CONTENTS

Chapter: I Introduction
History of Corporate Governance
Objectives of Competition Law
Advantages of Competition Law
Report of High level committee on Competition Policy and Competition Law (Raghavan Committee Report)
Overview of India Competition Regime
Evolution of Competition Legislation in India
Constitution and Competition regulation
Provisions of the Competition Act 2002

*Anti Competitive Agreement*

*Prohibition of Abuse of Dominace*

*Regulation of Combinations*

*Competition Advocacy*

The Judiciary and Competition Law
International precedents and their applicability in India
Scope of the study
Hypothesis
Research Questions
Research Objectives’
Research Methodology
Chapterisation
Chapter II: Historical background and Industrial polices of India

Introduction
Economic Scene on the Eve of the Independence
Development of Economic strategy in India
Development of idea of Socialism in India
Pre –industrial polices in India
Indian Economy since Independence
Constitutional framework in India
The concept of Social Justice
Article 38 – social order based on Justice
Article 39 (b) and (c) Distributive Economic System
Analysising the post Independence Industrial polices
Industrial policy resolution 1948
Industrial policy resolution 1956
Industrial policy of 1991
Role of Small Scale Industries
Assessing India s economic planning till date
Competition law and WTO
History of competition Policy in GATT / WTO system
India and WTO
Conclusion

Chapter III: Monopolies and Restrictive Trade Practices Act 1969; MRTP
Mechanism, its establishment, features and Functioning

Introduction
Development of Economic Strategy in India
Growth of Monopolies of concentration of economic power in India
The Inception of Indian Competition Law

The principle basis of MRTP Act

Objectives of the MRTP Act

*Restrictive Trade Practices*

*Unfair Trade Practices*

MRTP and Consumer Protection Act

MRTP Commission

*Terms of office, condition s of services etc*

Failure of the MRTP Act

High level Committee report on Competition Policy and Law

Conclusion

**Chapter IV: The overview of Competition Regime in India - The Competition mechanism, its establishment, functioning and its efficacy**

Introduction

How the Competition Law beneficial to the Indian Economy

Objectives of the Act

Competition Policy and Competition Law

Consumer Interest and Public Interest

Conflict between Public Interest and Consumer Interest

The Competition Law of today and of Yesterday

**Part (A) Anti–competitive Agreement;**

Introduction

Anti Competitive Agreement __Appreciable adverse effect

Anti Competitive Agreement __ Competition within India

Rules for determining effect on competition Under Indian Competition Act
Telco case
Carterlisation
Objectives of Cartels
Cartels under Indian Competition Law

*Anti competitive Agreement* --- Agreement s fixing prices

*Anti competitive Agreement* --- Agreement to limit and control production and,

*Anti competitive Agreement* --- Agreement on market allocation and sharing

*Anti competitive Agreement* --- Bid rigging and Collusive bidding

Exceptions under the Competition Act
Agreement not Anti competitive – Export of Goods

Conclusion

**Part (B) Abuse of Dominant Position**

Introduction

Concept of Domaince and Abuse

Accessing Abuse

Accessing relevant market

*Microsoft case*

Factors for determining dominant position

Concept of collective dominance

Instruments of Abuse

Dominant Position -- Abuse-- Predatory pricing

*Predatory pricing under Indian Competition Act 2002*

*Abuse on pricing --- discriminatory prices*

Dominant Position -Abuse - limiting or restrictive production

*Practices resulting in denial of market access*

*Essential facility doctrine*
Dominant Position --- Abuse --- Tying and Bundling agreement
Acts in bonfide competition exempted
Conclusion

**Part (C) Combination /Mergers**

Introduction

Definition of Combination under the Act
Advantages of Merger

Merger Analysis in India
When Combination /Merger considered as anti-competitive practices?

Factors for determining Combination s

Inquiry into Combination by Commission Domestic Nexus

Regulation of Combination in India

Intimation of Combination to Competition regulatory Authority

Kinds of Merger
*Horizontal mergers*

*Vertical mergers and*

*Conglomerate*

Joint Ventures and Mergers

Indian MNCs: Mergers and Acquisitions

Conflict between Competition Law and other sector regulators

*Combination / Merger regulation under --- Indian Companies Act 1956*

*Combination / Merger regulation under --- Indian Income tax Act 1961 (ITA)*

*Combination / Merger regulation under --- Security exchange Board of India (SEBI)*

*Foreign exchange Management Act 1999*

Permission by the Court
Chapter V: Competition regulatory Authority of India: Competition Commission of India: CCI and Competition Advocacy

Introduction
Composition of Commission
Appointment of Director General and other Officials
Powers of the Competition Commission of India
Merger Commission
Competition Law and Leniency powers
Whistle blower programmes
Protection of Confidential Information
The Central Government and Competition Act
The Competition Appellate Tribunal (COMPAT)
Competition Law and Competition Advocacy
The role of CCI on Small Medium Enterprises (SMEs)
CCI and sector regulators
Uncertainty in the working of CCI
Conclusion

Chapter VI: Comparative overview of Competition Policy and Law in US, UK and European Union

Introduction
Antitrust legislation s under United States of America
United States Antitrust laws and Cartels
International Vitamin Case

Rule of Reason

Concept of Abuse of Domaince under U S Antitrust Legislation

Microsoft Case

U S Antitrust Laws and Merger control

Enforcement of US Antitrust Law

Issues regarding Extra Territorial Jurisdiction under Competition Law

Extra –Territorial application and enforcement of US Antitrust Law

Origin of Effect Doctrine

Case laws --- Hartford Fire Insurance

Consumer protection and Antitrust Legislation

Consumer remedies under United States Consumer protection Act

Enforcement of Extra territorial Jurisdiction under Indian Competition Act

Basis of Extra Territorial Jurisdiction

United Kingdom Competition Law

Introduction

Harmful effects caused by Cartels

United Kingdom Competition Act and Abuse of Dominance

Enforcement authority under United Kingdom

European Competition Law

Introduction

Article 81 EC Treaty

Article 82 EC Treaty
Enforcement of Article 81 and Article 82 of EC Treaty

**International Organisation on Trade and Competition**

Organization for Economic Co-operation and Development (OECD)

United Nation Conference on Trade and Development (UNCTAD)

World Trade Organisation (WTO)

Competition elements in WTO Agreements

1. General Agreements on Tariff and Trade
2. General Agreements on Trade in Services
3. Agreement s on Trade related Intellectual Property Rights

Overcoming the Obstacles

Anti –dumping and Competition Policy

International Competition Network (ICN)

Conclusion

**Chapter VII conclusion**

Conclusion s and Suggestions

**APPENDICE**