LL.M/M.C.L

II & IV Term

[2020-2021]

Competition & Consumer Law

LM-205

Prepared by:
Dr. Arti Aneja
Dr. Diksha Munjal

Faculty of Law
University of Delhi
LL.M/M.C.L. (2/3 Year) II & IV Term Course
[2020-2021]

Paper-LM-205: Competition & Consumer Law

Prescribed Legislations:

The Sherman Anti-Trust Act, 1890
The Clayton Act, 1914
The Robinson-Patman Act, 1936
Federal Trade Commission Act, 1914
Celler-Kefauver Antimerger Act, 1950
Competition Act, 2002 (India)
Competition Amendment Bill, 2012 (India)
Competition Act, 1998 (UK)
Enterprise Act, 2002 (UK)
MRTP Act, 1969 (India)
Consumer Protection Act, 1986 (India)
The Consumer Protection Bill, 2015 (India)

Prescribed Books:

Suresh T. Vishwanathan, *Law and Practice of Competition Act*, Bharat
PART- A
THE COMPETITION ACT, 2002

1. Competition Law: Introduction

2. **Anti-Competitive Agreements**

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.

**Comparative Law:**

- Section 1 of Sherman Antitrust Act, 1890 & The Clayton Act, 1914
- Agreements, decisions and concerted practices under Article 101 of the TFEU

3. **Abuse of Dominance**

Enterprise, Relevant Market, Dominance in Relevant Market, Abuse of dominance, Predatory Pricing.

**Comparative Law:**

- Section 2 of Sherman Antitrust Act, 1890
- Abuse of dominant position under Article 102 of the TFEU

4. **Combinations**


**Comparative Law:**

- Merger Analysis under US Law
- European Community Merger Regulation

5. **Establishment and Constitution of Competition Commission of India**

Powers and Functions, Jurisdiction of the CCI, adjudication and appeals, Director General of Investigation (DGI), Penalties and Enforcement.

**PART- B**

**THE CONSUMER PROTECTION ACT, 1986**

1. **Consumer Protection Act- Introduction**


2. **Consumer Dispute Redressal Agencies: Three-tier-structure**

District Consumer Dispute Redressal Forum, State Consumer Dispute Redressal
Commission, National Consumer Dispute Redressal Commission- Constitution, Powers, Jurisdiction, Procedure, Appeals. Nature of relief which can be provided by the consumer dispute redressal agencies including Cease & Desist Order, Compensation and Corrective Advertisements etc.

3. **Meaning and Scope of Services**

Splitting the definition of service into three parts- Main, Inclusionary, exclusionary i.e. rendering of any service free of charge or under a contract of personal service. Medical Services rendered by medical practitioners, Government Hospital/ Nursing Homes and Private Hospitals/ Nursing Homes- Whether service rendered free of charge would make the patient a ‘Consumer’?

4. **Unfair Trade Practices: Meaning and Scope of the expression “unfair trade practice”**

(a) **General Definition**

Unfair method or unfair or deceptive practice- Scope of unfairness standard, Deceptive Practice- Deceptive to whom- Basic Rules of General Application for determining the meaning of a representation. The puffing privilege reference to section 5 of the U.S Federal Trade Commission Act, 1914.

(b) **Specific Categories of Unfair Trade Practices**

(i) False and misleading representations occurring in connection with promotion of goods and services such as:

- False Representation about particular standard Grade, Quality, Quantity, Composition, Style and Model.
- False Representation that goods are new.
- False Representation that supplier has sponsorship or approval or affiliation.
- False and Misleading Representation Concerning the needs for or usefulness of any Goods and Services.
- Misleading and illusionary Guarantees/ Warranties.
- Misleading statements concerning prices.
- False Representation
- Disparaging the Goods, Service or trade of others.

(ii) Bait Advertisings
(iii) Offers of Gifts, Prices and conduct of promotional contests and lotteries- withholding information about results of schemes offering gifts/ prizes.
(iv) Non- compliance of standard prescribed to reduce risk of injury.
(v) Hording/ Destructions of goods.
(vi) Manufacturing/ offering spurious goods.

5. **The Consumer Protection Act, 2019**

New Provisions- Inclusion of services in product liability, Conditions to claim product liability, Unfair contracts, Consumer rights, Misleading advertisements, Consumer Disputes

**************************