





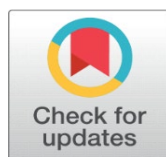
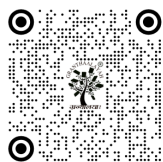


CREATIVE INDUSTRY REGULATION IN TIMES OF CRISIS: LESSONS FROM COVID-19 ENFORCEMENT AND HEALTHCARE CARTEL POLICIES ACROSS INDIA, AUSTRALIA, AND SINGAPORE

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ABSTRACT

Periods of global crisis significantly disrupt creative industries, particularly the visual and performing arts, where artistic production is closely linked to institutional support, regulatory frameworks, and cultural policy. This paper examines creative industry regulation in times of crisis by drawing comparative lessons from COVID-19 enforcement measures and healthcare cartel policies implemented in India, Australia, and Singapore. Through an interdisciplinary policy analysis, the study explores how emergency regulatory responses—originally designed for essential sectors such as healthcare—offer valuable insights for governing creative and design-led industries during periods of uncertainty. The research contextualizes these regulatory approaches within the creative economy, emphasizing their implications for artistic labour, cultural organizations, and design-driven enterprises. By comparing national responses, the study identifies key governance themes including regulatory flexibility, collaborative compliance, and crisis-driven innovation. The paper argues that adaptive regulatory models can support continuity in creative production while safeguarding artistic autonomy. The findings contribute to emerging scholarship on cultural governance by proposing transferable policy lessons that strengthen resilience in visual and performing arts ecosystems. This research offers strategic insights for policymakers, cultural institutions, and creative practitioners seeking sustainable regulatory frameworks for future crises.

Keywords: Competition Law, Cartel Regulation, Crisis Management, COVID-19 Enforcement, Healthcare Cartels, Comparative Legal Study, India, Australia, Singapore

1. INTRODUCTION AND CONCEPTUAL FRAMEWORK

Such episodes of the global crisis are the indicators of the internal fragility of the policy of creative industries and, especially, of visual and performing arts, the production, distribution, and economic existence of which is closely

interwoven with institutional support, cultural policy and state regulation. It was a different way of disruption that occurred at the international level during COVID-19, leading to distributing mass closures of cultural institutions, cancellation of live performance, and a lack of income stability of artists and creative workers in the domestic scene. Although emergency regulatory response the focus was much more along key-worker and life-sustaining sectors, including healthcare, pharmaceuticals, and supply chains, still, impounded regulatory responses during this period, such as the removal of enforcement, cooperative compliance regimes and temporary cartel exemptions, nonetheless have lessons to learn in regulative governance when it comes to emergencies to creative and design-led industries, in spite of receiving minimal research. The current research finds the governance of the creative industry as belonging to a significant crisis governance framework based on the analogy of the same policy to access a modicum of comparative information on the plans of regulatory efforts in reducing COVID-19 and healthcare cartels in India, Australia and Singapore. The regulation customs in these jurisdictions are different and opposing, thereby creating the possibility of examining the process of adaptation of crisis inspired regulation flexibility to further provide in addition to the supply of fundamental services in order to support cultural and innovative ecosystems.

There is a convergence between markets and the popular interest in creative economy in the visual arts, performing arts, design, the media and cultural services. Relative to the traditional industries, the creative production is so dependent upon collective labour, infrastructures, government subsidies and intellectual property regimes that it becomes especially susceptible to regulatory shock. The artists and culture organizations suddenly found themselves in the stark reality of limited movement, audience, and physical collaboration due to the pandemic, which indicates the impossibility of applying inflexible regulatory designs in the specific situation. Competition agencies and other health care agencies on the other hand approached planning pragmatically of enforcement such as a temporary exception of the anti-cartel laws, co-ordinated procurement processes, models of compliance, which is headlined by instructions so that continuity of the required services would be ensured. The move to shared management aimed to focus the penalty implementation on stability and social benefits over market fundamentalism was stressed in these measures.

