



सत्यमेव जयते

ANNUAL REPORT 2011-12



COMPETITION COMMISSION OF INDIA

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COMPETITION COMMISSION OF INDIA

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CHAIRPERSON'S STATEMENT

I am privileged to present the Annual Report of the Competition Commission of India (CCI) for the year 2011-12.

Significant milestones were achieved by the Commission during the year under review. This gives me comfort that the organization is coming out of infancy. In the process, it is building up its capacity for the long road ahead.



During the reported period, 89 informations were filed with the Commission which were primarily related to Real Estate, Information Technology, Films & Television, Banking & Finance Sectors alleging infringement of the provisions of anti-competitive agreements and abuse of dominant position of the Act. In addition to this, 04 references were received from Central/State Government Statutory Authority. After forming the *prima facie* opinion, the Commission directed the Director General to undertake investigation in 43 cases. By the end of the year, the investigation process was completed for 38 cases (including cases referred in previous year). The Commission has not shied away from imposing a hefty penalty where the infringement has been proved. At the same time, it has ordered closure of those cases where, in its opinion, no infringement of the Act was found.

The year 2011-12 saw significant development in regard to notification of the third pillar of the Competition Act, viz., **Regulation of Combinations**. These provisions of the Act came into force with effect from 1st June, 2011. With this, all the provisions of the Act have been notified and the Commission has been fully empowered to fulfill its objectives. We are conscious of the need of Indian industry to consolidate and grow in an inorganic manner. As such, the Commission has kept its mind open for mid-course corrections. With this in view and after gaining experience, the Combination Regulations were amended on 23rd February, 2012 so as to provide relief to corporate entities from making filings which are unlikely to raise adverse competition concerns and thus reduce their compliance requirements. During the period from June 2011 till March 2012, 48 notices of combinations were received in the Commission and the final decision was taken in all these notices well within the stipulated time.

Under **the advocacy mandate** flowing from Section 49 of the Act, the Commission has now started focusing on those stakeholders whose core activity involves policy making and its implementation. A two-pronged approach was adopted. The Central and State Governments were sensitized about the competition aspect of policies, rules and regulations. The need for making cost-benefit analysis of the socio-economic objective that the policy seeks to achieve and the potential harm it may cause to competition has been highlighted which could enable them to incorporate the 'competition dimension' in all government decisions and policies. Simultaneously, efforts were made to inculcate the importance of competition in economic growth and consumer welfare in the minds of younger officers who will play an increasingly larger role over the years in their public service careers.

Apropos effectiveness in the **public procurement system**, the Commission has adopted a three-pronged strategy. First, by educating public authorities about spotting signs of bid-rigging; second, through advertisement campaign deterring prospective suppliers from bid-rigging; finally, by imposing heavy penalty under the Competition Act on those firms conclusively found indulging in bid rigging.

A **new advocacy** initiative was taken to generate awareness **among school children** not only for germinating seeds of competition culture in the young minds but also to apprise them about emerging career prospects in the field of Competition law and economy.

The Commission is actively engaged in building internal capacity with the objective of establishing a **knowledge based organization**. At the same time there is need to keep our windows open for good practices from all around. With this in mind, the Commission has constituted an Eminent Person Advisory Group representing Corporate Sector, academics, Regulatory Authorities, and NGOs. This group of wise persons would advise the Commission in deepening competition, in identifying sectors where appropriate policy changes may be suggested and, above all, in identifying ways and means to use the culture of competition to take the Indian Economy to a higher growth trajectory.

We note with satisfaction and some modicum of pride that the maturity of the Commission has been acknowledged in the international competition fraternity. Its strong credentials despite its short life-span, are making indelible impression upon various international competition bodies viz. Global Competition Forum, International Competition Network, Organisation of Economic Cooperation and Development, United Nation Conference on Trade & Development, BRICS etc. CCI is actively participating in their activities and contributing as well as learning from the groups constituted for Advocacy, Agency Effectiveness, Unilateral Conduct and Mergers.

Since the extra-territoriality of the application of competition law has been accepted by various jurisdictions as a norm, CCI has taken initiatives to enter into Memorandum of Understanding (MoU) with the competition agencies of some robust jurisdictions to strengthen the international legal framework for global competition. During the year, such MoU has been signed between CCI and Federal Antimonopoly Service (Russian Federation) to enhance the cooperation between the two competition authorities. Such agreements with the USA, the EU, Australia and the BRICS are at various stages of finalization.

The Members and the professional team of the Competition Commission of India are committed to promote and sustain effective competition in the markets. I sincerely believe that with our concerted efforts and following the twin strategy of enforcement and advocacy of the Competition Act, we would help in changing the market dynamics and help, in a small way, in building a new India.

Ashok Chawla
Chairperson

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A. INTRODUCTION

As an extension of the economic reform process and emergence of modern governance system, the government has set up various statutory regulatory bodies for enforcing rules, regulations and providing a level playing field in numerous sectors of the economy. Therefore, the present Indian economy may be characterized as a regulated market economy which has various sectoral regulators. In order to eliminate practices having adverse effect on competition; promote and sustain competition; protect interests of consumers and to ensure freedom of trade in markets in India the Competition Act, 2002 was enacted paving way for the establishment of the Competition Commission of India (CCI), the institutional framework to support healthy and fair competition. This Act moved away from the earlier emphasis of curbing monopolies to a more particular and directed approach towards promoting competition and thereby increasing efficiency, innovation and competitiveness.

The Competition Act provides a formal and legal framework for ensuring competition and contain following ingredients:-

- First, it prohibits all anti-competitive agreements at horizontal and vertical level which restricts competition and cause consumer harm by way of allocating markets, limiting production, distribution of goods and services and fixing prices higher than normal.
- Second, competition law regulates the abusive behavior of a dominant firm, who may set unfair and discriminatory conditions, distort competitive structure of market and makes consumers accept its terms and conditions.
- Third, to safeguard competitive markets, the competition law regulates the mergers and acquisitions of large corporations.

(I) Objectives

Competition is an essential ingredient of a liberalized economy. It is a powerful instrument to help in achieving the macro-economic policy goals of the country. It is the key to attain allocative, productive and dynamic efficiencies, which are important for maximizing the overall welfare of society. Increased competition can improve country's economic performance, open business opportunities to its citizens and reduce the cost of goods and services throughout the economy. The Commission while discharging its duties has been keeping in mind attainment of the following objectives:-

- a. Prevention of practices having adverse effect on competition.
- b. Promoting and sustaining competition in market.
- c. Protecting the interests of consumers
- d. Ensuring freedom of trade.

The main objective of the Commission is to promote and sustain competition in the market and to make markets more responsive to consumer preferences. To achieve its objective, the Competition Commission of India endeavors to do the following:-

- a. Make the markets work for the benefit and welfare of consumers
- b. Ensure fair and healthy competition in economic activities in the country for faster and inclusive growth and development of economy
- c. Implement competition policies with an aim to effectuate the most efficient utilization of economic resources
- d. Develop and nurture effective relations and interactions with sectoral regulators laws in tandem with the competition law
- e. Effectively carry out competition advocacy and spread the information on benefits of competition among all stakeholders to establish and nurture competition culture in Indian economy.

(II) Important Achievements

During the reported period, 89 informations were filed with the Commission under Section 19(1)(a) which primarily were related to Real Estate, Information Technology, Films & Television, Coal, Banking & Finance Sectors alleging infringement of the provisions related with anti-competitive agreements and abuse of dominant position of the Act. After forming the prima facie opinion, the Commission directed the Director General to undertake investigation in 43 cases. By the end of the year, the investigation process was completed for 38 cases (including cases referred in previous year). The disposal rate was 64.4%. The Commission has also ordered for closure of those cases where in its opinion, no prima facie infringement of the Act was found and has imposed hefty penalty where the infringement has been proved. During the period 48 notices of combinations were received. The Commission made its final decision on all cases within the stipulated timeframe.

Interactive meetings were conducted with Industry and Trade Associations to develop mutual trust at the backdrop of notification of new merger control regime which created affable atmospherics. As students are future opinion makers, practitioners of law, journalists, procurement officials, administrators or senior managers of enterprises; the Commission under its advocacy mandate had made concerted efforts in moulding their mind to spread competition culture in the country. A series of lectures/seminars were organized at various law universities, management and professional institutes, administrative academies etc. for this purpose which to a great extent has been successful in inculcating the basic nuances of the Act. Workshops on 'Public Procurement & Competition Law' were also organized for Public Sector Undertakings which gave their procurement officials deep insight into prevention and detection of bid rigging.

In its endeavor to understand the working of the markets, two market studies on Steel Industry and Paper Industry, commissioned to CRISIL Research by the Commission have been completed. Another one study on "Competitive Assessment of Onion Markets in India" was commissioned to Institute for Social and Economic Change (ISEC) whose interim report has been received. The Commission also studied and investigated sectors like real estate, glass industry, airlines, construction industry, banking sector, electricity distribution, DTH operators and drug manufacturing industry.

Recruitment:

- In the first round of the Direct Recruitment, 18 professionals and 8 support staff were appointed. In the second round of the Direct Recruitment, 4 professional were appointed excluding one professional who is allowed extension of time to join the CCI. For the third round of Direct Recruitment, applications were called for from eligible candidates in September 2011 against 20 posts

of professionals and 13 posts of support staff. The written examination was held in January, 2012 in which a total of 484 candidates appeared.

- 6 posts were filled up in CCI on deputation basis.
- 6 posts were filled up in the O/o DG, CCI on deputation basis.
- 13 experts were engaged in the CCI and 3 experts were engaged in the DG Office on contract basis.

(III) The Year in Review

(a) Landmark Decisions

(I) Landmark decisions given by the Commission during financial year 2011-12 are as under:

- 1. FICCI Multiplex:** The informant alleged that the film producers violated the provisions of Section 3 of the Competition Act. The Commission vide order dated 25.5.2011 found that the opposite parties had contravened the alleged provisions and accordingly penalty @ Rupees one lakh each was imposed on 27 parties.
- 2. MCX vs. National Stock Exchange & Others:** MCX Stock Exchange Ltd. filed a case alleging violation of provisions of Section 4 of the Competition Act, 2002. The Commission has imposed penalty of ₹ 55.50 crores on National Stock Exchange vide its order dated 23.6.2011 for contravening Section 4 of the Competition Act, 2002.
- 3. Belaire Owners' Association vs. DLF & Others:** Belaire Residents Association alleged that M/s DLF Limited Ltd imposed unfair conditions upon on the flat owners. The Association also alleged that the agreement carried out between the M/s DLF Ltd. and the flat owners contained anti-competitive provisions. The Commission passed order dated 12.8.2011 and imposed a penalty of ₹ 630 crores on DLF Limited for violation of provisions of the Competition Act, 2002. The Commission has in its aforesaid order also made suggestions to the Central Government and State Governments for necessary action towards real estate market.
- 4. Uniglobe Mod Travels Pvt. Ltd:** The informant alleged that the opposite parties have violated provisions of Section 3 of the Competition Act. The Commission vide order dated 4.10.2011 found that the opposite parties (Travel Agents Federation of India, Travel Agents Association of India & IATA Agents Association of India) have violated provisions of section 3 (3) (b) of the Act and accordingly imposed penalty of ₹ 1 lakh on each of the parties.
- 5. Film Distributors'/Exhibitors' Associations:** The Commission received information in 10 cases against various regional film distributor/exhibitors Associations wherein it was alleged that associations enjoying a dominant position in the exhibition and distribution of movies in the respective States/areas and thus has infringed the provisions of Section 3(3) and 4(2) (a), (c) & (e) of Competition Act, 2002. The Commission vide order dated 16.2.2012 found that regional film distributor/exhibitors Associations contravened section 3 (3)(b) of the Act and imposed penalty @ 10% of average turnover on 9 regional film distributor/exhibitors associations. Total amount of penalty imposed was ₹ 48.44 Lakhs.
- 6. LPG Gas Cylinder Manufacturers:** Case no. 10/2010 titled M/s Pankaj Gas Cylinder Ltd. v Indian Oil Corporation Ltd. and others was filed in the Commission on 25.2.2010 and after forming existence of prima facie case the Commission referred the matter to DG u/s 26 (1) on 30.3.2010. The Director General submitted investigation report in Case no. 10 of 2010 to the Commission on 4.10.2010. While considering the DG report the Commission observed that the manufacturers of

LPG cylinders have manipulated the bids and have thereby procured orders for supply of 14.2 Kg LPG cylinders by quoting identical rates in groups through an understanding and collective action in violation of provisions of Section 3 (3) (d) of the Act. Accordingly, the Commission, exercising its powers *suo moto* under Section 19 of the Act, decided that a thorough investigation into the matter of bid rigging is called for in the tenders awarded for procuring 14.2 Kg LPG cylinders by the public sector gas marketing companies, viz., Indian Oil Corporation Ltd. (IOC), the Bharat Petroleum Corporation Ltd. (BPCL) and the Hindustan Petroleum Corporation Ltd. (HPCL) and referred the matter to DG for investigation on 9.3.2011. The Commission after investigation found that the LPG Cylinder Manufacturers have violated provisions of Section 3 (3) (d) of the Act and accordingly, vide order dated 24.2.2012 imposed penalty on 48 LPG Cylinder Manufacturers amounting 7% of the average turnover on each manufacturers, total amounting ₹ 165 Crores.

7. Kapoor Glass Pvt. Ltd: M/s Kapoor Glass Pvt. Ltd. alleged M/s Schott Glass India Pvt. Ltd had abused its dominant position and imposed unfair & discriminatory conditions in the purchase of goods related to the glass tubes in the geographical area of India. The Commission found that the opposite party contravened the provisions of Section 4 of the Act and vide order dated 29.3.2012 imposed penalty of ₹ 5.66 Crores on M/s Schott Glass India Pvt. Ltd.

(ii) Landmark decision by the Hon'ble Delhi High Court.

Union of India Vs. Competition Commission of India [W.P.(C) No. 993/2011 in Delhi High Court]. Ministry of Railways filed writ petition before the Delhi High Court, challenging the jurisdiction of the Commission. It took the plea that it was not an "enterprise" as defined under the Competition Act and the Commission lacked jurisdiction to hear a complaint that it was allegedly abusing its dominant position. The Ministry of Railways also raised the contention that arbitration clause barred the information and the same was not maintainable.

