "enterprise" since they function as both a regulatory and a commercial entity concurrently.

Relevant Market

The first thing that the Competition Commission of India (CCI) does in order to determine whether or not there has been abuse of dominance in a relevant market is establish that market. One way to conceive of it is as a marketplace, where buyers and sellers compete with one another to sell a certain product or service. The relevant markets are divided by the Commission into two major groups, which are as follows:

1. Relevant Product Market
2. Relevant Geographic Market

To have a connection or association with something is to have relevance. There are advantages to competition, but it must be used in the proper manner. Take, for example, the scenario in which every single resident in the hamlet "X" drives a Maruti Suzuki and no one owns a BMW. Maruti Suzuki may be abusing its dominant position, but to what extent? It is a

⁸ Riyanti, R. (2022). Legal status of artificial intelligence-based health insurance services: Challenges, opportunities for customer protection. *International Journal of Health Sciences*, 6(2), 1023–1034.

Due to the fact that luxury vehicles are not appropriate for use in a rural environment, the answer is no. CCI will not undertake an investigation into complaints of abuse of dominance or entry obstacles in the hamlet since there is no market for items that are relevant to the situation. When it comes to selling a BMW, markets such as these are more suitable than, for example, a quaint little village. Cities like as Mumbai, Delhi, Indore, Kolkata, and others are included in this category. To say in the simplest way possible, competition is essential; yet, it should not be present in every market. The Competition Commission of India (CCI) will only undertake fair competition inspections in relevant markets or at relevant locations. Whether a market is relevant is determined by the Commission, often known as the CCI, and is based on either the product market or the geography market. If Lloyd Air Conditioners only has a few showrooms in Meghalaya, the Competition Commission of India (CCI) would not intervene to probe charges of dominant position abuse by Lloyd or the reasons why rivals such as Blue Star and Samsung are unable to get into the market. People in Meghalaya seldom buy air conditioners since the state's location causes the temperature to be frosty throughout the whole year. This makes it difficult for people to use air conditioners. Due to the fact that this is a significant geographic market, the CCI will make it a priority to investigate whether or not there are any barriers to entry in the event that there is only one company selling raincoats in Meghalaya. As a result of the fact that the demand for air conditioners in Rajasthan would surpass that of raincoats, the state represents a significant geographic market for air conditioners. Because of this, CCI will only do research if there is a market that is worth investigating for the product or the location that is being covered⁹.

(A) Protection of Consumers under the Competition Law, 2002:

Providing protection for the interests of consumers is the primary objective of the Competition Act of 2002. Unlike the Competition Act of 2002, which does not include a definition of the word "consumer," the Consumer Protection Act of 1986 does have such a definition. An individual is regarded to be a consumer if they pay for, utilize, or make use of items or services, or if they pledge to pay for, or partly pay for, such goods or services. An individual who purchases goods and services for their own personal use is considered to be a consumer, according to the most fundamental meaning of the term. According to the Competition Act of 2002, the term "consumer" is defined in a more general sense. The Competition Act of 2002 does include merchants as consumers, despite the fact that the Consumer Protection Act does not include them as consumers. This is because merchants purchase items for business reasons. This is due to the fact that, in contrast to the Consumer Protection Act, the Competition Act encompasses a more diverse range of customers. In accordance with the Competition Act, you have the right to contest anti-competitive activities if you buy things with the aim of reselling them. As a client, you are granted permission to enjoy this feature¹⁰.

⁹Suryasa, I. W., Rodríguez-Gómez, M., & Koldoris, T. (2021). Get vaccinated when it is your turn and follow the local guidelines. *International Journal of Health Sciences*, 5(3), x-xv.

¹⁰ Jared Kagan, Bricks, Mortar, and Google: Defining the Relevant Antitrust Market for Internet-Based Companies, 55 New York Law School Law Review 2011

(B) Preeminent Position and Exploitation of Preeminent Position:

In the context of the market, the term "abuse of dominant position" refers to any action taken by a firm or group of companies that has the effect of decreasing or eliminating competition in the market. These kinds of acts are said to be anti-competitive. Any move that prohibits a corporation from reaching a market is considered to be an example of abusive use of a dominating position. It is important to keep in mind that dominance is not necessarily evil; but, when it is overused, it becomes considered illegal. Any arrangement that has the potential to undermine competition in the market is considered to be anti-competitive, and this definition applies to all types of agreements. As a result, it is against the law to engage into such an agreement for the purpose of acquiring goods or services if doing so would considerably diminish the amount of competition in India. Therefore, these contracts do not have any legal power behind them¹¹.

A violation of Section 4 of the Competition Act of 2002 is prohibited when a dominant position is used in an abusive manner. It is possible for a firm to be in a dominating position when it does not have any fear of its competitors or other types of competition. The company is so terrible that it even scares the companies that it must compete with. Therefore, the individual or organization that is in the best position to frighten their competitors is in a position of dominance, and an agreement that is anti-competitive is one that has the capacity to do irreparable damage to the market. It is against the law in India to enter into agreements of this kind, regardless of whether they pertain to goods or services, since they have a major detrimental effect on the competitive environment. Price-fixing and bid pricing are examples of anti-competitive agreements. These agreements include corporations conspiring to establish prices for items and services in advance, rather than allowing market forces to determine these prices.

