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Strategic Human Resource Management: A Reality Check

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Abstract

Strategic Human Resource Management (HRM) over the years has scored significant space in the professional world. The factors like liberalization, emergence of multinationals & competition have also influenced HRM to become strategic & ensure a position of strategic partner in the modern organizations. The importance of becoming strategic is not limited to only a type of organization moreover has become necessity to all the sectors, including not-for-profit organizations as well. The present paper would aim to look at the strategic plan of a non-profit organization i.e. DEEPALAYA as a case study to explain its importance in the prevailing practices of the HR unit. Secondly, the paper also put forth the argument of importance of being strategic irrespective of sectors whether profit making or not-for profit organizations. The paper further reflects on the success of prevalence of strategic HRM as part of "best practices" globally. The paper holds value in the light of the fact that with government, social networks & civil society assuming their responsibilities, "social work" has become much more than just benevolence. It has become a profession for "inclusive" development. Hence, business acumen i.e. Management By Objectives (MBO) & results impacting the vision and mission of business has been imperative and prevalent in the application of technologies as well as methodologies making social development a business promoting human welfare, compared to business for profit.

Keywords: Strategic HR, Succession Planning, Talent Management

Introduction

The process of globalization, international competition, innovation, and technology has persuaded organizations for being cost effective and efficient to survive and prosper. One of the most critical roles realized for the same is by the human resources function, as they are the one among all other resources who can bring competitive advantage to the firm. Without HR nothing can be accomplished and without well trained, well developed, well appreciated and well managed HR, modern organizations cannot meet the challenges of the

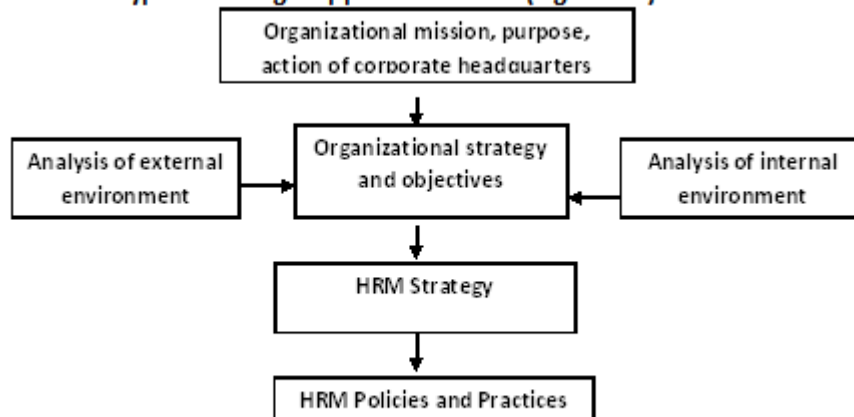
globalization age (Farazmand, 2004). So HRM has increasingly been seen as one of the key functions in the development and implementation of strategic responses to this pressure (Ulrich, 1997). Business and HR practitioners and academicians are also of the opinion that by aligning HR policies and practices with business strategies, the field of HRM can become greater strategic contributor to organizational performance and success (Mathis and Jackson 2003; Khandekar and Sharma 2005). Chandra and Shen (2009) discuss that, if HRM wants to create added value for the organization, it has to become a strategic partner with the business in achieving business goal.

The practices under strategic HR have impacted the world of work significantly. It has the capability to alter the traditional ways of managing organization and people within it. So the pressure of being strategic is held equal importance to even non-profit organizations can also be called “third” sector organizations.

Strategic HRM

With tremendous pressure put in by liberalization, the HR had to transform itself from just being a support system to a strategic partner in business policy. When HRM functions are driven by business strategy it comes under the purview of strategic HR. Strategic HRM is a link between HRM and strategic management processes of an organization. By strategic we mean that HR activities should systematically design and intentionally linked to an analysis of business and its context (Schuler, Jackson and Storey, 2001). SHRM emphasize on coordination and congruence among the various HRM practices like HR Planning, recruitment, selection, training and development, reward and compensation as they plays crucial roles in the achievement of strategic goals (Chew and Chang, 1999).

Typical Strategic Approach to HRM (Figure 1.1)



Source: Adopted from Kane and Palmer

Strategic HR and Talent Management

Whatever Strategic HR does in form of recruit, retain, develop, reward and make people perform is part of Talent Management. Companies that engage in talent management are strategic and deliberate in how they source, attract, select, train, develop, retain, promote, and move employees through the organization. Research done on the value of such systems implemented within companies consistently uncovers benefits in these critical economic areas: revenue, customer satisfaction, quality, productivity, cost, cycle time, and market capitalization. Such benefits are equally important for Donor Driven or Non Profit

Organizations as well, the only recognized difference is that they don't sell products but aimed at providing high quality services which is not possible without well-organized HR processes, as here "people work for the people".

Need to be strategic

Academics, practitioners and consultants argued that if HRM wants to create added value for the organization, it has to become a strategic partner with the business in achieving its business goals. Recent decades have seen HR becoming a unique and differentiating asset, playing an increasingly important role in organization (Chandra and Shen, 2009). The role HR professionals have now become more critical than ever, on one hand they have the responsibility to create highly sophisticated workforce which can work in technologically enabled industries and on the other they have to bear the burden of delaying and rightsizing leading employment loss to the traditional workforce with making an organization successful and cost effective at the same time. The role of HR has become strategic with the increase competition, creating a motivating workforce, facilitating change management and recruiting & retaining the most efficient employees.

Here the paper describes the evolution of strategic HR components such as Succession Planning and Talent Management in respect of DEEPALAYA. Aiming at describing these processes at par with the profit-making organizations, further the paper explains how strategic HR concepts like Talent Management and Succession Planning have evolved over the years in these organizations, what are the challenges associated with them being "donor driven" organizations and the achievements and success stories of the respective organization. It will also discuss the dynamics of changes that are taking place in management of employees in non-government organization and how HRM strategy is being used in this regards.

Succession @ Deepalaya

With a vision to have "A society based on legitimate rights, equity, justice, honesty, social sensitivity and a culture of service in which all are self-reliant", Deepalaya, meaning "the abode of light" is an India based non - government development organization working on issues affecting the urban and rural poor, with a special focus on children. It is because 'Every child deserves a chance' that the organization exists and works towards making that possible. For over 3 decades, Deepalaya has been working in the urban slums of Delhi and has also made inroads into rural development in the states of Haryana, Uttar Pradesh and Uttarakhand.

Deepalaya started on July 16, 1979, with five children, two teachers and an investment of Rupees 17,500/- by the seven founding members. Pre-school education was the beginning then.

- By 1985, the number of students increased to 133 *with seven staff members* moving to primary education with an annual budget of INR 1,00,000/-.
- By 1992, there were 13,000 students and *400 staff members*. The program was Integrated Child Development. The annual budget was around INR 25 million, major part of which came from International Funding Organizations.

- By 2000, Deepalaya reached out to over 35,000 children, their families and communities undertaking integrated development and involving in other issue based areas. Annual budget was in the vicinity of Rupees 30 million.
- By 2005, Deepalaya became the largest operating NGO in the national capital state of Delhi, reaching out to 50,000 children, 76 slums, 84 villages in Mewat (Haryana) and seven villages in Uttarakhand.
- And the journey continues...

Human Resource Management has come to stay as a professional system in any progressive organization, which is result-oriented and which makes an impact on the society. While managing human resources is popularly practiced by corporates, social sector organizations are fast catching up with the phenomenon as they professionalize themselves. Deepalaya is no exception!

It is a well-known fact that the most important resource of an organization is its PEOPLE. Deepalaya, as an institution, values its HUMAN RESOURCE and their commitment to the cause. With a strong belief in “inclusive growth” Deepalaya also aims to be a “preferred employer” in the business of Social Development. It strives to manage change by keenly observing the happenings in its external environment in tandem with periodic critical assessment of its internal environment. The very fact that the organization rose from a seven member team to a self-sustainable 400 member team speaks volumes of its interest and efforts in holistic approach towards employee development. The shift from Personnel Management to Human Resource Development is also evident from the fact that some of the “good practices” that exist are supported by a significant presence of HR in the Strategic Plan, having a Management Policy in parallel to the HR Policy, ISO Certification, Resource Venture, etc. One of the universal challenges “Recruitment & Retention” equally implies to Deepalaya as well. To address this, Deepalaya responds back every moment by a rigorous succession planning strategy, a succession plan for all key employees, at all levels.

HR Practices that nurture Succession

While Competency Mapping, Job Rotation, Morale Surveys are common practices with any industry, what differentiates Deepalaya and makes it a “brand employer” is its commitment towards the development of its employees. Deepalaya invests a lot in:

- *Business Exposure of all its project sites as part of mentoring*, sensitising and educating employees on the various programmes that Deepalaya is running for the integrated development of the society. It is extremely important for an employee to perform as for which cause the organisation is working and how he/she is contributing to the same
- *Career development plan meticulously chalked out* for each employee keeping his/her professional desires in mind. More attention is been given on the areas of improvement and inputs are given to enhance the strengths so as to prepare a career graph for an employees. Career development plan are been prepared with consultation of an employees and opportunities are provided for the same in forms of promotion and job enrichment.
- Deepalaya truly believes in *Leadership from within*. The “belief” comes from the fact that Deepalaya values its People and provides them an equal opportunity to grow as the organization grows. All the Head of the Departments are reserved for employees

from within. Other positions are at the first instance offered to employees before sought after externally. Here succession planning plays a major role where people are trained to succeed their immediate supervisor.