The Hon'ble Single Judge, while dismissing the Ministry of Railway's plea challenging the jurisdiction of the Commission, held that the activity carried out by the petitioner has a commercial angle and is capable of being carried out by entities other than the State. The Hon'ble Court also rejected the contention regarding information not being maintainable with the inclusion of arbitral clause in the concession agreement.

b) Legislative Work:

Under Section 64 of the Competition Act, 2002, the Commission is empowered to make regulations consistent with the Act and Rules made there under to carry out the purposes of the Act. The Commission has notified the following regulations which have been published in the extra ordinary issue of the Gazette of India, Part-III, Section 4 on the dates mentioned against each:

Table 1: Regulations notified by the Commission

Sl. No.	Regulations	Date of Issue
1.	The Competition Commission of India (Procedure in regard to transaction of business relating to Combinations) Regulations, 2011	11 th May, 2011
2.	Competition Commission of India (General) Amendment Regulations, 2011	08 th Nov., 2011
3.	The Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Amendment Regulations, 2011	23 rd Feb.,2012

(c) Outreach Programme:

Success of any law is directly linked with the acceptability by those people to whom it is applicable or who are affected by it. Educating people about the benefits of competition is, therefore, imperative to secure the will of the stakeholders to abide by the law. The outreach programme conducted under advocacy mandate include those activities conducted by the Commission related to the promotion of a competitive environment by means of non-enforcement mechanisms, mainly through its relationships with other governmental entities and by increasing public awareness about the benefits of competition. It influences the economic behavior of enterprises, elicit support for the economic principles of competition and convince stakeholders about the innate advantages of competition regime. It acts as complement to law enforcement activities of Competition Authorities.



Figure 1: Conference on "Regulation of Combinations" on April 21, 2011 in New Delhi

Under the advocacy mandate, the Commission conducted a series of workshops, lectures, seminars and conferences on various competition related issues during the year 2011-2012. Interactive meetings were held with Industry and Trade Associations at Mumbai, Bangalore, Hyderabad and Delhi under the Commission's outreach programme on 'Combination Regulations' during April, 2011. Press Conferences were convened and press releases issued to give them wider publicity.

A workshop on "Detection & Prevention of Bid Rigging" at Hotel Royal Plaza, New Delhi was conducted for senior officers of ONGC on 27th November, 2011. A conference on "Public Procurement & Competition

Law” was jointly organised with SCOPE on 14th March 2012 for the procurement officers of PSUs. Secretaries of Central Government Ministries/ Departments, Chief Secretaries of States and Chief Secretaries/ Administrators of Union Territories have been sensitized about the importance of framing competition coherent policies and the need of undertaking competition assessment of existing Government policies. In order to increase the Commission's outreach towards the student community, a 'National Level Essay Competition' on topics relating to competition issues was organized. A series of lectures at various law colleges, universities, professional institutes, administrative academies etc. were organized to create awareness about the benefits of competition in the market place.

Commission also provides internship to students from Law, Economics, Management and Professional streams. During the year 2011-12, 49 students from reputed institutes like NLU, NALSAR, JNU, ICAI etc. have undergone internship training with the Commission on various competition-related subjects.

In order to have in-depth understanding of functioning of various markets, the Commission had undertaken market studies on various sectors of the economy both in-house and by outsourcing. Three market studies were commissioned during the period which relates to Steel Industry, Paper Industry and another on “Competitive Assessment of Onion Markets in India”.

(IV) Capacity Building:

During the last three years, the approach of the Competition Commission of India has been to build a knowledge based organization. In the process, a team of dedicated officers from multiple disciplines has been built up. Their capacity is continuously enhanced by providing them opportunity to have international exposure through series of workshops conducted by international competition agencies. In-house advance training programme on various economic, legal, financial issues were also conducted with the help of international experts on the subjects. Knowledge sharing among the officers had also been institutionalize; vibrant in-house discussion and debates on various economic, legal and financial issues pertaining to competition laws also took place which enabled the officers to analyze the issues in hand with different perspectives.

Some of the main activities relating to Capacity Building are summarized below:

- The Induction Training Programme was conducted for direct recruits and officers on deputation from 26th – 30th September 2011 wherein trainees were given an overview of the Competition Act, 2002, economics concepts, financial concepts, combination regulations, enquiry and investigation.
- A training workshop on Economic Framework for Merger Review & Analysis was organized from 18th – 21st April, 2011 wherein experts from United States Federal Trade Commission have trained the officers of the Commission.
- The United States Federal Trade Commission (USFTC) conducted training from 19th – 21st September, 2011 on developing practical skills for planning and conducting investigations in abuse of dominance cases.
- Organisation of Economic Cooperation and Development (OECD) conducted a workshop from 19th – 20th January, 2012 on Competitions in Policies and in Practice.
- World Intellectual Property Organisation (WIPO) conducted a seminar on Interface between Intellectual Property and Competition Policy.
- USFTC conducted a workshop on “Practical Exposure on Merger Control” from 18th – 29th July, 2011 at Washington DC, USA.
- OECD- Korea Policy Centre conducted a workshop on “Legitimate Business Practices or Cartels in Disguise” from 05th – 07th October, 2011 at Hanoi, Vietnam.
- In addition to the above, the officers actively engaged themselves in internal debates and discussions on key legal and economic issues pertaining to competition law and its enforcements.

(V) International Engagements:

The Competition Commission of India with the passage of time has carved a niche for itself among the international competition fraternity. Its maturity and credentials so far established in the area are being acknowledged by the competition agencies of various jurisdictions. CCI is an official invitee to various meetings, conferences, seminars, workshops etc. organised by international organisations like International Competition Network, Global Competition Forum, Organisation of Economic Cooperation and Development, UNCTAD, BRICS etc. CCI is an active participatory in various exchange programmes wherein delegations from various jurisdictions share their experiences in the implementation of Competition Law which ultimately augment the capacity of officers of both the sides. Since with the globalisation of markets, the anti-competitive practices prevailing in other jurisdictions are not much different from ours, hence linkages with other competition agencies of the world provide unique exposure in dealing with the cases in hand.



Figure 2: Lecture by Prof. William Kovacic, Ex Chairperson, Federal Trade Commission, USA on “The Development of an Effective Merger Control Regime” under the “Distinguished Visitor Knowledge Sharing Series” on 23rd November, 2011

As per Section 18 of the Competition Act, 2002, the Competition Commission of India is permitted to enter into any memorandum or arrangement with any agency of any foreign country. Accordingly, Competition Commission of India has initiated proposals for entering into Memorandum of Understanding with various competition agencies like United States Federal Trade Commission [US FTC]/United States Department of Justice [US DoJ], European Commission, Federal Antimonopoly

Services, Federation of Russia [FAS, Russia] and State Administration for Industry & Commerce, Peoples Republic of China [SAIC, PRC]. Memorandum of Understanding (MoU) between Competition Commission of India and Federal Antimonopoly Service (Russian Federation) has been signed on December 16, 2011 in the presence of Prime Minister Dr. Manmohan Singh and Russian President Mr. Dmitry Medvedev in Moscow. The MoU aims to enhance cooperation between the two Competition Authorities.

Chairperson, CCI India attended the 10th Annual General Conference of International Competition Network during May 17-20, 2011 held at Hague, Netherland. He also attended 60th Annual Spring Meeting of the Antitrust Section of American Bar Association held in Washington DC, USA between March 27-30, 2011. Chairperson, CCI also attended the 11th Global Forum on Competition organised by OECD from 16-17 February, 2011 at Paris, France. Shri HC Gupta, Member, CCI participated in 2nd BRICS International Conference from 20-22 September, 2011 at Beijing, China. He also attended 15th International Competition Conference during 13-15 April, 2011 at Berlin, Germany. Shri R. Prasad, Member, CCI participated in International Conference on "Competition Enforcement Challenges and Consumer Welfare in Developing Countries during 1-2 December, 2011 at Islamabad, Pakistan. Shri Anurag Goel, Member, CCI participated in 11th Session of the Inter Governmental Group of Experts (IGE) on Competition Law & Policy organized by UNCTAD during 29-30 July, 2011 at Geneva, Switzerland.

(VI) Impact on Consumers and Economy

The Competition Commission of India (CCI) is committed to promote and sustain effective competition in the markets. It is a widely known fact that competition has proved to be a powerful tool to secure proper and efficient use of scarce resources, reduce costs, eliminate supply bottlenecks, spur innovations and also offer wide choices to the consumers and enables the consumers to have fair value of their money. The rigorous application of Competition Act is the best way to enhance consumer welfare. Competition in markets is an engine for the economic growth of the country. Internationally competition in the markets has been recognized as pivot for the economic wellbeing of consumer and for making a good savings to the exchequer. It accelerates the pace of increase in GDP, creates employment opportunities, and increases per capita income thereby acting as an essential tool for alleviation of poverty.

During the period, the CCI has received numerous matters alleging violations of Sections 3 and 4 of the Act relating to anti-competitive agreements and abuse of dominance in diverse sectors such as insurance, travel, automobile manufacture, real estate, pharmaceuticals, financial sector and entertainment and passed final orders on them and imposing penalties wherever warranted thereby correcting the market distortions for extension of benefits to consumers. With its orders cutting across various sectors of economy, the Commission has been successful in making its presence felt across the economy. It has been able to make a credible deterrence in the process of building up its image as a competition watchdog. Enterprises knowingly or unknowingly indulging into anti-competitive practices have been put into introspection mode to correct their procedures and practices so that they are in tandem with the provisions of the Competition Act, 2002. Quantum of penalty prescribed in the Act has forced them to develop voluntary competition compliance programme so as to prevent themselves from the brunt of falling on the wrong side of the law. All this has impacted the consumers in a positive way and to some extent has initiated the process of bringing that situation in the economy where 'Consumer is King'.

CCI has been successful in clarifying to the stakeholders about its role in the economy vis a vis other sectoral regulators thereby removing the apprehension of regulatory overlap in the economy. Roles of sectoral regulators and CCI are distinct from each other. CCI has a holistic perspective on all the sectors of the economy in addressing competition issues. On the other hand, the sectoral regulators concentrate on regulation of particular sectors. The sectoral regulators address economic issues like issue of licences, fixation of tariff or royalty related issues. The competition regulator i.e. CCI cut across all the sectors and looks at the behavioral issues of the enterprise in the market. Role of sectoral regulators and CCI is complementary to each other.

B. INVESTIGATIONS AND INQUIRIES ORDERED BY THE COMMISSION

(I) Investigation and inquiry relating to Sections 3, 4 and 42 of the Act

During the year 2011-12, the Commission received 89 cases under section 19(1)(a) of the Competition Act, 2002 from various informants in addition to 4 references received under section 19(1)(b) from Central/State Government/Statutory Authority. The sector-wise analysis reveals that a large number of information pertained to Real Estate, IT, Films & TV, Coal, Banking & Finance sectors. After prima-facie investigation in the Commission, 43 cases were sent to Director General under section 26(1) of the Act which included 2 references received from Central Government.

Table 2: Cases before the Commission during the year 2011-12

Description	Information Received u/s 19	Cases Received from MRTPC On transfer	Suomoto cognizance	References received from Central Govt.	References received from State Govt.	References received from Local Authorities	Total
Number of matters pending at the beginning of the year	61	28	05	-	-	-	94
Number of matter received during the year	89	-	-	02	01	01	93
Total number of matters	150	28	05	02	01	01	187
Number of matters in which prima facie violations noticed	40	01	-	02	-	-	43
Number of matters in which no prima facie violations noticed	48	01	-	-	01	01	51
Investigation reports received on prima facie matters ordered for investigation	27	05	05	01	-	-	38
Inquiries conducted	-	-	-	-	-	-	-

After considering all facts and evidences the Commission also decided to close 51 cases under section 26(2) of the Act.

Besides receiving information filed under Section 19(1)(a) of the act, a large number of complaints are also received in the Commission raising some competition concerns. These complaints are processed in the Commission to know whether any substantial and valid competition concerns have been raised. The Commission also gathers information from various sources e.g., studies conducted both inside and outside the Commission, news reports, published articles, journals etc. to develop cases of anti-competitive conduct affecting the consumers at large on its own motion as prescribed under Section 19(1)(a) of the Act. The Commission, so far, has taken up to least 28 such cases of arbitrary increase in milk pricing and airfares, cartelization in pharma sectors, asbestos cement manufacturers, Sugar, Cement, Tyres, Aluminum Phosphide, etc. The Commission has also initiated pro-active measures to send advisories to those organizations that are not sensitive to the competition concerns.

(II) Investigations and inquiries undertaken by Director General

During the year 2011-12, Director General received 43 cases for investigation from the Commission. The Director General submitted investigation reports in 38 cases. The table given below summarizes the total number of cases received from Commission for investigation vis-à-vis the number of cases in which report has been submitted to the Commission.

Table 3: Status of Investigations by Director General

Status of Investigations by Director General	Nos.
Number of matters pending at the beginning of the year	16
Number of matters received during the year	43
Total number of matters report submitted	38
Number of matter pending at the end of the year	24*
Disposal Rate	64.4%

**Including three cases sent for further investigation during 2011-12.*

C. ORDERS PASSED BY THE COMMISSION

The Commission found that there is no violation of the Act in 51 cases and closed these cases u/s Section 26(2) of the Act. In 37 cases the Commission after considering objections and submissions made before it closed the cases and passed orders u/s 26(6). The table below summarises the orders passed by the Commission.

