

## **COMPETITION LAW**

***Responsible Faculty Instructor:***

**Prof. Medhavi Singh** [medhavi@jgu.edu.in]

Assistant Professor

Credits: 4

Credits Type:

Cross-registration:

Pre-requisites: Contract Law I and II, Foundational Economics, Company Law I and II.

### **COURSE DESCRIPTION (COURSE VISION):**

The competition law elective examines the normative, doctrinal, and economic frameworks underpinning modern competition law. Rooted in the historical evolution of antitrust jurisprudence in the United States with the enactment of the Sherman Antitrust Act, 1890, the course analyses how legal intervention emerged as a corrective mechanism to counteract monopolistic collusion, cartelization, and market foreclosure practices by dominant enterprises such as Standard Oil and U.S. Steel.

Furthermore, the course critically examines the transition from the Monopolies and Restrictive Trade Practices Act, 1969 to the Competition Act, 2002, enforced since May 2009, which marked a significant shift from a control-based to a competition-based regulatory philosophy. With the establishment of the Competition Commission of India (CCI) as a specialized quasi-judicial authority, India embraced a modern framework to prevent practices having an appreciable adverse effect on competition (AAEC), promote sustainable market contestability, safeguard consumer welfare, and guarantee the freedom of trade across sectors.

The course will concentrate on the structural and behavioural dimensions of market power, the legal assessment of abuse of dominance, unfair practices, and anti-competitive agreements, along with the substantive and procedural regulation of combinations (mergers, acquisitions, and amalgamations). Jurisdictional comparisons will highlight the evolution of competition policy across the U.S., European Union, and India.

By tracing both the doctrinal maturity and institutional expansion of India's competition regime, the course fosters a dual understanding regarding operation of competition law as a tool of market discipline and as a policy instrument for economic liberalization in a rapidly evolving, globalized economy.

**TEACHING METHODOLOGY:**

The course will be delivered through a doctrinal and analytical pedagogy, designed to first establish a strong theoretical foundation before transitioning into a practitioner's lens for the interpretation and application of competition law. Instruction will rely primarily on lectures interwoven with the Socratic method, encouraging active student engagement with statutory provisions, legislative intent, and judicial precedents.

Students will be expected to complete prescribed readings prior to class to enable informed participation in discussions and to develop the capacity for normative critique of judicial and regulatory approaches. Case analysis will be central to instruction, with judgments dissected not only for their *ratio decidendi* but also for *obiter dicta* and their implications for policy and practice.

Students will be required to make a class presentation on an allocated topic relating to contemporary or doctrinal issues in competition law. The presentation will serve as a preliminary exploration of the topic, enabling peer discussion and faculty feedback. Building upon the insights gained through the presentation, each student will subsequently develop the work into a research paper that reflects independent analysis, critical engagement with case law and scholarship, and application of the theoretical framework discussed during the course. The research paper will constitute the final assessment component of the course.

**INTENDED LEARNING OUTCOMES:**

1. Demonstrates the ability to understand and apply legal principles and rules learnt in class to different factual situations.
2. Can understand the rationale behind different kinds of business behaviour and critically analyse its impact on markets while taking into consideration the different objectives of competition law.
3. Is able to understand the background to economic principles and their importance in legal arguments.
4. Equip students to undertake effects-based analysis and rule-of-reason assessments in identifying anti-competitive conduct.
5. Build familiarity with comparative enforcement frameworks, including *per se* and object-effect doctrines under U.S. and EU antitrust regimes.
6. Encourage critical evaluation of emerging competition risks in digital markets, including algorithmic collusion, platform self-preferencing, and data monopolization.

