

National Workshop on Competition Policy & Law

Organised by
CUTS Institute for Regulation & Competition
&
Bharati Vidyapeeth University, New Law College, Pune
07th February, 2015, Pune, India



CUTS Institute for Regulation & Competition
R- 75, Greater Kailash- 1, New Delhi- 110048, INDIA
T: +91-11-26463021/22/23, F: +91-11-40535921
www.circ.in

Report on National Workshop on Competition Policy & Law, 7th February, 2015, Pune

CIRC is a premier research and capacity building institute with a focus on competition law and economic regulation. It has been spreading awareness and providing training on competition law and policy since its inception. In pursuance of this objective, CIRC in association with Bharati Vidyapeeth University, New Law College, Pune organised a one day National Workshop on Competition Policy & Law in Pune on 7th February, 2015.

The workshop saw participation of about 350 participants including students, lawyers and teachers. Most of the participants were students. The course was designed to give participants an overview of the Competition Law in India with related case studies to understand the practical implications of the law in practice. The faculty comprised of the representatives from the CUTS Institute for Regulation & Competition (CIRC) and experts from the premier law firms of the country.

The Dean of the college Prof (Dr.) Mukund Sarma and other senior faculty were also present and welcomed the experts. In his welcome speech, while highlighting the importance of competition law, Prof Sarma thanked CIRC for collaborating to conduct the workshop on such a contemporary area of law for the benefit of the students. There were in all four sessions.



Session 1: Objectives, Scope and Importance of the Competition Act (Mr Saket Sharma, Associate Fellow, CUTS Institute for Regulation & Competition)

The first session introduced the participants to the basics of Competition Law and Policy with emphasis on importance and objectives of the Competition Law. Mr Sharma explained the importance of understanding the history, fundamentals, objectives, evolution and the intent of drafting such law by the legislature in India.

Highlighting the fact that MRTP Act was having only recommendatory powers, he laid down the differences between MRTP Act and Competition Act, 2002. He touched upon the various facets of CCI powers i.e. adjudicatory, regulatory, inquisitory and advisory while discussing cases like Brahm Dutt V. U.O.I and CCI v. SAIL decided by Supreme

Court of India. Further, he encouraged the students to pursue courses on competition law, as it can give them first mover advantage.

Session 2: Speech by Honourable Justice Deepak Verma (Former Judge Supreme Court of India)

Justice Verma while discussing about the legal profession in general shared very useful insights for the students from his rich experience of working in the highest echelons of Indian judiciary. He talked about legal ethics and traits of lawyers which are crucial in building a more responsible and competitive legal fraternity. Further, he talked about the evolution of competition law in India and its importance for the Indian economy.

A book by renowned author Mr K.D.Gaur was also unveiled at the end of the speech by Justice Verma.

Session 3: Anticompetitive Agreements (Ms Soumya Hariharan, Senior Associate, Amarchand Mangaldas)

Ms Hariharan commenced the session with a presentation on 'Regulation of Anti-Competitive Agreements' and their interpretation and implementation under the Competition Act 2002. Participants were introduced to various provisions under the Act dealing with anticompetitive agreements. 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 analyse the anti-competitive effects of business practises 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 4: Abuse of Dominance Provisions (Ms Reeti Choudhary, Senior Associates, J Sagar Associates)

Beginning with identifying the problems and characteristics of monopoly situation, Ms Choudhary 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 anti-competitive.

Report on National Workshop on Competition Policy & Law, 7th February, 2015, Pune

The session covered various steps to ascertain the relevant market and to assess the dominant position of an enterprise. The session also dealt with the steps to determine abuse of dominance using Indian case studies such as the Coal India Ltd Case and DLF Case decided by CCI.

All the experts interacted with the participants and also answered various questions and queries raised by the participants in between the sessions.

Annexure- Agenda

National Workshop on Competition Policy & Law

7th February, 2015, Pune

09.30 – 10.00 am Registration

Session I (10.00 – 11.30am) – Objectives, Scope and Importance of the Competition Act (Mr Saket Sharma, Associate Fellow, CUTS Institute for Regulation & Competition)

- Paradigmatic Shift from MRTP to Competition Act
- Objectives & Scope of the Act
- Main Features of Competition Act
- Penalties & Implications under the Act
- Need to Gear Up for Compliance

11.30 – 12.00 pm Tea Break

Session II (12.00 – 01.00pm) – Speech by Honourable Justice Deepak Verma (Former Judge Supreme Court of India)

01.00 – 02.00 pm Lunch Break

Session III (02.00 – 03.15pm)– Anticompetitive Agreements (Ms Soumya Hariharan, Senior Associate, Amarchand Mangaldas)

- Understanding Anticompetitive Agreements
- Horizontal Anticompetitive Agreements
- Vertical Anticompetitive Agreements
- What constitutes Appreciable Adverse Effect on Competition
- Avoiding Anticompetitive Agreements and Conduct

03.15 – 03.45 pm Tea Break

Session IV (03.45 – 05.00 pm)– Abuse of Dominance Provisions (Ms Reeti Choudhary, Senior Associates, J Sagar Associates)

- Understanding Dominant Position
- Exclusionary and Exploitative Abusive Practices
- Averting Abusive Conduct
- Dealing with Businesses and Customers
- Simulation Exercise/Case Study

About CIRC

The CUTS Institute for Regulation & Competition (CIRC), a premier research and capacity building institute was established in 2008 by CUTS International www.cuts-international.org CIRC has been conducting competition policy advocacy and undertaking training and academic courses on Competition Policy & Law and Economic Regulations.

With the mission to be a Centre of Excellence on Regulatory and Competition Issues, CIRC primarily focuses on economic regulation in infrastructure sectors, and competition policy and law with an objective of reaching out to the target audience in India and other developing countries in Asia and Africa. CIRC offers practical focus on educational and training programmes on economic regulation, and competition policy and law. The Institute aims to facilitate research to enhance understanding and explore inter-disciplinary linkages among the identified subjects. CIRC is striving hard in its endeavour to generate and disseminate knowledge on its thrust areas. Further, since its inception CIRC has taken varied initiatives to impart knowledge and train various stakeholders on these areas with aim to build capacity of these stakeholders, thus contributing to the economy in this knowledge intensive era. For further details on our initiatives, please visit website: www.circ.in