



भारतीय प्रतिस्पर्धा आयोग
COMPETITION COMMISSION OF INDIA



COMPETITION COMMISSION OF INDIA
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ACTIVITIES

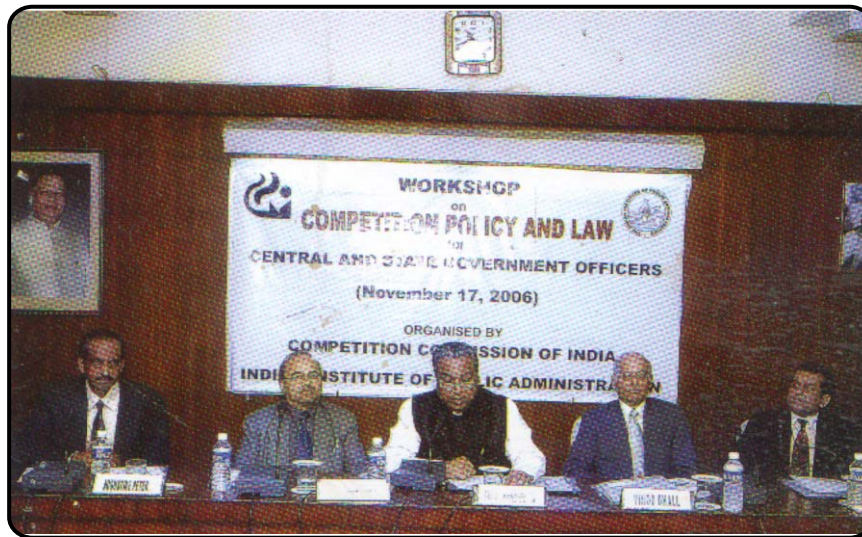
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Advocacy in Action



Hon'ble Minister of Company Affairs, Shri Prem Chand Gupta, launches the series of five One-Day Workshops on "Competition Policy and Law" for Central and State government officers at the Indian Institute of Public Administration, New Delhi on 17th November 2006.
Shri Vinod Dhall, Member, Competition Commission of India, is also present.



ACTIVITIES

INTRODUCTION

The Competition Act, 2002 (the 'Act') was enacted in January 2003 and the Competition (Amendment) Act, 2007 was enacted in September 2007.

The Competition Commission of India was established under the Act by Government notification in October, 2003. Since then the Commission has had one Member and acting Chairman, Mr. Vinod Dhall, along with a small team of officers and staff.

The sections of the Competition Act relating to enforcement work i.e. for undertaking inquiries into anti-competitive agreements and abuse of dominance, and for regulating combinations have not yet been notified by Government. Consequently, the Commission has not commenced enforcement work, but has been undertaking other work described below.

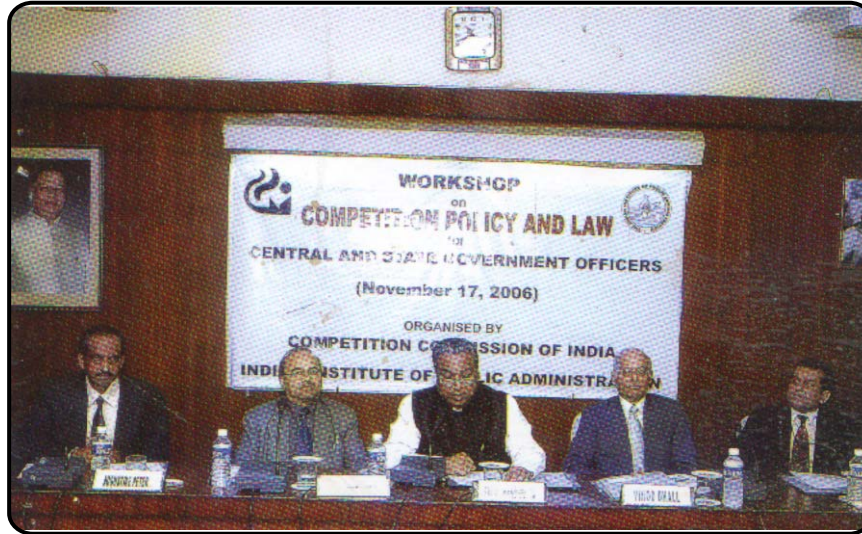
VISION AND APPROACH

The responsibilities of the Competition Commission of India are reflected in the Preamble to the Competition Act which states:

