



“ROLE & FUNCTIONS OF THE CCI”

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PLAN OF PRESENTATION

- Overview of Competition Law in India.
- Main Provisions of the Competition Act.
- Inquiry Process.
- Structure of the Commission.
- Functions of the Commissions :

Enforcement

Advocacy





OVERVIEW OF THE COMPETITION ACT

- Competition Act, 2002 enacted in January 2003
- Competition Commission of India established in October, 2003.
- Competition (Amendment) Act, 2007 passed in September 2007.
- Commission fully constituted on March 1, 2009.
- Sections 3 and 4 brought into force on May 20, 2009.
- Sections 5 and 6 brought into force on June 1, 2011.





ROLE OF THE COMMISSION (PREAMBLE)

- To Prevent practices having adverse effect on competition
- To Promote and sustain competition in markets
- To Protect the interests of consumers and,
- to Ensure freedom of trade carried on by other participants in markets, in India





MAIN PROVISIONS OF THE ACT

- To prohibit anti-competitive agreements (S 3)
- To prohibit abuse of dominant position (S 4)
- To regulate combinations (S 5 & 6)
- Competition advocacy (S 49)



INQUIRY-PROCESS

Receipt of Information or Suo-moto or Reference



Preliminary Analysis; if commission is of the opinion that there is Prima Facie case



Direction to the DG for detailed investigation



DG submits investigation reports to the commission within a specific time period ; if Commission feels so it may ask DG for further investigation



Commission sends DG report to both the parties for inviting their comments and objections