Applying the regulatory analysis to the cultural domain, the paper considers the case of the healthcare cartel policy in the case of the COVID-19 and concludes that the adaptive principles of creative industry regulation are applied to the similar cases. The elements of the regulatory intervention in the pandemic in India were rather typical of sectoral-based guidance, selected non-trial by the cartels on necessities and shifts in cultural relief response, as the obstacle of informal creative labour-formal regulation. Another of the more categorical positions taken by the Australian competition regulator in regard to the crisis governance involved a one-off go-around of the collaborative behaviour of the healthcare providers and other industries thereby professionalising the regulatory flexibility into a tangible legal framework. The power of those with a powerful regulatory overlay, as in the case of Singapore, is the adoption of highly-coordinated enforcement concessions, supplemented by digital monitoring and disclosure of compliance, and reveals how regulation which is crisis-reactive, but which has not been adopted, can nonetheless be focused on policy maintenance. Since all these national experiences have a variety of regulatory flexibility, institutional trust, and stakeholder involvement, these considerations can be applied to the cultural policy reform.

It has been demonstrated in the comparative analysis identified in this paper that three major themes of governance that had occurred during the crisis were regulatory flexibility, collaboration compliance during a crisis and innovation, and collaboration. The strength of the institutions to roll-adjust the enforcement standards on a temporary basis due to some unusual disturbances without losing the legal predictability is their flexible quality of regulatory authorities. The easiest type of partnerships between the regulating institutions and the civil society are known as collaborative compliance in which the civil society and the industry players jointly meet a shared goal and in the creative industries, collaboration and co-creation are the main aspects. The innovation created during a crisis will be found in the emergence of new organization and online portals and alternative modes of production hybrid that can be successful on the condition of the introduction of enabling regulatory frameworks. These themes brought together provide the vehicle of transforming industry creative regulation not in terms of crisis management, but with long-term resilience.

The article is relevant to the emerging literature on cultural governance, as it attempts to come to a head-on collision of competition regulation, crisis governance, and the researches on creative economy. It disputes the peripheral essence of the creative industries in policy creation and promotion of its admission in adaptive government systems that had traditionally been integrated within the domains of the vital industries. Using the policy knowledge that is applied in the healthcare cartel regulation, the paper argues that the regulation of visual and performing artists should have regulatory measures to guarantee the artistic freedom, and economical sustainability against uncertainty. Finally, the research may

hold certain potential strategic consequences to the policymakers, cultural institutions and creative practitioners with the aim of having a robust regulatory framework, which has the potential of working in complementing creative production in the next global crisis.

1.1. LEGAL RESEARCH QUESTIONS

- 1) How do emergency regulatory enforcement cases adopted as a response to the COVID-19 outbreak impact the competition law and cartel regulation in the vital sector of the economy, such as healthcare in India, Australia, and Singapore?
- 2) How is the scope of the legal extension and acclimatization of temporary cartel exemptions, cooperative compliance models and weakening of enforcement to the regulation of creative industries possible using crisis?
- 3) Which legislation was used to strike the balance between the interest of the people, the marketplace rivalry, and regulatory discretion in the healthcare cartels policies in case of COVID-19 in the chosen jurisdictions?
- 4) How does the constitutional and statutory and institutional difference in India, Australia and Singapore affect the extent and the limit of regulatory discretion in crisis case matters?
- 5) What might we understand about the enforcement of such comparative healthcare cartels to help in the formulation of crisis responsive legal structures that will protect artistic labour, cultural organisations and creative business?

1.2. RESEARCH GAP

This is because of the extremely broad coverage of essential sectors in current literature on crisis governance and regulatory enforcements in the context of the COVID-19 pandemic, including healthcare, pharmaceutical, logistics and food supply chains with the underlying consideration of the regulation of the state of health, relaxation of competition legislation, and cartel exemptions of an emergency. Even though these studies offer useful information about the regulatory malleability and enforcement of discretion in emergencies, they are single sector studies that have failed to transfer their frames of analysis to other sectors of the society which are not necessities but rather socially and economically relevant like the creative industries, in this case the visual and performing arts. This has contributed to the inability to explore the regulatory experience of artists, cultural organizations, and creative enterprises during kind of crisis states despite the fact that it is an under-researched area of law and policy research.

Furthermore, most studies regarding the creative economy have been much centred on the policy of culture, precarity of labour, intellectual property rights and the effect of digital transformation where regulation is viewed as a secondary or relative issue. The gap is the absence of legal analysis of the mechanisms of interaction between the competition law, flexibility of its enforcement and regulation of cartels and regulation of the creative industry in cases of emergency. The current literature barely consequentures how the provisional regulatory provisions, such as common models of compliance or allowance of enforcement on the administrations of health care industries, could be brought lawfully to or amended to the viability and continuity of inventive production without interfering with the part of the artistic and liberty of expression.