"An Act to provide, keeping in view the economic development of the country, for the establishment of a Commission to prevent practices having adverse effect on competition, to promote and sustain competition in markets, to protect the interests of consumers and to ensure freedom of trade carried on by other participants in markets, in India, and for matters connected therewith or incidental thereto."



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Member and Acting Chairman

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The Commission has a vision to be a highly professional organization incorporating best global practices in its work and organizational structure. The Commission also aims to maximize its synergy with the markets and have an interactive work culture.

With a view to benefiting from the best available intellectual capital on competition matters, the Commission has constituted a number of expert Advisory Committees that comprise eminent experts from the legal profession, economics discipline, industry, academia, consumer representatives and others.

PRESENT ACTIVITIES

The Commission is engaged in the following categories of activities:

- I - Competition Advocacy, Awareness and Training**
- II - Professional Ground Work**
- III - Capacity Building and Corporate Services**

I Competition Advocacy, Awareness and Training

Under the Competition Act the Commission is responsible for and has the mandate to undertake measures for the promotion of Competition Advocacy, creating Awareness and imparting Training about competition issues.

I.1 Competition Advocacy

The Commission has been engaged in undertaking Competition Advocacy with government ministries, regulators, state governments and other authorities. From time to time it has given its views on proposed economic laws and policies of the government and regulatory policies and practices of sector regulators, where



these impact competition in the markets. Accordingly, the Commission has communicated its opinions *inter alia* on the draft Indian Post Office (Amendment) Bill, 2007, the Warehousing (Development and Regulation) Bill, 2006, the Shipping Trade Practices Bill, 2007 and the Petroleum and Natural Gas Regulatory Bill, 2005.

The Commission has also given its views on regulatory policies and practices in the fields of banking, telecommunications, and intellectual property rights such as patents and copyrights.

The Planning Commission set up a Working Group on Competition Policy under the chairmanship of Mr. Vinod Dhall, Member and acting Chairman. The Working Group presented its report to the Planning Commission which *inter alia* suggested the sound competition promoting principles of economic policy and the formulation of a National Competition Policy by Government

Member and acting Chairman has made presentations on Competition Law and Policy to a number of ministers/ministries like the Minister of Finance, Ministry of Commerce and Ministry of Civil Aviation, and other bodies such as the Planning Commission, Chairman of the Economic Advisory Council to the Prime Minister, and the National Manufacturing Competitiveness Council.

The Commission has, in association with the Indian Institute of Public Administration, New Delhi and otherwise organized four training workshops on Competition Law and Policy for senior officers of the Central and State Governments.

The Commission has also undertaken Competition Advocacy with the State Governments and has drawn up an action plan in this respect. At its suggestion, all State Governments have nominated



Nodal Departments/Nodal Officers for Competition Law and Policy. Two workshops with the Nodal Officers have been held where the consensus emerged to recommend to the State Governments to review their policies/laws in certain sectors.

I. 2 Awareness and Training

The Commission has drawn up an Action Plan on awareness and training and has been benefiting in this respect from the advice of the Advisory Committee on Competition Advocacy. This work has been undertaken with the objective of raising the level of awareness of competition law amongst businesses, professions, consumer groups, policy makers and others.

The Commission has in association with chambers of commerce and industry, professional institutes, academic institutions and others held a large number of seminars/workshops/conferences on Competition Law and Policy, the total number being over sixty. It has also held interactive sessions with trade associations in a number of sectors such as shipping, automotive tyres and express delivery services.