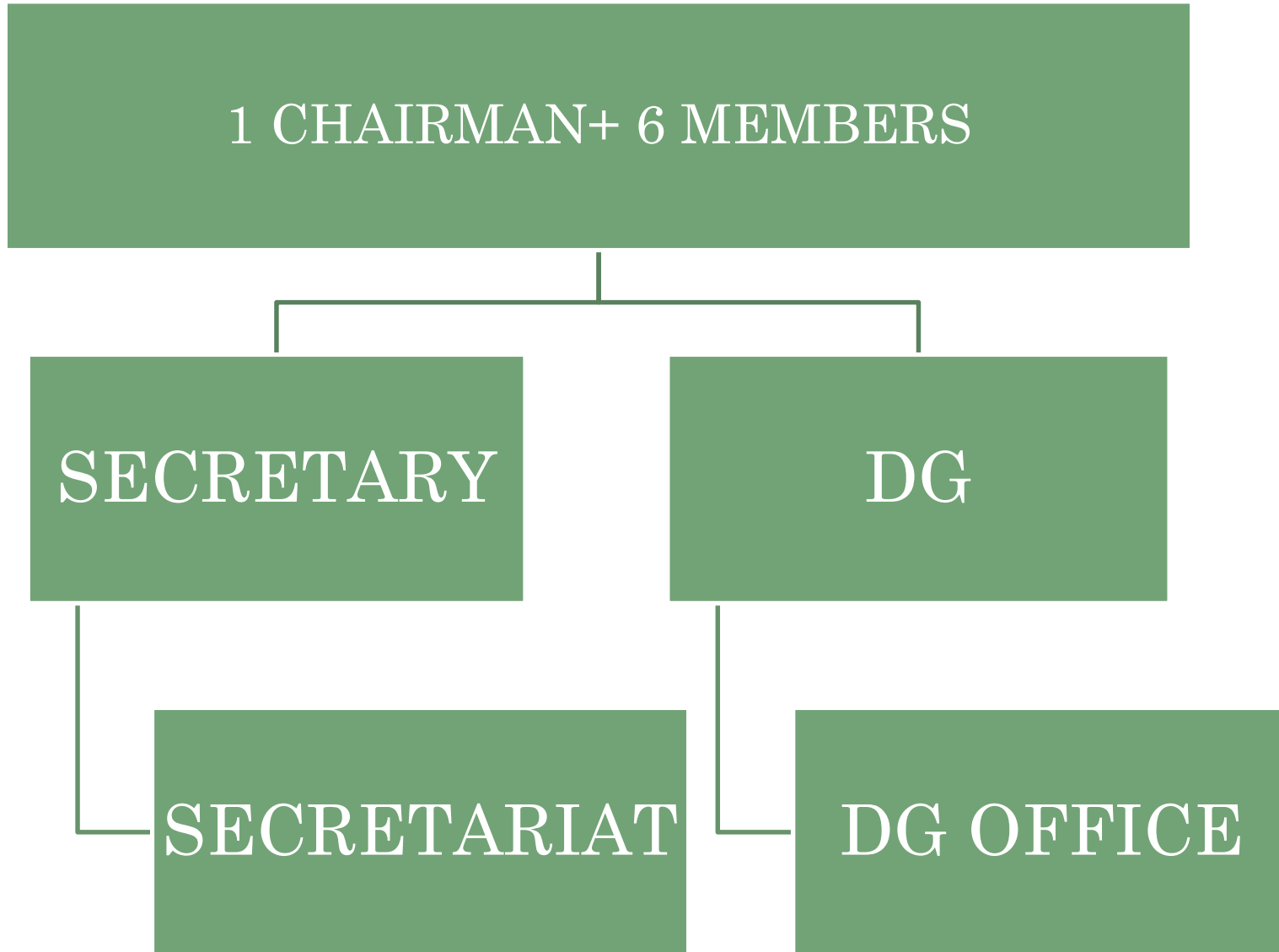


After further analysis and hearing the concerned parties the commission pass appropriate orders

STRUCTURE OF THE CCI



ADMINISTRATIVE STRUCTURE



FUNCTIONAL STRUCTURE

DIVISIONS OF CCI

Economic Division

Advocacy Division

Anti-trust Division

Investigation
Division

Combination
Division

Capacity Building

Administration &
Co-ordination

International Co-
operation

H.R. Division

IT Division

Each division is headed by one Advisor; and each division has professionals from economics, law and finance backgrounds.