- *A very evident implementation of MBO* – Deepalaya’s USP is a meticulously carved out procedure for defining individual objectives by themselves referring to the supervisor’s objectives. 100% employees carve their objectives and endorsed by their supervisors before the beginning of new fiscal year making it a bottom up approach towards result orientation.
- *Organisational Capacity Assessment survey* - Deepalaya periodically conducts Organisational Capacity Assessment; the most recent one highlighted the employee’s development activities as the strength of this organisation. The presence of a process for reviewing and responding to ideas, suggestions, comments from the staff, the provision of opportunities for employees' professional development and training in their job skill area and also in areas as cultural sensitivity and personal development, the maintenance of contemporaneous or updated (current) records documenting are few of them. The report also has a mention about the “Additional Indicator” concerned with employee development like value statement that includes standards of ethical behaviour and respect for other's interests. Indicators pertain to the presence of a plan that establishes an evaluation process and performance indicators to measure progress toward the achievement of goals and objectives.

A typical Succession Plan at Deepalaya

It is important to mention the HR excerpts from the Strategic Plan which commonly talk about retention of key staff, diversity (gender & differently abled), creating alternate cadres (Volunteers, Social Entrepreneurs, Beneficiaries as Employees, Apprenticeships, etc) and succession planning.

According to Derek Stockley, “Talent management involves individual and organisational development in response to a changing and complex operating environment. It includes the creation and maintenance of a supportive, people oriented organisation culture.” Organisations that formally decide to "manage their talent" undertake a strategic analysis of their current HR processes. Following this, Deepalaya has created their own model for Succession Planning and Deepalaya’s motto “enabling self-reliance” is the stepping stone for it where HR leads the “enabling to grow differently and empowerment of employees”. While there are scientifically proven tools to lead to a Succession, Deepalaya has inculcated the following procedure:

- Structural Manifestations: make small Kings instead of 1 King-pin
- Complete decentralization of business, no over-shadow of the parent organization thereby integrating finances and profession
(i.e. 4 separate units: Deepalaya {Parent Organization}, Formal School, Micro Finance, Deepalaya Gram)
- Growing by replicating (the Banyan Tree concept)
- Everyone has freedom, enabling initiatives

The outcome is very unique -

- Decentralised centralism, consultation/re-verification for decision making, empowerment to take decisions

- Set accountability of the Board
- Instead of having 1 CEO, 1 ED etc., creation of multiple parallel positions giving an opportunity for growth
- Those who have worked for more than 8-10 years have added value, knowledge, skills and have risen to positions which are on one hand a part of the organization they have built and on the other hand claimed it.
- An environment enabling decision making
- Multiple signatories in a non-contemporary permutation & combination. A classic example of Head of the Project and a Board member being signatories for the said Project

Success Stories

Talent management practices in Deepalaya have helped them earn the reputation to produce some of the best talents within the social development fraternity. On the one hand, a parting employee leaves a gap but on the other hand his/her growth sets an example for others in the organization and takes the learning and values to other organizations. At the same time, many of their beneficiary alumni have come back as employees. As many as 20 girls who have educated themselves from Deepalaya are today teaching in their schools, which show the loyalty, trust & commitment of the students to the project. Additionally, many people who started working as interns or volunteers join the organization as employees and some of them have even risen to the levels of Directors over a period of time. They have proven that they are able to identify and groom talent from within and a few examples are:

- Deepalaya has had atleast 2 Executive Directors, through the internal succession planning, grown from within.
- Few other examples are:
 - Executive Trainee identified and work as a Deputy to the ED
 - The Resource Mobilization Coordinator rose to this position from being a School Principal whereas she joined as a Volunteer 12 years back.
 - Assistant Manager – Programmes was given independent charge of 2 Programs under the direct leadership of ED.
 - Junior Executive IT appointed 10 years back today heads the entire IT department and is taking strategic decisions relevant to the development of IT in the organization.
 - Teacher from Sanjay Colony School took over as Head Mistress of Gole Kuan School
 - Head Mistress of Kalkaji school took over as Assistant Manager – Formal Education having 5 schools reporting to her

Conclusion

Coming from a background of Human Resources, and operating in social development sector, we realize that non-profit organizations need to address the following issues:

1. Social work as a profession by itself needs a re-orientation i.e. management by objectives and results impacting the vision and mission of business. HRD plays a vital role on this one.
2. Profit in an alternate perspective i.e. a parallel in application of technologies and methodologies making social development a business promoting human welfare

making people self-reliant, compared to business for profit. CSR plays an active role here.

3. While Deepalaya has achieved a 100% self-sustainable management team at their Head office, they continue to be Donor Driven for their community development initiatives. Despite this, the volatile funding scenario does not deter the HR Team at Deepalaya from developing its precious Human Resource.

It is evident that while NGOs and corporates have distinct work cultures and challenges when it comes to getting results, they are not that different from for-profit organizations. A defined vision, with focus on management and the right people seems to be the correct combination, regardless of the nature of the business.

References

- Archana K., & John, S. (2012). Spreading the light of education through its people: A case study of HR practices at Deepalaya. *Asia-Pacific Journal of Management Research and Innovation*, Vol. 8, No. 2. pp. 215-222.
- Bhatnagar, J. & Sharma, R. (2003). Strategic HR roles in India: A rhetoric or reality? *Indian Journal of Industrial Relations*, Vol. 38, No. 4, pp. 409-424.
- Chandra, A., & Shen, J. (2009). *HRM strategic integration and organisational performance*. New Delhi: Sage Publications.
- Chew, I., and Chang, P. (1999). Effects of strategic human resource management on strategic vision. *International Journal of Human Resource Management*, Vol. 10, pp. 1031-1045.
- Farazmand, A. (2004). Innovation in strategic human resource management: Building capacity in the age of globalisation. *Public Organisation Review: A Global Journal*, Vol 4. pp. 3-24.
- Khandekar, A. & Sharma, A. (2005). Managing human resource capabilities for sustainable competitive advantage: An empirical analysis from Indian global organisations. *Journal of Education and Training*, Special Edition, Vol. 47, pp. 628-639.
- Mabey, C., & Salaman, G. (1998). *Strategic human resource management: For change development & performance*. New Delhi: Beacon Books.
- Mathis, R. & Jackson, J. (2003). *Human resource management*. Singapore: Thomson.
- Saini, D. S., & Khan, S. A. (2000). *Human resource management: Perspective for the new era*. New Delhi: Response Book.
- Sondhi, J. S. (1994). Emerging trends in industrial relations and human resource management in Indian industries. *Indian Journal of Industrial Relations*, Vol. 30, pp. 19-37.
- Tarrington, D. & Hall, L. (1998). *The nature of personnel and human resource management in HRM*. London: Prentice Hall.
- Ulrich, D. (1997). *Human resource champions: The next agenda for adding value and delivering results*. Boston: Harvard Business School Press.

Web Resources

www.deepalaya.org

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Indian Tea in Global Market

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Abstract

Over the years India had dominated the global tea export market as the single largest exporter of tea. However since 1990 its market share in the global tea export started falling in a dramatic fashion where within a span of twenty eight years from 1980 to 2008 India lost a whopping 14 percent share in the global tea market. A regression is run to determine the effect of the size of the global tea market on the volume of tea exports from India. The Regression analysis reveals that the expansion of the global tea market has no significant impact of the volume of exports of Indian tea. A backward stepwise regression is undertaken to define India's market share in global tea market as a function of the export market share of Sri Lanka and Kenya. The emergence of Kenya as a major exporter of tea had adversely affected India's market share. However Bangladesh's share of the global tea market had been falling along with that of India. The declining market share of India in the global tea market can also be attributed to the falling competitiveness of its tea as indicated by the Revealed Comparative Advantage (RCA) Index. Along with India, the competitiveness of China, Bangladesh, and Vietnam has been declining over the period 1996-2008. Relatively recent entrants to the world tea market like Kenya, Sri Lanka, and Nepal have gained at the expense of these traditional heavyweights which is evident in the dramatic increase in their RCA index. Nepal, who exhibited remarkable increase in the index have reaped the benefit of the similarity of its tea with India's famous Darjeeling tea.

Keywords: Indian Tea, Global Tea Market, Market Share

Introduction

Historically in colonial India tea cultivation was introduced and subsequently promoted as an export oriented commodity. Tea export in India made a beginning when in 1839, the first batch of Indian tea was sent to London for auction. Since then India has been exporting tea to most of the tea consuming areas of the world including Europe, America, West Asia, Africa, and Australia. Over the years India had always dominated the global tea export

market as the single largest exporter of tea. However since 1990 its market share in the global tea export started falling in a dramatic fashion. The plummeting fortune of Indian tea in the world export market is evident in the decline in its share from 20.86 percent in 1986 to 12.34 percent in 2008 (Tea Board of India, online: accessed during 2007-2011). The declining importance of tea as an agricultural export is also evident in the fall in its share in India's total agricultural export from 19.05 percent in 1986 to 3.7 percent in 2008.

The falling export of Indian tea had reduced the proportion of exports in the total tea produced in India from 32.72 percent in 1986 to 20.17 percent in 2008. To revive India's tea export to its former level and to reclaim its dominant status in the global tea market it is imperative that an appropriate strategy is adopted to address the problems that confronts the tea industry. Devising an appropriate strategy requires exploring the factors, responsible for the declining share of exports of Indian tea, and conversely, increasing market share of the competing tea exporting countries. In this backdrop, the paper attempts to assess and evaluate the performance of India's tea export market. It seeks to identify the factors affecting India's tea exports and measure their influence.

The paper has been organized into six sections. The objectives of the paper are stated in Section-2. Section-3 has been devoted to the conceptual framework of the study. A brief account on the growth of the global tea market and India's performance in it is presented in Section-4. In this section a regression analysis is undertaken to determine the impact of the growth of the world export market on the volume of India's tea export. Section-5 discusses the relative share of major tea exporting countries in the global market. The impact of competing countries on tea export of India is estimated on the basis of a multiple regression model.

Objectives of the paper

The objectives of the paper are

- To analyze the growth of India's tea export in the context of the global market.
- To estimate the impact of competition from major tea exporting countries on India's tea export.
- To prepare a Revealed Comparative Advantage Index of the major tea exporting countries.