**READING LIST (upto 10 select readings):**

1. Competition Policy and Economics, Richard Whish and David Bailey, Competition Law (11<sup>th</sup> Edition)
2. *Antitrust Policy: A Century of Economic and Legal Thinking*, William E. Kovacic and Carl Shapiro, Journal of Economic Perspectives (Vol. 14, No. 1), Pages 43 – 60 <https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.14.1.43>

3. Introduction to Competition Law, Alison Jones and Brenda Sufrin, EU Competition Law – Texts, Cases, and Materials (6th Edition), Pages 1 – 87
4. *Hoffmann-La Roche & Co. AG v. Commission*, [1979] ECR 461
5. *Tetra Pak International SA v. Commission (Tetra Pak II)*, [1996] ECR I-5951
6. *Ramakanat Kini v. Dr. L. H. Hiranandani Hospital*, Case No. 39/2012 (paragraphs 7 to 11 and 14 to 15)
7. *Fast Track Call Cabs v ANI Technologies*, Case No 6 & 74 of 2015
8. *Meru Travel Solutions Pvt. Ltd v. Uber India Systems Pvt. Ltd.*, Case No. 81/2015
9. *Brahm Dutt v. Union of India*, (2005) 2 SCC 431
10. *Alphabet Inc & Ors v Competition Commission of India & Ors* [2025] Comp AT 04/2023 (NCLAT, 28 March 2025).
11. *Excel Crop Care Ltd. v. CCI & Anr.*, Civil Appeal No. 2480/2014
12. *All India Tyre Dealers Federation v. Tyre Manufacturers*, RTPE No. 20/2008

(This is preliminary list of readings)

**WEEKLY READING PLAN (WEEKLY OUTLINE):**

A weekly plan is provided below:

MODULES	WEEK(S)
<b>MODULE 1: INTRODUCTION TO COMPETITION LAW</b> <ul style="list-style-type: none"><li>• Introduction</li><li>• Theory of Competition</li><li>• Function of Competition Law</li><li>• Overview of the Practices Controlled by Competition Law</li><li>• Market Definition and Market Power</li><li>• Appreciable Adverse Effect on Competition (AAEC)</li></ul>	1-3
<b>MODULE 2: FRAMEWORK OF COMPETITION ENFORCEMENT IN INDIA</b> <ul style="list-style-type: none"><li>• Structure of the CCI and the COMPAT and NCLAT</li><li>• Powers of the CCI</li><li>• Process of a case (from institution to final CCI order)</li><li>• Investigation Process</li><li>• Power of Review</li><li>• Appeal Process</li><li>• Judicial Nature of the CCI</li><li>• CCI and the High Court</li></ul>	3-4

<ul style="list-style-type: none"> <li>Forum Shopping: CCI and Sectoral Regulators</li> </ul>	
<b>MODULE 3: HORIZONTAL AGREEMENTS</b>	5-7
<ul style="list-style-type: none"> <li><i>Per se</i> Rule</li> <li>Object / Effect test</li> <li>Price Parallelism</li> <li>Price Fixing</li> <li>Market Sharing</li> <li>Bid Rigging</li> <li>Efficiency Enhancing Joint Ventures</li> <li>Single Economic Entity</li> </ul>	
<b>MODULE 4: VERTICAL AGREEMENTS &amp; ABUSE OF DOMINANCE</b>	8-10
<p><b>Vertical Agreements</b></p> <ul style="list-style-type: none"> <li>Rule of Reason Analysis</li> <li>Tie-in Arrangement</li> <li>Exclusive Supply and / or Distribution Agreements</li> <li>Refusal to Deal</li> <li>Resale Price Maintenance</li> </ul> <p><b>Abuse of Dominance</b></p> <ul style="list-style-type: none"> <li>Dominance</li> <li>Exclusionary v Exploitative abuses</li> <li>Pricing Abuses: Excessive Pricing</li> <li>Pricing Abuses: Predatory Pricing</li> <li>Non-Pricing Abuses</li> <li>Essential Facilities Doctrine</li> <li>Types of Rebates</li> <li>Objective Justification</li> </ul>	
<b>MODULE 5: MERGER CONTROL</b>	11-13
<ul style="list-style-type: none"> <li>Combination</li> <li>Thresholds and Statutory Exemptions</li> <li>Schedule I of the Combination Regulations</li> <li>Meaning of 'control' for the purposes of merger notification</li> <li>CCI Notification Process: Form 1 and Form 2</li> <li>Substantive Assessment – AAEC</li> <li>Merger Remedies</li> </ul>	

<ul style="list-style-type: none"><li>• Ancillary restraints: Non-Compete</li><li>• Conglomerate Effects</li></ul>	
<b>REVISION WEEK</b>	Week 14