

Awareness Seminar on Competition Law

Venue: Amity Law School, Amity University Campus, F-
1 Block, Sector 125, Noida
28th March, 2016



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Objective for the Awareness Seminar

The Competition Act, 2002 has been in force since 2009 in India. The Act establishes a completely new set of rules unfamiliar to most companies doing business in India. The enforcement of the Act has covered diverse sectors such as infrastructure, finance, entertainment, IT, telecom, civil aviation, energy, insurance, travel, automobile manufacturing, real estate and pharmaceuticals etc. Competition Commission of India is set to change the rules of the game and play the role of a watchdog to check anti-competitive practices in the Indian market.

This has called for professionals in the academia with relevant knowledge and good understanding of Act to prepare the upcoming professionals (lawyers/economists and researchers). More and more students are finding this domain extremely interesting and want to take the first mover advantage. As CCI has become very active and a large number of cases are being filed before CCI and the appellate tribunal, there will be huge demand for certified persons in Competition Law. An advanced knowledge on this subject can guide the students and help them understanding the nitty-gritty of the Act and appreciate its importance in Indian context.

The educative sessions with experts will sensitise students about the law and will help them understand various facets of Competition Law and application of the provisions of Competition Law in the area of anti-competitive agreements and abuse of dominance.

CIRC in association with Amity Law School, Amity University Campus, F-1 Block, Sector 125, Noida organised an Awareness Seminar on Competition Policy & Law in their campus at Noida on 28th March, 2016. The seminar aimed at giving the participants an overview of the Competition Law in India with related case studies to understand the practical implications of the law in practice thus encouraging them to enrol for specialised courses presented by CIRC for the subject. The welcome session was delivered by Prof. (Dr.) B.P. Sehgal, Director, Amity Law School. He introduced the faculties Mr. Amitabh Kumar, Partner, J.Sagar Associates and Mr. Saket Sharma, Associate Fellow, CIRC to a lot of more than hundred participants.

Session I

The first session dealt with "Introduction of Competition Policy & Law and overview of Anti-Competitive Agreements" and was delivered by Mr. Amitabh Kumar. The session introduced the participants to the basics of Competition Law and Policy with emphasis on importance and objectives of the Competition Law. Mr Kumar explained the importance of understanding the history, fundamentals, objectives, evolution and the intent of drafting such law by the legislature in India. Participants were introduced to various provisions under the Act dealing with anticompetitive agreements. The two types of agreements i.e. horizontal and vertical agreements and their further classification were discussed in detail with examples and cases. Thereafter the 'Per – Se' and 'Rule of Reason' approaches to analyze the anti-competitive effects of business

practices as well as the process of determinability of violation under the different approaches were discussed. Various examples and cases were discussed to lucidly explain as to when business practices can have anticompetitive outcomes which will fall foul of competition law.

Session II

The second session dealt with "Overview of Abuse of Dominance" delivered by Mr. Saket Sharma. Beginning with identifying the problems and characteristics of monopoly situation, he highlighted the fact that monopoly situation leads to dead weight loss and that there is thin line difference between what can be said to be competitive and what as anti-competitive. He very briefly touched upon Section 2 of Sherman Act (USA) and Article 102 of TFEU (Europe). He also explained the abuse of dominance provisions i.e. Section 4 of the Indian Competition Act. The session also dealt with the steps to determine abuse of dominance using case studies such as the BCCI Case, Coal India Ltd Case, DLF Case and Cellophane Fallacy Case. A well formulated table clearly carved out the different types of exclusionary and exploitative conducts. Various abuses of dominant position were described with examples from the decided Indian cases. The different types of remedies i.e. behavioral and structural were also discussed with illustrations. Other concepts which were discussed during the session were relevant market, Essential Facilities Doctrine (US v Terminal Railroad and Trinko Case) and Monopoly leverage.

Conclusive Session

Both sessions were interactive and participants were encouraged to ask questions and clear doubts. Thereafter a presentation on CIRC-NLUD CPL Courses was made by Mr. Sharma to apprise the students of benefits of a professional course in the subject. The participants showed interest and put up queries regarding the course. A vote of thanks was delivered by Prof. Reeta Garg, Amity University.

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Organiser: CUTS Institute for Regulation & Competition, New Delhi

10:00 - 12:15 hrs. | 28th March, 2016

Agenda

09:45 – 10.00 hrs.	Registration
10.00 – 10:15 hrs.	Welcome & Introduction by Amity Law School Prof. (Dr.) B.P. Sehgal, Director, Amity Law School
10:15 – 11.00 hrs.	Session 1: Introduction of Competition Policy & Law and overview of Anti-Competitive Agreements. Mr. Amitabh Kumar, Partner, J.Sagar Associates
11.00 – 11:45 hrs.	Session 2: Overview of Abuse of Dominance. Mr. Saket Sharma, Associate Fellow, CIRC
11:45 – 12.00 hrs.	Presentation on CIRC-NLUD CPL Courses
12:00 – 12:15 hrs.	Q&A and Vote of Thanks
	Tea/Coffee