Table 4: Orders Passed by the Commission

Category		Total	Section under which the order was passed
Cases where no offence is made out	Cases where offence is proved		
51	-	51	Under Section 26(2)
37	-	37	Under Section 26(6)
-	30	30	Under Section 27

D. EXECUTION OF ORDERS OF COMMISSION AND PENALTIES

Table 5: Monetary Penalties

S.No.	Description	Nos.
i.	Details on recovery of penalty levied under section 27, 42/43/43A, 44 and 45 (Separately and combined)	Orders u/s 27 were passed in 16 cases (details at Table 8) and orders u/s 43 were passed in 5 cases (details at Table 9).
ii.	Total number of matters and total amount of monetary penalties levied	The Commission has levied penalty in 20 cases. The amount of penalty levied is ₹ 858,38,05,621/- (excluding penalty in the cases listed at 3 & 4 of Table 9).
iii.	Total amount realized without restoring to Section 39(2)	₹ 25,09,634/-
iv.	Total number of matters and amount therein referred to income-tax authorities for collection as arrears of Income tax under Section 39(2)	Nil
v.	Total number of matters and amount therein referred by income-tax authorities as Arrears of income tax	Nil

Table 6: Matter Referred to Chief Metropolitan Magistrate, New Delhi u/s 42.

S.No.	Description	Nos.
i.	Details of matters referred to Chief Metropolitan Magistrate, Delhi under Section 42	Nil
ii.	Number of matters pending at the beginning of the year	Nil
iii.	Number of references made during the year	Nil
iv.	Total number of matters	Nil
v.	Number of references disposed of out of (i) above	Nil
vi.	Number of references disposed of out of (ii) above	Nil
vii.	Total number of references disposed of during the year	Nil
viii.	Number of references pending at the end of the year	Nil

Table 7: Imposition of Lesser Penalties under Section 46

S.No.	Description	Nos.
i.	Matters in which lesser penalty has been imposed under Section 46	Nil
ii.	Number of matters in which lesser penalty imposed	Nil
iii.	Number of persons or enterprises on whom lesser penalty imposed	Nil
iv.	Number of persons granted full leniency and partial leniency in each matter.	Nil

Table 8: Penalty imposed under Section 27 of the Act

S. No	Case No. & Brief head	Date of the order of the Commission	Amount of monetary penalty	The recovery status at present
1.	01/2009 - FICCI Multiplex Assn. Vs. UPDF &Ors.	25.05.2011 and 25.10.2011	₹ 27,00,000/-	<p>(i) Penalty of ₹ 1.00 Lakh each was imposed on all the 27 OPs, out of which 22 OPs deposited the same; Four OPs did not deposit penalty, out of which 03 parties (Shri Sunil Lulla, Shri Nandu Ahuja and Ms. Jyoti Deshpande) filed Appeals, consequent to which COMPAT stayed recovery of penalty.</p> <p>(ii) As regards UPDF (OP-1), since it reportedly does not exist, the Commission on 25.10.2011 ordered that the unrecovered penalty of ₹ 1.00 Lakh due from UPDF (OP-1) be recovered from the remaining 26 Members @ ₹ 3847/- per Member, and for issuance of Demand Notices. 21 out of 26 parties have since paid the penalty of ₹ 3847/- each. Regarding the remaining 05 defaulter parties, on 03.02.2012, Recovery Certificates have been issued, calling upon them to deposit the penalty amounts within 30 days. Out of the 5 defaulting parties, one party namely Shri Rattan Jain has remitted the penalty amount. Three parties viz. Shri Sunil Lulla, Shri Nandu Ahuja and Ms. Jyoti Deshpande have stated that since COMPAT had stayed recovery of penalty of ₹ 1 lakh in response to their appeals filed in the instant case, they have requested that recovery notice issued to them may be with drawn. In respect of one party (Shri Aamir Khan) there has been no response as yet.</p>

2.	13/2009-MCX Vs. NSE &Ors.	23.06.2011	₹ 55,50,00,000/-	Order u/s 27 (b) imposing penalty of ₹ 55Crore on NSE; the party filed Appeal, consequent to which, COMPAT vide Order dated 08.09.2011 stayed recovery of penalty subject to filing undertaking by the party for payment of interest @ 9% p.a., on the basis of the final decision in the Appeal.
3.	19/2010 – Belaire Owners' Association vs. DLF	12.08.2011	₹ 630,00,00,000/	Order u/s 27 (b) imposing penalty of ₹ 630.00 Crore on DLF Limited. The party filed Appeal in COMPAT, besides for stay of penalty recovery; COMPAT vide Order dated 09.11.2011 stayed recovery of penalty subject to the party filing an undertaking, within 03 weeks, to pay interest @ 9% p.a. on the amount of penalty imposed, or such amount as ultimately determined by COMPAT, from date of CCI Order till payment date.
4.	3/2009 – Uniglobe Vs. TAFI, TAAI & IAAI	04.10.2011	₹ 3,00,000/-	Order u/s 27 (b) imposing penalty of ₹ 1.00 Lakh each on the above 03 parties. In response, penalty of ₹ 1.00 Lakh had been deposited by Travel Agents Federation of India (TAFI) on 12.12.2011. Demand Notices were issued on 11.01.2012 to the other 02 parties. However, the other two parties namely Travel Agents Association of India (TAAI) and IATA Agents Association of India (IAAI) have gone in appeal before COMPAT against the order of Commission.
5.	52/2010 & 56/2010- Film bodies/ Associations	16.02.2012	₹ 2,27,718/-	Common orderu/s 27 imposing penalty of ₹ 1,27,718 on Film Distribution Association (FDA), Kerala and ₹ 1 lakh on Telangana Telugu Film Distributors Association (TTFDA), which is payable in 60 days.

6.	25/2010, 41/2010, 45/2010, 47/2010, 48/2010, 50/2010, 58/2010 and 69/2010 – Film bodies/ Associations	16.02.2012	₹ 46,17,154/-	Order u/s 27 imposing penalty on 07 parties @10% of their average income/receipts of the last three/two years which is payable in 60 days. The total penalty imposed was ₹ 46,17,154. Out of 07 parties, so far only 02 parties namely Motion Picture Association (MPA) and Northern India Motion Picture Association (NIMPA) have paid the penalty.
7.	Suo Moto Case No. 3/2011 (LPG Cylinder manufactures)	24.02.2012	₹ 165,58,60,749/-	Order u/s 27 imposing penalty on 47 parties at @7% of their average turnover/sales of the last three years which is payable in 60 days. The total penalty demand comes to ₹ 165.58 Crore (Approx). Demand notice to all the 47 parties were issued on 9.2.2012. In response, several parties have gone in appeal before COMPAT against order of Commission and have filed applications for interim stay.
8.	22/2010 Kapoor Glass pvt. Ltd. Vs. Schott Glass India Ltd.	29.03.2012	₹ 5.66,00,000/-	Order u/s 27 imposing penalty of ₹ 5.66 Crore on Schott Glass India Ltd.

Table 9: Penalty imposed under Section 43 of the Act

S. No	Case No. & Brief head	Date of the order of the Commission	Amount of monetary penalty	Remarks
1.	1/2009 - FICCI Multiplex Assn. Vs. UPDF &Ors.	25.10.2011	₹ 100,000/-	Order u/s 43 on 25.10.2011, imposing penalty of ₹ 25,000/-, each, on S/Shri Rattan Jain, Sunil Lulla, Nandu Ahuja and Ms. Jyoti Deshpande, for their failure to provide information or in appearing before the DG, during the course of the investigation. Demand Notices were issued on 14.11.2011 to all the 04 parties. In response only Shri Rattan Jain paid the penalty. The other three parties have gone in appeal before COMPAT against the order of the Commission.

2.	Misc. 1/2010 (in Case No. 4/2009) – Kingfisher Airlines	09.01.2012	₹ 72,50,000/-	On 09.01.2012, the Commission imposed penalty of ₹ 72.50 Lakh on Kingfisher Airlines, u/s 43 of the Act, payable in 60 days. The party had filed an appeal in the COMPAT against the order of the Commission. Since no stay has been granted in the matter by COMPAT demand notice to the party was sent on 30.3.2012 calling upon the party to deposit penalty within 30 days.
3.	MRTPC-127/ DGIR (4/28)– Varca drugs Vs. Chemists & Druggists Association of Goa.	13.12.2011	₹ 25,000/- per day w.e.f. 13.12.2011 for a period of 30 days; if information still not furnished, ₹ 50,000/- per day for next 30 days and ₹ 1 lakh per day there after till the penalty amount culminates to ₹ 1.00 Cr.	Order u/s 43 passed by the Commission, imposing penalty of ₹ 25,000/- per day w.e.f. 13.12.2011 for a period of 30 days; if information still not furnished, ₹ 50,000/- per day for next 30 days and ₹ 1.00 Lakh per day thereafter till the penalty amount culminates to ₹ 1.00 Crore. Orders sent to the party on 21.12.2011.
4.	20/2011 – Santuka Vs. AIOCD	25.10.2011	₹ 25,000/- per day on AIOCD from 02.09.2011 till date before which they were to file the requisite information with DG.	Order u/s 43 imposing penalty of ₹ 25,000/- per day, on All India Organization of Chemists and Druggists (AIOCD), from 02.09.2011 onwards, the date before which they were to file the requisite information with DG. Penalty will continue to be levied till the party provides the requisite information to DG. Copy of the Order was sent to the party on 03.11.2011, followed by issuance of Demand Notice on 29.12.2011.
5.	17/2011- Manju Tharad Vs. EIMPA	27.03.2012	₹ 11,50,000/-	Order u/s 43 on 27.3.2012 imposing penalty of ₹ 11.50 lakh for non-furnishing of information in respect of Shri Ramashankar Khemka and other 03 Members office bearers of Eastern India Motion Pictures Association (EIMPA). The COMPAT has stayed the order of the Commission.

E. APPEALS

(I) Appeals filed against Commission's orders

Table 10

S.No.	Description	Nos.
i.	Number of appeals pending at the beginning of the year	09
ii.	Appeals filed during the year	36
iii.	Total number of appeals pending	45

(II) Appeals allowed by the Appellate Tribunal

Table 11

S.No.	Description	Nos.
i.	From appeals pending at the beginning of the year	01
ii.	From appeals filed during the year	Nil
iii.	Total	01

(III) Appeals disallowed by the Appellate Tribunal

Table 12

S.No.	Description	Nos.
i.	From appeals at the beginning of the year	08
ii.	From appeals filed during the year	07
iii.	Total	15

The details of the appeals disallowed out of pending appeals at the beginning of the year, appeals filed during the year and outstanding appeals lying with COMPAT as on 31st March, 2012 are given in the tables below:

Table 13: Appeals pending at the beginning of the year

S.No.	Appeal No.	Name	Date of Disposal
1.	Appeal No.7/2010	Central Cine Circuit Association v. Eros International Media Ltd&Anr.	21.04.2011
2.	Appeal No.4/2010	Sudama Nagrath v. M/s. SRS Real Estate Ltd.	07.07.2011
3.	Appeal No.1/2010	Sanwar Mal Aggarwal v. P.N.B. &ors.	12.05.2011
4.	Appeal No.6/2010	M/s. Mittal Auto Sales & Services & Anr. v. Global Automobiles & Anr.	19.05.2011
5.	Appeal No.10/2010	Kingfisher Airlines v. CCI	18.05.2011
6.	Appeal No.19/2010	Motion Pictures Association & Ors. v. Sunshine Pictures P. Ltd & Anr.	28.07.2011
7.	Appeal No.18/2010	Quoporro Global Services (P) Ltd. & Cox. & King India Ltd. v. CCI &Ors	28.09.2011
8.	Appeal No.1/2011 (Case No.58/2010)	Bihar & Jharkhand Motion Pictures Association v. UTV Software Communication Ltd. & Anr.	21.04.2011

Table 14: Appeals filed during of the year

S.No.	Appeal No.	Name	Date of Disposal
1.	Appeal No.2/2011	Gaurav Gupta v. Chief Secretary, Govt. of Haryana Civil Secretariat &Ors.	20.10.2011
2.	Appeal No.3/2011	Internet Service Provider Association of India v. Department of Telecommunications & Anr.	14.09.2011
3.	Appeal No.5/2011	Anuj Kumar Bhati v. Sony Entertainment TV (SET) &Ors.	18.08.2011
4.	Appeal No.6/2011	Lodestar Slotted Angels Ltd. v. CCI &Ors.	18.08.2011
5.	Appeal No.7/2011	Consumer Online Foundation v. CCI &Ors.	14.07.2011
6.	Appeal No.16/2011	Mrs.Belarani Bhattacharyya v. M/s Asian Paints Ltd. &Anr.	20.10.2011
7.	Appeal No.21/2011	M/s. Amar Batteries & Electricals &Ors. v. M/s. Tudor India Ltd. &Anr.	01.12.2011

Table 15: Total Appeals Pending before COMPAT as on 31 March 2012

S.No.	Appeal No.	Name	Date of Disposal
1.	Appeal No.21/2010	Travel Agents Association v. BalmerLawrie & Company Ltd.	Pending
2.	Appeal No.9/2011	M/s Paper Merchant Association v. Vijay Gupta	Pending
3.	Appeal No.11/2011	Nandu Ahuja v.CCI&Ors.	Pending
4.	Appeal No.12/2011	Sunil Arjan Lullav.CCI & Ors.	Pending
5.	Appeal No.13/2011	Jyoti Deshpandev. CCI & Ors.	Pending
6.	Appeal No.14/2011	Kanazia Digital Systems Pvt. Ltd. v. Competition Commission of India & Ors.	Pending
7.	Appeal No.15/2011	The National Stock Exchange of India Ltd (NSC) v. Competition &Anr.	Pending
8.	Appeal No.17/2011	Singhania& Partners LLP v. M/s. Microsoft Corporation India (P) Ltd. &Ors.	Pending
9.	Appeal No.18/2011	Pawan Kumar Aggarwal v.Competition Commission of India	Pending
10.	Appeal No.19/2011	M/s VE Commercial Vehicles Ltd. v. Bangalore Metropolitan Transport Corporation	Pending
11.	Appeal No.20/2011	M/s. DLF Ltd. v. CCI	Pending
12.	Appeal No.22/2011	M/s. DLF Home Developers Ltd. v. CCI	
13.	Appeal No.23/2011	M/s. DLF Ltd. v. CCI	Pending
14.	Appeal No.24/2011	Travel Agents Association v. Uniglobe Mad Travels (P) Ltd. &Ors.	Pending
15.	Appeal No.25/2011	Travel Agents Association v. Lufthansa German Airlines	Pending
16.	Appeal No.01/2012	Nandu Ahuja v. CCI & Ors.	Pending
17.	Appeal No.02/2012	Sunil Arjan Lullav.CCI&Ors.	Pending
18.	Appeal No.03/2012	Jyoti Deshpande v.CCI & Ors.	Pending
19.	Appeal No.04/2012	M/s Savitri Leasing & Finance Ltd. v. Punjab National Bank & Ors.	Pending
20.	Appeal No.05/2012	IFP Petro Products (p) Ltd. v. Google India (P) Ltd. &Ors	Pending
21.	Appeal No.06/2012	M/S P-Tex Builders Pvt. Ltd v. U.P. State Industrial Development Corporation &Ors	Pending
22.	Appeal No.07/2012	EximCorp India P.Ltd. v. Google India P Ltd.	Pending

23.	Appeal No.08/2012	IATA Agents Association of India(IAAI) v. Uniglobe Mod Travels (P) Ltd.	Pending
24.	Appeal No.09/2012	IATA Agents Association of India(IAAI) v.FCM Travels Solution(India) Ltd.&Ors.	Pending
25.	Appeal No.12/2012	M/s DLF Limited v. CCI	Pending
26.	Appeal No.13/2012	M/s Technology Products v. Bangalore Electricity	Pending
27.	Appeal No.15/2012	Supply Company Limited (BESCOM) & Ors. Kingfisher Airlines Ltd. v. CCI	Pending
28.	Appeal No.17/2012	Eastern India Motion Picture Association & Ors. v. Ms. Manju Tharad, Kolkata	Pending
29	Appeal No.45/2012	Jindal Steel and Power Ltd. (JSPL) v. Competition Commission of India	Pending

(IV) Brief write-up on the Appeals decided by the Appellate Tribunal

During the year April 2011- March, 2012 out of 45 appeals pending before the Competition Appellate Tribunal, 15 have been disallowed and only one appeal was allowed which is detailed below:

Competition Appeal No.10/2010, Kingfisher Airlines Ltd. V. Competition Commission of India & others.