Thorough comparative analysis of foreign legislation also shows that the gaps are very high. Although India, Australia, and Singapore have adopted various methods of enforcing the COVID-19 according to their constitutional provisions and the potential to enforce the COVID-19 regulations, the comparative scholarship brings minimal to compare the methods of COVID-19 enforcement systematically through the approach of innovating the industry regulation. Comparative literature is now inclined to be focused narrowly to a sector or a nation, and therefore it does not take into account cross-jurisdictional policy learning and how it is feasible to create congruent crisis-responsive regulatory frameworks that would cross-across across the creative and design-intensive industries.

Besides, overlapping of crisis which results in the discretion in regulation and long term cultural governance is also devoid of theory. Even though the emergency-based approach can be pursued as the necessary exception to the current enforcing practices, very little literature exists regarding its implications, the dimension of the institutional trust, regulatory legitimacy, and other models of governance within the cultural sector. Absence of a legal framework with the background responses of the emergency competition law and the cultural policy has caused incomplete and ad-hoc support system of the creative workers under the circumstance of crisis.

Finally, there is no normative analysis of law that presupposes structured and generalizable regulatory systems that go to the principles of competition in the market as well as various social interest views of creative business under crises. The present policy reaction revolves around extensively on monetary rescue instead of regulatory innovation, so it continues to leave a significant vacuity on the effects of the cognizability of how adaptive execution and joint obedience as contributing instruments of legal resiliency can be comprehended. To address these gaps in this paper, the research is going to compare interdisciplinarily the COVID-19 healthcare cart few policies and the ways they can be applied to creative industry regulation to ensure that the development of resilient, adaptable, and rights-conscious regulatory frameworks can be used in future global crises.

1.3. RESEARCH METHODOLOGY

To study the regulatory response to the crisis and to assess the possibility of transferring such approach to the regulation of the creative industry, i.e. visual and performing arts in this instance, the concepts of interdisciplinary and comparative legal research approach are adopted. The major research design employed in the study is the doctrinal legal research methodology supplemented by the comparative policy analysis to find access to the effectiveness of the emergency regulatory measures and the policies of healthcare cartels applied in India, Australia, and Singapore to discuss the COVID-19 pandemic. These jurisdictions have been selected due to their different legal settings, regulatory abilities and crisis management quality which in combination provide a more superior comparative framework on the examination of adaptive regulatory frameworks.

The research policy aspect involves methodological overview of legislative enactment, subordinate rules, regulations, regulatory guidelines, enforcement advisory and policy reports that are issued by the competition authorities, health regulators, and cultural control agencies during COVID-19. The law-making instruments of importance include competition and cartel laws, emergency legislations, and regulatory facilitations to the industry. When feasible, court decisions are examined so as to ascertain the extent of discretion of the regulations and judicial decision in the emergency. This comparison permits finding the leading principles of law that control the adaptability of enforcement and the exemptions of the societal benefit and collaborative consensuality.

The comparative approach is used in the attempt to quantify the similarities and differences in the responses of crisis instigated by the regulatory rules of the three jurisdictions. The changing enforcement advisories and sectoral relief arrangements of India, formal cartel exemptions of authorisation in Australia and integrated compliance and enforcement of Singapore are used in comparison in the study to determine the role that institutional design plays in cutting regulations as well as legal culture. This cross-jurisdictional comparison can be used to extract lessons of rules which can be transferred to the state of governance of innovative industries via the crises.

Further, policy analysis is a part of the study as well, to place the legal responses into a broader scope of policy of cultural and economic regulation. Creative industry, cultural funding, and cultural administration policies are discussed with an aim to assess the clash of regulatory intervention with the conditions of artistic labour, the sustainability of the organization and cultural autonomy. Since the competition law and cultural policy imply that creative ecosystems are affected by governmental regulations in a holistic way, the lenses can be applied to comprehend these effects and their underlying causes.