Conceptual Framework

Trends in production, consumption, and export of tea in India are estimated on the basis of the Compound Annual Growth Rate. A comparative analysis on the competitiveness of all major tea exporting countries are undertaken on the basis of the Revealed Comparative Advantage Index (RCA), which is calculated as

$$RCA = \frac{(X_{it}/X_{wt})}{(X_i/X_w)}$$

Wherein

X_{it} = ith country's export of tea,

X_{wt} = world export of tea

X_i = total merchandise export of country i,

X_w = total world merchandise export

A simple regression analysis is undertaken to determine the impact of the global tea market on India's exports. A multiple regression analysis is undertaken to determine the impact of major tea exporting countries on India's share in world export. In the analysis the stepwise backward method as available in the SPSS software is adopted to test the model in several stages. Initially all the predictors in are tested for significance and the outcomes are assessed in terms of a removal criterion. Predictors which are non-significant are successively dropped from the model as it is progressively tested. The final model that is accepted consists of only those predictors which are significant.

Indian Tea Sector: Production, Export, and the Global Market

India had always dominated production and export of tea. However since 1990 onwards, India has lost its predominance position in tea, especially its predominance in global exports. The share of Indian tea export has declined continuously both as a percentage of total domestic production and in the world export market. This is evident in Table-1, where the export share of India in the global tea market is observed to be diminishing very sharply. India's share in the tea global market was 26 percent in 1980, which had been continuously falling to 20.86 percent in 1986, 14.51 percent in 1996, 13.77 percent in 2006 and finally to a meager 12 percent in 2008. Thus within a span of twenty eight years from 1980 to 2008 India lost a whopping 14 percent share in the global tea market.

The export share of tea in the total production of tea in India was 39.19 percent in 1980. It got reduced to 32.72 percent in 1986, then to 20.73 percent in 1996 and to only 20.71 percent in 2008, which is very low considering the fact that production of India has grown at a CAGR of 1.5 percent on the average till 2008. The highest amount of export of Indian tea till 2008 was in the year 1981 when the amount of export was 241.25 mkg. During the period 1980-1985, the export of Indian tea declined by 4.20 percent from 223.03 mkg to 214.02 mkg with negative CAGR of 0.68. During 1986-1995, the export amount of Indian tea again showed a negative growth rate of 1.88 percent. It was only after 1995, that the export market showed positive growth with CAGR of 1.37 percent till 2008, which however, is not very significant for a major tea producing country like India.

Table 1: Indian Tea: Production, Export, and percentage share in the Global Market

Year	Production (in mkg)	Export (in mkg)	% share of exports in Production	World total export (in mkg)	% share of India in total world export
1980	569.17	223.03	39.19	859	26.09
1981	560.43	241.25	43.05	853	28.25
1982	560.56	189.93	33.88	820	23.16
1983	581.48	208.48	35.85	873	23.88
1984	639.86	217.04	23.05	927	23.41
1985	656.16	214.02	22.45	957	22.37
1986	620.80	203.15	32.72	974	20.86
1987	665.25	201.89	30.35	975	20.71
1988	700.01	200.96	28.71	1037	19.38
1989	688.11	212.66	30.90	1120	18.89
1990	720.34	210.02	29.16	1135	18.50
1991	754.19	202.92	26.91	1079	19.65
1992	732.32	173.36	23.67	1005	16.82

1993	760.83	173.72	22.83	1154	15.20
1994	752.90	150.69	20.01	1033	14.61
1995	756.02	167.97	22.11	1083	15.51
1996	780.14	161.70	20.73	1115	14.51
1997	810.03	203.00	24.80	1207	16.82
1998	874.10	210.34	23.75	1308	16.08
1999	825.94	191.72	23.00	1265	15.15
2000	846.92	204.35	25.22	1334	15.52
2001	853.92	182.59	21.00	1394	16.82
2002	838.47	201.00	29.25	1432	14.04
2003	878.13	173.68	20.00	1388	12.46
2004	892.97	197.67	22.00	1501	12.19
2005	945.97	199.05	20.04	1567	12.70
2006	981.81	218.73	22.28	1589	13.77
2007	986.42	178.75	18.12	1587	11.26
2008	980.82	203.12	20.71	1646	12.34

Source: Tea Statistics, Tea Board of India (teaboard.gov.in, online: accessed during 2007-2011)

Table 2: Compound Annual Growth Rate of Production, Consumption and Export
(in percentage)

Years	CAGR of Production	CAGR of Export Qty.	CAGR of Export Value
1980-1985	2.40	-0.68	8.38
1986-1995	1.99	-1.88	7.60
1996-2008	1.78	1.77	5.14
1986-2008	1.00	0.00	6.35

Source: Calculated from various issues of Tea Statistics, Tea Board (teaboard.gov.in, online: accessed during 2007-2011)

The *Software Package for Social Science Research (SPSS)* had been used to run a regression analysis in order to determine the effect of the size of the global tea market on the volume of tea exports from India.

Box-1 : Descriptive Statistics

(million kg)

	Mean	Std. Deviation	N
<i>India's Tea Export</i>	197.13	20.072	29
<i>Global Tea Export</i>	1179.9	249.167	29

Box-2: Model Summary

Model	R	R Square	Durbin-Watson
1	.143	.020	1.171

Box-3: ANOVA

Model	F	Sig.
1	.563	.459

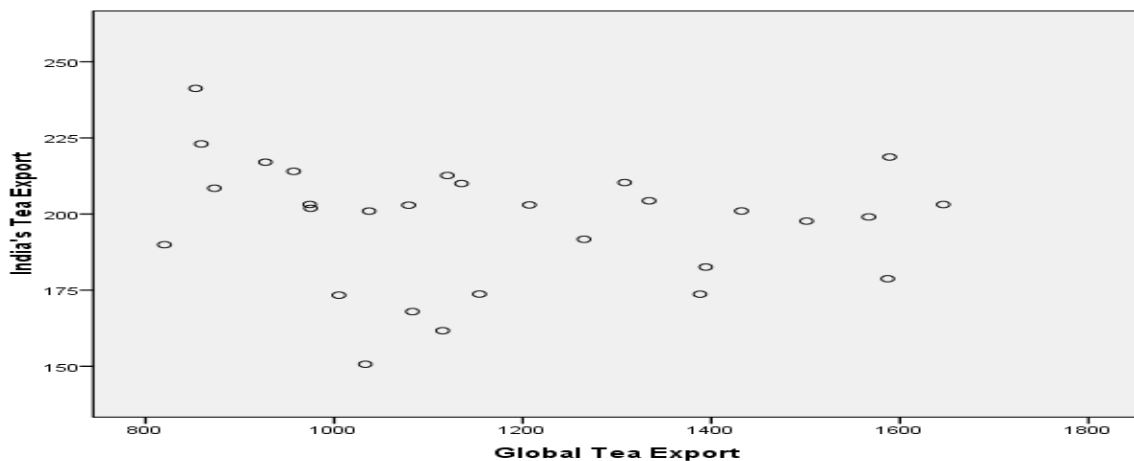
Box-4: Coefficients

Model	B	t	Sig.
Constant	210.721	11.397	.000
Global Tea Export	-.012	-.751	.459

- a. Predictors: (Constant), Global Tea Export
- b. Dependent Variable: India's Tea Export

Box-1 indicate that in the 29 years period from 1980 to 2008 mean volume of India's tea exports is 197.13 million kg in comparison to the size of the world export which stood at 1179.9 million kg. Box-2 indicates that that there is very weak positive correlation between India's and global tea export as revealed by the correlation coefficient of 0.14. Besides, the coefficient of determination of 0.2 implies that only 2 percent of change in India's tea export can be attributed to the size of the global tea market. Box-3 indicates that the F value of 0.563 is insignificant, implying that the model do not explain the changing value of the dependent variable, which is India's tea export, very efficiently. Finally, the **B** value of -0.143 is revealed to be insignificant implying that the independent variable, that is the global tea market has no significant impact on the dependent variable, which is the size of India's tea exports. The relationship between India's tea export and the size of the global tea market is evident in the scatter diagram where the wide scatter reveals the very small correlation between the two variables.

Graph



The Global Tea Market: A Comparative Analysis of Market Shares

Regression analysis in the previous section reveals that the expansion of the global tea market has no significant impact of the volume of exports of Indian tea. This leads the study to examine whether the rewards of the growing global tea market is being appropriated by India's competitors.

