

**GNLU organizes a Symposium on  
Competition Advocacy  
In collaboration with the  
Competition Commission of India**

**Gandhinagar, March 18, 2019:** The Gujarat National Law University organized a symposium on **Competition Advocacy** in collaboration with the Competition Commission of India (CCI). The symposium was organized with a view to promoting competition advocacy, creating awareness and imparting training about competition issues' as per Section 49(3) of the Competition Act, 2002.

**Mr Yogesh Kumar Dubey**, Deputy Director (Antitrust Division), CCI talked about the historic significance of the liberalization reforms of 1991 on the Competition regime in India. He referred to the erstwhile Monopolies and Restrictive Trade Practices (MRTP) Act of 1969 and outlined its shortfalls in light of the changing Indian economy of the 1990s. In doing so, Mr Dubey compared the MRTP Act's provisions with the Competition Act, 2002 that is in force today. He outlined how the Act marked the shift from '**control and command**' economy to a **near free economy**, which allowed Indian Competition Law to move from 'Per-Se Rule' to a 'Rule of Reason' regime.

While exploring the underpinnings of competition law in general, Mr Dubey talked about the relevance of microeconomics and explicated a clear theory of what constitutes 'market power' under economics and competition law. One of the relevant topics that came up for discussion was the concept of an 'agreement' under the Competition Act, 2002. He explained in great detail how such agreements need not be written contracts or formal agreements. A mere tacit understanding between market players could amount to an agreement – to such an extent that these may lead to the formation of 'cartels' in the economy.

Having clarified these concepts, Mr Dubey returned to elaborating on the establishment and role of the CCI in the competition regime of today. The CCI's motto: '**Fair Competition for Greater Good**', was dealt with at length by him as he explained the various facets of the CCI's day to day work. A brief discussion on the competition regime of the United States of America, the European Union and Japan was also undertaken.

Moving the focus to the provisions of the 2002 Act, Mr Dubey explained intricate concepts, such as anti-competitive agreements, both horizontal as well as vertical, and the abuse of dominant position. While the Cement Manufacturers case was used by him to explain 'cartelization' under Section 3, he used the DLF Gurgaon case to explain 'abuse of dominant position' under Section 4 of the Act. A brief discussion on delineating 'relevant market' under Section 4 was also undertaken by Mr Dubey, who used a great many examples to his advantage and provided key details to recent cases that were adjudicated by the CCI. Elzinga-Hogarty (E-H) test, a well-known tool among economists, and other such methods were also discussed under different ways for delineating 'relevant market'. The discussion that ensued saw Mr Dubey adeptly simplify complex economic



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tools to help students better understand the entwined nature of economics and law in the competition regime.

Mr Dubey concluded his informative session with a few comments on the opportunities that await students in the field of competition law. He talked about the internship opportunities offered by the Commission and the collaborative potential of such Competition Advocacy efforts. He expressed the possibility of involving more stakeholders in such symposiums in order to let students gain a more holistic setting for understanding the practical aspects of the law.

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