The study is predominantly qualitative in nature since the research utilizes secondary sources in the form of the publications of different governments, guidelines of different regulatory authorities, scholarly material, and policy briefs as a secondary source. The governance themes recurrence is achieved with content analysis methods whereby the results show that there are regulatory flexibility, collaborative compliance, crisis-driven innovation. It is these themes against which analytic relevance and applicability of the policies of healthcare cartel is viewed to creative industry.

Finally, the paper concludes with a normative evaluation of the law wherein it tries to propose mutative regulatory systems in order to give future crises. Following the comparison of findings, the paper provides policy proposals that will increase the resilience of the law to the creative industries without impairs on the ideals of artistic freedom, nature of competition, and the target of collective interests. It is a form of inquiry, which integrates the rigor of doctrine, comparative information, and practicality of the law, which would assure that the study would be reputable to the legal scholarship, and practical change of the regulation in the climate of the crisis governance.

2. GLOBAL ECONOMIC CRISES AND THEIR IMPACT ON COMPETITION: FROM THE SUBPRIME CRISIS TO COVID-19

The global economy crisis has tested the sustainability of the regimes of competition in numerous occasions and has made regulators to decide on the need to strike between the doctrine of market and the urgency of the population. Competition law enforcement in the world environment has been reshaped to address periods of systemic disruption in time such as the 2008 global financial crisis due to subprime mortgages collapse and the COVID-19 pandemic. Those crises showed closed tensions between market competitiveness and offering economic stability, determination of essential services and social welfare. Consequently, this type of policy of flexibility and contextual application has been growing in its grounds of competition jurisdiction, as a response to the orthodoxies of regulation to those of regulatory flexibility.

The 2008 subprime crisis was a water-shed moment in the competition policy. Despite the fact that the crisis cropped up in the failure of the mortgage-backed securities and initiated itself in all the financial markets globally, it has formed the grounds that necessitated the unprecedented aspect of state intervention in the banking and the financial services sector. A bailout package, liquidity support and short term nationalization was introduced by the governments of the world as one of the methods of ensuring that there was not a systemic collapse. These interventions presented some complex questions as regards to state aid, market concentration, and moral hazard competition law wise. The regulatory authorities were particularly lax in merger scrutiny in the United States and the European Union and tolerated greater financial institution consolidation to keep financial stability intact. Even though these measures may be conceptualized as emergency measures, it indicated the capability of the competition law to be adaptable to such emergencies, as it is addressing the reduction of systemic risks other than the enforcement of antitrust laws.

The COVID-19 pandemic was a multi-sectoral shock that upset the demand and supply in the global economies as opposed to the subprime crisis that had concentrated on the financial sector. The production activity, supply chains and displaced the labor market due to lockdowns and restrictions on traveling, among other measures by the authorities. The competition authorities had acute problems, including, shortage of required goods, price rivalry, and the need of organizing the activities of the market actors expeditiously. Regulators of various jurisdictions, in their turn, responded by issuing in writing guidelines as to the permissible forms of cooperation among competitors, particularly in the healthcare sector as well as the pharmaceuticals and essential supply chain. The normative creditors during the periods were carteries exemptions, hasty approvals to joint actions and non-formal comforts letters.

This pandemic accelerated a broader transition to the cooperative compliance and regulation in support of the public interest instead of competition philosophy. The healthcare system, logistics, digital platforms and public services were also targeted in the spread of COVID-19 enforcement action compared to the post-2008 landscape where crisis actions were limited primarily to the financial markets. The temporary coordination of the practice in healthcare providers explicitly was okay in jurisdictions such as Australia and Singapore to ensure continuity in the delivery of services and medical supplies albeit transparency, proportionality, and time restrictions. Sectoral consultation and imposition of priorities were the key qualities that determined regulatory response aspects in India, which are comprised of norm consistent and crisis governance problems in the new and diverse business fabric.

Among the key lessons that can be drawn after these crises is the fact that the competition law is not inevitably incompatible with the rescue, by either the state or market, at the moment of emergency. Rather, it involves reformulation of the enforcement objectives within which the consumer welfare and efficiency of the markets and interest of the people are understood dynamically. The temporary deregulations with preferential treatment with the help of well identified law and supervision devices will eliminate market failures without causing permanent distortion of the market that would be occasioned by permanent corporate restructuring. However, when the exit strategies are not clearly spelled out, the risk of incorporating the anti-competitive practices into the institutional level even following the crisis phase exists, which underscores the importance of institutional protection.