The order dated 21.10.2010 of the Commission of imposition of penalty of ₹ 1 Crore passed under Section 43 of the Act, was set aside by the Appellate Tribunal vide order dated 18.05.2011 and the matter was remitted to the Commission to pass fresh order in the matter.

F. COMBINATION MATTERS – FUNCTIONAL STRUCTURE

Matters received regarding combinations:

A brief narrative along with a tabular statement of requests received under sub-section (2) of section 6 and action taken thereof by the Commission:

1. For executing the mandate under Section 5 and 6 of the Competition Act, 2002 (**Act**), the implementing regulations relating to regulation of combinations were notified by the Competition Commission of India (**CCI**) on 11th May, 2011. These regulations are called the “*The Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Regulations, 2011*” {**Combination Regulations**}.
2. Government of India has issued notification for enforcing provisions of sections 5 and 6 of the Competition Act with effect from 1st June, 2011. The CCI, after gaining experience of implementation for almost nine months, amended the Combination Regulations on 23rd February, 2012 with a view to provide relief to the corporate entities from making filings for combinations which are unlikely to raise adverse competition concerns, reduce their compliance requirements, make filings simpler and to move towards certainty in the application of the Act and the Combination Regulations.
3. During the period ended 31st March, 2012, the CCI received forty eight notices under sub-section (2) of Section 6 of the Act. Out of these forty eight notices, the CCI made its final decision on forty one notices till 31st March, 2012 and seven notices were pending which were cleared next year. Besides, the Competition Commission of India, till 31st March, 2012, has received three filings under sub-section (5) of Section 6 of the Act, which have been noted.
4. The details regarding the notices received under sub-section (2) of Section 6 of the Act during the period 1st April, 2011 till 31st March, 2012 are listed in table 16.

Table 16: Notices received under sub-section (2) of Section 6 of the Act

Number of matters pending at the beginning of the year	Number of combination notifications received during the year	Total number of combinations under consideration at the end of the year	Number of combinations approved by the Commission				Number of combination notifications ordered for enquiry	Number of combination notifications not disposed of within 210 days with brief reasons therefor, and combinations deemed to have been approved	Number of combinations not approved by the Commission with brief reasons* therefor.
			Within 30 days of receipt	From 31 to 60 days	From 61 to 120 days	From 121 to 210 days			
Nil	48	07	40	Nil	Nil	Nil	Nil	Nil	01

** In one of the notice filed under sub section (2) of the Section 6 of the Act, the jurisdictional thresholds as prescribed under Section 5 of the Act were not met. Therefore, the Commission vide its final decision dated 22nd November, 2011 decided that the proposed acquisition is not a combination in terms of Section 5 of the Act.*

G. REFERENCES FROM CENTRAL GOVERNMENT OR STATE GOVERNMENTS

Table 17: References from Central Government under section 49(1) of the Act

S.No.	Description	Nos.
i)	Number of references pending at the beginning of the year	Nil
ii)	Number of references received during the year:	1
iii)	Total:	1
iv)	Number of references disposed of out of (i)	Nil
v)	Number of references disposed of out of (ii)	1
vi)	Total number of references disposed of during the year:	1
vii)	Number of references pending at the end of the year:	Nil
viii)	Brief write-up on opinions of the Commission accepted or not by the Central Government	Nil

Table 18: References from State Governments under section 49 (1) of the Act

S.No.	Description	Nos.
i)	Number of references pending at the beginning of the year	Nil
ii)	Number of references received during the year:	Nil
iii)	Total:	Nil
iv)	Number of references disposed of out of (i)	Nil
v)	Number of references disposed of out of (ii)	Nil
vi)	Total number of references disposed of during the year:	Nil
vii)	Number of references pending at the end of the year:	Nil
viii)	Brief write-up on opinions of the Commission accepted or not by the Central Government	Nil

Orders of Central Government received under Section 54 of the Act - Nil

Directions of Central Government under Section 55 of the Act, and the action taken thereon - Nil

H. REFERENCES FROM AND TO THE STATUTORY AUTHORITIES

Table 19: References from and to Statutory Authorities

S.No.	Description	Nos.
i)	Number of references pending at the beginning of the year	Nil
ii)	Number of references received during the year	Nil
iii)	Total	Nil
iv)	Number of references disposed of out of (i)	Nil
v)	Number of references disposed of out of (ii)	Nil
vi)	Total number of references disposed of during the year	Nil
vii)	Number of references pending at the end of the year	Nil

I. COMPETITION ADVOCACY

Competition Advocacy is a deliberate process of outreach that would influence the economic behavior of enterprises, elicit support for the economic principles of competition and convince stakeholders about the innate advantages of competition regime. The role of Competition Commission of India is not simply confined to law enforcement against anti-competitive practices of businesses. It also includes various activities to create a competition friendly environment, such as raising public awareness of the benefits of competition and cooperating with other government ministries/departments, statutory bodies to promote and sustain competition throughout the country.

Competition advocacy works as complement to Competition Law enforcement activities of the Competition Commission of India. Thus, the Competition Act, 2002 extends the mandate of the Competition Commission of India beyond merely enforcing the law. Section 49 of the Competition Act lays responsibility on the Commission to take suitable measures for the promotion of competition advocacy, creating awareness and imparting training about competition issues. The primary objective of the Competition Advocacy is to strengthen the competition awareness and competition culture among the market players, thereby encouraging self-compliance and reducing the need for direct action against erring enterprises. The Competition Commission of India is following a well-defined strategy to attain the intended objectives of the competition advocacy.

Advocacy initiatives of the commission are broad-based, as the commission has reached out to almost all stakeholders, i.e., consumers, students, academicians, lawyers, professionals, trade organizations and chambers of commerce, center and state governments and sectoral regulatory authorities etc. by adopting various means viz. holding of seminars/ workshops/open discussions / lectures / presentations / conferences / interactive meetings, conducting sectoral market studies, publishing advocacy literature, giving regular press releases, maintaining an updated website etc.

A summary of various advocacy initiatives taken by the Competition Commission of India during last three years is shown in table 20:

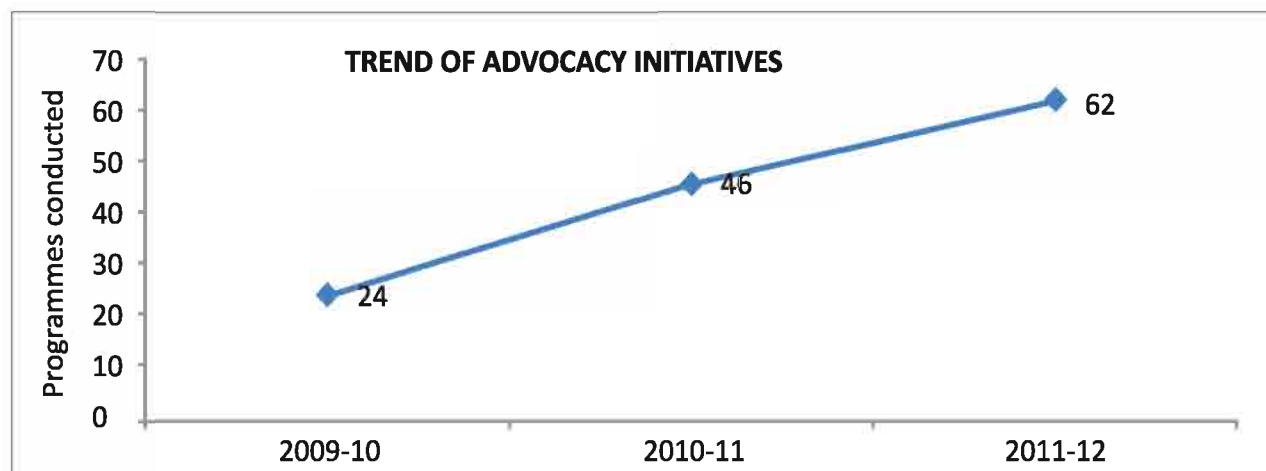
Table 20: Advocacy initiatives

Year	Consumers	Industry	Students	Professionals©	Others	Total
2009-10	1	3	3	6	11*	24
2010-11	2	13	4	6	21*	46
2011-12	3	13	15	12	19*	62

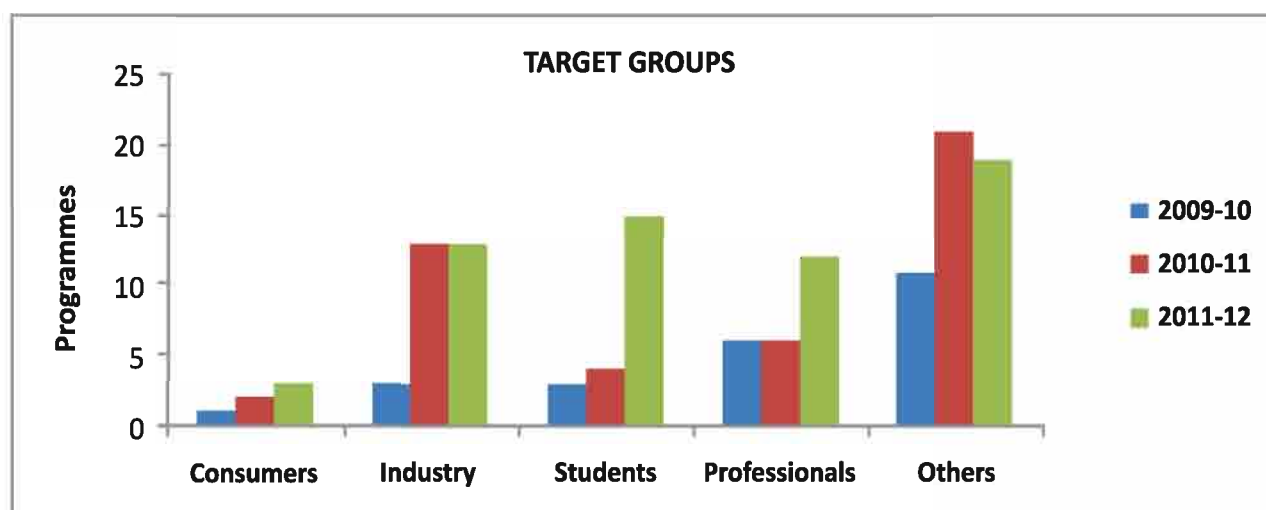
©Professionals including bar associations and government officials.

*Initiatives for multiple stakeholders including market studies/sectoral/ regulatory impact assessment studies and capacity building initiatives etc.

The numbers of advocacy initiatives have substantially increased from 24 in 2009-10 to 62 in 2011-12, and the Table 20 and figures below also depict that the programmes have been targeted evenly across various stakeholders. The following graph shows the increasing trend of numerous advocacy initiatives conducted for various stakeholders.



The allocation of numerous advocacy initiatives to various stakeholders can be observed from the following graph:



Along with the above initiatives Competition Commission of India also has an active internship programme to create awareness among the relevant student groups; the total number of internships conducted by the Commission has increased from 20 in 2009-10 to 48 in 2011-12.



Figure 3: Workshop on "Public Procurement and Competition Law" organized on March 14, 2012

I. Workshops, Seminars and other interactions with public/ experts/policy makers/regulatory bodies on Competition Advocacy and for creating awareness of competition issues.