Table 3: Export Share of the Major Tea Exporting Countries in the total World Export (In %)

Year	India	Sri Lanka	Kenya	Indonesia	Vietnam	China	Malawi	Argentina	Nepal	Bangladesh
1980	26.09	21.49	8.71	7.88	0.91	12.57	3.65	3.92	0	3.61
1981	28.25	21.41	8.86	8.34	0.85	10.77	3.69	3.03	0	3.42
1982	23.16	22.99	9.73	7.76	1.06	12.91	4.52	4.03	0	4.20
1983	23.88	18.08	11.53	7.86	1.10	14.33	4.13	5.12	0	3.44
1984	23.41	22.03	9.84	9.24	1.06	13.81	4.81	4.53	0	2.49
1985	22.37	20.71	13.21	9.44	0.96	14.34	3.92	3.21	0	3.18
1986	20.86	21.32	11.96	8.11	1.01	17.67	4.13	3.73	0	2.84
1987	20.71	20.61	13.84	9.28	1.04	17.89	3.43	3.45	0	2.22
1988	19.38	21.18	13.33	8.93	1.30	19.11	3.56	3.30	0	2.52
1989	18.89	18.11	14.50	10.19	1.33	18.18	3.55	3.85	0	2.08
1990	18.50	18.97	14.94	9.78	1.21	17.22	3.61	4.05	0	2.38
1991	19.65	19.54	16.27	10.22	0.93	17.14	3.43	3.34	0	2.35
1992	16.82	17.47	16.36	11.91	1.15	17.25	3.48	3.59	0	2.67
1993	15.17	18.16	16.30	10.72	1.56	17.42	3.05	3.77	0	2.76
1994	14.54	21.64	17.67	8.19	1.93	17.34	3.73	4.17	0	2.28
1995	15.34	21.46	21.68	7.23	1.72	15.21	2.98	3.75	0	2.32
1996	14.51	21.13	22.09	9.18	1.71	15.35	3.32	3.74	0	2.36
1997	16.82	21.32	16.46	5.54	2.24	2.08	4.08	4.68	0.02	2.08
1998	16.08	20.28	20.14	5.14	2.54	1.70	3.14	4.51	0.01	1.70
1999	15.15	20.78	19.11	7.73	2.88	15.78	3.38	4.11	0.02	1.20
2000	15.52	21.00	16.27	7.91	4.17	17.07	2.88	3.73	0	1.36
2001	16.82	20.61	18.50	7.15	4.89	17.90	2.74	4.06	0	0.93
2002	14.04	19.82	18.83	6.94	5.19	17.49	2.73	3.96	0.14	0.95
2003	12.46	20.74	19.22	6.29	4.27	18.55	3.00	4.15	0.20	0.87
2004	12.19	18.86	21.66	6.40	4.54	18.18	3.02	4.31	0.20	0.87
2005	12.70	19.06	21.64	6.53	5.61	18.28	2.74	4.24	0.23	0.57
2006	13.77	19.91	19.73	6.03	6.64	18.11	2.65	4.47	0.24	0.50
2007	11.26	18.67	21.81	5.31	7.04	18.36	2.95	4.75	0.61	0.33
2008	12.34	18.13	23.26	5.84	6.31	18.01	2.43	4.69	0.59	0.50
AVERAGES										
1980-	24.53	21.12	10.31	8.42	0.99	13.12	4.12	3.97	0	3.39
1986-	17.99	19.85	15.69	9.46	1.32	17.44	3.50	3.70	0	2.44
1996-	14.13	20.03	19.90	6.61	4.46	15.14	3.00	4.26	1.59	1.09
1986-	15.81	19.95	18.07	7.85	3.10	16.14	3.22	4.02	0.93	1.68

Source: Calculated from various issues of the Tea Statistics , Tea Board of India, (www.teaboard.gov.in, accessed during 2007-2011) .

Comparing the export share of tea of the major tea exporting countries of the world with India, in Table-3, it is seen that the export share of the countries, Kenya, Vietnam, Argentina, China and also of the neighboring Nepal have increased considerably. In 1980, the export share of Kenya was only 8.71 percent which increased in 2008, to 23.26 percent, constituting an astounding 14.55 percent increase. In the case of Vietnam the hike was from 0.91 percent to 6.31 percent which is also a significant 5.4 percent increase. China, the highest producer of tea in the world till date, has also increased its share from 12.57 percent

in 1980 to 18.01 percent in 2008, despite the fact that, the domestic consumption of tea in China is very high like India. However in the same period the export share of other major competing countries like Sri Lanka, Indonesia, Malawi and neighboring Bangladesh in the global tea market fell, although their fall was significantly less than that of India.

A multiple regression is run to determine the effect of exports shares of major tea exporting countries on the share of India in global export of tea. The basic model is formulated as

$$\text{India}_{es} = b_1 + b_2 \text{Sri Lanka}_{es} + b_3 \text{Kenya}_{es} + b_4 \text{Indonesia}_{es} + b_5 \text{Vietnam}_{es} + b_6 \text{Malawi}_{es} + b_7 \text{Argentina}_{es} + b_8 \text{Nepal}_{es} + b_9 \text{Bangladesh}_{es} + b_{10} \text{China}_{es} + e$$

Wherein the export share of India is tested as to be dependent on the export Share of its nine competitive countries.

The stepwise backward method is used to test the model in several stages. Initially all the predictors in are tested for significance and the outcomes are assessed in terms of a removal criterion. Predictors which are non-significant are successively dropped from the model as it is progressively tested. The final model that is accepted consists of only those predictors which are significant. Box-1 reveals that Sri Lanka enjoyed the largest average share in the global tea market in the period 1980-2008 followed by India and China. However the standard Deviation in case of India and China are very high indicating very heavy fluctuations in their market share in the intervening period.

Box 1 : Descriptive Statistics

Countries	Mean	Std. Deviation	N
<i>India</i>	17.61	4.479	29
<i>Sri Lanka</i>	20.19	1.420	29
<i>Kenya</i>	16.46	4.321	29
<i>Indonesia</i>	7.97	1.727	29
<i>Vietnam</i>	2.66	2.015	29
<i>Malawi</i>	3.40	.578	29
<i>Argentina</i>	4.01	.502	29
<i>Nepal</i>	.75	3.705	29
<i>Bangladesh</i>	2.03	1.053	29
<i>China</i>	15.52	4.301	29

The backward stepwise method has resulted in eight models where in subsequent models in-significant variables were omitted. Box-2 presents the model summary which reveals the coefficient of determination (R^2) in the first model is 0.913 implying that 91.3 percent of the chance in market share can be accounted for by changing market share of the predictor countries. Finally the value declined to 0.943 in Model-8 which defines India's market share as a function of the export market share of Sri Lanka and Kenya. The Durbin Watson value at 2.118 indicates the absence of auto-correlation.

Box-2 : Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	.955 ^a	.913	.871	1.608	
2	.955 ^b	.912	.877	1.571	
3	.955 ^c	.911	.881	1.542	
4	.954 ^d	.910	.885	1.519	
5	.952 ^e	.905	.885	1.520	
6	.950 ^f	.903	.886	1.510	
7	.947 ^g	.898	.885	1.516	
8	.943 ^h	.889	.881	1.548	2.118

a. Predictors: (Constant), China, Nepal, Argentina, Malawi, Sri Lanka, Kenya, Bangladesh, Indonesia, Vietnam

b. Predictors: (Constant), China, Argentina, Malawi, Sri Lanka, Kenya, Bangladesh, Indonesia, Vietnam

c. Predictors: (Constant), China, Argentina, Sri Lanka, Kenya, Bangladesh, Indonesia, Vietnam

d. Predictors: (Constant), China, Argentina, Sri Lanka, Kenya, Bangladesh, Indonesia

e. Predictors: (Constant), China, Argentina, Kenya, Bangladesh, Indonesia

f. Predictors: (Constant), China, Argentina, Kenya, Bangladesh

g. Predictors: (Constant), China, Kenya, Bangladesh

h. Predictors: (Constant), Kenya, Bangladesh

i. Dependent Variable: India

Box 3: ANOVA

Model	F	Sig.
1	22.025	.000 ^a
2	25.972	.000 ^b
3	30.746	.000 ^c
4	36.888	.000 ^d
5	44.038	.000 ^e
6	55.605	.000 ^f
7	73.119	.000 ^g
8	104.244	.000 ^h

The ANOVA table presented in Box-3, indicates that for all models the F value is much greater than 1 which is significant at 1 percent. The increasing value of F for subsequent models indicates that the newer models predicts India's export share much more efficiently as the insignificant predictors are removed in the subsequent models.

Finally a summary table of the coefficients is presented in Box-4, where only the coefficients of last model containing the significant predictors are indicated. As evident in the box, the -0.774 implying that the emergence of Kenya as a major exporter of tea had adversely affected India's

market share. The B coefficient of 0.977 for Bangladesh can be interpreted as the share of the global tea market of Bangladesh had been falling along with that of India.

Box 4: Coefficients

<i>Model-8</i>	B	t	Sig.
<i>Constant</i>	28.372	10.250	.000
<i>Kenya</i>	-.774	-6.679	.000
<i>Bangladesh</i>	.977	2.053	.050

The declining market share of India in the global tea market can also be attributed to the falling competitiveness of its tea as indicated by the Revealed Comparative Advantage (RCA) Index. The Revealed Comparative Advantage (RCA) index has been calculated with Balassa's RCA approach. (Balassa, 1965), wherein

Revealed comparative advantage (RCA) value =

Export of tea by the country/Total Merchandise export of the country

World export of tea/Total Merchandise export of the world

Table 6: Revealed comparative advantage of India and its competing countries

Year	India	Kenya	Sri Lanka	China	Indonesia	Vietnam	Argentina	Malawi	Nepal	Bangladesh	Malaysia
198	50.	198.	281.	5.15	6.97	20.41	3.30	154.1	0.3	37.86	0.07
198	42.	272.	316.	5.00	8.25	23.20	3.54	112.1	0.3	31.92	0.08
198	32.	278.	242.	5.17	8.58	26.55	3.38	137.6	0.3	41.33	0.08
198	41.	338.	309.	4.72	9.29	14.72	4.32	172.8	0.6	35.84	0.08
199	41.	320.	326.	4.22	8.92	13.00	3.66	138.5	0.4	30.58	0.06
199	38.	334.	308.	3.81	7.01	6.31	3.30	107.7	0.2	36.44	0.04
199	29.	353.	225.	3.74	6.80	10.25	3.82	141.4	0.3	28.41	0.05
199	23.	423.	146.	3.44	6.82	10.97	4.81	179.3	0.4	28.94	0.03
199	24.	408.	136.	3.06	5.00	13.25	5.00	163.4	0.6	35.23	0.04
199	24.	426.	211.	2.51	4.29	7.76	3.38	134.2	1.7	21.42	0.04
199	18.	404.	291.	2.48	4.91	9.00	2.35	97.76	1.7	18.48	0.04
199	25.	370.	292.	2.51	3.07	9.72	3.17	153.1	1.8	14.63	0.04
199	25.	510.	259.	2.15	3.80	8.84	3.44	102.2	0.7	14.64	0.02
199	22.	534.	268.	2.29	4.08	7.98	3.43	162.7	2.3	15.65	0.02
200	20.	566.	274.	1.98	3.91	10.46	3.17	184.5	1.0	7.22	0.02
200	18.	519.	306.	1.98	3.85	11.35	3.43	166.3	1.0	2.26	0.04
200	13.	528.	314.	1.70	4.11	11.16	3.57	208.2	1.2	2.07	0.09
200	13.	511.	336.	1.66	3.92	6.97	2.92	229.5	18.	3.62	0.08
200	13.	479.	353.	1.61	4.61	10.14	3.25	271.3	15.	4.61	0.06
200	10.	491.	362.	1.49	4.06	8.54	3.26	282.1	22.	5.26	0.06
200	10.	620.	236.	1.52	4.32	8.94	3.52	186.8	16.	3.19	0.06
200	11.	590.	242.	1.44	3.69	9.28	3.45	235.9	53.	1.93	0.07
200	8.9	549.	438.	1.24	3.56	6.91	2.68	126.0	49.	2.06	0.06

