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**Report on Three Day Summer Course on “Competition Law & Practice in India”,
New Delhi, 27th - 29th June 2013**



Introduction

CUTS Institute for Regulation & Competition (CIRC) organised a three day summer course on Competition Law and Practice in India from 27th June to 29th June 2013. This course was structured in a manner to first introduce the participants to the basics of Competition Law and Practices in India and then on the basis of that foundation, build an in-depth knowledge and understanding of the subject mentioned. Each day had two presentations which were given by experts in the field of competition law. Each presentation was also followed by lectures, case Studies and short MCQ quiz and discussion to facilitate and reinforce the understanding of subject of the presentation. There were 63 participants registered for this summer course from the four corners of India. In this Summer Course the participants were from different National Law Universities, Universities, and several premier law firms and corporate organizations. The participants are from different disciplines such as law, economics, commerce and management & professionals such as lawyers, economists, and professors & researchers. The registration started at 8:30 am on 27th June. The welcome note for summer course delivered by Mr. Biranchi Narayan Panda (CIRC) with Chair by Ms. Arvinder kaur (CIRC) and Dr. Harpreet Kaur (NLUD). The first Session of the summer course started at 09:10 am by Dr. Harpreet Kaur (NLUD) as per the course schedule.

Summer Course Session:

First presentation of the first day was delivered by Dr. Harpreet Kaur (Professor, National Law University Delhi) on “Understanding Market Economy and Competition”. Dr Harpreet Kaur started with very basic concepts and definitions of markets, economy and competition. The presentation also covered with different types of markets and relationship between Industry and Market. Further, she explained the importance of key customer markets such as consumer markets, business markets and global markets with special focus on the Indian markets. She also explained about the different forms of competition, stages of competition and competitive markets such as pure monopoly, monopolistic competition, oligopoly, oligopolistic competition and pure competition. In the last part of the session, Dr. Kaur talked about the different goals of competition for successful economy.

Second presentation of the day was made by Mr. Sunil Arya, Senior Research Associate (Law) at CIRC. The presentation gave an overview of the Indian Competition Law and delved into the basics of the law. The presentation covered Competition Policy in India vis-à-vis the Competition Law. The presentation also covered in depth the differences between Competition Act, 2002 and the MRTP Act, 1969. Mr. Arya also discussed about Anti-Competitive agreements such as horizontal and vertical, and then pondered on the concept of abuse of dominance and combinations.

The second day started with a presentation on “The Competition Act, 2002” by Mr. K K Sharma, KK Sharma Law Offices, Delhi. Mr Sharma started his session with meaning of competition, need of competition law and how to gain competition in the market. He also discussed about the objectives of the Competition Act 2002, different components of the Act 2002 and the enactment of the Competition Commission of India. Mr Sharma also explained about the duties of the Competition Commission of India, anti-competitive agreements and cartels etc. He then explained about the Section 3 (3) horizontal agreements, vertical agreements (S 3 (4)), followed by discussion on vertical agreements tie-in-sale, refusal to deal, exclusive supply arrangement, exclusive distribution arrangement, and resale price maintenance.

Second presentation of the day was delivered by Ms. Surbhi Mehta, APJ SLG Law Offices on “The Competition Act, 2002 (Contd..) and Interface between Competition Law & Sectoral Regulators”. The Presentation, at first, dealt with the substantive provisions relating to regulation of combinations. She discussed in detail with the definition of combination as provided under the Indian Competition Act, 2002 and consequently, with general understanding of Acquisition, Merger, Amalgamation, Control and Group. Besides a general discussion on the procedural aspects of notification requirements under the Competition Act, 2002, few of the factors enumerated in Section 20(4) of the Act were also discussed which help the Commission in determining whether a proposed combination will have an adverse effect on competition within India. After discussing combinations exempted from the purview of the Competition Act, Ms. Surbhi discussed competition advocacy role of the Commission and the requirements of the valid leniency application under the CCI (Lesser Penalty) Regulations, 2009. At last, Ms. Mehta delved on to the interface between Competition Law and Sectoral Regulators.

First presentation of the final day was delivered by Dr. Vijay Singh, Deputy Dir. (Law), Competition Commission of India on Emerging and Procedural Issues of Practise of Competition Law in India. The presentation commenced with discussion on the interface between Competition Law and Intellectual Property Rights (IPRs). Participants were explained the concept of various IPRs. Thereafter, the common and conflicting goals of IPR and Competition law were highlighted through

the Schumpeter school of thought and Arrow school of thought. Concepts like Grant back and 'Pay for Delay' were also discussed. This was followed by discussion on the origin and application of the Effects Doctrine as incorporated in Section 32 of the Competition Act, 2002. Under 'Enforcement Procedure', Dr. Singh delved with the Relevant Provisions of CCI (General) Regulations, 2009 (explaining the entire journey of case from filing to passing of the order and final enforcement), CCI (Combination) Regulations, and CCI (Manner of Recovery of Monetary Penalty) Regulations, 2009.

Second session of the day was Panel Discussion on 'Future of Indian Competition Law: Future and Challenges' with Dr. Vijay Singh, Deputy Dir. (Law), Competition Commission of India and Ms. Surbhi Mehta from APJ SLG Law Offices as panellist. In this panel discussion session, Dr. Singh cited that enactment of the combination regulations and timely and disciplined disposal of cases on the advocacy are notable achievements. Pro-consumer and pro-competitive orders of the CCI against trade associations were also cited as achievements of the commission as they would set right the tone of the competition law jurisprudence. Ms. Mehta echoed with Dr. Singh's view that competition advocacy has always been a challenge as people from the business fora have always been unaware of the new law. Dr. Singh responded that even the commission is also on the learning stage. On a case by case basis, the commission has by and large considered all the facts relevant to the judicious adjudication of the case. Ms. Surbhi raised his apprehension about the efforts of the commission to keeping up with confidentiality of key documents of the parties, especially in the state of the things that there are not appropriate guidelines. This session closed with full of interaction and discussion with participants.

Outcome of the Summer Course:

All the sessions were highly interactive and saw a lot of participation with constant discussion and questioning between the participants and faculty members. The faculty members answered all the queries and doubts of the participants in the middle of the lectures and end of the session. The participants felt that the practical approach of teaching with citation of real life cases and exemplified help crystallize the understanding of the basic concepts of competition law and practices. All the sessions helped the participants from law and other disciplines understand the basics of market, competition and its relationship, Competitive markets and goals of competition. Overall, the course was highly interactive with extensive participation of the participants.

Last Session of Summer Course:

The last session of the summer course was very interesting as there was a group photograph session with all the participants, CIRC staff and Dr. Vijay Singh (CCI). After the group photo session, The course concluded with the Certificate Distribution Ceremony by Ms. Arvinder Kaur, Assistant Director, CIRC, Mr. Arvind Kumar, Advisor, CIRC and Dr. Vijay Singh, Deputy Dir. (Law), Competition Commission of India & Mr. Sandeep Kumar (CIRC). All the participants have received resources material CD with their certificates from Dr. Vijay Singh (CCI) & Mr. Arvind Kumar (CIRC). The vote of thanks has given by Mr. Arvind Kumar on the successful completion of the summer course to each of the participants, resource persons and all the CIRC staff members.

The feedback from participants has been immensely positive and encouraging for CIRC and the resource persons.