Subject matter of the workshop/ Seminar	Number of Participants	Dates during which held	Beneficiaries, i.e. government officials, industry, academicians, professionals and others to be specified
Lecture on "Competition Regulation" at Uttarakhand. Academy of Administration, Nainital.	100	6 th April, 2011	Stakeholders
Guest Lecture on Public Procurement: Competition Issues at Railway Staff College, Vadodara.	80	7 th April, 2011	Officers of Indian Railway
Interactive Meeting in relation to CCI's Outreach Programme on "Combination Regulations" held at Mumbai	100	24 th April, 2011	Advocates, Law Firms, Representatives of Industry, Representatives from the Government and Regulatory Bodies, Academicians and other Professionals.
Lecture on "Competition Law" at Institute of Social and Economic Change, Bangalore	140	25 th April, 2011	Students and faculty members

Interactive meeting in relation to CCI's Outreach Programme on "Combination Regulations", held in association with Bangalore Chamber of Industry and Commerce and ICSI–Bangalore Chapter, at Bangalore.	100	26 th April, 2011	Advocates, Law Firms, Representatives of Industry, Representatives from the Government and Regulatory Bodies, Academicians and other Professionals.
Interactive Meeting in relation to CCI's Outreach Programme on "Combination Regulations" at Hyderabad	100	27 th April, 2011	Advocates, Law Firms, Representatives of Industry, Representatives from the Government and Regulatory Bodies, Academicians and other Professionals.
Lecture on "Promoting Competition: The Competition Commission of India" at National Institute of Public Finance and Policy, New Delhi	85	17 th June, 2011	Students and faculty members
Lecture in a Summit of Corporate Law Offices organized by Indian Chamber of Commerce at New Delhi	45	25 th June, 2011	Corporate Lawyers
Lecture on 'Competition Enforcement in India' organized by Railway Staff College, Vadodara.	80	1 st July, 2011	Railway Probationary Officers
Lecture on "Competition Issues in Banking Sector" at Reserve Bank of India, New Delhi	35	12 th July, 2011	Participants representing competition agencies of various countries
Seminar on "Government Procurement" organized by Ministry of Commerce and Industries at IIFT, New Delhi	50	20 th July, 2011	Industry, Academicians
Lecture on "Competition Law in the Service Sector" at Petroleum Federation of India, New Delhi	65	22 nd July, 2011	Industry
Interactive session on "Overview of the Competition Act and its Implications for Trade & Industry" at Gujarat Chamber of Commerce & Industry, Ahmadabad	50	25 th July, 2011	Industry
Presentation at National Conference on "Value Creation through Merger & Acquisitions" Organized by: ASSOCHAM at Mumbai	100	5 th August, 2011	Advocates, Law Firms, Representatives of Industry, Representatives from the Government and Regulatory Bodies, Academicians and other Professionals.

Conference On “Consumers And Competition Law” jointly organized with a Voluntary Consumer Organization, Rajkot, Gujarat	100	6 th August,2011	Representatives of various Consumer's associations of Gujarat
Guest Lecture on 'Enforcement and Investigation Procedure' at India Habitat Centre, New Delhi	45	7 th September, 2011	Indian Administrative Service Officers
Lecture on “CCI's Experience In Enforcing Section 3 (Anti-Competitive Agreements)” at Jodhpur	150	16 th September, 2011	Students and faculty members
Lecture on “Competition Laws in India” at Deptt. of Business Economics, Delhi University	80	22 nd September, 2011	Students and faculty members
Lecture on “Anticompetitive Agreements” at Nirma University, Ahmedabad	160	3 rd October, 2011	Students and faculty members
Lecture on “Competition Law and Anticompetitive Agreements” at NLIU, Bhopal	120	14 th October, 2011	Students and faculty members
Lecture on “Advocacy for Industry and Professionals” at Chamber of Commerce, Mumbai	55	21 st October, 2011	Industry & Professionals
Lecture on “Power Sector Reforms: achievements, opportunities and challenges ahead” at Institute of Public Sector Enterprise, Hyderabad	60	3 rd November, 2011	Faculty members and representatives of public sector enterprises
Guest Lecture on 'Regulating Online Markets in India' organized by CUTS Institute for Regulation and Competition at New Delhi	30	11 th November, 2011	Corporate Lawyers
Lecture at Second Conference on “Legal Risks in Real Estate & Construction Projects India and Internationally” at Russian Centre, New Delhi	60	19 th November, 2011	Industry
Guest Lecture on 'Building Friends of Competition in India' organized by IICA and CIRC at New Delhi	30	24 th November, 2011	Lawyers & Corporate Executives

Lecture on “Competition in the distribution business” at India Power Series annual Conference and Exhibition “Green Power Series” held in New Delhi	75	24 th November, 2011	Industry
Lecture on “Competition Law & Consumers” at Chandigarh	110	25 th November, 2011	Representatives of various consumers associations in India
Lecture on “Competition Law” at Jharkhand Income Tax Bar Association, Ranchi	70	25 th November, 2011	Lawyers & Corporate Executives
Interaction as a panelist in the International Conference on Competition Law organised by Dhall Law Chambers in collaboration with Ministry of Corporate Affairs and COMPAT at India Habitat Centre, New Delhi.	120	25-26 November, 2011	All Stakeholders
Presentation on “A look at Competition Commission of India” during an International Conference on Competition Law-Panel at New Delhi.	100	26 th November, 2011	Competition law experts from various countries, Advocates, Law Firms, Representatives of Industry, Representatives from the Government and Regulatory Bodies, Consumer Activists, Academicians and other Professionals.
Guest Lecture during International Conference on 'Competition Law' organized by Institutes of Directors at India Habitat Centre, New Delhi by Director General, CCI	40	26 th November, 2011	Lawyers & Corporate Executives
Lecture on “Competition Law & Governance: New Vistas for Civil Servants” at Musoorie	240	28 th November, 2011	IAS and IFS Trainees
Lecture at National Conference on Mergers & Acquisitions—Changing Dimensions on Procedural aspects and case studies (approvals, rejections, cartels dominance, anti-competitive) of Corporate Restructuring at New Delhi.	100	19 th December, 2011	Representatives of Industry, Representatives from the Government and Regulatory Bodies and other Professionals.

Lecture on “Public Management and Corporate Governance” at Jagannath International Management School, New Delhi	160	10 th January, 2012	Students and faculty members
Guest Lecture at 'Competition Law and Enforcement in India' organized by Association of Finance Professionals of India New Delhi by Director General, CCI	25	13 th January, 2012	Corporate Financial Executives
Interactive participation in a discussion programme on 'Future of online markets: market dynamics and regulatory challenges in India' organized by CIRC at India Habitat Centre, New Delhi.	85	18 th January, 2012	Industry
Officers of the Commission participated in Anti Trust Moot-Court Competition, 2012 organised by Christ University at School of Law, Bangalore	250	19 th to 22 nd January, 2012	Students & Faculty Members
Lecture at a Conference on “Competition Law & Policy” at ABA Section of International Law, Mumbai	50	20 th January, 2012	Industry
Lecture on “Consumer, Common Man and Competition Law” at Pondicherry University, Pondicherry	180	30 th January, 2012	Students and faculty members
Lecture on “Overview of Competition Law” at National Academy of Direct Taxes, Nagpur	70	3 rd February, 2012	IRS trainees
Lecture on “Disadvantages of Monopoly & Advantages of Competition” at Confederation of All India Traders, Nagpur	60	4 th February, 2012	Industry
Participation as a panel Judge on Competition Issues at the International Law Summit to be organized by Government Law College, at Mumbai	135	5 th February 2012	Students and faculty members

Lecture on “Understanding of Competition Compliance under The Competition Act, 2002” at Bengal National Chambers of Commerce & Industry, Kolkata	70	13 th February, 2012	Industry
Lecture on “Regulating Competition” at National Institute of Public Finance and Policy, New Delhi	110	16 th February, 2012	Students and faculty members
Guest Lecture on 'Formulating and effective consumer Redress Mechanism Across Different States in the Indian Real Estate Sector' Jointly Organised by Royal Institute of Chartered Surveyors and Ministry of Urban Development at Mumbai	100	17 th February, 2012	Lawyers, Builders & Developers.
Address on “Competition Policy and Laws” at IIT, Kharagpur	75	1 st March, 2012	Students and faculty members
Lecture on “Competition Law & Policy” at Sydenham Institute of Management Studies and Research and Entrepreneurship Education (SIMSREE), Mumbai	60	9 th March, 2012	Students and faculty members
Lecture on “Interface of Sectoral Regulators and the Competition” at Administrative Staff College of India, Hyderabad	60	10 th March, 2012	Govt. Officials
Lecture on “Competition Law in India and its Impact on M&A Deals” at International Bar Association, Mumbai	50	10 th March, 2012	Lawyers & Corporate Executives
Participation in a Seminar on “Competition Law and Policy” organised by Bombay Chambers of Commerce & Industry at Mumbai.	75	12 th March, 2012	Industry
Lecture on “Economic Policy & Competition” at Trissur	110	19 th March, 2012	Students and faculty members
Lecture on “Working of the Competition Commission of India” Nagpur	120	27 th to 28 th March, 2012	IRS trainees



Figure 4: Conference on “Consumers and Competition Law” in Rajkot on August 6, 2011

II. Capacity building of stakeholders to participate in competition regulatory process.

Field of Competition Law being relatively new in the country calls for equipping adequately all the stakeholders viz. students, research community, regulators, legal fraternity, industries for implementation and enforcement of provisions of Competition Act to have desired effect of fair competition in the economy as a whole. To actualize this commission undertook the following capacity building measures during the relevant period.

Table 22: Capacity building of stakeholders to participate in competition regulatory process

Subject matter of the training programme	Number of participants	Dates during which held	Brief intent and the purpose
“Appreciation Course for Competition Law Policy” organised by the India Institute of Corporate Affairs, New Delhi- Lecture by CCI Officers	02	5 th to 9 th September, 2011	Capacity Building of Officers.
Workshop on “Detection & Prevention of Bid Rigging” at Hotel Royal Plaza, New Delhi	40	27 th November, 2011	Senior Officers of ONGC
Workshop on “Public Procurement & Competition” at Directorate General Supplies and Disposals (DGS&D) at New Delhi	50	9 th February, 2012	Govt. officials
Workshop on “Pubic Procurement & Competition Law” was jointly organised with Standing Conference of Public Enterprises (SCOPE), at SCOPE Convention Center, New Delhi	80	14 th March, 2012	PSU Officers

III. Competition related sectoral / regulatory impact assessment; market studies and research projects carried out by the commission.

Table 23: Competition related sectoral / regulatory impact assessment; market studies and research projects carried out by the commission

Title of the market study/research project	Purpose	Date of initiation	Date of completion	Remarks, if any
Study on Steel industry by CRISIL Research, Mumbai.	The main objective of the study is to have a comprehensive view of the industry, with particular focus on the parameters that determine the nature and degree of competition prevailing in the Industry and competitive constraints faced by the players in the industry, if any.	June, 2011	January, 2012	Study has been approved by the Commission.
Study on Paper industry by CRISIL Research, Mumbai.	The main objective of the study is to have a comprehensive view of the industry, with particular focus on the parameters that determine the nature and degree of competition prevailing in the Industry and competitive constraints faced by the players in the industry, if any.	June, 2011	Final report has been submitted by the researcher.	Submitted to the Commission for consideration for approval.
Competitive Assessment of Onion Markets in India by Institute for Social and Economic Change (ISEC).	The key objective of the study is to have a comprehensive view of the agriculture industry as a whole and with specific focus on onion markets in the states of Maharashtra and Karnataka.	November, 2011	Ongoing	None

IV. Consultation papers published/ placed on website of the Commission.

Table 24: Consultation papers published/ placed on website of the Commission

Title of the Paper	Purpose	Date of initiation	Date of completion	Remarks, if any
Calculating Anti-trust damages: with special reference to cartels	To understand the theoretical and empirical issues	August, 2010	September, 2010	It have been posted on INCCI (CCI intranet)

V. Analytical papers prepared and examined.

Commission prepared analytical papers on (1) 'Competition for Manufacturing Growth and Efficiency' for the Planning Commission Steering Committee for Industry (12th Five Year Plan) and (2) 'Competition Policy: A Key Component of Business Regulatory Framework' for Planning Commission Working Group on Business Regulatory Framework for 12th Five Year Plan'.

VI. Other Advocacy Initiatives

(A) Internship :

With a view to familiarize and enable the students of various streams viz. Economics, Management, Law and Finance, about competition law & policy, Commission has well designed internship programmes for eligible and interested students from said streams. In this pursuit Commission so far has successfully been given 93 internships to students from various universities including 48 internships on various competition related issues during the year 2011-12.

(B) Advocacy Literature

Following Booklets published by CCI as a measure of competition advocacy were updated:

Table 25: Advocacy Literature

Title of the Publication	Brief purpose/ target group	Month of Publication
Bhartiya Pratispradha Kanoon Ek Sankshipt Parichay	All Stake holders	December, 2011
The Competition Act, 2002 No. 12 of 2003	All Stake holders	December, 2011
The Competition Act 2002 An Overview	All Stake holders	December, 2011
Frequently Asked Questions	All Stake holders	December, 2011
Provisions Related to Cartels	All Stake holders	December, 2011
Provisions Related to Bid Rigging	All Stake holders	December, 2011
Provisions Related to Abuse of Dominance	All Stake holders	December, 2011
Provisions Related to Combinations	All Stake holders	December, 2011
Competition Compliance Programme for Enterprises	All Stake holders	December, 2011
How to File Information?	All Stake holders	December, 2011
Leniency Programme		December, 2011

Special Advocacy initiatives for students:

Being cognizant of the fact that students are the important stakeholders and future torch bearers in their bigger roles in society as future policy makers, bankers, economists, consumer activists etc., Commission undertook following initiatives.

- (i) National Level Essay Competition 2011 was organised by the Commission wherein around 500 entries were received from all over the country, representing various schools, colleges and other educational/ professional institutions/ universities. The purpose of holding the said competition was to increase the awareness about the competition law as well as to familiarize the students with the benefits of competition the economy and how competition law can also be explored as new/ additional career option.
- (ii) Initiated special advocacy programme in various reputed schools of Delhi and in the pursuit also designed a special booklet for school children of 11th& 12th to make the Competition Law intelligible to them in a simple and effective manner. In addition a separate category school children of 11th& 12th class was added for National Level Essay Competition , 2012.

Press Note/ Release

To enhance the outreach of the Commission's activities among the various stakeholders and to disseminate the information about the various orders passed by the commission the practice of issuing press notes/ releases has been resorted to. The same are also being uploaded on the website of the Commission.

Miscellaneous

- (i) Secretaries of Central Government Ministries/ Departments, Chief Secretaries of States and Chief Secretaries/ Administrators of Union Territories have been sensitized about the importance of framing competition coherent policies and the need of undertaking competition assessment of existing Government policies. The Central Government Ministries/ Departments have mostly nominated Nodal Officers to engage with the Commission. The "Nodal Officers" would act as an interface between the Ministry/ Department and the Competition Commission of India (CCI) for inducing principles of competition in various Government policies, rules and regulations so as to make them competition coherent.
- (ii) A Senior Officer of the Commission was deputed as member of the Sub Group constituted by the Department of Posts to firm up the National Postal Policy, 2012 at Dak Bhawan, New Delhi on 1st March, 2012. Necessary inputs and comments were provided in this regard.