Source: Calculated from the statistics of UNCOMTRADE and Tea Board of India

It is clear from the Table-6 that the export competitiveness of India along with China, Bangladesh, and Vietnam has been declining over the period 1996-2008. Relatively recent entrants to the world tea market like Kenya, Sri Lanka, and Nepal have gained at the expense of these traditional heavyweights which is evident in the dramatic increase in their RCA index. As evident in the table, India had suffered the biggest reversal in the RCA index with its score declining from 50.79 to 8.91. Nepal, who exhibited remarkable increase in the index have reaped the benefit of the similarity of its tea with India's famous Darjeeling tea.

Conclusion

There are several causes for the fall in the export share of India in the world tea export market. Rising domestic consumption had been major factor inducing Indian tea producers to supply their tea in the domestic market instead offering them for exports. Besides, exports had been constrained by an abysmally low growth of production which was only 1 percent during the period 1986-2008 (Tea Statistics, Tea Board of India). Higher export price of Indian tea in comparison to that of its competing countries like Vietnam, Indonesia, Malawi and Argentina, work against India's export aspirations (Calculated from FAO Statistics, faostat.fao.org, online). Adverse tariff and non-tariff barriers imposed on the basis of several bilateral agreements and Free Trade Zones like Pakistan-Sri Lanka free trade agreement, Common Market for Eastern and South Africa (COMESA), Indo ASEAN free trade agreement etc act as constraints to India's tea exports. Besides non tariff barriers imposed on the basis of Sanitary and Phytosanitary (SPS) agreements and Technical Barriers to Trade (TBT) also restricts India export of tea.(UNTCTAD report).

Indian tea export sector has suffered considerably due to various challenges, both internal and external. Changes in the global geo-political and economic environment in the pre and post WTO period have affected the tea export market of India in the most adverse manner. Matters had been made worse in the domestic front with the growing popularity of tea substitute and the emergence of small tea growers. The government of India has taken various measures to help the tea sector of India to withstand the challenges. But there are lots more to be done to uplift the tea Industry from the present position of distress. Since India has the potential to reemerge as a leading tea exporter the need of the hour is to harness and utilize the resources, overcome the challenges and grab the opportunities provided by the new global economic order which is based on the relative competitiveness of the existing and emerging players in the world tea market.

References

- Balassa, B. (1965). Trade liberalization and revealed comparative advantage. *The Manchester School of Economic and Social Studies*, 33 (2), 99-123.
- Food and Agriculture. faostat.fao.org, 'FAOSTAT,' www.faostat.fao.org
- Tea Board (1956-2011). *Tea Statistics*. All the issues since 1956, Tea Board of India, Kolkata. Accessed from www.teaboard.gov.in/inner2.asp?param_link_id=410
- Food and Agriculture. (September, 1999-June 2010), *Reports of the various sessions of the Food and Agriculture Organisation (FAO) of United Nations*. Accessed from www.fao.org
- UNCTAD. (2010) 'Non tariff measures, Evidence from selected developing countries future research Agenda', United Nations Conference on Trade and Development Accessed from www.unctad.org/en/docs/ditctab20093_en.pdf

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Reorienting Management Education for Sustainable Prosperity

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Abstract

Global economic crisis coupled with rapid technological changes is moulding a new form of society, which definitely is a great deviation from the conventional value system. With such tectonic changes happening, can business education bridge this lacuna between the business and society demands? The pertinent question that arises is that how do we prepare our future generations to become socially responsible global citizens? The paper tries to suggest new modes of management education that will give a fresh direction to business practices in times to come? Management education in the next couple of years has to definitely reorganize, revamp and rebrand itself due to the evolving genre of Gen Y, Z and Z+ students and the demands of the society. The pedagogy will eventually have to move from classroom teaching to field and theory backed practical applications. The optimum solution is to push and direct business schools to adapt to globalization in ways that would create a synergy, given the limited resources and the future challenges. Transforming management students into 'ecopreneurs' and 'bioneers' are a few practical initiatives that B-schools should implement so as to follow the mission of accepting responsibility towards the generation to come.

Keywords: Management Education, Ecopreneurs, Social Responsibility, Innovation

Introduction

Change is at the core of our existence. A revolution – a paradigm shift is what keeps the society moving and going up the growth trajectory. Global economic crisis, rapid technological changes and a titanic shift in our own value system is what is moulding a new form of society. There is constant resistance from all sides to the change, but this is leading to the opening of new vistas of leadership, new opportunities being identified and new challenges being thrown open that is breeding a new generation of vibrant entrepreneurs. The 2007 financial meltdown has evoked a gamut of queries about the rationale and role of business education – and how does it eventually shape business practices. Many a time, business and our society seem to have moved in opposite directions. Can future management education bridge this gap? Can we implement new modes of management education that will give a fresh direction to business practices in times to come?

Michael Porter, has very aptly said that advancement in business education is dependent to a large extent on management schools adopting innovative approaches addressing globalization and promoting cross functional assimilation.

The last ten years have witnessed a significant inclination towards corporate social responsibility, especially as manifold concerns have emerged about climate change. There is a lot of criticism about corporate social responsibility from the free trade consumerist camp and from those opposing globalization. But, the tide is taking us in a different direction. The conventional attitude towards competition and profitability are being eroded. However, trends show that efforts are not proportional to the desired results, which means that the gap needs to be filled in.

Literature Review

Management education focuses on all those activities that are undertaken by business schools to hone the conceptual skills and develop the managerial aptitude of students. Management education has been defined by Keys and Wolfe as “the acquisition of a broad range of conceptual knowledge and skills in formal classroom situations in degree-granting institutions” (Wolfe, 1988). Management can be considered as the most volatile field, as it is subject to quick changes as per the dynamism of the social order. It is the fast technological innovation along with the vibrating nature of the markets that calls for continuous practical learning by both faculty and students of management institutions (M. London, 1999).

The United Nations’ Global Compact Principles of Responsible Management Education (PRME) (2nd Global Forum For Responsible Management Education, 2010) is an all-inclusive UN initiative undertaken to assimilate corporate accountability and sustainability in the core activities of business schools. Management schools are closely integrated with the community that they serve, ie the corporate world and their main stakeholder organizations. It is the uncertainty about the future course of events caused due to rapid technological development that is changing the character of competitive strategies, which has been rightly termed as the 'new competitive landscape' (Bettis&Hitt, 1995). There is a severe necessity of the affirmative role of management education in churning a new genre of leaders who would have the ability to manage the multifarious challenges of society in the 21st century.

Around five decades back, many business schools in the United States came under severe attack for being extremely theoretical in their pedagogy and also employing poorly exposed faculty who have been kept aloof from the factual world (Howell, 1959). As a result, complacency had to give way to a pro-active approach, and the entire faculty worked towards a revamp in approach and work style. However, years down the line, the same faculty has come under severe criticism for the lack of research and experience in practical fields (Porter, 1988), (Raelin, 2000). According to J. A. Raelin, learning is not just acquiring technical skills in the classroom or laboratory, but learning comes from practicing. His main argument was that traditional classroom learning is completely different from work-based learning. It begins by solving difficult situations within a given environment of challenges and opportunities.

Traditional pedagogy did not focus on areas like honing soft skills or a holistic perception of the micro and macro organizational environment. As a result management curricula overtime have seen a paradigm shift from a fragmented approach to a more consistent and practical oriented approach (Hyslop, 1995). This has become inevitable because of the dynamism in the society reflected by the changing pattern of demands and challenges thrown to entrepreneurs. As has been rightly pointed out by H. Gordon Fitch, 'Corporate social responsibility is defined as the serious attempt to solve social problems caused wholly or in part by the corporation.' (Fitch, 1976)

An emerging concept is that of an 'ecopreneur.' After the primary genre of literature, starting with the early 1990s, it is only recently that have some authors have starting delving on this issue of environmentally initiated entrepreneurship (Risker, 1998, Bennett, 1991, Dixon, 2007).

Identifying the Desired Changes in Business Education

Is the current trend pointing a finger towards poor implementation of CSR or that the students who learnt this novel concept at the B-schools did not put it to practice? Rather, have they easily succumbed to individual prejudices and greed? So, the question that arises is that how do we prepare our future generations to become socially responsible global citizens? The pertinent solution that comes to the mind is to push and direct business schools to adapt to globalization in all ways that would be manageable given the limited resources, mission apt as per the challenges and substantial to the parties being served.