The other global crises that have been felt in the region of competition are also in non-traditional sectors like cultural and creative industries. Even though these sectors were not the prime focus of the competition authorities both in the subprime crisis and in the COVID-19, they were hit rather hard due to market shutdowns, revenue loss, and working-is-precarious as a consequence. The sustaining innovations developed during COVID-19 in key aspects, such as productive

compliance and flexibility of enforcement, thus, are more generally applicable to competition reform thinking in creative economies during systemic disruption.

In general, the evolution of competition law during the world economic crisis has been a reflection of slow transition of hard discipline into the malleable manners of governance system that can adapt to new conditions previously unknown. Competition agencies have since the subprime crisis and the COVID-19 pandemic become more open to tolerating the strategic instances of coordination and intervention of the state and regulatory discretion in favor of broader societal objectives. These are our developments that provide critical foundation to extend competition regulation on response to crisis to allow resilience in the creative and the cultural sector and, therefore, create an inclusive and sustainable regulation system to overcome the global crises in the future.

3. CARTEL ENFORCEMENT AND THEIR TREATMENT DURING NORMAL SITUATION AND COVID-19 PANDEMIC: A COMPARATIVE ANALYSIS OF INDIA, AUSTRALIA AND SINGAPORE

Competition law relies upon the principle of cartel enforcement that ensures the suppression of anti-competitive behaviour that may manifest in the forms of price-fixing, market-sharing, bid-rigging and many more and make sure the market operates efficiently and works in the interests of consumers. Under normal circumstances India, Australia and Singapore have aggressive systems that detect, investigate and penalize the endeavors of a cartel. In India, Competition Commission of India (CCI) enforces Competition Act, 2002 by imposing fines, cease and desist order, and also corrective action as a means of deterring the collusion. Australian Competition and Consumer Commission (ACCC) enforces Australia Competition and Consumer Act, 2010 which is also an outlaw of cartel behavior and any violation of that may attract huge fines and imprisonment. The Competition Act 2004 used in Singapore by the Competition and Consumer Commission of Singapore (CCCS) explains why active monitoring of the marketplace, leniency programmes and punishment are the suggested methods of maintaining market discipline. In the calm, compliance is founded on deterring, market integrity, and consumer protection in a long-term goal.

The onset of the COVID-19 crisis was forced to somewhat disrupt the enforcement approach in all three jurisdictions, particularly in the sphere of healthcare and crucial services. The tightening and temporary suspension of cartels laws by competition agencies were steeped in unparalleled disruptions in supply chains, surging needs of medical products, and other urgent social issues of wellbeing. In India, the CCI initiated consultations of joint production and distribution of needed medical products with strict surveillance over such co-ordination. The ACCC in Australia granted temporary exemptions related to collaborations between health facilities where proportionality and transparency were considered as Singapore CCCS allowed all the necessary service providers to communicate on supply and logistics but reporting on compliance had to be done.

Convergence and divergence in methods is evident through the comparative analysis. In all the three jurisdictions it is agreed that the regulatory flexibility in the event of crisis ought to exist although there is variance in the degree and procedure protection and length of relaxations. The approach of conducting the method of India was majorly pegged on the sector specific advice and at will in comparison the approach of Australia which used the more structured exemption in as much as its statutory provisions. Singapore employed a mix of tacit statutory authority and some form of active surveillance and reporting which is precautionary and proactive. The variations cause weighted significance of interaction between statutory structure, institutions, and policy aspirations in shaping cartel management of crisis time.

As a rule, the comparative analysis reveals how feeble is the ratio between retaining the competition and meeting the peculiar demands of the population. Ordinary-time enforcement is based on deterrence and market discipline compared to crisis time interventions that are aimed at guarding the interests of people, persistence of supply, and removing danger. The discussion teaches significant lessons to the regulatory authorities, policymakers and legal professionals on how to establish resilient, legally viable, and policy sensitive regimes that can offer protection to low-tide market and social interests in emergency situations.

Cartel during Covid-19 Pandemic:

COVID-19 epidemic has formed a new wave of societal health and economic emergency exceeding in its effects on the markets worldwide. Myth In this aspect, the regulation of cartels had some special problems, especially the industries that are of the most serious concern to the society, such as medical care, drugs and commodities. Competition agencies had to balance between the conventional goals of the competition law to prevent anti-competitive practices, consumer

protection and the efficiency of the market with the currently urgent needs to ensure that the supply chains remain running, to equally distribute goods, and to effectively respond to each other, despite the trials of maintaining market resilience.