In most cases, large corporations disregard the requirements of smaller ones and instead work towards the establishment of monopolies. In order to prevent major firms from acquiring smaller ones, the Competition Act was enacted in the first place. The conventional wisdom maintains that downloading songs from the internet is all that is required for an individual to fulfill their own personal music requirements. On the other hand, radio stations and FM channels are obliged by law to get permission and pay royalties in order to broadcast music from a variety of artists. It was T-series' great idea to create a monopoly by demanding that all radio stations play their tune in order to prevent competing radio stations from playing their future songs. This was done in order to prevent competitor radio stations from playing their tracks. In this particular instance, it was not about receiving royalties; rather, it was about obtaining permission to perform the melodies. Imagine for a moment that if everyone were to agree with this, then every radio station would play nothing but music from the T-series. This will result in the establishment of a monopoly. After receiving a lawsuit accusing T-series of

¹¹ Jiwoong Shin, How Does Free Riding on Customer Service Affect Competition? 26. Marketing Science J., 488 (2007)

engaging in the activity, the Competition Commission of India (CCI) issued a cease-and-desist order and fined the company since this arrangement was seen to be anti-competitive.¹²

As shown by the cases of Sun Pharmaceuticals and Ranbaxy, Sun Pharma, together with Sun Pharmaceuticals and Ranbaxy (now that Sun Pharma has purchased Ranbaxy), started to swiftly grow after participating in a number of acquisitions. A growing number of monopolies are being formed as a consequence of mergers and acquisitions involving enormous corporations, which has the potential to disrupt market conditions. Sun Pharma was accused by a number of other pharmaceutical companies of aiming to create a monopoly and achieve a dominant position in the pharmaceutical industry via the acquisition of Ranbaxy. Suing Sun Pharma was the next step for these firms. Despite the fact that the Competition Commission of India (CCI) does not explicitly oppose mergers and acquisitions (M&A) agreements, it does have the right to impose limits on them in order to guarantee that competitors do not abuse their dominant position. During the aforementioned case, the Competition Commission of India (CCI) set limits that would bar Sun Pharma from purchasing any other company for the following three to four years. These restrictions also prevented Sun Pharma from acquiring any other company.

The CCI gave its approval for PVR to acquire DT Cinemas before it was completed. With the exception of certain assets, the order was examined to see whether or not it may have any possible anti-competitive repercussions. Within this region, the real estate company DLF expanded its operations into the theatre sector by opening theatres across northern India. They were responsible for opening around 39 multiplexes in the northern region of India. Despite this, DLF was interested in selling its multiplexes since they had not been well received. PVR Cinemas, a powerful purchaser, ended up purchasing all 39 cinemas; this was the final transaction. Almost immediately after the news spread, multiplexes such as INOX and IMAX, along with other companies, filed lawsuits against PVR, saying that the streaming service was seeking to monopolies the market. PVR has made a commitment to refrain from establishing any other multiplexes, combining with other firms, or purchasing any additional multiplexes for the next five years as a consequence of the inquiry and clearance of the deal that was conducted by CCI.¹³

Monopolies are thus outlawed under the Competition Act, which is designed to encourage and foster competition. Monopolies are prohibited because of the Competition Act, which also creates new markets. Healthy competition is beneficial to customers as well as the economy as a whole. In the event that there is rivalry in a market, it indicates that other vendors or organizations are vying for the same buyer's business. To provide only a few examples, revenue, market share, or profit.

¹² Louis Altman, Malla Pollack; Kallmann on Unfair Competition, Trademarks, and Monopolies (4th ed., 2016)

¹³ Marina Lao, Internet Retailing and "Free-Riding:" A Post-Leegin Antitrust Analysis, 14 No. 9 Journal of Internet Law 2(2011)

It is possible to evaluate whether or not a dominant position abuse has taken place based on the nature of the agreement(s) that were formed between the parties. Generally speaking, there are two primary types of contracts: 1. A Contract between Parties in the Vertical Position Second, the Agreement That Covers All Horizons

The concept of a "vertical agreement" refers to a business model in which a supplier of raw materials collaborates with a manufacturer to make finished goods, which are then supplied to retailers. This cooperation results in the production of finished goods. In the case when "A" is interested in purchasing a Yamaha motorbike, for example, "A" is solely concerned with the Yamaha company, which is the manufacturer, and has no interest in learning about the raw material suppliers, distributors, or retailers. Consequently, the manufacturer is the most important. These businesses often enter into agreements with their distributors that prohibit them from selling products manufactured by rival firms. Consider, for example, a Yamaha bike dealership that specializes only in the sale of Honda motorbikes. Transactions of this kind do not impede the flow of competition. On the other hand, horizontal alliances are used when two producers who are officially competitors on an equal footing really collaborate with one another. In contrast to horizontal agreements, which often take place between competitors, friends who have entered into a vertical agreement are cooperating with one another to accomplish a shared objective. It is for this reason that there is a persistent presumption that horizontal agreements will lead to an "Appreciable Adverse Effect on Competition" (AAEC). Courts often make the assumption that an agreement is causing AAEC when it comes to horizontal agreements; but, when it comes to vertical agreements, this is not inferred until it is shown that the agreement is not causing AAEC.¹⁴