My intention here is to suggest a few practical initiatives that all students and faculty of B-schools should implement so as to achieve the mission of accepting responsibility towards the generation to come:

1. Better education is the solution to attaining global economic growth:

Deregulation and greater autonomy is what is required today. Global programs aimed at improving the value of management education are one of the ways in which we can contribute to enhance the quality of life. Areas possibly could be innovative exploration in various conventional streams of management education such as marketing, human resources that have profound implications for potential teaching. This has to be partnered with collaborative research in emerging disciplines like business ethics, corporate governance, risk management, crisis management and financial inclusion, application of information and communication technology, strategic analysis. New pedagogical tools need to be incorporated which would reflect the intertwined nature of our society-the corporate sector- and the management schools.

And to achieve all this, quick sharing of information is what is required. The goal should be towards inculcating better ethics both at the micro (individual) and the macro (work) level. Inculcate more of governance education and learning techniques which would arm an individual with skills towards achieving sustained global well-being. Cross country business school agreements to improve the quality of management education has grown as one of the major contributors towards a better quality of life (Kozminski, 2010).

2. A dynamic interface with the governments as they hold much significance as the main protagonists in the economy in their changing role from regulators to facilitators in the years to come:

Business schools have to strike the right cord between business houses and the State. Policies including public-private partnerships (Global Competitiveness Report, 2010-2011) in higher education will give a myriad of opportunities for potential research and consultancy. Management schools across the globe are seeing a paradigm shift in their enrolment trends. Students are not preferring the traditional management courses, but enrolling in those B-schools which are in strategic partnership with corporate. These institutions are customizing their curricula to suit the requirements of their business partners, and providing the skills required as per the demands of the pact (Longenecker&Fink, 2001).

The private sector should be motivated to turn into partners with existing educational institutions so as to invest more resources for the development of human resource capability and also provide more challenging opportunities. To start with, support can come in the form of creating better infrastructure, providing the students with industry exposure through short trainings, faculty sharing and of course monetary help too. The active involvement of the “visible” and the “invisible hand” will certainly usher in a paradigm change in the value addition by the management schools. Equipping the students with an innovative entrepreneurial attitude will help them identify and generate opportunities in every facet. This will definitely make them take on their responsibilities with a more proactive outlook rather than deliver ordinary outcomes.

3. Scholastic focus to be in line with the requirements of the real entrepreneurial world

The genre of activities undertaken in business schools should increasingly focus on experimental issues that would help understand the real industry problems. Unless and until the students and the academia get a practical interface with the business managers, their research would lack the practical relevance. Contribution necessarily needs to be in the form of innovations; and to be more precise, gradual diffusion of theoretical and clinical knowledge, so as to provide more challenges to both the scholarly world and the industry.

Business schools are the link between the academic circles and the industry. They should restrict themselves to becoming information reservoirs, but change to evolve as “knowledge hubs.” A close networking between the Government, the Business schools and the industry will really help solve societal problems by clearly understanding the core of the problem and also the right approach. Yes, of course, I don’t deny the fact that resistance would be there initially due to various vested interests on giving up autonomy and control, but the benefits far outweigh the costs. The mission of all B-schools should be how the knowledge that they impart to students can actually help them to do value addition to the society and attain the goals of sustainable development.

In fact, many management schools incorporate ‘maxi-reach’ as a significant element of their mission, and thereby invest a large amount of their assets to address a specific problem within the gamut of their local environment. Thus, business schools can, with continuous efforts provide the nation with a sharp competitive edge, in the form of a trained labor force, and also by intellectual assistance towards business.

3. Focus on quality and not quantity

Quality management education is what scores over all other criteria. The Global Competitiveness Index (Global Education Initiative Annual Report, 2010), published annually by the World Economic Forum, includes the quality of a country's business schools as a significant parameter. As per the Millennium Development Goals of the UN on education, there has been a significant increased access to basic educational facilities such as primary and secondary education, but what is of concern is a severe global crisis in terms of competitive quality education that calls for immediate action and synchronized efforts to rebound the educational system everywhere. As a result, entrepreneurship education in innovative and challenging fields should be the key focus area in the coming years, putting across the fact that quality education will only serve as the key driver for societal development.

The World Bank has made an attempt to assess a nation's readiness for imbibing the knowledge economy, as part of its Knowledge Assessment Methodology (KAM) (Introduction to the Knowledge Assessment Methodology (KAM), 2007). KAM was designed to help nations identify challenges and opportunities that they might face during their transition to a knowledge based-economy. The main reason for this trend is the development of innovative ICT and knowledge-intensive entrepreneurship. ICT has definitely enhanced the quick interchange and dissemination of information, thus providing commercial businesses with more opportunities especially in the areas of knowledge-intensive trade. Monetary income earned in many cases now does not drive businesses.....it's the zeal, the obsession to get involved in new and creative ways to handle community problems that is attracting students.....and the motivation to look beyond their organizational limitations for creative solutions. Management schools are to equip the students in a way that they use their business expertise to find solutions to social problems. And these management skills must be positively complemented by individual, emotional and social skills.



(Source: Knowledge Assessment Methodology (KAM), World Bank, 2007)

How innovation in emerging markets can improve access to existing and new technology, and thus generate greater number of better-paying and socially-oriented jobs should be a

major focus. Strong motivational factors along with monetary incentives would be required to exploit the potential of management scholars to the fullest extent. Possible mechanisms for inclusive innovation can be monetary prizes and public rewards, and easy access to research funding. The State must promote more quality oriented research institutes, cross country student interactions to help develop an approach towards perceptive differences in the cultures and practices of nations. This would also help generate more tolerance towards other people, their views, and opinions and develop a pragmatic outlook towards handling issues at field levels.

4. Generate a “thinking out of the box” approach amongst the new wave of management entrepreneurs

Entrepreneurship, especially social entrepreneurship has gained much significance today, as the financial crisis of 2007 wreaked havoc at the global level. The global society is facing a herculean challenge that only innovation and social entrepreneurship can help solve by creating sustainable growth and increased human welfare. A social entrepreneur here includes the current generation, the energetic blood in the management schools and in the academia who is in the process of or planning to float new companies soon. We need thinking out of box solutions to existing problems both at global and local level, new solutions to old problems and inventive approaches of operating.

To motivate management students towards social entrepreneurship, I would suggest inclusion of courses on Social Entrepreneurship, especially those that spell out the accolades of dynamic businessmen who have also contributed towards increasing societal wealth by investing in medical care, environment, education, energy and various cultural institutions. Social Entrepreneurship coursework can be evolved along with mainstream subjects, so as to initiate students to practices and challenges in this sphere, and also to train them with tools which will make them more efficient in carrying out social entrepreneurial ventures.

5. Develop a culture of giving (Individual and Corporate Social Responsibility)

As well said, charity begins at home. So, social responsibility is not just about the duty of the corporate' but also one's own personal outlook. It must begin with individuals, and then go on to the level of sigma. This is an incredibly complex area of discussion, which demands compelling thought from everyone. A common misconception is that the existence of business schools is to generate a class of capitalists who work exclusively to earn fat salaries. In fact, with the societal revolution that is constant, management schools are fundamental societal organizations that add value in infinite ways. Rather, their main role is to create efficient leaders who would drive the engine of sustainable growth. (Business Schools On An Innovation Mission, 2010).

The importance of CSR in the emerging scenario suggests that MBA courses should seriously think of moulding their students to emerge as executives who are keen on their organization's as well as their own personal social responsibility. This requires all B-schools to introduce new methods towards education by creating service learning communities.

According to Wikipedia, service learning is “a method under which students or participants learn and develop through active participation in thoughtfully organized service that is conducted in and meets the needs of a community; is coordinated with an elementary school, secondary school, institution of higher education, or community service program,

and with the community; and helps foster civic responsibility; and that is integrated into and enhances the academic curriculum of the students, or the educational components of the community service program in which the participants are enrolled; and provides structured time for the students or participants to reflect on service experience". Students of management schools will successfully pass on the benefits of a culture demonstrating service learning as they apply their fresh managerial and leadership skills for the welfare of the common.

6. Introduction of the concept of "green" sustainable entrepreneurship or Ecopreneurship

Due to internationalization and the countries getting increasingly interlinked, the future demands of the society will be definitely technology oriented. The real challenge is to put in place the delivery systems in the most advantageous ways so that individual responsibility towards sustainable entrepreneurship remains the core focus. Individuals and businesses that are making environmental advancement in their businesses are termed as 'ecopreneurs'. The focal point definitely is to realign from 'Who' to 'I.'

Shifting towards an environmentally sustainable business opens up a gamut of profitable niches that individuals and institutions can successfully cash upon. Such opportunities include development of eco-friendly products and services, innovative methods of selling and re-strategizing existing business practices. The business schools need to essentially focus on challenging the new breed of innovative 'bioneers,' who would carry out the distinctive function of developing products adhering to environmental standards.

7. Evolve the concept of 'global-campus' through increased cross-cultural interactions

Management institutes are turning more dynamic in nature by attracting more number of foreign students and by jointly collaborating with foreign institutes. The divide between local and global B-schools is gradually narrowing down by facilitating students spend one or two terms overseas. More and more institutes should join the league of exchanging faculty, and also set up new campuses abroad. A global outlook to the existing curriculum will make the current genre of students more competitive, more exposed to practical uncertainties and the confidence to handle them judiciously. The final intention should be focusing on learning globally but serve locally!!

The widespread reach of ICT has led to online hybrid learning. All management institutes should exploit this potential of reaching the maximum number of people so as to amalgamate virgin ideas, thoughts and views like never before. Management education in the next couple of years has to definitely reorganize, revamp and rebrand itself due to the evolving genre of Gen Y, Z and Z+ students and the demands of the society. The pedagogy will eventually have to move from classroom teaching to field and theory backed practical applications.