J. ADMINISTRATION AND ESTABLISHMENT MATTERS

(1) Report of the Secretary

Introduction

One hundred and eighty seven posts were sanctioned by the Government of India vide Ministry of Corporate Affairs (MCA) order dated 20th January, 2009, in lieu of the posts sanctioned earlier. These 187 posts included one Secretary, one Director General and 122 posts of Professionals (90 for CCI and 32 for DG's office) and 63 posts of Support Staff (55 for CCI+8 for DG's office).

The recruitment rules for the 145 posts (90 professionals + 55 support staff) in the Commission was promulgated by MCA vide notification dated 14th September, 2009, which stipulated certain percentage of posts to be filled in by direct recruitment and deputation/absorption basis. 46 out of the 90 posts of professionals and 23 out of 55 posts of support staff are to be filled in by direct recruitment. The remaining posts (44 professionals and 32 support staff) are to be filled in by deputation.

Filling of posts by Deputation

Applications are being invited from eligible officers of various departments of Government of India, State Governments, Judiciary, other regulatory bodies, autonomous bodies etc. to fill up vacant posts of professional staff and support staff.

Filling of posts by Direct Recruitment

In the first round of the Direct Recruitment, 18 professionals and 8 support staff were appointed. In the second round of the Direct Recruitment, 4 professionals were appointed excluding one professional who has been allowed extension of time to join the CCI. For the third round of Direct Recruitment, applications were called for from eligible candidates in September 2011 against 20 posts of professionals and 13 posts of support staff. The written examination was held in January, 2012 in which a total of 484 candidates appeared.

Selection process

The selection process consisted of a written examination (80% weightage) followed by interview (20% weightage). Only those candidates who qualified in the written examination were invited for the interview. To ensure total objectivity and impartiality, the process of designing and conducting the written examination was entrusted again to National Law School of India University, Bangalore.

Director General's Office

The recruitment rules for 40 posts (32 professionals and 8 support staff) sanctioned for the DG's office was promulgated by MCA, Government of India vide notification dated 31st December, 2009. As per the rules, all the posts have to be filled by deputation by the Central Government.

(2) Composition of the Commission

The Commission consists of one Chairperson and six Members as per the Competition Act and has become functional with effect from 1st March, 2009 on joining of the Chairperson and two members. Subsequently, 4 more Members joined the Commission. The details of Chairperson and Members during the year are as under:

Table 26: Composition of the Commission as on 31.03.2012

S.No.	Name	Designation	Date of joining
1.	Shri Ashok Chawla	Chairperson	20.10.2011
2.	Shri H. C. Gupta	Member	28.02.2009
3.	Shri R. Prasad	Member	01.03.2009
4.	Smt. Geeta Gouri	Member	16.04.2009
5.	Shri Anurag Goel	Member	02.09.2009
6.	Shri M. L. Tayal	Member	03.11.2009
7.	Shri S.N. Dhingra	Member	18.10.2011

(3) Meetings of the Commission

During the year, the Commission held 144 ordinary meetings to discuss information received by it. The Commission also held 33 special meetings during the year to discuss important issues before it with regard to functioning and operationalisation of the Commission.

(4) Details of Chairperson or Members appointed in the year and Members who demitted office, along with reasons for demitting office, in the year:

During the year, Shri Ashok Chawla was appointed as Chairperson and Shri S.N. Dhingra was appointed as Member in the Commission. However, during the year Shri Dhanendra Kumar, the then Chairperson and Shri P.N. Parashar, the then Member demitted office consequent upon attaining the age of 65 years.

(5) Organizational structure

Even though this is the third year of functioning, the requisite infrastructure including personnel and operating procedure are still not fully in place. With the joining of the Chairperson and 6 Members, the Commission has become fully functional and the process of recruitment of necessary officers and staff has also been initiated. The work of the Commission is being undertaken by the core group of officers, who have been grouped into 8 functional wings as given below:

Table 27

S.No.	Name of Division
1.	Administration & Coordination Division
2.	Investigation Division
3.	Legal Division
4.	Economic Division
5.	Advocacy Division

6.	Capacity Building Division
7.	Combination Division
8.	Anti Trust Division

As more and more officers join, the structure would be refined for achieving optimum functional efficiency.

(6) Information on personnel in the Commission, category-wise

Table 28: Position of staff in CCI as on 31.03.2012

Name of the post	No. of Posts sanctioned	Name of the officer	No. of posts vacant
Secretary	1	Shri S.L. Bunker	-
PROFESSIONALS			
Adviser (Law)	3	Shri Pramod Kumar Singh Shri Yogender Chaudhary	1
Adviser (Eco)	3	Shri R.N. Sahay Dr. Seema Gaur Ms. Payal Malik	0
Adviser (FA)	2	Shri P.K. Purwar Shri G.R. Wadhwa	0
Director (Law)	5	Shri Manoj Pandey Dr. Satya Prakash	3
Director (Eco)	5	Shri Shyamal Misra	4
Director (FA)	2	-----	2
Joint Director (Law)	10	Shri Ajay Goel Shri Shiv Ram Bairwa Shri Ved Prakash Mishra Shri Sanjay Kumar Pandey Shri Sukesh Misra	5
Joint Director (Eco)	10	Shri Rakesh Kumar Shri Bidyadhar Majhi Shri M.K. Madhusudhan	7
Joint Director (FA)	4	Shri Alok Tripathi Shri Kapil Aggarwal	2

Deputy Director (Law)	18	Shri Mahesh Chandra Tiwari Smt. Arti Fauzdar Smt. Shabista Aquil Smt. Mita Singh Smt. Neha Raj Smt. Prachi Mishra Shri Amit Tayal Dr. Vijay Kumar Singh Shri Kuldeep Kumar Shri K.D. Singh Shri V. Sriraj	7
Deputy Director (Eco)	18	Shri Nirmal Mehrotra Shri Rajinder Kumar Smt. Sayanti Chakrabarti	15
Deputy Director (FA)	10	Shri H.K. Ahuja Shri Shekhar Shri K.Mahipal Chandra Shri Pankaj Kumar Shri Bhupendra Singh Shri Sachin Yadav (#) Shri Vipul Puri Shri Sachin Goyal	2

(#) Officers of CCI working in the office of Director General

Table 29: Position of support staff in CCI as on 31.03.2012

SUPPORT STAFF			
Joint Director (F&A)	1	Shri M.A.Zarger	0
Joint Director (IT)	1	-Vacant -	1
Deputy Director (CS)	5	Shri Virendra Singh Shri K.B. Subramanian	3
Deputy Director (F&A)	1	-Vacant-	1
Deputy Director (IT)	1	Shri Narendra Kureel(#)	0
Assistant Director (CS)	14	Shri. S.P. Gahlaut Shri Ramesh Chand Shri Balraj Singh Shri U.S. Vidyarthi Shri Anil Kumar Shri Umesh Kumar Jain Shri Sulabh Rastogi	0

		Shri Mukesh Kumar Shri Manoj Kumar Tiwari (#) Shri Ashok Raj Gupta Shri Gautam Singh Sambyal Shri Ravi K. Dobriyal Shri Ved Prakash Shri Sanjeev Kumar	
Assistant Director (LS)	02	Ms. Sangeeta Gupta Shri Dwarika Prasad	0
Assistant Director (IT)	3	Shri Avadh Narayan Smt Kanupriya Kushwaha Shri Aashwin Malik	0
Assistant Director (F&A)	2	Smt. Deepa Ramesh Shri M.K. Nair	0
Office Manager (CS)	20	Shri. R.S. Rawat Shri Anil Kr. Vashist Smt. Manisha Gupta Smt. Aishwarya Rao Shri Sudhir Khare Shri Nitin Kumar Shri Ranjeet Kumar Shri O.P. Bagasi Smt. Neera Suri Shri Ashish Agrawal	10
Office Manger (F&A)	4	Shri Simardeep Singh Ahuja	3
Office Manger (LS)	1	Nil	1
Sr.PPS	1	Nil	1
PPS	6	Shri Vijay Kumar Juneja Shri D. Radhakrishnan Smt. Philomina Joseph Smt. N. Vijaylakshmi	2
PS	3	Shri Davinder Singh Kakkar Smt. Poonam Kohli	1

(#) Officers of CCI working in the office of Director General

Table 30: Officers against old posts

Officers against old posts	
Name of the post	Name of the officer
Assistant	Shri V.S. Chary

Table 31: Position of Staff in DG's Office as on 31.03.2012

S.No.	Name of the post	No. of Posts	Name of the officer	No. of posts vacant
1.	Director General	1	Shri Ajay Kumar Chauhan	-
2.	ADG(Law)	2	Shri S.P. Deo Shri Sandeep Jain	0
3.	ADG(FA)	1	-----	1
4.	ADG(Eco)	1	Ms. Jyoti Jindgar	-
5.	JDG(Law)	3	-----	3
6.	JDG(FA)	2	Shri Manoj Saksena	1
7.	JDG(Eco)	3	Shri I.S. Sain Shri Albel Kachhap Dr.O.P. Mehta	0
8.	DDG(FA)	4	Shri Sachin Yadav, DD(FA) #	4
9.	DDG(Eco)	8	Nil	8
10.	DDG(Law)	8	Shri Saroj Kumar Gupta Ms. Akali V. Konghay Shri S. Asraf Shri L.D. Joshi	5
11.	DDG(CS)	1	Shri L.D. Joshi	-
12.	ADG(CS)	3	Shri Manoj Kumar Tiwari (#) Sh. Girish Chand Srivastava Sh. Ashish Kumar Singhal	1
13.	Office Manager (CS)	4	Shri Madan Lal Shri Shyamal Sil	2

(#) Officers from CCI, working in DG office.

Reservation Status:

Reservation of posts for various categories under the reservation policy of the Government of India is applicable for direct recruitment. Accordingly, out of 69 vacancies in different posts for direct

recruitment, 21 vacancies were earmarked for reserved categories. The details of reserved vacancies and posts filled up on direct recruitment basis are given as under:

Table 32: Reserved vacancies and posts filled up on Direct Recruitment basis

S. No.	Name & No. of Posts	Total No. of Posts	Reserved Posts	Number of Candidates appointed	Carried forward
1.	1. ADVISER (FA)– 1 2. ADVISER (ECO)– 1 3. ADVISER (LAW)– 1	3	NIL	Nil	General – 3 [^]
2.	1. DIRECTOR (ECO)– 1 2. DIRECTOR (LAW)– 1 3. DIRECTOR (FA)– 1	3	NIL	General – 1	General - 2
3.	1.JOINT DIRECTOR (LAW) – 3 2.JOINT DIRECTOR (ECO) – 3 3.JOINT DIRECTOR (FA) - 1	7	1 for OBC 1 for SC	General – 5 SC – 1	OBC – 1
4.	1. DEPUTY DIRECTOR (LAW) 2. DEPUTY DIRECTOR (FA) 3. DEPUTY DIRECTOR (ECO)	13 7 13	3 for OBC 1 for SC 1 for OBC 1 for SC 3 for OBC 1 for SC	General – 5 OBC-2 General – 5 SC – 1 General – 2	General – 4 SC – 1 OBC – 1 OBC - 1 General – 7 SC – 1 OBC – 3
5.	ASSISTANT DIRECTOR (IT)	3	Nil	General – 3 (including – 1 PH)	Nil
6.	1. OFFICE MANAGER (FINANCE & ACCOUNTS) – 4 2. OFFICE MANAGER (CORPORATE SERVICE)– 15 3. OFFICE MANAGER (LIBRARY SERVICES)- 1	20	5 for OBC 3 for SC 1 for ST	General – 3 SC - 2	General– 8* SC – 1 ST – 1 OBC - 5

[^] Three posts of Advisers temporarily diverted to deputation quota only for a period of one year.

* Two posts of OM(CS) temporarily diverted to deputation quota only for a period of one year.

(7) Experts and Professionals engaged under Section 17(3) and experts called upon under Section 36 (3).

To facilitate engagement of adequate number of experts and professionals, Competition Commission of India promulgated Regulation No. R-40007/6/REG-Expert/Noti/04-CCI dated 15th May, 2009, called the

Competition Commission of India (Procedure for engagement of Experts & Professional) Regulations, 2009. In terms of Regulation, 16 experts - 11 in Law, 4 in Economics and one in IT Streams were in position as on 31.03.2012.

No experts were called upon under section 36(3), to assist the Commission in conduct of any enquiry during the period under report.

(8) Details of delegation of power made in the year by Chairperson to any other Member or the officer of the Commission under Section 13 of the Act

No delegation of power was made in the year by Chairperson to any other Member or the officer of the Commission under Section 13 of the Act

(9) Employee welfare measure, if any, beyond the regular terms and conditions of employment, undertaken by the Commission

The terms and conditions of employment of officers and employees of CCI and DG's Office were notified by Ministry of Corporate Affairs vide GSR No. 670(E) dated 14.09.2009, GSR No.338 (E) dated 15.05.2009 and GSR No. 934 (E) dated 31.12.2009. To provide medical advice /consultation during office hours, a part time Medical Officer was earlier engaged and his term has been extended upto 31.03.2013.

(10) Other Activities

- (i) In order to encourage the use of Hindi language in official working of the Commission, a 'Hindi Officer' was nominated. During 'Hindi Pakhwara' an essay competition on the topic 'Consumer and the Competition' was organized.
- (ii) As per the regulations on 'Manner of Recovery of Monetary Penalty', a Recovery Officer has been nominated for recovering penalties imposed by the Commission.
- (iii) In order to provide a safe working environment to the women employee, the Commission has constituted a Complaints Committee for dealing with the cases of sexual harassment of working women in the Commission.