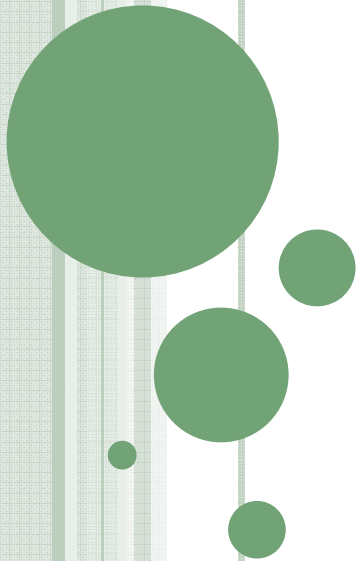


COMMISSION's ACTIVITIES



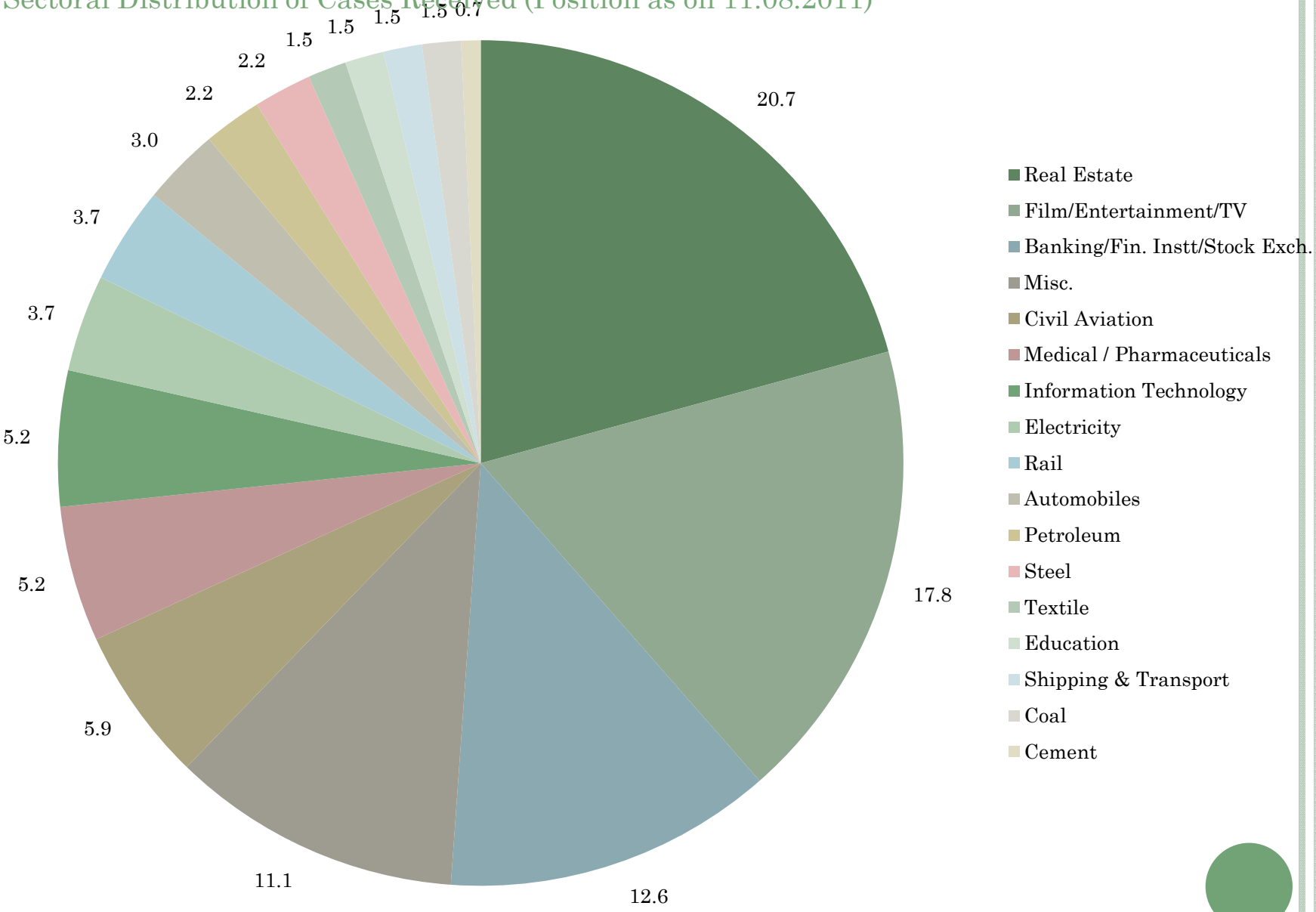
ENFORCEMENT OF THE COMPETITION ACT

CASE POSITION: AT A GLANCE
(AS ON 19.08.2011)



Description	Received from informants	Received from MRTPC	Suo- moto	Reference from Statu Authorities	Reference from Ministry/Department of Central/State Govt.(u/s 19(1)(b))	Total
No. of Cases received	135	50	05	01	02	193
No. of cases referred to DG for investigation	68	29	05	-	01	103
No. of cases in which DG report received	52	26	04	-	-	82
No. of cases in which DG report awaited	16	03	01	-	01	21
No. of cases closed u/s 26(2)	43	21	-	01	-	65
No. of cases decided/disposed off after DG's Investigation report	19	18	-	-	-	37
No. of cases under consideration before the Commission	57	08	04	-	01	70

Sectoral Distribution of Cases Received (Position as on 11.08.2011)



CAPACITY BUILDING INITIATIVES

- During 2010-11 the CCI has conducted 10 training programmes within the country and 10 training programmes outside the country.

FOCUS AREAS	NO. OF TRAINING PROGRAMMES
CARTEL	3
ABUSE OF DOMINANCE	3
MERGER REVIEW	4
INVESTIGATION TECH.	1
GENERAL ISSUES	9

COMPETITION ADVOCACY



ADVOCACY PROVISIONS IN THE COMPETITION ACT



Chapter VII of the Indian Competition Act contains following specific provisions related to Advocacy:

- Under Section 49 (1), Central Govt. or State Govt. while formulating a law or policy may make a reference to the Commission, and the Commission shall within sixty days give its opinion . The opinion given by the Commission are not binding upon the Govt.
- Under Section 49 (3), The Commission is mandated to take suitable measures for the promotion of competition advocacy, creating awareness and imparting training about the competition issues.





STAKEHOLDERS

INDIVIDUALS

- *Consumers
- *Producers/Traders/Service Providers
- *Opinion Leaders: Judges, bureaucrats, journalists and prominent members of civil society

INSTITUTIONS

- *Chambers of Trade or Commerce
- *Consumer Forums
- *Ministries & Departments of Govt.
- *Bar Associations
- *Educational Institutions
- *Administrative & Judicial Academies

INITIATIVES OF THE CCI; SECTION 49 (1)



The Commission has been in past engaged in undertaking advocacy with ministries, regulators, state governments and other authorities. For examples:

- ❖ The Commission has given its opinion on the draft of
 - ✓ Petroleum and Natural Gas Regulatory Bill, 2005.
 - ✓ Warehousing (Development and Regulation) Bill, 2006
 - ✓ Indian Post Office (Amendment) Bill, 2007, and
 - ✓ the Shipping Trade Practices Bill, 2007
- ❖ The Commission has also given its views on regulatory policies and practices in the fields of banking, telecommunications and intellectual property rights.
- ❖ Presentations on Competition law and policy to Ministries .