Conclusion

The increasing global interconnectedness of knowledge or what we can aptly call the "global web of knowledge" is definitely going to shape the framework in which firms will have to face the social, ethical and legal challenges of maintaining sustainable existence in the years to come. We all are experiencing the rapid growth pace of the Indian economy, which is predicted to become the third-largest economy by 2020. This transition to an economic

superpower fully lies in the hands of our pool of entrepreneurial knowledge. It is the innovation and the energy disseminated by this pool of social business entrepreneurs that is ultimately going to help convert existing challenges into opportunities. And to achieve this end, the catalyst has to be a paradigm change in the management education imparted by business schools. This would include a more ethical outlook towards the value of sustainability as well as social responsibility. India has a major advantage in terms of its demographic profile, and it must surely encash on this demographic dividend so as to build a nation with the best values and socio-economic system.

References

- 2nd Global Forum For Responsible Management Education. (2010). Fordham University, New York City, USA.
- Bennett, S. (1991). *Ecopreneuring: The Complete Guide to Small Business Opportunities from the Environmental*.
- Bettis&Hitt. (1995). The New Competitive Landscape. *Strategic Management Journal* , 7-19.
- (2010). *Business Schools On An Innovation Mission*. AACSB International Task Force On Business Schools & Innovation.
- Fitch, H. (1976). Achieving Corporate Social Responsibility. *Academy of Management* , 38-46.
- (2010-2011). *Global Competitiveness Report*.
- (2010). *Global Education Initiative Annual Report*.
- Howell, R. A. (1959). *Higher Education for Business*. New York: Columbia University Press.
- Hyslop, C. a. (1995). Curriculum as a path to convergence. *New Directions for Community Colleges* , 41–49.
- Introduction to the Knowledge Assessment Methodology (KAM)*. (2007). Retrieved from web.worldbank.org.
- Kozminski, A. (2010). The new revolution in Management education? *'From challenge to change: Business schools in the wake of financial crisis*.
- Longenecker&Fink. (2001). Improving management performance in rapidly changing organizations. *Journal of Management Development* , 7-18.
- M. London, & J. (1999). Empowered self-development and continuous learning. *Human Resources Management* , 38(1), 3-16.
- Porter, L. E. (1988). *Management education and development: Drift or thrust into the 21st century?* McGraw-Hill Book Co.
- Raelin, J. (2000). *Work-Based Learning: The New Frontier of Management Development*. New Jersey: Prentice Hall.
- Riskier, D. (1998). Toward an Innovation Typology of Entrepreneurship. *Journal of Small Business and Entrepreneurship* , 15.2:27-42.
- Sarah E.A. Dixon, A. C. (2007). Ecopreneurship – a new approach to managing the triple bottom line. *Journal of Organizational Change Management* .
- Wolfe, B. K. (1988). Management Education and Development: Current Issues and Emerging Trends. *Journal of Management*

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Competition Policy & Anti-Trust Law in India: A Review

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Abstract

Business scenario of any nation depends heavily on the rules, regulations and policies of that nation. Competition Act plays a prominent place in guiding the functioning of the business firms. Competition policy directly affects a firm's behaviour and structure of the industry. This Act, which is enacted on the genesis of preserving competition and ensuring the efficient allocation of resources, mainly aims at the overall welfare of the consumers. This article studies MRTP Act and The Competition Act 2002 of India. Basic features and shortcomings have been examined along with the overall performance of the Competition Commission of India since its inception.

Keywords: Competition Policy, Anti-Trust Law, India

Introduction

On 13th January, 2003, Competition Law came into being with the passage of the Competition Act by the Parliament and assented to by the President of India. With this, Competition Act, 2002 (Act 12 of 2003) came into existence which went on to replace the MRTP Act. The provisions of the Competition Act relating to anti-competitive agreements and abuse of dominant position were notified on May 20, 2009. Thus, an era came to an end with the repeal of the 40-year-old Monopolies and Restrictive Trade Practices (MRTP) Act. It was subsequently amended by the Competition (Amendment) Act, 2007.

MRTP ACT, 1969

The MRTP Act, 1969 (came into effect on 1st June 1970) was enacted at in the era of licenses, permits and controls. Monopoly in trade and industry was regarded as bad in law. Though public interest and consumer welfare were at the core of the objectives of the said Act, as yet the concept of 'market economy' was not fully conceived then. The Act

empowered the Central Government to set up a Commission to oversee the implementation of the Act. The provisions of the Civil Procedure Code, 1908 (CPC) were fully applicable as and when a counsel of either party or the Member(s) of the Benches wish to apply them for ends of justice (Public Awareness on Competition Law & Policy, CCI). Major features of MRTP Act include:

Monopolistic Trade Practice

MTP are the act of combining so as to build monopoly in the market and then to misuse its power to abuse the market to their benefits. Firms involved in monopolistic trade practice tries to eliminate competition from the market. Defending themselves on the pretext of economies of scale, such firms when able to command the market place, deteriorate the product quality, limit technical development, prevent competition and adopt unfair trade practices.

Unfair Trade Practice

Any form of unfair means adopted by the firms during the process of selling the goods results into an unfair trade practice. This may be- misleading advertisements; false representation of goods or services in terms of quality, standard, style, usefulness, price, affiliation, guarantee or warranty etc;

Restrictive Trade Practice

The traders, in order to maximize their profits and to gain power in the market, often indulge in activities that tend to block the flow of capital into production. Such traders also bring in conditions of delivery to affect the flow of supplies leading to unjustified costs. Chapters V and VI of the Act, based on the British Restrictive Practices Act of 1956, targeted restrictive trade practices (RTPs). Certain specific types of inter-firm horizontal and vertical agreements had to be registered with the commission, which would review them to ensure that they did not restrict competition. However, as in the United Kingdom, the firms could defend agreements on specified grounds, known as “gateways”. These included benefits to consumers – but also maintenance of employment or exports. Unlike Chapters III and IV matters, the commission was authorised to entertain complaints on RTPs and give decisions, although it could only issue “cease and desist” orders (Bhattacharjea, 2010).

The Act underwent several amendments during the course of its journey. Prominent among them are the amendments of 1984 and 1991. In 1984, Unfair Trade Practices (UTP) enquiries were added and in 1991 the chapter dealing with Mergers & Acquisitions was deleted. Also award of compensation to a petitioner was added during pendency of a regular enquiry proceeding of Restrictive Trade Practice Enquiry or Unfair Trade Practice Enquiry. Many reasons on which MRTP Act was criticized are discussed in the following paragraph.

The MRTP Act, 1969, aimed at preventing economic power concentration in order to control the monopolies and protects consumer interest. The act aimed at to control damages, provides for trial of monopolistic, unfair and restrictive trade practices. Except for orders directing a respondent to ‘cease and desist’ from the alleged monopolistic, restrictive or unfair trade practices the Commission could not impose penalties for breach of law; no other penalty or fine could be imposed. (Public Awareness on Competition law & policy:

Competition Commission of India). The MRTPA's focus was on curbing monopolies and concentration of economic power. It was criticized on the ground that it did not encourage competition. Under the MRTPA, a firm only had to be of a particular size to qualify to be a monopoly and this was good enough reason to curb its expansion, notwithstanding the potential for scale economies or its market power. The issue of predatory pricing has not been discussed anywhere in the MRTP Act (Bhattacharjea, 2000). A significant lacuna in the MRTPA is that the Commission could only ask the offending party to stop its restrictive practice, which never acted as a sufficient deterrent. There was duplication of work and law as UTP chapter in MRTP was still retained even after the enactment of the Consumer Protection Act (COPRA) in 1986 with very similar coverage.

Some cases are given here to highlight the lacunae of MRTP Act.

Cases 1

Case of DG vs Hindustan Lever Ltd (HLL) 2002 CTJ 61(MRTP)

In this particular case an inquiry was initiated by the MRTPC on an application made by the DG. The submission of the DG was that the respondent company had disproportionately increased the prices of their products and consequently profits also shot up and these facts coupled with the market share of their products clearly indicated that they were dictating the prices and hence were indulging in monopolistic trade practices.

The MRTPC however overruled the contentions of the DG and held that mere high prices and mere high profits were not sufficient to sustain the charge of monopolistic trade practices. Pricing of products could not always be related to the cost of inputs and in this case the prices of the respondents' products were the result of market forces operating at that point of time. Thus there was nothing to substantiate the allegation that prices were manipulated.

Source: Financial Express, Monopolistic Trade Practices Still Pose a Threat to Competition Monday, Mar 03, 2003 retrieved from <http://www.financialexpress.com/news/monopolistic-trade-practices-still-pose-a-threat-to-competition/74030/6>

Case 2

Case of DG vs Moon Beverages Ltd & Coca Cola (India) Ltd. 2000 CTJ 327 (MRTP)

An inquiry was initiated into alleged acts of monopolistic trade practices on part of the respondents. The core thrust of the arguments on behalf of the DG was that Coca Cola controlled the affairs of Moon Beverages Ltd and that they indulged in the monopolistic trade practices in course of distribution and supply of Coca Cola in India. However, when the MRTPC asked for evidence to substantiate the charge that Coca Cola was controlling Moon Beverages, the DG's counsel drew a blank.

The MRTPC dismissed the complaint and over-ruled the allegation of monopolistic trade practices. The above cited cases only expose the lack of core expertise and understanding of the concept of monopolistic trade practice by the Director General's office since the said cases were thrown out on the basis of misapplication of the law and ignorance of the degree of evidence required to prove a monopolistic trade practice.

Source: Financial Express, Monopolistic Trade Practices Still Pose a Threat to Competition Monday, Mar 03, 2003 retrieved from

<http://www.financialexpress.com/news/monopolistic-trade-practices-still-pose-a-threat-to-competition/74030/6>.