K. BUDGET AND ACCOUNTS

1. Budget Estimate and Revised Estimates under Broad Categories

Budgetary support to Competition Commission of India (CCI) is given by Government of India in the form of Grants in Aid through Ministry of Corporate Affairs (MCA). A budgetary provision of ₹ 3792 lakh was made by the Ministry as BE 2011-12. The Ministry had maintained the same allocation of ₹ 3792 lakh as RE 2011-12. The Budget Estimate, Revised Estimate and the Actual Expenditure for the year 2011-12 are detailed below:

Table 33

Budget Estimate	Revised Estimate	Actual Expenditure
₹ 3792.00	₹ 3792.00	₹ 3661.47

2. Receipts under broad categories in the Competition Fund established under sub-section (1) of Section 51 of the Act.

In terms of Gazette Notification GSR No.204(E) dated 27 March 2009 {the Competition Commission of India (Form of Annual Statement of Accounts) Rules, 2009}, the Competition Fund was created w.e.f 1st May 2009. As per Section 51 (1) of the Competition Act, the Competition Fund consists of the following:

- All Government Grants received by the Commission
- The Fees received under the Act
- The Interest accrued on the amounts referred to in the above two clauses

The Competition Fund is administered by Fund Administering Committee (FAC) constituted under Section 51 (3) of the Competition Act, 2002. The position of actual expenditure and requirement of funds for CCI was reviewed every month by FAC.

Receipts:

The receipts under broad categories in the Competition Fund under Section 51 (1) of the Act are as follows:

Grants in Aid	-	₹ 3792.00 lakh
Fees	-	₹ 140.21 lakh
Bank Interest	-	₹ 78.10 lakh
Application fee	-	₹ 2.35 lakh
Other receipts	-	₹ 2.55 lakh
Total	-	₹ 4015.21 lakh

3. Actual Expenditure under Broad Categories

The Commission incurred an expenditure of ₹ 3661.47 lakh during the year 2011-12, which include provision for expenses to the extent of ₹ 242.08 lakh. The break-up of expenditure is given here under:

Salaries	-	₹ 1286.69 lakh
Travel Expenses	-	₹ 66.99 lakh
Training/ Seminar	-	₹ 20.80 lakh
Professional charges	-	₹ 176.23 lakh
Rent	-	₹ 1243.36 lakh
Administrative expenses	-	₹ 755.06 lakh
Furniture, office equipments & library	-	₹ 112.34 lakh
Total		<u>₹ 3661.47 lakh</u>

Besides, a provision of ₹ 122.72 lakh was made for depreciation on fixed assets during the year.

4. Balance Available in the Competition Fund Established under Sub Section (1) of Section 51 of the Act

The balance available in the Competition Fund as on 31st March 2012 was ₹ 6.65 crore on account of carry forward grants and ₹ 3.15 crore on account of accumulated fee and interest.

While incurring the expenditure, the CCI has been following the standard of financial propriety and the other provisions prescribed in General Financial Rules. The economy instructions and other orders issued by Ministry of Finance from time to time are also kept in view.

The CCI is maintaining its accounts in the format prescribed in the Notification dated 27th March, 2009. The annual accounts of the Commission for 2011-12 have been approved by the Commission and the approved accounts have been forwarded to Comptroller & Auditor General of India (C&AG) for the purpose of audit. The annual accounts of the Commission for 2011-12, as certified by the C&AG or any other person appointed by him on his behalf, together with the audit report thereon, shall be forwarded to the Central Government for laying before both the Houses of Parliament

L. INTERNATIONAL CO-OPERATION

1) Brief notes on Memorandums or arrangements signed by the Commission with Foreign agencies

Proviso enunciated under section 18 of the Competition Act, 2002 enables the Commission to enter into any memorandum or arrangement with prior approval of the Central Government, with any agency of any foreign country. Memorandum of Understanding (MoU) between Competition Commission of India and Federal Antimonopoly Service (Russian Federation) has been signed on December 16, 2011 in the presence of Prime Minister Dr. Manmohan Singh and Russian President Mr. Dmitry Medvedev in Moscow. The MoU aims to enhance cooperation between the two Competition Authorities.

2) Brief notes on overseas projects undertaken by the Commission

No overseas project as such was undertaken by the Commission during the period of the report.

3) Details of memberships of international organizations

i. International Competition Network

Competition Commission of India (CCI) became member of International Competition Network (ICN) since its establishment in October, 2003. However, formal application for membership, after constitution of a full-fledged Commission, was made in the year 2009 which was accepted by the ICN. Since then, CCI has been an official invitee to all the meetings, seminars, conferences, workshops etc organized by the ICN. CCI representatives have participated in the events organized by ICN during the year. In addition, CCI is also a member of four Working Groups namely Advocacy, Agency Effectiveness, Unilateral Conduct and Mergers and has been actively participating in their activities.

ii. BRICS

India is member of BRICS- the group of emerging economies of Brazil, Russia, India, China and South Africa. Delegation from CCI participated in 2nd BRICS International Competition Conference which was held during September 20-22, 2011 in Beijing, China. The competition authorities of Brazil, Russia, India, China and South Africa expressed their support to the Competition Commission of India for organizing the 3rd BRICS International Competition Conference in 2013 in New Delhi.

iii. *Organization for Economic Co-operation and Development (OECD)*

a) Senior functionaries of CCI have been regularly attending meetings of Competition Committee and Working parties as well as those of Global Competition Forum. India has been making regular contributions (including written papers) at various roundtables during these conferences/meetings. During 2011-12, CCI representatives attended meetings of OECD Competition Committee.

b) Apart from this, OECD has been one of the major supporters of CCI in the area of capacity building activities. During 2011-12, with the help of OECD, Workshop on “Advocating for Competition in Policies & in Practice” was organized during January 19th–20th January 2012.



Figure 5: CCI-OECD Joint Workshop in January, 2012

c) Further, two officers from CCI have been generally invited with full financial support for participating in various Competition related Workshops/Seminars organized by OECD – Korea Policy Centre in Seoul, Korea from time to time. The discussions and deliberations at these conferences/workshops have been very useful in capacity building of CCI officers and have positively contributed to its role as competition enforcement authority. During 2011-12, the following programs were attended by CCI officers -

- Workshop on “Competition Law and Merger Fundamentals” during 27th - 29th April, 2011, in Seoul, Korea.
- Workshop on “Competition Issues in the Telecom Sector” from 31st May - 2nd June, 2011 in Jeju Island, Korea.
- Workshop on “Competition Assessment and Competition Advocacy” from 18th-20th July, 2011 in Seoul, Korea.
- Workshop on “Legitimate Business Practices or Cartels in Disguise” from 5th-7th October, 2011 in Hanoi, Vietnam.
- Workshop on “Abuse of Dominance fundamentals” from 7th-9th December, 2011 in Busan, Korea.
- Workshop on "Rewarding Cooperation in Cartel Investigation" from 14th -16th March, 2012 in Seoul, Korea.

4) Details of international delegations received by the Commission from Foreign Governments, Foreign Competition Authorities Multilateral Institutions, others including the purpose of the delegation and the outcome.

Competition Commission of India received delegation from various jurisdictions led by Ms. Hilary Jennings, Head of Competition Outreach, OECD. Bi-lateral meetings of CCI on various issues related to international cooperation & capacity building were conducted with the following jurisdictions:

- i. Japan Fair Trade Commission (JFTC) on 16th January, 2012
 - ii. Australian Consumer and Competition Commission (ACCC) on 20th January, 2012
 - iii. Commission for the Supervision of Business Competition (KPPU) Indonesia on 20th January, 2012
 - iv. Korea Fair Trade Commission (KFTC) on 20th January, 2012
 - v. Office of Fair Trade (OFT) U.K on 20th January, 2012
 - vi. Competition Commission of Mauritius (CCM) on 20th January, 2012
- Five members delegation from Japan Intellectual Property Association (JIPA) was received on 17th January, 2012 for discussion on intellectual property related issues.
 - Three member delegation of Competition Promotion and Consumer Protection Directorate (CPCPD) and Competition and Consumer Authority (CCA) of Islamic Republic of Afghanistan led by Mr. Hafizullah Walirahimi, Director, CPCPD was received on 10th January, 2012, to discuss cooperation between the two countries.
 - An officer from Singapore Competition Authority visited CCI during November, 2011 and had discussion with CCI officers on developing cooperation between the two authorities.

5) Foreign visits undertaken by Commission's Chairperson or Members or Officials indicating the purpose and outcome.

Table 34

S.No.	Name of the Officer & Designation	Purpose of the Visit	Duration of the visit , place / country	Outcome
1.	Shri Dhanender Kumar, then Chairperson, CCI	To participate in 10 th Annual Conference of International Competition Network (ICN)	17-20 May, 2011 , Hague, Netherland	Exposure to global best practices, capacity building and networking
2.	Shri Ashok Chawla, Chairperson	To participate in 11 th Global Forum on Competition organized by OECD	16-17 February, 2012 , Paris, France	Exposure to global best practices, capacity building and networking

		To participate in ICN round table meeting & to participate in 60 th Annual Spring Meeting of the American Bar Association (ABA)	27-30 March, 2012, Washington. DC, USA	Exposure to global best practices, capacity building and networking
3.	Shri H.C.Gupta, Member	To participate in 15 th International Competition Conference	13-15 April, 2011, Berlin, Germany	Exposure to global best practices, capacity building and networking
		To participate in 2 nd BRICS International Competition Conference	20-22 September, 2011 , Beijing, China	Exposure to global best practices, capacity building and networking
4.	Shri R. Prasad, Member	To participate in International Conference on “Competition Enforcement Challenges and Consumer Welfare in Developing Countries by Competition Commission of Pakistan	1-2 December, 2011, Islamabad, Pakistan	Exposure to global best practices, capacity building and networking
5.	Smt. Geeta Gouri, Member	To participate in 2 nd BRICS International Competition Conference	20-22 September, 2011 , Beijing, China	Exposure to global best practices, capacity building and networking
6.	Shri Anurag Goel, Member	To participate in 2011 Competition Meeting organized by OECD	27-30 June, 2011, Paris, France	Exposure to global best practices, capacity building and networking
		To participate in 11 th Session of the Inter Governmental Group of Experts (IGE) on Competition Law & Policy organized by UNCTAD	19-21 July, 2011, Geneva, Switzerland	Exposure to global best practices, capacity building and networking
7.	Shri S.L. Bunker, Secretary	To participate in Workshop as resource person organized by UNCTAD for Malaysian Competition Authority	29- 30 July, 2011, Kuala Lumpur, Malaysia	Networking

		To participate in Competition Day and associated events organized by Federal Antimonopoly Service, Russia	5-9 September, 2011 , Rostov-on-don, Russia	Exposure to global best practices, capacity building and networking
8.	Dr. Seema Gaur, Advisor (Eco)	To participate in 11 th Session of the Inter-Governmental Group of Experts (IGE) on Competition Law & Policy organized by UNCTAD	18-22 July, 2011, Geneva, Switzerland	Exposure to global best practices, capacity building and networking
		To participate in 2 nd BRICS International Competition Conference	20-22 September, 2011 , Beijing, China	Exposure to global best practices, capacity building and networking
9.	Shri Manoj Pandey, Director (Law)	To participate in 10 th Annual Conference of International Competition Network (ICN)	17-20 May, 2011 , Hague, Netherland	Exposure to global best practices, capacity building and networking

6) Others

Announcement for organizing the 3rd BRICS International Competition Conference to be held in New Delhi in 2013 was made during the 2nd BRICS International Competition Conference-2011 in Beijing, China. Planning and preparation for the same is under process.

M. CAPACITY BUILDING

Commission being entrusted with specialized nature of work cutting across the various sectors of economy calls for continuous improvement and enhancement of analytical and investigative skills and capacities of personnel in the commission. To this end following initiatives have been taken.

- In-house induction trainings for the newly recruited officer and officers on deputation.
- Specialized workshops with the assistance of international organizations like OECD, European Commission and United States Federal Trade Commission;
- Deputation of officers abroad to participate in trainings, exposure visits etc. to gain from the experiences of other jurisdictions.

Details of various capacity building initiatives undertaken during the year 2011 -2012 are as follows:

(i) Trainings In-house

Table 35

S.No	Training	Duration	Content	Faculty	Venue
1.	Induction Training Program	26 th – 30 th September, 2011	Introduction to Competition Law to New Joinees	Officers of Competition Commission of India	CCI

In-house Induction Training program was conducted for five days with day 1 & 5 (26th & 30th September, 2011) of full days and day 2, 3 & 4 (27th -29th September, 2011) of half days, covering the first half of the day for the direct recruits and officers on deputation. The course material covered overview of salient features of Competition Act, 2002, economics concepts, financial concepts, anti competitive agreements, abuse of dominance, combinations regulation, enquiry and investigation, competition advocacy.

Designation	Number
Joint D.G.	1
Deputy D.G.	3
Deputy Director	2
Assistant D.G.	2
Grand Total	8

Field	Number
CS	2
Eco	1
FA	2
Law	3
Grand Total	8

Division	Number
Combinations	1
D.G.Office	6
Economics	1
Grand Total	8

(ii) Trainings by outside institutions



Figure 6: Lecture on "The OECD's strategic projects on Competition" delivered on December 20, 2011 by John Davies

a) Within India

Table 36

S.No.	Training	Duration	Faculty/Institute	Venue
1.	Inferring Agreement & Trade Association	5 th -8 th April, 2011	United States Federal Trade Commission (USFTC)	CCI Office
2.	Economic framework for merger review & analysis	18 th -21 st April, 2011	United States Federal Trade Commission (USFTC)	CCI Office
3.	Enhancing interpersonal skills for change adaptability	2 nd May, 2011	Dr. Nanditesh Nilay of TraNC	CCI Office
4.	Merger: Preliminary Investigation Process	23 rd -26 th August, 2011	United States Federal Trade Commission (USFTC)	CCI Office
5.	Workshop on An insight on the concepts applicable to Autonomous Bodies	18 th -19 th August, 2011	Institute of Chartered Accountants of India (ICAI) & Comptroller & Auditor General (C & AG) of India	ICAI Bhawan, Noida
6.	Merger: Review & Analysis	5 th - 9 th September, 2011	United States Federal Trade Commission (USFTC)	CCI Office
7.	Conference on Public Private Partnership in National Highways	12 th September, 2011	Ministry of Road, Transportation and Highways & Planning Commission	Vigyan Bhawan, New Delhi

8.	Practical skills for investigating an alleged Abuse of Dominance	19 th -21 st September 2011	United States Federal Trade Commission (USFTC)	CCI Office
9.	Advocating for Competition in Policies & in Practice	19 th -20 th January 2012	Organization for Economic Co-operation and Development (OECD)	CCI Office
10.	Interface between Intellectual Property and Competition Policy	23 rd - 24 th February 2012	World Intellectual Property Organization (WIPO)	CCI Office
11.	In House training courses by ISTM	April 2011 – March 2012	Institute of Secretariat Training and Management (ISTM)	ISTM, New Delhi

1. Inferring Agreement & Trade Association – 5th - 8th April, 2011

The United States Federal Trade Commission (USFTC) conducted four day workshop covering inferring agreements, theory of oligopolistic pricing and problems in trade association conduct among other topics.