The pandemic has forced many companies whose industries were critical to the challenge of overcoming the logistical bottlenecks, the shortage of raw materials, and the sudden increase in demand. The Indian, Australian and Singaporean governments licenced short-term and strictly regulated exemptions on cartels to prevent market failure as also provide punctuality in provision of important goods and services. These measures enabled a certain measure of order in production, distribution and price of the wants and retained a check to enable limit exploitation or abuse.

Advisories made by the competition commission of India (CCI) in India allowed the cooperation between the health care service providers and the manufacturers of essential healthcare materials with the emphasis on openness and temporary usage. On the same note, Competition and Consumer Commission (ACCC) in Australia did not bar collaborative activities in a healthcare context such that joint procurement, logistic and distribution occurs without breaching competition and consumer Act, 2010. The Competition and Consumer Commission (CCCS) in Singapore facilitated the integration of the actions of the vital service providers to deficiency where stringent reporting and receiving clauses were required to ascertain a potential abuse.

This kind of intervention during times of crises gives emphasis on the realistic approach to the competition law whereby a temporary cartel-related agreements can be tolerated in the greater good of the people. The pandemic demonstrated how the rigidity in enforcement would result in shortage, which would have a poor impact on the welfare of people, and disrupt essential services. It is, though, also accompanied by the experience that there has to be explicit legal safeguards, measures of controls and sunsets in place to ensure the short term nature of such instances of laxations and that it does not erode market integrity in the long term.

Generally, the reaction to cartels regarding the COVID-19 crisis may be interpreted as the example of non-equilibrium of the law, policy and the interests of people in this or that situation and informs us to accept the idea of optimization of the regulation schemes to address the demands of extraordinary conditions without jeopardizing the form of fair competition and consumer protection.

Judicial Responses:

The importance lies in the conferral of the judicial responses to implement and strike a balance in competition law principles particularly in these unusual times of the COVID-19 pandemic. The courts intervene in dispute concerning cartel activities and therefore guide the regulators and the firms on the level of cooperation, which can be accepted, and assure that the well-being and integrity of the market are not infringed. In India, Australia and Singapore, the court proceedings have provided revelation to the level of temporary reliefs, legality of crisis-time structures and responsibilities of companies that make necessary organizing service provisions.

In India, there is an increased intervention by courts to empower Competition Commission of India (CCI) in permitting coordination between healthcare providers, which is time bound, and analyze whether dominance is abused. According to the courts, even the exceptional relaxations assume the premise that they are based on the interest of the population and thus it is evident that the normal bans of the cartel can be put to their full extent once the crisis has been overcome. The Australian courts have also approved the exemptions suggested by the ACCC temporarily and interpreted it based on the perception of the public necessity and proportionality due to the Competition and Consumer Act, 2010. The Singaporean courts have also supported the CCCS to oversee significant collaborations of services and offer services with an accent on transparency, reporting, and monitoring in preventing exploitation.

Jurisdictionally, the judicial response has always responded that the flexibility must be schooled during the times of the crisis not to imply a lifetime exemption against the anti-competitive enforcement. Courts were even used in defining the boundary of cooperation according to which the firms do not create collusion arrangements beyond the line whereby it is necessary or crisis was only the disguise of anti-competitive behaviors. These judicial controls have contributed a lot in ensuring the trust of the people, guarding the interests of the consumers and rendering temporary cartel deals advantageous to the society and on the other hand, they also ensure that the market competition is not compromised by these actions.

In total, by means of court rulings during the pandemic, it has been possible to contribute to regulation, interpretive clarification, conflict resolution, and guaranteeing a combination of temporary cooperation and permanent competition

law enforcement. The presence of such reactions provides precedence of how to deal with such a crisis in future and a judiciary is a very important stakeholder in the adaptive competition governance.

The table below provides a comparison analysis of approach to competition agencies in the realization of cartel enforcement action in both normal times and in the effects of Covid-19 with the regard to changes in the evidence baseline, penalty practice and target as perceived enforcement.