The report of the high level committee on Competition Policy and Law in India has very rightly suggested that the Competition Commission of India should consist of eminent and erudite persons from the fields of judiciary, economics, international trade etc. It is hoped that such an august composition of the CCI would achieve the objective of "curbing abuse of dominance" without encountering failures on technical grounds like 'misapplication of law' and 'lack of basic evidence', because only then can we reap the fruits of free and fair trade practices. (Financial Express, Mar 03, 2003)

India's Competition Policy and Anti Trust law

Khemani and Mark (1996) define competition policy as "those government measures that directly affect the behaviour of enterprises and the structure of industry. Competition policy encompasses a liberalised trade policy, relaxed foreign investment and ownership requirements and economic deregulation. It includes a competition law which is designed to prevent anti-competitive business practices. An effective competition regime promotes fair competition to facilitate a business environment characterised by static and dynamic efficiency in resource allocation and checks on abuse of market power. The idea is to not only ensure that firms compete, but do so fairly, without trying to capture the market through mergers, abuse of dominance or collusion. Competition policy involves a set of policies that enhance competition in local and national markets and further consumer interest. (CUTS, 2011, 4)

To meet the above stated objectives, the new legislation in the form of The Competition Act, 2002, aims to promote and sustain competition in markets by preventing anti competitive practices and maintaining a competitive environment. The law envisages the formation of a quasi-judicial body, the Competition Commission of India (CCI) to control the negative aspects of competition and undertake competition advocacy for creating awareness and imparting training on competition.

The Competition Act, 2002¹ No. 12 of 2003 [13th January, 2003.]

The Act provides for the establishment of a Commission to prevent practices having adverse effect on competition, to promote and sustain competition in markets, to protect the interests of consumers and to ensure freedom of trade carried on by other participants in markets, in India, and for matters connected therewith or incidental thereto.

¹ www.cci.gov.in

The following chapters constitute the Competition Act, 2002:

Chapter I: Preliminary

Chapter II: Prohibition of Certain Agreements, Abuse of Dominant Position and Regulation of Combinations (Anti-competitive)

Chapter III: Competition Commission of India

Chapter IV: Duties Powers and functions of Commission

Chapter V: Duties of Director General

Chapter VI: Penalties

Chapter VII: Competition Advocacy

Chapter VIII: Finance, Accounts and Audit

Chapter VIIIA: Competition Appellate Tribunal

Chapter IX: Miscellaneous

Notwithstanding this Act removed many shortcomings of MRTP Act and is on the way to become very effective tool to facilitate competitive business scenario, Bhattacharjea, A. (2010) in his article '*of omissions and commissions: India's competition laws*' highlighted following shortcomings with The Competition Act 2002:

- The Act allows the CCI to take into account the "relative advantage, by way of the contribution to the economic development" of a combination or an enterprise abusing its dominant position. This is meaningless and potentially dangerous. The relationship between competition and development, and even the meaning of development itself, are controversial. This clause may enable large firms to justify blatantly anti-competitive practices in the name of "development".
- In its treatment of anti-competitive agreements, the Act requires more analysis and gives greater discretionary power to the CCI than is available to far more experienced agencies in developed countries.
- Several of the Competition Act's provisions on abuse of dominance, which also selectively adapt several phrases from the EU Treaty, leave much to be desired. These could work either in favour or against big business.
- The Act's revival of merger review remains controversial
- Some institutional issues give rise to disquiet. There is likely to be conflict with sectoral regulators (such as the Telecommunications Regulatory Authority of India), some of whom also have mandates to regulate competition. The Act also compromises the autonomy of the CCI by giving the government powers to supersede and reconstitute it if it fails to discharge its functions, to comply with policy directives, or even "in the public interest".
- There is the issue of expertise to implement the Act, which is replete with technical concepts requiring fairly advanced knowledge of modern industrial economics.

An assessment of the new Competition Act is also summarised in Table 1.

Table 1: Competition Act of India, 2002

Highlights	Lowlights
<ul style="list-style-type: none"> • Anti-competitive agreements such as price-fixing, output restriction, market 	<ul style="list-style-type: none"> • CCI is required to adhere to the policy guidelines from the Central Government

allocation and bid rigging prohibited per se.	from time to time – Independence of the commission is in doubt.
<ul style="list-style-type: none"> Regulation of mergers and acquisitions above a threshold and prior notification optional 	<ul style="list-style-type: none"> The bill appears soft on serious competition abuses such as hard core cartels.
<ul style="list-style-type: none"> Higher penalties for offences, up to 10 per cent of the average of the turnover for the last three preceding financial years. 	<ul style="list-style-type: none"> Competition abuses due to Intellectual Property Rights (IPRs) not addressed well.
<ul style="list-style-type: none"> Unfair trade practices omitted – pending cases to be transferred to the consumer courts. 	<ul style="list-style-type: none"> Relationship between CCI and other sectoral regulators are not very well defined.
<ul style="list-style-type: none"> Establishment of CCI and Competition fund 	<ul style="list-style-type: none"> 'Exemptions' from the Bill is left on the discretion of the Central Government Without any guidelines.

Source: Adapted from CUTS (2001) (as cited in Arun, G.T., 2003)

There is an argument that the Act has provided multiple criterion and many of them are subjective. It could be the case that judgments on competition could often lead to an increase in business cost (Bhattacharjea, 2001). Regarding IPRs, the concern is that it needs to be addressed adequately in the Act to check the transgressing activities of firms in a rapidly changing global knowledge-based environment (CUTS, 2001). A CUT have further argued for the incorporation of appropriate incentives and measures in the Act to encourage firms and their employees to inform the CCI of reprehensible activities, and also recommends a reconsideration of clauses 3 and 27 of the Act to deal separately with general anti competitive agreements and hard core cartels (as cited in Arun, G.T., 2003)

Performance of the Competition Act 2002

The following tables give an analysis of the cases before the Commission during 2009-10

Table 2: Cases before the Commission during the Year 2009-10

Description	Information Received u/s 19	Cases received From MRTP On Transfer	Suo moto cognizance	References Received from central govt.	References Received From state govt	References Received from Local Authority	Total
Number of matters pending at the beginning of the year	Nil		Nil	Nil	Nil	Nil	Nil
Number of matters received during the year	32	50	Nil	Nil	Nil	Nil	82
Total number of matters	32	50	Nil	Nil	Nil	Nil	82
Number of	17	7	Nil	Nil	Nil	Nil	24

matters in which prima facie violations noticed							
Number of matters in which no prima facie violations noticed	05	02	Nil	Nil	Nil	Nil	07
Investigation reports received on prima facie matters ordered for investigation	06	Nil	Nil	Nil	Nil	Nil	06
Inquiries conducted	Nil	Nil	Nil	Nil	Nil	Nil	Nil

Source: Annual Report 2009-10 Competition Commission of India

Table 3: Status of Investigations with Director General

S.No.	Status of Investigations with Director General	Nos.
i	Number of matters pending at the beginning of the year	Nil
ii	Number of matters/cases received during the year from the Commission	17
lii	Cases where investigation reports submitted to the Commission	06
iv	Number of matters/cases pending at the end of the year with Director General	11

Source: Annual Report 2009-10 Competition Commission of India

Table 4: Orders Passed by the Commission

Category		Total	Section under which the order was passed
Cases where no offence is made out	Cases where offence is proved		
07	Nil	07	26(2)

Source: Annual Report 2009-10 Competition Commission of India

In 07 cases, as per Table 4, (5 cases filed in the Competition Commission and 2 cases transferred from Monopolies & Restrictive Trade Practices Commission), the Commission found that there is no violation of the Competition Act and as such these cases were closed under Section 26(2) of the Competition Act. In 01 case appeal was allowed by the Competition Appellate Tribunal (CAT). Till date total No of 127 cases under section 3 & 4 have been ordered and 6 cases under combination have been approved by CCI (www.cci.gov.in).

Conclusion

Since inception of this Act, CCI has been responsive enough to deal with the various complaints that it received from informants. India has been unfortunate to have such Act enacted so late. This delay in the enactment of the law increases the responsibilities of government of India to strengthen this Act at faster pace to handle the issues relating with the malpractices of firms. Main problems, other than discussed somewhere in this article, are the capabilities of commissioner and DG of CCI to handle and solve the complaints in the effective manner and autonomy to DG to execute enquiries and investigations against defaulters. Presently the DG has the powers to conduct search and seizures; this can only be done after obtaining warrant from the Magistrate. Government can think of providing the Director General (Investigations) of the CCI the powers like its counterparts in the European Union and other jurisdictions possesses.

References

- Arun, G.T., (2003) Regulation and Competition: Emerging Issues in an Indian Perspective, paper No. 39 in Centre on Regulation and Competition, Working Paper Series, retrieved on 22 November 2011 from http://www.competition-regulation.org.uk/publications/working_papers/wp39.pdf
- Bhattacharjea, A. (2000) 'Predation, Protection and the 'Public Interest', *Economic and Political Weekly*, 02-12-2000.
- Bhattacharjea, A. (2001) 'Competition Policy: India and the WTO', *Economic and Political Weekly*, 22-12-2001.
- Bhattacharjea, A. (2010) 'Of Omissions and Commissions: India's Competition Laws', *Economic and Political Weekly*, 28 August 2010, vol xlv no 35, p-32.
- CUTS (2001) 'Competition Bill of India, 2001', Briefing Paper on Competition Bill, Consumer Unity and Trust Society (CUTS).
- CUTS (2011) 'Dimensions of Competition Policy and Law in Emerging Economies', Consumer Unity and Trust Society (CUTS), retrieved on 24 November 2011 from http://www.cutsccier.org/pdf/Dimensions_of_Competition_Policy_and_Law.pdf, p-4
- Khemani, R.S. and Mark A. Dutz, (1996) 'The Instruments of Competition Policy and Their Relevance for Economic Policy', PSD Occasional Paper No. 26, World Bank, Washington DC.
- Public Awareness on Competition law & policy: Competition Commission of India retrieved on 23 November 2011 from <http://www.cci.gov.in/images/media/Advocacy/Awareness/pacl.pdf?phpMyAdmin=NMPFRahGKYeum5F74Ppstn7Rf00>