Designation	Number
Additional	2
D.G.	2
Director	5
Joint Director	1
Deputy D.G	6
Deputy Director	1
Assistant Director	1
Grand Total	7

Field	Number
CS	1
Eco	1
FA	4
Law	11
Grand Total	17

Division	Number
Anti Trust	3
Capacity Building	3
D.G. Office	3
Economics	2
Investigation	2
Legal	2
Secretariat	2
Grand Total	17

2. Economic framework for merger review & analysis – 18th -21st April, 2011

The USFTC conducted four day workshop covering inter-alia overview of the merger guideline of USA, analyzing India competition act framework, defining product market etc.

Designation	Number
Advisor	3
Additional D.G.	1
Director	2
Joint Director	3
Deputy D.G.	2
Deputy Director	7
Grand Total	18

Field	Number
CS	1
Eco	4
FA	6
Law	7
Grand Total	18

Division	Number
Capacity Building	1
Combination	9
D.G. Office	2
D.G. Office	1
Economics	1
Investigation	2
Legal	2
Grand Total	18

3. Enhancing interpersonal skills for change adaptability – 2nd May, 2011

Dr. Nanditesh Nilay, a renowned resource person in the area of behavioral skills conducted workshop on enhancing interpersonal skills for change adaptability for a day. The workshop covered understand self, attitude and change, basics of transactional communication, effective communication and problem solving.

Designation	Number
Advisor	2
Director	1
Joint D.G.	1
Joint Director	5
Deputy Director	9
Grand Total	18

Field	Number
Eco	3
FA	5
Law	10
Grand Total	18

Division	Number
Anti -Trust	2
Capacity Building	4
Combination	3
DG office	1
Economics	2
Legal	3
Secretariat	3
Grand Total	18

4. Workshop on An insight on the concepts applicable to Autonomous Bodies – 18th -19th August, 2011

The Institute of Chartered Accountants of India (ICAI) in Collaboration with Comptroller and Auditor General (C&AG) of India conducted two day workshop covering practical problems related to preparation of annual accounts of Autonomous bodies, principles of Accounts such as principle of accrual accounting, dual concept, consistency concept, Accounting Standards, Introduction of IFRS .

Designation	Number
Assistant Director	1
Office Manager	1
Grand Total	2

Field	Number
F & A	2
Grand Total	2

Division	Number
Accounts	2
Grand Total	2

5. Merger: Preliminary Investigation Process – 23rd -26th August, 2011

The USFTC conducted four day workshop covering an overview of the U.S. Horizontal merger guidelines framework, merger review, and investigative techniques & evidence collection in merger reviews

Designation	Number
Advisor	1
Director Joint	1
Director	1
Deputy Director	6
Grand Total	9

Field	Number
Eco	2
FA	5
Law	2
Grand Total	9

Division	Number
Combination	7
Economics	2
Grand Total	9

6. Merger: Review & Analysis – 5th -9th September, 2011

The USFTC conducted five day workshop covering an overview of the Merger investigations, merger review full phase investigation process.

Designation	Number
Director	1
Joint Director	4
Deputy Director	6
Grand Total	11

Field	Number
Eco	3
FA	4
Law	4
Grand Total	11

Division	Number
Combination	5
Economics	2
Investigation	2
Legal	2
Grand Total	11

7. Conference on Public Private Partnership in National Highways – 12th September, 2011

Two officers of the Commission participated in the one day conference organized by Ministry of Road, Transportation and Highways & Planning Commission. The conference covered framework of public private partnership in national highways, financing of national highways, investors perspective, standards, specifications and cost etc.

Designation	Number
Director	1
Deputy Director	1
Grand Total	2

Field	Number
Eco	1
Law	1
Grand Total	2

Division	Number
Capacity Building	1
Economics	1
Grand Total	2

8. Practical skills for investigating an alleged Abuse of Dominance –19th -21st September, 2011

The USFTC conducted three day workshop covering an overview of Abuse of Dominance (AOD), remedies in AOD cases, forms of abusive conduct, planning and conducting investigations.

Designation	Number
Additional D.G.	1
Joint D.G.	2
Deputy D.G.	3
Assistant D.G.	2
Grand Total	8

Field	Number
CS	2
Eco	2
FA	1
Law	3
Grand Total	8

Division	Number
D.G. office	8
Grand Total	8



Figure 7: CCI OECD Joint Workshop in January, 2012

9. Advocating for Competition in Policies & in Practice – 19th -20th January 2012

CCI -OECD conducted two day workshop covering competition – for governments and markets, applying competition principles to government activities, making the case for regulatory reform, tools for competition advocacy, advocacy challenges and opportunities for a young agency.

Designation	Number
Secretary	1
Advisor	5
Director	3
Joint D.G.	2
Joint Director	8
Deputy Director	2
Grand Total	21

Field	Number
Eco	9
FA	3
Law	8
General	1
Grand Total	21

Division	Number
Advocacy	2
Anti Trust	4
Capacity Building	3
Combination	3
D.G. Office	2
Economics	1
Investigation	2
Legal	1
Secretariat	3
Grand Total	21

10. Interface between Intellectual Property and Competition Policy-23rd – 24th February, 2012

CCI - WIPO (World Intellectual Property Organization) conducted two day workshop covering Intellectual Property and Competition Policy.

Designation	Number
Advisor	5
Additional D.G.	1
Director	2
Joint Director	8
Deputy Director	14
Grand Total	30

Field	Number
Eco	7
FA	9
Law	14
Grand Total	30

Division	Number
Advocacy	1
Anti Trust	7
Capacity Building	3
Combination	9
D.G. Office	1
Economics	2
Investigation	1
Legal	3
Secretariat	3
Grand Total	30



Figure 8: Workshop on "Intellectual Property and Competition Policy" in progress

11. In House training courses by ISTM –April, 2011 – March, 2012

The Institute of Secretariat Training and Management (ISTM), Department of Personnel and Training, GOI is a multi disciplinary organization specializing in capacity building, consultancy and research support particularly for the central government employees. Officers of CCI have gone for various trainings on pay fixation, record management -right to information, establishment rule, public finance management, knowledge management, noting & drafting, presentation skills.

Designation	Number
Joint Director	2
Deputy Director	4
Assistant Director	2
Office Manager	4
Grand Total	12

Field	Number
CS	4
Eco	2
F & A	3
FA	1
Law	2
Grand Total	12

Division	Number
Accounts	3
Advocacy	1
Anti Trust	2
Capacity Building	3
Economics	1
Investigation	2
Grand Total	12

Besides, following activities were also undertaken:

- A presentation by Prof. Sudip Gupta, Assistant Professor of Finance, Indian School of Business, Hyderabad on "Economic Analysis in Merger Cases" held on 29th October, 2011.
- Prof. Allan Fels, Dean of the Australia and New Zealand School of Government, visited CCI and deliberated upon 'how to build database' and 'how to build group for cases related to abuse of dominant position' on 25th November, 2011.

- Dr. Samita Sareen, an independent Consultant interacted with the officers of Economic Division and gave a presentation on “Detecting presence of bear cartel in the stock market- an Indian case study” on 25th January, 2012.
- Mr. Justin Coombs, an economist with Compass Lexecon, along with his colleague Mr. Neil Dryden interacted with the officers of Economic Division and also gave a presentation on some recent developments in competition policy on 1st February, 2012.
- Mr. Stephan Malherbe, Chairman, Genesis Economic Consulting (India), along with his colleague Dr. Geeta Singh interacted with the officers of Economic Division to discuss the role of economics in the competition analysis on 15th February, 2012.

b) Outside India

Table 37

S.No.	Training	Duration	Faculty/Institute	Venue
1	Competition Law and Merger Fundamentals	27 th - 29 th April, 2011	Organization for Economic Co-operation and Development (OECD)	Seoul, Korea
2	Competition Issues in the Telecom Industry	31 st May, – 2 nd June, 2011	OECD –Korea Policy Center	Jeju Island, Korea
3	15 th International Workshop on Competition Policy	7 th – 8 th July, 2011	Korea Fair Trade Commission	Seoul, Korea
4	Competition Assessment and Competition Advocacy	18 th –20 th July, 2011	OECD –Korea Policy Center	Seoul, Korea
5	Practical exposure on Merger Control	18 th – 29 th July, 2011	U.S. Federal Trade Commission	Washington DC , USA
6	The Role of Competition Authority in this Era of High Inflation	30 th – 31 st August 2011	Taiwan Fair Trade Commission	Ho-Chi-Minh-City, Vietnam
7	Legitimate Business Practices or Cartels in Disguise	5 th – 7 th October, 2011	OECD –Korea Policy Center	Hanoi, Vietnam
8	Abuse of Dominance fundamentals	7 th -9 th December, 2011	OECD –Korea Policy Center	Busan, Korea
9	Rewarding Cooperation in Cartel Investigation	14 th -16 th March, 2012	OECD –Korea Policy Center	Seoul, Korea

1. *Competition Law and Merger Fundamentals – 27th - 29th April, 2011*

OECD conducted three day workshop in Seoul, Korea covering relevant issues related to merger control enforcement, including such essential steps like defining the relevant market, analyzing the market structure and assessing any harm to competition.

Designation	Field	Division	Number
Secretary	General	Secretariat	1

2. *Competition Issues in the Telecom Industry – 31st May – 2nd June, 2011*

OECD- Korea Policy Center conducted three day workshop in Jeju Island, Korea covering anticompetitive conduct issues in the telecommunications sector, competition issues to be considered where the Government decides to support new infrastructure investments.

Designation	Field	Division	Number
Director General	General	D.G Office	2
Advisor	FA	Combination	

3. *15th International Workshop on Competition Policy – 7th – 8th July, 2011*

Korea Fair Trade Commission conducted two day workshop in Seoul, Korea covering utilization of economic analysis techniques, ensurance of procedural fairness in enforcing competition law, competition advocacy activities.

Designation	Field	Division	Number
Advisor	FA	Advocacy	1

4. *Competition Assessment and Competition Advocacy – 18th - 20th July, 2011*

OECD – Korea Policy Center conducted three day workshop in Seoul, Korea covering focus on assessment and advocacy tools and their effective implementation by competition authorities in the region.

Designation	Field	Division	Number
Deputy Director	Law	Anti Trust	2
	Eco	Advocacy	

5. *Practical exposure on Merger Control – 18th – 29th July, 2011*

Two officers had short term attachment with U.S Federal Trade Commission and US Department of Justice for practical exposure on Merger Control.

Designation	Field	Division	Number
Advisor	FA	Combination	2
Director	Eco	Combination	

6. The Role of Competition Authority in this Era of High Inflation – 30th – 31st August, 2011

Taiwan Fair Trade Commission conducted two day workshop in Ho-Chi-Minh-City, Vietnam covering role of competition authority in this era of inflation- basic issues & concepts.

Designation	Field	Division	Number
Additional D.G	Law	D.G Office	2
Deputy Director	Eco	Economics	

7. Legitimate Business Practices or Cartels in Disguise–5th – 7th October, 2011

OECD –Korea Policy Center conducted three day workshop in Hanoi, Vietnam covering cartels, joint ventures between competitors, standards setting between competitors, economics of cartel formation.

Designation	Field	Division	Number
Joint Director	Law	Anti Trust	2
		Capacity	

8. Abuse of Dominance fundamentals–7th - 9th December, 2011

OECD –Korea Policy Center conducted three day workshop in Busan, Korea covering abuse of dominance, predatory pricing, exclusive dealing.

Designation	Field	Division	Number
Deputy Director	Law	Legal	2
Deputy Director	FA	Economics	

9. Rewarding Cooperation in Cartel Investigation–14th -16th March, 2012

OECD –Korea Policy Center conducted three day workshop in Seoul, Korea covering Leniency and amnesty policies, reward scheme.

Designation	Field	Division	Number
Advisor	Law	Anti Trust	2
Joint Director	Eco		

N. ONGOING PROGRAMMES

- The Competition Commission of India has undertaken competition advocacy initiative with central/state governments through sensitization about the competition aspects of policies, rules and regulations. The need for making cost-benefit analysis of the socio-economic objective that the policy seeks to achieve and the potential harm it may cause to competition has been highlighted which could enable them to incorporate the 'competition dimension' in all government decisions. Nodal officers have been nominated by various Ministries/Departments to have interface with the Commission. To spread awareness among policy makers about significance of competition coherent policies, a roundtable was organized during the year and similar interactions will be continued.
- To intensify and deepen the process of competition in various sectors of the Indian economy the Competition Commission of India has constituted an Eminent Persons Advisory Group (EPAG). The Commission plans to have continuous engagement with the Group.
- Efforts are being made to fill up all vacant posts in CCI and DG office by Deputation/Direct Recruitment.
- The Commission continues to infuse IT in its operations for which adequate steps are being taken to formulate a robust e-governance strategy.

O. RIGHT TO INFORMATION ACT, 2005

Table 38: Status of RTI Applications during 2011-12

a.	Number of application received by CPIO/CAPIO seeking information under RTI Act, 2005	79
b.	Number of applications for which information has been provided by CPIO	78
c.	Number of applications pending with CPIO	01
d.	Number of Appeals filed before First Appellate Authority against the order of CPIO	09
e.	Number of Appeals which have been disposed of by the First Appellate Authority.	09
f.	Number of Appeals pending with First Appellate Authority	NIL
g.	Number of applications / Appeals not disposed of in the stipulated time frame.	N.A.