The Commission has commissioned several studies on the state of competition in different sectors of the economy or on other important competition related issues. The studies have been assigned to reputed academic, research or other bodies. In this work, the Commission has been guided by a high level Advisory Committee of eminent economists and other professionals headed by Dr. Vijay Kelkar, former Advisor to the Finance Minister and Secretary to the Government of India. Thirteen such studies have been commissioned



and some more are being considered. Five studies have been completed and the reports have been received. Some of these studies have been funded under a World Bank programme or by FIAS (World Bank Group) and DFID (UK).

The objectives of these studies have been to gain insights into the structures of various sectors of the market and the business practices prevailing therein, and to assist the Commission in its role of undertaking competition advocacy and public awareness and training. A related objective has been capacity building of the research institutions in respect of competition related studies.

MARKET STUDIES/RESEARCH PROJECTS UNDERTAKEN

Completed studies:

1. *Competition Issues in Road Goods Transport Industry with Special Reference to the Mumbai Metropolitan Region*, by Prof. S. Sriraman of Mumbai University;
2. *State of Competition in Passenger Road Transport*, by the National Council of Applied Economic Research (NCAER), New Delhi;
3. *State of Competition in the Indian Manufacturing Sector*, by the Institute of Economic Growth, University of Delhi;
4. *Competition Issues in Energy Sector in India*, by The Energy Research Institute (TERI), New Delhi; and
5. *State of Competition in Pesticides and Cement Industries*, by Jawaharlal Nehru University, New Delhi



Ongoing studies

1. *Competition Policy in Telecommunications*, by the Indian Institute of Management, Bangalore;
2. *State of Competition in India's Manufacturing Sectors namely Automobiles & Auto Parts, Paints, Tyres and Steel*, by Jawaharlal Nehru University, New Delhi;
3. *State of Competition in Food Grains Market (Eastern Region)*, by Prof. B.N. Verma, Rajendra Agriculture University, Pusa, Bihar in collaboration with Centre for Planning and Development, Patna;
4. *Competition Clauses in Bilateral Treaties: Analysing the Issues in the context of India's Future Negotiating Strategy*, by Indian Council for Research on International Economic Relations (ICRIER), New Delhi;
5. *Cartel Case Laws in Select Jurisdictions*, by the Consumer Unity & Trust Society (CUTS), Jaipur, and National Law University, Jodhpur;
6. *Interface between Competition Authority and Sectoral Regulators*, by National Law School of India University, Bangalore;
7. *Guidelines on Compliance of Competition Law by Enterprises*, by the Institute of Company Secretaries of India, New Delhi;
8. *Auction Market in Indian Tea*, by the Institute of Cost and Works Accountants of India.



Two National Workshops on the 'State of Competition in the Indian Economy' were organized in collaboration with FIAS & DFID to review and coordinate the market studies/research projects; these were attended by a large number of academic and research bodies.

The Commission has been interacting with about 150 universities/institutions with a view to introduce the study of Competition Law and Policy in their curriculum particularly in the disciplines of law, economics and management. In this respect the Commission has been working with the Bar Council of India and positive outcome is expected. The Commission has developed a model curriculum for the study of competition law and has shared this with interested universities/institutes.

The Competition Commission of India has a website www.competitioncommission.gov.in. The Commission has initiated steps to organize and strengthen the website. The website is viewed as a tool for general awareness and training as well as transparency and interaction with stakeholders.

The Commission provides internship facility to students and also supports 'moot law competitions' held by other organizations. Thirteen interns have been trained so far by the Commission.

II Professional ground work

Though the Commission has not been able to commence enforcement work, it has been undertaking professional ground work that will be needed to commence the inquiry and regulatory work after the concerned sections of the Act have been notified.



