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# Competition Law in Transition: A Comparative Study of the Competition Laws in US, UK, and India-

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## ABSTRACT

*This paper examines the historical evolution and transitional trends in competition law across three major jurisdictions—the United States, the United Kingdom, and India. Through a comparative lens, it highlights how each legal system has responded to domestic and global economic developments, with a focus on institutional frameworks, statutory developments, and enforcement patterns.*

## I. INTRODUCTION

Competition law, also known as antitrust law, seeks to preserve free and fair markets by curbing anti-competitive practices such as cartels, abuse of dominance, and unlawful mergers. Although the foundational principles—consumer welfare, market access, and efficiency—are shared across jurisdictions, the evolution and application of competition law vary significantly due to different historical, political, and economic contexts. This paper provides a comparative analysis of the transition of competition laws in the United States, the United Kingdom, and India, identifying convergences and divergences in their respective legal frameworks.

## II. HISTORICAL BACKGROUND AND EVOLUTION

### A. United States: The Birthplace of Antitrust Law

The United States pioneered modern antitrust law with the enactment of the Sherman Antitrust Act, 1890, in response to the monopolistic dominance of industrial trusts such as Standard Oil and American Tobacco. The Act prohibits “[e]very contract, combination..., or conspiracy, in restraint of trade” and any monopolization or attempt to monopolize.<sup>2</sup> Subsequent legislation such as the Clayton Act of 1914 and the Federal Trade Commission Act of 1914 expanded the scope of antitrust enforcement.<sup>3</sup> The Clayton Act addressed specific practices like price discrimination and exclusive dealing, while the FTC Act established the

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<sup>2</sup> Sherman Antitrust Act, 15 U.S.C. s.1–7 (1890).

<sup>3</sup> Clayton Act, 15 U.S.C. §§ 12–27 (1914); Federal Trade Commission Act, 15 U.S.C. s. 41–58 (1914).

Federal Trade Commission (FTC), empowering it to regulate “unfair methods of competition.”<sup>4</sup> Judicial interpretation also shaped the law's evolution. In *Standard Oil Co. v. United States*,<sup>5</sup> the U.S. Supreme Court adopted the “rule of reason” doctrine, allowing courts to evaluate whether a business practice unreasonably restrains trade.

### **B. United Kingdom: From Fragmented Laws to a Modern Regime**

The UK's early competition regime was fragmented and reactive, focusing on specific anti-monopoly cases without a comprehensive legal structure. A unified approach emerged with the Competition Act 1998, which brought UK law in line with European Union competition rules, particularly Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU).<sup>6</sup> The Enterprise Act 2002 further modernized enforcement by introducing criminal liability for cartel behavior and empowering the newly established Competition and Markets Authority (CMA).<sup>7</sup> It also created the Competition Appeal Tribunal (CAT), a specialized forum for reviewing regulatory decisions. Post-Brexit, the UK competition regime has gained independence from the European Commission's oversight. The CMA now investigates international mergers and monopolistic conduct with extraterritorial reach.<sup>8</sup>

### **C. India: From Control to Competition**

India's competition regulation originated in a controlled economy context with the Monopolies and Restrictive Trade Practices Act, 1969 (“MRTP Act”), aimed at preventing economic concentration and controlling large business houses.<sup>9</sup> However, the liberalization reforms of 1991 exposed the inadequacies of the MRTP regime in promoting competitive markets. This led to the enactment of the Competition Act, 2002, which replaced the MRTP Act and established the Competition Commission of India (CCI).<sup>10</sup> The new Act aligns more closely with modern global standards, prohibiting anti-competitive agreements, abuse of dominance, and regulating combinations (mergers and acquisitions). CCI's decisions in cases such as *MCX Stock Exchange Ltd. v. SEBI*<sup>11</sup> and *Google LLC*<sup>12</sup> reflect its growing assertiveness in regulating digital markets, even while facing challenges of institutional capacity and overlapping jurisdiction with sectoral regulators.

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<sup>4</sup> Id.

<sup>5</sup> *Standard Oil Co. of N.J. v. United States*, 221 U.S. 1 (1911).

<sup>6</sup> Competition Act 1998, c. 41 (UK); Consolidated Version of the Treaty on the Functioning of the European Union art. 101–102, Mar. 30, 2010, 2010 O.J. (C 83) 47

<sup>7</sup> Enterprise Act 2002, c. 40 (UK).

<sup>8</sup> Competition and Markets Authority, Guidance on the CMA's jurisdiction post-Brexit, GOV.UK (2021).

<sup>9</sup> Monopolies and Restrictive Trade Practices Act, No. 54 of 1969, India Code (1969) (repealed).

<sup>10</sup> Competition Act, No. 12 of 2003, s. 3–6, India Code (2002).

<sup>11</sup> *MCX Stock Exchange Ltd. v. SEBI*, 2012 Comp. L.R. 108 (CCI).

<sup>12</sup> *In re Google LLC*, Case No. 39 of 2018, Competition Commission of India (Oct. 2022).

