

30 DEC 2023

NATIONAL LAW UNIVERSITY, JODHPUR

End Term Examination November-December-2023

Semester UG VIIth (Optional)

Subject: Comparative Competition Law

Time: Three Hours

Marks: 100

Instructions:

1. The question paper contains six (06) questions out of which the student must attempt any five (05).
2. Students must start each answer by clearly identifying to which question they are responding.
3. No materials, aids and instruments are permitted in this examination.
4. All questions carry equal marks.

Q.1) Examine, with the help of decided cases, the advent of "Rule of Reason" under section 1 and section 2 of Sherman Act, 1890 and analyse why the courts rejected the adoption of common law "Doctrine of Reasonableness" as a test of restraint of trade.

(Marks: 20)

Q.2) Assessment of market power and delineation of relevant market are critical yet controversial steps in competition and merger regulation. The last decade has witnessed tremendous developments in this area through advent of new tools which challenge and expose limitation of conventional methods like SSNIP. Highlighting the attributes of SSNIP, comment on its exposed "fallacies" and its much discussed new avatar-SSNDQ.

(Marks: 20)

Q.3) Examine the utility of Herfindahl-Hirschman Index (HHI) test in regulation of combinations by competition authorities. How has the Competition Commission of India fixed various regulatory tolerance levels under the test for its application in merger cases?

(Marks: 20)

Q.4) What is abuse of dominance under competition law? Explain, with the help of decided case laws, various factors that must be examined by competition authorities while undertaking an examination of predatory pricing.

(Marks: 20)

Q.5) The determination of "control" under Competition Act, 2002 has been at the centre of all debates and deliberations on merger regulation. Highlighting the significance of "control" in combination regulation, trace the advent of different versions of control and their distinctive attributes as propounded by judicial pronouncements under the Competition Act 2002

(Marks: 20)

Q.6) Write short notes on:

- a. Rule of Reason under Indian Competition law
- b. De minimis exemption and its utility

(Marks: $10 * 2 = 20$)