

# Designing Effective Competition Law Enforcement Authorities in Nepal: Lessons from Major Asian Jurisdictions

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**Chairperson: Associate Professor Burton Ong, Faculty of Law, NUS**

## DATE, TIME & VENUE

Thursday, 30 October 2025  
1.15pm to 2.15pm  
NUS Law (Bukit Timah Campus), Federal Bartholomew Conference Room (FED-01-02)

## ABSTRACT

Nepal adopted a competition law in 2007 in the form of Competition Promotion and Market Protection Act, 2007. However, despite being a very important piece of legislation to ensure fair competition in the market in a country adopting a market economy in practice, the Act has not been implemented at all even after the lapse of 18 years since its enactment and formally coming into force. The very anti-competitive activities that the Act prohibits have been reported to be widespread, and no single case seems to have ever been investigated under this Act. Against this background, the main purpose of the research is to find out the institutional reasons behind such a dismal situation of competition law enforcement in Nepal and suggest the possible institutional reforms to ensure the effective enforcement. To this end, it focuses only on the design of competition law institutions and look into the institutional choices made by the major Asian jurisdictions for the enforcement of competition law in their respective jurisdictions and evaluate whether or not Nepal can learn from their experiences.

Most of the Competition or Anti-monopoly Acts in Asian countries and around the world have created a specialized agency, such as the Competition Commission of India in India, and staffed it with experts from relevant fields to carry out necessary investigations and make appropriate enforcement decisions. Nepal's Competition Act has not created any such specialized agency and assigned the duty to investigate competition related matters to general administrative officers who have other responsibilities as well and who may not have even the basic knowledge of competition law and economics. Leading competition law scholars Professors Eleanor M. Fox and Michael J. Trebilcock have reported that there is a remarkable degree of consensus on the basic procedural requirements and institutional performance norms of competition law institutions, and that such procedure/process norms can be fulfilled within a number of institutional designs. They have identified three basic models: the bifurcated judicial model (the competition authority goes to court for enforcement), the bifurcated agency/tribunal model (the agency goes to a specialized tribunal for enforcement), and the integrated agency model (a commission within the agency makes the first-level adjudication). Drawing upon the advantages and disadvantages of each of such models, the proposed research suggests an appropriate institutional model for Nepal. While doing so, it examines the institutional models adopted by Japan, India and Singapore and their perceived advantages and then looks into the issue of whether or not Nepal can learn any lessons from their choices and experiences in designing appropriate competition law institutions in the country.

## ABOUT THE SPEAKER



Dr. Shiva Kumar Giri is currently serving as the Acting Dean of the School of Law at Kathmandu University, Dhulikhel, Nepal. In this capacity, he oversees the academic and administrative functions of the School of Law, providing leadership in curriculum development, faculty coordination, and fostering institutional collaborations at national and international levels. Previously, he worked as an Associate Dean for more than a year at the School of Law, assisting the Dean of the Law School in day-to-day operation of all academic and administrative matters at the Law School. Prior to that, as the Master of Laws (LL.M.) Program Coordinator for more than two years, he played a pivotal role in the preparation and successful launch of the specialized Master of Laws (LL.M.)/MEIL programme in Energy and Infrastructure Law. His contributions included designing the overall structure and curriculum of the programme, developing detailed syllabi for its courses, and exploring opportunities for collaboration with various institutions and agencies. He is also a Full-time Faculty (Associate Professor), in which capacity he has been teaching Laws of Torts and Consumer Protection, Competition Law, Investment Law, Banking Law and Economic Analysis of Law courses to the students of Bachelor of Business Management and Bachelor of Laws (BBM-LL. B) and Bachelor of Economics and Bachelor of Laws (B. Eco.-LL. B) programmes, and various modules of Energy and Infrastructure Law to LL.M. students.

He has also worked as Associate Professor in Republic of Turkey from 2013 to 2016, teaching various legal courses including Business Law, Public International Law, Law of Contracts, International Commercial Arbitration and Negotiation Skills to undergraduate students.

Prior to starting his career as an academician, he has also worked as a legal counsel of the Government of Nepal at Section Officer and Under Secretary levels in International Law, Treaties and Human Rights Division of Ministry of Law, Justice and Parliamentary Affairs from 1993 to 2012, preparing and providing legal opinions to various Ministries of the government on different matters of international law, treaties and agreements, drafting, revising and negotiating multi-lateral and bilateral agreements to which the government or the state was going to be a party, and conducting research and making recommendations to various government agencies on various national and international legal issues.

He holds a Doctor of Juridical Science (SJD) degree from University of Toronto, Canada, Master of Laws degree (with Distinction) in International Economic Law from University of Warwick, UK, and Master of Public Administration (MPA) and Bachelor of Laws (B. L.) degrees from Tribhuvan University Nepal. His research and teaching interests include Torts, Contracts, Competition Law, International Trade and Investment Laws, Energy Law and Regulation, Law and Development and Law and Economics.

## REGISTRATION



There is no registration fee for this seminar, but seats are limited. Refreshments will be provided on a first-come-first-served basis.

Visit <https://bit.ly/47fyS8W> or scan the QR Code to register by Friday, 24 October 2025, 12pm.

For enquiries, please contact the ASLI Secretariat at [asli@nus.edu.sg](mailto:asli@nus.edu.sg)