### III. TRANSITIONAL TRENDS AND COMPARATIVE ANALYSIS

Each jurisdiction reflects a shift from rigid enforcement toward a more nuanced, effects-based approach: In the US, there is renewed attention on Big Tech monopolies (e.g., Google, Amazon), with debates around revisiting the consumer welfare standard.<sup>13</sup> The UK has focused on post-Brexit recalibration and stronger domestic enforcement, including the proposal for a Digital Markets Unit (DMU) to regulate large digital platforms.<sup>14</sup> India is transitioning rapidly to address digital economy concerns, exemplified by the introduction of the Competition (Amendment) Act, 2023, which includes settlement mechanisms and hub-and-spoke cartel provisions.<sup>15</sup> Despite their differences, all three countries emphasize dynamic market conditions and cross-border implications of competition law enforcement.

### IV. CHALLENGES AND OPPORTUNITIES

Each national regime for competition faces distinctive challenges:

- US: Balancing antitrust with innovation, especially in technological aspects.
- UK: Managing regulatory divergence post- Brexit while maintaining international cooperation.
- India: Building institutional capacity and clarifying the interface between competition law and sector-specific regulators. Opportunities lie in cross-border cooperation, adoption of digital market regulations, and convergence on global competition standards.

### V. SUGGESTIONS

The comparative analysis of competition law in the United States, United Kingdom, and India reflects a dynamic shift in how jurisdictions are reinterpreting traditional antitrust principles to meet the demands of the modern economy. Each country's framework is shaped by its legal traditions, institutional capacity, and market structure. While the US model emphasizes judicial enforcement and economic analysis, the UK blends regulatory oversight with European legal influences, and India represents a transitional system adapting global norms to a developing economy. Despite the different contexts, several converging themes emerge—particularly the growing influence of technology, data monopolies, and platform-based ecosystems. These developments have necessitated a rethinking of market dominance, merger control thresholds, and remedies against abuse.

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<sup>13</sup> Lina Khan, Amazon's Antitrust Paradox, 126 Yale L.J. 710 (2017).

<sup>14</sup> U.K. Dep't for Digital, Culture, Media & Sport, Establishing a pro-competition regime for digital markets, GOV.UK (2021).

<sup>15</sup> Competition (Amendment) Act, 2023, No. 13 of 2023, s. 6A, 48A, India Code (2023).

### 1. Capacity Building and Training:

Regulators, especially in India, must invest in advanced training for their staff, particularly in handling complex digital and cross-border cases. Capacity-building efforts should include interdisciplinary exposure to economics, artificial intelligence, and platform governance.

### 2. Proactive Digital Regulation:

India could benefit from establishing a Digital Markets Division within the CCI to proactively monitor the conduct of dominant tech firms and recommend ex-ante regulations, as envisioned by the UK's Digital Markets, Competition and Consumers Bill.

### 3. Strengthening Leniency and Settlement Mechanisms:

Lessons from the US and UK demonstrate the success of well-structured leniency and settlement programs in cartel enforcement. India should streamline these mechanisms to encourage voluntary disclosure and reduce litigation delays.

### 4. Expediting Case Resolution:

One of the major challenges in India remains the slow pace of adjudication. Specialized competition law benches in appellate forums or time-bound case management rules can greatly enhance the credibility and deterrent effect of enforcement.

### 5. Merger Review in the Digital Economy:

Traditional merger thresholds often fail to capture 'killer acquisitions' in the digital sector. India should consider revising its merger review criteria to include deal value thresholds, a step already initiated in the 2023 amendments.

### 6. Fostering International Cooperation:

The global nature of digital markets demands greater cooperation between antitrust regulators. India should actively engage in forums such as the International Competition Network (ICN) and OECD to align enforcement strategies and share best practices.

### 7. Empowering Consumers and SMEs:

Competition law must also serve the interests of consumers and small businesses. Regulatory tools such as market studies, price monitoring, and awareness campaigns should be used to democratize market participation and identify structural inefficiencies.

### 8. Continuous Legal Reform and Policy Updates:

With markets evolving faster than lawmaking, competition law frameworks should include sunset clauses, periodic review mechanisms, and open stakeholder consultations to ensure

they remain relevant and forward-looking.

In conclusion, the evolution of competition law in all three jurisdictions illustrates the delicate balance between regulation and innovation. As markets become more interconnected and technologically driven, the effectiveness of competition law will depend not only on legal tools but also on institutional agility, international coordination, and a consumer-centric policy vision. For India in particular, embracing a proactive, reform-driven, and globally aligned approach can ensure that competition law fulfills its ultimate goal: protecting the competitive process while promoting inclusive economic growth.

## **VI. CONCLUSION**

The transition in competition law across the US, UK, and India reflects both domestic legal evolution and responses to global economic shifts. While the US offers mature jurisprudence, the UK presents a dynamic regulatory model, and India illustrates a developing jurisdiction catching up with global standards. Comparative analysis reveals that while enforcement tools and priorities may differ, the ultimate goal remains constant: ensuring competitive markets that serve consumer welfare and innovation. In conclusion, the evolution of competition law in all three jurisdictions illustrates the delicate balance between regulation and innovation. As markets become more interconnected and technologically driven, the effectiveness of competition law will depend not only on legal tools but also on institutional agility, international coordination, and a consumer-centric policy vision. For India in particular, embracing a proactive, reform-driven, and globally aligned approach can ensure that competition law fulfills its ultimate goal: protecting the competitive process while promoting inclusive economic growth.

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