The Act authorizes the Commission to make regulations to carry out the purposes of the Act. The following draft regulations have been prepared or are under preparation:

- Competition Commission (General) Regulations
- Competition Commission (Combination) Regulations
- Competition Commission (Transaction of Business and Meetings) Regulations
- Competition Commission (Leniency) Regulations
- Competition Commission (Engagement of Experts) Regulations
- Competition Commission (Determination of Cost in Predatory Pricing) Regulation

The Commission has undertaken preparation of 'Internal Reference Material' on the enforcement provisions of the Act as an aid to the Commission and staff in inquiry and investigation into these cases. Internal Reference Material on the following subjects has been prepared or is under preparation:

- Anti-competitive Agreements, including Cartels
- Combinations

The Commission strives to benefit from the views of experts and has set up Advisory Committees consisting of renowned experts to advise in respect of the following activities:

- Market Studies/Research Projects
- Competition Advocacy
- Regulations



- Predatory Pricing and Determination of Costs
- Academic Curriculum
- Economic Information
- National Competition Policy
- Competition Issues in Infrastructure Sector

A broad spectrum of experts and stakeholders are represented in these committees. The Commission has found the work of these Committees extremely valuable and helpful to evolve professionally sound and legally robust approaches to competition law and policy matters.

Member and Acting Chairman has established a Competition Forum as a platform for debate on and analysis of competition related concepts. Eminent experts, both national and international, are invited to talk and discuss on competition issues. Forty seven sessions of the Competition Forum have been held so far; details are available on the Commission's website. The Forum also serves as a vehicle for capacity building of the Commission's staff.

COMPETITION FORUM

National

- 1 Association of Indian Tyre Manufacturers
- 2 Bibek Debroy, former Secretary General, PHD CCI, New Delhi.
- 3 Electronics Manufacturers Association
- 4 N.L.Mitra, former Director, National Law School, Bangalore.
- 5 Nirpendra Misra, former Secretary, Department of Telecommunication.
- 6 T.K.Vishwanathan, Secretary, Department of Legal Affairs.



Overseas

- 1 Allan Fels, former Chairman, Australian Competition & Consumer Commission.
- 2 Amanda Rowlett, former Chief Economist, UK Competition Commission.
- 3 Atleen Kaur, Associate, Miller, Canfield, Paddock and Stone, PLC., U.S.A.
- 4 Eleanor M. Fox, Professor of Trade Regulation, New York University School of Law, U.S.A.
- 5 Fredric Jenny, Judge, Supreme Court, France.
- 6 Jennifer McNeil, Commissioner, Australian Competition and Consumer Commission.
- 7 Pieter Kalbfleisch, Chairman, Board of Netherlands Competition Authority.
- 8 R.S. Khemani, Adviser, Competition Policy, Investment Climate Department, The World Bank Group, U.S.A.
- 9 Ray Steinwall, General Counsel, Pricing & Regulatory Tribunal of New South Wales, Australia.
- 10 Shankar A Singham, Partner, Squire, Sanders and Dempsey LLP, U.S.A.
- 11 Simon Evenett, Professor of International Trade and Economic Development, University of St. Gallen, Switzerland.
- 12 Stephen King, Commissioner, Australian Competition and Consumer Commission.



III Capacity Building and Corporate Services

The Commission has engaged IIM, Bangalore to undertake a study on the Organizational Structure of the Commission. The interim report has made recommendations on the structure, process flow and staffing pattern of the Commission. These have been forwarded to the Government for approval of posts and commencement of recruitment. Presently, the Commission is working with a small team of officers and staff. Most of the support staff is outsourced.

Interlinking of Commission's website has been provided with those of the Institute of Chartered Accountants of India (ICAI), Institute of Company Secretaries of India (ICSI), Federation of Indian Chamber of Commerce and Industries (FICCI), Institute of Cost and Works Accountants of India (ICWAI), Confederation of Indian Industries (CII), PHD Chamber of Commerce and Industry (PHDCCI) and All India Association of Industries (AIAI).

The Commission has established a library which is perhaps the only exclusive library on competition law in India.

Technical Assistance Programmes through the Government of India are going on for capacity building with the World Bank, USAID, FIAS (World Bank)-DFID (UK). The Technical Assistance Programmes are being used for capacity building of the Commission and its staff, organizational structuring and strengthening, market studies/research projects, augmenting of the library, and other such purposes.



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The Commission attaches great importance to training with a view to strengthen the professional skills of the staff. It has been deputing its officers for training programmes, both overseas and in the country. It has established a structured Internal Training Programme for its staff consisting of eleven sessions of three hours each.



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