Table 1

Table 1 A Comparative Table of Approach of Competition Authorities in Cartel Cases During Normal Times to COVID 19 Times						
Jurisdiction	Ordinary-Time Key Cartel Cases (Pre-Pandemic)	Approach in Ordinary Times	Cases Decided During COVID-19 but Concerning Normal-Time Cartel Conduct	Approach During COVID-19 (Applied to Normal-Time Cartels)	Penalty Outcome	Assessment
India (CCI)	<p>1. Cement Cartel Case (2012 & 2016) – Price-fixing and output restriction by major cement manufacturers; penalties over ₹6,300 crore.</p> <p>2. Beer Cartel Case (United Breweries & Carlsberg, 2021; conduct 2009–18) – Price coordination through industry associations; penalty (later stayed by NCLAT).</p> <p>3. Auto Parts Cartel (2014) – Bid-rigging and collusion among spare-part makers.</p>	<p>Strict per se presumption under Section 3(3).</p> <ul style="list-style-type: none"> • Heavy penalties. • No crisis or hardship defences accepted. • Deterrence-oriented in pre-pandemic period. 	<p>1. Chief Materials Manager, South Eastern Railway (Bid-rigging, 2009–17)</p> <p>2. Industrial & Automotive Bearings (Price coordination; MSMEs cited economic slowdown due to pandemic as mitigation)</p>	<ul style="list-style-type: none"> • Lenient approach, even though conduct predates COVID-19. • Treated as if crisis-related. • Pandemic economic hardship considered mitigating. • Shift from strict per se approach to softened penalty analysis. 	No monetary penalties in both cases; only cease-and-desist orders.	Most lenient among the three jurisdictions. CCI diluted its ordinary enforcement standards during COVID-19 even for pre-pandemic conduct.
Australia (ACCC)	<p>1. Visy-Pratt Cartel (2007) – Price-fixing in cardboard packaging; penalties AUD 36m.</p> <p>2. NYK (Shipping Cartel, 2016) – Criminal cartel prosecution; first-ever criminal conviction.</p> <p>3. Country Care (2019) – First criminal cartel jury trial involving mobility aids.</p>	<ul style="list-style-type: none"> • Very strict enforcement. • Criminal prosecutions for hard-core cartels. • Focus on deterrence, whistleblowers, leniency. • Penalties aim to reflect OECD standards (though still considered low). 	<p>1. BlueScope Steel (2013–14 conduct) – Attempted cartel conduct; obstruction of investigation.</p> <p>2. Wallenius Wilhelmsen Ocean AS (2011–12 conduct) – Criminal cartel in vehicle shipping.</p> <p>3. Tasmanian Ports Corporation – Misuse of market power.</p> <p>4. Two Sydney Roofing Co. – Price exchange attempts via social media.</p>	<ul style="list-style-type: none"> • No relaxation despite the pandemic. • Continued full prosecutions, including criminal actions. • Treated all as normal-time cartels despite being adjudicated during crisis. • Maintained ordinary strict standards. 	<ul style="list-style-type: none"> • Jail term (BlueScope director – 8 months). • Criminal conviction (WWO). • Significant penalties across cases. 	Strictest enforcement among all jurisdictions. No deviation from pre-pandemic approach.

5. Broom Pty Ltd.
– RPM continued.

Singapore (CCCS)	1. Ball Bearings Cartel (2014) – Price-fixing and market sharing; multi-million-dollar penalties. 2. Coach Bus Operators Cartel (2014) – Price coordination in transport services. 3. Chicken Distributors Case (2017) – Information exchange & market restrictions.	Consistent, deterrence-focused enforcement. • Penalties up to 10% turnover. • No tolerance for bid-rigging or price-fixing.	1. CU Water Services (2008–17 conduct) – Bid-rigging and collusion. 2. Shin Yong Construction – Price-fixing cartel.	• Strict, unchanged enforcement. • No consideration of pandemic conditions. • Cartels treated as serious, regardless of period of adjudication.	Penalties: CU Water Services – SGD 419,014. • Shin Yong – SGD 32,098.	Strict and stable approach, consistent with normal-time enforcement.
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4. FINDINGS, POLICY IMPLICATIONS, AND SUGGESTIONS

