

Redressal Mechanism From Unfair Trade Practices Under Wto Regime: Problems Faced By Medium And Small Scale Enterprises (Smes)

In the present study, the focus is on anti-dumping mechanism, how the domestic industry Medium and Small Scale Enterprises (SME) can get redressal from unfair trade practice i.e. from dumping by other country/ies.

Objectives of the present study

- To examine and identify the mechanism of setting the parameters by which the definition criteria of Domestic Industry can be fulfilled for SME;
- To review the existing mechanism which enables the SME to file a petition for redressal of grievances arising out of dumping;
- To review the ways of injury analysis in such cases;
- To review international practices adopted by different authorities for anti-dumping;
- To suggest alternative mechanism for redressal of grievances of SMEs under anti-dumping.

In the present study, primary data have been collected through a semi-structured questionnaire. The questionnaire has been canvassed to about twenty five experts of the subject. This has been supported with the secondary data available on the subject at various places including Government information- by Directorate General of Anti- Dumping and allied Duties, now known as Directorate General of Trade Remedies- Department of Commerce, Govt. of India; WTO website, Articles, Books, Research work by some of the Directorate officers and other countries approach and studies conducted.

Indian Designated Authority has initiated 347 antidumping cases so far till November, 2016, but almost all the cases initiated by the Designated Authority, representing big manufacturing units/industries. The industries mainly covered are Chemicals and Petrochemicals, Steel and other Metal, Textile and Fiber Yarn, Pharma, other products like News Print, Met Coke, Photographic paper

etc. and few consumer goods produced by large scale units like CFL, Lead Acid Batteries, and Vitrified Tiles etc.

Consumer goods and other products included in the above list, which are the products normally produced by the big manufacturing units in organized sector. None of the product is produced by the Small Scale Industries (SSI) or Small and Medium Scale Enterprises (SME)

As we are aware the Indian market is flooded by many dumped products from China PR like toys, Diwali lights, gift items, footwear, pen, pencil, toys, picture framing and many more. Even traditional items like kite, manjha, idols of Indian God and Goddess, Rakhi, crackers etc. also flooded by China in Indian market. Due to the same, domestic industry (SME) who are largely involve in the production of these items are either finished or at the verge of finishing.

So far, no cases have been initiated to protect the small and medium scale industries from unfair trade practice due to technical reasons.

To file a case before DGAD, becoming "Domestic Industry" as per the definition is a task. SME don't know about the size of industry, total production and other producer's details. SME sector normally an unorganized sector, producing prima facie data of dumping and injury caused due to dumping is a big task.

After collecting the data from primery and secondry sources, the study concluded following measurers to overcome the problem faced for initiation of the case:

- Formation of Industry Association
- Use of information of independent bodies for initiation of cases suo-moto
- Creation of dedicated help desk for SMEs for guidance by DGAD

Sudhir Kumar Jaiswal

4215