

SECOND SEMESTER

Specialisation Course III: **Competition Law**

Objective:

The competition plays a key role in ensuring productive, efficient, innovative and responsive markets. The consumers are ensured availability of 'goods' and 'services' in abundance of acceptable quality at affordable price. But if the anti-competitive practice take precedence in the market, the consumers and the economy of the nation both will be adversely affected. Hence, to prevent such situation from occurring and to ensure fair competition in the market the *Competition Act, 2002* was enacted. This Course is designed to give the students an insight into the *Competition Act, 2002*. It enables the students to understand how law curbs the anti-competitive practices and ensures fair play in the market.

Course Content:

Unit-I

Introduction to Competition Law, Evolution of Competition Law (USA, UK, India) relevant provisions of Sherman's Act, An overview of MRTP Act, 1969, monopolistic trade practices, restrictive trade practices, Sachar Committee Report, High Powered Committee on MRTP Act & Company Act, Raghavan Committee Report, Report of the Monopolies Inquiries Commission, Govt. of India 1965 (Dr. Hazari Report), Basic economic and legal principles, restraint of trade under Indian Contract Act.

Unit-II

Development of law from MRTP to Competition Act 2002, aims, objects and salient features, comparison between MRTP Act and Competition Act, Anti-Competitive agreement - appreciable adverse effect, horizontal and vertical agreements, effects doctrine; prohibition of anti-competitive agreements, concerted practices and parallel behavior, cartel and cartelisation, bid rigging and collusive bidding, Tie-in-arrangements, exclusive supply agreement, resale price maintenance agreement, protection of consumers.

Unit-III

Abuse of dominant position -relevant market, predatory behavior, predatory pricing, discriminatory practices, combination - value of assets, turnover, acquisition, conglomeration, joint venture, merger and amalgamation, notification, interface between intellectual property

laws and Competition Laws –principle of international exhaustion –*Samsung Electronics v. Kapil Wadhwa* case

Unit-IV

Competition commission of india - structure and function of cci, regulatory role, competition appellate tribunal- composition, functions, powers and procedure, award of compensation, power to punish for contempt, execution of orders.

Unit-V

International competition law issues, the need for and benefits of international cooperation; international cooperation and agreements, efforts toward a multilateral agreement; trade and competition policy in the WTO, TRIPS, the Doha Declaration, etc.

Books prescribed for reading:

1. S. M. Dugart, *Commentary on the MRTP Law, Competition Law & Consumer Protection Law*, Wadhwa & Co., (Nagpur, 2006).
2. Vinod Dhall, *Competition Law today – Concepts, Issues & Law in practice*, (Oxford University Press, 2008).
3. P. S. Prasad, *Competition Law & Cartels*, The ICFAI University, (Hyderabad, 2007)
4. A. Roy & Jayant Kumar, *Competition Law in India*, Eastern Book Company, (Lucknow, 2008).
5. Valentine Korah, *An introduction Guide to EC Competition Law & Practice*, (Hart Publishers, 2007).
6. D. P. Mittal, *Competition Law and Practice*, Taxman Publications (P.) Ltd, (3rd Edition, 2010).
7. Abbe E.L. Brown, *Intellectual Property, Human Rights and Competition*, (Edward Elgar Publishing, UK, 2012).
8. Mark Williams, *The Political Economy of Competition Law in Asia*, (Edward Elgar Publishing, UK, 2013).