

BBA.LL.B (HONS.) – VIII-SEMESTER

COMPETITION LAW

COURSE CODE:

Course Objectives: Free and fair competition in a market enables the competitors to maximise their potential in the economy. Unfair trade practices, unfair competition affects the economy. Recognising the importance of this, this Course provides an overview of the Competition Law in India which established Competition Commission of India to regulate anti-competitive practices and promote fair competition

Course Outcomes:

1. To understand the basic principles of fair competition and constitutional perspectives
2. To analyse the international perspectives of competition law
3. To differentiate various types of anti-competitive practices
4. To analyse the role Competition Act, 2002 in regulating anti-competitive practices, promote fair competition and enforcement procedures
5. To identify and able to conduct research on emerging trends in competition law

UNIT-I: Introduction to competition law, Constitutional perspectives of Elimination of Concentration of Wealth and Distribution of Resources Article 39 (b) (c), Relation between Competition Policy and Competition Law; Objectives of Competition Law, History and Development of Competition Law, Liberalization and Globalization - Raghavan Committee Report, Competition Act 2002; Difference between MRTP Act and Competition Act, Salient feature of Competition Act

UNIT-II: International and Comparative Competition Law, US Antitrust Law, EU competition law, Japanese anti-monopoly law, Chinese anti-monopoly law, German competition law, South African Competition Law, Australian Competition Law

UNIT-III: Anti- Competitive Agreements, Horizontal and Vertical agreement, Rule of Perse and Reason, Appreciable Adverse Effect on Competition (AAEC) in India, Exemption, Prohibition of Anti-competitive agreement/ Cartel/bid rigging. Regulation of Abuse of Dominant Position; Enterprise, Relevant Market, Dominance in Relevant Market, Abuse of dominance, Predatory Pricing; Combinations: Merger, Acquisition, Amalgamation and Takeover - Horizontal, Vertical and Conglomerate Mergers - Combinations covered under the Competition Act, 2002 – Regulations, Penalties.

UNIT-IV: Establishment and Constitution of Competition Commission of India, Powers and Functions- Jurisdiction of the CCI – adjudication and appeals, -Competition Appellate Tribunal (Comp.AT), Director General of Investigation (DGI)- Penalties and Enforcement; Competition Advocacy in India and other foreign jurisdictions

UNIT-V: Emerging trends in Competition law; Intellectual Property Rights and Competition Law, International Trade and Competition Law, Conflict between CCI and sectoral intervention: Sports, Telecom, Statutory Authorities, Aviation, E-commerce, Big Data, AI & Block chain

Text Books:

1. Richard Whish and David Bailey, Competition Law, 9th Edition, Oxford University Press
2. T. Ramappa, Competition Law in India: Policy, Issues, and Developments, 3rd Edition, Oxford University Press
3. S M Dugar, Guide to Competition Law (Containing commentary on the Competition Act, 2002 MRTP Act, 1969 & the Consumer Protection Act, 1986), 7th Edition, LexisNexis, 2019