Non-comparative activities in India, Australia, and Singapore to examine cartels during normal times and during an epidemic as the COVID-19 pandemic has demonstrated that the regulatory styles used by the respective authorities vary and have differing impacts on the market discipline. Even on the instances of post-pandemic cartel behavior by India it has been very lenient using the Competition Commission of India (CCI) as it considered economic hardship as a result of the pandemic as a mitigation factor. There was widespread waiving of financial fines and preference of cease-and-desist orders, one of the crisis-responsive hard-to-find techniques. Nevertheless, Australia ACCC could be more resolute and all the cases researched during the pandemic were considered according to the norms of ordinary time, and some of the most serious were justified through criminal convictions, imprisonment, and hefty fines. Singapore CCCS has enjoyed a creeded, deterrence-based policy, to which it did not reckon the eventuality of a pandemic that strengthened the ongoing application of the competition law despite the external crisis.

These findings indicate high policy implications. First of all, this lax attitude on the part of India brings out the essentiality of enforcement of adaptation to emergency situations to ensure that business will persist particularly of critical areas though insignificant shortcomings of long run deterrence become evident. Second, stricter policies of Australia and Singapore enhance market discipline and predictability of law at the cost of complying with crises related issues by firms. The proposal would at the time be that a compromise on the matter be sought to be arrived at based on allowing the prerogative of flexibility during the crises and highly guard against abuse in the form of the following; time-limited exemption, transparency terms, and controls.

Some of the recommendations made on the basis of this research are having defined legal principles to be applied in addressing the crisis period, proportionality between the relief and welfare objective, and post-crisis rectification checks that will assist in restoring the normal cartel enforcement standards. Furthermore, cross-jurisdictional learning can be used to enlighten policymakers to create regulatory frameworks regarding adaptation which would keep the market wholesome and satisfy unmatched demands by the populace. The success of the competition law implementation in the state of emergency can be further stimulated by the increase of the institutional capacity, as well as the enhancement of the communication with businesses and the development of the industry-specific consultations on the necessary services. Overall, the research represents the position of strategic, evidence-based, and situation-specific cartel management that would strike the balance between the concern of the population, economic stability and long-term rivalry in the market.

Table 2

Table 2 Findings on Competition Authorities Approach on Cartel formation during Ordinary Time and in Global Economic Crisis Like COVID-19 Pandemic			
Criteria	India	Australia	Singapore
Consistency with pre-pandemic cartel enforcement	Low - deviated by applying leniency to old conduct	High- Fully consistent	High- fully consistent

Treatment of pre-pandemic cartels adjudicated during crisis	Unexpectedly soft, even when firms were financially stable	Strict, unchanged	Strict, unchanged
Use of crisis as a mitigating factor	Yes (unique among the three)	No	No
Penalties imposed	None in COVID- adjudicated cases	Heavy penalties: jail terms	Monetary penalties maintained
Overall stance	Most lenient	Most stringent	Strict and stable

The comparative analysis showing how the competition bodies in normal circumstances and during the COVID-19 pandemic applied the cartel enforcement shows that there are significant inconsistencies in India, Australia, and Singapore. India recorded the lowest level of congruency in the enforcement levels that had been observed before the pandemic, to the level of giving leniency to the pre-pandemic cartel practices. This was recorded by the Competition Commission of India (CCI). The CCI has slackened somewhat on the companies ruling than on companies not at the time of the pandemic due to the agony faced by companies under the influence of COVID-19 as a mitigating factor. In this regard, the common practice was to give up on fines, and issue cease and desist, which is the mildest course of action in the 3 jurisdictions.

Australian Competition and Consumer Commission (ACCC) remained extremely consistent on ordinary-time treatment and cartels that had previously existed before the pandemic were treated as cartels during the pandemic, attracting severe imposed penalty, including criminal charges and fines. Similarly, Competition and Consumer Commission of Singapore (CCCS) maintained a firm and uniform position in Singapore where they attributed a fine (monetary) and further proceeded with deterrence in mind under any circumstances in view of the pandemic. Australia and Singapore did not consider the crisis as a voltage element.

On balance, to be discussed, India traversed a course of extreme adaptation, crisis-sensitivity, which was short-term, primarily, economic writings, followed by priority, whereas Australia and Singapore was open to trusting market discipline and long-run, which in a difference of regulatory philosophy are pursued in management of cartels in a crisis situation.

CONFLICT OF INTERESTS

None.

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