By issuing interim orders while the inquiry is still ongoing, the Competition and Consumer Commission has the ability to prevent a corporation from abusing its authority or continuing to engage in anti-competitive business practices. Considering the authorities and obligations that the Commission has, this falls under its scope. The Commission has the authority to impose a penalty on the firm in issue; however, the amount of the penalty cannot exceed ten percent of the company's average sales from the three fiscal years before to the one in question.

(C) Unfair Trade Practices and the Role of CCI:

The Competition Commission of India (CCI) issued a punishment of Rs. 1.16 crores to fourteen businesses and twenty-four individuals in April 2022 for breaking competition rules by engaging in bid rigging and cartelization in contracts with Indian Railways. The amount was imposed for participating in activities that violated competition regulations. In addition, the CCI made it quite plain that they should not engage in any activities that may be detrimental to their competitors. In order to regulate prices, manage the supply and market, allot tenders, coordinate bid pricing, and influence the bidding process for "High Performance Polyamide

¹⁴ Supardi, I. W., Wibawa, I. M. S., Rimawan, I. G. A., Laksono, A., & Kunthi, M. R. (2018). Digital measuring equipment of meat water connection with copper electrode sensor based on microcontroller AT89S52. *International Journal of Physical Sciences and Engineering*, 2(3), 29–35. <https://doi.org/10.29332/ijpse.v2n3.180>

Bushes" (HPPB) and "Self-Lubricating Polyester Resin Bushes" (SLPRB) that were provided to the Indian Railways, these businesses participated in cartelization strategies. There are four separate businesses who have submitted requests to have their fines reduced at this point. If firms are willing to disclose information that is complete, accurate, and significant on the alleged misuse of their dominant position, they may be eligible to have fines reduced in accordance with the Competition Law. Those who were found to have violated the requirements of the Competition Act were subject to penalties that might amount to as much as five percent of the average turnover income of an organization, as imposed by the Competition Commission of India (CCI). Climax Synthetics Pvt. Ltd., Shalimar Plastic Industries, Shivalik Agro Poly Products Ltd., Arun Manufacturing Services Pvt. Ltd., Dhanshree Agro Poly Product, and Bag Poly International Pvt. Ltd. were the six firms who were named in a final order that was given by the Competition Commission of India (CCI) in November 2021. According to the findings of the court, these companies have participated in cartel activity that included the supply of LDPE to FCI (Food Corporation of India and its subsidiaries). They provided assistance with the whole process of bidding, including reorganizing it, establishing pricing, distributing tenders, and coordinating bid prices, among other things. In each of these six companies, it was found that they were MSMEs, which stands for micro, small, and medium enterprises. Furthermore, they had a limited amount of resources, both monetary and human. Moreover, they did not incur any financial penalties and were completely cooperative with the CCI throughout the whole of the process. The Competition Commission of India (CCI) found six companies to be in contempt of court for their actions in a case involving bid-rigging and cartelization that was probed by the Fair Competition Commission of India (FCI)¹⁵.

(D) Consumer policy in India:

Consumer policy in India aims to protect the rights and interests of consumers, ensuring they have access to safe goods and services, fair pricing, and avenues for redressal of grievances. The government has enacted several laws, such as the Consumer Protection Act, 2019, which provides a framework for addressing consumer disputes, establishing consumer forums, and setting up regulatory bodies. It also mandates that goods and services meet quality standards and that businesses adhere to transparency in advertising and product labeling. The policy encourages consumer awareness and education, helping individuals make informed choices. It addresses issues such as unfair trade practices, product defects, and deficiency in services, with penalties for violators. India's consumer policy is designed to create a balanced marketplace, ensuring that consumer rights are upheld while promoting fair competition among businesses.

V. CONCLUSION

¹⁵ United Nations Conference on Trade and Development, https://unctad.org/system/files/officialdocument/ciclpd57_en.pdf (last visited May. 26, 2022).

Although consumer protection laws and competition policies have many similarities, the former has the impact of decreasing impediments to entry and exit, so creating an environment that is perfect for stimulating entrepreneurialism. This is because the former has the effect of lowering the barriers to entry and exit. As a result, this results in an increase in space for small and medium-sized firms. In terms of competition law, the basic objective is to ensure that there is healthy rivalry in the market and to maintain a level of competitiveness amongst enterprises that are already in competition with one another. Due to this reason, clients have access to a greater selection of things at prices that are affordable, and they also have a greater number of alternatives to choose from. "Improving the market conditions for effective exercises of consumer choice" is the goal of consumer protection law and policy, which seeks to achieve this by addressing the features of consumer interactions. Still, "improving the market conditions" is a priority.

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