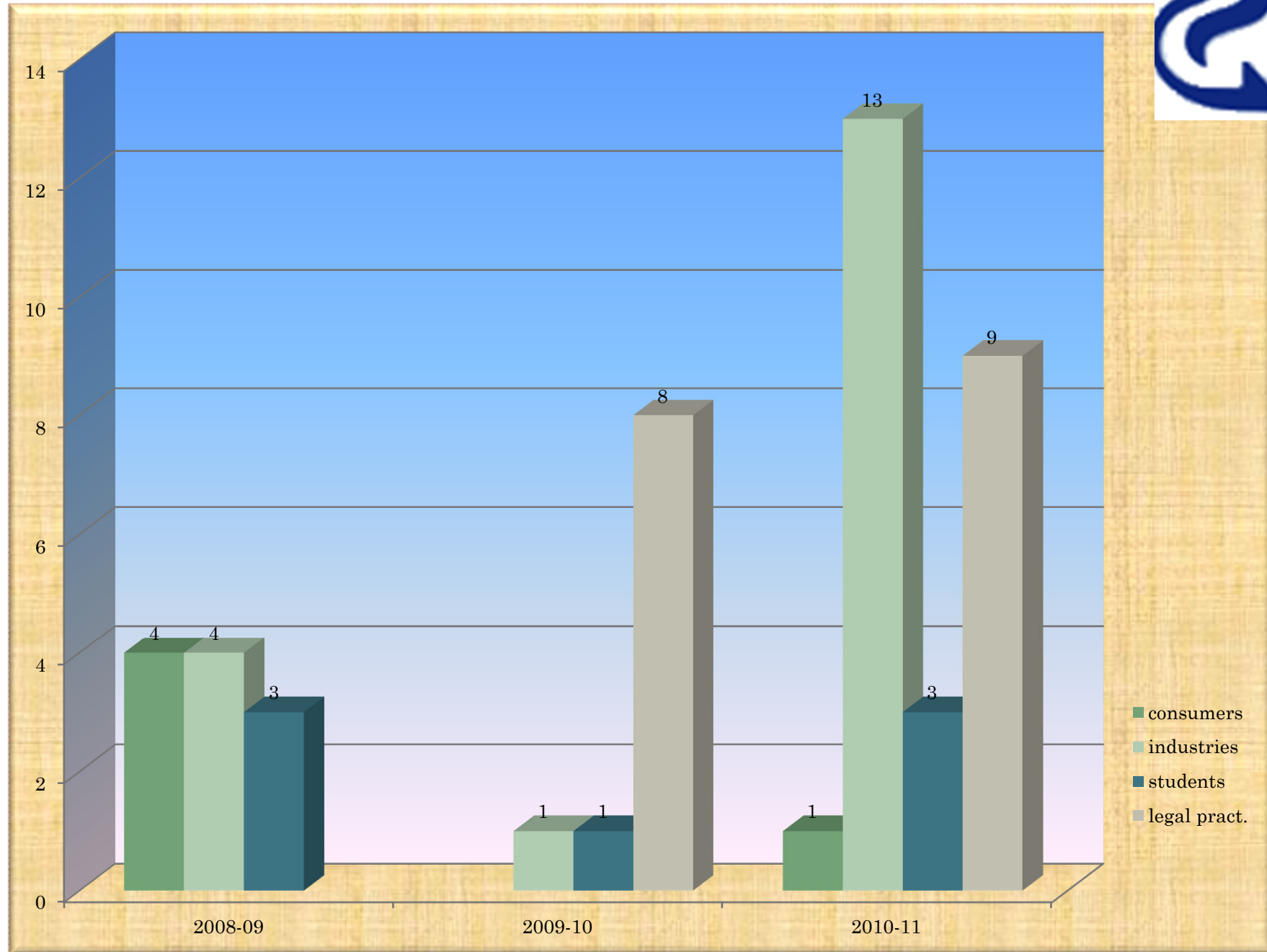


CONFERENCES/WORKSHOPS/SEMINARS; SECTION 49 (3)



In pursuance of creating awareness among stakeholders the Commission has held a series of lectures, seminars and conferences dedicated to the various issues related to competition in the economy :

YEAR	CONSUMERS	INDUSTRIES	STUDENTS	LEGAL PRACTITIONERS	TOTAL
2008-09	4	4	3		11
2009-10		1	1	8	10
2010-11	1	13	3	9	26
TOTAL	5	18	7	17	47





