

## ABSTRACT

### **LENIENCY PROVISION UNDER COMPETITION LAW: AN EFFECTIVE TOOL TO DETECT CARTELS IN THE MARKET**

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Cartels are measured to be the most egregious pointers of the anti-competitive performance. Identifying and detecting the cartels is quite a challenging task for the competition authorities. To overcome this challenge, the authorities have espoused the leniency programme which is a way forward approach by the competition authorities to identify and detect the hard core cartels ongoing in the market across the globe. The practice of leniency policies have been initiated by many countries around the world for disclosure of such hard core cartels ongoing in the market. In many countries like India, the competition authority i.e. Competition Commission of India (CCI) has adopted the leniency programme which is enshrined under Section 46 of the Act which has been amended by the Commission recently in August 2017 under which the Commission grants reduction in the penalty to the players if they hand over the relevant evidences and facts before the Commission for contravening the provisions of Section 3 of the Act. There is no criminal liability for demeanor of cartels by the players/competitors in India, hence, it is an offence of civil nature. Leniency programme has also been adopted by the European Commission under which the Commission grants the reduction in the penalty to the undertakings who contravenes the provisions of article 101 of the Treaty on the Functioning of the European Union. The conduct of cartels provide a civil allowance under the competition law in European Commission. Likewise, the Antitrust division of United States has also opted for the leniency regime which provides the reduction in criminal liability to the competitors for violating or infringing the provisions mentioned in Section 1 of the Sherman Act.

Key words: Leniency Application, Cartels, Amendments, CCI, European Commission, United States, Cartel Settlement.