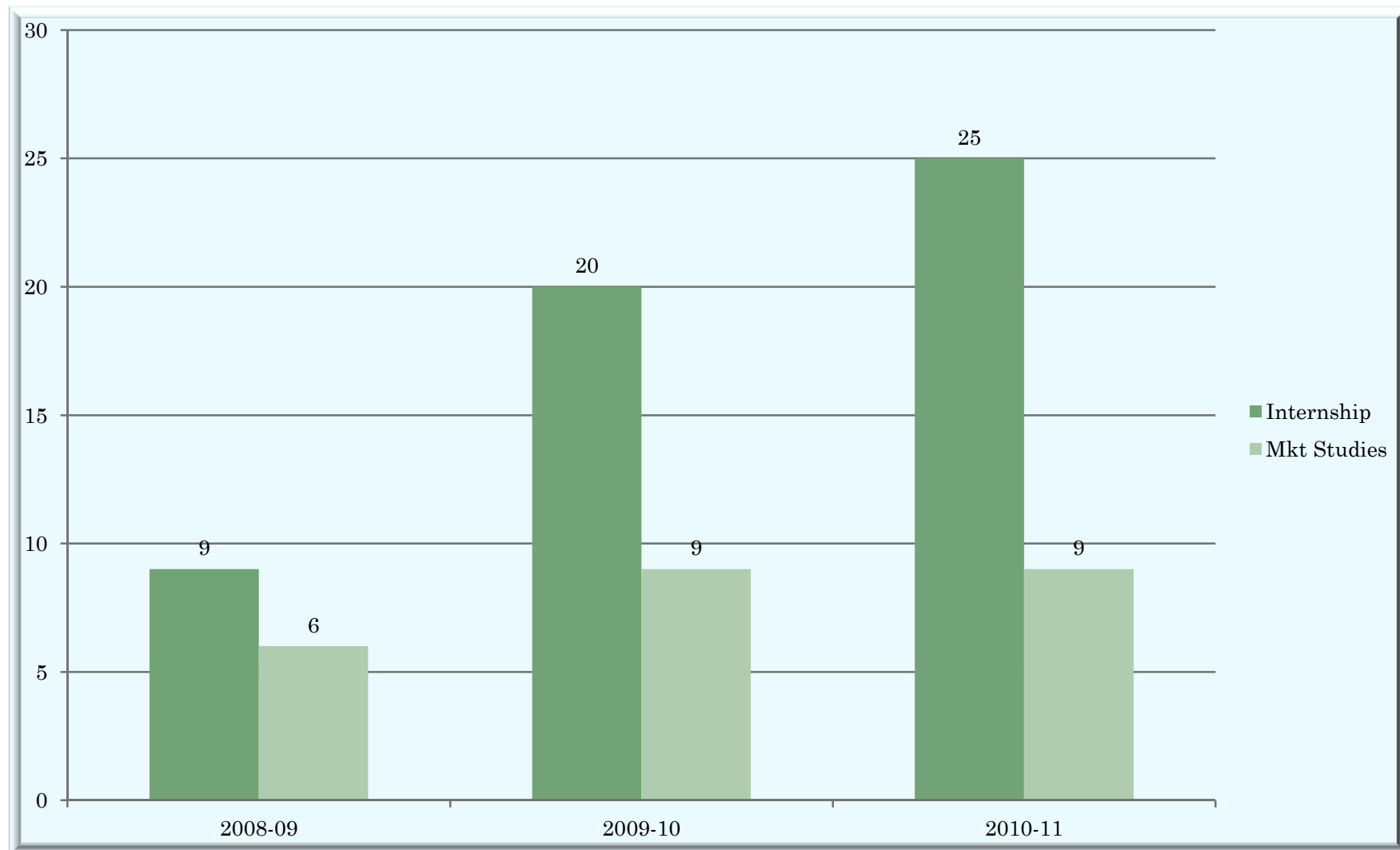
OTHER ADVOCACY INITIATIVES

- Publication of Advocacy Literature on following topics:
 - ✓ An Overview of the Competition Act
 - ✓ Cartels
 - ✓ Bid Rigging
 - ✓ Abuse of Dominance
 - ✓ Combinations
 - ✓ Competition Compliance
 - ✓ How to File Information
 - ✓ Leniency





OTHER ADVOCACY INITIATIVES..... SECTORAL STUDIES AND INTERNSHIP PROGRAMME



OTHER ADVOCACY INITIATIVES.....

NATIONAL LEVEL ESSAY COMPETITION



- Held in March 2011 on the topics related to competition.
- Around 500 students participated.
- Representing around 200 educational institutions in India.
- Geographically covering almost all states and union territories.
- These essays were being sent by the students of various backgrounds such as law, economics, commerce, engineering and management etc.





PROPOSED ADVOCACY EVENTS FOR 2011-12

Stakeholder	No. of Proposed Advocacy Events	Nature of the event
Industries	8	Interactive Meetings
Consumer forums	9	Workshop/Seminars
Educational Institutes	9	Lectures/Seminars
PSUs	3	Conference/Workshops
Total	29	



THANK YOU

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